



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Wentworth Local Environmental Plan 2011 (Amendment No 3)

Your ref: Ken Ross
Our ref: JF e2014-204-d05

In my opinion the attached draft environmental planning instrument may legally be made.



(D COLAGIURI)
Parliamentary Counsel
19 August 2014

Environmental Planning and Assessment Act 1979

Wentworth Local Environmental Plan 2011 (Amendment No 3)

Wentworth Shire Council
26 – 28 Adelaide Street
Wentworth, NSW, 2648

Map Cover Sheet

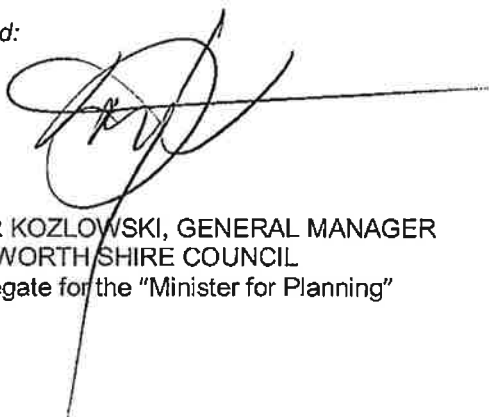
The following map sheets are revoked:

Map Sheet	Map Identification Number
Lot Size Map LSZ_004G	8200_COM_LSZ_004G_020_20120828

The following map sheets are adopted:

Map Sheet	Map Identification Number
Lot Size Map LSZ_004G	8200_COM_LSZ_004G_020_20140904

Certified:



PETER KOZLOWSKI, GENERAL MANAGER
WENTWORTH SHIRE COUNCIL
As delegate for the "Minister for Planning"

Date: 4 September 2014



New South Wales

Wentworth Local Environmental Plan 2011 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

A handwritten signature in black ink, appearing to read 'Peter Kozlowski', with a long horizontal line extending to the right.

PETER KOZLOWSKI, GENERAL MANAGER
WENTWORTH SHIRE COUNCIL
As delegate for the Minister for Planning

Wentworth Local Environmental Plan 2011 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wentworth Local Environmental Plan 2011 (Amendment No 3)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land at Sturt Highway, Gol Gol:

- (a) Lot 2, DP 551101,
- (b) Lot 1, DP 606083,
- (c) Lots 61, 72, 78 and 188, DP 756946,
- (d) Lots 1, 2, 3 and 4, DP 845486,
- (e) Lots 1 and 2, DP 875018,
- (f) Lots 1 and 2, DP 1128391,
- (g) Lots 1, 2 and 3, DP 1136930.

4 Maps

The maps adopted by *Wentworth Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.



Wentworth Local Environmental Plan 2011

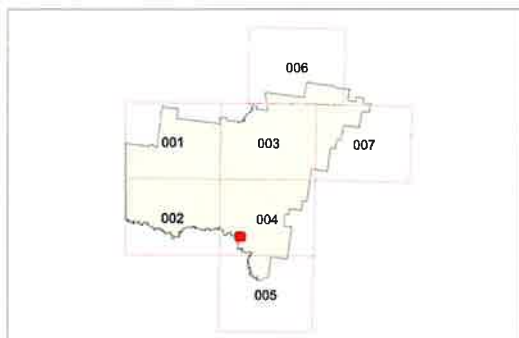
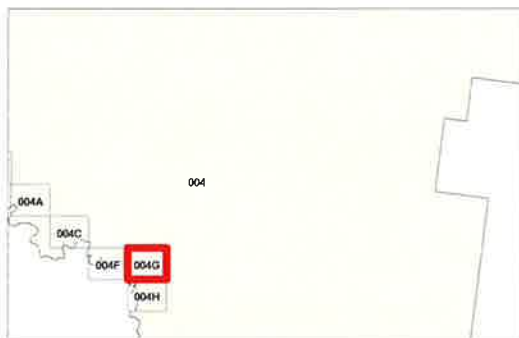
Lot Size Map - Sheet LSZ_004G

Minimum Lot Size (sq m)



Cadastre

Base data 08/01/2010 © Land
and Property Information (LPI)



