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PLANNING PROPOSAL

REZONING OF LOTS IN THE RU1 ZONE TO E4 TO ALLOW FOR RURAL LIFESTYLE LOTS

Grand Junction Pty Ltd
Low Darling Road
POMONA NSW 2648

SEPTEMBER 2013
(AS AMENDED NOVEMBER 2015)

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Part 1 - Objectives or Intended Outcomes

The purpose of this planning proposal is to:

- enable dwellings on lot sizes of a minimum of 5 to 10 hectares in two locations adjacent to the irrigation district of Pomona; and
- relinquish existing rural lot dwelling approvals and entitlements based upon lot history on the other Grand Junction lots, so no additional dwellings are created but the dwellings are consolidated into a smaller area.

The Planning Proposal and related consolidation of rural dwellings into a smaller area will result in benefits such as:

- Less clearing of native vegetation;
- Effluent from shearing shed moved away from the Darling River;
- Economic development to help make the village of Pomona and town of Wentworth sustainable;
- Additional ratepayers for Wentworth Shire;
- Lower cost of infrastructure provision to rural dwellings; and
- Create appealing lots, which will attract people to live in the Wentworth/Pomona area.

The Planning Proposal is broken into two sites, South Pomona and North Pomona, both adjacent to the existing rural residential community of Pomona. Dwelling approvals exist already for these sites so the effect of the Planning Proposal is to see rural dwellings currently allowed over an area of 4,997 ha consolidated into a much smaller area of 490 ha that is already being developed for purposes of rural dwellings.

The lots to be developed are a part of Grand Junction Station owned by Grand Junction Pty Ltd and are within the Wentworth Shire Local Government area.

Part 2 - Explanation of Provisions

Amend Wentworth Shire Local Environment Plan 2011 as follows:

- Insert E4 Environmental Living Zone with Land Use Table as follows:

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Aquaculture; Environmental protection works; Extensive agriculture; Farm buildings; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Community Facilities; Dwelling houses; Eco Tourist Facilities; Environmental facilities; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Moorings; Plant nurseries; Recreation areas; Roadside stalls; Secondary dwellings; Water supply systems

4 Prohibited

Intensive livestock agriculture; Any other development not specified in item 2 or 3

- Zone Lot 2 DP134929, Lot 4 DP1015663, Lot 5 DP756964 and Lot 2 DP 1165816 to E4.
- Amend Wentworth LEP 2011 Lot Size Map – Sheet LSZ_002 to make Lot 2 DP134929 and Lot 4 DP1015663 10ha and Lot 2 DP 1165816 and Lot 5 DP756964 5ha minimum lot sizes.
- Amend CL4.2.B(4) by insertion of words “... or a development consent for the erection of a dwelling house on the land has been surrendered in accordance with the Act”.

The E4 Land Use Table is based upon the Standard Instrument Template and the Department of Planning Practice Note PN-002.

Both the South Pomona and North Pomona sites have Darling River frontage and adjoining bitumen road access as shown by the Location Map attached as Appendix A. There is an existing dwelling consent for each site and the South Pomona site also contains an existing house and agricultural infrastructure including a shearing shed and other sheds. The Pomona North lots adjoin the current Pomona Irrigation Trust Boundary.

Neither of the South Pomona or North Pomona sites are identified by the Wentworth LEP 2011 Flood Planning maps which are listed below and attached as Appendix G:

- Wentworth LEP 2011 Flood Planning Area Map River Front Building Line Map – Sheet CL1_002
- Wentworth LEP 2011 Flood Planning Area Map River Front Building Line Map – Sheet CL1_002C

Indeed in the 1956 Wentworth Flood the South Pomona site was used as a loading area for supplies into flood affected low areas of Pomona.

This amendment, in conjunction with the Wentworth Local Environmental Plan 2011, will make subdivision on the subject land into lots of minimum size of 5 to 10ha as per the proposed amended Lot Size Map attached as Appendix C with one rural dwelling on the subdivided lots permissible with consent. Pursuant to the Wentworth Local Environmental Plan 2011 any dwelling consents will need to comply with requirements for river setbacks, flood free access and effluent disposal imposed by the LEP to protect the environment.

Upon gazettal of the Planning Proposal Grand Junction Pty Ltd will surrender under S104A of the Act development Consents for dwellings upon the lots listed in Appendix H and provide a written undertaking to Council that it will withdraw or not make application for consents upon the lots listed in Appendix I. The effect of the Planning Proposal will be to reposition 49 dwellings that would otherwise be built over a much broader area. This is shown by Appendix E, *Comparison of the Current Developable Area and the Planning Proposal Area*.

If the Planning Proposal is approved it would have the effect of allowing the South Pomona and North Pomona lots to be subdivided into approximately 49 lots with potentially the same number of dwellings. Upon these existing four lots there are already two approved dwelling consents and one lot upon which Grand Junction intends to submit a development application for a rural dwelling if the Planning Proposal is not approved.

Part 3 - Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study or report. The applicant has *been seeking a change to the planning provisions to allow rural residential subdivision* of this land for many years. The consolidation of Grand Junction rural dwellings into the South Pomona and North Pomona sites was first suggested to Wentworth Shire Council in 2004, nine years ago. At that time the Grand Junction rural dwellings were not approved but now Grand Junction has since obtained numerous approvals for rural dwellings and has rural dwelling development applications pending which follow the same precedent as the approved rural dwellings.

In the process of preparing the Wentworth Local Environmental Plan 2011 Council proposed the South Pomona site and surrounding land be included in the 10 ha lot size map along with land in Ellerslie and Darling View. After representations to the Minister by other landowners the Ellerslie and Darling View land was subsequently included in the 10 ha lot size map.

