



New South Wales

Wentworth Local Environmental Plan 2011 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

PETER KOZLOWSKI, GENERAL MANAGER, WENTWORTH SHIRE COUNCIL
As delegate for the Minister for Planning

Wentworth Local Environmental Plan 2011 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wentworth Local Environmental Plan 2011 (Amendment No 2)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to certain land at Riverton Farm, 107 Pooncarie Road, Wentworth, being Lot 1, DP 1193385.

4 Maps

The maps adopted by *Wentworth Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

5 Amendment of Wentworth Local Environment Plan 2011

Clause 7.9

Insert after clause 7.8:

7.9 Riverton Farm development, Wentworth

- (1) This clause applies to certain land at Riverton Farm, 107 Pooncarie Road, Wentworth, being Lot 1, DP 1193385.
- (2) Despite any other provision of this Plan, development consent must not be granted to the erection of a dwelling house on land to which this clause applies unless:
 - (a) the lowest floor level is 35.35 metres above the Australian Height Datum, and
 - (b) the dwelling house is not within 30 metres of any bank of a river, and
 - (c) the land has an area of at least 5,000 square metres.



New South Wales

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Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

A handwritten signature in black ink, appearing to read 'P. Kozlowski', with a long horizontal line extending to the right.

PETER KOZLOWSKI, GENERAL MANAGER
WENTWORTH SHIRE COUNCIL
As delegate for the Minister for Planning

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Environmental Planning and Assessment Act 1979

Wentworth Local Environmental Plan 2011 (Amendment No 2)

Wentworth Shire Council
26-28 Adelaide Street
Wentworth, NSW, 2648

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Lot Size Map LSZ_002D	8200_COM_LSZ_002D_020_20120822
Land Zoning Map LZN_002D	8200_COM_LZN_002D_020_20110816

The following map sheets are adopted:

Map Sheet	Map Identification Number
Lot Size Map LSZ_002D	8200_COM_LSZ_002D_020_20140729
Land Zoning Map LZN_002D	8200_COM_LZN_002D_020_20140729

Certified:



PETER KOZLOWSKI, GENERAL MANAGER,
WENTWORTH SHIRE COUNCIL
As delegate for the Minister for Planning

Date: 18 August 2014

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2012_WENTW_002_00
Date Sent to DoP&E under s56	30/10/2012
Date considered at LEP Review Panel (if applicable)	22/11/2012
Gateway determination date	15/12/2012

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited	15/04/2013 – 10/05/2013	
Date of public hearing (if held)	Not Held	
Date sent to PCO seeking Opinion	14/05/2014	
Date Opinion received	21/07/2014	
Date Council Resolved to Adopt LEP	21/08/2013	
Date LEP made by GM (or other) under delegation	18/08/2014	
Date sent to DoP&E requesting notification	4/08/2014	

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	29.8.2014

Additional relevant information:



Wentworth Local Environmental Plan 2011

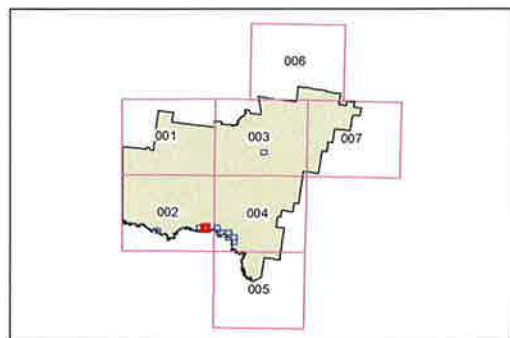
Land Zoning Map - Sheet LZN_002D

Zone

- E6** Enterprise Corridor
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- IN1** General Industrial
- IN2** Light Industrial
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU3** Forestry
- Village**
- P1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways

Cadastre

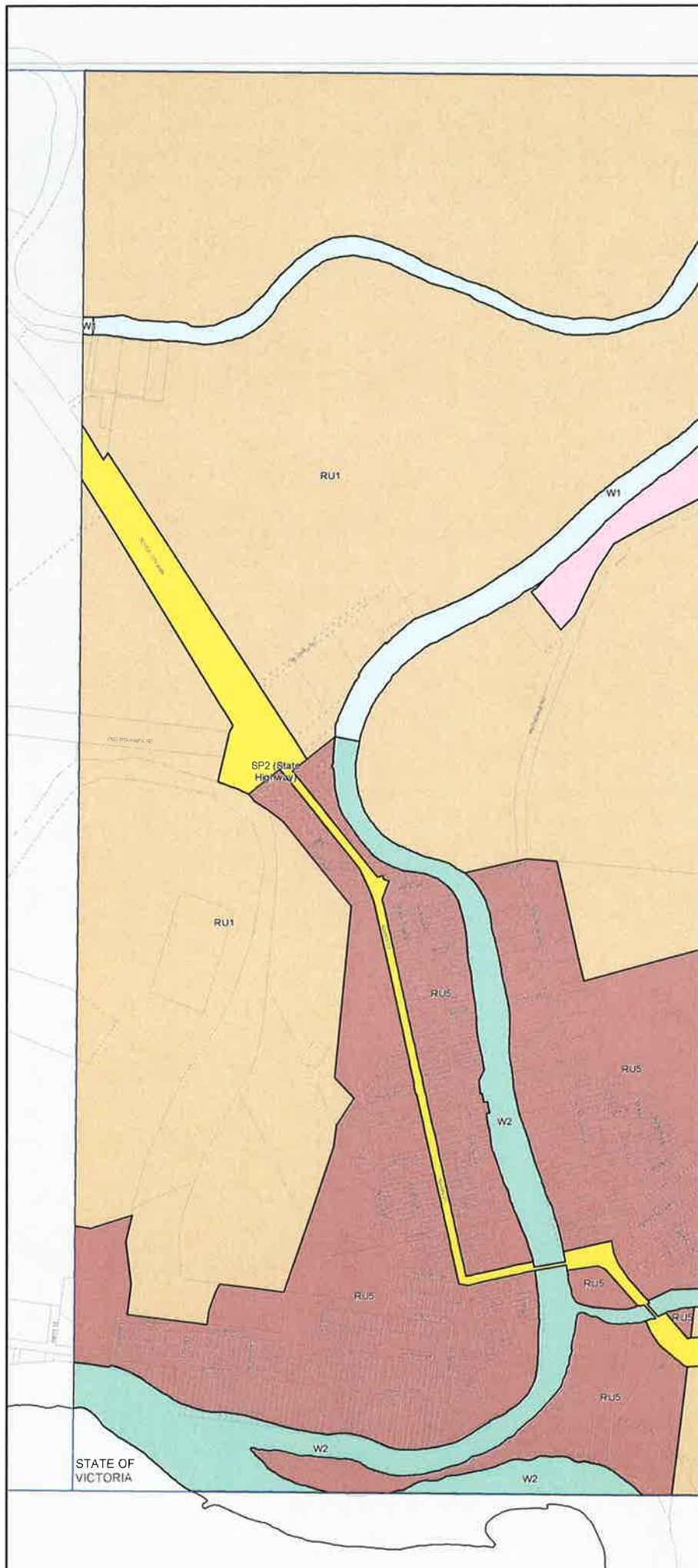
Cadastre 29/07/2014 © Land and Property Information (LPI)



0 200 400 600 Metres
Scale 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 54

