

# General Amendment to Griffith Local Environmental Plan 2014

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28 March 2023

*Updated on 12 April 2023 following 28 March 2023 Ordinary Meeting of Council and resolution (see Appendix 9)*

Griffith City Council



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# 1 Objectives and Outcomes

In 2014 the Griffith Local Environmental Plan (2014) was gazetted. This Planning Proposal consists of general housing keeping amendments, rezoning of lands in accordance with strategic plans, correction of mapping errors, amendments to clauses and the addition of new clauses to support development and the protection of the environment. More specifically, these amendments relate to:

- Correcting minor anomalies, discrepancies and mapping errors that were created during the preparation of the Griffith Local Environmental Plan 2014 (GLEP 2014).
- Re-zoning of land identified in various planning strategies including:
  - Griffith Housing Strategy 2019
  - Griffith Local Strategic Planning Statement 2020
  - Griffith Large Lot Residential Supply and Demand Analysis and Strategy 2022 (Griffith Large Lot Strategy)
- Various additions to permissible uses in commercial and industrial zones
- Reduction of minimum lot sizes in various locations in accordance with the Griffith Large Lot Residential Supply and Demand Analysis and Strategy 2021

The amendments are considered necessary to ensure the GLEP 2014 is consistent with Griffith City Council (Council's) and the Department of Planning and Environment's (the Department's) strategic policy and planning directions and to support affordable housing and additional large lot residential.

The amendments are expected to have the following benefits:

- Realise some of the planning visions and directions in the LSPS.
- Increase supply of residential and mixed-use development in close proximity to the CBD.
- Reduce land use conflict at the urban rural fringes.
- Modernise the LEP to include place-based controls and provisions to support and guide development.

## 2 Explanation of Provisions

The Planning Proposal contains two different types of amendments:

- General amendments that are changes to provisions in the Griffith Local Environmental Plan 2014 (GLEP 2014) that can apply to the whole Local Government Area (LGA).
- Site specific amendments (SSA) that apply to one location including zoning amendments, alterations to minimum lot sizes and additional permitted uses.

### 2.1 General Amendments

The proposed general amendments to the GLEP 2014 do not relate to a specific site and generally apply to all development or land covered by the Environmental Planning Instrument (EPI). The following proposed amendments are considered to be generally consistent with the Standard Instrument (Local Environmental Plan) Order 2006 and the relevant Ministerial Directions.

#### 1. Controls Relating to Secondary Dwellings on Land in a Rural Zone

On 18 December 2020, the Standard Instrument (Local Environmental Plans) Amendment (Secondary Dwellings) Order 2020 was published. An optional clause was created to control the size and location of secondary dwellings under clause 5.5 in rural zones. Secondary dwellings are permissible with consent in the RU1 – Primary Production and RU4 – Primary Production Small Lots. To ensure the size and location of secondary dwellings are controlled in rural zones, it is Griffith City Council's intention to adopt the Standard Instrument Clause with the 120 sq. m. and 50% thresholds. As such, the following clause is proposed:

*If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—*

*(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

*(i) 120 square metres, or*

*(ii) 50% of the total floor area of the principal dwelling, and*

*(b) the distance between the secondary dwelling and the principal dwelling must not exceed 300 metres.*

## 2. Permitting Artisan Food and Drink Industry

In 2018, the Standard Instrument (Local Environmental Plans) Order 2006 (SI) was amended to create a new definition for uses such as craft breweries, distillers and cheesemakers to be referred to as *artisan food and drink premises*:

***artisan food and drink industry*** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

**Note.** See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Unfortunately, during the amendments, the Department did not permit Council to nominate zones to which these uses would be appropriate. The types of producers which are included in this definition would support Griffith's tourism in a variety of areas including business zones and industrial zones.

Craft microbreweries, gin distillers, cheesemakers and other forms of artisan food and drink premises (AFDP) are located in E1-Local Centre zones and other business zones in regional centres and successfully operate and support the local economy:

- Thirsty Crow Brewery, Wagga Wagga (B3 – transitioning to E1)
- Albury Brewhouse, Albury (B3 – transitioning to E1)
- Mudgee Brewing Company (B3 – transitioning to E1)
- Archie Rose Gin Distillery, Rosebery (B7 – Transitioning to E3)

Prior to the creation of the definition, several Council's would permit the use as a food and drink premises with ancillary manufacture of artisan or craft food and drinks or as an innominate use in some instances. It was evident that a new definition was required to reflect this emerging use. Planning Circular PS 18-008, issued in 31 August 2018 provided this definition.

Currently light industries and AFDP are permissible in the MU4 – Mixed Use, E4 – General Industrial, E3 – Productivity Support, RU6 – Transition and RU5 – Village. Council proposes to add AFDP as a nominated 'permissible with consent' definition in the following zones:

- RU1 – Primary Production
- RU4 – Primary Production Small Lots
- E1 – Local Centre

Council believes as many localities in Griffith should support these types of use including:

- Rural zones to support the existing and emerging agritourism sector in Griffith.
- Business zones including the E1 – Local Centre zone to increase the variety of entertainment and tourism options in Banna Avenue which would support the retail sector and the vibrancy of the precinct. AFD's of their nature being a light industry cannot create an impact on the amenity of the locality including residential receivers. As such, any noise and odours produced would need to be mitigated. Council also believes placing this definition as a nominated use in the E1- Local Centre zone would send a message to residents and developers that AFD's can be developed in these areas subject to a development application.

### 3. Permitting Neighbourhood Supermarkets

Also in the 2018 SI amendment, a new definition for Neighbourhood Supermarket was introduced in the GLEP 2014:

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

*Note: See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets. Neighbourhood supermarkets are a type of shop—see the definition of that term in this Dictionary.*

Unfortunately, during the amendments, the Department did not permit Council to nominate zones to which these uses would be appropriate. It is considered that this type of land use would be suited to the R1 – General Residential Zone and the proposed R3 – Medium Density Residential to provide small supermarkets near residential areas which would be expected to increase ease of access to food and to support walkability.

### 4. Insert R3 – Medium Density Residential Zone

The Planning Proposal seeks to rezone some lands to the north of the CBD in the Wakaden Street precinct to R3 – Medium Density Residential to identify these lands for higher density development including residential flat buildings. This area includes the existing freight terminal owned by Pacific National with an area of 5 ha.

#### 1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types including residential flat buildings within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

- *To enable and enhance a high level of streetscape and urban design in the area.*

## **2 Permitted without consent**

*Environmental protection works; Home-based child care; Home occupations*

## **3 Permitted with consent**

*Attached dwellings; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Group homes; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified item 2 or 4.*

## **4 Prohibited**

*Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies.*

SSA10 in Section 2.2 provides further justification and constraints analysis for the rezoning of the precinct to R3 Medium Density Residential.

## 2.2 Site Specific Amendments

This section provides the details of the proposed site-specific amendments.

### Background of Amendments

As part of the lead up and public consultation necessary to produce the mandated Local Strategic Planning Statement in 2020, Griffith City Council called for submissions and sought public input to guide the growth and development of Griffith over the next 25 years. For a period of 40 days, Council engaged with the community, key stakeholders, industry groups and aboriginal parties through meetings, workshops and online presentations. It was indicated in the notification and exhibition documentation that Council would consider submissions requesting alternative zoning of individual sites and localities through this process to inform general amendments to the Griffith Local Environmental Plan 2014. This approach has historically been used by Council to support rezoning proposals with strategic merit during a comprehensive exhibition process rather than receiving individual Planning Proposals which are costly and time consuming for all parties. As the Department can appreciate, this Planning Proposal is the culmination of a journey in which the public have been informed and consulted.

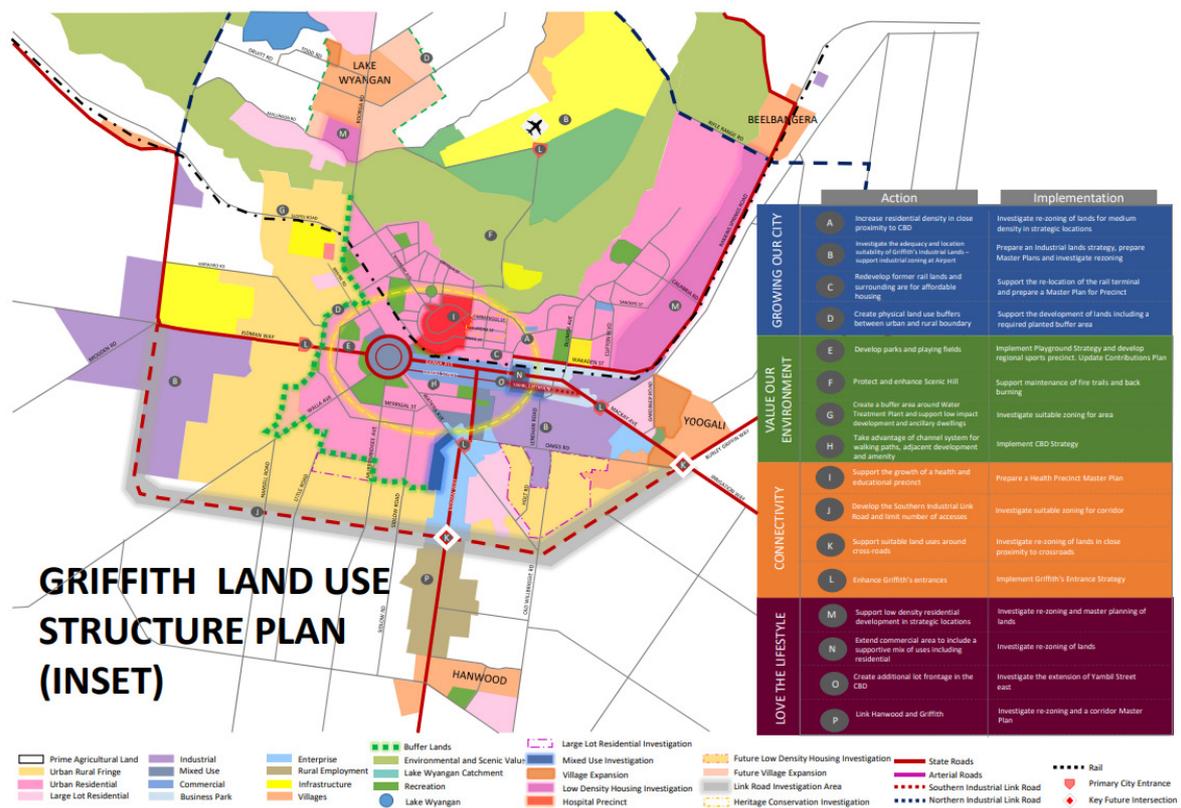
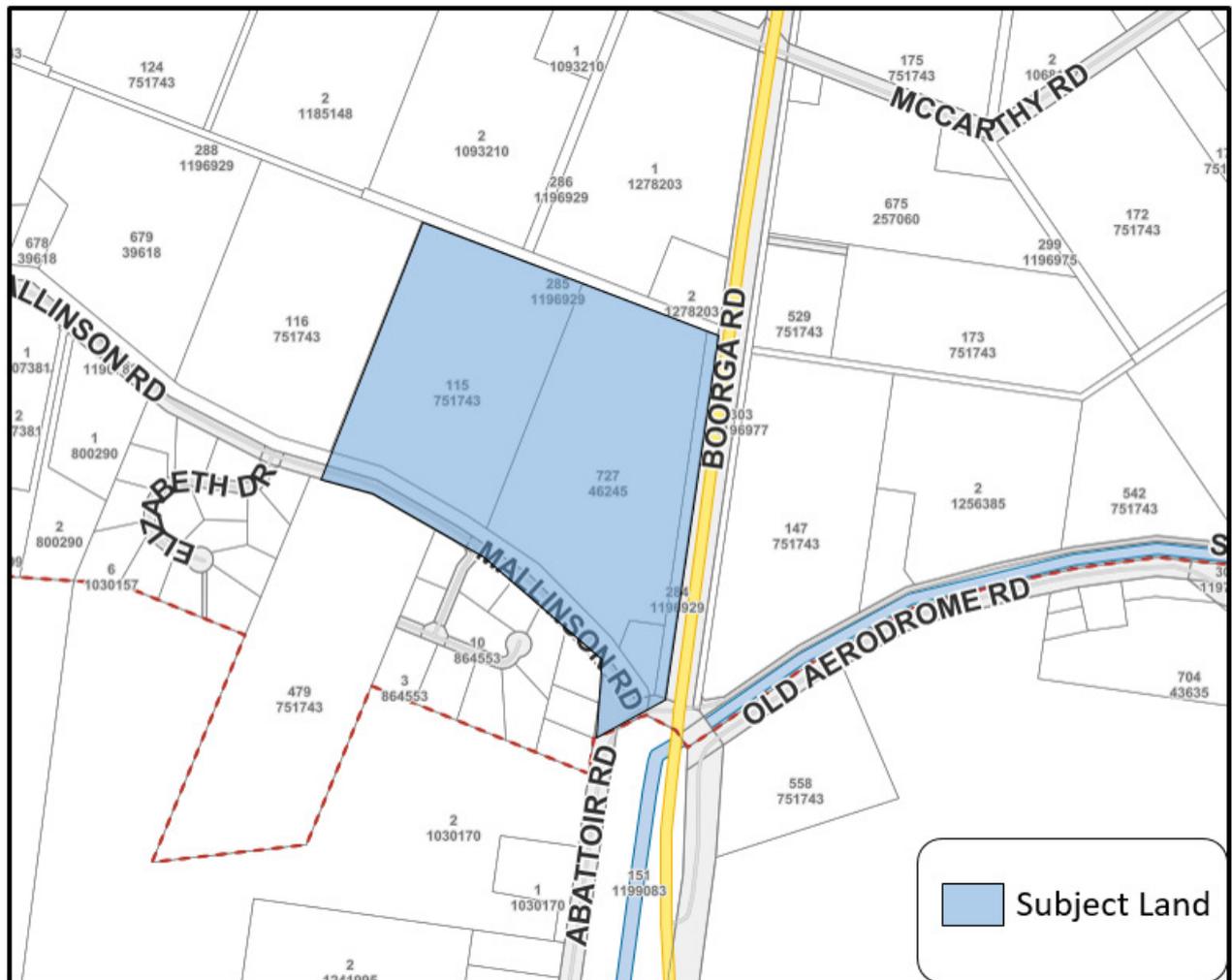


Figure 1: Griffith LSPS Structure Plan

## SSA1 – Mallinson Road

### *Subject Land:*

Lot 115 DP751743, Lot 727 DP46245, Lot 726 DP46245, Lot 284 DP1196929, part of Lot 265 DP1196782 and a portion of the Mallinson Road Reserve (Mallinson Road) Lake Wyangan (refer to **Figure 2**).



**Figure 2:** SSA 1 - Mallinson Road

### *Existing Zoning and Minimum Lot Size*

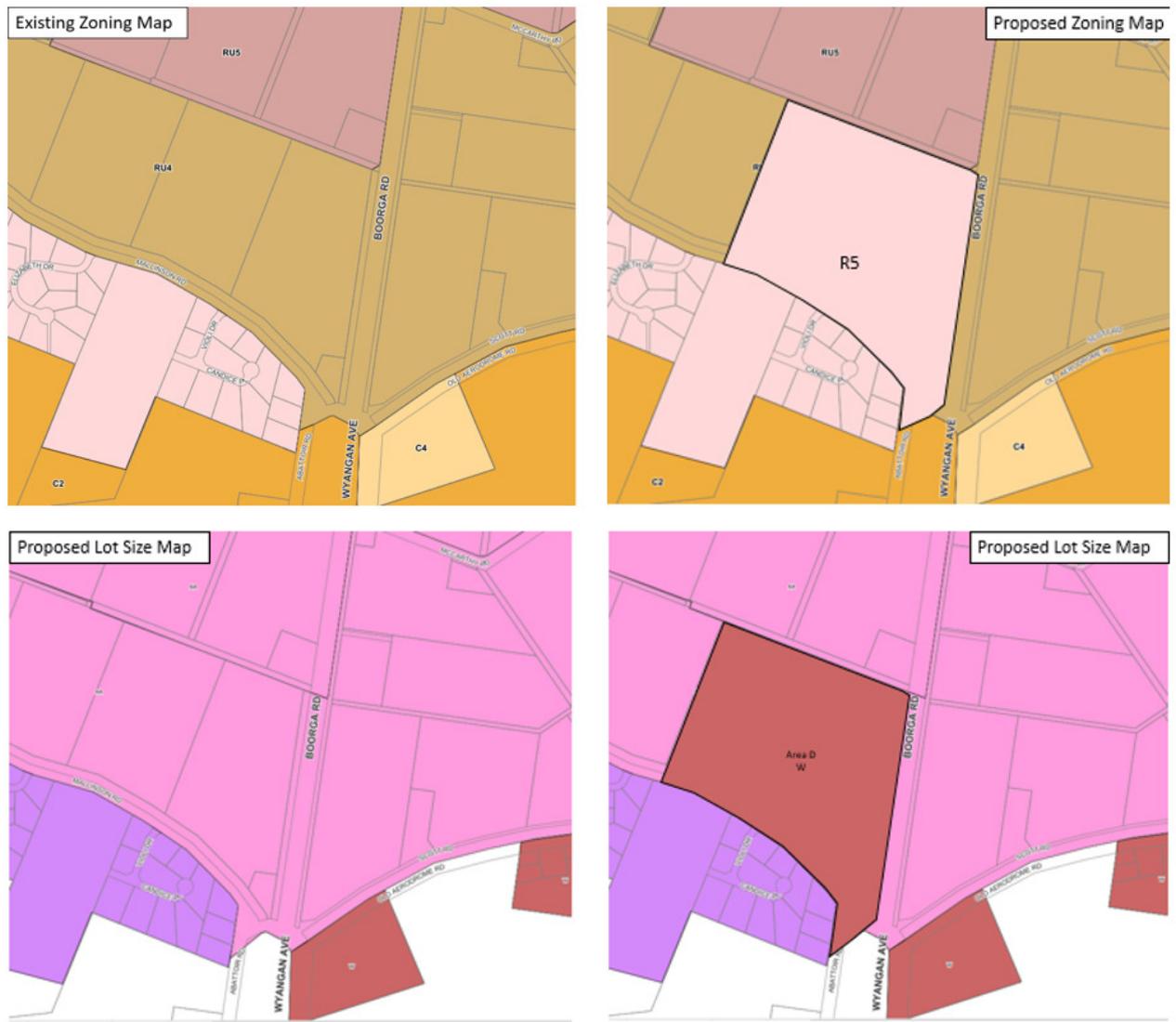
RU4 (Primary Production Small Lots) with a minimum lot size of 5 ha.

### *Proposal:*

Amend zoning to R5 – Large Lot Residential and reduce minimum lot size to 4000 m<sup>2</sup> without connection to sewer and 2000 m<sup>2</sup> with a connection to sewer in accordance with the Griffith Large Lot Strategy. Insert an Area D in column 1 of clause 4.1(3A) and a 2,000 square meters in Column 2.

- Amend LZN\_003C as depicted in **Figure 3**.

- Amend LSZ\_003C as depicted in **Figure 3**.



**Figure 3:** SSA1 - Existing and Proposed Zoning and Lot Size Maps

### *Strategic Assessment*

#### Background

The Mallinson Road SSA1 site was envisioned for Rural Residential development in Griffith Growth Strategy 2030 (GS 2030) back in 2001. The site was then identified for “General Expansion – Rural Residential” to be released between 2006 and 2010 and then zoned 1(d) in the 2002 GLEP. However, due to the approval and re-zoning of the former ‘Sunset Waters Lands’ (Lot 610 DP751743, Lot 309 DP751743, Lot 102 and Lot 104 DP1018460), which created an over-supply of rural residential lots, the lands were instead zoned RU4 – Primary Production Small Lots.

The owners of the two larger lots have prepared a subdivision design for the development which has been catered for in the Lake Wyangan Master Plan. Council has previously resolved

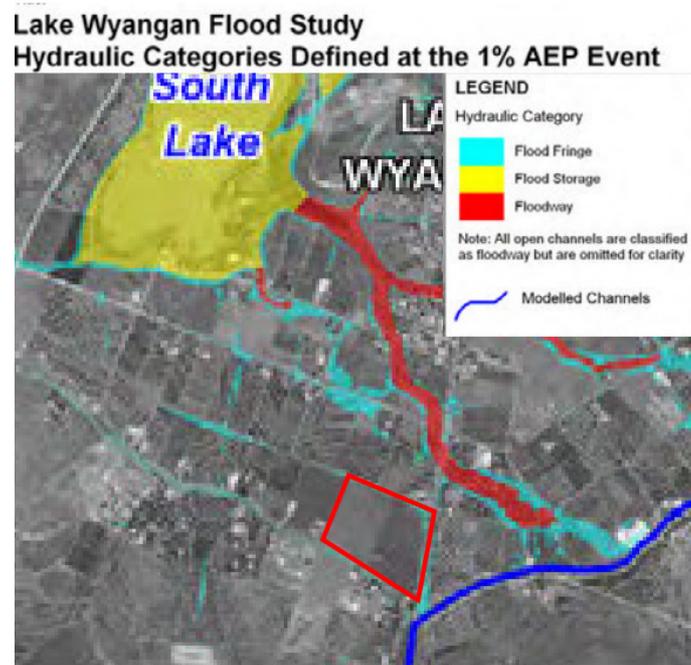
to permit development of the site utilising AWTS units (for the disposal of wastewater) rather than extending Council sewerage network to the site. The site was envisioned in the master planning exercise to be developed as a transition between the Griffith urban area and the expanded village of Lake Wyangan. The Planning Proposal would achieve this vision as Stage 1 of the Master Plan area is developed. The following is an excerpt from the Council report which sought the adoption of the Lake Wyangan Master Plan:

*It should be noted that any existing active development consents within the area would not be impacted by the endorsement of the Master Plan. Further, Council has previously resolved to support the development of Lot 727 DP 46245 and Lot 115 DP 751743 on Mallinson Road for Large Lot Residential development (further addressed in attachment 5 – Council’s response to submissions). These lands were also identified in the Griffith Local Strategic Planning Statement for Low Density Residential development. As such, development of these lands outside the sequencing or servicing requirements of the Master Plan may be possible should the lands be rezoned as part of the comprehensive amendments to the Griffith Local Environmental Plan 2014 underway presently and expected to be exhibited later this year.*

The site is surrounded by predominantly rural residential development and future village expansion lands to the north, east and west. The realignment of Mallinson Road has been envisioned by the Master Plan and would support the development of the lands. The location of larger allotments in this location has been envisioned to transition from the urban areas of Griffith to the expanded Lake Wyangan Village.

## Constraints

### Flooding



**Figure 4: SSA 1 - Flood Affection**

The site is located within the Lake Wyangan Flood Study 2012 planning area. A portion of the site is considered flood prone for the 1 in 100 year flood event. This area is located adjacent to existing drainage channels and is classified as 'flood fringe'. Future dwellings within this area would be required to be constructed above the flood planning level. Due to the minor nature of flooding on the land, a flood emergency plan would not be required.

### **Contamination**

The site has historically been utilised for agriculture including horticulture. A Limited Phase 2 Site Investigation was completed for these lands which determined the site did not contain levels of contamination above adopted criteria for residential development. The Assessment is provided at Appendix 4

### **Water and Sewer Services**

- The site is within Council DSP for water and sewer.
- Council's reticulated water service is available in Mallinson Road and has capacity to support the development
- Sewer could be extended to site as part of the Lake Wyangan Master Plan.
- Development could proceed on AWTs units. A Land Capability Assessment has been prepared for the land. The site is considered suitable for the onsite treatment of wastewater.

### **Road Infrastructure**

Mallinson Road is to be realigned as part of the Lake Wyangan Growth area. A new connection to Boorga Road with the site was been proposed. These intersection and road works would be carried out as part of the development of the site and Growth Area. Mallinson Road is a local road with sufficient capacity to support the future development of the site.

### **Land Use Conflict**

The active farming operations to the south would be developed in the short term as part of the Lake Wyangan Growth Area. The active viticulture operation to the west is a small scale operation which is part of the Lake Wyangan Master Plan area and would be developed in the future for large lot residential as part of the Stage 2 release.

### **Other Constraints**

- The site is not considered bushfire prone
- The site does not contain any vegetation and is a cleared paddock and considered highly degraded.

### **Site Specific Merit**

- The site is located in close proximity to the Griffith CBD (3 km).
- The site is also located in an R5 precinct along Mallinson Road.

- The site can drain to existing drainage channels to the south.
- The landowners have coordinated a street network and lot layout for the two lots which was adopted in the Lake Wyangan Master Plan endorsed by Council.

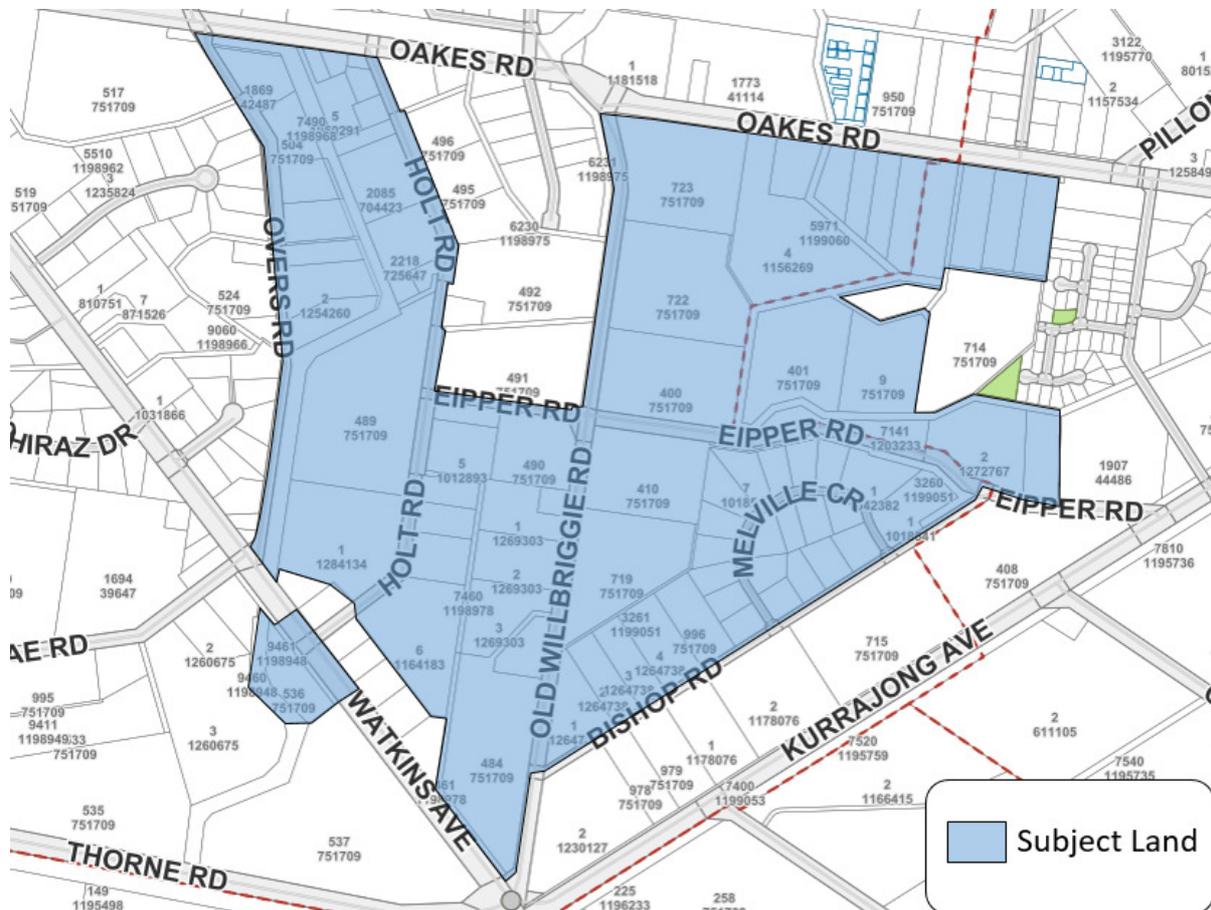
### **Strategic Merit**

- The site was previously designated for rural residential development in the 2001 GS 2030 Land Use Strategy.
- The site was identified in the Griffith LSPS for low density housing investigation.
- The Site has been identified as Candidate Site 1 in the Griffith Large Lot Strategy with capacity to provide an additional 36 lots in an area historically identified and development for rural residential lots.
- The pattern of development proposed, being lots between 2000 m<sup>2</sup> (with sewer connection) and 4000 m<sup>2</sup> (without sewer connection) is similar to the existing development patterns on the south side of Mallinson Road which were subdivided between 1990 and 2010 with a lot size ranging from 3000 m<sup>2</sup> to 1 ha.
- The Master Plan for the Lake Wyangan Growth Area adopted by Council identifies these lands as being developed for Large Lot Residential purposes.

## SSA2 – Oakes Road

### Subject Land:

Land to the south of Oakes Road and Eipper Road and along Watkins Avenue (refer to Figure 5)



**Figure 5:** SSA2 – Oakes Road Location

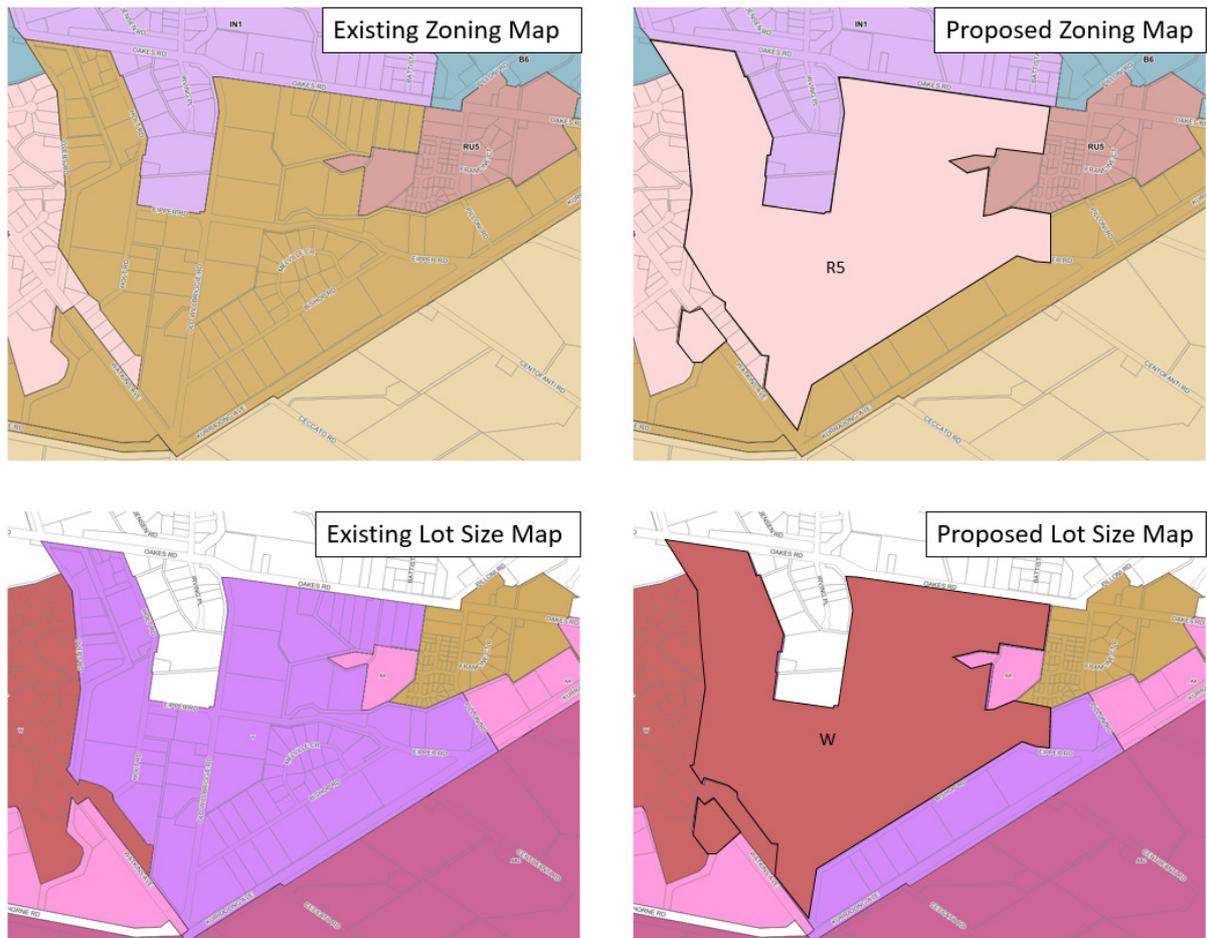
### Existing Zoning and Minimum Lot Size

RU4 (Primary Production Small Lots) with a minimum lot size of 1 ha.

### Proposal

Amend zoning to R5 – Large Lot Residential and reduce minimum lot size to 4000 m<sup>2</sup> without connection to sewer and 3000 m<sup>2</sup> with a connection to sewer in accordance with the Griffith Large Lot Strategy.

- Amend LZN\_004A as depicted in **Figure 6**
- Amend LSZ\_004A as depicted in **Figure 6**



**Figure 6:** SSA2 - Existing and Proposed Zoning and Lot Size Maps

### *Strategic Assessment*

#### **Background**

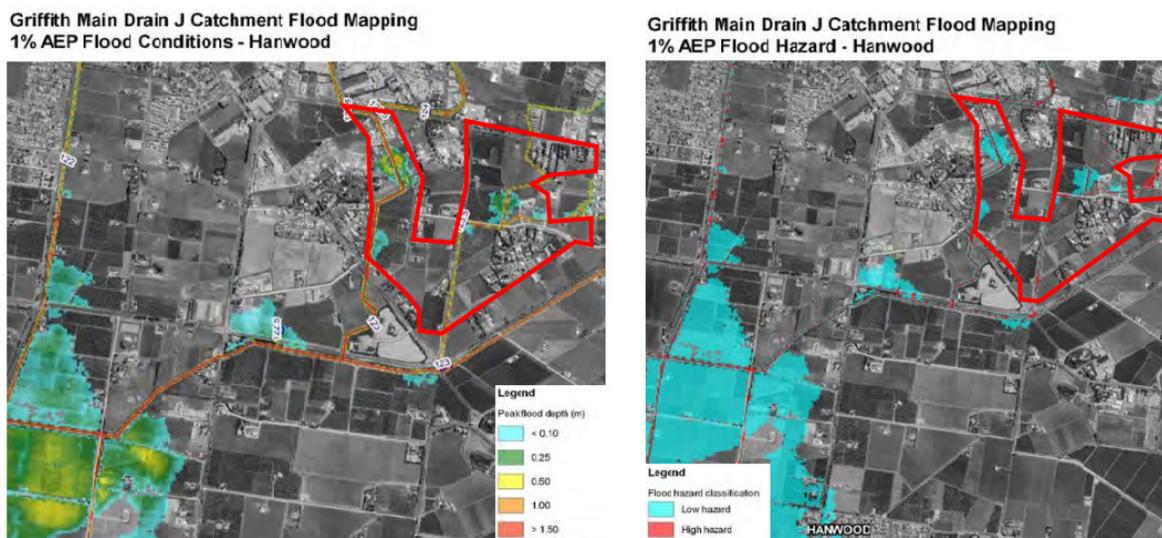
SSA 2 is located in close proximity to the Griffith urban area. The site contains several rural residential sized allotments with single dwellings, some small citrus orchards and several larger (2ha -5ha) vacant underutilised lots. The site is located in proximity to part of the Jensen Road Industrial area. The Griffith LSPS identified these lands for Large Lot Investigation as the area is in close proximity to the Griffith CBD and other employment lands and the existing fragmented nature of the land holdings makes sustainable agricultural operations difficult to achieve.

Some of the owners of larger parcels have prepared subdivision plans in the past because until 2002, the area was zoned 1 (C) Rural Residential (which is the equivalent to the present R5 – Large Lot Residential zone). Several of the owners have suggested that they were not well informed of the rezoning of the site to 1(h) Rural Small Holdings which occurred in 2002. Prior to 2002, several of the land holdings in the area were subdivided for rural residential development including Melville Crescent and lots with frontage to Oakes Road and Watkins Avenue.

Development Applications for the future subdivision of the land holdings within the site would need to be accompanied by a Detailed Site Investigation for contamination and a Land Capability Assessment for effluent disposal utilizing AWTS units. The sustainable disposal of effluent would be a contributing factor in lot size selection for this area. Buffers around industrial lands may need to be provided as well subject to the design and assessment of a development application

## Constraints

### Flooding



**Figure 7: SSA 2 Flood Mapping**

The site is located within the Griffith Main Drain J and Mirrool Creek Flood Study 2021 planning area. A portion of the site is considered flood prone for the 1 in 100 year flood event. This area is located adjacent to existing drainage channels and is classified as 'low hazard with approximate depths of water under 500 mm. Future dwellings within this area would be required to be constructed above the flood planning level. Depending on the location and the flood affectation of a particular site, Council may require a site specific flood assessment to be prepared with future development applications for residential subdivision.

### Contamination

Based on the site history and site inspection, potential contaminants at the site are likely to be those associated with pesticide and herbicide application. Therefore any contamination is expected to be in surface materials from direct application and over spray from adjacent properties. Council has approved several subdivisions and rezoned lands previously used for horticulture including the entire developed Collina area (refer to Appendix 4). Site investigations for these development applications indicated that lands were capable of being developed for residential purposes. The SEPP 55 Guidelines under 4.12 states that rezoning's that cover a large area can proceed without contamination assessments.

As part of a development application for the subdivision of the lots within SSA 2 for additional residential dwellings, an applicant will be required to carry out a detailed Stage 2 Site Investigation of the site. As such, Council considers that the lands will be suitable in their present condition or after remediation of surface pesticides (should it be required) for residential purposes.

### **Water and Sewer Services**

- The SSA is outside Council's DSP area for sewer, but within DSP area for water.
- Council's reticulated water service is available throughout the area.
- As part of future development applications for development on land within the area a land capability assessment would need to be provided to support the location of an AWTS on site sewerage management system.

### **Road Infrastructure**

Roads within the area are mainly sealed local roads under the control of Council – with the exception of Eipper Road which is not sealed. These roads have low volumes of traffic and are generally suited to large lot residential development. Council's Southern Industrial Link Road is located to the south of the area. As part of future development applications for residential uses in proximity to the Link Road would need to consider the impact of road noise and the NSW Road Noise Policy. However, the boundaries of the SSA have been sited to ensure at least 150-200 m setback from the Link Road.

### **Land Use Conflict**

There are industrial lands located to the north of the SSA. There is some potential for land use conflict around the boundaries of the zone. However, the existing industries and uses operating in this location do so without impacting the amenity of existing residential receivers in close proximity. As part of future development applications for the lands around the industrial area, the potential impact of the nearby operations would need to be considered in the siting of dwellings and building envelopes.

### **Other Constraints**

- The site is not considered bushfire prone.
- The site has scattered vegetation, but the majority of the land holdings are highly degraded from past agricultural uses and void of native vegetation.

### **Site Specific Merit**

- The site is located in close proximity to the Griffith CBD and would act as a transition area between urban and Village areas and the Southern Industrial Link Road to the south.
- The site contains a mixture of lot sizes and most of the agricultural uses have been abandoned.

