

**ORDINARY MEETING OF GREATER HUME COUNCIL  
TO BE HELD AT  
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE, HOLBROOK  
ON WEDNESDAY 20 DECEMBER 2023**

**3. PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 - REZONING OF PART LOT 2 & 3 OF DP: 1287711 AND LOT 1 DP 1287711 FROM R5 TO RU5 WITH REDUCTION OF MINIMUM LOT SIZE FROM 2HA TO 600M<sup>2</sup> AND CHANGES TO THE MINIMUM LOT SIZE OF PARTS OF THE LAND (LOT 2 & 3 DP 12897711) ZONED RU5 FROM 0 M<sup>2</sup> TO 600 M<sup>2</sup> AT WALLA WALLA ROAD WALLA WALLA NSW 2659.**

**Report prepared by Director Environment and Planning – Colin Kane &  
Town Planner – Gayan Wickramasinghe**

**REASON FOR REPORT**

The purpose of this report is to seek a resolution of Council to proceed with a planning proposal and to seek a Gateway Determination from the Department of Planning to amend the Greater Hume Local Environmental Plan (GHLEP) 2012. More specifically the Proposal involves rezoning of part Lot 2 and 3 of DP 1287711 and Lot 1 DP 1287711 from R5 Large Lot Residential (R5) to RU5 Village (RU5) with reduction of minimum lot size from 2ha to 600m<sup>2</sup> and changes to the minimum lot size of parts of the land (LOT 2 & 3 DP 12897711) zoned RU5 from 0m<sup>2</sup> to 600 m<sup>2</sup> at Walla Walla Road Walla Walla NSW 2659.

**REFERENCE TO DELIVERY PLAN**

The following strategies have direct or indirect connection with the proposed reclassification as outlined in the Greater Hume Council Community Strategic Plan 2022-2032:

- *Promote Greater Hume as a great place to live, work, visit and invest;*
- *Pursue a high standard of planning, urban design and development that supports urban centres and rural localities.*

**DISCUSSION**

Council has received a privately initiated Planning Proposal (**ANNEXURE 3**) from Blueprint Planning (the Applicant here after) for the amendment of the GHLEP 2012. The proposal essentially seeks to rezoning of part Lot 2 and 3 of DP 1287711 and Lot 1 DP 1287711 from R5 to RU5 with reduction of minimum lot size from 2ha to 600m<sup>2</sup> and changes to the minimum lot size of parts of the land (Lot 2 & 3 DP 12897711) zoned RU5 from 0m<sup>2</sup> to 600 m<sup>2</sup>.

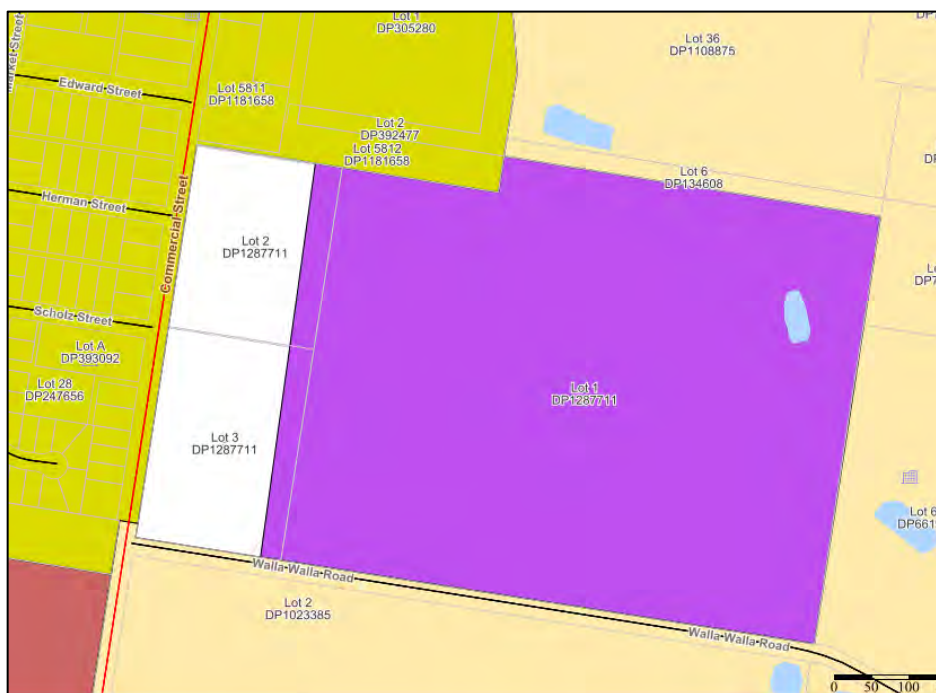
Council's GIS System indicates that Lot 1 DP 1287711 has a total area of 27.85ha whilst Lot 2 and 3 of DP 1287711 has an area of 3.307ha and 3.843ha respectively. The Applicant however noted that the total area of the land proposed to be rezoned comprises approximately 4.9 ha (subject to survey) whilst the land proposed to have a change to its minimum subdivision lot size has a total area of 12 ha (subject to survey). It is noted that Lot 2 and 3 of DP 1287711 has direct access via Commercial Street. The allotments do not have direct access to Council's reticulated sewer or stormwater connections whilst Riverina Water is responsible for the provision of water to Walla Walla Township. The NSW Planning Portal Spatial Viewer indicates that a considerable portion of land within Lot 1 DP 1287711 is being identified as bushfire prone land. The sites contains both planted and remnant vegetation however are not covered by Council's biodiversity mapping. The Walla Walla Floodplain Risk Management Study and Plan carried out by the Council in 2017 indicates that neither of the allotments subject of this Planning Proposal are prone to flooding. The development application register maintained by the Council indicates that currently Council is in the process of assessing a development application for forty-four (44) Torrens Title subdivision in five (5) stages on Lot 2 and 3 of DP 1287711 on the portion of land zoned RU5 with no minimum lot size.