Map identification number:
8200_COM_LZN_002D_020_20140729





Wentworth Local Environmental Plan 2011

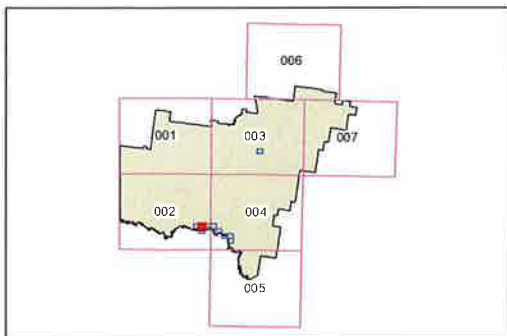
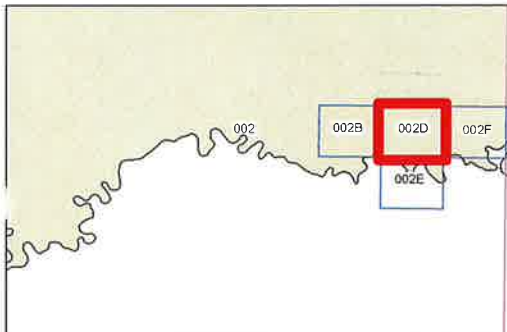
Lot Size Map - Sheet LSZ_002D

Minimum Lot Size (sq m)

U	1000
V	2000
X	5000
Z	2 ha
AB	10 ha
AI	10000 ha

Cadastral

Base data 29/07/2014 © Land and Property Information (LPI)



0 200 400 600 Metres
Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 54

Map identification number:

8200_COM_LSZ_002D_020_20140729



Wayne Garnsey - FW: Request for Online Notification of Delegated LEP Instrument

From: Kerrilyn Miller<Kerrilyn.Miller@wentworth.nsw.gov.au>
To: westernregion@planning.nsw.gov.au
Date: 8/4/2014 2:57 PM
Subject: FW: Request for Online Notification of Delegated LEP Instrument
CC: Ken.Ross@wentworth.nsw.gov.au
Attachments: e2014-153-d05.pdf; 8200_COM_MCS_20140729.doc; 8200_COM_LSZ_002D_020_20140729.pdf; 8200_COM_LZN_002D_020_20140729.pdf; FW: FW: [e2014-153 d] Wentworth Local Environmental Plan 2011 (Amendment No 2)

Dear Sir / Madam

We initially sent the email below with attachments to planmaking.monitoring@planning.nsw.gov.au as instructed by Parliamentary Counsel but we have since received an email in return advising that this email will no longer be checked and to forward the request to the regional email address for processing.

We ask that you read the email below outlining our request.

If you require any additional information please let me know.

Kind regards

Kerrilyn Miller | Health & Planning Coordinator
Wentworth Shire Council | 26-28 Adelaide Street | Wentworth NSW 2648
P: (03) 5027 5027 | F: (03) 5027 5000
E: kerrilyn.miller@wentworth.nsw.gov.au W: www.wentworth.nsw.gov.au
Honesty & Integrity | Accountability & Transparency | Respect | Quality | Commitment

 PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL!

From: Kerrilyn Miller **On Behalf Of** Ken Ross
Sent: Friday, 1 August 2014 3:48 PM
To: 'planmaking.monitoring@planning.nsw.gov.au'
Cc: Ken Ross
Subject: Request for Online Notification of Delegated LEP Instrument

Dear Sir / Madam

This is a request for online notification of Amendment No 2 of the Wentworth Local Environmental Plan on the NSW Legislation website. The file reference relating to this amendment is IG e2014-153-d05 as provided by Parliamentary Counsel. The documents relating to this amendment have been attached and are as follows:

- Opinion from the Parliamentary Counsel
- Draft Environmental Planning Instrument

- Map Cover Sheet
- Amended Lot Size Map – 8200_COM_LSZ_002D_020_20140729
- Amended Land Zone Map – 8200_COM_LZN_002D_020_20140729
- Email to Planning & Environment confirming maps reflect the Planning Proposal

If you require any additional information or clarification in relation to the content of this email, please let me know.

