

Joint Regional Planning Panel Gateway Determination Review

The Western Joint Regional Planning Panel (JRPP) has considered the request for a review of the Gateway determination of the planning proposal as detailed below:

Date of Review:	Thursday 20 August 2013
Dept. Ref. No:	PP_2014_WENTW_001_00
LGA	Wentworth
LEP to be Amended:	Wentworth LEP 2011
Address / Location:	Lot 2 DP 134929, Lot 4 DP 1015663, Lot 5 DP 756964 and Lot 2 DP 1165861, Pomona
Proposal:	Wentworth Local Environmental Plan 2011 Amendment No 5 Proposed subdivision of two land holdings on the banks of the Darling River at North and South Pomona (490 hectares) into 49 rural lifestyle lots.

Reason for review:	☐	A determination has been made that the planning proposal should not proceed.
	☒	A determination has been made that the planning proposal should be resubmitted to the Gateway.
	☐	A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

In considering the request, the JRPP has reviewed all relevant information provided as well as the views and position of the department and the relevant local government authority. Based on this review the **JRPP recommends** the following:

RECOMMENDATION:	☐	The planning proposal should not proceed past Gateway.
		☐ no amendments are suggested to original determination. ☐ amendments are suggested to the original determination.
	☒	The planning proposal should proceed past Gateway in accordance with the original submission.
Composition of Recommendation:	☒ Unanimous ☐ Not unanimous	

JRPP Advice and Justification for Recommendation:

1. The Panel has considered the Department of Planning and Environment's briefing note, as well as the views of the Council and of the proponent, and has visited the site and its environs.
2. The Panel has been briefed by the Department of Planning and Environment's Southern Region Team, Wentworth Shire Council planning staff and the Applicant.

3. The Panel considered that there was sufficient planning merit for the site to be rezoned to E4 Environmental Living with a lot size of 5-10 hectares to facilitate development of the land for rural lifestyle development.
4. The Panel considers that the most appropriate zone for the land is E4 Environmental Living rather than R5 Large Lot Residential or RU4 Primary Production Small Lot zone. The Panel is of the view that the RU4 zone is a zone for land to be used primarily for commercial primary production. The R5 zone is an urban zone and rezoning of the land from rural to urban would be contrary to S117 Direction 4.3 Flood Prone Land. The E4 Zone reflects the primary purpose of the proposed subdivision which is for rural lifestyle purposes, however still permits agricultural activities to occur on the land. The E4 zone is not currently provided for in the Wentworth LEP, the Panel recommends that, should the planning proposal proceed, the land use provisions for the proposed E4 zone permit agricultural activities to continue on the land.
5. With regard to applicable local strategic planning, while Council has yet to finalise the rural strategy for the Shire, it is understood the strategy as drafted does not designate specific sites for rezoning. Notwithstanding this, the Panel considers that the proposed rezoning would be based on sound planning principles:
 - the two parcels of land proposed to be rezoned are in close proximity to the Village of Pomona and associated irrigation district. Intensification of land use in this locality would assist in halting a decline in population in the locality and help support community services, including the local primary school;
 - the proposed rezoning would not impact on land with a high agricultural value;
 - the proposed rezoning would not create a precedent as the site is not located in higher growth pressure areas of the Shire (such as Buronga and Gol Gol) but rather in an area of the Shire with declining population.
6. The Panel is satisfied that flooding risk associated with the site is manageable given that preparation timeframes for flood events are long (sometimes months) and the extent of the floodplain in this locality produces slow moving flood events. Historical information on flood events in the locality would indicate that house sites can be developed to appropriate flood planning levels. Council is in the process of undertaking flood mapping for the locality which will be completed prior to any specific dwelling sites being approved. The flood study will inform final dwelling locations that would be subject to future development applications.
7. The Panel recommends that Council:
 - finalise its rural strategy and include clear criteria for future rezoning of land to accommodate rural lifestyle development.
 - finalise its flood mapping for the locality prior to any future development applications being submitted for subdivision and dwellings to inform suitable building footprints
 - encourage the Applicant to enter into a Voluntary Planning Agreement to extinguish the 49 dwelling entitlements on other landholdings in the locality, as per the planning proposal submission

→ NOT IN LETTER

The Panel is of the unanimous view that there is strategic merit in the Planning Proposal being submitted for determination under section 56 of the *Environmental Planning and Assessment Act, 1979*.

Endorsed by



Gordon Kirby
Chair
Wester Joint Regional Planning Panel
2 September 2015