

ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, HOLBROOK LIBRARY, HOLBROOK
ON WEDNESDAY, 18 DECEMBER 2024

4. **AMENDMENT TO GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 - ZONING & MINIMUM LOT SIZE CHANGES FOR 2028 CULCAIRN-HOLBROOK ROAD AND MORVEN-COOKADINIA ROAD MORVEN**

Report prepared by Director Environment and Planning – Colin Kane

REASON FOR REPORT

The purpose of the report is for Council to resolve to seek from the Department of Planning Housing Infrastructure (DPHI) a Gateway Determination relating to a planning proposal looking to make a change to the Greater Hume Local Environmental Plan 2012 (“the LEP”) for the zoning and minimum lot size (MLS) to facilitate Large Lot Residential land at 2028 Culcairn-Holbrook Road and Morven-Cookardinia Road, Morven.

DISCUSSION

Council has received a planning proposal (**ANNEXURE 5**) from Habitat Planning on behalf a number of affiliated landholders seeking to amend the land zoning map of the LEP from RU4 Primary Production Small Lots and RU1 Primary Production to R5 Large Lot Residential. The planning proposal also seeks to change the minimum lot size map applicable to the land by reducing the minimum lot size from 8 hectares and 100 hectares to 2 hectares

The following extract from the planning proposal describes the subject land.

2.2. Site Description

The subject land is a grouping of four (4) lots at the northern extent of the Morven township, described as Lot 136 in DP753751, Lot 137 in DP753751, Lot 138 in DP753751 and Lot 1 in DP240321. The land is bounded by Culcairn-Holbrook Road to the south and Morven-Cookardinia Road to the east. Privately owned properties adjoin the west and northern boundaries of the site, comprise RU4 zoned and RU1 zoned land respectively. The position of the subject land relative to Morven is shown below:

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The site can be described as being flat cleared agricultural land which has been used for cropping, grazing and the agistment of horses. There is a dwelling on the property, a number of sheds and infrastructure associated with the keeping of horses. The land is adjacent to the residential area of Morven. There are rural residential properties located to the West and the South East. The Planning Proposal indicates that the land should be considered for the change of zoning to R5 Large Lot Residential and change the minimum lot size to 2 hectares for the following reasons:

- The proposal is generally consistent with the strategic planning framework including State, Regional and local planning strategies for Greater Hume Shire.
- It is considered that Morven provides a 'rural living' extension to the Culcairn village area, in that it offers lifestyle opportunities in close proximity to a main village area.
- There is demand for larger lot residential properties within Morven, given its close proximity to Culcairn and ease of access to major transport corridors to larger regional centres.
- There is an opportunity for the land to be utilised in a form that is expected to better represent the long-term requirements for the Morven township.

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- The subject land is well placed to integrate with the core urban area of the Morven township, and represents a transition from the higher density lots to rural land beyond.

The following is an analysis of the constraints associated with the proposed planning proposal which is seeking the land to be rezoned from RU4 Primary Production Small Lots and RU1 Primary Production to R5 Large Lot Residential with a change in the minimum lot size from either 100 hectares or 8 hectares to 2 hectares. The constraints that will be discussed include the presence of bushfire prone land, native vegetation, flooding, land contamination, servicing infrastructure, use of roadways and aboriginal heritage.

The land that is subject to this planning proposal is not mapped as bushfire prone land however Council has not yet mapped Vegetation Category 3 (Grasslands).

With respects to biodiversity the land has been used intensively for primary production. There are some scattered trees present however the land is significantly cleared of native vegetation. The indicative lot layout reveals that it will be possible to avoid the need to clear existing vegetation.

The planning proposal contains a Flood Impact Assessment Report which is acceptable to Council. That flood impact assessment has demonstrated that:

- The flood depths and hazards are generally low across the site, and it is concluded that the proposed low density residential development is appropriate from a floodplain management perspective, provided that the recommended flood mitigation measures such as minimum floor levels are implemented.
- A freeboard of 500 mm above the applicable 1% AEP flood level is recommended for the proposed dwellings. Specific levels can be provided once building footprint locations are known.
- A sensitivity analysis on Billabong Creek has been conducted and shows that the site is not impacted in the 1% AEP by Billabong Creek.