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The submitted Planning Proposal also supported by a number of studies. These include an infrastructure assessment report, preliminary site investigation report, an Aboriginal Cultural Heritage Assessment and a Due Diligence Report and a Bushfire Risk Assessment Report.

The subject land is shown below in Figure 1, 2 and 3.



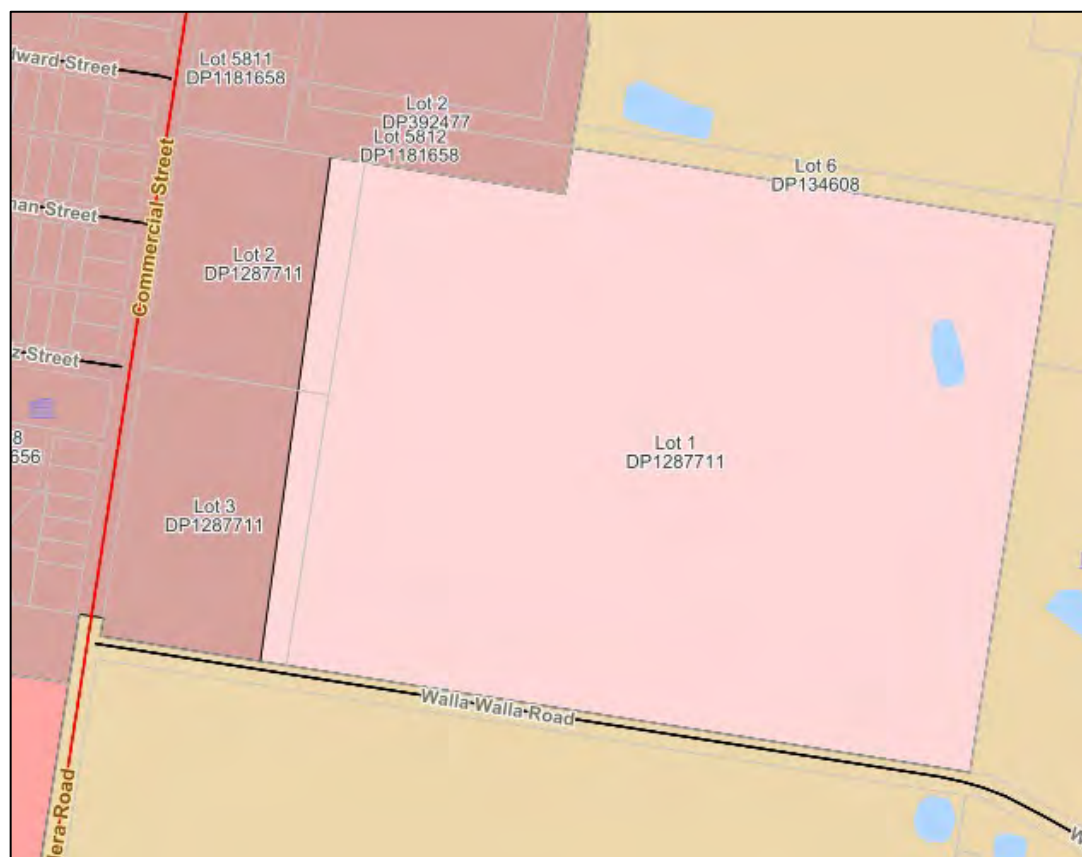
**Figure 1 – The site subject of the proposal as shown on the GHLEP 2012 Lot Size Map LSZ\_001B; Source: GHLEP 2012**