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

Yes the Planning Proposal is the best way to achieve the intended outcomes. The lots within the South Pomona and North Pomona sites are currently zoned RU1 under the Wentworth Local Environmental Plan 2011, which zoning supports rural & agricultural practices but does contain restrictions on rural dwellings. The E4 zone is the most appropriate zone for lots of minimum size of 5 to 10 ha as it is intended to cater for rural lifestyle lots.

Relinquishment of current Development Consents ensures that the same number of dwellings can be constructed in a more sustainable way with less clearing of native vegetation and lower infrastructure requirements.

3. Is there a net community benefit?

It is considered that there will be a net benefit to the community. The Planning Proposal will benefit the community through better management of an area of the Grand Junction property.

Use of the South Pomona and North Pomona land for non-intensive sheep grazing is less viable due to the increased frequency of dog attacks from the Pomona area and small paddock size. Use of the sites for rural lifestyle lots will introduce up to \$14,000,000 of investment in the district and bring in 49 families to the area, which is a better use of the land.

The economy of the Wentworth and Pomona area is under significant stress and this Planning Proposal will help the economy of the local area to be viable and support existing infrastructure provision such as roads and the Pomona School.

The Planning Proposal will:

- Afford the Wentworth/Pomona community a growth opportunity by providing for future residential development;
- enhance the viability of existing local businesses and support future local business opportunities;
- generate additional rates;
- improve viability of the Pomona School;
- improve the viability of the Pomona/Silver City Highway Roadhouse;
- reduce the cost of infrastructure/asset provision and maintenance, which would be much lower having dwellings in close proximity to each other rather than being dispersed. For example the provision of roads, waste collection, power, telecommunications and transport services would be much more economical with the proposed subdivisions than what is otherwise permitted.
- allow the proposed allotments and dwelling sites to be much more attractive and marketable making it easier to attract new families and residents to the area who will potentially contribute to the viability and growth of the local community and economy; and
- promote community and social interaction rather than isolation.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The regional strategy notes that rural residential development can lead to land use conflict and the applicant has experienced problems with dog attacks. Because the Planning Proposal clusters the dwellings close to existing rural residential

development, it will not result in increased land use conflict with rural land to the west or south.

The Planning Proposal is inconsistent with the action of the regional strategy "Rural residential development should only be undertaken on the basis of an agreed local government settlement strategy" since no endorsed strategy exists. This inconsistency is not considered significant due to the location of the land adjoining an existing rural residential area and the fact that no increase in approved dwellings is proposed.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes

6. Is the proposal consistent with applicable state environmental planning policies?

Consistency with applicable State Environmental Planning Policies is indicated in the following table:

State Environmental Planning Policy	Consistency
SEPP (Rural Lands) 2008	The SEPP specifies rural planning principles and rural subdivision principles to be considered under s.117 (see below). The SEPP (cl. 10) lists a number of matters which must be considered before consent is granted to a subdivision or a dwelling. These matters relate to other land uses in the vicinity and do not raise any inconsistencies because adjoining land is rural residential.

7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Consistency with s.117 Directions is indicated in the following table.

s.117 Direction	Consistency
1.5 Rural Lands	This s.117 direction applies because the planning proposal will affect land within an existing rural zone. The planning proposal is generally consistent with the Rural Planning Principles of SEPP (Rural Lands) 2008: a) The current use of the land for grazing is neither productive nor economically sustainable; b) The proposal will have minimal impact on agriculture in the area c) The existing rural use of the land is of minor significance;

	d) The proposal will provide a good balance between the social, economic and environmental interests of the community e) The proposal avoids constrained areas and provides for the protection and ongoing management of land with important ecological values; f) The proposal provides additional rural lifestyle opportunities in a locality where this is already the predominant land use and where active rural residential communities are present; g) The proposal makes use of existing infrastructure and will have minimal demands for services because of its location; h) Consistency with the regional strategy is discussed above.
2.1 Environment Protection Zones	Consistent – the planning proposal includes provisions that facilitate the protection and conservation of the environmentally sensitive areas of the site.
2.3 Heritage Conservation	Inconsistent – The planning proposal does not contain specific conservation provisions. However there are no known heritage items affected by the proposal and any that did exist would be protected by existing planning instruments. The inconsistency is of minor significance.
2.4 Recreation Vehicle Areas	Consistent – the planning proposal will not enable the land to be developed for the purpose of a recreation vehicle area.
4.4 Planning for Bushfire Protection	Consistent - The subject land is not bushfire prone land.
5.1 Implementation of Regional Strategies	The Murray Regional Strategy is currently being drafted so compatibility cannot be assessed
6.1 Approval and Referral Requirements	Consistent – The planning proposal does not contain concurrence, consultation or referral provisions.
6.2 Reserving Land for Public Purpose	Consistent – the planning proposal does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	Consistent – The planning proposal imposes additional requirements in accordance with the relevant clause of the principle LEP.

Section C - Environmental, Social and Economic Impacts

The Planning Proposal will minimise rural land fragmentation – as per **Rural Subdivision Principles** (SEPP Section 8)

The Planning Proposal will minimise clearing of farming land due to smaller lot size clearing restrictions.

Removal of woolshed and stock holding yards from riverfront land will reduce large amounts of stock effluent from directly entering the river system.

8. Is there any likelihood that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this proposal?

No for the detailed reasons below.

Native vegetation

The Planning Proposal will reduce the amount of native vegetation cleared for the dwellings. The great majority of approved dwellings are on lots of over 40ha, which, pursuant to the Native Vegetation Act, allows clearing of up to 5ha per dwelling in the Western Division. The Planning Proposal would allow creation of lots under 40 ha with clearing entitlement for each lot required to be kept to the minimum required. In addition much of the South Pomona site has been previously cleared of native vegetation for rural infrastructure and irrigation as it has been used for these purposes for over one hundred years.

