

8.4 Planning Proposal 705 Springfield Lane, Gulgong (Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228), Rezone to R5 Large Lot Residential and Change Minimum Lot Size to 12Ha - Post Exhibition

REPORT BY THE TOWN PLANNER

TO 13 OCTOBER 2021 ORDINARY MEETING

GOV400088, LAN900120

RECOMMENDATION

That Council:

- A. **receive the report by the Town Planner on the Planning Proposal 705 Springfield Lane, Gulgong (Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228), Rezone to R5 Large Lot Residential and Change Minimum Lot Size to 12Ha - Post Exhibition;**
- B. **exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 in relation to the rezoning of 705 Springfield Lane, Gulgong; Lots 277-282, 285, 286 DP755433, Lots 64, 70, 71, 138 DP755434, Lots 15-17 DP1172228 from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size from 100 hectares to 20 hectares subject to the Opinion issued by Parliamentary Counsel.**

Executive summary

At Council's 17 March 2021 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. The Planning Proposal relates to 705 Springfield Lane, Gulgong NSW 2852 identified as Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, and Lots 15-17 DP 1172228 and proposes to rezone the land from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 100 hectares to 12 hectares.

A Gateway Determination was then sought in relation to the amended Planning Proposal. A conditional Gateway Determination was granted on 18 May 2021. A copy of the Gateway Determination is provided as Attachment 1.

Condition 1 of the Gateway Determination required that prior to the commencement of community consultation a revised Planning Proposal be resubmitted to DPIE that addresses potential contamination to demonstrate that the subject land is suitable or can be made suitable for the proposed large lot residential use. A revised Planning Proposal which addressed this requirement was subsequently submitted and approved by DPIE – Western Region on 11 August 2021. A copy of the amended Planning Proposal document is available in Attachment 2 and a copy of the approval by DPIE is available in Attachment 3.

The Planning Proposal was placed on public exhibition on Friday 27 August 2021 and concluded Friday 10 September 2021 in accordance with Council's Community Participation Plan 2019 and Gateway Determination condition 2. No submissions were received.

The Planning Proposal was referred to Transport for NSW (TfNSW) in accordance with Gateway Determination condition 3. A response from TfNSW was received on 15 September 2021, a copy of this response is provided as Attachment 4.

The Planning Proposal was also referred to the Department of Planning, Industry and Environment – Environment, Energy and Science in accordance with Gateway Determination condition 3. No comments were received.

The purpose of this report is to provide Council with a post exhibition report and to seek Council’s approval to exercise its delegation in finalising the Planning Proposal.

Disclosure of Interest

Nil.

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPIE has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPIE’s A Guide to Preparing Local Environmental Plans.

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan 2012 and the progress of the current Planning Proposal through the various stages.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	October 2020
Staff Undertake Initial Assessment	✓	October 2020 - February 2021
Council Decision to Support Proposal	✓	Planning Proposal reported to 17 March 2021 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination	✓	12 April 2021
DPIE Issues Gateway Determination	✓	18 May 2021
Gateway Conditions Satisfied	✓	Condition 1 required that a revised Planning Proposal be resubmitted to address potential contamination. A revised Planning Proposal was submitted and approved by DPIE on 11 August 2021 (provided in Attachment 2 and 3) and placed on public exhibition.
Consultation		
Consultation with Relevant Agencies	✓	Agency consultation with: - Department of Planning, Industry and Environment – Environment, Energy and Science; and

		- Transport for NSW.
Public Exhibition	✓	20 August 2021 – 10 September 2021.
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 13 October 2021 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

GATEWAY DETERMINATION

A conditional Gateway Determination was received on 18 May 2021 and included seven standard conditions.

CONSULTATION

Community Consultation

Condition 2 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 14 days. The community consultation was undertaken in accordance with DPIE A Guide to Preparing Local Environmental Plans. No submissions were received.

Agency Consultation

Department of Planning, Industry and Environment – Environment, Energy and Science

The Department of Planning, Industry and Environment – Environment, Energy and Science was consulted with in accordance with Gateway Determination condition 3. No comments have been received.

Transport for NSW

Transport for NSW (TfNSW) was consulted with in accordance with Gateway Determination condition 3. The submission is provided in Attachment 4. The submission provided advice in relation to requirements for future subdivision applications and noted that TfNSW is unlikely to support direct access from individual properties to the Castlereagh Highway. It should be noted that no new accesses are proposed from the Highway for future dwellings given there are alternative street frontages available. In addition, any future development applications for subdivision will be required to consider Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 to ensure that the safety, efficiency and ongoing operation of the Highway will not be adversely affected as a result of the development.

FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed with the finalisation of the Planning Proposal. This will involve drafting LEP provisions.

Draft LEP

Included, as part of the Gateway Determination is a written Authorisation to Exercise Delegation of the Minister's functions under Section 3.36 (previously Section 59) of the *Environmental Planning and Assessment Act 1979*. The documentation will be forwarded to the Office of Parliamentary Counsel to draft the amendment to the LEP and seek an Opinion that the plan may be made. A

copy of the request will be forwarded to DPIE – Western Region. Following the receipt of the Opinion, a request that the LEP amendment be notified will be made.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Strategic implications

Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.
Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

Council Policies

The steps involved towards the notification of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Local Environmental Plan 2012*.

Financial implications

Nil.

Associated Risks

If Council does not wish to proceed with finalisation of the Planning Proposal, it can withdraw its support at this stage in the Gateway Process. Council would be required to formally resolve not to proceed with the Planning Proposal and advise the various landowners and DPIE accordingly.

SARAH HOPKINS
TOWN PLANNER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

20 September 2021

- Attachments:**
1. Gateway Determination dated 18 May 2021. (separately attached)
 2. Amended Planning Proposal. (separately attached)
 3. Approval by DPIE to proceed to community consultation. (separately attached)
 4. Transport for NSW response. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER