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10 February 2020

Bland Shire Council  
PO Box 21  
WEST WYALONG NSW 2671

## PLANNING PROPOSAL

### Additional Permitted Use

**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 Final Draft Planning Proposal for submission to Bland Shire Council town planning staff for their consideration prior to finalising documents as part of a complete proposal. The proposal aims to include an additional permitted use in Schedule 1 of the Bland Local Environmental Plan 2011 to allow the subdivision of the land into two allotments and permit the construction of additional dwellings on the newly created vacant lot.

This Final Draft 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.

We seek Council's feedback and review of the proposal and would welcome any discussion regarding the intended outcome and the information we have included. Please contact us for any assistance or information.

Yours Faithfully,

A handwritten signature in black ink, appearing to read "P. Fitzsimmons", written over a horizontal line.

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

APU – Additional Permitted Use

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

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## **1. Executive Summary**

This Planning Proposal is prepared to demonstrate the benefit of including an additional permitted use in Schedule 1 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, and a maximum of 2 future dwelling(s) on a separate allotment as permitted by the BLEP in the RU1 Primary Production land-use.

Plans submitted with the application, demonstrate that if an Additional Permitted Use (APU) is included in the BLEP that a subdivision can take place to position the two existing dwellings entirely within one of the two allotments that would be permitted 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 analysis 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. Lastly the plans prepared provide an overview of the adjoining and immediately surrounding land-use zones clarifying an overall picture of the intended land use in the vicinity.

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 APU 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 and illustrative concept plan detail and illustrate the intended outcomes as appropriate.

It is considered that the inclusion of an Additional Permitted Use (APU) in Schedule 1 of the BLEP is the most appropriate way to amend the BLEP to facilitate the outcomes of the PP which will result in the best use of the land in its land use and environmental context. The use of an APU instead of any proposed alteration to minimum lot size mapping means that this site specific situation can be addressed to provide the best outcome without altering the mapping that may relate to other property that is not considered as part of this application.

## **2. Introduction**

The land owners of Lot 2 DP 625986 has engaged Vision Town Planning Consultants to prepare this Planning Proposal (PP). This PP examines the existing planning controls applicable to the land including land-use zoning, minimum lot size and surround land-use 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.

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

### **3.1. Subject Site**

The subject parent lot 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 either allotment should an additional permitted use be granted. 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 is 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.

### **3.2. Surrounding Land**

The surrounding land use can best be described as Rural Residential despite the zone being RU1 Primary Production.

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.

Figure 1 of the next page displays the existing allotment including the buildings that are presently constructed on the land. Figure 2 on page 8 displays a concept design of a subdivision that could be achieved if an additional permitted use were included. The conceptual plan includes setbacks from railway and Mid Western Highway as required by the NSW draft guidelines for rail lines and classified roads.