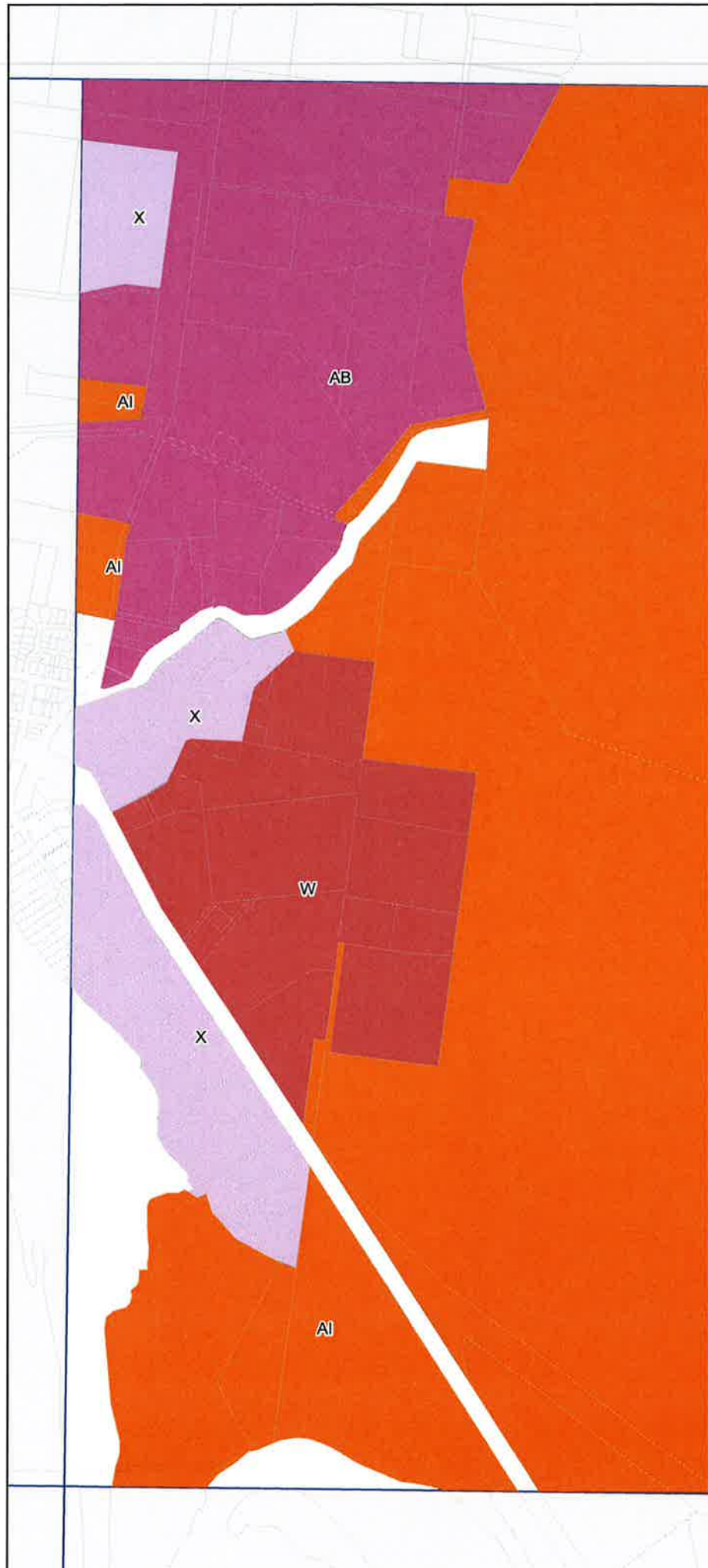
0 200 400 800
metres

Projection: GDA 1994
MGA Zone 54

Scale: 1:20,000 @ A3

Map identification number:

8200_COM_LSZ_004G_020_20140827



12.1 Wentworth Local Environmental Plan - Amendment No. 3 - To Reduce Minimum Lot Size

File Number: RPT/14/422

Responsible Officer: Ken Ross - Director, Health and Planning
Responsible Directorate: Health and Planning
Reporting Officer: Ken Ross - Director, Health and Planning

Delivery Program Objective: 2. Growth & Development

Delivery Program Strategy: 2.1 Maximise the productive use of land

Recommendation

That Council having considered the submissions from public authorities in respect to the Planning Proposal Amendment No. 3 resolve to:

1. Not carry out a public hearing of the Planning Proposal Amendment No. 3.
2. Not to amend the Planning Proposal as a result of consideration of the submissions from the public authorities.
3. Forward the Planning Proposal Amendment No. 3 to the Minister for making the amendment of the Wentworth Local Environmental Plan 2011 in accordance with Section 59 of the Environmental Planning and Assessment Act 1979.

