



PLANNING PROPOSAL -  
LAKE WYANGAN LARGE  
LOT RURAL RESIDENTIAL

**ABR Farming Pty Ltd**

SUBMITTED TO

GRIFFITH CITY COUNCIL

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## INTRODUCTION

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's "*A Guide to Preparing Planning Proposals*" (August 2016). The Planning Proposal seeks to amend the Griffith Local Environmental Plan 2014. The Planning Proposal applies to the following lots, depicted in Figure 1:

- Lot 610 DP 751743;
- Lot 309 DP 751743;
- Lot 104 DP 1018460; and
- Lot 102 DP 1018460

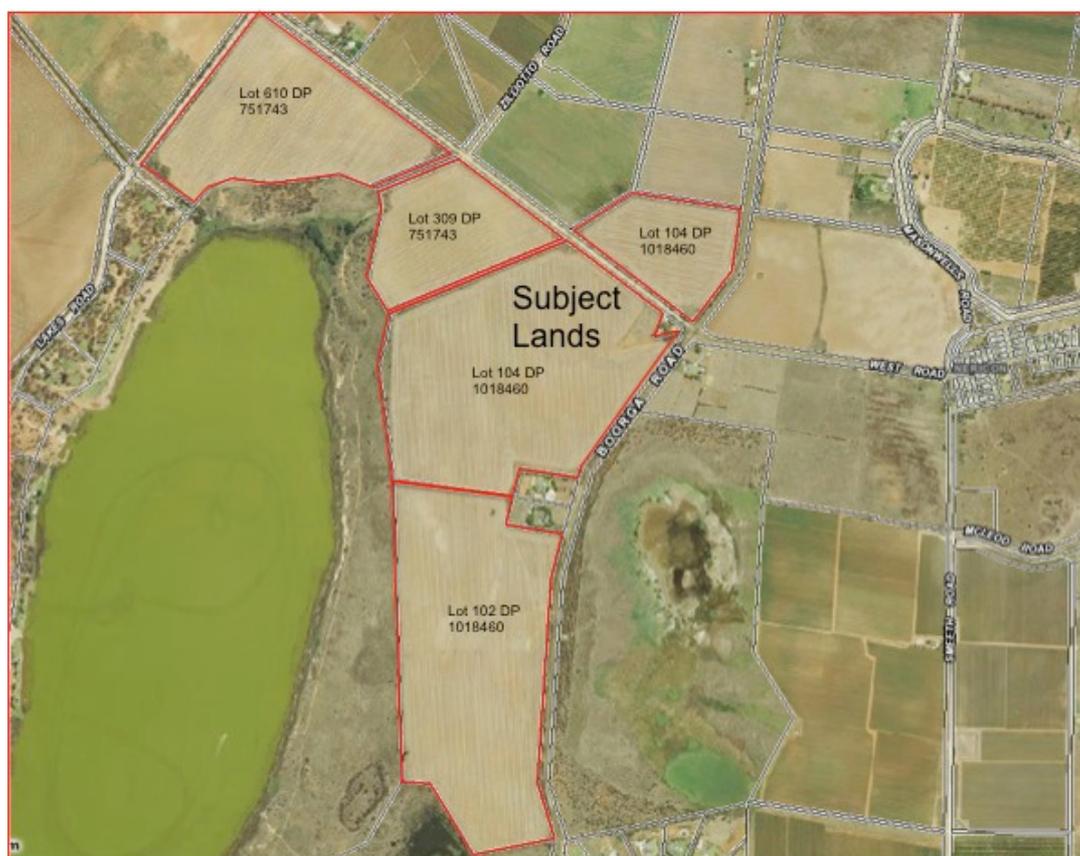


Figure 1: Location of the Subject Lands

The Planning Proposal proposes to decrease the minimum lot size of the subject lands to facilitate the residential development of the lands and decrease the potential impacts the existing farming practices have on the lake. A Masterplan for the subject lands has been developed to add visual context to the intended outcomes of the proposal (refer to Figure 2 and Attachment 1).

Griffith City Council has approved the 34 lot Torrens Title Subdivision of Stages 1-3 depicted in the Masterplan in Figure 2 under DA 95/2017 (refer to Attachment 1). As part of this application, the owner convened several studies to ensure that the proposed lot size, design of the Masterplan and the use of AWTS would not have an impact on Lake Wyangan. These included a Land Capability Assessment, a conceptual Soil and Water Management Plan and a Water Cycle Management study. The conclusions of these studies as well as Council's Assessment Report was that the development of 1 ha lots and the use of Aerated Wastewater Treatment Systems (AWTS) on the subject lands would not have a negative impact on the lake. The purpose of the Planning Proposal is to permit the further stages of the Masterplan to be developed.



Figure 2: Masterplan for the Subject Lands

The Masterplan has been prepared following a site constraints and opportunity analysis with the intended outcomes of the design including:

- Ensuring the subject lands and the lot area of each lot are capable of accommodating the sustainable use of AWTS;
- Ensuring adequate setbacks are provided from the high-water mark of the lake to building envelopes;

- Decreasing the existing impact on the lake by current agricultural practices and the potential impact of a subdivision of the lands at higher densities;
- Avoiding access to the lots in the subdivision from Boorga Road;
- Ensuring passive recreational access is available to the lake;
- Ensuring Lake Wyangan and Campbell Swamp are recharge from stormwater run-off from the subdivision utilising Water Sensitive Urban Design to negate any impact from potential contaminants;
- Maximising the views available of the lake from future dwellings;
- Ensuring lots have adequate width to allow ample setbacks between dwellings;
- Limiting the amount of road infrastructure needed;
- Limiting direct access from Boorga Road;
- Locating larger lots within the floodway at the north of the subject lands; and
- Developing an underutilised large area of land for rural residential purposes.

It is considered that the Planning Proposal would have a positive impact on the City of Griffith by facilitating the development of underutilised zoned large lot residential lands, increase the use of the lake for recreational purposes, eliminate the existing impact the farming operations carried out on the subject lands have on the lake and providing a unique residential lot option not available in Griffith.

## **PART 1 – OBJECTIVES AND INTENDED OUTCOMES OF PROPOSAL**

***To amend the Griffith Local Environmental Plan 2014 to provide the City of Griffith with large lot rural residential development potential in a unique area which is presently zoned for residential purposes***

This is to be accomplished through the following:

- decreasing the minimum lot size for lots not connected to reticulated sewer service from 5 ha to 1 ha; and
- retaining the minimum lot size at 3000 sq. m. for lots connected to reticulated sewer service.

This Planning Proposal is the result of a robust investigation into the suitability and capability of the subject lands, in close proximity to Lake Wyangan, to cater for AWTS on large rural residential (1 ha +) lots. Griffith City Council has approved a 34 lot subdivision under DA 95/2017 including stages 1-3 of the landowners Masterplan for the entire site and has permitted the use of AWTS for the disposal of sewage on these lands.

The intended outcomes of this Planning Proposal are to:

- provide residents of Griffith with greater choice in lot sizes and to satisfy an existing demand;
- utilise zoned lands immediately adjacent Council's reticulated water and road infrastructure;
- eliminate the existing land use conflict caused by the farming operation impacting on the Lake through uncontrolled run off;
- substantially decreasing the development potential of the lands to ensure the lake is not negatively impacted; and
- allowing Council to utilise some of the former development potential of the land elsewhere through the re-zoning of strategically located sites.

## **PART 2 – EXPLANATION OF PROVISIONS**

The subject lands are legally described as:

Lot 610 DP 751743; Lot 309 DP 751743; Lot 104 DP 1018460; and Lot 102 DP 1018460

The subject lands are presently zoned R5 – Large Lot Residential with a minimum lot size (MLS) of 3000 m<sup>2</sup> if the lot is connected to a reticulated sewer service or 5 ha should the lot not be connected to a reticulated sewer service (refer to Figure 3 and 4).

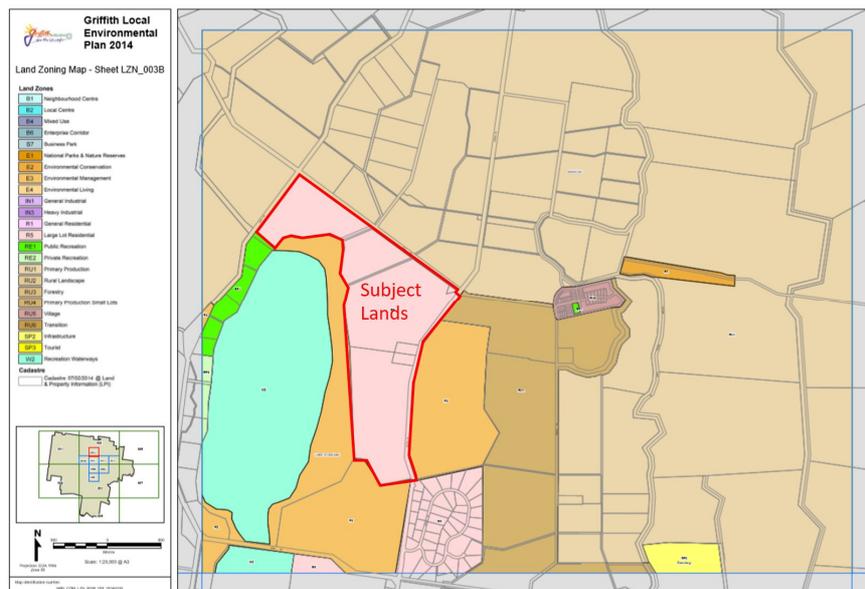


Figure 3: Zoning of Subject Lands – R5 – Large Lot Residential

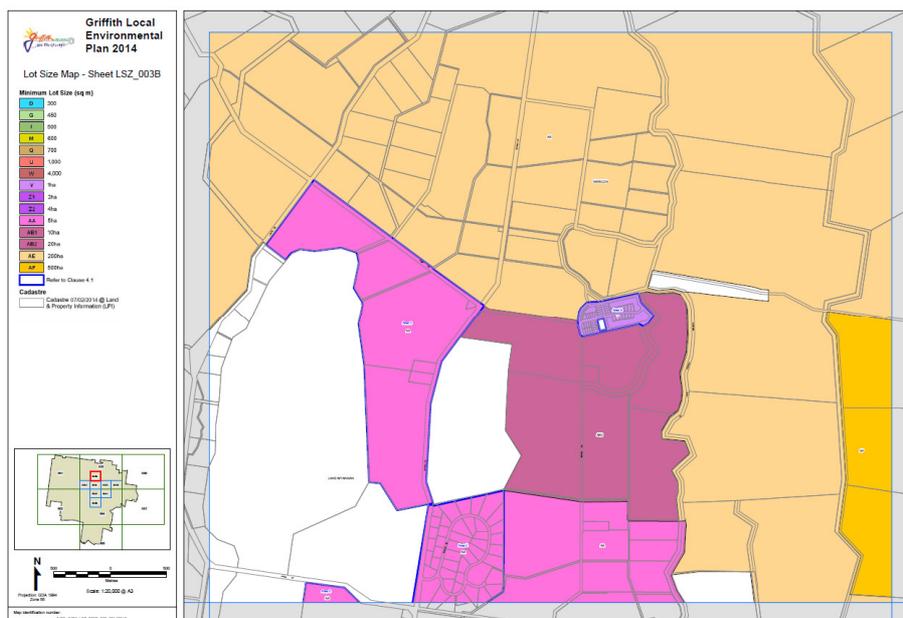


Figure 4: Minimum Lot Size of the Subject Lands

To achieve the objectives and intended outcomes as described in Part 1 of this proposal, the following is required:

- Amending the GLEP Lot Size Map (Sheet LSZ\_003B) to designate the lands as “Area C” 1 ha (refer to Figure 5).