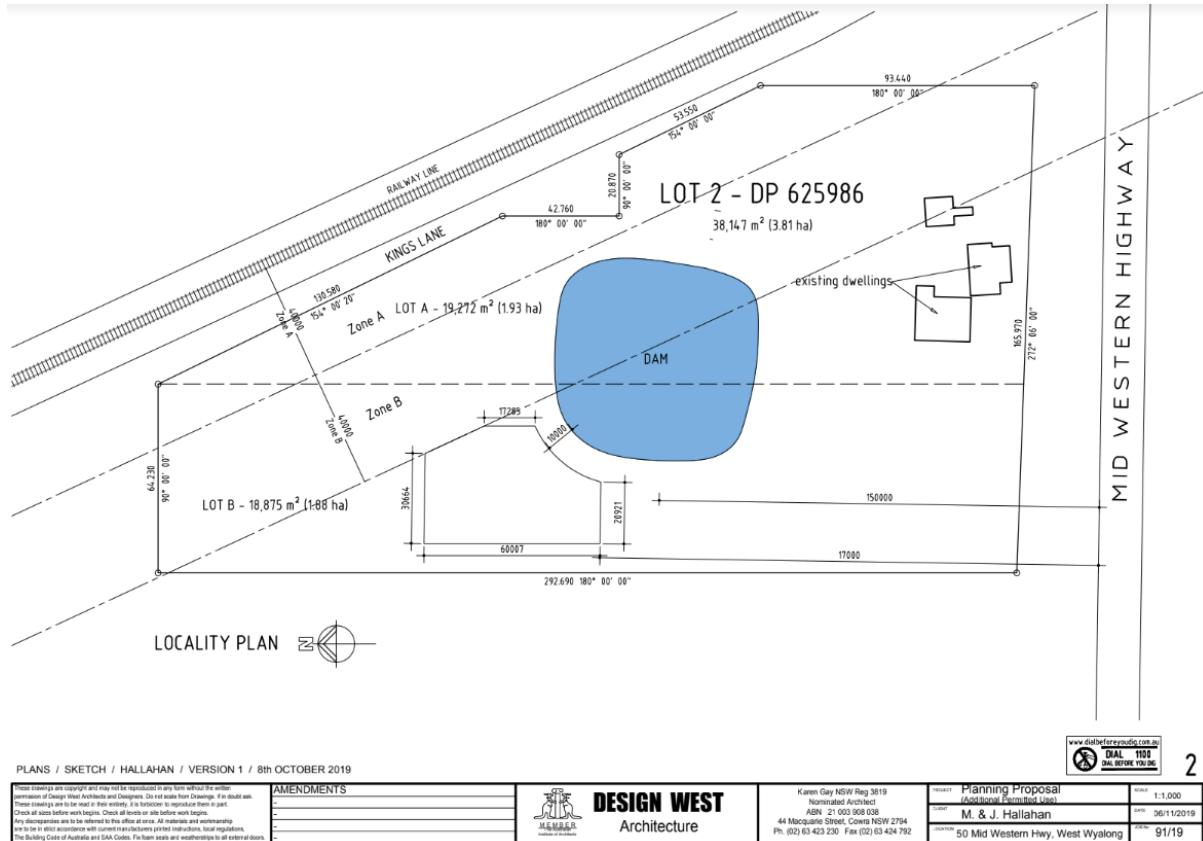


Figure 1 – Existing Allotment



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

Figure 2 – Concept Subdivision Design



Source: Design West Architects



## 4. Existing Planning Provisions

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

#### 4.1.1. 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. In 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 and IN2 Light Industrial land-use zone located south of the site.

