

PETER & JENNIE CULLEN

Cullen - Stage 4, Bruton St, Tocumwal

PLANNING PROPOSAL

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Prepared By		Reviewed By		Authorised By	
David Walker		Lucy McDermott	LM	David Walker	

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EXECUTIVE SUMMARY

This planning proposal seeks to amend the *Berrigan Local Environmental Plan 2013* (BLEP) to rezone the subject land at Bruton Street, Tocumwal (part Lot 6 DP1275427) from R5 - Large Lot Residential to R1 – General Residential. This planning proposal has been prepared by Premise Australia Pty Ltd on behalf of Peter and Jennie Cullen.

The proposed rezoning of the land will allow for the decrease of the minimum lot size map from 5,000 m² to 450 m². The subject land is proposed to be zoned and developed for residential purposes consistent with adjoining nearby properties to the South along Bruton Street, and to the East along Tessler Drive.

A planning proposal to rezone the land from R5 to RU5 – Village was submitted to Berrigan Shire Council, and endorsed, in 2021 – PP-2023-606. The endorsed planning proposal was subsequently rejected at the Gateway by the (then) Department of Planning and Environment (DPE) on the 29 September 2023. The reasons for rejection were outlined as follows, with a request for the planning proposal to be updated to address these issues:

- > Rational and data to support the rezoning given the timing inconsistency with the Berrigan Land Use Strategy 2018 and lack of information provided to support the demand and context for the proposal
- > Reflection that the planning proposal effects part lot 6
- > removal of Riverina Murray Regional Plan 2036 references and assessment and update to Riverina Murray Regional Plan 2041
- > accurate anticipated lot yield (given DCP controls in place for interface of RU5 and R5 zoned land)
- > revised assessment against Ministerial Direction 4.4 and 5.3 (currently noted as 'not applicable')
- > land use conflict assessment with nearby sewerage treatment plant, airport facility, and rural land interface
- > accurate planning proposal timeline.

This planning proposal responds to the above reasons for rejection and has been updated as follows:

- > the planning proposal has been updated to provide reference to the recently endorsed Berrigan Shire Strategic Framework and District Plans (September 2023) (Strategic Framework), endorsed at the Berrigan Shire Council (BSC) meeting of 30 March 2024. This includes:
 - Update to the proposed zoning; now R1 as per page 96 of the Strategic Framework
 - Update to the minimum lot size: now 450 m² as per page 96 of the Strategic Framework
 - Updated discussion of demand within the Berrigan Shire by reference to pages 21-29 of the Strategic Framework
 - Justification for the advanced timing: short term rather than medium term as outlined on page 96 of the Strategic Framework: this is discussed in **Section 3.2.1**;
- > References to the planning proposal site have been updated throughout to part Lot 6 DP1275427;

- > References to the Riverina Murray Regional Plan have been updated to reflect the current (2041) plan – refer **Section 3.2**.
- > Anticipated lot yield figures are provided as per the concept subdivision layout plans, noting that there is now no interface between RU5 and R5 zoned land, due to the amendment of the planning proposal from proposed RU5 to proposed R1.
- > Ministerial Directions 4.4 and 5.3 have been addressed in **Section 3.2.5**.
- > Land use conflict assessment has been provided in **Section 3.3.2.2**.
- > The planning proposal timeline has been updated in **Section 6**.

The current zoning of the site for R5 purposes reflects its suitability for residential land. There are no known hazards or site characteristics that require specialist assessment to support this planning proposal.

The characteristics and site details are summarised in **Table 1**.

Table 1 - Summary

Characteristics	Particulars
Site address	Bruton Street, Tocumwal, 2714
Lot and DP	part Lot 6 DP1275427
Existing planning controls	
<i>Land application map</i>	<i>Berrigan Local Environmental Plan 2013</i>
<i>Regional plan boundary</i>	<i>Riverina Murray Regional Plan 2041</i>
<i>Zoning</i>	Generally R5 – Large lot residential (a small area of RU5 – Village in the south)
<i>Minimum lot size</i>	5,000 m ²
<i>Obstacle limitation surface</i>	130-157.5
<i>Special provisions</i>	<i>State Environmental Planning Policy (Sustainable Buildings) 2022 – Water Use Map</i>
	<i>State Environmental Planning Policy (Sustainable Buildings) 2022 – Climate zones for BASIX alterations map</i>
	<i>State Environmental Planning Policy (Sustainable Buildings) 2022 – Climate zones for BASIX buildings map</i>
Proposed amendments	
<i>Land application map</i>	No change
<i>Regional plan boundary</i>	No change
<i>Zoning</i>	R1 – General Residential
<i>Minimum lot size</i>	450 m ²

Characteristics	Particulars
<i>Obstacle limitation surface</i>	No change
<i>Special provisions</i>	<i>State Environmental Planning Policy (Sustainable Buildings) 2022 – Water Use Map – no change</i>
	<i>State Environmental Planning Policy (Sustainable Buildings) 2022 – Climate zones for BASIX alterations map – no change</i>
	<i>State Environmental Planning Policy (Sustainable Buildings) 2022 - Climate zones for BASIX buildings map – no change</i>
Technical studies relied upon	none

BACKGROUND

This Planning Proposal has been prepared by Premise Australia Pty Ltd on behalf of Peter and Jennie Cullen. The planning proposal seeks to amend the *Berrigan Local Environmental Plan 2013* (BLEP) to rezone the subject land at Bruton Street, Tocumwal (part Lot 6 DP1275427) from R5 - Large Lot Residential to R1 – General Residential, consistent with the Berrigan Shire Strategic Framework and District Plans (September 2023) (Strategic Framework), endorsed at the Berrigan Shire Council (BSC) meeting of 30 March 2024.

The proposed rezoning of the land will allow for the decrease of the minimum lot size map from 5,000 m², to 450 m², consistent with the adopted Strategic Framework. The subject land is proposed to be zoned and developed for residential purposes consistent with adjoining nearby properties to the South along Bruton Street, and to the East along Tessler Drive.

The subject land, known as Bruton Street, Tocumwal, is currently legally described as part Lot 6, DP1275427 – refer **Figure 1**. Application for the subdivision of Lot 6 was assessed by Berrigan Shire Council against Development Consent 134/22/DA/D9, approved on 10 May 2022, with the granting of a two-lot subdivision proposal. This Development Consent will see the proposed parcel of land to be referred to as Lot 2 of DP1275427 – refer to **Figure 2**.

The Proposal is a standard planning proposal as per the NSW Government's Local Environmental Plan Making Guideline, August 2023.

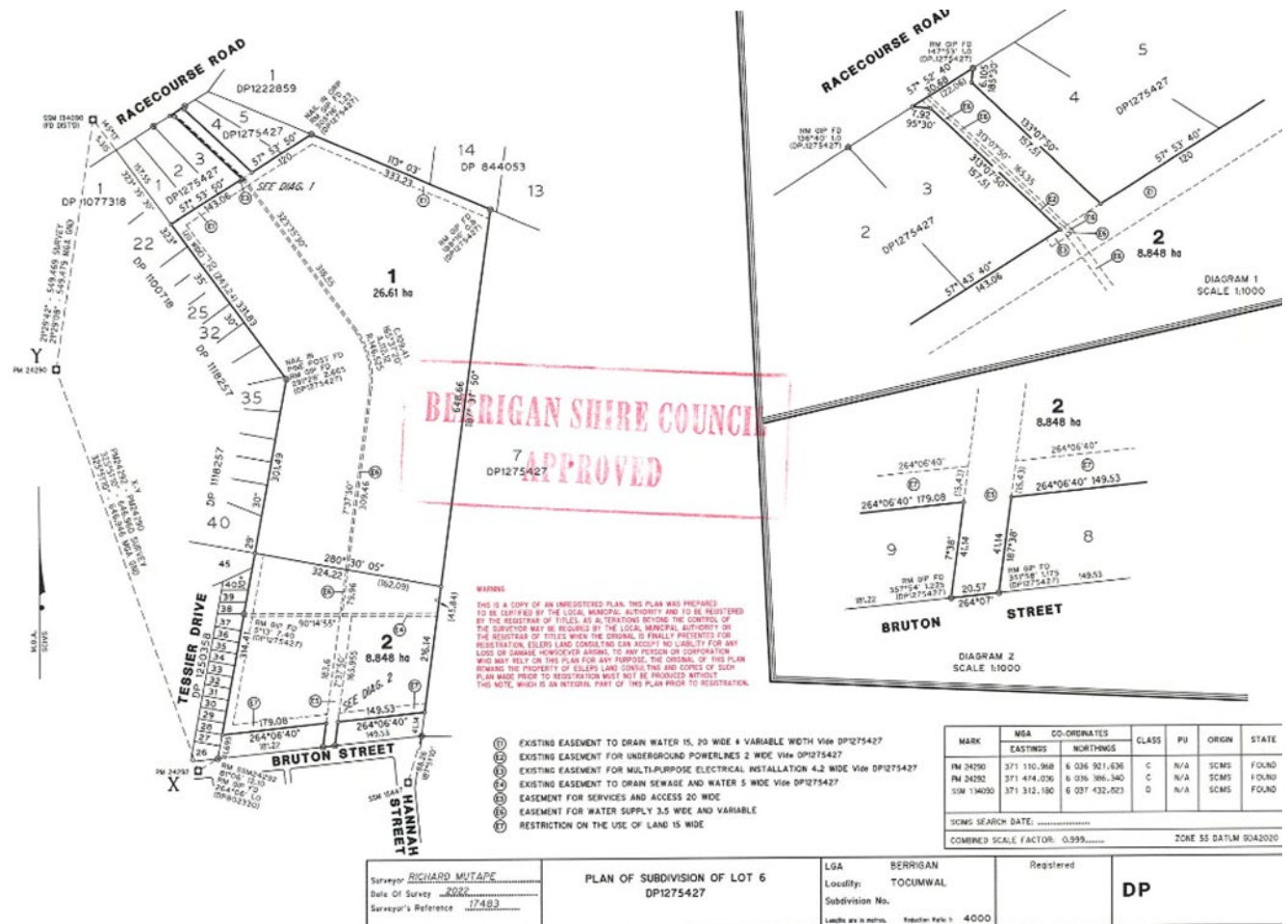


THIS PLAN DOES NOT DEFINE TITLE BOUNDARIES.
DIMENSIONS AND AREAS ARE APPROXIMATE
ONLY AND SUBJECT TO SURVEY.

**PLAN OF EXISTING CONDITIONS OF
LOT 6 DP1275427
RACECOURSE ROAD
TUCUMWAL**



Figure 2 – Future 2 Lot Subdivision of Lot 6 DP1275427



Plans approved under Berrigan Council Development Consent 134/22/DA/D9

1. PART 1 - OBJECTIVES AND INTENDED OUTCOMES

The primary objective of this planning proposal is to rezone the planning proposal site to R1 – General Residential and reduce the minimum lot size from 5,000 m² to 450 m², consistent with the adopted Strategic Framework. This will enable the development more land for residential development. This outcome is considered the most appropriate and logical land use zone when considering site context and character of the area and by reference to the adopted Strategic Framework.

Rezoning of the land allows the site to be developed in an orderly and economic manner, and for any future development to be consistent with the adopted strategic plan for the town and locality.

The planning proposal affects the following mapping of the *Berrigan Local Environmental Plan 2013* (BLEP):

> Digital Zoning Mapping with respect to land zoning and minimum lot size.

The planning proposal seeks to rezone the subject land to R1 – General Residential and amend the applicable minimum lot size to 450 m².

As the LEP does not currently include the R1 zone, the land use table will be amended to introduce the R1 – General Residential zone.

2. PART 2 - EXPLANATION OF PROVISIONS

The Proposal will require an amendment to the BLEP maps and the amendment of the Land Use Table to introduce the R1 – General Residential zone.

1. Amend BLEP Digital Zoning Map. Rezone proposed part Lot 6 DP1275427 (proposed Lot 2 of DP812674, see Development Consent 134/22/DA/D9) from R5 - Large Lot Residential and RU5 - Village to R1 – General Residential.
2. Amend BLEP Digital Zoning Map. Amend lot size restriction from the minimum lot size of 5000 m² to a minimum lot size of 450 m².
3. Introduce the R1 – General Residential zone to the LEP Land Use Table.

The intent of the amendment is to allow better use of the area identified for future development. All other planning controls applying to this site will remain unchanged.