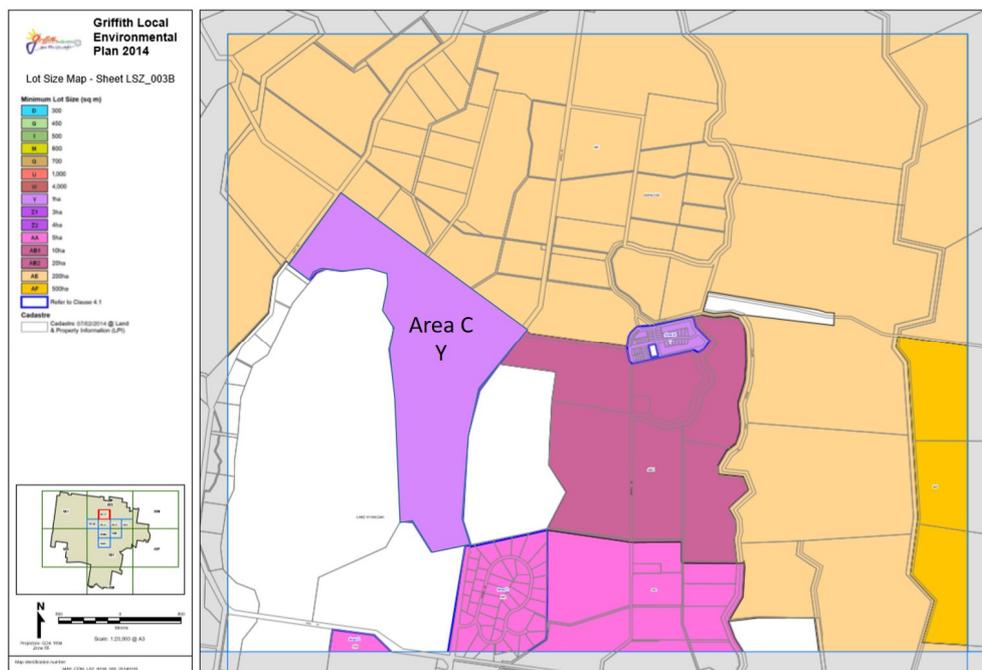


Figure 5: Proposed Lot Size of Subject Lands - Area C - Y (1 ha)

## **PART 3 – JUSTIFICATION**

This section sets out the reasoning for the proposed changes to the LEP, taking into consideration the intended outcomes and objectives. The following questions are based on the requirements contained in NSW Planning and Environment's *A Guide to Preparing Planning Proposals (October 2016)*.

### **Section A – Need for the Planning Proposal**

#### **Q1 Is the Planning Proposal the result of any strategic study or report?**

Yes. The Planning Proposal is consistent with Griffith Land Use Strategy Beyond 2030 (LUS). Refer to Q4 for further strategic justification and review of the LUS. It is not proposed or expected that Council would have to amend the LUS to facilitate the Planning Proposal. However, as the Planning Proposal seeks to decrease the development potential of the subject lands substantially, it is expected that Council would choose to amend the rural residential supply and demand analysis contained in the LUS to justify the potential re-zoning of other strategically located lands in Griffith.

The Planning Proposal is also consistent with the recommendations in the Rural Residential Land Supply Analysis prepared by Salvestro Planning which suggested that the development potential of the subject lands be reduced to permit the development of other sites.

#### **Q2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

It is considered that the Planning Proposal is the best means of achieving the intended outcomes. Presently, there is very limited supply of large lot or commonly referred to as rural residential (1-2 ha) allotments in Griffith. The subject lands can presently be developed for 3000 m<sup>2</sup> allotments as long as there is a connection to Council's reticulated sewer service. The subject lands have had development potential for this size of lot and have even been granted development consent from Council for a staged subdivision known as Sunset Waters in 2009 for lots ranging in size from 3000 m<sup>2</sup> to 4000m<sup>2</sup>. Due to the cost of extending sewer services to the subject lands, and because

of the abundance of lands zoned and or subdivided for this size of lot in Griffith, no development has taken place on the site to date.

The present owners of the subject lands wish to achieve an alternative and more attractive development potential being larger rural residential lots in close proximity to Lake Wyangan. To achieve this, the owners have applied to Council and received development consent for a 34 lot large lot residential subdivision utilising AWTS on the southern portion of the subject lands. This was made possible based on the lot size averaging clause provided for in the GLEP. Essentially, the Applicant utilised the development potential of the entire site to develop only a portion of the site under the existing planning regime in Griffith. The intent of this Planning Proposal is to amend this planning regime to permit the further development of the subject lands in a similar manner that has been approved under DA 95/2017.

A Masterplan for the subdivision and development of the subject lands into large rural residential lots averaging approximately 1.5 ha in area has been drafted and is attached to the Planning Proposal at Attachment 1. The Masterplan is intended to visually illustrate how the intended outcomes and objectives of the Planning Proposal could be achieved.

Consideration has been given to an alternative method of achieving the objectives and intended outcomes of the Planning Proposal, by rezoning the lands to E4-Environmental Living. However, it was not considered that the subject lands could be considered to embody one of the objectives of the zone being “to provide for low impact residential development in areas with special ecological, scientific or aesthetic values.” Although the lands are adjacent to Lake Wyangan, the subject lands themselves are not considered to embody any of these values.

## **Strategic Rationale for Amending the Minimum Lot Size**

### *Supply and Demand for Low Density Residential Lots*

As previously stated within this Proposal, there is presently no supply of subdivided rural residential allotments in excess of 1 ha in the Griffith LGA. In the last 20 years, the majority of rural residential allotments in Griffith have been subdivided with lot sizes between 3000 – 5000 m<sup>2</sup> including the following:

- Premiere Gardens;

- Zappacosta Crescent;
- Shiraz Drive;
- Moore Place;
- Harvest Court; and
- Ignatius Court

Residents seeking larger rural residential lots do not have adequate options in Griffith. Figure 6 depicts the lands in Griffith which are zoned for large lot residential. These areas have primarily been developed, including the listed subdivision above for lots between 2000 – 5000 m<sup>2</sup>.

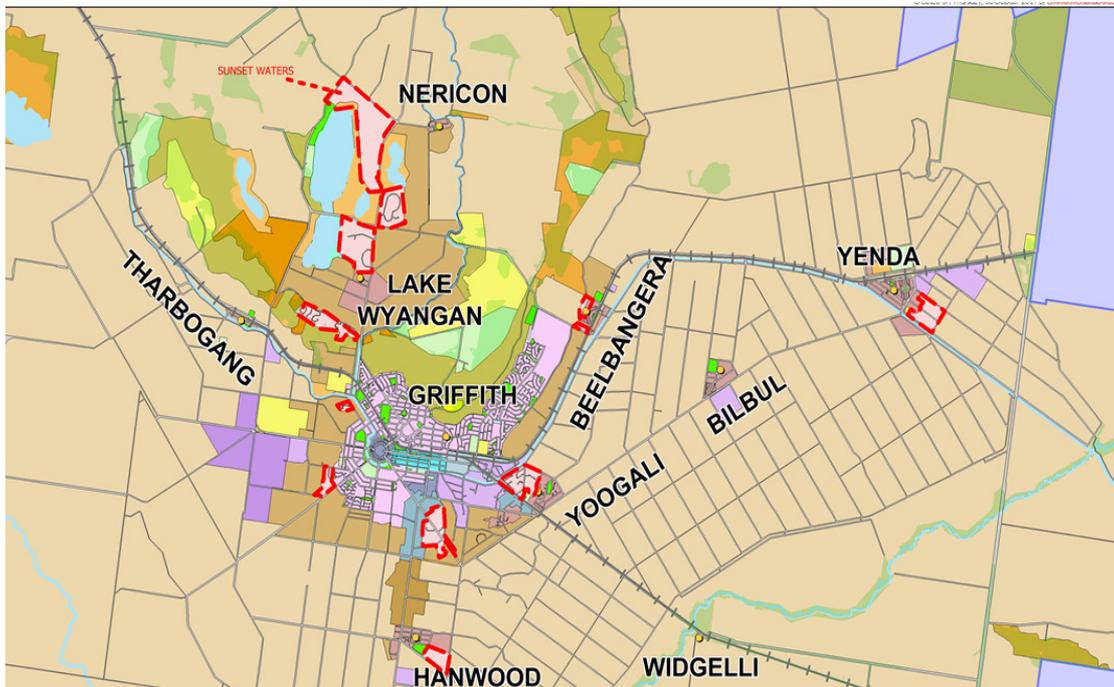


Figure 6: Identification of Lands Available for 3000m<sup>2</sup> lots in Griffith LGA

In 2015, Griffith City Council commissioned a review of its rural residential land supply by Salvestro Planning. The review identified that there was a sufficient amount of rural residential land supply for lot sizes between 2000 – 5000 m<sup>2</sup> and that there is a lack of choice in lot sizes and location in Griffith. The review also identified that the subject lands held the majority of developable rural residential lands supply in Griffith and suggested that its development potential should be reduced.

The Planning Proposal will decrease the development potential of the site and allow Council to zone other lands in close proximity to the City for rural residential development.

