

---

Braithwaites Lane, The Rock

JULY 2021

---

**Prepared for**

TJ & AV Group Pty Ltd

**Contact**

Habitat Planning  
 409 Kiewa Street  
 Albury NSW 2640  
 02 6021 0662  
 habitat@habitatplanning.com.au  
 habitatplanning.com.au

Habitat Planning Pty Ltd  
 ABN 29 451 913 703  
 ACN 606 650 837

The information contained in this document produced by Habitat Planning is solely for the use of the person or organisation for which it has been prepared. No section or element of this document may be removed from this document, reproduced, electronically stored or transmitted in any form without the written permission of Habitat Planning.

**Project Number**    20190

**Document Control**

REVISION NO	DATE OF ISSUE	AUTHOR	APPROVED
1.0	26/06/2021	CM	MJ

# Contents

<b>Executive Summary</b> .....	<b>5</b>
<b>1. Introduction</b> .....	<b>6</b>
1.1. Overview.....	6
1.2. Scope and Format of Planning Proposal .....	6
1.3. Supporting Plans and Documentation.....	6
<b>2. Site &amp; Context Description</b> .....	<b>8</b>
2.1. Site Context & Locality .....	8
2.2. Site Description .....	8
2.3. Surrounding Development and Built Form .....	9
<b>3. Existing Planning Framework</b> .....	<b>10</b>
3.1. Existing Planning Controls .....	10
3.2. Strategic Planning Framework .....	11
<b>4. Planning Proposal</b> .....	<b>12</b>
4.1. Objectives and Intended Outcomes .....	12
4.2. Explanation of Provisions .....	13
4.3. Justification.....	14
4.4. Mapping.....	25
4.5. Community Consultation .....	25
4.6. Project Timeline.....	26
<b>5. Conclusion</b> .....	<b>28</b>

## Figures

Figure 1: Local Context Map – The Rock (Source: SixMaps) .....	8
Figure 2: Site Map (Source: SixMaps).....	9
Figure 3: Zoning of the subject land (Source: LLEP 2012) .....	10
Figure 4: Existing Land Zoning Map .....	13
Figure 5: Proposed Land Zoning Map .....	13
Figure 6: Existing Minimum Lot Size Map .....	13
Figure 7: Proposed Minimum Lot Size Map .....	13
Figure 8: Concept Subdivision Plan .....	18
Figure 9: Concept Landscape Plan .....	23

## Tables

Table 1: Attachments to Planning Proposal .....	6
Table 2: Consideration of Lockhart Shire Council Local Strategic Planning Statement.....	14
Table 3: Consideration of Rural Settlement and Industrial Land Zoning Study .....	16

Table 4: Objectives of the Lockhart Community Strategic Plan 2020 - 2040.....	20
Table 5: Project Timeline (indicative) .....	27
Table 6: Consistency with Riverina Murray Regional Plan 2036.....	30
Table 7: Consistency with State Environmental Planning Policies.....	35
Table 8: Consistency with Ministerial Directions .....	42

## Attachments

- Attachment A – Consistency with Consistency with Riverina Murray Regional Plan 2036
- Attachment B – Consistency with State Environmental Planning Policies
- Attachment C – Consistency with Section 9.1 Ministerial Directions
- Attachment D – Consistency with Lockhart Local Strategic Planning Statement
- Attachment E – Concept Subdivision Plan
- Attachment F – Concept Landscape Plan
- Attachment G – Land Sales and Enquiry Summary - John Moony Real Estate

# Executive Summary

This Planning Proposal has been prepared by Habitat Planning on behalf of TJ & AV Group Pty Ltd in support of an amendment to the *Lockhart Local Environmental Plan 2012* (“the LLEP”). Specifically, the Planning Proposal seeks:

- to amend the Land Zoning Map (LZN\_003C) as it applies to Lot 1 and Lot 4 in DP 194750, Braithwaites Lane, The Rock; by rezoning the land from RU1 Primary Production and IN1 General Industrial zoned land to RU5 Village Zone; and
- to amend the Lot Size Map (LSZ\_003C) as it applies to Lot 1 and Lot 4 in DP 194750, Braithwaites Lane, The Rock from a minimum lot size of 250 hectares to a minimum lot size of 2,000m<sup>2</sup>.

The report has been prepared to address the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Infrastructure & Environment’s guidelines titled: *A Guide to Preparing Local Environmental Plans* (August 2018) and *A Guide to Preparing Planning Proposals* (August 2018).

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit. It is supported by a conceptual urban design and subdivision layout and assesses the potential impacts of the proposed zone.

This report demonstrates that the proposed amendment to the LEP is generally consistent with the intent and objectives of the planning framework and strategic plans and policies. Consequently, this will provide both Council and the NSW Department of Planning, Industry and Environment (DPIE) with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is not inconsistent with the strategic planning framework including State, Regional, District and local planning strategies for The Rock and the broader Lockhart Shire.
- The proposal is consistent with the priorities of Local Strategic Planning Statement (LSPS) to protect agricultural land and the natural environment and grow an active and connected community.
- The proposal represents residential growth opportunities with additional land for housing capacity and improved urban design outcomes.
- The proposed zoning will not generate any unacceptable environmental impacts in relation to build form, surrounding land uses and amenity values or infrastructure demands.
- The resultant development subject to a forthcoming Development Application, will provide public domain improvements including street beautification and landscape works, connectivity and permeability, as well as an improved build form outcomes.
- The proposal will contribute towards vitalisation of The Rock town centre through social and economic inputs including investment and construction activity.
- There will be net social and economic benefits for The Rock community through additional residential housing opportunity and steady and sustainable population growth, as well as associated jobs during construction and operation of underutilised land close to the town centre.
- The subject land is not environmentally sensitive and contains no significant environmental features.
- The land has ready access to all applicable urban infrastructure.

It is recommended that Lockhart Shire Council resolve to support the changes to the LLEP 2012 as described above and detailed in this Planning Proposal and forward it for a Gateway Determination.

# 1. Introduction

## 1.1. Overview

This Planning Proposal has been prepared by Habitat Planning on behalf of TJ & AV Group Pty Ltd in support of an amendment to the LLEP 2012. Specifically, the Planning Proposal seeks to amend the Land Zoning Map as it applies to Lot 1 and Lot 4 in DP 194750; Braithwaites Lane, Lockhart, by rezoning the land from RU1 Primary Production land and IN1 General Industrial zoned land to RU5 Village Zone, and to amend the Lot Size Map (LSZ\_003C) as it applies to the land from a minimum lot size of 250 hectares to a minimum lot size of 2,000m<sup>2</sup>.

The report has been prepared to address the requirements of the Section 3.3 of the EP&A Act, as well as satisfying the requirements of the NSW DPIE guidelines titled:

- *A Guide to Preparing Local Environmental Plans (August 2018)*; and
- *A Guide to Preparing Planning Proposals (August 2018)*.

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit. It is supported by a conceptual urban design and subdivision layout and assesses the potential impacts of the proposed zone. This report will demonstrate that the proposed amendment to the Land Zoning Map and the Lot Size Map is consistent with the intent and objectives of the planning framework and strategic plans and policies. Consequently, this will provide both Council and the NSW DPIE with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

## 1.2. Scope and Format of Planning Proposal

The Planning Proposal details the merits of the proposed change to the LLEP 2012 and has been structured in the following manner:

- Section 1.0 provides an introduction to the Planning Proposal;
- Section 2.0 provides a description of the site, its context and existing development, including identification of the land to which the changes are proposed;
- Section 3.0 identifies the planning framework applicable to the site and considers the Planning Proposal against the relevant strategic plans and policies;
- Section 4.0 contains the Planning Proposal, prepared in accordance with the matters to be considered in the Department of Planning's document titled *A Guide to Preparing Planning Proposals*; and
- Section 5.0 provides the conclusions and recommendations to proceed with the Planning Proposal to Gateway Determination to amend LLEP 2012.

## 1.3. Supporting Plans and Documentation

The Planning Proposal has been prepared with input from a number of technical and design documents which have been prepared to accompany the application. These documents are included as attachments to this report and are identified in Table 1.

Table 1: Attachments to Planning Proposal

No.	Document Name	Prepared by
A	Consistency with Riverina Murray Regional Plan 2036	Habitat Planning
B	Consistency with State Environmental Planning Policies	Habitat Planning
C	Consistency with Section 9.1 Ministerial Directions	Habitat Planning

D	Copy of Submission to Lockhart Shire Council	Habitat Planning
E	Concept Subdivision Plan (subject to separate Development Application)	Habitat Planning
F	Concept Landscape Plan (subject to separate Development Application)	Habitat Planning





An aerial image of the property is provided in Figure 2 below.



Figure 2: Site Map (Source: SixMaps)

### 2.3. Surrounding Development and Built Form

The subject site is located within a semi-rural area on the fringe of The Rock.

Land to the north comprises The Rock Oaklands Railway branch line reserve. Used intermittently, the railway line extends from the main Great Southern Railway line to Oaklands via Boree Creek and Urana. Land further north of the railway branch line is conventional low-density village lots containing detached single dwelling houses within a conventional village setting. Burkes Creek is located approximately 700m north and rural and farmland uses occupy land further north.

Land to the south of the site comprises Braithwaites Lane, a rural formed and unsealed lane with the open catchment drains on either side of the roadway. The reserve contains established native vegetation on both sides of the lane which extends approximately 6 kilometres to the south servicing predominantly rural land use holdings and rural dwelling houses. Abutting Braithwaites Lane is the Great Southern Railway corridor and the Olympic Highway corridor to the south. Further south of the Olympic Highway is Village zone and land comprising transitioning rural lifestyle Lots.

To the east of the site extends to The Rock township. The main town centre comprising the commercial shopping precinct, post office, schools and civic parkland is located approximately 1 kilometre to the east. The land in the immediate vicinity of the Lots is made up of both conventional residential low-density and village lifestyle Lots and vacant development land. The predominant land use is residential living on village lots of approximately 1,000m<sup>2</sup>.

Land immediately to the west is vacant rural land holdings in private ownership. The land was historically grazed on a small intensive scale and is currently vacant rural land. Further west of the site is The Rock Golf Course and abutting environmental lands which forms part of The Rock Nature Reserve.

## 3. Existing Planning Framework

### 3.1. Existing Planning Controls

#### Land Zoning

The subject land is zoned RU1 Primary Production (RU1) and IN1 General Industrial (IN1) under the LLEP 2012 as shown in Figure 3 below.

