

Planning Proposal

**Amendments to *Weddin Local Environmental Plan 2011*
including new Standard Instrument clauses**



Prepared on behalf of Weddin Shire Council by

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1. INTRODUCTION

1.1. Background / Strategy

In January 2017 iPLAN PROJECTS submitted a Planning Proposal (on behalf of Weddin Shire Council) for amendment to *Weddin Local Environmental Plan 2011* ('LEP2011') to include BOTH an amendment to the Minimum Lot Size for the Shire as well as the introduction of some new standard instrument clauses to the LEP.

By letter dated 21 February 2017 the Department of Planning & Environment wrote to Council to reject the changes to the Minimum Lot Size but suggesting the Planning Proposal was split so that the standard instrument clauses could proceed. This Planning Proposal has been amended to reflect that advice and only puts forward the following standard instrument clauses.

- a) A 'boundary adjustment' clause;
- b) An 'intensive agriculture' clause permitting a dwelling below the minimum lot size;
- c) A clause addressing permissibility within a certain distance of certain zone boundaries;

1.2. Process Overview

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government Guideline (August 2016) '*A guide to preparing planning proposals*'.

A gateway determination under Section 56 of the EP&A Act is requested from the Department of Planning & Environment ('Department' or 'DPE') to allow this planning proposal to be placed on public exhibition.

Planning Circular PS 16-005 (30 August 2016) updates delegation of plan making decisions under Part 3 of the EP&A Act (and replaces PS12-006). The regional office of DPE has delegations to make Gateway Determinations unless the proposal is not supported or is contentious because it is not consistent with strategic planning for the area (in which case the Executive may consider the application). The fact this Proposal now only includes standard instrument clauses and has been suitably negotiated with DPE (Dubbo) and DPI Agriculture (Orange) suggests it is not controversial and can be determined under delegation by the Dubbo DPE office.

We also request delegation to Council (as the Relevant Planning Authority or RPA) of the power to make this amendment (subject to discussions with DPE).

1.3. Supporting Information

This Planning Proposal now incorporates the relevant sections of iPLAN PROJECTS (2016) *DRAFT Addendum to the Primary Production Strategy* ('Draft Addendum') that provide the justification for introduction of the standard instrument clauses. Since the MLS issue is not supported then it does not make sense to seek endorsement of the Draft Addendum as a separate document.

We submit that there is sufficient detail in this Planning Proposal to justify a positive Gateway Determination considering the low complexity of the proposed amendments, the general support for recognised standard instrument clauses in rural areas, the consultation and negotiation with key agencies in 2016, and we have addressed any significant impacts on primary production, the natural environment and the community.

1.4. Council Resolution

At Council's meeting of December 2016 it resolved to endorse the previous Planning Proposal (January 2017) including the standard instrument amendments and to submit these to the Minister for Planning & Environment for a Gateway Determination under the EP&A Act. The inclusion of standard instrument clauses is mostly unaffected by the removal of the Minimum Lot Size amendment. Therefore, we submit that this Amended Planning Proposal does not need to go back to Council for approval and can be forwarded to the Department for a Gateway Determination.

2. COMPARISON OF NEARBY LOCAL GOVERNMENT AREAS

This Section provides a brief summary of relevant provisions in the Local Environmental Plans ('LEPs') of nearby local government areas (as of November 2016) that are being put forward for consideration in this Addendum (Source: NSW Legislation website). It is important to note that this table does not suggest that just because another LGA has the provisions being put forward that they are suitable for Weddin as each LGA may have unique or different factors affecting its planning controls.

LGA	DATE	MLS	Existing Holdings	Intensive Dwelling	Ag.+	Boundary Adjustment	Dev. near Zone Boundaries
WELLINGTON	2012	400ha (2000ha Zone E3)	YES (no sunset)	NO		Cl.4.2B (Zones RU1/RU3/ RU4 / R5/E1/E2/E3)	YES – 20m (excl. RU1 / RU4 / RU5 / R5)
LACHLAN	2013	400ha	YES (no sunset)	NO		NO	YES – 50m
PARKES	2012	400ha	YES (no sunset)	NO		NO	YES – 20m
NARROMINE	2011	400ha	NO	Cl.4.2D - Plant only + dwelling (MLS 40ha)		Cl.4.2E (Zones RU1/RU3/E2/ E3)	YES – 50m
WEDDIN	2011	400ha	NO (ceased after 1yr)	NO (See this Addendum)		NO (See this Addendum)	NO (See this Addendum)
MID-WESTERN	2012	100ha (400ha Zone E3 / 10-40ha RU1/RU4/ R5)	YES (no sunset)	Cl.4.2B – Plant only + Dwellings in Zone RU4 (MLS mapped)		Cl.4.2C (Zones RU1 / RU4 / R5 / E3)	YES – 50m (excl. Rural / R2 / R5 / IN2 / SP3)
BATHURST	2014	Majority 100ha Some 200/350/480ha 40ha R5	YES (no sunset)	NO		Cl.4.2D (Zones RU1 / RU2 / RU3 / RU4 / E1 / E2)	NO
BLAND	2011	200ha	NO (ceased after 1yr)	NO		NO	YES – 50m
COOTA-MUNDRA	2013	200ha	NO (ceased after 1yr)	NO		Cl.4.2B (Zones RU1 / RU2 / RU4 / E3)	NO
FORBES	2013	100-200ha 40ha intensive agriculture	YES (5 year sunset)	Cl.4.2C (nexus for dwelling - MLS mapped)		NO	YES – 50m
YOUNG	2010	170ha (24/12/4ha in lim. areas incl. RU4)	NO (ceased after 3yrs)	NO		NO	YES – 20m (excl. RE2)
COWRA	2012	100ha	YES (no sunset) (also 'dwelling potential' sunset 5yrs)	Cl.4.2A Plant + Animal + dwelling (MLS 40ha)		NO	YES – 100m
CABONNE	2012	100ha	NO (ceased after 2 yrs)	NO		NO	YES – 20m (excl. RU1/ RU2 / R5)
BLAYNEY	2012	100ha	NO (but PP to reintroduce for 2yrs) past Gateway)	NO		NO (but PP to introduce past Gateway)	YES – 20m (excl. RU1/ RU2 / R5)
OBERON	2013	100ha	YES (no sunset)	NO		YES (Zones E1/ RU1/RU3/R5)	YES – 20m
BOOROWA	2012	40ha	YES (ceased after 3yrs)	NO		NO	YES – 50m
TEMORA	2010	40ha	YES (no sunset)	NO		NO	NO

Figure 1: Comparison Table for Rural Shires key Local Environmental Plan controls relevant to this Planning Proposal.

3. BOUNDARY ADJUSTMENT

3.1. Current Controls & Key Issues

Boundary adjustment is technically classified as subdivision of land even though no new lots are created. Clause 4.1 of LEP2011 clearly states that subdivision of any land in the LGA requires development consent and the size of any lot resulting from subdivision is *'not to be less than the minimum size shown on the Lot Size Map in relation to that land'*.

Currently the Minimum Lot Size ('MLS') in Zone RU1 is 400ha. There is no MLS in Zone E1 National Parks & Nature Reserves and Zone RU3 Forestry so a boundary adjustment clause is not required for these zones.

Clause 4.2 of LEP2011 permits subdivision of rural lands (including Zone RU1) below the MLS *'for the purpose of primary production'* but cannot be used where there is an existing or proposed dwelling on either of the affected lots.

Clause 4.6 of LEP2011 also states that a subdivision in Zone RU1 cannot be approved if *'the subdivision will result in 2 or more lots of less than the minimum area'* or *'the subdivision will result in one lot that is less than 90% of the minimum area specified'* (i.e. the MLS).

SEPP (Exempt and Complying Development) 2008 Part 2 Exempt Development Codes / Division 1 General Exempt Development Code / Subdivision 38 Subdivision - addresses some opportunities where minor subdivision for the purpose of widening a public road or realigning boundaries is exempt. However, this clause is not capable of being used where:

- a) It is a heritage or draft heritage item;
- b) It would create additional lots or the opportunity for additional dwellings;
- c) That would result in a lot smaller than the MLS (unless the lots are already smaller than the MLS and those lots will increase in size through the subdivision);
- d) It could affect the provision of existing services or fire risk to existing buildings;
- e) In rural and environmental zones (including Zone RU1) would not result in more than a 'minor' change in the area of any lot (other lots the rule is 10%).

Note: The SEPP does allow for subdivision outside of the above rules for rectifying an encroachment on a lot, creating a public reserve, or creating a lot for public purposes (e.g. RFS sheds or emergency services).

DPE has now created a standard instrument boundary adjustment clause and this has been introduced (with minor variations) into a number of rural and regional councils (see below).

3.2. Intent & Purpose of Amendment

The intent of this clause is to allow logical variation to rural lot boundaries to allow them to adjust to changing demands and meet agricultural needs. For example, two adjacent farmers could swap some land to achieve better boundaries (aligned to a watercourse or unbroken by local roads) or one farmer can buy additional land from a neighbour to increase their production. The current controls would not cater for many circumstances where this is required (below the MLS).

