

Request for Initial Gateway Determination

Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your local Regional Office.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Wentworth Shire Council
Contact Person: Ken Ross
Contact Phone Number and Email Address: (03) 50275027 ken.ross@wentworth.nsw.gov.au

Planning Proposal Details -

- | | | |
|----|--|----------------------|
| 1. | LAND INVOLVED: Lots 56, 73 and 188 in DP756946. | Attached/Completed ✓ |
| 2. | <u>MAPS (If applicable – 1 electronic and 2 hard copy)</u> <ul style="list-style-type: none">o Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').o Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s (tagged 'comparative existing/proposed zoning') | ✓ |
| 3. | <u>PHOTOS and other visual material (if applicable)</u> <ul style="list-style-type: none">o Aerial photos of land affected by the Planning Proposalo Photos of land involved and surrounding land uses | ✓ |
| 4. | <u>COMPLETE PLANNING PROPOSAL (1 electronic and 2 hard copy)</u> <ul style="list-style-type: none">o <u>All</u> matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal' are completed prior to forwarding to the Regional Office in the first instance. See <u>attached</u> pro-forma. | ✓ |
| 5. | <u>PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL</u> <ul style="list-style-type: none">o Council has considered the written planning proposal before it is sent to the Department of Planning.o <u>Attached</u> is Council's resolution to send the written planning proposal to the Department of Planning. | ✓ |

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Signed for and on behalf of the Relevant Planning Authority

DATE: 13/05/2014

Attachment 1:

Aerial photos of subject land

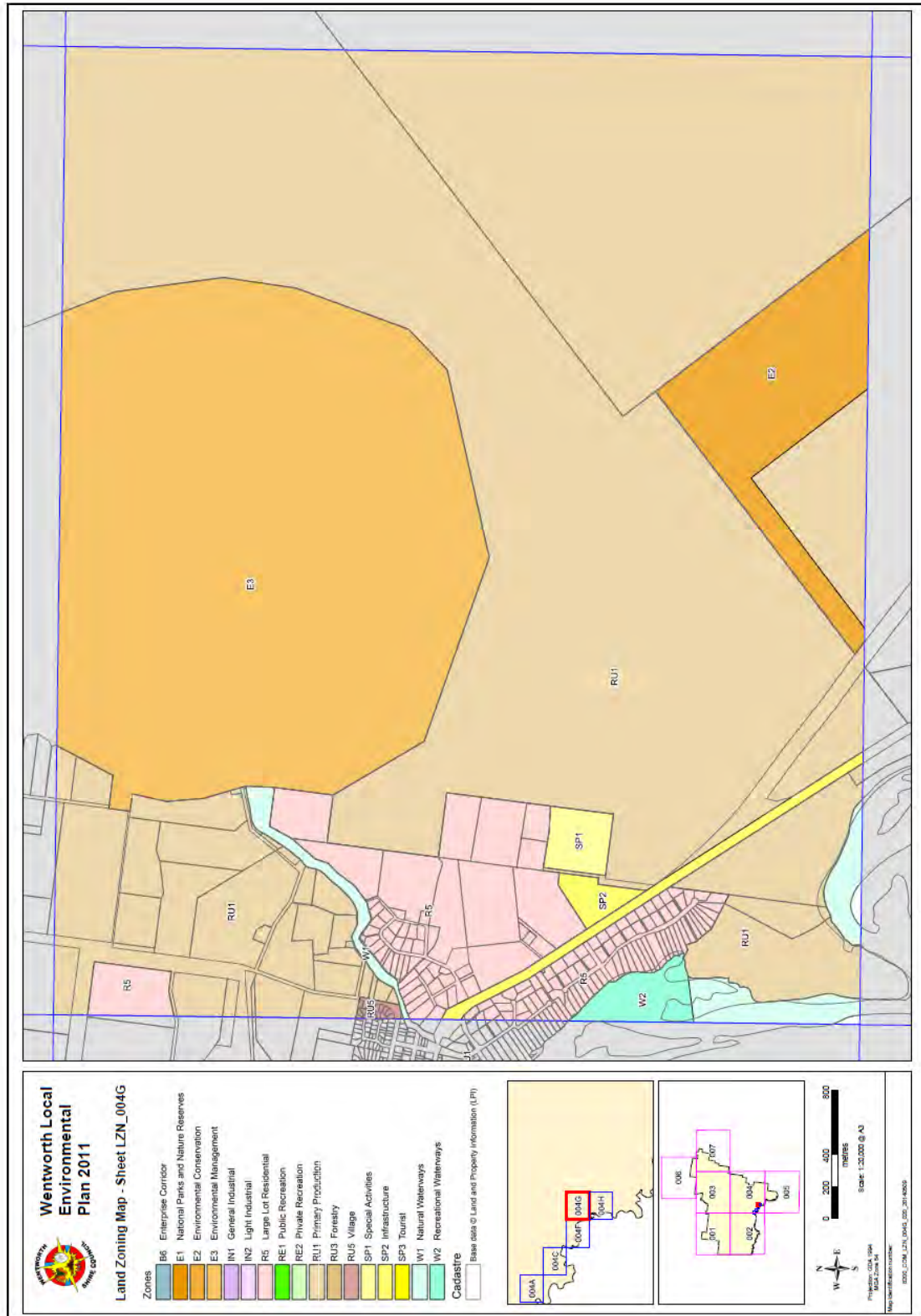
A = Lot 56 DP756946

B = Lot 73 DP756946

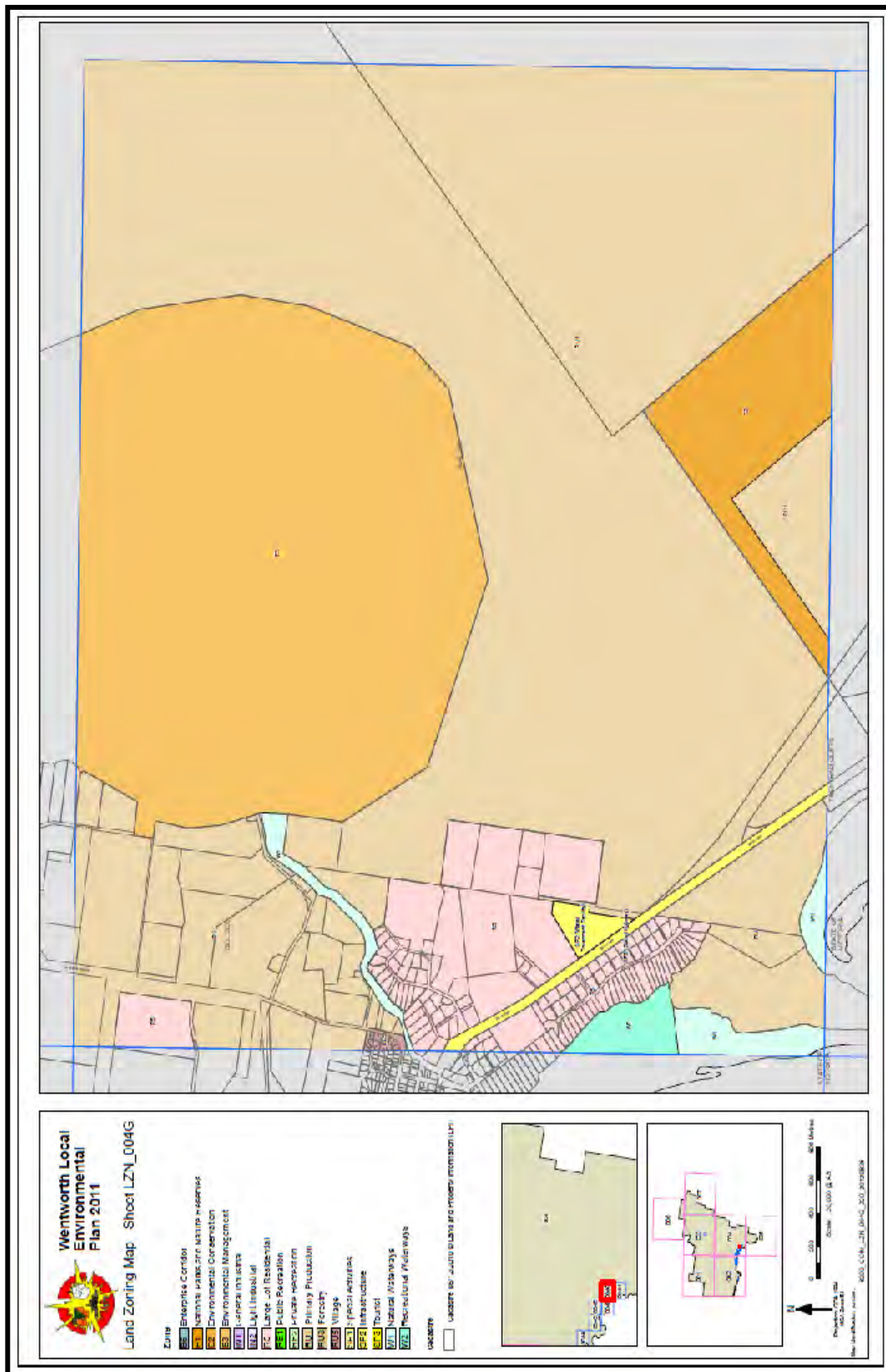
