

**Draft September 2020**

Bland Shire Council  
PO Box 21  
WEST WYALONG NSW 2671

## **PLANNING PROPOSAL**

**Change MLS and land-use zone**  
**Property: Lot 2 of DP625986**  
**Mid Western Highway, West Wyalong NSW 2671**

Jack and Mandy Hallahan have engaged Vision Town Planning Consultants to prepare this Planning Proposal aiming to change the land-use zone and minimum lot size for their land under the provisions of the Bland Local Environmental Plan 2011 to be R5 large Lot residential and 2 hectares per allotment minimum lot size.

This Planning Proposal (PP) aims to demonstrate to Council staff that Jack and Mandy's proposal will result in the best use of the land in its environmental context and location relative to the West Wyalong township.

This PP addresses the headings included in the NSW Planning Guidelines for Preparation of Planning Proposals. Consideration has revealed no negative impacts, consistency with strategic plans and no variation from local planning controls.

This PP constitutes an amendment of the initial version submitted to Bland Shire Council (Council) as recommended by NSW Planning, Industry and Environment (NSW Planning) and is supplemented by information prepared by Council providing analysis of available residential stock and addressing the Local Strategic Planning Statement (LSPS)

Yours Faithfully,



Patrick Fitzsimmons  
**Town Planner, Managing Director**  
**VISION Town Planning Consultants Pty Ltd**

## Abbreviations

BLEP – Bland Local Environmental Plan 2011  
 DCP – Bland Shire Development Control Plan 2012  
 Act – Environmental Planning and Assessment Act 1979  
 Regulations - Environmental Planning and Assessment Regulations 2000  
 Regional Plan – Riverina Murray Regional Plan 2036  
 PP – Planning Proposal  
 MLS – Minimum Lot Size

**Disclaimer:** This report has been prepared using information provided by the client and investigations undertaken by professional staff of Vision Town Planning Consultants Pty Ltd. Whilst every effort has been made to provide accurate content, Council and any other authority may not agree with the recommendations included in this report. This document and the information and recommendations included are solely for the use of the authorised recipient and may not be used, copied or reproduced either wholly or in part for any purpose other than which it was supplied by VISION Town Planning Consultants Pty Ltd. VISION Town Planning Consultants Pty Ltd make no representation, undertakes no duty and accepts no responsibility to any third party who may use or rely upon the information in this document.

<b>Version 1</b>	<b>10 February 2020</b>	<b>PP2 – 2020</b>
<b>Draft Version 2</b>	<b>September 2020</b>	<b>PP2 - 2020</b>
<b>Authorised Recipient: Jack &amp; Mandy Hallahan</b>		

**NOT FOR EXHIBITION**

## Table of Contents

1. Executive Summary .....	5
2. Application History .....	6
3. Introduction .....	6
4. Site Description and land-use.....	6
4.1. Subject Site .....	6
4.2. Surrounding Land .....	7
5. Existing Planning Provisions .....	10
5.1. Bland Local Environmental Plan 2011 (BLEP) .....	10
5.1.1. Land-use zone .....	10
5.1.2. Minimum Lot size .....	11
5.1.3. Bushfire, flood, Contamination, biodiversity, Heritage & Ground Water .....	14
5.2. Infrastructure .....	15
5.3. Development Near Rail Corridors and Busy Roads – Interim Guidelines.....	15
5.4. Bland Shire Development Control Plan 2012 (DCP) .....	17
6. Proposal .....	20
6.1. The Proposal .....	20
6.2. Reason for Proposal .....	20
7. Statement of Objectives and Intended Outcomes .....	21
8. Explanation of Proposed Planning Provisions .....	21
9. Justification of Objectives and Outcomes.....	22
9.1. Need for Planning Proposal .....	22
9.2. Relationship to strategic planning framework .....	23
9.2.1. Riverina Murray Regional Plan 2036 .....	23
9.3. Is the PP consistent with Council’s local strategy or other local strategic plan? .....	27
9.4. Is the PP consistent with applicable State Environmental Planning Policies .....	28
9.5. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117directions)? 30	
9.6. Environmental, Social and Economic Impact.....	33
9.7. State and Commonwealth Interests .....	33
10. Maps .....	34
11. Community Consultation .....	34
12. Project Timeline.....	34
Recommendation .....	34

---

List of Figures .....	35
List of Tables .....	35

## 1. Executive Summary

This Planning Proposal is prepared to demonstrate the benefit and appropriateness to alter the land-use zone and minimum lot size of Lot 2 DP 625986 under the provisions of the Bland Local Environmental Plan 2011 (BLEP). The proposal aims to facilitate the practical and appropriate subdivision of the land into two allotments capable of containing the two existing dwellings on one allotment (existing use right), and an additional dwelling on a separate allotment as permitted by the BLEP in the R5 Large Lot Residential land-use zone.

Plans submitted with this Planning Proposal (PP) demonstrate that a subdivision can take place to position the two existing dwellings entirely within one of the two allotments and a separate allotment would contain a building envelope set back from the adjoining rail line and Mid Western Highway fronting the property to meet NSW Guidelines. The plans also provide an overview of the immediate surrounding land use consisting mainly of residential dwellings on allotments that are similar in area to the subject allotment and all of which have much less area than the applicable minimum lot size of 200 hectares per allotment.