The introduction of this clause would enable Council to adjust lots that are already below the minimum lot size and possibly more than a 'minor' amount (or 10%) where there may be an existing dwelling BUT they would not create a new dwelling entitlement and would not allow the creation of de-facto concessional lot and would be subject to a range of appropriate assessment tools to prevent environmental or neighbour impacts.

3.3. Comparison to Nearby LGAs

The Standard Instrument Boundary Adjustment Clause was not available in 2011 so earlier rural Councils did not adopt this clause as standard. Since that time a number of councils in the Central West have adopted this clause (see Section 2 Table above) including Wellington, Narromine, Mid-Western, Cabonne, Blayney, Bathurst, Oberon and Cootamundra. There are also Councils outside the region including, but not limited to: Port Macquarie Hastings & Griffith. In general, most councils seek to apply it to their rural and environmental zones but some extend this to Zone R5 Large Lot Residential (Wellington & Mid-Western).

3.4. Indicative Clause Wording

Based on the fact that this is a standard instrument clause that has been adopted by a significant number of Councils in rural NSW, it is likely that the majority of rural stakeholders would support adoption of the clause as the benefits significantly outweigh any impacts subject to resolution of the following wording.

We note that the most recent Council to adopt the boundary adjustment clause in the Central West is Cabonne so we have based the wording on this as Parliamentary Counsel has recently approved this wording.

Based on the discussion below the preferred wording suitable for LEP2011 is as follows (adopted recently by most Central West / Orana Councils).

4.2D Boundary changes between lots in certain rural zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land but the objectives of the relevant zone can be achieved.*
- (2) This clause applies to land in any of the following zones:
 - (a) Zone RU1 Primary Production.**
- (3) Despite clause 4.1, development consent may be granted to subdivide land by way of boundary adjustment between adjoining lots where 1 or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that:
 - (a) the subdivision will not create additional lots or the opportunity for additional dwellings (beyond that already permitted on the lot prior to the boundary adjustment), and*
 - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and*
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and*
 - (d) the agricultural viability of the land will not be adversely affected as a result of the subdivision.**

3.5. Options / Issues for Council

3.5.1. Objective(s)

As stated above, DPE has now created a standard instrument boundary adjustment clause and this has been introduced (with minor variations) into a number of rural and regional councils. There are a number of different versions of the objective of this clause but they all seek to achieve the same thing (see above for preferred version).

The Applicant seeking to use this clause should demonstrate how the boundary adjustment will facilitate or enhance the primary purposes / objectives of the relevant zone(s).

There is potential to add the words to the end of the above objective as follows: *'...and do not create any additional dwelling entitlement above that permissible on the lot without any boundary adjustment'*. However, this is relatively clear in the rest of the clause so it may not be required.

3.5.2. Applicable Zone(s)

As noted above, some councils apply this clause to their rural, environmental and large lot residential zones. It is the recommendation of this Proposal to only apply this to Zone RU1 Primary Production in Weddin Shire.

The only other rural zones in Weddin are Zone RU3 Forestry and RU5 Village. There is no Minimum Lot Size for Zone RU3 Forestry or Zone E1 National Parkes & Nature Reserves so we suggest the boundary adjustment clause could be used where Zone RU1 land interfaces with Zone E1 or RU3 (the lot size issue is only for the RU1 land). If there is any doubt whether the clause can apply then Zone E1 & RU3 could be included.

Zone E3 is only located to the south-east of Grenfell and is unlikely to change so it is not included. A Suitable minimum lot size(s) have been set for Zone R5 Large Lot Residential Zone (limited to areas around Grenfell) and it would be inappropriate to vary these.

A key part of this clause is that it must NOT be used to increase the size of a lot that is below the MLS to a size above the MLS that would support an additional dwelling or a size that could be further subdivided in accordance with the MLS. If this was allowed it would have the effect of increasing dwelling yield and subdivision in the rural zones. DPE is unlikely to permit this clause if it were to allow further subdivision or dwellings in rural zones.

However, the clause is silent on other permissible uses or buildings that could potential be relocated between lots. This may allow other farm buildings or ancillary tourism businesses to be shifted as part of a boundary adjustment.

3.5.3. Land Use Conflict or Inconsistencies

The wording above also seeks to address land use conflict issues. The clause seeks to prevent boundary adjustments that may increase land use conflict or incompatibility with other existing, approved or potential uses in that zone or adjacent zones. This is critical in Zone RU1 Primary Production as land use conflict undermines the objectives for this zone. For example, it would seek to avoid reducing buffers around existing dwellings such that the dwelling would be immediately adjacent to agriculture on adjoining land that could impact on an acceptable level of residential amenity. Therefore, creating de-facto concessional lots with areas of 5ha or less or setbacks of less than 100m to a dwelling (examples only) would be undesirable and difficult to justify in terms of potential land use conflict.

3.5.4. Agricultural Viability

The wording above also seeks to protect agricultural viability of land. The Applicant must address or Council must consider how the boundary adjustment would affect agricultural viability. As one or both lots are likely to be below the minimum lot size there agricultural viability is already reduced. However, where a boundary adjustment would split the best quality land or make agricultural practices more difficult (i.e. the boundary adjustment is for secondary purposes) then this may be difficult to justify

3.5.5. Environmental Constraints & Opportunities

Any development application should also demonstrate through site analysis that the proposal has addressed the site constraints and opportunities and is compatible with the land on which it is proposed. Boundary adjustment should better match both natural agricultural and environmental ‘boundaries’ to improve agricultural and environmental outcomes rather than having them defined by a historic/arbitrary lot boundary.

Therefore it is suggested that in any DCP amendment (not the LEP clause) Council consider expanding on the new boundary adjustment clause to note that any boundary adjustment should have regard to / address:

- a) the natural and physical constraints affecting the land,
- b) any adverse impact on the environmental values of the land.

3.5.6. Amount of Boundary Adjustment

The clause remains silent on what is a maximum percentage (or other numerical factor) for boundary adjustment. However, the constraints relating to facilitating the zone objectives, addressing constraints and opportunities and land use conflicts suggest that this clause is not to be used for large boundary adjustments (potentially exceeding 50% of the existing property size). Again, this clause should not be used to create de-facto concessional lots by separating all of the agricultural land from any dwelling on an adjacent lot. The DCP could consider some additional wording to supplement what would be considered a reasonable maximum expectation of adjustment – expressed as a percentage of any affected lot. It is not appropriate to put a percentage in the LEP as this could potentially be inflexible.

3.5.7. Relevance to Strata / Community Title

Some previous versions of the clause included wording that made it clear that the boundary adjustment clause cannot be used to modify strata or community title schemes in rural zones similar to the following:

‘This clause does not apply in relation to the subdivision of individual lots in a strata plan or a community title scheme.’

However, recent versions have not included this wording. There are likely to be limited examples of strata or community title in rural zones in the Shire and there is no reason they could not utilise this clause as long as no new dwelling or subdivision opportunities are created. Therefore, this wording is not recommended.

4. INTENSIVE AGRICULTURE & DWELLING POTENTIAL

4.1. Intent or Purpose of Amendment

As stated above, Clause 4.2 of LEP2011 permits subdivision of rural lands (including Zone RU1) below the MLS *'for the purpose of primary production'* but cannot be used where there is an existing dwelling on either of the affected lots and a new dwelling cannot be sought on those lots.

The standard Lot Size (MLS) is based on a number of factors but is heavily weighted towards creating viable farm sizes for extensive agriculture that includes broad-acre farming for crops/fodder or livestock grazing that requires significant land holdings to be viable.

Intensive agriculture, however, can often be viable on smaller lot sizes because it uses water and/or imported feed to allow higher densities of production. Intensive agriculture is defined as either:

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Intensive agriculture (both plant and livestock) is permitted with consent in Zone RU1. There are limited current examples of intensive agriculture in Weddin Shire (e.g. piggeries / chicken / eggs) due in part to lack of secure water/irrigation sources and downturns in some industries. However, this may change as new sources of water, transport, processing or market demands change over time and *'intensive animal operations usually located need feed sources for operational efficiencies'* (p.31 2012 Strategy). Part of the intent of introducing this clause is to create flexibility as the market / climate changes for Weddin to attract more intensive forms of agriculture.

Intensive agriculture may also sometimes require a dwelling on the site so there is a property manager or supervisor on-site for the majority of the time to oversee the intensive agricultural use. However, this would not be permitted under the current controls in LEP2011 unless it meets the minimum lot size.

Therefore, the intent of the amendment is to permit subdivision below the minimum lot size in Zone RU1 Primary Production for the purposes of intensive agriculture to encourage sustainable intensive agriculture and to allow an application for either an existing dwelling on that reduced lot size or the erection of a new dwelling on that lot where it would significantly support or be required for that intensive agricultural use.

This clause goes beyond existing Clause 4.2 in that it permits either an existing dwelling on that lot or application for a new dwelling on that lot where it can be demonstrated that (in summary) the lot is greater than a certain size, the lot is suitable for intensive agriculture, there is sufficient water for that intensive agricultural use, and a dwelling house is required to support that purpose.

The intent of this amendment is not to create unplanned rural residential development or permit 'lifestyle' lots below the minimum lot size in rural lands. The requirements of this clause are too restrictive to permit its use to create de-facto lifestyle lots as long as these controls are enforced.