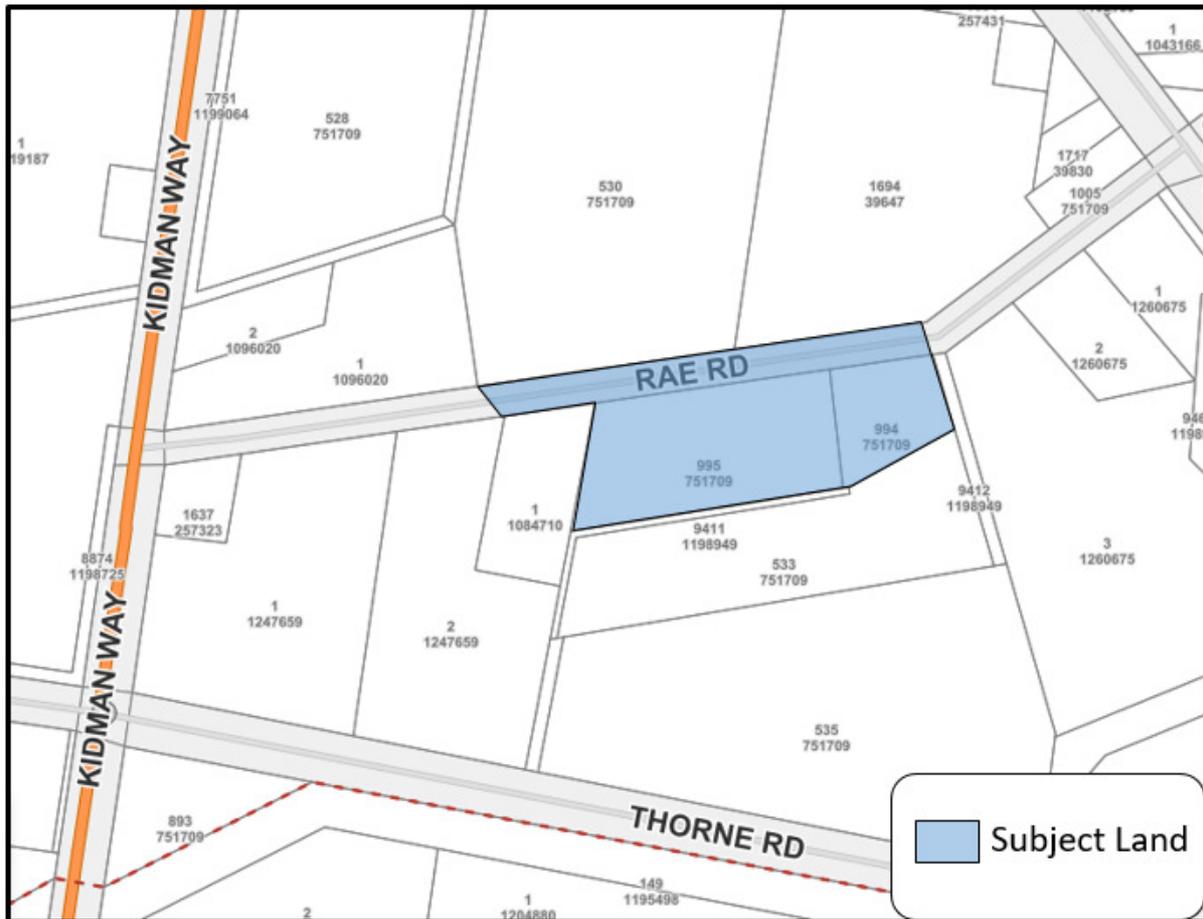
## **Strategic Merit**

- The site has been identified for large lot residential development in the Griffith Local Strategic Planning Statement.
- The site has been identified for large lot residential development in the Griffith Large Lot Strategy.
- The site was previously zoned 1 (c) Rural Residential in the 1994 GLEP. In 2002, Council rezoned the lands to 1 (h) – Rural Small Holdings which permitted a 1 ha minimum lot size.
- There are some larger parcels which are ideal for development and the landowners have progressed subdivision designs.
- The present zoning, being for primary production is not considered suitable given the SSA's close proximity to urban areas, the existing size of the land holdings and the presence of several dwellings in the locality.

## SSA3 – Rae Road

### *Subject Land:*

Lot 994 and 995 DP 751709 and a portion of Rae Road (refer to **Figure 8**)



**Figure 8:** SSA3 - Rae Road Location

### *Existing Zoning and Minimum Lot Size*

RU4 (Primary Production Small Lots) with a minimum lot size of 5 ha.

### *Proposal*

Amend zoning to R5 – Large Lot Residential and reduce minimum lot size to 4000 m<sup>2</sup> without connection to sewer and 3000 m<sup>2</sup> with a connection to sewer in accordance with the Griffith Large Lot Strategy.

- Amend LZN\_004A as depicted in **Figure 9**.
- Amend LSZ\_004A as depicted in **Figure 9**.



**Figure 9:** SSA3 - Existing and Proposed Zoning and Lot Size Maps

### *Strategic Assessment*

#### **Background**

SSA 3 is located on Rae Road adjacent to the existing R5 zoned lands on the northern side of Rae Road and along Watkins Avenue. The site contains two lots legally described as Lot 994 and 995 DP 751709 with an area of 2.85 ha and around 280 m of frontage to Rae Road. The land is presently zoned RU4 – Primary Production Small Lots. The owner has requested the site be rezoned to R5- Large Lot Residential with a minimum lot size of 4000 m<sup>2</sup>.

#### **Constraints**

##### **Flooding**

The site is located within the Griffith Main Drain J and Mirrool Creek Flood Study 2021 planning area. The site is not considered to be flood prone for the 1 in 100 year flood event. However, a portion of the site is within the flood planning area.

## Griffith Main Drain J Catchment Flood Mapping 1% AEP Flood Conditions - Harwood



**Figure 10:** SSA 3 Flood Mapping

### **Contamination**

A portion (1.6 ha) of the site appears to have been previously utilised for the growing of lucerne. Although agriculture is listed in Table 1 of the SEPP 55 Guidelines as a potential contaminating use, the size a scale of any previous operations on a portion of the site would not be expected to cause levels of pesticide and herbicide application that would be above the relevant criteria for residential use. As part of any future development application for the residential development of the site a Stage 2 – Detailed Investigation would be required to be submitted.

### **Water and Sewer Services**

The site is located within Council's DSP for water. Council's reticulated water infrastructure is located in Rae Road and is connected to the both of the lots within SSA3. Council's sewer infrastructure is not located in the area. Future development of the site could proceed with on-site sewage management systems similar to the large lot residential subdivisions to the north.

### **Road Infrastructure**

Rae Road is a local Council unsealed road. This road may need to be upgraded as part of future development.

### **Land Use Conflict**

There are some active small agricultural operations to the south of the site which are presently used for the production of lucerne and other rotational crops. The siting of future dwellings on the site would need to consider the ongoing operation of the farm holding.

#### **Other Constraints**

- The site is not considered bushfire prone
- The site does not contain native vegetation.

#### **Site Specific Merit**

- The site does not contain any constraints which would impact the development of additional R5 allotments
- The site is located in close proximity to the Griffith CBD (2.3km)
- The site is void of native vegetation.

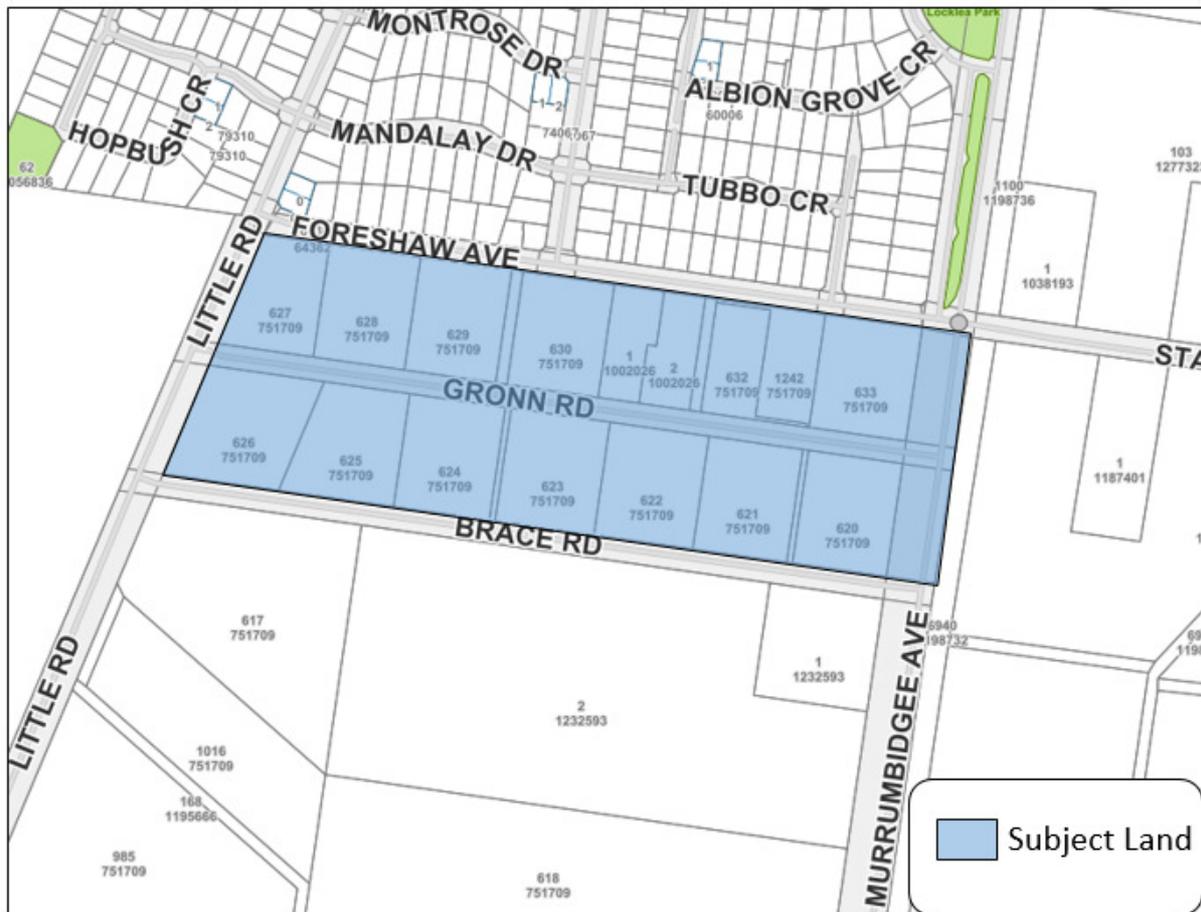
#### **Strategic Merit**

- The site has been identified for large lot residential development in the Griffith Large Lot Strategy
- The site is located adjacent to other R5 zoned lands
- Existing zoning not representative of existing lot size and location.

## SSA4 – Foreshaw Avenue

### *Subject Land:*

Land to the south of Foreshaw Avenue to Brace Road, bounded to the east by Murrumbidgee Avenue and to the west by Little Road (refer to **Figure 11**).



**Figure 11:** SSA4 – Foreshaw Avenue Location

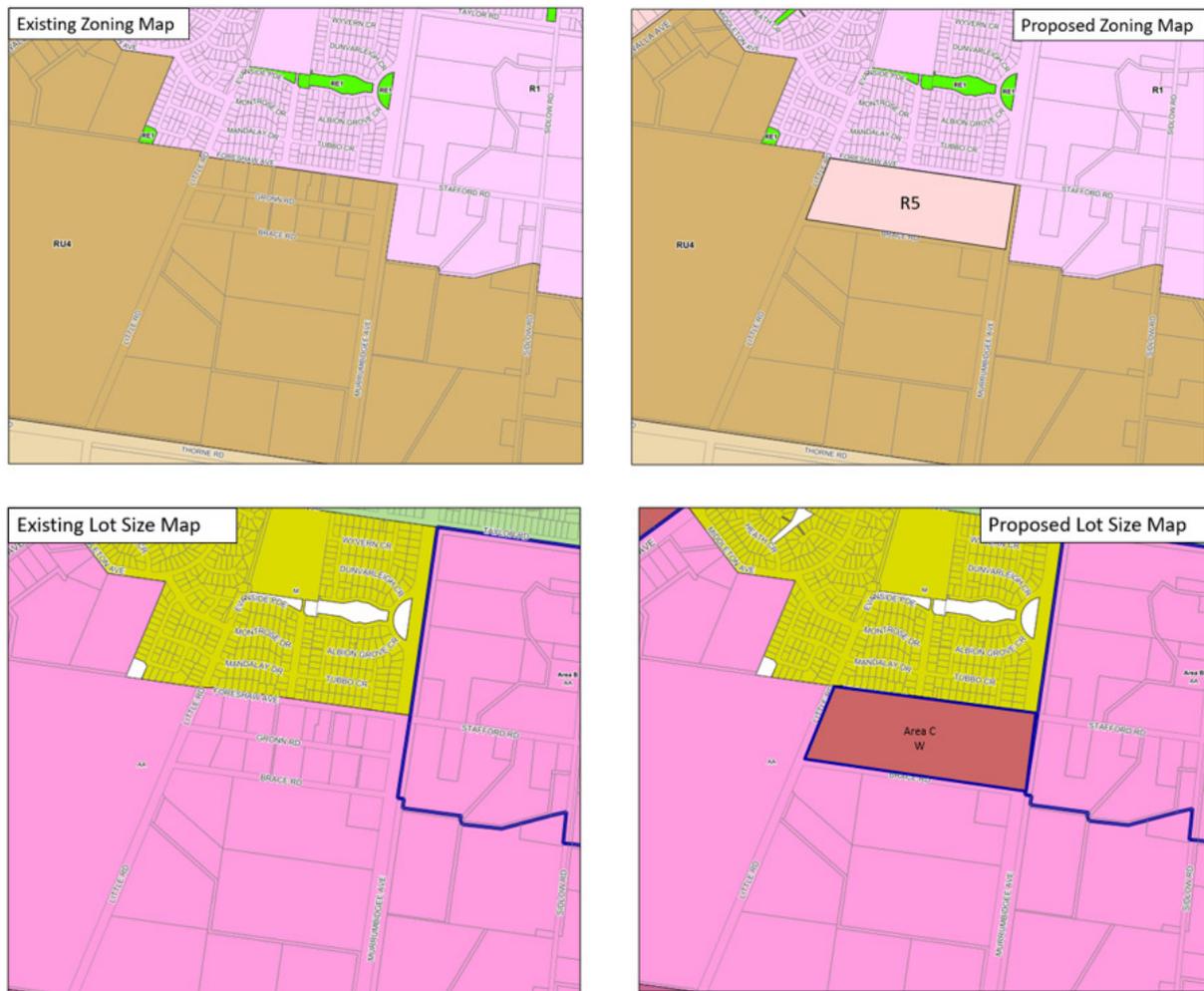
### *Existing Zoning and Minimum Lot Size*

RU4 (Primary Production Small Lots) with a minimum lot size of 5 ha.

### *Proposal*

Amend zoning to R5 – Large Lot Residential and reduce minimum lot size to 4000 m<sup>2</sup> without connection to sewer and 3000 m<sup>2</sup> with a connection to sewer in accordance with the Griffith Large Lot Strategy.

- Amend LZN\_004A as depicted in **Figure 12**.
- Amend LSZ\_004A as depicted in **Figure 12**.



**Figure 12: SSA4 - Existing and Proposed Zoning and Lot Size Maps**

### *Strategic Assessment*

#### **Background**

The candidate site is located between Foreshaw Road and Brace Road. The site contains a number of lots with an average area of around 0.8 ha. The majority of these lots contain a single dwelling, however, some are vacant and some contain two dwellings. Submissions received for these lands requested a rezoning to R5 – Large Lot Residential and a reduction in the minimum lot size in this area to 3000 – 4000 m<sup>2</sup>. A portion of these lands were zoned Rural Residential in the 1994 GLEP. In 2002, the lands were rezoned to 1(d) General Expansion – Residential. In 2014, Growing Griffith: Beyond 2030 and the 2014 GLEP rezoned the lands back to a rural zone.

Council’s water services are available and connected to the area. Council’s sewer service is not available to the area, however, it could be extended from Murrumbidgee Estate to the north.

The Griffith Large Lot Strategy estimated that there is a potential for an additional eight large lot residential lots in this area considering existing lot sizes, location of existing buildings and land uses.

## Constraints

### Flooding

The site is located within the Griffith Main Drain J and Mirrool Creek Flood Study 2021 planning area. The site is not considered to be flood prone for the 1 in 100 year flood event. However, a portion of the site is within the flood planning area.

### Griffith Main Drain J Catchment Flood Mapping 1% AEP Flood Function - Hanwood



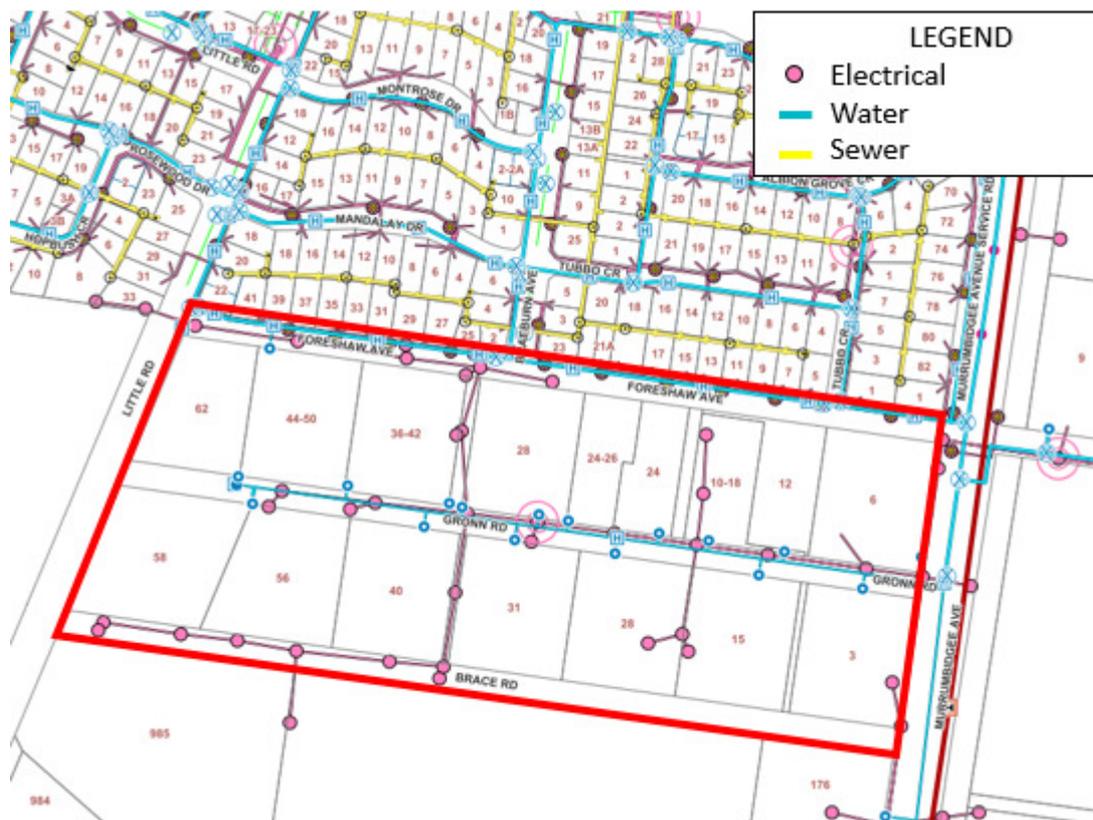
Figure 13: SSA4 Flood Map

### Contamination

SSA4 includes some holdings which are presently or have historically been used for horticulture. Some of the landholdings contain other potentially contaminating uses including the storage and repair of light vehicles. The SEPP 55 Guidelines under 4.12 states that rezoning's that cover a large area can proceed without contamination assessments. As part of any future development application for the residential development of the site a Stage 2 – Detailed Investigation would be required to be submitted.

### Water and Sewer Services

Council's water infrastructure is located in Gronn Road and Foreshaw Avenue. Council's sewer infrastructure is located at the rear of lots on the northern side of Foreshaw Avenue. Future development of the site could proceed with on-site sewage management systems should the extension of Council's sewer from Murrumbidgee Estate be unfeasible.



**Figure 14: SSA4 - Services Plan**

### Road Infrastructure

SSA4 is located with access to Foreshaw Avenue (sealed with kerb and gutter on north side), Gronn Road, Murrumbidgee Avenue and Little Road which are all Council roads. Some of the roads are not sealed which would be a consideration in the assessment of a development application for the future development of sites on these lots. A consideration in the assessment of future development applications for either the subdivision of land or new dwellings would be the potential for land use conflict. Restrictive building envelopes and vegetative buffers can be required in the siting and design of future subdivision in this area.

### Other Constraints

- The site is not considered bushfire prone
- The site only contains scattered native vegetation. The removal of any vegetation to facilitate future development would be a consideration in the assessment of development applications including the requirements of SEPP (Biodiversity and Conservation) 2021 and the Biodiversity Conservation Act 2016.

### **Site Specific Merit**

- The site is located within the serviced areas of Griffith for water and sewer.
- The site is located in close proximity to Griffith's CBD. The showgrounds and City Park are within 1.5 km.
- The site has good frontage to existing roads to support some additional lots.
- The zoning of the land to R5 could act as a buffer between the operational farms to the south and Murrumbidgee Estate to the north.

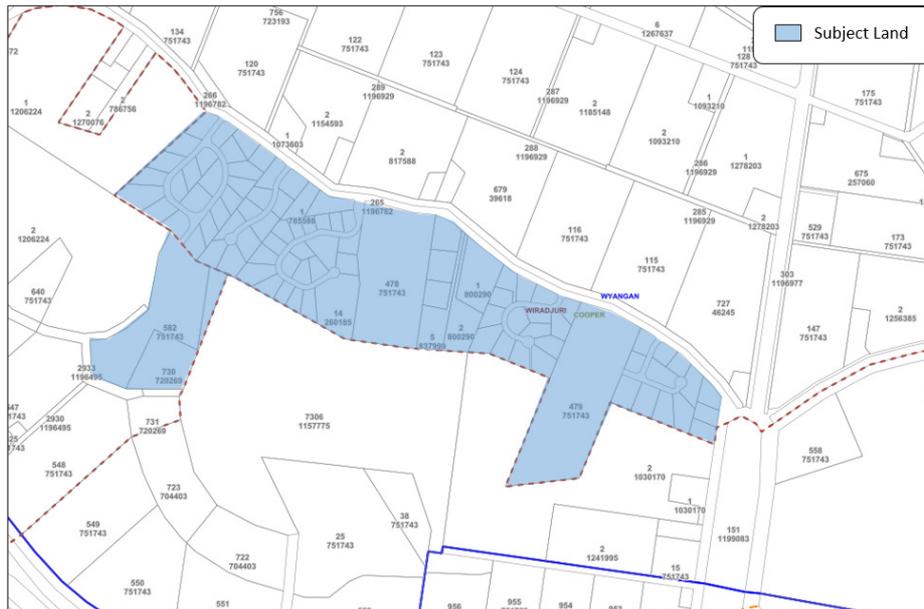
### **Strategic Merit**

- The site was previously zoned 1 (c) Rural Residential in the 1994 GLEP.
- The site was previously identified as "Low Density Residential Expansion" in GS2030 and in 2002 Council rezoned the lands to 1 (d) – General Expansion (Residential).
  - As such the site has been previously strategically identified for residential purposes in LEP's and land use strategies.
- The site was identified as "Future low density housing investigation area" in the Griffith LSPS
- The site has been identified for large lot residential development in the Griffith Large Lot Strategy.
- Existing zoning is not representative of existing lot sizes and location.

## SSA5 – Mallinson Road Minimum Lot Size

*Subject Land:*

Land to the south of Mallinson Road.



**Figure 15: SSA5 Land Area**

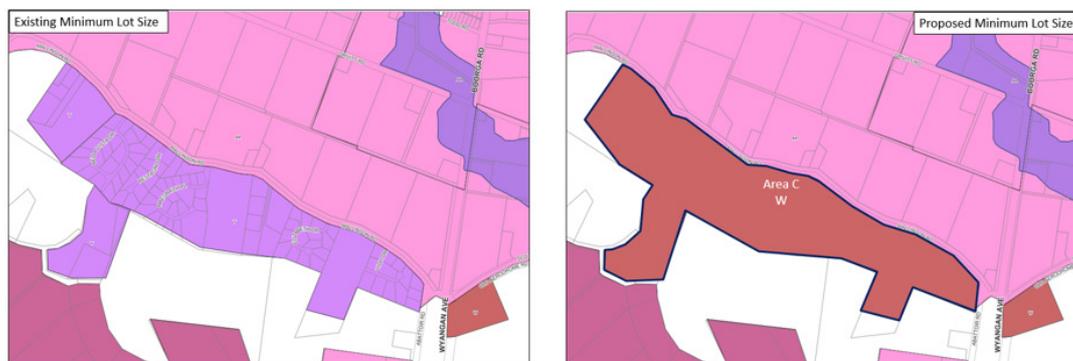
### *Existing Zoning and Minimum Lot Size*

R5 – Large Lot Residential with a minimum lot size of 1 ha for lots not connected to sewer and 3000 m<sup>2</sup> for lots connected to sewer.

### *Proposal*

Amend minimum lot size to 4000 m<sup>2</sup> for lots which are not connected to sewer.

- Amend LSZ\_003C as depicted in **Figure 16**.
- Amend LSZ\_003A as depicted in **Figure 16**.



**Figure 16: SSA5 - Existing and Proposed Minimum Lot Size Map**

### *Strategic Assessment*

The lands along the south side of Mallinson Road have been developed historically for large lot residential subdivisions with lot sizes of 4000 m<sup>2</sup> without connection to Council's sewer system.

The Griffith LEP 2002 did not contain minimum lot size maps, however a clause was provided for development on the former 1(c) Rural Residential Zone:

#### *16 Subdivision in Zones 1 (c) and 7 (c)*

*(1) Objective: To ensure that the semi-rural character and environmental values of the locality are protected.*

*(2) Consent may be granted to the subdivision of land in Zone 1 (c) or 7 (c) for residential purposes only if:*

*(a) each lot will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and*

*(b) the consent authority is satisfied that each lot to be created will be capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council or will be connected to a reticulated sewerage system, and*

*(c) in the case of a lot to be connected to a reticulated sewerage system, the area of the lot will be not less than 0.3 hectare, and*

*(d) in the case of a lot not to be connected to a reticulated sewerage system, the area of the lot will be not less than 1 hectare, unless it has a smaller area in accordance with the Council's On-Site Sewage Management Plan.*

Council's On-site Sewage Management Plan permits rural residential subdivision to 4000 m<sup>2</sup> should a Land Capability Assessment be provided with the development application which concludes the lot size is sufficient to cater for an on-site sewage management system. Several of the subdivisions along Mallinson Road were subdivided utilising this clause and adherence to Council's On-site Sewage Management Plan. Other lands previously zoned 1(c) in the 2002 LEP were transitioned to Area C 'W' permitting lot sizes at 4000m<sup>2</sup> if Council's sewer system was not available to the site.

During the drafting of the Griffith LEP in 2014 the lands were erroneously identified as having a minimum lot size of 1 ha. It is therefore recommended that this error be rectified through this planning proposal.

## SSA6 – Rose Road

### *Subject Land:*

Land to the west of Rose Road and Harward Road for a depth of 100 m, including:

- Lot 1790 DP41291 (29 Brayne Road)
- Lot 1791 DP41291 (1290 Brayne Road)
- Part of Lot 149 DP1195355 (Murrumbidgee Irrigation drainage canal)
- Lot 809 DP751709 (1291 Harward Road)
- Lot 818 DP751709 (1291 Harward Road)
- Lot 1101 DP1010206 (425 Kidman Way)
- A portion of Harward Road



**Figure 17:** SSA6 - Subject Lands

### *Existing Zoning and Minimum Lot Size*

RU4 – Primary Production Small Lots with a minimum lot size of 5 ha.

### *Proposal*

Amend zoning to R1 – General Residential for the land fronting Rose Road and Harward Road for a depth of 45 metres to permit around 30 new residential allotments. To act as a buffer

between the operational farms to the west and the new lots, the remainder of the land holdings would be zoned R5 – Large Lot Residential with a minimum lot size of 1.5 ha, which would permit around five lots (see **Figure 19**).

- Amend LZN\_003C as depicted in **Figure 18**
- Amend LZN\_004A as depicted in **Figure 18**
- Amend LSZ\_003C as depicted in **Figure 18**
- Amend LSZ\_004A as depicted in **Figure 18**.



**Figure 18: SSA6 Existing and Proposed Zoning and Minimum Lot Size**

### **Split Lot Clause**

The proposal would include the creation of a split zone. Therefore a split zone minimum lot size clause is required. The following split zone clause has been drafted based on a similar clause in the Cooma Monaro LEP 2013.

#### 4.1C Minimum subdivision lot sizes for certain split zones

- (1) *The objectives of this clause are as follows—*
  - (a) *to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
  - (b) *to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*
- (2) *This clause applies to each lot (an original lot) that contains land in more than one zone.*
- (3) *Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the resulting lots) unless—*
  - (a) *one of the resulting lots will contain—*
    - (i) *land in a residential zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and*
    - (ii) *all of the land in all other zones that was in the original lot, and*
  - (b) *all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) *For the purposes of calculating an area of land under subclause (3), any access handle used for the purpose of providing vehicular access from the lot to a road is not to be included.*
- (5) *Despite subclause (3), development consent may be granted to subdivide an original lot if—*
  - (a) *the lots to be created from the subdivision will each contain land in one zone, or*
  - (b) *the lots to be created from the subdivision will each contain land in more than one zone and any land in a residential zone will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.*
- (6) *A lot created under subclause (5) (b) must not be subdivided under this clause.*

#### *Strategic Assessment*

##### **Background**

SSA6 is located along Harward Road and Rose Road in West Griffith zoned RU4 – Primary Production Small Lots. A developer driven Planning Proposal was submitted to Council in February 2019 for Lot 1791 DP 41291. This Proposal was sent to the Department of Planning and Environment who raised concerns regarding land use conflict and some other issues including that it lacked strategic merit.

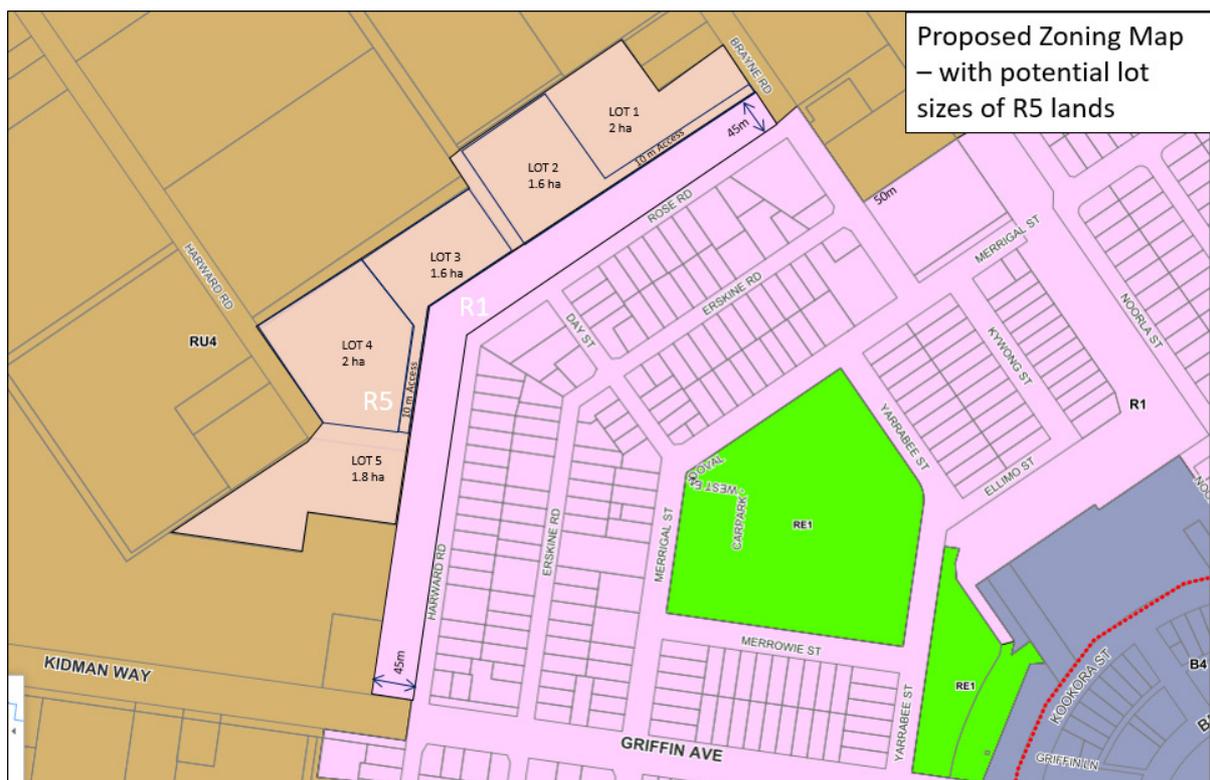
The site contains a number of lots which are to the immediate west of the extent of the Griffith urban area. The Griffith LSPS identified the need for a physical buffer between existing small

vineyard and citrus farms and the existing West Griffith urban areas to mitigate or avoid land use conflict:

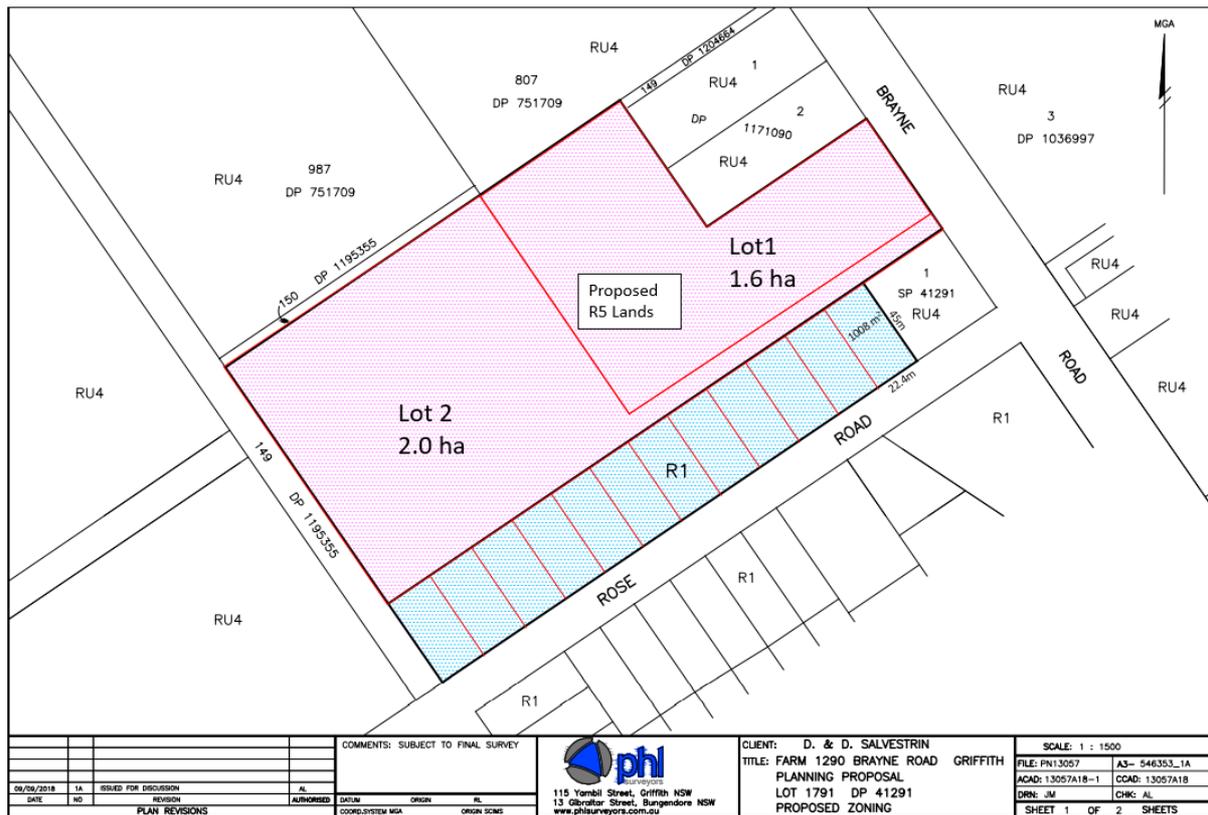
**ACTION 4.2B – CREATE PHYSICAL LAND USE BUFFERS BETWEEN URBAN AND RURAL ZONES AND SUPPORT STRATEGIC REZONING OF LANDS (SHORT TERM)**

*At the edge of Griffith's urban areas there are stark boundaries between horticulture and viticulture plantings and urban residential neighbourhoods. To decrease this existing impact, some development of existing farms at the urban-rural fringe should be supported to include buffer areas and uses to decrease this land use conflict. This includes lands at the western extent of Griffith along Harward Road and Rose Road. Structure Planning or Master Planning for new release areas should also include buffer areas.*

As part of the future development of these lands a 20-30 m wide vegetative buffer adjacent to the farming operations would be required to be planted and maintained with native species with heights exceeding 8 metres at maturity on the proposed lands to be zoned R5 – Large Lot Residential. The R5 zoned land area would be utilised for 1.5 ha + allotments as shown on **Figure 19**.



**Figure 19:** SSA6 - Potential Lot Layout of the Proposed R5 Land



**Figure 20: Potential Future Lot Layout for Lot 1791 DP 41291**

Habitable buildings would be required to be located to the front of the lots near Harward Road / Rose Road. Development Applications for the future subdivision of the land holdings within the site would need to be accompanied by a Detailed Site Investigation for contamination and detailed servicing plan. However, a representative Site Investigation has been provided at Appendix 4 which details the lands can be developed for residential purposes.

### Constraints

#### Flooding

The site is located within the Griffith Main Drain J and Mirrool Creek Flood Study 2021 planning area. The site is not considered to be flood prone for the 1 in 100 year flood event.

### Griffith Main Drain J Catchment Flood Mapping 1% AEP Flood Function - Warburm



**Figure 21:** SSA 6 Flood Map

### Contamination

SSA 6 has historically been utilised for agriculture including horticulture. A Limited Phase 2 Site Investigation was completed for Lot 1791 DP 41291 which determined the site did not contain levels of contamination above the adopted criteria for residential development. The Assessment is provided at Appendix 4.

### Water and Sewer Services

Griffith City Council's sewer infrastructure is located in Erskine Road and Harward Road and at the rear of the lots with frontage to Rose Road and Harward Road. The proposed R1 area could be serviced from this infrastructure via a pressurized sewer system with grinder pumps and boundary kits installed for each lot. The detailed design of this system would be the subject of a future development application for the development of the SSA. The R5 zoned lands would utilise on-site sewage management systems for the disposal of sewerage.

Council's water infrastructure is located in Rose Road, Brayne Road and Harward Road.

Essential Energy's electrical supply is available in Rose Road and Harward Road and Brayne Road.

### **Road Infrastructure**

The road network in proximity to the site includes:

- Rose Road – a sealed Council local Road
- Harward Road – a sealed Council local Road
- Brayne Road – a sealed Council collector Road

The R1 lands would have direct frontage to Rose Road / Harward Road. This road has an 18 m wide road reserve with an 8 m carriageway. There is kerb and gutter on the eastern side of the road. As part of the future development of the western side of the road within the proposed R1 zoned lands kerb and guttering would be required.

### **Land Use Conflict**

The site and the lands to the west are utilised for mainly viticulture (growing of grapes). The proposal includes the siting of R5 zoned land with a minimum lot size of 1.5 ha to act as a buffer between the proposed R1 zoned lands and the active farming operations.

The site is also in close proximity to a winery owned by Calabria Wines. In recent years, this winery has only been used for wine storage, cellar door premises and tourist events as the business has purchased two other wineries where they do all the crushing and production. There are several other dwellings in close proximity to the winery including along Brayne Road, in Parkinson Cr and Lawson Cr and within Moor Pl. Council records do not show any complaints being raised regarding the operation of the winery causing amenity issues in recent years as it has been transitioned for predominantly storage purposes.

### **Other Constraints**

- The site is not identified as prone to salinity in the Griffith LEP, however the farming areas in Griffith have the potential to experience salinity. Salinity management plans are utilised to address potential salinity issues in these areas.
- Stormwater drainage is available in Rose Road and Harward Road for the lots in the proposed R1 zone to connect into. Lots in the proposed R5 zone could drain to the existing Murrumbidgee Irrigation drainage channels
- The site is not bushfire prone.
- There is no native vegetation on the site.