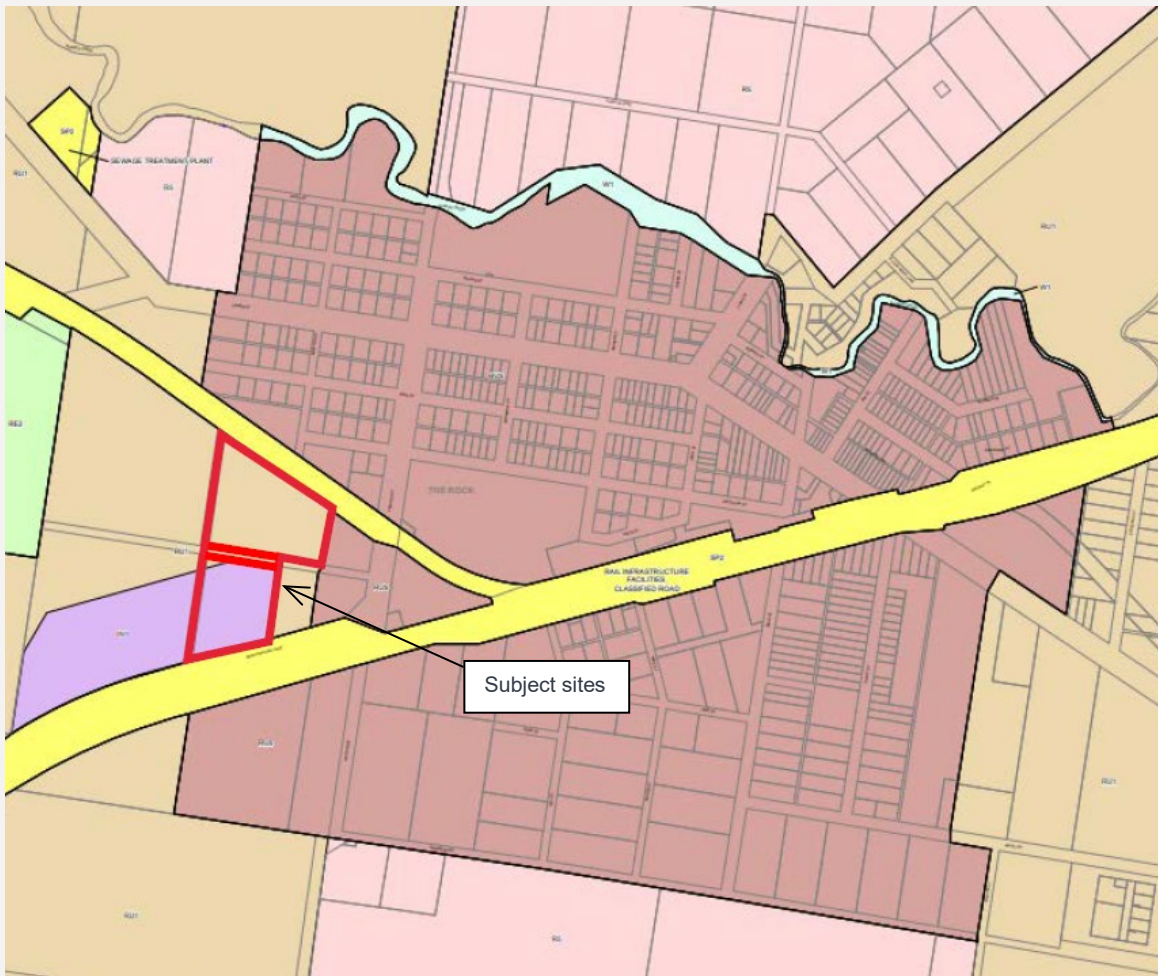


Figure 3: Zoning of the subject land (Source: LLEP 2012)

The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The Planning Proposal is consistent with the objectives of this zone as it seeks to minimise the fragmentation of both rural and residential lands and minimises existing and potential conflicts between land uses within this zone and future land uses within adjoining zones.

The objectives of the IN1 zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

The Planning Proposal to rezone the subject land is not inconsistent consistent with the IN1 zone objectives insofar that it seeks to minimise adverse effects of industry by scale and location on other land uses, and in particular residential land uses both existing and proposed.

### **3.2. Strategic Planning Framework**

The Planning Proposal has been prepared having regard for the strategic planning framework. Specifically, Council's Local Strategic Planning Statement, as well as other relevant Council strategies and policy documents have informed the subject Planning Proposal.

Further details regarding these strategic plans and policies are discussed in Section 4 of this report below.

## 4. Planning Proposal

This section of the report addresses the Department of Planning's document titled *A Guide to Preparing Planning Proposals*. This section provides:

- Objectives and intended outcomes.
- Explanation of provisions.
- Justification.
- Mapping.
- Community consultation.
- Project timeline.

### 4.1. Objectives and Intended Outcomes

This part of the planning proposal responds to Section 3.33(2)(a) of the EP&A Act which requires a statement of the objectives or intended outcomes of the proposed instrument.

The objective of this Planning Proposal is to amend the LLEP to enable the rezoning of land to be used for a range of residential accommodation land uses, services and facilities that are associated with village living, and which will facilitate development of the site that:

- is located in close proximity to a range of current and future services and facilities within The Rock township, including schools, commercial and recreational facilities and public transport options.
- provides for a high-quality village living options at the southern gateway to The Rock.
- facilitates a build density that is compatible with the proportion, composition, scale and character of surrounding village neighbourhood and public realm.
- facilitates redevelopment of the site to take advantage of the sites' characteristics and minimises any impact on surrounding developments.
- encourages sustainable village growth at The Rock with minimal impact on sensitive environmental land or features or commercial growth opportunities; and
- optimises the utilisation of existing infrastructure and services in the locality.

It is intended to take advantage of available urban services and enable new village living development opportunity within a portion of land that integrates into the growth of the village precinct of The Rock.

A key outcome of the rezoning is to add to the supply of residential land in The Rock and provide additional choice in location and living environments for future residents. It is intended that the development of the subject land will immediately proceed the rezoning and provide diversity in supply for current demand for residential lots at The Rock. The lots will allow for The Rock to build on its reputation as having a strong, family orientated community and offer a point of difference to the existing residential offering at The Rock.

An indicative subdivision plan for the future development of the subject land is shown at **Figure 4** below.

## 4.2. Explanation of Provisions

The Planning Proposal seeks to achieve the intended outcomes outlined in Section 4.1 of this report by amending LLEP 2012 as follows:

- Amend *Lockhart Local Environmental Plan 2012 – Land Zoning Map (LZN\_003C)* to rezone the land from ‘RU1 – Primary Production’ to ‘RU5 – Village’; and
- Amend *Lockhart Local Environmental Plan 2012 – Land Zoning Map (LZN\_003C)* to rezone the land from ‘IN1 – General Industrial’ to ‘RU5 – Village’; and
- Amend *Lockhart Local Environmental Plan 2012 – Lot Size Map (LSZ\_003C)* to reduce the minimum lot size from 250ha to 2,000m<sup>2</sup>. This land will also be subject to the provisions of Clause 4.1 (4A) of the LEP.

An extract of the existing and proposed *Land Zoning* and *Minimum Lot Size Maps* are contained within Figures 5-8.

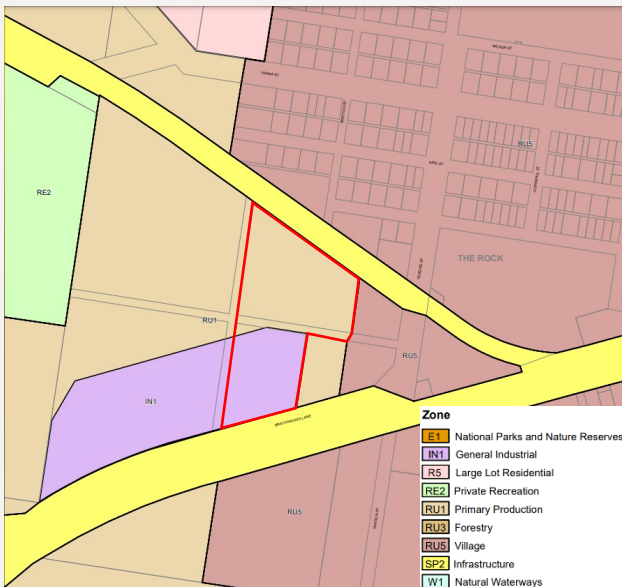


Figure 4: Existing Land Zoning Map

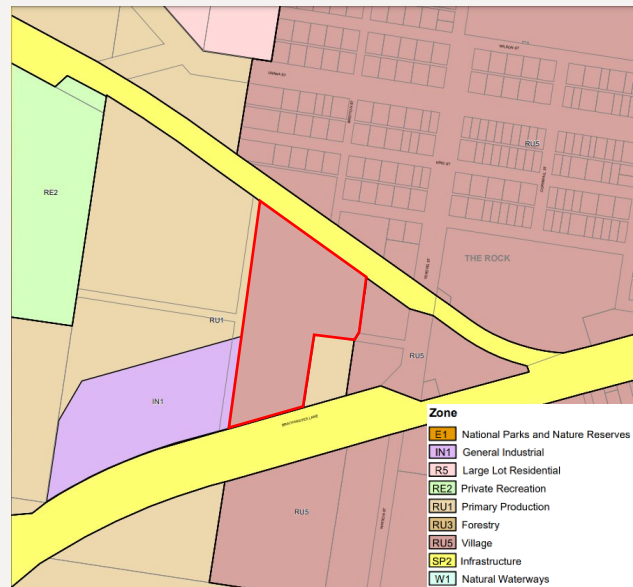


Figure 5: Proposed Land Zoning Map

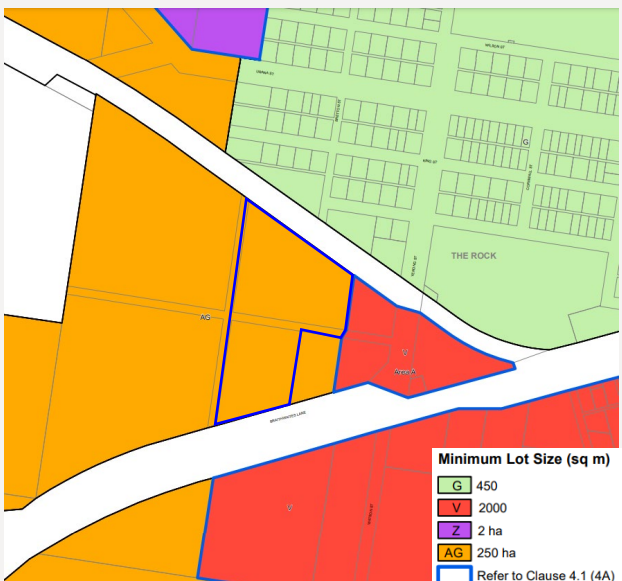


Figure 6: Existing Minimum Lot Size Map

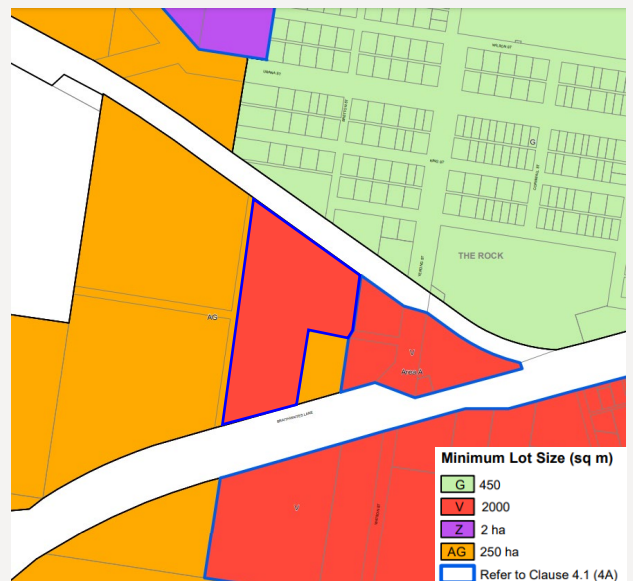


Figure 7: Proposed Minimum Lot Size Map

### 4.3. Justification

This section of the planning proposal responds to Section 3.33(2)(c) of the *EP&A Act* which requires the justification for the objectives, intend outcome outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the Council of the area and will comply with relevant directions under section 9.1).

#### 4.3.1 Section A - Need for the Planning Proposal

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

Lockhart Local Strategic Planning Statement 2020-2040

The *Lockhart Local Strategic Planning Statement* (LSPS) sets the land use framework on a local scale for Lockhart Shires economic, social and environmental land use needs emphasising land use, transport and environmental planning, and demonstrating how the area will change to meet the community's needs in 20 years. It focuses on land use planning as a means to protect towns, villages and important agricultural land whilst planning for the future to provide lifestyle and employment opportunities so that the values of the Shires communities are realised.