**Figure 2 – The colour index as shown on the GHLEP 2012 Lot Size Map LSZ\_001B.**

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**Figure 3 – The current zoning of the land subject of the Planning Proposal; Source: intramaps**

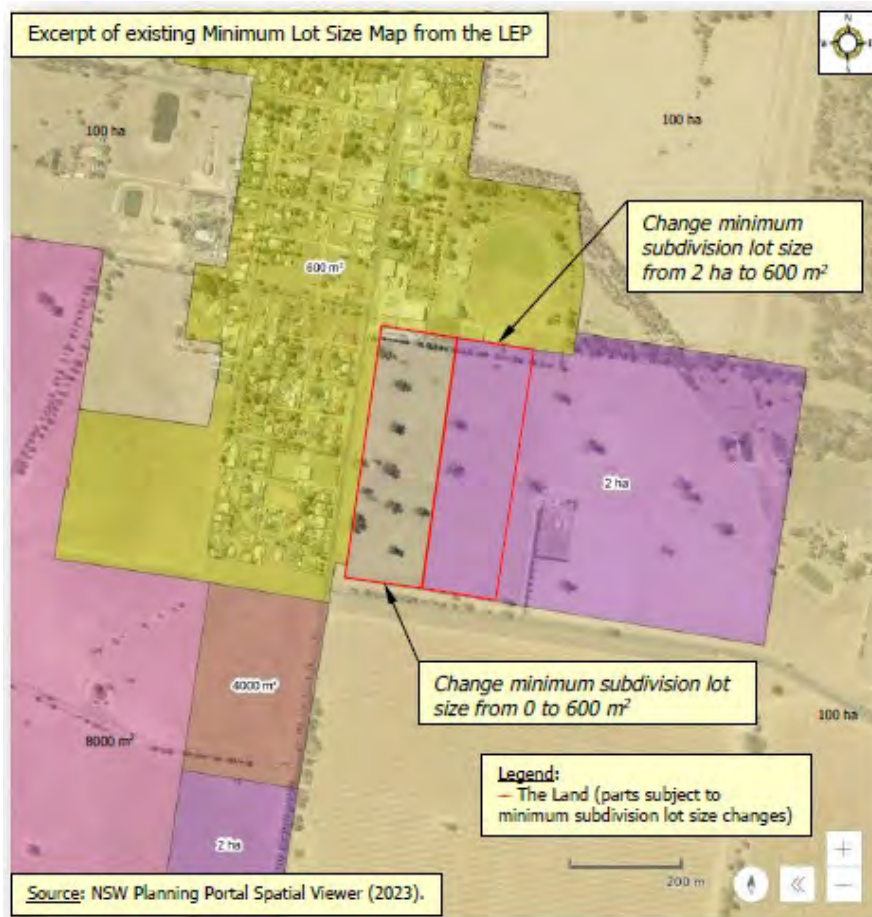
The summary of the proposal is as below:

<b>LEP map proposed to be amended</b>	<b>Description of the amendment</b>
<i>Land Zoning Map - Sheet LZN_001B</i>	Rezone part of the Land from R5 Large Lot Residential Zone to RU5 Village Zone.
<i>Lot Size Map – Sheet LSZ_001B</i>	For the western part of the Land, which is already zoned RU5 Village Zone, change the minimum subdivision lot size from 0 m <sup>2</sup> to 600 m <sup>2</sup> to be consistent with the existing Walla Walla township minimum subdivision lot size. For the eastern part of the Land, which is already zoned R5 Large Lot Residential Zone, change the minimum subdivision lot size from 2 ha to 600 m <sup>2</sup> to be consistent with the existing Walla Walla township minimum subdivision lot size.

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The following map (Figure 4) outlines the overall proposed changes to the GHLEP 2012 as a consequence of the Planning Proposal.



**Figure 4 – Proposed minimum subdivision lot size changes by the Applicant.**

The Applicant in their documentation noted the following objectives and intended outcomes of the Planning Proposal:

- “The objective of the Planning proposal is to amend the Greater Hume Local Environmental Plan 2012 to enable the Land to be used for residential purposes consistent with the existing Walla Walla township residential subdivision lot pattern and character;
- The intended outcome of the Planning Proposal is to facilitate the growth and sustainability of the Walla Walla Township and local area by rezoning additional land for township-scale residential purposes, which in turn will support existing and future local employment generating commercial, industrial and agricultural land uses.”

