



Supporting Information



Planning Proposal
PP2020/002

ANALYSIS OF AVAILABLE STOCK OF EQUIVALENT RESIDENTIAL LAND

There are 174 lots zoned R5 Large Lot Residential and have a minimum lot size for subdivision of 2 ha. Despite this, the Bland Local Environmental Plan 2011 does not have a minimum lot size for the erection of a dwelling on land zoned R5 (refer to Map 1).

There is the potential for 169 additional lots to be created in the R5 zone based on an area of 3.8 hectares which is the minimum area for subdivision without the need for concurrence from the Department of Planning, Infrastructure and Environment (refer to Map 2).

There are 87 lots located to the north and south of Wyalong and 86 lots in and around West Wyalong (refer to Map 3).

Of the 86 lots located in the vicinity of West Wyalong it is considered that only 5 of these lots are likely to be developed in the next 1 to 5 years. These lots have been identified based on access to a formed road, the current land use and vegetation cover (refer to Map 4).

The five lots have the potential to create an additional 17 lots. During the last 10 years (2010 to 2019) there have been 13 dwellings approved in the R5 Large Lot Residential Zone. This is a demand of 1.3 dwellings per year. Based on a short term supply of 17 lots there is sufficient land for approximately 13 years.

An investigation was undertaken with local real estate agents with regard to the availability of R5 Large Lot Residential land. There is currently no land zoned R5 Large Lot Residential available for sale in West Wyalong or Wyalong. While there appears to be sufficient supply to meet the current demand for rural residential dwellings, there is currently no land available to meet this demand.

ASSESSMENT OF THE PROPOSAL AND LOCALITY

The subject site has an area of 3.8 hectares and consists of a two dwellings, outbuildings and dam. The site is located on the Mid Western Highway on the western fringe of West Wyalong. The site is also adjacent to the Cootamundra – Lake Cargelligo railway line (refer to Map 5).

To support the planning proposal a review of the land in the vicinity of the proposal has been undertaken. There are 19 lots within the study area and range in area from 2.17 to 13.6 hectares (refer to Map 6).

Over 70 per cent of the dwellings in the subject area have at least one dwelling situated on the land (refer to Map 7). The subject land has a dual occupancy consisting of the original dwelling as well as a converted shed.

It is considered that given the small lot size, the location of the subject land to West Wyalong and the residential nature of land that the land is suitable for rural residential development. The land has been considered for inclusion in a future land strategy with a medium priority.

LOCAL STRATEGIC PLANNING STATEMENT

While the proposal is not specifically referred to in the LSPS, the intent of the proposal is to provide an additional rural residential land use opportunity in West Wyalong. The proposal is considered to be consistent with the LSPS, in particular Priority 1 and Priority 3. Despite the land being zoned RU1 the land use undertaken on the subject site and land in the vicinity of the site is predominantly large lot residential in nature. Some small scale agricultural consistent with rural residential land is undertaken in the area.

RU1 PRIMARY PRODUCTION ZONE

Objectives

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

The subject site and the surrounding development pattern have not, historically, be used for the purposes of agriculture. The proposed amendment to the Bland LEP will not restrict the undertaking of sustainable agricultural production and will not restrict access to the natural resource base. The character of the locality is best described as rural residential.

- ***To encourage diversity in primary industry enterprises and systems appropriate for the area.***

Primary industry enterprises are not undertaken on the site, the use of the land is rural residential. The planning proposal will not discourage diversity in primary industry enterprises as the lot size (3.85 hectares), current land use and the character of the locality are not compatible with primary production activities.

- ***To minimise the fragmentation and alienation of resource lands.***

The planning proposal will not fragment or alienate resource lands. The site is adjacent to western fringe of the town of West Wyalong and in the vicinity of urban land use zones including R5 Large Lot Residential zoned land.

- ***To minimise conflict between land uses within this zone and land uses within adjoining zones.***

The site adjoins SP2 Rail Infrastructure to the east and SP2 Classified Road to the south. Further to the east (adjacent to rail corridor) is an area zone B5 Business Development and R5 Large Lot Residential land. To the west of the site is RU1 Primary Production zoned land which has a rural residential character. It is considered that the proposal is consistent with the character of the locality and the rural residential use of the land is compatible with the urban zoning of land in the vicinity of the site.