Summary

This report relates to the Planning Proposal Amendment No. 3 to the Wentworth Local Environmental Plan 2011 being the minimum lot size reduction of 17 R5 – Large Lot Residential zoned parcels of land from 5,000m² to 3,000m² adjacent to the Sturt Highway and Wilga Road, Gol Gol.

This report aims to identify the process and issues to date and give Council the opportunity to progress the amendment for submission to the Minister for final approval.

Purpose

The purpose of this report is for Council to consider the submissions received from public authorities in response to public authority consultation of the Planning Proposal Amendment No. 3. The Gateway Determination was issued on 09 January 2014 by the Director General Department of Planning and Infrastructure. It is noted that no submissions were received from the general public as a result of public consultation.

The Gateway Determination required Council to:

1. Undertake community consultation under Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 for a minimum of 28 days
2. Consult with the following public authorities:
 - a. Roads and Maritime Services
 - b. NSW Rural Fire Service
 - c. Office and Environment and Heritage
3. Complete the LEP amendment within nine (9) months from the week following the Gateway Determination (ie. 09 January 2014).

Consultation concluded on 08 April 2014 and a response was received from each of the public authorities required to be consulted by the conditions specified in the Gateway Determination.

Report**Background**

Council at its 21 August 2013 Ordinary Council Meeting resolved to forward the Planning Proposal to the Minister requesting a Gateway Determination be issued. The Gateway Determination was issued by the Director General Department of Planning and Infrastructure on 09 January 2014. The Gateway Determination required that general public and public authority consultation be conducted. The consultation concluded on 08 April 2014.

Matters under consideration

The results of the consultation were as follows:

1. Public consultation – No submissions received
2. Public authority consultation – Three (3) submissions received from
 - a. Roads and Maritime Services
 - b. NSW Rural Fire Service
 - c. Office of Environment and Heritage.

This section of the report identifies the issues with officer comments in regard to the consultation responses from the public authorities. The following table identifies the items raised by the public authority and officer response to the items raised.

Public Authority	Issues raised by Public Authority	Officer Comment
Transport Roads and Maritime Services (RMS)	Roads and Maritime Services consent to the amendment subject to the following comments: - RMS will not support direct access from the Sturt Highway to any proposed allotment. As practical legal access is available to the subject land from a road other than the Sturt Highway, access directly from the subject site to the Sturt Highway shall be denied. Any upgrade of the Sturt Highway or any intersection that provides for access to the proposed allotments in order to provide safe access from the Sturt Highway is to be funded by the development of the subject site. - RMS would consider the option of closure of the current intersection of Fayes Lane with the Sturt Highway and the creation of a replacement intersection at a location that suits a future subdivision layout and the existing properties that currently have access to Fayes Lane. - The road network and roadside environment should be designed, constructed and maintained to provide a safe environment for all road users and to encourage compliance with the desired speed limit through the subdivision in accordance with the NSW speed	The design of any future residential subdivision of the land subject to the amendment should be assessed at development application stage to ensure that the safety and efficiency of the road network is maintained. Any future application for subdivision adjoining the Sturt Highway will be referred to RMS for comment. As described above, this matter should be assessed at development application stage of any future subdivision. As described above, this matter should be assessed at development application stage of any future subdivision.

