



IRF24/1200

Gateway determination report – PP-2023-2156

Rezone and amend minimum lot size on land at
Potters Drive, Gol Gol

July 24



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-2156

Subtitle: Rezone and amend minimum lot size on land at Potters Drive, Gol Gol

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans	
Attachment A – Planning Proposal – Potters Drive Gol Gol - PP-2023-2156	Attachment E – Preliminary Site Investigation – PP-2023-2156
Attachment D – Council report & Council Minutes	Attachment F – Council Assessment Report

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Wentworth
PPA	Wentworth Shire Council
NAME	Potters Drive Gol Gol
NUMBER	PP-2023-2156
LEP TO BE AMENDED	Wentworth Local Environmental Plan 2011
ADDRESS	Potters Drive Gol Gol
DESCRIPTION	Lots 1 & 2, DP1152903, Lots 1 & 2, DP1259848, Lots 1 & 2, DP1269246, Lots 3 & 5, DP236223, Lot 2 DP1200627, and Lot 1 DP439084
RECEIVED	2/07/2024
FILE NO.	IRF24/1200
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objectives of this amendment are to provide additional large lot residential land to meet the rising demand for large residential lots in the area and offer lots that are larger and fully serviced, located within a short distance from Gol Gol.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Wentworth LEP 2011 by:

- rezoning the subject land from RU4 Primary Production Small Lots to R5 Large Lot Residential; and
- amending the minimum lot size (MLS) from 10 ha to 1,500 m².

The proposed amendments may result in approximately 266 additional lots.

The proposal only applies to the LEP maps and will require an amendment of the zone and lot size mapping.

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 land is zoned RU4 Primary Production Small Lots with a minimum lot size of 10 ha. Currently it is utilised for horticultural activities and rural residential living that includes 7 existing dwellings. Aside from horticultural crops, native vegetation is present along the Gol Gol creek that runs along the south-eastern boundary of the subject land out of Gol Gol Swamp (Figure 1).



Figure 1 Subject site outlined blue and site context (source: planning proposal)

The subject land is in a semi-rural area on Gol Gol's north-eastern edge (Figure 2). To the north and west are active horticultural lands. Some rural living development is happening along Gol Gol Creek to the northeast. The southwestern boundary is the RU5 Village zone where a vacant lot is being developed for homes (Figure 1). Gol Gol township is further southwest.



Figure 2 Surrounding area context and subject site outlined orange (source: eplanning spatial viewer)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to relevant zoning (digital) and lot size (LSZ_004G) maps. It is noted the maps provided in the planning proposal are of a scale that is difficult to interpret, and the proposal refers to the incorrect zoning map to be amended. It is recommended that a condition be included in the Gateway determination that these maps be updated to a more appropriate scale and reference the correct zoning map (digital) prior to community consultation.