Council engineering staff have indicated that the construction of dwellings on this flood plain in an R5 Low Density Residential setting will not have detrimental effects to adjacent land.

A Preliminary Site Investigation (PSI) for land contamination was submitted with the planning proposal material. This investigation concluded that contamination is potentially present and the information available is insufficient to enable an appropriate level of site-specific risk assessment for future development. The following are the recommendations from the PSI:

- Targeted localised assessment for potential asbestos in soil is recommended to be conducted around the location of the demolished house. The asbestos pipes in the rubbish pile on Lot 136 are to be removed in line with standard industry practice with clearance issued by an appropriately trained and experienced person who is independent of the removal work. It is possible that more asbestos pipes are underground, and care should be taken during development.

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- The bonfire remnants, the laydown area, and the rubbish piles on Lot 137 and 138 are an aesthetic issue and the soil in these areas is recommended to be excavated and disposed of at an appropriately licenced landfill.
- Further information is required to assess the risk of contamination from potential underground fuel tanks at the old general store.
- Data gaps exists around the suitability of the site for future development however the identified potential contamination sources do not preclude the proposed rezoning.
- In conclusion based on the findings of this report, a Detailed Site Investigation (DSI) is required as soil contamination is potentially present and the information available is insufficient to enable an appropriate level of risk assessment for future development. The DSI should identify the nature of the potential contamination and delineate its lateral and vertical extent to a sufficient degree that appropriate site management strategies can be devised, if required.

It is indicated above that the possible contamination should not preclude the proposed rezoning. It is considered should a gateway determination be issued by DPHI then the proponent be required to provide a DSI concurrently whilst Council is advertising the Gateway Determination.

The land is able to be provided with reticulated water and onsite sewerage management systems will be able to effectively manage waste water generated from the dwellings. The small number of lots created will have a negligible impact on the local road network.

An Aboriginal Due Diligence assessment report has been submitted with the Planning Proposal which considers that it is unlikely that the proposal will adversely affect any potential sites of Aboriginal Cultural Heritage. The land is considered highly disturbed and devoid of features where typically items of Aboriginal Cultural Heritage are located.

It is not envisaged that a site specific contribution plan will need to be developed for the development area. The proponent can be required through development consent conditions to improve public infrastructure that is impacted upon by the development proposal. Councils section 7.12 contribution plan would apply to all future development.

Part 4 of the planning proposal outlines the community consultation that is proposed to be undertaken as the public exhibition process. The consultation will include providing written notification to landowners directly affected by proposed land use zone and minimum lot size changes.

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BUDGET IMPLICATION

There will be a cost in processing the Planning Proposal documents that is covered by the application fees.

CONCLUSION

The Planning Proposal is seeking to amend the Greater Hume Local Environment Plan 2012 and rezone the land from RU4 Primary Production Small Lots and RU1 Primary Production to R5 Large Lot Residential. The planning proposal also seeks to change the minimum lot size map applicable to the land by reducing the minimum lot size from 100 hectares and 8 hectares to 2 hectares.

The above assessment has discussed that there is the constraint of potentially contaminated land affecting the development area within the planning proposal. It should be noted that there is large portions of this land area that will be relatively unconstrained. The author considers that the proponent should be required to provide the required Detailed Site Investigation concurrently with Council advertising a Gateway Determination.

RECOMMENDATION

That:

1. In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 Council resolve to submit to the Department of Planning Housing Infrastructure the planning proposal for changes to the zoning and minimum lot size at 2028 Culcairn-Holbrook Road and Morven-Cookardinia Road, Morven and seek a conditional Gateway Determination.
2. Council resolve to exhibit the planning proposal in accordance with the Gateway Determination.
3. Concurrently with Council advertising a Gateway Determination the proponent is to undertake the Detailed Site Investigation for Council consideration.