Note: *The clause does NOT create a dwelling entitlement/guarantee. It merely allows an Applicant to make application to Council for approval of a dwelling consistent with the requirements of the clause. A merit based assessment may determine that the site is NOT suitable for a dwelling, regardless of its suitability for the intensive agricultural use.*

4.2. Options to Achieve Outcome

There are a variety of tools that can be used to achieve some if not all of the above intent. These include, but are not limited to, and are briefly addressed as follows:

<p>a) Rely on Clause 4.2 to enable subdivision below the MLS for primary production purposes but do NOT permit a dwelling on that land.</p>	<p>Status Quo. No change required. However, this may affect some intensive agricultural operations that require an on-site dwelling to manage risks and operations. This may turn away some reasonable agricultural development. It is a less flexible approach to agriculture/development but if Council deems there is insufficient information to make a decision at this time then it is the safest approach until that information is available (consistent with the 'precautionary principle').</p>
<p>b) Map all lands capable of intensive agriculture and provide a reduced MLS on those lands.</p>	<p>In some LGAs there is a clear demarcation of lands that would traditionally support intensive agriculture (particularly plant agriculture) and it is easy to map. However, it could be argued that this is not easily achievable in Weddin Shire due to the mix of agricultural factors across the Shire. See below for details. It could potentially be inflexible if constraints are solved by other mechanisms outside any mapped intensive agricultural areas.</p>
<p>c) Allow for subdivision below the MLS where it is demonstrated that intensive agriculture (both plant and/or livestock) can be supported and an additional dwelling is required.</p>	<p>This is the preferred solution because it maximises flexibility whilst allowing Council to conduct a merit based assessment of each application to determine its suitability. Water will be a key issue for both types of agriculture.</p>
<p>d) Limit the intensive agriculture clause only to intensive livestock agriculture (excluding intensive plant agriculture).</p>	<p>Whilst intensive livestock agriculture has the greatest potential in the short to medium term and is broadly supported by DPI Agriculture in Zone RU1, it is submitted that intensive plant agriculture is permissible in the zone and should be considered on its merits and subject to the constraints of the clause (see more details below).</p>

Council has elected to introduce the standard instrument intensive agriculture clause supporting BOTH intensive plant and intensive livestock agriculture with a reduced MLS.

4.3. Comparison to Nearby LGAs

As shown in Section 2 Table above, the Standard Instrument Intensive Agriculture Clause (or similar) has only been adopted by three (3) Councils in the area including Narromine (Plant), Mid-Western (Plant), and Cowra (Plant & Animal), noting that Forbes has a similar clause and reduced mapped lot size for its intensive agriculture areas.

In general the Councils in Section 5 have applied a MLS of 40ha or map this on the Lot Size Maps.
Note: Forbes has a clause requiring a nexus to support a dwelling on rural lands for agriculture or intensive agriculture but its MLS is mapped and it is distinct from most standard clause wordings.

4.4. Indicative Clause Wording

Several Standard Instrument LEPs are starting to include a clause that permits the subdivision of rural land below the Minimum Lot Size ('MLS') for the purpose of intensive plant and/or livestock agriculture (See Section 5 above) as well as other Councils outside the region such as Griffith (Clause 4.2E)(example below based on Griffith clause).

4.2E Subdivision for the purpose of intensive livestock agriculture or intensive plant agriculture

(1) *The objectives of this clause are as follows:*

- (a) *to provide flexibility in the application of standards for subdivision for the purpose of intensive livestock agriculture or intensive plant agriculture in certain rural zones,*
- (b) *to encourage sustainable intensive livestock agriculture and intensive plant agriculture,*
- (c) *to minimise unplanned rural residential development.*

(2) *This clause applies to land in the following zones:*

- (a) *Zone RU1 Primary Production.*

(3) *Development consent may be granted for the subdivision of land to which this clause applies for the purpose of intensive livestock agriculture or intensive plant agriculture to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

(4) *However, development consent must not be granted under subclause (3) if an existing dwelling house would, as a result of the subdivision, be situated on a lot created by the subdivision unless the consent authority is satisfied that:*

- (a) *the lot will have an area of at least **100 hectares**, and*
- (b) *the lot is or is to be subject to irrigation requiring a delivery entitlement and the volume of water available under that entitlement is or will be adequate for the use of the land for the purpose of intensive livestock agriculture or intensive plant agriculture, and*
- (c) *the lot is suitable for, and is to be used for, intensive livestock agriculture or intensive plant agriculture, and*
- (d) *the dwelling house is required to support the carrying out of such a purpose.*

(5) *Development consent may be granted for the erection of a dwelling house on a lot created by a subdivision under this clause or on an existing lot of any size that only contains land in a zone to which this clause applies if the consent authority is satisfied that:*

- (a) *the lot complies with subclause (4) (a) and (b), and*
- (b) *the lot is suitable for, and is being used for, the purpose of intensive livestock agriculture or intensive plant agriculture, and*
- (c) *the dwelling house is required to support the carrying out of that purpose.*

Note. *State Environmental Planning Policy (Rural Lands) 2008 and the factsheet titled Assessing Intensive Plant Agriculture Developments (ISSN 1832-6668) published by the NSW Government in December 2011 set out other relevant issues for the consideration of consent authorities when assessing development applications for intensive plant agriculture.*

Note: *State Environmental Planning Policy No.30 (Intensive Agriculture) and other relevant factsheets or publications by NSW Government set out relevant issues for the consideration of consent authorities when assessing development applications for some kinds of intensive livestock agriculture.*

There is potential to discuss with DPE/Parliamentary Counsel if subsections (4) and (5) can be combined or simplified in any way to reduce duplication.

4.5. Options / Issues for Council

The first option for Council is whether to adopt the clause (subject to the applicable zones and distance from the zone boundary). Based on the fact that this is a standard instrument clause that has been adopted by a significant number of Councils in rural NSW, it is likely that all rural stakeholders would support adoption of the clause as the benefits significantly outweigh any impacts. Adoption of the clause is the recommended option. There are four (4) key thresholds be satisfied in this clause.

4.5.1. Intensive Livestock and/or Plant Agriculture

As noted above, the clause can be used to enable either intensive livestock OR intensive plant agriculture. However, only limited councils have adopted the clause for both intensive agricultural uses. Most councils in the Central West & Orana Region only use it for intensive plant agriculture (Narromine and Mid-Western) but Cowra uses it for both (and Griffith as well).

In Weddin the greatest existing potential is likely to be with intensive livestock agriculture, though where suitable soils and sustainable water supplies are present then small pockets of intensive plant agriculture may also increase. Both intensive plant and intensive animal agriculture are currently permissible with consent in Zone RU1.

In the 2010-2011 Agricultural Census there were a limited number of farms producing fruit and vegetables but no nurseries, cultivated turf, grapes, or cut flowers (see above). Anecdotal evidence is that most farms that are producing what would be considered 'intensive' produce are doing it at fairly low capacity levels that do not trigger consent requirements and tend to go relatively unnoticed as a key economic driver.

However, as climate change modifies climate and rainfall and macro-economic and land supply issues change agricultural models there is always potential that the conditions for intensive agriculture may improve (or worsen). The intent of permitting both uses is to create the greatest flexibility for the market to determine (subject to the controls) what may be viable. There is insufficient information at this time to totally exclude intensive plant agriculture so it has been included.

4.5.2. Minimum Lot Size

The first issue is the MLS to support BOTH the dwelling and intensive agricultural use. As stated above, the Councils in Section 5 (surrounding areas) have applied a MLS of 40ha or map this on the Lot Size Maps. However, these LGAs generally have extensive irrigated agriculture areas and river frontages to demonstrate a sustainable water supply. Griffith has applied a MLS of 20ha (depending on what is grown).

In Weddin where there is limited irrigated land, limited access to sufficient water supplies across much of the land, and different soils and other agricultural factors the suggestion is that this clause should limit intensive agriculture to at least 80 – 100 hectares (~200 – 250 acres).

The higher the MLS the increased chance of sourcing a sustainable water supply (see next section) and the less chance for potential land use conflict that may include:

- a) Impacts on surrounding agricultural activities from having a dwelling in close proximity (e.g. complaints);
- b) Impacts on surrounding agricultural activities from having sensitive intensive agriculture (e.g. spray drift);
- c) Impacts from intensive agriculture on the site to surrounding dwellings and land (e.g. odour/sprays).

DPI Guidelines set out recommended buffers or setbacks for different intensive agricultural uses (see Appendices). In general intensive livestock agriculture requires 300m-500m setbacks to dwellings. If these operations could ideally be located in the centre of lots on a 100m by 100m area then the minimum size of the lot required would be 49 to 121 hectares (on a square / ideal lot).

Taking into account other constraints and variables a 60-80ha lot size is the minimum lot size likely to be able to accommodate the necessary buffers and 100ha is recommended. A lower MLS could be considered as part of the review (see last section) and implemented once there was more detailed information.

In addition, the higher the lot size the more likely that the development will be economically viable and have sufficient capacity to adapt to changing economic and climatic variables. The aim would be to set a MLS that does not give an unrealistic expectation of lot size and simplify the assessment process and minimise the amount of enforceability issues (see below).

