



IRF24/1930

Gateway determination report – PP-2024-1047

Amendment of minimum lot size at South Lockhart

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Acknowledgment of Country

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

Contents

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

Table 1 Reports and plans supporting the proposal

Attachment A – Planning Proposal – PP-2024-1047
Attachment B – Council report and minutes – PP-2024-1047
Attachment C – Scoping Proposal
Attachment D – Lockhart Local Housing and Employment Strategy
Attachment E – Lockhart Floodplain Risk and Management Study and Plan 2014

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lockhart
PPA	Lockhart Shire Council
NAME	Amendment of minimum lot size at South Lockhart
NUMBER	PP-2024-1047
LEP TO BE AMENDED	Lockhart Local Environmental Plan 2012
ADDRESS	South Lockhart
DESCRIPTION	Various lots in south Lockhart – see figure 1 in this report
RECEIVED	18/07/2024
FILE NO.	IRF24/1930
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objectives of this amendment are to encourage residential development opportunities in South Lockhart to give effect to recommendations outlined in the Lockhart Local Housing and Employment Strategy (Attachment D) prepared in 2023.

The objectives of this planning proposal are clear and adequate. However, it is noted that the planning proposal incorrectly refers to ‘rezoning’ on page 10. This should be updated to reflect the proposed amendment prior to public exhibition.

The lots included in the subject land have also been included in the planning proposal, however they are not listed clearly or are difficult to interpret. This section of the planning proposal should be updated to display the relevant lots in a way that is easily interpreted, such as a table, prior to public exhibition of the planning proposal.

1.3 Explanation of provisions

The planning proposal seeks to amend the Lockhart LEP 2012 by:

- reducing the minimum lot size (MLS) on subject land in South Lockhart from 2 hectares to 7,500m²; and

- removing the identification of the site as Area B which applies clause 4.1A Subdivision of land in Zone R5 using average lot sizes of the Lockhart LEP. Clause 4.1A requires an average lot size of “no less than 3 hectares” for land identified as Area B.

This amendment could increase the potential yield to 150 lots, which is 90 more than currently possible.

The proposal aims to remove the ‘Area B’ designation from the lot size maps for this land which would deactivate Clause 4.1B over the subject land. However, the proposal lacks justification for this change and should be revised to include this before public exhibition. Additionally, the incorrect reference to ‘Area A’ in the planning proposal should be removed prior to public exhibition.

1.4 Site description and surrounding area

The subject land is currently zoned R5 Large Lot Residential with an MLS of 2 hectares. The subject land is bounded by Albury Road and East Street to the east, Federal Street and a road reserve to the North, Showground Road and Treasure Street to the west, and a road reserve to the south (Figure 1). Currently the land is used for rural residential living with urban areas to the North, agricultural land to the East and South, and the Lockhart Showground, racecourse and water treatment to the West.

The township of Lockhart is located near the centre of the wider Lockhart LGA, along the Brookong Creek. The township largely includes RU5 Village and R5 Large Lot Residential areas, as well as land zoned for industrial and recreational uses. Lockhart is approximately 62 Kms south-west of Wagga Wagga, and 105 kms norther of Albury.

