



WEDDIN SHIRE COUNCIL

To Avoid Delay when
Replying or Telephoning

Please Quote:

BJH:IKH T2.1.9

Your Ref:

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4 April 2017

Department of Planning & Environment
PO Box 58
DUBBO NSW 2830

Dear Sir/Madam

**SUBJECT: PLANNING PROPOSAL – PROPOSED AMENDMENT NO. 3 TO WEDDIN
LOCAL ENVIRONMENTAL PLAN 2011 – NEW STANDARD INSTRUMENT
CLAUSES**

Council at its meeting of 15 December 2016 resolved to support a planning proposal in respect of the above proposed new Standard Instrument clauses and refer it to the Planning Gateway.

The full Council resolutions in respect of this matter are set out below:

RESOLVED: Cr McKellar and Cr Diprose that Council:

- "a) Endorse the Draft Addendum to the Primary Production Strategy and Draft Planning Proposal prepared in accordance with section 55(1) of the Environmental Planning and Assessment Act 1979 to modify controls for minimum lot size for the existing RU1 Primary Production zoned land in the Weddin Shire.*
- b) Submit the Draft Addendum and Draft Planning Proposal to the Minister for Planning and Environment for a Gateway Determination in accordance with section 56(1) of the Environmental Planning and Assessment Act 1979.*
- c) Request that the local planning making functions in relation to this planning proposal be delegated to Council.*
- d) Place the draft Addendum on public exhibition to seek feedback and consult as required.*
- e) Publicly exhibit the Planning Proposal and notify and consult in accordance with any Gateway Determination requirements and Council's requirements;*
- f) Authorise the Director and/or General Manager to negotiate minor amendments with DPE (if required) consistent with the intent of the Draft Addendum / PP. "*

This full resolution encompasses Council's overall determination regarding its plan for its RU1 Primary Production zoned land, however is considered appropriate to address the planning proposal for the introduction of the new Standard Instrument clauses.

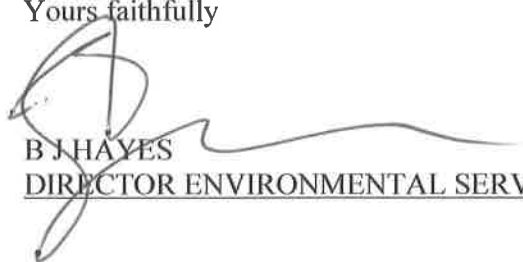
The Planning Proposal is hereby submitted to the Department of Planning NSW. The Planning Proposal notes that a consultation exhibition period of 28 days would be suitable.

Enclosed with this letter are the following relevant documents:

1. Planning Proposal dated 30 March 2017 (Version 1), approved by Council;
2. Forms for lodgement:
 - Request for Initial Gateway Determination
 - DPE lodgement requirement – Attachment 1 – Information Checklist (completed);
 - DPE lodgement requirement – Attachment 4 – Evaluation Criteria for the delegation of plan making functions (completed)
3. The minuted officer report considered by the Council at its 15 December 2016 ordinary meeting.

If you require any additional information in respect of this matter, please do not hesitate to contact the undersigned or Andrew Napier of iPLAN PROJECTS on 0410 519 469.

Yours faithfully



B J HAYES
DIRECTOR ENVIRONMENTAL SERVICES

4. Primary Production Strategy, T2.1.10

In 2012 Council adopted the Booth Associates (October 2012) Primary Production Strategy ('2012 Strategy'). Subsequently, in December 2013 there was a resolution of Weddin Shire Council to pursue potential amendments to planning controls affecting development in rural areas of the Shire including, but not limited to, minimum lot size (MLS) for subdivision.

(1) Resolution of Ordinary Meeting of Weddin Shire Council - 19 December 2013:

264 RESOLVED: Cr Griffiths and Cr Parlett that: i) the minimum lot size for rural land be 250 hectares and Council prepare a planning proposal for the introduction of flexible model clauses that allow Council to consider reducing the minimum size allotment from 250 hectares to 40 hectares to bring Council in line with neighbouring shires for the purpose of agriculture and construction of a dwelling in appropriate circumstances.