Kind regards

Ken Ross

Director Health & Planning

Wentworth Shire Council

26 - 28 Adelaide Street | PO Box 81 WENTWORTH NSW 2648

P 03 5027 5027 | **F** 03 5027 5000 | **M** 0427 510 714 | **W** www.wentworth.nsw.gov.au

Our Values | Honesty and Integrity | Accountability and Transparency | Respect | Quality | Commitment

 PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL!

This communication is only for use of the addressee or intended recipient and may contain legally privileged and confidential information. If you are not the addressee or intended recipient, you are notified that any dissemination, copying or use of any of the information within this communication is unauthorised. The legal privilege and confidentiality attached to this e-mail is not waived, lost or destroyed by reason of a mistaken delivery to you. If you have received this message in error, we would appreciate an immediate notification via e-mail to admin@wentworth.nsw.gov.au, and ask that the e-mail be permanently deleted from your system(s).
Wentworth Shire Council.

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.

<http://www.mailguard.com.au/mg>



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Wentworth Local Environmental Plan 2011 (Amendment No 2)

Your ref: Ken Ross
Our ref: IG e2014-153-d05

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'D Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel
21 July 2014

13.2 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - AMENDMENT NO. 2

File Number: RPT/13/240

Responsible Officer: Ken Ross - Director, Health and Planning
Responsible Directorate: Health and Planning
Reporting Officer: Ken Ross - Director, Health and Planning

Delivery Program Objective: 2. Growth & Development

Delivery Program Strategy: 2.3 Encourage land development and housing construction

Summary

This report relates to Wentworth Local Environmental Plan 2011, amendment No. 2, being the rezoning of land on part lot 1578 DP 763289, 107 Pooncarie Road Wentworth from Zone RU1 Primary Production to R5 Large Lot Residential. This report aims to identify the process and issues to date and giving Council the opportunity to progress the amendment toward completion.

Recommendation

That Council, having considered the submissions in respect to the Planning Proposal Amendment No.2 resolve:

1. not to carry out a public hearing of the Planning Proposal Amendment No. 2;
2. not to amend the Planning Proposal as a result of consideration of the submission from the public authorities; and
3. to forward the Planning Proposal Amendment No. 2 to the Minister for making of the amendment of the Wentworth Local Environmental Plan 2011 in accordance with Section 59 of the Environmental Planning & Assessment Act 1979.

COUNCIL RESOLUTION

That Council, having considered the submissions in respect to the Planning Proposal Amendment No.2 resolve:

1. not to carry out a public hearing of the Planning Proposal Amendment No. 2;
2. not to amend the Planning Proposal as a result of consideration of the submission from the public authorities; and
3. to forward the Planning Proposal Amendment No. 2 to the Minister for making of the amendment of the Wentworth Local Environmental Plan 2011 in accordance with Section 59 of the Environmental Planning & Assessment Act 1979.

Moved Councillor W Wheeldon, Seconded Councillor P Nunan

CARRIED

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

Against the Motion: Nil.

For the Motion: Councillors D McKinnon, P Cohrs, P Nunan, W Wheeldon and B Wheeldon. M Hederics, B Wakefield, B Clark and I Whitfield.

13.2 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - AMENDMENT NO. 2

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Responsible Directorate: Health and Planning
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Purpose

The purpose of this report is for Council to consider the submissions received by Council in relation to the proposed amendment No. 2. The gateway determination was issued by the Director General Department of Planning and Infrastructure on 15 December 2012. That gateway determination required that both public authority and general public consultation be conducted. The consultation concluded on 15 April 2013. Due to the content of some of the submissions, staff have been trying to resolve those matters. However in the case of RMS this has not been achievable to the satisfaction of the proponent and consequently is brought before Council for deliberation of the facts.

Background

Council at its 24 October 2012 meeting resolved to forward the planning proposal to the Minister, requesting that a gateway determination be issued. The gateway determination was issued by the Director General Department of Planning and Infrastructure on 15 December 2012. That gateway determination required that both agency and public consultation be conducted. The consultation concluded on 15 April 2013.