Threatened Species

No threatened species sightings have been recorded at the South and North Pomona sites and neither site is listed as a critical habitat. In addition no change of activity is proposed for the land, it will remain rural. The land is currently grazed with motor-bike, dog and vehicle access. The land has been grazed since 1844 and historic grazing by sheep and access by sheep dogs would have rendered land unsuitable for ground nesting birds. This suggests there will be no impacts on critical habitats or threatened species.

Riverine corridor

The vegetation corridor along the Darling River will not be affected by the planning proposal. The Wentworth LEP 2011 protects the riverine corridor by prohibiting dwelling development within 40 metres from the river and restrictions upon any development close to the river. Any dwellings to be constructed will need to comply with these prohibitions and restrictions. At present extensive sheep handling infrastructure including sheep yards are contained in the riverine corridor. If the Planning Proposal is approved the effluent load on the river will be very significantly reduced.

Flood liable land

As indicated earlier the sites contain land that suitable for dwelling envelopes that is outside the Shire's Flood Planning Area. Indicative access roads are located well above the 1/20 flood heights the Shire requires for access roads. Dwellings will need to be located well away from floodways in accordance with the Wentworth LEP 2011.

Cultural heritage

Excluding the riverine corridor there is no indication of items of cultural heritage in the South and North Pomona sites. Older red gum or black box trees, which may contain cultural markings, will not be altered in any way.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Any particular site specific constraints associated with the development of dwellings allowed by the rezoning would be addressed at the Development Application stage, when Council would consider Section 79C of the Environmental Planning and Assessment Act 1979.

Generally the sites are able to provide for future residential development without any adverse environmental impact subject to provision of effluent disposal reports to demonstrate that there will be no adverse impacts on surface or ground water. The use of 'Aerated Waste Water Treatment Systems' allows for recycling and reuse of water in a responsible and healthy manner.

The Planning Proposal consolidates the area to be developed from an area of 4,997 hectares to an area of 490 hectares, just 10% of the current developable area. Further the area of waterfront that can be developed under the Planning Proposal is reduced by 7.7 km. Given the 490 hectares to be developed is already in use and has approvals for housing, the net effect of the Planning Proposal is a significant reduction in environmental impacts.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal is likely to generate significant positive social and economic effects by making social and infrastructure services to the Pomona community more viable. Future residents would become part of the existing Pomona rural residential community. It is likely that school enrolments at the Pomona Primary School will increase and this will ensure the viability of that School.

The provision of large rural residential lots will offer an "in demand" rural lifestyle opportunity through wider housing choice. It will enhance existing and local business opportunity within the community.

The cost of infrastructure/asset provision and maintenance would be much less having dwellings in close proximity to each other rather than being dispersed. For example the provision of roads, waste collection, power, telecommunications and transport services would be much more economical with the proposed subdivisions than what is otherwise permitted.

The proposed allotments and dwelling sites would be much more attractive and marketable making it easier to attract new families and residents to the area who will potentially contribute to the viability and growth of the local

community and economy. The proposal would promote community and social interaction rather than isolation.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Yes. The subject land adjoins an existing rural residential area with adequate public infrastructure including telecom and power lines. The bitumen Low Darling/Pomona Road is adjacent to the South Pomona and North Pomona sites. It is intended to minimize access points to the Low Darling/Pomona Road to accord with RTA policy.

Grand Junction already has two approved water pumping stations and irrigation approvals and licenses which can be used to provide water to subdivided lots as Private Irrigation Districts.

Pomona School and the High School Bus service the area. Wentworth Shire operates garbage collection services in the area. It is believed that the Proposal will make provision of existing infrastructure in the area more viable.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The NSW Department of Environment and Climate Change (DECC) has previously suggested a reorganization of dwelling entitlements on Grand Junction would be preferential to scattered development. DECC has not yet been provided with the Planning Proposal.

The Department of Primary Industries has a policy of advocating against fragmentation of rural land. The Planning Proposal significantly reduces the fragmentation of rural land. The Department of Primary Industries has not yet been provided with the Planning Proposal.