There is considerable demand in Griffith for residential development of a variety of lot types including for lot sizes proposed within this Planning Proposal. A review of real estate listings and discussions with local real estate agents occurred as part of this Planning Proposal. Presently, the Moore Place Subdivision is the only available option for residents or potential residents seeking to purchase a vacant lot in a rural setting outside the urban areas of Griffith. This subdivision contains 3000 m<sup>2</sup> lots and is located in close proximity to the urban areas of Griffith. However, the subdivision is also located across from a large scale 24 hour a day winery. This and other factors have made the subdivision a less desirable option for prospective purchasers.

Although there are other lands which are zoned for rural residential development in Griffith, there has been very little movement on developing sites. The former Pelican Shores subdivision lands, now referred to as Lakeside Estate has been approved for 42 residential lots ranging in size from 2300 m<sup>2</sup> to 5000 m<sup>2</sup>. Although some of the demand for rural residential lots could be met through the development of Lakeside Estate, there still remains a lack of larger rural residential lots in Griffith. The real estate agents canvassed during the preparation of this Planning Proposal indicated that there is a large sector of the Griffith population seeking larger sized lots to enable the development of large houses with ancillary garages, pools and sheds with ample setbacks and open space for kids.

Agents also agreed that the existing supply of rural residential lots, being 3000 m<sup>2</sup> with a required 10 metre setback on all sides left very little room for all of the building and open space elements sought by potential purchasers. One must only drive past the Premier Gardens Estate to establish that the building envelope allowed for in a 3000 m<sup>2</sup> lot does not provide an adequate area for a house, large shed, pool and yard. Figure 7 below provides a comparison of the Peppermint Drive Subdivision in Wagga Wagga (1 ha lots) to the Premiere Gardens subdivision (3000 m<sup>2</sup> in Griffith). It is evident from the figure that the 1 ha lot size permits ample area for several desirable building and open space elements. The outlined lot in the Peppermint Drive subdivision in the Figure 7 contains a large house with a large front setback, garage, shed, pool, tennis court and yard. While the outlined lot in the Premiere Gardens subdivision can only fit a large house, garage and shed with a small yard at the rear.



**Figure 7: Lot Size Comparison - Peppermint Drive, Wagga Wagga vs. Premiere Gardens, Griffith**

Griffith does not contain a subdivision similar to Peppermint Drive in Wagga Wagga and in general, real estate agents agreed that there is substantial demand for one of its type in the LGA.

Another common indicator of demand is a city's vacancy rates, which in Griffith are at or around 1% presently, which is a historical low and unheard of in regional areas of Australia. Not only is it difficult to find land options to build a house, it is also difficult to find rental homes to reside in while lots are developed.

Based on the above analysis it can be concluded that there is no supply of large rural residential lots in Griffith and it would seem there is adequate demand for such lots. Griffith's housing market and stock would benefit from the lot sizes proposed in this Planning Proposal by providing an option which allows for the space needs of potential purchasers in a unique setting.

### *Suitability of the Site*

The subject lands are relatively flat with a gradual fall toward the lake. The subject lands are totally void of native vegetation and highly disturbed from past and present farming practices. The subject lands comprise 4 lots, all of which are presently utilised for dry land winter cropping. The suitability of the site to facilitate the Planning Proposal is assessed below based on a number of studies and a review of past strategic planning exercises and development applications including the Sunset Waters development proposal.

### **Sunset Waters**

The subject lands have been shown to be capable of being utilised for rural residential development during the approval of the “Sunset Waters” development application. The Sunset Waters development proposal included a 417 allotment Masterplan with an average lot size of 3,000 m<sup>2</sup>. The development application included a site-specific development control plan (DCP), staging plan and several studies to speak to the suitability of the subject lands for residential development, including:

- A Landscape and Visual Impact Assessment
- Traffic Assessment
- Flood Impact Assessment
- Supply and Demand Analysis
- Geotechnical and Hydrogeological Assessment
- Aboriginal and Cultural Heritage Assessment
- Flora and Fauna Assessment

Apart from the lands being considered flood prone (at the time), the above noted studies concluded the site was suitable for rural residential development including 417 lots ranging in size from 2000 m<sup>2</sup> to 0.5 ha. The DCP contained several controls to ensure that the environmental constraints of the lands were adequately managed during the construction of dwellings and the continued use of the lands for residential purposes. This included salinity management, use of drought tolerant and native plant species for landscaping and ensuring the lake and Campbell Swamp were re-charged through treated stormwater run-off from the subject lands.

Council approved the first stage of the Sunset Waters Masterplan, amended Griffith’s Land Use Strategy at the time entitled GS2030 to reflect the amended supply of available rural residential lands and subsequently re-zoned the lands to R5 – Large Lot Residential in 2014. The comprehensive studies associated with the Sunset Waters proposal, the consideration and actions of Council in approving the development and re-zoning the lands speak to the suitability of the site for residential purposes in general.

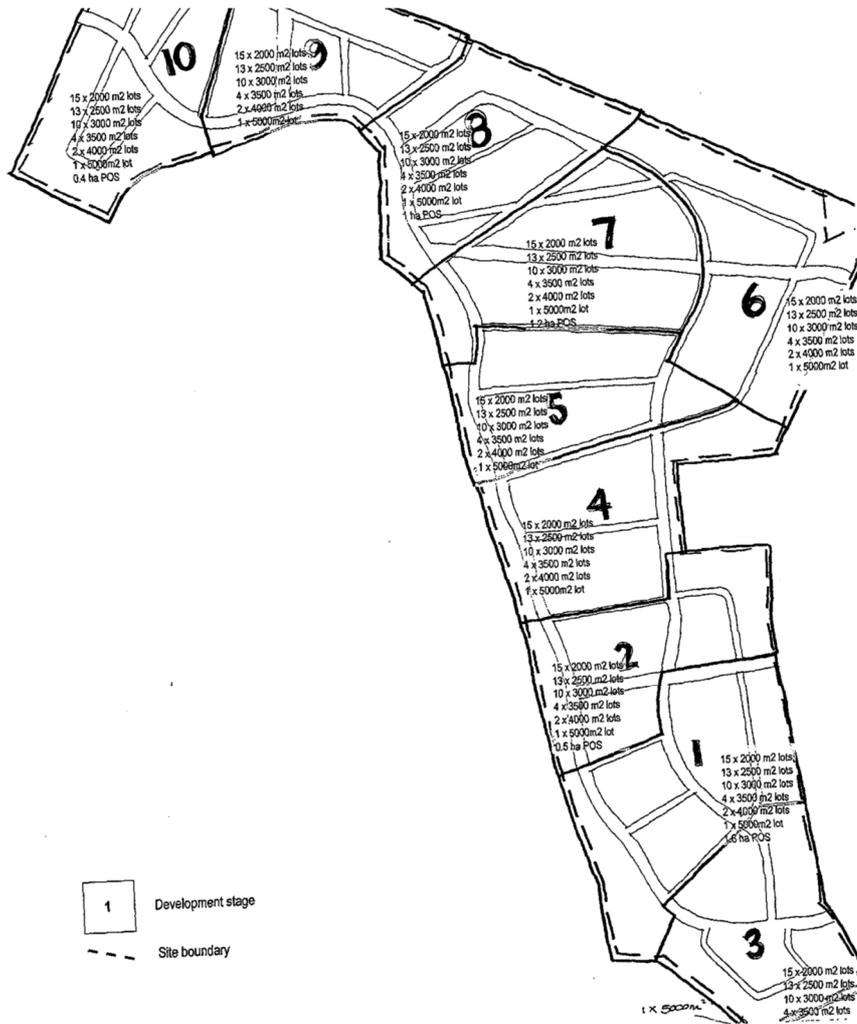


Figure 8: Approved Masterplan for Sunset Waters Showing Range of Lot Sizes

The Sunset Waters development was pursued by the developer for several years, however it became apparent that the cost of extending the sewer services was too high and the price of similar lots was too low due to an over supply elsewhere in the LGA at the time.

### Land Capability

It has been established above that Council has determined that the lands are suitable for rural residential development including the development of 417 lots connected to Council’s reticulated sewer network. However, due to the shear cost of extending sewer and providing this service and based on a low demand for smaller rural residential allotments, the current owner has pursued 1-2 ha lot sizes utilising onsite AWTS sewer services.

To understand if the subject lands are capable and suitable for the use of AWTS on the proposed lot size, a Land Capability Assessment (LCA) has been prepared by McMahon Earth Sciences (refer to Attachment 2). A summary and analysis of the LCA is provided below:

#### *Background and Site Context*

The subject lands are located adjacent to Lake Wyangan which is a man-made water body that was inundated in the 1950's. The lake is a closed drainage basin receiving run-off from surrounding agricultural land and water is pumped out of the south lake into MI's drainage channel to maintain a constant height. The nearest natural water course is Mirrool Creek which is 15 km to the south-west of the site.

The subject lands receives an average rainfall of 401.6 mm per annum with mean evaporation rates ranging from 1.4 mm in June to 8.7 mm in January. Mean maximum temperatures at the subject lands range from 14.5 ° Celsius (°C) to 33.0 °C.

The subject lands lie within the soil mapping unit coded as Mx4 from the Digital Atlas of Australian Soil, which is described as:

*Undulating plains with low and very low dune forms, kunkar, and areas of large melonhole depressions; buried soil layers occur: chief soils are alkaline and neutral red earths (Gn2.13 and Gn2.12) with brown calcareous earths (Gc1.12 and Gc1.2). Associated are brown sands (Uc5.1) on dunes; and (Dr2.33) soils in small flats*

Soil maps of the MI Irrigation Area do not cover the subject lands, however the soils can be broadly classified as Lake View Loam. The stratum of soils under the subject lands is in the following profile:

- Red to re-brown loam, with coarse grains
- Light red-brown clay loam
- Light brown or light red-brown clay loam to sandy clay loam
- Light brown loam to clay loam weakly cemented and with light soft carbonates

#### *Scope of Assessment*

The purpose of the LCA was to assess the suitability of utilising individual AWTS as part of the development of the site as opposed to connecting the subdivision to a

pressurised municipal sewerage system. The LCA was carried out in the following manner:

- A soil survey was conducted
- Soil analysis carried out based on the soil survey
- Utilise comprehensive nutrient analysis undertaken in 2014 from YARA Laboratories; and
- Conduct in-situ permeability testing.

#### *Description of Wastewater Treatment and Irrigation System*

The AWTS to be utilised on the subject lands as part of DA 95/2017 and future development applications for the remainder of the lands have been sized based on AS 1547-2012 “*On-site Domestic Wastewater Management*” and the *Greywater Reuse in Sewered single Domestic Premises* (NSW Health, 2000).

To ensure long term sustainable management of hydraulic and nutrient loads of the subject lands and the locality including the lake, the use of AWTS is preferred over other types of septic systems as it provides the highest level of onsite treatment and allows for re-use of relatively clean water.

