

Failford Road reduced minimum lot size - Amendment to Great Lakes LEP 2014

Proposal Title :	Failford Road reduced minimum lot size - Amendment to Great Lakes LEP 2014		
Proposal Summary :	The planning proposal seeks to reduce the minimum lot size for land at Failford Road, Failford from 5000m² to 4000m². The site is zoned R5 Large Lot Residential and no changes to the zone or other provisions are proposed. The proposal will increase the potential yield by approximately 7 lots.		
PP Number :	PP_2014_GLAKE_004_00	Dop File No :	14/15796

Proposal Details

Date Planning Proposal Received :	17-Sep-2014	LGA covered :	Great Lakes
Region :	Hunter	RPA :	Great Lakes Council
State Electorate :	MYALL LAKES	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Failford Road		
Suburb :	Failford	City :	Postcode : 2428
Land Parcel :	Lot 1 DP 1177392		

DoP Planning Officer Contact Details

Contact Name :	Dylan Meade
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RPA Contact Details

Contact Name :	Rebecca Underwood
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes

MDP Number :		Date of Release :	
Area of Release (Ha) :	24.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	59
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The subject site was rezoned to 1(d1) Rural Residential with a minimum lot size of 5000m² in 2009, and transitioned to the equivalent R5 Large Lot Residential in 2014. Council advises that there is an existing subdivision approval for 52 lots. 23 of these lots are affected by a property vegetation plan (PVP) that requires the retention of identified trees. The planning proposal applies to the part of the site not subject to this PVP requirement and will increase the subdivision lot yield in this area by approximately 7 lots.**

Council requests use of the Minister's delegations to finalise this planning proposal. This request is supported as the proposal is considered a matter of local planning significance.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of the objectives explains that the planning proposal aims to provide for a large lot residential development in an area that is capable of accommodating low impact development, is economically viable, and is capable of facilitating wildlife corridors (over part of the lot not subject to this planning proposal).**

The statement of objectives is supported.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions provided explains that the planning proposal will amend the lot size map of the Great Lakes LEP 2014.**

The explanation of provisions is supported.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has nominated 28 days for the proposed length of community consultation. The proposal is considered of low impact as it is:

- **consistent with the pattern of surrounding land use zones and/or land uses**
- **consistent with the strategic planning framework**
- **presents no issues with regard to infrastructure servicing**
- **not a principal LEP**
- **does not reclassify public land.**

As the planning proposal is of low impact, it is recommended that a minimum 14 day community consultation period be required.

Council has indicated that consultation with State agencies is not required as consultation previously occurred when the land was rezoned in 2009, and because the proposal is minor. This advice is supported, however Section 117 Direction 4.4 Planning for Bushfire requires consultation with the Rural Fire Service as the site will allow more intensive development and small areas of the site are identified as bushfire prone. It is therefore recommended that Council consult with the RFS to meet the requirement of the Direction.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **April 2014**

Comments in
relation to Principal
LEP :

The Standard Instrument Great Lakes LEP 2014 is in force.

Assessment Criteria

Need for planning
proposal :

The planning proposal is not the result of a strategy study or report, and is a resolution of Council to enable greater lot yield over the part of the site not subject to environmental constraints identified in a property vegetation plan (PVP).

An LEP amendment is considered the best means to achieve the intent of the planning proposal.

Consistency with strategic planning framework :

MID NORTH COAST REGIONAL STRATEGY (MNCRS)

The planning proposal is considered consistent with the MNCRS as the subject site is an existing rural residential zone and only seeks a minor change to minimum lot size.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)***SEPP 44 - Koala Habitat**

The subject lot contains vegetation that could be identified as potential koala habitat. The planning proposal does not apply to this section of the lot. The potential habitat will also be managed by the property vegetation plan and development control plan already applying to the site. The planning proposal is considered consistent with the SEPP.

LOCAL PLANNING (SECTION 117) DIRECTIONS***2.1 Environment Protection Zones**

Council has identified this Direction as applicable as the subject lot contains regionally significant vegetation. The planning proposal does not apply to this section of the site. This vegetation is also protected through an existing development control plan and property vegetation plan. The Direction is not considered applicable to the planning proposal.

***2.3 Heritage Conservation**

Council has identified this Direction as applicable as two items of heritage significance are located close to the subject lot. Council advises that the impact on the heritage items from the rural residential development was considered through the previous rezoning of the land. Because of this previous consideration, and as this planning proposal only seeks a minor increase in the potential subdivision lot yield, the proposal is considered consistent with this Direction.

***3.1 Residential Zones**

Council has identified this Direction as applicable as it will affect land within an existing residential zone. The planning proposal is considered consistent with the provisions of this Direction as it makes better use of existing infrastructure.

***3.4 Integrating Land Use and Transport**

Council has identified this Direction as applicable as it alters land zoned for residential purposes. Given the proposed minor increase in lot yield, the planning proposal is considered consistent with the provisions of this Direction and the policy 'Improving Transport Choice – Guidelines for planning and development'.

***4.1 Acid Sulfate Soils**

This Direction is relevant to planning proposal as the subject site is identified as having a probability of containing acid sulfate soils. The planning proposal is inconsistent with this Direction as it proposes an intensification of land uses. The inconsistency is considered of minor significance as acid sulfate soils were considered as part of the 2009 rezoning of the site to large lot residential, and only a minor change in minimum lot size is proposed.

***4.3 Flood Prone Land**

Council has identified this Direction as applicable as the subject lot contains flood prone land. Even though the flood affected part of the lot is not subject to the proposed amendment, as the planning proposal permits an increase in the development potential of the existing lot that contains areas of flood affected land, it is recommended that the Minister's delegate approve the inconsistency as of minor significance.

4.4 Planning for Bushfire Protection

The Direction is applicable to the planning proposal as the subject site is mapped as bushfire prone land. The Direction requires that Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act.

***5.1 Implementation of Regional Strategies**

As discussed above, it is considered that the proposal is consistent with the MNCRS.

The planning proposal is considered consistent with all other Section 117 Directions.

Environmental social
economic impacts :

The planning proposal is not considered to have any environmental, social or economic impacts for the Great Lakes community. The proposal seeks a minor variation to the minimum lot size which will result in an increase in the lot yield by approximately 7 lots.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

5.1 Implementation of Regional Strategies

Additional Information :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act in respect of Section 117 Direction 4.4 Planning for Bushfire Protection. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

5. The Minister's delegate agree that inconsistencies with Section 117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance.

Supporting Reasons :

The planning proposal is supported as it seeks a minor change to the minimum lot size that will result in a higher lot yield over part of the site capable of accommodating a slight increase in low impact development.

Signature:



Printed Name:

TRENT WINK

Date:

26/9/14

A TEAM LEADER