

Planning Services

Gateway Determination Report

LGA	Coonamble Shire Council
RPA	Coonamble Shire Council
NAME	Gulargambone Golf Club
NUMBER	PP_Coona_2017_001
LEP TO BE AMENDED	Coonamble LEP 2011
ADDRESS	Muraiman Street Gulargambone
DESCRIPTION	Lot 183 DP 753385
RECEIVED	31/10/2017 – further information provided on 9/11/2017
FILE NO.	
QA NUMBER	qA
POLITICAL DONATION DISCLOSURE	N/A
LOBBYIST CODE OF CONDUCT DISCLOSURE	N/A
LAND RELEASE DATA	Type of release: residential

INTRODUCTION

Description of Planning Proposal

To amend the Coonamble LEP 2011 to permit a dwelling on Lot 183 DP 753385 Muraiman Street Gulargambone, by amending Schedule 1 Additional Permitted Use.

Site Description

The subject land is currently zoned RU1 Primary Production and is approximately 33ha. The land was previously used as a golf course, which closed in March 2011. The Club House for the Golf Club remains on the site, directly adjacent to the Gulargambone Village. The Golf Club Board would like to sell the subject lot with the ability to establish a dwelling which is prohibited under the current LEP provisions. This amendment will allow for the development of a dwelling. The surrounding holding pattern indicates semi-rural and village scale development. The site can be serviced for future use.

Surrounding Area

The property is adjacent to the village of Gulargambone which is zoned RU5 Village. Remaining surrounding land is zoned RU1 Primary Production, however there is a number of small holdings with dwellings immediately adjoining. Village land uses extend beyond the subject site.

Summary of Recommendation

Proceed with Condition

It is recommended that the most suitable outcome would be inserting an Additional Permitted Use that specifies that one dwelling house only is permitted on the land.

PROPOSAL

Objectives or Intended Outcomes

The objective of the planning proposal, as noted in the report, will allow Coonamble Shire Council to consider a development application for a dwelling on the subject lot.

Explanation of Provisions

The intended outcome of the proposal will be achieved by:

- Amending Schedule 1 of the Coonamble LEP 2011 to permit a dwelling on Lot 183 DP 753385 Muraiman Street Gulargambone as an Additional Permitted Use.

Mapping

Amend the Coonamble LEP 2011 by introducing an Additional Permitted Use map with Lot 183 DP 753385 Muraiman Street Gulargambone.

Council Report

The Council report indicates that the Board for the Golf Club 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. The Council report also indicates that there could be broader economic benefit if the subject land could be used for a business, requiring a large area as well as a dwelling.

Council resolved to submit a planning proposal with the intention to allow a dwelling on the site.

NEED FOR THE PLANNING PROPOSAL

A planning proposal is the most appropriate method of achieving the intended outcome of the proposal.

STRATEGIC ASSESSMENT

State

Not applicable to this planning proposal.

Regional / District

The proposal does not address the Central West and Orana Regional Plan. A condition of the Gateway determination will be to update the proposal to consider the final Plan.

The planning proposal notes that the Western Councils Sub Regional Land Use Strategy (2009) applies to the Coonamble Council. Coonamble Council did not resolve to adopt this Strategy so it does not relate to this proposal. A condition of the Gateway will be to remove reference to the Strategy.

Local

The Community Strategic Plan does not directly relate to the proposal. The intended outcome of the proposal is not to amend the current landuse permissible on the site. The proposal will allow a dwelling to be developed on the site

Section 117(2) Ministerial Directions

1.2 Rural Zones

This Direction applies to the proposal as the subject land is zoned RU1 Primary Production. The intended outcome of the proposal is to increase the permissible density of land within a rural zone by reducing the minimum lot size of the land to allow for a dwelling. The proposal does not intend to rezone the land. The subject lot is 33ha and adjacent to the Gulargambone zoned RU5 Village. For this reason, the Director Regions, Western can be satisfied that the proposal is of minor significance and no further work is required.

1.5 Rural Lands

The intended outcome of the proposal is to allow the development of one additional dwelling on the site. This is not considered to result in land use conflict or significantly reduce the productivity of land zoned for primary production. The Director Regions, Western can be satisfied that the proposal is of minor significance and no further work is required. It should be noted that the land use zone in this instance has not reflected the intended use of the site – private recreation, hence the need for this proposal.