Matters under consideration

During the general public consultation phase of the process there were no submissions received. This section of the report will identify the matters raised from the public authorities. The following table identifies the issues with officer comment in relation to each for the information of Council.

Public Authority	Issues raised by Public Authority	Officer Comment
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Essential Energy	• At the time of the subdivision easements will be required over the subject smaller allotments. • At the time of the subdivision, would encourage the installation of underground mains and services. • Any pillars would need to be elevated such that their base was at least 600mm above the 1:100 flood level. • Any costs associated with the above would be the responsibility of the developer.	All issues raised by Essential Energy are matters for consideration at the time of the subdivision. This is an in principle support for the proposed development.
Transport Roads & Maritime Services	• The proposal as designed will result in one sided development for residential land use to Pooncarie Road in a 100 km/h speed zone with 12 access driveways within a 1.5 kilometre stretch of road. • The design impacts on the safety and efficiency of the road. • Requests consideration to be given to further reducing the number of intersections with Pooncarie Road by the provision of internal access driveways. • Provisions to deny parking within the road reserve along the frontage of future allotments should be adopted. • Should the proposed amendment be adopted RMS provided initial comments in relation to the subdivision design and access provision.	In response to these matters, the proponent has written back to the RMS advising that it is his desire to not change the proposed 12 access driveways to access the 23 allotments. It would be the proponent's preference to have the RMS reduce the speed limit for this section of Pooncarie Road. The matter will be considered at the next Traffic Facilities Committee meeting to be held on 27 August 2013. In terms of the deliberation over these matters as part of the LEP amendment process is one for Council to consider. If Council chooses to make the plan without resolving these issues at this point in time then they will again be raised at the time of the Development Application for the proposed subdivision.
Office of Environment & Heritage	• Flooding - Acknowledge that the proposed development would appear to be of minor significance. • Biodiversity – Require threatened Species impact assessment at the time of the DA for the proposed subdivision	There are no issues that prevent the endorsement of the proposed WLEP amendment. These matters will for the assessment at the time of the Development Application.
Department of Primary Industries – Office of Water	• A community lot be created along the waterfront. This lot should be 40 metres from the high bank. • No development or house envelopes should be permitted within 40 metres of the high bank of the Darling River • Any works within the 40 metre	The comments made within this submission were on the basis that Council may approve the proposal. The issues raised will all be considered in more detail at the time of the Development Application.

	riparian area should be restricted to those recommendations detailed in the Office of Water Riparian Corridors on Waterfront Land Guidelines • No guarantee of any future bed and bank works gaining a Controlled works Activity Approval. • Exemptions for the construction of ancillary structures may not apply to those proposals which are located below the high bank of the proposed properties. • Individual landholder will not be able to gain access water from the river.	
Transport for NSW	• NSW has undertaken a review of the documents and would like to advise that no issues have been identified as part of the Planning Proposal and therefore raise no objections.	For information only.
Rural Fire Service	• Have reviewed the documents and have no objection.	For information only.
NSW Aboriginal Lands Council	• General statements in relation to Aboriginal and Cultural Heritage. Refer the matter to the Dareton Local Aboriginal Lands Council.	Acknowledge the content of the response from the NSW Aboriginal Lands Council. To date the Dareton Local Aboriginal Lands Council have not responded. This matter may be addressed at the time of the Development Application.
NSW Department of Planning & Infrastructure	• Instrument of Delegation issued to Council with authorisation to exercise its delegation for the making of PP_2012_WENTW_002_00	Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. Based on this information the unresolved issues relating to road access should be resolved by the Department of Planning and Infrastructure Regional Office.

Options

Based on the information contained in this report, the options available to address this matter are to:

1. Conduct a public hearing relating to the submissions from the public authorities
2. Not conduct a public hearing
3. Having considered the content of the submissions Council decide not to vary the Planning Proposal and request the minister make the amendment No. 2 to Wentworth Local Environmental Plan 2011.