The LCA proposes the following specifications for the AWTS units to be used on the subject lands:

- Hydraulic loading capacity of 1500 L/ day or 10 equivalent persons (EP);
- The secondary quality of the effluent will be of the following quality:
  - BOD equal to or less than 10mg/l
  - Suspended solids equal to or less than 10mg/L; and
  - Thermotolerant coliforms less than 10cfu/100ml
- Accredited by NSW Health;
- Irrigation via low pressure surface spray/drip or subsurface drip;
- Adequate buffer zones from irrigated areas to the Lake Wyangan high water mark; and
- Bi-annual or annual maintenance required.

Based on an average water usage of 140L/person per day (Basix requirements) and an average household size of 5, approximately 700L/dwelling per day of wastewater

would be produced. However, to be conservative the LCA assumed that 7 EP would reside in each house which equates to 980 L / dwelling per day.

By reference to AS 1547:2012, the site is broken into two main soil categories for design irrigation rates (DIR) – loams and clay loams. The table below provides the DIR for the soil types at the subject lands:

**Table 1: Soil Categories and Design Irrigation Rates**

Soil texture	Indicative permeability mm/day	Design Irrigation Rate (DIR) mm/day	
		Drip Irrigation	Spray Irrigation
Loams	0.5 – 3.0	4	4
Clay Loams	0.06 – 1.5	3.5	3.5

The required irrigation area for an AWTS unit on the subject lands was quantified in the LCA by reference to AS 1547:2012 and water balance based on hydraulic load, average rainfall, evaporation, run-off and zero storage factor. Table 2 below provides the results:

**Table 2: Minimum Irrigation Area from Water Balance**

Flow rate L/day	Irrigation rate mm/day	
	3.5	4
	Required minimum irrigation area m <sup>2</sup>	
700	217	188
840	261	226
980	304	263

The maximum required irrigation area for an AWTS on the subject lands is 280 m<sup>2</sup>. At a 1 ha minimum lot size, the area available for both drip irrigation and surface spray irrigation are provided in Table 3.

**Table 3: Lot Area Available for Drip Irrigation or Surface/Spray Irrigation**

Lot area (m <sup>2</sup> )	Available area for drip irrigation (m <sup>2</sup> )	Available area for surface/spray irrigation (m <sup>2</sup> )
10000	8425	8775
20000	18425	18775
30000	28425	28775
40000	38425	38775
50000	48425	48775

As is evident from the tables above, there is substantial available area within the proposed lot size to cater for a sustainable irrigation area for an AWTS.

### *Conclusions*

The LCA found that the sites slope, landform, soil and other environmental factors create a suitable environment for irrigation of effluent from an AWTS. The LCA identified optimal development controls based on *Environmental Guidelines, Use of Effluent by Irrigation* (DEC 2004) including a minimum 100 metre setback from the Lake's high water mark. This is easily achieved based on the lot locations provided for in the Masterplan for the subject lands and the shear size of each lot.

The LCA concluded that the potential environmental impacts in relation to the use of AWTS were negligible for the following reasons:

- manageable minimum irrigation areas in relation to the irrigation and nutrient load;
- likelihood of run-off from the AWTS into Lake Wyangan is negligible owing to the existing buffer of approximately 150 to 300 metres in the form of the reserve surrounding the lake and the permeable soils;
- soils at the site are highly suitable for irrigation of treated effluent;
- wastewater quality from the AWTS is very good; and
- low likelihood of impact to groundwater on site.

### ***Stormwater Management and Disposal***

One of the most important aspects of any development adjacent to Lake Wyangan is the proper capture, treatment and disposal of stormwater. To ensure that the development of subject lands can recharge the lake via treated stormwater, the owner commissioned a Water Cycle Management Study (WCMS) prepared by SEEC (refer to Attachment 4).

The WCMS utilised the Lake Wyangan and Catchment Management Strategy (Water Technology, 2016) to develop a suitable and sustainable stormwater treatment system. Due to the large size of the lots, the majority of the runoff would be from the roads. The WCMS proposes to utilise vegetated swales to collect runoff from the roads and direct it to a series of six water quality ponds. The purpose of the swales and the ponds are to provide treatment to the stormwater prior to discharge into the lake. The

level of treatment was modelled in the WCMS using MUSIC Modelling which predicts the levels of pollutant and nutrient reductions required to exceed DEC's stormwater reduction targets (see table below).

**Table 4: Pollutant Reduction Targets**

Pollutant	Target Reduction
Total suspended solids (TSS)	85%
Total Phosphorous	65%
Total nitrogen	45%

Through the use of the grassed swales and treatment ponds, the MUSIC modelling predicted that treatment train was effective in meeting DECC pollution reduction targets (refer to Table 5)

**Table 5: Development's Compliance with Targets**

	Sources	Residual Load	% Reduction	DECC Target
Total Flow (ML/y)	46.8	42.3	9.6	NA
Total Suspended Solids (TSS) (kg/y)	10,100	697	93.2	85
Total Phosphorous (TP) (kg/y)	18.5	4.45	75.7	65
Total Nitrogen (TN) (kg/y)	99.5	54.1	45.5	45
Total Gross Pollutants (kg/y)	1510	37.1	97.5	90

The DECC targets are highly conservative and provide for pollution reductions which ensure the stormwater disposed does not negatively impact on the receiving waters. Therefore, in meeting the reduction targets, the proposed treatment train will ensure that water disposed from the subject lands into Lake Wyangan will not have a negative impact.

The WCMS also estimated that based on the ponds' hydrology the 20<sup>th</sup> percentile probabilistic residence time (days) is 17 days. This represents the maximum amount of time water would stay in the ponds which is below the probable amount of time required to create algae blooms.

The ponds would require very minor maintenance and sedimentation would not be considered an issue as the MUSIC Modelling predicts the collection of only 0.03 m<sup>3</sup> of sediment per year.

The WCMS concluded that the proposed subdivision of the subject lands for lots averaging 1-2 ha in area including the use of grassed swales and treatment ponds would provide Lake Wyangan with treated stormwater which exceeds the relevant pollution reduction targets (DECC Target Pollution Reductions). This is extremely important to the health of the lake as the existing agricultural practices being carried out on the subject lands and other farming operations within the lakes catchment are causing high levels of nutrients loads being disposed into the lake and resultant algae blooms. The Planning Proposal will facilitate the development of the lands including the stormwater treatment train proposed in the WCMS which will decrease the existing nutrient load entering the lake and subsequently decrease the potential for algae blooms.

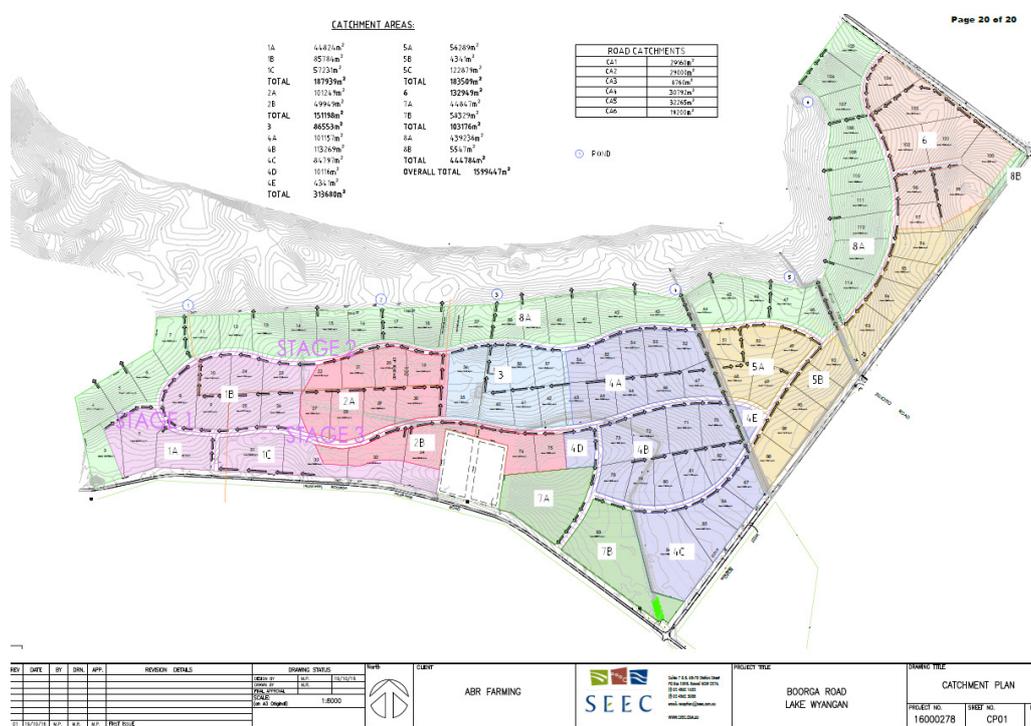


Figure 9: Masterplan Stormwater Management and Catchment Plan (SEEC, 2016)

### Suitability of Site for Residential Development Compared to Current Land Use

The subject lands are presently utilised for intensive plant agricultural including mainly the growing of wheat and rotational crops. The existing farming practices on the subject lands necessitate the use of fertilisers, soil additives and pesticides which could be negatively impacting the lake. Several studies in Australia and internationally have been carried out to understand the impact of agricultural run-off on lakes. In general, these studies have concluded that an excessive amount of agricultural runoff with high nutrient loads can increase the amount of nitrogen and phosphorous

in lakes which can lead to eutrophication causing algae blooms and a decrease in plant and fish life<sup>1</sup>.

Griffith City Council commissioned the *Lake Wyangan and Catchment Management Strategy* in 2017 (the Strategy) to provide implementable measures to decrease the potential for algae blooms in Lake Wyangan which a focus on reducing nutrient levels. One such measures is limiting the agricultural practices on lands which drain to the Lake. The Planning Proposal would eliminate the present agricultural practices immediately adjacent to the Lake including the use of fertilisers and thus remove a potential nutrient load impacting the lake.

Through the use of the several water management measures identified in the Strategy for development including the use of a stormwater treatment train, the development of the subject lands for large rural residential lots would ensure the nutrient loads of run-off would be at levels which would not negatively impact the lake. Further, as identified above, the large size of the lots would provide ample area for sustainable irrigation of clean effluent from regularly serviced AWTS units, thus further limiting the potential nutrient load on the lake.