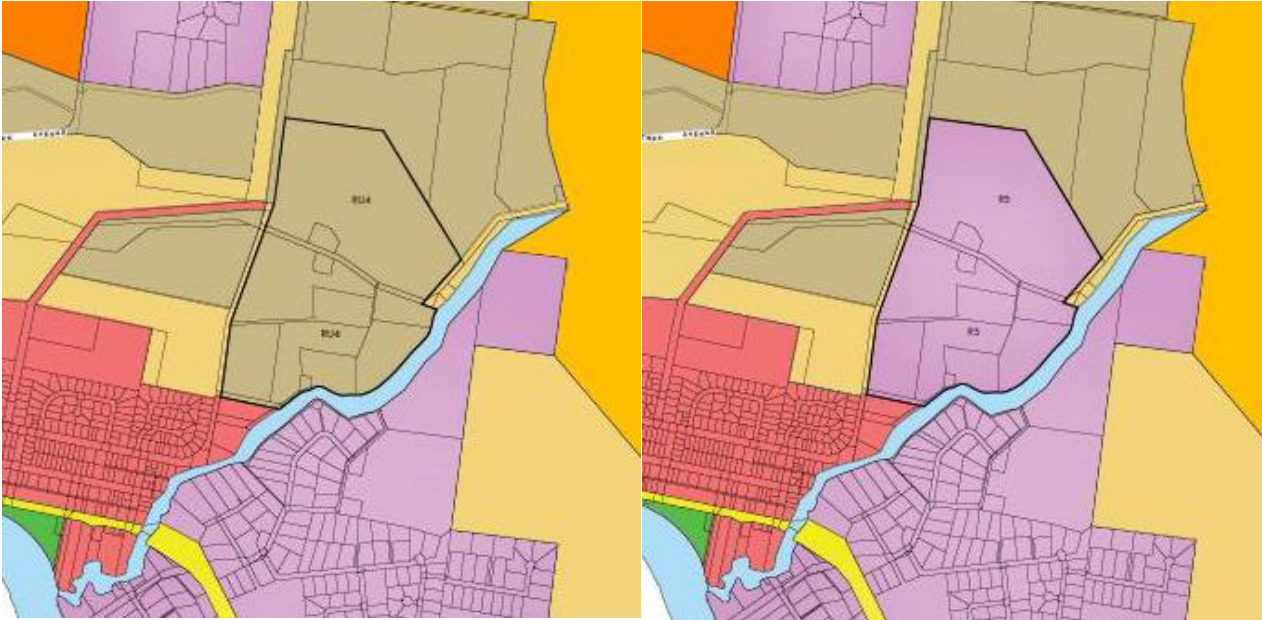


Figure 3 - Current (L) and proposed (R) zoning (Source: planning proposal)

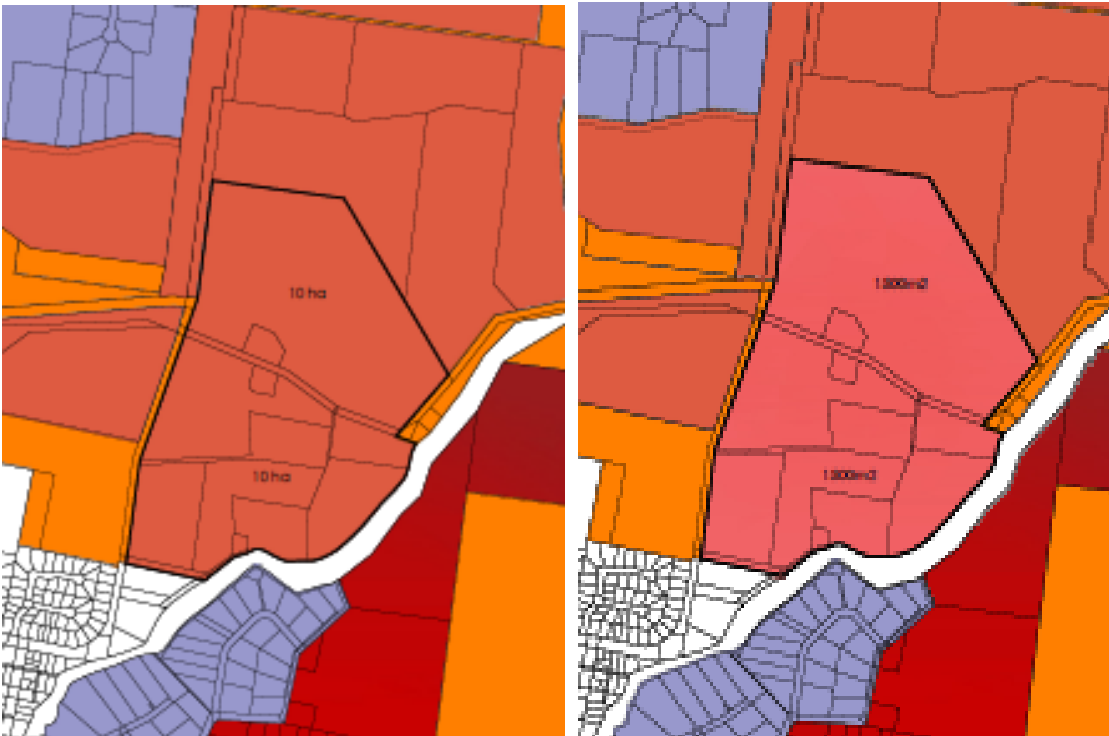


Figure 4 - Current (L) and proposed (R) minimum lot size (Source: planning proposal)

1.6 Background

The Department was provided with an early draft planning proposal relating to this subject land that originally proposed rezoning to R2 Low Density Residential with a minimum lot size of 1500 m².