Figure 3 – Existing Zoning

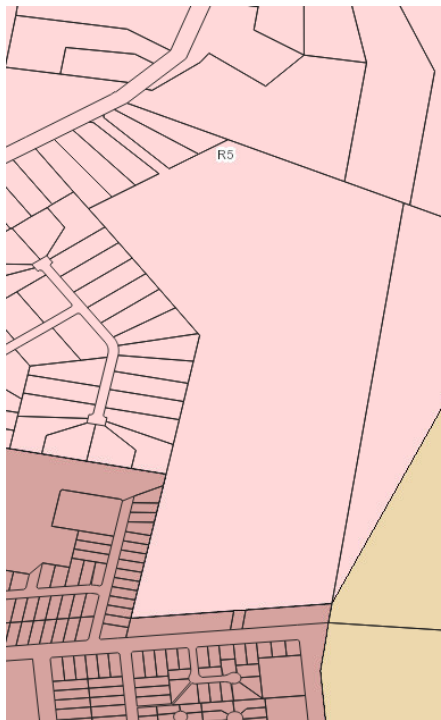
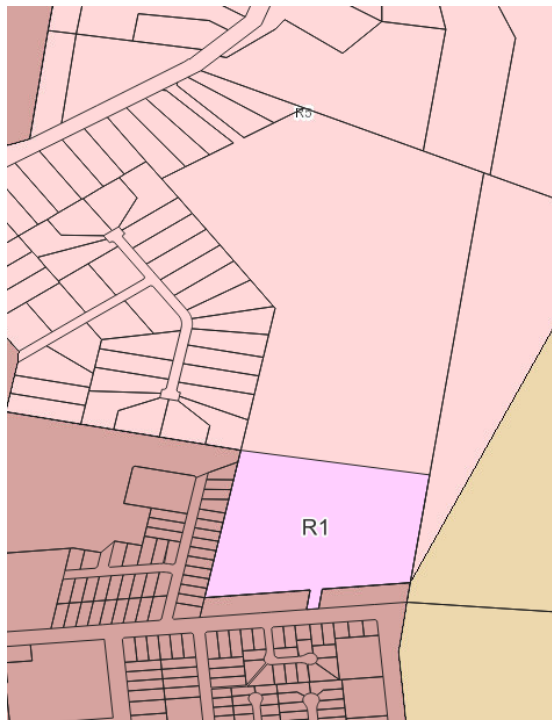


Figure 4 – Proposed Zoning



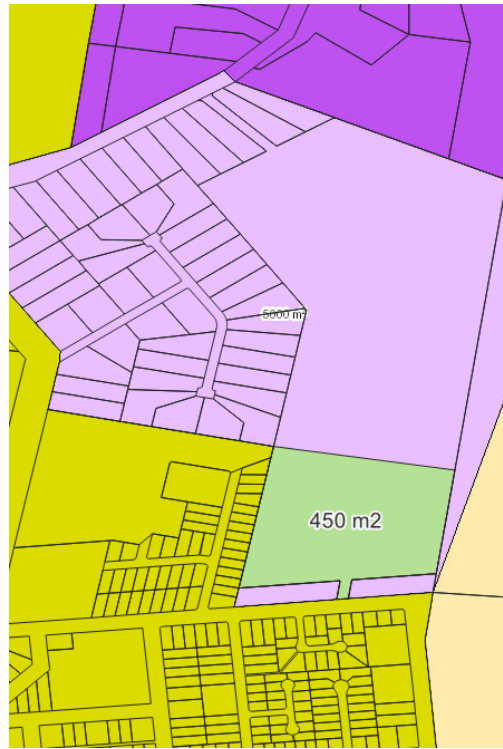
Legend

- R1 - General Residential
- R5 - Large Lot Residential
- RU5 - Village
- RU1 - Primary Production


Figure 5 – Existing lot size map



Figure 6 – Proposed lot size map



Legend

-  450 m²
-  600 m²
-  5000 m²
-  2 ha

As the LEP does not currently include the R1 zone, the land use table will be amended to introduce the R1 – General Residential zone as follows.

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Dual occupancies; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Secondary Dwellings; Semi-detached dwellings; Roads; Seniors housing; Shop top housing; Tank-based aquaculture

4 Prohibited

Residential accommodation; anything not listed in parts 2 or 4.

3. PART 3 - JUSTIFICATION

3.1 Section A - Need for the Planning Proposal

3.1.1 IS THE PLANNING PROPOSAL A RESULT OF AN ENDORSED LSPS, STRATEGIC STUDY OR REPORT?

The planning proposal is prepared in response to the Berrigan Shire Strategic Framework and District Plans (September 2023) (Strategic Framework), endorsed at the BSC meeting of 30 March 2024.

The Strategic Framework identifies residential investigation sites for the town of Tocumwal on page 96. The southern portion of Lot 6 DP1275427, being the planning proposal site, is identified as site no. 4, which is indicated as being suitable for a proposed zoning of R1 – General Residential with a minimum lot size of 450 m². The delivery of this area is listed as medium term with a potential yield of 147 lots.

The Strategic Framework identifies that demand for residential land in the Berrigan LGA is greatest within Tocumwal, due to its relative affordability, location, and proximity to higher order regional centres as well as Melbourne. Noting the proximity to the Tocumwal Aerodrome, the Strategic Framework recommends consideration of take-off and approach paths due to the potential conflict with residential development. This is further discussed in **Section 3.3**. No other potential land use conflicts are noted in the Strategic Framework.

The Strategic Framework identifies an anticipated demand of between 21 (common growth) and 28 (high growth) lots per year, based on a review of predicted population growth and internal migration. It is particularly noted that this is likely to favour the older generation due to a trend of decline in the younger age groups (consistent with other regional areas) and an aging population. Notwithstanding this, it is noted that growth is being experienced with younger families who are looking for opportunities to purchase land and housing near the Murray River, given its proximity to Melbourne.

With reference to the Berrigan Shire Local Strategic Planning Statement (LSPS), Berrigan Shire Council outlines a commitment to support and promote development of new buildings/dwellings, by way of facilitating redevelopment of existing Large Lot Residential lots. Additionally, Planning Priority 5 of this planning statement outlines Councils commitment to strengthen the social and economic connections within the Tocumwal township, while improving climatic conditions. The Proposal is considered to afford Council with a strong economic stimulus with no adverse impacts in the overall strategic context of Tocumwal, or the broader Berrigan Shire Council area.

The Strategic Framework has assumed a common growth scenario for Tocumwal would result in a demand for 21 lots per year, with high growth increase of 28 lots per year. This planning proposal would provide approximately 147 lots; providing 7 years at common growth or 4.9 years at high growth.

There are three other investigation sites identified in the Strategic Framework, which, if developed in a consistent manner as predicted by the Strategic Framework, would contribute 49.9 years of housing at common growth or 34.9 years at high growth. This however assumes that each of these areas would be developed and released in a single stage each, which is unrealistic given the number of lots available.

The population forecasts in the Strategic Framework predict sustained growth in the Berrigan Shire beyond 2035 with the greatest pressures being experienced in the areas close to the Murray River, including the town of Tocumwal. It is noted particularly that Tocumwal is popular with young families.

Investigation Areas 1 -3 are currently zoned RU5 and are therefore already in the short term supply, whether they are rezoned or not. It is further noted that much of investigation area 3 is currently under development for residential purposes, with subdivision DA's approved and roads currently under construction. Council have advised that there are a number of subdivision DA's on foot or approved for development of land in investigation areas 1 – 3. It is therefore strategically responsible to identify the next land that will be developed, to ensure that there is a pipeline of new lots; particularly noting the timing associated with finalising a rezoning, and then moving into the DA and delivery phases.

It is more likely, even should investigation areas 1 – 3 be rezoned in the short term, that internal staging of the release of lots would occur on a yearly or biannual basis, resulting in a slower release of land than predicted by the strategic plan. In order to ensure an orderly release of land, and a competitive market, and to avoid potential bottlenecks that may arise if there are finance or logistical challenges with land releases, it is responsible to ensure a suitable availability of land through delivery of a number of zoning proposals. This ensures that the pressure associated with growth and land delivery is shared amongst the various investigation areas.

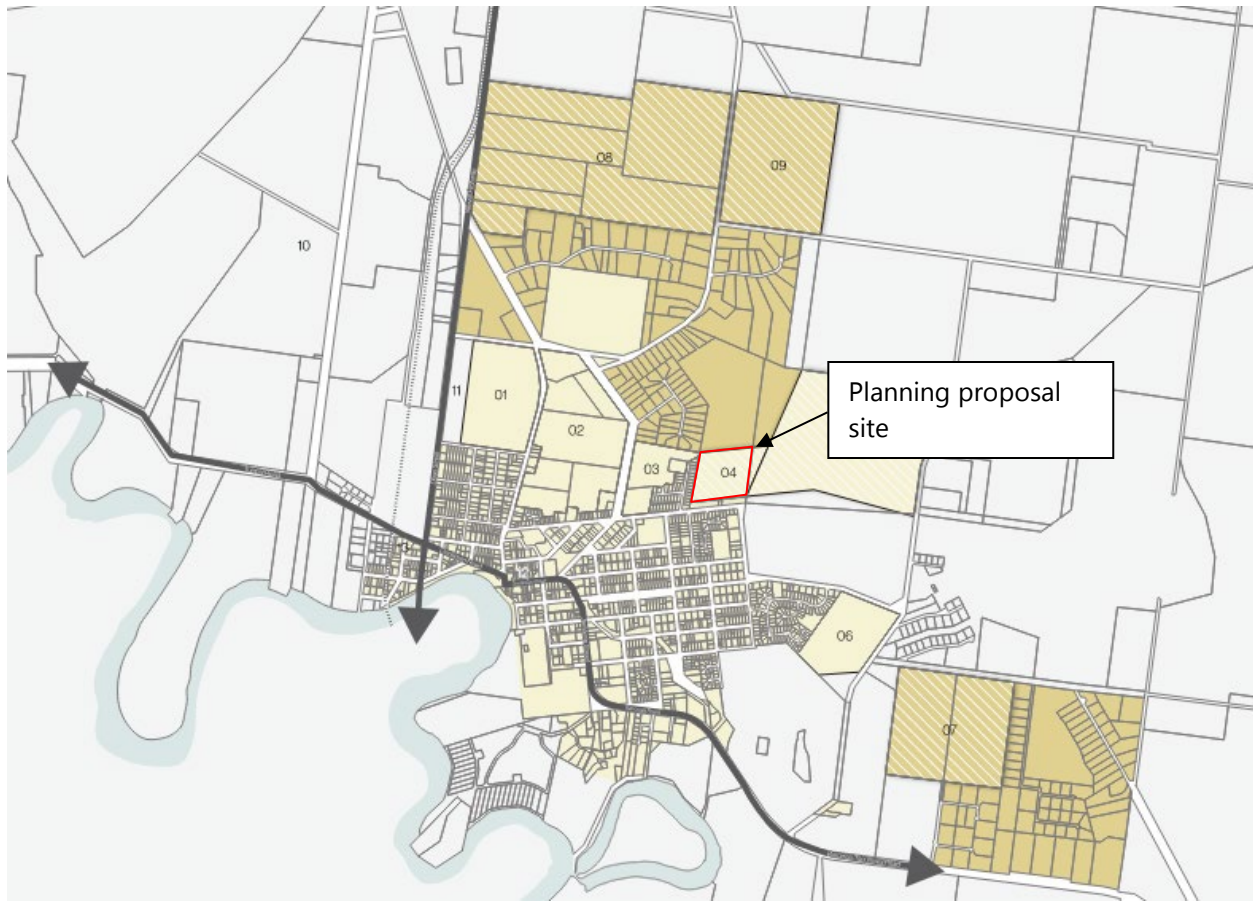
It is also noted that housing sizes are falling in the shire, with an increased demand for smaller and affordable housing. This planning proposal responds to that trend through the provision of smaller lots sizes to enable lower value land and associated affordable housing to be delivered. Noting the popularity of Tocumwal with younger families, this approach responds most favourably to this trend.

There is also pressure in the LGA on available rental housing. The release of additional land at an affordable price facilitates development and investment in new dwellings for both owner occupiers and to assist the rental market.

The Proposal supports achievement toward Council's development vision, as reflected in the Strategic Framework. An overview of the Tocumwal residential investigation sites map is shown in **Figure 7**.



Figure 7 – Berrigan Strategic Framework (2023)



3.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

There is no opportunity under the current planning system to achieve the intended outcome.

An application to amend development standards is not applicable to this land, as outlined in the BLEP. Clause 4.6(6) of the BLEP specifies that development consent must not be granted for subdivision of land in land use zone R5 where (a) the subdivision will result in 2 or more lots of less than the minimum area specified by a development standard; and (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Further supporting the need for a planning proposal, Berrigan Shire Development Control Plan 2014 (DCP) outlines under Section 7; Subdivision; "Requests for reduction in lot size in other residential zones will be considered by Council not to be in the public interest".

The above two resources confirm that keeping the existing zoning as R5, but requesting exceptions the relevant development standard, is not applicable to achieve the intended outcomes. Therefore, a planning proposal is necessary to achieve the intended outcome.

3.2 Section B – relationship to the strategic planning framework

3.2.1 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)?

