



IRF23/2319

## Gateway determination report – PP-2023-1662

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Reduction of minimum lot size from 5000m<sup>2</sup> to 3000m<sup>2</sup> at River Road and Golf Course Road, Dareton

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>1</b>
1.1	Overview.....	1
1.2	Objectives of planning proposal .....	1
1.3	Explanation of provisions .....	3
1.4	Site description and surrounding area.....	3
1.5	Mapping.....	3
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>4</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>4</b>
3.1	Regional Plan .....	4
3.2	Local.....	5
3.3	Section 9.1 Ministerial Directions .....	6
3.4	State environmental planning policies (SEPPs) .....	8
<b>4</b>	<b>Site-specific assessment .....</b>	<b>8</b>
4.1	Environmental.....	8
4.2	Economic and infrastructure .....	9
<b>5</b>	<b>Consultation.....</b>	<b>9</b>
5.1	Community .....	9
5.2	Agencies.....	9
<b>6</b>	<b>Timeframe .....</b>	<b>9</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>9</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>9</b>
<b>9</b>	<b>Recommendation.....</b>	<b>10</b>

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

Relevant reports and plans
Our Town Our Future – Dareton Revitalised 2021 (Dareton Strategy)
Wentworth Local Strategic Planning Statement 2020 (WLSPS)
Wentworth Shire Council Community Strategic Plan 2022-32 (WCSP)

# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

<b>LGA</b>	<b>Wentworth</b>
<b>PPA</b>	Wentworth Shire Council
<b>NAME</b>	Reduction of minimum lot size from 5000m <sup>2</sup> to 3000m <sup>2</sup> at River Road and Golf Course Road, Dareton
<b>NUMBER</b>	PP-2023-1662
<b>LEP TO BE AMENDED</b>	Wentworth Local Environmental Plan 2011
<b>DESCRIPTION</b>	Subject land in the original proposal: Lots 551, 719, 506, and 822 DP 756961  Subject land to be included in the updated proposal: Lot 1 DP 155361, Part Lots 1-7 DP 1230430, Lots 1 & 2 DP 1004848, Lot 1057 DP 40315
<b>RECEIVED</b>	23/08/2023
<b>FILE NO.</b>	IRF23/2319
<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.

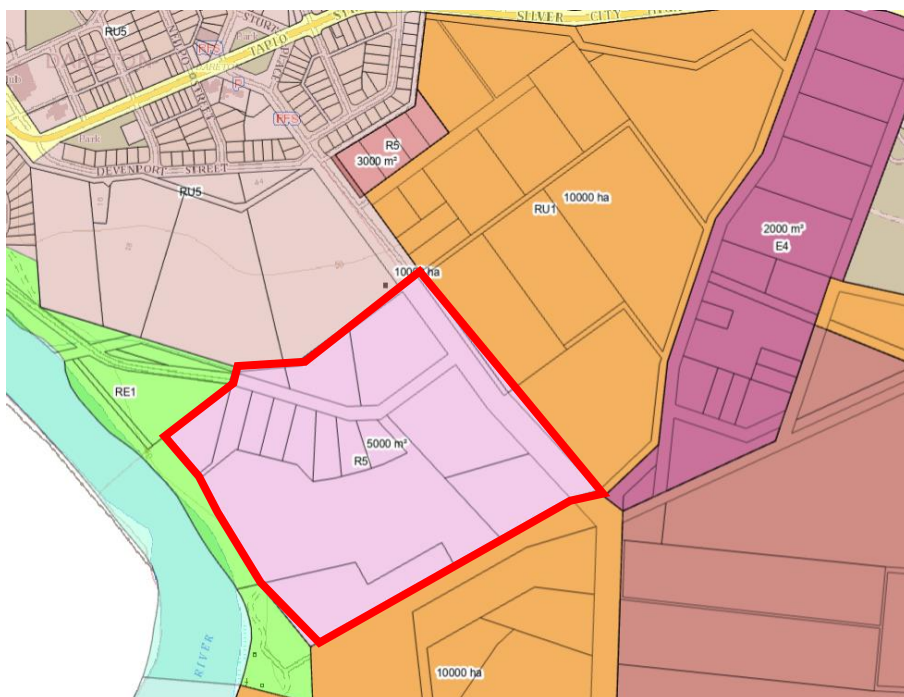
The objective of the planning proposal is to amend the Wentworth Local Environmental Plan (LEP) 2011 by decreasing the minimum lot size of the subject land from 5,000 square metres to 3,000 square metres to permit further subdivision of the subject land for large lot residential. The subject land is described as multiple lots on the corner of River Road and Golf Course Road, Dareton, also known as Lots 551, 719, 506 and 802 DP 756961 (Figure 1).