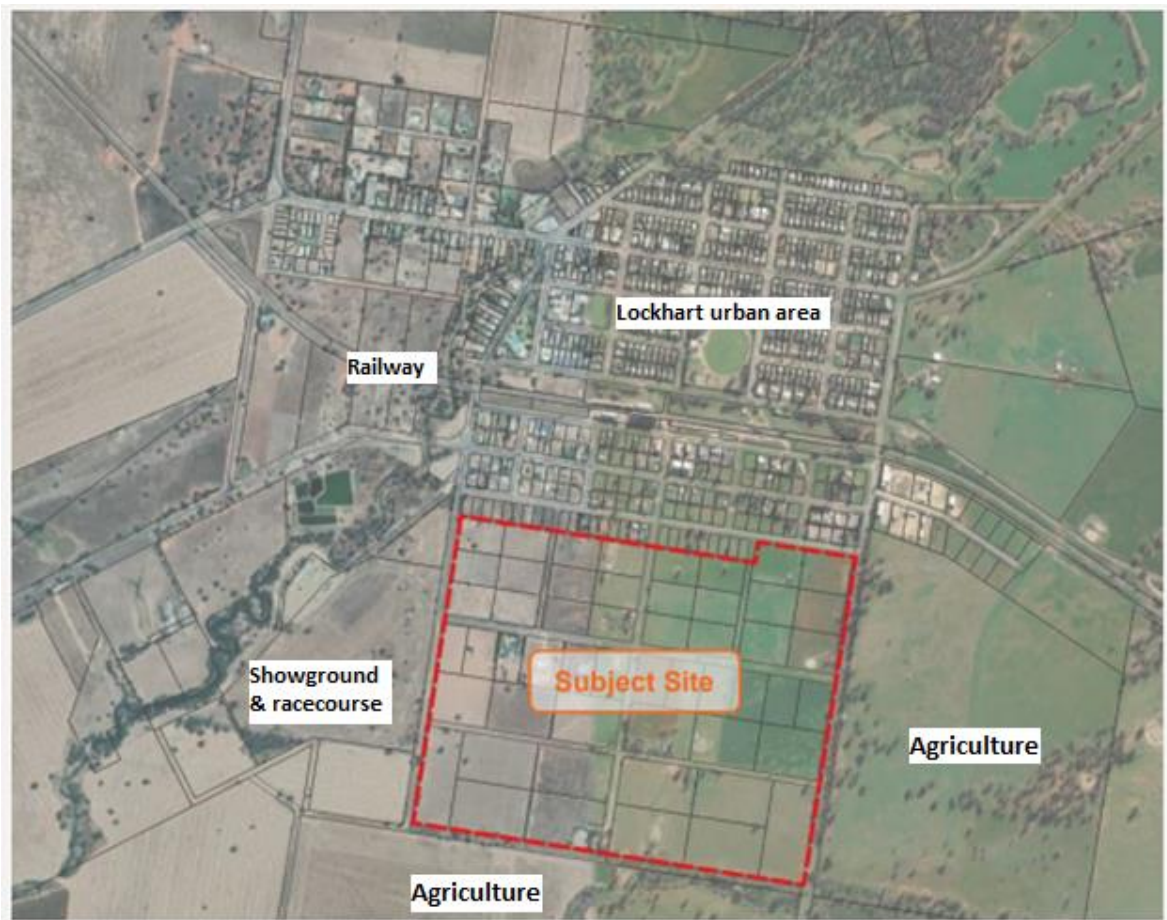


Figure 1 Subject site (source: planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the lot size (LSZ_001 and LSZ_001B) maps, which are suitable for community consultation.

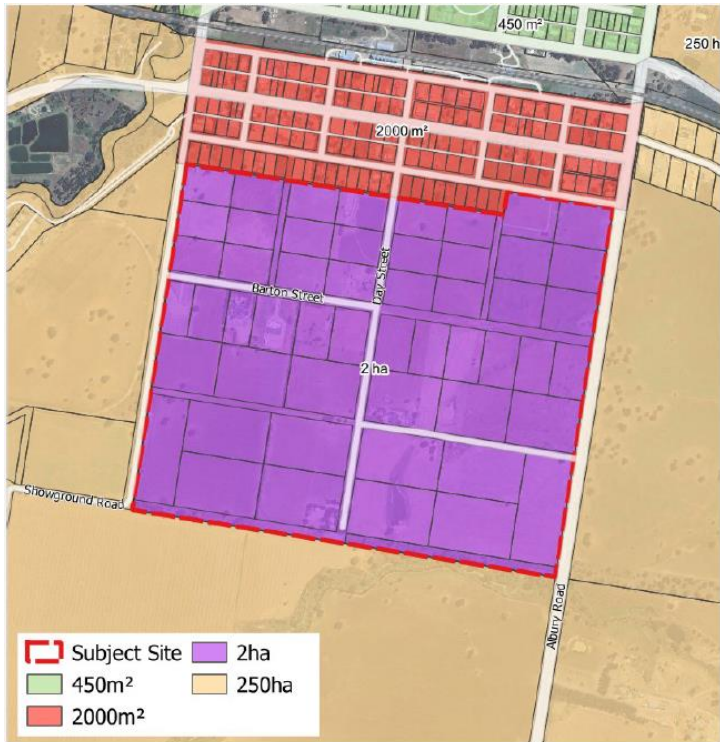


Figure 2 Current minimum lot size mapping (Source: planning proposal)