The 2012 Strategy is yet to be endorsed by the NSW Government (due to issues with the 2012 Strategy) and as a result the Council resolution is yet to be implemented. This Addendum seeks to address outstanding requirements to enable these things to occur.

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Department of Planning-Environment (DPE) stated that Council had a number of options to progress the Draft Strategy as follows:

a) Put forward a comprehensive strategy to support Council's preferred position of a blanket MLS across the LGA at 250 hectares as per Council's resolution in 2014; b) Wait for the DPE Agricultural Land Study mapping to be completed (maintaining status quo for now); c) Consider a split MLS between the east and west of the LGA, acknowledging the difference in agricultural capability in the LGA; d) Negotiate an agreed MLS with Department of Primary Industries – Agriculture (DPI), and undertake an ongoing review (within a reasonable agreed time frame) on the success of that MLS, as well as opportunities for varying MLS throughout the local government area.; e) There is also the opportunity for Council to insert the boundary adjustment, intensive agriculture and any other model clauses through the planning proposal process.

The report seeks to update the Booth Associates (October 2012) Primary Production Strategy ('2012 Strategy') and makes the following key recommendations relating to amendments to planning controls contained in Weddin Local Environmental Plan 2011 ('LEP2011').

The existing MLS for Zone RU1 Primary Production in LEP2011 is 400ha. The Addendum recommends that the MLS in Zone RU1 is reduced to 300ha. This amends the recommendations in the 2012 Strategy that originally recommended 250ha. If this amendment is adopted / endorsed, this will require amendment to the Lot Size Maps ('LSZ Maps') across the Shire on all lands in Zone RU1 Primary Production (effectively all MLS maps).

In addition, this Addendum suggests a variety of amendments that have arisen since the introduction of LEP2011 resulting from an evolution of the Standard LEP Instrument.

These potentially include introductions of the following new clauses:

- a) Boundary adjustments in Zone RU1 – The potential to adjust boundaries between rural lots without the creation of a new dwelling entitlement;
- b) Intensive agriculture in Zone RU1 – The potential to apply for intensive agriculture and a dwelling below the MLS to a minimum of 100ha where certain controls are met;
- c) Development near zone boundaries (range of urban and rural zones) – 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.

RECOMMENDATION: That Council:

- "a) Endorse the Draft Addendum to the Primary Production Strategy and Draft Planning Proposal prepared in accordance with section 55(1) of the Environmental Planning and Assessment Act 1979 to modify controls for minimum lot size for the existing RU1 Primary Production zoned land in the Weddin Shire.
- b) Submit the Draft Addendum and Draft Planning Proposal to the Minister for Planning and

Environment for a Gateway Determination in accordance with section 56(1) of the Environmental Planning and Assessment Act 1979.

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c) Request that the local planning making functions in relation to this planning proposal be delegated to Council. d) Place the draft Addendum on public exhibition to seek feedback and consult as required. e) Publicly exhibit the Planning Proposal and notify and consult in accordance with any Gateway Determination requirements and Council's requirements; f) Delegate authority to the General Manager to negotiate minor amendments with DPE (if required) in consultation with the Director Environmental Services, consistent with the intent of the Draft Addendum / PP."

294 RESOLVED: Cr McKellar and Cr Diprose that Council:

"a) Endorse the Draft Addendum to the Primary Production Strategy and Draft Planning Proposal prepared in accordance with section 55(1) of the Environmental Planning and Assessment Act 1979 to modify controls for minimum lot size for the existing RU1 Primary Production zoned land in the Weddin Shire. b) Submit the Draft Addendum and Draft Planning Proposal to the Minister for Planning and Environment for a Gateway Determination in accordance with section 56(1) of the Environmental Planning and Assessment Act 1979. c) Request that the local planning making functions in relation to this planning proposal be delegated to Council. d) Place the draft Addendum on public exhibition to seek feedback and consult as required. e) Publicly exhibit the Planning Proposal and notify and consult in accordance with any Gateway Determination requirements and Council's requirements; f) Delegate authority to the General Manager to negotiate minor amendments with DPE (if required) in consultation with the Director Environmental Services, consistent with the intent of the Draft Addendum / PP."