The LSPS gives effect to the *Riverina Murray Regional Plan 2036* implementing the directions and actions at a local level. It is also informed by other State-wide and regional policies including *Future Transport Plan 2056* and the *NSW State Infrastructure Strategy 2018 – 2038*.

Part of the Vision of the LSPS states:

*Over the next 20 years, housing opportunities and choice will continue to be provided to cater for a varied and changing demographic. Town and villages will represent our rural character - we enjoy wide streets, trees and open spaces, ample parking, arts and history. Our communities will be stimulating, accessible and resilient, connectivity in between will be seamless.*

Underpinning the LSPS vision, Council have identified eight (8) 'Planning Priorities' that will guide the future development of the Lockhart Shire. Planning Priority 7– *Development controls of high quality, to maintain resident amenity and promote a sense of place*, and Planning Priority 8 – *Growing Active and connected Communities* are particularly relevant to the Planning Proposal. Consideration of the key land use challenges, directions and actions as they relate to this proposal are addressed in Table 2 below.

Table 2: Consideration of Lockhart Shire Council Local Strategic Planning Statement

Land Use Challenge, Future Direction or Actions	Consistency
<ul style="list-style-type: none"> <li>▪ <b>Planning Priority 7 - Development controls of high quality, to maintain resident amenity and promote a sense of place; and</b></li> <li>▪ <b>Planning priority 8 – Growing, active and connected communities</b></li> </ul>	
<ul style="list-style-type: none"> <li>▪ <i>Promote the growth of regional cities and local centres;</i></li> <li>▪ <i>Build resilience in towns and villages;</i></li> <li>▪ <i>Build housing capacity to meet demand.</i></li> <li>▪ <i>Provide greater housing choice;</i></li> <li>▪ <i>Manage rural residential development;</i></li> <li>▪ <i>Deliver healthy built environments and improved urban design.</i></li> <li>▪ <i>Protect the region's Aboriginal and historic heritage.</i></li> </ul>	<p>The purpose of the Planning Proposal is to rezone the subject site to enable a range of land uses, services and facilities that are associated with a rural village and desired residential land use promoting growth and opportunity.</p> <p>In the context of The Rock, the subject land is located in close proximity to the town centre with access to a range of village services including readily available access to a wide range of infrastructure and services, which will cater for the changing demands of homeowners and ageing populations.</p> <p>By rezoning this land from RU1 and INZ1 to RU5, will provide additional residential land supply to The Rock, and greater Lockhart Shire which is currently experiencing higher demand for lifestyle and larger village lot land holdings</p>

	<p>located within commuting distance to the larger regional centres of Wagga Wagga and Albury.</p> <p>The subject land has no environmental constraints, can be readily serviced with applicable infrastructure requirements and will result in a logical extension to the Village zone in a coordinated approach to land development. The development of this land for low density residential purposes, will not adversely hinder the orderly urban expansion of The Rock or the retention and conservation of nearby environmental land rural and agricultural lands.</p>
<p>Actions for Planning Priority 7:</p> <ul style="list-style-type: none"> <li>▪ <i>Review the Lockhart Shire Council Development Control Plan to ensure it meets the needs and desires of our community</i></li> <li>▪ <i>In conjunction with a residential land study for Lockhart, employ market research and community consultation to identify preferred housing choices in residential areas for a diverse demographic</i></li> <li>▪ <i>Design an open space master plan for the Brookong Creek residential land precinct, incorporating active transport and accessible pathways to the Lockhart CBD</i></li> </ul>	<p>The Planning Proposal achieves these actions as follows:</p> <ul style="list-style-type: none"> <li>- A review of the current Lockhart Development Control Plan (2016) confirmed the Plan is fit for purpose ensuring the rezoning of the land for Village purposes enables development that can satisfy the objectives and applicable development controls to meet expectations, needs and desires of the local community.</li> <li>- The RU5 Village zone offers appropriate flexibility for a range permissible land uses to meet the needs of the community and a diverse demographic with a range of potential compatible land uses.</li> </ul>
<ul style="list-style-type: none"> <li>▪ <i>Deliver a residential land study for Lockhart and The Rock</i></li> <li>▪ <i>Encourage development of diverse housing and accommodation options for youth and young families through development control plans and provision of fully serviced lots in The Rock east</i></li> <li>▪ <i>Identify the capacity for our towns to cater for accommodation for the ageing, including options for dependent and independent living.</i></li> </ul>	<p>The rezoning of this land for residential purposes permits a diverse range of residential accommodation development options of a greenfield site adjacent to existing low-density residential land uses. The vacant unencumbered land has high amenity values and will supply residential development opportunities to meet current increasing residential market demands including those for families, first home buyers and ageing populations.</p> <p>The development will not adversely affect any nearby or surrounding agricultural activities in the vicinity due to existing separation distances and significant landscape features in the locality, and particularly given that none exist in the immediate locality.</p> <p>The proposed zoning is commensurate with the existing abutting RU5 zoned land and its alignment and does not propose or promote urban sprawl, but rather the logical and controlled extension of accessible, unencumbered and underutilised land.</p> <p>The future development of the site will support a vibrant community via activated street frontages and pedestrian linkages that will strengthen the community connectivity and resilience. Importantly, the rezoning will not preclude opportunities for further residential and industrial development options at The Rock.</p>

Lockhart Rural Lands Strategy 2013

The Planning Proposal has been prepared to address the recommendations of the *Lockhart Rural Land Strategy (RLS)*.

The RLS assessed rural land in the Lockhart Shire zoned RU1 under the LLEP. The objective of the RLS was:

*...to quantify the importance of agriculture to the Lockhart Shire including and assessment of land use and land capacity and to review the current minimum lot size for a dwelling and subdivision of rural land for a dwelling associated with primary production.*

The RLS concluded that the RU1 zone occupied 95% of the Shire with 90 % considered 'prime agricultural land. The RLS also recognised that productive agricultural lands use and continuing investment relies on protection of agricultural resources and provision of sensible rural settlement opportunities that do not jeopardise or conflict with rural land uses. Subsequently, opportunities for rural settlement at The Rock were considered in the *Rural Settlement and Industrial Land Zoning Study (The Study)* considered further below.

Rural Settlement and Industrial Land Rezoning Study

The Planning Proposal has been prepared to consider and address the recommendations of the *Rural Settlement and Industrial Land Zoning Study (The Study)*

The Study was prepared concurrently with the RLS and considered the need for, and best location of Large Lot Residential (Rural Residential) and Industrial land at The Rock. The Study identified areas of land to the north of Burkes Creek zoned for residential purposes and also noted only two applications were made for dwellings on the land in over 10years. It also confirmed that The Rock had no Industrial Zoned land.

The Study was prepared in consultation with the community and Council and was underpinned by a number of general and specific recommendations that guides the future development of The Rock. These matters are addressed in Table 3 below.

Table 3: Consideration of Rural Settlement and Industrial Land Zoning Study

General and Specific Recommendations	Consistency
<b>Community Consultation</b>	
<ul style="list-style-type: none"> <li>- Existing R5 land is in large holdings (north of Lagettie Lane) and the owners have not been inclined to pursue subdivision.</li> <li>- There has been some interest in developing R5 land (southwest of Lagettie Lane)</li> <li>- There are other areas of Land suitable for large lot residential development.</li> </ul>	<p>The Planning Proposal supports greater variety of land choice and density. The landowner recognises the desire and demand for small village and lifestyle Lots in close proximity to The Rock town centre and confirm his desire to proceed with the subdivision to its completion in accordance with an approved Subdivision Plan.</p> <p>This Planning Proposal demonstrates that the land is suitable for the proposed rezoning and intended residential village outcomes.</p>
<b>Councillor Workshop</b>	
<ul style="list-style-type: none"> <li>- Use of lot averaging clause considered reasonable for large lot residential land close to the township</li> <li>- Opportunity should be provided for more than one land holder to supply residential land to the market. There are land owners that wish to enter the market.</li> </ul>	<p>The Planning Proposal recognises the specific recommendations resulting from the Councillor workshop. In this regard the landowner seeks to offer diverse and affordable land and housing opportunities to the market, the likes of which The Rock has not seen before. The land maintains unique characteristics with views to the Rock Nature</p>



<ul style="list-style-type: none"> <li>- <i>Land provided to the market should have a variety of characteristics to encourage choice.</i></li> <li>- <i>The Rock could have attractive land with views, as well as land adjoining the Golf Course.</i></li> </ul>	<p>Reserve and walkable distance access to the town Centre and its services including schools, shops and recreational areas.</p>
---	--

**Rationale for selecting Large Lot Residential Areas**

<ul style="list-style-type: none"> <li>- <i>The land should be relatively free of physical constraints such as flooding, bushfire, native habitat, excessive slope or rock and proximity to industry or other uses which may affect amenity;</i></li> <li>- <i>The land should be within reasonable proximity to the town, close enough to enable persons to use the town as a service centre, and minimise the potential for future residents to demand town facilities in more isolated areas, and strategically located not block future town growth;</i></li> <li>- <i>The land should not be prime agricultural land, and conversely the land should not be selected on the basis that it has lesser agricultural quality;</i></li> <li>- <i>The land should preferably have elevational relief to add to its attractiveness;</i></li> <li>- <i>The land should where possible utilise localities which are already fragmented through prior subdivision or where previous town cadastre is evident</i></li> <li>- <i>The land bank should be sufficient for 20-25 years;</i></li> <li>- <i>The land should be readily serviceable with town water, and preferably have formed roads in existence; and</i></li> <li>- <i>More than one land area and landowner should be considered, to avoid placing all potential lot yield in an area which may not develop, despite the initial intention of the landowner.</i></li> </ul>	<p>The land is unencumbered and is not constrained by any natural hazard such as flooding, bushfire, significant native vegetation or habitat, excessive slope or rock or proximity to industry or other uses which may affect a low-density residential amenity.</p> <p>The land is located less than 1 kilometre to the town centres and its facilities including schools and shops and is suitable for a diverse demographic such as the elderly, families and first home buyers.</p> <p>The site is not isolated and will not create any land use conflicts with existing surrounding land uses. Essential infrastructure is located in immediate proximity to the subject land and has known capacity to service low-density village development of this scale without placing unreasonable or uneconomic demands on infrastructure or town facilities.</p> <p>The land, by virtue of scale, location and features, is not considered to be prime agricultural land. The land is noted as being flat with minimal elevation across the site, however, maintains views and vistas to the west adding to its attractiveness. The development will utilise where possible existing paper road reserve which currently transects the site which has resulted in a pre-existing fragmented title arrangement and Lot layout.</p>
---	--

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

The Planning Proposal is considered the best means of achieving the objectives or intended outcomes as it will allow for the subdivision of land for residential purposes in a manner that is compatible with the context and setting of the locality, the recommendations of key Council strategic planning policies and the conceptual subdivision plan prepared for the site shown in Figure 6 below.



Figure 8: Concept Subdivision Plan

The objective and intended outcomes aim to facilitate the development of the subject land for low density residential purposes consistent with the existing residential theme of adjoining land uses, particularly the established neighbourhood to the north and east of the subject land.

The current planning controls, and specifically the lot size map as it applies to the subject land, allows for a minimum subdivision lot size of 250 hectares. Consequently, in order to achieve a village subdivision outcome, the variation to the minimum lot size controls could not be reasonably pursued via a variation under Clause 4.6 of LLEP due to the extent of the variation.

Approval of a development application that substantially departs from the minimum subdivision lot size would set an undesirable precedent, undermine the LEP subdivision controls and prevent broader strategic planning considerations of allowing additional village and residential development land and notwithstanding residential accommodation is a prohibited land use in the IN1 zone.

Alternative options to a site-specific Planning Proposal include waiting for Council's next scheduled review of its LEP. This option is not preferred as Council have not identified the need to review LLEP in the short term.