- ***To ensure that development on land within this zone does not unreasonably increase the demand for public services or public facilities.***

The planning proposal will not significantly increase the demand for public services or facilities. Utility services (except for sewer) are available to the site. Waste water disposal can be accommodated onsite. The planning proposal would allow for no more than two (2) additional dwellings and it is considered that this demand can be met via existing services and facilities.

STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION AND RURAL DEVELOPMENT) 2019

Part 1

Aims of the Policy

The aims of this Policy are as follows:

(a) To facilitate the orderly economic use and development of lands for primary production,

The subject land is not used for the carrying out of agriculture. The small lot size and location on the urban fringe of West Wyalong make it unlikely that the land will be suitable for primary production in the future. The planning proposal will not limit agricultural opportunities in the locality.

(b) To reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,

The character of the subject land and surrounding land uses is best described as rural residential. The planning proposal will result in two lots with an area of approximately 1.8 hectares which is consistent with the existing minimum lot size of 2 hectares for land zoned R5 Large Lot Residential in West Wyalong and will reduce opportunity for land use conflict. The subject site is predominantly cleared of vegetation. A small dam is located on the site which is proposed to be shared between both proposed lots should the planning proposal proceed.

(c) To identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,

The land is not identified as State significant agricultural land.

(d) To simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,

Not applicable – the site is not located in an irrigation area or district.

(e) To encourage sustainable agriculture, including sustainable aquaculture,

The land is not currently used for agriculture or aquaculture and is unlikely to be utilised in the future.

(f) To require consideration of the effects of all proposed development in the State on oyster aquaculture,

Not applicable to the Bland LGA.

(g) To identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environmental risks associated with site and operational factors.

Not applicable – aquaculture is not undertaken on the land.

Part 2

State significant agricultural land

The subject land is not identified as State significant agricultural land

Part 3

Farm dams and other small-scale and low risk artificial waterbodies

Not applicable – this Part applies to land within the area of operations of an irrigation corporation (Part 1 of Chapter 4 of the *Water Management Act 2000*) or land identified on the East Cadell Map.

Part 4

Livestock industries

This Part is applicable to the subject land.

The subject land is not currently used for the purposes of agriculture. Clause 18 provides that Stock containment area, or other feed or housing arrangements, during or immediately following a drought, flood, fire or similar emergency may be carried out without development consent only if there is currently and agriculture land use lawfully occurring on the land.

Development for the purposes of:

- Temporary adjustment or housing,
- Weaning, dipping, tagging or similar husbandry purposes, or
- Goat depot,

could not be carried out on the subject land without development consent as the land is located within 500 metres of adjoining dwellings.

Part 5

Sustainable aquaculture

Not applicable.

SECTION 9.1 DIRECTIONS

1.2 Rural Zones

Objective

- (1) *The objective of this direction is to protect the agricultural production value of rural land.*

The subject land has an area of 3.85 hectares and is not currently used for primary production activities. The current land use is best characterised as rural residential.

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must:*
- (a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
 - (b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

The planning proposal does not seek to rezone RU1 Primary Production land. The proposal is for amendment to Schedule 1 of the Bland Local Environmental Plan 2011 to allow subdivision lot size of 1.8 hectares upon which a dwelling would be permissible.

The proposal will increase the permissible density of the subject land. Bland Shire Council has traditionally determined the West Wyalong town limits as the commencement of the 50 km/h zone. In this case the 50 km/h zone commences approximately 70 metres to the west of the main vehicle access to the property. Accordingly, it is considered that the subject land is located within the town of West Wyalong and that the proposal is consistent with the direction.

1.5 Rural Lands

Objectives

- (1) *The objectives of this direction are to:*
- (a) *protect the agricultural production value of rural land,*
 - (b) *facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
 - (c) *assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,*
 - (d) *minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,*
 - (e) *encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,*
 - (f) *support the delivery of the actions outlined in the New South Wales Right to Farm Policy.*

The subject site has a total area of 3.85 hectares and is not currently used for agricultural production. Given the small lot size and location on the urban fringe the land is unlikely to be suitable for primary production activities.

