

## Planning and Assessment

IRF19/7403

### Gateway determination report

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| <b>LGA</b>               | Wentworth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>PPA</b>               | Wentworth Shire Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>NAME</b>              | To rezone public land to RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure to reflect the current land use and make minor land use table amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>NUMBER</b>            | PP_2019_WENTW_003_00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>LEP TO BE AMENDED</b> | Wentworth LEP 2011                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>ADDRESS</b>           | Public land in Wentworth LGA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>DESCRIPTION</b>       | <p><b><u>Site 1</u></b><br/>Wentworth Swimming Pool and Football Oval – Lot 7322 DP 1158106 and part Lot 7320 DP 1158106<br/>Rezone from RU5 Village to RE1 Public Recreation</p> <p><b><u>Site 2</u></b><br/>Wentworth Highway Rest Stop – Lot 7344 DP 1150175 and Lot 1 DP 705886<br/>Rezone from RU5 Village to RE1 Public Recreation</p> <p><b><u>Site 3</u></b><br/>Wentworth Strother Park – Lot 7351 DP 1178836 –<br/>rezone from RU5 Village to RE1 Public Recreation</p> <p><b><u>Site 4</u></b><br/>Wentworth Sturt Park – Lots 9 and 10 Section 8 DP 759074 – rezone from RU5 Village to RE1 Public Recreation</p> <p><b><u>Site 5</u></b><br/>Wentworth Junction Park<br/>Lot 1 Sec 4A DP 759074<br/>Lot 2 Sec 4A DP 759074<br/>Lot 3 Sec 4A DP 759074<br/>Lot 4 Sec 4A DP 759074<br/>Lot 5 Sec 4A DP 759074<br/>Lot 6 Sec 4A DP 759074<br/>Lot 7 Sec 4A DP 759074<br/>Lot 8 Sec 4A DP 759074<br/>Lot 7335 DP 1173326<br/>Lot 1 Sec 4 DP 759074<br/>Lot 2 Sec 4 DP 759074</p> |

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Lot 3 Sec 4 DP 759074  
Lot 4 Sec 4 DP 759074  
Lot 5 Sec 4 DP 759074  
Lot 6 Sec 4 DP 759074  
Lot 7 Sec 4 DP 759074  
Lot 8 Sec 4 DP 759074  
Lot 9 Sec 4 DP 759074  
Lot 10 Sec 4 DP 759074  
Lot 7336 DP 1173326  
Lot 1 Sec 3 DP 759074  
Lot 2 Sec 3 DP 759074  
Lot 3 Sec 3 DP 759074  
Lot 4 Sec 3 DP 759074  
Lot 5 Sec 3 DP 759074  
Rezone from RU5 Village to RE1 Public Recreation

**Site 6**

Wentworth Junction Point (Ski Reserve) – Lot 2 DP 817572 – rezone from RU5 Village to RE1 Public Recreation

**Site 7**

Wentworth Rowing Club – Lot 1464 DP 763434 – rezone from RU5 Village to RE1 Public Recreation

**Site 8**

Wentworth Wharf – Lot 7034 DP 1126248 – rezone from RU5 Village to RE1 Public Recreation

**Site 9**

Wentworth Fotherby Park – Lot 7337 DP 1173879 – rezone from RU5 Village to RE1 Public Recreation

**Site 10**

Wentworth Apex Park – Lots 9 and 10 DP 756994 – rezone from RU5 Village to RE1 Public Recreation

**Site 11**

Wentworth Rotary Park – Lot 5 Section 34 DP 759074 – rezone from RU5 Village to RE1 Public Recreation

**Site 12**

Wentworth Showground  
Lot 7352 DP 1177510 – rezone from RU5 Village to RE1 Public Recreation  
Lot 84 DP 756994 – rezone from Part RU1 Primary Production and Part RU5 Village to RE1 Public Recreation  
Lot 2618 DP 764646 – rezone from RU1 Primary Production to RE1 Public Recreation

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Lot 121 DP 756994 – rezone from RU1 Primary  
Production to RE1 Public Recreation