### **Site Specific Merit**

The SSA is located at the urban rural periphery of Griffith with direct access to Council's sealed road network. The site is flat and generally void of native vegetation. The site is also located in close proximity to commercial and recreation areas including:

- The West End Sports Precinct which has recently been redeveloped and is Griffith's premier sports precinct.
- The site is located within 2 km from Griffith's CBD including supermarkets and services.
- The site has capacity to support around 20-25 additional urban allotments with a R5 buffer to existing farming operations on an existing sealed Council road.
- The proposal replicates the urban edge on the southern side of the Kidman Way with urban lots on the western side of Harward Road.
- The site has access to Council's urban stormwater network and MI's drainage system.

### **Strategic Assessment**

The Griffith LSPS identified the need for a physical buffer between existing small vineyard and citrus farms and the existing West Griffith urban areas:

#### *ACTION 4.2B – CREATE PHYSICAL LAND USE BUFFERS BETWEEN URBAN AND RURAL ZONES AND SUPPORT STRATEGIC REZONING OF LANDS (SHORT TERM)*

*At the edge of Griffith's urban areas there are stark boundaries between horticulture and viticulture plantings and urban residential neighbourhoods. To decrease this existing impact, some development of existing farms at the urban-rural fringe should be supported to include buffer areas and uses to decrease this land use conflict. This includes lands at the western extent of Griffith along Harward Road and Rose Road. Structure Planning or Master Planning for new release areas should also include buffer areas.*

The lands were also reviewed as part of the Griffith Large Lot Strategy. The proposal includes the use of R5 zoned lands between the R1 zoned lots and the active farming operations. Vegetative buffers would be required to be installed as part of future development of the R5 zoned lands (see **Figure 22**). Adequate building envelopes for five additional R5 lifestyle lot dwellings would be catered for and act to buffer the existing and expanded Griffith urban area from the farming operations to the west.

A portion of Lot 1101 DP1010206 (425 Kidman Way) has been proposed to be rezoned to an employment lands zoning. Council is presently preparing an Employment Lands Strategy and this lot would be considered should additional employment lands in this locality be required.



**Figure 22:** Indicative Lot Layout for R5 Zoned lands with building envelopes and 30 m wide vegetative buffer

The site could provide additional residential lots in a location close to services, the Griffith CBD, regional recreational facilities and public schools (Griffith Public School) and High Schools (Murrumbidgee Regional High School).

The Griffith Residential Development Control Plan requires dwellings on R5 zoned land to be setback 40 m from land zoned RU1 and RU4 (see section 7(f) of the DCP). Within the setback area, the DCP also requires the installation of buffer plantings with a height at maturity of over 6 m (see Section 7(h) of the DCP) and the submission of a landscaping management plan to ensure the trees are irrigated and dead or dying trees are replaced. As such, there are sufficient controls in the DCP to ensure a buffer adjacent to the active farming operations is established on the proposed R5 zoned land.

A Strategic Justification for the rezoning of additional lands for R1 – General Residential is provided at Appendix 5.

## SSA7 – Walla Avenue

### Subject Land:

Lot 2 DP790173 (148 Walla Avenue) Griffith and a portion of Collins Road.



**Figure 23: SSA 7 Subject Land**

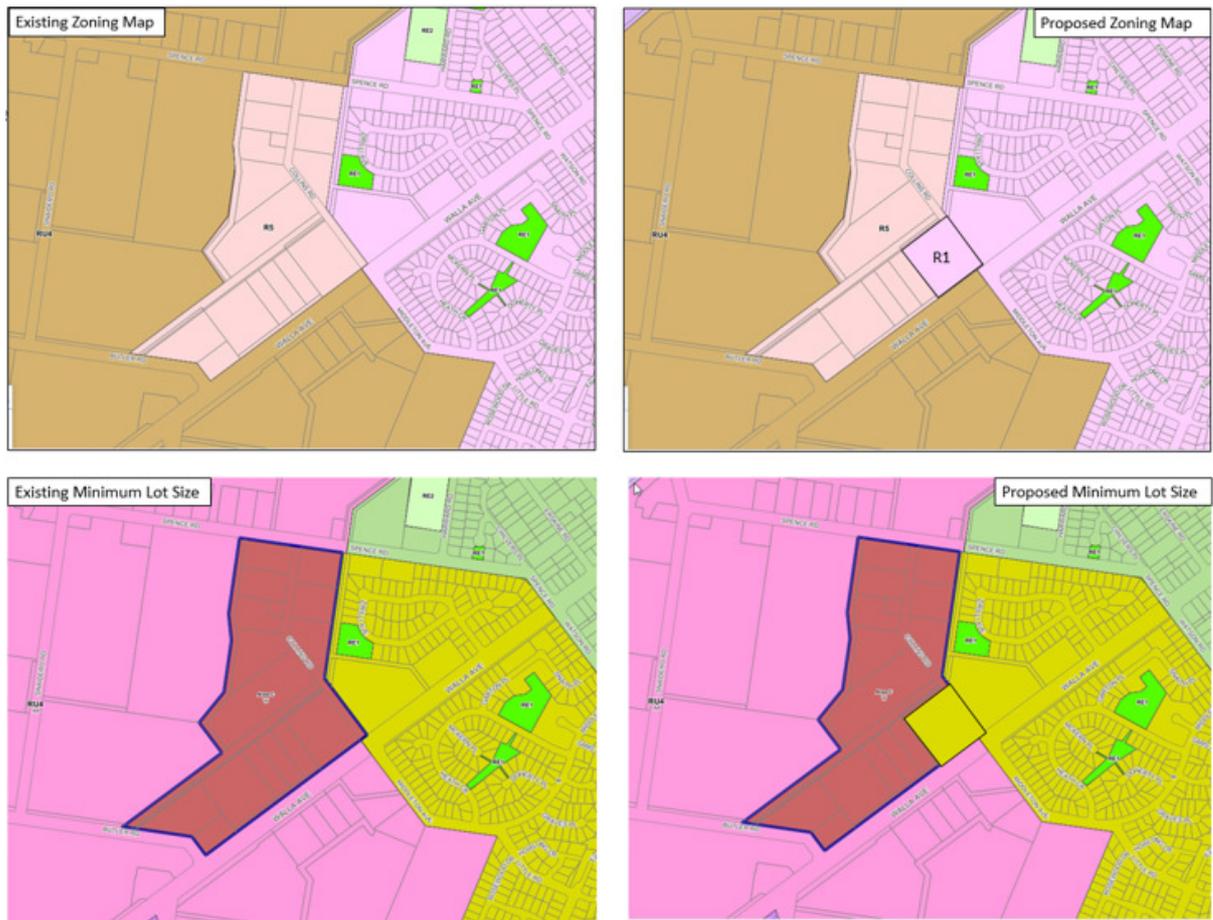
### Existing Zoning and Minimum Lot Size

R5 – Large Lot Residential with a minimum lot size of 4000 m<sup>2</sup> for lots not connected to Council’s sewer and 3000m<sup>2</sup> for lots connected to sewer.

### Proposal

Amend zoning to R1 – General Residential with a minimum lot size of 600 m<sup>2</sup> in accordance with the Griffith Large Lot Strategy.

- Amend LZN\_004A as depicted in **Figure 24**.
- Amend LSZ\_004A as depicted in **Figure 24**.



**Figure 24:** SSA7 Existing and Proposed Zoning and Minimum Lot Size

### *Strategic Assessment*

#### **Background**

SSA 7 is located in the south-western extent of the Griffith Urban area and is presently zoned R5 – Large Lot Residential. The site is legally described as Lot 2 DP790173 and has an area of 1.83 ha with 150 m of frontage to Collins Road and Walla Avenue. The site is presently zoned R5-Large Lot Residential. The site is located 1.8 km from Griffith’s CBD (Banna Avenue).

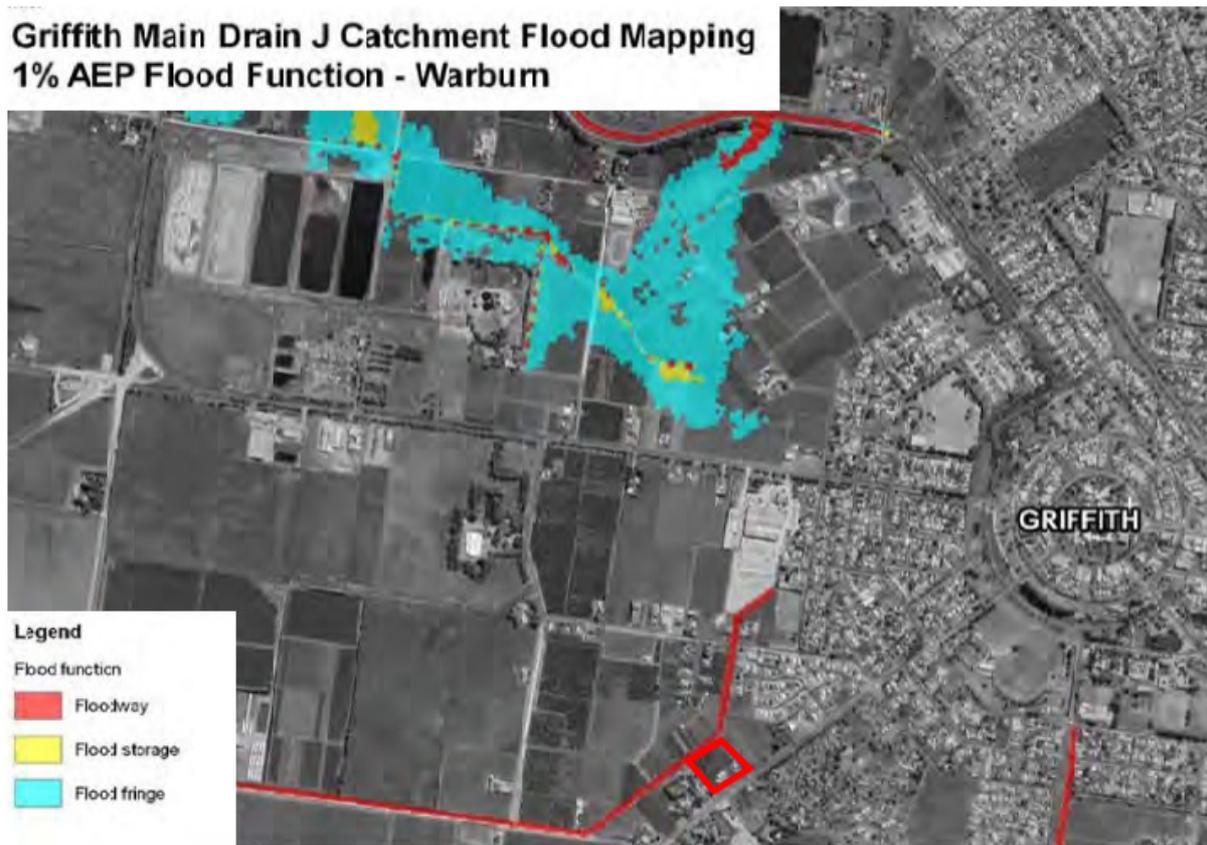
The owners have requested a rezoning to R1-General Residential with a minimum lot size of 600m<sup>2</sup>. MI’s drainage network is located to the north of the site. The site presently contains some citrus plantings.

Council’s water service is available and connected to the site. Council’s sewer service is available to the site and located in Walla Avenue. The site is located within the Water and Sewer Development Servicing Plan areas for Griffith.

#### **Constraints**

##### **Flooding**

The site is located within the Griffith Main Drain J and Mirrool Creek Flood Study 2021 planning area. The site is not considered to be flood prone for the 1 in 100 year flood event.



**Figure 25: SSA7 Flood Map**

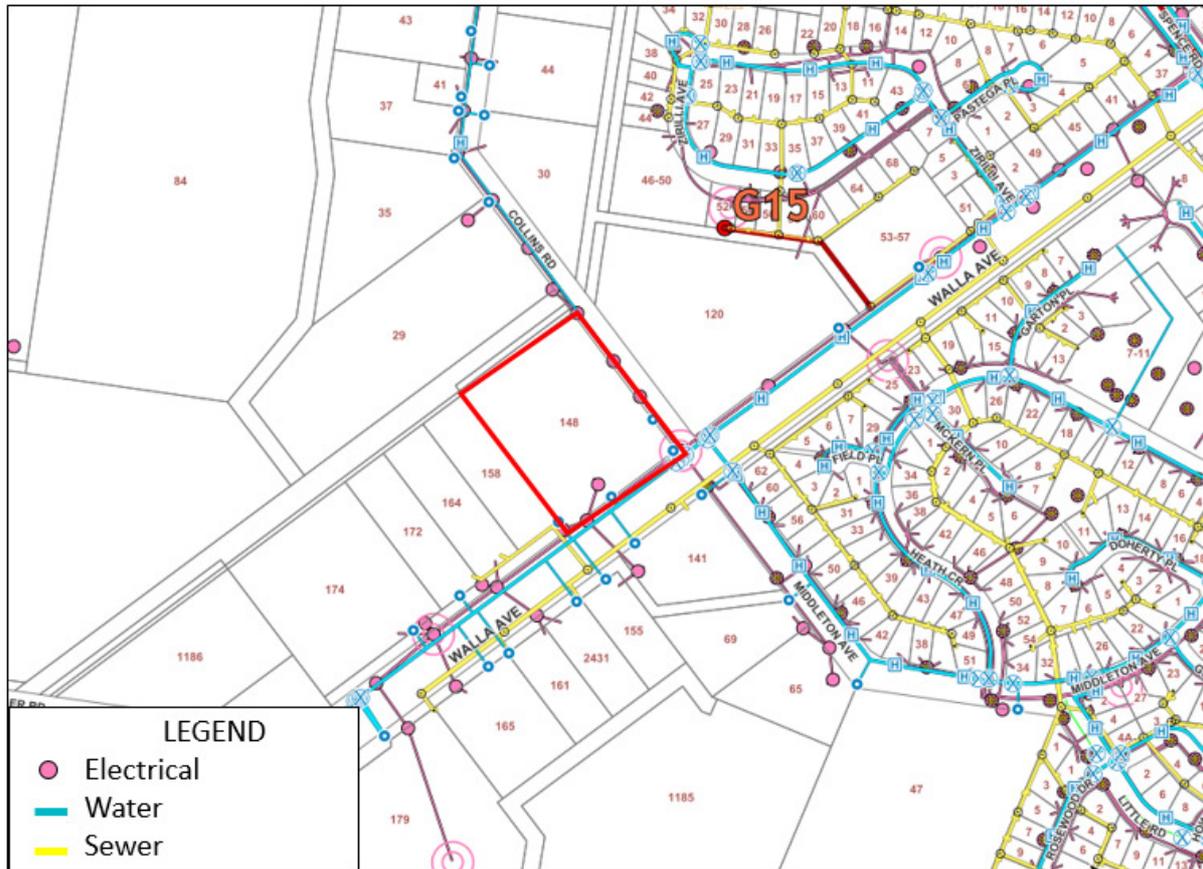
### **Contamination**

A portion of the site has been used historically for horticulture. Based on the site history and site inspection, potential contaminants at the site are likely to be those associated with pesticide and herbicide application. Therefore any contamination is expected to be in surface materials from direct application and over spray from adjacent properties. Council has approved several subdivisions and rezoned lands previously used for horticulture including the entire developed Collina area (refer to Appendix 4). Site investigations for these development applications indicated that lands were capable of being developed for residential purposes.

As part of a development application for the subdivision of the lots within SSA 7 for additional residential dwellings, an applicant will be required to carry out a detailed Stage 2 Site Investigation of the site. As such, Council considers that the lands will be suitable in their present condition or after remediation of surface pesticides (should it be required) for residential purposes.

### **Water and Sewer Services**

The site is located within Council's DSP for both water and sewer. Council's reticulated sewer network is located in Walla Avenue. Council's water service is connected to the site. As part of a future development application for the development of the site, Council's water and sewer services would need to be extended within the site from the Walla Avenue and Collins Road.



**Figure 26: SSA 7 Services Map**

### Road Infrastructure

The site is located at the corner of Collins Road and Walla Avenue which are both Council owned bitumen sealed local roads. Walla Avenue is a collector road providing access to the Griffith CBD via Kookora Street. Kerb and guttering would be required to be established as part of future development applications for the site.

### Land Use Conflict

The site is surrounded by residential zoned lands to the north, east and west. Lands to the south are zoned RU4. Some of the lands zoned R5 surrounding the site are presently used for small farming operations. The size and scale of these operations would not be expected to impact the future use of the site for residential purposes considering a 23 m channel separates the site. The site is located around 275 m from a winery. The winery is located to the south-west of the site and is separated by a number of other dwellings and vegetation. The potential impacts of road traffic noise would need to be considered as part of future development applications for the development of the site.

## **Other Constraints**

- The site is not bushfire prone.
- There is no native vegetation on the site.
- Stormwater from any future development would be directed to the existing drainage channel system.

## **Site Specific Merit**

The site is located at the urban rural periphery of Griffith with direct access to Council's sealed road network. The site is flat and generally void of native vegetation. The site is also located in close proximity to commercial and recreation areas including:

- The Griffith Showgrounds and City Park are within 1 km.
- The site is located within 1.8 km from Griffith's CBD including supermarkets and services.
- The site has capacity to support around 20 additional urban allotments with a R5 buffer to existing farming operations on an existing sealed Council road.
- The site can be serviced by existing Council infrastructure in the surrounding road network.
- The site has access to Council's urban stormwater network and MI's drainage system.
- The site has dual frontage to sealed Council roads.
- The site does not contain any native vegetation.
- Council's has extensive experience with horticultural sites which are cleared and utilised for residential development. The majority of Griffith's growth areas including Collina and Lake Wyangan have historically been used for horticulture. Site investigations for these development applications indicated that lands were capable of being developed for residential purposes and contaminants were well below the relevant thresholds (see Appendix 4).

## **Strategic Merit**

- The site was identified in the Griffith Large Lot Strategy as being suited to urban residential development.
- The site could provide additional residential lots in a location close to services, the Griffith CBD, regional recreational facilities and public schools (Griffith Public School) and High Schools (Murrumbidgee Regional High School) which is generally supported by the Griffith Housing Strategy by providing additional land for potential affordable housing options. The site is located in an area historically available for

affordable housing options including lower cost housing options, social housing and Community Housing Provider housing in Pioneer to the east. Historically, houses and lots in Zirilli Avenue are more affordable than in other growth or release areas in Griffith such as Collina.

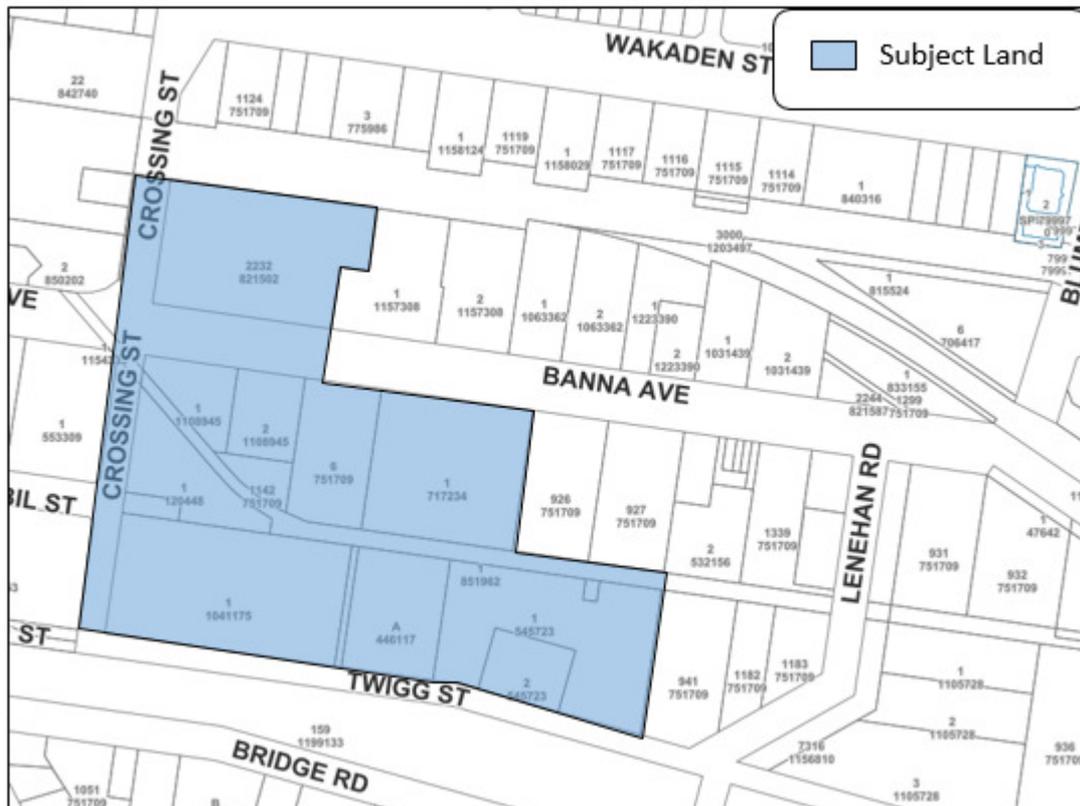
- A Strategic Justification for the rezoning of additional lands for R1 – General Residential is provided at Appendix 5.

## SSA 8 – East of Crossing Street

### Subject Land:

Land to the east of Crossing Street and to the north of Twigg Street including:

Lot 1 DP1041175, Lot 1 DP406416, Lot 1 DP120448, Lot 1142 DP751709, Lot 2 DP1108945, Lot 1 DP1108945, Lot 6 DP751709, Lot 1 DP717234, Lot A DP446117, Lot 1 DP545723, Lot 2 DP545723, Part of Lot 1 DP851962, Lot 2232 DP821502, a portion Crossing Street and Banna Avenue.



**Figure 27:** SSA 8 Subject Land

### Existing Zoning and Minimum Lot Size

E3 – Productivity Support with no minimum lot size

### Proposal

Amend Zoning to MU1 – Mixed Use and insert a site-specific clause requiring the master planning of the area prior to major development occurring.

- Amend LZN\_004A as depicted in **Figure 28**.



**Figure 28: SSA8 Existing and Proposed Zoning**

Site Specific Clause

**Development of certain land to the east of Crossing Street in Griffith**

- (1) *This clause applies to the following land to the east of Crossing Street in Griffith—*
  - o Lot 1 DP1041175, Lot 1 DP406416, Lot 1 DP120448, Lot 1142 DP751709, Lot 2 DP1108945, Lot 1 DP1108945, Lot 6 DP751709, Lot 1 DP717234, Lot A DP446117, Lot 1 DP545723, Lot 2 DP545723, Part of Lot 1 DP851962 and Lot 2232 DP821502
- (2) *This clause applies to development for the purposes of residential accommodation*
- (3) *Development consent must not be granted for residential accommodation to which this clause applies unless a development control plan that provides for the matters in subclause (4) has been prepared for the land.*
- (4) *The development control plan must provide for the following—*
  - a) *a staging plan for the timely and efficient release of land, making provision for necessary infrastructure and sequencing,*
  - b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
  - c) *controls to ensure the land is used for a mixture of employment and residential uses,*
  - d) *stormwater and water quality management controls,*
  - e) *detailed urban design and landscaping controls,*
  - f) *detailed servicing plans including water and sewer,*
  - g) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

*Comparable Landuse Table*

	<b>Zone E3 Productivity Support</b>	<b>Zone MU1 Mixed Use</b>
<b>Permitted with consent</b>	Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel	Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical

accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roads; Rural supplies; Seniors housing; Service stations; Serviced apartments; Shop top housing; Shops; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

**Prohibited**

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Residential accommodation; Resource recovery facilities; Restricted premises; Roadside stalls; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Resource recovery facilities; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

*Strategic Assessment*

**Background**

The site has been strategically identified for mixed use development in Griffith's LSPS and Griffith's Housing Strategy. The site is located within the Griffith CBD with easy access to services and shops including shopping precincts and supermarkets. The site contains a number of vacant lots and underutilised sites including:

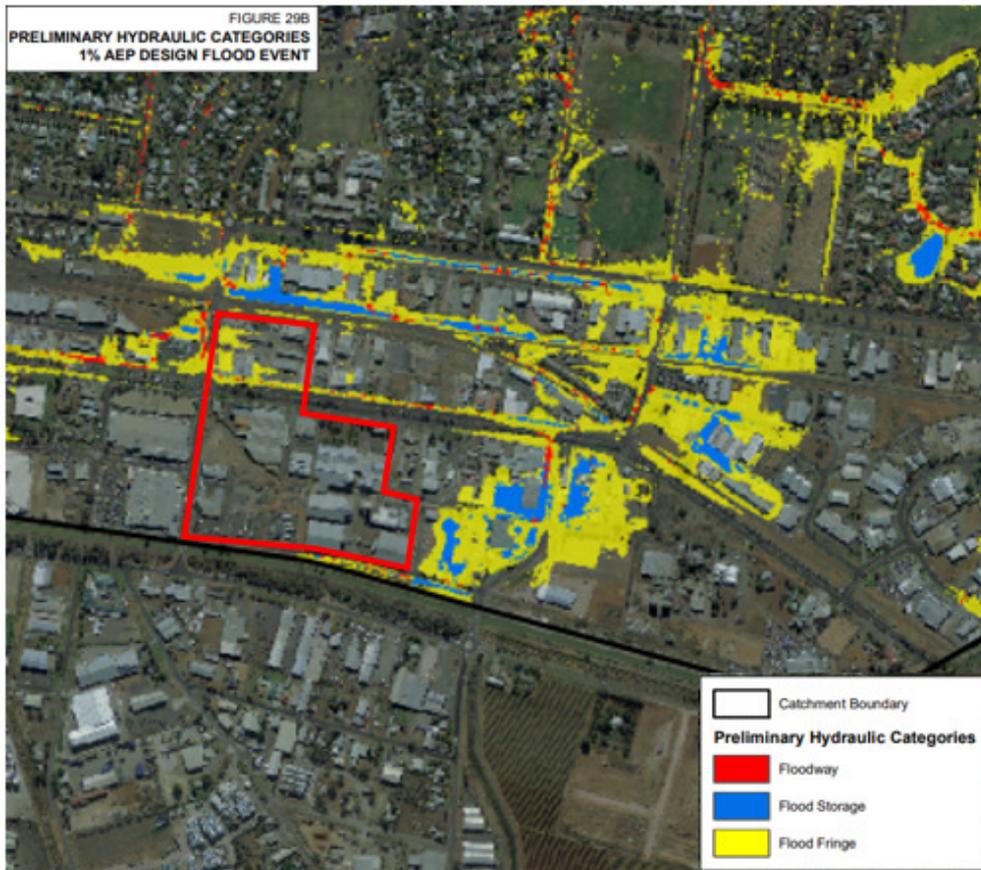
- Former Murrumbidgee Irrigation Workshop site at the corner of Crossing Street and Banna Avenue (55-71 Banna Avenue) – 1.85 ha.
- Former Ricegrowers site at 36-48 Banna Avenue – 4 ha.
- Former Rawlinson and Brown building and site (50-56 Banna Avenue) - .8 ha
- Essential Energy compound (9 Twigg Street) – 2.11 ha

The majority of the site is vacant and there is some vegetation scattered around the area. A former rail line traverses through the centre of the site. Council's LSPS has envisioned that as part of the master planning of this area, Yambil Street would be extended through the site utilising this former rail line and some surrounding land to provide for the required width of a road reserve. The Yambil Street extension would also provide additional frontage for the site to Council's road network. The main frontage of the site is to Banna Avenue which is a classified road under the control of TfNSW. It is expected that as part of the future master planning of the site, the number of access points to Banna Avenue would be limited.

The site is presently connected to Council's water and sewer network and Council's drainage infrastructure is located in Banna Avenue and Twigg Street. The site has been predominantly vacant and underutilised since past uses have ceased operation.

## **Constraints**

### **Flooding**



**Figure 29: SSA8 Flood Map**

The site is captured in the Griffith CBD Overland Flow Flood Study 2012. A portion of the site is considered flood prone for the 1 in 100 year flood event. The flood categorization of the affectation is flood fringe. Development on the site could proceed ensuring the require flood heights are above the flood planning level.

### **Contamination**

The site is considered potentially contaminated from past uses including an MI workshop and the former Ricegrowers site. A Preliminary Environmental Site Assessment prepared by Aitken and Rowe was prepared for the former Ricegrowers site which recommended the removal of two underground storage tanks (UST's) and remediation of soils around this area (refer to Appendix 4). The UST's were removed and a validation report prepared. Other areas of the site also have potential for contamination, however to require a detailed site investigation of every lot within the site is not considered feasible for this Planning Proposal.

SEPP 55 Guidelines in section 4.1.2 suggests that for generalised rezoning's which cover a large area the rezoning should be allowed to proceed, provided there are measures in place to ensure the potential for contamination are assessed once detailed proposals are made. This approach is appropriate in this instance as the potential future uses of different lots will vary from light industrial to residential and therefore the level of assessment and potential remediation could alter based on the specific development proposal.

## Water and Sewer Services

The site is located within Council's DSP for both water and sewer. Council's reticulated sewer network is located within the site. Council's water service is connected to the site. Essential Energy's Electrical network runs through the site, including a large substation.

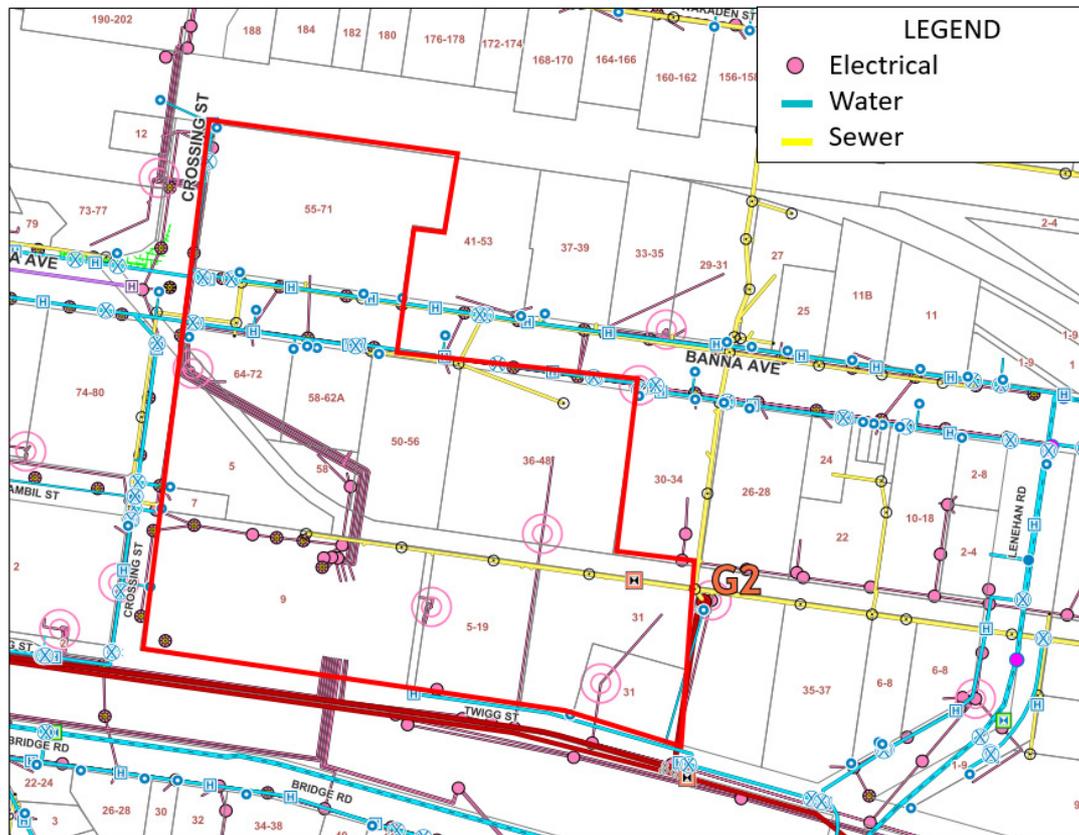


Figure 30: SSA8 Services Plan

## Road Infrastructure

The site is surrounded by the local and regional road network, including:

- Banna Avenue – a Classified Road under the control of TfNSW
- Twigg Road – a local road under the control of Council.
- Crossing Street – a Classified Road under the control of TfNSW
- Yambil Street – a local road under the control of Council.

A new internal road network would be planned as part of the master planning of the site. As discussed previously the extension of Yambil Street into the site would allow additional frontage for the site and connect Crossing Street to Lenehan Road.

## Land Use Conflict

A Lowe's fuel depot is located to the east of the site on 30-34 Banna Avenue. The potential hazards and risk of this use would need to be considered as part of the future development of the nearby lands depending on the proposed use and in accordance with SEPP (Resilience and Hazards) 2021. Essential Energy's substation is located on 9 Twigg Street. Adequate

buffers from this substation would need to be considered in the master planning of the site and as part of future development applications.

### **Other Constraints**

- The site is not bushfire prone.
- The site is relatively flat with limited fall which would need to be considered in the master planning process to inform the preparation of the site specific DCP.

### **Site Specific Merit**

The site is located within the Griffith CBD in close proximity to employment uses, services and shops. The site is flat and generally void of native vegetation. The site is also located in close proximity to commercial and recreation areas including:

- The CBD footpath network is available to the site and provides direct pedestrian access to the commercial core to the west and East Griffith to the north.
- The site has capacity to support shop top housing and a mixture of employment generating uses.
- The site can be serviced by existing Council infrastructure in the surrounding road network.
- The site has access to Council's urban stormwater network.
- The site has dual frontage to sealed Council roads – Banna Avenue, Twigg Road and Crossing Street.
- The site does not contain any native vegetation.

### **Strategic Merit**

The site has been identified in the Griffith LSPS for mixed use development.

## Strategy 1.1 - Implement the recommendations of the Griffith Housing Strategy 2020

### ACTION 1.1A – INCREASE RESIDENTIAL DENSITY CLOSE TO THE CBD (SHORT TERM)

Strategic re-zoning of lands near the CBD for mixed-use development including the areas identified on the Structure Plan to the east of Crossing Street.

### ACTION 1.1B – UPDATE DEVELOPMENT CONTROLS (SHORT TERM)

A new Residential Development Control Plan (DCP) has been adopted by Council to facilitate some of the recommendations of the Housing Strategy. However, Griffith still lacks a comprehensive DCP and there are still active DCP's which were drafted in the early 90's. All of Griffith's development controls must be modernised similar to the Residential DCP including controls to develop the commercial areas of Griffith and new mixed-use areas.



The site has also been identified in the Griffith Housing Strategy for mixed use development (Strategy 5 on pg. 16 and Strategy 6 on pg. 17). The rezoning would also assist in providing some of the 1,160 affordable housing units which are projected to be needed by 2036 in Griffith in the Housing Strategy. This brownfield site represents a great opportunity for Griffith to achieve several of the recommendations in the Housing Strategy and the LSPP and increase the density of residents living and working in the CBD. Also, a mixed use development would allow residents to potentially live, work and access services within the same site. This type of development, although common in larger regional centres, has not eventuated in Griffith to date.

## SSA 09 – Former Penfolds Site

### *Subject Land:*

18A and 20-22 Mackay Avenue, 59-61 and 55-57 Twigg Street which covers the former Penfolds Wines site legally described as: Lots 935, 936, 946 and 947 DP751709. The site has an area of 4.5 ha with frontage to Mackay Avenue.



**Figure 31:** SSA 09 Subject Lands (with Addresses)

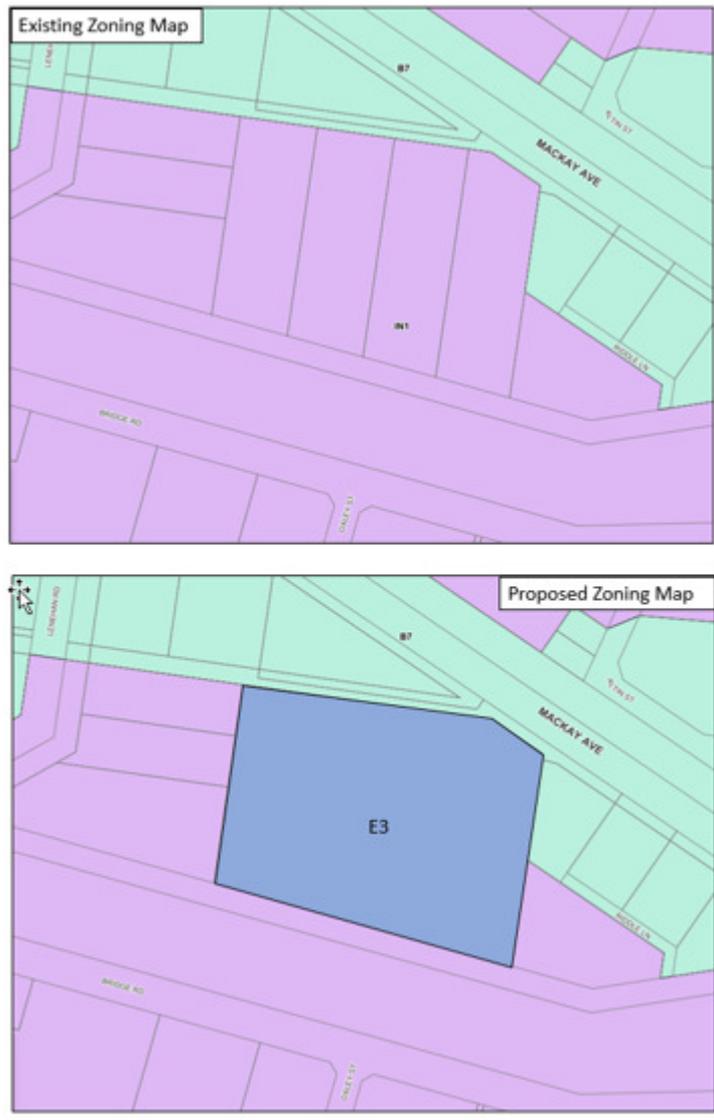
### *Existing Zoning and Minimum Lot Size*

IN1 – General Industrial with no minimum lot size.

### *Proposal*

Rezone the subject lands from E4 – General Industrial to E3 - Productivity Support.

- Amend LZN\_004A as depicted in **Figure 32**.



