

WENTWORTH SHIRE COUNCIL



RURAL RESIDENTIAL STRATEGY



December 2007

INDEX

1.	INTRODUCTION.....	6
1.1	STUDY PURPOSE	6
1.2	STUDY BACKGROUND.....	6
1.3	DRAFT RURAL RESIDENTIAL STUDY	8
2.	STATUTORY FRAMEWORK.....	9
2.1	STATE ENVIRONMENTAL PLANNING POLICY	9
2.2	LOCAL ENVIRONMENTAL PLANNING POLICY.....	9
2.3	LEP TEMPLATE.....	9
2.3.1	Residential Zones	9
3.	RELATIONSHIP TO OTHER DOCUMENTS.....	10
3.1	MRCC RURAL RESIDENTIAL STUDY	10
3.2	PPK REGIONAL LAND USE STRATEGY: VOLUME 1 1998.....	11
3.3	MILDURA TRANSPORT PLAN FOR LONG TERM REGIONAL DEVELOPMENT MAY, 2005	12
4.	STUDY TASKS.....	14
4.1	STUDY TASKS.....	14
4.2	STUDY METHODOLOGY	15
5.	DEMAND ANALYSIS	16
5.1	SHIRE PROFILE AND CHARACTERISTICS	16
5.2	POPULATION GROWTH AND CHARACTERISTICS	16
5.3	BUILDING APPROVALS (2000 – 2005).....	17
5.4	SUBDIVISION APPROVALS (2000 – 2005).....	18
5.5	COMPARISON OF NUMBER OF RURAL RESIDENTIAL LOTS AND DWELLINGS.....	19
6.	RURAL LIVING OPPORTUNITIES IN THE RURAL ZONE.....	21
6.1	GENERAL COMMENTS IN RELATION TO SUBDIVISION IN THE RURAL ZONE.....	21
6.2	ECONOMIC SUSTAINABILITY STUDY OF MILDURA HORTICULTURE REGION FINAL REPORT 24 MARCH 2006.	22
6.3	MURRAY DARLING WATER MANAGEMENT ACTION PLAN	23
7.	DEMAND FORECASTS	24
7.1	IDENTIFICATION OF CONSTRAINTS AND OPPORTUNITIES.....	25
7.2	DEFINITION OF CONSTRAINTS	25
7.2.1	Flooding	25
7.2.2	Land Capability.....	26
7.2.3	Agricultural suitability	26
7.2.4	Aboriginal Archaeology.....	26
7.2.5	Ecological Assessment.....	26
7.3	LOT SIZES	26
7.3.1	Servicing Requirements.....	26
7.3.2	Nominated Candidate Areas.....	27
8.	DEVELOPMENT STRATEGY	28
8.1	Approach.....	2

8.2	STRATEGY OUTLINE	28
8.2.1	Principles	28
8.2.2	Candidate area selection process:	29
8.2.3	Candidate area identification	29
8.2.4	Staging	29
8.2.5	Conclusion	33
9.	RECOMMENDED CHANGES TO THE EXISTING STATUTORY PROVISIONS.....	34
9.1	ISSUES FOR FURTHER CONSIDERATION	34
9.2	RECOMMENDATION FOR COUNCIL RESOLUTION	34
10.	MONITORING AND REVIEW.....	35
10.1	PROCESS REQUIREMENTS	35
10.2	COUNCIL COMMITMENT	35
10.3	TIMING.....	35
11.	IMPLEMENTATION PLAN	35
11.1	INITIAL AMENDMENT TO THE WENTWORTH LEP 1993.	35
11.2	DEVELOPMENT CONTROL PLAN.....	36
11.3	REZONING APPLICATIONS	36
12.	FINANCIAL CONSIDERATIONS	37
12.1	DEVELOPMENT COSTS	37
12.2	ROADS	37
12.3	COMMUNITY FACILITIES AND SERVICES	37
12.4	SEWERAGE AND WATER SUPPLY	38
12.5	EFFLUENT DISPOSAL SYSTEMS	38
12.6	BUSHFIRE SERVICES	38
12.7	COMMUNITY TITLE DEVELOPMENT	39
13.	COST RECOVERY PROGRAM.....	39
	RURAL RESIDENTIAL DEVELOPMENT SUMMARY	40
	DARETON	40
	COOMEALLA	40
	CURLWAA	40
	MOURQUONG	40
APPENDICES		
Appendix 1		
Short Term Investigation Sites		
-Property description		
-Current Zone		
Medium Term Investigation Sites		
Long Term Investigation Sites		

EXECUTIVE SUMMARY

- The purpose of this study is to assess the provision of rural residential lots within the Shire in order to determine if there is a need to rezone more land for rural residential development. For the purpose of this study, rural residential lots are defined as those between 0.4 and 5ha that are primarily for residential use. The study further highlights a need to distinguish between a planned, low density estate (say, up to 4000m² lot sizes) and a rural small holding (between 2ha and up to 5ha).
- The strategy is not seeking to promote new development beyond the 2ha size, however the strategy will acknowledge the existence of existing lots (up to 5ha) that are currently zoned as rural small holdings 1 (c), so that any existing development opportunities are not removed as a result of this strategy.
- Sales figures held by Wentworth Shire Council indicate equally robust demand for lots up to 5000m² and up to 5 hectares.
- On average, there are approximately 58 building approvals issued annually for the period between 2000 and 2005, and for the same period, 97 rural residential lots were created in the rural 1 (c) zone (68 lots), and the rural 1 (a) zone (29 lots) respectively. This represents 20.4% of all building approvals were for 'rural residential' lots.
- There are currently 9 areas within the Shire that are zoned rural 1 (c), amounting to 317.26 hectares of land. Of this, approximately 206.64 hectares of land has already been developed. Of the remaining 110.62 it is considered that only 21.96ha is suitable and available for rural residential development in the short to medium term. It has been estimated that this 21.96 hectares has the capacity to yield approximately 54 low density lots. This represents approximately a 3.5 to 4 year supply of rural residential lots.
- The key issues affecting the future provision of rural residential land within the Shire include:
 - Managing environmentally sensitive areas such as river frontage and floodplain areas.
 - Western lands Lease.
 - Meeting demand for rural residential living through planned low density estates, as opposed to the excision of land parcels from larger rural holdings.
- Future demand for low density lots is estimated to be 17 lots per annum, for the period 2006/7-2016 (170 lots over the next 10 years).
- 116 lot shortfall x 0.4 ha = 46.4ha PLUS 10% of land budget for provision of roads and services (4.64) = 51.04 ha, say 51 ha is required to be rezoned to accommodate the projected 10 year rural residential demand within the Shire.
- The review of 2 outstanding rezoning requests within the parameters of this study indicate that both requests should proceed, in chorus with the strategy

and subsequent request to the Minister for rezoning. This relates to the land in north east Wentworth, with river frontage.

- Councils' objectives in preparing this strategy are:
 - To promote a choice of location for rural residential development at convenient locations within the Shire.
 - To ensure rural residential development does not prejudice urban growth needs.
 - To ensure that agricultural land is not adversely affected.
 - To ensure rural residential development occurs in a manner that maximises existing community infrastructure and services.
 - To conserve and protect the natural environment hazards.
 - To provide an appropriate form of land management consistent with economically and environmentally sustainable practices.
 - To identify a suitable phasing of land release for residential development.

1. INTRODUCTION

1.1 Study Purpose

The purpose of this study is to undertake a comprehensive review and assessment of the provision of rural residential land within the Shire and to determine whether there is a need to rezone any land for rural residential purposes and if so, the parameters for providing such land, including the need for rezoning.

To assist in the issue of whether or not there is indeed additional land required for rural residential, Council has undertaken a detailed supply and demand analysis, which has been based on trends on building approvals and land monitors (subdivision approvals).

The former Department of Urban Affairs and Planning in 2001 published a *“A guide for councils west of the Great Divide on preparing a rural residential strategies”*, that is presently used as a tool for the preparation and presentation of a rural settlements strategy.

Whilst not prescriptive, the guide offers a sound basis by which to ensure that all relevant information has been collected and collated satisfactorily. This study gives regard to the guidelines and follows a logical analysis of the issues for the Shire, including a supply and demand study, which underpins the final recommendations.

1.2 Study Background

The development of local planning controls within the Wentworth Shire commenced in 1978. The gazettal of the current Wentworth Local Environmental Plan was in May 1993 and there has been no significant review of the LEP since that time.

The LEP was based on the findings of a Local Environmental Study that identified ‘township growth’ in the context of defined land use strategies and actions. These are the only verified actions for township growth within the region and despite them, development has continued within the areas identified for urban investigation and have included spot rezoning amendments for residential development.

This process has caused an unclear direction for future land use zonings and provides little strategic overview of best land use options and land use mix.