**Site 13**

Wentworth Sporting Complex

Lot 190 DP 820470 – rezone from RU1 Primary  
Production to RE2 Private Recreation

Lot 1272 DP 762867 – rezone from RU1 Primary  
Production to RE2 Private Recreation

Lot 7017 DP 1126020 – rezone from RU1 Primary  
Production to RE2 Private Recreation

Lot 2 DP 817569 – rezone from RU1 Primary Production  
to RE2 Private Recreation

Part Lot 7320 DP 1158106 - rezone from RU5 Village to  
RE2 Private Recreation

Lot 7321 DP 1158106 – rezone from RU5 Village to RE2  
Private Recreation

Lot 7313 DP 1127027 – rezone from RU5 Village to RE2  
Private Recreation

Lot 1 DP 817569 – rezone from RU5 Village to RE2  
Private Recreation

Lot 7321 DP 1158106 – rezone from RU5 Village to RE2  
Private Recreation

**Site 14**

Wentworth Pistol Club – Lot 179 DP 720995 – rezone  
from RU1 Primary Production to RE2 Private Recreation

**Site 15**

Wentworth Water Works – Lot 1 DP 705031 – rezone  
from RU5 Village to SP2 Infrastructure

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|---------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>RECEIVED</b>                 | 14 November 2019                                                                                            |
| <b>FILE NO.</b>                 | IRF19/7403                                                                                                  |
| <b>POLITICAL DONATIONS</b>      | There are no known donations or gifts to disclose and a political donation disclosure is not required       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no known meetings or communications with registered lobbyists with respect to this proposal |

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## **1. INTRODUCTION**

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### **1.1 Description of planning proposal**

Council intends to apply the RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure zones to existing public and private land currently used for recreation, open space, parkland and infrastructure related uses and reflect the current and future potential uses of the land while rectifying inconsistencies in the land use tables.

The planning proposal also intends to amend the Land Use Table for zone RE2 Private Recreation zone by deleting *Home industries* and *Seniors Housing* from Part 3 Permitted with consent.

The proposed rezoning's are consistent with the outcomes included in the Sustainable Wentworth Strategy 2016.

It is not considered appropriate that Council be issued delegation to exercise plan making functions as Council has interests in a number of the parcels.

The Director, Western Region can utilise delegation to determine this planning proposal. The proposal will allow for better and more appropriate regulation and management of land uses on public land in the Wentworth Council area and clearly identify that the land is intended for public recreation and infrastructure use.

It is not proposed to reclassify the subject land. All the land is near Wentworth.

## 1.2 Site description

The planning proposal applies to 15 sites of recreational land within the Wentworth LGA, as shown on the map below:



Figure 1 – Land subject to planning proposal

## 1.3 Existing planning controls

The subject lands are zoned RU1 Primary Production and RU5 Village under the Wentworth LEP 2011. No minimum lot sizes apply to land zoned RU5 Village. Land zoned RU1 has a minimum lot size of 10,000 hectares.

## 1.4 Surrounding area

The subject lands are located within the urban boundary of the Wentworth township.

## **1.5 Summary of recommendation**

Proceed with Condition - The amendment will reflect the existing and potential recreational and infrastructure use of the land. This is consistent with the land use table in the Standard Instrument Order (2006) and reflects the current land uses on the site.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The planning proposal identifies the specific objectives and intended outcomes of the planning proposal are to:

- a) Ensure the zoning of the subject lands accurately reflect their actual uses and purposes.
- b) Ensure protection and availability of the subject lands for their current and intended uses and purposes in the future.
- c) Rectify inconsistencies contained in the zone RE2 Private Recreation land use table.
- d) Achieve optimum planning, land use and management outcomes and public interest for the subject lands.

Additionally, the planning proposal will remove the minimum lot size from land that is currently zoned RU1 Primary Production.

The objectives of the planning proposal are clearly defined and appropriate.

### **2.2 Explanation of provisions**

The explanation of provisions clearly states that the objective of the planning proposal will be achieved by amending the Land Zoning Map LZN002D and amending Part 3 Permitted with consent Land Use Table of the zone RE2 Private Recreation.