**Figure 32:** SSA 09 - Existing and Proposed Zoning Maps

*Comparable Landuse Use Table*

	<b>Zone E4 General Industrial</b>	<b>Zone E3 Productivity Support</b>
<b>Permissible with consent</b>	Building identification signs; Business identification signs; Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution	Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation

	centres; Any other development not specified in item 2 or 4	areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roads; Rural supplies; Seniors housing; Service stations; Serviced apartments; Shop top housing; Shops; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4
<b>Prohibited</b>	Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities	Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Residential accommodation; Resource recovery facilities; Restricted premises; Roadside stalls; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities

## Strategic Assessment

### Background

The former Penfolds winery site is a local heritage item I18. The following is an excerpt from the Griffith Heritage Study 2004 regarding the establishment of the winery on the site:

*“Attracted by McWilliams success and by the possibilities of arranging grower contracts, Frank Penfold Hyland visited the area during the First World War and, in the Hanwood Hall, addressed young men who had just returned from the war, advising them to take up viticulture in the area. Penfolds, he said, were prepared to build a modern winery at Griffith to process grapes, and would help in any way to establish the culture of the vine in the district. In earnest of the Company's good faith he offered an eight years' contract to growers for all grapes produced, at a minimum of £8 a ton. His faith in the venture was amply demonstrated by his readiness to sink a large sum in the building of a winery and distillery. This was in an area where wine grapes had not as yet been grown, and where irrigation methods would be used, without the advantage of previous experience, in the production of grapes.”*

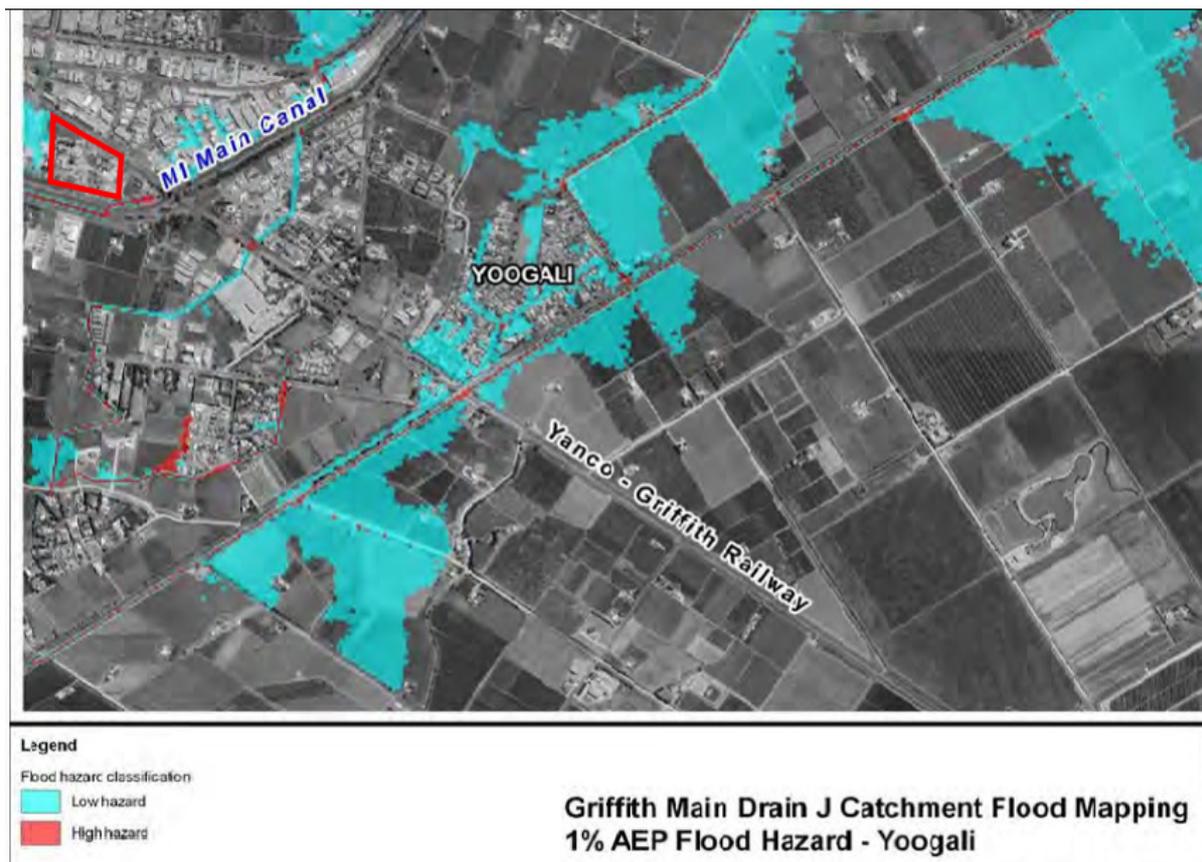
*“Penfolds began their Griffith winery in 1920 and encouraged the planting of wine grapes in Yenda by offering eight-year contracts to returned soldier settlers.”*

*“The first vintage at Griffith winery was made in 1921. Penfolds went through a period of great expansion after the First World War. By 1929 the Griffith winegrowing area had advanced so rapidly that it was necessary to extend the winery and distillery buildings, and this was done in time for the 1930 vintage. But Penfolds eight-year grower contracts, offered in 1922, were not renewed in a period that coincided with the Depression.”*

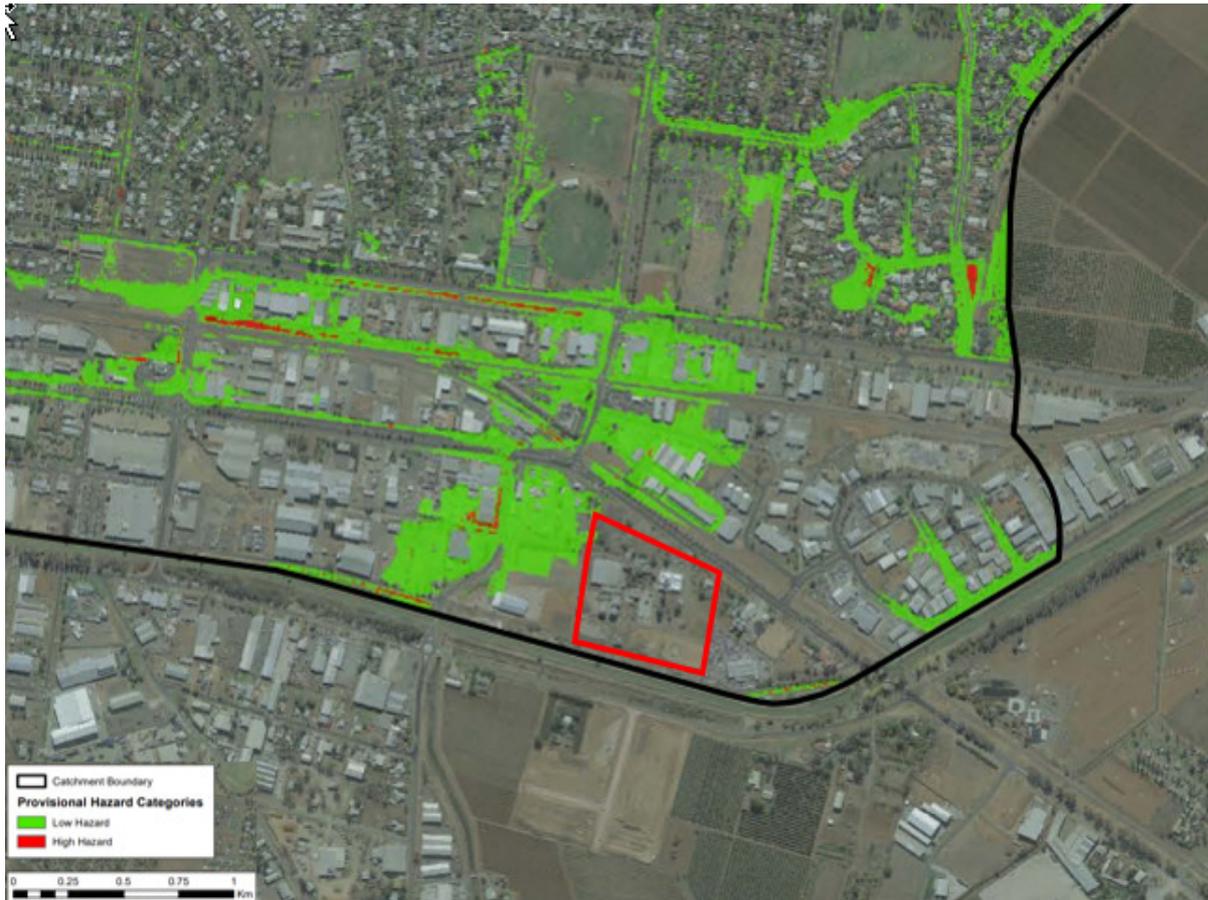
The winery has been closed for several years and the western portion of the site was used for decades as a rice mill for Ricegrowers (now SunRice). The rice mill ceased operation in the 80’s and the entire site has been vacant and derelict since. The present owner stores vehicles and materials on the site. The architectural and historical importance of the main winery buildings is presently masked by the other derelict buildings on the site. The site is one of the most visible sites at the entrance of Griffith from Yoogali. The owner of the land has proposed to rezone the land to a commercial zone to permit tourist and visitor accommodation and other uses. The industrial zoning and the permitted uses are not considered conducive to the adaptive reuse of the former winery building or support the visions of Griffith’s Entrance Strategy.

## Constraints

### Flooding



**Figure 33:** SSA9 Griffith Main Drain J Catchment Flood Study Update 2021 Flood Map



**Figure 34:** SSA 9 Griffith CBD Overland Flow Floodplain Risk Management Study Flood Map

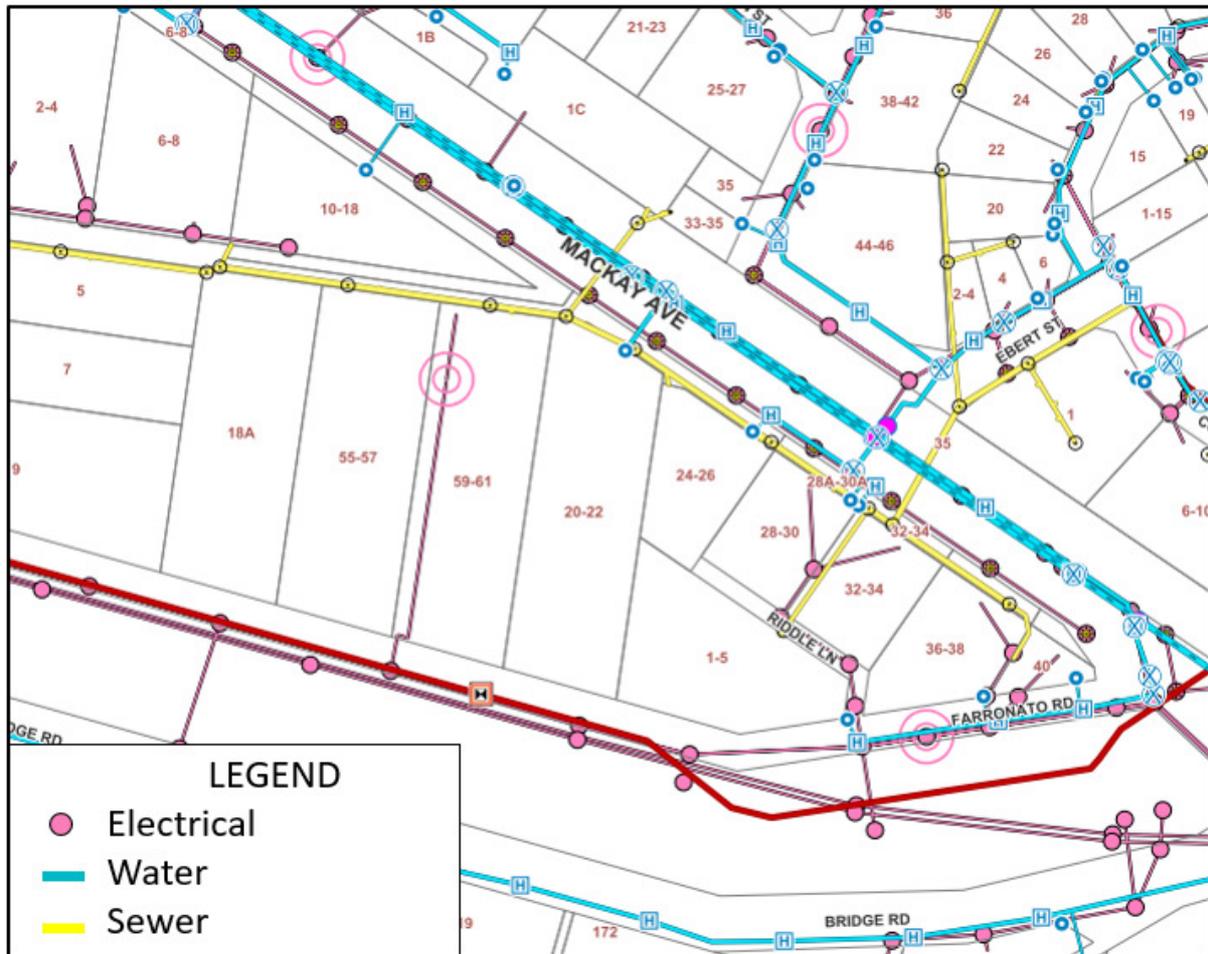
The site is located within the investigation areas for the Griffith Main Drain J Catchment Flood Study Update 2021 and the Griffith CBD Overland Flow Floodplain Risk Management Study and Plan 2013. The site is not considered flood prone for the 1 in 100 year flood event.

### **Contamination**

The site has been previously used for a winery and a rice mill. The site is presently used for the storage of vehicles, trucks, plant and equipment and materials. The site is therefore potentially contaminated.

SEPP 55 Guidelines in section 4.1.2 suggests that for generalised rezoning's which cover a large area, the rezoning should be allowed to proceed, provided there are measures in place to ensure the potential for contamination are assessed once detailed proposals are made. This approach is appropriate in this instance as the potential future uses of the site are unknown and therefore the level of assessment and potential remediation could alter based on the specific development proposal. Also, it is expected that the buildings would need to be removed from the site to carry out a comprehensive assessment of potential contamination on the site.

### **Water and Sewer Services**



**Figure 35: SSA9 Services Plan**

Council’s sewer main is located at the frontage of the four allotments and runs along Mackay Avenue. The sewer infrastructure is connected to the site. Council’s water main is located in Mackay Avenue and is connected to the site. Essential Energy’s infrastructure is connected to the site and located in Mackay Avenue and also adjacent to Main Drain J to the south of the site.

**Road Infrastructure**

The site has around 70 m of frontage to Mackay Avenue which is a Classified Road under the control of TfNSW. The site presently has two unsealed driveways to Mackay Avenue.

**Land Use Conflict**

The proposal includes the rezoning of the site to E3 – Productivity Support which would allow for a range of commercial and light industrial uses. Depending on the future use of the site, land use conflict may be possible. To the west of the site are two rural supplies buildings. A fuel depot is located to the north-west of the site. These uses each have the potential to conflict with future uses. The level of impact of these uses acting in close proximity to the site will depend on the proposed future use of the site. The potential land use conflict of surrounding

uses would be a consideration in the assessment of future development applications. The requirements of SEPP 33 (Hazards and Resilience) 2021 would be considered at this time.

### **Site Specific Merit**

- The site is situated at the northern extent of the existing industrial area. The site is separated from the majority of the industrial area by Main Drain J.
- The site is located adjacent to other E3 zoned lands along Mackay Avenue.
- The site represents an important landmark at the entrance of Griffith from Yoogali and the Burley Griffin Way. The present permitted uses being industrial in nature are not well suited to a visually appealing redevelopment.
- The site contains a heritage item (former Penfolds Winery) which is linked to the wine producing history of the region. The adaptive reuse of this site would be more suited to a commercial zoning.
- The site is connected to Council's water and sewer services.
- The site has access to Mackay Avenue which connects to the Griffith CBD to the west and Burley Griffin Way and Irrigation Way to the east.

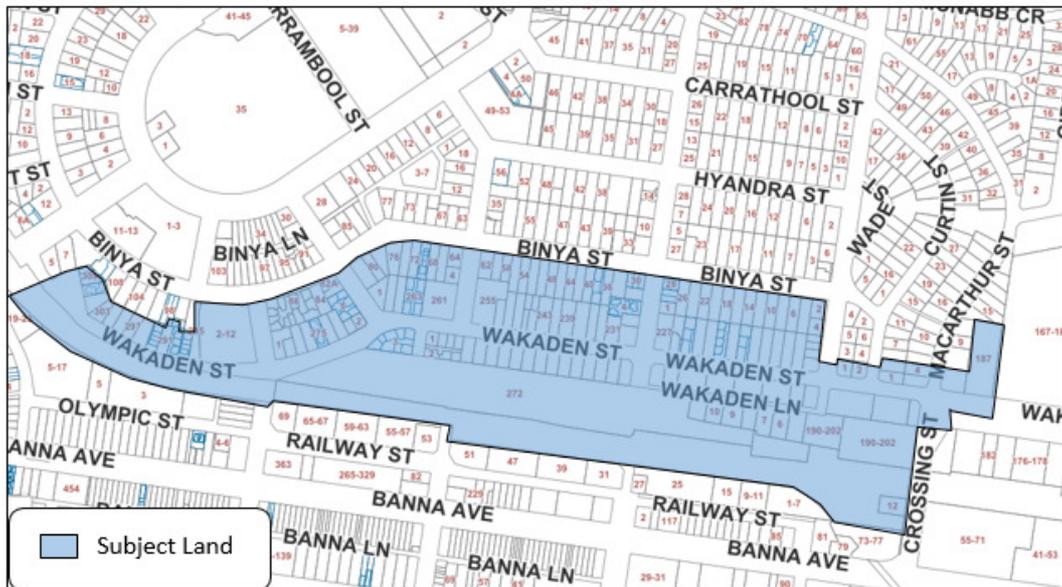
### **Strategic Merit**

- The Griffith Entrance Strategy contains the following issue regarding the Mackay Avenue entrance to Griffith: *Inconsistent setback frontage, poor building forms and the visual bulk of buildings are visually obtrusive and compromise streetscape character along the entrance.*
  - The proposed rezoning would permit the site to be utilised for commercial uses which would allow for the reuse of the existing heritage item for commercial or tourism purposes. The removal of the rice mill buildings and the various trucks, vehicles and materials stored on the site would improve the streetscape character.
- The site has been underutilised, derelict and has sat vacant for several years. The proposed rezoning of the site could entice redevelopment and

## SSA 10 – Wakaden Precinct

### *Subject Land:*

Lands surrounding Wakaden Street, known in Council’s Residential Development Control Plan as Central Griffith (North) Precinct. The DCP permits the highest density, FSR and minimum parking requirements in this Precinct.



**Figure 36:** SSA 10 - Wakaden Street Precinct

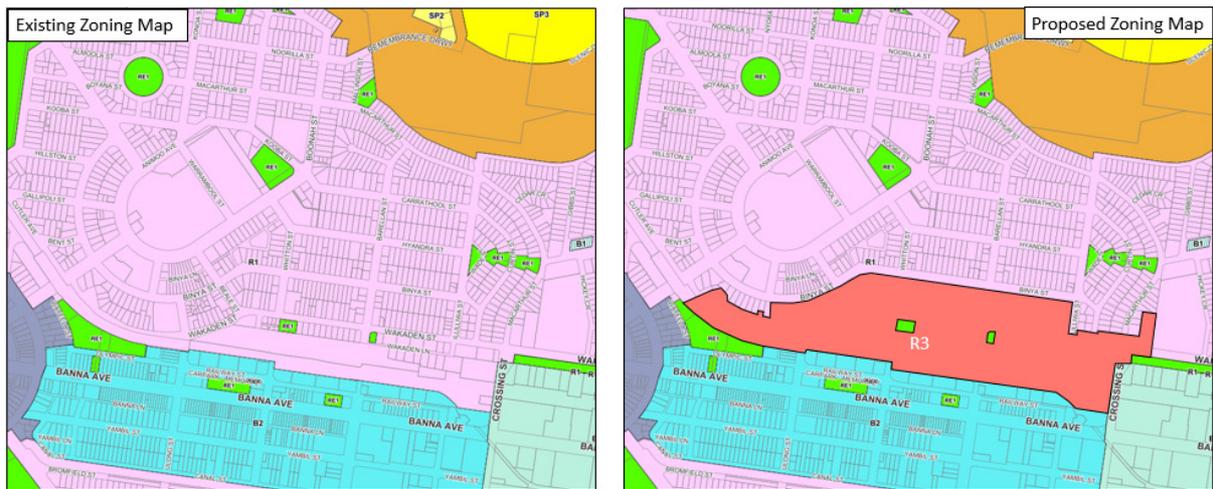
### *Existing Zoning and Minimum Lot Size*

The subject lands are presently zoned R1- General Residential with a minimum lot size of 300 m<sup>2</sup>.

### *Proposal*

Rezone the subject lands from R1 to R3 – Medium Density Residential. No amendment to the minimum lot size is proposed.

- Amend LZN\_004A as depicted in **Figure 37**.



**Figure 37: SSA 10 - Existing and Proposed Zoning Maps**

## Strategic Assessment

### Background

The Griffith Residential Development Control Plan 2020 describes the existing and future character of the precinct as follows:

#### Existing Character

*The Central Griffith (North) precinct is located to the north of the Griffith CBD. The Precinct contains a mixture of residential accommodation including single dwellings, dual-occupancies and multiple dwelling housing on lot sizes averaging around 1100 m<sup>2</sup> with 20 m frontages. The railway and terminal are located on large tracts of land at the southern end of the precinct. Some commercial uses including a supermarket and registered club are located in the Precinct as well as an ambulance station and RFS Administrative building. Several under-developed or underutilised lots are scattered throughout the Precinct. Wakaden Street is the main collector road in the Precinct and is a key east-west corridor for residents accessing the CBD.*

#### Future Character

*The projected future character of the Precinct is to be redeveloped with medium density units with an emphasis on affordable housing. A higher FSR has been allocated to the Precinct to promote higher densities. Underutilised lots with frontage to Wakaden Street should be a preferred location for multi-storey residential flat buildings and boarding houses. Binya Street should be preferred locations for multiple dwelling housing, dual occupancies and single storey boarding houses. The existing rail terminal lands should be redeveloped for medium density housing once the freight terminal is relocated.*

One of the main purpose of the re-zoning is to identify these lands for medium-density development and promote the development of vacant land for residential flat buildings and the redevelopment of lots for higher density residential. The Housing Strategy includes the

following commentary and recommendation regarding the Precinct, previously referred as Wakaden North:

#### *Rationale – Wakaden North Precinct*

*Similar to other areas, this precinct contains a large number of older residential flat buildings that pre-date the 1999 DCP, with more recent development consisting of multi dwelling housing, likely due to DCP constraints discussed earlier. There are more limited opportunities for redevelopment within the existing Precinct boundaries. However, additional redevelopment opportunities could be obtained by **extending the precinct north to Binya Street**, which is within 400 metres of the current B2 zoned area.*

#### *Strategy 7*

*Council will seek to facilitate the development of Residential flat buildings and Multi dwelling housing in **Wakaden North Precinct** (zoned R1) through supporting amendments to controls in the DCP as follows:*

- *Extending the Precinct north to Binya St, rezoning the entire precinct to medium density residential to solidify the strategy to promote higher densities.*

### **Constraints**

#### **Flooding**



**Figure 38: SSA10 - Flood Map**

The site is located within the area covered by the CBD Overland Flood Study 2012. Some of the lots within the site are considered flood prone and subject to Flood Planning Area (FPA) Controls. As part of the future development of these sites, a flood study would be required to be submitted with a development application. The flood study would need to consider the

requirements of the Clause 5.21 and 5.22 of the Griffith LEP. Development would need to be designed to ensure additional detrimental flood impacts on neighbouring site are avoided

### **Contamination**

The Precinct spans dozens of sites including existing and former rail yards and an operational rail terminal. The lots previously used for railway purposes could potentially be contaminated. The entire precinct is presently zoned R1 – which permits a range of residential accommodation and some other uses. The proposal does not increase the potential for sensitive uses to locate on lots within the site. The majority of the lots within the site would not be considered to be potentially contaminated from historical uses as this area has been a residential precinct since the 1940's and prior to that was untouched land.

SEPP 55 Guidelines in section 4.1.2 suggests that for generalised re-zonings which cover a large area, the rezoning should be allowed to proceed, provided there are measures in place to ensure the potential for contamination are assessed once detailed proposals are made. This approach is appropriate in this instance as the potential built forms of different lots will vary (some may proposed underground parking etc.) and therefore the level of assessment and potential remediation could alter based on the specific development proposal. As previously stated

### **Water and Sewer Services**

Council's water and sewer services are available throughout the Precinct. Electrical infrastructure is available throughout the Precinct.

### **Road Infrastructure**

Wakaden Street is the main arterial road in the Precinct.

### **Land Use Conflict**

The site contains an active freight terminal. Council's strategic plans are to relocate this freight terminal to Wumbugal with Leeton Shire Council as a partner. The lands are presently zoned R1 – General Residential and can be developed for residential development presently. The proposed rezoning would not increase the potential for land use conflict with the freight terminal and the operation of the rail line itself. As part of future development applications for residential development on vacant lands or redevelopment of developed lands in proximity to the rail line or freight terminal would need to have consideration to rail related noise impacts in accordance with Clause 2.100 of SEPP (Transport and Infrastructure) 2021:

*Impact of rail noise or vibration on non-rail development*

*(1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*

*(a) residential accommodation,*

*(b) a place of public worship,*

*(c) a hospital,*

*(d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*

*(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*

*(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

### **Strategic Merit**

- The area was identified in the Griffith Housing Strategy as a key location to provide additional unit development including build to rent and strata title development.
- The area is adjacent to the Griffith CBD, close to schools and the Griffith Base Hospital.
- The area has been identified as part of the Griffith Hospital Precinct Master Plan for High Density and Medium Density residential including supportive accommodation for hospital workers.
- The Site has been identified in the Griffith Residential Development Control Plan for development with an FSR of 2.5:1 which is the highest allowable FSR in Griffith.
- The zoning would solidify the strategic direction of Council in supporting higher densities in the locality.

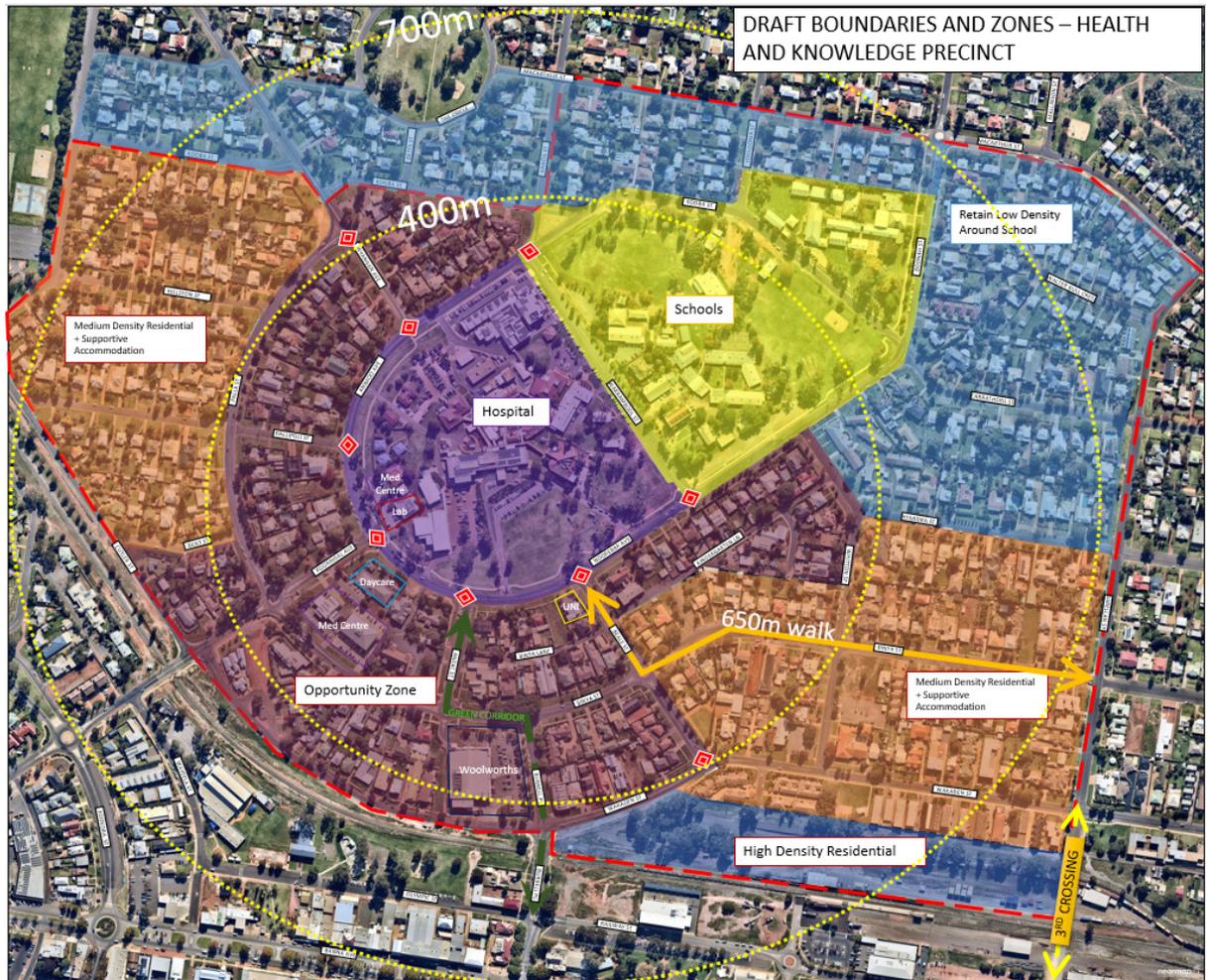
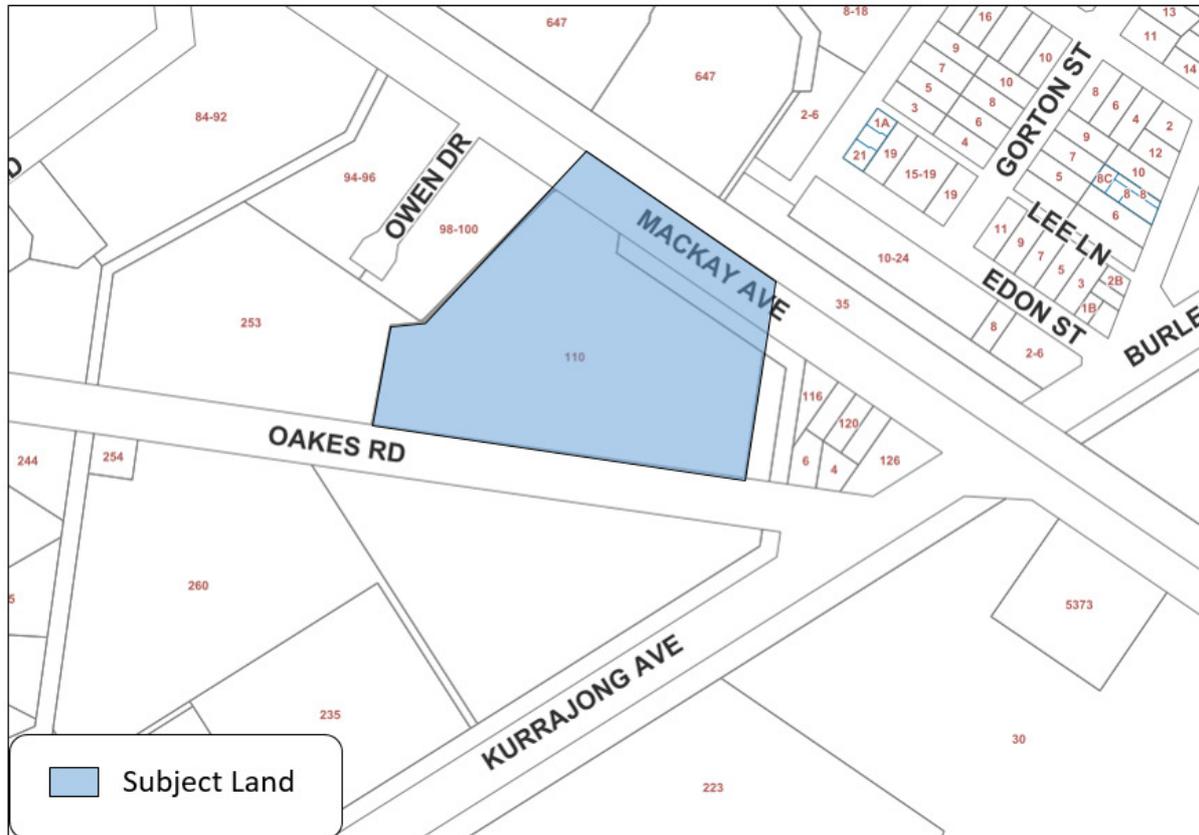


Figure 39: Draft Health and Knowledge Precinct Plan

## SSA 11 – Mackay Avenue

### Subject Land:

110 Mackay Avenue (Lot 1 DP1267636 and Part of Lot 6211 DP1196755)



**Figure 40:** SSA11 - Subject Plans (with addresses)

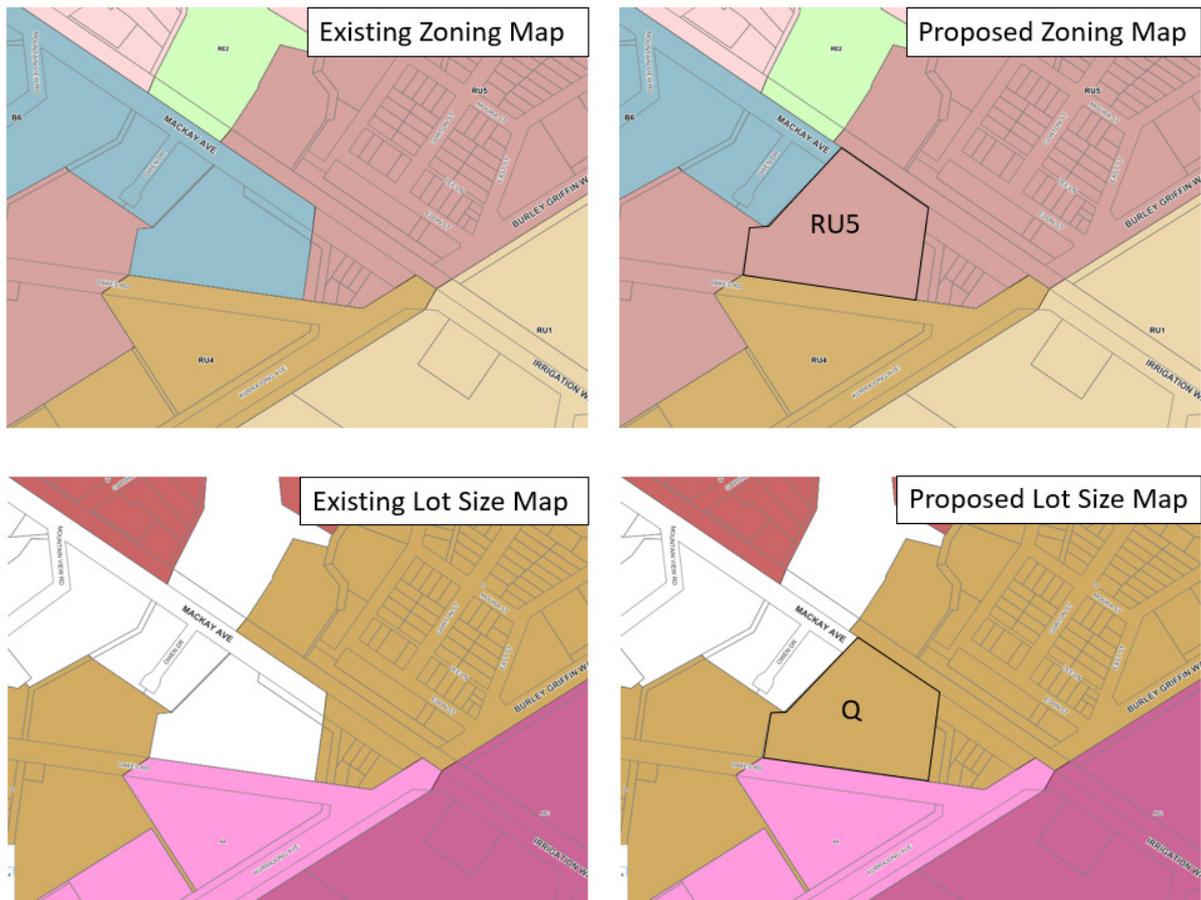
### Existing Zoning and Minimum Lot Size

The site is presently zoned E3- Productivity Support with no minimum lot size.

### Proposal

Rezone the site from E3 – Productivity Support to RU5 – Village with a minimum lot size of 700 m<sup>2</sup>.

- Amend LZN\_004A as depicted in **Figure 41**.
- Amend LSZ\_004A as depicted in **Figure 41**.
- Amend LZN\_004C as depicted in **Figure 41**.
- Amend LSZ\_004C as depicted in **Figure 41**.



**Figure 41:** Existing and Proposed Zoning and Minimum Lot Size Maps

### *Strategic Assessment*

#### **Background**

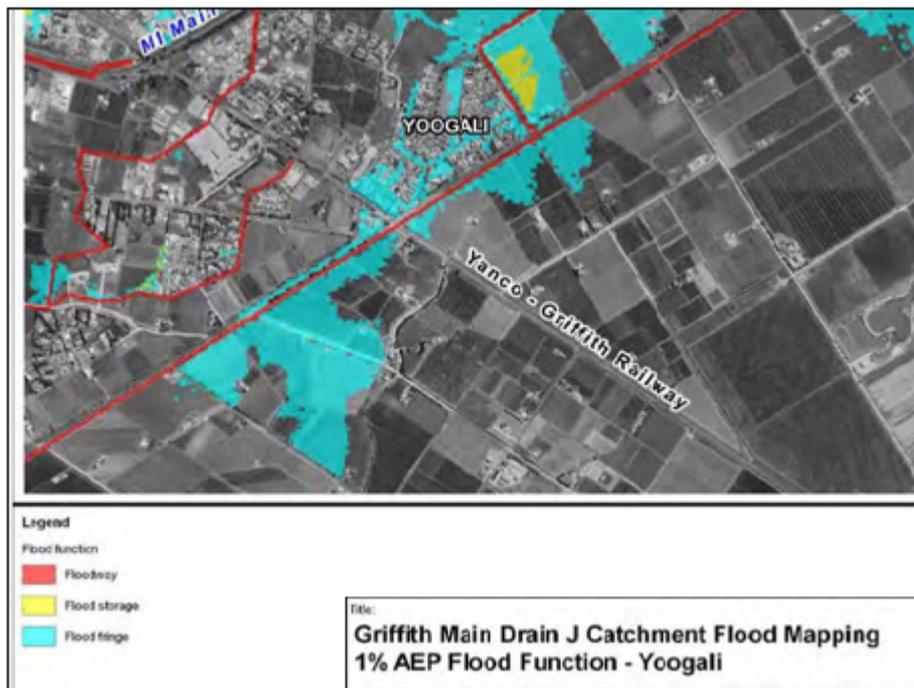
The site is located adjacent to the Village of Yoogali and adjacent to a nursing home to the west. The current owners are seeking to develop the site for Seniors Housing to be provided to NDIS supported individuals. The current zoning permits Seniors Housing, but clause 89 of SEPP (Housing) 2021 requires the use of the ground floor of a building which faces an existing street to not be used for residential purposes.

The site was identified in the Griffith LSPS for Village Expansion.

#### **Constraints**

##### **Flooding**

The site is covered by the Griffith Main Drain J and Mirrool Creek Flood Study. The site is not considered flood prone for the 1 in 100 year flood event. The site would be subject to Council's Floor Heights Policy, requiring development to be above the flood planning level.



**Figure 42: Flood Map**

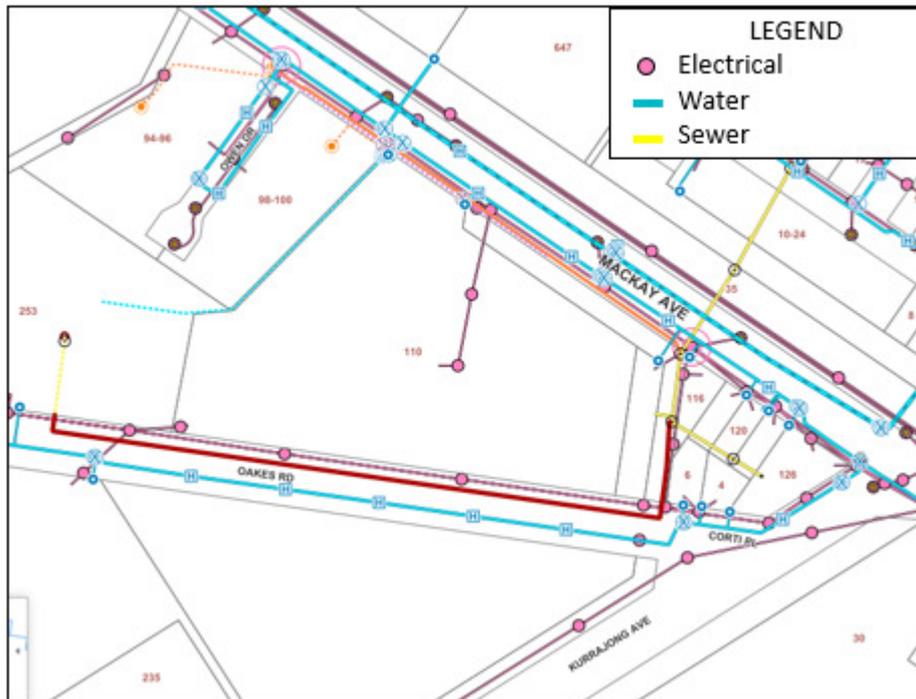
**Contamination**

A portion of the site has been used historically for growing lucerne. Based on the site history and site inspection, potential contaminants at the site are likely to be those associated with potential pesticide and herbicide application. Therefore any contamination is expected to be in surface materials from direct application. Council has approved several subdivisions and rezoned lands previously used for past agricultural purposes including the entire developed Collina area (refer to Appendix 4). Site investigations for these development applications indicated that lands were capable of being developed for residential purposes.

