

**Wentworth LEP 2011 Amendment No. 9 - Additional Permitted Use - Highway Service
Centre and Caravan Park, Sturt Highway, Trentham Cliffs**

Proposal Title :	Wentworth LEP 2011 Amendment No. 9 - Additional Permitted Use - Highway Service Centre and Caravan Park, Sturt Highway, Trentham Cliffs		
Proposal Summary :	To amend Wentworth LEP 2011 to allow development for the purposes of a Highway Service Centre and Caravan/RV Park as an 'Additional Permitted Use' in Schedule 1 of the LEP at Sturt Highway, Trentham Cliffs.		
PP Number :	PP_2015_WENTW_003_00	Dop File No :	15/13394

Proposal Details

Date Planning Proposal Received :	09-Sep-2015	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 :	Trentham Cliffs	City :	Wentworth
Land Parcel :	Part Lot 1 DP 1128099		Postcode : 2648
Street :	Sturt Highway		
Suburb :	Trentham Cliffs	City :	Wentworth
Land Parcel :	Lot 42 DP 756936		Postcode : 2648
Street :	Sturt Highway		
Suburb :	Trentham Cliffs	City :	Wentworth
Land Parcel :	Lot 38 DP 756936		Postcode : 2648

DoP Planning Officer Contact Details

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Land Release Data

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

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment : **There have been no known communications with registered lobbyists.**

Supporting notes

Internal Supporting
Notes : **The subject planning proposal has been submitted following a request from a local developer to establish a highway service centre and caravan/RV park on the subject land. A highway service centre is proposed to be constructed on the site, to operate as a rest area and fuel stop for tourists. It is also proposed to offer short term accommodation for tourists at the site. A caravan park currently operates on the site, and it is proposed to expand and provide 81 sites for caravans/RVs and relocatable dwelling/cabins, in addition to amenities and recreation facilities (playground, tennis courts) for the use of guests. The extension of such use compliments the nearby Trentham Cliffs winery and existing caravan parks.**

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The subject land is currently zoned R5 – Large Lot Residential and RU1 Primary Production.

The current residential zoning of the land is surrounded by RU1 Primary Production land, and was zoned to facilitate the ongoing operation of the caravan park. Strategically, the land is not suitably placed for residential development, and the use of the site for a highway service centre and tourist purposes on the areas identified as 'B' on Lot 42 DP 756936 and Lot 38 DP 756936 and a caravan park on area "C" on part Lot 1 DP 1128099 is considered to be appropriate.

By including the proposal in Schedule 1 of the Wentworth LEP, rather than zoning the site SP3 Tourist, the site is restricted to the uses listed in Schedule 1. The R5 zone currently permits the development of a caravan park with consent, however prohibits highway service centre. The surrounding RU1 zone prohibits both the construction of a highway service centre and caravan park. While the land is about 5km east of Gol Gol on the Sturt Highway and there is no endorsed Strategy, the proposal has merit having regard to the location and existing development nearby. The use of Schedule 1 is considered to be the most mechanism to progress the proposed development.

Council also considered rezoning the site to SP3 Tourist, however, the rezoning of the site was not considered to be appropriate, given the surrounding land uses (being primary production and extensive horticulture) and Council does not wish to establish a tourism precinct on the site, other than to allow the proposed uses.

The proposed highway service centre is to be located away from residential development, thus minimising potential land use conflict.

The land is not identified as flood prone land or subject to any other known environmental constraints.

Council has requested authorisation to undertake plan making delegations. This is considered appropriate.

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 identifies the objective of the planning proposal is to facilitate the development of a highway service centre and expand the existing caravan park on the site.

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

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

Comment : The explanation of provisions clearly state the outcome of the planning proposal will be achieved by amending Schedule 1 to include the land uses of highway service centre and caravan park on the subject land.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.3 Site Specific Provisions

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Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008**

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

Section 11 Directions:

• **1.2 – Rural Zones**

The planning proposal seeks to use zone RU1 part of Lot 1 DP1128099 as a caravan park as an additional permitted use. The proposed highway service centre is to be undertaken on lots 38 & 42 DP 756936 which is zone R5 – Large Lot Residential land. The loss of agricultural productivity on the site as a result of the proposal is considered to be minimal and of minor significance. The inconsistency with this direction is considered to be of minor significance, given the lack of agricultural productivity on the RU1 zoned land and the location near zone R5 land.

• **1.5 – Rural Lands**

The subject land is not currently utilised for agricultural production. Any loss of agricultural productivity is considered to be minimal and the inconsistency of the proposal with this direction is considered to be of minor significance. Potential land use conflict on the adjacent winery will be required to be assessed by Council at the development application stage.

• **3.1 – Residential Zones**

The proposal is considered to be consistent with this Direction. The proposal will broaden the choice of housing options in the Wentworth Shire. Indicative plans provide long term/permanent residential sites in the proposed caravan park. This is consistent with the R5 zoning of the land.