C = Lot 188 DP756946



Proposed Land Zone Map

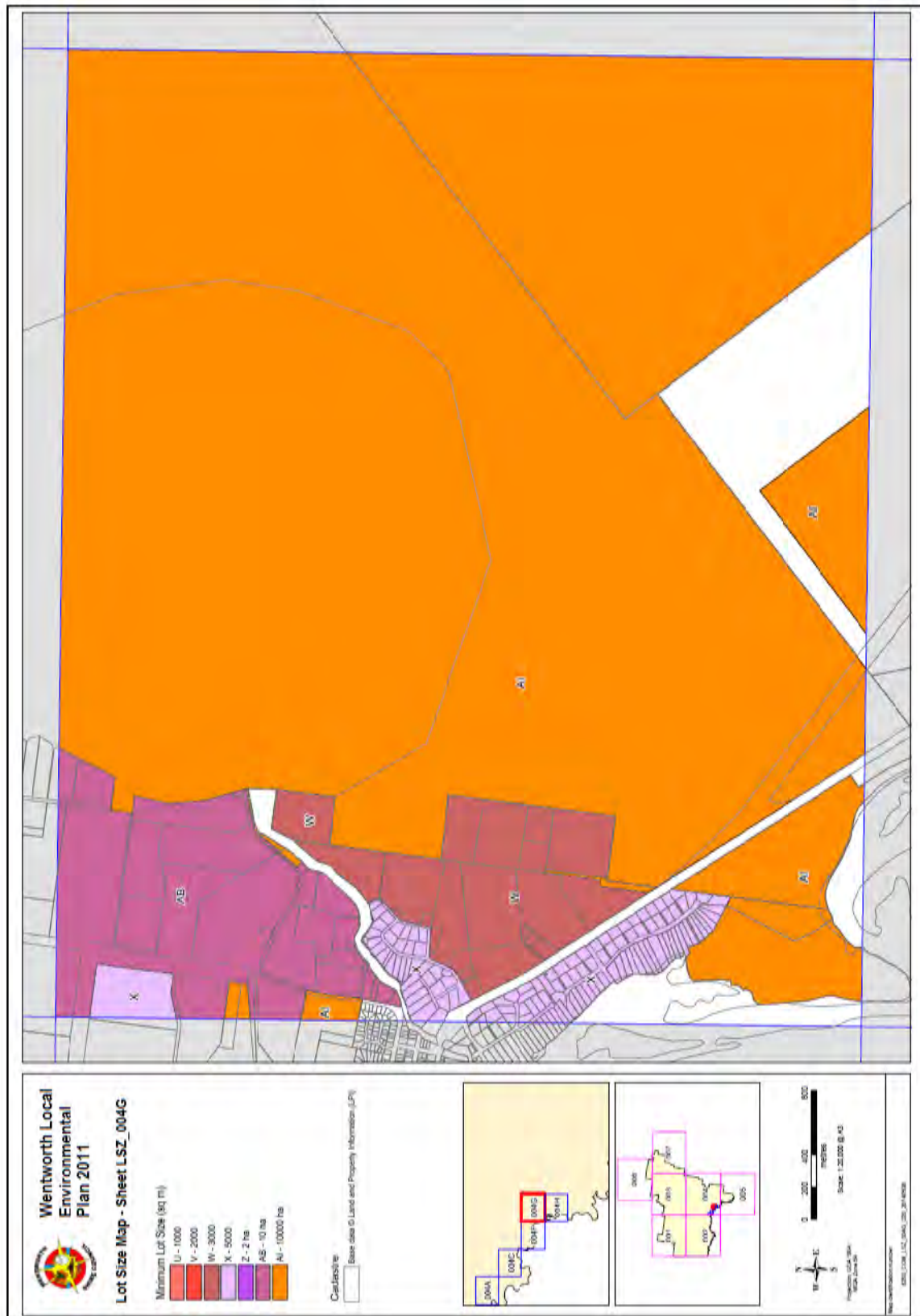


Comparative Existing Land Zone Map:

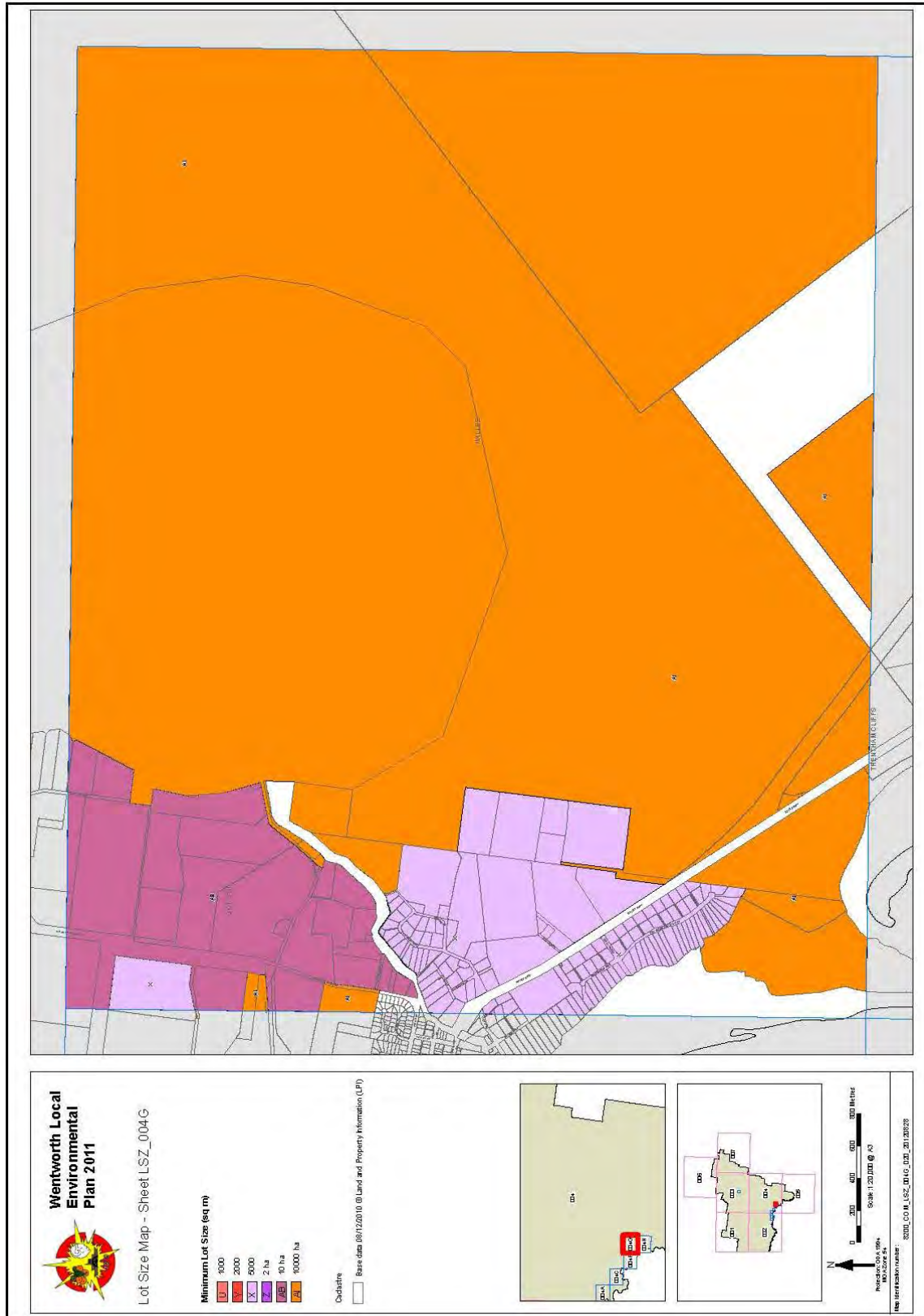


Proposed Minimum Lot Size Map (MLS 3,000m²):

(NOTE: 17 Lots to the south subject to **PP_2013_WENTW_001_00** for reduction in MLS to 3,000m²)



Comparative Existing Lot Size Map



Attachment 3:

Photos of Land

Lots 56 and 73 in DP756946



a. Lot 56 Wilga Road southern boundary and western boundary abutting Gol Gol Creek



b. Lot 56 and 73 entrance from Wilga Road (Wilga Road is sealed)



c. Lot 56 and 73 entrance from Wilga Road



d. Cleared land on Lot 56



e. Cleared land on Lot 56 and Lot 73 in background planted to vines



f. Abutting property to east of Lot 56 and south of Lot 73 planted to vines

Lot 188 in DP756946 (Old Gol Gol landfill site)



a. Sunraysia Wildlife Refuge Trust signage on western boundary fence detailing use of land



b. Sunraysia Wildlife Refuge Trust signage on western boundary fence detailing Commonwealth Government initiative



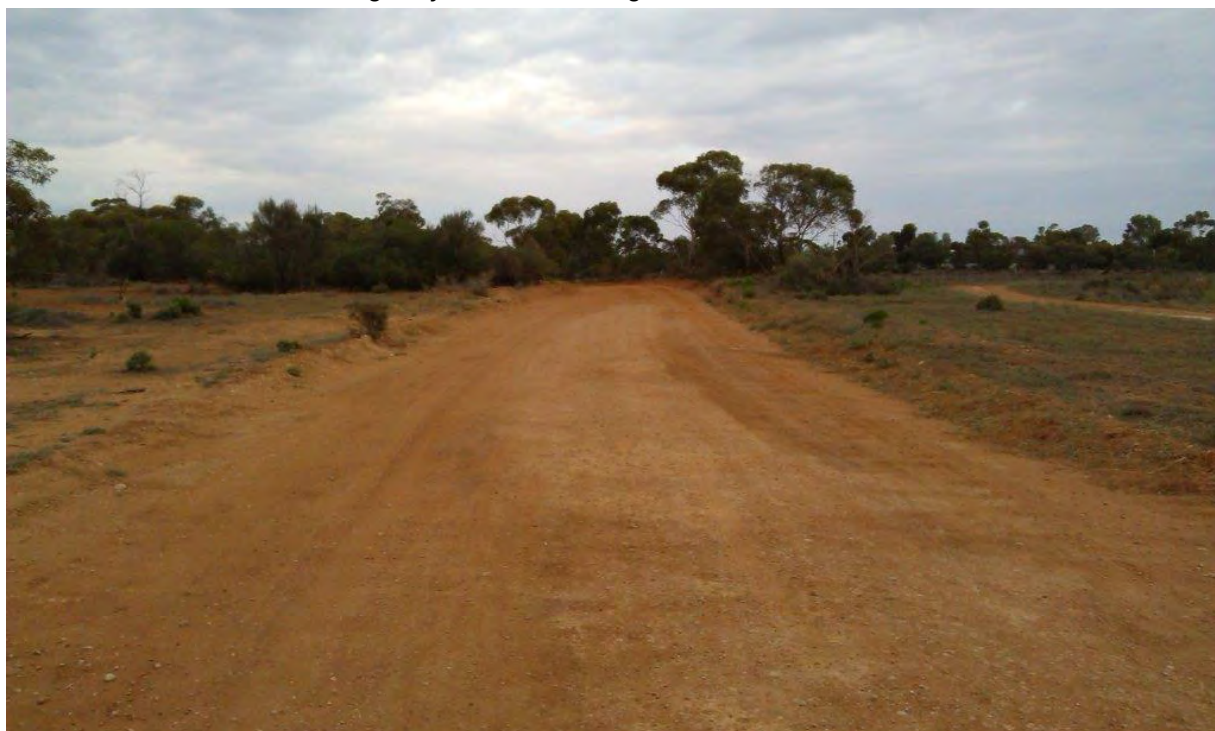
c. South-western corner of Lot 188 and entrance gate