As part of a development application for the development of the site for any residential purposes, an applicant will be required to carry out a detailed Stage 2 Site Investigation of the site. As such, Council considers that the lands will be suitable in their present condition or after remediation of surface pesticides (should it be required) for residential purposes.

**Water and Sewer Services**

The site is located within Council’s water and sewer DSP areas. The site has access to Council’s water and sewer infrastructure in the surrounding road network. Essential Energy’s electrical supply is connected to the site. As part of the future development of this site, upgrades to this infrastructure would be required.



**Figure 43: Services Map**

### **Road Infrastructure**

The site has access to Mackay Avenue and Oakes Road. Mackay Avenue is an Arterial road under the control of Council. Oakes Road is a Collector road also under the control of Council. The site has an existing access to Mackay Avenue via single driveway. Development for Seniors Housing would be required to utilise Oakes Road to provide access to an internal road network to avoid additional accessways to Mackay Avenue.

### **Land Use Conflict**

The site is located to the east of a commercial area on Owen Drive which contains a car dealership and a veterinary hospital. The remainder or vacant area of 98-100 Mackay Avenue has been approved for three commercial / light industrial buildings. These uses would not be expected to have an amenity impact on the future development of the site for potential residential purposes for the following reasons:

- The veterinary hospital is fully enclosed with no outdoor holding areas.
- The car dealership contains its mechanic workshop at the western frontage of the building and away from the site
- The rear yards of the three proposed commercial buildings would only be used for storage and no heavy vehicle movements would be permitted on the eastern boundary of 98-100 Mackay Avenue.

- Adequate setbacks from Mackay Avenue can be provided to avoid road noise impacts due to the location of a 15 m wide supply reserve owned by Murrumbidgee Irrigation which limits the proximity of future buildings to Mackay Avenue.

### **Other Constraints**

- The site is not bushfire prone.
- There is some limited native vegetation on the site which was utilised as a buffer area for the dwelling. An assessment of this vegetation in accordance with the relevant legislation would be required as part of a future development application for the site.
- Stormwater from any future development would be directed to the existing drainage channel system.

### **Site Specific Merit**

- The site is strategically located adjacent to the existing Yoogali Village. Pedestrian access to the village and the services available including shops, schools and recreational facilities (gym, pool and futsal courts at Griffith Post School Options) can be provided through additional footpaths on Mackay Avenue and Oakes Road / Kurrajong Avenue connecting to a new intersection (constructed by TfNSW) which contains pedestrian crossing infrastructure (at the intersection of Burley Griffin Way, Mackay Avenue and Kurrajong Avenue).
- The site is flat, with limited vegetation and good access to services and Council's road network.
- The site is located adjacent to an existing Nursing Home and the future use of the site for Seniors Housing would be compatible with this use.
- The site is located 2.3 km from the Griffith CBD.
- The site is not burdened by any hazards which would impact development including flooding, bushfire or environmental constraints.

### **Strategic Merit**

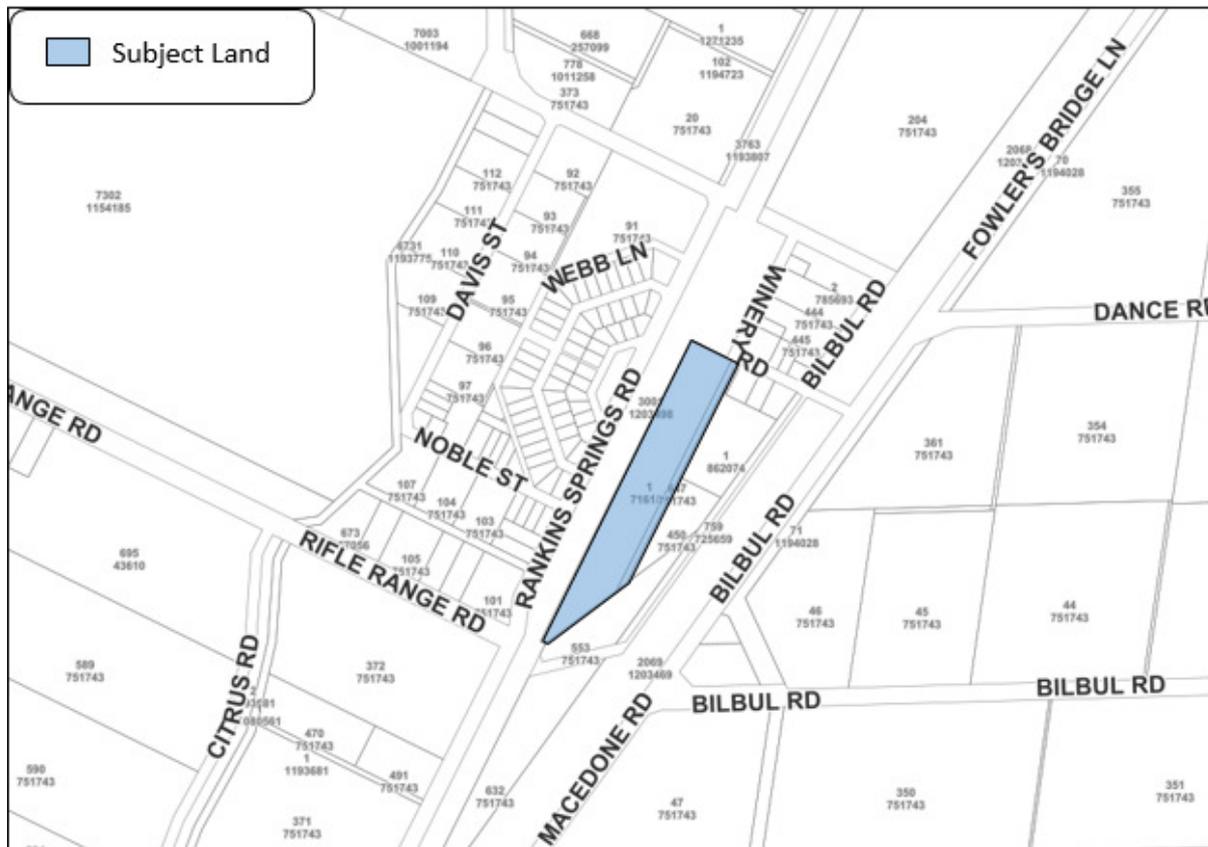
- The site has been identified for village expansion in the Griffith LSPS.
- There is a lack of Seniors Housing available in Griffith especially catering for NDIS supported individuals.
- The site is located immediately adjacent to Village zoned lands to the east and west. The zoning of the site to RU5 would effectively connect the Yoogali Village. The new pedestrian signalised crossing over MacKay Avenue would support pedestrian movement from the south to the north and the facilities and services available in commercial area of Yoogali.

- The zoning of the site presently permits Seniors Housing as a nominated use. SEPP (Housing) 2021 restricts the use of ground floors of buildings facing a road for uses other than residential. The rezoning of the site would permit the entire site to be utilised for Seniors Housing.

## SSA 12 – Beelbangera

### Subject Land:

- Lot 1 DP716154 (Winery Road) Beelbangera.
- Lot 647 DP751743(Winery Road) Beelbangera



**Figure 44:** SSA 12 Subject Lands

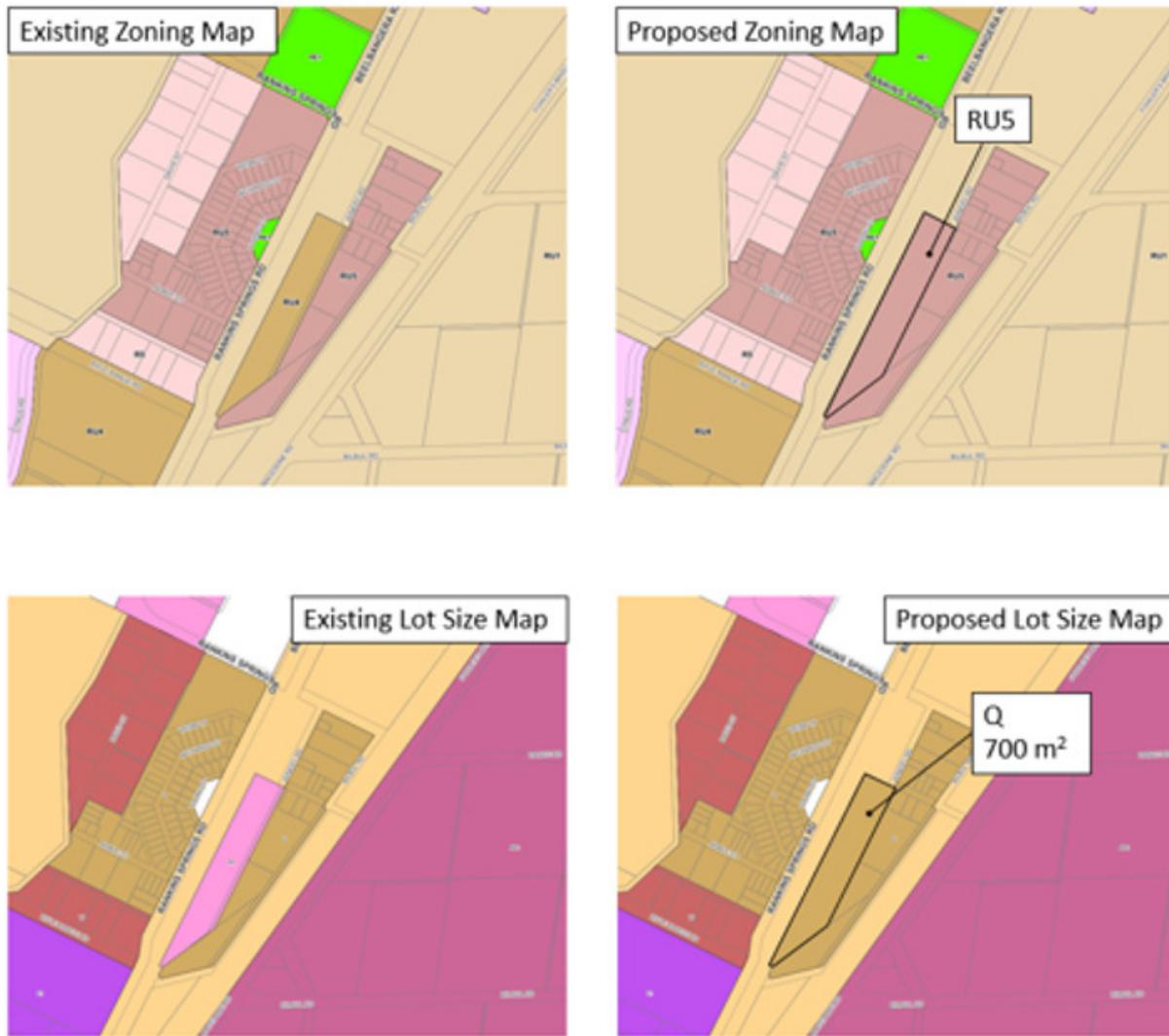
### Existing Zoning and Minimum Lot Size

The subject lands are presently zoned RU4 – Primary Production Small Lots with a minimum lot size of 5 ha.

### Proposal

Amend zoning to RU5 Village to rectify an error in the mapping of the 2014 GLEP.

- Amend LZN\_003D as depicted in **Figure 45**.
- Amend LSZ\_003D as depicted in **Figure 45**.



**Figure 45:** Existing and Proposed Zoning and Minimum Lot Size

### *Strategic Assessment*

#### **Background**

The site is located in the village of Beelbangera on Winery Road. The site is 4.34 ha and is located adjacent to the railway. The site was previously owned by McWilliams Wines, but was originally owned by the Rail Authority and formed part of the Railway Reserve. There is no record that the site had been used historically for any rail purposes or infrastructure. As the site was considered part of the Railway Reserve it was considered unzoned land in the Griffith LEP 2002. During the transition exercise to the Standard Instrument, the lands, being privately owned needed to be transitioned into an alternative zone. During the mapping exercise for the 2014 LEP, the site was transitioned to an RU4 zone which does not align to adjoining land use zones. The site is generally flat and contains some native vegetation. Access to the site is available from Winery Road. Calabria Wines purchased McWilliams Wines in 2020 and is the present owner of the site. Calabria Wines have requested the site be zoned RU5 – Village similar to their other land holdings to the east and the remainder of the village to the west.

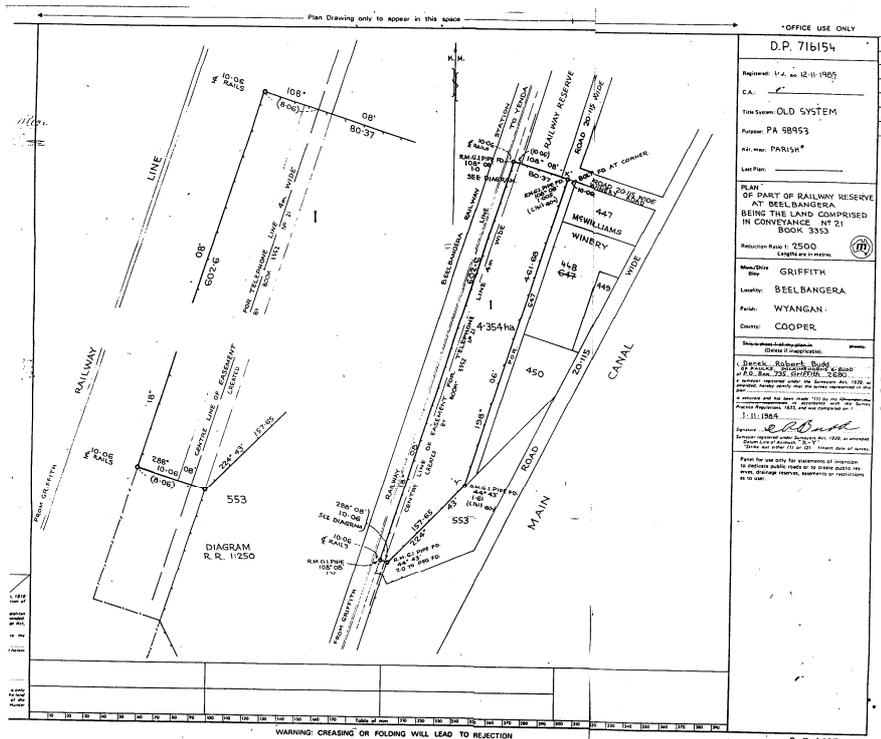


Figure 46: Deposited Plan - 716154

Constraints  
Flooding

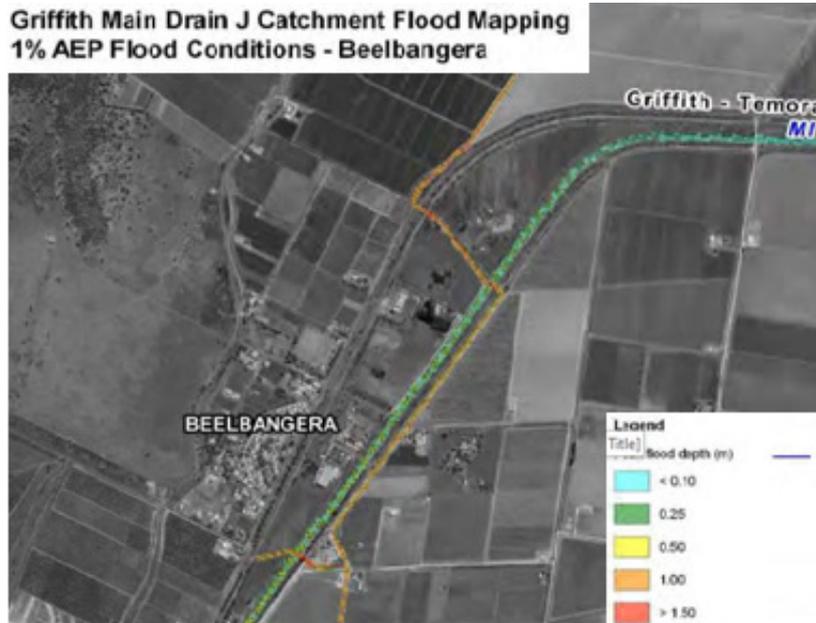


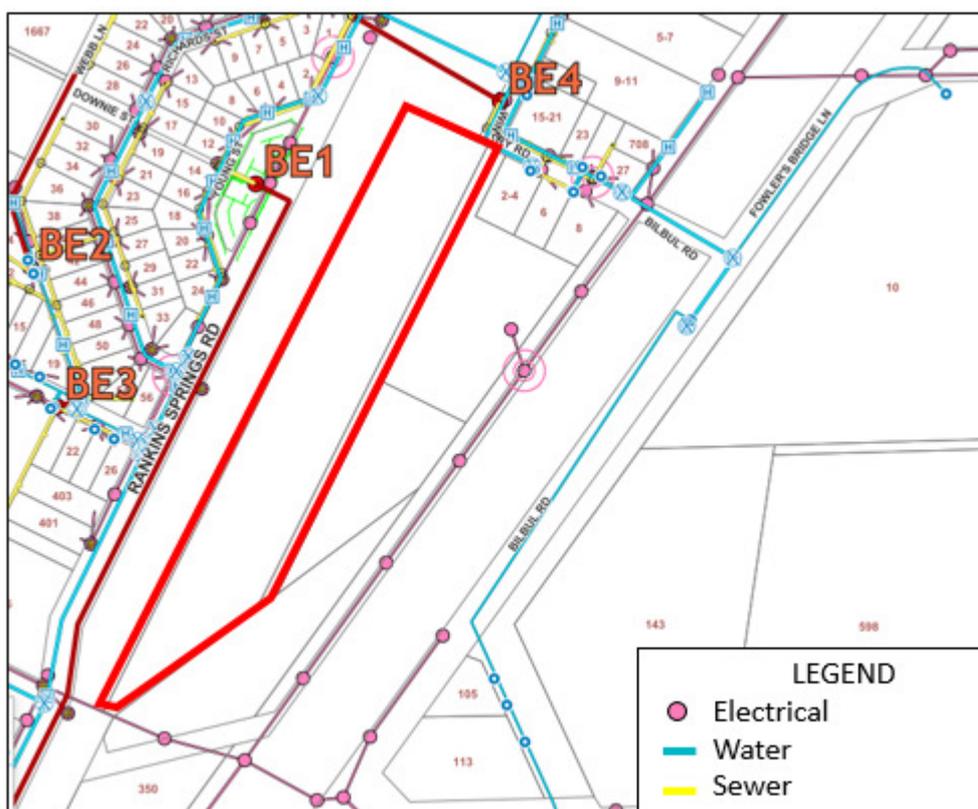
Figure 47: Flood Map

The site is covered by the Griffith Main Drain J and Mirrool Creek Flood Study. The site is not considered flood prone for the 1 in 100 year flood event. The site would be subject to Council's Floor Heights Policy, requiring development to be above the flood planning level.

### Contamination

The site formerly formed part of the rail reserve, but Council's records do not show that the site was utilised for rail related purposes or infrastructure.

### Water and Sewer Services



**Figure 48:** SSA12 Services Map

Council's water and sewer services are located in Winery Road. Essential Energy's infrastructure is located in Winery Road and at the southern boundary of the site.

### Road Infrastructure

Winery road is a sealed two way Council road which connects to Rankins Springs Road to the north and Bilbul Road to the east.

### Land Use Conflict

The site is located adjacent to the railway. As part of future development applications for residential development on vacant lands or redevelopment of developed lands in proximity to the rail line any Applicant would need to have consideration to rail related noise impacts in accordance with Clause 2.100 of SEPP (Transport and Infrastructure) 2021:

### *Impact of rail noise or vibration on non-rail development*

*(1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

### **Other Constraints**

- Calabria Wines utilise the adjacent sheds for the storage of wine and plant which would not be expected to have an amenity impact on potential future sensitive uses on the site.
- The site is not bushfire prone.
- There is some limited native vegetation on the site. An assessment of this vegetation in accordance with the relevant legislation would be required as part of a future development application for the site.
- Stormwater from any future development would be directed to the existing drainage channel system.

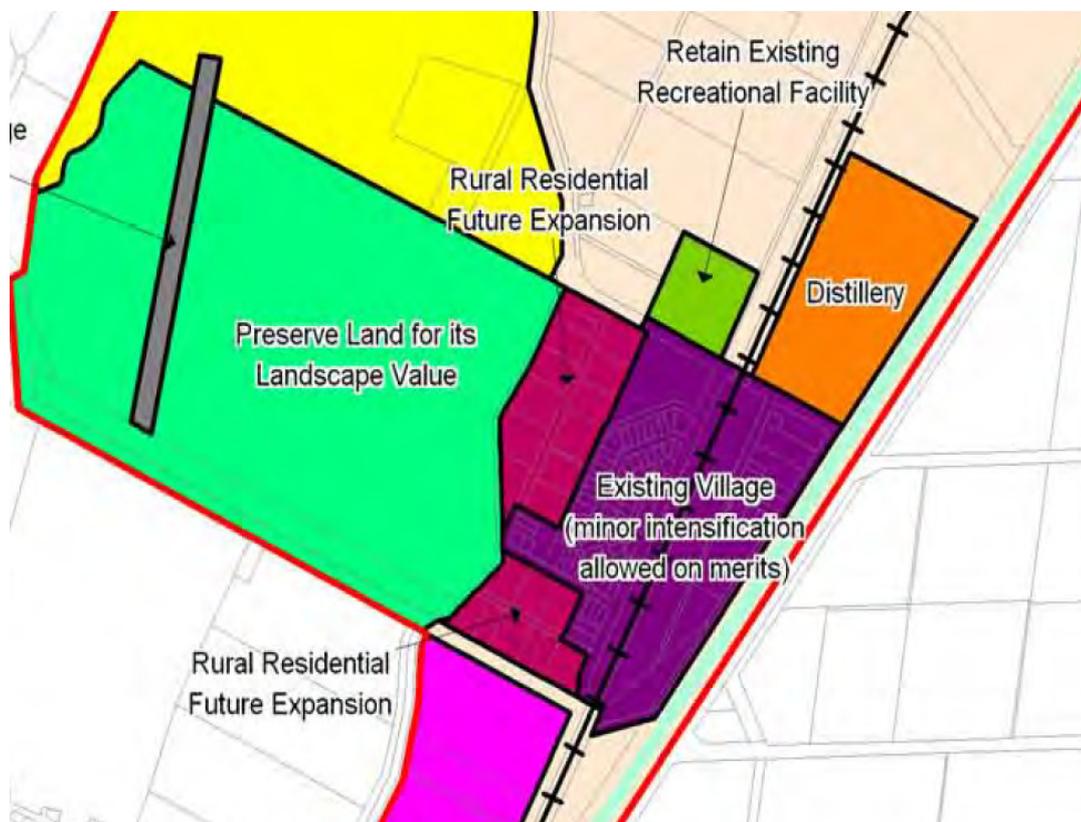
### **Site Specific Merit**

- The site is located adjacent to village uses to the north, east and west.
- The site is not located in a RU4 precinct.
- The RU4 zoning does not reflect the former or current use of the site or the adjoining land use zones.

- The site is located in close proximity to Council services to support a variety of uses.
- The potential impact of the railway would need to be considered as part of future development applications for the site in accordance with SEPP (Transport and Infrastructure) 2021.

### Strategic Merit

- It is considered that during the standard instrument transitioning exercise in 2014, the site should have been zoned to reflect the neighbouring zone typologies rather than an alternative zoning.
- The site was identified as part of the existing Beelbangera Village in the Griffith Land Use Strategy: (LUS) Beyond 2030.



**Figure 49:** Griffith Land Use Strategy: Beyond 2030

- The site was identified as part of the existing Beelbangera Village in the Structure Plans in the Griffith LSPS.

## SSA 13 – Former Matron’s House and Nurses’ Quarters at Base Hospital

*Subject Land:*

Griffith Base Hospital – Lot 35 DP1043580 – 35 Noorebar Avenue, Griffith NSW.



**Figure 50: SSA 15 Subject Lands**

### *Existing Heritage Mapping*

The site is identified in Schedule 3 of the GLEP as a local Heritage Item I2.

### *Proposal*

Remove the item from Schedule 3 and amend HER 004A to remove the item from the map

### *Strategic Assessment*

The heritage item was generally identified as recommended item #69 “Base Hospital, portions of older building” in the Griffith Heritage Study 2004. During the drafting of the GLEP 2014, Council created a panel of local professionals to review the recommendations of the Heritage Study and propose items to be included in Schedule 3 of the GLEP. As part of this exercise the Former Matron’s House and Nurses’ Quarters were identified as the two

older buildings within the Base Hospital grounds that should be protected by a Heritage designation.

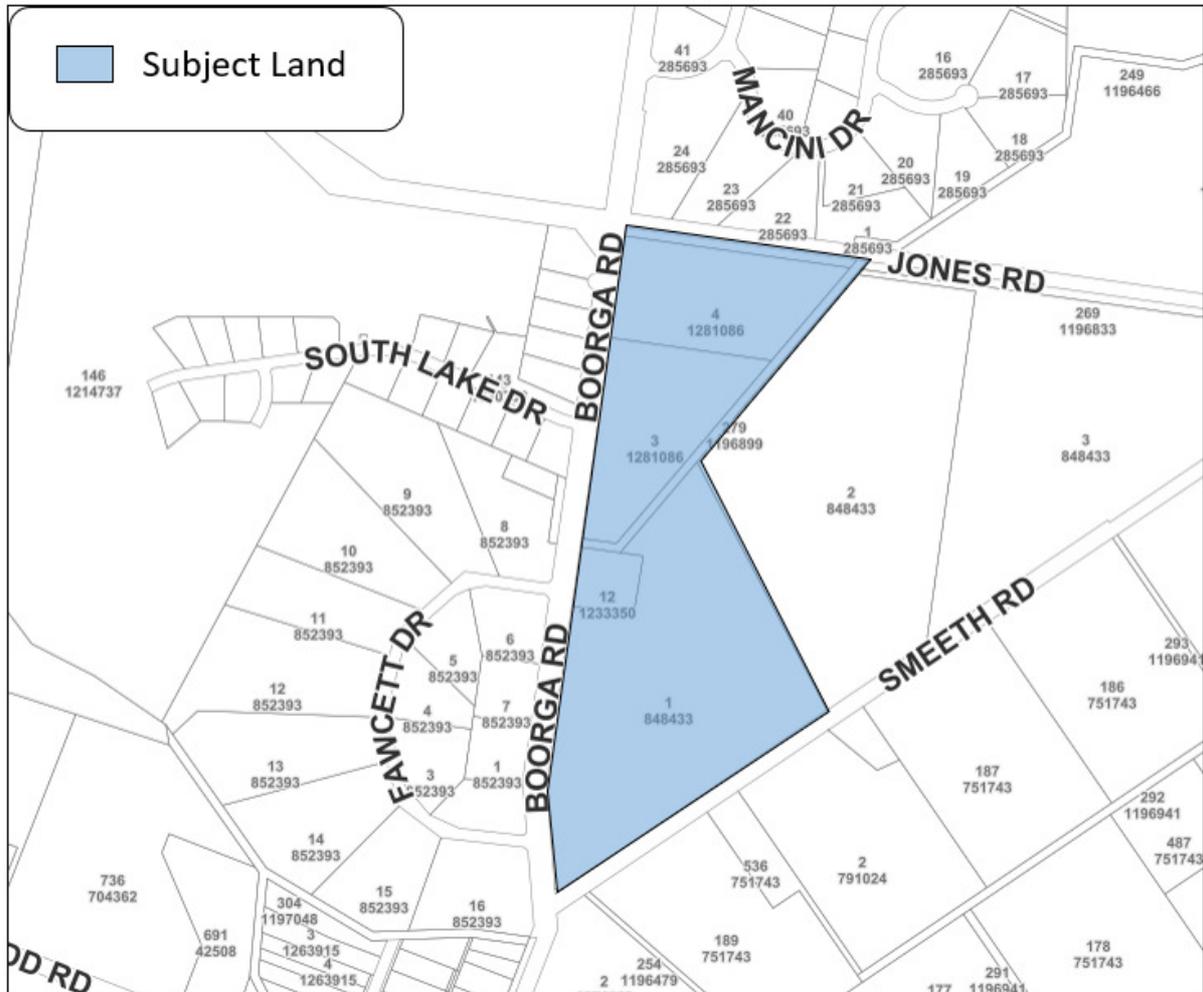


Between 2018 - 2021, NSW Health Infrastructure demolished both buildings. As the buildings do not exist anymore, there is no reason to have them identified as a heritage item.

## SSA 14 – Boorga Road

### Subject Land:

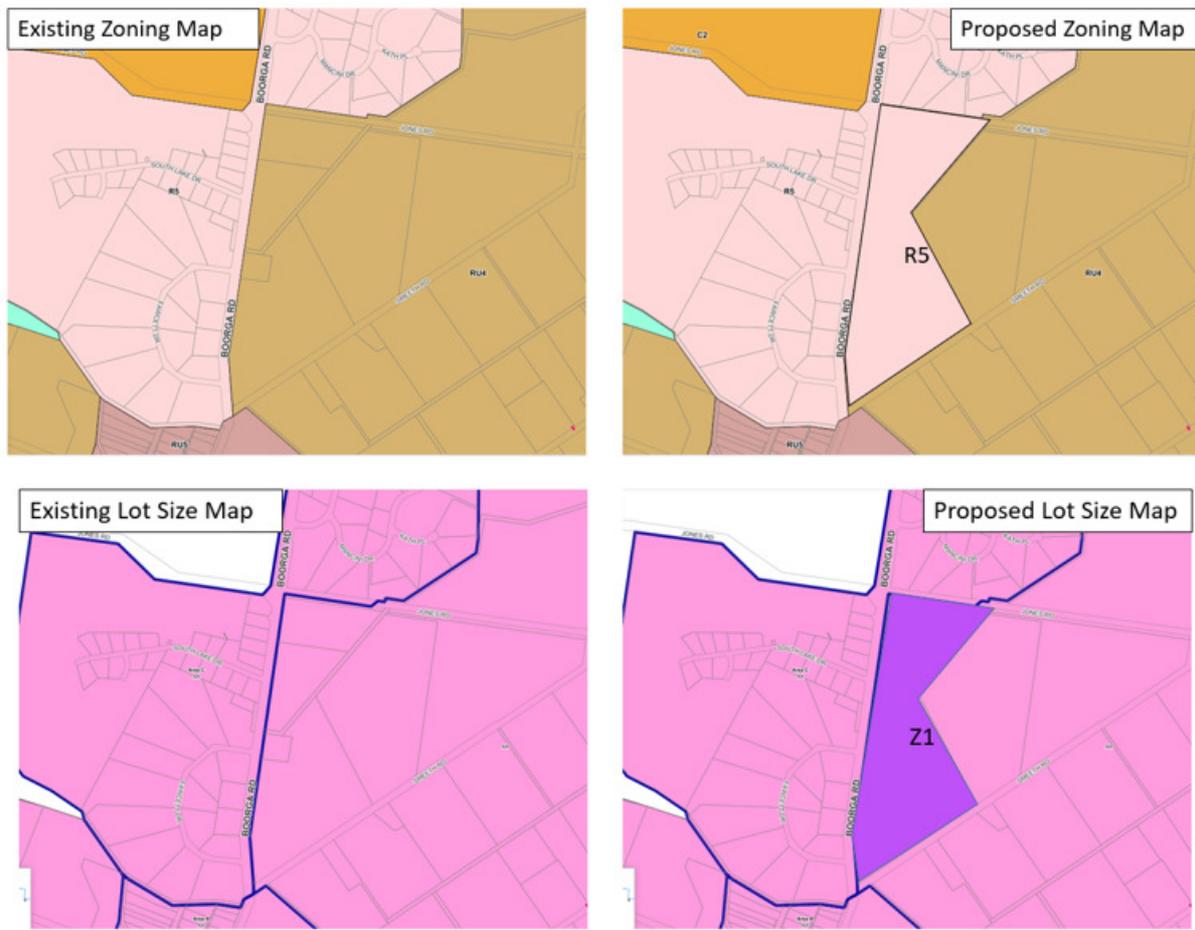
Lot 1 DP848433, 12 DP1233350, Lot 3 and 4 DP1281086 and Lot 279 DP1196899 and part of Jones Road Reserve (Boorga Road and Jones Road) Lake Wyangan.



**Figure 51:** SSA 16 Subject Lands

### Existing Zoning and Minimum Lot Size

The subject lands are presently zoned RU4 – Primary Production Small Lots with a minimum lot size of 5 ha.



**Figure 52:** Existing and Proposed Zoning and Minimum Lot Size

### *Proposal*

Amend zoning to R5 – Large Lot Residential and minimum lot size to 2ha.

- Amend LZN\_003C as depicted in **Figure 52**.
- Amend LSZ\_003C as depicted in **Figure 52**.

### *Strategic Assessment*

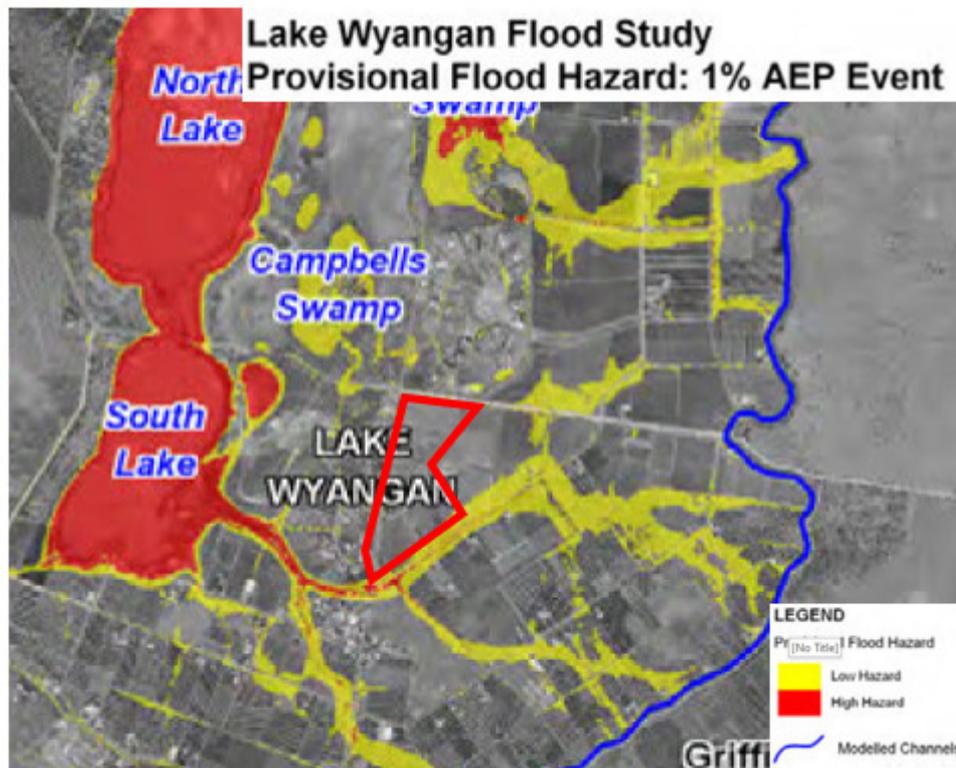
#### **Background**

The site is located to the north of the Lake Wyangan Growth area and is presently zoned RU4 – Primary Production Small Lots. The site is surrounded to the north and west by rural lifestyle lots which have an area of between 1 ha and 5 ha. Council’s reticulated water service is available to the site. The site is outside the boundaries of the Griffith Development Servicing Plan area for sewerage. A portion of the site along Smeeth Road is considered flood prone. The lands are underutilized and not planted for intensive plant agriculture like the other farms to the south and east.

#### **Constraints**

##### **Flooding**

The site is covered by the Lake Wyangan Flood Study and Management Plan 2012. Smeeth Road contains a channel which conveys water from the east towards South Lake. A portion of Smeeth Road and the site is considered flood prone. The flood hazard category on the site is considered low hazard for the 1 in 100 year flood event. The flood affectation of a portion of the site would be required to be considered as part of future development applications. The siting of any dwellings outside the flood prone areas would be required.



**Figure 53: SSA16 Flood Map**

**Contamination**

A portion of the site has been used historically for growing lucerne. Other areas of the site have been used as hobby farms for horses. Based on the site history and site inspection, potential contaminants at the site are likely to be those associated with potential pesticide and herbicide application for growing rotational crops. Therefore any contamination is expected to be in surface materials from direct application. Council has approved several subdivisions and rezoned lands previously used for past agricultural purposes including the entire developed Collina area (refer to Appendix 4). Site investigations for these development applications indicated that lands were capable of being developed for residential purposes.

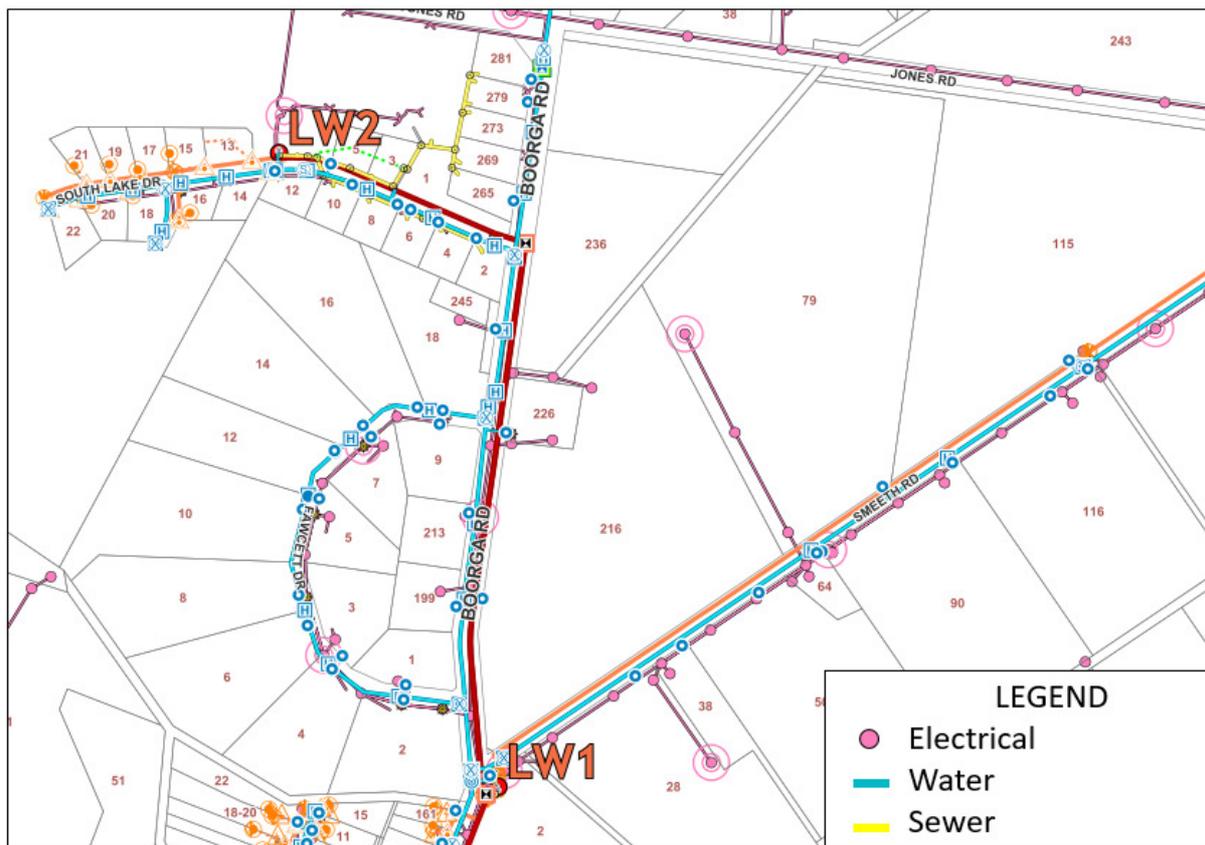
As part of a development application for the development of the site for any residential purposes, an applicant will be required to carry out a detailed Stage 2 Site Investigation of the site. This assessment could focus on the curtilage of the proposed dwelling rather than the entire site as it is expected that some landowners would continue to have hobby farms and small paddocks for cropping / vegetable gardens. As such, Council considers that the lands

will be suitable in their present condition or after remediation of surface pesticides (should it be required) for residential purposes.