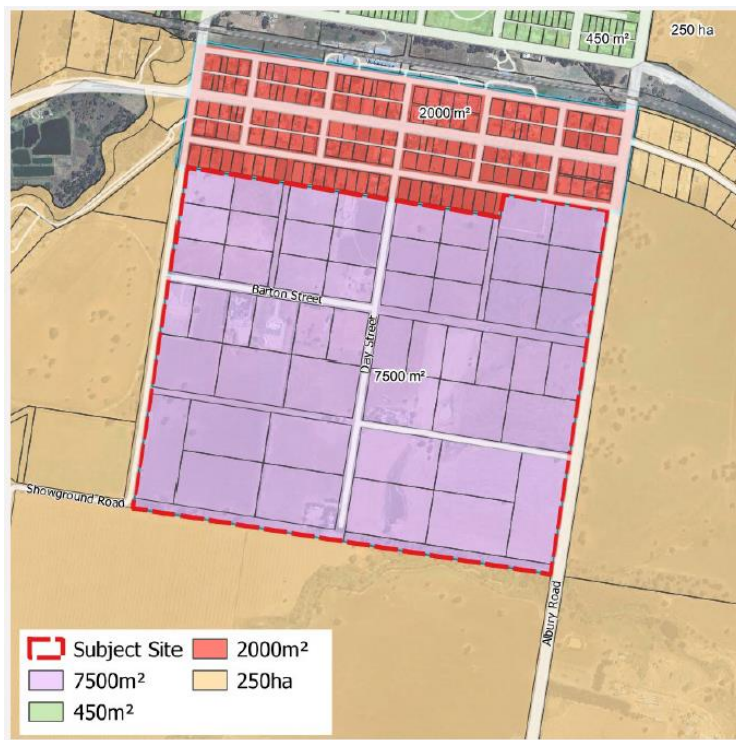


Figure 3 Proposed minimum lot size mapping (Source: planning proposal)