d. Native Ridge Lane frontage to Lot 188



e. Intersection of Sturt Highway and Native Ridge Lane



f. Lot 188 - Native Ridge Lane facing south to Sturt Highway



g. Lot 188 – Native Ridge Lane facing north



h. Lot 188 internal view with fence abutting Native Ridge Lane to the west



i. Lot 188 internal view showing southern boundary fence



j. Lot 188 view from south-western corner of allotment



k. Lot 188 internal view – photo taken from south-western corner of allotment



l. Abutting property to the south-western corner of Lot 188 (dense native vegetation)



m. Gol Gol Water Treatment Facility abutting Lot 188 over directly opposite over Native Ridge Lane



n. Entrance to Native Ridge Lane from Sturt Highway

Attachment 4:

Planning proposal

(Includes Council report and planning proposal submission by proponents Danson and Blaby Pty Ltd).

Wentworth LEP 2011 – Amendment No. 4

Part 1 - Objectives or Intended Outcomes

Danson and Blaby Pty Ltd on behalf of IL and LG Roberts, Robert Superannuation Fund and Roberts Family Superannuation Fund, lodged a Gateway Determination Proposal on 21 October 2013 for the proposed rezoning of land known as Lots 56, 73 and 188 in DP756946, Wilga Road, Gol Gol.

The planning proposal is to rezone the land from RU1 – Primary Production to R5 – Large Lot Residential adjacent to the Gol Gol Creek. The proponent has provided an indicative subdivision plan that estimates the land could cater for 54 new residential lots of approximately 3,000m². An amendment to the applicable minimum lot size mapping is also proposed to correspond with the planning proposal.

The planning proposal has identified land known as Lot 188 in DP756946 (former Gol Gol landfill site) currently zoned R5 – Large Lot Residential is currently used by the Sunraysia Wildlife Carers Group Inc as a wildlife sanctuary and may be subject to contamination from the previous use and not suitable for future residential or sensitive purposes. The land is proposed to be rezoned to SP1 – Special Activities and was specifically mentioned in the justification section of the planning proposal from Danson and Blaby Pty Ltd.

The SP1 Special Activities zone has been chosen for Lot 188 in DP756946 as it is generally used for special land uses or sites with special characteristics that cannot be accommodated in other zones. Some examples of where this zone may be suitable might include land on which there is, or is proposed to be, a major scientific research facility or private tertiary education facility. The permitted use will be annotated on the land zoning map and, along with any development that is ancillary to that use, will be permitted with consent.

This request for initial Gateway Determination is to be read in conjunction with the planning proposal submitted to Wentworth Shire by proponents Danson and Blaby Pty Ltd and is included as Attachment 5 to this report.

Part 2 - Explanation of Provisions

The proposed outcome will be achieved by:

- a) Amending the Wentworth LEP 2011 Land Zoning Map at Lot 56 in DP756946 from RU1 – Primary Production to R5 – Large Lot Residential with a lot size minimum of 3,000m² in accordance with the proposed zoning map at attachment 4.
- b) Amending the Wentworth LEP 2011 Land Zoning Map at Lot 73 in DP756946 from RU1 – Primary Production to R5 – Large Lot Residential with a lot size minimum of 3,000m² in accordance with the proposed zoning map at attachment 4.
- c) Amending the Wentworth LEP 2011 Land Zoning Map at Lot 188 in DP756946 from R5 – Large Lot Residential to SP1 – Special Activities to provide an appropriate zone for the existing use of the land for a wildlife sanctuary and to acknowledge the previous use of the land for a landfill in accordance with the proposed zoning map at attachment 4.

Part 3 - Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The proposal is not a result of any strategic study or report.

