

## Planning and Assessment

IRF20/3464

### Gateway determination report

<b>LGA</b>	Wentworth
<b>PPA</b>	Wentworth Shire Council
<b>NAME</b>	Rezone land at Wilga Road, Gol Gol to R5 (53 dwellings)
<b>NUMBER</b>	PP_2017_WENTW_001_00
<b>LEP TO BE AMENDED</b>	Wentworth Local Environmental Plan 2011
<b>ADDRESS</b>	100 Wilga Road, Gol Gol
<b>DESCRIPTION</b>	Lots 56 and 73, DP 756946
<b>RECEIVED</b>	20/07/2020 – Additional information requested August 2017, March 2018, July 2020
<b>FILE NO.</b>	17/12616-1
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The proposal is to rezone the subject land to allow 53 rural residential lots by rezoning the subject land to R5 Large Lot Residential Zone with a 3,000m<sup>2</sup> minimum lot size.

### 1.2 Site description

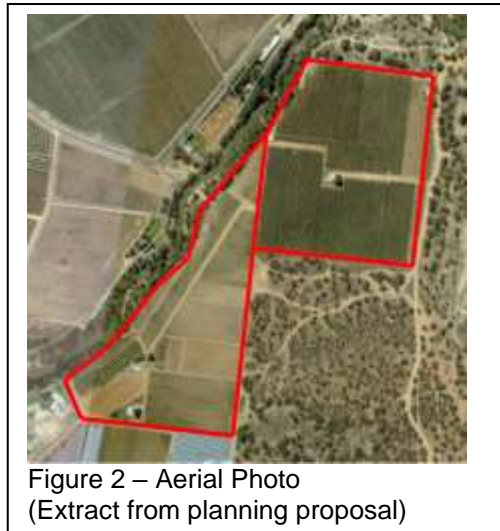
The subject land is located approximately 2km to the north east of the township of Gol Gol and is bounded by the Gol Gol Creek on the western boundary that flows from the Murray River.



Figure 1. Context Map – subject land, Gol Gol township and the Murray River

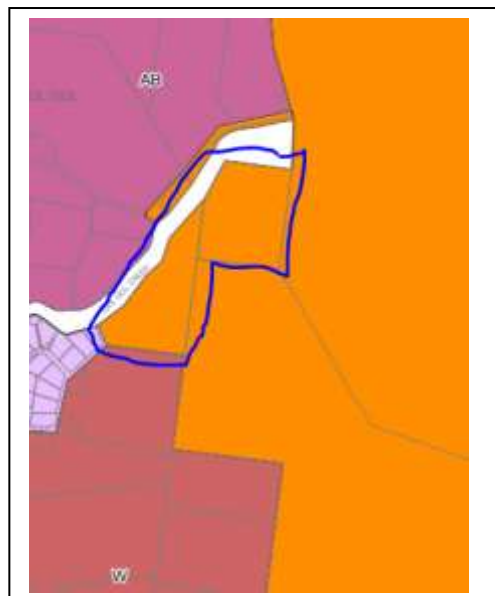
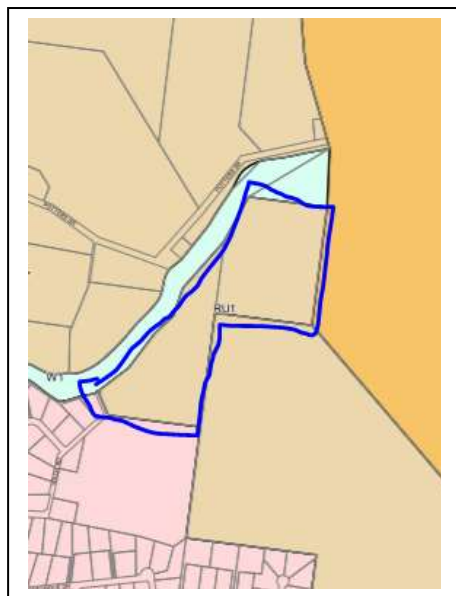
(Extract from Nearmap)

The subject land comprises two lots of 9.5ha and 10.5 each, both have an existing dwelling each. Lot 56 is no longer in production but was previously used for intensive agriculture (irrigated fruit trees). Lot 73 is currently used for irrigated grapes. (See Figure 2).



### 1.3 Existing planning controls

The subject land is zoned RU1 Primary Production Zone with a minimum lot size of 10,000ha (See Figures 3 and 4).



### 1.4 Surrounding area

The subject land adjoins an existing R5 zoned area to the south (MLS of 3,000m<sup>2</sup> and 5,000m<sup>2</sup>). Land to the south east is zoned RU1 Primary Production Zone, as is land on the opposite side of the creek, however it has a MLS of 10ha.

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The objectives provided on p.14 of the planning proposal are clear and do not need to be amended.

### 2.2 Explanation of provisions

The Explanation of Provisions proposed on p. 15 of the planning proposal are clear and do not require amendment prior to community consultation.

### 2.3 Mapping

The planning proposal requires amendments to two LEP maps – the Land Zoning Map and the Lot Size Map. The planning proposal only includes an extract of the existing zoning map and does not highlight the subject land. It should be updated prior to community consultation to include extracts of the existing lot size map and maps showing the proposed changes to both maps, see Gateway condition 4.a.

### 3. NEED FOR THE PLANNING PROPOSAL

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The planning proposal is required as the land does not currently permit residential dwellings. The subject land has been identified in the draft Buronga Gol Gol Structure Plan (to be finalised by Council in August 2020). Under the Structure Plan, the subject land has been identified to be rezoned to enable large lot residential development in the first stage of implementation. The proposal is the best means for achieving the intended outcomes.

