

Planning and Assessment

IRF19/7393

Gateway determination report

LGA	Wentworth Shire Council
PPA	Wentworth Shire Council
NAME	Wentworth Commercial Precinct
NUMBER	PP_2019_WENTW_002_00
LEP TO BE AMENDED	Wentworth Local Environmental Plan 2011
ADDRESS	Various (see Attachment A)
DESCRIPTION	Various (see Attachment A)
RECEIVED	14 November 2019
FILE NO.	IRF19/7393
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to rezone 51 lots with the township of Wentworth from RU5 Village Zone to B2 Local Centre Zone under the Wentworth Local Environmental Plan 2011. The subject land is proposed for rezoning to mirror the existing business uses and also preserve suitably located lands to ensure ongoing availability of shop front premises for future commercial and business activities in Wentworth.

1.2 Site description

The planning proposal relates to 51 lots (full list of lots Attachment A), collectively known as the Wentworth Commercial Precinct. As shown in Figure 1 below, the lots range in land mass and are predominantly commercial in nature, containing the former Wentworth Club, the local IGA supermarket, small retail shopping, hotels and motels. The precinct is made up of Heilena, Adam, Dalring, Wharf and Sandwych Streets and has direct frontage on to the Darling River.



Figure 1: Subject site, aerial photograph
Source: Wentworth Commercial Precinct Planning Proposal

1.3 Existing planning controls

All lots are currently zone RU5 Village under the Wentworth Local Environmental Plan 2011, as shown in Figure 2 below.

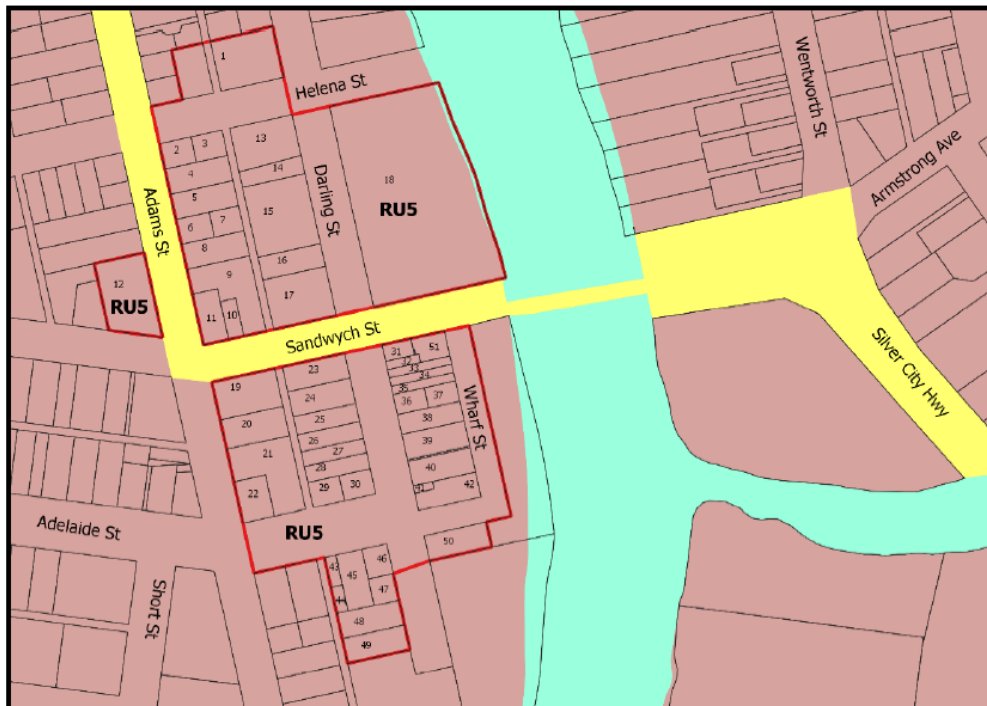


Figure 2: Existing Zoning map
Source: Wentworth Commercial Precinct Planning Proposal

Currently, there is no B2 Local Centre Zone in the Wentworth LEP 2011.

1.4 Surrounding area

The area is located within the township of Wentworth. The area surrounding the is largely residential in nature. Figure 3 below identifies the Darling River running along the eastern edge of the precinct, a Council owned, and operated caravan park and an area largely used as recreation to the west.