**Figure 1 Original Subject site (source: Planning proposal)**

Further advice consultation with Council on 18 September 2023 identified benefit in amending the minimum lot size for the entire R5 Large Lot Residential zoned land in Dareton to 3000 square metres consistent with other areas of R5 zoned land in the township. The planning proposal is to be updated outlining this change including justification and associated mapping.

This report will assess the proposal based on the above proposed amendment.



**Figure 2 Updated Subject site (source: ePlanning Spatial viewer)**

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Wentworth LEP 2011 by reducing the minimum lot size of R5 Large Lot Residential zoned land in Dareton from 5,000 square metres to 3,000 square metres.

An existing parcel of R5 Large Lot Residential zoned land in Dareton already has a minimum lot size of 3,000 square meters and therefore the amendment proposed would consistently apply the MLS to all R5 zoned land in Dareton.

The explanation of provisions in the planning proposal is adequate in explaining how the objective of the proposal will be achieved. However, it will need to be updated to reflect the amended subject land. This is to be done prior to public exhibition.

## 1.4 Site description and surrounding area

The subject land is on the southern fringe of the township of Dareton, near the Murray River (Figure 1). The R5 zoned parcel comprises 16 allotments:

- Part Lots 1 & 2 DP 1004848 (part)
- Lot 506, 551, 719 & 822 DP 756961
- Lot 1-7 DP 1230430
- Lot 1 DP 1155361
- Lot 1057 DP 40315

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the LSZ\_004A maps. New proposed maps are to be included in a revised planning proposal identifying the entire R5 Large Lot Residential zoned land as the subject land for the proposed decreased MLS.



**Figure 3 Current minimum lot size map (Source: ePlanning Spatial Viewer)**

It is also noted that a mapping error exists near the subject land where part Lots 374 and 32 DP 756961 are partially mapped R5 large lot residential. It is recommended this error be resolved as part of this planning proposal to align the zone boundary with the cadastre for these 2 lots. The revised planning proposal is to reflect the intent to correct these mapping errors.

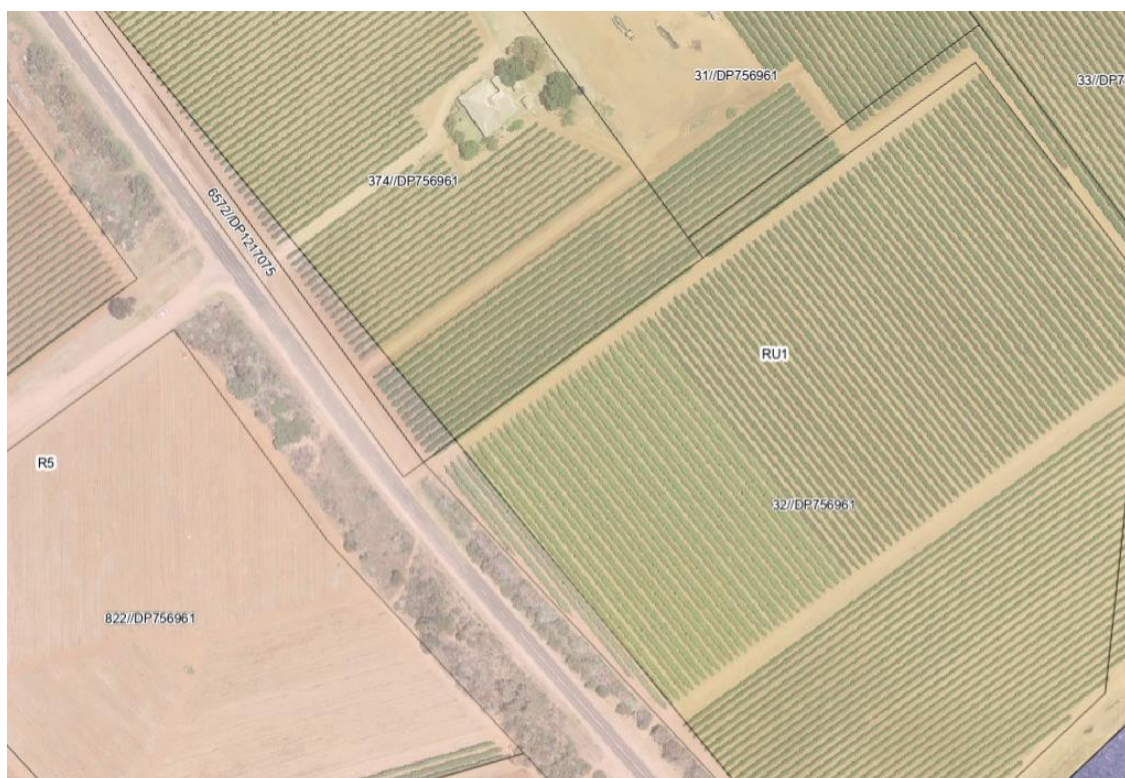


Figure 4 Map misalignment of zones (Source: ePlanning Spatial Viewer)

## 2 Need for the planning proposal

**Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?**

The planning proposal is not the result or outcome of a strategy or report. The proposed amendments contribute to the intent of Recommendation 7 of the Dareton Strategy which is to rezone certain RU1 Primary Production zoned land to R5 Large Lot Residential zoned land in Dareton with MLS ranging between 3,000 square metres to 5,000 square metres.