During pre-lodgement consultation with Council, it was noted that the Buronga Gol Gol Structure Plan staging plan identified part of the subject land as suitable for large lot residential in the short term and further detailed justification would be required as to why the northern part should be rezoned ahead of the structure plan. The justification for rezoning to the R2 Low Density Residential Zone instead of the R5 Large Lot Residential zone was also considered not adequate. The proposal was revised to address these concerns.

2 Need for the planning proposal

The planning proposal is implementing parts of the Buronga Gol Gol Structure Plan (BGGSP). Focused on short-term residential land provision, particularly Recommendation 14 of the BGGSP, the proposal aims to address the rising demand for large lot residential land. Council has advised that there is growing demand for residential land due to obstacles in available land within surround townships and within Mildura, Victoria (opposite the Buronga Gol Gol township).

In 2020 when the BGGSP was prepared, Council identified R5 Large Lot Residential areas intended to forestall any future shortage in the supply of large lot residential land during the timeframe of the structure plan. The subject land was identified as suitable for future large lot residential land with an anticipated commencement of stage 2 (2024-2028) and stage 3 (2028-2032) (Figure 5).

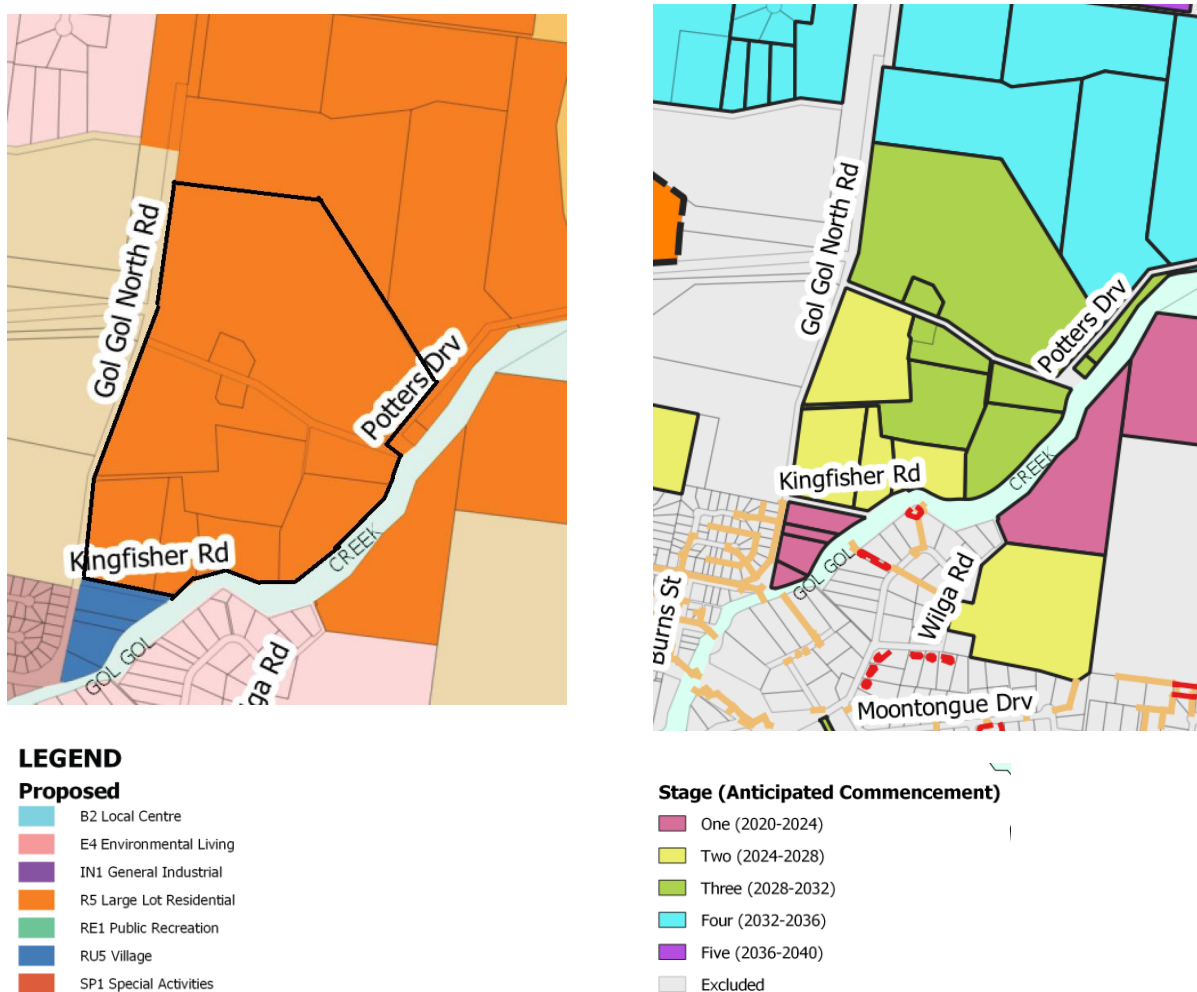


Figure 5 - proposed zoning and staging identified in the Buronga Gol Gol Structure Plan (Source: BGGSP 2021)

R5 zoned land to the east of the Gol Gol creek on Wilga Road was identified for stage two development in the BGGSP. However, Council have advised it will continue to be used for agricultural activities in the short to medium term. This creates a short fall in the land supply for larger residential allotments considering the increased demand for residential land.