Council is also aware that the current operation of the LEP and other development controls are not meeting the community’s expectations or representing current planning practices as identified in the recent Buronga Gol Gol Structure Plan Report Stage 1:

- *“The zonings do not embrace any current vision statements or strategic directions.*
- *The broad nature of the zonings require support from other types of planning controls including DCP’s, servicing plans or locality plans not currently in operation.*
- *There is no differentiation between the types of current and future residential development areas – i.e. high, medium or low density areas. Future urban infill options have not been identified under the current LEP.*

- *Current and future commercial, retail, community and industrial activity centres are not separately identified.*
- *Future strategic industrial expansion has not been clearly identified.*
- *Future open space and recreational areas are not identified.*
- *Any future infrastructure changes have not been accommodated.*
- *There is no method of staging of development and the release of residential industrial or commercial land.*
- *Land use buffers have not been implemented within new development within the study area.”*

Furthermore, the local communities within the Shire, namely Buronga/Gol Gol, Dareton, Pooncarie, and Wentworth have developed local vision statements, which include planning principles for the improved structure of the community. Particular issues have been identified Shire wide as follows:

- *all communities stressed that planning and development processes in the Shire are not adequate;*
- *there is an urgent need to overcome current impediments to planning and development;*
- *local urban and industrial development needs to be managed and promoted to ensure the best outcomes;*
- *long-term zoning and planning is urgently required;*
- *the area requires a positive and managed approach (policy) to encourage economic development, enterprise development and local investment;*
- *the Social Plan needs to become a functional and living document;*
- *there is a need for an economic development policy and strategies to manage development and maximise benefits for the Shire.*

Whilst the above items will not be addressed as part of this study, it is important to be reminded that the community have already been consulted on planning matters and have voiced their concern about the lack of strategic framework for this Shire.

The Buronga Gol Gol Structure Plan has been adopted by Council and focuses on the future supply of residential land, however also provides a springboard for this study. This particular study opened up discussion and attention on the importance of land use planning including the need for 'designing in' various housing options that are logical and deal with potential land use conflicts arising from the function of intensive agriculture. This matter is considered in detail later in the report.

Another impetus for this strategy relates to changes within the planning system. The NSW government has embarked on a major overhaul of the planning system and has reviewed the way in which statutory and strategic plan making is undertaken. The Minister for Planning is requiring all Councils to adopt an LEP template with the view

to streamlining the planning system and providing developers and other users of the system more confidence and willingness to invest in NSW.

Wentworth Shire is required to prepare a new LEP within the next three years and as part of the review process, Council has committed to the study of rural 1 (c) land as an integral part of moving forward strategically.

Such development needs to be sensitively located to minimise both environmental and agricultural impacts and be located within close proximity to the existing services areas/town centres.

There is no specific definition for rural residential housing and part of this study reveals the typical lot sizes in demand. Typically, low density development involves lots ranging from 5000m² to 2 hectare, whereas rural residential development involves somewhere in the order of 2-5 hectares.

Rural residential lots can be larger and incorporate hobby farms and associated development. Irrespective of size, the principle purpose of rural residential, hobby farms and low density residential development is to provide residential opportunities and ancillary uses on larger lots, close to urban areas.

1.3 Draft Rural Residential Study

Council acknowledged the need to conduct a 1 (c) strategy in October 1997 and issued a draft paper for discussion. Essentially, the paper was an inventory of existing 1 (c) land, totalling 268.069 ha. The motivation for the paper appeared to be fuelled by two particular rezoning requests.

Even at that time, the then Department of Urban Affairs and Planning raised concern for the approach of Council to meeting demand for rural residential development within the Shire.

In a letter dated 20 June, 1997 to the then General Manager, Mr David McMillan, the Regional Planning Manager (DUAP) stated:

“Existing rural residential zones in your Shire are not fully developed – they have many years capacity remaining and no new zonings are needed. Similarly, rural residential development should be developed close to existing centres, rather than 20 kilometres from them, to minimise transport and service costs.”

The report was never developed or continued and since 1997, Council has continued to receive rezoning requests for 1 (c) land and has continued to receive similar advice from the Department as follows:

“... the Department is of the view that the rezoning sought in this instance should be considered as part of the broader planning work Council intends to undertake shortly. The development of a structure plan will give both Council and the Department much more certainty regarding the long-term development of the area and provide clear logic for future rezoning requests by Council. It would not be appropriate to potentially compromise this imminent work by allowing spot rezoning to occur in the meantime”.

2. STATUTORY FRAMEWORK

2.1 State Environmental Planning Policy

There are no specific state policies that relate directly to the use or development of rural 1 (c) land. SEPP 15 (Multiple Occupancy of Rural Land) offers a very narrow and defined opportunity for rural residential living which is not presently evident in the Shire. It deals with the erection of multiple dwellings on a single allotment and the sharing of facilities and resources to collectively manage the allotment.

2.2 Local Environmental Planning Policy

Council's current LEP makes provision for rural residential lots via the 1(c) Zone – Rural Small Holdings. Whilst it remains operational, Council is required to adopt the standard LEP template which dictates the suite of zonings that can be applied in the new LEP. As this strategy forms part of the LEP re write, this strategy has considered the 'new' zonings to be applied.

2.3 LEP Template

The Standard Instrument (Local Environmental Plans) Order was gazetted on 31 March 2006. The Order prescribes a standard form and content of a principal local environmental plan (LEP) for the purposes of section 33A of the Environmental Planning and Assessment Act 1979 (the Act).

Following the gazettal, draft principal LEP's will be required to be prepared in accordance with the standard instrument and incorporate the relevant mandatory provisions before they can be publicly exhibited or recommended for gazettal.

The following land use zone is relevant in the consideration of this strategy:

2.3.1 Residential Zones

2.3.1.1 Zone R5 Large Lot Residential

Objectives of the zone:

- *To provide residential housing in a rural setting while preserving environmentally sensitive locations and scenic quality.*
- *To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future*
- *To ensure that development within the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within the zone and adjoining zones.*

Other provisos within the LEP template relevant to the strategy are:

2.3.1.2 Clause 15 Subdivision – consent requirements (this is a compulsory clause)

In part,

- (1) *Land to which this Plan applies may be subdivided, but only with consent.*

2.3.1.3 Part 4 - Principal Development standards

Clause 19 – Minimum subdivision lot size (optional)

- (1) This clause applies to subdivision of any land shown on the Lot Size Map that requires consent and that is carried out after the commencement of this Plan.
- (2) The size of any lot resulting from any such subdivision of land is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

2.3.1.4 Zone RU 4 Rural Zone

Objectives of the zone:

- To enable small scale sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonably increase the demand for public services or facilities.
- To minimise conflict between land uses within the zone and adjoining zones.

3. RELATIONSHIP TO OTHER DOCUMENTS

3.1 MRCC Rural Residential Study

In March, 2001 Mildura Rural City Council commissioned a rural residential study to assess and review the provisions of rural residential lots within the Shire and to determine if there was a need to rezone more land for low density residential development. The study was undertaken over a three-year period and resulted in recommendations to a ministerial panel that was endorsed and gazetted on 21 July 2005. The result of the study has enabled Mildura Rural City Council to rezone **92.3 hectares** of land to low density residential (LDRZ), which is similar to the rural 1 (c) zone in NSW.

At the commencement of the Mildura study, the consultant's liaised with officers of Wentworth Shire Council and several estate agents to determine what relationship, if any, there was between demand in Mildura and demand in Wentworth.

The following observations were made:

- *“Representatives of the local development and real estate industry indicated that the sole reason an existing resident of Mildura Rural City Council would consider buying a rural residential property in Wentworth was to secure a water front property. Lots at Gol Gol, with frontage to the Murray River are sought after however it is understood that the last vacant water front property*

was recently sold. In any event, the price range of such properties results in their being a very limited market for such sites.

- *The River Bend estate provides only a limited opportunity to gain water front access and are therefore not providing a competing force within Mildura markets. It is understood that the lots on this estate are located on high bank that overlooks the river without providing direct access. Stages 1 and 2 of this estate (22 lots in total) are all sold. Stage 3 has 18 lots of which 16 are still available after being on the market for over 12 months.*
- *The unanimous opinion of all persons interviewed that the supply of rural residential properties in the Wentworth Shire has little, if any impact on, the current supply of rural residential properties in the Victorian (Mildura) market. The only factor that could foreseeably change this opinion was if a large, (say 20 hectare) river front estate similar to the up market estate in Gol Gol was to be released onto the market. This is unlikely to occur.*
- *Wentworth Shire is about to embark on a review of their planning scheme. It is understood that the issue of rural residential land is likely to be thoroughly examined.”*

KPR Pty Ltd & OPA Pty Ltd (2001), page 36.

3.2 PPK Regional Land Use Strategy: Volume 1 1998

This document was prepared as a collaborative approach between Mildura Rural City Council and Wentworth Shire Council which provided a direction for future development taking into account the Region's requirements for economic, social, and environmental sustainability. The major objectives of the regional land use strategy are:

- Develop a regional land use strategy upon which the future horticultural, agricultural, industrial and urban development of the area can be planned into the 21st century.
- Ensure issues critical to the sustainability of horticulture are fully incorporated in the strategy and that initiatives developed for areas outside of the irrigated agricultural zone do not compromise that sustainability.
- Ensure that the natural environment is protected.
- Develop strategies for meeting the range of residential needs for the Region.
- Facilitate a common planning strategy across state and Local Government boundaries.