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Council assessment staff noted that the land immediately to the north and west of the subject sites (Lot: 1 & 2 DP: 1287711) have been zoned RU5 with a minimum allotment size of 600m<sup>2</sup> whilst major portion of Lot: 1 & 2 DP: 128771 are not being provided with a minimum allotment size. Therefore changing the minimum lot size from 0 m<sup>2</sup> to 600 m<sup>2</sup> to be consistent with the existing Walla Walla Township is considered to be an acceptable outcome.

Apart from that, the Applicant has also proposed to rezone part Lot 2 and 3 of DP 1287711 and Lot 1 DP 1287711 from R5 to RU5 with reduction of minimum lot size from 2ha to 600m<sup>2</sup>. In the event the Proposal proceeds in its current form Council assessment staff consider that the Proposal will not represent any adverse impact on the locality and it will represent logical and complementary outcomes for the existing residential growth area of Walla Walla.

The structure plan contained within the Greater Hume Development Control Plan 2013 indicates that Lot 2 and 3 of DP 1287711 are suitable for commercial developments whilst no preferred direction has been provided for Lot 1 DP 1287711. It is important to note that the structure plan is not a land use zone map. In the event that the proposal continues, a range of commercial activities are still be able to accommodate with the land zoned RU5.

Excerpts of the land use tables for the R5 and RU5 zones have been included for comparison, below:

**Zone R5 Large Lot Residential**

**1. Objectives of zone**

1. To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
2. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
3. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
4. To minimise conflict between land uses within this zone and land uses within adjoining zones.

**2. Permitted without consent**

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

**3. Permitted with consent**

*Bed and breakfast accommodation; Dual occupancies; Dwelling houses; Extensive agriculture; Group homes; Home industries; Oyster aquaculture; Pond-based aquaculture; Secondary dwellings; Seniors housing; Tank-based aquaculture; Viticulture; Any other development not specified in item 2 or 4*

**4. Prohibited**

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets;*



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*Industrial training facilities; Industries; Local distribution premises; Marinas; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies*

**Zone RU5 Village**

**1. Objectives of zone**

1. To provide for a range of land uses, services and facilities that are associated with a rural village.
2. To protect the amenity of residents.

**2. Permitted without consent**

*Environmental protection works; Home occupations; Roads*

**3. Permitted with consent**

*Agricultural produce industries; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Depots; Dwelling houses; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Forestry; Freight transport facilities; Function centres; General industries; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Light industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Schools; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies*

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**4. Prohibited**

*Farm stay accommodation; Rural workers' dwellings; Any other development not specified in item 2 or 3*

The Planning Proposal is generally consistent with the Greater Hume Local Strategic Planning Statement (LSPS) 2018. In particular, the following is relevant to the Planning Proposal:

- *Planning Priority One - Housing and Land Supply*
- *Planning Priority Three - Utility Infrastructure*
- *Planning Priority Nine - Climate change and natural hazards*

Council staff have also noted that due to recent changes to the GHLEP 2012, the land zoned R5 cannot be subdivided any further unless the resulting lots are not less than the minimum size shown on the relevant lot size map (in this instance 2Ha). Therefore, change the zoning of existing large lot residential land located in close proximity to the Walla Walla Township is considered efficient use of the available land to encourage new residential and village development whilst preserving existing agricultural land. In fact, the applicant has provided a draft subdivision layout indicating that the proposed rezoning of land from R5 to RU5 will result in additional thirty-eight (38) allotments.

**BUDGET IMPLICATIONS**

All associated cost will be borne by the beneficiary of the proposal.

**CONCLUSION**

It is considered that the Planning Proposal is a suitable outcome for the Walla Walla Township. The planning proposal is consistent with the objects of the Environmental Planning and Assessment Act 1979 and is considered adequate to proceed to lodgement for Gateway Determination with the Department of Planning. Council Staff are satisfied that the Proposal will present a suitable intensification of residential lot density in an established housing area within Walla Walla Township.

**RECOMMENDATION**

That Council:

1. In accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979 Council request a Gateway Determination from the Department of Planning and Environment;
2. Riverina Water be consulted concurrently regarding the supply of reticulated water to the proposed rezoning as part of Gateway Determination;
3. Upon receipt of a Gateway Determination, Council place the Planning Proposal on public exhibition pursuant to any requirements of the determination and Section 3.34(2) of the Environmental Planning and Assessment Act 1979.