

Wentworth Planning Proposal - Wentworth LEP 2011 Amendment 1 - Various Amendments

Proposal Title : **Wentworth Planning Proposal - Wentworth LEP 2011 Amendment 1 - Various Amendments**

Proposal Summary : **To amend the Wentworth LEP 2011 to**
- amend the Lot Size map for rural land at Ellerslie, Darling View, Curlwaa and large lot residential land at Gol Gol
- to amend Cl. 4.2D to remove application of clause to rural dwellings where permissible based on being a 'former rural lot',
- amend the zone of the Gol Gol Water Treatment Plant
- amend property descriptions and maps for 3 heritage items (Cal Lal Post Office, Cal Lal Police Station and dwelling at 34 Sandwych St, Wentworth)

PP Number : **PP_2012_WENTW_001_00** Dop File No : **12/06420**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.2 Rural Zones**
1.5 Rural Lands
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Additional Information : **That Gateway determine to support the Planning Proposal and require it to be revised to comply with the determination under section 56 and in a form approved by the Director-General.**

MATTERS OTHER THAN THE 10HA MINIMUM LOT SIZE ISSUE:

- 1. Community and agency consultation occur for a minimum of 28 days.**
- 2. That the zoning of the Water Treatment Plant at Gol Gol as SP2 Infrastructure Zone be approved under 117 Direction 6.2 Reserving Land for Public Purposes.**
- 3. That the R5 zoned land at Gol Gol be zoned RU1 with a 10 000ha minimum lot size (MLS) pending further strategic assessment under Council's proposed Rural Lands Strategy/Study, including contamination assessment in accordance with Cl. 6 SEPP 55.**
- 4. Council needs to address and/or justify the following inconsistencies with Section 117 Directions with its submission under section 59 EPAA requesting that the Planning Proposal be made:-**
 - * 1.2 Rural Zones - address increase in density (reduced lot size) and justify inconsistency.**
 - * 1.3 Mining, Petroleum Production and extractive Industries - consult with the Department of Primary Industries and determine if any resources will be impacted by the Planning Proposal.**
 - * 1.5 Rural Lands - undertake assessment of the Direction and principles as specified in SEPP (Rural lands) 2008.**

* 3.4 Integrating Land Use and Transport - justify the inconsistency with this Direction for the R5 land at Gol Gol. NOTE: This assessment would not be required if the land is back zoned to RU1 or the land is not subject to a reduced lot size (5000sq.m)

*3.6 Shooting ranges - undertake assessment and determine consistency.

5. That the Planning Proposal be amended to limit the application of Cl. 4.2D, only to rural dwellings permissible under Cl. 4.2B(3)(a)- lot size map, and Cl. 4.2B(3)(d) - existing holdings, and that the final mechanism be resolved with Parliamentary Counsel.

6. The map showing Lot 8 DP807827 Murray Rd, Curlwaa should be shown on Inset 2D and 2E (not 4E).

10HA MINIMUM LOT SIZE ISSUE:

In terms of recommendations for the proposed mapping of additional rural land at 10ha for "intensive plant agriculture" to enable subdivision and dwellings for such land, it is recommended that -

7. That the Planning Proposal be amended to

- a) insert a performance based clause in Wentworth LEP 2011 which would enable subdivision and dwellings for intensive plant agriculture, at a reduced lot size, outside of the lot size map, and
- b) amend Cl. 4.2D to reflect changes, and
- c) amend all Lot Size Maps to remove 10ha on RU1 zoned land.

The Department would assist Council to incorporate a suitable clause that meets Council's needs, and reflects Council's previous attempts to include a performance based clause.

OR

Alternatively, if Gateway believes it appropriate to maintain the intent of the current Planning Proposal by mapping additional areas at 10ha, then the Planning Proposal be amended as follows:

8. That the land identified in the Planning Proposal as RU1 zoned land at "Ellerslie" and "Darling View" not used for "horticulture" (as defined in the former Wentworth LEP 1993) or "intensive plant agriculture" under the Wentworth LEP 2011 as at 16 December 2011, retain a 10 000ha lot size, pending completion and endorsement of Council's proposed Rural Lands Study/Strategy. Note: Irrigated pasture or fodder crops are not "intensive plant agriculture" under the Standard Instrument definition.

Supporting Reasons :

1. The Planning Proposal is not considered of "low impact" and requires additional time for the agencies and the community to consider its implications.
2. Director General's (or officer nominated) approval is required to reserve land for a public purpose.
3. That the R5 land at Gol Gol was zoned in error in the Wentworth LEP 2011. Large Lot Residential development at this site is not supported until Council completes its impending Rural Lands Strategy.
4. Statutory requirement (Environmental Planning and Assessment Act 1979) that 117 Directions be addressed.
5. To ensure that the intent of the planning outcome for Cl. 4.2D is clear and that the final mechanism is resolved with Parliamentary Counsel.
6. To be consistent with the Technical Guidelines for LEP Maps.

7. To enable the subdivision and erection of rural dwellings related to "intensive plant agriculture" outside of the Lot Size Map, via a performance based provision.

8. To reflect the intent of Council's Planning Proposal as submitted and to effect a 'translation' of the rural dwelling and subdivision provisions from the Wentworth LEP 1993 into the Wentworth LEP 2011.

Panel Recommendation

Recommendation Date : 19-Apr-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to ensure that all mapping is consistent with the Department's Standard Technical Requirements for LEP Maps prior to finalisation of the planning proposal.
2. Council is to amend the planning proposal and demonstrate consistency with the Rural Planning and Rural Subdivision principles of the SEPP prior to public exhibition of the planning proposal. In doing so, Council is to consult with the NSW Department of Primary Industries regarding the proposed development. Any comments made, along with any information produced from the assessment of the Rural Lands SEPP is to be included in the planning proposal for the purposes of public exhibition.
3. Council is to amend the planning proposal to provide further consideration and justification of the outcome of the lot size reduction, and identify how the proposed change is either consistent with S117 Direction 1.2 Rural Zones or is of minor significance.
4. Council is to consult with the Department of Primary Industries (Minerals) as per the requirements of S117 Direction 1.3 Mining, Petroleum and extractive Industries, prior to the commencement of public exhibition. The planning proposal is to be amended, if necessary to reflect the outcomes of the consultation for the purposes of community consultation.
5. Council is to provide further justification for the inconsistency with S117 Direction 3.4 Integrating Land Use and Transport given the existing Rural Residential Strategy has not been endorsed by the Department. Council is to amend the planning proposal prior to commencing community consultation and identify how the inconsistency is of minor significance prior to finalisation of the planning proposal.
6. Council is to consider and address the requirements of S117 Direction 3.6 Shooting Ranges, and amend the planning proposal accordingly, prior to the commencement of public exhibition.
7. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Lower Murray Darling Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries - Minerals and Petroleum

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment

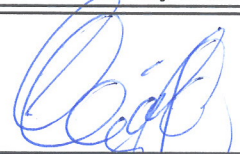
Wentworth Planning Proposal - Wentworth LEP 2011 Amendment 1 - Various Amendments

on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

9. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. 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).

10. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

15.5.12