



Wentworth LEP 2011 Amendment No. 10 - Additional Permitted Use - Jewel Markets, Sturt Highway, Gol Gol

Proposal Title : **Wentworth LEP 2011 Amendment No. 10 - Additional Permitted Use - Jewel Markets, Sturt Highway, Gol Gol**

Proposal Summary : **To amend Wentworth LEP 2011 to allow development for the purposes of a market as an 'Additional Permitted Use' at part Lot 2 DP 733735, Sturt Highway, Gol Gol.**

PP Number : **PP_2015_WENTW_004_00** Dop File No : **15/13393**

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 : **Gol Gol** City : **Wentworth** Postcode : **2648**

Land Parcel : **part Lot 2 DP 733735**

DoP Planning Officer Contact Details

Contact Name : **Jenna McNabb**

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RPA Contact Details

Contact Name : **Michele Bos**

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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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 Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The subject planning proposal has been submitted following a request from a local developer to establish a permanent local produce market on the subject land.

The market is proposed to be a purpose-built permanent market building, comprising a number of stalls for the sale of locally grown and made produce. Concept plans indicate café/takeaway food and drink premises, dry goods, market stalls and fixed shops will occupy the tenancy. The market is proposed to operate similar to a supermarket, with hours of operation (including number of days) to be determined at the development application stage.

The subject land is currently zone E3 – Environmental Management, which prohibits the use of the land for commercial/retail purposes. The current definition of a market does not provide for a purpose built building to be considered under this definition, nor the permanent operation. The proposal is considered to be a retail premises, by definition. By including the proposal in Schedule 1 of the Wentworth LEP, rather than zoning the site zone B2 Local Centre, the site is restricted to the uses listed in Schedule 1, and does not create opportunities for additional retail development that is not in keeping with the intent of the planning proposal for a local produce market. The use of Schedule 1 is considered to be the most appropriate mechanism to progress the proposed development. Even though there is no endorsed land use strategy the proposal has merit having regard to the location and purpose.

The land is identified as flood prone land. Council have advised that the E3 zoning has been applied to the site with the intent of managing and protecting the land from flood risk. The flood study information provided by Council has not included the subject site and this work and resolution of s117 Direction 4.3 should be undertaken prior to the commencement of public exhibition.

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 permanent market 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 permanent market 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 : **1.1 Business and Industrial Zones
2.1 Environment Protection Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**

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

Section 117 Directions:

• **1.1 – Business and Industrial Zones**

The proposal is consistent with this Direction. Opportunity for the provision of additional employment land is being provided to the Wentworth community, in addition to providing a new employment development and opportunities.

• **2.1 – Environment Protection Zones**

Council in its documentation has advised that the subject land has been zoned E3 Environmental Management due to the land being identified as flood prone land.

The proposed development will continue to protect and conserve the area, by limiting the development on the site and have regard to the flooding impacts as required by Wentworth LEP 2011, Floodplain Development Manual and Council's Development Control Plan. The General Manager, Western Region (as nominated officer) can be satisfied that the proposals inconsistency with this direction is considered to be of minor significance.

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

Existing site access is available from the Sturt Highway. The development will require the access points to be upgraded, at development application stage. The proposed development is considered to be consistent with the Direction, subject to road access upgrade in consultation with Roads and Maritime Services.

• **4.3 – Flood Prone Land**

The proposal seeks to allow development of a permanent structure in a flood affected area which is inconsistent with the Direction.

Two floodplain management studies have been undertaken in Wentworth. The Floodplain Management Plan – Gol Gol to Abbotsford Bridge 1995 (Kinhill Engineers Pty Ltd) did not prohibit the development of the area. In addition, the Draft Floodplain Risk Management Study 2011 (Worley Parsons) did not prohibit the development of the area and considered that the slight increase in flood levels of the area, caused by the development of the land east of the subject site, was insignificant.

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The flood information provided indicates the land may be suitable for the proposed development however this site has not been specifically modelled. This is required and consultation with Office of Environment and Heritage is required prior to the commencement of public exhibition to resolve the inconsistency with this Direction.

• **6.3 – Site Specific Provisions**

The proposal is consistent with this Direction as Council's flood, zone and development provisions will remain. No specific controls will apply to this proposal.

SEPPS:

• **SEPP 55 – Remediation of Land**

The subject land appears to have been used for horticulture and agricultural uses. The proposed use is a combination of retail and commercial uses. The provisions of SEPP 55 will be required to be considered 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. An 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.**

The amendment of Schedule 1 is the most appropriate mechanism to facilitate the development.

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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 economic development in the Shire, and the proposal is consistent with this principle.

Environmental social economic impacts :

The subject land is identified as being within zone E3 Environmental Management, and also identified as flood prone land. It is considered that any impacts as a result of the construction of the building can be assessed and managed at the development application stage. However consultation with Office of Environment and Heritage is required to address the flood issue and inconsistency with Section 117 Direction 4.3 prior to community consultation.

The inconsistency with s117 Direction 4.3 will be required to be settled with the Department prior to community consultation.

The location of the market is considered to be appropriate, being located near other retail development in Gol Gol and for residents and users of the Sturt Highway. Consideration of the impacts of the traffic generation will be required by Council in relation to the amenity of the surrounding area.

The market will provide a location for the sale of locally produced and grown produce in the area, direct to the public, which will have an immediate benefit on the local economy.

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 :

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Documents

Document File Name	DocumentType Name	Is Public
Att 1 Draft 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 Floodplain Map.pdf	Map	No
Att 5 Part Kinhill Pty Ltd Report.pdf	Proposal	No
Att 6 Part Worley Parsons Pty Ltd Report.pdf	Proposal	No
Att 7 Consistency with SEPPs & S117 Directions template.docx	Proposal	No
Evaluation_criteria_for_the_delegation_of_plan_.doc	Proposal	No
Planning Proposal Report.docx	Proposal	No
Request for Initial Gateway Determination signed.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land

Additional Information : **That Gateway determines to support the Planning Proposal, subject to the following conditions:**

1. Prior to community consultation, a flood Study and Floodplain Risk Management Plan prepared in accordance with the Floodplain Development Manual 2005 to the requirements of the Office of Environment and Heritage for the development site is to be submitted to the Department of Planning and Environment for approval.

2. Prior to community consultation Council is to address the inconsistency with section 117 Direction 4.3 Flood Prone Land and seek the approval of the Department of Planning and Environment.

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

- (a) Office of Environment and Heritage
- (b) 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.

5. 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".

6. 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).

7. The planning proposal is to be finalised within 12 months of the Gateway Determination date.

8. Council is authorised to exercise plan making delegations.

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Supporting Reasons : Council has provided justification that the site is suited to the proposed development due to its location; however the proposed market is not permitted in zone E3 Environmental Management. The listing of the proposed development as permissible with development consent on the subject land in Schedule 1 of the WLEP 2011 will provide for development for the sale of local primary produce, without creating an 'out of centre' development.

The General Manager, Western Region can use delegation in this instance as the proposal is consistent with the surrounding land use and is a one off proposal which should provide a positive impact on the local economy in terms of employment and the retail of local produce.

Signature:



Printed Name:

Jenna Menabbes

Date:

25.9.15

Endorsed
Wyansey 25/9/15
TLWR