In addition to the plans provided displaying surrounding land use, the supporting information prepared by Bland Shire Council confirms that there are nineteen allotments within an identified study area neighbouring the subject land and that 70% of those allotments already contain a dwelling. The supporting information also confirms that the area of the allotments ranges from 2.17 to 13.6 hectares. This information further demonstrates that the subject land and the immediately surrounding area is already characterised by residential development, and is referred to in the NSW Department of Planning Industry and Environment's planning and assessment gateway determination report on page 5 as being "unofficial rural residential study area".

A concept plan has been prepared to accompany this Planning Proposal demonstrating compliance with setbacks from rail lines and classified roads being the Mid Western Highway to demonstrate that a future dwelling could be constructed within an identified building envelope so as to meet the necessary minimum setbacks from adjoining infrastructure corridors.

Consideration of strategic planning documents including the BLEP and Riverina Murray Regional Plan, as well as council's Development Control Plan 2012 (DCP) confirms the proposed change in Land-use zone and minimum lot size is consistent with the objectives and controls contained in all of these strategic documents without variation or identified negative impact and a future development can comply with existing controls.

Consideration of the proposal and what it provides for future subdivision opportunity confirms it will not have any negative environmental, social or economic impacts. This Planning Proposal, illustrative concept plan and supporting information demonstrate the appropriateness of the intended outcomes.

## **2. Application History**

This planning proposal was initially prepared and submitted to Bland Shire Council seeking approval to include an additional permitted use on the subject land, being Lot 2 DP 625986, to allow for the subdivision of the land into two allotments and the future construction of dwelling on the land as permitted in the RU1 Primary Production Zone.

Subsequent to consultation discussion between the owner of the land, Bland Shire Council and the NSW Department of Planning Industry and Environment, it was agreed that the planning proposal should be amended to seek approval to change the minimum lot size of the land to two hectares per allotment and also to change the land use zone from RU1 Primary Production to be R5 Large Lot Residential.

This planning proposal is accompanied by supporting information prepared by Bland Shire Council to provide analysis of the available stock of residential land in the township, consideration of the proposal in its locality, and address the local strategic planning statement.

## **3. Introduction**

The owners of Lot 2 DP 625986 engaged Vision Town Planning Consultants to prepare this PP. The PP examines the existing planning controls applicable to the land including land-use zoning, minimum lot size and surrounding land-uses and land-use zones. This PP considers all these aspects as well as any possible future environmental, social and or economic impact that may be incurred as a result of the intent of the PP.

## **4. Site Description and land-use**

### **4.1. Subject Site**

The subject Lot 2 DP 625986 has an area of 3.81 hectares and a gentle gradient sloping generally toward the Mid Western Highway. Inspection of the site confirms the land contains an existing dam that could be shared in part by both future allotments. The land also contains two dwellings and out-buildings that are positioned on a single allotment in the conceptual plan. The land is accessed via two vehicle crossings, each of which could provide access to a separate allotment. Inspection also confirmed that the land is largely cleared of tree vegetation with few scattered trees remaining and some trees on the boundaries that would be unaffected by the proposed development given the existing vehicle access already constructed. A future development would not require the construction of any public roads.

The land has an area located on the Northern Side of Mid Western Highway and the Western side of an adjoining rail line. The land is separated from the residentially zoned area of the West Wyalong township by a rail line. The land adjoins other land containing residential dwellings and is adjacent other dwellings to the north, west and south.

---

## 4.2. Surrounding Land

The surrounding land use can best be described as rural residential despite the zone being RU1 Primary Production. This information is described in detail in the supporting information prepared by Bland Shire Council.

The plans prepared by Design West Architects demonstrate that the immediate surrounding land uses adjoining and adjacent the subject land consists of residential dwellings on a variety of allotment sizes none of which meet the minimum lot size of 200 hectares or have an obvious opportunity to directly adjoin large expanses of land that could constitute an overall property with an area of 200 hectares farmed as a single farm.

The supporting information provided by Bland Shire Council defines a study area containing a number of dwellings that constitute an unofficial rural residential character as described above.