The relevant regional plan is the Riverina Murray Regional Plan 2041 (RMRP 2041). The RMRP 2041 was adopted by the NSW Government in 2023. The RMRP 2041 builds on the Riverina Murray Regional Plan 2036, which was adopted in 2017. The updated RMRP 2041 resets the priorities of 2036 plan and extends its reach to 2041.

The vision of the RMRP 2041 is: *A diversified economy founded on Australia's food bowl, iconic waterways and a network of vibrant connected communities.*

An assessment of this planning proposal's consistency with the relevant objectives of the RMRP 2041 is outlined in **Table 2**. This assessment concludes that there are no inconsistencies and the planning proposal is strategically supported at a regional level.

The RMRP 2041 identifies the following key outcomes that are directly supported by the proposal:

- > Recognise stronger than expected population growth, particularly along the Murray River, and related housing pressures;
- > Better understand and provide more guidance to manage growth pressures in regional cities, commuting towns, border communities, along waterways, and in areas where there is demand for rural residential living
- > Plan different types of housing to meet changing demographics and to meet demand from temporary workers and visitors without impacting availability and affordability for residents

Table 2 – Riverina Murray Regional Plan 2041

Riverina Murray Regional Plan 2041 Please note that we have focused on Directions or Actions from the RMRP 2041 that have specific relevance to the proposal.	
Objective	Consistency
Objective 1: Protect, connect and enhance biodiversity throughout our region	The land has a history of agricultural land and is generally cleared of all native vegetation. A review of the NSW Government Biodiversity Values Map and Threshold Tool indicates a small area of land with biodiversity values near to the proposed zone boundary (to the north but outside of the proposal area), with the remainder of the land not containing native biodiversity. This is confirmed by a review on site, which demonstrates predominantly exotic improved pastures associated with historic agricultural activities. As the mapped biodiversity is not impacted by the project, it is concluded that the proposal is consistent with objective 1.

Riverina Murray Regional Plan 2041 Please note that we have focused on Directions or Actions from the RMRP 2041 that have specific relevance to the proposal.	
Objective	Consistency
Objective 3: Increase natural hazard resilience	The site is not impacted by flood prone land or mapped bushfire prone land. The site is well separated from hazards and is therefore not inconsistent with this objective.
Objective 5: Ensure housing supply, diversity, affordability, and resilience.	The rezoning of the subject land will increase land lots available to meet housing supply needs. Smaller lots will increase the diversity of the housing types available and smaller land parcels will make the land more affordable to potential land owners or housing developers. Resilience in regard to housing refers to the homes ability to withstand natural hazards. The subject land is neither on bushfire prone land nor highlighted within the flood planning area. This proposal aligns with this objective, in allowing council to promote development in areas that are less subject to natural hazards, and as such exhibit greater resilience by nature.
Objective 9: Plan for resilient places that respect local character	The proposal is consistent with the recommendations within the Strategic Framework, which is in turn reflective of local character and the goal of providing a diverse supply of housing stock. The planning proposal is considered to be consistent with objective 9.

3.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL LSPS THAT HAS BEEN ENDORSED BY THE PLANNING SECRETARY OR GSC, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN?

The Berrigan Shire Local Strategic Planning Statement (LSPS) sets out a 20-year vision for land use planning for the Berrigan Shire Local Government Area (LGA), in line with the Riverina Murray Regional Plan (RMRP).

Together with the Berrigan Shire Community Strategic Plan 2032 and Berrigan Strategic Framework, this statement aims to provide LGA direction; with documents such as the Development Control Plan and the LEP, in conjunction with community consultation, to outline objectives and priorities within the 20-year timeframe.

This planning proposal aligns with Planning Priority 5 in the Berrigan Shire LSPS: Urban Amenity (PP5). PP5 highlights that Berrigan Shire features an aging yet increasing population. The trends identified in existing dwellings across the shire conflict with the identified needs of the community. To address this, Council commits to "facilitate redevelopment of existing serviced residential lots" and "refer to regional flood and bushfire mapping to inform local land use and planning".

The site identified for rezoning via this planning proposal is consistent with these statements as outlined below:

- > Services: Details of existing and future services that will be available to the subject land are conceptually illustrated in **Appendix A** and **Appendix B**. The plan demonstrates that works being carried out will expand on available services. Under the referenced Developments Consents, installation of a sewer pump will also increase availability and capacity to service future development of the land outlined in this proposal. The layout is concept only and will be subject to refinement at DA stage. The concept is sufficient to demonstrate that the land is adequately serviced.
- > Flood prone area: As demonstrated in **Figure 8** below, the subject land confirmed is not identified as flood prone
- > Bushfire prone land: As demonstrated in **Figure 9** below, the subject land has not been identified as bushfire prone land.

Figure 8 – ePlanning Spatial Portal Flood Planning Map

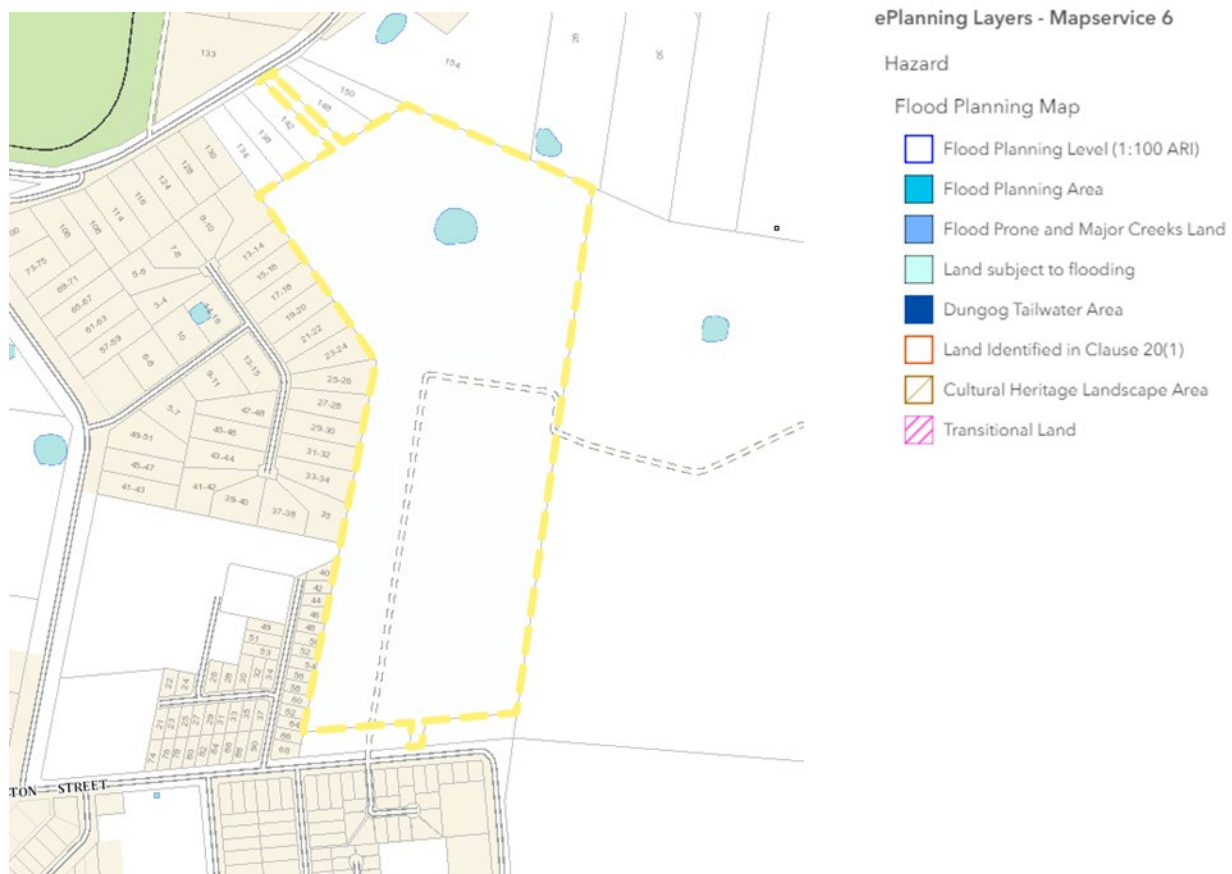
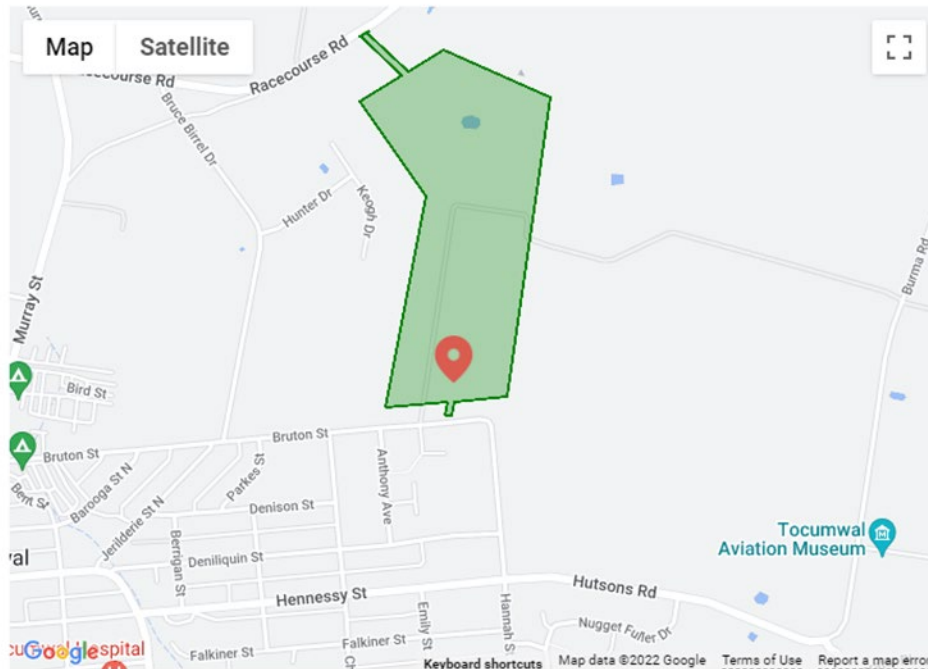


Figure 9 – Rural Fire Services Bushfire Prone Land Checker (NSW Rural Fire Services, n.d.)

Your Property



Your search result

You have conducted a search of the online bush fire prone land tool for the land in the map above. This search result is valid for the date the search was conducted. If you have any questions about the Bush Fire Prone Land Tool please contact bushfireprone.mapping@rfs.nsw.gov.au

The parcel of land selected is not identified as bush fire prone however you could still be affected by a bush fire.

3.2.3 IS THE PLANNING PROPOSAL CONSISTENT WITH ANY OTHER APPLICABLE STATE AND REGIONAL STUDIES OR STRATEGIES?

No other studies or strategies are applicable on a state or regional level.

3.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE SEPPS?

It is considered that the Proposal is generally consistent with the relevant State Environmental Planning Policies as outlined in **Table 3**.