### **Griffith City Council Waste and Stormwater Management Plan**

Griffith City Council is presently preparing a Waste and Stormwater Management Plan for the entire Lake Wyangan basin. The purpose of this plan is to provide a coordinated approach to stormwater and wastewater requirements for development approvals within the basin. The plan would ensure that any new development within the basin has adequate controls in place for wastewater and stormwater. The preparation of this Plan is expected to be completed by April 2020 and could be completed prior to the finalisation of this proposed LEP amendment. The general scope of this Plan is as follows:

- Provide examples of appropriate examples of Local Council approaches to development requirements in sensitive water body basins, including Water Sensitive Urban Design (WSUD)

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<sup>1</sup> Food and Agricultural Organisation of United Nations (2014) *Fertilisers as Water Pollutants* ([www.fao.org/docrep/w2598e](http://www.fao.org/docrep/w2598e))

- Provide guidelines of appropriate capture and treatment infrastructure and requirements of wastewater and stormwater management ensuring consideration is made for:
  - Classification and environmental risk to water
  - Potential groundwater interaction
  - Soil structure and characteristics (ie. pH, salinity, sodicity, hydraulic conductivity)
  - Semi-arid climate of the Griffith region
  - Potential surface water interaction and distance from natural or recreational wetlands
  - Potential interaction with irrigation and drainage channels
- Write DCP site-specific chapter for the Lake Wyangan Basin including:
  - Setback buffers from waterbodies and flood zones
  - Salinity and construction requirements
  - Stormwater detention and quality

## **Section B – Relationship to strategic planning framework**

**Q3 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including any exhibited draft plans or strategies)?**

### *Riverina Murray Regional Plan*

The *Riverina Murray Regional Plan* (Regional Plan) is applicable to the Planning Proposal. The Regional Plan represents the NSW Government’s proposed framework to support growth, protect the environment and respond to competing land uses, whilst preserving key regional values. The Regional Plan identifies a number of actions related to the general overarching Goals. The actions which have been identified in the Regional Plan which relate to the Planning Proposal are discussed in the following table:

Action	Applicable to Planning Proposal
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ACTION 1.3.3 - Avoid urban expansion and rural residential development on productive agricultural land and identified mineral and energy resources	The subject lands are presently zoned for large lot urban residential purposes. The Planning Proposal seeks to reduce the development potential of the lands.
ACTION 3.4.1 Deliver enabling planning controls that facilitate an increased range of housing options including infill housing close to existing jobs and services	The Planning Proposal will satisfy a demand for large lot density residential lots in relatively close proximity to existing employment and services. The GLEP does not presently contain a range of minimum lot size controls to facilitate an increased range of housing options. The Planning Proposal will provide for a lot size which is not catered for substantially in the existing GLEP.
ACTION 3.4.4 Develop and implement principles for rural residential development	The Planning Proposal appears to be in accordance with the Settlement Planning Principles in the Regional Plan
ACTION 4.3.1 Review and map natural hazard risks to inform land use planning decisions	Griffith City Council has carried out extensive flood studies and management plans for the entire LGA including the Lake Wyangan catchment. Although the lands are partially flood prone, this in itself would not preclude the development of the lands for residential purposes. The lands have not been mapped as been prone to Salinity.

**Q4 Is the proposal consistent with Council’s Local Strategy or other strategic plan?**

Yes. The Planning Proposal is consistent with the Griffith Land Use Strategy: Beyond 2030 (LUS).

The subject lands were designated for rural residential development in the LUS (refer to Figure 10).

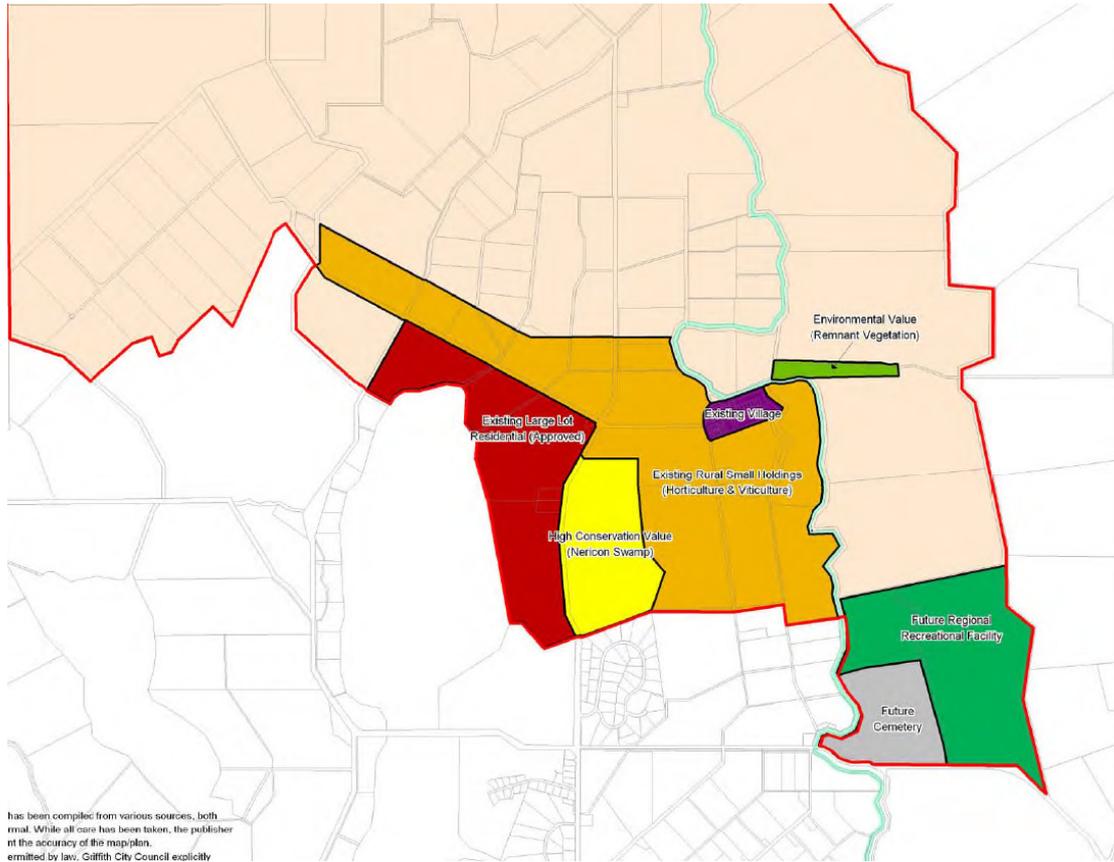


Figure 10: Griffith LUS - Land Use Categories

The subject lands were formally released for residential development in 2014 as part of the GLEP.

A thorough review of the LUS has been carried out as part of the Planning Proposal. The following has been identified which supports the Planning Proposal:

- One of the constraints identified in the Nericon area is the *“potential land use impacts of farming activities on natural environmental”*. To this end, the Planning Proposal will reduce the conflict between the existing farming operation and the lake which is utilised by residents, fauna and birdlife.
- One of the opportunities for the Nericon area is *“proposed large lot residential development north east of Lake Wyangan (Sunset Waters) likely to revitalise the area.”* The Planning Proposal will accommodate this opportunity by permitting a lot size which is unique and in short supply in the Griffith area.
- One of the aims of the LUS was to ensure that an excessive amount of lands were not released for rural residential purposes. The subject lands at the time of drafting the LUS in 2013 were considered to account for over 60% of the rural residential land supply in Griffith. The development potential of the subject

lands under the “Sunset Waters” proposal was equivalent to approximately 450 lots averaging approximately 3200 m<sup>2</sup>. Essentially, the subject lands held the majority of the development potential for this size of lot in the Griffith LGA and therefore, Council could not zone additional lands for large lot residential purposes. This Planning Proposal will substantially scale back the development potential of the lands and open up this residual potential for other landowners in close proximity to Griffith which this type of lot is considered more appropriate and in demand.

## **Q5 Is the Planning Proposal consistent with applicable state environmental planning policies?**

Yes. The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies

<b>SEPP</b>	
<b>1- Development Standards</b>	Not relevant to the Planning Proposal
<b>4- Development Without Consent</b>	Not relevant to the Planning Proposal
<b>6- Number of Storeys</b>	Not relevant to the Planning Proposal
<b>10- Retention of Low Cost Rental Accommodation</b>	Not relevant to the Planning Proposal
<b>14- Coastal Wetlands</b>	Not relevant to the Planning Proposal
<b>15- Rural Land sharing Communities</b>	Not relevant to the Planning Proposal
<b>19- Bushland in Urban Areas</b>	Not relevant to the Planning Proposal
<b>21- Caravan Parks</b>	Not relevant to the Planning Proposal
<b>22- Shops &amp; Commercial Premises</b>	Not relevant to the Planning Proposal
<b>26- Littoral Rainforests</b>	Not relevant to the Planning Proposal
<b>29- Western Sydney Recreation Area</b>	Not relevant to the Planning Proposal
<b>30- Intensive Agriculture</b>	Not relevant to the Planning Proposal
<b>32- Urban Consolidation</b>	Not relevant to the Planning Proposal
<b>(Redevelopment of Urban Land)</b>	
<b>36- Manufactured Home Estate</b>	Not relevant to the Planning Proposal
<b>39- Spit Island Bird Habitat</b>	Not relevant to the Planning Proposal
<b>44- Koala Habitat Protection</b>	Not relevant to the Planning Proposal
<b>47- Moore Park Showground</b>	Not relevant to the Planning Proposal
<b>50- Canal Estate Development</b>	Not relevant to the Planning Proposal
<b>52- Farm Dams and Other Works in Land and Water Management Plan Areas</b>	Not relevant to the Planning Proposal
<b>53- Metropolitan Residential Development</b>	Not relevant to the Planning Proposal
<b>55- Remediation of Land</b>	Yes, the SEPP does apply to this Planning Proposal. See commentary below.
<b>59- Central Western Sydney Regional Open Space and Residential</b>	Not relevant to the Planning Proposal
<b>60- Exempt &amp; Complying Development</b>	Not relevant to the Planning Proposal
<b>62- Sustainable Aquaculture</b>	Not relevant to the Planning Proposal
<b>64- Advertising and Signage</b>	Not relevant to the Planning Proposal

<b>65- Design Quality of Residential Flat Development</b>	Not relevant to the Planning Proposal
<b>70- Affordable Housing (Revised Schemes)</b>	Not relevant to the Planning Proposal
<b>71- Coastal Protection (Affordable Rental Housing) 2009</b>	Not relevant to the Planning Proposal
<b>(Building Sustainability Index: BASIX) 2004</b>	Not relevant to the Planning Proposal
<b>(Exempt &amp; Complying Development Codes) 2008</b>	Not relevant to the Planning Proposal
<b>(Housing for Seniors &amp; People with a Disability) 2004</b>	Not relevant to the Planning Proposal
<b>(Infrastructure) 2007</b>	Not relevant to the Planning Proposal
<b>(Kosciuszko National Park – Alpine Resorts) 2007</b>	Not relevant to the Planning Proposal
<b>(Major Development) 2005</b>	Not relevant to the Planning Proposal
<b>(Mining, Petroleum Production &amp; Extractive Industries) 2007</b>	Not relevant to the Planning Proposal
<b>(Rural Lands) 2008</b>	Not relevant to the Planning Proposal as the lands are zoned R5 – Large Lot Residential which is not considered a rural zone

### *State Environmental Planning Policy 55 – Remediation of Land*

As part of the rezoning of the subject lands in 2014 and subsequent Planning Proposal, Council assessed the suitability of the subject lands based on SEPP 55. This Planning Proposal does not propose to re-zone the lands or increase its development potential. As such, an assessment of the Planning Proposal against the requirements of SEPP 55 and the SEPP 55 Guidelines is not considered necessary.

