



IRF 21/2337

## Gateway determination report – PP -2021-2193

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**Rezone and amend the minimum lot size of Lot A DP 413644, 101 Golspie Road, to enable subdivision for two existing dwellings to be located on separate parcels of land.**

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Upper Lachlan Local Strategic Planning Statement- 2020 Vision
South East and Tablelands Regional Plan 2036
Tablelands Regional Strategic Plan 2016-2036

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Upper Lachlan Shire
<b>PPA</b>	Upper Lachlan Shire Council
<b>NAME</b>	Golspie Road- Taralga
<b>NUMBER</b>	PP-2021-2193
<b>LEP TO BE AMENDED</b>	Upper Lachlan LEP 2010
<b>ADDRESS</b>	101 Golspie Road, Taralga
<b>DESCRIPTION</b>	Lot A DP 413644
<b>RECEIVED</b>	1/06/2021
<b>FILE NO.</b>	<a href="#">IRF21/ 2337</a> <a href="#">EF21/2160</a>
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Enable the two (2) existing dwelling houses on the subject land to be located on separate parcels of land by amending the Upper Lachlan LEP 2010 to permit a minimum lot size of 1ha and to rezone part of the land from RU1 Primary Production Zone to R5 Large Lot Residential Zone.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Upper Lachlan LEP 2021 as per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone- Amending Land Zone map LZN_008B by rezoning part of Lot A DP 413644	Part R5 Large Lot Residential and Part RU1 Primary Industries	R5 Large Lot Residential
Amend Minimum lot size-LSZ_008B	100ha/2ha	1 ha (Y)
Number of dwellings	2	2

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The subject site is just over 1 km from the village of Taralga. The site has a total area of 2.2 hectares and is cleared of vegetation. The subject site was created by Council in 1959 and the zone and minimum lot size applied to the site do not match the existing development. The proposal will not impact on important agricultural land. No additional residential development is proposed and the proposal will not have any significant environmental or social impact.



**Aerial Photograph**

**Figure 1 Subject site**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Zone and Minimum lot size maps, which are suitable for community consultation.

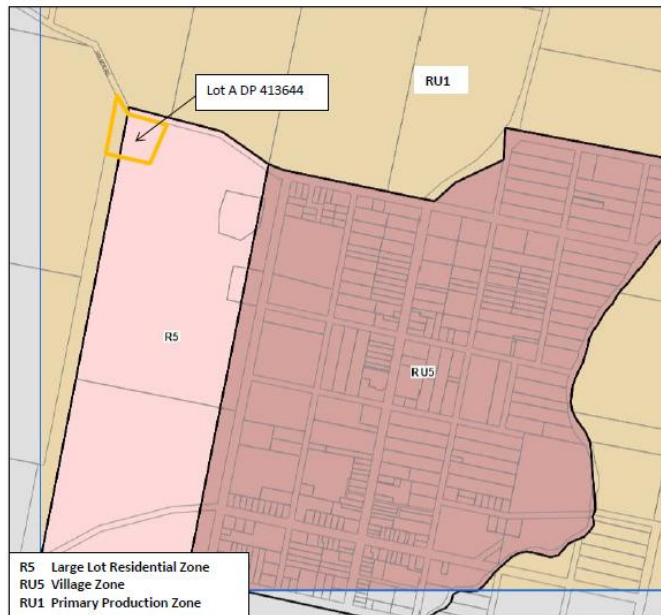


Figure 1: The current Land Use Zones applying to the land  
Zone R5 Large Lot Residential and Zone RU1 Primary Production  
(Land Zoning Map – Sheet LZN\_008B)  
Upper Lachlan Local Environmental Plan 2010  
(Map Source: NSW Legislation website)

