

Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1

Proposal Title :	Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1		
Proposal Summary :	To rezone Lots 56 and 73 DP 756946 from RU1 to R5 for the purposes of a large lot residential subdivision, and also the rezoning of Lot 188 DP 756496 from R5 to SP1.		
PP Number :	PP_2014_WENTW_002_00	Dop File No :	14/02810

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
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 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 :
- 1) The proposed rezoning of Lots 56 and 73 DP 756946 is not recommended to proceed, for the following reasons:
 - No Strategic justification;
 - Inconsistent with Section 117 Directions;
 - Inconsistent with SEPPs;
 - Inconsistent with Rural Lands Principles;
 - Significant oversupply of land already in Wentworth.

Council is currently undertaking a Rural Land Use Strategy, which will set a vision and policy framework for rural areas within the Wentworth local government area. The use of the subject land for rural lifestyle purposes is to be considered as part of the broader strategic process. Matters regarding appropriate minimum lot sizes of land used for agricultural purposes should also be considered as part of this process.

- 2) The proposed rezoning of Lot 188 DP 756946 to SP1 (Wildlife Sanctuary) is recommended to proceed.

- 3) The submission of documents in accordance with Clause 55(2) of the EP & A Act is required to adequately assess the proposed rezoning of the Old Gol Gol Tip Site, being Lot 188 DP 756946 from zone R5 to zone SP1 (Wildlife Sanctuary).

- 4) Following the submission of documentation to the satisfaction of the Department, the planning proposal should proceed and be finalised within 9 months of the Gateway Determination Date.

- 5) Community Consultation is to be undertaken for a period of 28 days.

- 6) 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:

Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1

- Land Zone Map LZN_004G

7) 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.

8) Consult with the following Agencies:

- Murray Catchment Management Authority
- NSW Office of Water
- Essential Energy
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture.

Supporting Reasons :

The proposed rezoning of Lots 56 and 73 DP 756946 is not recommended to proceed, as the proposal is inconsistent with the s117 Directions, not justified by a strategy, is not consistent with the Rural Lands Principles and the approval of the rezoning would result in additional rural residential land where there is already a significant oversupply.

The proposed rezoning of Lot 188 DP 756946 is supported in principle, as the SP1 zone is considered more appropriate due to the significant contamination issues prevalent on the site, making it unsuitable for residential purposes. No documentation was submitted by the Council which complies with Clause 55(2) of the EP & A Act for this part of the planning proposal, and it is considered that given the previous lengthy delays by Council in providing this information prior to the assessment of a Planning Proposal, that the submission of the documentation be provided as a condition of the Gateway Determination.

Panel Recommendation

Recommendation Date : 12-Jun-2014

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The Planning Proposal should proceed subject to the variations as outlined in the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be amended to remove the proposal to rezone Lots 56 and 73 DP756946 at Wilga Road, Gol Gol from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size to 3,000sqm.
2. Prior to undertaking public exhibition, the planning proposal is to be updated to include all relevant information, including a project timeline, in accordance with the Department's A Guide to Preparing Planning Proposals.
3. The planning proposal is to be updated to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and legislation:
 - 1.2 Rural Zones
 - 1.5 Rural Lands
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - State Environmental Planning Policy (SEPP) Rural Lands 2008
 - SEPP No 55 – Remediation of Land
 - any other applicable policies
4. Prior to undertaking public exhibition, the planning proposal is to be updated to include existing and proposed land zoning maps, which are at an appropriate scale and clearly identify the subject land.
5. 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 a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public

**Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73
DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1**

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 2013).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Murray Catchment Management Authority
- NSW Office of Water
- Essential Energy
- Office of Environment and Heritage
- Department of Primary Industries – Agriculture

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.

7. 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).

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

Signature:



Printed Name:

TROY LOVEDAY

Date:

18-06-2014