The higher the MLS the less chance also that this clause would be used to create 'lifestyle' lots where either the intensive agricultural use is secondary to the dwelling purpose or eventually is discontinued. A 40ha / 100 acre lot is small enough that it may be perceived to be a 'lifestyle' lot.

An example where this clause may be abused is if an intensive horse breeding farm was proposed with a dwelling but subsequently the horses are removed and the facilities converted to a 'hobby farm'. The larger the lot size, the less chance that the clause would be abused.

This higher MLS also results from the application of the 'precautionary principle' suggests that where there is insufficient evidence then a more conservative outcome should be adopted. The Scope of Works for this Proposal did not include a comprehensive analysis of intensive agricultural potential – so based on the 2012 Strategy findings it would be difficult to adopt a lower MLS.

Council has agreed to a 100ha lot size for this clause.

4.5.3. Water Availability & Suitability for Intensive Agriculture

The next key criteria are the availability of water to meet the need of the intensive agriculture and whether the site is 'suitable' for intensive agriculture including, but not limited to:

- a) Access to commercial water licenses based on standard case studies for the particular agricultural use;
- b) Whether the intensive agricultural use meets the DPI Agriculture guidelines for that use including sufficient setbacks to adjacent sensitive land uses to avoid impact (see table above);
- c) Agricultural viability including soils, climate, and other agricultural factors;
- d) Other environmental opportunities or challenges from the development.

The 2012 Strategy (p.37) states that whilst there are some examples of irrigation in the north-western and southern areas of the Shire *'the potential to expand irrigation within the Weddin Shire is unknown, but generally believed to be relatively minor overall due to the lack of access to water'*.

This report has not conducted a detailed review of sustainable lot sizes for each intensive agricultural type based on Weddin's unique factors. There is a danger in being too prescriptive that it would reduce flexibility for agriculture to adapt depending on different variables.

Ideally a Development Control Plan and reference to DPI Guidelines would set out what factors would be considered to determine that suitability. It is likely to include matters such as the area of arable land, soil classification, climate and rainfall, water availability, irrigation licensing, and agricultural factors.

It is important that Council only allows use of this clause to vary the standard 400ha MLS where it can be clearly demonstrated that the Applicant has clearly assessed the potential for intensive

agriculture and its viability. DPI Agriculture would suggest the need for at least an 'Irrigation Management Plan' but this could also be expanded into 'Farm Management Plan' to discuss the other variables.

It is less certain to what extent an Applicant would need to demonstrate that such a business could be 'economically or socially viable', what aspects are required to prove this (particularly if it is a new intensive agricultural use in the area), what size of land holding/business would be considered viable for each use, how much detail should be provided and whether some of that is commercial-in-confidence, and whether the Council will have sufficient resources/expertise to be able to make an assessment on those matters.

Discussions with DPI Agriculture appear to suggest that as 'economic viability' is more difficult to assess it is advisable to have a MLS that is larger than the minimum to obviate the need for detailed application / assessment of this issue. In addition, water entitlements and standard site assessment can then be more easily assessed and are more objective.

4.5.4. Nexus between Dwelling & Intensive Agriculture

Another key component is to permit dwellings on lots below the MLS in rural areas where they are 'required to support' the proposed intensive agricultural use. The Applicant must demonstrate a direct nexus or connection between the intensive agricultural use and the need for a dwelling.

This may include the need to demonstrate why the agricultural use requires someone to be living on the land and not serviced by workers on adjoining land or nearby villages. This may include where the use demands a 24/7 caretaker or security or agricultural practices occur outside normal business hours. However, Council needs to provide some additional guidance on how close this nexus needs to be to warrant use of this clause to vary the standard 400ha MLS in the rural zone.

Examples where this may be considered include the need for a site manager's residence for:

- a) Where breeding / birthing has a high risk of complications requiring the owner to be present at any time of the day/night;
- b) Other 24 hour operations where security or management is important;
- c) Operations that require close monitoring of water, temperature, irrigation or feed.

'Lifestyle' or farming succession demands should not be sufficient to justify this nexus (e.g. keeping the farmers children nearby). Arguments about 'security' need to be carefully considered. Just because some forms of farming have night operations also may not provide sufficient nexus. Having a dwelling on the property may not be the only way to achieve the required intensive agricultural outcomes.

5. DEVELOPMENT NEAR ZONE BOUNDARIES

5.1. Intent & Purpose of Amendment

Zone boundaries have a significant impact on what land uses are permissible on every lot within the Weddin Shire. However, like many prescriptive or mapped planning controls they sometimes have a tendency to be overly restrictive, quickly outdated or based on inaccurate information, lack site specific analysis, or inconsistent with the original intention. Changing zone boundaries requires a Planning Proposal and is a costly and often time consuming way to resolve what can often be a simple issue that could be better addressed with some additional flexibility during the development assessment process.

To partly address this issue many Standard Instrument LEPs in NSW have adopted what is called the 'Development near zone boundaries' clause. The clause is typically limited to a specific distance from the existing zone boundary so that it does not become a de-facto way of zone 'creep' into unsuitable areas. It is also usually limited to specific zones where there is some degree of cross-over in land uses or where a 'blurring' of the boundaries does not produce incompatible development outcomes.

5.2. Comparison to Nearby LGAs

As set out in Section 2 Table above, the Standard Instrument Development near zone boundaries Clause (or similar) has been adopted by the majority (12 out of 15) Councils in that table. Seven (7) of those Councils have adopted the standard clause that only excludes Zones RE1 / E1 / E2 / E3 and W1 (therefore, the clause can apply to most urban and rural zones). Four (4) of those Councils have additional exclusions for rural, large lot residential, and/or some urban zones). Five (5) Councils have adopted the standard 20m 'relevant distance' limit. Six (6) have adopted a 50m limit. One (1) has adopted a 100m limit.

5.3. Indicative Clause Wording

As stated above, DPE has now created a standard instrument boundary adjustment clause. Other than the 'relevant distance' in subclause (2) and the applicable zones in subclause (3), the clause is not significantly different across most recent LEPs. Based on the discussion above, the following wording is recommended, subject to discussions with DPE / Parliamentary Counsel:

5.3 Development near zone boundaries

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is **50 metres**.*
- (3) *This clause does not apply to:*
 - (a) *land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
 - (b) *land within the coastal zone, or*
 - (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies*

for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) the development is not inconsistent with the objectives for development in both zones, and*
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

(5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4. Options / Issues for Council

The first option for Council is whether to adopt the clause (subject to the applicable zones and distance from the zone boundary). Based on the fact that this is a standard instrument clause that has been adopted by a significant number of Councils in rural NSW, it is likely that all rural stakeholders would support adoption of the clause as the benefits significantly outweigh any impacts. Adoption of the clause is the recommended option.

5.4.1. Purpose of Adjoining Zone

It is important to note that the clause only changes the permissible land use or 'purpose'. It is our interpretation that this clause does not automatically replace the other controls that may relate to zone in which the land sits with the controls in the adjoining zone. For example, it is unlikely to affect the minimum lot size so it cannot be used to approve dwellings in rural zones if it does not meet the MLS for the rural zone just because there is a lower or no MLS in the adjoining zone. MLS generally only applies to subdivision and dwellings. However, uses that do not have an MLS can use this clause (e.g. businesses and industries) to have some flexibility to occur across zone boundaries.

5.4.2. Applicable Zones

The recommendation is to adopt the standard exclusions (Zones RE1 / E1 / E2 / E3 & W1). This would enable the clause to be utilised for all remaining rural and urban zones. Therefore, the recommendation is to adopt the standard zone exclusions but permit the clause to be used in most rural and urban zones where the clause is satisfied. The additional protection is that the development is not inconsistent with both zones so, for example, industrial uses could not use this clause to seek approval in a residential zone.

5.4.3. Distance from Zone Boundary

Other LGAs have set the 'relevant distance' to either: 20m (standard), 50m, or 100m. It is our experience that the 20m was set as an 'urban control' as it would allow smaller urban lots to be included but was too restrictive to generally permit lots across road reserves to be included so it created clear zone boundaries. However, if rural or industrial zones are included it is suggested that a larger 'relevant distance' is required to provide greater flexibility.

This Proposal has not conducted a detailed analysis of the interfaces between the possible applicable zones so it is not possible to say what distance will satisfy the majority of likely circumstances where this would be applied. However, as most LGAs have adopted 50m it is suggested this creates reasonable flexibility without contravening the reason for setting zone boundaries. There is greater potential with 100m for planning outcomes that were not the intent of the clause (though other parts of the clause should prevent development inconsistent with the objectives in both zones). Therefore, the recommendation is for a 'relevant distance' of 50m. It is important to note that subclause (5) would appear to prevent the use of Clause 4.6 of the LEP to vary that number so it is important it is sufficiently flexible.

6. PLANNING PROPOSAL

The guidelines require the Planning Proposal to address six (6) parts, including:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 - Discusses proposed mapping changes;
- Part 5 - Details of the community consultation that is to be undertaken with the planning proposal. Part 5 would be confirmed following a gateway determination of this Planning Proposal by the Department of Planning; and,
- Part 6 – Project Timeline.