### **2.3 Mapping**

Adequate locality maps are included in the planning proposal to clearly identify the subject land and allow the proposal to proceed to community consultation.

A condition will be imposed in the Gateway determination requiring the preparation of final maps in accordance with the Departments Standard Technical Requirements for LEP Maps at finalisation of the LEP (Condition 4).

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is required to amend the Wentworth Local Environmental Plan 2011 to make amendments to the items identified. A planning proposal is the only mechanism to amend the LEP and achieve the desired outcome.

The planning proposal has been initiated by Council to align with the Sustainable Wentworth Strategy 2016 and to ensure the current and potential use of public and private recreational land is reflected accurately within the LEP.

The proposal is also required to rectify a land use table anomaly in the zone RE2 Private Recreation Land Use Table, to remove *Seniors Housing* and *Home*

*Industries* as permitted with consent. These land uses are not appropriate in the RE2 zone.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 Far West Regional Plan 2036**

The Far West Regional Plan 2036 applies to this proposal. There are no specific Goals or Directions applicable to the proposal, and the proposal is not inconsistent with the Plan as it will ensure the protection and ongoing management of recreational areas in Wentworth and facilitate the development and maintenance of essential infrastructure in the LGA.

### **4.2 Draft Murray Regional Strategy 2009-2036**

The draft Murray Regional Strategy 2009-2036 is applicable to the planning proposal. The draft Strategy identifies the need to continue to provide adequate services and infrastructure in the region. The planning proposal is consistent with the draft strategy, as it will ensure the availability of recreational and infrastructure facilities to support residents of Wentworth.

### **4.3 Sustainable Wentworth Strategy 2016**

The proposal is consistent with Recommendation 1 of the Strategy, which identifies the 15 subject land sites to be rezoned to accurately reflect the intended and actual use of the sites. The planning proposal implements this strategic document and is expressly consistent with Recommendation 1.

### **4.4 Community Strategic Plan 2017-2027**

The four strategic goals of the plan are to make the Wentworth Shire a:

- a) vibrant, growing and thriving shire;
- b) desirable shire to visit, live, work and invest;
- c) community that works to enhance and protect its physical and natural assets; and
- d) caring, supportive and inclusive community that is informed and engaged in its future.

The planning proposal is consistent with the goals of the Community Strategic Plan, as it enhances the management and availability of recreational areas and facilitate the maintenance of infrastructure services within Wentworth.

### **4.5 Section 9.1 Ministerial Directions**

#### **1.2 Rural Zones**

Sites 12, 13 and 14 include the rezoning of land from RU1 Primary Production to RE1 Public Recreation or RE2 Private Recreation.

The sites are used for recreation and not primary production, and therefore the inconsistency with this Direction is considered minor and justified.

#### **1.5 Rural Lands**

Sites 12, 13 and 14 include the rezoning of land from RU1 Primary Production to RE1 Public Recreation or RE2 Private Recreation. The planning proposal will amend the zoning of the land to reflect the existing recreational use of the land and will not result in the loss or fragmentation of agricultural land. The inconsistency with this Direction is considered minor and justified.

## 2.1 Environment Protection Zones

Sites 2, 4, 6, 7, 8, 9, 12, 13, 14 are identified as containing environmentally sensitive land. The planning proposal does not propose to reduce the environmental protection and conservation standards applying to the environmentally sensitive areas within the sites. The inconsistency is therefore considered minor and justified.

## 2.3 Heritage Conservation

Site 4, 6, 9 are located within the heritage conservation area within the Wentworth CBD. The planning proposal does not seek to modify or reduce any heritage protection and conservation standards applying to the sites. The inconsistent is therefore considered to be of minor significance.

## 3.1 Residential Zones

All sites except Site 14 are entirely or partly zoned RU5 Village. The planning proposal is inconsistent with this Direction, as it proposed to rezone the land from residential to RE1 Public Recreation or RE2 Private Recreation. It is considered that this inconsistency is of minor significance as the land is currently used for recreational purposes and does not result in the loss of land available for residential use.