	zoning guidelines. - Any provision of access to the proposed allotments from the public road network is to be designed to provide for safe access for the prevailing speed limit. - The road network is to provide for ease of access for larger vehicles such as public transport, service and construction vehicles such as garbage trucks and delivery trucks. Bus stop facilities are to be provided within the estate for the convenience of the user in accordance with relevant guidelines. - The provision of a landscaped buffer along the frontage of the land to the Sturt Highway is supported to address visual and amenity issues and to minimise distraction to motorists. In order to achieve the benefits of a plantation buffer strip it should be established in advance of any subdivision. - RMS encourages to the provision of appropriate facilities for alternative modes of access (other than motor vehicles) to and within urban release areas, eg walking and bicycle shared pathways. These facilities shall connect to existing networks and provide access through neighbourhoods for the safe and effective movement of pedestrians and cyclists to facilities such as nearby schools, sporting and shopping facilities. Consideration should be given to providing these facilities separate to the carriageway of roads.	As described above, this matter should be assessed at development application stage of any future subdivision. As described above, this matter should be assessed at development application stage of any future subdivision. It is acknowledged a landscape buffer is an appropriate measure for any residential development adjoining the Sturt Highway; it is not a consideration that must be applied at the zone amendment stage and should be assessed at development application stage of any future subdivision. Any development approval for a future subdivision can contain conditions relating to the landscape buffer applicable to the development application (as required). As described above, this matter should be assessed at development application stage of any future subdivision.
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	- The development of residential dwellings on the proposed allotments should be designed and constructed such that road traffic noise from the Sturt Highway is mitigated by durable materials in accordance with the EPA criteria 'The Environmental Criteria for Road Traffic Noise'. - RMS note 'that as the Sturt Highway (HW14) is a classified road any works within the road reserve of the highway will require concurrence from Roads and Maritime under the provisions of section 138 of the Roads Act.'	This matter should be addressed at such time that consent is required for a residential dwelling on an applicable parcel of land and is not relevant to the reduction of the minimum lot size of a parcel of land. The comment is noted and does not relate to the Planning Proposal to reduce the minimum lot size of the land.
NSW Rural Fire Service (RFS)	The RFS consent to the amendment and gave consideration to the following points from a fire management perspective: - The land is already zoned for residential purposes - This land is situated outside the Bushfire Prone Land zone - Allotment size reduction will have no impact in terms of bushfire management - The standard clause relating to the 5,000 litre water storage with 65mm storz fitting for fire purposes is conditional to all allotments in this area The RFS determined the proposed reduction in allotment sizes will not impact the capacity of fire management or containment in the area and for these reasons have no objection to the proposal being endorsed.	The RFS consents to the Planning Proposal and have determined the proposed reduction in allotment sizes will not impact the capacity of fire management or containment within the area.
Office of Environment & Heritage (OEH)	The OEH do not object to the Planning Proposal proceeding through the LEP amendment process. The OEH have provided the following comments: In the context of Wentworth Shire Council, providing for rural residential opportunities close to an	The subject land is not currently connected to a reticulated sewerage system

	urban centre where reticulated services can be provided would lead to better environmental outcome for the Shire • By reducing the allotment size from 5,000m² to 3,000m² the impacts on biodiversity, including threatened species and Aboriginal cultural heritage are unlikely to change due to the already disturbed nature of the area • The eastern portions of the planning proposal adjoining Lot 1 in DP1182353 which is zoned RU1 – Primary Production has intact vegetation mapped as ‘Chenopod Mallee’. There may be a requirement to implement Asset Protection Zones along this boundary to decrease the potential impact of bushfire on the housing in the amendment area. If the proposal is likely to require the removal of vegetation, OEH would consider the clearing and associated impact on biodiversity be considered when future development applications are submitted to ensure that it is undertaken to the minimum possible extent.	but has access to potable water and electricity. It is considered by reducing the minimum lot size from 5,000m² to 3,000m², the land will be able to retain wastewater. Any proposed residential development will be required to have a wastewater management system to the satisfaction of Council. This matter is addressed at the development consent stage of any development of the land. No impact is expected due to the existing disturbed nature of the area and should only be considered at the development stage. This matter should be addressed at such time that consent is required for a development on an applicable parcel of land and is not relevant to the reduction of the minimum lot size of a parcel of land.
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Options

Based on the information contained in this report, the options available to address this matter are to:

1. Conduct a public hearing relating to the submissions from the public authorities.
2. Not conduct a public hearing.
3. Having considered the content of the submissions Council decide not to vary the Planning Proposal and request the Minister make the Amendment No. 3 to Wentworth Local Environmental Plan 2011.

Implications

The decision item has the following implications for Council:

The facilitation of the Amendment No.3 to the Wentworth Local Environmental Plan 2011 will reduce the minimum lot size from 5,000m² to 3,000m² for the land subject to the amendment allowing a potential increase in residential opportunities close to the Gol Gol urban area.

Conclusion

From the content of this report it can be seen that the comments provided from RMS, RFS and OEH are local planning matters related to subdivision or development and not the reduction in minimum lot size of the land. The comments are being treated as advice and the matters should be considered at the development stage under delegated authority of Council.

There are no directly related issues from public authorities which need to be resolved prior to Amendment No 3 being approved by the Minister.

Having consideration to the timing requirement of the Gateway Determination it is considered pertinent that Council request that the amendment be made, with the minutes of the 21 May 2014 Ordinary Council meeting be relayed to the Department of Planning and Infrastructure after that meeting.

