

Planning Services

Gateway Determination Report

LGA	Bland Shire Council
RPA	Bland Shire Council
NAME	Minor Amendments to Bland Shire Local Environmental Plan 2011 (BLEP)
NUMBER	PP_2017_BLAND_001_00
LEP TO BE AMENDED	Bland Shire Local Environmental Plan 2011
ADDRESS/ Description	

Item 1: 82 Ungarie Road, West Wyalong (Lot 604 DP 753135)

Item 2: Newell Highway, Wyalong (Lot 1 DP 1132536
Lots 67, 68, 69, 70, 71, 72, 73, 74 and 75 DP 750615)

Item 3: West Wyalong Sale yards, Newell Highway, West Wyalong (Lots 1379 and 1380 DP 705311)

Item 4: 160 Neeld Street Sewage Treatment Works (Lot 280 DP750615, Lot 266 DP750615, Part Lot 4 DP 1207405, Part Lot 30 DP 750615)

Item 5: Compton Road West Wyalong Electricity Substation (Lot 3 DP 1207405)

Item 6: 29 Ungarie Road, West Wyalong (Lot 381 DP 753135)

Item 7: Naradhan Woolshed, Rankin Springs Road, Naradhan (Lot 4 DP 752319 and Lot 1 DP 724512)

RECEIVED	18 July 2017
FILE NO.	17/09331-1
QA NUMBER	qA414790
POLITICAL DONATION DISCLOSURE	No
LOBBYIST CODE OF CONDUCT DISCLOSURE	No
LAND RELEASE DATA	Type of release: employment land/ residential land

INTRODUCTION

Description of Planning Proposal

Council has undertaken a review of the Bland Local Environmental Plan 2011 (BLEP) and identified a number of minor amendments that are proposed as part of this Planning Proposal. The Amendments include:

Item 1: 82 Ungarie Road, West Wyalong (Lot 604 DP 753135) – area 52 215m² – change MLS from 2ha to 800sqm

The subject lot is zoned R1 General Residential and adjoins the existing retirement village and West Wyalong Hospital. The initial intended use was for an extension to the retirement village with a senior living complex. For this reason, an MLS of 2ha was applied to the land. The Development Application for the Seniors Living Development has since lapsed and it is considered appropriate that the MLS be amendment to 800sqm to allow for residential development. While there appears to be adequately zoned residential land available in West Wyalong it is limited by constraints such as mining and servicing. The proposed higher density of this land is in keeping with the surrounding urban development with the potential for 65 residential lots.

Item 2: Lot 1 DP 1132536 and Lots 67, 68, 69, 70, 71, 72, 73, 74 and 75 DP 750615, Newell Highway, Wyalong – area 8.687ha – current zone RU1 Primary Production to IN1 General Industrial

The Planning Proposal intends to amend the zoning from RU1 Primary Production to IN1 General Industrial to allow for additional industrial land. The land use immediately surrounding the site is currently zoned RU1 Primary Production, the land adjacent to the site is zoned B6 Enterprise Corridor, this is compatible with the intended IN1 Industrial use. Council does not have a local landuse strategy to support this change. Supply and demand data has not been provided in the proposal to justify demand for additional industrial land. The land is opposite a truck stop on the Newell Highway and located on the fringe of an urban area. For this reason, it is considered compatible to surrounding development.

Item 3: West Wyalong Sale Yards (Lot 1379 and 1380 DP 705311) Newell Highway, West Wyalong – area 22.75ha – current zone RU1 Primary Production to IN1 General Industrial

The subject site is currently utilised as the primary sheep sale yards in West Wyalong. The yards are currently zoned RU1 Primary Production the proposal intends to rezone the land to IN1 General Industrial to increase development opportunities for development that is compatible with the operation of the sale yards. The sale yards are Council owned, for this reason it is not suitable for Council to be authorised to exercise delegation. Potential land use conflict with neighbouring residential properties and the caravan park, as well as considering other constraints including existing vegetation, contamination issues will be considered as part of the community consultation process. The land is located on a major transport route (Newell Highway and rail corridor) and near other industrial development.