The planning proposal is the most appropriate solution for the short-term provision of large lot residential land in the area. This is based on various factors, including consistency with the BGGSP, connectivity to existing residential development, efficient servicing and minimal land use conflict.

3 Strategic assessment

3.1 Regional Plan

The Far West Regional Plan 2036 applies to the proposal, however the new Far West Regional Plan 2041 (not yet released) could also be considered, given the plan was public exhibited. The table below outlines the proposals consistency with the relevant plans and objectives.

Table 3 Regional strategic planning assessment

Relevant Plan	Justification
Far West Regional Plan 2036 Direction 21: Strengthen communities of interest and cross-regional relationships	The planning proposal aims to address the needs of new residents who want to live in NSW and remain close to the larger centre of Mildura for services. This amendment is considered consistent with this direction as it will leverage cross-border opportunities.
Far West Regional Plan 2036 Direction 27: Provide great housing choice Draft Far West Regional Plan 2041 Objective 6: Plan for housing supply, diversity, affordability and resilience	The planning proposal is considered consistent with these direction/objectives as it responds to the growing demand of residential development that is consistent with Council's strategic documentation and ensures that infrastructure and service provision will adequately support staged development.

3.2 Local

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


Table 4 Local strategic planning assessment

Local Strategies	Justification
Wentworth Local Strategic Planning Statement	The proposed amendment is considered consistent with Council's LSPS in addressing Planning Priority 6 for sustainable developments. It aims to leverage cross-border demand for housing. Additionally, it supports the LSPS vision of capitalising on growth opportunities and offering a variety of housing choice.
Buronga Gol Gol Structure Plan (BGGSP)	As discussed in Section 2 of this report, the proposal is considered consistent with the principles of the BGGSP.

