



IRF24/2126

Gateway determination report – PP-2024-1970

Rezone land at Merriwagga from RU1 Primary Production to RU5 Village and reduce the minimum lot size

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Planning proposal 6 August 2024 PP-2024-1970
<ul style="list-style-type: none"> Appendix A AHIMS Appendix B Preliminary Ecology Report Appendix C Preliminary Site Investigation
Attachment A1 Council Agenda and Minutes 16 May 2023 PP-2024-1970

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Carrathool Shire
PPA	Carrathool Shire Council
NAME	Rezone land at Merriwagga from RU1 Primary Production to RU5 Village and reduce the minimum lot size
NUMBER	PP-2024-1970
LEP TO BE AMENDED	CLEP 2012
ADDRESS	Merriwagga Village
DESCRIPTION	Lots 1 – 18/ 1 DP758673, Lots 1 – 18/ 7 DP758673, Lots 1 – 18/ 2 DP758673, Lots 1 – 18/ 8 DP758673, Lots 1 – 14/ 3 DP758673, Lots 1 – 18/ 9 DP 758673, Lots 1 – 14/ 4 DP758673, Lot 7302 DP1140336, Lots 1 – 12/ 5 DP758673, Lot 7303 DP1140336, Lot 1/ 6 DP758673, Lot 7304 DP1140336, Lot 50 DP1248914
RECEIVED	3/09/2024
FILE NO.	IRF24/2126
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Facilitate a variety of village land uses that will support the local community
- Sustainably increase the population and housing stock

1.3 Explanation of provisions

The planning proposal seeks to amend the Carrathool LEP 2012 per the changes overleaf:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production RU5 Village	RU5 Village
Minimum lot size	40ha 4000m ²	1000m ²

The proposal seeks to amend the zone of Lots 1-18/ Section 8 and 9 from RU1 Primary Production to RU5 Village and apply a minimum lot size of 1000m² across the entirety of the site. The proposed amendments will result in consistent controls across the site and 130 lots.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. A map only amendment is required.

1.4 Site description and surrounding area

The site is located in Merriwagga, approximately 70km north-west of Griffith, Figures 1 and 2. The site adjoins the Temora Roto Railway Station to the west, which is no longer for patron use and the Southwest Woodland Nature Reserve to the north. Terrestrial biodiversity is located on the northern boundary.

The site is 30 hectares and consists of both developed and undeveloped land. There are approximately 60 houses and seven items of local heritage significance within the subject site and immediate surroundings. The subdivision pattern, Figure 1, shows approximately 130 lots.



Figure 1 Subject site (source: Planning proposal, August 2024)



Figure 2 Site context (source: Planning proposal, August 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Use Zone and Minimum Lot Size maps, which are suitable for community consultation.