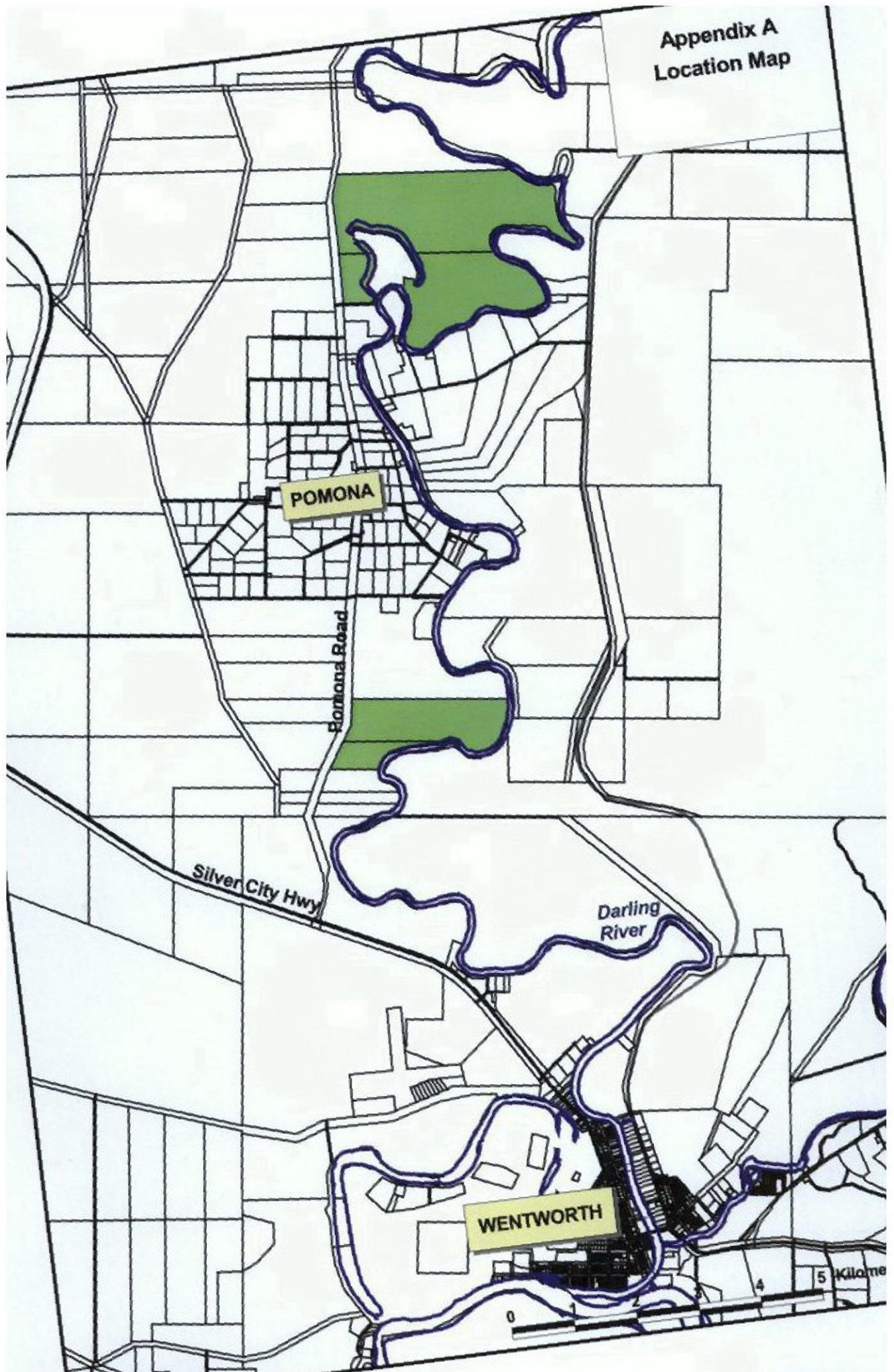
Part 4 – Community Consultation

Community consultation is proposed in accordance with Section 57 of the Environmental Planning and Assessment Act 1979.

A 14 day consultation period is considered appropriate as per the Gateway Determination.

Notification can be conducted by signage on site, local press notices and information on Wentworth Shire Council's website.

Appendix A
Location Map



Appendix B
Deposited Plan
Land Map

Lot 2
DP 134929

Lot 4
DP 1015663

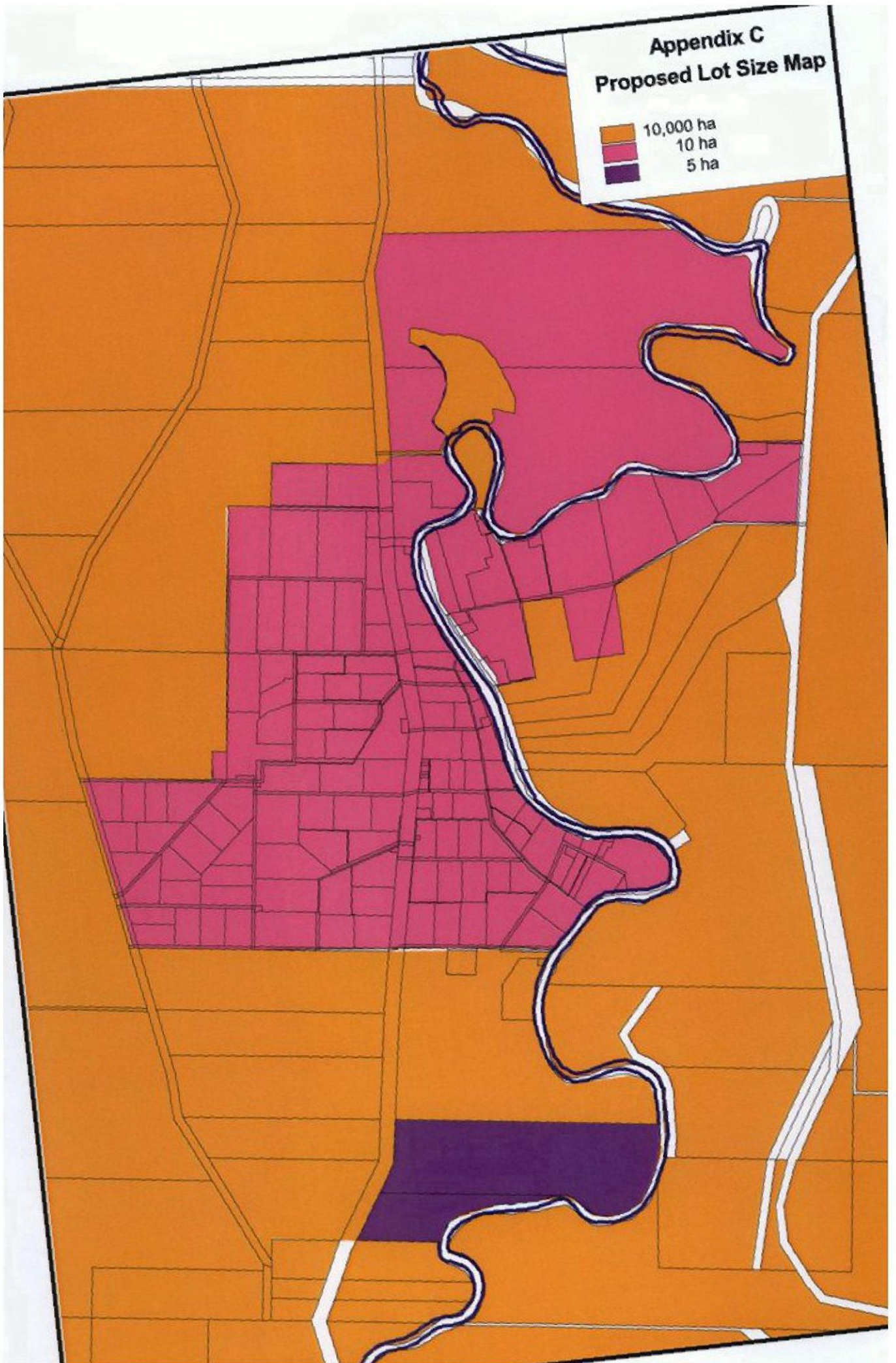
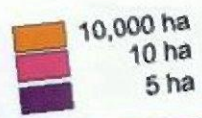
POMONA

