

Planning Services

Gateway Determination Report

LGA	Walgett Shire Council
RPA	Walgett Shire Council
NAME	Walgett Rural Residential Planning Proposal
NUMBER	PP_2017_WALGE_002_00
LEP TO BE AMENDED	Walgett LEP 2013
ADDRESS	Lightning Ridge and Walgett
DESCRIPTION	Lightning Ridge – Lots 1-73 DP 838673 Walgett – Lot 42 DP 750291 and Lot 80 DP750291
RECEIVED	23/11/2017
FILE NO.	IRF17/361
POLITICAL DONATION DISCLOSURE	No
LOBBYIST CODE OF CONDUCT DISCLOSURE	No
LAND RELEASE DATA	Type of release: residential

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to rezone land in Lightning Ridge and Walgett to zone R5 Large Lot Residential to facilitate rural residential developments.

Site Description

Lightning Ridge Site

This subject site is located on the corner of the Castlereagh Highway and Bill O'Brien Way. The site is Council owned and is located approximately 5km from the town of Lightning Ridge. The site area is 44 hectares and is subject to an existing subdivision development. The southern portion of the site is flood prone. The current zone is a mix of zone RU1 Primary Production and zone SP1 Mining and is currently vacant land.

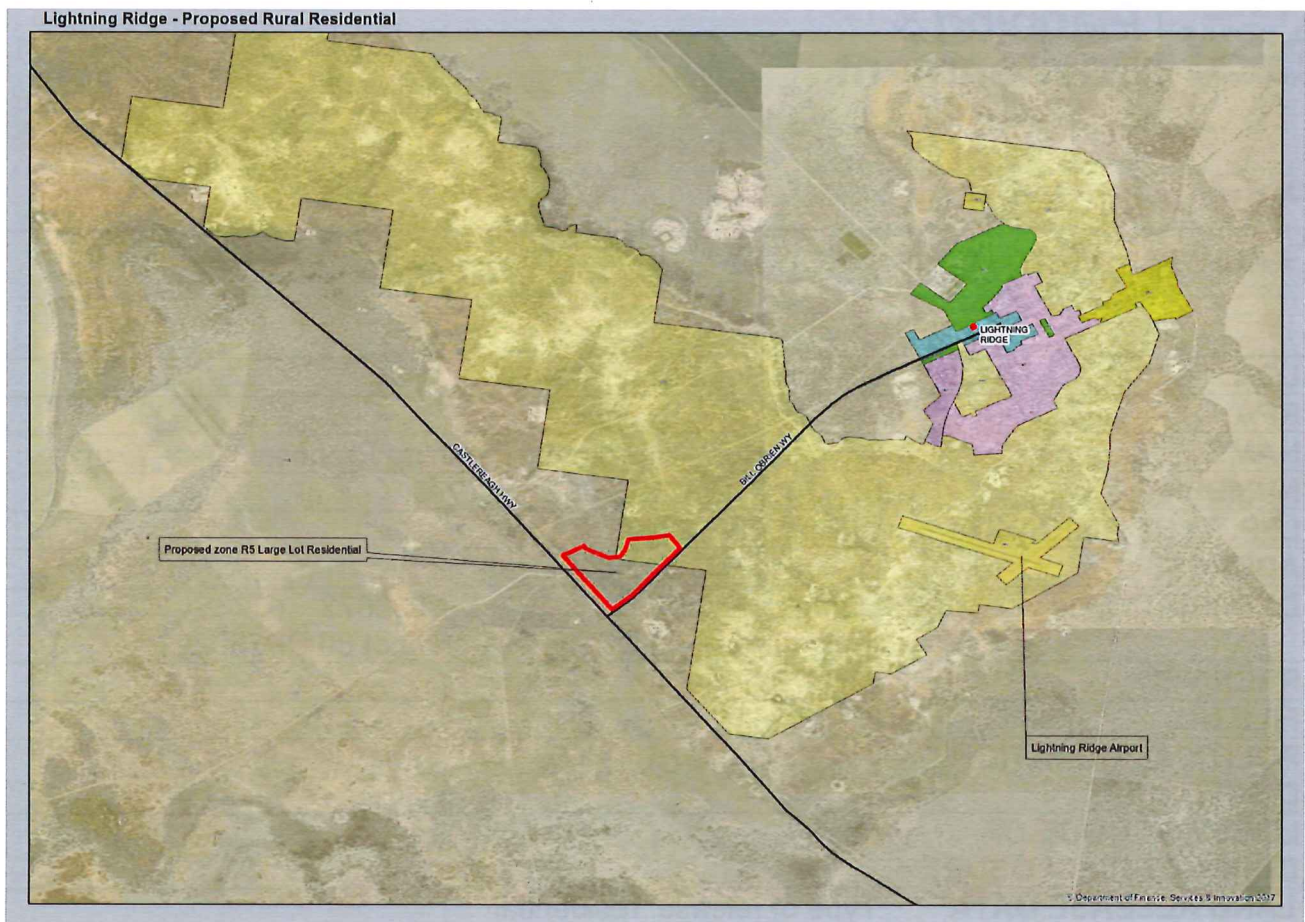


Figure 1 Lightning Ridge Site

Walgett Site

This subject site located on Come By Chance Road is located approximately 2.3km from the town of Walgett. The site comprises 2 lots with a total area of 162.8 hectares. The site is vacant and has Coolibah woodlands (EEC). There is anecdotal evidence that the site is flood prone. The current zone is RU1 Primary Production and is currently a mixture of vegetation and open grazing land.

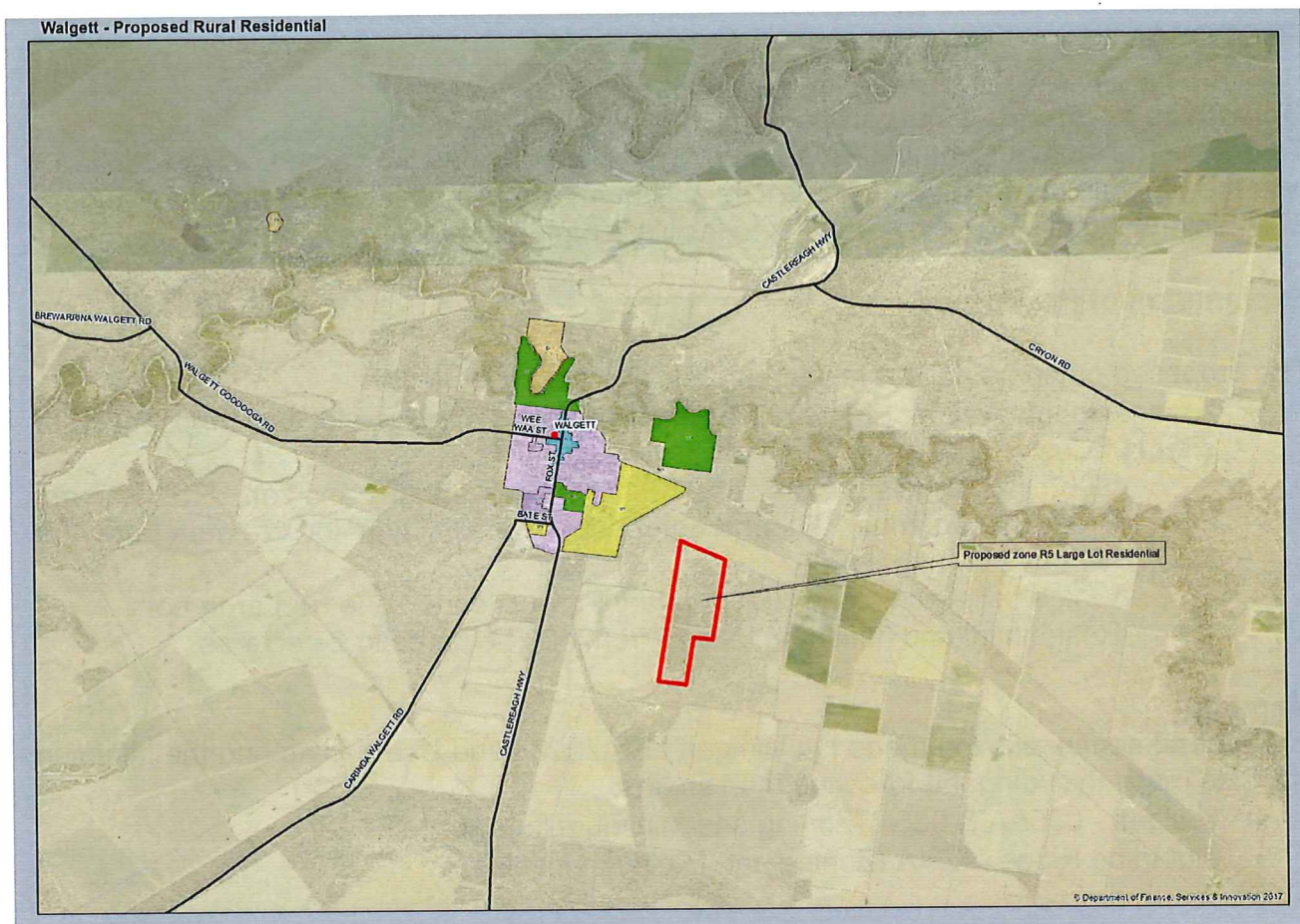


Figure 2 Walgett Site

Surrounding Area

Lightning Ridge Site

This site is surrounded to the north-east by active potential opal bearing country. The Walgett Shire Aboriginal Heritage Study indicates that there is no known items of Aboriginal heritage within a 0.5km radius of the site. There is an existing 22kV powerline which runs adjacent to the site along the Castlereagh Highway. The surrounding land is owned by DOI Lands and Water (Crown Land).

Walgett Site

The northern end of the site is in close proximity to the Walgett Aerodrome. The Gateway determination requires consultation with the Civil Aviation Safety Authority. The immediate surrounding land is semi-vegetated grazing land.

Summary of Recommendation

It is recommended that the planning proposal proceed with Conditions. The planning proposal is consistent with the draft Walgett Rural Residential Land Use Strategy 2017 (Currently being assessed).

The Gateway determination contains consultation requirements with the following Public Authorities:

- DPI Water,
- Civil Aviation Safety Authority,
- DPE – Resources and Geoscience,
- DOI Lands and Water, and
- Office of Environment and Heritage

PROPOSAL

Objectives or Intended Outcomes

To enable the land in Lightning Ridge and Walgett to be zoned R5 Large Lot Residential with the Lightning Ridge site having a 1ha minimum lot size and the Walgett site having a 2ha minimum lot size. The objective is to facilitate rural residential development.

Explanation of Provisions

The proposed outcome of the planning proposal will be achieved by:

- Amending the Walgett LEP 2013 land use map and minimum lot size maps for each site as follows;
 - Lightning Ridge site from zone SP1 Special Purposes and zone RU1 Primary Production to zone R5 Large Lot Residential. Minimum lot size map from 400 hectares to 1 hectare.
 - Walgett site from zone RU1 Primary Production to zone R5 Large Lot Residential and minimum lot size from 400 hectares to 2 hectares.

Mapping

The amendment seeks to amend the Walgett LEP 2013 Land Use Zoning and the Minimum Lot Size maps including the following map sheets:

- Walgett - 005AA & 005A (Zoning and Minimum lot size)
- Lightning Ridge - 004A (Zoning and Minimum lot size)

Council Report

The Walgett Rural Residential Planning Proposal was considered by Walgett Shire Council on 22 August 2017 where Council resolved to rezone 2 lots in Walgett that are identified in the draft Walgett Rural Residential Land Use Strategy (the Strategy) and one area in Lightning Ridge not identified in the original Strategy work. It was resolved at the meeting to:

- formally request the Department of Planning and Environment for a Gateway Determination for the Rural Residential Planning Proposal.
- to adopt the draft Walgett Rural Residential Strategy and in doing so amend the strategy to include Lightning Ridge site.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is required to amend the land use zoning and minimum lot sizes in the Walgett LEP to facilitate rural residential development.

STRATEGIC ASSESSMENT

Regional

The planning proposal is consistent with the goals, objectives and actions of the Far West Regional Plan 2036. The planning proposal does not specifically address the Regional Plan. It is recommended a condition be imposed on the Gateway determination requiring the planning proposal be amended prior to community consultation to address section 117 Direction 5.10 – Implementation of Regional Plans. This work is to address the Far West Regional Plan 2036 that was announced on 22 August 2017.

Local

The planning proposal is consistent with the draft Walgett Rural Residential Strategy 2017. The Walgett site is identified in the Strategy as Candidate Area 2. This area is identified in the Strategy for medium term release (5-10 years). This site has leap frogged Candidate Area 1 however this is justifiable given there is owner interest to progress Area 2 and the timeframe is nearing 5 years since the candidate areas were first identified.

Three areas in Lightning Ridge were identified as most suitable for rezoning to provide rural residential.

An alternative to rezoning any of the three Lightning Ridge areas identified in the strategy is to pursue rezoning and some consolidation of Lots 1-73 DP 838673 on the corner of Bill O'Brien Way and the Castlereagh Highway that Council owns and subdivided in 1994. This area was excluded from the original Strategy as it is partially situated on potentially opal bearing ridge country. Further consultation was undertaken with mining stakeholders coupled with anecdotal evidence from the Lightning Ridge Miners Association suggests that the land is not recognised as particularly viable for opal mining. Further, rezoning of the lots does not necessarily preclude mining claims over the land. By way of Council resolution, the Strategy has been amended to include the subject land on Bill O'Brien Way. This land is an approved existing Council subdivision.