Consequently, the intended outcome can only be achieved by a Planning Proposal to change the zoning and the minimum lot size for subdivision. Therefore, the approval of a site-specific Planning Proposal is considered the best option as it will allow for the development of a suitable development site that will help stimulate urban and economic growth at The Rock consistent with the recommendations of the LSPS.

#### 4.3.2 Section B – Relationship to Strategic Planning Framework

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

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

The *Riverina Murray Regional Plan 2036* (Regional Plan) was adopted by the NSW Government in 2017 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina & Murray regions for the next 15 years.

The Minister's foreword to the document states that the Regional Plan will help support *"More housing and a greater choice in housing throughout the Riverina Murray will give communities greater flexibility to accommodate an ageing population and seasonal workers."*

The Regional Plan is underpinned by four (4) key goals including:

- *Goal 1 – A growing and diverse economy.*
- *Goal 2 – A healthy environment with pristine waterways.*
- *Goal 3 – Efficient transport and infrastructure networks.*
- *Goal 4 – Strong, connected and healthy communities.*

Each of these goals is supported by a number of different actions, which seek to achieve the objectives of the goal.

An assessment of the Planning Proposal against the relevant goals, directions and actions of the Regional Plan is undertaken in Attachment A.

In summary the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant goals, directions and actions of Regional Plan as detailed in Attachment A.

***Will the planning proposal give effect to a Council's endorsed local strategic planning statement or another endorsed local strategy or strategic planning?***

Consideration of the *Lockhart Shire Local Strategic Planning Statement* and the *Rural Settlement and Land Rezoning Study* have been addressed in Section 4.3.

The *Lockhart Community Strategic Plan 2017 – 2027* (CSP) is Council's local community strategic planning document. The CSP is based on five Strategic Directions and Themes:

- *Theme 1 - A connected and resilient community*
- *Theme 2 - A dynamic and prosperous economy*
- *Theme 3 - An environment that is respected and protected*
- *Theme 4 - Infrastructure for the long term needs of the community*
- *Theme 5 - Strong leadership and governance.*

There are 14 objectives that underpin the strategic directions and themes that reflect the community's key ambitions for the future. The objectives are 'outcome-driven' and are long-term focused and represent the highest-level achievements over the ten-year Community Strategic Plan.

Themes 3 and 4 relate to 'an environment that is respected and protected' and 'infrastructure for the long-term needs of the community' which apply to the subject Planning Proposal. Consideration of the proposal against the relevant objectives are addressed in Table 4 below.

Table 4: Objectives of the Lockhart Community Strategic Plan 2020 - 2040

Objective	Consistency
<p><i>An environment that is respected and protected</i></p> <p><i>C1. Our environmental practices are sustainable.</i></p> <p><i>C2. Flora and fauna are protected across the Shire.</i></p> <p><i>C3. Our open space and natural environment are protected for future generations</i></p>	<p>The Planning Proposal is consistent with the objectives where the development of land is unencumbered by significant environmental features that would be compromised by land development.</p> <p>The development site offers opportunities for sustainable housing development with high amenity values. Opportunities exist for contributions to the environmental characteristics of the locality with street tree planning and water sensitive urban design. The development site is centrally located and has good access to urban infrastructure and services without detriment to the sensitive environmental features in the locality.</p>
<p><b>Goal 8:</b> <i>Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs</i></p> <p><i>A2. Our community services and facilities meet the needs of our communities</i></p> <p><i>A3. People of all ages, abilities, and backgrounds participate in community life.</i></p>	<p>The development outcomes sought on site via the Planning Proposal will retain the existing character and density qualities of the Village in the area with local access to township and community facilities.</p>

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

Attachment B provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's). In summary, many of the SEPP's are not applicable to the Lockhart Government Area (LGA) and even less are applicable to the circumstances of the Planning Proposal.

Notwithstanding, an assessment has been provided in Attachment B outlining whether the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant SEPP's.

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

Section 9.1 (formerly s. 117) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning to give directions to Councils' regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of LEP's. A Planning Proposal needs to be consistent with the requirements of the Direction but in some instances can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "minor significance".

An assessment of all s.9.1 Directions is undertaken in Attachment C. In summary, the Planning Proposal is either consistent, or justifiably inconsistent with the relevant Directions. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

### 4.3.3 Section C – Environmental, Social and Economic Impact

#### **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject land is located within a semi-rural area that has been modified by historical agricultural land use practices including grazing and cropping and does not contain any significant trees, waterways, waterbodies or significant overland flow paths. There is no known critical habitat or threatened species, populations or ecological communities or their habitats. The subject land and future desired subdivision works, and residential land development shown by the Concept Subdivision Plan at Figure 6 above is not classified as a Matter of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

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

Consideration of other likely environmental effects resulting from the Planning Proposal have been considered and are addressed below.

##### Natural Hazards

The subject land is not identified as bushfire prone land and is not within a Flood Planning Area. The subject land is also not known to be contaminated given previous rural land use activities conducted on-site.

##### Traffic and Access

Matters regarding traffic and access need to be considered as a result of the proposed increased development density and developable land created by a subdivision. Although the Planning Proposal seeks to increase density of residential living of the land and the locality, which in turn will increase traffic movements, and access requirements, the existing road network is of appropriate design with adequate capacity in the village context.

The concept subdivision layout proposes to utilise existing paper roads with local road construction allowing all vehicles to access development Lot via constructed public road network.

Further details regarding traffic and access are to be addressed in a Traffic Impact Assessment submitted as part of a forthcoming development application.

##### Heritage

Following a review of Schedule 5 and the Heritage Map of the LLEP, the subject land is not identified as an item of environmental heritage significance and is not located within a heritage conservation area.

Matters regarding Aboriginal Cultural Heritage have also been investigated. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken, and it is confirmed that there are no recorded items of Aboriginal cultural significance within 200 metres of the subject site. The subject land has been disturbed from previous rural and agricultural land use activities including stock grazing and cropping and is therefore not expected to contain any items of Aboriginal cultural heritage significance. The land does not contain any landscape features such as permanent waterways, ridgelines, caves or sand dunes that would indicate the presence of items of Aboriginal Cultural Heritage significance.

##### Urban Design and subdivision layout

The vision for the site is to develop a high-quality low-density residential development with high amenity values and views and vistas to The Rock Nature Reserve.

The accompanying concept subdivision layout, which supports the proposed development looks to utilise existing unformed paper road cadastre and create 29 environmentally sustainable designed residential development Lots with a minimum land size of 2,000m<sup>2</sup>. The site area available, coupled with its prime location on the southern entrance to The Rock, affords the opportunity to design a high-quality development which responds to the local context.

The site presents a unique opportunity to provide additional and diverse residential Lots to the local market to reflect the future desired character of the village whilst maintaining a sensitivity to the existing village context and nearby environmental values of the areas.

The development seeks to achieve a number of key development outcomes as follows:

- Prioritise local access to The Rock township.
- Maintain connectivity to the town centre.
- Maintain shared high amenity values with key view corridors to The Rock Nature Reserve.
- Provide well-proportioned and compatible subdivision layout and residential density.
- Provide opportunities for low density lifestyle living opportunities.
- Expand the housing diversity opportunities in the area.

Consideration and justification for the RU5 Village zone expansion and reduction to the minimum Lot size from 250ha to 2,000m<sup>2</sup> has been determined based on the highest and best use of the land, as well as ensuring that the future built form on site has regard to the surrounding context and setting of the area. The plans demonstrate that the proposed density and scale of the future subdivision, by virtue of the minimum 2,000m<sup>2</sup> subdivision Lot size has been appropriately considered in the context and setting of the area and will have a number of public benefits and urban design outcomes.

Concept plans and details of the urban design and layout, including the concept Landscape Plan in Figure 8 below, were included as part of a submission to Council seeking its in-principle support for rezoning of two parcels. A report was prepared for consideration at the ordinary Council meeting of 21 December 2020 where it resolved the following;

*RESOLVED on the motion of Crs Driscoll and Verdon that:*

1. *Council notes the information contained in the Report; and*
2. *Council advises Habitat Planning that Council gives its in-principle support to the rezoning of the land.*

A copy of the submission to Council is provide at Attachment D.



Figure 9: Concept Landscape Plan

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

The Planning Proposal has considered the likely social and economic effects as outlined below. Overall, there will be a positive social and economic effects for The Rock community from the Planning Proposal through additional choice of residential living environments and construction activity through the pursuit of the concept subdivision.

The new residents will increase support for both community and commercial interests in the town.

Social Effects

The development will have an overall positive social effect in the locality as it will improve resident lifestyle and amenity through improved access to local infrastructure and facilities and contribute to an increase in residential land and housing stock close to the town centre. The development site has access to rail and bus transport, public recreation areas including the sporting grounds and swimming pools, commercial and medical facilities as well as schools, banking and the Post Office. Increased land and housing choices in the area will improve community access to these facilities through an increased population base leading to improved employment opportunities and infrastructure provisioning.

Positive social impacts are also expected as a direct result of the development of high-quality residential allotments and associated dwelling construction and living arrangements on the new lots. The release of additional land will provide continued opportunity for the residential growth of The Rock and the greater Lockhart Shire generally. Increased populations will continue to provide for better quality housing outcomes in a highly accessible area, close to schools, recreational facilities and places of employment improving living quality. Increased construction activity will lead to improved local employment opportunities and greater economic and social benefits in the locality.

The proposal responds to the broad intentions of the LSPS, with the subject land representing an important and prominent component of the short-term growth of the precinct. The Planning Proposal seeks to achieve a built outcome that is respectful of the surrounding environment and for diverse residential accommodation development option to support both families, the elderly and new first home builders.

Future occupation of the land will also provide for an improved and attractive gateway entrance to The Rock and achieve high levels of amenity and access to open space for residents.

Other social benefits will include:

- Activation of existing prime, underutilised development land and an investment in The Rock town centre consistent with the recommendations of the LSPS
- Provision of approximately 29 new residential living opportunities to meet increases in demand for residential land for a broad socio-demographic and cross section of the greater community
- Provides a diverse range of housing choice for new and existing residents, which is highly accessible with access to employment opportunities and transport linkages both locally and in nearby centres including Lockhart, Wagga Wagga and Albury.

#### Economic Effects

The Proposal will result in a number of short and long-term economic benefits in the community and the greater Local Government Area through the generation of local employment opportunities during construction, occupation and permanent residency.

The Proposal will permit development which, in the context of The Rock township, has a high capital investment value which will lead to increased local economic activity and potential employment opportunities through civil and domestic construction. Initial and preliminary costings for civil design and construction, based on the concept layout at Figure 8, estimate a capital investment value for the project at more \$1m. These opportunities will likely result in further increases in local migration and the local permanent population of The Rock resulting in increased community, economic and social participation.

According to John Mooney Real Estate and the summary of residential real estate activity and enquiry in the area at Attachment G, enquiry and demand for residential land at The Rock is 'high' with increasing activity and general enquiry into residential land development and habitable living opportunities, whilst demand for industrial land remains low. Some of the increases in demand for land in the area may be attributed to the ability for people to live and work from home remotely whilst seeking a semi-rural lifestyle with high amenity qualities and values. This cohort of people include working families seeking lifestyle choices and who have the desire and the ability to positively contribute to rural and village communities both economically and socially.

Economic benefits will include:

- Activation and investment in The Rock town centre consistent with the recommendations LSPS.
- Stimulus from the redevelopment vacant land to meet the changing demographic and housing needs of the community.
- Provision of more housing close to regional centres and employment opportunities.

#### **4.3.4 Section D – State and Commonwealth Interests**

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

The subject land adjoins the RU5 Village zoned land that is currently developed for low density residential purposes. The subject land has readily available access to reticulated infrastructure and services including water, stormwater drainage, road access, telecommunications and electricity with known capacity.

