

Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council

Proposal Title :	Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council		
Proposal Summary :	To reduce the minimum lot size from 5000m2 to 3000m2 for 17 allotments within the R5 zone to facilitate additional residential subdivision at Gol Gol.		
PP Number :	PP_2013_WENTW_001_00	Dop File No :	13/13271

Proposal Details

Date Planning Proposal Received :	05-Dec-2013	LGA covered :	Wentworth
Region :	Western	RPA :	Wentworth Shire Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lots 1-3 DP 845486		
Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lot 188 DP 756946		
Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lots 1-3 DP 1136930		
Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lot 72 DP 756946		
Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lot 78 DP 756946		
Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lots 1 & 2 DP 875018		
Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lot 61 DP 756946		

Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council

Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lot 2 DP 551101		
Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lots 1 & 2 DP 1128391		
Street :	Sturt Highway		
Suburb :	City :	Gol Gol	Postcode : 2738
Land Parcel :	Lot 1 DP 606083		

DoP Planning Officer Contact Details

Contact Name : **Jenna McNabb**
 Contact Number : **0268412180**
 Contact Email : **jenna.mcnabb@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Ken Ross**
 Contact Number : **0350275027**
 Contact Email : **Ken.Ross@wentworth.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :	138.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	41	No. of Dwellings (where relevant) :	41
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			

Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council

Have there been meetings or communications with registered lobbyists?

No

If Yes, comment :

There have been no known meetings or communications with registered lobbyists.

Supporting notes

Internal Supporting Notes :

The purpose of the planning proposal is to enable a reduction in minimum lot size (MLS) for the above-mentioned allotments at Gol Gol. Currently, the land is zoned R5 - Large Lot Residential with a MLS of 5000m2 under the Wentworth LEP 2011. The planning proposal intends to reduce the MLS to 3000m2. The subject land has a total area of 138 hectares (ha).

The reduction in the MLS will require the amendment of the Lot Size Map (LSZ_004G).

Currently there are 4 dwellings on the land, which is used for agricultural purposes (crops). A proposed plan of subdivision has been provided as an attachment to the planning proposal, indicating with the approval of the reduction of the MLS, the subject site has the potential for an additional 41 large lot residential allotments.

BACKGROUND

The subject land was previously included as part of a planning proposal to reduce the MLS of the site from 10,000 hectares (ha) to 5000m2. Under the original Wentworth LEP 2011 the land was inadvertently zoned R5 with a MLS of 10,000ha. The inclusion of additional land for rural residential (R5) purposes was not supported by any study or nominated/identified by Council in it's s68 submission. The R5 land was an obvious error as the original Lot Size Map showed the land as zoned R5 with a MLS of 10,000ha.

Council under PP_2012_WENTW_001_00 proposed to reduce the MLS to 5000m2, the Gateway supported the change in MLS without a strategy to support the change. Council has endorsed and adopted the draft Wentworth Rural Residential Land Strategy (June 2008) which identified the subject land as suitable for large lot residential development (subject to further investigations), however this Strategy has not been endorsed or supported by the Department.

The original documentation for this PP was submitted via email on 8 August 2013 (hard copy received in office 14 August 2013). The Department requested additional information via email on 16 August 2013 and by letter on 8 October 2013. Council provided the additional information on 5 December 2013.

In the circumstances it is considered appropriate that the matter be considered by the Panel.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The Statement of Objectives clearly outlines Council's intended planning outcomes:

- To enable a reduction in minimum lot size from 5000m2 to 3000m2 on the subject land, which is currently zoned R5 - Large Lot Residential.

Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal states that it intends to achieve the objectives of the planning proposal by the amendment of the Wentworth LEP 2011 Lot Size Map (Sheet LSZ_004G) to identify the subject allotments as having a MLS of 3000m2.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 15—Rural Landsharing Communities

SEPP No 19—Bushland in Urban Areas

SEPP No 21—Caravan Parks

SEPP No 22—Shops and Commercial Premises

SEPP No 30—Intensive Agriculture

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 36—Manufactured Home Estates

SEPP No 44—Koala Habitat Protection

SEPP No 50—Canal Estate Development

SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 62—Sustainable Aquaculture

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

SEPP (Temporary Structures and Places of Public Entertainment) 2007

e) List any other matters that need to be considered :

See assessment section.

Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Council has briefly discussed the consistency of the planning proposal with applicable s117 directions. The following inconsistencies have been justified:

Direction 1.2 - Rural Zones

The planning proposal states that it is not consistent with this direction. This direction deals with rural land. The subject land is zone R5 - Large Lot Residential, and is not being re-zoned, only the MLS is changing to increase housing density. This direction is not applicable to the planning proposal.

Direction 1.5 - Rural Lands

Council's documents state that the planning proposal is inconsistent with this direction. This direction applies to rural lands. The subject land is zoned R5, which is a residential zone. The existing 5000m2 MLS does not support viable agricultural development, and the reduction of the MLS will not change the lands agricultural capability. This direction is not applicable.