Further assessment against the Dareton Strategy can be found in Section 3.2 of this report.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Department is satisfied that a planning proposal is the best means of achieving a reduction in minimum lot size for R5 Large Lot Residential zoned land in Dareton to increase lot yield.

## 3 Strategic assessment

### 3.1 Regional Plan

Table 3 provides an assessment of the planning proposal against relevant aspects of the Far West Regional Plan 2036. It is noted at time of assessment of this proposal that the draft Far West Regional Plan 2041 is pending finalisation. Assessment against relevant aspects of the draft plan can be found in Table 4.

**Table 3 Far West Regional Plan 2036 assessment**

Regional Plan Objectives	Justification
Direction 27 Provide greater housing choice	<p>This Direction identifies the need for increased housing choice with diverse tenure, design and configuration to improve affordability, meet the needs of ageing populations and support the trend for smaller household sizes.</p> <p>The Department is satisfied the proposed amendment is consistent with this Direction as the reduction to the MLS for R5 Large Lot Residential zoned land in Dareton will increase land size options and land availability close to the township.</p>
Direction 29 Manage rural residential development	<p>This Direction identifies there is a need to strategically manage rural residential development due to conflicts with agriculture, industrial or resource lands especially in areas close to waterways where demand for rural residential is higher (i.e. Murray River).</p> <p>The Department is satisfied that the proposed amendment is consistent with this Direction as the site is already zoned R5 Large Lot Residential and is identified in existing strategic documentation by Council.</p>

**Table 4 Draft Far West Regional Plan 2041 assessment**

Regional Plan Objectives	Justification
Objective 6 Plan for housing supply, diversity, affordability and resilience	<p>To manage population, change and decline, strategic and statutory planning should facilitate a diversity of housing in appropriate locations. Strategy 6.1 identifies criteria to be considered including, but not limited to, aligning infrastructure and service provision, and flexible and feasible planning controls and development standards.</p> <p>The Department is satisfied that the reduction of MLS of the R5 Large Lot Residential zoned land in Dareton to 3,000 square metres is consistent with this strategy, given it is enabling the creation of additional allotments to meet the demand for large lot residential land in the area.</p>

## 3.2 Local

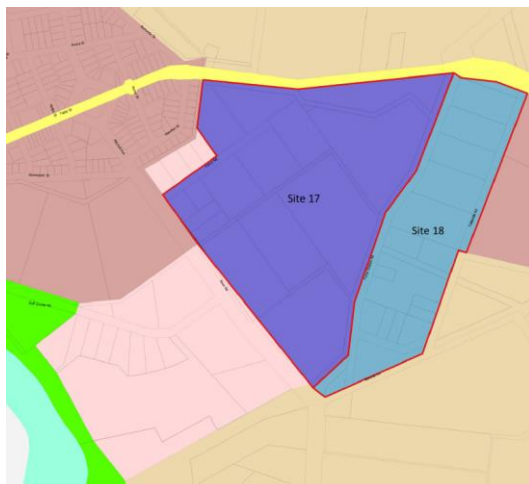
The proposal states that it is consistent with the following local plans and strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Wentworth Local Strategic Planning Statement	<p>The proposed amendment is consistent with the LSPS as it is intended to enable new development within the identified settlement boundary of Dareton. The LSPS also identified the need to provide of a range of housing options in the LGA.</p>

Our Town Our  
Future – Dareton  
Revitalised 2021

Recommendation 7 of the strategy identifies potential to increase the amount of available R5 Large Lot Residential zoned land in Dareton with minimum lot sizes between 3,000-5,000 square metres (Site 17).




Whilst the proposal is not implementing recommendation 7 of the strategy, it is considered consistent with the strategy intent as it aims to increase lot yield in R5 Large Lot Residential zoned land in Dareton.