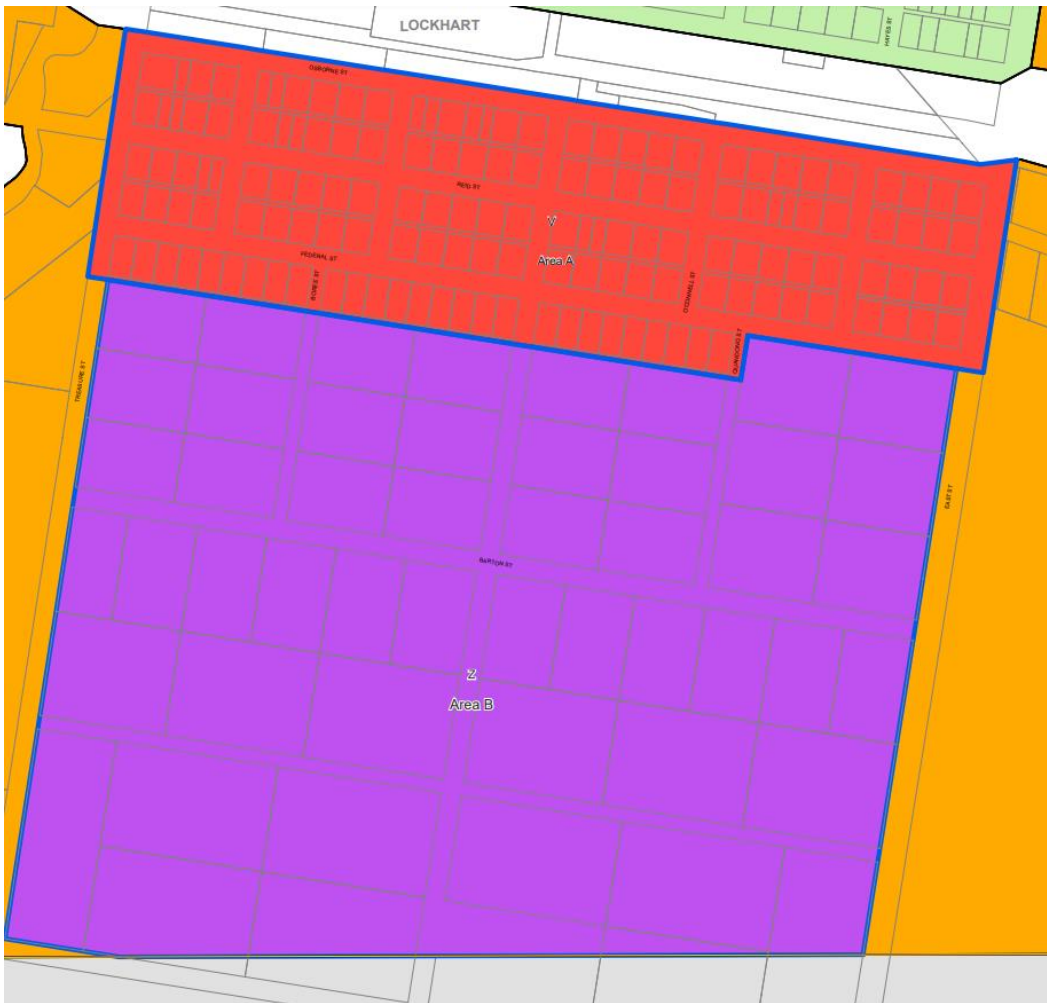


Figure 4 Current Clause 4.1A outline on LZN_001B (Source: LEP Mapping)

2 Need for the planning proposal

The planning proposal stems from the 2023 Lockhart Local Housing and Employment Strategy (Attachment D), which identified the subject land (06) as a short-term housing opportunity by reducing the minimum lot size to 7,500 m². This reduction could potentially create 150 lots, anticipated to be absorbed at a rate of 5 lots per year, providing a 30-year supply.

The proposal lacks analysis of supply and demand to justify the amendment. While the Lockhart Local Housing and Employment Strategy identifies this amendment as a medium-term action, the proposal suggests it was intended as a short-term action. However, the strategy designates other R5 zoned sites (01-03 in Figure 4) as short-term priorities. The proposal should consider these short-term sites and clarify why this site has been prioritized ahead of others.

The planning proposal is the most appropriate solution for the proposed amendment in reducing the MLS for the subject land. This is based on factors including connectivity to existing residential development, servicing capacity and minimal land use conflict.