Direction 3.4 - Integrating Land Use and Transport

Council has stated in its submission that the subject land has previously been identified as suitable for residential use through the Wentworth Rural Residential Strategy. This strategy has not been endorsed by the Director-General. The proposed MLS reduction increases the potential lot yield at the site. It is considered that the location of the site is suitable for residential use (hence the R5 zoning) and the reduction in MLS is of minor significance. Information provided by Council indicates the land can be adequately serviced when MLS is 3000m2.

All other directions are considered to be consistent with the planning proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days community consultation has been proposed. This is considered satisfactory and adequate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The principal Wentworth LEP 2011 in the Standard Instrument format was notified on 16 December 2011.

Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council

Assessment Criteria

Need for planning proposal :	The planning proposal is the only means of amending the Wentworth LEP 2011 to deliver the outcomes that Council is seeking.
Consistency with strategic planning framework :	There is no local, regional or state strategic plan supporting the proposed amendment to the Wentworth LEP 2011. The draft Murray Regional Strategy has not been adopted, but does encourage additional housing choice. Council is using the "local" draft Wentworth Rural Residential Strategy (June 2008) to justify the reduction in MLS, however, this document has not been approved or endorsed by the Director General. Noting that the land is currently zoned R5 with a MLS of 5000m2, it is considered that the reduction in the MLS to 3000m2 is of minor significance. The density of the site will increase, however the use of the land will remain consistent with the aims and objectives of the R5 zone. The subject site is a natural extension of the existing urban area and the reduced lot size will provide a more appropriate lot density at the subdivision stage. The Land Capability Assessment submitted in terms of servicing supports the recommended size. Council has advised that several preliminary soil examinations were undertaken on similar use sites at the time of the Buronga Gol Gol Urban Release Area rezoning and minimal contamination was recorded requiring nil remediation. Given this information, as no assessment of SEPP 55 has been undertaken for the subject land, this will be required as a condition of the Gateway Determination.
Environmental social economic impacts :	No critical habitat has been identified. The subject land is already identified as R5 - Large Lot Residential, with a MLS of 5000m2. The reduction in the MLS to 3000m2 will increase housing choice available at Gol Gol. Housing density of the allotments will be decided by Council at the development application stage.

Assessment Process

Proposal type :	Community Consultation	28 Days
	Period :	
Timeframe to make LEP :	9 months	Delegation :
		RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Roads and Maritime Services	
Is Public Hearing by the PAC required?	No	
(2)(a) Should the matter proceed ?	Yes	
If no, provide reasons :		
Resubmission - s56(2)(b) :	No	
If Yes, reasons :		

Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The land is already zoned R5 and it is not expected that state infrastructure will be required as a result of the proposed increase in density. Local infrastructure will be assessed at the development stage of the proposed subdivision. Initial servicing investigation provided by Council indicates the land can be adequately serviced with a MLS of 3000m2.**

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal Gol Gol Heights.pdf	Proposal	No
Map.pdf	Map	No
Additional Information from Wentworth Council - recieved 5 December 2013.pdf	Proposal	Yes
Flood Planning Area Map RiverFront Building Line Sheet CLI_004G.pdf	Map	No
Land Capability Assessment.pdf	Study	No
Confirmation of Justification of PP.pdf	Proposal	No
Request for Additional Information - 8 October 2013.pdf	Proposal	No
Request for Additional Information - 16 August 2013.pdf	Proposal	No

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**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 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, subject to the following conditions:**

- 1. Proceed and finalise the planning proposal within 9 months of the Gateway Determination date.**
- 2. Community and agency consultation to occur for a minimum of 28 days.**
- 3. Council is to prepare amended maps which are at an appropriate scale and clearly identify the subject land for the Section 59 submission that are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:**
 - Lot Size Map (LSZ_004G)**
- 4. Council is to request the drafting and finalisation of the amendment no later than 6 weeks prior to the projected making of the amendment date.**

**Amend Wentworth Local Environmental Plan 2011 - Reduction of MLS for nominated land
in R5 zone at Gol Gol Heights - Gol Gol - Wentworth Shire Council**

5. Consult with Roads and Maritime Services and NSW Rural Fire Service, given the subject land is adjacent to the Sturt Highway.

6. Consult with NSW Office of Water to determine is proposed minimum lot size of 3000m² is sufficient for On-site Sewage Management System or bore licenses.

7. Prior to submission of Section 59 submissions, Council is to address and undertake SEPP 55 investigations of the subject land, due to the sites agricultural history.

8. Authorize Wentworth Council to utilize delegations to finalise the Planning Proposal.

Supporting Reasons :

The subject site is a natural extension of the existing urban area and the reduced lot size would provide a more appropriate lot density.

Signature:



Printed Name:

Azaria Dobson

Date:

13/12/2013