3.3 Section 9.1 Ministerial Directions

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

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons
1.1 Implementation of Regional Plans	Consistent	As discussed in Section 3.1, the proposal is consistent with the relevant regional plans.
4.1 Flooding	Consistent	<p>The NSW Planning Portal Spatial Viewer shows a very small area of the site is mapped as flood prone land (Figure 6). It is noted that this would need to be verified with more accurate flood mapping, however Council has advised it has commenced preparation of a flood study for Buronga Gol Gol and accurate flood data is not yet available.</p> <p>In the meantime, any land uses within the area below the existing flood planning area will be subject to clause 5.21 of WLEP 2011. Council is responsible for ensuring any proposal is consistent with the direction.</p> <p>In the absence of any other contrary information, this assessment has accepted the planning proposal's statements that the land is not flood prone and flooding is not an issue on the site.</p>  <p>Figure 6 Extract Spatial Viewer (July 2024)</p>
4.4 Remediation of Contaminated Land	Consistent	<p>A preliminary site assessment (Attachment E) has been conducted on the subject site with recommendations of additional assessment. The proposal states that a detailed site investigation will be undertaken following the issue of a Gateway determination.</p> <p>Further assessment will also be undertaken at development application stage.</p>
5.1 Integrating Land Use and Transport	Consistent	Council has advised that the subject site is located on a connector road and has access to services and infrastructure. Any impact on transport infrastructure as a result of the increased development potential is considered minor and consistent with the Direction.
6.1 Residential Zones	Consistent	The proposal is consistent with the objectives of this direction to encourage the provision of housing varieties.

9.1 Rural Zones	Inconsistent, justified	The proposal is inconsistent with the objectives of these directions as it affects land within an existing rural zone and proposed rezoning to a residential zone. This inconsistency is considered justified as the proposed amendment is consistent with the BGGSP.
9.2 Rural Lands		

3.4 State environmental planning policies (SEPPs)

The assessment of the planning proposal with relevant SEPPs are discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Reasons for Consistency or Inconsistency
Biodiversity and Conservation 2021	As identified in Section 1.4 of this report, the subject land is largely devoid of native vegetation, containing largely planted horticultural crop and ornamental non-native vegetation. The subject land is also not considered potential or core koala habitat and is not riverine land. No further work is required in relation to this SEPP.
Primary Production 2021	The BGGSP identified the subject land as suitable for residential zoning. The strategy was referred to DPI Agriculture who had no objection to the recommendations. No further work is required in relation to this SEPP.
Resilience and Hazards 2021	The subject land is currently used for horticultural purposes and is zoned rural. A preliminary site contamination investigation has been obtained recommending additional investigation be undertaken. This is intended to occur following the issue of a Gateway determination. The results will be considered during development application stage.
Transport and Infrastructure 2021	Council has advised the subject site is located on a connector road and has access to services and infrastructure. As identified in the above section, any potential impacts to existing transport infrastructure will be considered as part of the development application process.

4 Site-specific assessment

4.1 Environmental

As discussed in Section 1.4 of this report the subject land is largely devoid of native vegetation. The Gol Gol creek runs along the south-eastern boundary of the subject land and contains native vegetation. The planning proposal states this vegetation will not be impacted by development as it is not located on the subject land.

Council's mapping (Figure 7) indicates that the watercourse intersects with the subject land. Additional assessment of potential impacts on this watercourse will occur during the development application stage in accordance with Part 7 of the Wentworth LEP 2011. No further assessment is required for this planning proposal.



Figure 7 - Watercourse map with subject land boundary in red (Source: Planning Portal Spatial Viewer)

4.2 Infrastructure

As identified in Sections 3.3 and 3.4 of this report, and in Council's assessment report, Council has advised there are adequate services and infrastructure that can be provided to support the development, if development commences construction from the southern part of the site.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal states that the Gateway determination will provide advice on which agencies should be consulted. It is recommended that the Department of Primary Industries – Agriculture is consulted.

5.3 Timeframe

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

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 1 August 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. 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.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal.

7 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 9.1 Rural Zones and 9.2 Rural Lands are justified.

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

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to include accurate mapping that reflects a clearer map scale than provided in the original planning proposal.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Consultation is required with the Department of Primary Industries – Agriculture.
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 1 August 2025 be included on the Gateway.
5. The timeframe for the LEP to be completed is on or before 1 August 2025.



22/7/2024

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