The planning proposal is not seen to 'tip the balance' of existing R5 – Large Lot Residential land in the municipality due to the inclusion of Lot 188 in DP756946 in the planning proposal.

There will be a small increase in R5 – Large Lot Residential allotments in the Gol Gol township area but the total amount is not considered detrimental to existing residential land in the municipality and will not affect the Rural Land Use Strategy currently being undertaken by Wentworth Shire Council.

Attachment 5 contains the proposal as submitted by the proponents regarding Lots 56 and 73 in DP756946.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal is seen to be the best means of achieving the desired outcomes of providing residential land in a 'market preferred location' and will provide economic and population growth to the local area.

The planning proposal will not cause detriment to the supply of residential land in the municipality due to the rezoning of Lot 188 in DP756946.

3. Is there a net community benefit?

It is considered the planning proposal will have a net community benefit and the planning proposal submission by Danson and Blaby Pty Ltd details the net community benefit which is summarised below:

- a) The planning proposal will provide increase in housing stock and housing choice within the Gol Gol local area and municipality as a whole
- b) The proposal compliments existing rural/residential allotments abutting the land
- c) The proposal is reflective of existing residential development patterns
- d) The overall impact on the residential land supply in the Gol Gol local area and municipality to be minor
- e) The proposal has access to existing sealed roads and adequate supply of public infrastructure
- f) The proposal will have minimal impact on the existing street network due to the small number of potential allotments

The above confirms the proposal will have an overall net community benefit and will ensure the Gol Gol landfill land (Lot 188 DP756946) is rezoned to accord with the existing site constraints and use as a wildlife sanctuary. The rezoning of Lot 188 will ensure the planning proposal will not 'tip the balance' of residential land supply in the municipality.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable **regional or sub-regional strategy**?

OVERVIEW

The land is located within the Murray Region and the draft **Murray Regional Strategy** is applicable to Wentworth Shire Council.

The strategy is to 'guide land use planning decisions of local government and help inform the regional decisions on service provision and infrastructure by State agencies for the period to 2036'.

SETTLEMENT AND HOUSING

The draft strategy identifies Wentworth in the Lower Murray subregion that predicts 400 additional dwellings will be required up to the year 2036 and the Murray Regional area requiring 13,900 new dwellings (the greater regional area incorporating the Lower Murray area). It is noted the rezoning of Lot 188 in DP756946 from R5 to SP1 will insignificantly alter the existing residential land supply in the Wentworth municipality.

The Murray Region sits within the Murray –Darling Basin, Australia's largest catchment basin that has important cultural, economic and environmental significance.

The Lower Murray region is experiencing steady growth with an increased desire to reside close to Rivers or waterways. In this instance, the proposal abuts the Gol Gol Creek that is waterway connected to the Murray River in Gol Gol.

The draft strategy identifies the potential for increased urban development in Buronga and Gol Gol (townships abut each other) which will compliment the growth of nearby Mildura (Victoria). The strategy states 'Planning for an adequate supply of housing will help ensure affordability and greater choice in housing'. This proposal seeks to implement this strategy by providing greater housing choice in a preferred location abutting a waterway (Gol Gol Creek).

ECONOMIC DEVELOPMENT AND EMPLOYMENT

The draft strategy recognises the importance of rural land as an economic resource and aims to protect rural land from unsustainable and incompatible patterns of development. The proposal abuts existing R5 – Large Lot Residential land and the proposal would reduce land use conflicts between residential and rural uses.

ENVIRONMENT AND NATURAL RESOURCES

The subject land does not contain any significant environmental features (including native vegetation) that would be affected by the planning proposal. Adequate setbacks from the Gol Gol Creek would be applicable and controlled by the existing Wentworth LEP 2011. It is noted the land has been used for horticultural purposes.

RURAL LANDS

The strategy recognises the importance of agriculture to the Murray Region and requires Councils to protect rural land used for primary production with appropriate zones and planning provisions.

The focus of this planning proposal is to ensure urban growth is provided in a sequential manner abutting existing R5 – Large Lot Residential land to the south-west also abutting the Gol Gol Creek. The minimum lot sizes of 3,000m² seek to reflect the nature of existing low density residential land holdings and responds to the RU1 – Primary Industry zoned land to the east by reducing the potential for land use conflict.

WATER AND INFRASTRUCTURE

The land is located adjacent to an existing centre and has direct access to all services and infrastructure required for residential purposes. Council is satisfied the land can be serviced to accommodate the potential number of residential dwellings.

SUMMARY

The planning proposal is considered appropriate and will not have a significant impact on the existing supply and demand of existing large lot residential land in the Gol Gol township area and the proposal directs large lot residential opportunities to a 'preferred location' that increases the opportunity for population and economic growth.

An assessment of the Murray Regional Strategy has been submitted with this planning proposal by the proponents, Danson and Blably Pty Ltd and can be found in Attachment 4 of this document.

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5. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**?

The proposal is consistent with the 'Wentworth Region Community Strategic Plan 2012-2022'. The community plan was developed after extensive community consultation which has shaped the plan to identify key issues within the Shire area and the vision and ideas for the future.