**Figure 2 Current zoning map.**

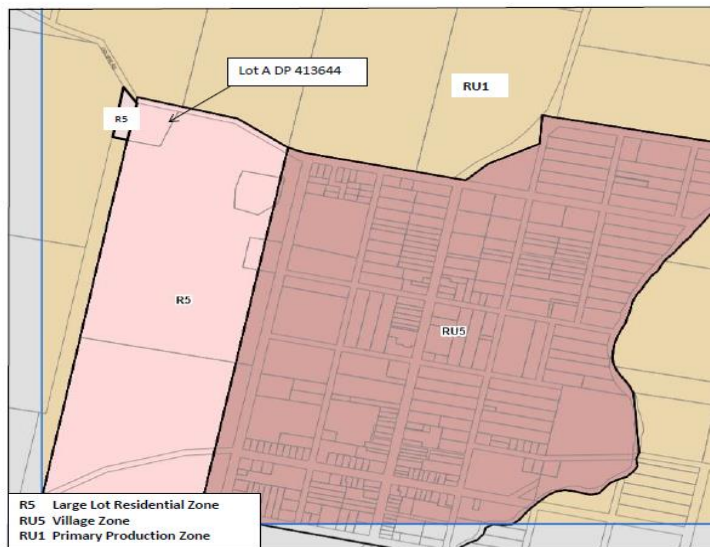


Figure 4: The proposed amendment to Upper Lachlan Land Zoning Map  
R5 large Lot Residential Zone  
(Land Zoning Map - Sheet LZN\_008B)  
Upper Lachlan Local Environmental Plan 2010  
(Map Source: NSW Legislation website)

**Figure 3 Proposed Zoning Map**



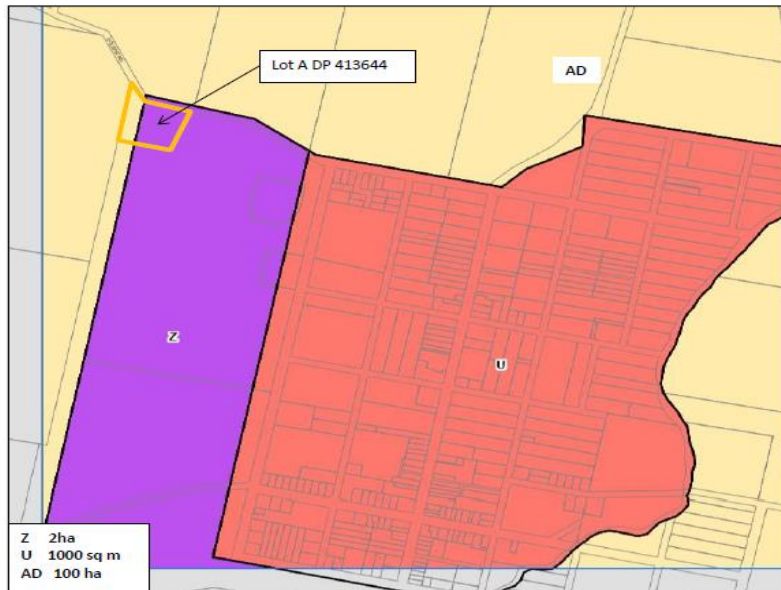


Figure 2: The current Minimum Lot Sizes relating to the land  
(Lot Size Map - Sheet LSZ\_008B)  
Upper Lachlan Local Environmental Plan 2010  
(Map Source: NSW Legislation website)

**Figure 4 Current Minimum Lot Size**

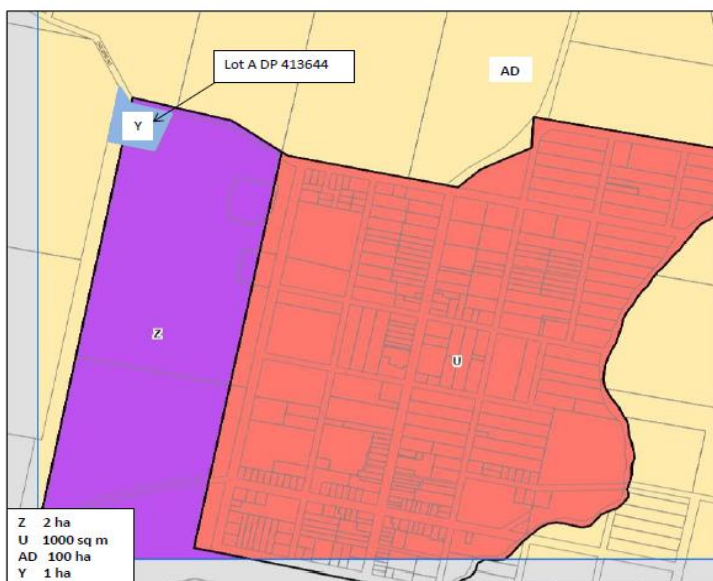


Figure 3: The proposed Minimum Lot Size to apply to the land  
Minimum Lot Size 1ha (Y)  
(Lot Size Map - Sheet LSZ\_008B)  
Upper Lachlan Local Environmental Plan 2010  
(Map Source: NSW Legislation website)

**Figure 5 Proposed Minimum Lot Size**

## 1.6 Background

This is a second draft of a planning proposal which required updating to address the regional plan and s 9.1 Directions.

## 1.7 Need for the planning proposal

The planning proposal is not the result of a current strategy or report. It has arisen as a result of the landholders wishing to resolve a planning anomaly. There are no additional dwellings being created, it seeks to provide a new lot for each of the two dwellings.