Figure 3: Surrounding are, aerial photograph
Source: EPlanning Spatial Viewer

1.5 Summary of recommendation

Proceed with condition – Council are required to provide an analysis that assesses the existing permitted/prohibited land uses under the RU5 Village Zone and the proposed B2 Local Centre Zone to clearly articulate the desired permitted and prohibited land uses.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the planning proposal are to ensure protection and availability of the subject land for their current and future commercial uses, ensure the zoning of the subject land accurately reflects the actual uses and purposes and achieve optimum planning, land use and management outcomes and public interest for the subject land.

The objective and intended outcome have been clearly articulated in the planning proposal.

2.2 Explanation of provisions

To achieve the objective and intended outcome the planning proposal seeks to amend the Wentworth LEP 2011 as follows:

- Introduce the *B2 Local Centre* zone and the associated Land Use Table as per the proposed Land Use Table below.
- Insert an amended Land Zoning Map LZN 002D as per Figure 4 below.

Zone B2 Local Centre
1 Objectives of zone <ul style="list-style-type: none"> • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To encourage the development and expansion of business activity that will contribute to the economic growth of Wentworth Shire.
2 Permitted without consent Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems
3 Permitted with consent Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4
4 Prohibited Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Open cut mining; Recreation facilities (major); Research stations; Resource recovery facilities; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities

Whilst the explanations are clear and the planning proposal has merit, the land use table permits residential accommodation at the moment. The objectives of the planning proposal are to reflect existing and future uses of the area, being largely commercial in nature. As per the recommended conditions, to provide clarity Council are required to provide an analysis that assesses the existing permitted/prohibited land uses under the RU5 Village Zone and the proposed B2 Local Centre Zone.

Currently the land has no minimum lot size and there will be no change.

The intent of the proposal is supported.

2.3 Mapping

The below proposed zone map has been provided as part of the planning proposal. The map is considered to be adequate for exhibition. There will need to be a change to the LEP zoning map (LZN_002D). There will be no change to the lot size map.