6.1. Part 1: Objectives or Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The aim is to amend *Weddin Local Environmental Plan 2011* ('LEP2011') to facilitate agriculture and supporting ancillary development by increasing the flexibility of some key controls including the introduction of standard instrument clauses for boundary adjustment, intensive agriculture and development near zone boundaries. These aim to recognise circumstances where controls are required below the minimum lot size or into adjacent zones.

6.2. Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The proposed objective(s) / outcome(s) will be achieved by amending *Weddin Local Environmental Plan 2011* ('LEP2011'). In particular the amendments include a variety of 'house-keeping' amendments that have arisen since the introduction of LEP2011 resulting from an evolution of the Standard LEP Instrument including the introduction of the following new clauses:

- a) **Boundary adjustments in rural zones** – The potential to adjust boundaries between rural lots that are below the minimum lot size without the creation of a new dwelling entitlement;
- b) **Intensive agriculture clause in rural zones** – The potential to apply for intensive agriculture and a dwelling below the minimum lot size where certain controls are met;
- c) **Development near zone boundaries** – Providing the potential for flexibility for land in close proximity to another specified zone to adopt some of the permissible land uses from that adjacent zone.

6.3. Part 3: Justification of Proposed LEP Amendments

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed LEP. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);

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- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised and the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally detailed technical studies are not required prior to the Gateway determination.

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: state and commonwealth interests.

6.3.1. Section A - Need for the Planning Proposal

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

We have incorporated the strategic analysis into the Sections above of this Planning Proposal. This reviews the new standard instrument clauses and their impact/effect/outcomes and has made recommendations for amendments that are to be facilitated by this Proposal. Updates of standard instrument clauses do not warrant a full strategic study in our opinion and are more 'house-keeping' in nature.

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

Amendment to *Weddin Local Environmental Plan 2011* ('LEP2011') is the only method to achieve the objectives of the planning proposal as the intended new clauses form part of standard instrument LEP, and development applications must generally be in accordance with these controls.

6.3.2. Section B - Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

There is no *adopted* regional or sub-regional strategy for the Weddin Local Government Area. However in 2016 the Draft Central West and Orana Regional Plan was prepared and placed on public exhibition (April to July 2016). As at end November 2016 the NSW Government was still in the process of considering the consultation feedback and being finalised so it remains as a draft and subject to change and, as a result, carries only limited weight.

The Draft Regional Plan includes a range of Goals / Directions / Actions for specific issues affecting the region. It provides more general objectives and broad actions to guide development in the region rather than specific outcomes/targets for each LGA or land use. The key Goals / Directions / Action applicable to agriculture and rural lands are set out and addressed as follows:

Goal 1 – A growing and diverse regional economy	
Direction 1.1 Grow the economic potential of the agribusiness sector	
<p>Action 1.1.1 Provide enabling planning controls to facilitate diversification and attract business in the agribusiness sector</p>	<p>The objective of this Planning Proposal is to facilitate increased flexibility with regards to some development and subdivision in rural lands including intensive agriculture and boundary adjustments and it is perceived that this will potentially diversify agriculture and attract business in the agribusiness sector. The Proposal shifts the balance slightly towards the agricultural industry / market determining how farming can adapt without significantly undermining the basis for a reasonable minimum lot size.</p> <p>It does have the potential to slightly increase ancillary dwelling development but only in specific circumstances. It is suggested that the impacts of these small number of likely dwellings is offset by the potential diversification and growth of the agribusiness sector.</p>
Goal 3 – A region that protects and enhances productive agricultural land, natural resources and environmental assets	
Direction 3.1 Protect regionally important agricultural land	
<p>Action 3.1.1 Identify and protect regionally important agricultural lands</p>	<p>The majority of soils are in Agricultural Land Classification No.2 or 3 (see 2012 Strategy) but there are relatively little <i>biophysical strategic agricultural lands</i> within the Weddin LGA (potentially because there is less mining conflict and partly due to climate / water availability). Weddin is within the Lachlan Valley Irrigation Area but most intensive agriculture is located closer to Forbes and Cowra. As a result, Weddin’s agricultural production makes up only a small percentage of the Central West’s total agricultural production (in comparison to other LGAs).</p> <p>However, there are large areas of Weddin Shire that are still regionally important in term of agricultural production and will increase in importance as there is increases in domestic and international demand, areas to the east of the state are urbanised and there are competing land uses, there is potential to extend irrigation and water supplies, and climate change potentially changes where agriculture will be suitable.</p> <p>Weddin has relatively limited encroachment from large lot residential development in the Shire and only a limited number of towns and villages. Whilst the proposed amendments do have the potential to increase fragmentation and subdivision of agricultural land it is only likely at a small scale, for limited larger farms, and with specific controls for dwellings and intensive agriculture. Therefore, the extent of impact is balanced with flexibility for farm businesses and can address this action but further work is needed to support strategic decision making.</p>
<p>Action 3.1.2 Establish a strategic planning framework to protect the productive values of agricultural land</p>	<p>Further work is needed to identify the strategic biophysical and socio-economic and infrastructure requirements for sustainable agriculture in Weddin Shire. Council is committed to further work to identify and protect agricultural lands. For the introduction of standard clauses agreed in neighbouring Shires a full strategic planning framework is not required (in our opinion).</p>

<p>Action 3.1.3 Encourage the increased use of biosecurity measures to protect the region's ag. assets</p>	<p>The inclusion of an intensive agriculture clause is intended to facilitate this form of agriculture subject to specific requirements before permitting an ancillary dwelling. The requirement for development consent enables biosecurity to be considered and suitable buffers provided to adjoining and sensitive land uses.</p>
<p>Direction 3.3 Manage competing and conflicting interests in agricultural, mineral and energy areas to provide greater certainty for investment</p>	
<p>Action 3.3.1 Avoid urban to rural residential encroachment into identified agricultural and extractive resource lands when preparing long-term settlement strategies</p>	<p>The <i>Rural Settlement Project</i> (and its 2016 <i>Addendum</i>) has concentrated large lot residential growth around Grenfell. The DRAFT <i>Primary Production Strategy</i> seeks to permit some additional subdivision and dwelling growth in rural lands through the Proposal amendments but the likely take-up through the Shire is unlikely to be high. In addition, mineral potential through the Shire is limited and direct interface with existing quarries can be managed through the development assessment process. The Draft Strategy continues to seek to protect mineral resource areas and significant agricultural land but some flexibility should also be granted for development to support agriculture.</p>
<p>Direction 3.4 Manage and conserve water resources across the region</p>	
<p>Action 3.4.1 Support the sustainable use and conservation of water resources</p>	<p>An additional small number of dwellings mostly reliant on rainwater in rural areas will not have a significant impact on water resources. However, intensive agriculture is likely to be a significant demand on limited supplies (both surface and groundwater). A key component of permitting intensive agriculture with a dwelling is the requirement that there is a water entitlement sufficient for the intended use. Therefore, the irrigation licensing schemes and <i>Murray-Darling Basin Plan</i> (and supporting water resource/sharing plans) provide sufficient protection of water allocation.</p>
<p>Direction 3.5 Protect and manage the region's environmental assets</p>	
<p>Action 3.5.1 Facilitate improved access to quality information relating to high environmental values and use this information to avoid, minimise and offset the impacts of development on significant environmental assets</p>	<p>The Proposal does not seek to rezone any land in an Environmental Protection Zone or modify any of the Environmentally Sensitive Area maps in LEP2011 including biodiversity, waterways, lands and groundwater areas that overlay Zone RU1 Primary Production. Instead, it seeks to better align planning controls (and development potential) with less constrained land to minimise impacts of development on these environmentally sensitive areas. Whilst a reduced lot size for intensive agriculture and a dwelling has the <u>potential</u> to increase the likelihood of conflict with environmental sensitive areas this is best address through any development application for agriculture / subdivision / dwelling.</p>

Direction 3.6 Protect people, property and the environment from exposure to natural hazard and build resilient communities	
Action 3.6.3 Support communities to build resilience to the impacts of natural hazards and climate change	The Proposal does not seek to directly increase development intensity in bushfire or flood prone lands. However, a reduced minimum lot size for intensive agriculture has the <u>potential</u> to increase the likelihood of development in areas with a potential natural hazard. This is best address assessed on a site-by-site basis through a development application for agriculture / subdivision / dwelling. Again, whilst smaller lots sizes may have less potential to adapt to climate change, more flexibility in controls allows the market / industry to determine suitable outcomes without creating lots that are not viable for agriculture.
Goal 4 – Strong communities and liveable places that cater for the region’s changing population	
Direction 4.3 Increase and improve housing choice to suit the needs of the populations	
Action 4.3.1 Deliver enabling planning controls that facilitate an increased range of housing choices, including infill housing close to existing jobs and services	The reduction of the minimum lot size for intensive agriculture may help to facilitate a diversification of housing types allowing more farmers, their families, and workers to live on or near their employment. Figures 21 and 22 highlight that Weddin has / is projected to have one of the highest levels of an ageing population in the region so there is a desperate need to create local employment and retain families and younger workers to offset this ageing population requiring more services and assistance. With agriculture being the main employer the obvious solution is to try to facilitate more opportunities for farmers to stay on the land and invest in the Shire. Smaller lots for intensive agriculture are unlikely to be used as ‘lifestyle’ lots and have the potential to be sustainable with off-farm income, improved technologies and farm management practices, and water allocations. This housing ‘choice’ is also an investment in agriculture in the Shire.