## 2 Strategic assessment

### 2.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Goal 3: Healthy and Connected communities- Direction 22- Build socially inclusive safe and healthy communities; Direction 23- Protect the regions Heritage	Consistent - Retention of existing dwellings enable independent living in each dwelling.  Consistent -There are no items of European or Aboriginal heritage in or near the subject sites.
Goal 4: Environmentally sustainable housing choices-  Direction 28- Manage Rural Lifestyles	Consistent - the dwellings are close to existing townships.  Consistent - will avoid and manage land use conflicts with productive neighbouring agricultural land.  Consistent - will avoid areas of high environmental, cultural and heritage significance, important agricultural lands and areas affected by natural hazards.



## 2.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies.

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The planning proposal is consistent with the intent of the Upper Lachlan LSPS 2040:</p> <p>Priority 1: Improve the diversity of land holding options to promote protection, production and investment.</p> <p>Provide opportunities for housing diversity and off farm income and green spaces to suit changing requirements.</p> <p>Priority 2- Develop village residential opportunities.</p>

## 2.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 Section 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.2 Rural Zones-aim of this direction is to not rezone and protect agricultural land.	No	The PP seeks to rezone a lot that is part zoned RU1 to a residential zone. The inconsistency is justified as being of minor significance as the area to be rezoned is .06 ha and will have no impact on the adjacent rural zoned land.
Direction 1.5 Rural Lands-aims to protect the agricultural productivity of rural land	No	The PP seeks to rezone agricultural land that contains a dwelling, that has been in place for some years, and corrects an anomaly in a part rural, part residential zoned land (R5 Large Lot Residential). The intent and effect of the PP on the agricultural productivity of the land is of minor significance.

Direction 3.1 Residential Zones- to encourage housing diversity and the efficient use of infrastructure while reducing impacts from residential development on the environment and natural resources.	Yes	Consistent in so far that the PP seeks to zone a part residential zone, part Rural zone to provide for an existing dwelling.
Direction 5.2 Sydney Drinking Water Catchments- protects the water quality in the catchment	Not yet known	The PP is within the Sydney Water Catchment. The PP will be consistent with this Direction only when Sydney Water is consulted prior to exhibition, and a copy of the response must be included in the exhibition documentation.
Direction 5.10 Implementation of Regional Pans- the South East and Tablelands Regional Plan applies.	Yes	Consistent and addresses a number of Goals (see Section 2.1).
Direction 6.3 Site Specific Provisions - to discourage unnecessary restrictive site specific planning controls	Yes	Consistent - the planning proposal will have minimal impact on existing planning controls.

## 2.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP Primary Production and Rural Development 2009	Facilitates the orderly use and development of lands for primary production, reduce land use conflict, identify state significant agricultural land, simplify regulatory processes and encourage sustainable primary production	Yes	The PP will have negligible impact on adjacent rural zoned land.
Sydney Water Catchment SEPP 2011	Provides for healthy water catchments, support management and maintenance of water quality in the catchment.	Yes	The planning proposal is minor in effect however Council will be required to consult with Sydney Water prior to exhibition.

## 3 Site-specific assessment

### 3.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

Environmental Impact	Assessment
There are no additional dwellings - this is a minor amendment.	There will be a minimal impact on the environment as a result of this PP- there are no additional dwellings, and the adjacent rural zoned land will not be impacted by future development.

### 3.2 Social and economic

There are no negative social or economic impacts. The Planning proposal provides for subdivision of existing dwellings on site and corrects a historical zoning anomaly.

### 3.3 Infrastructure

There are no additional infrastructure requirements or implications arising out of the application of the objectives of the planning proposal.

## 4 Consultation

### 4.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered not appropriate due to the minor nature of the proposal and a 14 day exhibition forms a condition of the Gateway determination.

### 4.2 Agencies

It is recommended the following agency be consulted on the planning proposal and given 21 days to comment:

- WaterNSW

## 5 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department considers a time frame of 12 months to be reasonable to ensure it is completed.

A condition to the above effect is recommended in the Gateway determination.

## 6 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is generally consistent with s 9.1 Directions and SEPPs, and that the amendments are generally of minor nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is a minor amendment to the LEP and does not have any negative impacts on the agricultural lands that are adjacent to the site.
- It corrects anomaly of a 600 square metre section of the subject site.

## 8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, are minor or justified.

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

1. Prior to community consultation, consultation is required with the following public authorities:
  - WaterNSW with the results of the consultation to be exhibited along with the Planning Proposal;

2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



21/6/21

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23/06/2021

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