

12.3 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL, LOTS 56 AND 73 DP 756946, WILGA ROAD, GOL GOL TO REZONE RU1 PRIMARY PRODUCTION ZONE TO R5 LARGE LOT RESIDENTIAL ZONE AND REDUCE THE MINIMUM LOT SIZE FROM 10,000 HECTARES TO 3,000 SQUARE METRES

File Number: RPT/17/484

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

Wentworth Shire Council has received a Planning Proposal from Danson and Blaby Pty Ltd on behalf of IL & LG Roberts, Roberts Superannuation Fund and Roberts Family Superannuation Fund.

The Planning Proposal seeks to amend the Wentworth Local Environmental Plan 2011 (WLEP) by rezoning Lots 56 and 73 DP 756946, Wilga Road, Gol Gol 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 m².

Recommendation

That Council receives and notes the contents of the report, and

- a) 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, or
- b) Resolves to refuse to support the planning proposal to rezone the subject site from RU1 Primary Production to R5 Large Lot Residential zone and amend the minimum lot size from 10,000 hectares to 3,000 square metres.

Detailed Report

Purpose

The purpose of this report is to provide Council with the information required to make an informed decision with respect to the planning proposal, based on the content of the planning proposal submitted by the proponents and the Planning Proposal Assessment (the assessment) undertaken by the Health and Planning Division.

Refer to Attachment 1 Planning Proposal April 2017 and Attachment 2 Planning Proposal Assessment.

Background

The two lots that are the subject of this planning proposal were also the lots applicable to a previous planning proposal submitted for Council's consideration in 2014. The previous proposal was also to rezone the two subject lots from RU1 Primary Production to R5 Large Lot Residential zone.

Justification for the proposal in 2014 was provided by way of back zoning the former Gol Gol Landfill site from R5 Large Lot Residential to SP1 Wildlife Sanctuary. This ensured that the former landfill site would not be developed for residential purposes, given that the site may be contaminated as a result of its previous use and to more accurately reflect the current activities on the site.

The Gateway Determination issued by the Department of Planning and Environment (the Department) conditioned that the back zoning of the former landfill site should occur. However, the rezoning of the two lots from primary production to large lot residential was not granted approval to proceed.

The proponents are now seeking the support of Council once again to submit their planning proposal to the Department for consideration of a gateway determination.

Matters under consideration

Council need to determine if there is sufficient justification for the planning proposal to be supported and referred to the Department for consideration of a gateway determination.

The assessment deems that the planning proposal is not consistent with State Environmental Planning Policy (Rural Lands) 2008, despite the planning proposal report stating that it is consistent. However, the inconsistency is arguably minor for reasons stated in the attached assessment report. Refer to Page 6 of the assessment.

The same is applied to the response to the Section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands. Refer to Pages 7 and 8 of the assessment report.

The assessment also addresses the consistency between this proposal and the draft Far West Regional Plan. Refer to Page 2 of the assessment.

Data provided in the planning proposal indicates a rapid take up of lots and subsequent development in this area, when subdivisions are finalised and the lots are available on the real estate market.

A map of the east Gol Gol area shows the two lots subject of the planning proposal and development of the R5 Large Lot Residential area to the west and south of these lots. As seen, the majority of lots to the north of Moontongue Drive are already developed, with construction commenced south of Moontongue Drive.

It should also be noted that the map shows all lots that will be created as part of an approved subdivision, however, not all of lots south of Moontongue Drive have been serviced and developed for sale purposes. The lots currently available are only those directly abutting Moontongue Drive.

Refer to **Attachment 3 East Gol Gol Map**.

The rezoning of the subject lots would, in effect, complete the eastern expansion of urban development in east Gol Gol, south of Gol Gol Creek.

The planning proposal is consistent with the current surrounding land uses, the majority being large lot residential development.

At its previous meeting, Council resolved to support a large scale tourism and commercial planning proposal on adjoining land, east of the subject site. This proposal, Northbank on Murray, in effect will form an eastern boundary to the locality of Gol Gol.

Options

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

1. Resolve 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, or

2. Resolve to refuse to support the planning proposal to rezone the subject site from RU1 Primary Production to R5 Large Lot Residential zone and amend the minimum lot size from 10,000 hectares to 3,000 square metres.

Conclusion

The proponents of this planning proposal are once again seeking Council's support to submit the required documentation to the Department of Planning and Environment for consideration of a Gateway Determination.

Attachments

1. Planning Proposal April 2017.[↓](#)
2. Planning Proposal Assessment.[↓](#)
3. East Gol Gol Map.[↓](#)

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Council Resolution

That Council 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.

Moved Cr. Nunan, Seconded Cr. Heywood

CARRIED

In accordance with Section 375A of the Local Government Act the Deputy Mayor called for a division.

For the Motion : Crs Elstone, Evans, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.

Against the Motion: Nil.