### **Q6 Is the Planning Proposal consistent with applicable Ministerial directions (s.117 directions)?**

Former Section 117 of the EP&A Act (now S 9.1) allows the Minister for Planning to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft LEPs. A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of “minor significance”. Those Section 9.1 Directions considered relevant to this Planning Proposal are as follows:

<b>No.</b>	<b>Direction Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
<b>1.</b>	<b>Employment and Resources</b>		
<b>1.1</b>	<b>Business and Industrial Zones</b>	Not Applicable	Not Applicable

<b>1.2</b>	Rural Zones	No Applicable	Not Applicable. The lands are zoned R5 – Large Lot Residential, which is an urban zone.
<b>1.3</b>	Mining, Petroleum Production & Extractive Industries	Not Applicable	Not Applicable
<b>1.4</b>	Oyster Aquaculture	Not Applicable	Not Applicable
<b>1.5</b>	Rural Lands	No Applicable	Not Applicable
<b>2</b>	Environment and Heritage		
<b>2.1</b>	Environmental Protection Zones	Not Applicable	Not Applicable
<b>2.2</b>	Coastal Protection	Not Applicable	Not Applicable
<b>2.3</b>	Heritage Conservation	Yes	Refer to commentary below
<b>2.4</b>	Recreation Vehicles Areas	Not Applicable	Not Applicable
<b>3</b>	Housing Infrastructure and Urban Development		
<b>3.1</b>	Residential Zones	Yes	Refer to commentary below
<b>3.2</b>	Caravan Parks and Manufactured Home Estates	Not Applicable	Not Applicable
<b>3.3</b>	Home Occupations	Yes	The Planning Proposal is consistent with this Direction and the capacity for any future dwelling to accommodate small businesses will not be hindered.
<b>3.4</b>	Integrating Land Use and Transport	Not applicable	Not Applicable
<b>3.5</b>	Development Near Licenced Aerodromes	Not applicable	Not applicable
<b>3.6</b>	Shooting Ranges	Not applicable	Not applicable
<b>4</b>	Hazards and Risks		
<b>4.1</b>	Acid Sulfate Soils	Not applicable	Not applicable
<b>4.2</b>	Mine Subsidence and Unstable Land	Not applicable	Not applicable
<b>4.3</b>	Flood Prone Land	Yes	Refer to Commentary Below
<b>4.4</b>	Planning for Bushfire Protection	No	The subject sites are not mapped as being Bushfire Prone
<b>5</b>	Regional Planning		
<b>5.1</b>	Implementation of Regional Strategies	Not applicable as there are no regional strategies applicable to Griffith	Not applicable
<b>5.2</b>	Sydney Drinking Water Catchment	Not applicable	Not applicable
<b>5.3</b>	Farmland of State and Regional Significance	Not applicable	Not applicable
<b>5.4</b>	Commercial and Retail development along Pacific Highway, North Coast	Not applicable	Not applicable
<b>5.8</b>	Second Sydney Airport: Badgerys Creek	Griffith is nowhere near there	Not applicable

<b>5.9</b>	North West Rail Link Corridor Strategy	Not applicable	Not applicable
<b>6. Local Plan Making</b>			
<b>6.1</b>	Approval and referral requirements	Yes	The Planning Proposal is substantially consistent with the terms of the direction as it does not include additional provisions requiring concurrence or consultation with a Minister or public authority.
<b>6.2</b>	Reserving Land for Public Purposes	Yes	The Planning Proposal is substantially consistent with the terms of the direction as it does not alter or reduce zonings or reservations of land for public purposes.
<b>6.3</b>	Site Specific Conditions	No	The Planning Proposal seeks to reduce the minimum lot size of the subject lands. No additional development standards will be imposed on the lands.

### 2.3 Heritage Conservation

The objectives of the direction to:

*conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance*

*A planning proposal must contain provisions that facilitate the conservation of:*

*(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*

*(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*

*(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

The Planning Proposal does not affect or alter any heritage items or heritage conservation areas or relevant controls contained in Schedule 5 of the Griffith Local Environmental Plan 2014.

## **Aboriginal Cultural Heritage**

There have been a number of Aboriginal cultural heritage studies carried out as part of previous development applications on the subject lands and other lands in the locality. These studies and surveys have been attached to this Planning Proposal at Attachment 3 but include:

- Barber, Matthew (1998) *4395 An Archaeological Survey of Proposed Subdivision at Lake Wyangan, Griffith* – Report to the Griffith LAC
  - This Survey was prepared for the Pelican Shores subdivision development application to the south of the subject lands (refer to Figure 11)
- Barber, Matthew (2000) *97776 An Archaeological Subsurface Investigation at Lake Wyangan, Griffith* – Report to Griffith LAC
  - This Investigation was prepared for the Pelican Shores subdivision development application to the south of the subject lands (refer to Figure 11)
- Cupper, Matt (2009) *101665 Archaeological Subsurface Investigation and Analysis of Aboriginal Stone Artefacts* – Report to NSW DECC
  - This Investigation was carried out as part of the Sunset Waters development application on the subject lands (refer to Figure 11)

These investigations and studies uncovered various artefacts which have been registered with the Aboriginal Heritage Information Management System (AHIMS)

As part of DA 95/2017 an AHIMS search was carried out within a two-kilometre radius of the subject lands. This was refined down to indicate that 11 sites or objects had previously been found within the subject lands (refer to AHIMS results in Attachment 3). The site cards for these sites or objects are also provided in Attachment 3. All artefacts associated with the site cards on the subject lands were removed under permit 3156. The Griffith LAC were contacted and confirmed that the items had in fact been removed in 2009. As such, there are no aboriginal objects, items or sites within the subject lands which this Planning Proposal must facilitate the conservation of. Further, should such items have been previously identified and considered important to conserve through identification in the Local Environmental Plan, this would have occurred in 2014 when the subject lands were re-zoned as part of GLEC 2014.

As has been previously stated, the site is extremely disturbed from past and existing agricultural practices and the likelihood of additional aboriginal sites or objects being uncovered is extremely low, especially considering the extensive nature of previous surveys and investigations.

Should any artefacts be uncovered as part of the future development of the site, the developer would have a duty to report such items to the Griffith LAC and the NSW Office of Environment and Heritage (OEH).

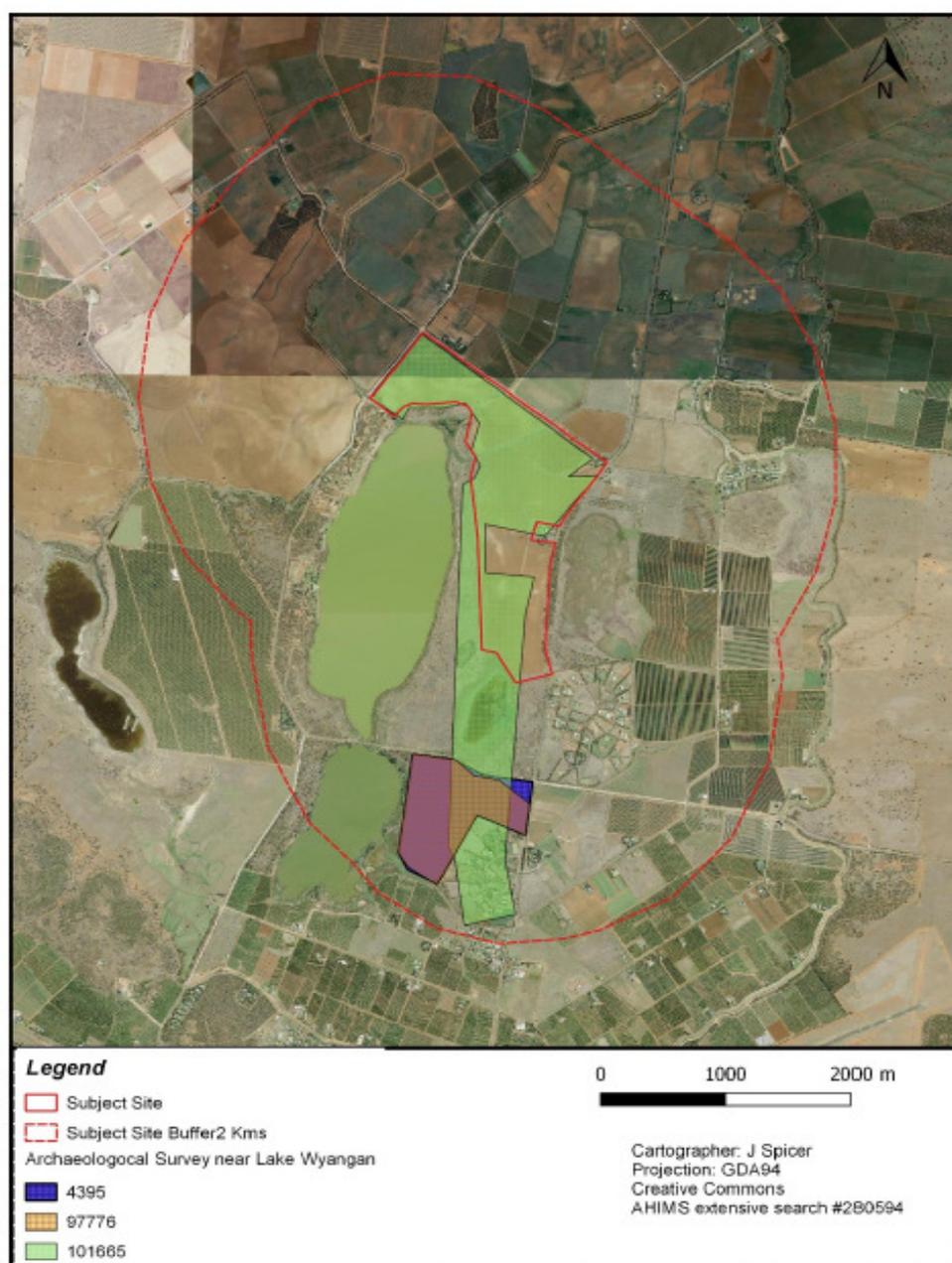


Figure 11: Identification of Past Aboriginal Cultural Heritage Surveys or Investigations