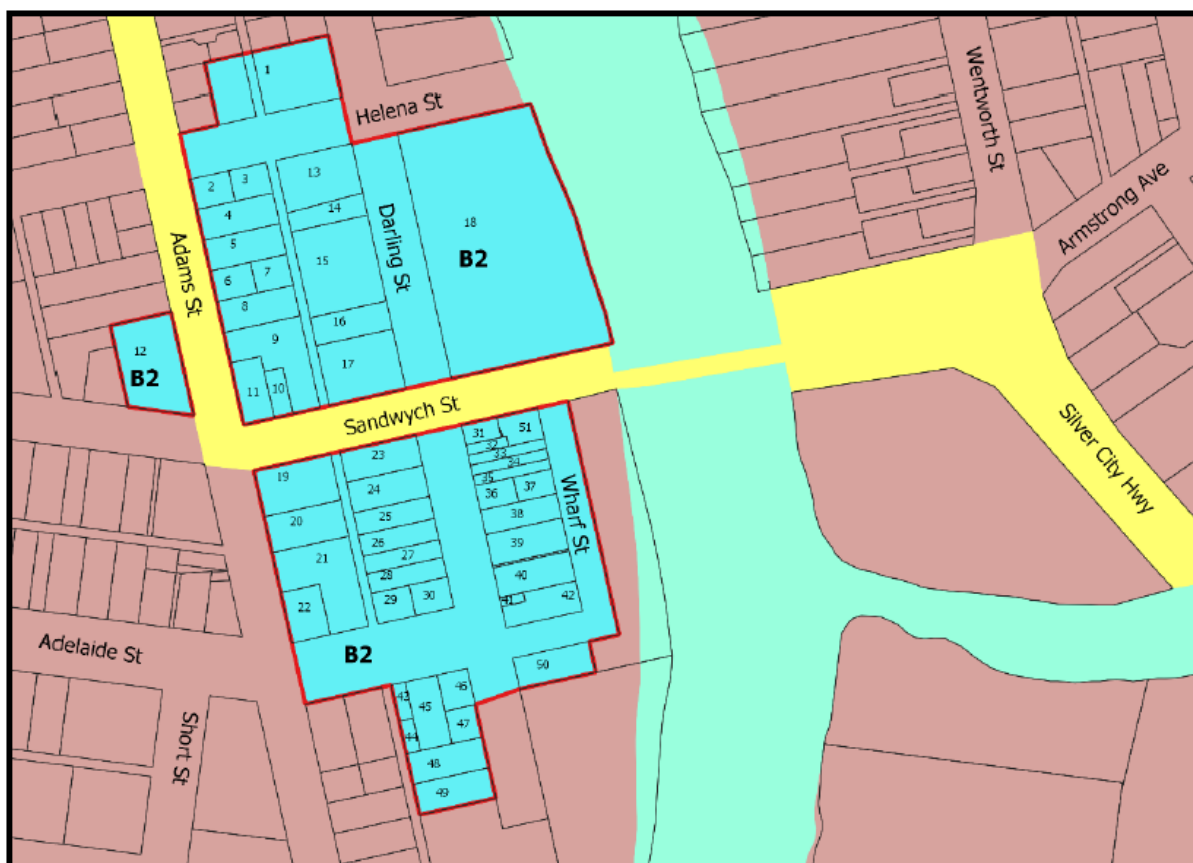


Figure \$: Proposed Zoning Map
Source: Wentworth Commercial Precinct Planning Proposal

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is supported by a local strategy, “Sustainable Wentworth”, (not endorsed by DPIE) which identified the need to protect and support the commercial core of the Wentworth Town Centre. The current zoning, whilst allowing a range of commercial land uses, also allows for the use of land for residential development.

The strategic document identifies and recommends the subject land for rezoning to facilitate future economic growth of the commercial sector in the town. The rezoning of the subject land will also ensure that the land zoning applied accurately reflects on the ground uses and purposes of the land. It is envisaged that the proposed zone B2 Local Centre will help define and create a robust commercial precinct, as well as protect suitably located vacant land for business uses in the town. This will ensure ongoing availability of business land to facilitate and support future economic growth in the commercial sector of Wentworth.

The planning proposal is considered to be the best means of achieving the objective and intended outcome for the subject land. The objective and intended outcomes aim to facilitate efficient and sustainable development and use of the land to meet current and future needs of the Wentworth community is supported.

4. STRATEGIC ASSESSMENT

4.1 State

There are no State strategies applicable to the planning proposal.

4.2 Far West Regional Plan 2036

The planning proposal has adequately addressed the planning proposals consistency with the Far West Regional Plan. Specifically, the planning proposal is considered to align with the following Directions in the plan:

- Direction 12: Support the productivity of employment lands;
- Direction 15: Manage land uses along key river corridors
- Direction 30: Create healthy built environments

4.3 Local

This planning proposal is consistent with the Wentworth Shire Council's Community Strategic Plan 2017-2027 and the Sustainable Wentworth Strategy 2016 (not endorsed by DPIE).

This planning proposal to rezone the subject land is consistent with the goals of the plan in that the proposed B2 Local Centre zone will promote business growth, job creation and local economic development in Wentworth. Thus, the objectives and intended outcomes of this planning proposal enable execution of strategies and actions developed to achieve the goals and deliver the vision of the strategic plan.

This planning proposal is consistent with the Sustainable Wentworth Strategy, which was adopted by the Wentworth Shire Council in August 2016. The strategic document was developed to guide development of the Wentworth Township to ensure continued provision and availability of services that meet the expectations and future needs of the residents. The recommendation section of the document states that the subject land which is currently zoned RU5 Village should be rezoned to support anticipated future land uses required for ensuring continued growth and sustainability of the township.

4.4 Section 9.1 Ministerial Directions

1.1 Business and Industrial Zones

This Direction applies to the planning proposal as it will affect land within an existing or proposed business or industrial zone.

The proposal is considered to be consistent with this Direction. The planning proposal supports the existing and future commercial function of the Wentworth town centre.

RECOMMENDATION: The Secretary's Delegate can be satisfied that the planning proposal is consistent with the Direction.

2.3 Heritage Conservation

This Direction does applies to the planning proposal as it affects items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance.

The proposal is considered to be consistent with this Direction as the planning proposal will not modify or reduce any heritage protection and conservation standards applying to heritage items.

RECOMMENDATION: The Secretary's Delegate can be satisfied that the planning proposal is consistent with the Direction.

3.1 Residential Zones

This Direction applies to the planning proposal as it will affect land within a zone in which significant residential development is permitted or proposed to be permitted.

The proposal is considered to be inconsistent with this Direction as it proposes to rezone the subject land from RU5 Village to B2 Local Centre and the intent is to restrict freestanding residential development. The proposal is considered to a minor inconsistency as the planning proposal supports the existing and future economic function of the Wentworth Town Centre. The majority of the sites subject to the rezoning are commercial in nature and the expected residential development opportunity loss, will be minimal.