Table 3 – State Environmental Planning Policies

SEPP	Chapter	Consistency with SEPP
SEPP (Housing) 2021	Ch 1. Preliminary	This planning proposal demonstrates no inconsistencies with principles outlined in the preliminary chapter of this SEPP.
	Ch 2. Affordable Housing	The reduction of lot sizes in the subject land would significantly lower the purchasing price and increase the number of lots available for development (subject to further subdivision development applications). Both aspects are consistent with the SEPP the aim to facilitate construction of affordable housing.
	Ch 3. Diverse housing	Subject to the development process, the proposed rezoning opens up opportunity to provide more diverse housing options with more land parcels available for development.
SEPP (Transport and Infrastructure) 2021	Ch 1. Preliminary	No points to identify consistency with.
	Ch 2. Infrastructure	The aim of this chapter is to facilitate effective delivery of infrastructure across the state. The planning proposal allows opportunity for development of the land, building on existing infrastructure, while also providing opportunity for future infrastructure to demonstrate good design outcomes. There are no aspects of the planning proposal that are inconsistent with this SEPP.
	Ch 3. Educational establishments and child care facilities	Not applicable
	Ch 4. Major Infrastructure corridors	Not applicable
	Ch 5. Three ports	Not applicable
	Ch 6. Moorebank Freight Intermodal Precinct	Not applicable
SEPP (Primary Production) 2021	This SEPP has no provisions relevant to the planning proposal, as the land is currently	Not applicable

SEPP	Chapter	Consistency with SEPP
	zoned as R5 Large Lot Residential and will remain residential should outcomes of the proposal be achieved. The planning proposal does not demonstrate any inconsistencies with the SEPP.	
SEPP (Biodiversity and Conservation) 2021	Ch 1 – Preliminary	No points to identify consistency with.
	Ch 2 – Vegetation in Non-rural areas	Not applicable
	Ch 3 – Koala Habitat protection 2020	Not applicable
	Ch 4 – Koala Habitat protection 2021	Not applicable
	Ch 5 – River Murray Lands	No aspects of this planning proposal have potential to affect the riverine environment of the River Murray. No physical changes are being undertaken to the land as a direct result of this proposal. Appropriate consideration for this Chapter of the SEPP will be further addressed in any development applications for the subject land, in consultation with the consent authorities applicable to the nature of the development.
	Ch 6 – Bushland in Urban areas	Not applicable
	Ch 7 Canal Estate development	Not applicable
	Ch 8 – Sydney Drinking water catchment	Not applicable
	Ch 9 - Hawkesbury-Nepean River	Not applicable

SEPP	Chapter	Consistency with SEPP
	Ch 10 - Sydney Harbour Catchment	Not applicable
	Ch 11 - Georges Rivers Catchment	Not applicable
	Ch 12 - Willandra Lakes Region World Heritage Property	Not applicable
	Ch 13 - Strategic conservation planning	Not applicable
SEPP (Resilience and Hazards 2021)	Ch 1 – Prelim	No points to identify consistency with.
	Ch 2 – Coastal Management	Not applicable
	Ch 3 Hazardous and offensive development	Not applicable
	Ch 4 Remediation of land	Not applicable. Summary of this history of the use of the site and the potential for contamination is provided in Section 3.3 . It is concluded, as reflected by the current R5 zoning of the land and the grant of consent for land subdivision within the lot, that the land is suitable for the proposed purpose and no remediation is required.
SEPP (Industry and Employment) 2021	Chapter 1 Preliminary	No points to identify consistency with.
	Chapter 2 Western Sydney employment area	Not applicable
	Chapter 3 Advertising and signage	Not applicable
SEPP (Resources and Energy) 2021	Ch 1 Prelim	
	Chapter 2 Mining, petroleum production and	Not applicable

SEPP	Chapter	Consistency with SEPP
	extractive industries	
	Chapter 3 Extractive industries in Sydney area	Not applicable
SEPP (Planning Systems) 2021	Ch 1. Prelim	No points to identify consistency with.
	Ch 2. State and regional development	Not applicable
	Ch 3. Aboriginal land	Not applicable
	Ch 4. Concurrences and consents	Not applicable
SEPP (Precincts – Regional) 2021	Ch 1 Prelim	No points to identify consistency with.
	Ch 2 State significant precincts	Not applicable
	Ch 3. Activation Precincts	Not applicable
	Ch 4. Kosciuszko National Park and alpine resorts	Not applicable
	Ch 5. Gosford city centre	Not applicable
SEPP (Exempt and Complying Development Codes) 2021	This SEPP has no relevance to the planning proposal. Application of this SEPP will be explored with the relevant planning authorities during the process of application to develop the land. There are no elements of this planning proposal	Not applicable

SEPP	Chapter	Consistency with SEPP
	that are inconsistent with the SEPP.	

3.2.5 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (SECTION 9.1 DIRECTIONS)?

Table 4 – Ministerial Directions

Planning Systems		
1.1 Implementation of Regional Plans	Complies, as outlined in this document	
1.2 Development of Aboriginal Land Council land	Not applicable, land not identified as Aboriginal Land Council land	
1.3 Approval and Referral Requirements	Complies, as outlined in this document. It is anticipated that further and additional consultation and/or concurrence requirements will need to be met during processes for development application of the land at a later date. Community consultation is viewed as an essential requirement of the planning proposal, although the proposed rezoning is not defined as designated development and would therefore not require approval from other Authorities.	
1.4 Site Specific Provisions	Complies – no site specific provisions of future development have been detailed.	
Planning Systems – Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable	
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable	
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	

1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable	
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable	
1.11 Implementation of Bayside West Precincts	Not applicable	
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable	
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable	
1.14 Implementation of Greater Macarthur 2040	Not applicable	
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable	
1.16 North West Rail Link Corridor Strategy	Not applicable	
1.17 Implementation of the Bays West Place Strategy	Not applicable	
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable	
1.19 Implementation of the Westmead Place Strategy	Not applicable	
Focus area 2: Design and Place		
Focus area 3: Biodiversity and Conservation		

3.1 Conservation Zones	The Proposal is not located near recognised flood mapping areas, riparian corridors, and waterways, or near environmentally sensitive areas.	
3.2 Heritage Conservation	No heritage items have been located or identified as existing on this portion of land, nor any Aboriginal objects located that ascertain this proposed development being located on an Aboriginal place of heritage significance, as verified per NSW Office of Environment & Heritage (OEH) AHIMS Web Services search results (copy included with this submission).	
3.3 Sydney Drinking Water Catchments	Not applicable	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	
3.5 Recreation Vehicle Areas	Not applicable	
3.6 Strategic Conservation Planning	Not applicable	
Focus area 4: Resilience and Hazards		
4.1 Flooding	The property is not identified as being flood prone land.	
4.2 Coastal Management	Not applicable	
4.3 Planning for Bushfire Protection	The property is not identified as being within a designated bushfire prone area.	
4.4 Remediation of Contaminated Land	Not applicable – as outlined in Section 3.3 , the land is suitable for the proposed purpose and remediation is not required.	
4.5 Acid Sulfate Soils	The Berrigan Shire LEP does not apply Acid Sulfate Soil mapping.	
4.6 Mine Subsidence and Unstable Land	Not applicable	
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	The proposal seeks to alter the existing R5 - Large Lot Residential zone to R1 – General Residential. The site is a well-located site that offers opportunity for improved transport connections that will not adversely impact on commercial centres in the LGA.	

5.2 Reserving Land for Public Purposes	As part of Development Consent for adjoining lots 8 and 9 of DP 1275427, land has been reserved for public use at the location where the sewer pump will be installed. The identified section is relatively central to the land to which this proposal applies. (Please see Appendix A). Drafted plans for future development of this site have made allowances for a recreational park to be included when subdivision is considered. Specifications are expected to be outlined by Council in future development application processes. The concept plan is sufficient to demonstrate the availability of services to the site. The concept plan will be subject to refinement at DA stage.	
5.3 Development Near Regulated Airports and Defence Airfields	The direction seeks to ensure the effective and safe operation of regulated airports and that the operation is not compromised by development. This matter is addressed in further detail in Section 3.3.2.2 . Given the height clearance, the development is not likely to lead to development that would result in any impacts to the efficient and safe operation of the airport and therefore the planning proposal is considered to be consistent with the direction.	
5.4 Shooting Ranges	Not applicable	
Focus area 6: Housing		
6.1 Residential Zones	The proposed amendment to the BLEP 2013 is to alter the zoning of a parcel of land to from R5 - Large Lot Residential to R1 – General Residential. The proposal contributes to housing choice with all services and infrastructure available to the area – as shown in Appendix A . The proposal will rely on the existing residential zone provisions in the LEP and DCP for any future development of the land. The proposal is consistent with this direction and can provide for a range of building types in this defined area that would be supported by Council’s land use strategies. The zoning is currently residential (R5) with the proposal for a more urbanised form of residential zoning (R1). The character or nature of the land use does not demonstrably change from existing.	
6.2 Caravan Parks and Manufactured Home Estates	Not applicable	
Focus area 7: Industry and Employment		

7.1 Business and Industrial Zones	Not applicable	
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable	
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	
Focus area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable	
Focus area 9: Primary Production		
9.1 Rural Zones	The proposal recommends rezoning of the subject land from R5 - Large Lot Residential to R1 – General Residential. Removing a portion of land set aside under R5 Large Lot Residential zoning and across to R1 – General Residential provides for employment growth without compromise to R5 Large Lot Residential opportunities, as land to the North of the site remains strategically located and connected to other R5 lands nearby. The proposal is not inconsistent with this direction of retaining suitable R5 Large Lot Residential land, however offers significant R1 – General Residential prospects currently lacking within proximity of the Tocumwal township.	
9.2 Rural Lands	Land within the proposal is in an identified rural area, although it is fully contained within the existing township of Tocumwal. Other land offerings are also recognised within the Berrigan LGA, and particularly those aligned to the Tocumwal area, which have been highlighted by BSC as being suitable sites for rezoning of land purposes to create residential allotments. Consultation with varying developers has occurred and remains ongoing, with this proposal included in such Council instigated reviews and discussions. The demand for vacant residential land has increased.	
9.3 Oyster Aquaculture	No comment required.	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	No comment required.	

3.3 Section C – environmental, social and economic impact

3.3.1 **IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED BECAUSE OF THE PROPOSAL?**

The site is devoid of any significant native vegetation and is not identified as a Natural Resources Biodiversity protection area, as demonstrated in the image below. The closest area highlighted on the Biodiversity Values Map overlaps and is relevant to the area within the SEPP (Biodiversity and Conservation) 2021, Chapter 5 “River Murray Lands”. As outlined in the table attached to Question 6 of this document, no aspects of this planning proposal have potential to affect the riverine environment of the River Murray. No physical changes are being undertaken to the land as a direct result of this proposal.

Appropriate consideration for Chapter 5 of the SEPP and the Biodiversity Values in the surrounding area of the land will be addressed in any development applications for the subject land, in consultation with the consent authorities appropriate to the nature of the development.

Figure 10 – NSW Government ePlanning Spatial Viewer

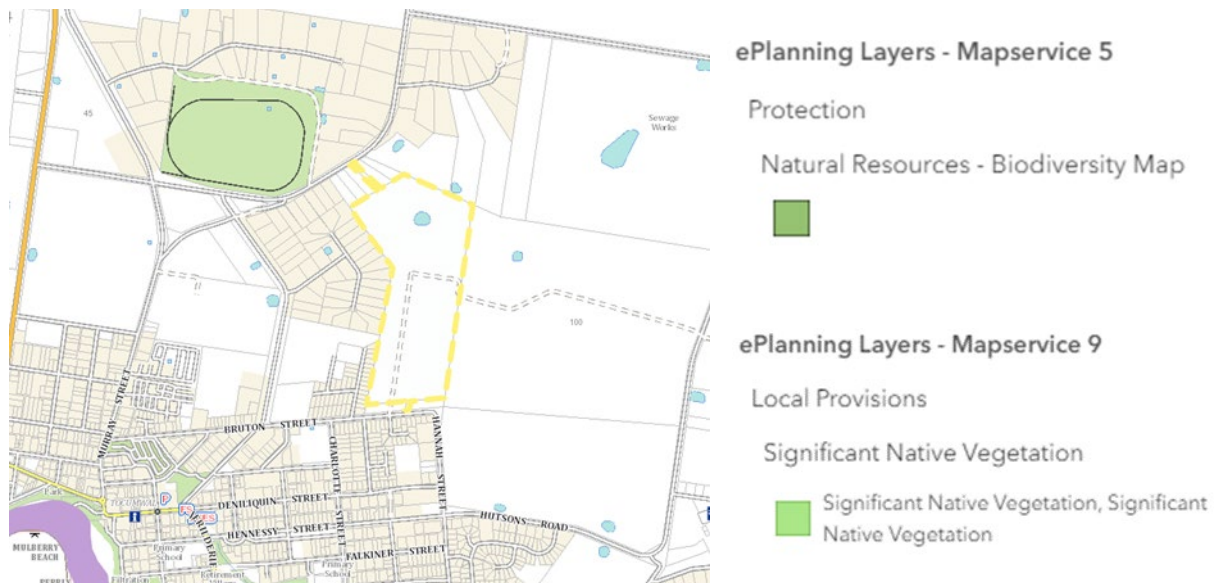
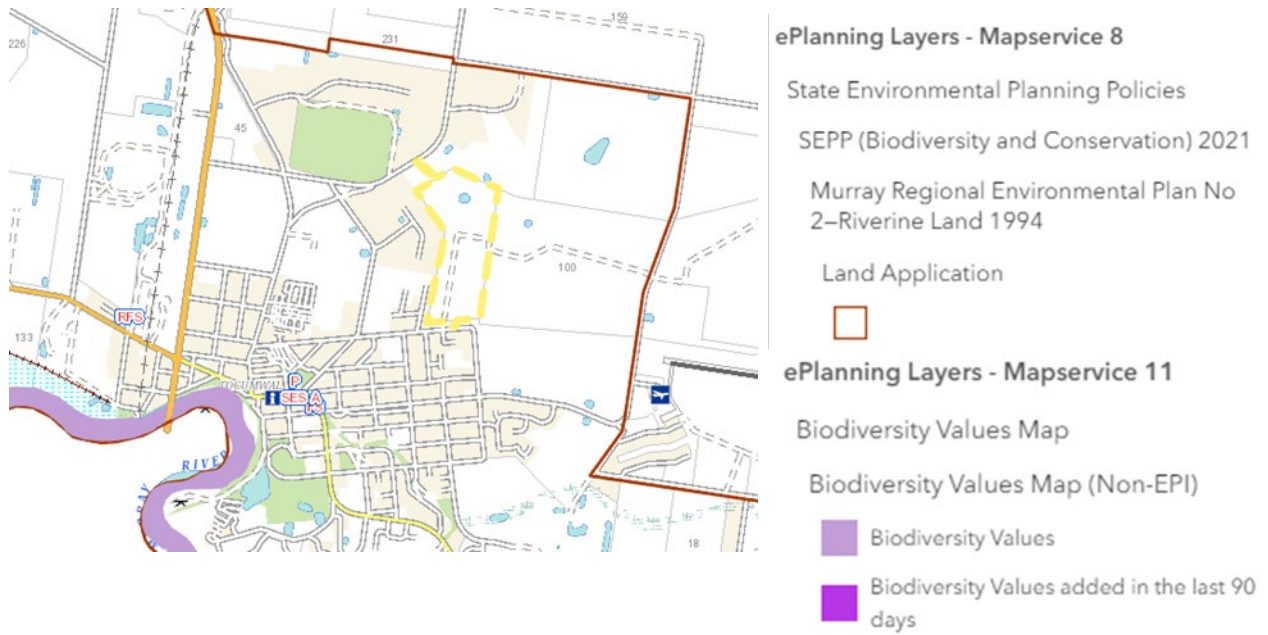


Figure 11 – NSW Government ePlanning Spatial Viewer



3.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

3.3.2.1 Contamination

The site has been historically used for agricultural purposes prior to being rezoned for R5 – Large Lot Residential. The nature of the land use and permissible uses within the R1 zone is generally consistent with the proposed R1 zone, with no additional sensitive land uses becoming permissible under the proposed zoning, and in fact, the range of permitted land uses reduces.