By maximising the development opportunities on-site through a higher density, the Planning Proposal and future redevelopment supports sound principles for utilising existing community infrastructure and services in the locality.



Further details regarding infrastructure are to be addressed as part of the forthcoming development application.

#### **What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities in relation to the subject Planning Proposal. Notwithstanding, any consultation requirements with relevant public authorities and service providers will occur in accordance with the conditions of the Gateway Determination.

Following previous pre-lodgement discussions with Council officers, concept plans and details of the urban design and layout, including the concept Landscape Plan were included as part of the submission to Council seeking its in-principle support for rezoning of two parcels. A Council report was prepared for consideration at Councils' ordinary meeting of 21 December 2020 where it resolved the following:

*RESOLVED on the motion of Crs Driscoll and Verdon that:*

1. *Council notes the information contained in the Report; and*
2. *Council advises Habitat Planning that Council gives its in-principle support to the rezoning of the land.*

A copy of the submission to Council is provide at Attachment D.

See Section 4.5 of this proposal for further details regarding community consultation.

#### **4.4. Mapping**

This part of the planning proposal responses to Section 3.33(2)(d) of the EP&A Act which requires that if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument be provided.

The Planning Proposal seeks to amend the following maps of the LLEP as follows:

- to amend the Land Zoning Map (LZN\_003C) as it applies to Lot 1 and Lot 4 in DP 194750, Braithwaites Lane, The Rock; by rezoning the land from RU1 Primary Production land and IN1 General Industrial zoned land to RU5 Village Zone; and
- to amend the Lot Size Map (LSZ\_003C) as it applies to Lot 1 and Lot 4 in DP 194750, Braithwaites Lane, The Rock from a minimum lot size of 250 hectares to a minimum lot size of 2,000m<sup>2</sup>.

Extracts of the proposed Land Zoning Map and Lot Size Maps are provided at Figures 6 and 8.

The draft LEP maps and associated Map Cover Sheet will be prepared in accordance with the NSW Department of Planning & Environment's: Standard Technical Requirements for Spatial Datasets and Maps (Version 2.0, August 2017).

#### **4.5. Community Consultation**

This part of the planning proposal responds to Section 3.33(2)(e) of the AP&A Act which requires the details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal will be exhibited in accordance with the requirements of Part 1, Division 1, Clause 4 of Schedule 1 of the EP&A Act, the NSW Department of Planning and Environment's: *A Guide to Preparing Local Environmental Plans* and any conditions of the Gateway Determination (to be issued).

The Planning Proposal is not considered to be a 'low impact proposal' for the purposes of public exhibition and will therefore need to be publicly exhibited for a minimum period of 28 days.

Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, any affected landowner/s adjoining the subject land will be notified in writing, as well as any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

The future consultation process is expected to include:

- written notification to landowners adjoining the subject land.
- public notices to be provided in local media, including in a local newspaper and on Councils' website.
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

The written notice will contain:

- a brief description of the intended outcomes of the Planning Proposal.
- an indication of the land which is affected by the proposal.
- information on where and when the Planning Proposal can be inspected.
- the name and address of Council for the receipt of submissions.
- the closing date for submissions; and
- confirmation whether the Minister has chosen to delegate Plan Making powers to Council.

During the public exhibition period the following documents will be placed on public exhibition:

- the Planning Proposal.
- the Gateway Determination.
- any technical information relied upon by the Planning Proposal.
- relevant council reports.

An electronic copy of all the above information to be placed on public exhibition will be made available to the public free of charge.

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and will prepare a report to Council.

#### **4.6. Project Timeline**

The project timeline for the Planning Proposal is outlined in Table 5 below.

It is noted however, that there are many factors that can influence compliance with the timeframe including Council staffing resources, the cycle of Council meetings and submissions received, and issues raised. Consequently, the timeframe should be regarded as indicative only.

Table 5: Project Timeline (indicative)

Project Milestone	Anticipated Timeframe
<p><b>Lodgement</b></p> <p>Lodge Planning Proposal with council and make any necessary adjustments or changes prior to council accepting the plan</p>	<p>Four weeks for council to review and provide any comments regarding the submitted Planning Proposal and for the report to be updated.</p>
<p><b>Council Report (seeking Gateway Determination)</b></p> <p>Council planning officers to prepare a report to council seeking council endorsement of the Planning Proposal and referral to the NSW DPIE seeking the issuing of a Gateway Determination.</p>	<p>Two weeks to prepare council report and include on council agenda.</p>
<p><b>Request Gateway Determination</b></p> <p>Council to request a Gateway Determination from the NSW Department of Planning to proceed to Planning Proposal to public exhibition (including any delegation of plan-making powers to council)</p>	<p>Two weeks following Council resolution and request for a Gateway determination</p>
<p><b>Public Exhibition</b></p> <p>Undertake public exhibition of Planning Proposal in accordance with the conditions of the Gateway Determination.</p>	<p>Two weeks to prepare and place a public notice in the paper and four weeks to publicly exhibit the Planning Proposal.</p>
<p><b>Consider Submissions &amp; Finalise Document</b></p> <p>Council planning officers to consider, respond and report on submissions received and issues raised (if any) and where necessary, recommended relevant changes to the Planning Proposal.</p>	<p>Two weeks to collate, consider and respond to submissions received (if any).</p>
<p><b>Council Report (consideration of submissions)</b></p> <p>Council planning officers to prepare a report to council post public exhibition that considers any submissions received.</p>	<p>Four weeks to prepare council report and include on council agenda.</p>
<p><b>Submission to NSW DPIE/Parliamentary Counsel</b></p> <p>Forward Planning Proposal to NSW DPE/Parliamentary Counsel (if delegated) for finalisation following public exhibition.</p>	<p>Four weeks</p>
<p><b>Notification</b></p> <p>Finalisation/gazettal of Planning Proposal</p>	<p>Two weeks</p>

## 5. Conclusion

The Planning Proposal seeks to amend the *Lockhart Local Environmental Plan 2012* by:

- amending the Land Zoning Map (LZN\_003C) as it applies to Lot 1 and Lot 4 in DP 194750, Braithwaites Lane, The Rock; by rezoning the land from RU1 Primary Production land and IN1 General Industrial zoned land to RU5 Village Zone; and
- amending the Lot Size Map (LSZ\_003C) as it applies to Lot 1 and Lot 4 in DP 194750, Braithwaites Lane, The Rock from a minimum lot size of 250 hectares to a minimum lot size of 2,000m<sup>2</sup>.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the relevant guidelines prepared by the NSW Department of Planning, Infrastructure and Environment. The Planning Proposal sets out the justification for the proposed amendment and considers the environmental, social and economic impacts of the proposal.

Having regard to the above, the Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is consistent with the strategic planning framework including State, Regional, District and local planning strategies for Lockhart Shire.
- The proposal is generally consistent with the recommendations of the endorsed Rural Residential and Industrial Land Re-zoning Study.
- The proposal seeks to retain the existing surrounding zoning controls and other overlay requirements of LLEP, only seeking an amendment to the zoning and lot size provision as they relate to the subject site to facilitate activation and residential development of the land.
- The rezoning and subsequent development of the land will not generate any unacceptable environmental impacts in relation to the natural environment, land use context and general amenity.
- The resultant development will provide public domain improvements including street beautification works, landscape connectivity and improved permeability.
- The proposal will contribute towards vitalisation of The Rock township centre through investment and construction activity.
- The subject land is not environmentally sensitive and contains no environmental features.
- There will be a net social benefit for The Rock and Lockhart Shire community through additional residential land availability with the developer willing to proceed.
- The proposal will not generate any adverse impacts on the operation of the surrounding road and rail network.
- The land has suitable and available access to all applicable urban infrastructure.

The proposed amendments to LEP are judged appropriate and are well-considered warranting the support of Council before proceeding to a Gateway Determination.

# Attachment A

## Consistency with Riverina Murray Regional Plan 2036

Table 6: Consistency with Riverina Murray Regional Plan 2036

Goal, Direction & Action Title	Relevance to Planning Proposal	Consistency
<b>Goal 1 – A growing and diverse community</b>		
Direction 1 – Protect the region’s diverse and productive agricultural land.	The subject land is partly located within a rural zone, being the RU1 Primary Production Zone.	The subject land is located within a larger area zoned RU1 that is highly fragmented and has limited agricultural capability. Rezoning the land to RU5 Village will not reduce the amount of productive agricultural land.
Direction 2 – Promote and grow the agribusiness sector.	Not applicable, as the proposal does not relate to agribusiness.	N/A
Direction 3 – Expand advanced and value-added manufacturing.	Not applicable, as the proposal does not relate to industry as value-added manufacturing.	N/A
Direction 4 – Promote business activities in industrial and commercial areas.	Not applicable, as the proposal does not relate to business activities.	N/A
Direction 5 – Support the growth of the health and aged care sectors.	Not applicable, as the proposal does not relate to the health and aged care sectors.	N/A
Direction 6 – Promote the expansion of education and training opportunities.	Not applicable, as the proposal does not relate to education or training.	N/A
Direction 7 – Promote tourism opportunities.	Not applicable, as the proposal does not relate to tourism.	N/A
Direction 8 – Enhance the economic self-determination of Aboriginal communities.	Not applicable, as the proposal does not relate to Aboriginal communities.	N/A
Direction 9 – Support the forestry industry.	Not applicable, as the proposal does not relate to forestry.	N/A

Direction 10 – Sustainably manage water resources for economic opportunities.	Not applicable as the proposal does not relate to water resources.	N/A
Direction 11 – Promote the diversification of energy supplies through renewable energy generation.	Not applicable as the proposal does not relate to energy supplies.	N/A
Direction 12 – Sustainably manage mineral resources.	Not applicable, as the subject land is not known to contain any significant mineral resources.	N/A
<b>Goal 2 – A healthy environment with pristine waterways</b>		
Direction 13 – Manage and conserve water resources for the environment.	Not applicable, as the subject land is not known to contain any water resources.	N/A
Direction 14 – Manage land uses along key river corridors.	Not applicable as the subject land is not located within or near a river corridor.	N/A
Direction 15 – Protect and manage the region’s many environmental assets.	The subject land does not contain any significant environmental assets.	N/A
Direction 16 – Increase resilience to natural hazards and climate change.	The site is not subject to any natural hazards	N/A
<b>Goal 3 – Efficient transport and infrastructure networks</b>		
Direction 17 – Transform the region into the eastern seaboard’s freight and logistics hub.	Not relevant, as the proposal does not relate to industry or freight.	N/A
Direction 18 – Enhance road and rail freight links.	Not relevant, as the proposal does not relate to freight.	N/A

