

**13.2 PLANNING PROPOSAL TO AMEND THE WAKOOL LOCAL ENVIRONMENTAL PLAN 2013 - TOOLEYBUC SHORT TERM GROWTH MANAGEMENT AND STRATEGIC DIRECTIONS**

**File Number:** -

**Author:** Llyan Smith, Senior Town Planner

**Authoriser:** David Wilkinson, Director Planning, Waste & Regulatory Services

**RECOMMENDATION**

That Council proceed with the next stage of the Planning Proposal, per:

1. That Council endorse the Planning Proposal to rezone Part Lot 62 DP 756584 and Lots 1 to 7 DP 835945 to RU5 Village, remove the minimum lot size applying to Lots 1 to 7 DP 835945 and retain the operational land classification on Part Lot 62 DP 756584 and Lot 30 DP 263617.
2. That Council refer the Planning Proposal to rezone Part Lot 62 DP 756584 and Lots 1 to 7 DP 835945 to RU5 Village, remove the minimum lot size applying to Lots 1 to 7 DP 835945 and retain the operational land classification on Part Lot 62 DP 756584 and Lot 30 DP 263617 to the Department of Planning, Industry and Environment requesting a Gateway Determination to be issued.
3. That Council commence the process to discharge their interest in Part Lot 62 DP 756584 and Lot 30 DP 263617 in accordance with the legislative requirements of the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*.
4. That Council undertake the necessary tasks to obtain a Gateway Determination to progress this Local Environmental Plan amendment to completion.
5. That Council's staff provide progress reports to the Council during the gateway process.

**BACKGROUND**

A master plan has been prepared for Tooleybuc by the NSW Government in response to the town's transition from a broad acre cropping agricultural economy to a more diversified horticultural economy. The master plan and supporting technical studies will be a guide for decision-making on how land use, development and potential investment can be used to achieve economic and social benefits for the Tooleybuc community.

It has been suggested that a Planning Proposal be prepared to give effect to the master plan to facilitate the development in Tooleybuc to support sustainable township growth. Planning staff are seeking Council's support to proceed with referring the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination.

**DISCUSSION**

The NSW Government has worked closely with Murray River Council to address land use planning constraints in Tooleybuc, where production is shifting from dryland cropping to nut and citrus plantings. This shift has been made by farm businesses making individual capital investment decisions based on commodity and water market prices.

The land use and zoning controls under the Wakool Local Environmental Plan (LEP) 2013 currently prevent residential areas in the town from growing. The master planning in Tooleybuc focuses on the sustainable growth of the town to ensure demand for housing, services and infrastructure is supports the growth of the surrounding horticultural industry.

This planning proposal aims to amend Wakool LEP 2013 by:

- Amending the Land Zoning Map applying to Part Lot 62 DP 756584 from SP2 Infrastructure to RU5 Village;
- Amending the Land Zoning Map applying to Lots 1 to 7 DP 835945 from RU1 Primary Production to RU5 Village;
- Amending the Lot Size Map to remove the 500ha minimum lot size and indicate no minimum lot size for Lots 1 to 7 DP 835945;
- Retaining the operational land classification of and discharging Council's interest in Part Lot 62 DP 756584 and Lot 30 DP 263617.

The outcomes of this planning proposal will improve housing diversity in Tooleybuc by allowing increased permissibility of residential accommodation to meet the needs of current and future residents. Removing the land classification of identified Council-owned properties will enable the future sale of land that is surplus to Council's operational requirements to facilitate future residential development in suitable locations within the Tooleybuc township.

Land to the east of the existing sports field is also suggested in the master plan for longer term residential growth opportunities. This land may be rezoned in future, subject to demonstrated need. The master plan also highlights an indicative location for future development of a highway service centre, which will require a separate planning proposal once the Tooleybuc Bridge Replacement is complete and a preferred location is identified.

### STRATEGIC IMPLICATIONS

4 - Strategic Theme 4: Economic Growth

4.1 - Encourage and support economic development across a range of sectors

4.1.2 - Support the local business sector to grow, adapt and respond to new opportunities

### BUDGETARY IMPLICATIONS

There will be no budgetary implications to Council as a result of this proposal.

### POLICY IMPLICATIONS

Nil.

### LEGISLATIVE IMPLICATIONS

Local Government Act 1993.

Environmental Planning & Assessment Act 1979.

The Planning Proposal is a suitable outcome for the Council. The Planning Proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (NSW) and will allow for the sustainable and economic use and development of the land within the Tooleybuc township. It is therefore recommended that Council proceed with the proposal in accordance with the recommendations at the start of this report.

### RISK ANALYSIS

- **What can happen?**

Master planning and planning proposal may not proceed.

- **How can it happen?**

Council deem the rezoning as unnecessary.



- **What are the consequences of the event happening?**  
Unwanted housing outcomes occurring in Tooleybuc. The town will be unable to support the anticipated housing needs created by the growing horticultural industry.
- **What is the likelihood of the event happening?**  
Low.
- **Adequacy of existing controls?**  
Low.
- **Treatment options to mitigate the risk?**  
Council resolve to endorse to further progress on the planning proposal.

### **CONCLUSION**

The Planning Proposal is a suitable outcome for the Council. The Planning Proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (NSW) and will allow for the sustainable and economic use and development of the land within the Tooleybuc township. It is therefore recommended that Council proceed with the proposal in accordance with the recommendations at the start of this report.

### **ATTACHMENTS**

1. Tooleybuc Planning Proposal (under separate cover) 
2. Mapping - 7800\_COM\_LZN\_001A\_020\_20190918  

