



IRF22/1528

Gateway determination report – PP-2022-1594

Rezone land to RU5 Village and change minimum lot size to 600m2 at McGregor Street, Hillston- Carrathool Shire Council.

May 22

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-1594

Subtitle: Rezone land to RU5 Village and change minimum lot size to 600m² at McGregor Street, Hillston- Carrathool Shire Council.

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 22) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	2
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	4
2	Need for the planning proposal	5
3	Strategic assessment	5
3.1	Regional Plan	5
3.2	Section 9.1 Ministerial Directions	6
3.3	Local Strategic Planning Statement (LSPS).....	7
3.4	State environmental planning policies (SEPPs)	8
4	Site-specific assessment	8
4.1	Environmental.....	8
4.2	Social and economic.....	8
4.3	Infrastructure	9
5	Consultation.....	9
5.1	Community	9
5.2	Agencies.....	9
6	Timeframe	9
7	Local plan-making authority	10
8	Assessment summary	10
9	Recommendation.....	11

Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Planning Proposal Hillston Rezoning – McGregor Street, SLR Consulting Version v1.1, April 2022

1 Planning proposal

1.1 Overview

Table 2 - Planning proposal details

LGA	Carrathool
PPA	Carrathool Shire Council
NAME	Rezone 30 lots at McGregor Street, Hillston from RU1 Primary Production to RU5 – Village and reduce the minimum lot size from 40 hectares to 600m²
NUMBER	PP-2022-1594
LEP TO BE AMENDED	Carrathool Local Environmental Plan (CLEP) 2012
ADDRESS	McGregor Street- bounded by Regent, O'Donnell and Haines Streets - Hillston
DESCRIPTION	Part Lots 1 to 20 and Lot 28 DP 257 Part Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and Lot 27 DP 257
RECEIVED	19/05/2022
FILE NO.	IRF22/1528
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- amend the CLEP to rezone the land within the site area from zone RU1 – Primary Production to zone RU5 Village; and
- amend the minimum lot size from 40 ha to 600m².

It is the intention of the proposal to facilitate future residential development on the site to increase housing supply, consistent with the existing lot layout.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Carrathool LEP 2012 per the changes below:

Table 3 - Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production	RU5 - Village
Minimum lot size	40ha	600m ²
Number of dwellings	0	30

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land consists of 30 lots which are undeveloped, located to the south of the centre of the town of Hillston. The total site area is approximately 3ha and bounded by:

- land fronting McGregor Street to the north-west;
- Haines Street to the north-east of Haines Street;
- O'Donnell Street to the south-east; and
- Regent Street to the south-west.

Land to the north of McGregor Street is wholly owned by Council and is already classified as operational land.

The land is cleared and not currently utilised for rural purposes, despite its RU1 Primary Production zoning.



Figure 1 - Subject land (source: page 3 of planning proposal)