### Water and Sewer Services

Council's potable water network is located in Boorga Road and Smeeth Road. Council's sewer network is located in Boorga Road. However, the infrastructure is a rising main which cannot be accessed for the future development of the site. The lifestyle lots to the north and west utilise on-site septic systems for effluent disposal.

Essential Energy's infrastructure is located in Smeeth Road, Boorga Road and Jones Road.



### Road Infrastructure

Jones Road is part of Council's Northern Industrial Bypass Route. Future dwellings would be required to be located away from Jones Road and Boorga Road in consideration of road traffic noise. Boorga Road is a local distributor road which provides access to Griffith to the south. Smeeth Road is also a local Council road which connects to Boorga Road at the southern extent of the site.

### Land Use Conflict

As discussed above, road traffic would need to be considered in the siting of future dwellings on the site. The proximity to operational viticulture to the east would also need to be considered in the siting of buildings.

### **Other Constraints**

- The site is not considered bushfire prone.
- Murrumbidgee Irrigation's drainage channel is located in Smeeth Road and through the site (Lot 279 DP1196899).

### **Site Specific Merit**

- The site is located adjacent to other lands utilised for lifestyle allotments with hobby farms and vegetable gardens ranging in size from 1 ha to 5 ha.
- The site is void of native vegetation other than the trees around the dwelling at 216 Boorga Road and 226 Boorga Road.
- The site is located to the north of the Lake Wyangan Growth Area in an area dominated by R5 – Large Lot Residential land holdings.
- The site is located 4.4 km from the Griffith Hospital and 5 km from the Griffith CBD.

### **Strategic Merit**

- The site has been identified as a candidate site for additional lifestyle lots in the Griffith Large Lot Strategy.
- There is an identified demand and lack of supply of lifestyle lots similar to those along Fawcett Drive to the west and Mancini Place to the north.
- The use of the site for lifestyle lots would add to the existing R5 precinct which does not contain any lots for sale. The few lots on Mancini Drive which are vacant were purchased from the original developer in the early 2000's.
- The site was previously identified for Rural Residential Expansion in Growth Strategy 2030 in 2002.



## SSA 15 – Calabria Road

### *Subject Land:*

The subject land is located at the corner of Rankin Springs Road and Calabria Road including, Lot 1-3 DP1258641 and Lot 1 DP802981.



**Figure 55:** SSA 15 Subject Lands

### *Existing Zoning and Minimum Lot Size*

The site is presently zoned RU4 – Primary Production Small Lots with a minimum lot size of 3 ha.



**Figure 56:** SSA15 Existing and Proposed Minimum Lot Size

*Proposal*

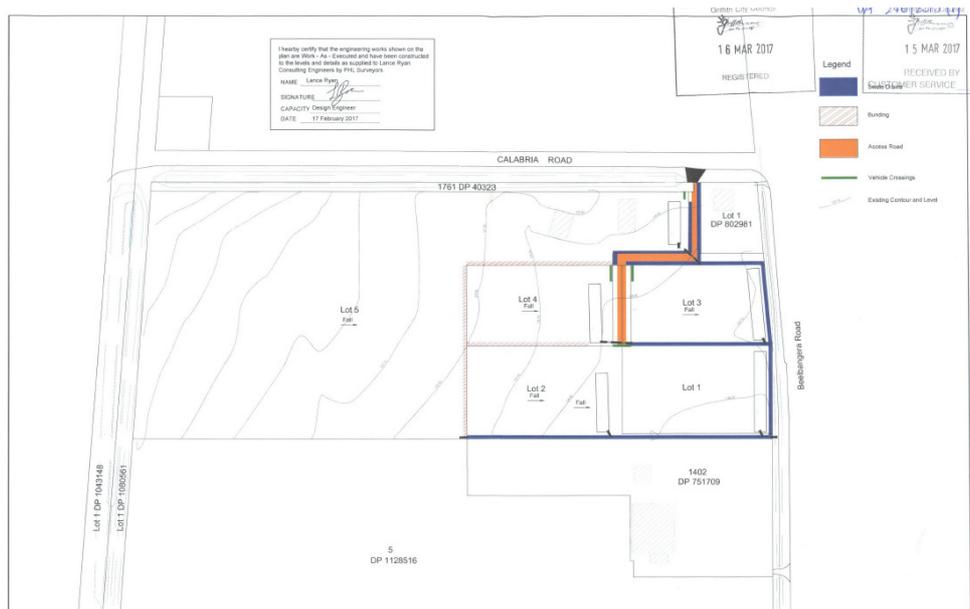
Amend the minimum lot size to 1 ha.

- Amend LSZ\_003D as depicted in **Figure 56**

*Strategic Assessment*

**Background**

The candidate site is located on Calabria Road to the east of Collina. The site is presently zoned RU4 Primary Production with a minimum lot size of 3 ha. The owner has requested a reduction in the minimum lot size to 1 ha to permit the realization of the master plan developed for the site (see **Figure 57**).



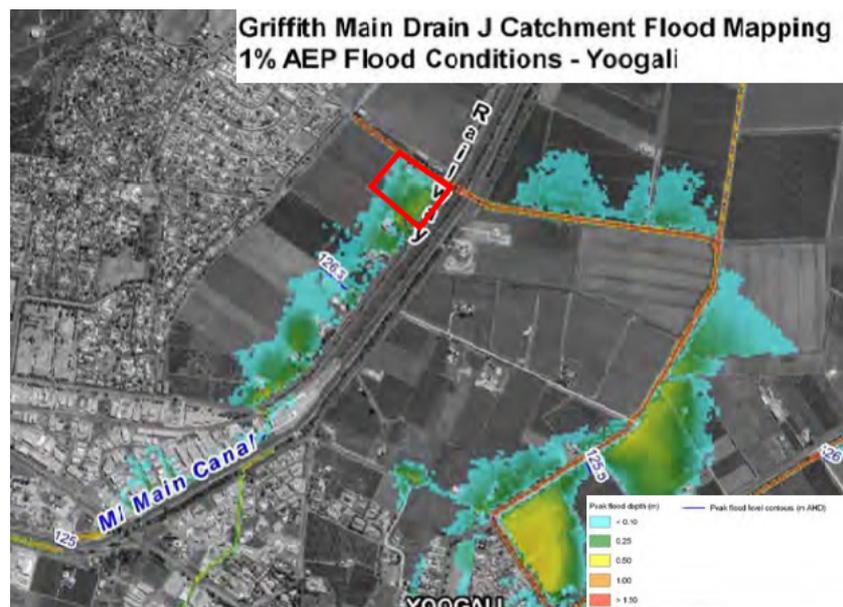
**Figure 57:** SSA17 Calabria Road Master Plan

The owners have proposed to reduce the minimum lot size of the site to permit the subdivision of Lot 3 DP 1258641 into three lots including one lot for the existing dwelling and two new lifestyle lots. The two new lots have already been catered for in the master planning of the site (see **Figure 57**).

## Constraints

### Flooding

The site is covered by the Griffith Main Drain J and Mirrool Creek Flood Study. The site is considered flood prone for the 1 in 100 year storm event. The site is considered 'low hazard'.



**Figure 58: SSA 15 Flood Map**

The flood affectation of the locality was a consideration in the master planning of the site and the establishment of two subdivided lots (Lot 1 and 2 DP1235330) under DA 246/2015. Each lot has been provided with onsite detention areas to cater for the 1 in 100 year storm event and discharge water into the channel along Rankins Springs Road. These arrangements have been approved by Council as part of DA 246/2015. The construction of the dwellings on each lot are required to meet Council's Flood Height Policy. The flood affectation of the land is suitable for the development of 1 ha allotments.

### Contamination

Aitken and Rowe Testing Laboratories prepared a Stage 2 Investigation of the site for DA 246/2015 which found that the levels of contaminants was well bellowing any screening threshold and residential development could proceed without remediation (See **Appendix 4**).

### Water and Sewer Services

Council's potable water main is located in Rankins Springs Road. The existing lots are connected to the water main. Provision has been made to connect the additional allotments

as well. Council's sewer infrastructure is not available to the site at present. The existing dwellings and any future dwellings would be required to install an AWTS system for the disposal of sewerage.

### **Road Infrastructure**

Access to the site is gained from Calabria Road via a single internal road which connects to the existing and future lots. Calabria Road is a local Council road which connects to Rankins Springs Road, a Classified Road under the control of TfNSW to the east and Citrus Road to the west.

### **Land Use Conflict**

To the west of the site is lands utilised for the cultivation of rotational crops. The size of the proposed allotments would cater for sufficient buffer areas between the agricultural operations and future dwellings. To the north of the site are lands subject to an approve development application for a manufactured home estate. To the east of the site is Rankins Springs Road. The proposed size of the allotments would be sufficient to provide setbacks of dwellings from the road to decrease the potential for road noise impacts. To the south of the site is a depot utilised for the storage of plant and equipment related to a crane business on 103 Rankins Springs Road (Lot 1402 DP751709). The storage of plant and equipment would not be expected to cause amenity impacts to future residents.

### **Other Constraints**

- The site is not considered bushfire prone.

### **Site Specific Merit**

- The site has been master planned for the additional 1 ha allotments.
- The master plan has taken into account the flood affectation of the land to develop a conveyance and detention system approved by Council to facilitate additional large lot housing. The stormwater system has been constructed.

### **Strategic Merit**

- The site has been identified for additional rural lifestyle allotments in the Griffith Large Lot Strategy.
- The site will provide additional large lots in close proximity to the Griffith urban area compatible with the flood affectation of the land.

## SSA 16 – Tharbogang Wetland

### *Subject Land*

Tharbogang Wetland – Lot 187 DP756035

### *Existing Zoning and Minimum Lot Size*

E2 Environmental Conservation

### *Proposal*

Add the Tharbogang wetland to WET\_003



**Figure 59:** Existing and Proposed Wetland Map

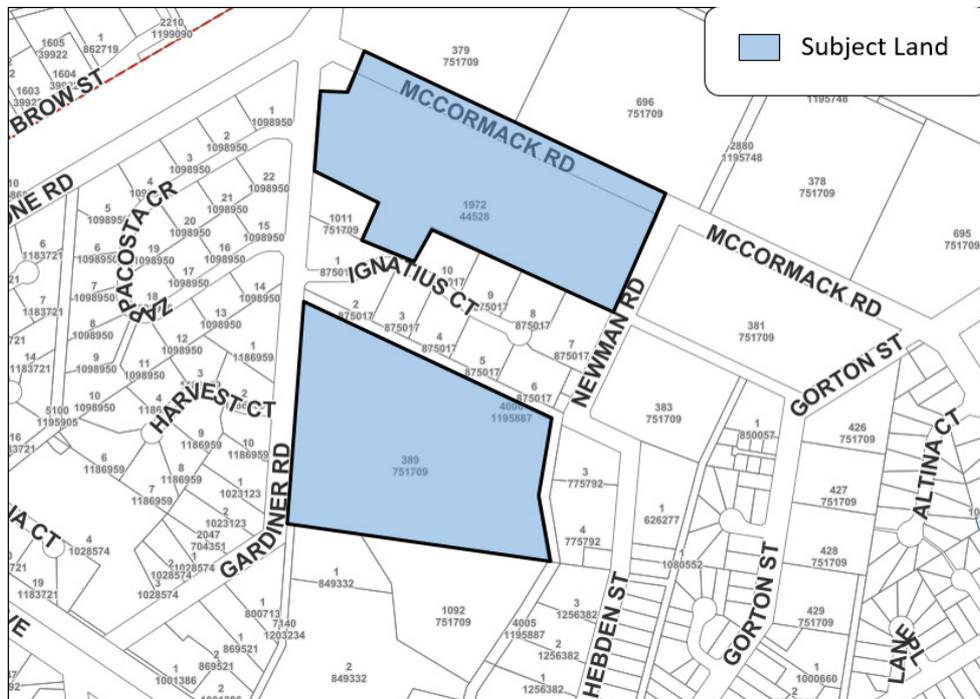
### *Strategic Assessment*

The Tharbogang Wetland has not been identified on the LEP Wetland Map and therefore clause 7.6 of the LEP does not apply to the lands.

## SSA 17 – Gardiners Road

### Subject Land:

Lot 389 and 1092 DP751709 and Lot 1972 DP44528 and a portion of the McCormack Road Reserve.



**Figure 60: SSA17 - Subject Lands**

### Existing Zoning and Minimum Lot Size

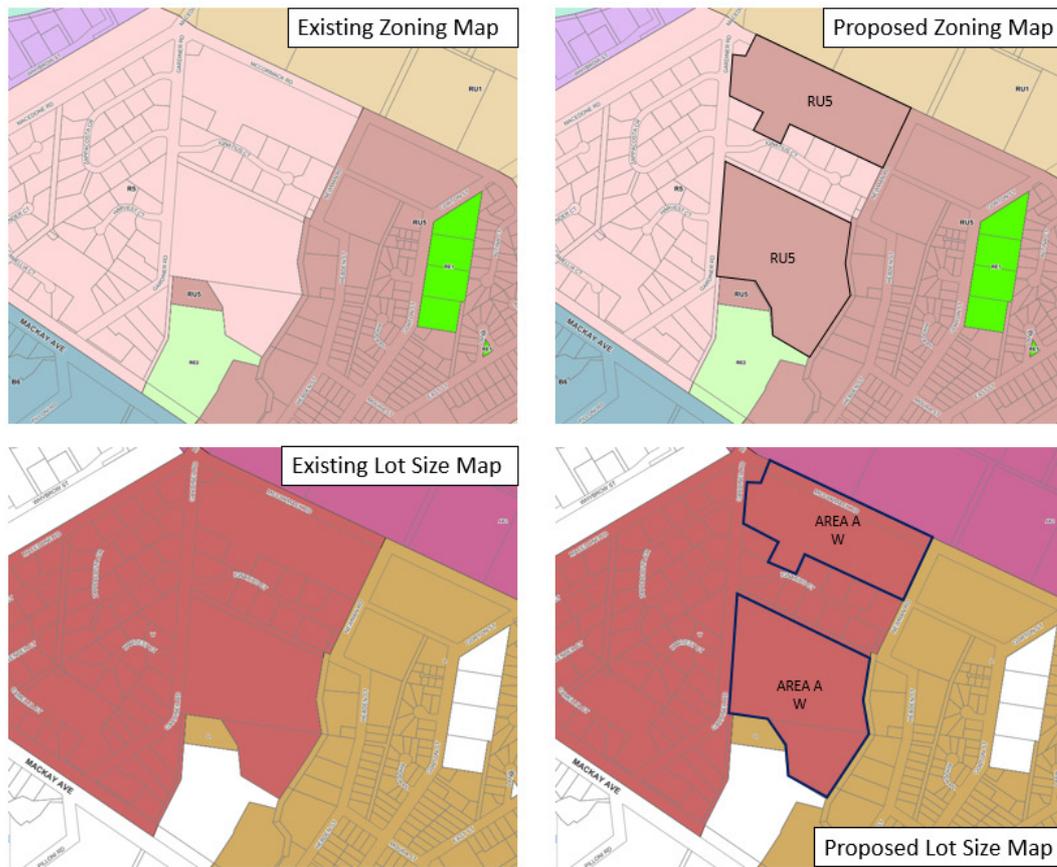
R5 – Large Lot Residential with a minimum lot size of 3000 m<sup>2</sup> should the lot be connected to Council’s reticulated sewer network or 4000 m<sup>2</sup> should no connection be available.

### Proposal

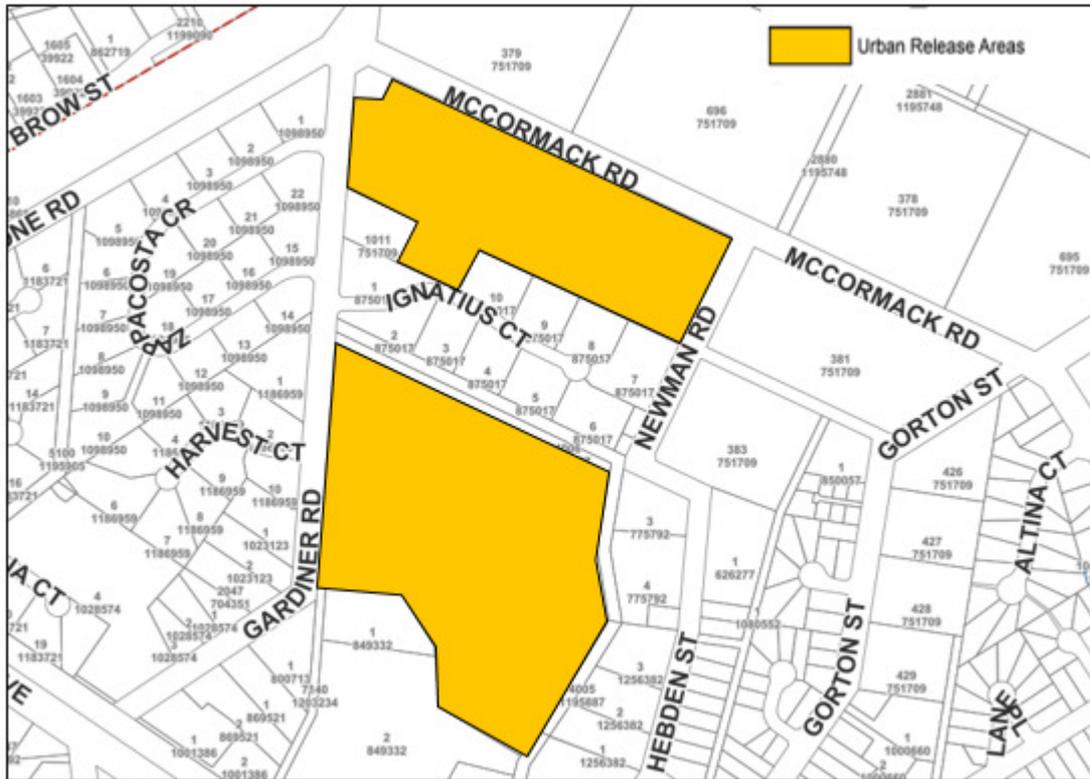
Amend zoning to RU5 – Village and reduce minimum lot size to Area A - 700m<sup>2</sup> should the site be connected to Council’s reticulated sewer network or 4000 m<sup>2</sup> should no connection be available (see **Figure 61**). An Urban Release Layer enacting Part 6 of the LEP (see **Figure 62**) would be established. Council has historically utilised this clause to ensure master planning of infrastructure is carried out as per clause 6.2 and 6.3 and a suitable contribution plan is produced. The Growth Areas of Lake Wyangan, Collina and Hanwood are being developed successfully under Part 6 of the LEP.

- Amend LZN\_004A as depicted in **Figure 61**.
- Amend LSZ\_004A as depicted in **Figure 61**.
- Amend LZN\_004C as depicted in **Figure 61**.
- Amend LSZ\_004C as depicted in **Figure 61**.

- Amend URA\_004A as depicted in **Figure 62**.



**Figure 61:** SSA17 – Existing and Proposed Zoning and Lot Size Maps



**Figure 62: SSA 17 Urban Release Map**

*Strategic Assessment*

**Background**

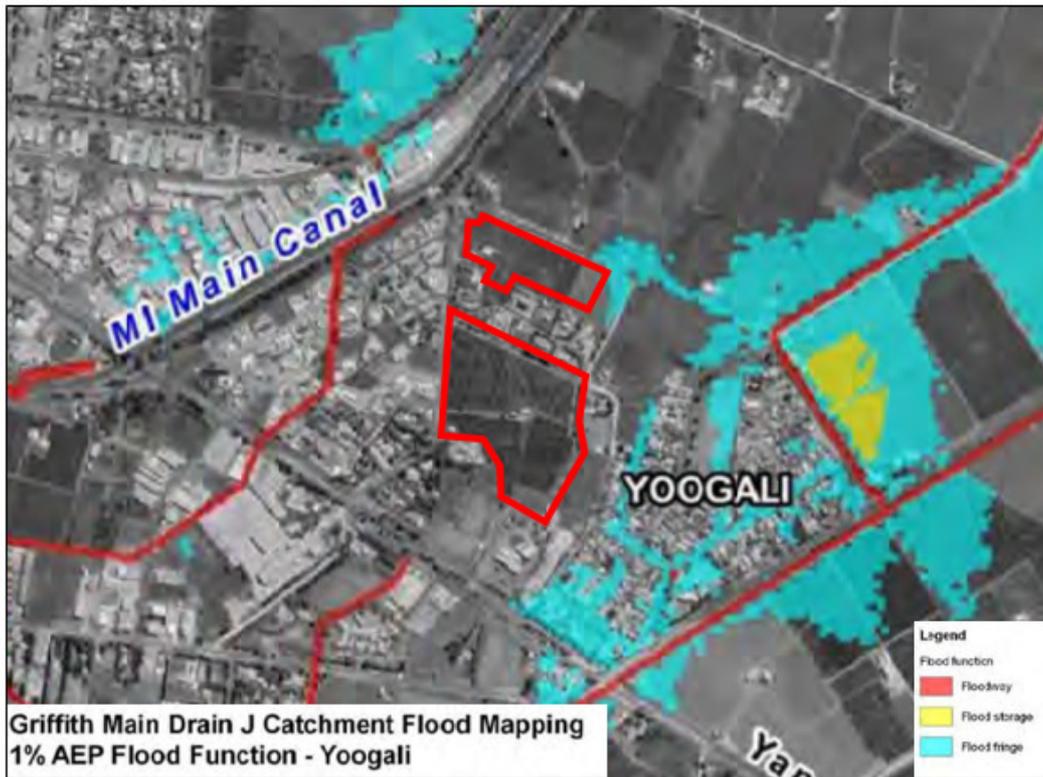
The site is located on Gardiner Road adjacent to the Yoogali Village. The Griffith LSPS proposed to rezone these lands to RU5 Village to achieve a planning priority of ‘Growing the Village’s’ and provide suitably located and sized growth areas for Yoogali.

The SSA site includes three lots: Lot 389 and 1092 DP751709 and Lot 1972 DP44528. The candidate site is located to the west of the Yoogali Village separated by other vacant lot on Hebden Street which are presently zoned RU5. The site is within Council’s Development Servicing Plan for Water and Sewer. Council’s reticulated water service is available in Gardiner Road, while Council’s sewer service is located in Hebden Street including a pump station.

**Constraints**

**Flooding**

The site is covered by the Griffith Main Drain J and Mirrool Creek Flood Study. A small portion of 1972 DP44528 is considered flood prone for the 1 in 100 year storm event. The flood category of the flood affectation is considered ‘flood fringe’. As part of the master planning of the SSA in accordance with Part 6 of the LEP, the flood affectation of the land would be considered. Also, any proposed dwelling or building located at this portion of the site would be subject to Council’s Floor Height Policy, requiring the development to be above the flood planning level – being the 1 in 100 year level plus a 500 mm freeboard.



**Figure 63:** SSA 17 Flood Map

### Contamination

Based on the site history being utilised for horticulture, potential contaminants at the site are likely to be those associated with pesticide and herbicide application. Therefore any contamination is expected to be in surface materials from direct application and over spray from adjacent properties. Council has approved several subdivisions and rezoned lands previously used for horticulture including the entire developed Collina area. Site investigations for these development applications indicated that lands were capable of being developed for residential purposes (refer to **Appendix 4**).

The potential contamination of the site will be a consideration in the master planning exercise for the SSA to satisfy Part 6 of the LEP. Further, as part of a development application for the subdivision of the lots within SSA 17 for additional residential dwellings, an applicant will be required to carry out a detailed Stage 2 Site Investigation of the site. As such, Council considers that the lands will be suitable in their present condition or after remediation of surface pesticides (should it be required) for residential purposes.

### Road Infrastructure

The SSA has direct access to Gardiner Road which is a Council owned and controlled sealed road which provides access to the regional road network to the south via an intersection with Mackay Avenue which is a TfNSW Classified Road. Gardiner Road also connects to McCormack Road to the north via a 'T' intersection. McCormack Road is a Council owned and controlled sealed road which provides access to the regional road network to the south-east

via a 'T' intersection with Burley Griffin Way which is a TfNSW Classified Road. As part of the master planning exercise to satisfy Part 6 of the LEP, investigations and Traffic Assessments would be required to understand if any upgrades to intersections or the existing road network are necessary to ensure compliance with Council's Engineering Standards and Austroads where relevant.

### Land Use Conflict

The site is surrounded by existing residential development and the Yoogali Village. To the north of McCormack Road are existing horticulture farming operations. Consideration of appropriate buffers between the SSA and these operations would be required as part of the master planning exercise to appease Part 6 of the LEP. There are no industries or other uses in the locality which would conflict with the potential future residential development of the SSA.

### Water and Sewer Services

The site is located within Council's water and sewer DSP areas. The site has access to Council's water infrastructure in the surrounding road network. Councils' sewer network is located in close proximity to the site. As part of the master planning exercise to appease Part 6 of the LEP, design for the sewerage network to service the site will be required.

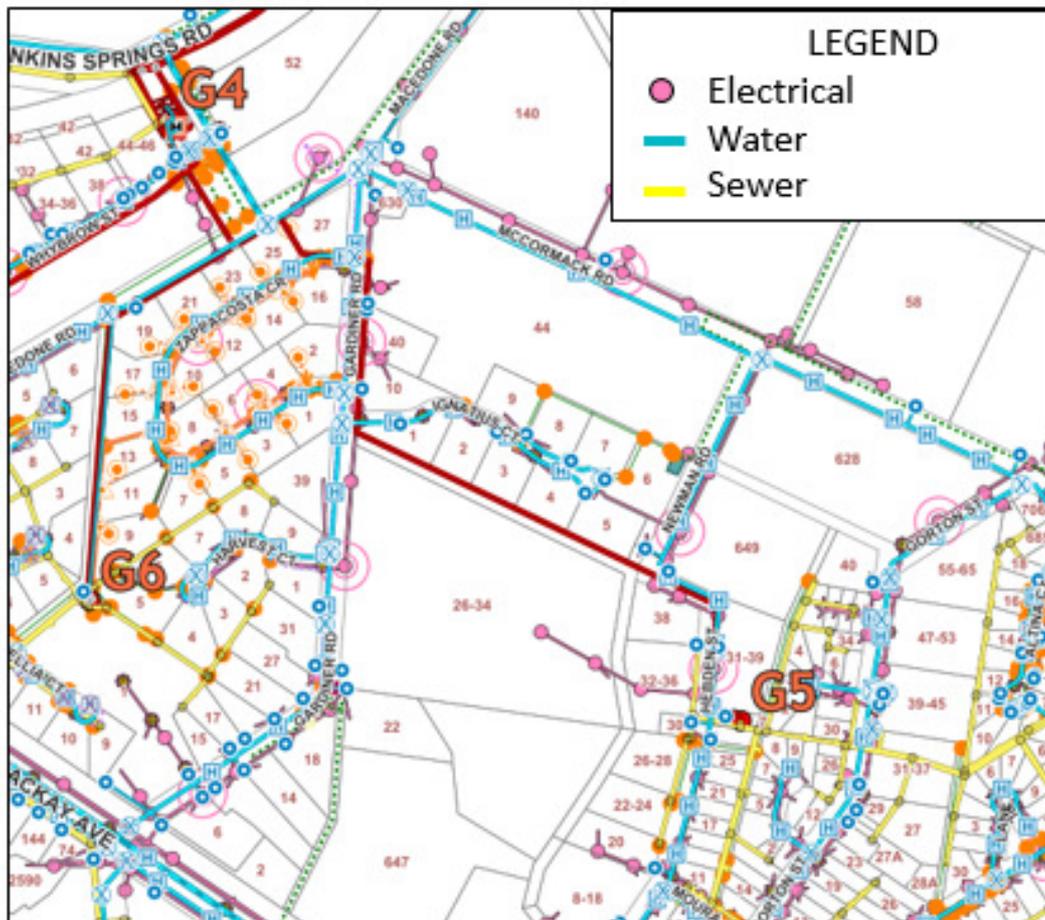


Figure 64: SSA 17 Infrastructure Map

Essential Energy's electrical supply is connected to the site. As part of the future development of this site, upgrades to this infrastructure would be required.

### **Other Constraints**

- The site is not considered bushfire prone land.
- There are existing dwellings and outbuildings on the site. Should the owners wish to retain these buildings, the subdivision design would have to account for this.
- There is no native vegetation located on the site.
- Council's stormwater drainage network is located in Gardiner Road. MI's drainage infrastructure is located to the north and east of Lot 389 and 1092 DP751709.

### **Site Specific Merit**

- The site is located adjacent to the existing Yoogali Village and in close proximity to Griffith's CBD (2.6 km).
- The site is flat with good access to Council's road network.
- Only a small portion of the site is considered flood prone which would not limit development potential.

### **Strategic Merit**

- The site has been identified for village expansion in the Griffith LSPS.
- The site is located immediately adjacent to Village zoned lands to the east.
- The site would cater for additional growth areas for the Yoogali village which would meet the intent of Planning Priority 13 to revitalize and grow the villages and more specifically Action 13.1A and B:

#### **ACTION 13.1A – INVESTIGATE THE REZONING OF LANDS IN YOOGALI (SHORT TERM)**

Yoogali is strategically located at the crossroads of several key roads including: Irrigation Way, Burley Griffin Way, Mackay Avenue and the new SILR which connects to the Kidman Way to the west. Council will facilitate the zoning of lands around these crossroads for commercial, village and business corridor purposes.

#### **ACTION 13.1B – PROMOTE DEVELOPMENT OF VACANT INFILL LANDS IN YOOGALI (SHORT TERM)**

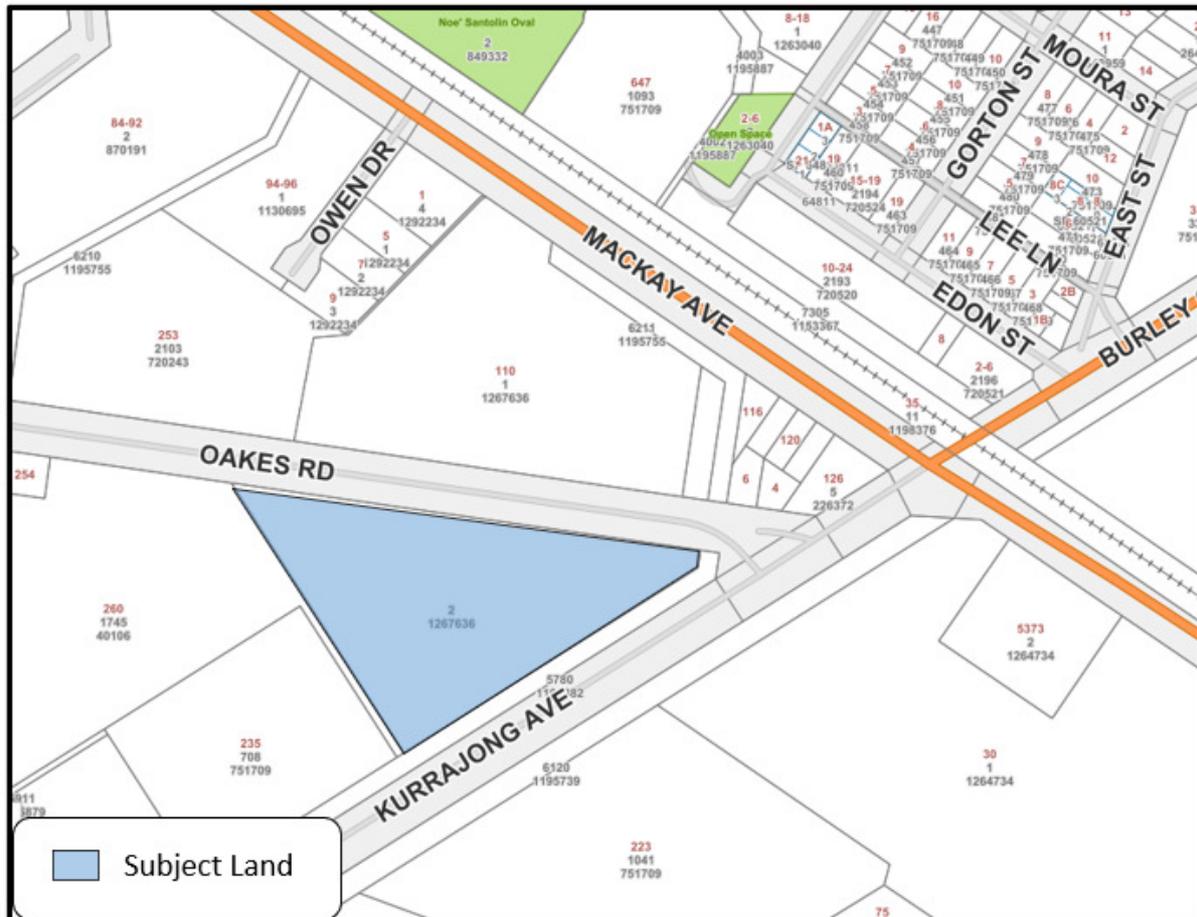
Yoogali is well connected to both water and sewer infrastructure and has good connections to Griffith's arterial road network. Pockets of land in Yoogali between the existing Village and Gardiner Road which are zoned R5 should be zoned RU5 – Village to increase the serviced housing supply in the village. Council should prepare a Master Plan for the village expansion areas to ensure development occurs in a coordinated and efficient manner and is supported by DSP's and contribution plans.

- The site is presently zoned for residential purposes. The proposed rezoning would increase the development potential of the site to allow for additional village lots in Yoogali. A justification for the rezoning of the site to increase residential development potential has been provided in **Appendix 5**.

## SSA 18 – Oakes Road 2

*Subject Land:*

Lot 2 DP1267636 (Oakes Road) Yoogali



**Figure 65:** SSA18 – Subject Lands

*Existing Zoning and Minimum Lot Size*

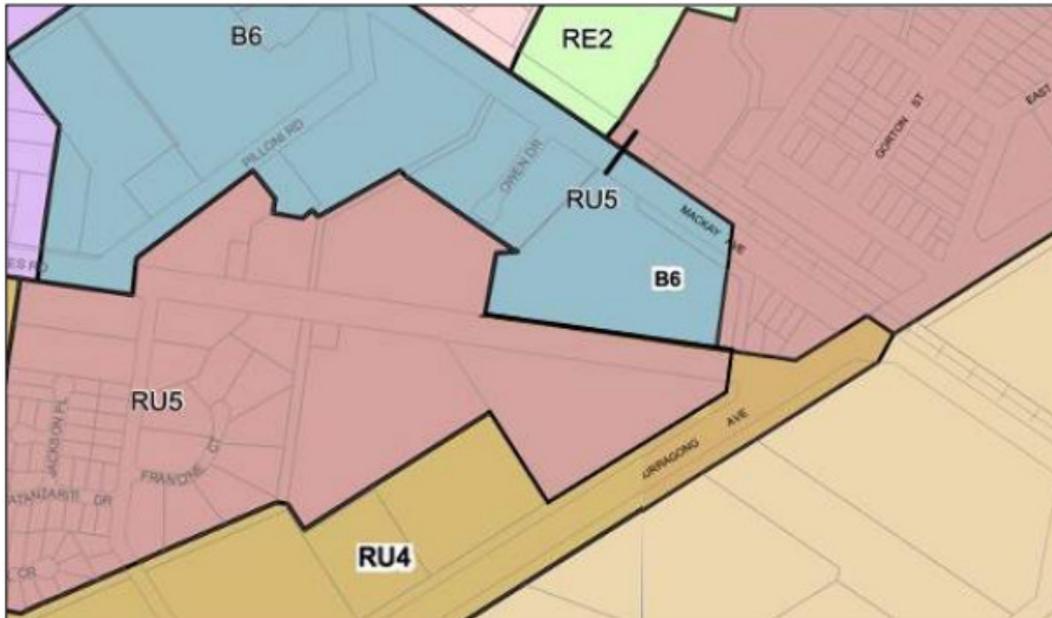
RU4 – Primary Production Small Lots with a minimum lot size of 5 ha.

*Proposal*

Refer to Appendix 9 – Council Meeting Minutes and Attachments and Appendix 10 – Scoping Proposal - Proposed LEP Amendment Land Rezoning – Lot 2 DP1267636, Oakes Road, Yoogali, NSW (Scoping Proposal) and Scoping Proposal Addendum.

The Scoping Proposal proposes the following map amendments:

- Amend LZN\_004A as depicted in **Figure 66**
- Amend LSZ\_004A as depicted in **Figure 67**
- Amend LZN\_004C as depicted in **Figure 66**
- Amend LSZ\_004C as depicted in **Figure 67**



**Figure 66:** SSA18 - Proposed Zoning Map



**Figure 67:** SSA 18 - Proposed Minimum Lot Size Map

*Strategic Assessment*  
Refer to Attachment 10

## 2.3 Section A - Need for the Planning Proposal

### **Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The Planning Proposal contains both general amendments (GA's) and site-specific amendments (SSA's). The general amendments are the result of the following:

- The outcomes and recommendations of the Growing Griffith to 2045 Project (see Appendix 1).
- Implementation of strategies or actions in the Local Strategic Planning Statement (LSPS)
- Over seven years of the implementation of the GLEP 2014 and issues identified by Council staff and the public.
- A review of a number of other LEP's in similar sized regional Council's for best practice clauses to implement in Griffith.

The Site-Specific amendments are the result of the following:

- Correcting errors or omissions in the GLEP 2014
- Implementation of strategies, or actions in the LSPS
- Implementation of recommendations in the Griffith Housing Strategy 2019
- Implementation of recommendations in the Griffith Large Lot Residential Supply and Demand Analysis and Strategy 2022.

### **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. A Planning Proposal is the only way of achieving the objectives or intended outcomes.

## 2.4 Section B – Relationship to the Strategic Planning Framework

### **Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

#### **Riverina Murray Regional Plan 2036**

The key directions in the Riverina Murray Regional Plan 2036 (Regional Plan) relevant to the proposed amendments are outlined below with a detailed discussion where necessary. In general, the Planning Proposal is consistent with the Regional Plan.

*Direction 1: Protect the region's diverse and productive agricultural land*

Actions

*1.1 Develop a regional agricultural development strategy that:*

*1.1.1 maps important agricultural land;*

*1.1.2 identifies emerging opportunities for agriculture; and*

*1.1.3 sets direction for local planning of agricultural development.*

*1.2 Protect important agricultural land identified in the regional agricultural development strategy from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses.*

*1.3 Minimise biosecurity risks by undertaking risk assessments, taking into account biosecurity plans and applying appropriate buffer areas.*

**Commentary:**

No regional agricultural development strategy has been prepared, however it is considered that the Planning Proposal would not result in land use conflict or fragmentation.