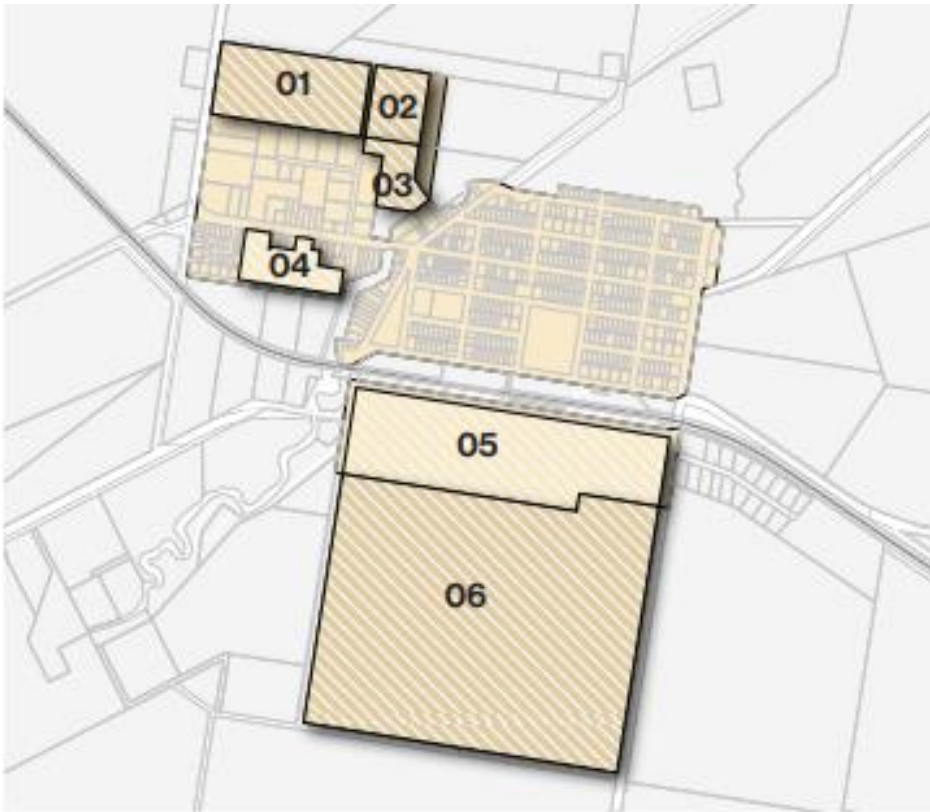


Figure 5 Lockhart Residential Investigations sites (Subject land identified as '06') (Source: 2023 Lockhart Local Housing and Employment Strategy)

3 Strategic assessment

3.1 Regional Plan

The Riverina Murray Regional Plan 2041 applies to the proposal. The table below outlines the proposals consistency with the relevant objectives.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 5 – Ensure Housing supply, diversity, affordability and resilience	The proposed amendment aligns with Strategy 5.3 by ensuring that new development avoids constraints and integrates effectively with existing urban areas while providing a variety of housing.

Objective 7 – Provide for appropriate rural residential development

The subject land is already zoned residential however it seeks to increase lot density. The proposed amendment is consistent with relevant parts of this objective by ensuring new rural residential development is located near existing urban areas to optimize infrastructure use and prevent adverse impacts on agricultural and environmental resources.

It is noted that the planning proposal identifies on page 17 that this objective applies, however the justification is missing from the proposal. It also incorrectly refers to 'Collaboration activity 7' when it should be objective 7 or strategy 7.1. This should be updated prior to public exhibition.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Lockhart Local Strategic Planning Statement	The proposed amendment is considered consistent with Council's LSPS in addressing Planning Priorities 7 and 8 in identifying and delivering preferred residential development opportunities in Lockhart. Additionally, it supports the LSPS vision of enabling housing opportunities and choice to provide for a varied and changing demographic.
Lockhart Shire Local Housing and Employment Strategy	While the proposal is considered generally consistent with this strategy however, as discussed in Section 2 of this report, further updates are required prior to public exhibition to justify the out of sequence proposal.

3.3 Section 9.1 Ministerial Directions

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

Table 5 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons
1.1 Implementation of Regional Plans	Consistent	As outlined in Section 3.2 of this report, the proposal is consistent with the relevant regional plan.
3.1 Conservation zones	Consistent	The planning proposal does not include land that is zoned environmentally sensitive or conservation zones in the LEP.
3.2 Heritage conservation	Consistent	The proposal is consistent with this direction as the proposed amendment does not seek to affect existing provisions within the LEP relation to the protection of heritage items.

Directions	Consistency	Reasons
4.1 Flooding	Inconsistent, consultation required	<p>The planning proposal is inconsistent with this direction as it seeks to increase residential density within the flood planning area. It is noted that Council's Flood Study and Flood Risk Management Plan was developed prior to the consideration of this proposed amendment. The planning proposal does not adequately include sufficient detail in relation to this direction.</p> <p>To satisfy the inconsistency with this direction, the planning proposal should be updated to consider the flood attributes of the site and discuss consistency with council's flood study and report. Consultation is required before public exhibition with DCCEEW to ensure this updated justification is sufficient.</p> <p>A condition on the Gateway determination will be included to this effect.</p> <p>It is also noted that the planning proposal, on page 50, includes a reference to a separate section in the report within its assessment of this direction, however, the section cannot be located. This should be updated prior to public exhibition.</p>
4.4 Remediation of contaminated land	Consistent	The proposed amendment does not intend to change the use of the subject land. The proposal is consistent with this direction.
5.1 Integrating land use and transport	Consistent	This direction applies to this planning proposal as it seeks to alter a provision relating to residential zoned land. Any potential impacts can be considered at development application stage. No further work required as part of this direction.
6.1 Residential zones	Consistent	The proposed amendment is consistent with this direction as it seeks to enable increased residential density.