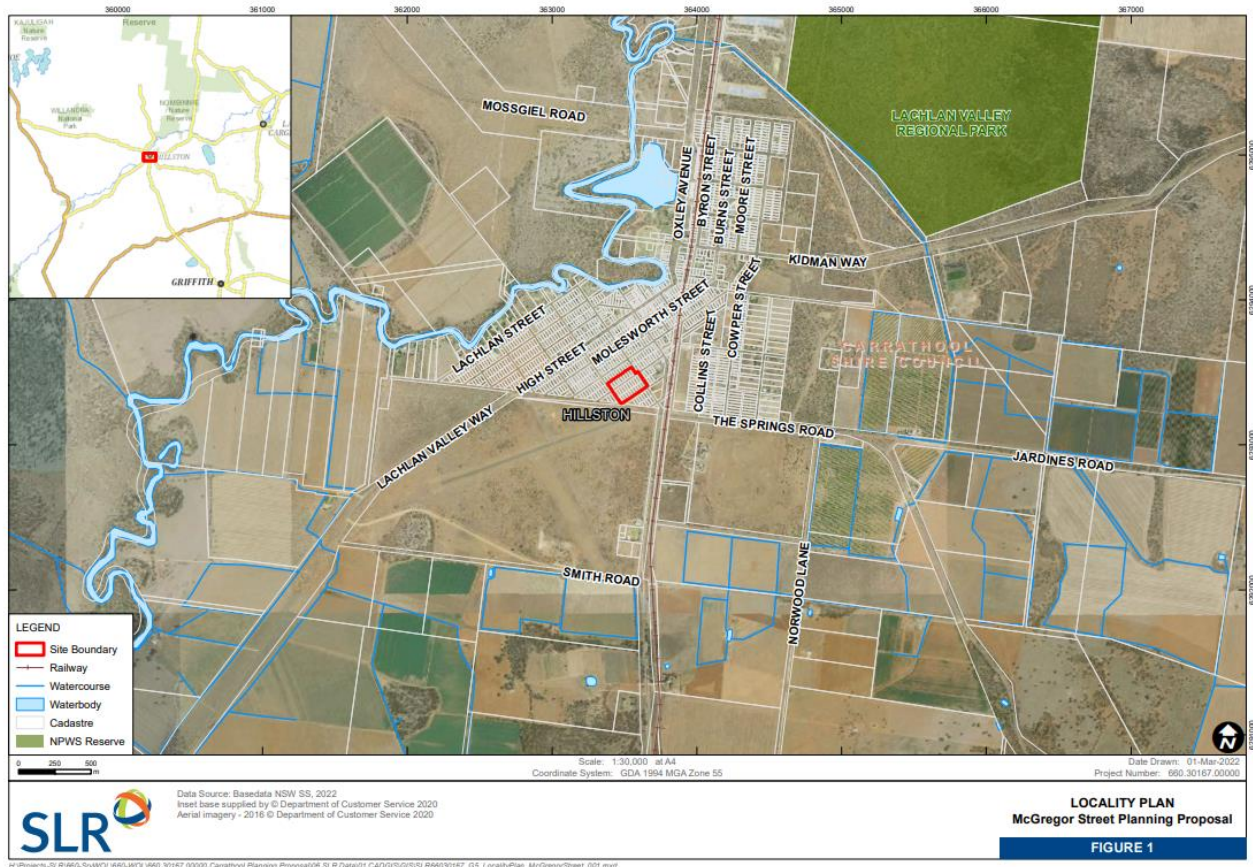


Figure 2 - Site context (source: page 4 of planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning and minimum lot size maps, which are suitable for community consultation. This will be a map only amendment.

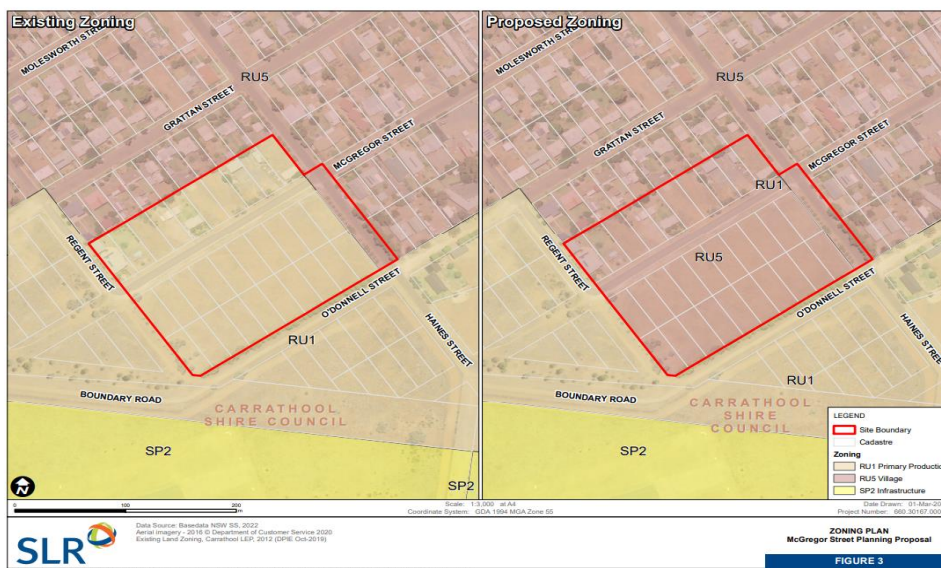


Figure 3 - Current and proposed zoning map (source: page 8 planning proposal)