Direction 19 – Support and protect ongoing access to air travel.	Not relevant, as the proposal will not affect air travel.	N/A
Direction 20 – Identify and protect future transport corridors.	Not relevant to the subject proposal.	The proposed zoning does not compromise the operation of the Inland Rail corridor or the nearby Olympic Highway.
Direction 21 – Align and protect utility infrastructure investment.	The proposal will result in vacant residential development land.	All relevant urban infrastructure can be extended to the subject land and with capacity to accommodate the anticipated future residential development.
<b>Goal 4 – Strong, connected and healthy communities</b>		
Direction 22 – Promote the growth of regional cities and local centres.	The proposal affects land within The Rock township.	The Planning Proposal will support and promote the growth of The Rock by making available additional land for residential development with access to nearby regional centres including Wagga Wagga and Albury.
Direction 23 – Build resilience in towns and villages.	The proposal affects land within The Rock township.	By providing additional land for residential development, the population of The Rock will be increased, thereby building resilience through economic growth and social and community connectedness.
Direction 24 – Create a connected and competitive environment for cross-border communities.	Not relevant as The Rock is not a border town.	N/A
Direction 25 – Build housing capacity to meet demand.	The proposal is creating the opportunity for residential development.	The Planning Proposal supports this Direction because as a consequence, it will increase the supply of vacant residential lots at The Rock, which is currently experiencing increased demand for vacant, low-density lifestyle Lots. This is attributed to the lower cost of land and residential living and its accessible commuting



		distance to the regional centres of Wagga Wagga and Albury.
Direction 26 – Provide greater housing choice.	The proposal is creating the opportunity for residential development.	The subject land is located adjoining established low-density residential living. The rezoning seeks to create new vacant development lots with high amenity values with increased opportunities for housing diversity and choice.
Direction 27 – Manage rural residential development.	Not applicable, as the proposal does not relate to rural residential development.	N/A
Direction 28 – Deliver healthy built environments and improved urban design.	The future subdivision development of the subject land is depicted in Figure 6 and 7 above.	The concept subdivision layout utilises existing road reserve and lot cadastre, proposing a layout that integrates with the adjoining land to the east and the interface of established residential development to the north and northeast. The existing local road network will facilitate efficient movement of vehicle and pedestrian traffic to the facilities within the Rock township.
Direction 29 – Protect the region’s Aboriginal and historic heritage.	Not relevant as the lots are unlikely to feature items of Aboriginal cultural heritage.	N/A

# Attachment B

## Consistency with State Environmental Planning Policies

Table 7: Consistency with State Environmental Planning Policies

No.	Title	Applicable to Planning Proposal	Consistency
19	Bushland in Urban Areas	Not applicable to the local government area of Lockhart Shire.	Not applicable
21	Caravan Parks	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, development consent requirements, number of sites being used for long term or short-term residents, permissibility of moveable dwellings where caravan parks or camping grounds are also permitted, and subdivision of caravan parks for lease purposes as provided in the SEPP.
33	Hazardous & Offensive Development	Not applicable as the existing and proposed activities on site do not constitute hazardous and offensive development.	Not applicable.
36	Manufactured Home Estate	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, strategies, development consent, assessment and location provisions as provided for in the SEPP.
47	Moore Park Showground	Not applicable to the local government area of Lockhart Shire.	Not applicable
50	Canal Estate Development	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and canal estate development prohibitions as provided for in the SEPP.
55	Remediation of Land	Applies to all land in the State.	As the Planning Proposal will create the opportunity for residential development, Clause 6 of this SEPP requires Council to consider whether the subject land is potentially contaminated. However as there is a high degree of confidence that none of the subject land has been used for an activity listed in Table 1 of the <i>Contaminated Land Planning Guidelines</i> , a preliminary investigation as potential contamination is not necessary.

64	Advertising & Signage	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, development consent requirements and assessment criteria for advertising and signage as provided for in the SEPP.
65	Design Quality of Residential Apartment Development	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, development consent, assessment, information and notification requirements as provided in the SEPP.
70	Affordable Housing (Revised Schemes)	Applies to all land in the State.	The Planning Proposal does not conflict with the aims or objectives as provided for in the SEPP.
	Aboriginal Land 2019	Not applicable to the local government area of Lockhart Shire.	Not applicable
	Activation Precincts 2020	Not applicable to the local government area of Lockhart Shire.	Not applicable
	Affordable Rental Housing 2009	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP.
	Building Sustainability Index (BASIX) 2004	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as provided in the SEPP.
	Coastal Management 2018	Not applicable to the local government area of Lockhart Shire.	Not applicable
	Concurrences and Consents 2018	Applies to all land in the State.	The Planning Proposal does not conflict with the concurrence and consent requirements as provided for in the SEPP.
	Educational Establishments & Child Care Facilities 2017	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to educational establishments and childcare

			facilities as provided in the SEPP. Furthermore, the Planning Proposal does not seek to facilitate the use of the site as an educational establishment or childcare facility.
	Exempt & Complying Development Codes 2008	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
	Gosford City Centre 2018	Not applicable to the local government area of Lockhart Shire.	Not applicable
	Housing for Seniors & People with a Disability 2004	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, development consent, location, design, development standards, service, assessment, and information requirements as provided for in the SEPP.
	Infrastructure 2007	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
	Koala Habitat Protection 2020	Not applicable as the subject land is not contained in the RU1, RU2 or RU3 zones	Not applicable.
	Koala Habitat Protection 2021	Applies to the Lockhart Shire Local Government Area.	Lockhart Shire is one of the Councils to which this SEPP applies. Whilst it is acknowledged that a Koala Plan of Management has not been prepared for the land in recognition of the history of the site, its current condition and lack suitable koala habitat or feed sources, and the lack of any koala siting's in the area. This is considered to achieve the general aims and objectives of this SEPP.
	Kosciuszko National Park – Alpine Resorts 2007	Not applicable to the local government area of Lockhart Shire.	Not applicable
	Kurnell Peninsula 1989	Not applicable to the local government area of Lockhart Shire.	Not applicable

Major Infrastructure Corridors 2020	Not applicable to the local government area of Lockhart Shire.	Not applicable
Mining, Petroleum Production & Extractive Industries 2007	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided for in the SEPP.
Penrith Lakes Scheme 1989	Not applicable to the local government area of Lockhart Shire.	Not applicable
Primary Production and Rural Development 2019	Not applicable as the subject land is not state significant agricultural land and does not propose any artificial waterbodies.	Not applicable.
Murray Regional Environmental Plan No 2 – Riverine Land	Not applicable to the local government area of Lockhart Shire.	Not applicable
State and Regional Development 2011	Not applicable as the Planning Proposal is not for State significant development.	Not applicable.
State Significant Precincts 2005	Not applicable as the subject land is not within a State significant precinct.	Not applicable.
Sydney Drinking Water Catchment 2011	Not applicable to the local government area of Lockhart Shire.	Not applicable
Sydney Region Growth Centres 2006	Not applicable to the local government area of Lockhart Shire.	Not applicable
Three Ports 2013	Not applicable to the local government area of Lockhart Shire.	Not applicable

Urban Renewal 2010	Not applicable as the subject land is not within a potential precinct.	Not applicable.
Vegetation in Non-Rural Areas 2017	Applies as the subject land is proposed to be zoned R2 Low Density Residential.	This SEPP is relevant as the proposed RU5 zone is a zone to which it applies. However, the future development of the land will not require the removal of any trees. The Planning Proposal is not inconsistent with the aims and functions of this SEPP with respect to protecting biodiversity values and preserving the amenity through the preservation of trees and vegetation.
Western Sydney Aerotropolis 2020	Not applicable to the local government area of Lockhart Shire.	Not applicable
Western Sydney Employment Area 2009	Not applicable to the local government area of Lockhart Shire.	Not applicable
Western Sydney Parklands 2009	Not applicable to the local government area of Lockhart Shire.	Not applicable
Draft Environment SEPP	Not applicable to the subject proposal	Not applicable
Draft Corridor Protection SEPP	Not applicable to the local government area of Lockhart Shire.	Not applicable
Draft Design and Place SEPP	Applies to all land in the State.	The Design and Place SEPP will be a principle-based SEPP, integrating and aligning good design and place considerations into planning policy, and giving effect to a number of objects of the EP&A Act including good design and amenity of the built environment, sustainable management of built and cultural heritage, and the proper construction and maintenance of buildings.  It will also promote the NSW Premier's Priorities for a Better Environment (Greener Public Spaces and Greening our City).

			The deemed SEPP is not strictly applicable to the Planning Proposal, however future development of housing may be subject to the provisions of the new SEPP if legislated.
--	--	--	--



# Attachment C

## Consistency with Section 9.1 Ministerial Directions

Table 8: Consistency with Ministerial Directions

No.	Title	Applicable to Planning Proposal	Consistency
<b>1. Employment and Resources</b>			
1.1	Business and Industrial Zones	The land is currently zone IN1 (and RU1), and Policy Direction 1.1 is applicable to the Proposal.	<p>The proposal is generally inconsistent with the Direction because it proposes to reduce the available IN1 zoned land by rezoning it to RU5 for residential land development purposes. Notwithstanding the extent of inconsistency removes a portion of the IN1 zoned land, The Rocks main industry type and employer in the area is bulk grain storage and distribution via the Rock – Oaklands rail line. This industry is already established and operates to the northwest of the township with suitable separation distances to sensitive receptors including residential accommodation.</p> <p>The current land holders, and those landowners prior to 2020 did not express any interest in future industrial development or a desire to present the land for others to develop for industrial land uses. Similarly, no interest has ever been forthcoming to development the land for such purposes.</p> <p>Importantly, the rezoning does not completely remove adjoining lands' potential for business and industry development rather permit it to be of a more appropriate and compatible scale with existing and proposed village land uses.</p> <p>The rezoning and residential land development will continue to encourage employment growth and investment in the locality by increasing the residential land availability and supporting population growth.</p>
1.2	Rural Zones	The land is currently zone RU1 (and IN1) and is proposed RU5 Village.	<p>The proposal is inconsistent with the Direction because it advocates a change from a rural zone to a village zone.</p> <p>However, the Direction allows for a proposal to be inconsistent in the circumstances set out in clause (5). In this instance the inconsistency is justified because the proposal is in satisfies the Lockhart LSPS, and generally accords with the Riverina-Murray Regional Plan 2036 as discussed in the report above.</p>

			Furthermore, the proposed amendment to land zoning and minimum lot size is considered minor given the low productive agricultural value of the land.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable as the Planning Proposal does not impact on mining, petroleum or extractive industries.	Not applicable.
1.4	Oyster Aquaculture	Not applicable as the subject land is not within a Priority Oyster Aquaculture Area.	Not applicable.
1.5	Rural Lands	Consistent.	<p>The Direction requires that the planning proposal must:</p> <ul style="list-style-type: none"> <li>a) <i>be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i></li> <li>b) <i>consider the significance of agriculture and primary production to the State and rural communities</i></li> <li>c) <i>identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></li> <li>d) <i>consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i></li> <li>e) <i>promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></li> <li>f) <i>support farmers in exercising their right to farm</i></li> <li>g) <i>prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</i></li> </ul>

			<p>h) <i>consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</i></p> <p>i) <i>consider the social, economic and environmental interests of the community.</i></p> <p>The planning proposal is considered to satisfy these requirements as follows:</p> <p>a) it is generally consistent with the Riverina-Murray Regional Plan 2036;</p> <p>b) the subject land is part of a highly fragmented rural environment that contributes little to primary production and rural economy;</p> <p>c) the subject land is cleared of vegetation;</p> <p>d) the land has no physical constraints and is not subject to any natural hazards;</p> <p>e) there is little opportunity for agricultural innovation and investment given the small size of the property and surrounding urban context;</p> <p>f) the subject land is not part of a commercial farming operation (that would require protection);</p> <p>g) the land is already highly fragmented in a rural context and further fragmentation of this land for RU5 and residential development purposes is unlikely to create any land use conflicts;</p> <p>h) the subject land is not identified as State significant; and</p> <p>i) there will be a net benefit to The Rock community through sustained economic activity with an increase in construction activity and population growth.</p> <p>Having regard for the above, the proposal is considered to be justifiably inconsistent with this Direction.</p>
<b>2. Environment and Heritage</b>			
2.1	Environment Protection Zones	Not applicable to the subject Proposal	The Planning Proposal does not involve land identified as environmentally sensitive and does not seek to reduce the environmental protection standards that apply to the land.