Attachments

1. NSW RFS Response to Planning Proposal AMENDMENT No 3 / Gol Gol Heights / Milverton / Minimum Lot Size Reduction
2. OEH Response to Planning Proposal - Wentworth LEP Amendment No. 3 - Reduce the minimum lot size for the area adjoining the Sturt Highway and Wilga Road Gol Gol
3. RMS Response to Planning Proposal AMENDMENT No 3 / Gol Gol Heights / Milverton / Minimum Lot Size Reduction



NSW RURAL FIRE SERVICE



Mr Ken Ross
Director of Health & Planning
Wentworth Shire Council
PO Box 81
Wentworth. NSW 2648

RECEIVED
19 MAR 2014
L159
Action Kerrylyn
Security
Copy/Rel
☐ Permanent
☐ 1 - 10 Years
☒ 11 - 35 Years

18th March 2014

Dear Mr Ross,

Re: PLANNING PROPOSAL TO AMEND THE WENTWORTH LOCAL ENVIRONMENT PLAN 2011, AMENDMENT NO 3 – MINIMUM LOT SIZE REDUCTION

Thank you for the opportunity to provide comment on the proposed amendment (No 3) of the Wentworth Local Environment Plan (WLEP) 2011.

In forming a decision on this proposal, I have given consideration to the following points, from a fire management perspective;

- The land is already zoned for residential purposes.
- This land is situated outside the Bushfire Prone Land zone.
- Allotment size reduction will have no impact in terms of bushfire management.
- The standard clause relating to the 5000 litre water storage with 65mm storz fitting for fire purposes is conditional to all allotments in this area.

My determination of this proposal is that the proposed reduction in allotment sizes will not impact the capacity of fire management or containment in the area and for these reasons have no objection to the proposal being endorsed.

Should you further information regarding this matter, please contact me at the Rural Fire Service office in Dareton on 0350274422.

Regards

Superintendent Steve Walker
District Manager
Lower Western

Postal address

NSW Rural Fire Service
P O Box 341
DARETON NSW 2717

Street address

NSW Rural Fire Service
58-60 Mitchell Avenue
DARETON NSW 2717

T (03) 5027 4422
F (03) 5027 7921
M 0428 598 376
E steve.walker@rfs.nsw.gov.au
www.rfs.nsw.gov.au



**Office of
Environment
& Heritage**

General Manager
Wentworth Shire Council
PO Box 81
Wentworth NSW 2648

Attn: Ken Ross

Dear Mr ^{KEN}~~Ross~~

RECEIVED	
14 APR 2014	
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☐ Permanent	
☐ 1 - 10 Years	
☐ 11 - 35 Years	

Your Reference
Our reference:
Contact:

DOC/14/3118
DOC14/31358
Peter Ewin
02 6022 0606

RE: Planning Proposal – Wentworth LEP Amendment No .3 (Minimum Lot Size Reduction Gol Gol)

Thank you for your letter of 11 March 2014 seeking comments from the Office of Environment and Heritage (OEH) on the above proposal to reduce the minimum lot size (MLS) for the area adjoining the Sturt Highway and Wilga Road, Gol Gol.

OEH does not object to the planning proposal proceeding through the LEP Amendment process. In the context of Wentworth Shire, providing for rural residential opportunities close to urban centre where reticulated services can be provided would lead better environmental outcome for the Shire. We note that the proposal is reducing the MLS for an area already zoned as R5 Large Lot Residential, and that the impacts on biodiversity, including threatened species, and Aboriginal cultural heritage are unlikely to change due to the already disturbed nature of the area.

The eastern portions of the planning proposal adjoin Lot 1 DP1182353 which is zoned RU1 Primary Production and has intact vegetation mapped as Chenopod Mallee. There may be a requirement to implement Asset Protection Zones along this boundary to decrease the potential impact of bushfire on the housing within the amendment area. If the proposal is likely to require the removal of vegetation within the this area, then OEH would consider that this clearing, and associated impacts on biodiversity, be considered when future development applications are submitted to ensure that it is undertaken to the minimum possible extent.

Should you wish to discuss this submission further, please contact me on (02) 6022 0606, or at peter.ewin@environment.nsw.gov.au.

