

12.3 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL - REZONE RU1 PRIMARY PRODUCTION ZONE TO R5 LARGE LOT RESIDENTIAL ZONE, LOT 24 DP 756961, 7 RIVER ROAD, DARETON

File Number: RPT/16/81

Responsible Officer: Ken Ross - Director, Health and Planning
 Responsible Division: Health and Planning
 Reporting Officer: Michele Bos - Strategic Development Officer

Delivery Program Objective: 2. Growth & Development

Delivery Program Strategy: 2.3 Encourage land development and housing construction

Summary

Council have received a Gateway Determination Planning Proposal from Danson and Blaby Pty Ltd on behalf of the landowner, Mr R J Pearce. Refer to **Attachment 1, 2 and 3**.

The Planning Proposal seeks to amend the Wentworth Local Environmental Plan (LEP) 2011 (WLEP 2011) by rezoning Lot 24 DP 756961, on the south eastern boundary of Dareton, from RU1 Primary Production zone with a minimum lot size of 10,000 hectares to R5 Large Lot Residential zone with a minimum lot size of 3,000 square metres.

The Planning Proposal report includes a subdivision concept plan which shows four additional lots ranging in area from 3,221 square metres to 3,294 square metres, with all proposed lots fronting Yanco Road. The concept plan also shows the existing dwelling and associated shedding on Lot 1 comprising an area of 4,878 square metres.

Options

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

- a) Resolve to submit the Planning Proposal to the Department of Planning & Environment for consideration of a Gateway Determination, or
- b) To await the completion and subsequent recommendations of the Rural Land Use and Rural Residential Strategy.

Recommendation

That Council That Council:

1. Receives and notes the contents of the report, and
2. Resolves to submit the planning proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination to amend the Wentworth Local Environmental Plan 2011 in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

That a division be called in accordance with S375A of the Local Government Act.

Detailed Report

The landowner has held several discussions with the Wentworth Shire Council over recent years regarding the possibility of rezoning the subject site to provide for the development of

new dwellings. These discussions have occurred following the landowner being approached on more than one occasion by several interstate parties expressing an interest in purchasing large housing lots in Dareton.

The subject site is located on the corner of River and Yanco Roads with the proposed lots to be provided with access from Yanco Road. The site will be serviced by a sealed road, power and telecommunications facilities with access to both sewer and water.

The property has not been used for primary production purposes for several years and given the location of the site being directly adjacent to the existing township and its limited area, it is questionable if the site will ever be used for agriculture/horticulture again.

Matters under consideration

In considering this Planning Proposal, Council should determine if there is sufficient justification provided in the attached report to rezone the subject site.

The Planning Proposal Part 4 – Justification (page 11) states that the planning proposal is consistent with the objectives of the Wentworth Region Community Strategic Plan 2012-2022.

The objectives and applicable strategies of the Wentworth Region Community Strategic Plan 2012-2022 include:

- *Improved population growth and residential expansion – by supporting population growth, resident attraction and retention*

Comment: The planning proposal seeks to provide for an increase in developable residential lots which will attract new residents to Dareton. Therefore, the proposal supports population growth and provides the opportunity to attract and retain new residents to the town.

Consistency with this objective is achieved by providing housing stock in locations where people choose to live and providing serviced lots that are suitable for immediate development.

- *Improve our built urban environment – by encouraging residential options that meet the needs of all community sectors.*

Comment: The planning proposal improves the existing urban environment by encouraging the development of this larger sized lot where the bulk of the land is vacant and unused. It will also increase residential options by providing large residential lots ready for immediate development, following the issue of development approval for the proposed subdivision.

Consistency is achieved as there are very few, if any, large residential lots in Dareton that are available for immediate development. As the landowner has been approached on more than one occasion by interstate visitors, it would appear that there is a demand for large residential lots in Dareton for future development.