*Direction 2: Promote and grow the agribusiness sector*

Actions

*2.1 Encourage agribusiness diversification by reviewing local plans and removing restrictive land use zonings and outdated land use definitions.*

*2.2 Provide opportunities to improve support to agriculture through better guidance on protecting agricultural land and managing the interface with other land uses.*

*2.3 Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflict arising from the encroachment of incompatible land uses.*

**Commentary:**

- As part of the preparation of this Planning Proposal a comprehensive review of the GLEP was carried out including zone objectives, prohibited and permissible uses and land use definitions. The rural zones in the GLEP permit a wide range of rural based uses which promote agribusiness diversification, including rural industries, warehouses, depots and rural supplies uses to encourage agribusiness diversification. The existing zone objectives of the rural zones are considered appropriate and support agribusiness diversification as well.
- The main freight and logistics terminal is set to be relocated from the Griffith CBD in the near future. The existing terminal causes land use conflict and the Griffith LSPS envisions the redevelopment of this area for high density residential and mixed use development.

- SSA 10 – Wakaden Precinct is located in close proximity to the existing freight terminal. An assessment of the potential land use conflict of the terminal operating near residential development is provided in Section 2.2. However, it should be acknowledged that the precinct is presently zoned R1- General Residential consistent with all urban residential areas in Griffith permitting residential development including residential flat buildings. The Precinct is presently identified in the Griffith Residential Development Control Plan for the highest FSR in Griffith. The Griffith Housing Strategy recommends this precinct be zoned to R3-Medium Density Residential to recognise the higher density potential of the precinct,

*Direction 3: Expand advanced and value-added manufacturing*

**Actions**

- 3.1 Promote investment in advanced and value-added manufacturing by removing restrictive land use zonings and outdated land use definitions in local plans.*
- 3.2 Protect advanced and value-added manufacturing industries and associated infrastructure from land use conflict arising from the encroachment of inappropriate and incompatible land uses.*
- 3.3 Encourage co-location of related advanced and value-added manufacturing industries to maximise efficiency and infrastructure use, decrease supply chain costs, increase economies of scale and attract further investment.*

**Commentary:**

The Planning Proposal and the proposed zoning amendments would not increase land use conflict with value-adding manufacturing industries. Griffith City Council and PSA Consulting are presently preparing an Employment Lands Strategy to inform potential rezoning's for employment purposes including manufacturing.

*Direction 4: Promote business activities in industrial and commercial areas*

**Relevant Actions**

- 4.3 Protect industrial land, including in the regional cities (Bomen, Nexus and Tharbogang) from potential land use conflicts arising from inappropriate and incompatible surrounding land uses.*

**Commentary:**

The Planning Proposal would not be expected to increase potential land use conflicts with the future heavy industry area in Tharbogang along the Kidman Way zoned E5 – Heavy Industry. None of the SSA's are within 1.5 km's of the E5 zoned area.

Griffith City Council and PSA Consulting are presently preparing an Employment Lands Strategy to inform potential rezoning's for employment purposes including manufacturing.

Should a SSA site be located in proximity to industrial zone lands an assessment of potential conflicts has been carried out in section 2.2 of the Planning Proposal.

*Direction 7: Promote tourism opportunities*

Relevant Actions

*7.2 Enable opportunities for tourism development and associated land uses in local plans.*

*7.3 Target experiential tourism opportunities and tourism management frameworks to promote a variety of accommodation options.*

**Commentary**

- **GA 2** proposes to add Artisan food and drink industry as permissible with consent in a number of zones which would increase the potential for experiential tourism in Griffith.

*Direction 10: Sustainably manage water resources for economic opportunities*

Relevant Actions

*10.4 Protect land in the Murray, Murrumbidgee, Coleambally and Lowbidgee irrigation areas from the encroachment of inappropriate and incompatible land uses that limit the economic potential of these areas.*

**Commentary**

The Planning Proposal does not propose to rezone lands within the RU1 zone for incompatible uses. The RU4 Zone is utilised in Griffith as a transition zone between urban zones and the RU1 zone. Some RU4 lands at the boundaries of the urban areas of Griffith and the Villages are proposed to be zoned to R5 – Large Lot Residential or R1 – General Residential, however these lands are not in close proximity to the RU1 zone and adequate buffers can be developed to protect intensive agricultural operations in the RU4 zone. The potential for land use conflict between active agricultural operations and future residential uses has been assessed for each SSA in section 2.2 of the Planning Proposal.

*Direction 13: Manage and conserve water resources for the environment*

Relevant Actions

*13.1 Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream and groundwater sources.*

**Commentary**

As part of the preparation of future development applications for the development on land to which this Planning Proposal relates, Applicant's would be required to consider the potential impact of the development on water catchments and groundwater.

*Direction 15: Protect and manage the region's many environmental assets*

Relevant Actions

15.1 *Protect high environmental value assets through local plans.*

15.2 *Minimise potential impacts arising from development in areas of high environmental value, and consider offsets or other mitigation mechanisms for unavoidable impacts.*

**Commentary**

The Planning Proposal does not include the rezoning of any lands which have high environmental value assets, are zoned as an "E" zone or have a terrestrial biodiversity layer over the SSA.

*Direction 16: Increase resilience to natural hazards and climate change*

Relevant Actions

16.1 *Locate developments, including new urban release areas, away from areas of known high biodiversity value, high bushfire and flooding hazards, contaminated land, and designated waterways, to reduce the community's exposure to natural hazards.*

**Commentary**

- Biodiversity
  - The Planning Proposal does not include the potential for future development on land with high biodiversity value. The majority of the candidate sites are highly disturbed by past commercial and agricultural practices and contain little or no native vegetation. A review of the potential biodiversity impacts of the development of each SSA is provided in Section 2.2.
- Bushfire
  - None of the lands proposed to be rezoned or otherwise dealt with in this Planning Proposal are considered bushfire prone.
- Flooding
  - Some of the lands proposed to be rezoned are considered to be within the Flood Planning Area and subject to flood related development controls. None of the lands proposed to be rezoned are within areas of high hazard including floodway's. An assessment of each SSA and the flood affectation of the land has been carried out in section 2.2 of this Planning Proposal. It was concluded that the potential future development of each SSA could be accommodated subject to compliance of any future developments with Council's Floor Height Policy and relevant Flood Study and Management Plan.

- Contaminated land
  - Council considers that some of the land proposed to be rezoned could be potentially contaminated from mainly past agricultural uses (SSA1, 2, 4, 6, 7, 11, 14, 15 and 17). Contamination investigations have been provided at Appendix 4 for some of the SSA sites which are also considered representative of other SSA's site due to the similar use of the sites for horticulture and viticulture.
  - Other SSA's including SSA 8 and 9 were previously used for potentially contaminating industries SEPP 55 Guidelines in section 4.1.2 suggests that for generalised rezoning's which cover a large area the rezoning should be allowed to proceed, provided there are measures in place to ensure the potential for contamination are assessed once detailed proposals are made. This approach is appropriate in this instance as the potential future uses of different lots will vary from light industrial to potentially residential and therefore the level of assessment and potential remediation could alter based on the specific development proposal.
  - As part of the future development of these lands, detailed site investigations would be required to be carried out in accordance with SEPP 55 and Council's Contaminated Lands Policy. An assessment of each SSA in terms of potential contamination has been provided in Section 2.2.

*Direction 18: Enhance road and rail freight links*

Relevant Actions

*18.3 Assess the viability of local bypasses and identify and protect future bypass corridors in strategies.*

*18.5 Protect freight and transport corridors from the encroachment of incompatible land uses.*

**Commentary**

- The Planning proposal does not propose to rezone any lands with frontage to the Southern Industrial Link Road (SILR).
- SSA 14 includes the reduction of the minimum lot size on some lands adjacent to the northern link road at Jones Road. The proposed lot size at 2 ha would allow for large setbacks from Jones Road to avoid issues with road noise in accordance with the NSW Road Noise Policy. To establish the required setback for any dwellings in close proximity to Jones Road a noise assessment against the NSW Road Noise Policy would be required.

## *Direction 22: Promote the growth of regional cities and local centres*

### Relevant Actions

- 22.1 Coordinate infrastructure delivery across residential and industrial land in the regional cities.

### Commentary

- The infrastructure requirements of each SSA site have been considered in Section 2.2.
- SSA 17 proposes an Urban Release Overlay to enact Part 6 of the Griffith LEP. Council has historically utilised this clause to ensure master planning of infrastructure is carried out as per clause 6.2 and 6.3 and a suitable contribution plan and DCP is produced and endorsed to ensure the equitable and efficient development of land in Griffith. The Growth Areas of Lake Wyangan, Collina and Hanwood are being developed successfully under Part 6 of the LEP.

## *Direction 25: Build housing capacity to meet demand*

### Relevant Actions

- 25.2 *Facilitate increased housing choice, including townhouses, villas and apartments in regional cities and locations close to existing services and jobs.*
- 25.3 *Align infrastructure planning with land release areas to provide adequate infrastructure.*
- 25.4 *Locate higher-density development close to town centres to capitalise on existing infrastructure and to provide increased housing choice.*

### Commentary

- Griffith City Council adopted a Housing Strategy in 2019 which includes several recommendations to support increased housing choice, affordable housing and higher densities of residential accommodation in and around the Griffith CBD. One of the main purposes of this Planning Proposal is to facilitate recommendations within the Housing Strategy, including:
  - *Strategy 6 – rezoning lands around the CBD to Mixed Use*
  - *Strategy 7 – rezoning the former Wakaden North Precinct to R3 – Medium Density Residential*
- SSA 8 has been proposed to be rezoned to MU4 to permit a mixture of uses including residential flat buildings and other smaller units to increase the amount of residents living in close proximity to the CBD.

- SSA 10 contains the Wakaden North Precinct and is proposed to be rezoned R3 – Medium Density Residential to reflect the recommendations in the Housing Strategy.
- The Planning Proposal also proposes the rezoning of some additional residential lands. A justification for the rezoning of SSA 6, 7, 11 and 17 despite the Housing Strategy identifying there is sufficient residential lands presently zoned is provided in Appendix 5

*Direction 26: Provide greater housing choice*

Relevant Actions

- 26.1 Remove planning barriers to provide a range of low-care and independent seniors' accommodation options across the region.*
- 26.2 Promote opportunities for retirement villages, nursing homes and similar housing needs of seniors in local land use strategies.*
- 26.3 Locate new housing for seniors in close proximity to existing services and facilities, and on land free from hazards.*

**Commentary**

- Seniors housing is permissible in several zones in Griffith.
- The developers of SSA 11 are proposing to construct seniors housing adjacent to Scalabrini Village – Aged Care Accommodation to create a housing for seniors and people with disability precinct. The present zoning restricts Seniors Housing to shop top housing adjacent to existing roads (Mackay Avenue). The rezoning of the SSA to village would connect the Yoogali Village and permit the site to be utilised for low to medium density seniors housing. The site is located in close proximity to services in the Yoogali Village and easily accessible to the Griffith CBD.

*Direction 27: Manage rural residential development*

Relevant Actions

- 27.1 Enable new rural residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.*
- 27.2 Locate new rural residential areas:*
- *in close proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewerage and waste services and social and community infrastructure.*
  - *to avoid or minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and to avoid areas of*

*high environmental, cultural and heritage significance, important agricultural land or areas affected by natural hazards.*

- *to avoid areas of high environmental, cultural and heritage significance, important agricultural land or areas affected by natural hazards*

### **Commentary**

- The Griffith Large Lot Strategy was prepared to ensure this direction and the relevant actions were appeased. It was necessary to draft such a strategy as the Griffith Housing Strategy 2019 did not assess the supply, demand or locational analysis of large lot residential lands.
- The Griffith Large Lot Strategy is attached to this Planning Proposal as Appendix 4 and includes an analysis of each SSA site to avoid land use conflict with agricultural land and to avoid areas of environmental, cultural and heritage significance. Additional assessment of each SSA which proposes an R5 zoning has been provided in Section 2.2

### **Will the Planning Proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

One of the key purposes of this Planning Proposal is to implement some of the short term strategies and actions in the LSPS. The key strategies in the LSPS relevant to the proposed amendments are outlined below with a detailed discussion where necessary.

#### *Strategy 1.1 - Implement the recommendations of the Griffith Housing Strategy 2019*

### **Commentary**

- One of the main purposes of the Planning Proposal is to facilitate the recommendations of the LSPS including implementing the recommendations of the Griffith Housing Strategy 2019.

#### *Strategy 1.3 – Remove impediments to development near Griffith’s CBD*

### **Commentary**

- The Planning Proposal includes the rezoning of lands around the CBD to B4 - Mixed Use (refer to SSA 8) which would permit a range of uses including residential flat buildings and shop top housing, shopping centres and other commercial uses.
- A locality specific clause has been proposed for this area to ensure master planning occurs to inform and control future development. The master plan would provide:
  - A local street network including the extension of Yambil Street
  - Services plans
  - Landscaping and urban design requirements

- Building envelopes and location of residential and commercial uses, ensuring a mixture is proposed.

*Strategy 2.1 – Maintain and revitalize commercial areas*

**Commentary**

- The Planning Proposal would not impact the achievement of the LSPS strategy.

*Strategy 2.2 – Identify new industrial lands and support the expansion of rural industrial areas*

**Commentary**

- The Planning Proposal would not impact the achievement of the LSPS strategy.

*Strategy 3.1 – Develop around the Southern Industrial Link Road (SILR)*

**Commentary**

- The Planning Proposal does not propose the rezoning of additional employment lands. Council is in the process of preparing an Employment Lands Strategy. Following the preparation of this Strategy it is expected that additional employment lands could be identified along the SILR and in other areas.

*Strategy 3.3 – Protect key water and sewer infrastructure*

**Commentary**

- The Planning Proposal does not propose the rezoning of land in close proximity to Council's Water and Sewerage Treatment Plants. SSA 6 along Rose Road and Harward Road is located over 1.5 km from the sewerage treatment plant.

*Strategy 4.2 – Support the development of the urban – rural fringe with planted buffers*

**Commentary**

- The Planning Proposal includes the rezoning of land at the western boundary of the Griffith urban area (SSA6). The lands would be developed for additional residential lots with a proposed R5 zone with a minimum lot size of 1.5 ha to act as a buffer between residential lots and operational farms to the west. These lots would contain vegetative buffers between the active agricultural operations and the R1 lots with frontage to Harward Road / Rose. This rezoning provides for additional lots within the urban area of Griffith to 'round out' West Griffith and utilise the bitumen sealed Harward Road / Rose for additional dwellings.

*Strategy 6.1 – Conserve existing native vegetation*

**Commentary**

- The Planning Proposal would not impact the achievement of this LSPS strategy.

*Strategy 6.2 – Protect areas of biodiversity importance*

**Commentary**

- The SSA sites are not located in areas of biodiversity importance.

*Strategy 9.2 – Zone lands to take advantage of key transportation corridors and entrances to Griffith and Villages*

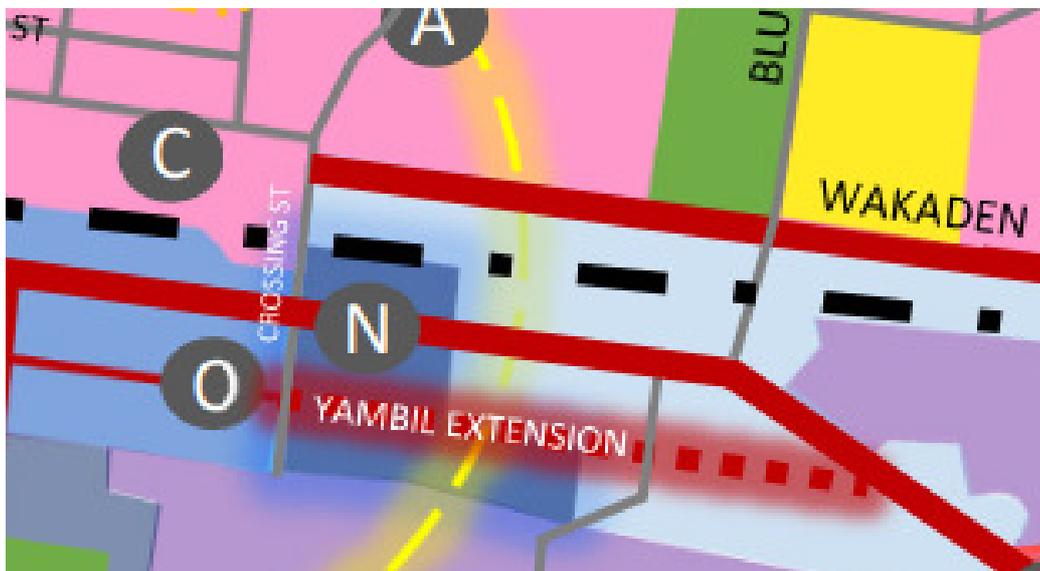
**Commentary**

- The Planning Proposal does not propose the rezoning of additional employment lands. Council is in the process of preparing an Employment Lands Strategy to identify lands along the SILR to rezone to take advantage of the transportation corridor. A separate Planning Proposal will be submitted once an Employment Lands Strategy is prepared.

*Strategy 10.1 – Create additional road connections in Griffith’s core*

**Commentary**

- The Planning Proposal would not impact the achievement of the LSPS strategy. The Planning Proposal includes the rezoning of lands to the west of Crossing Street to Mixed Use to achieve the recommendations of the Housing Strategy and increase the population of residents in a mixed use setting in close proximity to the CBD. A site specific clause would be utilised to ensure the lands are developed in accordance with a master plan. The master plan could achieve this Strategy by proposing the extension of Yambil Street to the east (as depicted in the LSPS Structure Plan – see **Figure 68**).



**Figure 68** - LSPS Structure Plan - Yambil Street Extension

*Strategy 11.2 – Promote housing diversity to be implemented in new developments*

**Commentary**

- The Planning Proposal includes the rezoning of lands in close proximity to the CBD to support residential flat buildings, boarding houses, co-living housing, build-to-rent housing and housing for seniors and people with disabilities in a mixed use setting which would create commercial spaces to provide services for residents.

*Strategy 11.3 – Ensure land is available for a range of residential development on varied lot sizes*

**Commentary**

- The Planning Proposal would not impact the achievement of the LSPS strategy.

*Strategy 12.1 – Griffith as a regional sports centre*

**Commentary**

- The Planning Proposal would not impact the achievement of the LSPS strategy.

*Strategy 12.2 – Celebrating the arts and culture*

**Commentary**

- GA 2 proposes a clause to ensure that events on public land can be carried out without development consent.

*Strategy 13.1 – Provide new growth areas in Yoogali*

**Commentary**

- The Planning Proposal includes the rezoning of three parcels of land to RU5 – Village which is consistent with the Strategy. These areas would act as growth areas for the villages and would be supported by a master planning exercise.

## Is the planning proposal consistent with applicable State Environmental Planning Policies?

SEPP	Overview	Applicable?
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>This SEPP contains:</p> <ul style="list-style-type: none"> <li>• planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.</li> <li>• the land use planning and assessment framework for koala habitat.</li> <li>• provisions which establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray.</li> <li>• provisions seeking to protect and preserve bushland within public open space zones and reservations.</li> <li>• provisions which aim to prohibit canal estate development.</li> <li>• provisions to support the water quality objectives for the Sydney drinking water catchment.</li> <li>• provisions to protect the environment of the Hawkesbury-Nepean River system.</li> <li>• provisions to manage and improve environmental outcomes for Sydney Harbour and its tributaries.</li> <li>• provisions to manage and promote integrated catchment management policies along the Georges River and its tributaries.</li> <li>• provisions which seek to protect, conserve and manage the World Heritage listed Willandra Lakes property.</li> </ul>	Not relevant.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<p>BASIX is short for Building Sustainability Index. It's a requirement of sustainability created by the NSW Government to ensure water and energy efficiency in residential buildings. BASIX has been around since 2004 and implements environmentally friendly solutions to create sustainable living.</p>	Not Relevant.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	<p>The SEPP contains requirements for development to be considered exempt or complying, planning pathways to achieve construction and occupation where relevant and conditions to guide development.</p>	Not Relevant.

SEPP	Overview	Applicable?
State Environmental Planning Policy (Industry and Employment) 2021	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> <li>• applying to employment land in western Sydney.</li> <li>• for advertising and signage in NSW.</li> </ul>	Not Relevant
State Environmental Planning Policy (Housing) 2021	<p>The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) incentivises the supply of affordable and diverse housing in the right places and for every stage of life.</p> <p>The Housing SEPP helps support the economic recovery of the home building sector in NSW following the COVID-19 pandemic.</p>	Relevant. See below
State Environmental Planning Policy (Planning Systems) 2021	<p>The Planning systems SEPP:</p> <ul style="list-style-type: none"> <li>• identifies State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure.</li> <li>• provides for consideration of development delivery plans by local Aboriginal land councils in planning assessment.</li> <li>• allows the Planning Secretary to elect to be the concurrence authority for certain development that requires concurrence under nominated State environmental planning policies.</li> </ul>	Not Relevant.
State Environmental Planning Policy (Precincts—Central River City) 2021	<p>This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Central River City. This city is based the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.</p>	Not Relevant.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	<p>This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Eastern Harbour City. This city is based the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.</p>	Not Relevant.
State Environmental Planning Policy (Precincts—Regional) 2021	<p>This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in Regional NSW outside the Greater Sydney Region Plan.</p>	Not Relevant.
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	<p>This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Western Parkland City. This city is based the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.</p>	Not Relevant.

SEPP	Overview	Applicable?
State Environmental Planning Policy (Primary Production) 2021	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> <li>to manage primary production and rural development including supporting sustainable agriculture.</li> <li>for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</li> </ul>	Relevant. See below.
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> <li>for land use planning within the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016.</li> <li>to manage hazardous and offensive development.</li> <li>which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.</li> </ul>	Relevant. See below.
State Environmental Planning Policy (Resources and Energy) 2021	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> <li>for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.</li> <li>which aim to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.</li> </ul>	Not Relevant.
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> <li>for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.</li> <li>for child-care centres, schools, TAFEs and Universities.</li> <li>planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).</li> <li>the land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.</li> </ul>	Relevant. See below

### *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*

The Housing SEPP has the key principles of:

- enabling the development of diverse housing types, including purpose-built rental housing
- encouraging development of housing that will meet the needs of more vulnerable members of the community
- promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services.

### **Commentary**

The Griffith Housing Strategy 2019 was developed to investigate ways to increase affordable housing stock in Griffith. The Housing Strategy identified that Griffith lacked affordable housing options, seniors housing and alternative accommodation types including boarding houses and manufactured home estates. The Housing Strategy included several recommendations to facilitate housing development and meet the above noted principles. The following SSA's are directly the result of recommendations from the Housing Strategy:

SSA 8 - Mixed Use - amend zoning from B7 to B4 to increase the permanent population and encourage the provision of affordable housing in mixed use areas through shop top housing and residential flat buildings. This area is directly adjacent to the Griffith CBD and contains large lots capable of being developed as a mixed use precinct with shop fronts along Banna Avenue and residential accommodation to the rear of sites

It is considered that the Planning Proposal directly aligns with the Housing SEPP by providing additional lands for a variety of housing choices.

Additional R1-General Residential lands have been proposed in SSA 6,7,11 and 17. SSA 11 is proposed to be developed for Seniors Housing which is presently permissible within the zone, but is restricted at the ground level of buildings facing a street (in accordance with the provisions of the SEPP). The planning proposal would remove this restriction by rezoning the land to RU5 – Village. As such, the planning proposal would not necessarily increase the potential housing supply in Griffith, but would reduce some imposts to developing the site for Seniors Housing.

The additional residential supply of land catered for by SSA 6, 7, and 17 has been justified in Appendix 5.

### *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The SEPP Aims to facilitate the effective delivery of infrastructure across the State such as hospitals, roads, railways, emergency services, water supply and electricity delivery. The SEPP also specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.

### **Commentary**

Some of the lands proposed to be rezoned are located on or near Classified Roads. TfNSW will be formerly consulted with after Gateway Determination. However, it is not considered that the proposed rezoning of land would in itself increase the traffic generation of future uses in most cases.

The Planning Proposal is not inconsistent with the SEPP.

#### *State Environmental Planning Policy (Resilience and Hazards) 2021*

The SEPP contains the matters that must be considered when assessing the development of a potentially contaminated site.

#### **Commentary**

The Planning Proposal would rezone some lands which have previously been used for uses which are included in Table 1 of the SEPP 55 Guidelines to permit some additional sensitive uses. Several of the SSA sites were previously used for horticulture or viticulture. Limited Phase 2 Site Investigations have been provided for three of the SSA sites which did not find an elevated levels of contaminates (refer to Appendix 4). These investigations are considered to be representative of horticulture and viticulture landholdings at the Griffith urban-rural fringe.

Other lands to the east of Crossing Street are proposed to be zoned B4 – Mixed Use which would permit some forms of residential development or other sensitive uses. However, the existing zoning of the lands being B7 – Business Park does allow for sensitive uses including Seniors Housing and shop top housing, places of public worship, day-care centres and educational establishments. As such, the rezoning of these lands wouldn't in itself increase the potential for sensitive uses to occupy the lands. Council would consider a detailed site investigation and potential remediation action plan as part of any development application for the future development of the site.

SEPP 55 Guidelines in section 4.1.2 suggests that for generalised re-zonings which cover a large area, the rezoning should be allowed to proceed, provided there are measures in place to ensure the potential for contamination are assessed once detailed proposals are made.

Council is satisfied that a robust consideration of the potential for contamination on each candidate site would be required as part of any master planning or future development applications in accordance with the SEPP and Council's Contaminated Land Management Policy.

#### *State Environmental Planning Policy (Primary Production) 2021*

The SEPP has several aims which are relevant to this Planning Proposal, including:

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

*(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,*

*(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,*

*(e) to encourage sustainable agriculture, including sustainable aquaculture,*

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

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

### **Commentary**

The Planning Proposal is not considered to be contrary to any of the above aims. The Planning Proposal does not propose to rezone lands from RU1 – Primary Production nor does it include additional growth areas which would impact prime agricultural land located in the RU1 – Primary Production zone. The RU4 – Primary Production Small Lots zone has been utilised as a buffer zoning between RU1 zoned land containing large farming operations and urban and village areas. Council has considered the potential for land use conflict and the protection of important agricultural lands in the rezoning of SSA sites from RU4 – Primary Production to other zones in Section 2.2.

**Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The following table assesses the compliance of the general amendments (GA1 etc.) and site-specific amendments (SSA1 etc.) and provides commentary, evidence and supporting information where necessary.

Ministerial Direction	Requirements	Compliance / Comments
<p>1.1 Implementation of the Minister's Planning Principles</p>	<p><b>Objective</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) give legal effect to the Minister's Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals, and</li> <li>(b) support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal.</li> </ul> <p><b>Application</b></p> <p>This direction applies to all relevant planning proposal authorities when preparing a planning proposal.</p> <p><b>Direction 1.1</b></p> <ul style="list-style-type: none"> <li>(1) In the preparation of a planning proposal the planning authority must have regard to the Minister's Planning Principles and give consideration to specific planning principles in the Ministers Planning Principles that are relevant to the preparation of the planning proposal.</li> <li>(2) Where there is an inconsistency between a specific planning principle in the Minister's Planning Principles and any other Ministerial Direction under section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> the Ministerial Direction should be followed to the extent of that inconsistency.</li> </ul>	<ul style="list-style-type: none"> <li>• The Ministerial Directions were considered in preparing the Planning Proposal where relevant.</li> </ul>
<p>1.2 Implementation of Regional Plans</p>	<p><b>Objective</b></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p><b>Application</b></p> <p>This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning and Public Spaces.</p> <p><b>Direction 1.2</b></p> <ul style="list-style-type: none"> <li>(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces.</li> </ul> <p><b>Consistency</b></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</p> <ul style="list-style-type: none"> <li>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</li> <li>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.</li> </ul>	<ul style="list-style-type: none"> <li>• A review of the Planning Proposal against the Riverina Murray Regional Plan is provided at <b>Section 3.2</b> of this Planning Proposal. The Planning Proposal is consistent with the Regional Plan.</li> </ul>

1.3 Development of Aboriginal Land Council land

**Objective**

The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the *State Environmental Planning Policy (Planning Systems) 2021* when planning proposals are prepared by a planning proposal authority.

**Application**

This direction applies to all relevant planning proposal authorities when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the *State Environmental Planning Policy (Planning Systems) 2021*.

**Note:** When this direction was made, chapter 3 of the *State Environmental Planning Policy (Planning Systems) 2021* applied only to land in the Central Coast local government area.

**Direction 1.3**

- (1) When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:
- (a) any applicable development delivery plan made under the chapter 3 of the *State Environmental Planning Policy (Planning Systems) 2021*; or
  - (b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.

**Note:** Development delivery plans must be published in the Gazette or the NSW planning portal.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

N/A

1.4 Approval and Referral Requirements

**Objective**

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

**Application**

This direction applies to all relevant planning authorities when preparing a planning proposal.

**Direction 1.4**

- (1) A planning proposal to which this direction applies must:
- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
  - (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
    - i. the appropriate Minister or public authority, and
    - ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and
  - (c) not identify development as designated development unless the relevant planning authority:
    - i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the

- The Planning Proposal does not include additional clauses which require concurrence from government agencies.
- The Planning Proposal does not identify additional development as designated development.

- class of development is likely to have a significant impact on the environment, and
- ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

**Consistency**

A planning proposal must be substantially consistent with the terms of this direction.

**Note:** In this direction “public authority” has the same meaning as section 1.4 of the EP&A Act.

1.5 Site Specific Provisions

**Objective**

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

**Application**

This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.

**Direction 1.5**

- (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development 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 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, or
  - (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.
- (2) A planning proposal must not contain or refer to drawings that show details of the proposed development.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

A site specific planning control is proposed for SSA 8 which is proposed to be rezoned to MU4 – Mixed Use. Council considers a site specific clause for this site is important as it is a large landholding on a strategic site in Griffith and a coordinated approach to development is required.

**Development of certain land to the east of Crossing Street in Griffith**

- (5) *This clause applies to the following land to the east of Crossing Street in Griffith—*
  - o *Lot 1 DP1041175, Lot 1 DP406416, Lot 1 DP120448, Lot 1142 DP751709, Lot 2 DP1108945, Lot 1 DP1108945, Lot 6 DP751709, Lot 1 DP717234, Lot A DP446117, Lot 1 DP545723, Lot 2 DP545723, Part of Lot 1 DP851962 and Lot 2232 DP821502*
- (6) *This clause applies to development for the purposes of residential accommodation*
- (7) *Development consent must not be granted for residential accommodation to which this clause applies unless a development control plan that provides for the matters in subclause (4) has been prepared for the land.*
- (8) *The development control plan must provide for the following—*
  - h) *a staging plan for the timely and efficient release of land, making provision for necessary infrastructure and sequencing,*
  - i) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
  - j) *controls to ensure the land is used for a mixture of employment and residential uses,*
  - k) *stormwater and water quality management controls,*
  - l) *detailed urban design and landscaping controls,*
  - m) *detailed servicing plans including water and sewer,*
  - n) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

Council believes the clause is not contrary to the ministerial direction as it would:

- allow the land use to be carried out in the zone the land is situated on.

		<ul style="list-style-type: none"> <li>no additional development standards are proposed by the site specific clause.</li> <li>the clause does not refer to any drawings</li> </ul>
1.6 Parramatta Road Corridor Urban Transformation Strategy		N/A
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan		N/A
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		N/A
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		N/A
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor		N/A
1.11 Implementation of the Western Sydney Aerotropolis Plan		N/A
1.12 Implementation of Bayside West Precincts 2036 Plan		N/A
1.13 Implementation of Planning Principles for the Cooks Cove Precinct		N/A
1.14 Implementation of St Leonards and Crows Nest 2036 Plan		N/A

1.15 Implementation of Greater Macarthur 2040		N/A
1.16 Implementation of the Pyrmont Peninsula Place Strategy		N/A
1.17 North West Rail Link Corridor Strategy		N/A
3.1 Conservation Zones	<p><b>Objective</b></p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	N/A
3.2 Heritage Conservation	<p><b>Objective</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p><b>Direction 3.2</b></p> <p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> <li>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> <li>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</li> <li>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</li> </ul> <p><b>Consistency</b></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that:</p> <ul style="list-style-type: none"> <li>(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or</li> <li>(b) the provisions of the planning proposal that are inconsistent are of minor significance.</li> </ul>	<p>SSA 13 proposes to remove local Heritage Item I2 from Schedule 3 of the GLEP.</p> <p>The heritage item was generally identified as recommended item #69 “Base Hospital, portions of older building” in the Griffith Heritage Study 2004. During the drafting of the GLEP 2014, Council created a panel of local professionals to review the recommendations of the Heritage Study and propose items to be included in Schedule 3 of the GEP. As part of this exercise the Former Matron’s House and Nurses’ Quarters were identified as the two older buildings within the Base Hospital grounds that should be protected by a Heritage designation.</p> <p>Between 2018 - 2021, NSW Health Infrastructure demolished both buildings. As the buildings do not exist anymore, there is no reason to have them as a heritage item.</p>
3.3 Sydney Drinking Water Catchments		N/A

3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs		N/A
3.5 Recreation Vehicle Areas		N/A
4.1 Flooding	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) ensure that development of flood prone land is consistent with the NSW Government's FloodProne Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</li> <li>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</li> </ul> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p><b>Direction 4.1</b></p> <ul style="list-style-type: none"> <li>(1) A planning proposal must include provisions that give effect to and are consistent with: <ul style="list-style-type: none"> <li>(a) the NSW Flood Prone Land Policy,</li> <li>(b) the principles of the Floodplain Development Manual 2005,</li> <li>(c) the Considering flooding in land use planning guideline 2021, and</li> <li>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</li> </ul> </li> <li>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</li> <li>(3) A planning proposal must not contain provisions that apply to the flood planning area which: <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit development for the purposes of residential accommodation in high hazard areas,</li> <li>(d) permit a significant increase in the development and/or dwelling density of that land,</li> <li>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniorshousing in areas where the occupants of the development cannot effectively evacuate,</li> <li>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</li> <li>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</li> <li>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</li> </ul> </li> <li>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable</li> </ul>	<ul style="list-style-type: none"> <li>• Some of the sites which are subject to rezoning are located within the Flood Planning Area. The potential flood affectation of each SSA has been assessed in Section 2.2. Griffith City Council has prepared several Floodplain Risk Management Studies and Plans for various catchments within the LGA. These studies contain development controls to guide or restrict development on lands within the flood planning area. Only minor development is permissible within the floodway in accordance with the Plans.</li> <li>• The Planning Proposal proposes to rezone some lands within the flood planning area to Residential, Village and Employment Lands. Therefore, the Planning Proposal is not consistent with direction 4.1(2).</li> <li>• The Planning Proposal does not contain provisions in and of themselves which would permit the development listed in Direction 4.1(3). However, the proposed SSA's would facilitate development as described in Direction 4.1(3) as part of future development applications. Therefore, the Planning Proposal could be considered to be inconsistent with Direction 4.1</li> </ul> <p><b>Consistency</b></p> <p>Griffith City Council has prepared the following floodplain risk management studies or plans which have been endorsed by Council:</p> <ul style="list-style-type: none"> <li>• Aerodrome Overland Flow Flood Study (2010)</li> <li>• Aerodrome Overland Flow Floodplain Risk Management Study and Plan (2011)</li> <li>• CBD Overland Flow Flood Study (2012)</li> <li>• CDB Overland Flow Floodplain Risk Management Study and Plan (2013)</li> <li>• Lake Wyangan Flood Study (2012)</li> <li>• Lake Wyangan Floodplain Risk Management Study and Plan (2013)</li> <li>• Griffith Main Drain J and Mirrool Creek Flood Study Update 2021 Vol 1</li> </ul>

maximum flood to which Special Flood Considerations apply which:

- (a) permit development in floodway areas,
  - (b) permit development that will result in significant flood impacts to other properties,
  - (c) permit a significant increase in the dwelling density of that land,
  - (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
  - (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or
  - (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.
- (5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

**Consistency**

A planning proposal may be inconsistent with this direction only if the planning proposal authority cannot satisfy the Planning Secretary (or their nominee) that:

- (a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the *Floodplain Development Manual 2005*, or
- (b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the *Floodplain Development Manual 2005* or
- (c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the *Floodplain Development Manual 2005* and consistent with the relevant planning authorities' requirements, or
- (d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

- Griffith Main Drain J and Mirrool Creek Flood Study Update 2021 Vol 2
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 1
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 1
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 2
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 3
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 4
- Griffith Main Drain J and Mirrool Creek Floodplain Risk Management Study and Plan (2015)

The Planning Proposal is considered to be in accordance with these Studies or Plans and some of the rezoning's are of minor significance. An assessment of each SSA taking into consideration the flood affectation of the land has been provided in section 2.2 of the Planning Proposal.

Any future development on rezoned land which is within the flood planning areas would be subject to the controls in the LEP including Clause 5.21. Development would also be designed and sited in accordance with the flood related development controls in Council's DCP, the Studies and Plans and various policies including Council's Floor Height Policy which requires all habitable development to have a floor height in accordance with Clause 5.21 of the GLEP within the flood planning area and at 410 mm above natural ground level for all areas outside the flood planning area. It is considered that Council's planning regime contains sufficient controls to appease the Direction including with the LEP, DCP, Floodplain Risk Management Studies and Plans and Council Policies and to ensure that future development of SSA sites does not create flood related issues. It should be noted that no SSA is located within a floodway or a high hazard area.

4.3 Planning for Bushfire Protection

**Objectives**

The objectives of this direction are to:

- (c) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (d) encourage sound management of bush fire prone areas.

**Application**

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

None of the lands subject to rezoning are considered bushfire prone land.

This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

**Direction 4.3**

- (1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
- (2) A planning proposal must:
  - (a) have regard to *Planning for Bushfire Protection 2019*,
  - (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
  - (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).
- (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
  - (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
    - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
    - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
  - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997*), the APZ provisions must be complied with,
  - (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
  - (d) contain provisions for adequate water supply for firefighting purposes,
  - (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
  - (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

4.4 Remediation of Contaminated Land

**Objective**

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

**Application**

This direction applies when a planning proposal authority prepares a planning proposal that applies to:

- land that is within an investigation area within the meaning of the *Contaminated Land Management Act 1997*,
- land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:

**The ministerial Direction has been considered by Council as follows:**

- **Section 2.2** contains a Site Constraints Analysis of each SSA which considers if the sites are potentially contaminated from past uses referred to Table 1 of the SEPP 5 Guidelines.
- **Appendix 4** contains contamination assessments for some of the sites which have been used historically for horticultural farms including soil sampling which shows that the lands are suitable for residential development. These are considered representative for all the sites which have or had previously been used for horticulture - including SSA 1, 2, 3, 4, 5, 6, 7, 14, 15 and 17

	<p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p><b>Direction 4.4</b></p> <p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p><b>Note:</b> In this direction, <i>contaminated land planning guidelines</i> means guidelines under clause 3 of Schedule 6 to the EP&amp;A Act.</p>	<ul style="list-style-type: none"> <li>SSA 8 would be rezoned and a site specific clause inserted into the LEP requiring the master planning of the area prior to development occurring. The master planning exercise would include an assessment of potential contamination in accordance with the Hazards SEPP and Council's Contaminated Lands Guidelines.</li> <li>Council is satisfied that as part of a development application for the development of any lands in the SSA's that the Applicant would need to appease the requirements of the Hazards SEPP and Council's Contaminated Lands Guidelines.</li> </ul>
4.5 Acid Sulfate Soils		N/A
4.6 Mine Subsidence and Unstable Land		N/A
5.1 Integrating Land Use and Transport	<p><b>Objectives</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p><b>Direction 5.1</b></p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are</p>	<p>Direction 5.1 and <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> were considered in the drafting of the Planning Proposal and the strategies and plans which provide the strategic merit for the rezoning's. It is not considered that the proposed SSA's are inconsistent with the guidelines. Most of the SSA's are considered infill areas which have good connections to the local and regional road network, pedestrian and cycling infrastructure and local transport services</p> <p>In drafting the Planning Proposal a copy of <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> was not found online and could not be considered.</p> <p>The Planning Proposal is generally consistent with Direction 5.1.</p>

- consistent with the aims, objectives and principles of:
- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
  - (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary which:
  - i. gives consideration to the objective of this direction, and
  - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or
- (d) of minor significance.