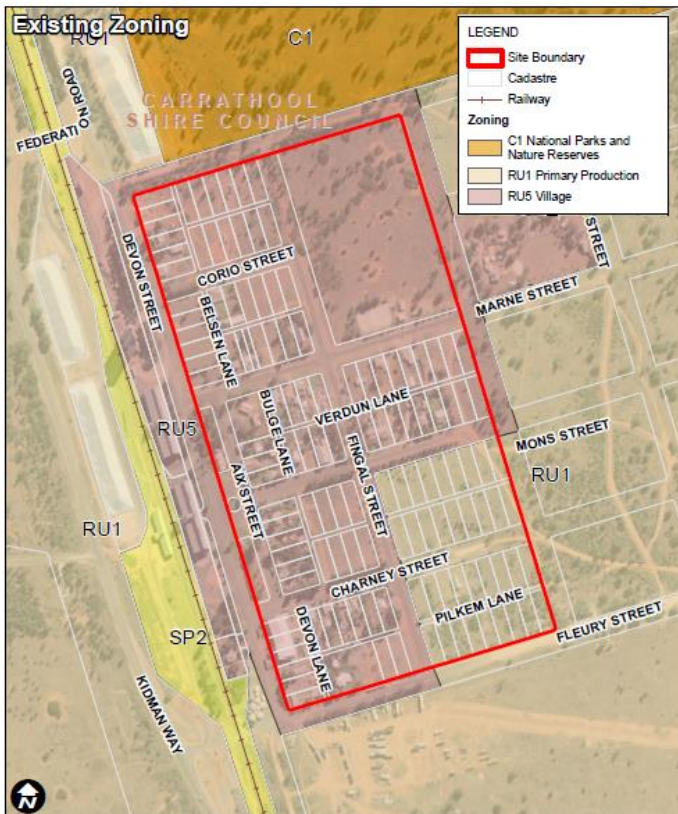


Figure 3 Current zoning map

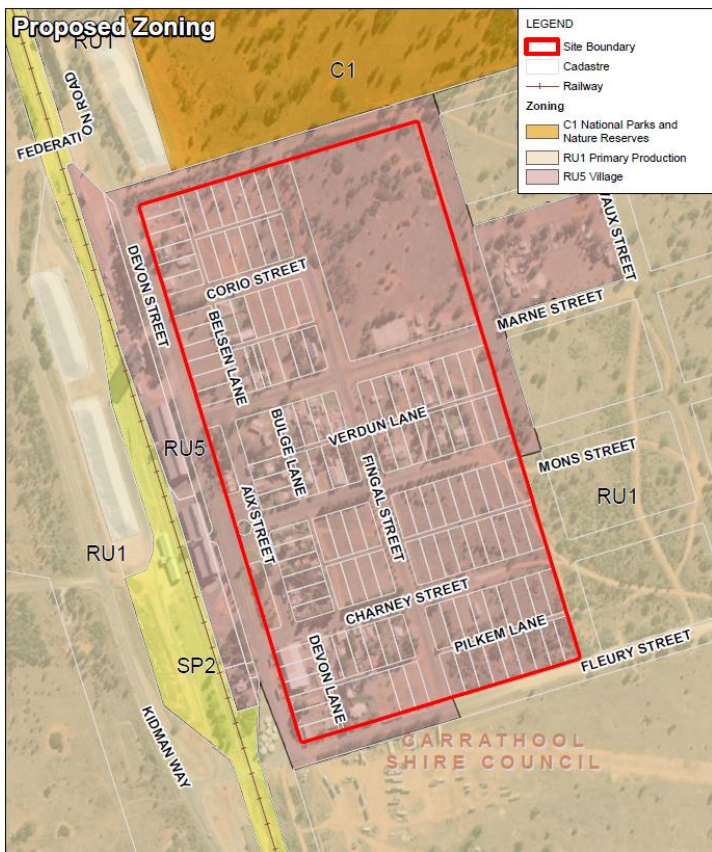


Figure 4 Proposed zoning map

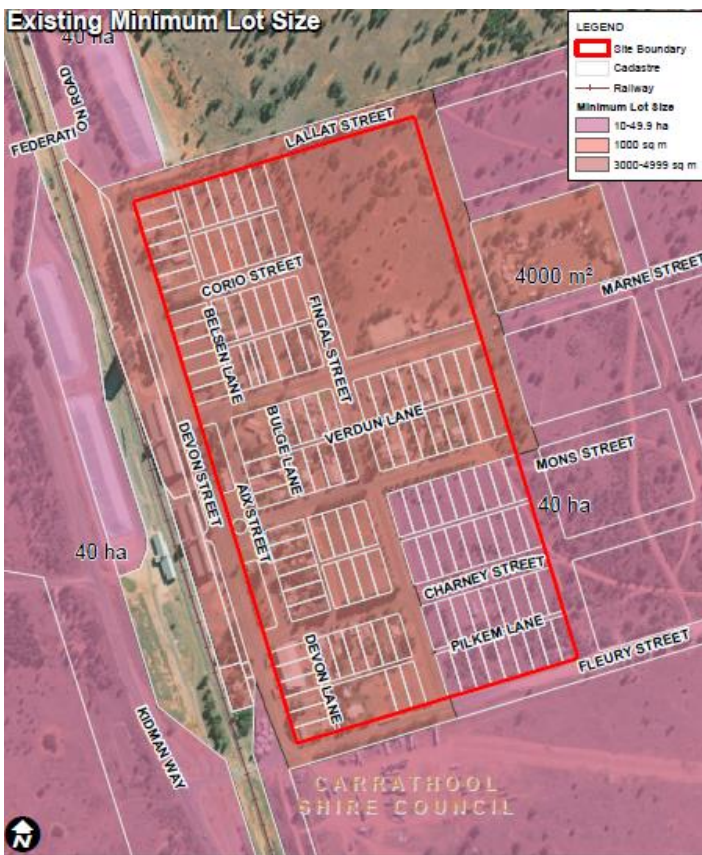


Figure 5 Current minimum lot size map

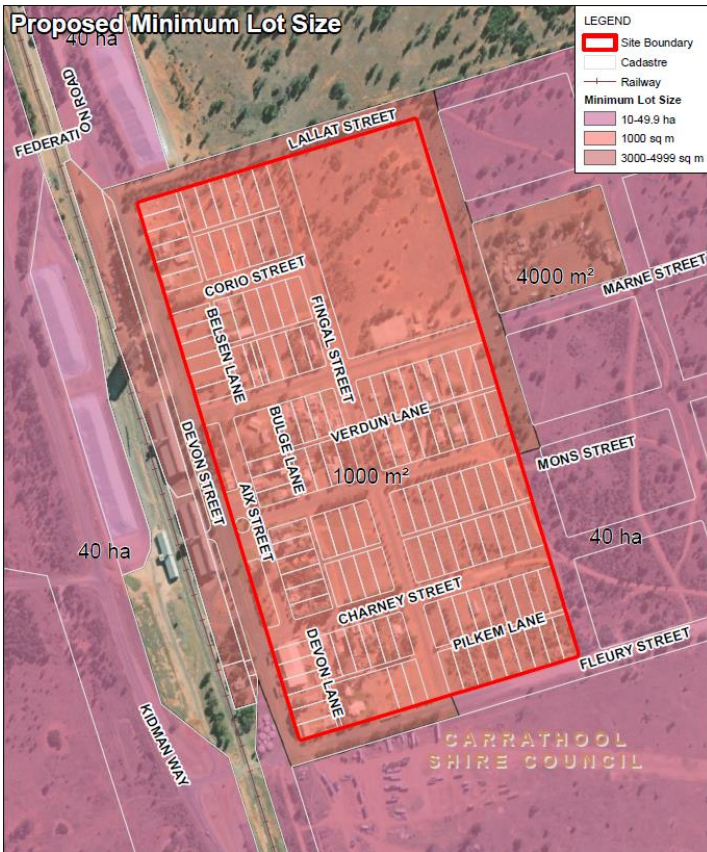


Figure 6 Proposed minimum lot size map

2 Need for the planning proposal

The planning proposal was prepared by SLR Consulting Australia on behalf of Carrathool Shire Council. The proposal directly responds to the Local Strategic Planning Statement 2040 which identifies the site as ‘future residential development’, see Figure 7.

To achieve the objectives of the planning proposal and satisfy the strategic framework it is proposed to amend the zoning and minimum lot size. This can only be achieved through a planning proposal.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 5: Ensure housing supply, diversity, affordability, and resilience	The planning proposal has been prepared on behalf of council. It seeks to apply an RU5 Village zone and a minimum lot size of 1000m ² . The combination of these controls will provide
Objective 6: Support housing in regional cities and their sub-regions	

Objective 7: Provide for appropriate rural residential development	flexibility to deliver diverse housing types and supporting commercial uses.
Objective 8: Provide for short-term accommodation	The site is free from development constraints such as flooding and bushfire, it is serviced by a coach that connects the site to centres such as Griffith. The planning proposal will deliver housing in an appropriate location whilst providing flexibility to adapt to the community’s changing needs. The proposal is consistent with the Regional Plan.
Objective 9: Plan for resilient places that respect local character	The site contains numerous local heritage items. As part of any future development application the impact on heritage items will be taken into consideration to ensure the items are managed and protected.

3.2 Local

The planning proposal states it is consistent with the Carrathool Local Strategic Planning Statement 2040. The following planning priorities are relevant to the proposal:

- 2.1 Deliver greater housing diversity to suit changing community needs
- 2.2 Deliver well planned rural villages
- 4.1 Protect and celebrate our natural and cultural heritage

The Local Government Area Structure Map identifies the site as ‘future residential development’, see Figure 7.



Figure 7 LGA Structure Map (Carrathool Local Strategic Planning Statement 2040, May 2020)


As outlined in Section 3.1 the planning proposal seeks to apply an RU5 Village zone to the site, which permits a range of land uses, providing the flexibility to adapt to changing community needs. The zone will allow a mix of commercial and residential land uses.