Figure 3 – Land-use Zone Map

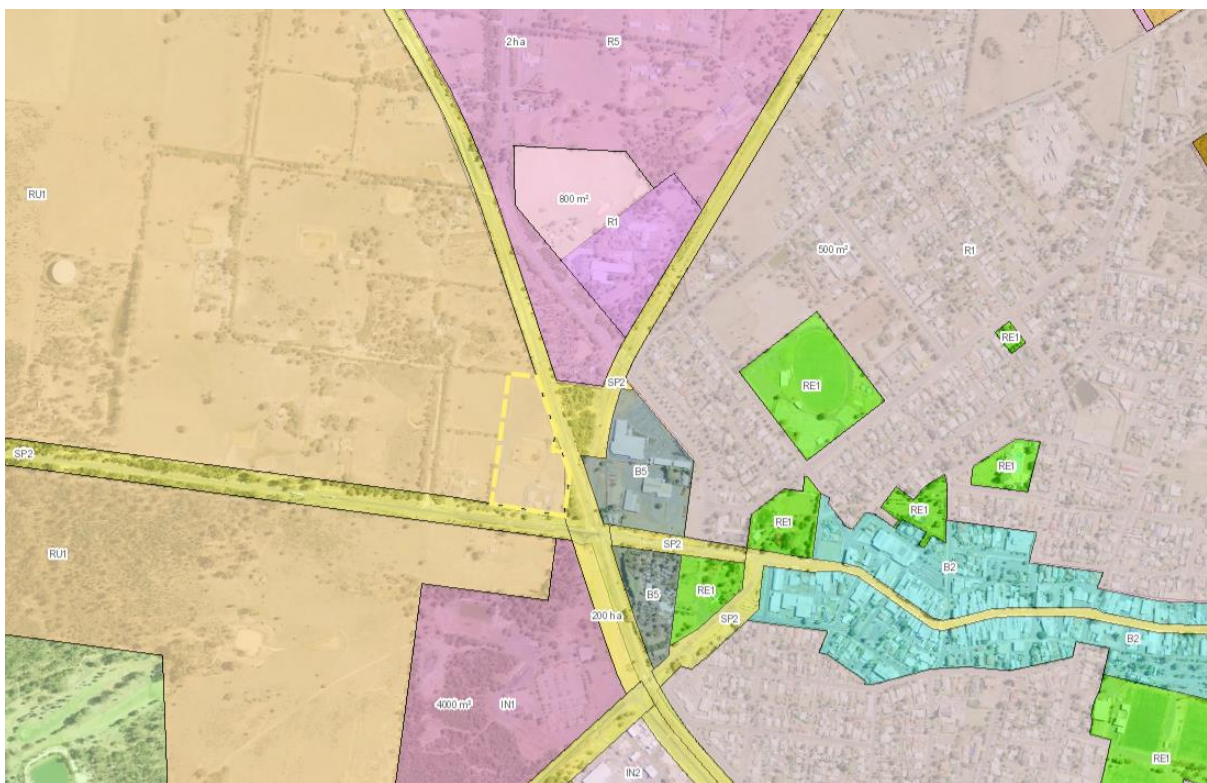


Source: [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)

#### 4.1.2. 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)

#### Clause 2.5 Additional Permitted Uses for Particular Land

Extract:

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out—*
- (a) *with development consent, or*
  - (b) *if the Schedule so provides—without development consent,*
- in accordance with the conditions (if any) specified in that Schedule in relation to that development.*

---

*(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

Clause 2.5 of the BLEP states that this clause has effect despite anything to the contrary in the Land Use table and in accordance with any conditions specified in the Schedule of the plan, meaning any additional permitted use included in Schedule 1 of the BLEP can be undertaken despite any other provisions or controls included in that planning instrument.

Schedule 1 of the BLEP presently includes two nominated additional uses specifically designed to allow for identified development to occur on identified land parcels. The planning proposal matches these existing additional permitted uses in legislative style as it will also identify an allotment on which a specified additional permitted use, in this case being a subdivision below the minimum lot size, can occur. The benefit of including an additional permitted use in the Local Environmental Plan is it does not affect the planning controls as they apply to any other allotments not listed in Schedule 1.

Below is an extract from the Land Use table included in the BLEP for RU1 Primary Production land. As can be seen from the permitted uses in Clause 3, allotments within the RU1 Primary Production zone are limited to a maximum of two dwellings per lot (Attached dual occupancy). In this instance it is considered most unlikely that Council would be in a position to issue any approval for a third dwelling on the allotment under the current provisions as a Rural Workers dwelling because any application would need to demonstrate that the dwelling was required to be constructed to provide accommodation associated for an employee of an agricultural activity. Given the land size of the proposal this is very unlikely to be demonstrated as part of any future application in the authors' considered opinion.

Land-use table extract below:

Extract:

## ***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*

#### 4.1.3. 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.

Inspection of the site did not reveal any land use that would likely result in contamination of the site as included in the NSW guidelines for soil remediation. The land appears to be for residential use associated with the existing dwellings. The existing residential land-use means that the proposed land use also being residential as part of this PP is appropriate without site specific soil testing.

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.