5.2 Reserving Land for Public Purposes

**Objectives**

The objectives of this direction are to:

- (f) facilitate the provision of public services and facilities by reserving land for public purposes, and
- (g) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

**Application**

This direction applies to all relevant planning authorities when preparing a planning proposal.

**Direction 5.2**

- (1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).
- (2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, the relevant planning authority must:
  - (a) reserve the land in accordance with the request, and
  - (b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and
  - (c) identify the relevant acquiring authority for the land.
- (3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:
  - (a) include the requested provisions, or

- The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes

	<p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p> <p><b>Consistency</b></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that:</p> <p>(a) with respect to a request referred to in paragraph (4), further information is required before appropriate planning controls for the land can be determined, or</p> <p>(b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</p>	
<p>5.3 Development Near Regulated Airports and Defence Airfields</p>	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <p>(h) ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(i) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(j) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p> <p><b>Direction 5.3</b></p> <p>(1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</p> <p>(a) consult with the lessee/operator of that airport;</p> <p>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;</p> <p>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(d) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(2) In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</p> <p>(b) for land affected by the prescribed airspace (as defined in clause 6(1) of the <i>Airports (Protection of Airspace) Regulation 1996</i>, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the <i>Airports Act 1996</i>. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</p> <p>(3) In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the</p>	<p>N/A</p>

	<p>relevant planning authority must:</p> <p>(a) consult with the Department of Defence if:</p> <ol style="list-style-type: none"> <li>i. the planning proposal seeks to exceed the height provisions contained in the <i>Defence Regulations 2016 – Defence Aviation Areas</i> for that airfield; or</li> <li>ii. no height provisions exist in the <i>Defence Regulations 2016 – Defence Aviation Areas</i> for the airfield and the proposal is within 15km of the airfield.</li> </ol> <p>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airfield.</p> <p>(4) A planning proposal must include a provision to ensure that development meets <i>Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction</i> with respect to interior noise levels, if the proposal seeks to rezone land:</p> <ol style="list-style-type: none"> <li>(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</li> <li>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</li> <li>(c) for commercial or industrial purposes where the ANEF is above 30.</li> </ol> <p>(5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</p> <p><b>Consistency</b></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <ol style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary, which: <ol style="list-style-type: none"> <li>i. gives consideration to the objectives of this direction; and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ol> </li> <li>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction; or</li> <li>(c) in accordance with the relevant Regional Plan prepared by the Department of Planning, Industry and Environment and Environment which gives consideration to the objectives of this direction.</li> </ol>	
5.4 Shooting Ranges		N/A
6.1 Residential Zones	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ol style="list-style-type: none"> <li>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) minimise the impact of residential development on the environment and resource lands.</li> </ol> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>The Griffith Housing Strategy 2019 contained several recommendations which Council is working to achieve. This Planning Proposal attempts to address the following recommendations:</p> <ul style="list-style-type: none"> <li>• <i>Council will actively promote and support the development of high quality, 'New Generation' Boarding Houses in locations within 400 metres of B2 or B4 zoning in Griffith, including through educational workshops with developers and the community, publication of guidelines, production of promotional material, and favourable consideration of compliant applications.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Rezoning the area between the southside of Yambil Street and Canal Street and northside of Olympic/Railway Streets from B2 to B4, thus providing a clear signal of Council's intent for this area;</i></li> <li>• <i>Preparing a planning proposal including an assessment of the adequacy of land zoned B2 in the Precinct and the economic case for the rezoning selected areas to B4, noting that the Background Paper contains relevant data to support the case;</i></li> <li>• <i>Considering rezoning of a portion of land immediately east of Crossing Street from B7 to B4 or B3.</i></li> <li>• <i>Council will seek to facilitate the development of Residential flat buildings and Multi dwelling housing in Wakaden North Precinct (zoned R1) through supporting amendments to controls in the DCP as follows:</i> <ul style="list-style-type: none"> <li>○ <i>Extending the Precinct north to Binya St, which is within 400 metres of the B2 zoned area, and maintaining the R1 zoning. rezoning the entire precinct to medium density residential to solidify the strategy to promote higher densities;</i></li> </ul> </li> </ul> <p>The Planning Proposal encourages the provision of housing by promoting mixed use zoned land within and in close proximity to Griffith's CBD with good existing connections to all required services. SSA 17 is proposed to have an Urban Release Area overly which will require arrangements to be made for the adequate provision of services and road infrastructure.</p> <p>A justification for the zoning of additional R1 – General residential and RU5 – Village zoned land is provided at Appendix 5 to appease this ministerial direction. However, the potential development potential of the rezonings would only add an additional 170 dwellings or lots, which is considered of minor significance considering the existing size and expected growth of the LGA.</p> <p>The Planning Proposal is considered to be generally consistent with Direction 6.1.</p>
<p>6.2 Caravan Parks and Manufactured Home Estates</p>	<p>The Planning Proposal does not propose to increase or decrease the zones or locations in which caravan parks and manufactured home estates are permissible.</p>

**Direction 6.1**

- (1) 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.
- (2) 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.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary which:
  - i. gives consideration to the objective of this direction, and
  - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or
- (d) of minor significance.

**Objectives**

- The objectives of this direction are to:
- (d) provide for a variety of housing types, and
  - (e) provide opportunities for caravan parks and manufactured home estates.

**Application**

This direction applies to all relevant planning authorities when preparing a planning proposal.

This direction does not apply to Crown land reserved or dedicated for any purposes under the *Crown Land Management Act 2016*, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the *National Parks and Wildlife Act 1974*.

**Direction 6.2**

- (1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:
  - (a) retain provisions that permit development for the purposes of a caravan park to be carried out onland, and
  - (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the *Standard Instrument (Local Environmental Plans) Order 2006* that would facilitate the retention of the existing caravan park.
- (2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:
  - (a) take into account the categories of land set out in Schedule 6 of *State Environmental Planning Policy (Housing)* as to where MHEs should not be located,
  - (b) take into account the principles listed in clause 9 Schedule 5 of *State Environmental Planning Policy (Housing)* (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and
  - (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the *Community Land Development Act 1989* be permissible with consent.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary which:
  - i. gives consideration to the objective of this direction, and
  - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or
- (d) of minor significance.

7.1 Business and Industrial Zones

**Objectives**

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

**Application**

This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The Planning Proposal does not propose to rezone any lands from an Employment Lands zone to a non-employment lands zone.

**SSA 8** proposes to rezone land from one Employment Lands zone to another – B4 – Mixed Use based on recommendations in the Griffith Housing Strategy and the Griffith LSPS.

**SSA 09** proposes to rezone the former Penfolds Winery, a local Heritage Item, from IN1 General Industrial to B7 – Business Park which would permit a key site at a main vehicular entrance to Griffith to be redeveloped for commercial uses while maintaining the historical significance of the site.

	<p><b>Direction 7.1</b></p> <p>(1) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</li> </ul> <p><b>Consistency</b></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary, which: <ul style="list-style-type: none"> <li>i. gives consideration to the objective of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> </li> <li>(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or</li> <li>(d) of minor significance.</li> </ul>	<p>SSA 11 therefore reduces the potential floor space in Griffith for industrial. This is considered of minor significance.</p> <p>The Planning Proposal is considered to be generally consistent with Direction 7.1.</p>
<p>7.2 Reduction in non-hosted short-term rental accommodation period</p>	<p><b>Objective</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(d) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and</li> <li>(e) ensure the impacts of short-term rental accommodation and views of the community are considered.</li> </ul> <p><b>Application</b></p> <p>This direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.</p> <p><b>Direction 7.2</b></p> <p>(1) The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) non-hosted short term rental accommodation periods must not be reduced to be less than 90 days</li> <li>(b) the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated</li> <li>(c) there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years.</li> </ul>	<p>N/A</p>

	<p>(d) the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.</p> <p><b>Consistency</b></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are of minor significance.</p>	
<p>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</p>	<p><b>Objectives</b></p> <p>The objectives for managing commercial and retail development along the Pacific Highway are to:</p> <ul style="list-style-type: none"> <li>(f) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route,</li> <li>(g) prevent inappropriate development fronting the highway,</li> <li>(h) protect public expenditure invested in the Pacific Highway,</li> <li>(i) protect and improve highway safety and highway efficiency,</li> <li>(j) provide for the food, vehicle service and rest needs of travellers on the highway, and</li> <li>(k) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</li> </ul> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land within those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive, and that applies to land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p> <p><b>Direction 7.3</b></p> <ul style="list-style-type: none"> <li>(1) A planning proposal that applies to land located on "within town" segments of the Pacific Highway must provide that: <ul style="list-style-type: none"> <li>(a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</li> <li>(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</li> <li>(c) for the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80km/hour.</li> </ul> </li> <li>(2) A planning proposal that applies to land located on "out-of-town" segments of the Pacific Highway must provide that: <ul style="list-style-type: none"> <li>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this direction;</li> <li>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and</li> <li>(c) for the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: "village", "residential", "tourist", "commercial", "industrial", etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</li> </ul> </li> <li>(3) Notwithstanding the requirements of paragraphs (1) and (2), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the</li> </ul>	<p>N/A</p>

purposes of this paragraph, a highway service centre has the same meaning as is contained in the *Standard Instrument (Local Environmental Plans) Order 2006*.

**Table 1: Highway service centres that can proceed**

Town	Locality
Chinderah	Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound)
Ballina	Teven Road interchange
Maclean	Southern interchange
Woolgoolga	Northern interchange at Arrawarra
Nambucca Heads	Nambucca Heads interchange
Kempsey	South Kempsey interchange
Port Macquarie	Oxley Highway interchange (both sides of the Pacific Highway)
Taree	Old Bar Road interchange
Tomago	In the vicinity of Tomago Road / South Heatherbrae

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

8.1 Mining, Petroleum Production and Extractive Industries

**Objective**

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

**Application**

This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

**Direction 8.1**

- (1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:
  - (a) consult the Secretary of the Department of Primary Industries (DPI) to identify any:
    - i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional

N/A

- significance, and
- ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and
- (b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and
- (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:
  - i. development of resources identified under (1)(a)(i), or
  - ii. existing development identified under (1)(a)(ii).
- (2) Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:
  - (a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,
  - (b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
  - (c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act).

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that the provisions of the planning proposal that are inconsistent are of minor significance.

9.1 Rural Zones

**Objective**

The objective of this direction is to protect the agricultural production value of rural land.

**Application**

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

Direction (1)(a) applies to all relevant planning authorities.

Direction (1)(b) only applies in the following local government areas:

Ashfield	Campbelltown	Hurstville	Mosman
Auburn	Canada Bay	Kogarah	Newcastle
Bankstown	Canterbury	Ku-ring-gai	North Sydney
Baulkham Hills	City of Sydney	Lake Macquarie	Parramatta
Blacktown	Fairfield	Lane Cove	Willoughby
Blue Mountains	Gosford	Leichhardt	Wollondilly
Botany Bay	Hawkesbury	Liverpool	Woollahra
Burwood	Holroyd	Manly	Wollongong

The Planning Proposal includes the rezoning of rural lands to residential.

**Consistency**

The lands proposed to be rezoned from a rural zone to a residential zone are justified by a strategy or study as identified in or are of minor significance including:

SSA 1 – Griffith Large Lot Residential Strategy – pg. 41-44

SSA 2 - Griffith Large Lot Residential Strategy - pg. 41-44

SSA 3 - Griffith Large Lot Residential Strategy – pg. 41-44

SSA 4 - Griffith Large Lot Residential Strategy – pg. 41-44

SSA 12 – minor significance and to correct and error in mapping

SSA 14 - Griffith Large Lot Residential Strategy – pg. 41-44

SSA 15 - Griffith Large Lot Residential Strategy – pg. 41-44

Camden	Hornsby Hunters Hill	Marrickville	Wyong	
<p><b>Direction 9.1</b></p> <p>(1) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>(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).</li> </ul> <p><b>Consistency</b></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary which: <ul style="list-style-type: none"> <li>i. gives consideration to the objectives of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> </li> <li>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or</li> <li>(d) is of minor significance.</li> </ul>				
9.2 Rural Lands	<p><b>Objective</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) protect the agricultural production value of rural land,</li> <li>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</li> <li>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</li> <li>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</li> <li>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</li> <li>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</li> </ul> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the <i>Greater Sydney Commission Act 2015</i>) other than Wollondilly and Hawkesbury, that:</p> <ul style="list-style-type: none"> <li>(a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or</li> <li>(b) changes the existing minimum lot size on land within a rural or conservation zone.</li> </ul>			<p>The Planning Proposal will effect land within an existing rural zone and proposed to change some of the existing minimum lot sizes within a rural zone including <b>SSA 1, 2, 3, 4, 5, 6, 12, 14 and 15</b></p> <p><b>Consistency</b></p> <p>The lands proposed to be rezoned from a rural zone or proposed to have a reduced minimum lot size have been justified by a Strategy / Study as identified in Section 2.2 which gives consideration to the direction, identifies the lands subject to the Planning Proposal or is of minor significance. The Griffith Housing Strategy 2019 and the Griffith Large Lot Strategy 2022 are provided in <b>Appendix 2 and 3</b>.</p>

**Note:** Reference to a rural or conservation zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, C1, C2, C3, C4.

#### Direction 9.2

- (1) A planning proposal must:
  - (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, 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 use
  - (h) consider State significant agricultural land identified in chapter 2 of the *State Environmental Planning Policy (Primary Production) 2021* for the purpose of ensuring the ongoing viability of this land
  - (i) consider the social, economic and environmental interests of the community.
- (2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone 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.

**Note:** where a planning authority seeks to vary an existing minimum lot size within a rural or conservation zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.

#### Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary and is in force which:
  - i. gives consideration to the objectives of this direction, and
  - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) is of minor significance.

9.3 Oyster Aquaculture

The objectives of this direction are to:

- (g) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and
- (h) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

**Application**

This direction applies to any relevant planning authority when preparing a planning proposal in 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area as identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy (2006)* ("the Strategy"), when proposing a change in land use which could result in:

- (a) adverse impacts on a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate", or
- (b) incompatible use of land between oyster aquaculture in a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate" and other land uses.

**Direction 9.3**

(1) In the preparation of a planning proposal the relevant planning authority must:

- (a) identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown on the maps to the Strategy, to which the planning proposal would apply,
- (b) identify any proposed land uses which could result in any adverse impact on a 'Priority Oyster Aquaculture Area' or oyster aquaculture leases outside such an area,
- (c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use incompatibility,
- (d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and
- (e) ensure the planning proposal is consistent with the Strategy.

(2) Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), the relevant planning authority must:

- (a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,
- (b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
- (c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

N/A

9.4 Farmland of State and Regional Significance

**Objectives**

The objectives of this direction are to:

N/A

- (i) ensure that the best agricultural land will be available for current and future generations to grow food and fibre,
- (j) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and
- (k) reduce land use conflict arising between agricultural use and non-agricultural use of farmlands caused by urban encroachment into farming areas.

#### **Application**

This direction applies when a relevant planning authority prepares a planning proposal for land within Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas, except land identified as “urban growth areas” mapped in the *North Coast Regional Plan 2036* when preparing a planning proposal, that applies to land:

- (a) mapped as
  - i. State significant farmland, or
  - ii. regionally significant farmland, or
  - iii. significant non-contiguous farmland,
- (b) on the set of four maps held in the Department of Planning, Industry and Environment marked “Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)”; and

#### **Direction 9.4**

- (1) A planning proposal must not:
- (a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes.
  - (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.
  - (c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.

#### **Consistency**

A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:

- (a) the *North Coast Regional Plan 2036*, or
- (b) Section 4 of the report titled *Northern Rivers Farmland Protection Project - Final Recommendations*, February 2005, held by the Department of Planning, Industry and Environment.

## **2.5 Section C – 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 Planning Proposal does not pose any adverse impact on the critical habitat or threatened species, populations or ecological communities or their habitats.

**Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The Planning Proposal does not intentionally pose any environmental impacts.

**Has the planning proposal adequately addressed any social and economic effects?**

It is envisaged that the amendments proposed as part of this Planning Proposal will have a positive impact on the overall social and economic wellbeing of the Griffith LGA by ensuring that the GLEP 2014 is an up to date plan that is consistent with State planning policies and Councils strategic planning framework.

## **2.6 Section D – Infrastructure (Local, State and Commonwealth)**

**Is there adequate public infrastructure for the planning proposal?**

A site constraints analysis of each site is provide at Section 2.2. Adequate infrastructure is available or is planned to be provided to facilitate the development of each site subject to rezoning.

## **2.7 Section E – State and Commonwealth Interests**

**What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

State authorities will be consulted with as part of the gateway process, however, the Planning Proposal is not expected to impact the functioning of these authorities or their infrastructure. Should the Department of Primary Industries make comments or opinions in relation to land subject of rezoning based on the consultation draft State Significant Agricultural Land map, these comments or opinions should not be further considered.

## **3 Maps**

Refer to Section 2.2 for all maps.

## 4 Community Consultation

As part of the Growing Griffith to 2045 project, which included the drafting of the LSPS, an extensive consultation exercise was carried out (See Appendix 1). Community consultation also occurred in the drafting of the Griffith Large Lot Strategy. Following Gateway Determination, an extensive public exhibition and consultation exercise would be carried out regarding the Planning Proposal.

Council considers that a twenty eight (28) day public exhibition period is appropriate in this instance which is in accordance with Griffith's Community Participation Plan. Notification of the exhibited planning proposal will include:

- A newspaper advertisement (Area News) that circulates in the area affected by the planning proposal.
- The websites of Griffith City Council and the Department of Planning, and Environment.
- Letter to affected landholders regarding mapping amendments.
  - The written notice would include:
    - Provide a brief description of the objectives or intended outcomes of the planning proposal.
    - Indicate the land that is the subject of the planning proposal.
    - State where and when the planning proposal can be inspected.
    - Provide sufficient details that will enable members of the community to make a submission. Exhibition material:
      - The planning proposal, in the form approved for community consultation by the Secretary of the Department of Planning, Industry and Environment.
      - The Gateway determination.

During the Public Exhibition period, a community consultation session will be provided on Zoom, facebook live and in public to ensure direct consultation is provided.

## 5 Project Timeline

The proposed timeline for the completion of the planning proposal is as follows:

Estimated Completion	Plan Making Steps
April 2022	Report Planning Proposal to Council
December 2023	Gateway determination issued by Department of Planning, Industry and Environment
February 2023	Government agency and public consultation
April 2023	Report all submissions and final Planning Proposal to Council
May 2023	Opinion sought from Parliamentary Counsel's Office Preparation of LEP Map sheets
July 2023	Making and notification of the LEP.

# Appendix 1 – Growing Griffith to 2045 Project

Call for Submissions

<https://www.griffith.nsw.gov.au/growing-griffith-to-2045-project>

LSPS Exhibition Business Paper with Submissions

[https://businesspapers.griffith.nsw.gov.au/Open/2020/08/CO\\_25082020\\_ATT\\_1273\\_EXCLUDED.PDF](https://businesspapers.griffith.nsw.gov.au/Open/2020/08/CO_25082020_ATT_1273_EXCLUDED.PDF)

LSPS Endorsement Business Paper

[https://businesspapers.griffith.nsw.gov.au/Open/2020/09/CO\\_29092020\\_AGN\\_1372\\_AT\\_EXTRA.PDF](https://businesspapers.griffith.nsw.gov.au/Open/2020/09/CO_29092020_AGN_1372_AT_EXTRA.PDF)  
[Fer 2020 \(nsw.gov.au\)](https://www.nsw.gov.au)

## **Appendix 2 – Griffith Housing Strategy 2019**

<https://www.griffith.nsw.gov.au/griffith-housing-strategy>

# **Appendix 3 – Griffith Large Lot Supply and Demand Analysis and Strategy 2022**

<https://www.griffith.nsw.gov.au/page.asp?f=RES-UUI-46-30-12>

## **Appendix 4 – Contamination Assessments for SSA 1, 6 and 15**

<https://apps.planningportal.nsw.gov.au/prweb/PRRestService/DocMgmt/v1/PublicDocuments/DATA-WORKATTACH-FILE%20PEC-DPE-EP-WORK%20PP-2022-3697!20221018T042642.071%20GMT>

# Appendix 5 – Strategic Justification for Rezoning Additional R1 – General Residential Land

## Background

Griffith is in a housing crisis along with the remainder of regional NSW. Griffith is growing and there is a substantial demand for housing of all types in several areas of the LGA. Council believes the development of our existing growth areas in Collina and Lake Wyangan (and future release areas in Hanwood and Yenda presently in a master planning exercise) should not be solely relied on to address these shortages and other serviced areas in close proximity to Griffith and the villages should be rezoned to prompt and facilitate urban residential development.

The Griffith Housing Strategy was developed in 2018 and mainly focused on housing affordability and did not closely analyse candidate sites or the potential for the rezoning of land for single detached dwellings closer to the CBD and at the fringes of Griffith. The Housing Strategy also did not assess or analyse the land banking which has occurred in Griffith since the gazettal of the then Griffith LEP in 1994 and the lack of development on large parcels of residential zoned lands for decades in some instances. Instead the strategy focused on facilitating density and smaller units in close proximity to the CBD.

Council has completed or is working towards the completion of several of the recommendations in the Housing Strategy to support increased density in and around the CBD with some take up in recent years. Council has even partnered with a CHP to deliver over 60 homes to ease the burden of affordable housing in the LGA as part of the Griffin Green Affordable Housing Project. Council has also approved a number of medium density residential developments in the centre of Griffith and supported and approved development applications for boarding houses.

Since the drafting of the Housing Strategy there has been a number of factors that have impacted Griffith's housing supply and demand for housing, including:

- Population growth pressures not previously accounted for in State and local population projections
  - The Department has adjusted the annual population increase in Griffith to 0.78%
    - Council believes this forecast is not an adequate representation of the potential population growth in Griffith and has provided a detailed analysis of other factors which must be considered in projections to the Department.
    - The 2021 census has shown that Griffith grew by an average of approximately 1% between 2016 and 2021.

- There is a significant demand for employees to fill positions in every sector or employment in Griffith
- Lack of development on land zoned for 400 homes in Collina due to issues surrounding Aboriginal Land Claims.
- The impacts of COVID with metropolitan residents seeking a tree change and single detached dwellings with private open spaces.
- Lack of development on other zoned residential land due to land banking or use of the land for other purposes including agriculture.
  - The Housing Strategy did not discount zoned land which has not been developed for several years from the overall supply of R1-General Residential land. There are some large parcels of land which have sat undeveloped for decades which are counted in Griffith's residential land supply.
- Master planning requirements for large urban release areas which takes a substantial amount of time to get right. For instance, the Lake Wyangan Growth area has involved the planning of a new town with urban roads and a drainage network which is highly constrained. Essentially Council needs to meticulously plan an entire new town to commence the release of lands. For lands at the periphery of the urban area or infill lands, this process would not be required.
- The Housing Strategy did not assess or recognise that there was an existing housing shortage in Griffith in 2018 with multiple families living in single dwellings, workers living in illegal co-living housing with six bunk beds to a room, employers unable to hire staff as they could not find housing for them and issues with poor housing stock unsuitable for habitation. The Strategy did account for homelessness and adjusted for an additional 140 dwellings, but did not account for the factors listed above.
- The Regional Housing Taskforce report was release and the introduction of the Regional Housing Fund to:
  - unblock and accelerate new housing capacity in regional NSW,
  - bring forward construction and the opportunity for jobs, and
  - support investment in critical infrastructure and high-quality public and open spaces.
- In Collina, Griffith's main urban release area, which the Housing Strategy relies on to cater for the population growth, the price of land has increased from \$110, 000 - \$140,000 in 2018 to \$220,000 to \$280,000 in 2022, effectively doubling land prices in four years.

The result of these factors, the impacts of COVID, construction staff shortages and the increase in prices for materials has led to massive increase in housing and land prices since 2018 and housing shortages. Council believes there is enough strategic justification to rezone some additional lands to R1 – General Residential and RU5 – Village to prompt development. The following provides an assessment of the existing growth area housing supply in Griffith, the present and future demand for

housing and the development potential of the candidate sites (referred to as SSA's throughout this planning proposal) to understand if the proposed rezoning's would support the delivery of required housing for a planning horizon of 14 years to 2036.

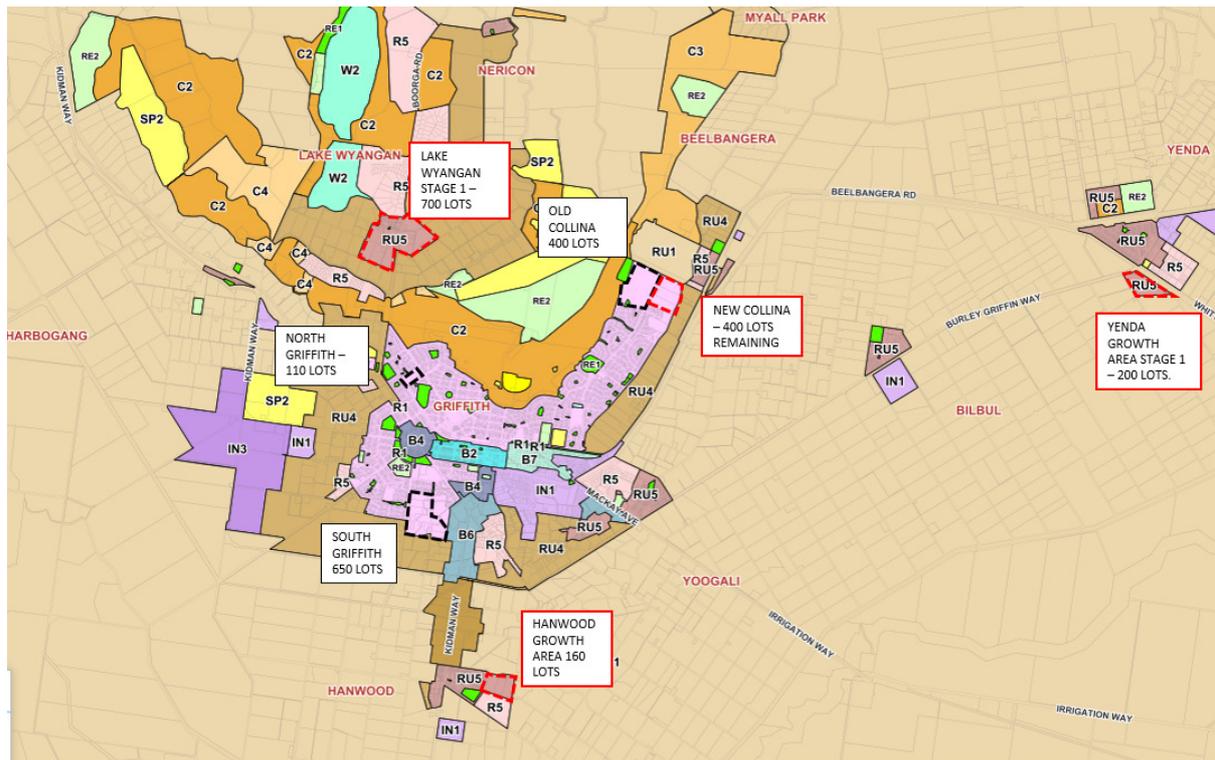
## Updated Residential Supply Analysis

The Griffith Housing Strategy 2019 relied on the Forecast.Id data for Griffith to establish that an additional 1744 dwellings would be required up to 2036. The Housing Strategy focused on initiatives to entice the development of additional one to two bedroom units in multiple dwelling housing or residential flat buildings in urban areas near the CBD. The Housing Strategy also proposed strategies to promote other forms of more affordable residential development including manufactured home estates, boarding houses and caravan parks. Council has been progressively working through these initiatives, however, there remains a high demand for single detached residential development lots in the LGA.

The Housing Strategy did not contain an analysis of the existing growth areas in Griffith and historical development patterns to better understand the likelihood these areas would be developed in the planning horizon of 14 years. The following table provides a review of existing zoned growth areas which have been released for development between 1994 and 2014.

**Table 1: Growth Area Supply Analysis.**

Zoned Site	Lot Potential	Year Zoned	Include in Supply
<b>Areas Actively Under Development or Master Planning</b>			
New Collina	400	2014	400
Lake Wyangan (Stage 1)	700	2014	700
Hanwood (Stage 1)	150	2014	150
<b>Master Planning Yet to Commence</b>			
Yenda (Stage 1)	200	Yet to be released	100
<b>Zoned Land Undeveloped Since 1994</b>			
South Griffith	650 Lots (50ha)	1994	0
North Griffith	110 Lots (8.3 ha)	1994	0
Old Collina	400 lots as per Master Plan	1994	0
<b>Total Supply</b>			<b>1350</b>



**Figure 69: Growth Areas with Lot Potential**

The following commentary is provided to justify the adjustment of the potential supply of developable areas based on the development history of the growth area and other factors

- South Griffith – The growth area was originally zoned in 1994 and has sat largely undeveloped since then. It represents an ideal site for development, but there are some constraints which have posed financial concerns to potential developers including:
  - The flat nature of the area and the requirement to import fill to the site
  - Provision of a sewer pump station and achieving a suitable location to facilitate the development of the entire precinct.
  - The irrigation channel system that goes through the site and the requirements to fill in and stabilise these areas prior to development.
  - Upgrade of road widths required to meet Council and Austroads standards.
- North Griffith – The undeveloped lot in North Griffith was released as part of a Growth Area in 1994 along Wyangan Avenue. The remainder of the former farms have been fully developed, however the landowner of Lot 2 DP 835403, has continued to run the orange orchard from the site.
- Old Collina – The growth area was part of the original release of the north-eastern portion of Collina by the then Department of Housing. These lands were transferred to the Local Aboriginal Land Council from the NSW State government in 2019 pursuant to an Aboriginal Land Agreement.

Based on the length of time these lands have been released and other factors identified above, Council has proposed to exclude the lands from residential land supply calculations and look to rezone

candidate sites to prompt development in close proximity to urban and village areas outside the designated growth areas of Collina, Lake Wyangan, Hanwood and Yenda. It should be noted that these lands would remain zoned R1 – General Residential and could proceed to be developed should the constraints be overcome or the owners pursue a development proposal.

### Population Forecasts and Housing Need

The Griffith Housing Strategy utilised Griffith's Forecast and population projections to project dwelling needs to 2036. Forecast and forecasted that Griffith's population would increase by 0.73% per year to 2036 utilising 2016 and earlier census data. The Housing Strategy established that based on this population growth an additional 1744 dwellings would be required by 2036.

**Table 2: Forecasted Dwelling Types Required based on 2021 Population Data (source: Id. Forecasting)**

Type of Dwelling	% in 2021	Total Lot or Dwelling Yield
Separate House	82.7	1440
Medium Density	15.1	261
High Density	0.3	5
Caravans etc.	0.9	15
Other	0.6	10
<b>Total Dwellings Forecasted</b>		<b>1744</b>

As is evident from Table 2, based on the 2021 housing trends data from Griffith, out of the forecasted 1744 units required in Griffith to 2036 (based on the analysis in the Housing Strategy), **1440** would be separate house (single detached dwelling). As Council looks to increase the supply of affordable housing options close to the Griffith CBD, it is also imperative that land is available to meet the demands of single detached dwellings or dual-occupancies. It is apparent that individuals, couples and families moving to Griffith are predominantly seeking to live in single detached dwellings. As people move to regional areas there is often an expectation that they would be able to attain a larger dwelling with more lot area than the major urban centres. To ensure that Griffith is catering for the expected needs of incoming residents it is essential that enough land is provided for single detached dwellings as well as higher density unit development.

### Proposed Rezoning Development Potential

The General Amendment Planning Proposal has identified four Candidate Sites (also referred to as Site Specific Amendment sites (SSA)) for rezoning to R1 – General Residential or RU5 - Village within a 4 km radius of the Griffith city centre. These sites are located within Council's Development Servicing Plan for both water and sewer and have good access to Council's local road network.



**Figure 70:** Location of Proposed Candidate Site to R1 - General Residential or RU5 - Village

Three of these sites are presently zoned R5 – Large Lot Residential and hold development potential for 3000 – 4000 m<sup>2</sup> lots. A comparison of the existing development potential of each site and the potential development potential is provided in Table 3:

- The development potential for the site in Yoogali was calculated based on a lot yield of 75% with the balance utilised for roads, stormwater, open space and to account for the curtilage of the two existing farm dwellings to be located on a single larger lot.
- For Mackay Avenue, the land owners are actively developing the site for Seniors Housing to be used for people with disabilities. Seniors Housing is permissible in the existing zone (E3 – Productivity Support Zone). However SEPP (Housing) 2021 restricts the use of ground floors of buildings facing a road for uses other than residential and permits Seniors Housing in a shop top formation. The rezoning of the site would permit the entire site to be utilised for Seniors Housing.
- The development potential of the site at Walla Avenue was established based on an 80% lot yield of the site area not consumed by the existing buildings.
- For Rose Road, the development potential of the site was based on the length of frontage to Rose Road / Harward Road being 720 m with each lot having a frontage of 24 m. The analysis provided in Table 3 identifies that the proposed rezoning’s would increase development potential of the sites by an estimated 170 lots.

**Table 3: Development Potential of Candidate Sites**

<b>Candidate Site</b>	<b>Existing Development Potential (Lots)</b>		<b>Proposed Development Potential (Lots)</b>		<b>Balance</b>
Yoogali	43 Lots		183		140
Mackay Avenue	Seniors permissible	Housing	Seniors permissible	Housing	No Change
Walla Avenue	5 lots		15		10
Rose Road	0		30		30
<b>TOTAL</b>					<b>170</b>

## Updated Population Projections

The Housing Strategy acknowledged that Griffith required 1744 dwelling units to satisfy the expected growth pressures of a population projection of 0.73%. Since this time, the State government has revised their population projections for Griffith to 0.78% which is higher than Griffith's forecasts. Based on the 2021 Census released earlier this year, Forecast Id is now adjusting the population forecasts for Griffith which are expected by December 2022. However, based on the 2021 census, Griffith grew by 0.98% between 2016 and 2021.

Based on the adjusted NSW projections and the realized growth of Griffith between 2016 and 2021, additional dwelling units above the 1744 previously forecasted would be expected to be required to 2036.

## Conclusions and Recommendations

Griffith's growth areas which are actively being developed are expected to deliver 1350 single detached dwellings within the planning horizon used in the Housing Strategy (up to 2036) which does not meet the expected demand of 1440 single detached dwellings. A shortfall of 90 single detached dwellings has been projected. The Planning Proposal and the development potential of the candidate sites would potentially achieve a total dwelling yield of 170 single detached dwellings by 2036 which would address this projected shortfall. Council considers the 80 additional dwellings proposed to be released would be justified to meet the housing needs resulting from the adjustments in population projections not considered in the Housing Strategy. Council therefore seeks the Department's support for the proposed rezoning's in the planning proposal.

# Appendix 6 – Gateway Determination



Department of Planning and Environment

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3697): Griffith LEP 2014 – General Amendment.**

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Griffith Local Environmental Plan 2014 for general amendment should proceed subject to the following conditions:

1. Prior to community and agency consultation the planning proposal is to be updated to:
  - Amend Item 15 – SSA10 Wakaden Precinct to clarify that existing zone RE1 Public Recreation will be retained within this precinct.
  - Amend Item 11- SSA6 Rose Road to include the proposed planning mechanism to ensure that the intent for a (20-30m) buffer situated on the proposed zone R5 land occurs as part of future development of the site.
  - Prepare and include a comparable Land Use Table between the current zones and proposed zones for Item 13-SSA8 and Item 14-SSA9 to compare land use permissibility and prohibitions. Landowners in the areas of 13-SSA8, 14-SSA9 and 15-SSA10 are to be individually notified of the proposed changes.
  - Amend Item 17 – SSA12 to include Lot 647 DP 725659 as proposed zone RU5 Village.
  - Amend Item 20 - SSA15 Calabria Road to remove reference to the intent to rezone land and to proceed with change to minimum lot size only.
  - Clearly indicate the proposed amendments to Map WET\_\_003 (Item 21-SSA16).
  - Amend Section 5 Project Timeline to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in 9 months.

Council is to seek approval from the Department of Planning and Environment – Western Region office prior to community and agency consultation.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 28 days; and
  - (b) the planning proposal 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
  - Department of Primary Industries – Agriculture

- Transport for NSW
- NSW Rural Fire Service
- Department of Planning and Environment – Biodiversity, Conservation and Science Directorate

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
  - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed within nine (9) months from the Gateway determination.

Dated 23<sup>rd</sup> day of December 2022.



**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**  
  
**Delegate of the Minister for Planning**

PP-2022-3697 (IRF22/3636)

## Appendix 7 – Council Report and Resolution

Council Report (see pg. 52 – 56)

[Agenda of Ordinary Meeting of Council - Tuesday, 24 January 2023 \(nsw.gov.au\)](#)

Meeting Minutes (see pg. 6 – 7)

[Minutes of Ordinary Meeting of Council - Tuesday, 24 January 2023 \(nsw.gov.au\)](#)

# Appendix 8 – Letter from Department permitting Public Exhibition



Department of Planning and Environment

PP-2022-3697/DOC23/17044

Mr Brett Stonestreet  
General Manager  
Griffith City Council  
PO Box 485  
GRIFFITH NSW 2680

**Attention: Kelly McNicol, Contract Strategic Planner**

Dear Mr Stonestreet

**Planning proposal (PP-2022-3697) to amend Griffith Local Environmental Plan 2014 - General Amendment - documentation to satisfy condition 1 – proceed to public exhibition**

I refer to your correspondence dated 4 January 2023 in relation to the subject planning proposal (PP-2022-3697) for amendment to Griffith LEP 2014 – general amendment.

Gateway condition 1 of the Gateway determination issued on 23 December 2022 required the planning proposal to be updated prior to proceeding to public exhibition.

I have reviewed the information provided and agree that condition 1 of the Gateway determination has been generally satisfied to allow the proposal to progress to public exhibition, subject to the following points being addressed:

- Amend Item 20 - SSA15 Calabria Road to remove reference to the intent to rezone land and to proceed with change to minimum lot size only.
- Confirm, and update the planning proposal if required to ensure the planning proposal refers to the correct lot/DP for the additional land included in SSA 12.

Following the planning proposal being amended to reflect the above-mentioned points, Council may proceed to public exhibition.

The community consultation package is to include the revised planning proposal documentation, Gateway determination dated 23 December 2022 and a copy of this letter.

Please note that the timeline to complete this LEP amendment is 23 September 2023. The Department will work with Council and monitor the progress of this proposal.

Should you have any enquiries about this matter, please contact me for assistance. I can be contacted on 02 5852 6806

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tim Collins'.

12 January 2023

**Tim Collins**  
**A/Manager, Western Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**

# Appendix 9 – Council Meeting Minutes and Attachments – 28 March 2023

Council Meeting Minutes

[https://businesspapers.griffith.nsw.gov.au/Open/2023/03/CO\\_28032023\\_MIN\\_2757.PDF](https://businesspapers.griffith.nsw.gov.au/Open/2023/03/CO_28032023_MIN_2757.PDF)

Council Meeting Agenda Attachments

[https://businesspapers.griffith.nsw.gov.au/Open/2023/03/CO\\_28032023\\_ATT\\_2757\\_EXCLUDED.PDF](https://businesspapers.griffith.nsw.gov.au/Open/2023/03/CO_28032023_ATT_2757_EXCLUDED.PDF)

# **Appendix 10 – Scoping Proposal - Proposed LEP Amendment Land Rezoning – Lot 2 DP1267636, Oakes Road, Yoogali, NSW and Scoping Proposal Addendum**