### 4. STRATEGIC ASSESSMENT

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#### 4.1 State

The planning proposal is consistent with the State planning framework.

#### 4.2 Regional / District

The Far West Regional Plan applies to Wentworth. The planning proposal has undertaken an assessment against the goals and directions in the Regional Plan (pages 17-19 of the PP). The assessment and justification are considered appropriate. There are no other issues of concern in relation to regional issues.

#### 4.3 Local

The planning proposal does not indicate its consistency with the local strategic planning framework (although it does identify relevant Community Strategic Plan issues). Council's covering letter provides advice that the subject land is included in the Buronga Gol Gol Structure Plan for future growth areas. The Structure Plan has been publicly exhibited and is due to be adopted by Council at the next August meeting.

The inclusion of the subject land in the Draft Structure Plan is considered appropriate. There are no other issues of concern in relation to local issues.

#### 4.4 Section 9.1 Ministerial Directions

The planning proposal provides an assessment against all the Ministerial Directions on pages 25-33.

The following Directions are considered the only ones that apply to the proposal: 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 5.10 Implementation of Regional Plans (NB. Council listed other Directions, however it is not agreed that they apply in this circumstance).

The proposal is consistent with most of the applicable Directions; however, it is inconsistent with Direction 1.2 Rural Zones as it proposes to rezone rural land for residential purposes. The inconsistency is justified as it is agreed that the proposal is of 'minor significance'.

It is also potentially (although unlikely) inconsistent with Direction 4.3 Flood Prone Land as it proposes to rezone land adjoining the flood planning area from rural to a residential zone (see Figure 5). Any potential inconsistency would be justified as the proposal is of 'minor significance'. The subject land adjoins the 1:100 flood planning area and any parts of subject land that adjoin or include such land would be very small and therefore of minor significance. New dwellings would not impact on the 1:100 flood planning area.



Figure 5 – Flood Planning Area  
(Extract from planning proposal)

#### **4.5 State environmental planning policies (SEPPs)**

The SEPPs identified in the planning proposal on pages 20-23 are considered relevant the proposal is not inconsistent with any SEPP.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social**

The planning proposal identifies that rezoning the subject land will “*broaden the choice of building types and locations available within the Gol Gol Township and will assist with the efficient use of infrastructure and services*”.

Gol Gol is part of the regional housing market centred around Mildura. It provides rural and rural residentially-type living in close proximity to the centre of the City.

#### **5.2 Environmental**

The planning proposal states that “*the subject land is cleared land that has been utilised for horticultural purposes for many years and there are no critical habitats, threatened species or vegetation on the land*”.

The subject land has been highly modified over time for intensive agricultural activities with no remnant vegetation on the site. The subject land does adjoin Lake Gol Gol and the nearby Gol Gol Wetlands. The Gol Gol Creek is a “regulated stream” that provides regulated flows through a radial arm gate regulator at the Sturt Highway. Preliminary advice from the Flood Management Team in the DPIE Biodiversity Conservation Division is that the Sturt Highway acts as a sort of levee and therefore the subject land is unlikely to flood. It may however be subject to overland flow flooding, however, this is not subject to planning controls at this time.

Frontage of new residential lots to the Gol Gol Creek (which also retains uncleared native vegetation) would be of concern, however, Council confirmed in it’s advice dated 16 July 2020 that no new residential lots would have frontage to the Creek, “*creek frontage would be retained for public uses for the benefit of local residents and visitors.*” The proposed zoning and the concept subdivision plan do not delineate between the proposed residential zoning/subdivision and the Creek frontage to be retained for public use. This outcome can be achieved through appropriate subdivision design at the development application stage, however the planning proposal should be amended prior to community consultation to reflect this outcome.

#### **5.3 Economic**

Whilst the planning proposal has not specified if the rural residential lots to be created would be serviced with water and sewer, the planning proposal identifies that on-site effluent disposal could be managed.

### **6. CONSULTATION**

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Council’s proposed community consultation (including exhibition for 28 days) as provided in the planning proposal (p.36) is considered appropriate.

#### **6.2 Agencies**

Council has not identified any agency consultation. This is considered appropriate.

### **7. TIME FRAME**

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The planning proposal has not provided a timeframe for the completion of the planning proposal. It is recommended that the planning proposal be updated prior to community consultation to reflect an appropriate timeline.

## 8. LOCAL PLAN-MAKING AUTHORITY

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Council has not requested to be the local plan-making authority, however, given the minor nature of the proposal, it is considered appropriate for Council to be authorised to be the local plan-making authority.

## 9. CONCLUSION

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Preparation of the planning proposal is supported to proceed with conditions.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Secretary agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones and 4.3 Flood Prone Land are minor or justified.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.
4. The planning proposal should be updated prior to community consultation to include the following information:
  - (a) Remove the reference on page 4 and reflect Council's advice in it's letter to the Department dated 16 July 2020 that states "*land along Gol Creek frontage is shown as not being included in any of the lots applicable to the planning proposal... therefore the creek frontage can be retained for public use for the benefit of local residents and visitors.*"
  - (b) Extracts of the existing and proposed land zoning and lot size maps, including outlining the subject land.
  - (c) The project timeline, as required by the *Planning Proposals – A Guide to preparing planning proposals (2018)* - <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/guide-to-preparing-planning-proposals-2019-02-05.pdf?la=en>



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