The vision created to support the Regional Land Use Strategy is:

***“By the year 2015, the Region will have continued to grow as one of Australia’s leading regional centres based on a strong agricultural industry where both urban and rural development have occurred in a coordinated fashion to achieve social, economic and environmentally sustainable outcomes.*”**

Priorities for the Region will include the need to: promote growth; effectively manage development, agricultural activity and resources; protect the environment cater for existing and future community needs; and promote the Region as a safe and prosperous area to live, work and visit."

Importantly, the strategy detailed issues in relation to housing options and diversity (among others) and the importance of urban consolidation measures were considered as follows:

"By promoting urban consolidation in the form of small lots, multi unit developments, dependent relative units and the redevelopment of existing urban areas, the opportunities exist to curtail urban growth and the loss of prime agricultural land."

The strategies identified within the documents include:

To provide residential opportunities in those areas, which can be readily and cost effectively serviced:

Action:

- *Encourage rural residential and low density residential development in Wentworth in order to stimulate some development in or around these locations and satisfy market demand through the provision of low density housing opportunities.*

To protect high quality agricultural areas from intrusive residential development:

Actions:

- *Avoid the establishment of residential pockets/zones in prime horticultural areas.*
- *Discourage rural residential, low density residential and hobby farm development in high quality agricultural areas.*
- *Promote urban consolidation initiatives.*

3.2 Mildura Transport Plan for Long Term Regional Development May, 2005

This report (prepared by GHD) was commissioned by the Mildura Rural City Council to [provide a broad economic feasibility and cost benefit study following the outline given in the Mildura Transport Strategy Paper August 2004.

Mildura Rural City Council recently completed a major planning scheme amendment (C 28), which considered long term development of the Mildura City and surrounding region. In part, the amendment considers the future of industry within the region and in particular its relevance to freight and logistics. The amendment has effectively opened the door for the creation of a major inter modal freight gate and industrial park at Thurla.

“Removal of the rail line from the central city would have a significant economic, environmental and social advantages. It would also allow the full implementation of the Mildura Riverfront Masterplan opening up the city to the river.

Rerouting the Sturt Highway around the city on a reconfigured Meridian Road, with a new bridge over the Murray River near Monak would provide further benefits and a direct road connection to Thurla without transit via the city.

A northern rail connection from Yelta to the transcontinental line at Sayers Lake would open up new combinations of freight paths, particularly important in view of current mineral sands mining by both BeMax and Iluka.”

Reference: GHD, Mildura Transport Plan, Long term Regional Development May 2005, page 1.

Then strategy includes four key stages for the implementation, which avoids the excessive intimal expenditure and allow a long term approach to be taken. If progressed, stage 2 would be the continuation of the Sturt highway deviation from the Calder Highway through to a new bridge over the Murray River and a connection to the existing NSW section of the Sturt Highway.

This third river crossing proposed near Monak, would relieve pressure off the existing George Chaffey Bridge in Mildura and would delay or negate the need to duplicate the George Chaffey Bridge depending on the nature of the crossing constructed at Monak.

It is important for Wentworth Shire Council to continue the cooperative nature of this project that has been fostered with Mildura Rural City Council since 2004 and monitor the progress of the project to ensure any future planning studies are compatible with the progress and outcomes of this strategy and take into account any development opportunities that may arise. It would however be premature to consider rezoning land with the Monak area at this time, prior to any actions for the implementation of this strategy.

See also sections 6.4 Economic Sustainability of the Mildura Horticultural Region Final Report 24 March 2006 and 6.5 Murray Darling Water Management Action Plan.

4. STUDY TASKS

4.1 Study tasks

The staging of this project was developed by segmenting tasks into three main stages as follows:

Stage 1

1. Review of all relevant documentation pertaining to study process, including the statutory controls, and the new LEP template and a *“A guide for councils west of the Great Divide on preparing a rural residential strategies”*.
2. Prepare a questionnaire and identify market preferences for rural residential lot sizes and locations, and the projected amount of land to be taken up per annum. This information will be gathered from local real estate agents, and developers, and prospective proponents of land rezonings, tempered with information resulting from land studies.
3. Identify how, to date, this type of housing has been facilitated in the past.
4. Assess impact of land titles. There will also need to be an assessment of how native title, western lands, and irrigation leases affect the calculating of supply of land.
5. Calculate the annual take up of lots for rural residential purposes over the past 5 years based on subdivision, excision, and construction certificate registers. This will also involve the auditing of previous assessments to make reasonable assumptions about the manner in which the market for rural residential lots has been satisfied in the past.
6. Assess the future anticipated demand, based on historical take up rates and the advice of the development and real estate community.
7. Assess the adequacy of the current supply of 1 (c) land based on its suitability for development and the number of years supply it would provide.
8. Recommend whether additional land is required including the number of lots.

Stage 2 (Dependent on the outcomes of stage 1)

1. Identify possible locations for the provision of additional 1 (c) land and assess the merits of historic submissions made to Council for land rezoning and any other submissions made to this study.
2. Consider locations in terms of infrastructure provision, protecting horticultural land and other potential environmental impacts.
3. Recommend options for the provisions of additional zoned land in terms of location, and preferred lot sizes.

Stage 3 *(Dependent on the outcomes of stage 1 & 2)*

Prepare a draft DCP, and other statutory revisions as necessary to incorporate the recommendations into the new LEP.

4.2 Study Methodology

Council has come under increasing pressure over that last few years from proponents seeking to rezone their land to rural 1(c) for the purpose of subdividing into small lots. Recent sales of rural residential lots within the Shire have proven to be successful with almost 100% take up on recent developments.

Despite such success, the progress of rural residential subdivisions from a planning perspective has occurred in an ad hoc, case by case scenario whereby the Council has endeavoured to rezone land ‘as requested’ by the proponent.

Historically, Wentworth Shire has had difficulty in obtaining Section 65 certificates in relation to requests to rezone land from general rural 1 (a) to rural small holdings 1 (c) from the Department of Planning (formerly the Department of Infrastructure and Natural Resources (DIPNR) and Department of Urban Affairs and Planning (DUAP).

Council has consistently been advised that a Shire wide study of rural residential development is crucial to the future environmental and social ‘health’ of the Shire.

“Before considering the merits or otherwise of proposed rezoning, Council and DIPNR need to be satisfied that the location of rural residential development in this vicinity is consistent with an overall agreed approach to rural residential settlement across the Shire. This is a key issue to be resolved before undertaking any further specific environmental assessment of this proposed rezoning.

In terms of the assumed environmental and ecological values of the biosphere, it is essential that Council consider the proposed rezoning in the context of a wider areas based solution that aims to conserve these values.”

The timing of this study is therefore crucial for the process of developing a robust land use strategy for the future development of the Shire and implementing the appropriate frameworks within the new LEP.

Specifically, the methodologies used within the study are as follows:

- Desktop review of reports, studies, and files.
- Review and analysis of Council’s rates, building and planning records.
- Interviews with representative of industry sectors such as:
 - Real Estate agents, land developers, land surveyors.
 - Wentworth Shire Councillors and staff.
 - Existing local residents living on rural residential properties within the Shire.
- Detailed analysis of land currently zoned rural residential via site inspections.
- Projected calculations of annual take up for the next ten years.

5. DEMAND ANALYSIS

5.1 Shire Profile and Characteristics

The Shire of Wentworth comprises an area of 26,170 square kilometres and is headquartered at the town of Wentworth, situated at the junction of the Murray and Darling Rivers.

The Shire has a population of approximately 7840 and has major centres in Wentworth, Dareton, Buronga, Gol Gol and Pooncarie.

The economy of the Shire has historically been dominated by the significant grazing holdings throughout the area with more intensive irrigation farming along the river regions in the south now accounting for the major portion of the agricultural revenue for the Shire. Furthermore, the development of the wine industry is becoming increasingly important, this being demonstrated by the extensions to wineries within the Shire. Private industries are also gaining strength with the advent of mineral sands industry establishing in the area. The ability to attract appropriate industry is stymied by confusion and concern over native title, which has stymied the ability to gain suitable industrial land.

The economy has received a further boost in recent times from the film industry that has been attracted to the Shire's remoteness and isolated appearance combined with its proximity to the Victorian regional centre of Mildura.

The Shire is characterised by intense horticultural activities, tourism, and residential areas scattered along the Murray and Darling Rivers.

Tourism is emerging as a key economic factor within the Shire, especially as it is associated with the Murray and Darling Rivers and including recreational activities and the history of the area including the Licenced Clubs industry and the historic values of the local buildings and streetscapes.

5.2 Population Growth and Characteristics

ABS Census data (2001) for the Wentworth Shire demonstrates a small decline during the past decade. This trend is in line with the population of the rural sector of Mildura Rural City (Part B Statistical Local Area) and also rural Australia in general. In contrast, Mildura City, like other major regional centres, demonstrates a decade of population growth.

The Bureau of Transport & Regional Economics Report for the Lower Murray Darling (BTRE 2003) notes the population trends for the region as demonstrating an overall population growth rate on the Victorian side of Sunraysia at 10.5% with a decline on the NSW side (Wentworth Shire) of 2.6%.