Consistency with the draft Regional Plan suggests strategic merit and zone-specific merit.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Council does not have an adopted local land use strategy, particularly in rural areas – though the principles in the DRAFT *Primary Productions Strategy (2012)* and DRAFT *Rural Settlement Strategy (2012)* and its associated *Addendum to the Rural Settlement Strategy (2016)* are consistent with balancing of protection of rural land with facilitation of (agricultural) development and development in its towns and villages.

The only other local strategy that has high level objectives for development in Weddin LGA is the *Community Strategic Plan 2013-2023* and the associated Delivery Program and Operational Plan. The purpose was to identify the community’s main priorities and aspirations for the future and to plan strategies for achieving those goals. However, it does not provide specific goals relevant to the proposed amendments that have not been addressed in relation to the *Primary Productions Strategy* or *Rural Settlement Strategy / Addendum*.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An analysis of the applicable State Environmental Planning Policies (SEPP) is included in the table below. It is noted that the proposal is either consistent with or not inconsistent to any applicable SEPP's.

SEPP No.21 - Caravan Parks (SEPP21) & SEPP No. 36 - Manufactured Home Estates (SEPP36)

Caravan parks and, therefore through SEPP36, manufactured home estates are permissible within Zone RU1 with consent. These SEPPs set further guidelines for these developments to meet. The proposed amendments will not broadly affect the use of these SEPPs. However, there will need to be consideration of land use conflicts (particularly with intensive agriculture) for these more sensitive uses.

SEPP No.30 – Intensive Agriculture (SEPP30)

SEPP defines when 'intensive livestock agriculture (cattle feedlots / piggeries) will require development consent and consideration of public feedback, pollution, and measures to mitigate potential adverse impacts. Zone RU1 Primary Production permits intensive livestock agriculture with consent and extensive agriculture without consent.

The introduction of the new intensive agriculture clause reconfirms that consent is required specifically where a dwelling is requested or existing below the MLS. This provides further opportunity for Council to test the merits of any dwelling and the nexus to the intensive agricultural use and any impacts. This is consistent with SEPP30.

Whilst the intensive agriculture clause has the potential to increase dwellings in rural land that may create additional land use conflict (particularly with intensive agriculture) the likely take-up of these dwellings is likely to be limited and there is still potential to minimise or mitigate these impacts through the consent process by siting dwellings away from boundaries and ensuring intensive agriculture has suitable buffers.

The take-up of intensive agriculture is also likely to be limited unless there is water availability so this will not be a wide-spread issue and land use impacts are a relevant factor under SEPP30. Therefore, the proposed amendments are unlikely to have any significant impacts on intensive agriculture across the Shire and the Proposal is broadly consistent with this SEPP.

SEPP No.44 – Koala Habitat Protection (SEPP44)

Weddin is a listed LGA to which this SEPP applies. This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas so as to ensure a permanent free-living population over the present range and reverse the trend of koala population decline. It is primarily a factor for consideration during development consent but is also relevant to LEP amendments.

Whilst the proposed amendments have the potential to increase dwelling development associated with agriculture in the rural zones, the likely take-up of dwellings will be limited, and by requiring consent there is potential for Council to assess suitable locations for the dwelling siting to minimise impacts on significant vegetation that could be koala habitat.

The potential for increased intensive agriculture facilitated with dwellings is also likely to have low take-up and as consent is required koala habitat can be assessed on its merits.

LEP2011 retains the Sensitive Biodiversity mapping that, whilst this is not conclusive about koala habitat, provides another trigger for the protection of significant stands of native vegetation that must be addressed as part of any development. Therefore, on balance the outcomes /

amendments in this Proposal are unlikely to significantly impact on koala habitat and the proposed amendments are broadly consistent with the objectives of this SEPP.

In November 2016 a review is underway of this SEPP including the definitions of koala habitat, list of tree species, list of councils and development assessment process. The strategic planning outcomes may also be included in the Section 117 Directions. This does not change the impact.

SEPP No.52 - Farm Dams and Other Works in Land and Water Management Plan Areas (SEPP52)

This SEPP applies to land within an irrigation area/district including Jemalong Irrigation District (which may partly extend into Weddin Shire) but not the entire Lachlan Irrigation District. It requires consent for artificial water bodies in those areas if it is above a certain size. The proposed amendments do not affect the application of this SEPP.

SEPP No.55 – Remediation of Land (SEPP55)

This policy applies to the whole State including the rural lands of the Weddin Shire. Under Clause 6, contamination and remediation is to be considered in zoning or rezoning proposals. This Proposal does not seek to technically change the zone of any land in the LGA. However, it does have the potential to affect the level of activity / density of use of rural lands with some limited additional dwellings.

It is not possible to conduct a Stage 1 Contamination Assessment for all rural lands (Zone RU1) as part of this proposal though it would be expected there could be some minor contamination in rural areas from rural activities and chemical/petroleum storage. However, as the number of additional dwellings or sensitive uses is likely to be small this exercise is best left to be addressed during any development application for subdivision and development of land. SEPP55 applies to any relevant development. Therefore, the Proposal can be consistent with this SEPP.

SEPP No.62 – Sustainable Aquaculture (SEPP62)

Aquaculture is a form of 'agriculture' that is permitted with consent in Zone RU1 in Weddin Shire. This SEPP supplements this by permitting certain types of aquaculture in certain zones. The proposed development is unlikely to have any significant impacts on aquaculture in Zone RU1.

SEPP No.64 - Advertising and Signage (SEPP64)

This SEPP governs advertising and signage in all zones. Whilst the proposed amendments may result in some additional agricultural businesses in Zone RU1 there are sufficient controls to assess any signage associated with those developments. This SEPP is not affected by the proposal.

SEPP (Building Sustainability Index: BASIX) 2004

Any additional dwellings that are created as a result of the proposed amendments will be subject to SEPP (BASIX) and the SEPP and its outcomes are not affected.

SEPP (Infrastructure) 2007

This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development including, but not limited to: air transport facilities, correctional centres, educational establishments, utilities, emergency services, health services, railways, roads, waste facilities, etc.

The proposed amendments will have the potential for a small increase in the number of dwellings (and therefore inhabitants) in rural areas and this has potential for a small increase in demand for/on infrastructure (primarily road and electricity infrastructure as rural properties generally have their own water & sewer on-site management). The additional densities are unlikely to support additional rural services but might assist with maintaining services in nearby rural villages.

As the approved annual new subdivisions and dwellings are likely to be limited in number it is more appropriate to determine capacity and necessary upgrades on a site-by-site basis. Increased agricultural activity is more likely to have increased demand/impact on infrastructure but there is general acceptance that where this agricultural activity is sustainable it should be supported and facilitated with any necessary infrastructure upgrades (where contributions or funding allows). Therefore, the Proposal is consistent with this SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This SEPP applies to the entire State and specifically land identified as having mineral potential. NSW Resources and Energy has provided mapping suggesting where mineral potential is existing or likely to be located in the Shire. The 2012 Strategy includes some of this mapping and/or is updated by mapping on the NSW Government website and in Figure 15 of the Draft Central West and Orana Regional Plan. In general there are a number of mineral titles to the far west of the Shire, around Grenfell and to its north-east and some mineral applications to the south and east of the Shire, with quarries scattered across the rural area.

However, they are not extensive / only cover a small percentage of rural lands and there are limited operational quarries/mines. Regardless mineral potential needs protection and must be balanced with agricultural priorities. There is only limited strategic biophysical agricultural land within the Shire that would conflict with mining located to the south of the Shire and any potential conflict can be resolved through the SEPP.

The proposed amendments have the potential to increase sensitive uses such as dwellings in areas of mineral potential but both the number and likelihood of additional dwellings combined with the sparse areas of mineral potential mean that there is a low probability of land use conflict and specific dwelling applications or subdivision or intensive agricultural developments can be assessed by Council on their merits.

Therefore, access to resources is unlikely to be further affected by the reduction of the minimum lot size and the Proposal is broadly consistent with this SEPP.

SEPP (Rural Lands) 2008

This policy aims to facilitate the orderly use and development of rural lands, identify Rural Planning Principles and Subdivision Principles, reduce land use conflicts, and identify State significant agricultural land. As this Amended Proposal does not seek to reduce the minimum lot size for a dwelling (except where associated with Intensive Agriculture with very specific restrictions) it is suggested that the likely take-up of this opportunity will be small and have little impact on the Rural Planning Principles or Rural Subdivision Principles.

The boundary adjustment clause aims to facilitate improved agricultural and environmental outcomes by introducing flexibility and practicality into minor variations in boundaries.

The intensive agriculture clause may also permit dwellings with consent but will be restricted to the conditions in that clause and is designed to allow permit additional dwellings that have a direct nexus or requirement by the intensive agricultural use. This clause may in fact promote intensive agricultural practices and diversify farming in the region.