Lot 5
DP 756964

Lot 2
DP 1165816

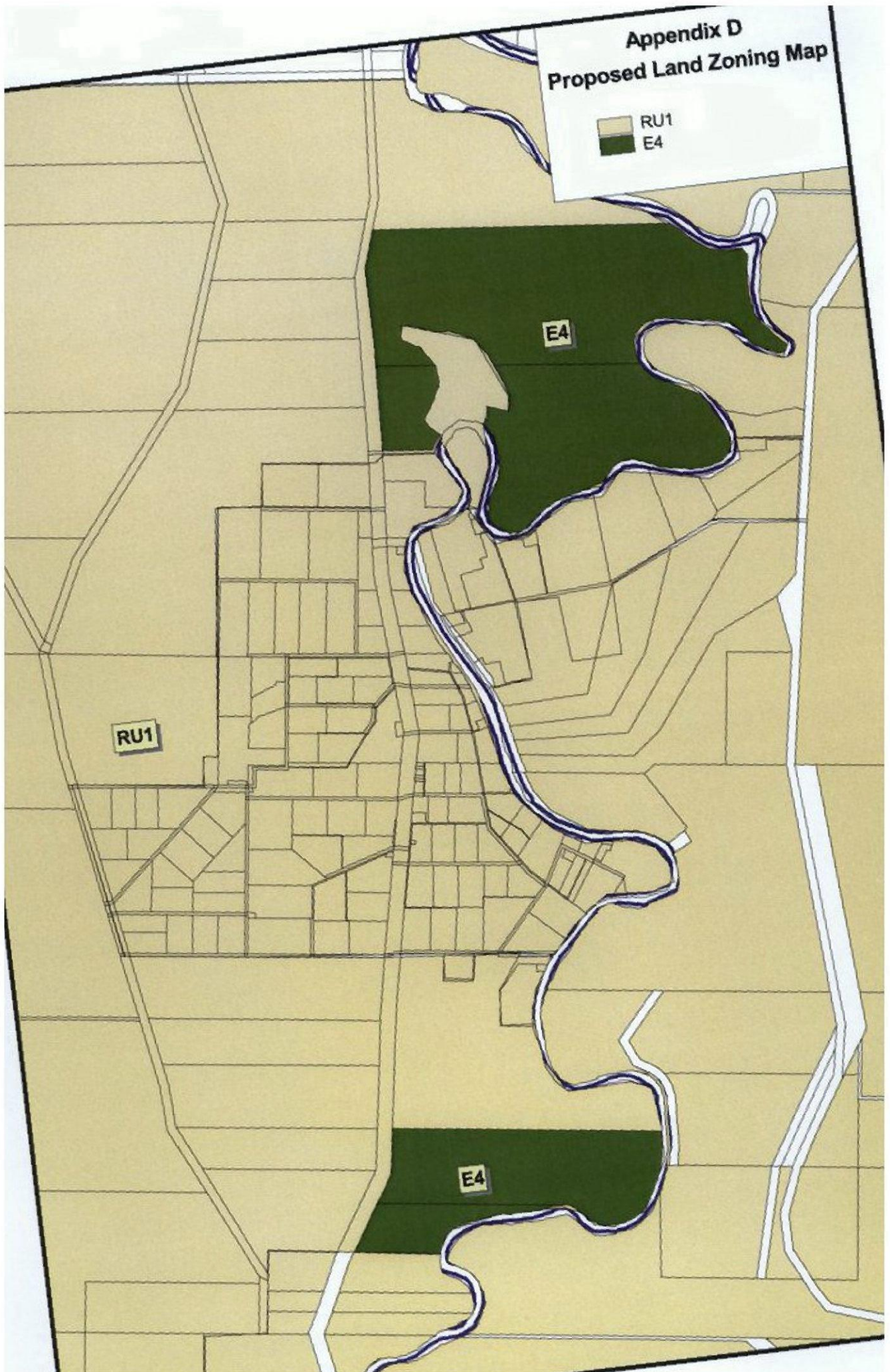


Appendix C Proposed Lot Size Map



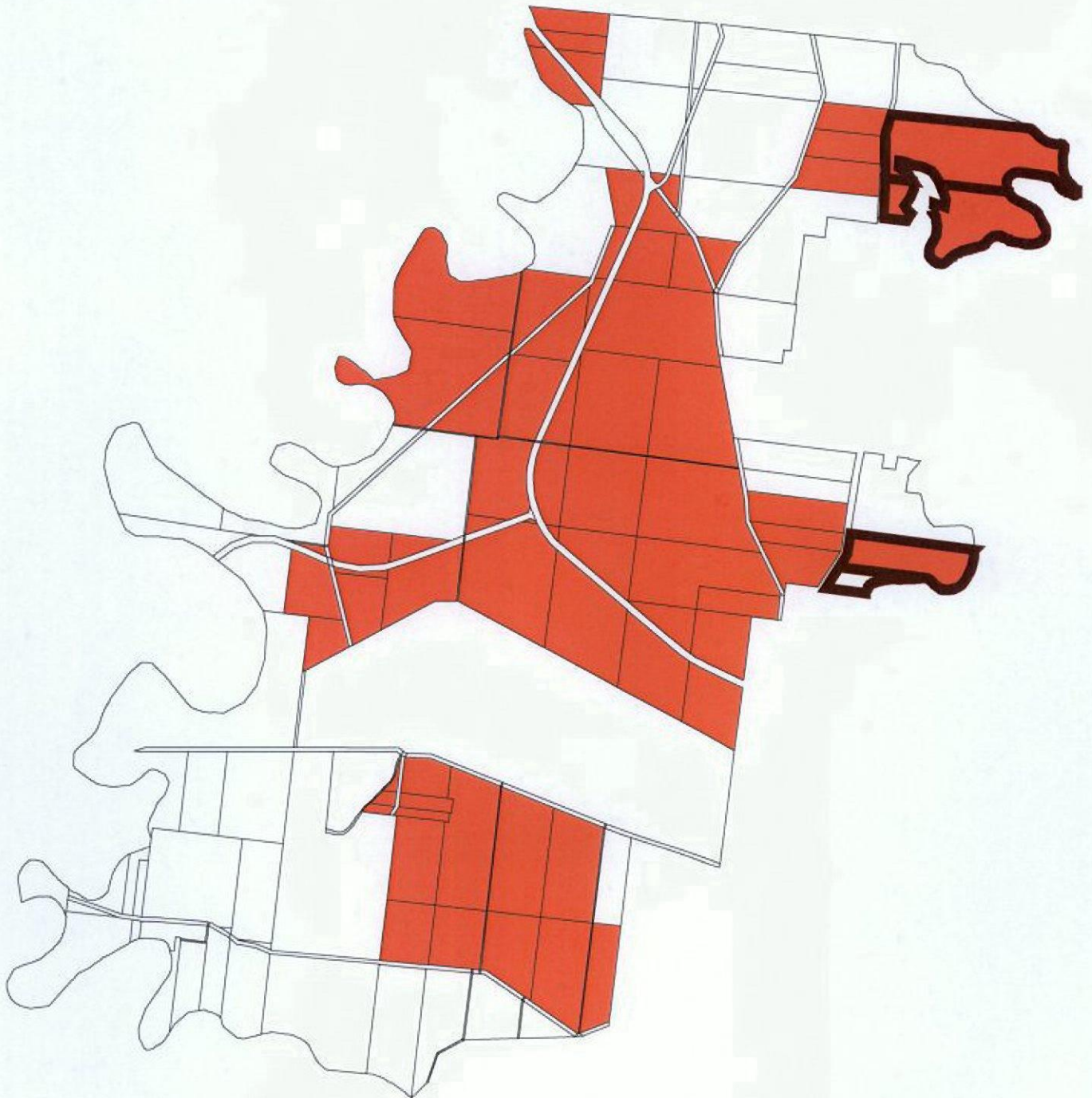
**Appendix D
Proposed Land Zoning Map**

 RU1
 E4



Appendix E
Comparison of Current
Developable Area and