Note that the BTRE figures differ slightly from the ABS 2001 Community Profile data below that claims the total for the Shire at 7840 persons.

The estimated population for the Shire as at June 30, 2002 was 7 218 (ABS Cat. No. 32180) demonstrating a considerable increase. Another indication of population growth is the number of new dwelling approvals in the Shire. These totaled 152 between January 2000 and June 2003, 108 of these in Buronga/Gol Gol areas.

5.3 Building Approvals (2000 – 2005)

In order to ensure that this study is balanced and informed with factual evidence, reference has been made to annual building and subdivision approvals over the last five years

The data also gives important insights into the level of demand for rural residential housing.

Table 1 provides such analysis

Number of Building approvals

Location of building approvals within the Shire	2000	2001	2002	2003	2004	2005	TOTALS for the period
Lots zoned 1 (c)	5	3	5	5	8	3	29
Lots less than 2ha and zoned 1(a)	4	1	0	3	2	1	11
SUB TOTAL	9	4	5	8	10	4	40
Other - urban	21	25	20	25	40	25	156
Other - rural	0	0	0	0	0	0	0
TOTAL APPROVALS	30	29	25	33	50	29	196

Source: Building and planning records at Wentworth Shire Council Offices. This only includes approvals for new dwellings and relocated dwellings.

The data indicates:

- 29 building applications were approved for lots on land zoned Rural 1 (c) in the five year period 2000-2005. This equates to just over 5 approvals per year and 14% of all building approvals in the Shire for that period.
- There were 12 building approvals issued for land less than 2ha in the 1 (a) zone between 2000 and 2005. This equates to 6% of all building approvals for the Shire for that period.
- 20.4% of all building approvals were for 'rural residential' lots.

5.4 Subdivision Approvals (2000 – 2005)

Number of new lots created

How lots created	2000	2001	2002	2003	2004	2005	TOTALS for the period
Subdivision of land zoned 1 (c)	10	2	38	0	18	0	68
Subdivision of land zoned 1 (a) 'farm adjustment'	5	2	4	5	9	4	29
TOTAL NEW LOTS CREATED	15	4	42	5	27	4	97

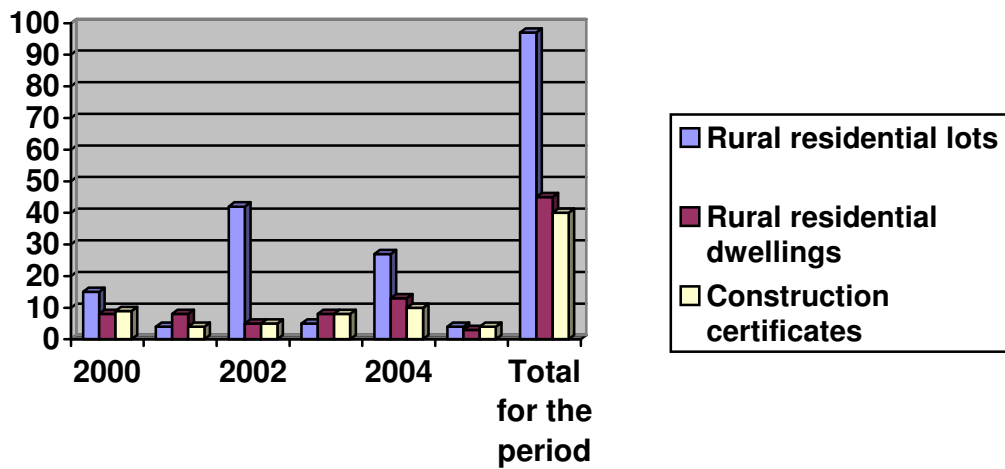
Source: Wentworth Planning records from 2000 to 2005.

- 68 lots were created on land zoned Rural 1 (c) in the five year period 2000-2005. This equates to just over 13 approvals per year and 70% of non-urban subdivisions in the Shire for that period.

When read together, the above two data sets reveal important information in relation to demand for rural residential land:

- Whilst 70% of non urban approvals over the 5 year period were for rural residential lots, **over 50%** (of the non urban approvals) were 'taken up' as follows:-
 - "Bunney Estate": 10 lots created and developed. 100% 'take up'
 - "Riverbend Estate": 34 lots created and developed. Almost 100% 'take up'.
 - "Tranquil Waters": 24 lots created.

5.5 Comparison of number of rural residential lots and dwellings.



Rural residential lot = land subdivided within the 1 (a) zone to 5000m², (farm adjustment) and subdivision within 1 (c).

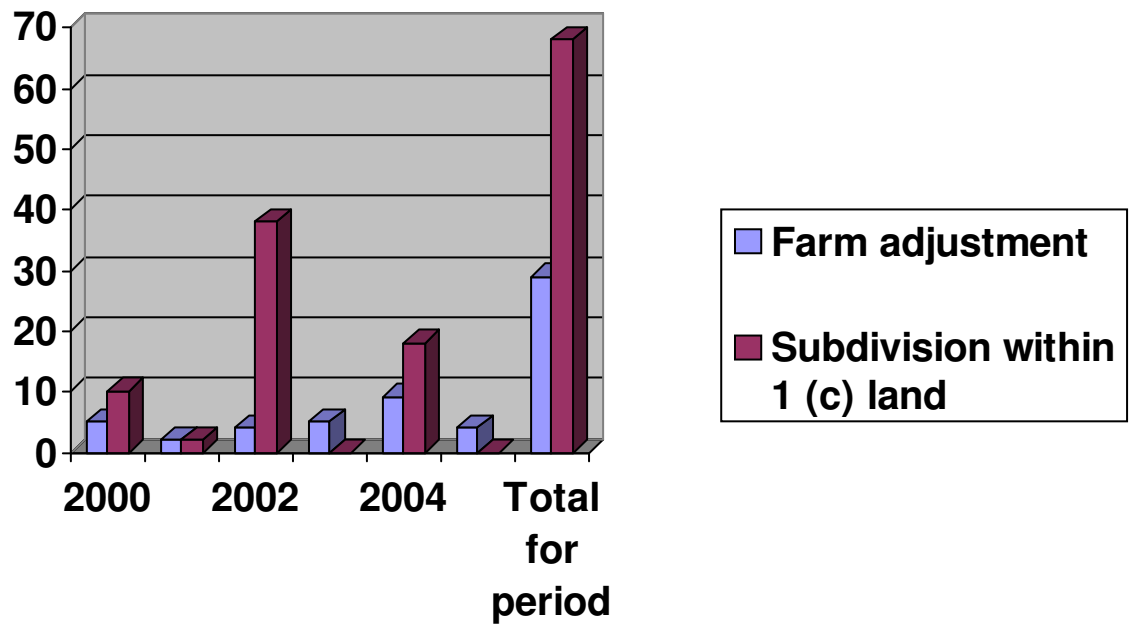
Rural residential dwelling = dwellings approved in 1 (c) and 1 (a) land.

Construction certificate = Actual number of construction certificates issued for dwellings.

The year 2002 saw a significant increase in the number of rural residential lots created, and this is attributed to the 'Bunney' Estate and 'Riverbend' Estate (both created under 1 (c) land). It is also important to extrapolate the differential figures between lots created under rural 1 (c) land and lots created under rural 1 (a) land. This is discussed at chapter 6.

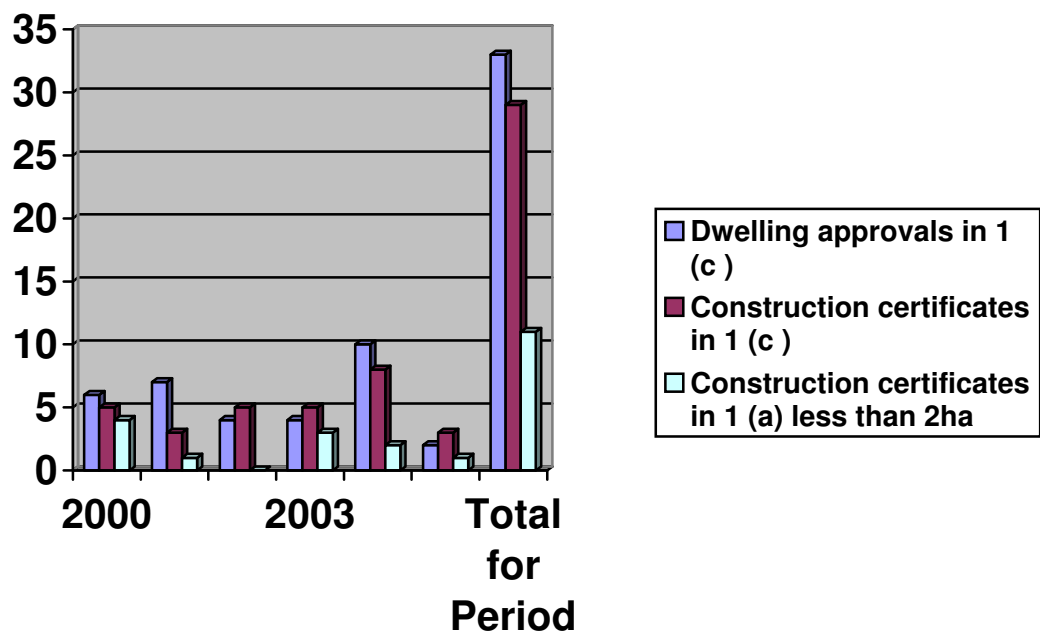
By the end of 2005, there is an obvious decrease in the number of rural residential lots created throughout the year. More particularly, it is noted that the number of lots created were in the rural 1 (a) zone, with no lots created under the 1 (c) zone in 2005.