2.2	Coastal Management	Not applicable as the subject land is not located within a coastal zone.	Not applicable, the subject site is not identified under the <i>Costal Management Act 2016</i> or <i>State Environmental Planning Policy (Costal Management 2018)</i> .
2.3	Heritage Conservation	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not seek to vary the existing provisions in the LLEP at clause 5.10 that already facilitates the conservation of “items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance” or Aboriginal objects.
2.4	Recreation Vehicle Areas	Yes, as this Direction applies to all Planning Proposals.	Not applicable. The Planning Proposal does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the <i>Recreation Vehicles Act 1983</i> .
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable	Not applicable.
2.6	Remediation of Contaminated Land	Not applicable, as the subject land is not identified as an investigation area under the Contaminated Land Management Act 1997, nor has it been used for a purpose referred to in Table 1 of the contaminated land planning guidelines.	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones	Yes, as the Planning Proposal seeks to facilitate the redevelopment of the site for mixed use purposes including residential accommodation.	The Planning Proposal is consistent with this Direction as it will support the redevelopment of a currently underutilised site within The Rock town centre for the purposes of residential land development, via an increase in available development land. The Planning Proposal provides the opportunity for a greater choice and supply of housing at The Rock and make use of existing urban infrastructure. In addition, the LLEP already contains a provision requiring development to be adequately serviced.

			The land is centrally located in the context of The Rock layout and therefore has access to all relevant infrastructure and services. A forthcoming development application currently being prepared for the site, which demonstrates that the low-density residential development proposed for this site will increase the variety and type of residential accommodation within The Rock township and is compatible with the land features and surrounding land use context.
3.2	Caravan Parks & Manufactured Home Estates	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction as it does not reduce the opportunities for caravan parks and manufactured homes estates on the subject land.
3.3	Home Occupations	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction as it does not seek to change any provisions regarding home occupations.
3.4	Integrating Land Use and Transport	Yes, as the planning proposal seeks to alter a provision (building height) relating to land zoned B2 Local Centre.	The Planning Proposal is consistent with this Direction as it seeks to facilitate a redevelopment of a key site within The Rock township for residential development purposes with readily available access to transport infrastructure and services including rail and road. Having regard for these circumstances, the Planning Proposal is considered consistent with this Direction
3.5	Development Near Licensed Aerodromes and Defence Airfields	Not applicable.	Not applicable to the Planning Proposal.
3.6	Shooting Ranges	Not applicable, as the subject land is not located in the vicinity of a shooting range.	Not applicable.
3.7	Reduction in non-hosted short term rental accommodation period	Not applicable to the Lockhart Local Government Area.	Not applicable.

<b>4. Hazard and Risk</b>			
4.1	Acid Sulphate Soils	Not applicable, as the subject land is not identified as containing acid sulphate soils.	Not applicable.
4.2	Mine Subsidence & Unstable Land	Not applicable, as the subject land is not within a Mine Subsistence District.	Not applicable.
4.3	Flood Prone Land	Not applicable, the subject land is not identified as being flood prone	Not applicable.
4.4	Planning for Bushfire Protection	Not applicable as the subject land is not mapped as bushfire prone.	Not applicable.
<b>5. Regional Planning</b>			
5.1	Implementation of Regional Strategies	Revoked 17 October 2017.	Not applicable.
5.2	Sydney Drinking Water Catchment	Not applicable, as the land is not located within the Sydney Drinking Water Catchment.	Not applicable.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable, as the subject land is not located within proximity to the Pacific Highway.	Not applicable.

5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010.	Not applicable.
5.6	Sydney to Canberra Corridor	Revoked 10 July 2008.	Not applicable.
5.7	Central Coast	Revoked 10 July 2008.	Not applicable.
5.8	Second Sydney Airport: Badgerys Creek	Revoked 20 August 2018.	Not applicable.
5.9	North West Rail Link Corridor Strategy	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
5.10	Implementation of Regional Plans	Yes, as this Direction applies to all Planning Proposals that apply to land where a Regional Plan has been prepared.	The Planning Proposal is generally consistent with the goals, directions and actions as contained within the Riverina-Murray Regional Plan 2036 for the reasons outlined in Attachment A.  A full response in relation to this Regional Plan has been provided in Attachment A.
5.11	Development of Aboriginal Land Council Land	Not applicable, as the subject land is not identified on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable.
<b>6. Local Plan Making</b>			
6.1	Approval and Referral Requirements	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not propose any referral or concurrence requirements or nominate any development as 'designated development'.
6.2	Reserving Land for Public Purposes	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not remove or propose any land for public purposes.



6.3	Site Specific Provisions	Not applicable as the proposal does not propose any site-specific provisions.	Not applicable.
<b>7. Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney	Not applicable as the subject land is not within one of the local government areas nominated in this Direction.	Not applicable.
7.2	Implementation of Greater Macarthur Land Release Investigation	Revoked 28 November 2019.	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.

7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.8	Implementation of Western Sydney Aerotropolis Plan	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.9	Implementation of Bayside West Precincts 2036 Plan	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.12	Implementation of Greater Macarthur 2040	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.
7.13	Implementation of the Pymont Peninsula Place Strategy	Not applicable, does not apply to the Lockhart Local Government Area.	Not applicable.

# Attachment D

Copy of Submission to Lockhart Shire Council



16 October 2020

General Manager  
Lockhart Shire Council  
PO Box 21  
LOCKHART NSW 2656

Via Email: [mail@lockhart.nsw.gov.au](mailto:mail@lockhart.nsw.gov.au)

Dear Mr Veneris,

**Re: Planning Proposal for Rezoning and Rural Residential Subdivision  
Braithwaites Lane, The Rock (Lot 1 & 4 in DP 194750)**

## Introduction

Habitat Planning act on behalf of TJ and AV Group Pty Ltd (the Proponent), owners and developers of the subject land.

The purpose of this correspondence is to outline a prospective development option of the subject land currently being considered by the proponent, and to provide Council with a brief rationale and summary of the positive outcomes of the development with a view to obtain Councils favourable response to presenting a formal Planning Proposal and subsequent Development Application for residential subdivision of the subject land.

This correspondence follows a meeting with Council on 18 September 2020 where the development was introduced and discussed with Council officers. In seeking greater confidence and support for the proposal, this synopsis has been prepared for the Councillors further consideration and comment.

## Overview

The subject land comprises of Lot 1 and Lot 4 in DP 194750; being two parcels of land with an approximate combined land area of 9.16 hectares. The land has a generally flat topography with no significant waterways, overland flow paths or drainage corridors, and has no significant trees or biodiversity values present on the site(s). The land comprises basic farming infrastructure including post and wire boundary fencing however is otherwise vacant with no dwellings or structures.

The land has historically been used for extensive agricultural purposes including cropping and grazing and was actively farmed in conjunction with the adjoining properties to the west comprising Lots 2 & 3 in DP 194750. More recently the land has been vacant with no agricultural activities occurring on the sites.

The land is currently accessed from Braithwaites Lane and is configured in a grid like pattern with unformed paper roads dissecting the two Lots and adjoining land to the west, with a reserve extending from Yerong Street to the east and from Braithwaites Lane in the south. Both Lots, and road reserves have direct abutments to residential dwellings. Refer to the Locality Map in Figure 1 below.



**Figure 1: Locality Map**

The land is relatively unencumbered and is not impacted by any natural hazards, land slipe, bushfire, or flood inundation.

## Existing Zoning

Under the *Lockhart Local Environmental Plan 2012* (LLEP), the land is currently zoned RU1 – Primary Production and IN1 General Industrial.

In 2012/13 The Rock, including the subject land was reviewed and considered with the *Rural Settlement and Industrial Land Rezoning* (Booth & Associates, April 2013). The Study, which examined the need for, and best location of, Large Lot Residential (Rural Residential) and Industrial land at the Rock recommended land to the west of The Rock, including parts of the subject site and 19ha at Bullenbung The Rock Road be rezoned to Industrial.

A Planning Proposal was prepared, and the *LLEP* was modified by gazette on 19 December 2014 amending the instrument in accordance with the recommendations of the Study and as illustrated in the zoning Map in Figure 2 below.

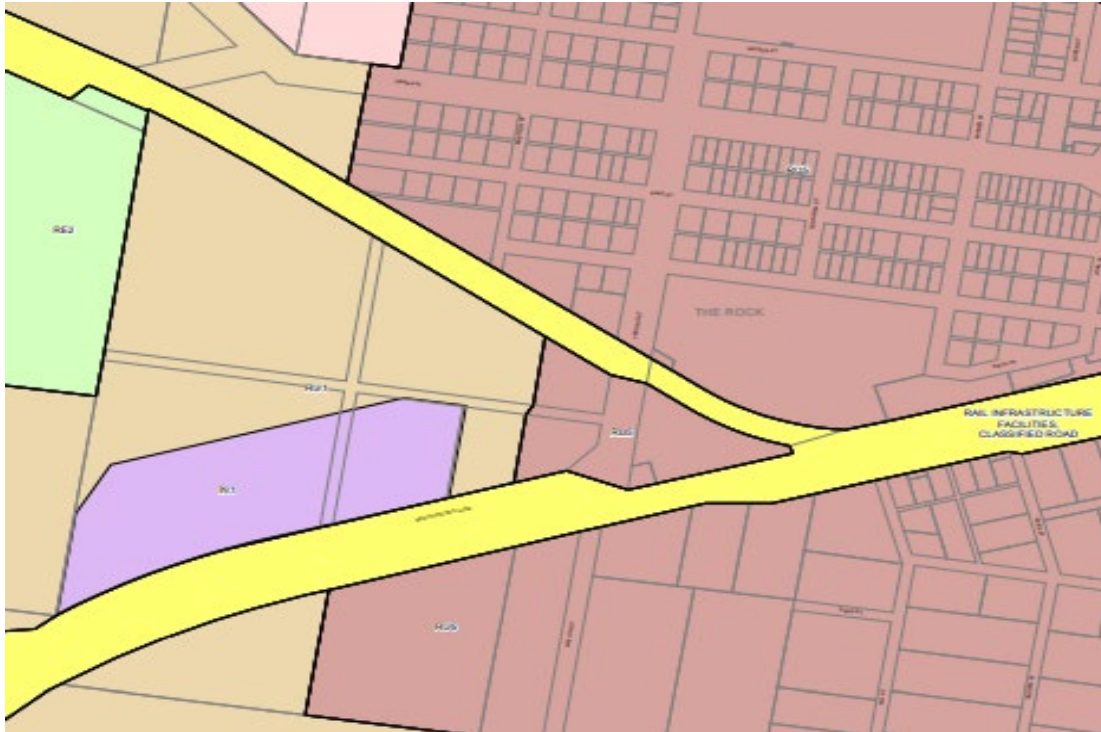


Figure 2: Zoning Map excerpt

## Proposed Zoning

The proponent wishes to prepare a Planning Proposal that seeks to amend the current zoning of the subject land to facilitate future residential development. The proposal would rezone the subject land comprising of Lot 1 and Lot 4 in DP 194750 from IN1 General Industrial and RU1 Primary Production to RU5 Village zone to reflect the current residential land use zoning at The Rock. The objective of the RU5 zone is:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*

The premise in which the rezoning would be sought is to permit a greater variety of land use options at the site, consistent with the RU5 objective and where the development market may determine the growth in line with permitted land uses in the area. In this regard, light industrial development and most general industrial development, are not prohibited land uses in the RU5 zone, which seeks to accommodate a variety of land uses, including low density residential development, that may co-exist in close proximity. The proposed zoning would essentially see the extension of the existing RU5 zone that currently overlays The Rocks activity centre, further west on suitably formed and accessible land.