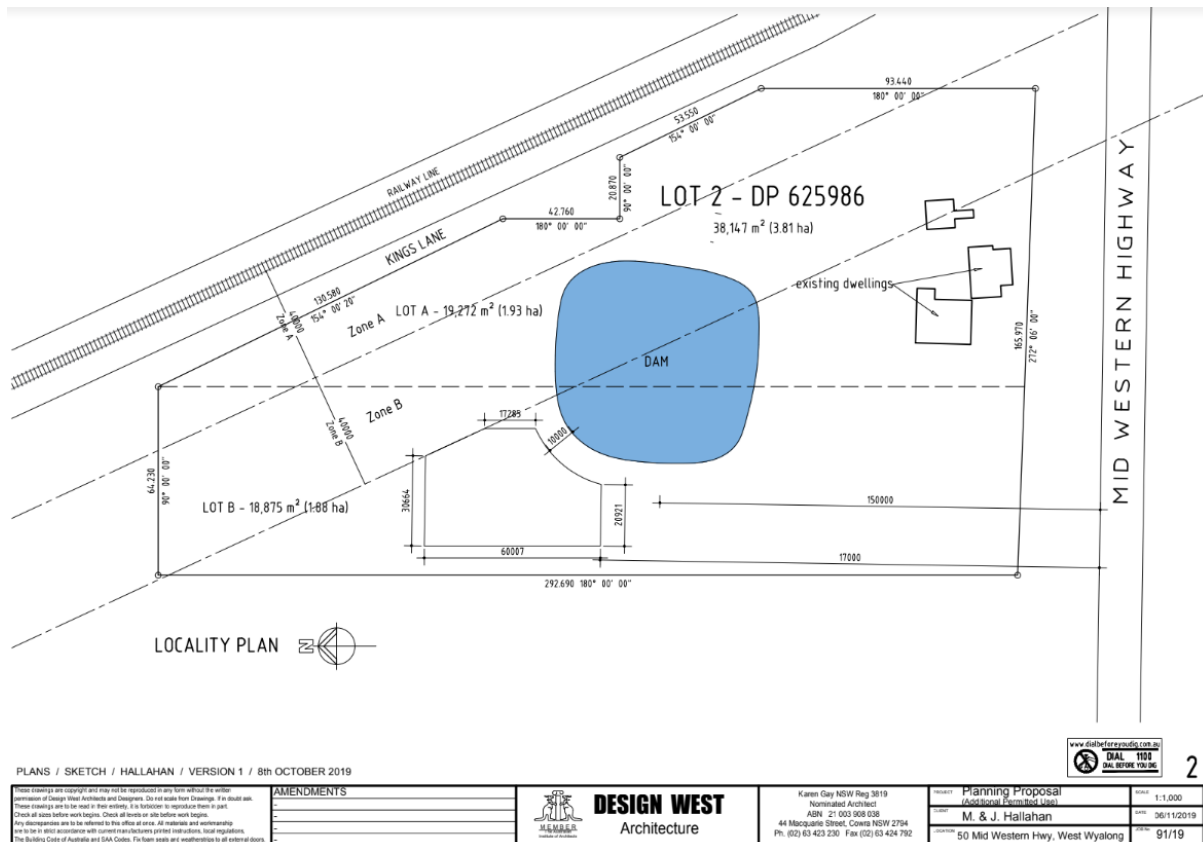
Figure 1 of the next page displays the existing allotment including the buildings that are presently constructed on the land. Figure 2 of this document displays a concept design of a subdivision that could be achieved. The conceptual plan includes setbacks from railway and Mid Western Highway as required by the NSW draft guidelines for rail lines and classified roads.







Figure 2 – Concept Subdivision Design



Source: Design West Architects

## 5. Existing Planning Provisions

### 5.1. Bland Local Environmental Plan 2011 (BLEP)

#### 5.1.1. Land-use zone

The land is mapped as RU1 Primary Production land-use zone under the provisions of the Forbes Local Environmental Plan 2011 (BLEP). The majority of surrounding land is also used for Residential purpose. Figure 3 below is an extract of the land-use zone mapping as it surrounds the subject land. It can be seen that the land to the west and the north is zoned for RU1 primary production and the land to the east is zoned SP2 rail corridor, further beyond is a B5 business zone and an R1 general residential land use zone. Figure 4 on the following page displays an IN2 Light Industrial land-use zone located south of the site.

Figure 3 – Land-use Zone Map

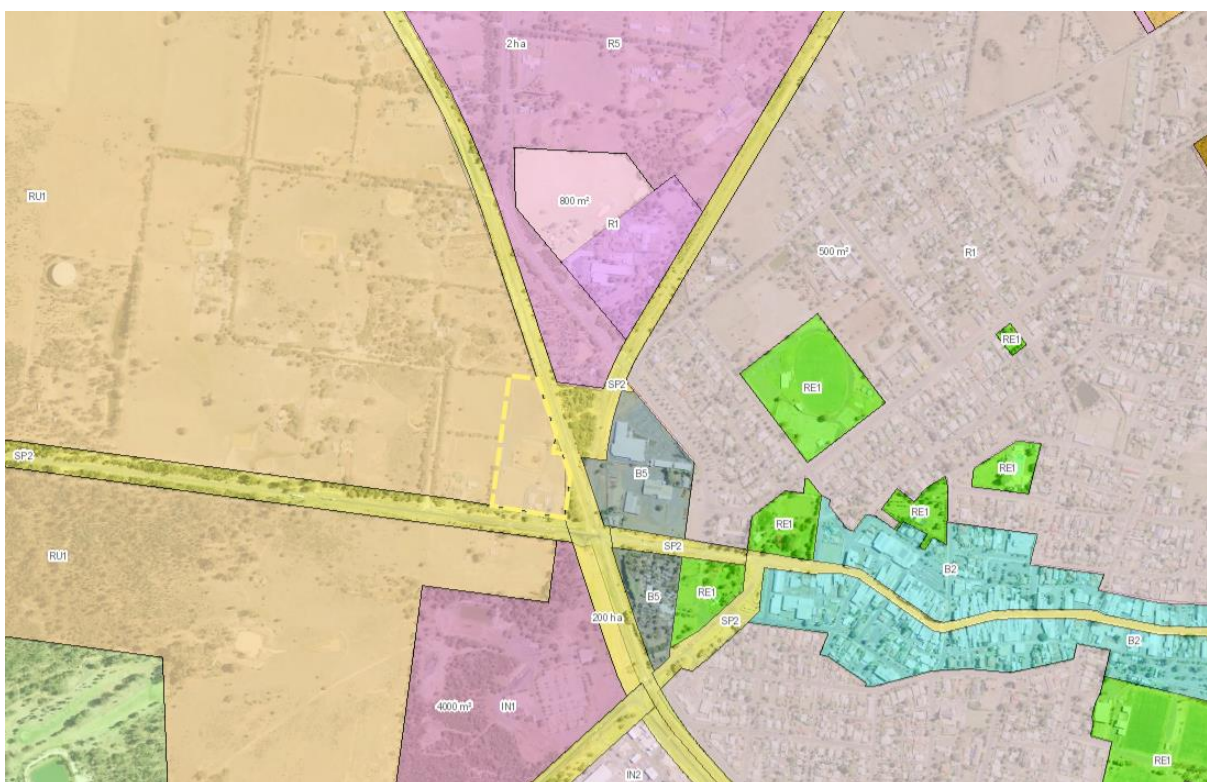


Source: [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)