Types of subdivision



The **farm adjustment** policy allows the “*act of change of ownership of rural land or the subdivision of rural land to enable a more productive, sustainable and profitable farming enterprise to be created under the new ownership*”.

The figures indicate Council’s willingness to ‘allow’ these subdivisions and the study has revealed the qualitative reasons for this (whether there is a connection between the desire of the farmer to ‘get off the land’ and the desire for a rural residential lot)



6. RURAL LIVING OPPORTUNITIES IN THE RURAL ZONE

In addition to the development of land zoned rural 1 (c), rural living opportunities have historically been met through the creation and development of small lots (less than 2ha) in the rural 1 (a) zone. These lots have been created through house lot excisions under Council's 'farm adjustment' clause within the LEP.

The future annual lot yield from small lot excisions in the rural zones needs to be factored into the rural residential supply projections. The annual projected rate of rural residential development opportunities in the rural zone will be influenced by the position Council takes in the application of the farm adjustment clause, and Clause 16 (3) of the LEP as discussed below.

6.1 General comments in relation to subdivision in the rural zone.

Whilst not directly relevant to this study, it is worth noting that the Victorian Planning system has recently undergone significant change in order to deal with the issue of rural land use planning. A Rural Zones Reference Group was formulated to investigate a range of challenges confronting Councils' in the management of rural land use.

The following comments are interesting and serve to highlight similar issues within NSW rural land use.

"For generations farmers have subdivided land and traded it either to expand or contract their farms depending on the circumstances. Farmers have also subdivided land to provide a financial 'collateral' and carried out estate and farm succession planning for the purposes of achieving an improved agricultural outcome. The mere existence of subdivided land does not preclude an agricultural outcome on rural land. Indeed, separate titles may assist some rural investment type schemes, such as vines and olives, to succeed.

Subdivision only becomes a 'problem' when a residential use of the land is proposed and the nature of the land use changes from agriculture to residential. Landowner expectations change accordingly. the nexus between subdivision and housing needs to be broken. The presumption that there is an entitlement to a dwelling on each separate lot needs to be removed.

The challenge with any provisions that 'schedule in', minimum lot sizes is that the interpretation of such provision has lead in some cases to a mindset that there is an entitlement to a dwelling on a lot.

"There appears to be a mindset in some areas that there is a right to excise any dwelling from a lot. ...The house is already there so what difference does a subdivision make? Quite apart from potentially allowing serial dwellings and therefore serial excisions as a result of approving a subdivision, it means that the dwelling on the separate lot is now a tradable commodity, which was not the case before the excision. The new lot can (and often does according to survey) accommodate a rural lifestyle dweller who has very different expectations to those of the farming community within which they have purchased. The 'right to farm' issue then rears its head because of conflicting expectations about amenity versus farming.

Local planning policy has not been effective and the 'right to subdivide' attitude still prevails. ... Most excisions are designed to deliver a 'residential' outcome,

which is fundamentally in conflict with the 'rural' purposes of this zone. there will be cases where excisions can and should be approved (especially to promote farm consolidation)."

John Keaney, Chair, Rural Zones Review Reference Group (Victoria)

The purpose of this study is **not** to address the very complex and contentious issues around dwellings in rural zones but to highlight the way in which planning controls have been 'used' to achieve small lot excisions. To a large extent, the 'use' of local planning provisions are influenced by the administration of the policy by Council. In other words, rural residential lots have been created in a de facto manner due to the use by Council of Clause 16 (3) and 13 (6)(a). Council have done so, partly in response to the very depressed nature of the wine, dried fruit and citrus industries, which is seeing farmers exit the industry with little or no capital (see 6.2).

6.2 Economic Sustainability Study of Mildura Horticulture Region Final Report 24 March 2006.

Wentworth Shire Council is concerned about the effect of the depressed wine, dried fruit and citrus prices on the local economy and on the overall welfare of the individual farmers and the community. The following is an extract from a recently published report on the issue, the *Economic Sustainability Study of Mildura Horticulture Region Final Report 24 March 2006*.

"The Mildura Horticultural Region is currently suffering depressed wine, dried fruit and citrus prices.

Incomes in many businesses are expected to be down by more than 30% and the value of production is expected to be down by around \$117M for the Region. In extreme cases, such as uncontracted wine grapes, incomes for some individuals could be down by as much as 80% to 90%.

It is estimated that 20% or 600 horticulturists are at risk and if the downturn is sustained 600 job losses may occur off-farm as well.

Assistance is required to enable horticulturists to adjust by:

- 1. Expanding to achieve economies of scale.*
- 2. Adopting more efficient technology to reduce costs; and this also requires adequate scale.*
- 3. Where appropriate, adopting systems that improve yield (not usually for wine grapes).*
- 4. Adding value to existing product or moving to higher value products. (Not usually for wine grape growers).*
- 5. Providing emergency financial relief to survive the exceptional conditions.*

An industry forum held in Mildura on 22nd February developed themes that may provide assistance in the future, as follows:

- 1. Short term Response Counselling/Debt Mediation/Assistance.*
- 2. Farm Exit and Expansion.*
- 3. Regional Marketing Initiatives.*

4. Trade and Regulation.
5. Property Amalgamation/Subdivision.
 - a) Enable subdivision for lifestyle small properties so that small farmers can retire and exit with equity.
 - b) \$50,000 exit grant could be used to retire debt and keep own home.
 - c) Introduce a levy on housing developers to fund irrigation infrastructure adjustment.
 - d) Lucerne/hobby farms will still be irrigation customers and need water services.
 - e) Co-ordinated voice from region for planning legislation to be changed.
6. Water Issues.
7. New Enterprises/Alternative Crops.
8. Reducing Winegrape Supply.

As indicated in Section 6.1 Council have ‘allowed’ excisions as an immediate means of assisting farmers, and Council supports any changes within the Local Environmental Plan that may assist farmers in adjusting to their circumstances.

6.3 Murray Darling Water Management Action Plan

This plan is an action plan for the water use industries in the region comprising of a 10km strip north of the Murray from the Murrumbidgee River junction downstream to Lock 9, and a 5 km strip either side of the Darling from Menindee down to the confluence with the Murray (excluding the irrigation districts serviced by Western Murray Irrigation).

The water reform package developed by the Council of Australian Governments (COAG) means that water trade is now a fact of life and the areas capable of sustaining high value horticultural will expand.

The plan has identified approximately 24,000 hectares of land where changing use from grazing, or dryland cropping, to irrigation would provide no apparent risk to either environmental or cultural heritage values. Furthermore, it is estimated that the economic benefits of 24,000 hectares of additional irrigation will have a significant benefit to the local economy, which has the potential to deliver \$0.5 billion in extra gross value of production in the Murray Darling Water Management Action Plan area.

The implementation of the recommended programs under the plan would deliver better environmental, social and economic outcomes.

“our ability to support and enhance the economic well being of the irrigation communities in the MDWMA area depends on us having a good understanding of the changes that are already in train. Equally, it depends on us understanding how we currently do things, as well as understanding what our future options are. Only in this way can we identify what we might achieve and how we might achieve it.

The reality of water trade has meant that the Mallee region has become a net importer of water. Especially in light of the expansion of the wine industry, the Mallee offers plenty of opportunity for water to be put to high value uses.

7. DEMAND FORECASTS

There are no specified benchmarks or criteria established within any models or policies within NSW planning for the amount of land that should be rezoned. Therefore, the nature of the study and the issues identified should guide the recommendations for future supply of rural residential land.

As strategic planning is an evolutionary function of Council and there are a number of influences within the planning context that can alter the outcomes of local planning, it is considered that three year reviews of any studies, strategies and plans are suitable to ensure that suitable changes can be made effectively and efficiently.

Moreover, and more importantly, the market can be futile and change frequently and quickly, resulting in the need for continued assessment and up date of planning approaches to the zoning of land. This should also be tempered by the fact that the market for rural residential land within the Wentworth Shire at present has been clear with respect to location and size and 'style' of rural residential living.

Another factor that is extremely important at the time of undertaking the study is the need for Council to review and re write the Local Environmental Plan. Council is due to complete its review of the current LEP by March 2009 and it is expected that the LEP will continued to be reviewed every three to five years once the 'new' LEP is gazetted.

Based on all the above factors, it is considered a ten year supply is reasonable with a 3-5 year review cycle.

In addition, the calculation should be based on existing vacant supply and annual building approvals over the last five years and built in assumptions should be robust and transparent.