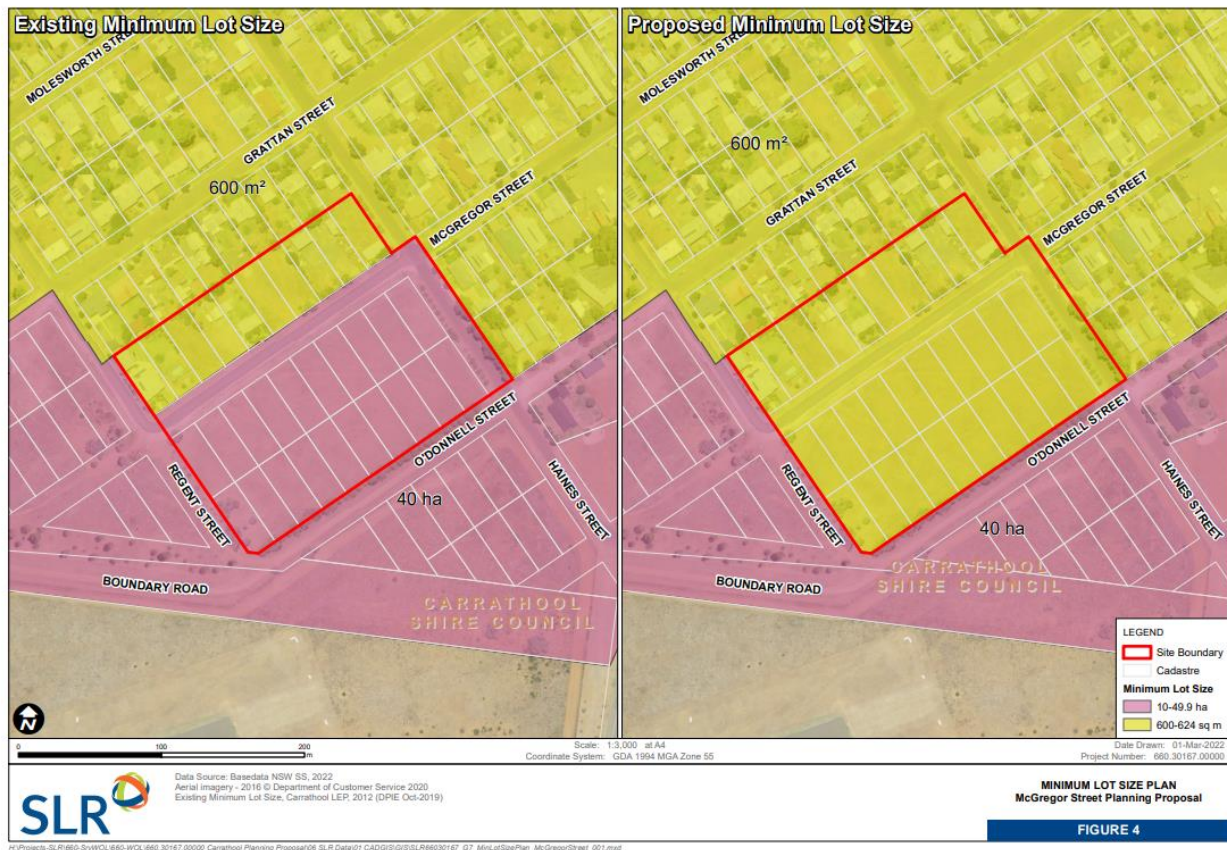


Figure 4 - Current and proposed MLS map (source: page 8 planning proposal)

2 Need for the planning proposal

The planning proposal states the proposed amendment is required to facilitate the future development of residential development within the town of Hillston to increase housing supply and diversity and resolve zoning and minimum lot size inconsistencies within the existing planning controls. The proposed rezoning will reflect the existing urban type lot layout which currently applies to the land and be consistent with nearby residential land.

The planning proposal also states that the regular high occupancy rates from the Hillston Caravan Park requires a more permanent accommodation solution for long term workers in the town, justifying the rezoning and opportunity to develop the proposed lots.

A planning proposal is the only means to achieve the outcomes and is considered appropriate.

It is to be noted that Council is concurrently rezoning land in the Hillston CBD (High Street PP-2022-1593) from RU5 to E1 – Local Centre to prevent dwellings being established in the CBD. Therefore, more residential land supply is required.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2036.

Table 4 - Regional Plan assessment

Regional Plan Objectives	Justification
Direction 25 – Build housing capacity to meet demand Direction 26 – Provide greater housing choice	While the planning proposal identified these two Directions as relevant to the proposal, the proposal is consistent with these Directions as it will provide an additional 30 dwelling houses and provide a greater housing choice in Hillston.
Carrathool Local Narrative	The Carrathool Local Narrative does not address the provision of additional housing as a priority, however general Directions within the Plan focus on providing housing across the region. The planning proposal is not inconsistent with the narrative or Directions.

3.2 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 - 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	Discussed in Table 4 above. The proposal is consistent with Directions 25 and 26 and the priorities for Carrathool. The proposal will assist in implementing the regional plan.
3.2 Heritage Conservation	Yes	There are no heritage considerations related to this planning proposal.
4.4 Remediation of Contaminated Land	Yes	<p>The planning proposal states that the site is not identified as contaminated under the Environment Protection Authority (EPA) Contaminated Land Record or the <i>Protection of the Environment Operations Act 1997</i> (POEA Act) public register.</p> <p>The site is zoned RU1 Primary Production, however the proposal states the land has not been utilised for any agricultural or horticultural activities.</p> <p>The proposal is consistent with the terms of this Direction. Council has not mentioned this as an issue at the planning proposal stage. Council will need to consider this in detail at the future development stage.</p>
5.1 Integrating Land Use and Transport	Yes	The existing road network would service any future development on the site and is consistent with this Direction.