Yours sincerely

P.E. 8/4/14

PETER EWIN
Senior Team Leader Planning
South West Region
Regional Operations
Office of Environment and Heritage



4 April 2014

CR2014/001293
SF2014/020115
MM

The General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Attention: Kerrilyn Miller

PROPOSED PROPOSAL TO AMEND WENTWORTH LEP 2011 – TO REDUCE THE MINIMUM LOT SIZE FOR THE AREA ADJACENT TO THE STURT HIGHWAY AND WILGA ROAD, GOL GOL.

I refer to your correspondence regarding the proposed amendment of the Wentworth LEP 2011 which was referred to the Roads and Maritime Services for comment.

From the information supplied it is understood that the planning proposal represents an amendment to the Wentworth LEP 2011 for the subject site to reduce the permissible minimum allotment size for residential purposes from 5,000 square metres to 3,000 square metres. The subject site has frontage to the Sturt Highway (HW14) which is a Classified Road within an 80 km/h speed zone.

The primary function of the classified roads is to serve through traffic with local roads providing for access needs to local development and properties. In this regard Roads and Maritime has a policy to minimise the need for vehicular access directly to the Sturt Highway and encourage the use of local roads for access to proposed allotments. Roads and Maritime promotes the adoption of a strategic approach to the rezoning and subdivision of the site to provide for connectivity within the various stages of subdivision of land and integration of access provision for the development of adjoining sites and minimise the need for access directly to the Classified Road network.

As practical legal access is available to the subject land from a road other than the Sturt Highway access directly from the subject site to the Sturt Highway shall be denied. It is understood that the design for the subdivision does not propose access directly to the Sturt Highway and that access is to be via Wilga Road and/or Fayer Lane. Consideration will need to be given to the current standard of the intersection of Fayer Lane with the Sturt Highway.

Roads and Maritime would consider an option for the closure of the current intersection of Fayer Lane with the Sturt Highway and the creation of a replacement intersection at a location that suites the subdivision layout and the existing properties that currently have access to Fayer Lane. The design and location of any intersection treatment will need to be based on appropriate traffic analysis and in accordance with best practice measures such as Austroads Road Design Guidelines as amended by the supplements adopted by Roads and Maritime Services the Austroads guides for the prevailing speed limit and to cater for largest size vehicle likely to access the site.

Further to the above the potential for the parking of vehicles along the frontage of the proposed allotments to the Sturt Highway will impact on the roadside area and edge of seal of the carriageway as the frontage to the Sturt Highway is not treated with kerb and gutter. Provisions to deny parking within the road reserve along the frontage of future allotments should be adopted.

A major focus of Roads and Maritime is the safety and efficiency of the classified road network and the level of service provided by these roads and their associated infrastructure. The rezoning of this precinct as proposed will generate additional traffic volumes on the public road network. Therefore measures to address the impacts and provide for the funding of any required works should be addressed as part of the rezoning process. Any works associated with the proposed development of the subject site shall be at no cost to the Roads and Maritime Services.

Roads and Maritime Services has reviewed the documentation provided and would not object to the proposed amendment of the Wentworth LEP 2011 subject to consideration of the issues outlined above in this correspondence.

Should the proposed amendment be adopted Roads and Maritime offers the following initial comments in relation to the subdivision design and access provision

- Roads and Maritime will not support direct access from the Sturt Highway to any proposed allotment. Any works required as a result of the development of the subject area for the upgrade of the Sturt Highway or any intersection that provides for access to the proposed allotments in order to provide safe access from the Sturt Highway is to be funded by the development of the subject site.
- The road network and roadside environment should be designed, constructed and maintained to provide a safe environment for all road users and to encourage compliance with the desired speed limit through the subdivision in accordance with the NSW speed zoning guidelines.
- Any provision for access to the proposed allotments from the public road network is to be design to provide for safe access for the prevailing speed limit.
- The road network is to provide for ease of access for larger vehicles such as public transport, service and construction vehicles (eg Garbage trucks, delivery trucks). Bus stop facilities are to be provided within the estate for the convenience of the user in accordance with relevant guidelines.
- The provision of a landscaped buffer along the frontage of the site to the Sturt Highway is supported to address visual and amenity issues and to minimise distraction to motorists. In order to achieve the benefits of a plantation buffer strip it should be established in advance of any subdivision.
- Roads and Maritime encourages the provision of appropriate facilities for alternative modes of access (other than the motor vehicle) to and within urban release areas, eg walking and bicycle shared pathways. These facilities shall connect to existing networks and provide access through neighbourhoods for the safe and effective movement of pedestrians and cyclists to facilities such as nearby schools, sporting and shopping facilities. Consideration should be given to providing these facilities separate to the carriageway of roads.
- The development of residential dwellings on the proposed allotments should be designed and constructed such that road traffic noise from the Sturt Highway is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria 'The Environmental Criteria for Road Traffic Noise'. Where the EPA external noise criteria would not practically or reasonably be met, Roads and Maritime recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the BCA:
 - All sleeping rooms: 35 dB(A) Leq(9hr)
 - All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr).