Based on the documentary information contained in the above sections of this report, there are two scenarios that have been considered and calculated.

Conservative Projection

If the sole indicator of future demand was based on the average number of building approvals, issued per year for the last five years for rural residential lots, then 80 lots would be required within the Shire over the next ten years (i.e. 8 dwellings per year x ten years = 80 lots). This estimate however is considered too conservative. It does not take into account an ongoing demand for particular types of rural residential development such as river frontage and planned estates (as evidenced in Gol Gol). Furthermore, it does not account for any demand that may be created by Council opening up 'new' areas for development, or rationalising Council policies to 'support' development.

Likely Projection

It is reasonable to argue that the historical dwelling approval figures are an under estimation of the actual market demand for the following reasons:

- Estate Agents do not keep actual records of enquiries for rural residential lots and therefore there is no hard data to support the assertion that supply is not meeting demand, however the anecdotal data should be factored in.

- Council have not had clear policies for the development of rural residential land (including inadequate section 94 contributions plans) and therefore land developers have been deterred from developing such land. If Council renewed and integrated a range of policies and updated their various contribution plans, the promotion of development overall may be a way to encourage developers to work within the Wentworth LGA.

7.1 Identification of constraints and opportunities

An integral component of the strategy has been to identify the future needs of the Shire whilst accommodating rural residential development in economically and ecologically sustainable manner.

Whilst there are significant areas of potential land available for rural residential development, it is not a renewable resource. In order for growth to be accommodated in a sustainable fashion, it is necessary to identify the constraints to development and to determine the highest and best use of developable land so that its economic potential is realised within the limits of any environmental considerations. It should be recognised however that market forces including land ownership would play an important role in influencing the rate and location of development.

Council presently has no strategy to deal with rural residential development, and land presently zoned 1 (c) was permitted in somewhat of a policy vacuum. Not only does this strategy recognise there are a number of physical factors which limit the suitability of land for rural residential development, it aims to take this approach further and to identify those lands which are more suited to rural residential development.

The following constraints should be used to identify areas that may not be suitable for rural residential areas:

1. are flood prone;
2. have native vegetation;
3. have potential to cater for industrial land uses;
4. high bush fire hazard areas;
5. agricultural land;
6. vineyards or orchards;
7. distant from an existing urban area.

It is recognised however that some of the issues could be managed so that outcomes are within acceptable limits.

7.2 Definition of Constraints

7.2.1 Flooding

Flood prone land in the Wentworth Shire is based on the 1956 flood level. Based on flood frequency analysis, the magnitude of the 1956 flood is generally considered to be equivalent to a 100 year occurrence (1% AEP) event in the Murray River downstream of its confluence with the Wakool River (*GHD et al, 1986a*).

At the time of writing, Council is preparing a flood study extending downstream from Gol Gol on the Murray River and downstream from Pomona on the Darling River in response to development pressures in and around Wentworth and the Curlwaa Irrigation area. This study supplements any existing flood studies and is developed in

accordance with the process outlined in the NSW Governments Floodplain Development Manual (2005).

Furthermore, Council must consider Ministerial Direction G25 under Section 117 of the EPA Act 1979.

7.2.2 Land Capability

Land capability mapping is based on the Department of Natural Resources land capability classification system. (Published 1988).

7.2.3 Agricultural suitability

Department of Primary Industries recommends that a range of agricultural land be retained to ensure long term viability of a range of agricultural activities. The agricultural suitability index is based on the following:

- Class1: Prime arable land
- Class 2: High Quality Arable land
- Class 3: Some cultivation/pasture lands;
- Class 4: Unsuitable for cultivation/poor grazing; and
- Class 5: Unsuitable for agriculture.

7.2.4 Aboriginal Archaeology

Although there has been no separate assessment of the archaeological constraints, of the sites nominated for further investigation, Council is not aware of any constraints. It is recommended that archaeological investigations be undertaken in conjunction with the preparation of development applications and/or rezoning applications.

7.2.5 Ecological Assessment

Native vegetation communities remain a significant issue for this study. Pursuant to the Native Vegetation Act 2003, rural residential areas are not defined as exclusions for the purpose of complying with the Act. This poses a constraint for areas identified as having potential for rural residential, but are covered with Native Vegetation. The key issue relates to the need for offsets.

Detailed ecological assessments will be required in conjunction with detailed future rezoning applications.

7.3 Lot Sizes

With respect to the issue of lot size, there was a unanimous view that whilst Council has historically set 5000m² as a minimum lot size for a 'small rural lot', it is considered this is too large, and 4000m² is a size which is more appropriate.

7.3.1 Servicing Requirements

Servicing requirements are of importance in considering the additional service provision and infrastructure required of Council in the short and long term to facilitate this style of living.

Council will need to consider in further detail the minimum requirements for servicing rural residential lots.

7.3.2 Nominated Candidate Areas

Candidate Area No.	Description	Approx Size (Ha)	Elimination ¹
1.	Sturt Highway, Trentham Cliffs	10.03ha	1,2,5,6
2.Part	Silver City Highway, Wentworth	197.3ha	1,2,3,5,6
3.	Sheoak Lane, Wentworth	3.37ha	
4.	West Road, Buronga	Entire area	1,2,5,6
5.	Gol Gol North Road, Gol Gol	3.19	
6.	Sturt Highway, Trentham Cliffs	19.68ha	1,2,5,6
7.	Sturt Highway, Trentham Cliffs	482ha	1,2,5,6
8.	Sturt Highway, Gol Gol	16ha	
9.	Sturt Highway, Gol Gol	17.76ha	
10.Part	Kelso Station, Poongcarie Road, Wentworth	Entire area	1,2,3,5,6
		15ha	
11.Part	River Road, Buronga	33.75ha	
12.Part	Sturt Highway, Gol Gol	200ha	1,2,5,6
13.	Manly Road, Curlwaa	21.78ha	See notes below ²
14.	Manly Road, Curlwaa	43.64ha	See notes below ²
16.Part	Bonnie Doon Road, Monak	117ha	1,3,5,6
17.	Poongcarie Road, Wentworth	25ha	
18.	Grande Junction	Entire area	1,2,5,6

Notes:

1. Candidate area selection process is detailed at 8.2.1 (page 30). The areas eliminated did not adequately meet the categories, as identified above and therefore made the remaining areas more suitable.

2. With respect to candidate areas 13 & 14, whilst they are considered to be 'successfully taken up' (albeit within the 5ha lot size range), they occurred in somewhat of a policy vacuum. Council has not in the past had any development control plan or local policy that clearly states its' requirements for subdivisions of this nature. This has led to an unclear, and at times inconsistent approach with regard to road access, servicing etc. For this reason, Council prefers to 'hold off' on any further development opportunities within the area until at least a DCP is written to support future rural residential opportunities. In addition, Council is clearly under pressure to allow rural residential development in a number of areas within the shire. For the reasons discussed in this report it was considered that other areas should be given priority for development opportunity (particularly within the 4000m² lot size range). Furthermore, Council is currently preparing a S94 developer contributions background report and is finalising strategic business plans for water and sewer. Work is being undertaken to prepare a S94 Developer Contributions Plan which ensures Council is able to implement the recommendations from the S94 background report validly and legally. In addition, it is important that a Development Servicing Plan is formulated as a means of recovering from developers a reasonable and equitable portion of the costs of providing water and sewerage in a more flexible, operational environment. This is considered crucial in the areas where there is a greater demand for more intensive development.

8. DEVELOPMENT STRATEGY

This chapter outlines the proposed rural residential strategy including the prioritising of candidate areas having regard to predicted demand for rural residential lots.

8.1 Approach

The rural residential strategy aims to provide for the co-ordinated development and planning of rural residential development whilst maintaining certain minimum service requirements.

This strategy will influence the development of land within the Wentworth Shire and therefore to ensure the objectives of the strategy are achieved a consistent approach to assessing proposals is required.

In preparing the strategy, consideration has been given to:

- The views and considerations of key stakeholders including the community, development industry, government agencies and Council.
- Expressions of interest from landholders.
- Existing patterns of rural residential development.
- History of subdivision and development of all forms of rural residential lots.
- Assessment of demand for all types of rural residential development.
- Assessment of suitable land which meets minimum requirements.
- A review of current statutory controls.
- Ensuring adequate provision of suitable land to satisfy potential demand.

8.2 Strategy Outline

8.2.1 Principles

To guide the development strategy the following principles should be encouraged:

- Rural residential development on small allotments should be provided with a good quality water supply and the staging of the provision of this service should determine the sequencing of developing additional areas.
- More intensive development (min 4000m²) will also need minimum standards for servicing.
- Development should be encouraged as close as possible to existing urban areas in order to minimise the cost of providing essential services, reduce travel time and costs to improve accessibility to community services for residents.

- A balance should be achieved between setting land aside for future urban development and land for future rural residential development on the basis that a 10 years supply of land should be identified.
- Land that is identified as potentially suitable for future urban development should not be developed for rural residential purposes as future re subdivision would be difficult to achieve; and
- Rural residential development should be undertaken in an environmentally sensitive manner, having regard to the principles of ecologically sustainable development.