5.3 Development Near regulated Airports and Defence Airfields	Yes	The subject land is located to the north of the Hillston Airport. This is not a regulated airport and used only by a local contractor during daylight hours when required. The limited scale of the proposed development would not impact on airport operations or the airport on the proposal.
6.1 Residential Zones	Yes	The proposal is consistent with this Direction and will offer a range of housing options, consistent with the requirements of this Direction. In turn, this will ensure that residential land development is undertaken within the residential zones, and not in unsuitable zones or locations.
9.1 Rural Zones	No- but justified	<p>The proposal is inconsistent with this Direction as it proposes to rezone land from a rural zone to a residential zone.</p> <p>In terms of the Direction the inconsistency is justified as being of minor significance as the subject land is already subdivided in an urban subdivision pattern and the proposal indicates the land has not and is not being used for agricultural purposes. The land to be rezoned is approximately 3ha which in broad primary production terms is a minor loss of agricultural land.</p> <p>In addition, the proposal cites high occupancy rates in the Hillston Caravan Park in terms of long-term tenants residing in cabins which identifies a need for more permanent housing solutions in the area.</p> <p>The delegate of the Secretary can be satisfied that the inconsistency is of minor significance and no further work is required in relation to this Direction</p>
9.2 Rural Lands	No – but justified	<p>The rezoning, reduction of minimum lot size and future residential development of the subject land will not impact on rural activities due to the existing location and fragmented nature of the land resulting from the urban subdivision layout.</p> <p>In terms of the Direction, it is considered the delegate of the Secretary can be satisfied that the inconsistency is of minor significance in this case and no further work is required.</p>

3.3 Local Strategic Planning Statement (LSPS)

Carrathool Shire Council Local Strategic Planning Statement 2020 (LSPS) applies to the proposal as follows:-

- Planning Priority 2.1 Deliver greater housing diversity to suit changing community needs of the Carrathool LSPS is directly applicable to the proposal.
- Action 2.1A specifically identifies amendments to the Carrathool LEP 2012 to provide additional appropriate housing development within Hillston. The proposed rezoning and minimum lot size reduction are directly consistent with this Direction.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. The SEPPs will be further considered at the Development application stage.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 6 Environmental impact assessment

Environmental Impact	Assessment
Contamination	There is a risk of site contamination given the RU1 Primary Production zoning of the subject land. The planning proposal has historically undertaken an initial preliminary contamination assessment and found there were no issues of concern at the planning proposal stage. Council can consider this issue in detail at the Development Application stage.
Ecological	<p>An Ecological Constraints Assessment has been undertaken and included with the planning proposal, which has identified patches of native vegetation along the south-west and north-west boundaries of the site. A desktop assessment of ecological values has considered this vegetation unlikely to be of any significant value. Other vegetation on the site has been identified as cleared, exotic, developed and planted land subject to low or no ecological constraints.</p> <p>The future development of the land is not considered to pose any ecological impacts and can be further considered in detail at the Development Application stage.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 7 - Social and economic impact assessment

Social and Economic Impact	Assessment
----------------------------	------------

Aboriginal Heritage	An AHIMS search of land within 200m surrounding the site was undertaken and identified no registered sites.
Non-Aboriginal Heritage	No local or State listed heritage items or places are located within the vicinity of the site.
Visual	Future residential development of the site will maintain and be consistent with the residential character of the adjoining village land.
Demand and Supply	<p>The planning proposal has identified that additional residential housing is required due to the consistent high occupation rate of cabins at Hillston Caravan Park and high occupation rate of existing dwellings in Hillston.</p> <p>The proposed rezoning and minimum lot size reduction will provide opportunity for more suitable residential development adjoining the Hillston residential area and provide positive socioeconomic benefits for residents and business owners due to the future increase in dwelling supply.</p>

4.3 Infrastructure

The proposal provided adequate information to demonstrate the land is able to be connected to existing adjacent infrastructure and services (water, sewer, power and telecommunications).

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The proposal is categorised as being “standard”.

An exhibition period of 20 working days (28 calendar days) is considered appropriate, and is included in the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is agreed that no agencies are required to be consulted for this proposal.

6 Timeframe

Council proposes a 4 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Council is significant landowner – owning Lots 1-20 DP 257 and therefore has a significant interest in the land. Due to this circumstance, it is being recommended that Council not be authorised to be the local plan-making authority.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is minor, and the changes will reflect the existing subdivision pattern of the site.
- The proposal will provide additional residential land supply opportunity for Hillston.
- The land can be serviced, is not constrained and adjoins the existing settlement area.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions being 9.1 Rural Zones and 9.2 Rural Lands are justified as minor inconsistencies and no further work is required.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. No agency consultation is required.
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



(Signature)

31 May 2022

(Date)

Wayne Garnsey

Manager, Western Region

Noted



(Signature)

3 June 2022

(Date)

Garry Hopkins

Director, Western Region

Assessment officer

Jenna McNabb

Planning Officer, Western Region

5852 6811