3.4 State environmental planning policies (SEPPs)

The assessment of the planning proposal with relevant SEPPs are discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Reasons for Consistency or Inconsistency
Biodiversity and Conservation 2021	The subject land contains biodiversity and includes area mapped as terrestrial biodiversity under the LEP. Initial consultation has occurred with DCCEEW as part of the scoping proposal stage and potential impacts can be considered further at the development application stage.
Housing 2021	The proposed amendment is consistent with this SEPP as it seeks to increase housing opportunities, density and diversity.

SEPPs	Reasons for Consistency or Inconsistency
Transport and Infrastructure 2021	Council has advised that infrastructure is accessible to all potential new residential allotments that are likely to result from the proposed amendment. Any potential impacts can be considered at the development application stage.

4 Site-specific assessment

4.1 Environmental

A major flood flow path exists in the southeastern corner of the site, and Lockhart's Floodplain Risk and Management Study and Plan 2014 indicates that much of the site is impacted by the probable maximum flood (PMF) (Figure 6 below).

The study identifies a 'high risk' situation in Lockhart during a PMF event where the region is first isolated and then later inundated during larger floods (Figure 7, Zone A). South Lockhart (the subject land) is specifically noted in the 2014 study to experience access issues during large flood events due to Brookong Creek flows to the west and Milburlong overland flows to the east. These two flow paths meet to the south of the town, restricting access in all directions.

Prior to public exhibition, the proposal should be updated to include a detailed discussion of the site's flooding constraints including the nature, extent and type of flood impacts and how the proposal can manage or mitigate these impacts.