The Planning Proposal report also states that the net community benefit will include the provision of a variety of residential land which will create competitiveness in the real estate market, an increase in construction activity and population growth which will support local businesses, both during the construction phase and in the future.

The proponent has suggested back zoning part of a parcel of land on River Road from R5 Large Lot Residential zone with a minimum lot size of 5,000 square metres to RU1 Primary Production zone. Refer to **Attachment 4**. This suggestion was based on an earlier discussion held with Council's Health and Planning Division, prior to submitting the planning proposal report for Council's consideration.

The area of R5 Large Lot Residential zone land referred to in Attachment 3 is part of Lot 7321 DP 1187721. This lot is crown owned land and the R5 portion of this lot comprises an area of approximately 23.8 hectares.

Council has not yet consulted with the Department of Primary Industries – Lands regarding back zoning their land. However, future consideration of back zoning this area of land should be undertaken given that it is considered that this site is not suitable for rural residential development. For example, the land is not privately owned, contains native vegetation and is located in a productive horticultural area.

However, it was advised that should Council resolve to submit this planning proposal to the Department for consideration of a Gateway Determination, any back zoning of alternative land should be subject to a separate planning proposal.

This advice was provided by a representative of the Department of Planning & Environment, from the Western Region Dubbo Office, during a recent visit to the Wentworth Shire.

Dareton does have an area of R5 Large Lot Residential zone land, with a minimum lot size of 5,000 square metres, approximately 200 metres south of the subject lot. Refer to **Attachment 5**.

This area has two existing dwellings, with a large proportion of the area being used for horticultural purposes. Attachment 5 shows one lot that has recently obtained approval for a seven lot subdivision.

Together with the planning proposal's subdivision concept plan to create an additional four lots, Dareton could potentially have 11 large rural residential lots, in the not too distant future, developed and ready for the construction of new dwellings. This is not considered to be an excessive number due to the landowner's statement regarding being approached by interstate visitors wanting to buy large residential lots for immediate development purposes.

Previously, the Department of Planning & Environment has advised that planning proposals that involve rezoning RU1 Primary Production zone land should be withheld until the completion of the Rural Land Use & Rural Residential Strategy. However, on the basis of recent support of planning proposals that do involve the rezoning of rural land, it is considered appropriate that this proposal should proceed to the Department for Gateway assessment.

Implications

The decision item has the following implications for Council:

- By resolving to submit the Planning Proposal to the Department of Planning & Environment for consideration of a Gateway Determination, Council provides the opportunity for a local, community resident to utilize and develop his land for rural residential purposes.
- If a Gateway Determination is issued, Council will have facilitated new development, opportunity for population growth and economic activity in Dareton.
- By waiting for the completion of the Rural Land Use & Rural Residential Strategy, Council risks hindering or preventing the opportunity for development and growth in the township of Dareton.

Conclusion

It is considered that the Planning Proposal as submitted for consideration by Council is satisfactory and should be forwarded to the Department of Planning & Environment for assessment and consideration of a Gateway Determination.

Wentworth Shire Council has the opportunity to facilitate future development and growth in Dareton by supporting the planning proposal to amend Wentworth Local Environmental Plan 2011 by rezoning Lot 24 DP 756961, 7 River Road, Dareton from RU1 Primary Production

zone, with a minimum lot size of 10,000 hectares to R5 Large Lot Residential zone, with a minimum lot size of 3,000 square metres..

Attachments

1. Planning Proposal Report.
2. Planning Proposal Attachment 1.
3. Planning Proposal Attachment 2.
4. Proposed Back Zoning Map.
5. Current R5 Zone Land at Dareton.

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Officer Recommendation

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Council Resolution

1. Receives and notes the contents of the report, and
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amend the Wentworth Local Environmental Plan 2011 in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

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Moved Councillor D McKinnon, Seconded Councillor P Nunan

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, M Hederics, D McKinnon, P Nunan, Bill Wheeldon and I Whitfield.

Against the Motion: Nil.