Planning Proposal Area

-  Current Developable Area 4997ha
with circa 18.7 km waterfront
-  Planning Proposal Area to be developed 490ha
with circa 11km waterfront

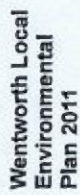
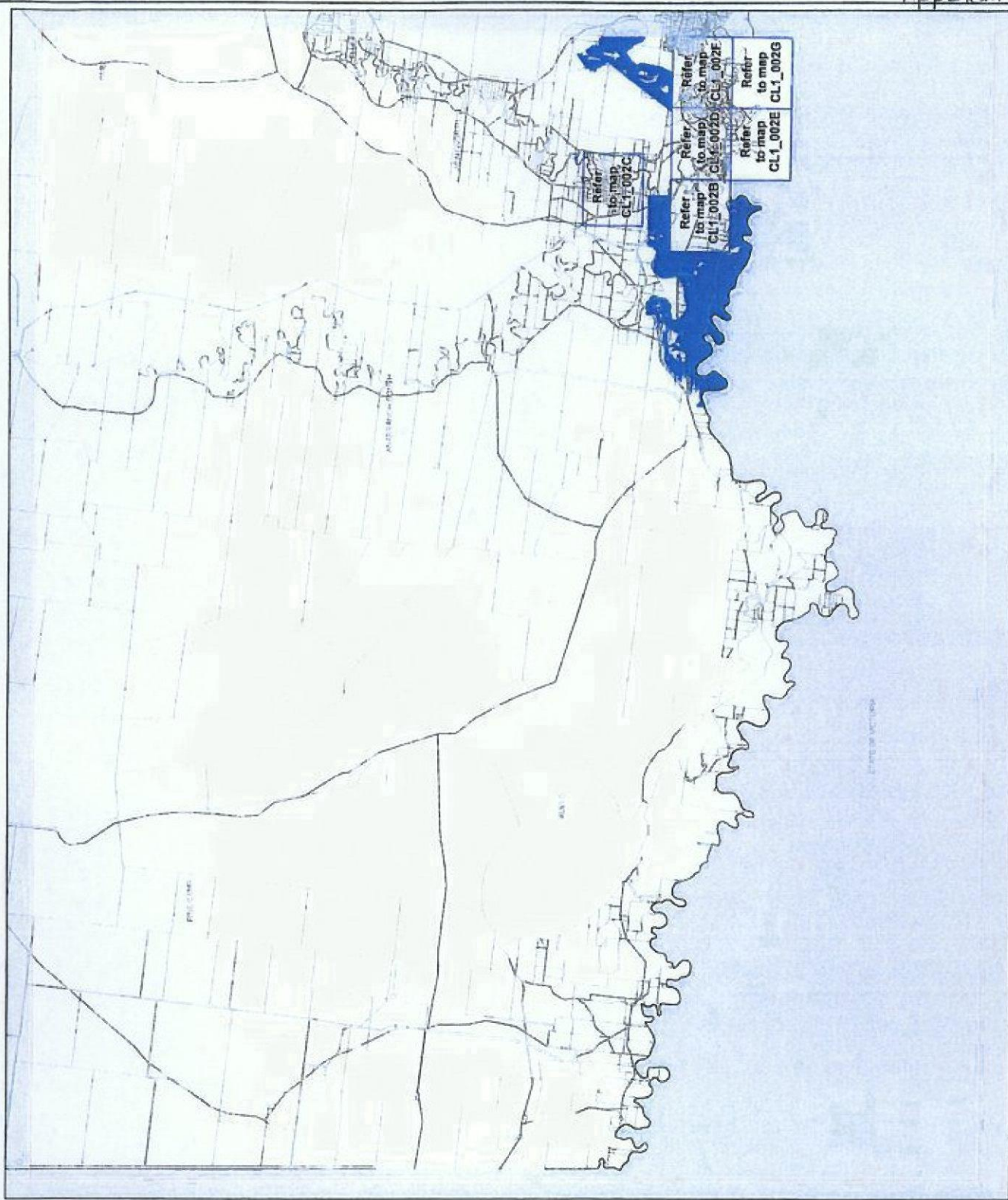