Given the current residential (R5) zoning, the likelihood of activities having occurred on the land that would have led to contamination requiring remediation is negligible. The land has been the subject of a number of applications for subdivision, all of which have determined that the land is suitable for the proposed residential purpose without the need for remediation and therefore the requirements of Section 7 of the Resilience and Hazards SEPP is satisfied.

Notwithstanding the above, a review of the EPA contaminated land record and the list of contaminated sites notified to the EPA (dated April 2024) did not list any sites on or near the planning proposal site with a history of contaminating activities. It can therefore be confidently concluded that the site is suitable for the proposed zoning.

3.3.2.2 Land use conflicts

Where zone interfaces exist, there is the potential for land use conflicts due to the occurrence of potentially incompatible land uses on either side of the boundary. A common example is the rural urban interface, where rural activities can impact on urban land (as a result of noise, dust, odour etc) and urban activities can impact on rural land (due to complaints leading to a reduction in the usable activities that can occur on the rural land and also in direct manner such as through predation of farm animals by domestic pets).

The Strategic Framework provides a summary of potential land use conflicts for Tocumwal on page 76. For the town of Tocumwal, the airport Obstacle Limitation Surface (OLS) is listed, together with buffers for the water treatment plan, industrial areas and an explosives storage area. Of these, the planning proposal site is affected only by the Tocumwal airport OLS. This is discussed in further detail in **Section 3.3.2.3**. Given the land levels of the subject site, conflict with the OLS is not predicted.

The proposed rezoning of the land to R1 will introduce zone interfaces on all boundaries. To the north and east, the interface is R5 to R1 and to the south and west the interface is R1 to RU5. There is also RU1 land further to the east that will be in close proximity to the proposed R1 land. It is notable that there is an existing R5/RU5 and RU1 interface in this locality, which means that the proposal does not introduce a starkly different scenario than currently exists. The local community, and particularly those existing residents close to the RU1, are already aware of this interface and appear to be successfully managing this without undue impact.

Similarly, an existing RU5/R5 interface exists, including an existing interface between these zones to the west.

It is important to recognise that these potential conflicts are likely to be short-lived, noting the Strategic Framework recommends the rezoning of the RU5 lands to the west to R1 in the short term (strategic investigation area 3), removing this interface. Noting that strategic investigations areas 1 and 2 (further west) are also proposed to be rezoned to R1, it is logical to expect that the recommended update to the LEP will back-zone existing urban RU5 areas across the town to R1 to ensure consistency. By reference to the Strategic Framework, there are no proposed industrial or mixed use locations in proximity to the planning proposal site. Similarly, the RU1 land to the west is also identified for future residential use by the Strategic Framework in the medium term (strategic investigation area 5). This will in time remove the interface to the west. There is no identified proposal to change the R5 land to the north, and as such, this zone interface will remain.

Notwithstanding, there remains the potential for conflicts between competing land uses within zones in the short term that may result in impacts to all land users. These potential conflicts are considered in **Table 6**.

In order to first understand the potential land use conflicts that may arise, it is important to consider the range of land uses permitted and prohibited within each zone.

Table 5 – Permitted uses by zone

Zone	Permitted uses
R1	Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture
R5	Building identification signs; Business identification signs; Dwelling houses; Garden centres; Home industries; Home occupations (sex services); Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roadside stalls; Sewage reticulation systems; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4
RU1	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Garden centres; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Markets; Mooring pens; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Turf farming; Veterinary hospitals; Water recreation structures; Water supply systems

Zone	Permitted uses
RU5	Agricultural produce industries; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Freight transport facilities; Function centres; Helipads; Home businesses; Home industries; Home occupations (sex services); Highway service centres; Industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; 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; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; 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; Wholesale supplies

The range of land uses permissible in the R1 zone is limited and thus unlikely to result in external conflicts with land in other zones. However, the expectation of land owners in the R1 zone for land uses compatible with desired residential character has the potential to generate conflicts.

The range of land uses permissible in the R5 is limited, however part 2 of the table is an 'open' clause, allowing non prohibited land uses. That said, the list of prohibited land uses is extensive. Based on a review of permissible uses, there are a number of land uses that could, if developed, lead to conflicts (eg, Waste or resource transfer stations). However, where managed appropriately through the development application process, and subject to assessment against guideline criteria, it is not anticipated that these would result in a likelihood of significant conflicts. Key potential conflicts are identified and assessed in **Table 6**.

The range of land uses permissible in the RU5 zone is broad, accounting for the manner in which the RU5 zone is utilised in smaller towns. Invariably, where towns grow, the RU5 zone transitions to R1 and industrial or multi use zones are introduced to bring about a degree of control and separation of non-complimentary land uses. It is noted that this appears to be the intent of BSC, as reflected by the adopted Strategic Framework, and as discussed earlier.

A desktop review of land uses in the RU5 adjacent to the planning proposal site reflects the predominantly residential character of this portion of the town of Tocumwal. As such, significant conflict at the RU5 and R1 interface is not considered likely. It will be possible, through implementation of controls through a development control plan, to ensure and manage residual impacts to an acceptable level. Key potential conflicts are identified and assessed in **Table 6**.

The range of land uses permissible in the RU1 zone is broad, providing flexibility of the use of the land within the overarching objectives of the zone. Based on a review of permissible uses, there are a number of

land uses that could, if developed, lead to conflicts (eg, Heavy industrial storage establishments). However, where managed appropriately through the development application process, and subject to assessment against guideline criteria, it is not anticipated that these would result in a likelihood of significant conflicts. Key potential conflicts are identified and assessed in **Table 6**. For example, given the zoning interface, consideration of potential noise impacts from a new land use in the RU1 zone would need to demonstrate compliance with the applicable criteria in the Noise Policy for Industry (2017). As none of these land uses currently exist, the planning system is structured to ensure that any proposed use with the potential for impact to residential character can be appropriately managed through DA assessment and the imposition of conditions. The longer term transfer of this land to residential use, as per the adopted Strategic Framework, ensures that any short term conflict is not permanent.

The common conflict points between large lot residential land and general residential is the carrying out of quasi-agricultural land uses on the large lot residential land, such as the keeping of animals. In this regard it is noted that agriculture is prohibited in the R5 zone, and thus the opportunity for commercial activities of this nature does not apply. Whilst some landowners in the R5 zone may potentially keep horses, this would be a limited issue due to the small land sizes. The size of lots in the R5 zone means that these issues would be managed within the parameters of Council's local policies, with any activities leading to amenity impacts addressed through local Council compliance. There is no demonstrative change to the status quo in this regard.

Table 6 – Land use conflict assessment

Zone interface	Predicted Impacts	Potential conflict	Recommended management
R5 > R1	Keeping of animals	Unlikely	Continued management through local policies. Potential for DCP provisions to address specific issues
	Noise conflicts from incompatible land uses	Unlikely	No current examples of incompatible land uses. Any future uses with the potential to result in amenity impacts would be managed through application of appropriate criteria at DA stage
R1 > R5	Predation by domestic animals	Unlikely	Likely to be consistent levels of domestic animals between land uses in these zones. No agriculture permitted in the R5 zone
	Increased noise due to increased density	Unlikely	Land uses are broadly similar in nature. Standard local government controls exist to control noise impacts between land uses
RU5>R1	Noise from non-residential land uses	Unlikely	No current examples of incompatible land uses. Any future uses with the potential to result in amenity impacts would be managed

Zone interface	Predicted Impacts	Potential conflict	Recommended management
			through application of appropriate criteria at DA stage.
	Odour from non-residential land uses	Unlikely	No current examples of incompatible land uses. Any future uses with the potential to result in amenity impacts would be managed through application of appropriate criteria at DA stage.
R1>RU5	Non anticipated	N/A	N/A
RU1>R1	Odour associated with agricultural operations	Unlikely	Predominant agricultural land use is cropping, which is unlikely to lead to odour issues. Existing interface between rural and urban zones has existed for some time with no evidence of ongoing conflict. DCP provisions could be developed to ensure appropriate controls are implemented.
	Noise associated with agricultural operations	Unlikely	Predominant agricultural land use is cropping, which is unlikely to lead to noise issues. Existing interface between rural and urban zones has existed for some time with no evidence of ongoing conflict. DCP provisions could be developed to ensure appropriate controls are implemented.
	Dust associated with agricultural operations	Unlikely	Existing interface between rural and urban zones has existed for some time with no evidence of ongoing conflict. This can be effectively managed through appropriate buffers at the zone interface to be enshrined in the DCP and managed through subdivision design at DA stage.
	Spray drift associated with agricultural operations	Unlikely	The farming land already shares boundaries with residential land and farmers are under an obligation to control spray drift. This appears to be currently managed in an appropriate manner. The land is currently zoned for residential (R5) purposes and so there is no significant change in the status quo.

Zone interface	Predicted Impacts	Potential conflict	Recommended management
R1>RU1	Predation by domestic animals	Unlikely	Likely to be consistent levels of domestic animals between land uses in these zones. No agriculture permitted in the R5 zone
	Increased complaints	Unlikely	For the reasons outlined in respect of the RU1-R1 impacts, and due to the level of management that currently occurs, further impacts are not predicted.
	Weeds	Unlikely	This can be effectively managed through appropriate buffers at the zone interface to be enshrined in the DCP and managed through subdivision design at DA stage.
	Fence damage and trespass	Unlikely	This can be effectively managed through appropriate buffers at the zone interface to be enshrined in the DCP and managed through subdivision design at DA stage.

By reference to the above listed reasons, the likelihood of land use conflicts at the proposed zone interface is unlikely. The current residential zoning of the land means that there is not a significant change in the use of the land such that additional land use conflicts are likely.

3.3.2.3 Proximity to Tocumwal airport

The site is within the OLS of the Tocumwal airport for RL's 130-157.5.

The nature of the existing and proposed zoning is such that the proposal does not introduce additional controls that would impact on effective and safe operation of the airport.

By reference to LiDAR data, ground levels within the subject are generally consistent and reflect an approximate Average Height Datum of 110 m, providing a clearance of a minimum of 20 metres to the lowest OLS surface. Development of any buildings within the general residential zone that are greater than 20 metres in height would be highly unlikely and would be rejected by Council due to inconsistency with local character considerations and DCP provisions.

The current zoning of the land for R5 – Large Lot Residential purposes would result in a consistent level of development as is proposed by the R1 zoning. That is, whilst development would occur at a greater density under the proposed zoning, the nature of the development in terms of bulk and scale would remain consistent with the current zoning.

Given the height clearance and consistency of future development with current development, the proposal is not likely to lead to development that would result in any impacts to the efficient and safe operation of the airport.