Implications

The decision item has the following implications for Council:

The facilitation of the amendment No.2 to WLEP 2011, rezones 25 hectares of Zone RU1 Primary Production land to Zone R5 Large Lot Residential allowing for the potential creation of 23 allotments in close proximity to Wentworth.

Conclusion

From the content of this report it can be seen that there are issues from public authorities which need to be resolved. The RMS speed restriction issue will be the subject of a Traffic Facilities Committee meeting to be held 27 August 2013. Having consideration to the timing requirement of the Gateway Determination it is considered pertinent that Council request that the amendment be made, with the minutes of that committee being relayed to the Department of Planning and Infrastructure after that meeting.

Attachments

1. Essential Energy Response
2. Office of Water Response
3. Office of Environment & Heritage Response
4. Transport For NSW Response
5. Delegation from Dept of Planning & Infrastructure
6. RMS Response



Ref: AR – 8188 - 13

14 May 2013

General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Dear Sir

**Wentworth Shire Council – Local Environmental Plan 2011 – Amendment No.2 -
Lot 1578 DP 763289, 107 Pooncarie Rd, Wentworth**

I refer to the recent Notice of Public Exhibition advertisement in the Sunraysia Daily newspaper regarding proposed amendment to the Wentworth Shire Council Local Environmental Plan 2011, primarily relating to part of Lot 1578 DP 763289, 107 Pooncarie Rd, Wentworth.

Until the advertisement, Essential Energy was unaware of the proposed amendment, or any proposal to subdivide the re-zoned land for Large Lot Residential development, with each lot to have frontage to the Darling River.

Essential Energy has no objections to the proposed re-zoning from RU1 Primary Production to R5 Large Lot Residential, with each lot having a minimum lot size of at least 5000 square metres.

In accordance with the definitions in the Department of Planning Practice Note PN 11-002 (and the Standard Instrument – Principal Local Environmental Plan), for the purpose of application of the Essential Energy Capital Contribution Procedure, future development at this location would be regarded as Rural, considering R5 "is intended to cater for development that provides for residential housing **in a rural setting**, often adjacent to towns or metropolitan areas."

There is an Overhead High Voltage (OHHV) powerline extending generally on the western side of the Pooncarie Rd through the western portion of Lot 1578 with two separate pole mounted substations 8 – 17107 and 8 – 611001 within what appears to be the area to be re-zoned.

The OHHV powerline through existing Lot 1578 was pre-existing as at the passing of the *Electricity Supply Amendment (Protection of Electricity Works) Act 2006*, which created Clause 53 of the *Electricity Supply Act 1995*, providing lawful location of the powerline without an easement.

However, in accordance with Essential Energy's Easement Requirement Procedure CEOP8046, easements will be required over the existing overhead high voltage powerline (within Lot 1578) as a result of the proposed subdivision, as each lot will be less than 25Ha in area.

Should the powerline need to be diverted to the road reserve accommodate proposed subdivision and construction of residential dwellings, the cost of the diversion (or the creation of easements) would be the responsibility of the developer.

It is also noted in the Planning Proposal, Section 4 – Hazard and Risk, that the existing sealed road (Wentworth – Pooncarie Rd) is built at approximately the 1:100 flood level.

For rural subdivisions containing small land parcels, Essential Energy encourages the installation of underground mains and services. Should Council require underground electricity connections to each lot, from multiple or a few pole mounted distribution substations, any pillars would need to be elevated such that their base was at least 600mm above the 1:100 flood level, to comply with Essential Energy design and construction requirements.

Recent pillar alterations in Carramar Drive, Gol Gol have been elevated on pre-formed concrete or brick piers to elevate the electrical pillars above the 1:100 flood level.