8.2.1 Candidate area selection process:

Candidate areas have been selected based on the following selection criteria:

1. provision and availability of Council services;
2. access to transport corridors, for the purpose of access to employment; shopping, or services;
3. candidate areas to be located within close proximity to existing rural residential developments;
4. access by sealed roads;
5. consideration of adjoining land uses;
6. consideration of land use constraints such as flooding, productive agricultural land, land suitability, native vegetation etc.;
7. future potential residential development areas not being sterilised by rural residential development; and
8. freehold land.

8.2.3 Candidate area identification

Council (in consultation with various stakeholders) has identified three ‘new’ areas as having potential for rural residential development.

Council proposes to ‘convert’ any land currently zoned 1(c) Rural Small Holdings to Large Lot Residential. The ‘conversion’ does not unfairly inflate the ability to rezone ‘new’ land. Council has considered that 21.96ha of land (of the 110.62ha available) under the 1(c) Rural Small Holdings Zone is available for development in the short term.

It is recognised that market forces play a key role in the development of land, (which is why a regular review of the strategy is necessary) however the overall purpose of this strategy is to provide a sound basis for the logical development of land and the provision of appropriate services.

It should be noted however that further investigations and studies will be required prior to any rezoning of land (and subsequent lodgement of development applications).

8.2.4 Staging

The strategy acknowledges that the staging of development needs to occur, to provide a logical order to development whilst recognising that needs change over time. It also further acknowledges flexibility will be required to ensure that adequate stock of land is available to suit market demand. To assist in the process, the candidate areas have been arranged as follows:

Short term: 0-10 years

Medium term: 10-20 years

Investigation: Areas either unlikely to be ‘on the radar’ for some time, or require further, detailed analysis with respect to issues other than planning.

Short term

<u>Description</u>	<u>Size</u>	<u>Comments</u>
River Road, Buronga. Area No. 11	33.75ha	Council supports the rezoning of this land, as it has been under investigation for some time, with a proposal for a planned, low density estate. The area lends itself to development as it offers unique vistas and enjoys proximity to the Inland Botanic Gardens. This provides Wentworth Shire Council a unique development opportunity.
Gol Gol Abutting existing rural 1(c) development Area No's 8 & 9	32.76ha	To be developed alongside existing 1 (c) development.
Pooncarie Road Wentworth (river front) Area No.17	25ha	In order for a rezoning and eventual development to take place, the proponent would be required to undertake a PVP (Property Vegetation Plan) with the local CMA, which may require significant offsets. Further, issues of riparian zones and future impacts on the recreational use of the river need to be addressed. A development of this style in Wentworth would help to stimulate some development in and around these locations and satisfy market demand through the provision of low density housing opportunities. The location is ideally close to town water and sewer and within close proximity to Council services and facilities. Land is freehold and quality of agricultural land severely diminished due to intensive grazing in the past.

South east corner Kingfisher Road and Gol Gol North Road Area No. 5	3.19ha	This area is not identified within the Buronga Gol Gol Structure Plan as being available for residential development. A buffer zone has been identified within this general area to 'protect' the growth to the west side of Gol Gol North Road. This area of land effectively becomes 'locked' between residential and rural residential development and therefore is probably not viable long term for rural pursuits. This land should be monitored closely in terms of its function over the next few years. There are environmental sensitivities that need to be considered due to the proximity to Gol Gol Creek. Council should consider future development in this area carefully especially with respect to on site sewerage management systems.
Sheoak Lane, Wentworth Area No. 3	3.37ha	Rezoning this small amount of land may open up a more affordable rural residential option for Wentworth and enable the township to 'test' the market for this style of development, as an alternative to river frontage.

TOTAL 98.07

Medium Term

<u>Description</u>	<u>Size</u>	<u>Comments</u>
Wentworth Area No. 10 (part thereof).	15ha	Could logically be developed after land identified adjacent for short-term development dependant upon take-up of area 17 and site investigation.

TOTAL 15.00

Investigation

<u>Description</u>	<u>Size</u>	<u>Comments</u>
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West Road,
Buronga

Area No.4

The agricultural value of this land has been severely diminished due to Council's liberal policy in relation to dwelling entitlements. Whilst this in itself is not a reason to rezone land, the results are irreversible. The primary limiting factors for this area are servicing and flooding. The Buronga West area is outside current servicing catchments for sewer and has been identified in Councils flood study and mapping as being wholly within the floodplain of the Murray River. The Ministerial Direction G25 under the EP& A Act 1979 has two main implications: that is that changes in land use must be considered in more detail as well as the designation of areas identified as flood hazard areas.

It is recommended that at the completion of Council's Floodplain Management Study and Plan, the land use within the Buronga West area can be reviewed in terms of appropriately zoning any floodway or areas of high hazard and also consider what options for rural lifestyle may be available within this area. This area is not suitable for residential and/or industrial development and due to the limits of servicing should not be provided with reticulated sewerage.

Sturt Highway,
Gol Gol
Area No. 12

Over
200ha

Council has been supplied with a sketch plan for a large scale rural residential development. It is a proposal that is overly ambitious for the short to medium term of the Shire's development.

Bonnie Doon Road,
Monak
Area No. 16

117ha

Council should continue to liaise closely with Mildura Rural City Council and the Sunraysia Mallee Economic Development Board to monitor the progress of the implementation of the Mildura Transport Strategy. The strategy adopts a long term approach to the implementation of the recommendations and should inform any future planning studies that are undertaken by Wentworth Shire Council. It is important that any consequential impacts for future development within the Monak areas as result of the strategy (i.e. the construction of a bridge) are closely monitored and considered by Wentworth Shire Council. It would be premature to consider rezoning land in this area at this time.

8.2.5 Conclusion

The overall planning objective for this strategy is to provide a long term framework for the land use and development decision making, which reflects the needs and expectation of the current and future communities within the region.

It takes account of historical development including the location and status of development within the existing areas, the impact of constraints on development and the need to balance development opportunities across the Shire. As indicated, further, more detailed assessments will need to take place prior to any development occurring.

9. RECOMMENDED CHANGES TO THE EXISTING STATUTORY PROVISIONS.

9.1 Issues for further consideration

A number of issues have been taken into account in considering the changes to the existing LEP, predominantly that this study is conducted as a precursor to the implementation of a new LEP.

1. The one zone made available under the LEP Template is the Large Lot Residential Zone, found within the suite of residential zones. It has been discussed at page 9.
2. In order to reflect demand, it is recommended that a minimum lot size of 4000m² be set as a determinant for a low density site with the strict provisions that minimum standards must be adhered to ensure that social and environmental standards are maintained.
3. Introduce strict minimum servicing requirements as part of this strategy. A DCP or other appropriate planning policy to be developed to ensure minimum standards are met in all applications for rural residential development.
4. The potential candidate areas identified in Section 7.3.2 as having potential for rural residential development should be prioritised as part of this strategy.
5. This strategy should be reviewed on a regular basis to ensure it is implemented consistently and it remains relevant and appropriate to the ongoing strategic work within the Shire.
6. It is recommended that the strategy be reviewed every three to five years and should include an examination of the supply demand and take up rates. Furthermore there may be scope to re assess the candidate areas following the three/five year review where adjoining properties are able to demonstrate that they can achieve the objectives of the strategy.

9.2 Recommendation for Council resolution

Based on the findings of this review, it is recommended that Council adopt the following resolutions:

That:-

1. The following land, being an area of 113.07 hectares, shown below as “a,b,c,d & e” be classified short term and below as “f” be classified medium term and identified for “site investigation.”
 - a. **33.75 hectares at River Road, Mourquong identified as 11 in this report**
 - b. **32.77 hectares at Gol Gol identified as 8 & 9 in this report.**
 - c. **25 hectares of river front at Wentworth identified as 8 in this report.**
 - d. **3.37 hectares of land at Sheoak Lane Wentworth identified as 3 in this report.**
 - e. **3.19 hectares in Kingfisher Road and Gol Gol North Road as identified as 5 in this report.**
 - f. **15 hectares of riverfront at Wentworth identified as 10 in this report.**

2. Council rezone **existing** rural residential 1 (c) land to Large Lot Residential as follows:
 - **4.2ha** **River Road, Mourquong**
 - **11.74ha** **Boeill Creek Road, Mourquong**
 - **34.67ha** **Gol Gol North**
 - **151.1ha** **Sturt Highway Gol Gol**
 - **11.6ha** **Trentham Cliffs**
 - **21.3ha** **Dareton**
 - **27.91ha** **Coomealla**
 - **89.34ha** **Curlwaa**
3. To facilitate the planned and managed growth of rural residential development in the Shire, Council resolve to undertake the following additional amendment to the Local Environmental Plan
4. Council determine that a Draft Local Environmental Plan for the area contained within the Rural Residential Strategy be made and authorise a notification to be submitted to the Director-General in accordance with Section 54 of the Environmental Planning and Assessment Act 1979.

10. MONITORING AND REVIEW

10.1 Process requirements

In order to ensure the strategy remains up to date and relevant to changing conditions, a review of this strategy is required. Inputs should continue to be sought from all stakeholders.