RECOMMENDATION: The Secretary's Delegate can be satisfied that the planning proposal is inconsistency is minor and justified in accordance with the Direction.

3.3 Home Occupations

This Direction applies to the planning proposal as it will affect land or provisions relating to the permissibility of home occupations in dwelling houses.

The proposal is considered to be consistent with this Direction as it will encourage the carrying out of home occupations.

RECOMMENDATION: The Secretary's Delegate can be satisfied that the planning proposal is consistent with the Direction.

3.4 Integrating Land Use and Transport

This Direction applies to the planning proposal as it will alter a zone relating to urban land.

The proposal is considered to be consistent with this Direction as the proposed business zone is within walking cycling distance and as such will not increase car dependent travel.

RECOMMENDATION: The Secretary's Delegate can be satisfied that the planning proposal is consistent with the Direction.

5.10 Implementation of Regional Plans

This Direction applies to the planning proposal as the Far West Regional Plan applies to the land.

The proposal is considered to be consistent with this Direction as demonstrated above.

RECOMMENDATION: The Secretary's Delegate can be satisfied that the planning proposal is consistent with the Direction.

6.1 Approval and Referral Requirements

This Direction does not apply to the planning proposal as it does not include provisions that require the concurrence, consultation or referral of development applications to public authorities.

The planning proposal incorrectly identifies the Direction as being applicable as it impacts Crown Land.

RECOMMENDATION: The Secretary's Delegate can be satisfied that the Direction is not applicable to the planning proposal.

4.5 State environmental planning policies (SEPPs)

The proposal is consistent with any relevant SEPP's.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and Economic

Council have demonstrated that the planning proposal is likely to result in positive social and economic outcomes with the township of Wentworth. The planning

proposal affords opportunity for business growth, land security and job creation in Wentworth by ensuring availability of land for future business expansion and development in the town. The application of the proposed zone B2 Local Centre to the subject land will facilitate the development of a range of commercial activities in Wentworth. This will ensure availability of essential retail and commercial services to the community as well as provide greater opportunity for continued economic growth in Wentworth. The proposal provides certainty for Council, stakeholders and the community.

5.2 Environmental

The planning proposal is reflecting existing and desired future uses in the township of Wentworth. The planning proposal does not impact any areas that contain high environmentally sensitive values.

6. CONSULTATION

6.1 Community

Council has conducted initial consultation with DPIE - Crown Lands, as owner of some of the subject parcels of this planning proposal. DPI Crown Lands has consented to the proposed rezoning of those parcels of land.

In addition, community consultation was undertaken during the preparation of the Sustainable Wentworth Strategy 2016, which forms the basis of this planning proposal. As part of the consultation process, all owners of the parcels of land affected by this planning proposal were notified individually by mail. Of the numerous submissions received during consultation of the strategy, only one objection was submitted relating to the rezoning of the subject land to B2 Local Centre. This objection was considered and addressed by the strategy.

Additional public exhibition and community consultation will be undertaken by Council as part of the Gateway determination process. Given the minor scale and low impact nature of the planning proposal, it will be exhibited for a period of 28 days in accordance with Clause 4 of Schedule 1 of the EP&A Act 1979 and the NSW Department of Planning and Environment's: *A guide to preparing local environmental plans 2016*.

The community consultation proposed by Council is considered to be adequate.

6.2 Agencies

Other than the DPIE - Crown Land consultation as land owner no agency consultation is required.

7. TIME FRAME

The planning proposal indicates that the plan-making process can be completed by February 2020. It is recommended that the timeframe for completing the LEP be 12 months to account for any unexpected delays in the plan-making process and community consultation.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be authorised as the local plan making authority to exercise the functions under section 3.36 of the Environmental Planning and Assessment Act 1979. Due to the localised nature of planning proposal, it is recommended that Council's request be supported.

9. CONCLUSION

The planning proposal is supported to proceed subject to conditions requiring consultation with public authorities and the community. The intended outcome of the planning proposal is considered suitable given the proposed zone is consistent with the existing and desired future use of the precinct.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note the consistency with section 9.1 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans.
2. note the inconsistency with section 9.1 Direction, 3.1 Residential Zones is justified as minor and no further work is required.

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. Prior to community consultation Council are required to provide an analysis that assesses and clearly articulates the existing permitted/prohibited land uses under the RU5 Village Zone and the proposed B2 Local Centre Zone.
5. Consult with DPIE – Crown Lands.



9.12.19

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11.12.19

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