Essential Energy has no other comment regarding the proposed amendment of the WSC LEP 2011 at this time, but may provide further comment on the proposed Large Lot subdivision within the re-zoned land, when this is available.

For clarification of any matters or further information please contact me directly on telephone (08) 8082 5886.

Yours sincerely

ADRIAN RAY
MANAGER – PLANNING & CUSTOMER CONNECTION
FAR WEST REGION



Department of
Primary Industries
Office of Water

RECEIVED
20 MAR 2013
41/58
ACTION 01 for
Security PSD
Copy/Rel
☒ Permanent
☐ 1 - 10 Years
☐ 11 - 35 Years

Contact: Jane Taylor
Phone: 03 5898 3939
Fax: 03 5881 3465
Email: jane.taylor@water.nsw.gov.au

The General Manager
Wentworth Shire Council
PO Box 81
Wentworth NSW 2648

Attention: Ken Ross

Our ref: 60 ERM2013/0171
File No: 9056723
Your Ref:

15 March 2013

Dear Ken

Re: Proposed Development, 107 Pooncarie Road, WENTWORTH – Gateway determination

Thank you for referring the above proposal to the NSW Office of Water for comments.

Development along riparian corridors is not recommended by the NSW Office of Water, as the intensifying of use and the clearing of land, impacts on native species, and destroys the connectivity between riparian areas and the watercourse, along with destabilising the riparian bank which leads to increases in erosion. The NSW Office of Water in June 2012 released guidelines for the development of riparian areas, this includes subdivisions.

If the council approves the proposal it is recommended that the following issues be taken into account.

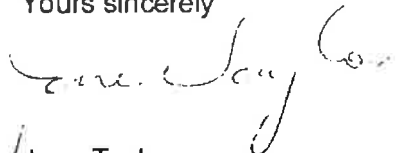
- A community lot be created along the waterfront to prevent structures impinging on the riparian zone. For a 4th order stream or above such as the Darling River this lot should be 40 m from the high bank.
- No development or house envelopes should be permitted within 40 metres of the high bank of the Darling River (as detailed on the subdivision plan submitted).
- If works are to be permitted within the riparian area (40 m from high bank), they should be restricted to those recommendations detailed in the NSW Office of Water Riparian Corridors on Waterfront Land Guidelines.
- Any works within the bed and banks of the watercourse (below the high bank marked) may not be approved by the NSW Office of Water for a Controlled Activity Approval under the Water Management Act 2000 (WMA) unless they meet the guidelines for Instream Works, in particular preserving the geomorphic functions of the watercourse.
- Exemptions for the construction of ancillary structures may not apply to those proposals which are located below the high bank of the proposed properties.

- S52 of the WMA restricts access to basic landholder pumps on watercourses, where the land has been subdivided after 2004. Therefore it is recommended that the subdivision be connected to the town water supply as landholders will not be able to access water from the river.

Further information on controlled activity approvals under the *Water Management Act 2000* can be obtained from the Office of Water's website
www.water.nsw.gov.au Water licensing : Approvals Controlled activities

Please direct any questions or correspondence to Jane Taylor, jane.taylor@water.nsw.gov.au.

Yours sincerely



Jane Taylor
Water Regulation Officer
Office of Water - Murray Basin South



Office of
Environment
& Heritage

General Manager
Wentworth Shire Council
PO Box 81
Wentworth NSW 2648

Your ref
Our reference: DOC13/7344
Contact: Miles Boak 6229 7095

Dear Sir,

Re Planning Proposal –Riverton Farms Wentworth LEP Amendment No .2

I refer to your letter of 28 February 2013 seeking comments from the Office of Environment and Heritage (OEH) on the above proposal to rezone the land to R5 Large Lot Rural zone.

OEH does not object to the Planning Proposal proceeding through the LEP Amendment process. In the context of Wentworth Shire, providing for rural residential opportunities close to urban centre where reticulated services can be provided would lead better environmental outcome for the Shire.