The plan states the population for Buronga and Gol Gol (abutting townships) is 2,883 and has increased by 15% between the period of 1996 and 2006 and 10% in the period of 2001-2006. This identifies an 'above average' increase in population within a rural township and

residential opportunities in 'preferred locations' must be identified and implemented to ensure continued economic and population growth within the municipality.

6. Is the planning proposal consistent with applicable state **environmental planning policies**?

The proposal is considered consistent with the applicable State Environmental Planning Policies (SEPP). The SEPP's applicable to this proposal are examined below:

a) SEPP No. 1 – Development Standards

The proposal is consistent with this policy.

b) SEPP No. 55 – Remediation of Land

Lots 56 and 73 in DP756946 is partly used as an irrigated horticultural property (vineyard). Approximately 50% of the land is vacant (vines removed). It is not considered the use of the land for horticultural purposes presents contaminated land that would restrict the future use of the land for low density residential use.

Lot 188 in DP756946 was previously used as a landfill and is now used as a wildlife sanctuary. The land is currently zoned for residential use (R5 – Large Lot Residential) and rezoning the land to SP1 – Special Activities, this would avoid any potential land contamination issues associated with a sensitive land use such as residential.

Should Lot 188 remain as R5 – Large Lot Residential zoned land, it is not considered land that is capable of residential use without extensive remediation works being undertaken. This would not be considered economically viable and the land has extensive native vegetation that would also require significant investigations to determine if it could be removed for residential purposes.

It is determined that Lot 188 should not remain zoned R5 – Large Lot Residential due to the existing site constraints that limit or potentially prohibit residential use.

c) SEPP (Building Sustainability Index: BASIX) 2004

The proposal is consistent with this SEPP as it relates to the construction of residential dwellings at the Development Approval stage. Any new residential dwelling must comply with BASIX before Development Approval is granted.

d) SEPP (Rural Lands) 2008

The land applicable to this SEPP is Lots 56 and 73 in DP756946. Lot 188 in DP756946 is not rural land.

The Rural Lands SEPP aims to:

- i. facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- ii. identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural

lands for the purpose of promoting the social, economic and environmental welfare of the State,

- iii. implement measures designed to reduce land use conflicts,
- iv. identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations.

The land is not classified as State significant agricultural land.

The land subject to this planning proposal abuts existing R5 – Large Lot Residential zoned land and provides an appropriate integration between existing rural zoned land and residential zoned land by yielding 3,000m² or greater sized allotments.

The land is in close proximity to the Gol Gol township and connected by and established sealed road network with required infrastructure available.

The land is partly used for horticultural purposes and is the last remaining land along the Gol Gol Creek that is available for development purposes. This land is considered the 'preferred' location for further low density residential development in the Gol Gol Creek area and does not significantly reduce the viability of the agricultural sector within the municipality.

The increase in housing choice within the Gol Gol area will provide economic and population growth that should balance the social, economic and environmental interests of the community and accords with the Wentworth Region Community Strategic Plan 2013-2023.

e) SEPP (Exempt and Complying Development Codes) 2008

The planning proposal is consistent with this Code which is applicable to all land made under the Wentworth LEP 2011.

f) SEPP (Infrastructure) 2007

The planning proposal is consistent with this Code as there is adequate infrastructure available to service the land for residential use and development.

The land at Lots 56 and 73 in DP756946 abuts existing serviced residential land. The land is able to directly connect to the existing sealed road network (Wilga Road) and the remaining essential services are established within the abutting residential area and can be extended to service the land subject to this planning proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land and applies to Lots 56 and 73 in DP756946 only.

The direction applies to Clause 4(a) only. Clause 4(b) does not apply to the Wentworth local government area.

The planning proposal may be considered if inconsistent with the terms of this direction only if Council can satisfy the Director-General of the Department of Planning that the provisions of the draft LEP that are inconsistent are of minor significance. It is noted the planning proposal is not supported by a strategy.

The planning proposal is considered by Council to be of minor significance for the following reasons:

- a) The planning proposal is not seen to 'tip the balance' of existing R5 – Large Lot Residential land in the municipality due to the inclusion of Lot 188 in DP756946 in the planning proposal.
- b) The planning proposal would only see a 'net gain' of 15 potential 3,000m² allotments being created due to the inclusion of Lot 188 in DP756946.
- c) There will be a small increase in R5 – Large Lot Residential allotments in the Gol Gol township area but the total amount is not considered detrimental to the existing residential land supply in the municipality and will not affect the Rural Land Use Strategy currently being undertaken by Wentworth Shire Council.

It is considered the planning proposal seeks to provide residential opportunities within a 'preferred' residential location near the Gol Gol Creek without significantly affecting the supply and demand of residential land in the Gol Gol and Buronga area.

The proposal is consistent with Council's strategic policies as described in Section B of this report ('Wentworth Region Community Strategic Plan 2012-2022').