0 1 2 3 4 5 Kilometers



Appendix F
Indicative Subdivision Layout showing
how the Planning Proposal is consistent
with the existing Pomona lot sizes





**Flood Planning Area Map
River Front Building Line Map -
Sheet CL1_002**

- Flood Planning**
- Flood Planning Area
 - River Front Building Line
 - River Front Building Line (Indicative)

Cartography

Base data 06/12/2010 © Land and Property Information (LPI)



Scale 1:250,000 @ A3
 Prepared: 03/04/2011
 Date: 03/04/2011
 Map identifier number

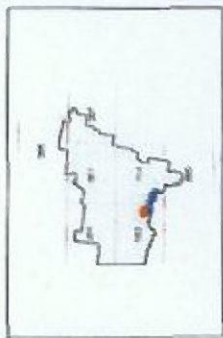
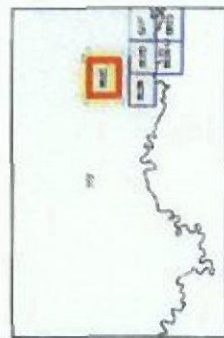
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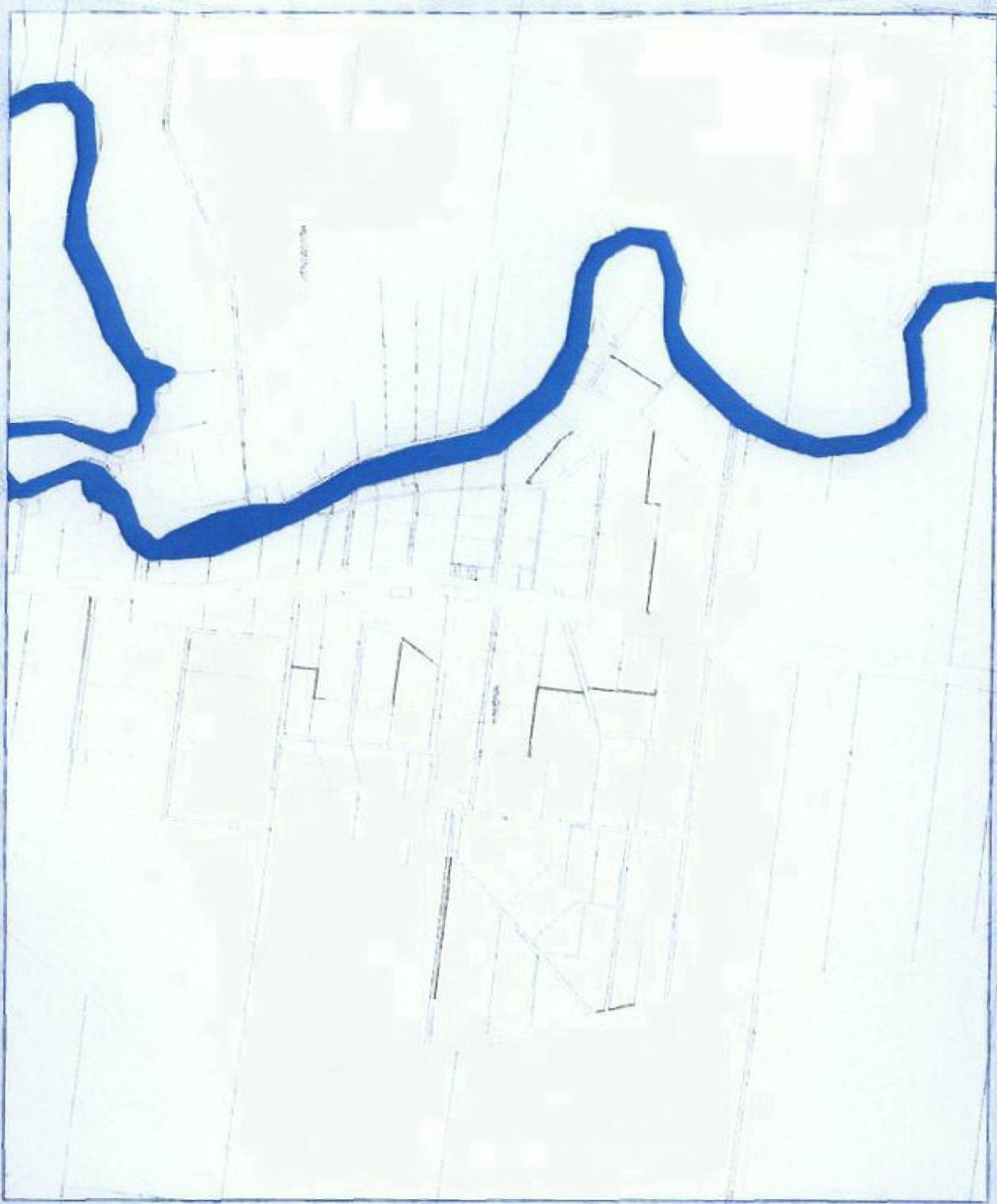
**Flood Planning Area Map
River Front Building Line Map -
Sheet CL1_002C**