Item 4: West Wyalong Sewage Works 160 Neeld Street West Wyalong (Lot 266 DP 750615, Part Lot 4 DP 1207405 and Part Lot 30 DP 750615) – area 19.63ha – current zone IN1 General Industrial to SP2 Infrastructure (Sewerage Systems)

The subject land is Council owned and currently operated as the primary sewage works for West Wyalong. Council recognise that this use will limit future industrial development on the site and propose that the land be rezoned to SP2 Infrastructure to better reflect the actual current and intended future use of the site.

The land surrounding the subject site is currently zoned IN1 General Industrial as well as E3 Environmental Protection. The incorrect Lot and DP number were identified in the Planning Proposal, Council will be conditioned in the Gateway Determination to amend the Planning Proposal to reflect the accurate Lot and DP number (Condition 2).

Item 5: West Wyalong Electricity Transmission and Distribution Site (Lot 3 DP 1207405) – area 1.77ha – current zone IN1 General Industrial to SP2 Infrastructure (Electricity Transmission Distribution)

The subject land is currently zoned IN1 General Industrial. Council notes that this land is restricted for this current use, and limited future potential industrial development is accepted. For this reason, it is considered appropriate to rezone the land to SP2 Infrastructure to better reflect the current and future land use and adequately reflect the actual availability of industrial land. The incorrect Lot and DP number were identified in the Planning Proposal, Council will be conditioned in the Gateway Determination to amend the Planning Proposal to reflect the accurate Lot and DP number (Condition 2).

Item 6: 29 Ungarie Road West Wyalong (Lot 381 DP 753135) – area 1.6ha – Additional Permitted Use for shops

The subject land is zoned B5 Business Development. The site has been developed with the intention of providing a new medical centre and ancillary uses within close proximity to the hospital and nursing home. The development has remained vacant for a number of years. It is proposed to amend the BLEP to allow shops as an additional permitted use on the subject site with the objective of utilising the site.

The site is occupied by a newly developed vacant commercial complex. The land adjoining the site is currently a smash repair workshop to the East and rail infrastructure to the West. To the North of the site there is residential development as well as TAFE, West Wyalong Hospital and Waratah Retirement Village. To permit shops on this site may enable the use of an existing resource. There

is a risk that some retail leakage may occur from the vibrant Main Street. This risk is considered to be limited by the size and location of the existing development.

Item 7: Naradhan Woolshed (Lot 4 DP 752319 and Lot 1 DP 724512) - area: 17.5ha – current zone RU1 Primary Production – Additional Permitted Use - function centres

The proposal aims to amend the BLEP to include the Naradhan Woolshed as Local Heritage Item in Schedule 5 of the BLEP. Council have not provided a Statement of Significance that demonstrates the heritage value of the site. The proposal notes that the woolshed is significant for its association with the pastoral and wool growing industry from the late Victorian period to the 1960's. It is recommended that Council prepare a Statement of Heritage Significance and consult with OEH and address this at Section 59 stage.

The proposal also provides 2 options – Option A to include function centres as an additional permitted use on the site and Option B rezone the site from RU1 Primary Production to SP3 Tourist. Including function centres as an Additional Permitted Use (Option A) is considered an appropriate and effective way to allow for the future tourist development while still maintaining the primary production use. The subject site is located some 90km West of West Wyalong and 40km South of Lake Cargelligo and it is therefore inappropriate to rezone the land as SP3 Tourism. The current use of the site is for primary production. The land surrounding the subject land is also zoned RU1 Primary Production. The proposed function centre and tourist use is best facilitated by an APU in this case (Condition 1).

The current use of the site is not noted in the Planning Proposal. The land surrounding the subject land is zoned RU1 Primary Production.

Summary of Recommendation
Proceed with Condition

PROPOSAL

Objectives or Intended Outcomes

The intended outcomes of the Planning Proposal are make various amendments to the Bland Local Environmental Plan 2011.