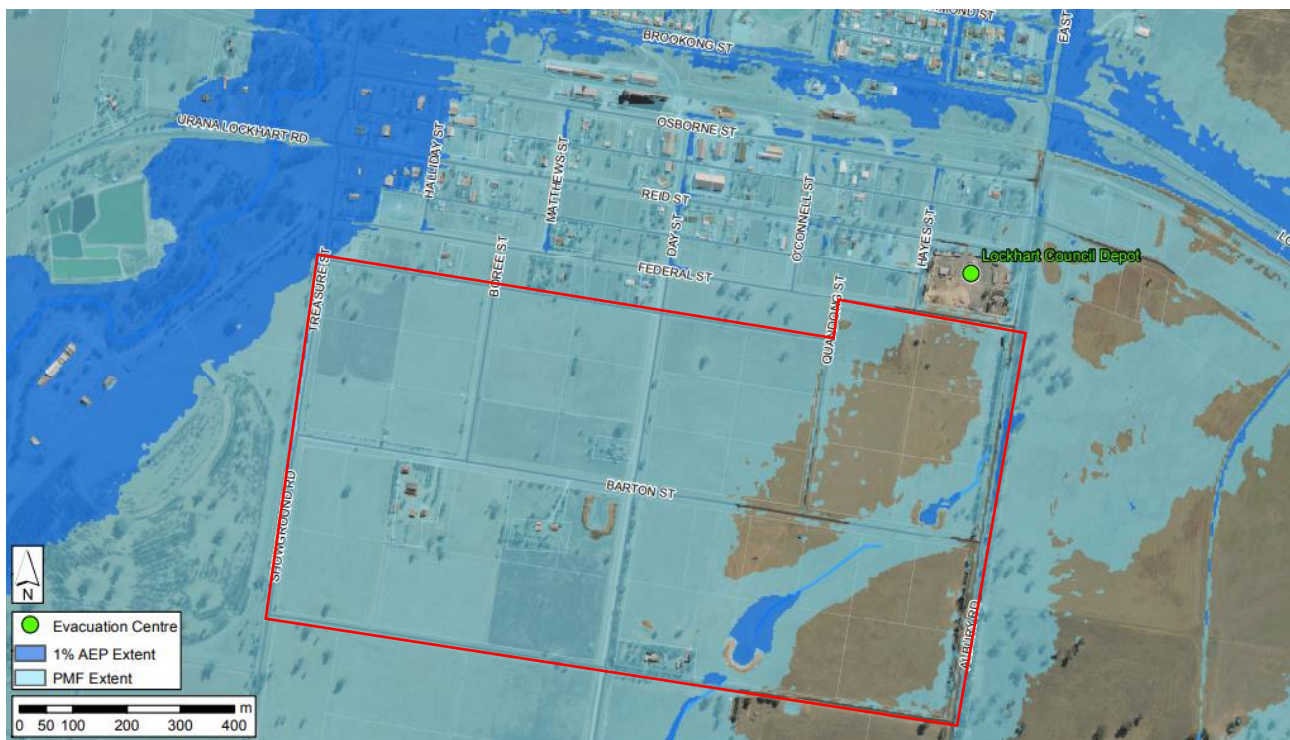


Figure 6 1% AEP Extent and PMF Extent in South Lockhart (Source: Lockhart – Floodplain Risk Management Study and Draft Plan)