### 5.1.2. Minimum Lot size

The minimum subdivision lot size for the land is 200 hectares. As displayed in Figure 4 below, the surrounding land adjoining the subject property is zoned RU1 Primary Production and has a minimum lot size area of 200 hectares. Land immediately to the east beyond the rail corridor includes a variety of zones including a B5 business zone, a R1 general residential zone, an R5 large lot residential zone all of which include a combination of minimum lot size inclusive of 4000 sqm to the south, 2 hectares, 800sqm and 500sqm.

Figure 4 – Minimum Lot Size Map



Source: [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)

## ***Bland Local Environmental Plan 2011***

Current version for 15 January 2020 to date (accessed 23 January 2020 at 12:59)

[Land Use Table Zone RU1](#)

### **Zone RU1 Primary Production**

#### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development on land within this zone does not unreasonably increase the demand for public services or public facilities.

## **2 Permitted without consent**

*Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads*

## **3 Permitted with consent**

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Veterinary hospitals; Water recreation structures*

## **4 Prohibited**

*Any development not specified in item 2 or 3*

## **Zone R5 Large Lot Residential**

### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

### **2 Permitted without consent**

---

*Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads*

### **3 Permitted with consent**

*Building identification signs; Business identification signs; Dwelling houses; Home industries; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roadside stalls; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4*

### **4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Bee keeping; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (indoor) Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Serviced apartments; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies*



### 5.1.3. Bushfire, flood, Contamination, biodiversity, Heritage & Ground Water

The site is not mapped as being prone to bushfire or flood hazard or susceptible to groundwater impacts. In order to ensure that any future dwelling on the vacant conceptual allotment could cater for effluent on the site a site specific onsite sewerage management report has been prepared and accompanies this PP. The report was prepared on the basis of assuming a 4 bedroom house and clearly demonstrates that a traditional septic and soakage trench system could be installed to manage the waste from such a dwelling.

The land is not mapped as likely to contain any sensitive ecosystems or species on the terrestrial biodiversity mapping included with the BLEP.

The land is not mapped as containing any items of heritage significance in Schedule 5 of the BLEP. Additional to items in Schedule 5, a search of the NSW Aboriginal Heritage Information Management System attached to this report did not reveal any items on the land or within the adjacent road reserves.

The land is cleared of bushland and does not contain any waterways or prominent ridgelines. No impacts or increase in likelihood of impacts will be incurred should the PP be supported and future application in the concept design be completed.

## 5.2. Infrastructure

Reticulated water is available adjacent to the land. Above ground electrical power lines are available for connection to the land. Telecommunications is available for connection.

## 5.3. Development Near Rail Corridors and Busy Roads – Interim Guidelines

Consideration has been given within the conceptual design included in this PP for the location of future dwellings or building envelopes as they relate to the adjacent railway line and Mid Western Highway.

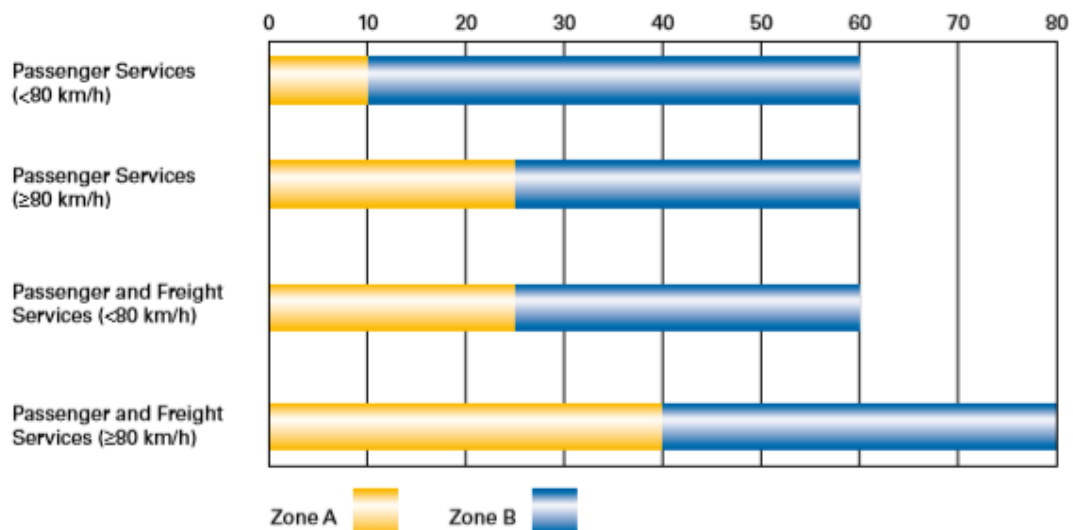
Section 3.5.1 rail corridors - categorises the proposed development as being outside and or within Zone B of Figure 4.1 extracted from the guidelines which displays the acoustic requirements associated with dwellings in proximity of rail lines. As stated in this section of the guidelines, single dwellings that are in Zone B can be appropriate provided future dwellings incorporate the road noise control treatments included in category 2 of appendix C of the guidelines, Figure 4.1 below. It is also confirmed if these measures are undertaken that no specialist acoustic assessment should be required.