3.3.2.4 Other matters

Adapted from the BSC Statement of Environmental Effects form, see below comments:

1. Legal requirements
This proposal intends to amend the legal requirements of this area. The zone objectives and development permissible in the zone will change should the proposal be successful.
The relevant development control plan aligns with the intention of the proposal.
2. Context and Setting (Site Analysis)
The proposal allows development of the area that is consistent with the character of the surrounding residential land. Residential development will improve the visual presentation of currently vacant land with future residential homes and their gardens.
3. Transport and traffic access
The proposal will result in development of the land by way of subdivision, which will increase local traffic movement and volume. Future development is expected to provide all required infrastructure and access to services to accommodate this development. Initial investigations into the feasibility of development of this land has shown that the existing services and infrastructure will adequately accommodate increased traffic movements and access.
4. Environmental impacts (Air, Soil, Water, Flora and Fauna Hazards)
The proposal determines that the change from R5 to R1 zoning will have no direct impact on the environment. Any future development of the land as a result of this proposal will need to address environmental impacts during the process of development application, following the required guidelines and legislation as set by BSC.
5. Social and Economic Impacts
This proposal determines that the change from R5 to R1 zoning will have no direct impact on the surrounding residences. Economic consequences are expected to be of positive and beneficial nature to the surrounding land and the township of Tocumwal, with the ability to provide additional residences to attract more people to the area.
6. Waste Disposal
This proposal does not directly result in any waste to be disposed of.
Development of land south of the subject land, as outlined in Part 3, Section C, Question 11 of this proposal, further illustrated in **Appendix B**, provides a sewer pump to enable future developments to access Tocumwal Sewerage System. As outlined in the Berrigan Shire Land Use Strategy, the existing sewer system in Tocumwal has adequate capacity to accommodate additional residences.
Future development applications are expected to produce comprehensive engineering plans to demonstrate how waste will be managed for any proposed development to the subject land, for Council assessment and approval. During the assessment process, Work Management Plans and expected to be submitted by the developer (or representative) to Council, to address any waste management as a result of construction processes.

3.3.3 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

Items highlighted in the LEP making guide 2023 are outlined below:

- > Identify effects on items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere

The subject land does not have any items or places of non-Aboriginal or Aboriginal cultural heritage to be effected by this proposal or any future development of the land.

- > Estimate the number of jobs or housing growth (e.g. construction/post-construction and housing diversity)

The subject land this proposal refers to is approximately 8.85 hectares. With the existing Zone requirements, the minimum land size of 5000 m² would allow a maximum 17 lots, based only on land calculation ($88,5000 \text{ m}^2 / 5000 \text{ m}^2 = 17.702$), which does not consider any requirements of engineering design standards, services or required infrastructure.

Following rezoning of the land to R1, future development has been calculated at 80 lots, with requirements addressed for services and infrastructure, as well as an area allocated for Public recreational use.

This is an additional 63 residences to be constructed, which will provide housing opportunities for the existing and future residents of Tocumwal, as well as providing employment opportunities for the construction industry.

- > Identify the impact on existing social infrastructure, such as schools and hospitals

It is anticipated that future developments as a result of this proposal will be accommodated by existing structures, due to the proposals alignment with the Strategic Framework. As this proposal aligns with the Councils existing strategic vision, the impacted social infrastructure will have been updated in the overall plan for the town.

- > Identify the need for public open space or impacts on green infrastructure

Provision for public open space has been allocated in future development plans. The lot will be the location of a sewer pump to be constructed under approved development consent 162/21/DA/D9, which is detailed in **Appendix B** of this document.

- > Identify the impact on existing retail centres

It is anticipated that existing retail centres will benefit from any increase in the population as a result of this proposal.

3.4 Section D – Infrastructure (Local, State and Commonwealth)

3.4.1 **IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

The subject land will be provided with all required infrastructure as an extension of existing infrastructure on Bruton street, which is also currently being extended as part of the development mentioned earlier in this proposal, Lots 8 and 9 of DP1275427. The works being carried out as part of development consent 71/22/CC/C1 will increase the capacity of the existing infrastructure to service the land outlined in this proposal.

3.5 Section E – State and Commonwealth Interests

3.5.1 **WHAT ARE THE VIEWS OF STATE AND FEDERAL PUBLIC AUTHORITIES AND GOVERNMENT AGENCIES CONSULTED IN ORDER TO INFORM THE GATEWAY DETERMINATION?**

The DPHI have reviewed an earlier version of this planning proposal and this earlier version was rejected for a number of reasons. These reasons are outlined in the executive summary and addressed within this report.

No other Commonwealth or State public authorities have been consulted in the process of preparing this proposal at the time of this report being prepared. It is anticipated that the relevant authorities will be consulted in accordance with the processes outlined in the LEP Plan Making Guideline 2023, to be initiated by the Council responsible for undertaking the Planning Assessment.



4. PART 4 - MAPS

GIS data for the proposed changes will be supplied to DPHI to support the request for Gateway approval.

The proposed mapping changes are summarised below and are discussed in **Section 2** of this proposal:

- > Amendment to the BLEP Digital Zoning Map.
Rezone of proposed part Lot 6 of DP1275427 from R5 - Large Lot Residential to R1 - General Residential.
- > Amendment to the BLEP Digital Zoning Map.
Amend lot size restriction applying to part Lot 6 of DP1275427 from the minimum lot size of 5,000 m² to a minimum lot size of 450 m².

The intent of the amendment is to allow better use of the area identified for future development. All other mapping applying to this site will remain unchanged.

5. PART 5 - COMMUNITY CONSULTATION

In accordance with the LEP Making Guide 2023, public exhibition is expected to take place following the Gateway Determination. In accordance with the guide, this proposal is considered a standard planning proposal, and the exhibition is required to remain on exhibition for 20 working days.

The Gateway determination will outline if further exhibition requirements need to be met during the determination and exhibition processes.



6. PART 6 - PROJECT TIMELINE

Information surrounding the below maximum timeframes has been taken from the LEP Making Guideline 2023.

Table 7 – Project Timeline

Stage	Maximum Timeframe	Approx. Date
Consideration by council (completed)		
Council decision (completed) and forward to DPHI	10 days	May 2024
Gateway determination	28 days	June 2024
Pre-exhibition	50 days	July/August 2024
Commencement and completion of public exhibition period	20 days	September 2024
Consideration of submissions	25 days	October 2024
Post-exhibition review and additional studies	55 days	November 2024
Submission to the Department for finalisation (where applicable)	55 days	January 2025
Gazettal of LEP amendment	Determined by Gateway Determination	March/April 2025

7. CONCLUSION

Due to the locality of this site, the site is suitable for R1 – General Residential purposes under the current BLEP 2013 zoning conditions. The planning proposal is justified on the basis that rezoning of the land would allow for more consistent and compatible development with that which is already present in the locality.

The application of the R1 – General Residential zone is the best means in achieving the intended outcomes of the proposal and is highly suitable to this location. The proposal satisfies all the relevant State, Regional and Local Planning Policies with preliminary site investigations revealing that environmental impacts are not anticipated, but should they arise, they can be readily managed on the site and under a full and proper assessment through Development Application processes.

It is understood Council intend to rely on the existing endorsement decision and therefore it is requested that it be forwarded to the Minister for Planning for a Gateway Determination.



APPENDICES

APPENDIX A

CONCEPT LAYOUT WITH SERVICING



BRUTON STREET
CULLEN P&J
STAGE 4 – 7
TOCUMWAL

EXISTING CONDITIONS



SURVEYORS CIVIL ENGINEERS
DEVELOPMENT CONSULTANTS

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PHONE: (02) 6921-3312
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PHONE: (03) 5721-5688
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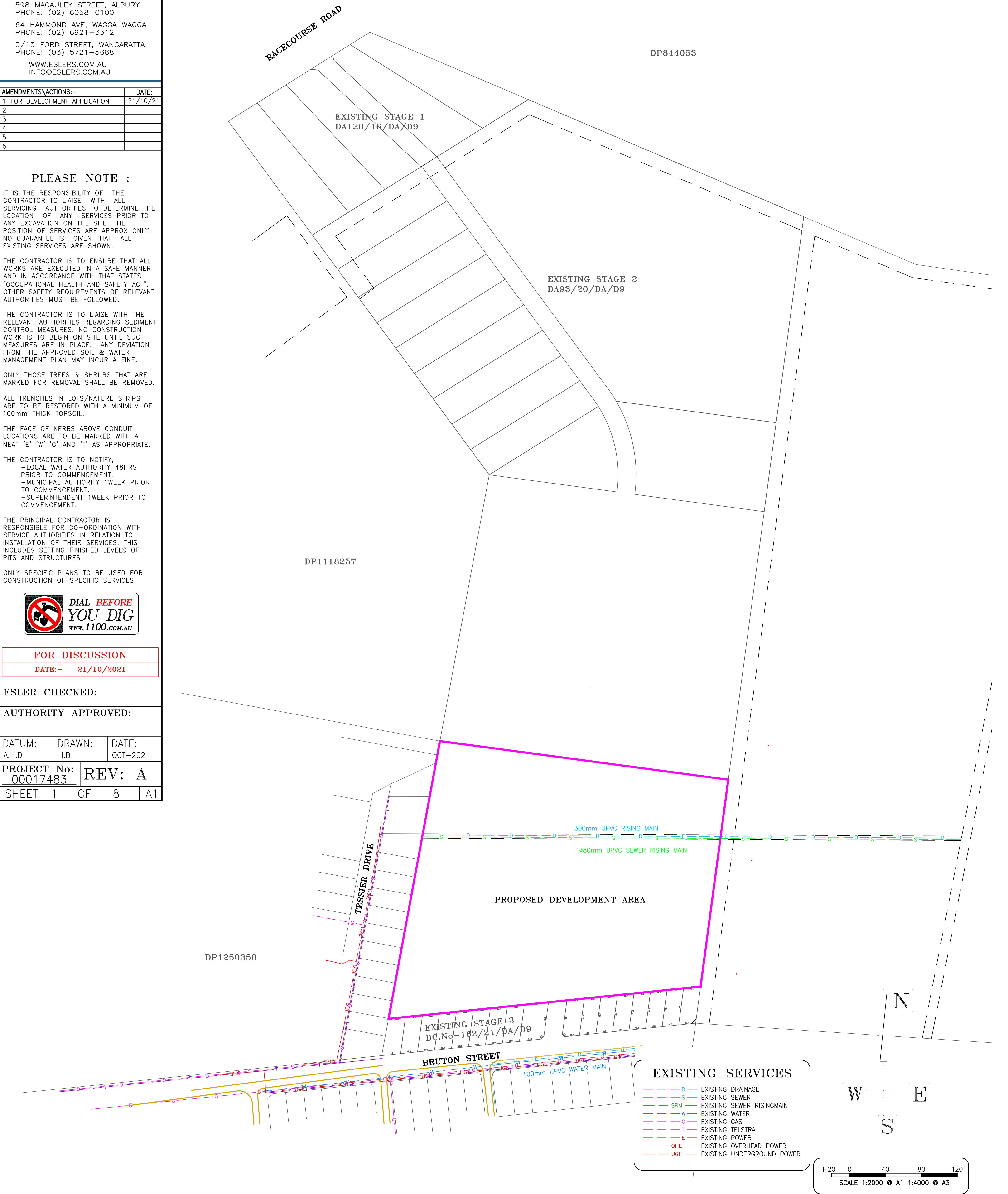
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SHEET 1	OF 8	A1