Whilst the intensive agriculture clause seeks to promote intensive agriculture it is already permitted with consent in Zone RU1. Therefore, the key differences are the permissibility of a dwelling and the reduced MLS. Most standard buffers for intensive agriculture (see Appendices) are in the order of 200-300m (requiring an estimate of ~500-700m holding widths). It is suggested that at 100ha MLS there is both suitable room for buffers to adjacent properties and placement of

existing or proposed dwellings (depending on the lot/holding dimensions). This is best assessed on a site-by-site basis rather than setting a higher MLS.

It is accepted that dryland farming /crop production is likely to be continue to be the dominant enterprise, and that larger farm sizes suit this type. However, there is evidence that changing farm management and production techniques may support smaller farms, particularly for intensive agriculture, and this diversification could be good for the industry and the Shire.

Additional demand on existing resources (e.g. groundwater systems) is unlikely to be significant for extensive agriculture and a small number of additional dwellings. However, intensive agriculture will need to demonstrate that it has a sufficient sustainable water allocation to be approved under the proposed clause.

Electricity and telecommunication infrastructure are usually extended at the cost of the developer. With increasing off-grid and solar systems even electricity consumption/demand is dropping. Therefore, additional demand from the likely growth in housing development is likely to be small. Much larger would be any demand from growth in intensive agriculture and other rural industry that is an accepted cost and part of the site analysis for any new development.

Therefore, there are sufficient controls for Council to ensure that planning for dwelling opportunities takes account of constraints from the natural environment and natural hazards, infrastructure and utilities, suitable buffers/setbacks to sensitive land uses combined with dwelling envelopes and appropriate lots sizes, protecting the 'right to farm', and minimising land use conflict. Whilst there are some challenges posed by the amendments it is suggested that the potential benefit to agriculture from the increased flexibility outweigh any perceived impacts from the additional development and smaller lot sizes that may result. Therefore, the Proposal is consistent with this SEPP.

SEPP (State and Regional Development) 2011

This SEPP seeks to facilitate state and regionally significant development that includes, amongst others, intensive agriculture and rural industries, above a certain investment value. This SEPP would not be affected by the proposed amendments.

6. Is the planning proposal consistent with applicable Ministerial Directions?

The relevant Section 117 Ministerial Directions are addressed as follows:

1.2. Employment & Resources - Rural Zones

This Direction seeks to protect the agricultural production value of rural land and applies when a Planning Proposal will affect land within an existing (or proposed) rural zone.

Section 4(a) applies to Weddin and seeks to prevent rural zoned land from being rezoned to a residential, business, industrial, village or tourist zone. It is important to note that this Planning Proposal does not rezone any of the Zone RU1 Primary Production land or affect its boundaries. Also it does not change the permissibility of land uses in Zone RU1 – only the minimum lot size required for intensive agriculture (with a dwelling), boundary adjustments or permissible uses within a certain distance of a relevant zone.

Section 4(b) does NOT apply to Weddin (only to Sydney Metropolitan Councils).

Therefore, the Proposal is consistent with this Direction.

1.5. Employment & Resources - Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.

The Direction applies where SEPP (Rural Lands) applies including Weddin and includes Proposals that affect land within a rural or environmental protection zone OR that changes the existing minimum lot size on land within those zones.

This Direction requires that the Proposal is consistent with both the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008 – see the SEPP section above.

It may only be inconsistent where the Proposal is justified by a strategy approved by DPE or is of minor significance. We suggest that the introduction of a standard intensive agriculture clause does not warrant an entire strategy as it is highly restrictive in its application and justified in this Planning Proposal.

1.3. Employment & Resources - Mining, Petroleum Production and Extractive Industries

This direction seeks to ensure that any proposal does not compromise the future extraction of State / regionally significant mineral/coal/petroleum/extractive material resources.

The response to SEPP (Mining, Petroleum Production and Extractive Industries) 2007 above notes that there are various mining / extractive titles across Weddin LGA, however, these are limited in area and in 2011 there was only one active mine but multiple quarries spread across the Shire. A more detailed analysis is in the 2012 Strategy Section 4.8.2 Extractive industries.

In accordance with (3)(a), the Planning Proposal will not have the effect of prohibiting any mining/extraction activity that is permissible in Zone RU1. The key issue is under (3)(b) whether it will restrict the potential development of resources by permitting incompatible development.

As per the response to the SEPP above, the level of subdivision/new dwellings is likely to be limited in number and any potential land use conflicts with existing or future resources are best resolved during the assessment of any development application. The likelihood of significant sterilisation of mining activity in Weddin Shire is relatively low.

It is likely that this Proposal will be referred to NSW Resources & Energy for additional comment (40 days) after the Gateway Determination and any feedback can be taken into consideration. Any inconsistency is justified in the Addendum or is likely to be considered of minor significance.

2.1. Environment & Heritage – Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas including areas identified for environmental protection in an LEP and must not reduce the environmental protection standards that apply to the land.

The Proposal does not seek to rezone any land in an Environmental Protection Zone or modify any of the Environmentally Sensitive Area maps in LEP2011 including biodiversity, waterways, lands and groundwater areas that overlay Zone RU1 Primary Production.

Instead, it seeks to better align planning controls (and development potential) with less constrained land to minimise impacts of development on these environmentally sensitive areas. Whilst an intensive agriculture clause has the potential to increase the likelihood of conflict with environmental sensitive areas this is best address through any development application for agriculture / subdivision / dwelling.

2.3. Environment & Heritage – Heritage Conservation

The objective of this direction is to conserve items, areas, objects, and places of environmental heritage significance and indigenous heritage significance.

There are a limited number of items of heritage significance in the rural land zones of Weddin LGA. This proposal does not seek to remove the significance of these items / areas, and therefore any effects can be assessed at the Development Assessment stage of subdivision or development of an individual site. If there is any inconsistency with this direction it is either justified in the Addendum or of minor significance.

3.1. Housing, Infrastructure & Urban Development - Residential Zones

This direction applies to residential zones OR any other zone in which significant residential development is permitted or proposed to be permitted. Whilst Zone RU1 is not a residential zone it could be said that as it permits dwellings and the Proposal seeks to increase the potential for additional dwellings this applies. The Planning Proposal is consistent in that an ancillary effect of the intensive agriculture clause is to allow for dwellings associated with intensive agriculture where it is needed in rural zones and does not reduce the permissible residential density of land. The issue of infrastructure and services is addressed re SEPP (Infrastructure) above. LEP2011 already contains a provision that land must be adequately serviced for residential development. Either this direction does not apply to the rural zone, it is addressed in the Addendum, or any inconsistency is of a minor significance.

3.6. Shooting Ranges

There are no known shooting ranges in Weddin Shire that would be affected by any intensification of use in the rural zones. If there are any then the development assessment process will be able to determine appropriate setbacks for development. Any inconsistency is likely to be of only minor significance if there are shooting ranges present.

4.3. Hazard & Risk - Flood Prone Land

The aim of this direction is to ensure development of flood prone land is consistent with the *Floodplain Development Manual 2005* and flood hazard. This direction applies to all flood prone land. In Weddin Shire the only mapped flood planning area is in and around the Town of Grenfell (Emu Creek & tributaries), predominantly in urban zoned land. However, it is well known that flooding is capable of occurring along most significant watercourses through the Shire and, therefore, would be expected to occur in rural areas.

This Proposal does not rezone land within flood planning areas from a rural zone to a higher intensity urban zone. It does not impose flood related controls above the flood planning level (flood planning controls remain the same). It does not specifically permit or increase development in flood prone areas. However, if the intensive agriculture clause has the potential to intensify development potentially on flood prone land then this would be assessed in accordance with the existing controls and may result in the application being refused. The Proposal retains consistency of LEP2011 with the *Floodplain Development Manual 2005*. Any inconsistency is likely to be of minor significance.

4.4. Hazard & Risk - Planning for Bushfire Protection

This direction seeks to protect life, property and the environment from bush fire hazards and discourages incompatible uses in bushfire prone areas. Bushfire prone lands exist across Weddin's rural lands, particularly in proximity to National Parks, nature reserves, and significant vegetation along road corridors.

Although the Proposal does potentially increase the intensity of development potential of some bushfire prone lands – intensive agriculture is not usually suited to these lands and the number of subdivisions/new dwelling lots is likely to be relatively low. Therefore, bushfire is best assessed on a site-by-site basis during the development assessment process when location, access, design and asset protection zones can be considered to minimise the risk of bushfire in accordance with *Planning for Bushfire Protection 2006*. A 100ha minimum lot size should provide sufficient size for alternative sites for sensitive uses/buildings and safe access/egress. If there is any inconsistency with this direction it is either justified in the Addendum or of minor significance.

5.10. Implementation of Regional Plans

This direction seeks to give effect to Regional Plans and applies to land to which a Regional Plan has been 'released'. In late 2016 the Draft Central West & Orana Regional Strategy was on public exhibition but has not been finalised. It is addressed in more detail in relation to Regional Strategies

above. The Proposal achieves the overall intent of the Regional Plan in balancing perceived economic opportunities with protection of agricultural lands.

6.1. Local Plan Making – Approval & Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the number of referrals/concurrences required to assess an application. In this case the Planning Proposal does not create any additional referrals through the new clauses or reduction in minimum lot sizes in LEP2011. Whilst it may be necessary to occasionally consult with DPI Agriculture and NSW Resources and Energy on some of the application during DA stage this will not unduly impact on the assessment timeframes. The Proposal is substantially consistent with this direction.