Section 3.5.2 busy roads - recommends setbacks displayed in figure 4.2 extracted from the guidelines. The setback included in the concept design provided in this Planning Proposal demonstrates that a dwelling could be positioned between 150–200 metres from the bitumen edge of the existing road. This places a future dwelling in the category of no acoustic treatment being required for roadways. This is made on the assumption that the adjacent Mid Western Highway does not cater for greater than 10,000 vehicles per year.

It is considered that the concept design included with this Planning Proposal displays that a future dwelling could be positioned on the new allotment that would be vacant at the time of any development consent within an identified building envelope to fully comply with the requirements of the development near rail corridors and busy roads interim guidelines without requiring specialist acoustic reports or acoustic treatments other than those listed in the guidelines themselves. It is considered the outcome of the Planning Proposal is appropriate without identified negative impact or overly onerous building requirements being needed by any future applicant for a development on the site.

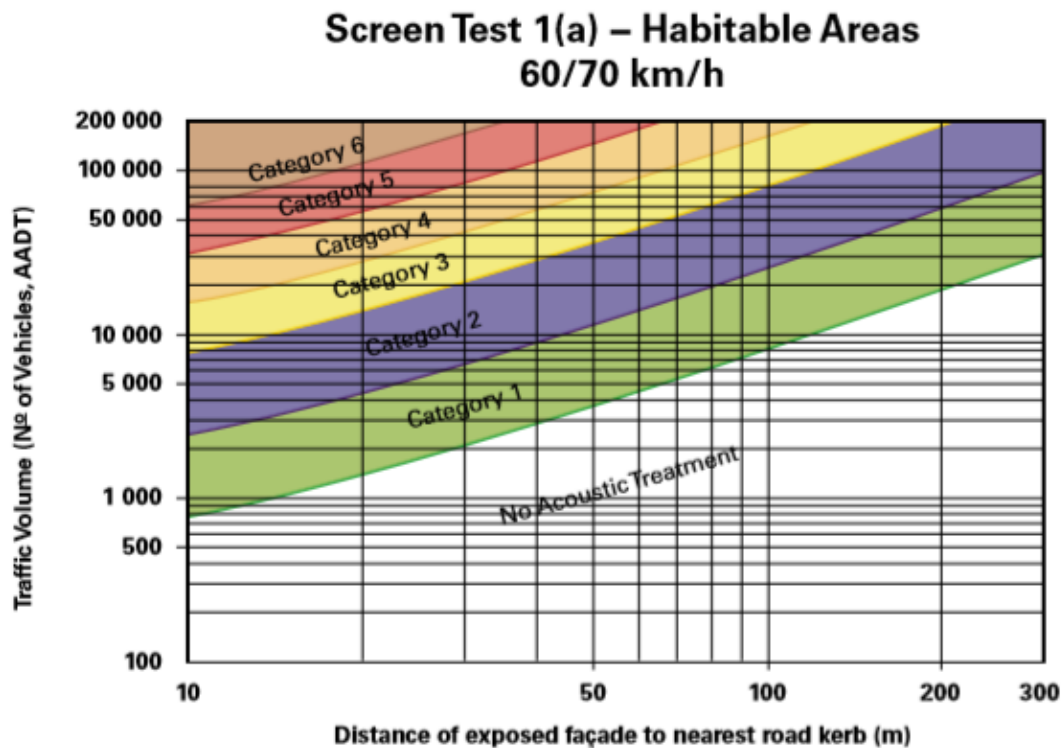


**Figure 4.1 – Rail Corridors**



Source: Development Near Rail Corridors and Busy Roads – Interim guidelines (Page 19)

**Figure 4.2 – Busy Roads**



Source: Development Near Rail Corridors and Busy Roads – Interim guidelines (Page 21)

#### 5.4. Bland Shire Development Control Plan 2012 (DCP)

A number of sections of the DCP are applicable to both subdivision and permissible land-uses on the subject land. This PP seeking to change the applicable MLS and land-use zone to allow for a subdivision of the land to facilitate additional residential development. Consideration has been given and revealed that conceptual subdivision plan included in this PP which includes a building envelope can facilitate the future construction of dwelling(s) that fully comply with the provisions of the DCP.

The table below provides consideration of the particularly relevant planning controls contained in the DCP.

**Table 1 – Consideration of proposal against DCP planning controls**

Chapter	Control No. (RU1 Primary Production)	Comment
2 - Subdivision		
	PS1	Existing vehicle access crossings are constructed to the existing dwelling site and to the vacant land in the western half of the allotment that forms part of the subject Planning Proposal. The existing access crossings which include concrete culverts and headwalls are appropriate for accessing residential allotments directly from Mid Western Highway. Visual inspection from the access crossings shows that there is a significant extent of straight land in both directions that would allow traffic to see any vehicles turning either in or out of the subject allotments.
	PS2	As above.
	PS3	Electricity connection is available in the immediate vicinity for connection to

		any subdivided allotment. An onsite sewerage management report is prepared and provided demonstrating that effluent waste can be managed on site using a traditional tank and trench system.
3 – Dwellings		
	PRD1	Safe connection via existing vehicle crossings with good sight distance is available from the existing allotment and the future conceptual allotment should the planning proposal be adopted.
	PRD2	The surrounding allotments consist of a variety of dwellings in a semi rural / rural residential setting. The proposed subdivision will be able to facilitate future dwelling(s) (2) and is greater than 20 metres from any adjoining boundary, greater than 30 metres from any public road. The land does not contain any ridge lines and future development applications can incorporate the materials suitable for the area to avoid any glare or unsightly views.
	PRD3	An onsite sewerage management report is being prepared that demonstrates that a traditional septic and trench system can be used to manage waste from a 4 bedroom home on the site within what would become a vacant allotment within the conceptual plan.