• **3.4 – Integrating Land Use and Transport**

Existing site access is available to the site by road from the Sturt Highway. The proposed highway service centre and caravan park will require the access points to be upgraded, at development application stage. The proposed development is considered to be inconsistent with the Direction, however the inconsistency is considered to be of minor significance and consultation with Roads and Maritime Services is required.

• **6.3 – Site Specific Provisions**

The proposal is consistent with this Direction as the proposal does not change the existing zone or development provisions.

SEPPS:

• **SEPP (Rural Lands)**

The proposed development is to be undertaken partly on RU1 Primary Production land for a caravan park. Surrounding land is zoned RU1 Primary Production. It is considered that the reduced agricultural productivity of the land is minor in this case as the subject land is not utilised for agriculture.

• **SEPP 55 – Remediation of Land**

The land may have been used for agriculture or horticulture and the proposed accommodation is a more sensitive use. The provisions of SEPP 55 will be required to be considered at the development application stage.

Local Government Regulation – Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings (2005)

Council will need to consider the provisions of the Regulation at the development application stage.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping has been provided, showing the site and also the proposed Schedule 1 Map to be included as part of the LEP mapping suite. This is considered to be appropriate for community consultation. A indicative map showing the extent of the proposal on the site has also be included.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a period of 28 days of community consultation. This is considered to be appropriate.**

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.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to facilitate the proposed development. The proposal is not the result of any strategy or study, however is in response to an enquiry to undertake the development and the plan to provide highway service centres strategically along Sturt Highway.**

The amendment of Schedule 1 is the most appropriate mechanism to achieve the objective of the proposal at this time.

Consistency with strategic planning framework : **Wentworth does not have an endorsed Land Use Strategy.
The Wentworth Region Community Strategic Plan 2013-2023 encourages the growth and support of tourism in the Shire, and the proposal is consistent with this principle.**

Environmental social economic impacts : **The subject land is not identified as flood prone or subject to any other environmental constraints.**

It is proposed to integrate recreation activities and the existing wetlands on the western portion of the site adjoining the Murray river, for passive recreation purposes, which is currently permissible in zone RU1 and no change to the zoning of this land is required. Further assessment of this will be required at the development application stage.

Surrounding land is zoned RU1 Primary Production, and an agricultural produce industry (winery, including cellar door) is adjacent to the site. Any potential land use conflicts will

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be required to be considered by Council at the development application stage, however Council have indicated in their submission that the winery may benefit from and complement the proposal, with increased visitation.

The location of the highway service centre is considered to be appropriate, being strategically located for tourists and users of the Sturt Highway. The location is also suitable for the use of heavy vehicles. Consideration of the impacts of frequent heavy vehicles will be required by Council in conjunction with Roads and Maritime Services in relation to the amenity of tourists utilising the caravan park.

The caravan park extension will provide an alternative form of tourist accommodation in the LGA area and complement the Trentham Cliffs Winery. Council has recognised the need for additional tourist accommodation types, given the increase of tourist visitation in the area.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
Transport for NSW**

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 :

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 :

Documents

Document File Name	DocumentType Name	Is Public
Att 1 Draft Development Concept Plan.pdf	Map	No
Att 2 Aerial Photo.pdf	Map	No
Att 3 Current Land Zone map.pdf	Map	No
Att 4 Proposed Additional Permitted Use Map.pdf	Map	No
Att 5 Consistency with SEPPs & S117 Directions.docx	Proposal	No
Att 6 Council Report & Resolution.pdf	Proposal	No

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Attachment 4 - Evaluation criteria for the delegation of plan .doc	Proposal	No
Initial Request for Gateway Determination signed.pdf	Proposal	No
Planning Proposal Report.docx	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**
- 3.4 Integrating Land Use and Transport**
- 6.3 Site Specific Provisions**

Additional Information : **That Gateway determines to support the planning proposal, subject to the following conditions:**

1. The planning proposal is to apply only for Additional Permitted Uses for a Highway Service Centre and Caravan Park, as identified as Area B (Lots 38 and 42 DP 756936) and Area C (Part Lot 1 DP 1128099) on the submitted Additional Permitted Uses map.

2. Consultation is required with the following State Agency under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of related section 117 Directions:

(a) NSW Roads and Maritime Services

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 planning proposal prior to community consultation.

3. Prior to the submission of the planning proposal under section 59 of the EP&A Act the Additional Permitted Use Map is to be compliant with the Department's "Standard technical requirements for LEP Maps".

4. 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).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

6. Prior to the submission of the planning proposal under section 59 of the EP&A Act the Additional Permitted Use Map is to be compliant with the Department's "Standard technical requirements for LEP Maps".

7. Authorise Wentworth Shire Council to exercise delegations to finalise the planning proposal.

Supporting Reasons : **The site is suited to development as a highway service centre and due to its location and existing use as a caravan park and nearby winery.;**

The General Manager, Western Region can use delegation in this case as the proposal is consistent with the surrounding land use and is a one off proposal.

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Signature:



Printed Name:



Date:

25.9.15

Endorsed
Wgamsay 25/9/15
TLWR