Figure 12: Identification of Aboriginal Cultural Heritage Sites or Objects

### 3.1 Residential Development

The objectives of this direction are:

*(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*

*(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*

*(c) to minimise the impact of residential development on the environment and resource lands.*

*(4) A Planning Proposal must include provisions that encourage the provision of housing that will:*

*(a) broaden the choice of building types and locations available in the housing market, and*

*(b) make more efficient use of existing infrastructure and services, and*

*(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*

*(d) be of good design.*

*(5) A Planning Proposal must, in relation to land to which this direction applies:*

*(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*

*(b) not contain provisions which will reduce the permissible residential density of land.*

#### **Locations and Lot Type in the Market**

There are presently no subdivisions in Griffith which contain large rural residential lots between 1 ha and 2 ha and the real estate and development industry in Griffith has seen a demand for these sized lots (refer to Q2 above). The noticeable demand for this size of lot in Griffith is based on several factors including:

- a desire for more space to accommodate large sheds, open space, gardens and larger size houses with ample setbacks from adjacent lots;
- a desire of the younger farming generation to live closer to the urban area of Griffith or one of its Villages including Lake Wyangan; and

- retiring farmers wishing to pass on the farm to a son or daughter and relocate closer to the urban area of Griffith but still have a large lot size.

The historical development of Griffith has created two primary categories of lot sizes, 600-1200 m<sup>2</sup> and 3000-4000 m<sup>2</sup>. The Planning Proposal will diversify the type of lots available in Griffith which will also encourage diversity in the housing market. Further, the subject lands are located immediately adjacent to Council's water infrastructure and in close proximity to the Griffith Urban area. The subject lands are located in an area which provides prominent views of the lake and the surrounding rural area. There are no subdivisions in Griffith which provide similar views.

The subject lands also provide immediate access to Lake Wyangan which is considered desirable from recreational and amenity purposes for future residents. Other areas of Griffith available for residential development are largely located on flat former agricultural lands void of significant views or proximity to environmental features. The slope of the subject lands has been utilised in the proposed Masterplan to ensure that each lot would have a view of the lake. The size of the proposed lots will also provide ample opportunity for several styles and sizes of dwellings. As such, the proposed lot size, location and the features in the locality would distinguish a future development of the subject lands from other areas of Griffith and thus provide a unique location for housing.

### **Efficient Use of Infrastructure**

#### *Sewer*

The Planning Proposal will eliminate the potential future Council liability of maintaining costly sewer infrastructure including the required grinder pumps (on each lot) of a low-pressure sewer system. The size of the allotments and the distance which would be required to install sewer mains throughout the development would make the use of the such a system inefficient and not practical. Further, as has occurred in other rural residential subdivisions in Griffith, pump outs of a low-pressure sewer system would be required prior to the pumping station coming on line or having enough supply of effluent to function. This would be a further liability of Council and the owners of the land as there would be a risk that untreated effluent could discharge to the lake.

A comprehensive Land Capability Assessment (LAC) prepared by McMahon Earth Sciences has been prepared for the subject lands. A summary and assessment of the

LAC is provided under the heading “Suitability of the Site” above. The LAC and this Planning Proposal concludes that the use of AWTS units on lot sizes between 1-2 ha would be sustainable and not adversely impact the lake. The maintenance, repair and future replacement of the units would be the responsibility of each landowner. This would decrease the burden placed on Council to extend sewer services further north to the subject lands and would provide additional capacity in the reticulated system to cater for other developments in closer proximity to Council’s sewage treatment plan, including the expansion of the Lake Wyangan Village and the development of other large lot residential subdivisions (refer to Figure 13).

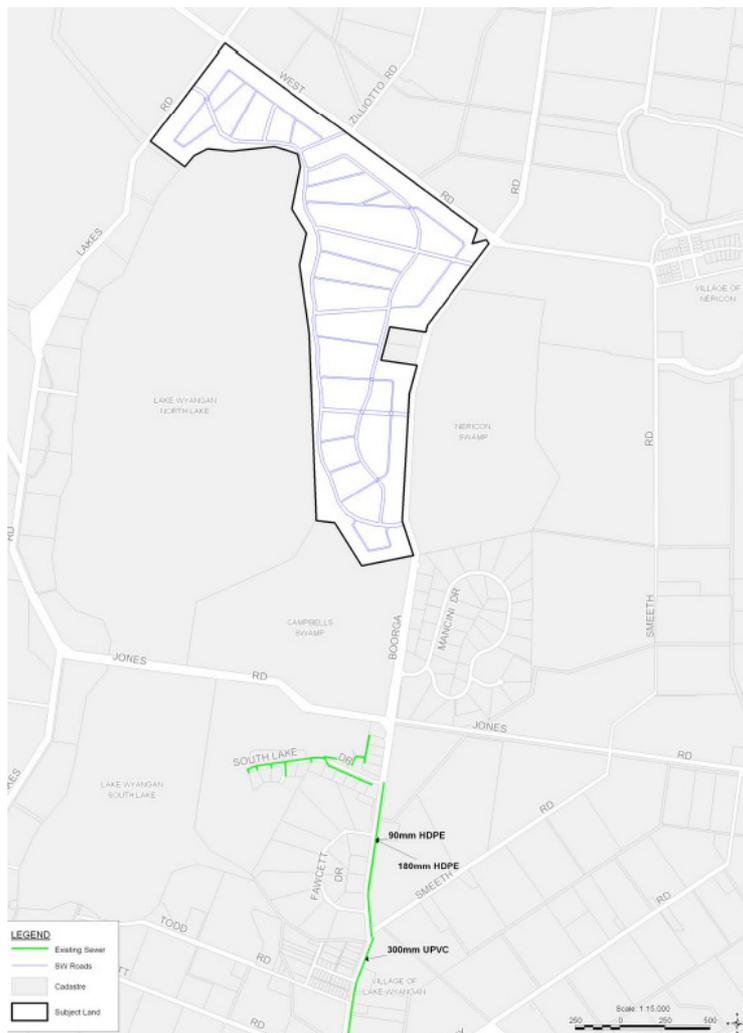


Figure 13: Location of Existing Council Reticulated Sewer System

### Water

Council’s reticulated water service is available in Boorga Road. As part of DA 95/2017, Council has required the extension of the water service to the subject lands. Council’s development engineers confirmed that there was capacity in the water main to support

the development of the site as it was sized for more intensive residential development for the previous Sunset Waters development

### **Consumption of Land**

The Planning Proposal does not propose to consume more land for residential purposes. The lands have been strategically identified for residential development since 2002 and were zoned R5 – Large Lot Residential in 2014. The Planning Proposal would substantially reduce the development potential of the subject lands and allow Council to zone other strategically identified areas of Griffith in closer proximity to sewer services for dwellings on 3000 m<sup>2</sup> lots.

### **Good Design**

The Planning Proposal will facilitate the further development of the subject lands in accordance with the Masterplan. The Masterplan is considered to be of “good design” for the following reasons:

- ensures adequate setbacks are provided from the high water mark of the lake to building envelopes;
- provides for adequate setbacks between future dwellings due to the large width of lots;
- maintains access to the lake from public spaces;
- proposes to treat stormwater run-off to meet strict WSUD criteria prior to discharging it into the lake; and
- limits road infrastructure due to the size of the lots.

### **Buffer Widths Adjacent to Lake Wyangan**

A large Crown Reserve is located in-between the subject lands and Lake Wyangan. Due to this Crown Reserve, a buffer of approximately 150 to 170 m from Lake Wyangan’s high water mark and the boundary of the subject lands exists (refer to Figure 14). This buffer ensures that controlled activities on waterfront land within future proposed lots on the subject lands are unlikely. ‘Waterfront land’ in the *Water Management Act 2000* means the bed of any river, lake or estuary, and the land within 40 metres of the river banks, lake shore or estuary mean high water mark. All of the waterfront land around the east side of Lake Wyangan is located in the Crown Reserve

adjacent to the lake. With this in mind, there exists ample buffer areas within the Crown Reserve to ensure the 'waterfront land' is protected.

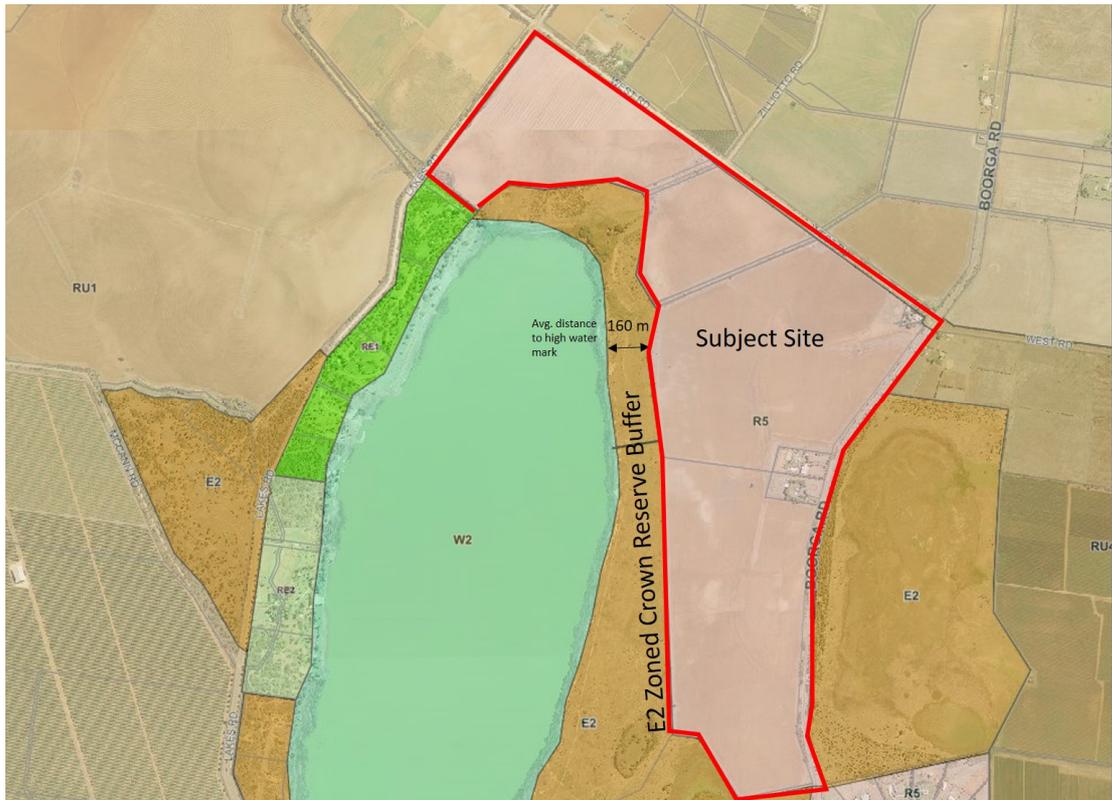


Figure 14: Crown Reserve Buffer Area

### Commentary Regarding 3.1(5)

The GLEP 2014 contains provisions requiring the adequate servicing of lands prior to development under Clause 7.10 – Essential Services:

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

As such, any future development of the subject lands would have to be adequately serviced. Therefore, no further provisions or requirements are necessary.