## 4.3 Flood Prone Land

Site 2, 4, 6, 7, 8, 9, 12, 13, 14 are identified as flood prone land. The planning proposal does not propose any changes to the land use or development that will result in changes to the status of the sites as flood prone. The existing controls within the Wentworth LEP 2011 will continue to apply to the land, and the inconsistency is of minor significance.

## 5.10 Implementation of Regional Plans

The planning proposal is consistent with the Far West Regional Plan 2036.

## 6.1 Approval and Referral Requirements

Council has consulted with Crown Lands and has obtained approval to proceed with the proposed rezoning's where the Crown is the landowner. The proposal is consistent with this Direction.

## 6.2 Reserving Land for Public Purposes

Council has consulted with Crown Lands and has obtained approval to proceed with the proposed rezoning's where the Crown is the landowner. The proposal is consistent with this Direction.

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

### State Environmental Planning Policy (Primary Production and Rural Development) 2019

Sites 12, 13 and 14 involve the rezoning of zone RU1 Primary Production land.

The planning proposal does not address the State Environmental Planning Policy (Primary Production and Rural Development) 2019, however, addresses the now-repealed State Environmental Planning Policy (Rural Lands) 2008.

Notwithstanding, the planning proposal does not result in the loss or fragmentation of rural lands, as the proposal will accurately reflect the existing recreational use of the

zone RU1 Primary Production lands, the planning proposal will be conditioned to be updated to address the new SEPP.

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

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### **5.1 Social**

The proposal to rezone land to RE1 Public Recreation and RE2 Private Recreation for the purposes of recreation, open space and parklands is consistent with the recommendations of the Sustainable Wentworth Strategy 2016. The amount of public land available will not be reduced and not result in a social cost to the community.

### **5.2 Environmental**

The planning proposal is likely to have an overall positive impact on subject land. The direct impacts of the proposal will reflect and rezone to land already utilised for recreation, open space and parkland uses. The proposal will strengthen the zoning and land use objectives applied to recreational, open space and parkland areas and will ensure development is compatible with the nature of the subject land, as identified in the proposal. This will retain social infrastructure and service in Wentworth and potentially stimulate indirect economic impacts.

### **5.3 Economic**

The proposal will have economic benefits as the recreational zoning of the subject sites will be confirmed and allow the ongoing use, maintenance and future development of the sites.

## **6. CONSULTATION**

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### **6.1 Community**

Council has already completed initial consultation with Department of Primary Industry – Crown Lands, being the owner of some of the subject sites. Crown Lands has consented the proposed rezoning of the subject lands and raises no initial objections to the proposal.

Council has proposed a minimum 28-day community consultation period. This is considered adequate given the extent of public land proposed to be rezoned.

### **6.2 Agencies**

Consultation with DPIE – Crown Lands is required. Crown Lands in an email dated 10 May 2019 does not object to the Crown Land being rezoned except for Site 13 – Wentworth Sporting Complex.

The majority of the sites are Crown Land. Crown Land as the land owner in an email dated 10 May 2019 raised no objection to the proposed rezonings except for Site 13- Wentworth Sports Club. Crown Lands advised it does not support the proposed zone RE2 Private Recreation as it is not consistent with the Public Recreation gazettal over the land. This will need to be resolved between Council and Crown Lands during public consultation process. From a planning point of view zone RE2 Public recreation is an appropriate zone having regard to the use of the land.

## **7. TIME FRAME**

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A 12 month timeframe to complete the proposed LEP amendment is considered appropriate given the nature of the planning proposal

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## 8. LOCAL PLAN-MAKING AUTHORITY

Council are owners and trustee of the land the subject to this proposal. For this reason, it is not considered appropriate that Council be authorised to exercise delegation in this case.

## 9. CONCLUSION

The planning proposal is supported to proceed with conditions. The nature of the amendments is of local significance.

## 10. RECOMMENDATION

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It is recommended that Director, Western Region as delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions are minor or justified; and

It is recommended that the Director, western Region as 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. Consultation is required with the Department of Planning, Industries and Environment – Crown Lands.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
5. Mapping in accordance with the Departments Technical Requirements is to be prepared as part of the finalisation process.



28/11/2019

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