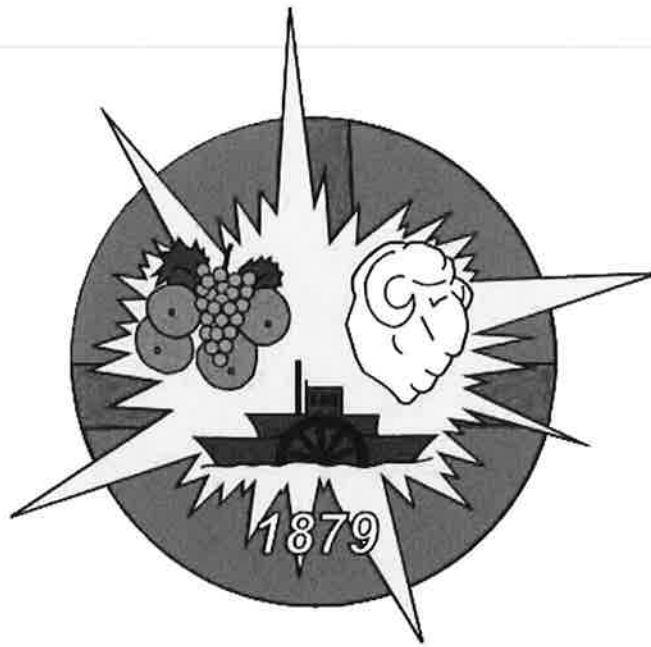
Please note that as the Sturt Highway (HW14) is a classified road any works within the road reserve of the highway will require concurrence from Roads and Maritime under the provisions of section 138 of the Roads Act.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) 69371611.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lindsay', with a large, stylized loop at the end.

Per:
Mr Lindsay Tanner
Regional Manager
South West Region



WENTWORTH SHIRE COUNCIL

**ORDINARY MEETING
MINUTES**

21 MAY 2014

At 10:51 AM Councillor Bob Wheeldon left the Council Chambers as he had previously declared a pecuniary interest in item 12.1.

12 REPORTS FROM HEALTH AND PLANNING DIRECTORATE

12.1 WENTWORTH LOCAL ENVIRONMENTAL PLAN - AMENDMENT NO. 3 - TO REDUCE MINIMUM LOT SIZE

File Number: RPT/14/422

Responsible Officer: Ken Ross - Director, Health and Planning
Responsible Directorate: Health and Planning
Reporting Officer: Ken Ross - Director, Health and Planning

Delivery Program Objective: 2. Growth & Development

Delivery Program Strategy: 2.1 Maximise the productive use of land

Summary

This report relates to the Planning Proposal Amendment No. 3 to the Wentworth Local Environmental Plan 2011 being the minimum lot size reduction of 17 R5 – Large Lot Residential zoned parcels of land from 5,000m² to 3,000m² adjacent to the Sturt Highway and Wilga Road, Gol Gol.

This report aims to identify the process and issues to date and give Council the opportunity to progress the amendment for submission to the Minister for final approval.

COUNCIL RESOLUTION

That Council, having considered the submissions from public authorities in respect to the Planning Proposal Amendment No. 3 resolves:

1. Not carry out a public hearing of the Planning Proposal Amendment No. 3.
2. Not to amend the Planning Proposal as a result of consideration of the submissions from the public authorities.
3. Forward the Planning Proposal Amendment No. 3 to the Minister for making the amendment of the Wentworth Local Environmental Plan 2011 in accordance with Section 59 of the Environmental Planning and Assessment Act 1979.

Moved Councillor I Whitfield, Seconded Councillor P Cohrs

CARRIED

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Crs B Clarke, P Cohrs, D McKinnon, P Nunan, B Wakefield and I Whitfield.***

Against the Motion: ***Nil.***

At 10:52 AM Councillor Bob Wheeldon returned to Council Chambers.