BRUTON STREET
CULLEN P&J
STAGE 4 - 7
TOCUMWAL
OVERALL ENGINEERING
LAYOUT



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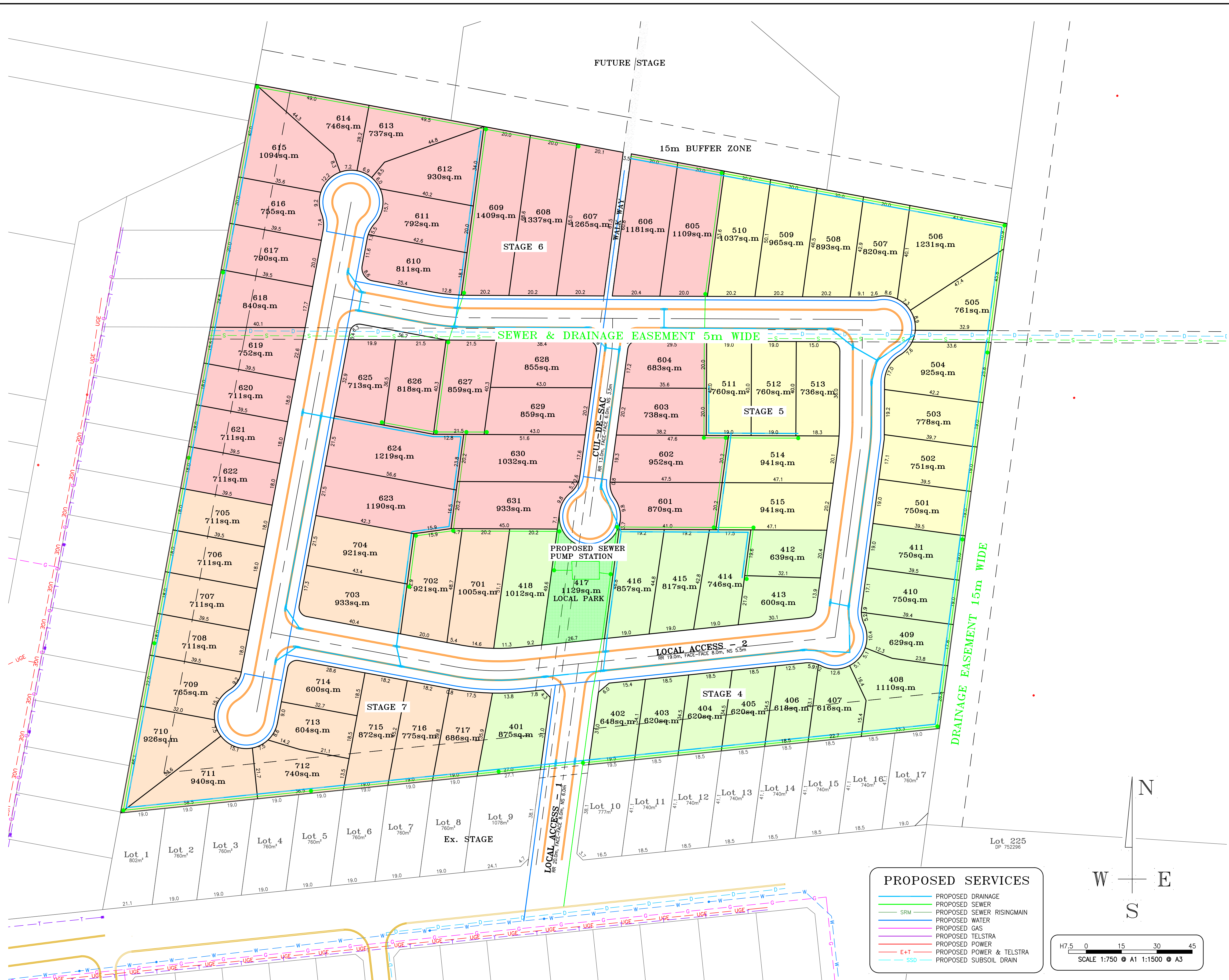
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BRUTON STREET
CULLEN P&J
STAGE 4 - 7
TOCUMWAL
ENGINEERING LAYOUT
STAGE 4



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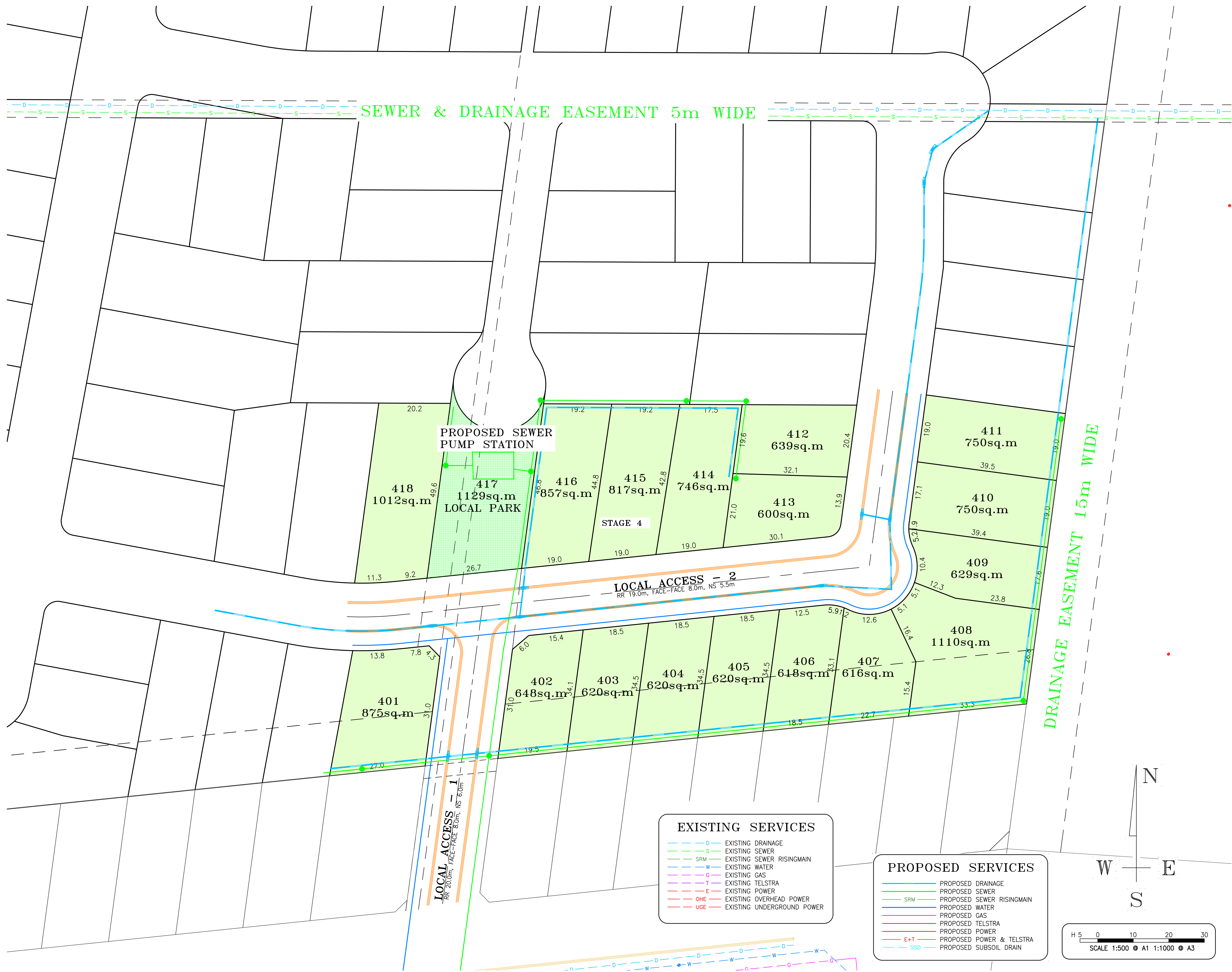
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BRUTON STREET
CULLEN P&J
STAGE 4 - 7
TOCUMWAL
ENGINEERING LAYOUT
STAGE 5



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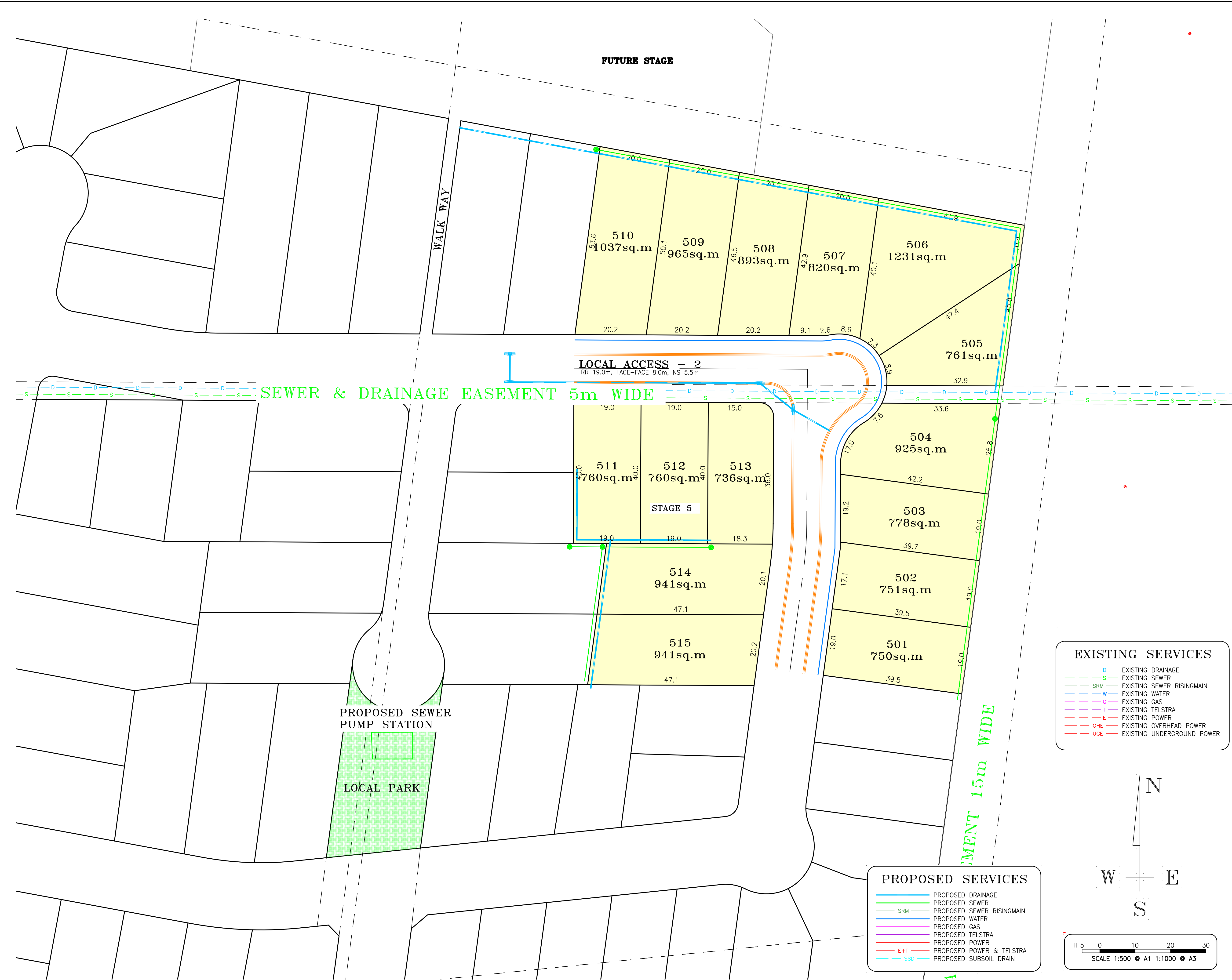
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SHEET 4 OF 8 A1



EXISTING SERVICES

- D EXISTING DRAINAGE
- S EXISTING SEWER
- SRM EXISTING SEWER RISINGMAIN
- W EXISTING WATER
- G EXISTING GAS
- T EXISTING TELSTRA
- E EXISTING POWER
- OHE EXISTING OVERHEAD POWER
- UGE EXISTING UNDERGROUND POWER

PROPOSED SERVICES

- PROPOSED DRAINAGE
- PROPOSED SEWER
- SRM PROPOSED SEWER RISINGMAIN
- PROPOSED WATER
- PROPOSED GAS
- PROPOSED TELSTRA
- PROPOSED POWER
- E+T PROPOSED POWER & TELSTRA
- SSD PROPOSED SUBSOIL DRAIN

North arrow pointing North (N), South (S), East (E), West (W).

