**REVIEW OF LOCAL ENVIRONMENTAL PLAN**

***Link to Community Strategic Plan / Council’s Delivery Program:***

***EN2.1 Plan our land use strategically and sensitively.***

***EN2.2 Leverage our reliance on land health to promote ecologically and environmentally sustainable development***

***I4.2 Ensure long term management and protection of our community assets***

***EC4.2 Encourage local employment opportunities & ensure these opportunities are well known to the broad local community***

**Background:**

Gulargambone Golf Club ceased to operate on 16 March 2011 about 75 years after it was formed in 1936. Since 2011 the Board has maintained the club house and used the course for agistment of livestock. The club owns the land on which the course is located (Lot 183 DP 753385 Muraiman Street Gulargambone) as freehold and it is just over 33 hectares in area.

The Board has indicated it would like to sell the land with a “dwelling entitlement” as the highest and best use of the land is for the club house to be used as a rural dwelling.

It is zoned RU1 Primary Production under Coonamble Local Environmental Plan (LEP) 2011. This zone has a minimum lot size of 1000 hectares, as indicated on the Lot Size Map which supports the LEP. Clause 4.2A(3)(a) of the LEP does not allow a dwelling on land in this zone unless the minimum lot size indicated on the map is met.

It is therefore necessary to identify the subject land in Schedule 1 of Coonamble LEP 2011 and identify it on an Additional Permitted Uses Map. A planning proposal is required to achieve this and the planning proposal includes maps, site photographs and additional background information to support the concept. The planning proposal is attached **APPENDIX D**

Council resolved on 10th May 2017 to support the planning proposal and the Department of Planning and Environment (DPE) issued a Gateway determination on 23rd November 2017 **(APPENDIX D)**

**Issues:**

*i) Public Exhibition and Submissions*

Council exhibited the planning proposal from 13th December 2017 until 15th January 2018 and no submissions were received from the public. Council wrote to the landowners along Murraiman Street and the Local Aboriginal Land Council. It also wrote to RMS and DPI Agriculture.

Responses were received from RMS and DPI Agriculture. RMS does not object to the planning proposal and makes no further submission. DPI Agriculture also does not object to the planning proposal. It does request that when Council eventually considers a development application for the approval of the dwelling that a Land Use Conflict Risk Assessment (LUCRA) be undertaken to identify potential land use conflict. This would relate in particular to separation distances and management practices to minimise odour, dust and noise from sensitive receptors. The two agency submissions are at **APPENDIX D**

*ii) Flooding*

The land is affected by flooding in a 1% event but the existing club house is in a low hazard area. Parts of the subject land are predicted to be above the 1% event and a dwelling could be located on flood free land if desired.

The amendment to Schedule 1 of LEP 2017 now includes a requirement that: “Development for the purposes of a dwelling house is permitted with development consent. Any dwelling house will have a habitable floor level located above the flood level for a 1 in 100 year event.”

*iii) Agricultural Land Issues*

The subject land is not State significant (agricultural) land. The impact of a dwelling on this 33 hectare parcel would be minimal and the recent use of the site for grazing could continue. The primary production zoning is not being altered. The land will not have further subdivision potential.

Although a dwelling is inconsistent with some of the rural planning principles in the Rural Lands SEPP, the inconsistency with the Policy is minor and justified in the circumstances. DPE agrees that the inconsistencies are justified.

*iv) Land Use Conflict*

This land is a discrete parcel bordered by roads on three sides (including the Castlereagh Highway) plus village land to the north, a cemetery to the east and a bore field to the south. There is minimal chance of land use conflict with the nearest farms. It is not practical to use it for a broad acre agricultural purpose in conjunction with other land.

DPI Agriculture has requested that a Land Use Conflict Risk Assessment be submitted with any future development application for a dwelling if it is to be located other than at the site of the existing club house.

*v) Socio Economic Issues*

There is economic benefit in providing an opportunity for use of the land for a dwelling and potentially a new business requiring a larger land area. There is also a community benefit in permitting a dwelling to improve security for the existing golf club house, which could then be used for an appropriate community facility if it remains in public ownership.

The Golf Club Board has indicated that if it sells the land it will put that money back into Gulargambone community projects.

Conversely there is no socio-economic benefit in allowing the disused club house to decay over time or be vandalised and rendered worthless.

**Sustainability / Legislative Provisions:**

In its Gateway determination of 23 November 2017 DPE required that Council amend Schedule 1 of Coonamble LEP 2011 to permit a dwelling rather than alter the minimum lot size map. This has been complied with. DPE has also issued its written authorisation that Council exercise its delegation to complete the LEP amendment.

The planning proposal is broadly consistent with the current SEPPs. However, it is inconsistent with “Section 117 Direction [1.2 Rural Zones](#_Toc229304432)” because it may subsequently, if a dwelling is approved, remove a small amount (approximately 1 hectare) of good agricultural land from production. It is also inconsistent with “Section 117 Direction [1.5 Rural Lands](#_Toc229304435)” because it affects rural zoned land.

These inconsistencies are justifiable given the minor amount of the land affected and the public benefit if the land is sold and the proceeds are used to fund community projects in Gulargambone. There may also be a broader economic benefit if the subject land can be used for a dwelling and a new family moves into the locality. In addition, the land is immediately adjacent to the Gulargambone Village zone and is well serviced by a sealed road and reticulated water and sewerage, electricity and telephone.

It is arguable that an inconsistency arises with Section 117 Direction 6.3 in that an additional use is being permitted on a specific site. However, this is justified in the circumstances.

In its Gateway determination of 23 November 2017 DPE agreed that the inconsistency with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land and 6.3 Site Specific Provisions is justified.

The inconsistency with the Central West and Orana Regional Plan in relation to strategic planning for rural residential development is justified due to the scale and circumstances of this case. It is a minor matter.

**Financial Considerations:**

The Gulargambone Golf Club Board has paid for the planning proposal to be prepared. The Department of Planning and Environment has agreed tentatively to prepare the draft maps required to accompany the planning proposal.

Council resolved on 10th May 2017 that the Council costs associated with advertising the planning proposal, setting up the public exhibition, considering any submissions that were received and writing Council reports will need to be recovered from the applicant.

**Options:**

a) Proceed with the planning proposal as attached to this report by finalising it under delegation before sending it to DPE for gazettal

b) Modify the attached planning proposal and then finalise it under delegation before sending it to DPE for gazettal

c) Decline to proceed with the planning proposal

**Recommendations:**

**That Council:**

**1.** **Agree to support the planning proposal as attached at APPENDIX D that permits a dwelling with Council consent on Lot 183 DP 753385 Muraiman Street Gulargambone;**

**2. Finalise the planning proposal under delegation and then send it to the Department of Planning and Environment under delegation, requesting it be gazetted.**

**MATTHEW COCK**

Manager – Environmental Services

February 2018