The planning proposal will not restrict agricultural activities being undertaken on productive agricultural land further to the west.

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal to which clauses 3(a) or 3(b) apply must:*
- (a) *be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement*
 - (b) *consider the significance of agriculture and primary production to the State and rural communities*
 - (c) *identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources*
 - (d) *consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions*
 - (e) *promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities*
 - (f) *support farmers in exercising their right to farm*
 - (g) *prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses*
 - (h) *consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land*
 - (i) *consider the social, economic and environmental interests of the community*

Comments

- (a) The planning proposal is consistent with the Riverina Murray Regional Plan 2036 as provided on pages 22-24 of the planning proposal. The proposal is not inconsistent with the Bland Local Strategic Planning Statement as discussed previously in this report.
- (b) The area subject to the planning proposal, as well as surrounding land are rural residential in nature. There is only minor, small scale agricultural activities undertaken in the vicinity of the site.
- (c) The subject land is generally free of vegetation and no threatened species have been identified on the site. There have been no heritage items identified on or in the vicinity of the subject site.
- (d) The land is generally flat and clear of vegetation. Reticulated water is available to the site and a small dam is located on the land. The site is considered as being suitable for rural residential development.

- (e) There is limited opportunity for diversification of rural economic activities on the land or on the surrounding land given the small lot size and the existing rural residential nature of the locality.
 - (f) Further development of the land will not reduce the ability of farmers located further to the west of the site to carry out agricultural activities.
 - (g) Given the location of the land on the western fringe of the township of West Wyalong and the current lot configuration of the locality it is not considered that the proposed amendment will cause fragmentation as it is a logical intensification of land use.
 - (h) The land has not been identified as being State significant agricultural land.
 - (i) The proposal will provide an additional rural residential opportunity in proximity to the township of West Wyalong. It is considered that the proposal will not have significant impact on the social, economic and environmental interests of the community.
- (5) *A planning proposal to which clause 3(b) applies must demonstrate that it:*
- (a) *is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses*
 - (b) *will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains*
 - (c) *where it is for rural residential purposes:*
 - i. *is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres*
 - ii. *is necessary taking account of existing and future demand and supply of rural residential land.*

The proposal is not considered to increase the rural fragmentation of land as it is located on the western fringe of the existing township. The development of land for rural residential living in this locality is considered to be a logical expansion of rural lifestyle opportunities.

The ability to create an additional lot for rural residential accommodation is not considered to adversely affect the viability and operation of existing and future rural land uses as the site is surrounded by small lots that range from 2 hectares to 13 hectares.

The site is located less than 1 kilometre from the West Wyalong CBD, with reticulated water is available to the site, it considered to be suitable for rural residential purposes.

While there is sufficient zoned land to meet demand for a number of years, land zoned R5 seldom becomes available for purchase.

5.10 Implementation of Regional Plans

Objective

- (1) *The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.*

What a relevant planning authority must do if this direction applies

- (4) Planning proposals must be consistent with a Regional Plan

The planning proposal has addressed the each of the Directions contained within the Riverina Murray Regional Plan 2036 (see pages 22-24 of the planning proposal document).

6.3 Site Specific Provisions

Objective

- (1) *The objective of this direction is to discourage unnecessarily site specific planning controls*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
- (a) *allow that land use to be carried out in the zone the land is situated on, or*
 - (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone*
 - (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*
- (5) *A planning proposal must not contain or refer to drawings that show details of the development proposal.*

The planning proposal is one means in which to achieve an additional rural lifestyle block without the need to rezone the land. The proposal is for a further clause in Schedule 1 Additional Permitted Uses.