The planning proposal seeks to reduce the minimum lot size to 1000m² which will result in a relatively significant increase in lots for employment and residential uses. The proposed minimum lot size will improve the walkability of Merriwagga and assist in delivering a diverse housing supply. The lot sizes will be large enough in most cases to be developed whilst protecting biodiversity.

3.3 Section 9.1 Ministerial Directions

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

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal is consistent with this Direction, as discussed in Section 3.1.
3.1 Biodiversity and Conservation	Consistent	<p>The site contains terrestrial biodiversity along the northern boundary of the site, Figure 8, which is currently occupied by the Merriwagga Football Ground. The planning proposal does not reduce the conservation standards that currently apply to the site.</p>  <p>Figure 8 Terrestrial Biodiversity Map (Source: Spatial Viewer 2024)</p> <p>A Preliminary Biodiversity Report (PBR) was prepared by Anderson Environment and Planning in June 2024. A fieldwork survey included random meander flora surveys, BAM plots and habitat assessment.</p> <p>Approximately 4ha of ‘White Cypress Pine-Poplar Box woodland on footslopes and peneplains mainly in the Cobar Peneplain Bioregion’ is identified on the site but it was not found to contain threatened ecological communities. The site was not found to contain significant habitats or threatened species. The report did not address seasonal and targeted surveys.</p> <p>The PBR concludes that:</p> <ul style="list-style-type: none"> - Clearing more than 0.25 hectares of native vegetation will require a Biodiversity Offset Scheme and seasonal survey works for candidate species. - Intact vegetation should be retained through avoiding and minimising impacts.

- A referral under the EPBC Act would be required if impacts to any EPBC Act listed species or community are proposed.

The above matters will be addressed at the development application stage.

A condition of the Gateway determination will require consultation with the NSW DEECCW - BCS.



Figure 9 Ground Truthed Vegetation (Source: Preliminary Biodiversity Report, June 2024)

<p>3.2 Heritage Conservation</p>	<p>Inconsistency justified</p>	<p>This Direction applies as the site contains local heritage items, see Figure 1. A desktop study was undertaken which found no State listed heritage or records Aboriginal sites.</p> <p>The existing provisions within Council’s LEP are adequate to protect the heritage items located on the site. The planning proposal is not expected to have a negative impact on the heritage significance of the site therefore no additional provisions are necessary. The inconsistency with this Direction is justified.</p>
<p>4.4 Remediation of Contaminated Land</p>	<p>Consistent</p>	<p>This Direction applies as the site has previously been used for agricultural activities and will be used for residential purposes as a result of the planning proposal. Agricultural activities are identified as</p>

		<p>an ‘industry that may cause contamination and chemicals used’ in the ‘Contaminated land planning guideline’.</p> <p>A Preliminary Site Investigation (PSI) was prepared by McMahon Earth Science in January 2024 (Appendix C). The investigation was informed by a desktop study, detailed site inspection, preliminary assessment and risk assessment. The desktop study found multiple sources of potential contamination which included septic systems, fuel storage and leaks and potential asbestos.</p> <p>The PSI concludes ‘these potential contamination sources do not preclude the rezoning of the site given further investigation and site management is undertaken during development.’ The PSI provides an acceptable level of assurance that the site can be remediated prior to its occupation for residential purposes.</p> <p>The planning proposal has satisfied the requirements of this Direction.</p>
5.1 Integrating Land Use and Transport	Inconsistency justified	<p>This Direction applies as the proposal is seeking to apply a village zone.</p> <p>The planning proposal states that the proposal is consistent with principle 1 – concentrate in centres, as it enables specific development near Merriwagga train station, allowing access to wider employment areas.</p> <p>The Department finds the site is not within an acceptable walking distance to major public transport nodes. Merriwagga train station is not operational and private coaches do not run frequently.</p> <p>The planning proposal is not entirely inconsistent with ‘Improving Transport Choice – Guidelines for planning and development’ (DUAP 2001). The site is identified in the LSPS as a village centre and is consistent with principle 2 - mix use in centres.</p> <p>Any inconsistency with this direction is considered to be of minor significance as the planning proposal aims to provide additional housing and support a variety of village land uses, in keeping with principle 2.</p>
6.1 Residential Zones	Consistent	<p>This Direction applies as the proposed RU5 Village zone permits residential development.</p> <p>It is proposed to apply a minimum lot size and zone that will broaden the choice of building types available in the housing market and make more efficient use of existing infrastructure and services.</p> <p>The planning proposal states that there is existing infrastructure and capacity to service the additional lots with bore water. Septic tanks and aerated wastewater treatment systems will be used for any additional development. The planning proposal states there are ‘no existing plans to upgrade sewer or water infrastructure’. The proposal is consistent with this Direction.</p>