Explanation of Provisions

The proposed provisions in the Planning Proposal will achieve the intended outcomes by amending:

- BLEP 2011 Land Zoning Map Sheet LZN_007F
- BLEP 2001 Lot Size Map Sheet LSZ_007D

- BLEP 2011 Schedule 1 Additional Permitted Use by including shops as a permitted use on Lot 381 DP 753135 (Item 6) and allowing functions centres on Lot 4 DP 752319 and Lot 1 DP 724512 (Item 7) and prepare ancillary Additional Permitted Use maps.
- Amend the BLEP 2011 Schedule 5 Environmental heritage to include the Naradhan Woolshed as an item of environmental heritage and prepare ancillary maps (Item 7).

Mapping

Adequate locality maps are included in the Planning Proposal to identify the subject land 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 6).

Council Report

The Council Resolution supports the amendments proposed in the report.

NEED FOR THE PLANNING PROPOSAL

The Planning Proposal is required to amend the Bland 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.

STRATEGIC ASSESSMENT

State

N/A

Regional / District

The Riverina Murray Regional Plan applies to this proposal. The proposal is largely consistent with Direction set out in the final Plan. Key Directions that apply to the proposal include:

- Direction 25: Build Housing capacity to meet demand – by amending the MLS from 2ha to 800sqm there will be more land available for residential development.
- Direction 4: Promote Business Activities in Industrial and Commercial Areas: Council have identified that there is a current shortage of industrial land that is readily available for development. By rezoning the land known as the Newell Highway (Item 2) the amendment will provide additional industrial land that is suitably located to ancillary services. The including shops as an Additional Permitted Use (Item 6) on Ungarie Road could result in

detracting investment and development in the core business area. However this is considered to be limited due to the size and location of existing development.

- Direction 21: Align and Protect Utility Infrastructure Investment – rezoning the land that is currently utilised for the sewage works and energy plant to SP2 Infrastructure will better reflect the actual current and future land use and protect the investment.
- Direction 7: Promote Tourism Opportunities – By listing the Naradhan Woolshed as a local heritage item and allowing a function centre will increase tourism opportunities as well as reusing the historical woolshed.

Local

The Planning Proposal notes that it is consistent with Council's Community Strategic Plan as it aims to ensure the land is appropriately zoned to encourage industrial and business growth. Council does not have a Strategic Land Use Policy currently in place.

Section 117(2) Ministerial Directions

1.1 Business and Industrial Zones

This Direction applies as the proposal intends to rezone land that is currently zoned IN1 General Industrial. The current utility infrastructure located on the subject sites (Items 4 and 5) limit any current or future industrial development on the land. For this reason, it is considered appropriate that the land be rezoned to SP2 Infrastructure to better reflect the use on the land. Furthermore Items 2 and 3 will provide for an additional 31.43 ha of industrial land. The Director Regions, Western can be satisfied that the proposal is of minor significance and no further work is required.

1.2 Rural Zones

The Direction applies to the proposal as the intended outcome of the proposal is to rezone land that is currently RU1 Primary Production to IN1 General industrial (Items 2,3 and 7). This proposal is inconsistent with this Direction. The subject land is located on the fringe of Wyalong and currently not used for agricultural purposes. An IN1 General Industrial zone is considered a more appropriate land use for Items 2 and 3. The Director Regions, Western can be satisfied that the proposal is of minor significance and no further work is required.

1.5 Rural Lands

This Direction applies to the proposal as the objective of the proposal is to rezone land from RU1 Primary Production to IN1 General Industrial. Given the current use of the land and surrounding land use the proposal is considered minor significance. The Planning Proposal has also been considered against the Rural Planning Principles. The Director Regions, Western can be satisfied that the proposal is of minor significance and no further work is required.

2.3 Heritage Conservation

The Planning Proposal intends to list the Naradhan Woolshed (Item 7) as a local Heritage Item in Schedule 5 of the BLEP 2011. The Planning Proposal is consistent with this Direction.

3.1 Residential Zones

This Direction applies to the proposal as the intended outcomes of the proposal is to reduce the Minimum Lot Size from 2ha to 800m² (Item 1). The Planning Proposal is consistent with this Direction as the objective of the proposal will result in increased residential development potential in a residential zone.