Section 117(2) Ministerial Directions

- **Section 117 3.1 Residential Zones.** The planning proposal will not introduce provisions which will reduce the permissible residential density of land, but will enable additional large lot residential areas in Lightning Ridge and Walgett. The proposal is consistent with this direction.
- **Section 117 - 5.10 Regional Plans –** The planning proposal is generally consistent with the Far West Regional Plan, however the planning proposal does not specifically address the Far West Regional Plan at this time. This can be undertaken prior to community consultation.
- **Section 117 – 1.2 Rural Zones -** The Ministerial Direction is relevant to the planning proposal as the proposal affects land within existing rural zones. The Direction requires a planning proposal must not rezone land from a rural zone to a residential zone or contain provisions that will increase the permissible density of land within a rural zone. The planning proposal is inconsistent with the Direction, as it proposes to amend the RU1 Primary Production land use zone. The proponent satisfactorily justified that the loss of 200ha of rural land is of minor significance in this case. The land proposed to be rezoned is justified by the Strategy work.
- **Section 117 - 1.5 Rural Lands:** The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land within a rural zone. The Direction requires the planning proposal be consistent with the rural planning principles and rural subdivision principles in the SEPP (Rural Lands) 2008. The planning proposal is inconsistent with this Direction. It will not result in the fragmentation of rural land and does not impact on services and infrastructure including the adjacent 22kV power lines. The inconsistency has been justified by the work in the Strategy.
- **Section 117 – 4.3 Flood Prone Land:** The Walgett site is mapped as being outside the flood planning area. The planning proposal indicates that the site receives some slow velocity flooding in the southern portion of the southernmost lot. The Lightning Ridge lot is not mapped as being located within the flood planning area. It is

recommended that the planning proposal be referred to OEH during consultation regarding impacts following.

State Environmental Planning Policies

The planning proposal is consistent with the SEPPs.

SITE SPECIFIC ASSESSMENT

Social & Economic

The planning proposal provides the following social and economic benefits:

- Economic multipliers – the rezoning of the land will facilitate further investment in the Walgett LGA economy for the construction and development of future dwellings and the potential for new land ownership.
- Employment Generation – Future development would provide additional employment through the construction of roads, infrastructure and dwellings as well as construction supplies.
- Rezoning the 2 sites to large lot residential provides the LGA with opportunity for a diversified housing product, which may attract a varied demographic to the region assisting in social cohesion.

Environmental

OEH mapping prepared in 2012 indicates that the Walgett site contains EEC “Coolibah – Poplar Box Belah Woodlands. Although a Vegetation Management Plan applies to the site, the planning proposal recommends that a flora and fauna report be carried out during community consultation.

On the Lightning Ridge site, mapping by OEH considers the site not to contain EECs. However, the planning proposal does suggest that the vegetation on this site is mature and has potential for threatened flora and fauna species. It is recommended that that consultation be undertaken with OEH.

CONSULTATION

Community

The planning proposal indicates a 28 day community consultation period during which time the following actions will be carried out:

- Notification in the local news paper.
- Notification letters to surrounding properties
- Consult with agencies
- Advertisement on Councils website.

Agencies

The planning proposal will require consultation with the following agencies.

- DPI Water – consultation regarding the appropriate lot size to allow for sustainable water harvesting for potable water. It is recommended that this be undertaken prior to community consultation.
- Civil Aviation Safety Authority – Regarding the proximity of Candidate Area 2 to the Walgett Aerodrome.
- DPE – Resources and Geoscience – regarding the opal mining located near the sites.
- DOI Lands and Water – The subject lands are in proximity to Crown land.

- Office of Environment and Heritage – regarding the EEC, flooding and other environmental attributes on these sites.

TIMEFRAME

It is proposed that the planning proposal be finalised within 12 months.

DELEGATION

The Lightning Ridge site is owned by Council and therefore in this instance it is not appropriate to authorise plan making delegations to Council.

CONCLUSION

The planning proposal has merit as it is supported by the draft Walgett Rural Residential Land Use Strategy 2017 (currently being assessed).

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to address section 117 Direction 5.10 – Implementation of Regional Plans. This work is to address the Far West Regional Plan 2036 that was released on 22 August 2017.
2. Prior to undertaking community consultation Council is to consult with the Department of Primary Industries Water to determine a suitable lot size to facilitate adequate water supply.
The planning proposal is not to be placed on exhibition until the Department of Planning and Environment is satisfied and approves that the water supply matters have been adequately addressed.
3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A *Guide to Preparing LEPs* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979* and/or to comply with the requirements of relevant section 117 Directions:
 - Department of Primary Industries - Water,
 - Civil Aviation Safety Authority,
 - Department of Industry - Lands and Water,
 - Office of Environment and Heritage, and
 - Department of Planning & Environment – Resources and Geoscience.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act, 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.



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19/12/17

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