4.3 Flood Prone Land

This Direction applies to the proposal as the subject land is identified in Council's flood study as flood prone land. The intended outcome is to allow the development of a dwelling on the site. Parts of the lots have been identified as below the flood level in 5% and 1% event. Part of the lot is also above the flood level in a 1% event. It is considered appropriate that a condition of the Gateway determination will be to ensure any future development is not located below the flood level in a 1% event. The Director Regions, Western can be satisfied that the proposals inconsistency with this Direction is of minor significance and can be conditioned in the Gateway.

5.10 Implementation of Regional Plans

The proposal has not considered the final Central West and Orana Regional Plan. Council is to address the Regional Plan prior to community consultation.

6.3 Site Specific Provisions

This Direction applied to the proposal as the intended outcome is to allow residential development on the subject site. Dwellings are permissible in the RU1 Primary Production zone subject to compliance with minimum lot size provisions. The site is located adjacent to land zoned RU5 Village. 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 55 – Remediation of Land

The objective of the planning proposal is to allow for residential development on land that is currently zoned RU1 Primary production. The sites most recent use has been a golf course and ancillary club. A statutory declaration included in the proposal notes that the site has been used as a golf course since 1924 with no known contamination of the site. It is also noted that a site contamination report has not been undertaken on the site. Council will need to consider this at the development application stage.

SEPP (Rural Lands) 2008

The proposal does not include a rezoning. This proposal will allow for the development of a dwelling on a 33ha lot which is adjacent to the Gulargambone zoned RU5 Village. The site includes an existing clubhouse structure. The loss of rural land in this instance is considered of minor significance and therefore consistent with the objectives of the SEPP.

SITE SPECIFIC ASSESSMENT

Social

The proposal includes a change in use from a recreational community facility to a privately owned residential development. The subject proposal will not result in any social benefit to the community other than an additional dwelling.

Environmental

The proposal does not include a rezoning, the proposal will only allow for the development of a dwelling on the subject site. The subject land is substantially cleared of native vegetation and does not include any heritage items.

Economic

The proposal will provide an additional dwelling in the Gulargambone village area. The size of the subject lot would also allow for a small-scale business development that is in line with the objectives of the RU1 Primary Production zone. This will be a positive use for a site that is underutilised by the community.

Infrastructure

Servicing and infrastructure is available for the site given its close proximity to the Gulargambone village and previous use.

CONSULTATION

Community

Council consider the proposal as minor significance and therefore should be exhibited for 14 days, with land owners on the northern side if Muraiman Street directly consulted.

It is considered appropriate that the proposal be made publicly available for 28 days given that the proposal does not indicate that the community has previously commented on the proposal. It is recommended that the proposal and corresponding documentation is made available at Council as well as in the Gulargambone community. The exhibition of the proposal should be advertised on Council's website and in the local newspaper.

Agencies

Agency consultation is not required for this proposal.

TIMEFRAME

The timeframe proposed in the planning proposal has lapsed. A condition of the Gateway determination will be to update the timeframe before community consultation.

It is considered that the proposal will take approximately 12 months to complete.

DELEGATION

Council have requested delegation to complete the planning proposal. It is considered appropriate that the Director Regions, grant delegations for this proposal.

CONCLUSION

The planning proposal is supported to proceed with conditions. It is recommended that given the subject lot is zoned RU1 Primary Production that the most suitable outcome would be inserting an APU that specifies that one dwelling house only is permitted on the land. Any further changes in land use including subdivision would need to be the subject of a further planning proposal where outside the permitted uses for the RU1 zone.

The option of the APU mechanism has been discussed with and agreed to by Council.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to:
 - Amend Part 2 Explanation of provisions to indicate that the proposal will facilitate the potential approval of a dwelling on the lot via an Additional Permitted Use with the precise wording subject to Parliamentary Counsel.
 - Address Section 117 Direction 5.10 – Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan release on 14 June 2017
 - Update the timeframe to complete the proposal
 - Remove reference to Western Councils Sub Regional Land Use Strategy (2009)
2. Future residential development on Lot 183 DP 753385 Muraiman Street Gulargambone, will be located above the flood level for 1 in 100 year events.
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 August 2016).
4. 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).
5. 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.

6. 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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