10.2 Council commitment

Council must continue to make firm commitments to reviewing this strategy in accordance with an agreed process, and undertaken at regular intervals or sooner if there are indications that factors affecting development which were not identified earlier and may adversely influence the direction of implementation.

10.3 Timing

It is recommended that the strategy be reviewed every three years to coincide with other budgeting and administration requirements. In the intervening period, Council must regularly monitor development within the areas defined by this strategy and if necessary, bring forward any scheduled review.

11. IMPLEMENTATION PLAN

This chapter includes the outline of the procedures to be followed when preparing and assessing applications for rezoning land to enable rural residential subdivision.

11.1 Initial amendment to the Wentworth LEP 1993.

The initial process for implementing the strategy will be an amendment to the Wentworth Local Environmental Plan 1993 to:

- Apply the Large Lot Residential Zone to existing land currently zoned Rural 1 (c).

11.2 Development Control Plan

It is a recommendation as part of this strategy that Council prepare a DCP (Development Control Plan) for rural residential development (**See note below*).

The DCP will become a statutory requirement of the LEP and will be prepared by both Council and land developers. The DCP will need to be endorsed by Council and will assist to guide development within the areas identified for rezoning.

*NOTE: *Recent changes to the Environmental Planning and Assessment Act introduce, amongst other things, new requirements with respect to Development Control Plans (DCP). Essentially, a DCP can apply to a site, a precinct or the whole LGA, but Council must only have one DCP per site.*

11.3 Rezoning applications

There are strict statutory requirements outlined by the Environmental Planning and Assessment Act 1979 and Regulation, which Council must adhere to when zoning land.

Rezoning applications will be considered in line with this strategy. Council will consider applications outlined in this strategy. If Council supports the rezoning proposal, a draft Local Environmental Plan will be prepared by Council accordingly.

In assessing proposals, Council is required to determine what level of assessment is required. If an environmental study is required, Council will prepare a project brief, after consulting with NSW Planning. The brief will outline the issues to be examined and the scope of studies required. It is the responsibility of the landowner/applicant to meet the costs of the study, however, in accordance with the Act, the study must be independent.

If an environmental study is not required, the applicant/landowner will be required to lodge a rezoning submission addressing all the relevant issues. Council will provide advice on what issues are required to be addressed including, but not limited to:

- Ability to meet the objectives of the strategy.
- Geotechnical assessment.
- Land capability/suitability.
- Erosion and salinity issues.
- Flora & fauna assessment.
- Biodiversity and ecological assessment and conservation of native vegetation.
- Bushfire hazard.
- Aboriginal heritage.
- Potential impacts on/or nearby properties and mitigation measures.
- Water supply.
- Effluent disposal.
- Concept lot yields and layout.
- Suitable treatment of riparian corridors.

12. FINANCIAL CONSIDERATIONS

This chapter outlines the financial implications to further development of rural residential land and the available mechanisms for cost recovery.

12.1 Development Costs

The provision of facilities and services to rural residential estates is heavily subsidised at the expense of other ratepayers and service providers because generally, servicing costs are higher, the more distant a development is from the existing services in combination with the larger lot sizes. The calculation is relative to the distance travelled and the number and density of customers being served.

Any future rural residential land therefore should be subject to a cost recovery program developed by the Shire.

Council is currently undertaking a Section 94 Developer Contributions Background Paper for Buronga Gol Gol which will lead to a Section 94 Plan.

It is recommended that Council consider the impact of rural residential development during the Plan making stage (to include the entire LGA) to levy appropriate contributions for rural residential development.

A breakdown of the associated costs to Local Government and subsidies relating to rural residential development and the options for recovery of costs and services and facilities is provided below.

12.2 Roads

Rural residential developments are typically located on rural roads at some distance from the closest urban centre. These roads are utilised by the residents travelling to urban centres for employment, schools or services. School buses often traverse these areas twice daily. The roads will therefore need continual upgrading and maintenance, which can be a cost burden to Council.

Generally, developers of new rural residential development are required to pay for initial upgrading of the road pavement along their frontage however continued maintenance of the roads is paid for from general funds. Developers are rarely asked to pay for the upgrading of distributor roads and bridges because they do not have direct frontage. As a cost per ratepayer, continued maintenance of rural roads is heavily subsidised.

It has been estimated that the cost of providing sealed roads to rural residential subdivisions and ongoing road maintenance costs may be six times greater for rural residential lots than for typical urban lots (DUAP, 1995).

Council is able to levy contributions pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 for the upgrading of roads identified as being directly affected by a development through increased traffic flows. This may include the upgrading of specific intersections or bridges.

12.3 Community Facilities and Services

The dispersed settlement pattern of rural residential development is more difficult and costly to service than the more centralised urban pattern. This is mainly due to the increased travel costs associated with servicing dispersed populations, and sometimes a duplication of services.

Again, Section 94 contributions can be used to recover costs associated with the provision of community services and facilities.

12.4 Sewerage and Water Supply

Similarly with urban development, if reticulated water and sewerage is supplied to a subdivision by Council, it is able to recover the full costs of internal reticulation plus a proportional contribution towards external works and headworks.

12.5 Effluent Disposal Systems

Most rural residential developments are not able to connect to existing sewerage schemes and require on site sewage management systems to service dwellings. Within the Wentworth Shire LGA, there are approximately 1500 on site sewage management systems. These systems have the potential to cause adverse environmental impacts if not operating correctly and it is therefore important for Council to ensure that these systems are managed to protect community amenity, the environment and public health.

Council regulates the installation and operation of on site sewerage management systems under the Local Government Act 1993. Regulations under the Act specify performance standards and require Council's to supervise the operation of on site sewerage management systems. It is expected that Council will conduct annual audits on at least 10% of systems across the Shire.

Council is required to develop an on site sewage management strategy in consultation with the community. The strategy should set out the community's objectives for on site sewerage management and Council arrangements for monitoring sewage pollution and the provision of assistance to landowners for the safe operation of their systems.

Wentworth Shire does not currently have an on site sewerage management strategy and as part of this strategy, it is important for Council to elevate this issue, in order to cater for future development in all areas, particularly rural residential as they often include environmentally sensitive areas.

It is strongly recommended that Council include as part of this strategy, a commitment to proceed to prepare an on site sewerage management strategy.

12.6 Bushfire Services

The Rural Fire Service provides bushfire fighting facilities and equipment to local volunteer bushfire brigades servicing the LGA. Council is able to levy contributions under the provision of the Environmental Planning and Assessment Act 1979 for the provision of additional facilities and equipment.

12.7 Community Title Development

Community title development tend to provide a higher proportion of internal facilities and services than conventional rural residential development and therefore Section 94 Contributions may not be required for the full range of facilities and services. The off site impacts of the development however, such as pressure on local roads, should still be considered and contributions charged accordingly.

13. COST RECOVERY PROGRAM

A cost recovery program should be implemented to ensure, as far as practical, that the cost to Council of providing services and facilities to rural residential development will be recovered. This program includes:

- Review of Council's Section 94 Contributions Plan for rural residential development to ensure that contributions can be levied in accordance with Council's LGA wide section 94 Contributions Plan. Contributions for the provision of roads, community facilities, bush fire services, and open space would be applicable to rural residential development.
- The levying of contributions for the provision of water and sewerage services where they are required as a condition of development consent, in accordance with Council's Section 64 Development Servicing Plan; and
- The levying of fees in respect of applications for approval to operate, renewal of approvals to operate and inspections of on site sewerage management systems under Section 68 of the Local Government Act 1993.

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Rural Residential Development Summary

Area	Area Currently Zoned 1 (c)	Area Developed (i.e houses constructed) (ha)	Area Potentially remaining for future development (ha)	Area unlikely to be developed in the short to medium term (ha)	Under vine or citrus or other horticultural, use (ha)	Unattractive for 1 (c) or other constraint	Area suitable for development in the short to medium term (ha)	Land Cleared/vacant or abandoned (ha)
Area 1 <u>DARETON</u>	21.3	21.3	7.7	7.7	13.61			Crown land 7.7 Low salt bush, etc
Area 2 <u>COOMEALLA</u>	27.91	5.11	22.8	22.8		22.8 crown land no river views		22.8 Crown land. Low salt bush etc.
Area 3 <u>CURLWAA</u>	89.34	89.34	26.8	26.8		26.8 Servicing		16ha Cleared vines
Area 4 <u>BURONGA GOL</u> <u>GOL</u>	151.1	90.89	56.63	34.67	13.27		21.96 ¹	
Area 5 TRENTAM CLIFFS	11.6		11.6	11.6		11.06 Servicing		
Area 6 <u>MOURQUONG</u>	16.01		16.01	16.01 ²	16.01	16.01 Servicing		
Area	317.26	206.64	141.54	119.58	42.89	76.67	21.96	46.5

Note: 1. Council has recently issued consent for two development applications for 22 and 23 lots respectively comprising approximately 24 hectares. This is not included in the 21.96 hectares.
2. There is an existing permit for the subdivision of the land into 24 lots.