## Rationale

Initial investigations and market research undertaken by the proponent has revealed that there is little to no demand for industrial zoned land or industrial land uses at the subject site. Furthermore, there is no desire from the owner and developer of the land to facilitate industrial land development due to the extensive and prohibitive costs associated with infrastructure provisioning and land holding costs. It is further considered that the land is inappropriate for General Industrial zoning for reasons summarised below:

- **Lack of Infrastructure** – the land lacks basic infrastructure including water, electricity, and road access, all of which are required to service industrial development. The provision and necessary upgrades of any of the required utilities and infrastructure for industrial development is cost prohibitive, particularly for the scale and relative demand of the industrial zoned land

- **Incompatibility with surrounding land uses** – the subject land has a direct abuttal to existing residential development placing the Industrial zoned land in close proximity to this development and is at odds with the desired character of the rural village zone.
- **Demand for low density residential property** – Initial market research has confirmed that there is sufficient demand for vacant low-density residential land in this location that warrants the land owner to pursue residential development options to achieve a Lot yield of approximately 18 development Lots.
- **Natural Hazards** – The site is mostly unencumbered of any significant natural hazards including bushfire and flooding, and subsequently lends itself to habitable residential living.
- **Braithwaites Lane vegetation and biodiversity values** – Braithwaites lane contains significant native vegetation, habitat, and biodiversity values. Upgrades required to facilitate industrial development would compromise the value of this vegetation and important corridor.

In recognition of the importance of industrial zoned land and more importantly industry in communities, the proposed rezoning would not remove all industrial land, rather more appropriately align the zoning overlay to be commensurate with the allotment boundary and be of a scale more sympathetic to the surrounding land. This new alignment would permit further residential and industrial development options of a scale that is more compatible with existing residential development and effectively create a more appropriate transition zone.

### Concept Subdivision

Preliminary research undertaken by the proponent confirmed the viability for construction of a new estate-like entrance within the existing paper road reserve and creation of approximately 18 environmentally sustainably designed residential development Lots with a minimum land size of 2,000m<sup>2</sup>, provision reticulated services including water supply and electricity, and premium vistas and outlooks to The Rock Nature Reserve.

A preliminary concept layout prepared by the proponent, provided in Figure 3 below, indicates the possible layout option that takes advantage of the sites features and opportunities including potential for road access directly from Yerong Street, northern orientated allotments with views to The Rock Nature Reserve, excellent solar access, and preservation of the natural character of the surrounding area including Braithwaites Lane. This particular layout also provides opportunities for future development continuity and connectivity to the adjacent land to the west in Lots 2 and 3.



Figure 3: Preliminary Lot layout concept

## Summary

This correspondence seeks to provide Council with a high-level overview of the proponent's vision for residential development of the subject land. The development would comprise of the following:

- **Rezoning** - Prepare and submit a Planning Proposal to rezone Lots 1 and Lot 4 in DP 194750 from IN1 General Industrial and RU1 Primary Production to RU5 Village zone to reflect the current residential land use zoning of directly adjacent land The Rock and the development vision of the site
- **Subdivision** – Prepare a Development Application for residential subdivision (approximately 18 Lots) of the rezoned land including the provisioning of applicable infrastructure and landscaping.

## Conclusion

We are of the opinion that the proposed rezoning and residential development option has substantial merit and will result in positive economic, social, and environmental outcomes for The Rock.

We seek Council's advice and in-principle support to proceed in preparing the necessary documentation for further consideration.

Should you have any queries please contact the undersigned directly on 6021 0662 or [craig@habitatplanning.com.au](mailto:craig@habitatplanning.com.au).

Yours faithfully,

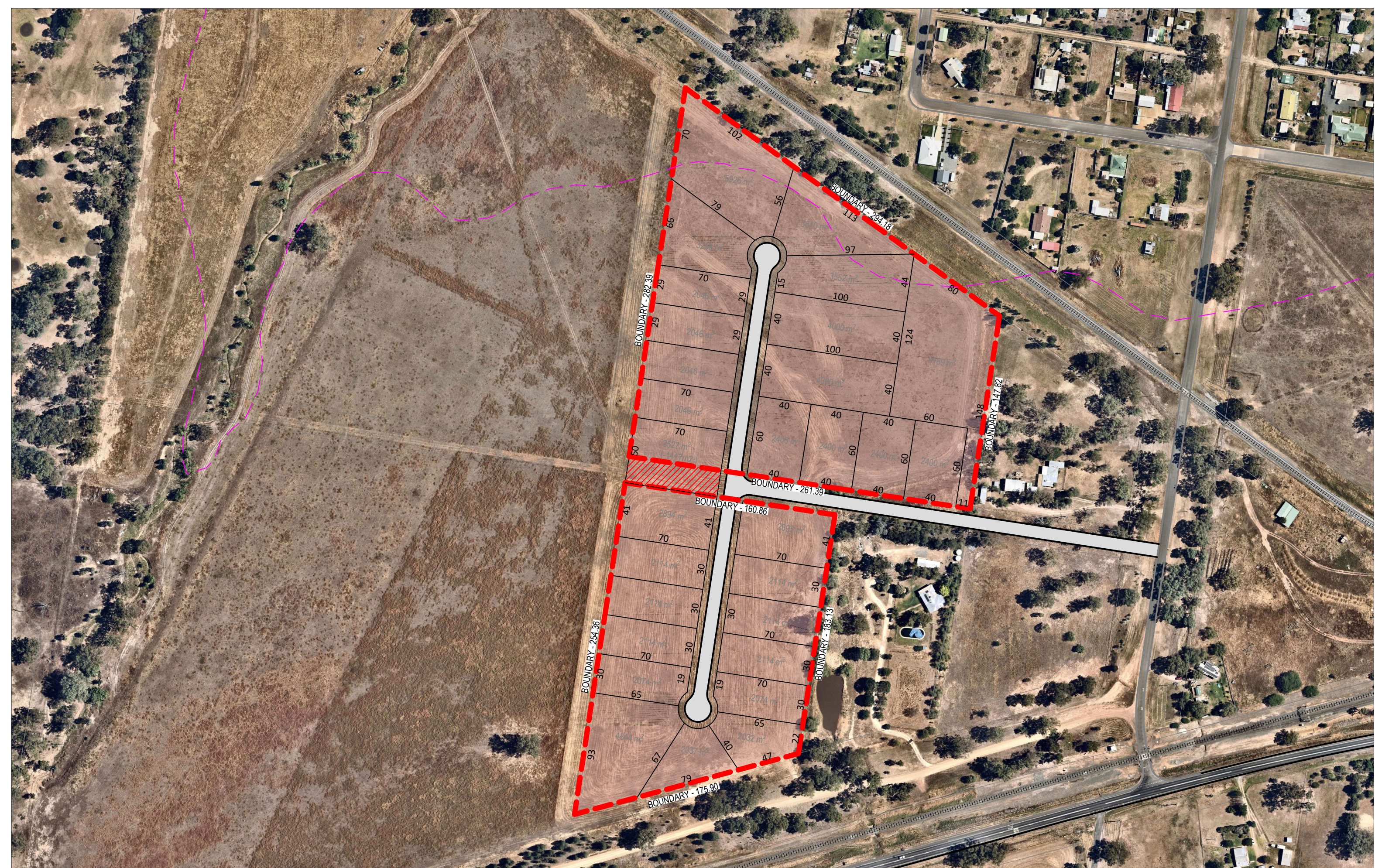


**Craig McPartland**  
Senior Planner



# Attachment E

## Concept Subdivision Plan





# Attachment F

## Concept Landscape Plan



Botanical name **Corymbia eximia**

Common name **Yellow Bloodwood**

Mature size **10m high x 7m wide**

Install size **2.0m high min.**





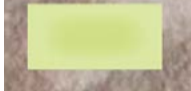

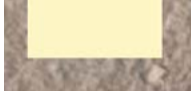

Botanical name **Ulmus parvifolia 'Todd'**

Common name **Chinese Elm**

Mature size **13m high x 10m wide**

Install size **2.0m high min.**

**LEGEND**

-  **Evergreen tree**  
Corymbia eximia
-  **Deciduous tree**  
Ulmus parvifolia 'Todd'
-  **Verge**
-  **Road**
-  **Lots**
-  **Mass planting (tubestock)**  
Mix of locally occurring species PCTID 267: White Box – White Cypress Pine – Western Grey Box shrub/grass/forb woodland in the NSW South Western Slopes Bioregion.

**PROPOSED SUBDIVISION, THE ROCK  
LANDSCAPE PLAN**

Dwg: 21008 L01 Date: 17.05.2021 Rev: C For: CLIENT REVIEW



0 5 10 15 20 25m 1:500 at A1  
0 10 20 30 40 50m 1:1000 at A3



## Attachment G

### Land Sales and Enquiry Summary - John Mooney Real Estate



Dear TJ & AV Group Pty Ltd,

Re: Potential land rezoning - Braithwaite's Lane, The Rock 2655

Our previous experience and expertise in the area. (with particular regard to the marketing and sale of Council land releases at The Rock and Lockhart over the past 8 years), coupled with the current shortage of available residential land build on, would indicate to us the need for council's consideration of more land wherever the opportunity presents.

We have recently sold a portion of land adjacent to the proposed site, being Lot 3, DP 194750 and as a result of a short tender process, had 15 interested parties enquire with 4 tender offers being submitted. The other 11 enquiries indicated that if the land were zoned residential, they all would have submitted offers however, as it is not able to be developed from a residential perspective, they were not interested in the land.

#### **Sale of industrial land at Lockhart**

Our agency has been marketing the industrial land available at Lockhart since August 2017. During this time we have only sold one lot. We currently have 10 other lots available, with minimal enquiry over the last 3 years.

#### **Lot 3 Braithwaites Lane - being the most recent industrial land sold**

- 11 Enquiries – all looking for residential land to build on.
- 4 offers
- 11 enquiries indicated that if the land were zoned residential, they all would have submitted offers

#### **Residential land recently sold at The Rock:**

#### **Carson Road, The Rock stats – Most recent residential land release by Council.**

##### STAGE 1:

January 2017	4 Carson Road
January 2017	6 Carson Road
February 2017	2 Carson Road
March 2017	10 Carson Road
March 2017	8 Carson Road
March 2018	10 Carson Road (resold)

##### STAGE 2:

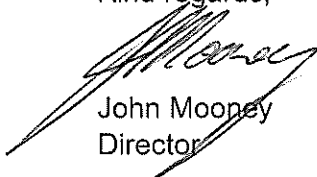
October 2019	Lot 6 Carson Road
September 2019	Lot 7 Carson Road
September 2019	Lot 8 Carson Road
October 2019	Lot 10 Carson Road
March 2019	Lot 11 Carson Road
March 2020	Lot 12 Carson Road
January 2021	Lot 13 Carson Road

Other recent residential land sales by our agency in The Rock and Lockhart:

- July 2017 Lot 77 Scott Street, The Rock
- December 2017 10 King Street, The Rock
- May 2018 Lot 31 & 32 Green Street West, Lockhart
- June 2018 Lot 1 & 8 Green Street West, Lockhart
- June 2018 6 Queen Street, The Rock
- March 2020 Lot 108 Hill Street, The Rock
- March 2020 17 Rockcliffe Court, Lockhart
- April 2020 Lots 21 & 22 Bond Street, Lockhart
- August 2020 Lot 11 Rockcliffe Court, Lockhart
- July 2020 55 Scott Street, The Rock
- September 2020 8 Drummond Street, Lockhart
- September 2020 Lots 28 & 29 Pritchard Place, Lockhart
- November 2020 23 Pritchard Place, Lockhart
- December 2020 222, 226 & 228 Green Street West, Lockhart
- January 2021 22 Bretton Street, The Rock
- January 2021 15 Pritchard Place, Lockhart

Overall our agency experience a high level of enquiry for residential land in Lockhart and The Rock, with the demand for such land greatly increasing over the last 12 months, as evidenced by the number of sales above in 2020 compared to earlier years.

Kind regards,



John Mooney  
Director