### 3.3 Section 9.1 Ministerial Directions

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

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The proposed amendments are consistent with both applicable regional plans discussed in Section 3.1 of this report.
1.3 Approvals and Referral requirements	Consistent	The proposed amendment is consistent with this direction.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	Consistent	<p>The proposal intends to increase allotment yield in R5 zoned land in Dareton. The subject land is already zoned R5 and is considered appropriate for rural residential development.</p> <p>The subject land includes active horticultural land uses as well as areas of uncleared vegetation on the Crown Land parcels. Any proposed clearing on the subject land would be subject to a BDAR assessment to be considered at the development assessment stage.</p> <p>The subject land also adjoins a Crown Land Reserve that is zoned RE1 Public Recreation and acts as a buffer between development and the Murray River. Further consideration of potential impacts to this buffer should be undertaken at development assessment stage.</p>
4.1 Flooding	Inconsistent, further work required	<p>This direction applies to the updated proposed amendment to reduce the MLS for all R5 zoned land in Dareton as the land includes a small area of mapped flood prone land on Lot 1 DP 1004848.</p>  <p>The updated proposal should accurately represent the flood attributes of the subject land. A small area is affected by flood planning level meaning land adjoining the flood planning area within the site may be affected by larger floods. Council should consider the need for any additional controls as previously advised such as inserting clause 5.22 Special Flood Considerations into WLEP 2011 if sensitive land uses may occur on the site. It is recommended that BCS – Flooding team be consulted with during public exhibition.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Consistent	The planning proposal is supported by the Dareton Strategy that analyses the current layout of residential development and future development when determining rezoning the subject land to R5 Large Lot Residential.  Impacts to existing roads infrastructure and transport networks should be considered during subdivision and development application stage.
6.1 Residential Zones	Consistent	No change is proposed to the zone of the subject land and the proposed amendment aims to increase available allotments of R5 Large Lot Residential zoned land in Dareton.

## 3.4 State environmental planning policies (SEPPs)

The applicable SEPPs to the planning proposal are discussed in the table below.

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

SEPPs	Applicable/ Not Applicable	Reasons
Biodiversity and Conservation 2021	Applicable	No clearing is proposed for the subject land at this stage. It is recommended that Biodiversity Conservation Science (BCS) is consulted during public exhibition to understand any potential concerns with increasing lot yield on the subject land, specifically those that are uncleared.
Transport and Infrastructure 2021	Applicable	Increase allotment yield (greater than 15 lots) in the subject land is likely to increase associate traffic impacts on the adjoining main road. In accordance with this SEPP, Transport for NSW should be consulted during public exhibition of the proposal. A condition of gateway will be included to this effect.

## 4 Site-specific assessment

### 4.1 Environmental

Part of the subject land was previously used for horticultural purposes that have been cleared and contains now unused agricultural buildings. The other lots to be included in the updated planning proposal are largely uncleared. It is recommended that Biodiversity Conservation Science (BCS) is consulted during public exhibition to understand any potential concerns with increasing lot yield on the subject land, specifically those that are uncleared. The site is already zoned R5 Large Lot Residential and any potential environmental impacts including proposed clearing, impact on adjoining RE1 site and river frontage or potential contamination will be considered further at development assessment stage.

## 4.2 Economic and infrastructure

Council identified in their assessment report that the subject land of the original proposal has adequate infrastructure to support the reduction of MLS. Council should include in the revised planning proposal consideration of any required infrastructure for the additional subject land being included.

The reduction of MLS for the subject land will enable more opportunities for housing in Dareton.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 working days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

### 5.2 Agencies

The proposal does not specifically identify which agencies will be consulted. It is recommended that Transport for NSW, Biodiversity Conservation Science and Crown Lands be consulted on the planning proposal during public exhibition.

## 6 Timeframe

Council proposes 220 working days to complete the LEP.

The Department recommends a time frame until 1 June 2024 to ensure it is completed in line with its commitment to reduce processing times. A condition to the above effect is recommended in the Gateway determination.

## 7 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 required to be updated, and due to limited council resourcing, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

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

- it is consistent with relevant local, regional and State legislation and policies
- it is not expected to result in any adverse environmental, social, economic or infrastructure impacts.
- It is considered largely consistent with Council's Our Town Our Future – Dareton Revitalised 2021 and Local Strategic Planning Statement.

Based on the assessment outlined in this report, the planning proposal must be updated before public exhibition to:

- identify the additional subject land, including justification for its inclusion and associated maps. The revised planning proposal is to include discussion of site characteristics including flooding and biodiversity.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.1 Flooding is unresolved and will require further work.

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

1. The planning proposal is to be updated to:
  - identify the additional subject land, including justification for its inclusion in the proposal and associated maps. The revised planning proposal is to include discussion to reflect site characteristics including flooding and biodiversity.
  - include proposed amendment to correct mapping error that exists on part Lots 374 and 32 DP 756961 to realign relevant zones with the cadastre.
2. Consultation is required with the following public authorities during public exhibition:
  - Crown Lands
  - Biodiversity Conservation Science
  - Transport for NSW
3. The planning proposal should be made available for community consultation for a minimum of 20 days.
4. The LEP should be completed on or before 1 June 2024.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



13/10/23

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