	PRD4	The land does not involve the removal of any tree vegetation and the existing access provided and vacant area within the allotment means that a future dwelling could be constructed on the vacant allotment if the PP is adopted.
	PRD5	The existing dwelling on the allotment is connected to reticulated water and any future allotment could also be connected to town water supply.

The information submitted with this Planning Proposal in the form of plans prepared by Design West Architects, demonstrates that the development is located within an area characterised by residential dwellings on allotments far smaller than the minimum 200 hectare size limits. Given the available area within these allotments and the proximity to neighbouring dwellings, the neighbouring allotments are not suitable for intensive livestock agriculture and are not large enough for broad acre farming. Accordingly, the PP suitably identifies the land as appropriate for subdivision without infringing on any of the minimum separation distances included in Table 3.1 of Chapter 3.

Future subdivision of the land and future construction of a dwelling on a separate allotment can be designed to fully comply with the existing controls contained in the DCP.

## **6. Proposal**

### **6.1. The Proposal**

This PP is seeking Council's endorsement and the endorsement of the NSW Department of Planning Industry and Environment to change the land use zone of the subject allotment from RU1 Primary Production to R5 Large Lot Residential, and change the applicable minimum lot size of the allotment from 200 hectares to 2 hectares.

### **6.2. Reason for Proposal**

This PP is prepared to facilitate the subdivision of the subject land so that it achieves its best and most practical use in the Land-use setting.

Information submitted with this proposal demonstrates the character of the immediate surrounding area is residential comprising of allotments that are well below the minimum lot size of 200 hectares, despite being zoned RU1 Primary Production. Accordingly, the surrounding allotments are also unable to achieve the principal objectives of the RU1 Primary Production zone which are largely orientated towards agriculture as they are also situated in a land-use context characterised by residential dwellings. Therefore, the Planning Proposal will allow the best use of this site providing potential to be subdivided once and an additional dwelling constructed all subject to future development application.

## **7. Statement of Objectives and Intended Outcomes**

The intention of this planning proposal is to change the land-use zone and minimum lot size to allow for the subdivision of Lot 2 DP 625986 in a practical way. Consistent with the existing surrounding residential land-use.

### **Intended Objectives**

- To allow for the subdivision of Lot 2 DP 625986 into two residential allotments that incorporate all areas of that lot.
- To allow for subdivision and permissible development design that is consistent with the applicable planning controls and objectives

## **8. Explanation of Proposed Planning Provisions**

The land owners are seeking Council's endorsement to include a provision to change the land-use zone from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size from 200 hectares to 2 hectares. The changed minimum lot size would allow for the subdivision of the area within Lot 2 DP 625986 and using clause 4.6 Exceptions to Development Standards the land could be subdivided into two allotments and would permit the future construction of a dwelling on a vacant allotment under the provisions of the R5 Large Lot Residential land-use zone under the Bland Local Environmental Plan 2011 (Version 21/8/2020).

## **9. Justification of Objectives and Outcomes**

### **9.1. Need for Planning Proposal**

#### **Is the PP a result of a strategic study or report?**

The PP has not been developed as a result of any strategic study or report.

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

The objective of the proposal is to enable the practical subdivision of Lot 2 DP 625986 to facilitate the best use of the land in the existing residential land-use context.

The current minimum lot size mapping adopted with the BLEP, does not allow for the subdivision to occur, restricting the development to a rural residential land-use in an area already characterised by rural residential land-use.

It is not considered that altering the minimum lot size and land-use zone is the most appropriate way to facilitate the highest and most appropriate use of the site. There is no other identified better means of achieving the objectives or intended outcome which is to allow for a two- lot subdivision only of the subject land.

#### **Implications of not proceeding with the inclusion of the additional planning provisions.**

Given the location and surrounding land-use context, the implication of not proceeding with the proposed APU is that the best use of the entire allotment in the context cannot be achieved under the current planning provisions.

Accordingly, it is considered appropriate that the PP be supported by Bland Shire Council.



## 9.2. Relationship to strategic planning framework

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)?

### 9.2.1. Riverina Murray Regional Plan 2036

The *Riverina Murray Regional Plan 2036* (Regional Plan) is applicable to the Bland Shire Local Government Area. The Regional Plan is divided into a number of 'directions' that aim to achieve desired outcomes for growth in the various regions of the plan. A number of 'actions' to be implemented are included with each direction in the plan. The following summary addresses each of the Directions included in the Regional Plan:

#### **Direction 1: Protect regions diverse and productive agricultural land**

The proposal will allow for the practical subdivision of land which is zoned RU1 Primary Production without infringing on any agricultural land use

#### **Direction 2: Promote and grow agribusiness sector**

The proposal will allow for the practical subdivision of land which is zoned RU1 Primary Production without detracting from the potential to grow agribusiness. This is considered to be the case given the surrounding land-use is characterised by residential development on allotments that are much less than the minimum lot size required for remaining parts of the shire for RU1 primary production land.

