



Reduced minimum lot size for land at 243 Failford Road, Failford

Proposal Title : **Reduced minimum lot size for land at 243 Failford Road, Failford**

Proposal Summary : **It is proposed to amend minimum lot size provisions for land at 243 Failford Road, Failford.**

The site is currently zoned R5 Large Lot Residential and E2 Environmental Conservation under Great Lakes LEP 2014. No changes are proposed to the land use zones. It is only intended to change the minimum lot size provisions for the part of the site zoned E2 Environmental Conservation.

PP Number : **PP_2015_GLAKE_004_00** Dop File No : **15/08098**

Proposal Details

Date Planning Proposal Received :	21-May-2015	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 :	243 Failford Road		
Suburb :	Failford	City :	2430
Land Parcel :	Lot 3 DP 560635		

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**
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RPA Contact Details

Contact Name : **Louise Gaffney**
Contact Number : **0265917351**
Contact Email : **louise.gaffney@greatlakes.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

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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) :	6.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	11
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 : **Great Lakes Council has since lodged a separate planning proposal to introduce provisions to enable subdivision of split zones below the minimum lot size. The subdivision of the E2 portion may be permissible once this clause is inserted into the Great Lakes LEP 2014. However, it is considered appropriate to progress this planning proposal for Failford independently of this other amendment as the timing of the introduction of split zones clause is uncertain.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The planning proposal explains the objective is to alter the minimum lot size over the part of Lot 3 DP 560635 zoned E2 Environmental Conservation from 40 hectares to 5,000m2.**

The statement of objectives is supported.

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

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

Comment : **The planning proposal explains the objectives will be achieved through an amendment to Lot Size Map (sheet LSZ_011) in Great Lakes LEP 2014.**

The explanation of provisions is supported.

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Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.3 Site Specific Provisions

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

SEPP (Rural Lands) 2008

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 proposes a community consultation period of 28 days. The proposal is considered of low impact under 'A Guide to Preparing LEPs', and as such a minimum exhibition period of 14 days is recommended.

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 :

In 2010, part of the site (corresponding to the current R5 zone) was zoned to 1(d1) Rural Residential under Amendment 67 to the Great Lakes LEP 1996. The remaining land (corresponding to the current E2 zone) was proposed be zoned 7(a1) Environmental Conservation, but was deferred from Amendment 67.

A concurrence to vary the minimum lot size to enable subdivision of the deferred 1(a) Rural Zone land was granted in 2012 by the Department. This land remained zoned as 1(a) Rural Zone until the gazettal of the Great Lakes LEP 2014.

Council advises a DA was previously approved using this concurrence to the development standard variation. However, this DA has since lapsed and the current Clause 4.6 provisions do not allow a variation to this extent.

The planning proposal is not the result of a strategic study or report. It is required to allow Council to consider a development application (DA) for subdivision of the site.

The planning proposal is required to allow the subdivision of the E2 portion of the rural residential lots. The proposal states that this will enable vegetation rehabilitation measure to occur over the E2 portion of the proposed rural residential lots.

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Consistency with strategic planning framework :

MID NORTH COAST REGIONAL STRATEGY

Although the site is not identified a 'future urban release area', the proposal is considered consistent with the MNCRS as the location of the site is away from the coast. The proposal does not seek to allow the release of additional rural residential land and enables environmental outcomes consistent with the MNCRS's aims for LEPs to include provisions to encourage habitat and corridor establishment in future zoning of land with environmental and rural values. This will be enforced by appropriate controls in council's DCP.

STATE ENVIRONMENTAL PLANNING POLICIES

***SEPP No 44—Koala Habitat Protection**

The planning proposal advises that a SEPP 44 assessment was undertaken as part of the 2010 rezoning. As part of this assessment, the site was not identified as having core koala habitat.

Additional assessment in accordance with SEPP 44 is not considered necessary as part of this Gateway determination as the proposal only intends to reduce the minimum lot size on the E2 portion of the site. This will enable vegetation rehabilitation of the E2 zoned land.

***SEPP (Rural Lands) 2008**

This SEPP is applicable as it is proposed to reduce minimum lot size for land zoned E2 Environmental Conservation. The proposal is considered consistent with this SEPP and its Rural Planning Principles as minimum lot size controls will only be reduced for the environmental zoned land in order to allow subdivision of this land within the rural residential development. The planning proposal states that this will result in positive vegetation rehabilitation outcomes.

SECTION 117 DIRECTIONS

***1.5 Rural Lands**

This Direction is applicable as it proposes to change the existing minimum lot size on land within a rural or environment protection zone. As such the planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. As assessed above, the planning proposal is considered to be consistent with these principles.

***2.1 Environment Protection Zones**

This Direction is applicable as the planning proposal applies to land within an environment protection zone, and requires that planning proposals must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The planning proposal is considered likely to be consistent with this Direction as it will enable vegetation rehabilitation of the E2 zoned land to occur per the DCP provisions. However, given the time that has passed since the site was considered for conservation under Great Lakes LEP 1996 (Amendment 67), consultation with the Office of Environment and Heritage (OEH) is appropriate. A copy of the relevant DCP provisions should also be included in the exhibition material and provided to OEH for comment.

***3.1 Residential Zones**

The planning proposal identifies this Direction is applicable. The Direction is not considered applicable as the proposal only applies to the E2 portion of the site.

***4.1 Acid Sulfate Soils**

This Direction is applicable as the subject site contains Class 3 Acid Sulfate Soils. The

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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
2015-05-15 Planning Proposal Lot 3 DP 560635 Failford.pdf	Proposal	Yes
Great Lakes Council_15-05-2015_PP to amend lot size map over part of Lot 3 DP 560635, 243 Failford Road, Failford_.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

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 and Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. The agencies are 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 9 months from the week following the date of the Gateway determination.

Supporting Reasons : **The planning proposal is supported as it will result in positive environmental outcomes for the site.**

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Signature: Ben Holmes

Printed Name: BEN HOLMES Date: 11/6/15