Scale bar: 0, 10, 20, 30 meters. SCALE 1:500 @ A1 1:1000 @ A3

BRUTON STREET
CULLEN P&J
STAGE 4 - 7
TOCUMWAL
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STAGE 6



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SHEET 5 OF 8 A1

FUTURE STAGE

STAGE 6

LOCAL ACCESS - 2
RR 19.0m, FACE-TO-FACE 8.0m, NS 5.5m

SEWER & DRAINAGE EASEMENT 5m WIDE

PROPOSED SEWER
PUMP STATION

LOCAL PARK

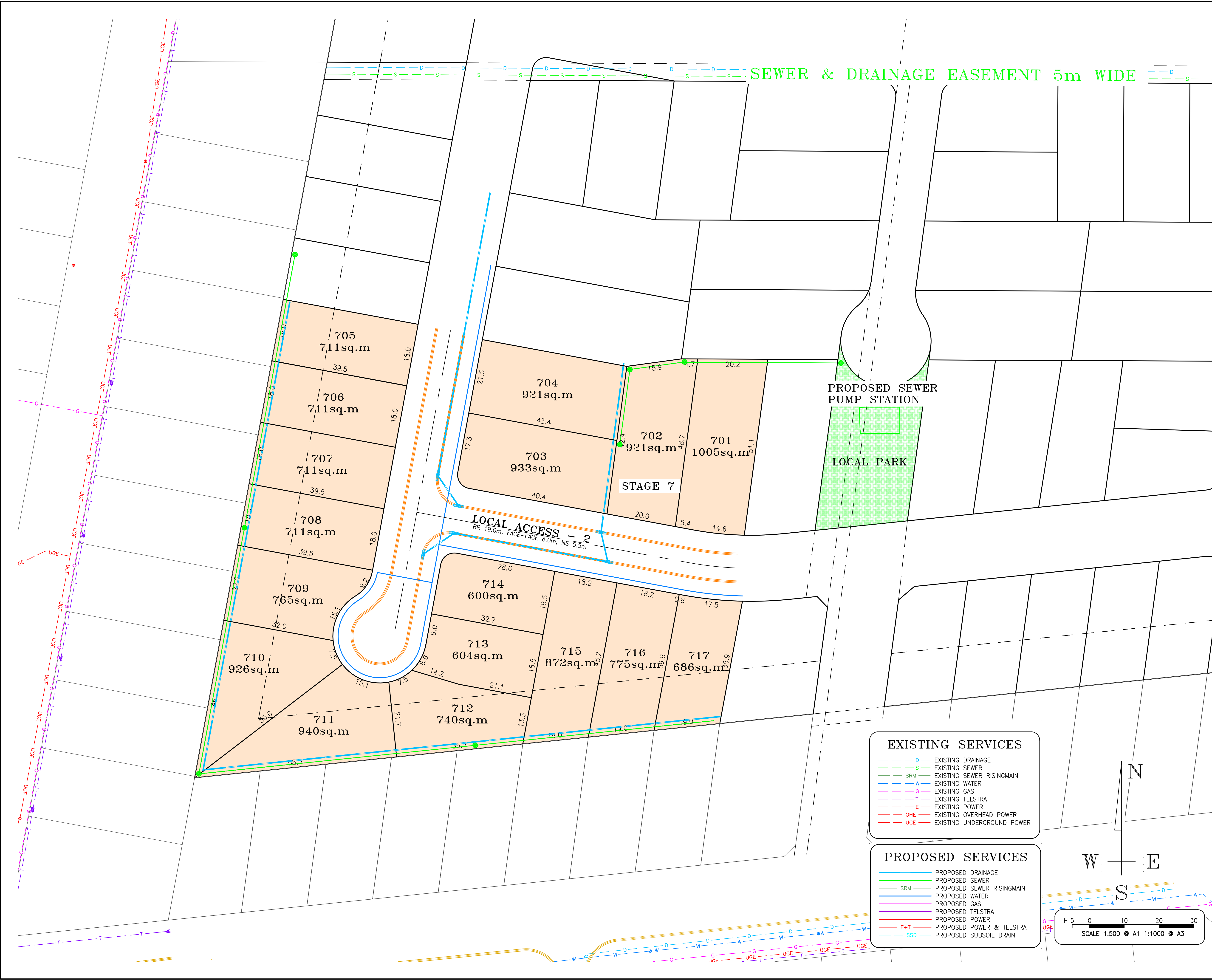
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H 5 0 10 20 30
SCALE 1:500 @ A1 1:1000 @ A3



**BRUTON STREET
CULLEN P&J
STAGE 4 – 7
TOCUMWAL
ENGINEERING LAYOUT
STAGE 7**



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BRUTON STREET
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STAGE 4 – 7
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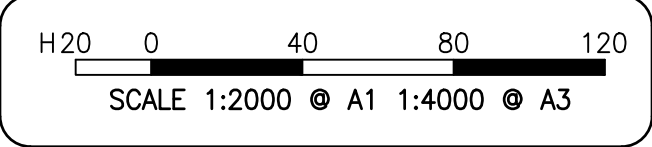
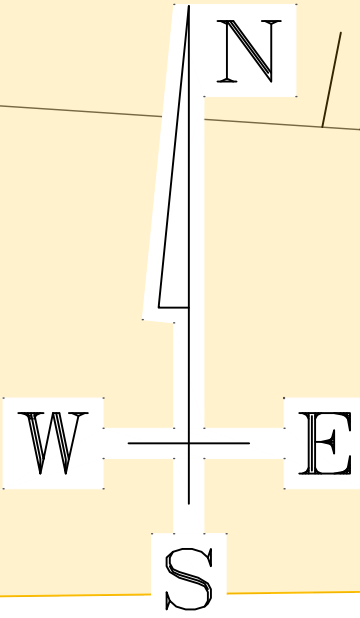
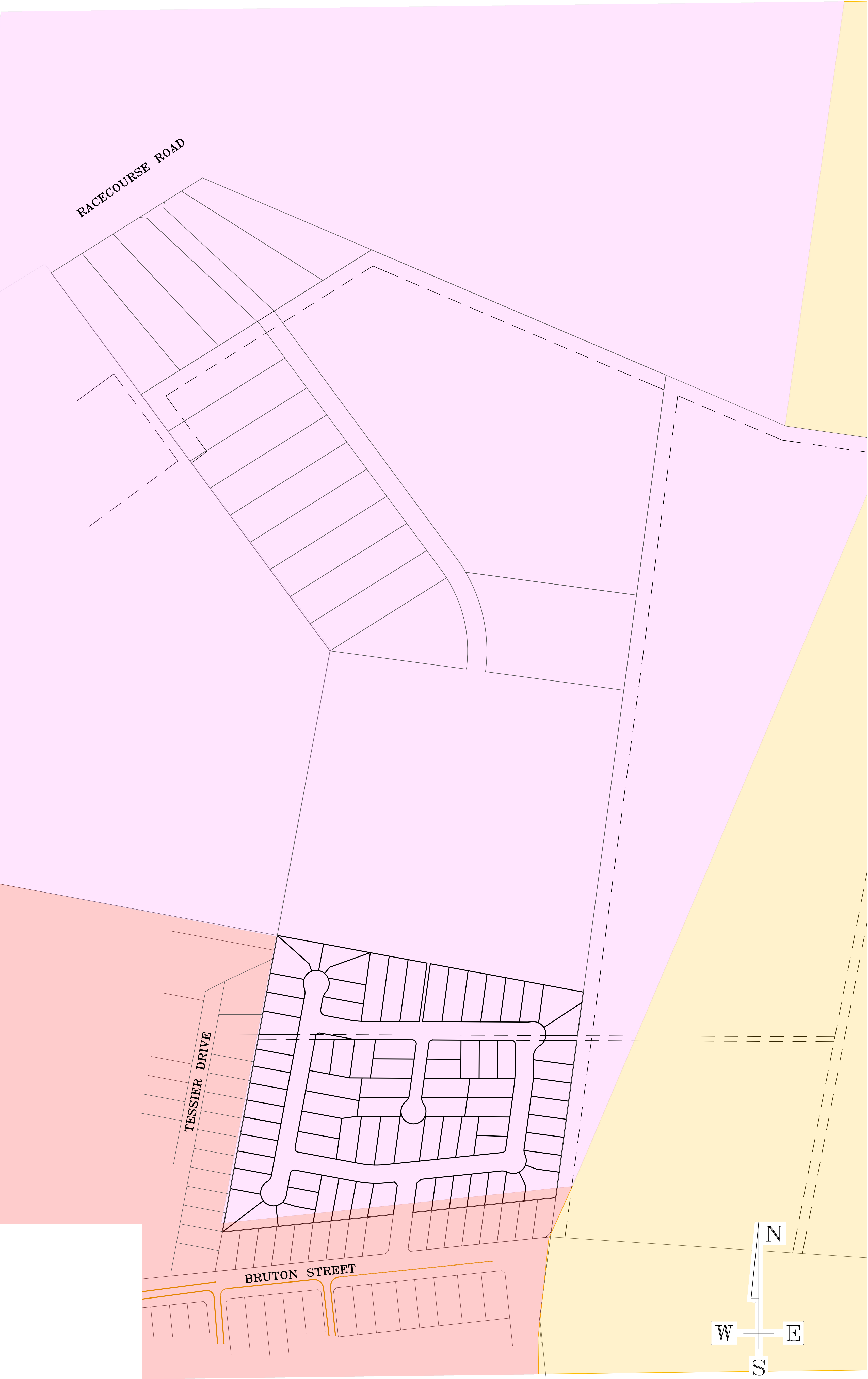
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SHEET 7	OF 8	A1
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- R5–LARGE LOT RESIDENTIAL
- RU5–VILLAGE
- RU1–PRIMARY PRODUCTION
- SP2–INFRASTRUCTURE



BRUTON STREET
CULLEN P&J
STAGE 4 - 7
TOCUMWAL

SOLAR ORIENTATION PLAN



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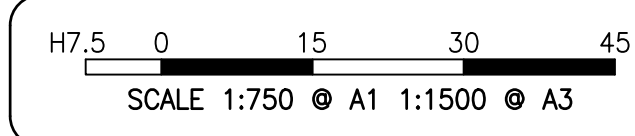
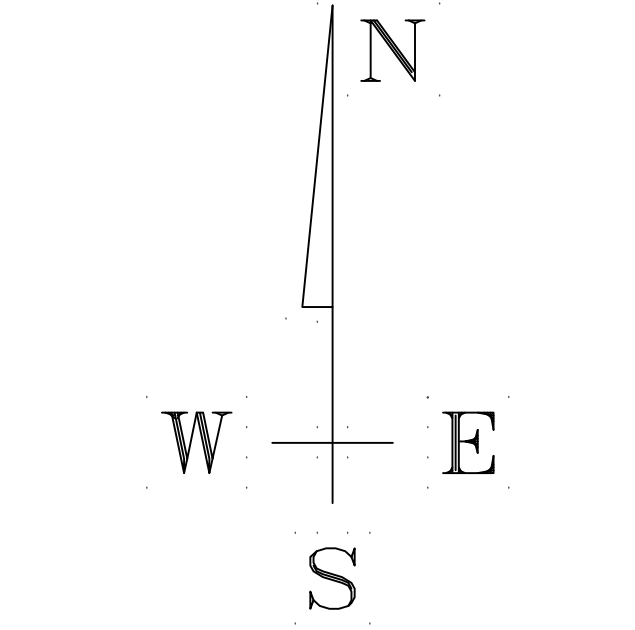
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DATUM: A.H.D. DRAWN: I.B. DATE: OCT-2021

PROJECT No: 00017483 REV: A

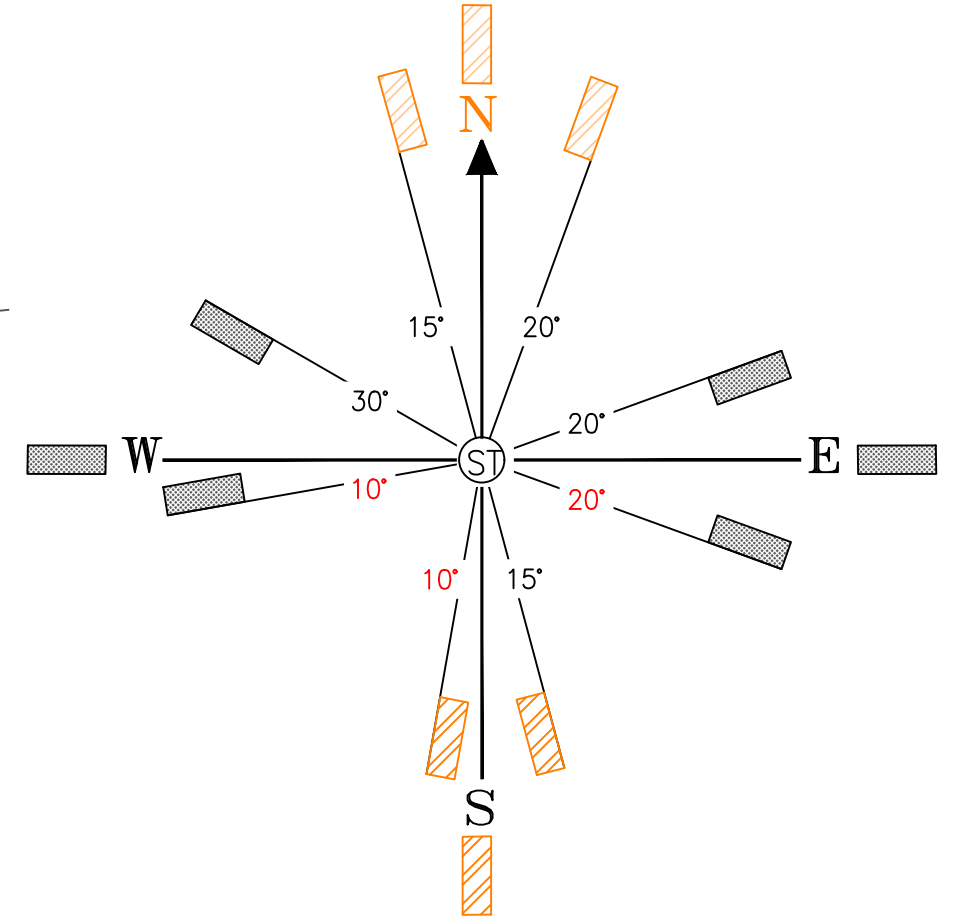
SHEET 8 OF 8 A1



PROPOSED SERVICES

- PROPOSED DRAINAGE
- PROPOSED SEWER
- PROPOSED SEWER RISINGMAIN
- PROPOSED WATER
- PROPOSED GAS
- PROPOSED TELSTRA
- PROPOSED POWER
- PROPOSED POWER & TELSTRA
- PROPOSED SUBSOIL DRAIN

- GOOD SITE ORIENTATION
- IDEAL SITE ORIENTATION
- STREET
- UP TO 10° WEST OF NORTH
- UP TO 20° EAST OF NORTH



APPENDIX B

DA 162/21/DA/D9