4.4 Planning for Bushfire Protection

This Direction applies to Items 3, 4, 5 and 7. The land is identified as bushfire prone. Council will be required to consult with NSW RFS and address consistency with this Direction with Section 59 Report.

5.10 Implementation of the Regional Plans

This Direction applies to the proposal as the Bland Shire Council is located within the final Riverina Murray Regional Plan area. The proposal will support increased residential development opportunity as well as industrial development. Subject rezoning's will better reflect the current and intended future use of development of the sewage works and energy plant. The Director Regions, Western can be satisfied that the proposal is of minor significance and no further work is required.

State Environmental Planning Policies

SEPP (Rural Lands) 2009

The proposal intends to rezone land from RU1 Primary Production to IN1 General industrial (Items 2, 3 and 7). This rezoning will result in a loss of about 30ha of rural land. The land is located on the Newell Highway on the fringe of Wyalong providing suitable opportunity for industrial development. This rezoning is considered of minor significance and therefore consistent with the objectives of the SEPP.

SITE SPECIFIC ASSESSMENT

Social

The sale yards (Item 3), sewage treatment works (Item 4) and energy plant (Item 5) are identified as bushfire prone, these land uses are established on this land. The Naradhan Woolshed (Item 7) is also identified as being bushfire prone. Given the intended future use is for a function centre the threat of bushfire will be managed by itinerant use. The proposed risk is to be considered by consultation with NSW RFS and addressed at Section 59 Report.

Environmental

Council have identified that the sale yard site (Item 3) and the sewage (Item 4) and electricity plants (Item 5) are identified as areas of high biodiversity values. Any future development of the subject land would require thorough assessment of the impact on the environmental value of the land. It is anticipated that no further development will take place on the sewage and electricity plants. Any future development on the sale yard site should consider the environment factors in consultation with OEH.

Economic

The rezoning of land to industrial and amendment to minimum lot size for residential will support economic development in the Council area. The subject land will be available for commercial, industrial and residential development that will support positive economic output in the community. While there appear to be ample land currently zoned for industrial and residential use much of the land is constrained and not readily available.

CONSULTATION

Community

Council have identified that the Planning Proposal will be placed on public exhibition for 28 days. Public notification will include notification in the local newspapers, and a notice on Council's website. Hard copies of the Planning Proposal will be made available at Council's Administrative Office in West Wyalong.

The proposal, while dealing with relatively minor matters is not considered to be low impact and additional community consultation time is required.

The proposed community consultation is considered appropriate for the purposes of this proposal.

Agencies

Council have not proposed agency consultation. It is considered appropriate that OEH be consulted on listing the Naradhan Woolshed as an item of Local Heritage Significance and potential impacts on biodiversity. Consultation with NSW RFS is required to address land affected by bushfire. Consultation is also required with RMS as Items 2 and 3 have frontage to the Newell Highway.

TIMEFRAME

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

DELEGATION

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

CONCLUSION

The Planning Proposal is supported to proceed with conditions. The nature of the amendments are of local significance. The primary information that is missing from the proposal is the inclusion of the Statement of Heritage Significance for the Naradhan Woolshed. Consultation with OEH is required.

RECOMMENDATION

1. Prior to community consultation the Planning Proposal is to be amended to reflect Option A as the preferred option for the Naradhan Woolshed matter. Council is also to prepare a Statement of Heritage Significance and submit the Statement to the NSW Office of Environment and Heritage for consultation and is to be addressed at Section 59 Report.
2. Prior to community consultation the Planning Proposal is to be amended to reflect the correct Lot and DP number for the sewage treatment works and electricity substation sites.
3. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Environment 2016).
4. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the *Environmental Planning and Assessment Act* and / or comply with the requirements of relevant Section 117 Directions:
 - NSW Office of Environment and Heritage
 - NSW Rural Fire Service
 - NSW Roads and Maritime Services
5. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the *Environmental Planning and Assessment Act, 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Prior to submission of the planning proposal under Section 59 of the *Environmental Planning and Assessment Act 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

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