#### **Direction 3: Expand advanced and value-added manufacturing**

The Planning Proposal seeking endorsement to alter the minimum lot size and land-use zone for the subject allotment only will not alter or infringe any neighbouring land-use zones that could potentially encourage and harbour the investment and advancement on facilities that could value add to manufacturing within the West Wyalong township.

#### **Direction 4: Promote business activities in industrial and commercial areas.**

The existing site does not adjoin and is not positioned immediately adjacent to any business commercial zones. The industrial zone that contains the West Wyalong sale yards is located on the opposite side of the Mid Western Highway and is unaffected by the proposal. The development will therefore not affect or displace any opportunities for business, industrial or commercial activities or ventures.

#### **Direction 5: Support in the growth of health and aged care sectors**

The proposal does not alter the land-use zone and does not have the potential to cater for any industries in health or the aged care sectors. The development will not affect these sectors in any way.

#### **Direction 6 – Direction 9**

Unaffected

---

**Direction 10: Sustainably manage water resources for economic opportunities**

The existing character of the adjoining and immediately surrounding land-uses inclusive of residential development means that there is no potential on immediately adjoining land for the practical implementation of plantation of forest. The development has existing access and the only remaining vegetation observed during the inspection of the site was on the property boundaries. The Planning Proposal to change the MLS and land-use zone for a residential purpose is not inconsistent with the actions included in this direction.

**Direction 11**

Unaffected.

**Direction 12**

Unaffected.

**Direction 13 – 16: Protect and Manage Environmental Assets**

The subject land is used for residential purpose surrounding land-uses including residential dwellings and agricultural land-uses.

The land is zoned for primary production and the proposal will enable the subdivision incorporating the subject land area without impacting any environmental assets.

The development does not adjoin or cater for any natural bodies of water or waterways.

The development will not detract from and is not inconsistent with the actions included in direction 13.

**Direction 14: Manage and conserve water resources for the environment**

The subject land does not contain any natural bodies of water or cater for any waterways.

The proposal will not affect any water resources in any way.

**Direction 15: Increase resilience to natural hazards and climate change**

The subject land does not contain any natural bodies of water or cater for any waterways.

The proposal will not affect any water resources in any way.

The comments for Direction 14 is repeated. The land is not mapped as bushfire prone or as subject to any other identified natural hazard.

**Direction 16: Respect and protect Aboriginal heritage assets**

A search of the Aboriginal Heritage Information Management Systems maintained by the NSW office of Heritage and Environment did not confirm the presence of any known heritage items on the land. The site is cleared of bushland vegetation and contains some isolated trees unaffected by the proposal. The land does not contain or adjoin any watercourses or contain any prominent ridgelines or hills.

---

**Directions 17 – Direction 21**

Direction 17 through 21 address the need for the expansion and retention of transport and infrastructure corridors. The subject site is adjoined by both a rail corridor and the Mid Western Highway. The concept design that has been included with this Planning Proposal demonstrates that there is appropriate area within the vacant lot that would be created under a future Development Application to position a dwelling outside of the allowable limits for noise and vibration from both the classified roadway and the rail corridor.

The Planning Proposal if approved would not result in the future construction of any development that would detract from the continued operation and/or expansion of these infrastructure facilities or any freight or logistics hub. The surrounding and adjoining development is characterised by residential use resulting in the surrounding land not being suitable for any future infrastructure hub or transport facility.

It is therefore considered the PP is not inconsistent with the actions included in directions 17-21.

**Direction 22 – Direction 29**

The Planning Proposal which would facilitate a maximum of one additional dwelling in accordance with the existing permissible uses in the R5 Large Lot Residential land-use zone will not detract from any potential residential development in areas already zoned for residential purpose in the West Wyalong township. The change to land-use zone and minimum lot size proposed in this PP will facilitate the best use of what is a large residential allotment containing two existing residences. It is considered to be appropriate as the surrounding land-use is also of residential land-use character with allotments of similar size. The development is therefore considered to be consistent with directions 22–29.

## AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Hanley

Client Service ID : 479239

Patrick Fitzsimmons

Date: 23 January 2020

PO Box 852

COWRA New South Wales 2794

Attention: Patrick Fitzsimmons

Email: patrick@visiontpc.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 2, DP:DP625986 with a Buffer of 50 meters, conducted by Patrick Fitzsimmons on 23 January 2020.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

---

### 9.3. Is the PP consistent with Council's local strategy or other local strategic plan?

Council's Local Strategic Planning Statement is addressed in the supporting information prepared by Bland Shire Council. The supporting information provided concludes that the intent and objectives of the planning proposal are considered consistent with the Local Strategic Planning Statement.

#### 9.4. Is the PP consistent with applicable State Environmental Planning Policies

Below is a list of the State Environmental Planning Policies that apply to the land:

- State Environmental Planning Policy (Affordable Rental Housing) 2009: Land Application (pub. 31-7-2009)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004: Land Application (pub. 25-6-2004)
- State Environmental Planning Policy (Concurrences) 2018: Land Application (pub. 21-12-2018)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017: Land Application (pub. 1-9-2017)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application (pub. 12-12-2008)
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004: Land Application (pub. 31-3-2004)
- State Environmental Planning Policy (Infrastructure) 2007: Land Application (pub. 21-12-2007)
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007: Land Application (pub. 16-2-2007)
- State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007: Land Application (pub. 28-9-2007)
- State Environmental Planning Policy (Primary Production and Rural Development) 2019: Land Application (pub. 28-2-2019)
- State Environmental Planning Policy No 1—Development Standards: Land Application (pub. 17-10-1980)
- State Environmental Planning Policy No 21—Caravan Parks: Land Application (pub. 24-4-1992)
- State Environmental Planning Policy No 33—Hazardous and Offensive Development: Land Application (pub. 13-3-1992)
- State Environmental Planning Policy No 36—Manufactured Home Estates: Land Application (pub. 16-7-1993)
- State Environmental Planning Policy No 50—Canal Estate Development: Land Application (pub. 10-11-1997)
- State Environmental Planning Policy No 55—Remediation of Land: Land Application (pub. 28-8-1998)

- 
- State Environmental Planning Policy No 64—Advertising and Signage: Land Application (pub. 16-3-2001)
  - State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development: Land Application (pub. 26-7-2002)

The proposal will not result in any future development being unable to achieve applicable objectives and controls of these State Environmental Planning Policies.