## 4.2. 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.

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

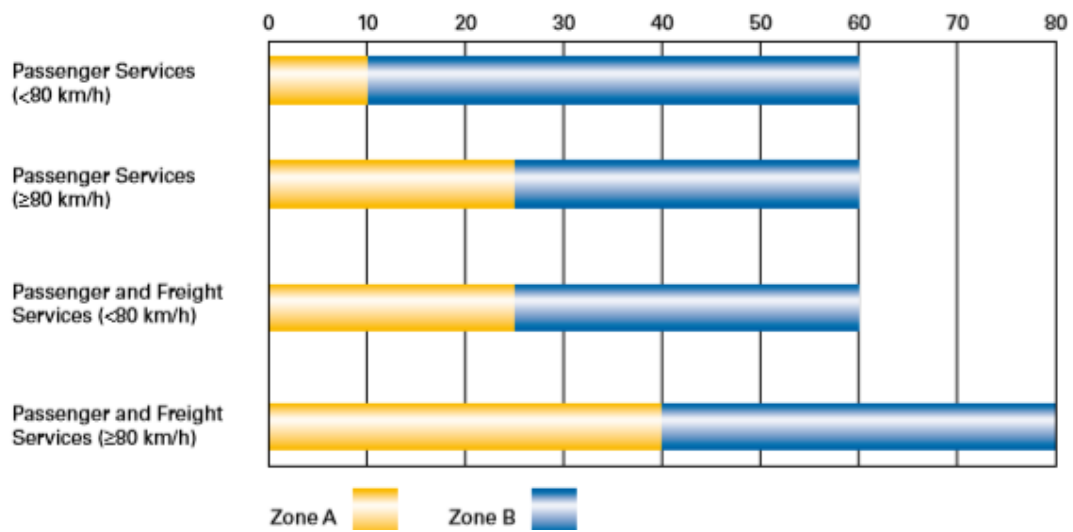
Consideration has been given within the conceptual design included in this PP for the location of future dwellings or building envelopes as they relate to the adjacent railway line and Mid Western Highway.

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.

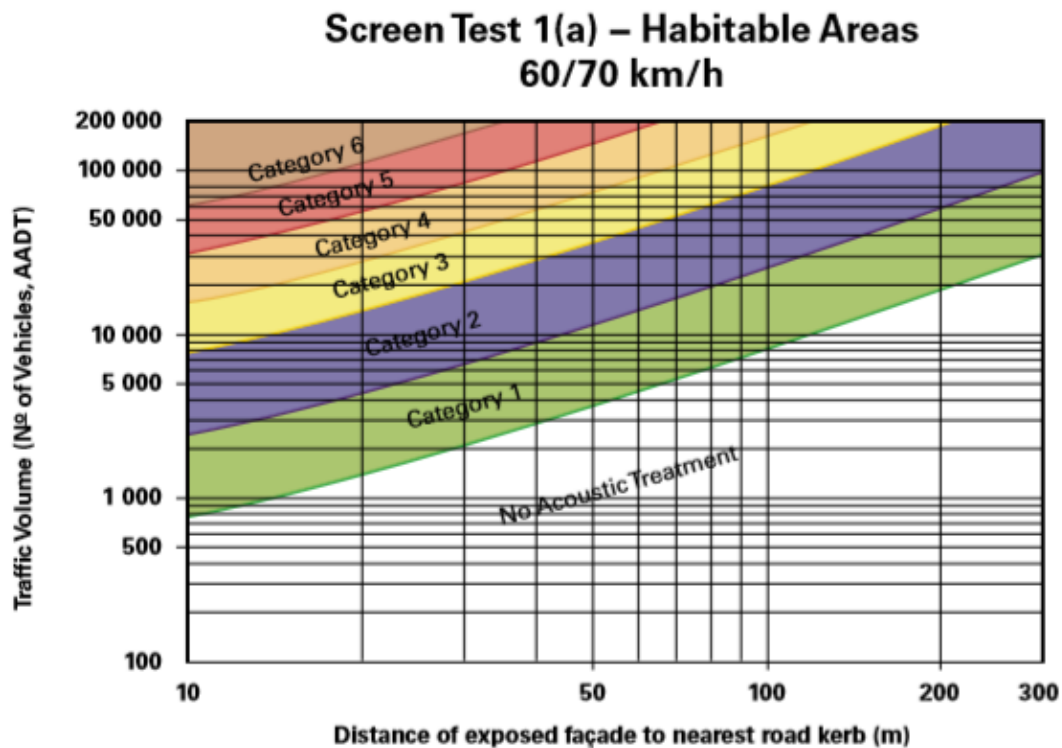
It is considered that the concept design included with this Planning Proposal displays that a future dwelling could be positioned on the new allotment that would be vacant at the time of any development consent within an identified building envelope to fully comply with the requirements of the development 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)



#### 4.4. 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 include an additional permitted use in Schedule 1 of the BLEP 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 dwelling(s) should the APU recommended in this PP be adopted can be designed to fully comply with the existing controls contained in the DCP.