Ministerial Direction 1.5 Rural Lands

This direction applies to all Councils to which the SEPP (Rural Lands) 2008 applies when a council prepares a draft LEP that affects land within an existing or proposed rural zone.

The objectives of this direction are to:

- a) protect the agricultural production value of rural land
- b) facilitate the orderly and economic development of rural lands for rural and related purposes.

As per Ministerial Direction 1.2, there is no justified strategy and it is considered the planning proposal is of minor significance.

The proposal is consistent with strategic policies as discussed in Section B of this report ('Wentworth Region Community Strategic Plan 2012-2022').

The planning proposal does not meet the objectives of the direction and the subject land is not classified as State significant agricultural land.

Rezoning Lots 56 and 73 in DP756946 from RU1 – Primary Production to R5 – Large Lot Residential will not have a significant impact on the agricultural industry of the municipality and the land is considered the 'preferred direction' for further large lot residential development in the local area.

Lots 56 and 73 in DP756946 is surrounded by encroaching large lot residential development, the Gol Gol Creek and the large lake bed to the east. Rezoning for residential use will minimise land use conflicts within the area.

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

Lots 56 and 73 in DP 756946 is currently cleared land used for horticultural purposes and does not contain any vegetation of significance.

Lot 188 in DP 756946 contains some existing native vegetation. An assessment of significance has not been carried out at this stage as it is considered it is not warranted due to the land is proposed to be rezoned to SP1 – Special Activities from R5 – Large Lot Residential. The new zone has been proposed to accord with the existing use of the land being a wildlife sanctuary operated by the Sunraysia Wildlife Carers Group Incorporated which will not impact on the existing environmental characteristics of the land.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no known 'other' likely environmental effects as a result of the planning proposal except those normal to a low density residential area.

Any new buildings abutting the Gol Gol Creek will be subject to approval at a local level and conditioned to ensure there is no detriment to the Gol Gol Creek reserve. This will be ensured by building and waste water treatment system setback requirements.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is considered to be relatively minor in nature, but there will be a positive social and economic effect on the Gol Gol local area and the Wentworth Shire Council.

The proposal would allow many Gol Gol Creek fronted dwellings to be constructed which is a 'preferred' building area in the Gol Gol township. This should increase the local economy by an increase in population as the township will be more attractive to live in and this will have a positive social aspect in the local community.

The proposal will create an increase in housing choice and provide a boost to the local building industry and associated businesses.

The relatively minor increase in R5 – Large Lot Residential will not have a detrimental effect on the existing social and economic factors in the local community. The proposal will not place an undesirable or unmanageable load on existing services.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The proposal will abut existing developed residential land and there is adequate public infrastructure to enable connection to existing services.

Essential services have direct access via an existing sealed road network to the subject land and there are education and recreation facilities available in the Gol Gol township within close proximity.

It is acknowledged the proposal will place additional demands on public infrastructure and will be fully developed following consultation with public authorities responsible for the provision of the specific infrastructure.

Based on previous development in the area, it is considered Lots 56 and 73 are capable of residential development and a matter for formalising the relevant agencies requirements.

It is noted the proposal would not lead to a residential subdivision in excess of 150 lots. The proponent of the planning proposal has submitted a draft plan that details the land has the potential to accommodate 53 residential allotments of 3,000m².

The list of public authorities to be consulted will be confirmed at the initial Gateway Determination stage of the planning proposal.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

To be confirmed after the initial Gateway Determination.

Section E – Reclassification of Public Land – N/A

Part 4 - Community Consultation

The planning proposal is not considered a 'low impact planning proposal', therefore it is considered the exhibition period should be 28 days.

The following consultation will be undertaken:

- a) The Wentworth Community – Propose to undertake a 28 day public exhibition period including public advertisements in the Sunraysia Daily and Mildura Weekly newspapers that circulate in the area affected by the proposal
- b) Notification on the Wentworth Shire Council website www.wentworth.nsw.gov.au
- c) Notification in writing to affected and adjoining landowners
- d) Departmental agencies – Propose to undertake a 28 day consultation period with relevant government agencies.

Part 5 – Risks to the Planning Proposal.

There are no known risks identified in this proposal based on current resources of Council.

Part 6 – Benchmark Timeframes for making the Plan.

Note: You cannot delete or alter any of the following statements except where directed to select an option.

1. The plan will be made within 9 months of the Gateway Determination date.
2. The Planning Proposal will be exhibited within 4 weeks of the Gateway Determination date.
3. Community Consultation will be completed 28 days from the last day the Planning Proposal must be exhibited
4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.
5. The RPA will request the Department to draft and finalise the LEP no later than 6 weeks prior to the projected making of the plan date specified in point 1.

Attachment 5:

Wentworth Shire Council Ordinary Council Meeting Minutes
March 2014 to include Lot 188 DP756946 in the planning
proposal.

Council resolution:

“That Council rezone Lot 188 DP 756946 from Zone R5 Large Lot Residential to Zone SP1 Special Activities in the planning proposal to facilitate Amendment No. 4 to the Wentworth LEP 2011.”