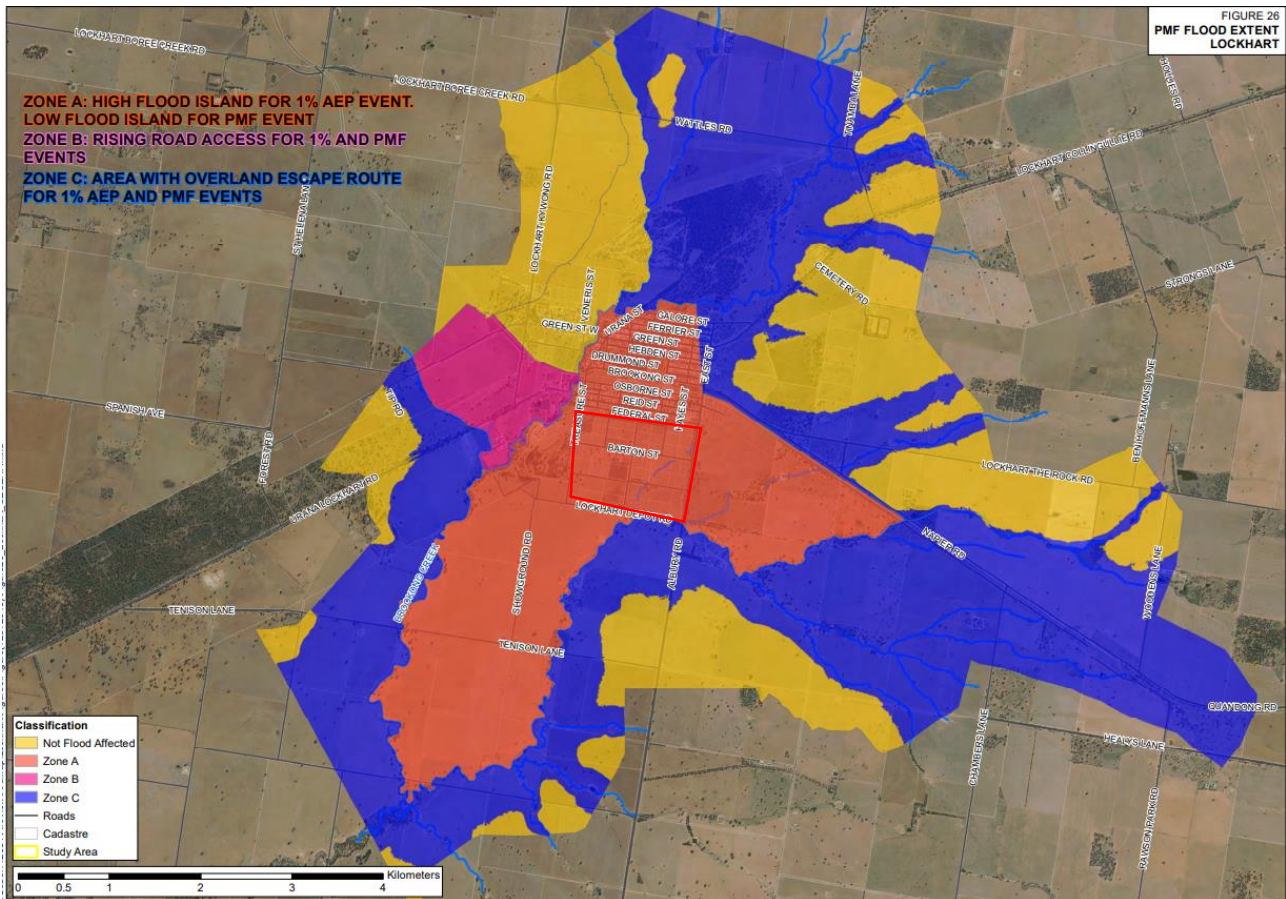


Figure 7 PMF Flood Extent – Zone A indicates the flood event remains elevated for approximately 3.5 hours (Source: Lockhart Flood Study 2014)

The Department understands that the proposed amendment was referred to the Department of Climate Change, Energy, the Environment, and Water (DCCEEW) during the scoping proposal stage. However, whilst the planning proposal notes this occurred, the response to Question 9 on page 18 is incomplete as it does not discuss any comments provided or actions undertaken from that consultation. This should be updated prior to exhibition.

4.2 Infrastructure, social and economic

The planning proposal identifies that extension of the reticulated water supply can be provided to the subject site and wastewater will be treated onsite via aerated wastewater treatment system (AWTS). It is recommended that a land and soil capability assessment be undertaken prior to finalising the LEP amendment to determine the suitability of on-site septic systems in this area. This requirement has been included as a condition on the Gateway determination.

As the subject site would likely require this extension to water infrastructure it is recommended that consultation with Riverina Water occur prior to public exhibition.

The proposed amendment is considered to have a positive impact socially and economically by increasing housing availability and affordability in the Lockhart area and surrounding larger centres.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms a condition on the Gateway determination.

5.2 Agencies

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

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment during public exhibition:

- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Riverina Water

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 20 June 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.1 Flooding is unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be amended as follows:
 - Update the current minimum lot size map to ensure the Area B outline is included.
 - Correct terminology: update the incorrect reference to "rezoning" on page 10 to accurately reflect the proposed amendment.
 - Clear listing of lots: revise the section that defines the subject land to clearly list the lots/DP in an easily interpretable format, such as a table.

- Justification for removal of 'Area B': Include a detailed justification why clause 4.1A Subdivision of land in Zone R5 using average lot sizes, should no longer apply to the subject land.
 - Remove incorrect reference: remove the incorrect reference to 'Area A' from the planning proposal.
 - Correct incorrect reference: update the incorrect reference, "Collaboration activity 7" to correctly refer to Objective 7 or Strategy 7.1 on page 17 of the planning proposal.
 - Address inconsistencies with local strategies: update the planning proposal to address inconsistencies with the Lockhart Local Housing and Employment Strategy, especially regarding the prioritisation of short-term sites.
 - Address flooding constraints: provide a detailed discussion of the site's flooding constraints, particularly concerning the major flood flow path in the southeastern corner of the site.
 - Fix missing text: correct the incomplete text on page 18, specifically the unfinished response to Question 9.
2. Consultation is required with the following agencies and public authorities:
 - Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - Riverina Water
 3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
 4. Prior to finalisation, Council is required to obtain and have consideration of a land and soil capacity assessment to determine the suitability of on-site septic systems in this subject area.
 5. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 20 June 2025 be included on the Gateway.



6/9/24

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