6.3. Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Generally it tries to minimise the use of Planning Proposals to add additional site-specific controls that would not otherwise apply to that land use or that zone or refer to site-specific drawings for the development proposal. In this case the amendments are across the entire Zone RU1 zone (or entire LEP as may be relevant) and do not create any site-specific controls. Therefore, the Proposal fully complies with this direction.

6.3.3. Section C - Environmental, Social and Economic Impact

7. 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?

Due to the proposed amendments affecting a number of zones across the Weddin Shire – it is not possible to conduct site-specific assessments of the location and potential impact on threatened or endangered species/population/communities.

Based on a desktop review of the Atlas for NSW Wildlife (www.bionet.nsw.gov.au) there are 1,207 search results for sightings of animals/plants/fungi/communities/threats/endangered populations/birds across the Weddin Shire. There are approximately 50-60 Category 3 sensitive species and only 2 Category 2 sensitive species. There are five (5) key vegetation woodland communities that are endangered. The majority of these are located either in existing National Parks / Nature reserves or along key road corridors.

It is reasonable to assume that there are rural areas where these species would occur and these need to be appropriately protected. However, it must also be acknowledged that a large amount of these lands would be affected by existing agricultural practices that may reduce the presence of these species. However, intensification has the potential to increase threats such as alteration to natural flow regimes, clearing of vegetation, introduced species, etc.

In response, the intensive agriculture clause facilitates growth in intensive agriculture but has several strict conditions for assessing impacts on the environment that also affect when and where an ancillary dwelling can be allowed. Vegetation clearance is governed by the *Native Vegetation Act 1993*. Boundary adjustment has the potential to be used to improve alignment with buffers to sensitive areas without being driven by minimum lot size.

In addition, the marginal increase in both potential and likely subdivision and dwelling applications means that the impacts can be managed through the approvals process. Generally 'extensive agriculture' would not trigger any requirement for consent and, therefore, there are limited controls on standard farming activities. In comparison, intensive agriculture has a significant body of policy

to guide appropriate outcomes and Council can also guide location and design of dwellings to minimise land use conflicts.

Overall the checks and balances on environmental impacts are suitably incorporated into the proposed amendments.

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

This proposal seeks to facilitate flexibility in agricultural lot sizes (and ancillary dwellings) and these clauses could potentially be used to improve environmental outcomes by better aligning farm boundaries with natural features and consolidating more productive agricultural lands.

However, there are potential environmental impacts from additional intensive agricultural and residential development in rural areas. As with any increased intensity / density of use of land there is potential for environmental impact including but not limited to: vegetation removal, biodiversity and fauna impacts, water quantity and/or quality impacts, soil erosion & sedimentation of waterways, odour and or noise pollution, flooding, bushfire, contamination, etc. but many of these are standard rural constraints to development and not unique to this Proposal.

The intensive agriculture clause facilitates growth in intensive agriculture but has several strict conditions for assessing impacts on the environment that also affect when and where an ancillary dwelling can be allowed.

In addition, the marginal increase in both potential and likely subdivision and dwelling applications means that the impacts can be managed through the approvals process. Generally 'extensive agriculture' would not trigger any requirement for consent and, therefore, there are limited controls on standard farming activities. Intensive agriculture has a significant body of policy to guide appropriate outcomes and Council can also guide location and design of dwellings to minimise land use conflicts and create buffers to sensitive areas and natural hazards (see also S.117 Directions).

Overall the checks and balances on environmental impacts are suitably incorporated into the proposed amendments.

9. Has the planning proposal adequately addressed any social and economic effects?

There are potential social and economic pros and cons of additional intensive agricultural and residential development in rural areas. This proposal seeks to facilitate flexibility in agricultural lot sizes (and ancillary dwellings) to potentially cater for a greater diversity of agricultural types that could have significant social and economic benefits.

However, it is also recognised that any reduction in lot size permitting a dwelling can have negative social and economic outcomes by increasing fragmentation of agricultural land, making it more difficult and expensive to consolidate larger (potentially more economically viable) parcels for agriculture, and potentially increasing land use conflicts.

The intensive agriculture clause facilitates growth in intensive agriculture but has several strict conditions that also affect when and where an ancillary dwelling can be allowed.

In addition, the marginal increase in both potential and likely subdivision and dwelling applications means that the impacts can be managed through the approvals process and are partly offset by the potential to attract new agribusiness or diversity in farming and associated population growth/retention and flow-on effects to villages and services.

Overall the economic and social benefits of facilitating flexibility of development of rural lands outweigh the social and economic impacts.

6.3.4. Section D - State and Commonwealth Interests

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

This is addressed also in the response above relating to SEPP (Infrastructure) 2007.

The proposed amendments will have the potential to slightly increase the number of dwellings (and therefore inhabitants) in rural areas (associated with intensive agriculture) but this is unlikely to substantially increase demand for/on infrastructure (primarily road and electricity infrastructure as rural properties generally have their own water & sewer on-site management). The additional densities are unlikely to require additional rural services but might create additional demands in nearby rural villages (which can sometimes improve the viability of those services in those areas e.g. local schools / health clinics etc.). It is more appropriate to determine capacity and necessary upgrades on a site-by-site basis.

Generally extensions of electricity infrastructure and upgrades will be at the developer's cost. New road access points will be assessed to maximise safety on key public road networks. It may place some additional pressure on Council/RMS to maintain rural roads but this will be in accordance with Council's resources and reasonable expectations.

Increased agricultural activity is more likely to have increased demand/impact on infrastructure (than single dwellings) but there is general acceptance that where this agricultural activity is sustainable it should be supported and facilitated with any necessary infrastructure upgrades (where contributions or funding allows).

Therefore, the expected growth/demand from the amendments is not expected to place excessive demands on rural infrastructure and some growth may in fact improve the viability of services in rural villages/areas.

11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

In 2016 Council consulted with the Department of Planning & Environment ('DPE') and Department of Primary Industries (NSW Agriculture) as the key state agencies relevant to these amendments in the rural zone(s). There are limited Commonwealth agencies relevant to these proposed amendments at the local government scale. The outcomes in this Planning Proposal are guided by that preliminary consultation. It is expected that the Gateway Determination will set out additional agency consultation that must occur prior to and/or during the public exhibition period.

6.4. Part 4: Mapping

As set out above, the proposed amendments include the introduction of up to three (3) standard instrument clauses (with wording suggested in the Proposal but to be agreed with Parliamentary Counsel). These do NOT require any map amendments as no mapping is affected or required by these clauses.

6.5. Part 5: Community Consultation

The planning proposal community consultation is to be undertaken in regards to the requirements set out in 'A guide to preparing local environmental plans' and any requirements set out in the Gateway Determination.

The planning proposal would be notified for a period of 28 days. The notification period is expected to be outside the Christmas / New Year period (see timeline below). The notification would be placed on Council's website and advertised in the Grenfell Record and (if timeframes align) it would be placed in rate notices.

The notification would provide:

- a description of the objectives or intended outcomes of the planning proposal;
- the land affected by the planning proposal;
- advise when and where the planning proposal can be inspected;
- give the name and address of the Council for the receipt of submissions; and
- indicate the last date for public submissions.

As this is an amendment affecting the majority of rural lands across the Shire it is not feasible to directly notify every land owner or resident or affected person in that area. Instead, Council will make every reasonable attempt to spread notification through local and sub-regional media.

During the exhibition period, the following material will be made available for inspection at Council's offices in Grenfell:

- the planning proposal, in the form approved for community consultation by the Director General of Planning;
- the gateway determination;
- any reports relied upon by the planning proposal (such as the Report to Council).

Additional consultation is also expected with key government agencies and stakeholders during the public exhibition period – possibly through a letter or notification including, but not limited to:

- a) Immediately adjacent Councils;
- b) Department of Planning & Environment ('DPE') & Office of Environment & Heritage;
- c) DPI Agriculture;
- d) Department of Industry: Resources & Energy;
- e) Roads & Maritime Services ('RMS').

6.6. Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments). It demonstrates that from the date of the Gateway Determination it is expected the amendments can be made / commence in less than 12 months:

Table 1 - Project Timeline Task	Anticipated timeframe
<i>Planning Proposal to Council for approval to send to DPE</i>	<i>December 2016</i>
Commencement date (Gateway determination)	April – May 2017
Timeframe for the completion of required technical information	(none expected)
Government agency consultation (pre and post exhibition as required by Gateway determination)	May 2017 (noting key agencies already consulted)
Commencement and completion for public exhibition period	Commence: May-June 2017 Completed: June-July 2017
Dates for public hearing (if required)	July 2017 (if required)
Consideration of submissions	July-August 2017
Consideration of a proposal post exhibition	August 2017 (if required)
Date of submission to the Department to finalise LEP	August - September 2017
Anticipated date RPA will make the plan (if delegated)	October – November 2017
Anticipated date RPA will forward to the Department for notification	November 2017
Potential for amendments to commence	Late 2017 – Early 2018 (i.e. within 12 months of Gateway Determination)