PROJECT TIMELINE

A project timeline has been developed as part of the review of the planning proposal and is shown in the table below:

Milestone	Anticipated Completion Date
Submission of Additional Information	July 2020
Request for Gateway Determination	August 2020
Government Agency Consultation	August/September 2020
Public Exhibition	August/September 2020
Consideration of Submissions	September/October 2020
Consideration of Proposal Post Exhibition	October 2020
Making of the Plan	November 2020

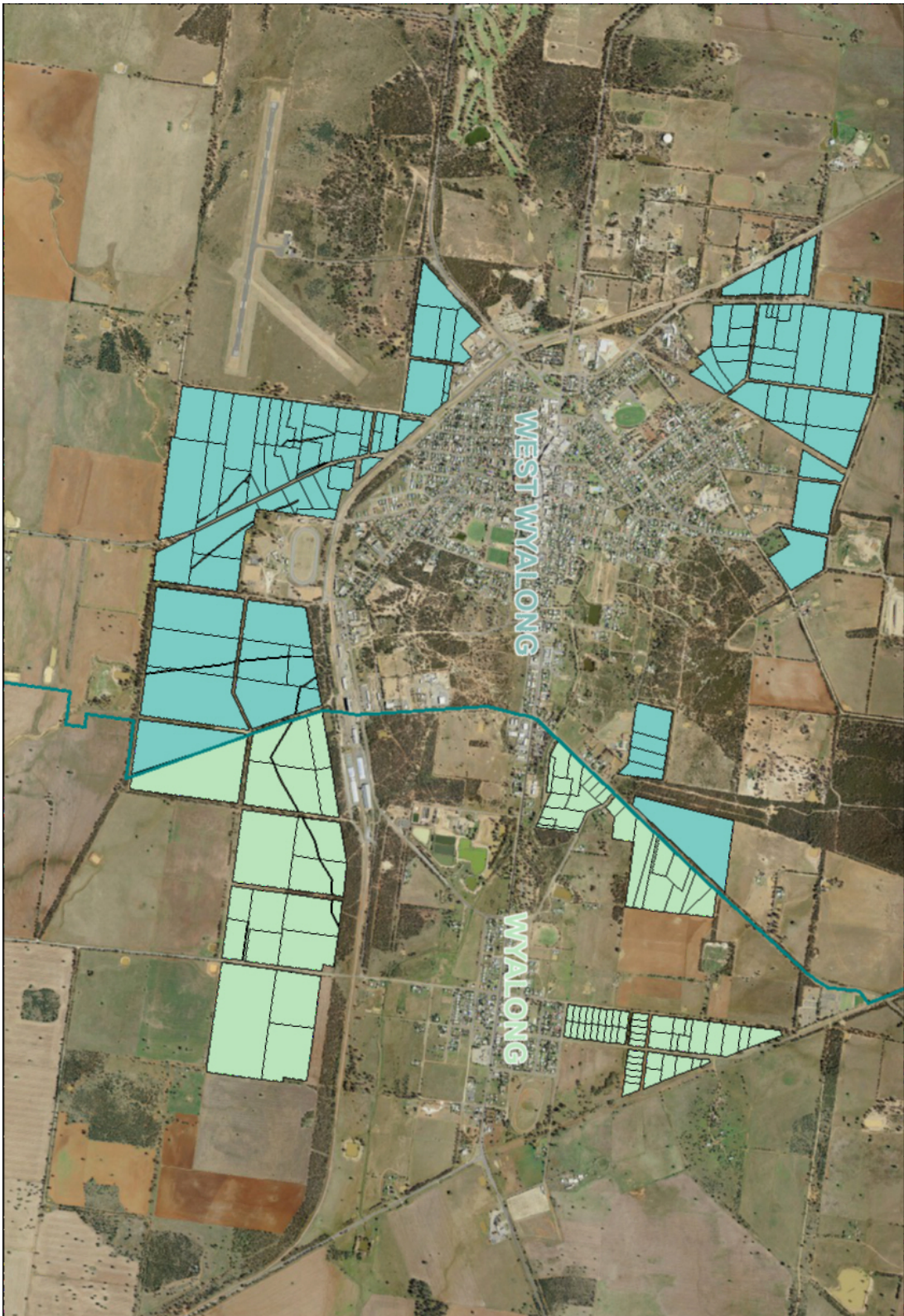
Map 1 – Land zone R5 Large Lot Residential – West Wyalong & Wyalong