9.1 Rural Zones	Inconsistency justified	<p>This Direction is applicable as the site currently has a rural zone. The planning proposal is inconsistent with this Direction as it proposes to rezone a rural zone to a village zone.</p> <p>The proposed rezoning is consistent with the Regional Plan and responds to the LSPS which identifies the site as 'future residential development'. The inconsistency with the Direction is justified.</p>
9.2 Rural Lands	Consistent	<p>This Direction applies as the proposal seeks to amend the zoning and minimum lot size on rural land.</p> <p>The proposal seeks to deliver a variety of housing and commercial uses that meet the needs of the community, in keeping with the strategic framework. The site is appropriately located adjacent to the train line to avoid fragmentation. The planning proposal is council led, demonstrating it has been developed in the interest of the community. The proposal is consistent with the Direction.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Hazards and Resilience) 2021	<p>The SEPP is applicable as the PSI found the site was likely to be contaminated and could be a risk to future site users.</p> <p>Any future development application will adhere to the requirements outlined in Chapter 4. The planning proposal is consistent with the SEPP.</p>
State Environmental Planning Policy (Housing) 2021	<p>The planning proposal will not impact on the operation of the SEPP. However, the change of zone will change the provisions that can be applied to the site as part of any future development application.</p>

4 Site-specific assessment

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Flooding	<p>Consultation with Biodiversity and Conservation Science (BCS) was undertaken during the preparation of the planning proposal.</p> <p>BCS noted that flood risks have not been defined in the area. BCS considers the flood risk in this location to be low and further consideration of flood risk is not warranted.</p>

Transport	<p>Consultation was undertaken with Transport for NSW in the preparation of the planning proposal, due to the site being accessed from the classified road network.</p> <p>Transport suggested Council consider upgrading the existing Auxiliary Right Lane to a Channelised Right turn treatment at the intersection of Kidman Way with Melbergen Road for road safety reasons.</p> <p>The upgrade has not been integrated into the planning proposal, however this could be undertaken at a later stage. The planning proposal states Transport raised no objections to the planning proposal, however given the site is in close proximity to the classified road it is recommended the Gateway determination is conditioned requiring the planning proposal is referred to Transport for NSW for comment.</p>
Crown Land	<p>Consultation was undertaken with Crown Lands as the site is identified as Crown Land.</p> <p>Crown Land raised no objections to the proposal but noted a series of matters, that can be read in their entirety at Attachment A, most of which will be addressed through the subdivision and development process.</p> <p>Given the site is located on Crown Land it is proposed the Gateway determination include a condition requiring the planning proposal is referred to Crown Land for comment.</p>
Socioeconomic	<p>The proposal will result in a village with socioeconomic benefits that will revitalise and provide flexibility within the centre. A range of residential development types will be within walking distance to infrastructure, employment and services.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

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

5.2 Agencies

The planning proposal notes that consultation has been undertaken with the following agencies:

- DCCEEW - Biodiversity and Conservation Division
- Transport for NSW
- Crown Lands

The planning proposal does not suggest any further consultation.

6 Timeframe

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

The Department recommends an LEP completion date of 5 August 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

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

As the planning proposal is dealing with local matters and consistent with the strategic framework the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 3.2 Heritage Conservation, 5.1 Integrating Land Use and Transport and 9.1 Rural Zones are minor or justified.

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

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

1. Consultation is required with the following public authorities:
 - Crown Lands
 - DEECCW – Biodiversity, Conservation and Science
 - Transport for NSW
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 5 August 2025 be included on the Gateway.
4. The timeframe for the LEP to be completed is on or before 5 August 2025.



2/10/2024

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