## 5. Proposal

### 5.1. The Proposal

This PP is seeking Council's endorsement to include a provision in Schedule 1 Additional Permitted Uses (APU) of the BLEP. The proposed APU would allow for the subdivision of the area within Lot 2 DP 625986 mapped as incorporating a minimum lot area size of 200 hectares into a lot with an area of not less than 1.8 hectares.

The additional permitted use could be drafted as follows:

*'The subdivision of Lot 2 DP 625986 as having a minimum lot area size of 200 hectares are permitted to be subdivided into not more than 2 allotments with areas of not less than 1.8 hectares each. A building envelope with an area of not less than 1,000 square metres included with each proposed allotment not containing an existing dwelling-house as part of a development application seeking approval to subdivide and can accommodate construction of a future dwelling in accordance with applicable planning controls.'*

### 5.2. 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 this site specific additional permitted use to subdivide an allotment that is too large to be enjoyed for just a residential purpose but too small to be utilised for an agricultural enterprise. The proximity of the dwelling on the very fringe of the residential area of the West Wyalong township means that it is appropriately located to facilitate the future construction of up to two additional dwellings as permitted by the land-use table, on one additional allotment.

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

The intention of this planning proposal is to include an additional permitted use in Schedule 1 of the BLEP that allows for the subdivision of Lot 2 DP 625986 in a practical way that permits the subdivision of all areas of the allotment.

### **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

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

The land owners are seeking Council's endorsement to include a provision in Schedule 1 Additional Permitted Uses (APU) of the BLEP. The proposed APU would allow for the subdivision of the area within Lot 2 DP 625986 mapped as incorporating a minimum lot area size of 200 hectares into a lot with an area of not less than 1.8 hectares provided a building envelope of not less than 1000 square metres is identified on each lot upon which dwelling(s) can be designed and constructed in accordance with applicable planning controls.

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

### **8.1. 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, doesn't allow for the subdivision to occur restricting the development to a rural residential land-use that cannot be achieved on the lot size available in the residential context.

It is not considered that altering the minimum lot size area map is unnecessary as this is a site specific analysis of this particular allotment that constitutes a unique site in immediate proximity of the residential area of the township, but separated by other residential land-uses from the rural area located further west of the subject 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.

## 8.2. 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)?

### 8.2.1. 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 an additional permitted use 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**



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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 include an additional permitted use for a residential dwelling 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 the growing of crops and 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.

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**Directions 17 – Direction 19**

Direction 17 through 19 address the need for the expansion and retention of transport 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 proposed additional permitted use is not inconsistent with the actions included in directions 17-21.

**Direction 20: Identify and protect future transport corridors****Direction 21: Align and protect utility infrastructure investment****Direction 22 – Direction 29**

The Planning Proposal which would facilitate a maximum of two additional dwellings in accordance with the existing permissible uses in the RU1 – Primary Production land-use zone will not detract from any potential residential development in areas already zoned for residential purpose in the West Wyalong township. The additional permitted use proposed in this Planning Proposal will facilitate the best use of what is a very large allotment containing only two existing residences. It is considered to be appropriate being 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. *

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

Council does not have any local strategy or strategic plan in place.

#### 8.4. 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)

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- 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.

## 8.5. 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.

The PP is consistent with the Ministerial Directions without variation.



## 8.6. 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.

## 8.7. 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.

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## 9. Maps

Map to be included identifying the allotment subject to the Additional Permitted Use (APU) accompanying the BLEP.

## 10. 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

## 11. 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.

## 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. The Planning Proposal is designed to include an Additional Permitted Use in Schedule 1 of the Bland Local Environmental Plan 2011. It is considered that this proposed method of inclusion of an APU results in a potential development restricted only to the subject site and the considerations included in this report. 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 include an additional permitted use in Schedule 1 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.

## 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

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Figure 4.2 – Busy Roads

## List of Tables

Table 1 – Consideration of proposal against DCP planning controls