The Planning Proposal does allow for a reduced residential density of the subject lands, however, it does not contain provisions which will increase the permissible residential density of the land. The Planning Proposal retains the potential for 3000 m<sup>2</sup> lots on reticulated sewer. It merely adds the ability to subdivide on larger lots which are not connected to Council's reticulated sewer network.

Based on the above review, the Planning Proposal is not considered contrary to the Section 9.1 Direction for residential development.

#### *4.3 Flood Prone Land*

The objectives of this direction are:

*(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*

*(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The objective applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.

*(4) A Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*

*Griffith City Council's Lake Wyangan Floodplain Risk Management Plan and Study 2013 ("Flood Study"), prepared in accordance with the Floodplain Development Manual 2005, indicates that a portion of subject lands are flood prone. The Flood Study indicates that the subject lands contain small pockets of land considered "flood fringe" and an area of land in the northern portion is considered a floodway for the 1 in 100 year flood event (refer to Figure 14).*

The Planning Proposal does not seek to rezone the subject lands or increase the development potential on the subject lands. As such it is not considered necessary for the Planning Proposal to contain provisions to give effect to the Policy or Manual.

Council will need to specifically amend the GLEP at a later date to insert a comprehensive *Flood Planning Area Map* to reflect the findings of the various flood studies and plans.

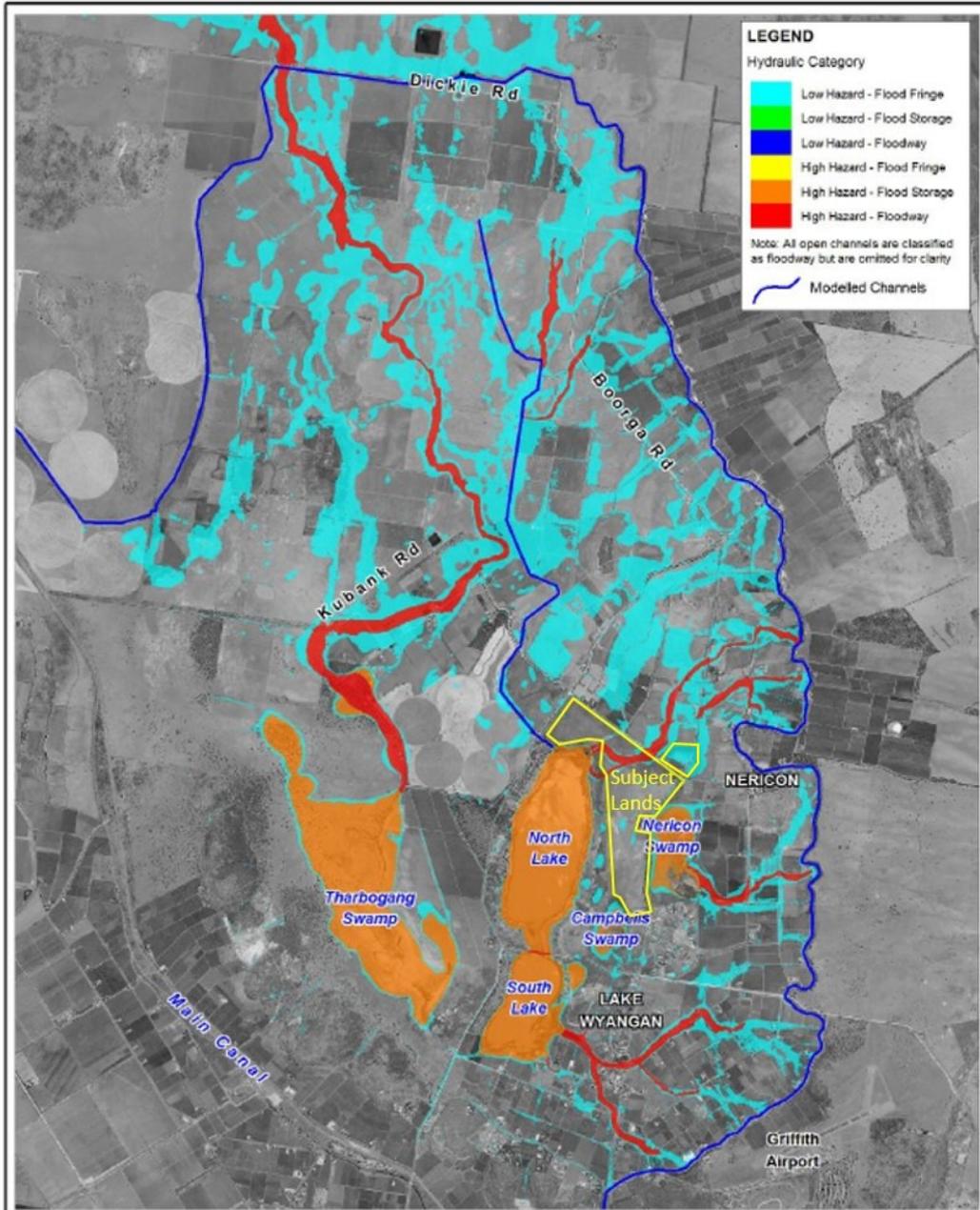


Figure 15: Flood Categories on the Subject Lands

(5) A Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

The Planning Proposal does not propose to rezone the subject lands.

*(6) A Planning Proposal must not contain provisions that apply to the flood planning areas which:*

- (a) permit development in floodway areas,*
- (b) permit development that will result in significant flood impacts to other properties,*
- (c) permit a significant increase in the development of that land,*
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
- (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

A portion of the subject lands are located in a floodway. This Planning Proposal seeks to decrease the development potential of the subject lands by permitting larger lot sizes which are not connected to Council's reticulated sewer system. As such, the Planning Proposal does not specifically permit development which was not previously permissible in the floodway. As part of the future development of the lands the owner will need to consider the location of the floodway as part of a development application. However, the Masterplan for the subject lands submitted with this Planning Proposal has located larger (2 ha +) lots in the area considered a floodway (refer to Attachment 1) and has also retained the existing drainage reserve within the floodway discharging into the lake. The larger lot sizes provides a greater area to facilitate the location of building envelopes outside the floodway. It also potentially allows the protection of the floodway via an easement and a legal restriction on the use of lots within the floodway to restrict any development that would impede the flow of water.

There are smaller portions of the subject lands which have been classified as flood fringe in the Flood Study. The likelihood that the future development of the subject lands for large rural residential lots with single dwellings would result in "significant flood impacts" to other properties is minimal.

*(7) A Planning Proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

Not applicable

*(8) For the purposes of a Planning Proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

Not applicable

## **Section C – Environmental, Social and Economic Impact**

**Q7 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**

No, the subject lands are highly disturbed from former or existing agricultural operations with very minimal native vegetation. The Terrestrial Biodiversity Map in the GLEP 2014 indicates that the subject lands do not have any known biodiversity constraints. The Planning Proposal also does not increase the development potential of the subject lands.

**Q8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are few environmental effects anticipated as a result of the Planning Proposal given the highly disturbed and cleared nature of the subject lands.

**Q9 How has the Planning Proposal adequately addressed any social and economic effects?**

Griffith is experiencing a population growth and with an aging population a diversification of lot types is needed. Griffith has a limited supply of large rural residential lots in close proximity to urban or village areas. The Planning Proposal is expected to meet the projected demand for larger rural residential lots.

**Section D – State and Commonwealth interests.**

**Q10 Is there adequate public infrastructure for the Planning Proposal?**

The site presently has access to Council's reticulated water network, essential energy's electrical network and Murrumbidgee Irrigation's water supply (refer to Q4). As part of any future development applications for the lands, the developer will be required to extend Council's infrastructure into the site. The development of the subject lands will generate increased volumes of traffic on the local road network. A traffic impact assessment may be required to be submitted as part of any development application for the lands, however, it is expected that the surrounding road network can easily cater for the development of the lands. A Masterplan for the subject lands has been drafted which indicates that public infrastructure can adequately be extended to the subject lands. The subject lands also have access to a raw water supply from the lake for use on gardens and lawns.

**Q11 What are the views of the State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal**

A summary of the views of the State authorities will be provided following gateway determination.

## **PART 4 – MAPPING**

Mapping shall be carried out in accordance with the Standard Technical requirements for LEP Maps during the preparation of the LEP amendment documentation. Proposed mapping amendments provided for in this Planning Proposal are available in Figure 5.

## **PART 5 – COMMUNITY CONSULTATION**

Community Consultation for the Planning Proposal will be carried out in accordance with the consultation requirements set out in “*A Guide to Preparing Planning Proposals*” (August 2016).

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Environment (DP&E) at the gateway determination, however the following requirements are anticipated:

- Public Exhibition of the Planning Proposal for 28 days, entailing notification
  - In the Area News;
  - On Council’s website; and
  - In writing to adjoining landowners
- Public exhibition of the Planning Proposal will be carried out in accordance with the requirements of the EP&A Act and the Gateway determination.

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

## **ATTACHMENT 1 – MASTERPLAN**

## **ATTACHMENT 2 – LAND CAPABILITY ASSESSMENT**

## **ATTACHMENT 3 – ABORIGINAL CULTURAL HERITAGE ASSESSMENT**

## **ATTACHMENT 4 - WATER CYCLE MANAGEMENT STUDY**