- Flood Planning**
- Flood Planning Area
 - River Front Building Line
 - River Front Building Line (Provisional)

Scale
Based on 1:50,000 (Land and Property Information (LPI))



Scale
0 100 200 300 400 500 Metres
Scale 1:50,000 @ A3
Proposed 2011 Year
LPI Data 2.0
Map Information Number
002C_CL1_002C_002C_20110201



Appendix H

List of Lots where dwelling consents will be surrendered under S104A of the Act

LOT	DP	AREA_HA
30	756926	27
88	756964	36
27	756926	37
94	756964	38
68	756926	41
93	756964	51
43	756964	56
70	756926	58
31	756926	58
87	756964	60
62	756964	64
49	756964	65
82	756964	66
83	756964	69
86	756964	73
45	756926	74
77	756964	84
81	756964	92
5	756964	101
78	756964	113
32	756964	119
85	756964	120
75	756964	121
84	756964	140
76	756964	143
38	756964	144
26	756964	167
34	756964	168
33	756964	170
35	756964	190
31	756964	201
2	134929	217
40	756964	223
27	756964	265

Appendix I

List of Lots where landowner will provide a written undertaking to Council that it will withdraw or not make application for consents

LOT	DP	AREA_HA
46	756964	4
17	756964	16
74	756964	23
79	756964	38
55	756964	42
69	756926	45
10	735559	52
9	735559	67
42	756964	107
39	756964	140
4	1015663	146
45	756964	150
80	756964	151
37	756964	163
41	756964	202



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Appendix J

THREATENED SPECIES ASSESSMENT

**Lot 2 DP134929, Lot 4 DP1015663,
Lot 5 DP756964 and Lot 2 DP1165816**

**Prepared by Kathryn Baird, Bachelor Environmental Management
Planning & Environment Manager, Grand Junction Pty Ltd**



IS THE LAND PART OF A CRITICAL HABITAT?

Critical habitat in NSW is listed at:

<http://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm>
and clearly does not include the subject lot.

In fact there is no critical habitat listed in all of Wentworth Shire.

IS THE DEVELOPMENT “LIKELY TO SIGNIFICANTLY AFFECT A THREATENED SPECIES, POPULATION, OR ECOLOGICAL COMMUNITY, OR ITS HABITAT”?

WHAT THREATENED SPECIES SIGHTINGS HAVE BEEN RECORDED IN THE STUDY AREA?

The Study Area, areas affected by the proposal directly or indirectly, comprises the site of the development and that land within 100 metres of the rural dwelling site. According to the attached Australian Bioregions Map, it is located within the Murray Scroll Belt Subregion.

Threatened species relevant are listed on the Threatened Species website and sightings recorded on the NSW Government's BIONET website.

BIONET shows no threatened species sightings are recorded for the lot or for the Study Area.

While outside the Study Area, there have been some Threatened Species sightings in the Wentworth area and Murray Scroll Belt Subregion that are worthy of consideration. These are:

- a single sighting of the Freckled Duck (*Stictonetta naevosa*) in the Six Mile Creek area. These ducks live on waterways so no dwelling can be located in their habitat.
- a single sighting of the Blue-billed Duck (*Oxyura australis*) in the Six Mile Creek area. These ducks live on waterways so no dwelling can be located in their habitat.
- a single sighting of the Redthroat (*Pyrholaemus brunneus*), a ground nesting bird, near the Wentworth township.

The Study Area is located approximately 12 kilometres from the duck siting area and 6km from the Wentworth Redthroat sighting location. Both sightings are well away from the Study Area.

NATURE OF THE DEVELOPMENT

As the Planning Proposal involves a consolidation of existing dwelling rights and less vegetation is entitled to be cleared, there will not be a significant affect on threatened species.

In addition no change of activity is proposed for the land, it will remain rural. The land is currently grazed with motor-bike, dog and vehicle access. The land has been grazed since 1844 and historic grazing by sheep and access by sheep dogs would have rendered land unsuitable for ground nesting birds.



The only clearing to be undertaken will be for any house, access road and associated infrastructure. Such clearing is exempt from requiring consent pursuant to the Native Vegetation Act. As the Study Area is already cleared for housing and developed for agricultural purposes the effect of the Planning Proposal is to significantly reduce the amount of land developed.

STUDY AREA INSPECTION

An inspection of the Study Area shows that the vegetation is predominantly chenopod shrubland with River Red Gum and Black Box communities immediately adjacent to the River. No ground nesting bird nests suitable for Redthroat are located at or adjacent to the proposed development site.

There is no evidence of Threatened Species on the site of the development or within the Study Area.

CONCLUSION

I respectfully suggest it is very clear that the proposed development:

- Is not within a critical habitat
- Will not significantly affect a threatened species

Consequently I submit that the development does not trigger the requirements under Section 79B of the Environmental Planning and Assessment Act or require further review based on Threatened Species issues.