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

Directions of particular relevance are Directions 3.1 addressed below:

The Objectives of Direction 3.1 are:

### **Objectives**

(1) 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.

The Planning Proposal will result in the best use of the land in its residential context and appropriate utility and infrastructure connections are available in the immediate vicinity capable of servicing any future dwelling on a vacant allotment. The land which does not contain valuable biodiversity resources is located within close proximity to the West Wyalong township with exiting vehicle access making it a suitable location for a future residential dwelling on a new allotment consistent with the objectives contained in Direction 3.1.

### **What a relevant planning authority must do if this direction applies**

(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.

The PP which will facilitate the efficient subdivision of the subject land will facilitate future dwellings on an allotment that can facilitate appropriate design that is market responsive and environmentally sustainable. Any future allotment can be serviced by readily available infrastructure and services without over-burdening the consumption of resources on the urban fringe.

Directions of particular relevance are Directions 2.6 addressed below:

### Objective

- (1) The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

### Where this direction applies

- (2) This direction applies to:
- (a) land that is within an investigation area within the meaning of the *Contaminated Land Management Act 1997*,
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
  - (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
    - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

### When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).

### What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:
- (a) the planning proposal authority has considered whether the land is contaminated, and
  - (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
  - (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.

- (5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

**Note:** In this direction, **contaminated land planning guidelines** means guidelines under clause 3 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*.

This draft planning proposal is not finalised as the land owners have commissioned a consulting soil contamination testing company to undertake a preliminary site investigation to establish if there is any contamination or remediation required for the site in order to make it suitable for change of land use zone and minimum lot size and future residential land use as proposed.

The PP is consistent with the Ministerial Directions without variation.

## 9.6. Environmental, Social and Economic Impact

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The land is fully cleared of remnant bushland with a few isolated trees and trees on property boundaries unaffected by the proposal. It is considered that the proposal will not alter any likelihood of a species, habitat or community being present.

It is considered appropriate that a report including consideration whether a future development activity likely to significantly affect threatened species or ecological communities, or their habitats prepared in accordance with Section 7.3 of the Biodiversity Conservation Act 2016 can appropriately be submitted with any future development application.

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

No other likely effects identified and no management strategies required.

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

It is considered the proposal will result in the best use of the subject land resulting in improved social and economic outcomes.

## 9.7. State and Commonwealth Interests

**Is there adequate public infrastructure for the PP?**

As previously discussed, the site has appropriate access to public roadways, reticulated water, NBN network and electrical power is available in the immediate vicinity for connection to any future allotment and residential land use.

---

## **10. Maps**

Amendment to the minimum lot size and land use zone maps adopted with the Bland Local Environmental Plan 2011 is required.

## **11. Community Consultation**

To be undertaken in accordance with Part 3 of the Act, Regulations and any requirements specified by the Department of Planning and Environment. Public exhibition of the planning proposal is to be undertaken in accordance with Condition 4. of the gateway determination issued by NSW Department of Planning Industry and Environment.

## **12. Project Timeline**

Prepare timeline in consultation with Council and the Secretary of the NSW Department of Planning and Environment in accordance with Section 55(3) of the Act. The planning proposal process is to be completed within 9 months of the date of determination as specified in Condition 9. of the gateway determination issued by NSW Department of Planning Industry and Environment.

## **Recommendation**

This Planning Proposal includes information that considers all of the applicable strategic planning policies and development controls for a future application to subdivide the subject land into two allotments for residential purpose. It is considered that this proposal to change the land-use zone and minimum lot size for the subject allotment is appropriate in the existing land-use context. The considerations undertaken have not revealed any identified negative impact that would occur as a result of a future subdivision for residential purpose or any inconsistency with controls included in planning strategies and local control plans.

It is therefore appropriate that this Planning Proposal and its recommendations to change the MLS and applicable land-use zone of the Bland Local Environmental Plan 2011 allowing for the future subdivision of the subject land into two allotments as displayed on the concept plan included in this report be supported by Council and forwarded seeking a gateway application from NSW Planning Industry and Environment.

It is therefore appropriate that this planning proposal and its recommendation to change the minimum lot size and land use zone of the subject allotment only, facilitating the future subdivision of the land and the potential future construction of an additional dwelling be supported by Bland Shire Council and NSW Department of Planning Industry and Environment consistent with the gateway determination issued on 30 July, 2020.

## List of Figures

Figure 1 – Existing Allotment

Figure 2 – Concept subdivision Design

Figure 3 – Land-use Zone Map

Figure 4 – Minimum Lot Size Map

Figure 4.1 – Rail Lines

Figure 4.2 – Busy Roads

## List of Tables

Table 1 – Consideration of proposal against DCP planning controls