Map 2 – Potential land available for subdivision



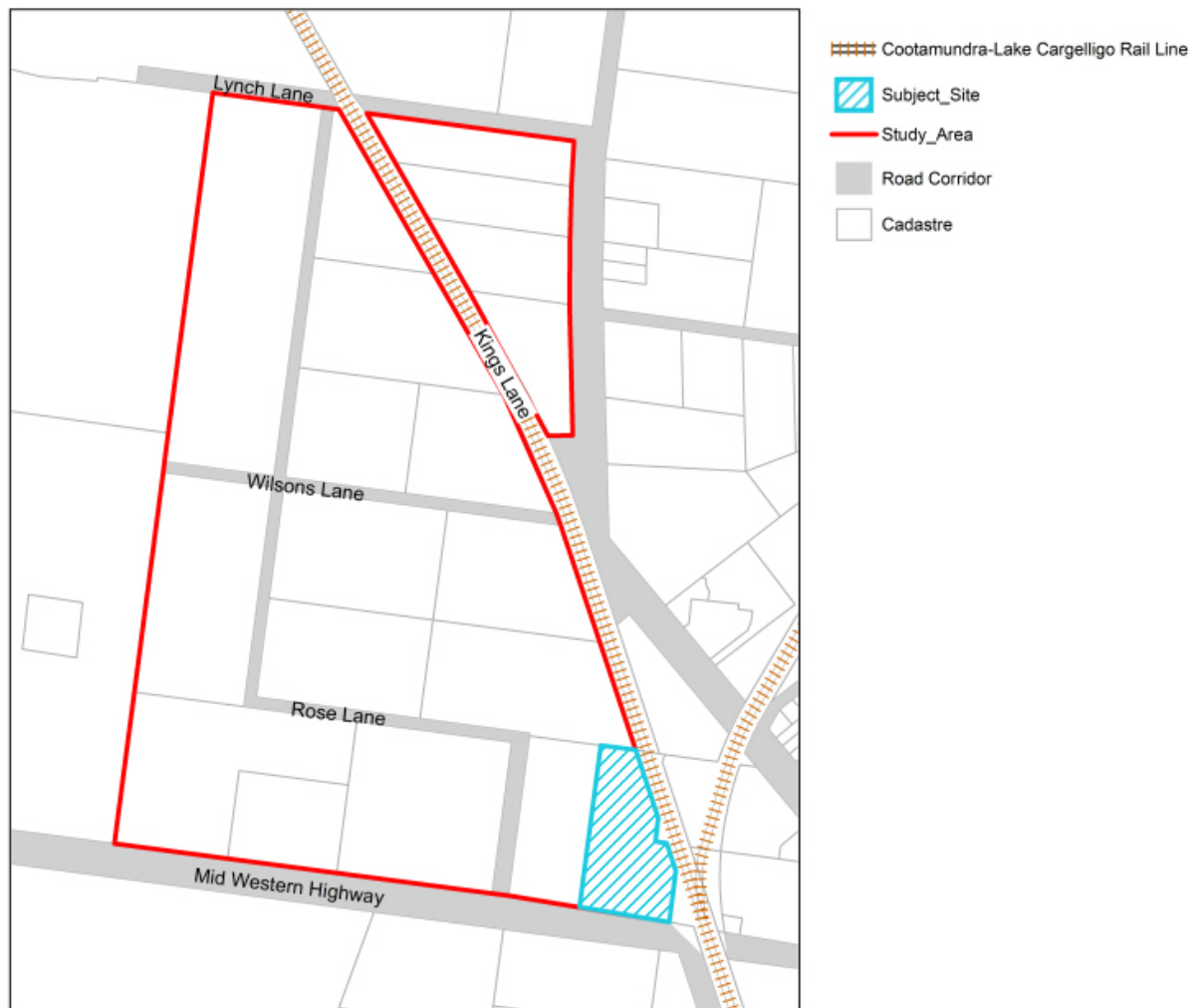
Map 3 – Land zoned R5 Large Lot Residential by Suburb



Map 4 – Land identified as being suitable for subdivision – short term (1 to 5 years)



Map 5 – Subject site and surrounding land



Map 6 – Lot size in study area



Map 7 – Study Area – Vacant Land