Protection of the riparian corridor fronting the Darling River which contains red river gum community and associated riverine vegetation would be an important matter to protect in any subdivision design. The 30 metre setback is considered a mandatory consideration in this regard.

However, OEH would be concerned if the subdivision were to allow the creation of additional domestic water extraction rights from the river for each block. Options to prevent this should be considered by Council, including consideration of the option of a public land water frontage as part of the subdivision.

Detailed comments and justification of OEH's response to the Planning Proposal are included at **Attachment A**.

If you require further information please contact Miles Boak, Conservation Planning Officer, on 02 6229 7095

Yours sincerely

 28.3.2013

Mark Sheahan
A/ Manager Landscape & Aboriginal Heritage Protection
Conservation & Regulation Division – South

ATTACHMENT A

Flooding Comments

The Planning Proposal and associated documents have been reviewed by the OEH Inland Flood Unit, and comments provided below. Council needs to confirm that the potential impact of proposed rezoning will be of "minor significance" for the flood prone section of the land for the rezoning to proceed.

This proposed area to be re-zoned is flood affected and is shown as such on the LEP mapping (within the FPA).

The draft FRMS by Worley Parsons has looked at this area (Area 4 development scenario) and carried out some calculations/modelling to assess the flood impact of potential development in this vicinity. The provisional hazard category is low (based on Worley Parsons mapping for the 100 year event). When they modelled this area, they 'blocked out' the subject area by raising the boundary above the 1:100 yr flood level, and the result was an increase in flood height of 30mm.

The 'real-world' equivalent of blocking out this area is for Council to construct a levee around the subject area. This would be one option for protecting the development, provided it is constructed to at least 750mm above the 1:100 year flood level, and it is constructed to 'public works' standard. If this option is chosen, the following issues need to be considered:

- Dealing with internal drainage
- Access and egress in times of floods larger than the design event
- Impact on neighbours
- Impact on the local environment
- Land management issues such as easements (if required)
- Ongoing operation and maintenance.

The other option would be to build up pads for the houses (to provide for floor levels at the flood planning level), and construct raised access to connect to the Pooncarie Road – noting that in some places the Pooncarie Road is below the stipulated 1:20 year flood level.

Either way the impact of 30mm would appear to be of minor significance.

For further information Peter Nankivell OEH Senior Natural Resource Officer (Floodplain) can be contacted on (03) 58983934.

Biodiversity

The vegetation on the site indicates that the area is likely to flood, but this is countered by requirements to have house levels above flood level (on mounds or on stilts). The site is included in the Biodiversity layer as part of the LEP, due to the presence of native vegetation, including River Red Gum vegetation. Other native vegetation on the site includes some Black Box, River Cooba, and chenopod shrublands in the north

The proposed setback of 30 metres is likely to retain the River Red Gum vegetation, and this setback should be reflected in the Planning Proposal and in subsequent Development Approvals. The balance of the vegetation is unlikely to be of high conservation value however, this should be confirmed through a proper assessment of the impacts on the subdivision and associated clearing on threatened species (i.e. through an Assessment of Significance) at DA stage.

From: [Ken Ross](#)
To: [Diane Yates](#)
Subject: FW: Planning Proposal to Amend Wentworth Local Environmental Plan 2011 (Amendment No. 2)
Date: Thursday, 14 March 2013 3:52:30 PM
Attachments: [image003.jpg](#)

From: Sophie Wade
Sent: Thursday, 14 March 2013 3:51 PM
To: Ken Ross
Subject: FW: Planning Proposal to Amend Wentworth Local Environmental Plan 2011 (Amendment No. 2)

From: Tancevski, Aleks [<mailto:Aleks.Tancevski@transport.nsw.gov.au>]
Sent: Thursday, 14 March 2013 3:38 PM
To: Wentworth Shire Council
Subject: Planning Proposal to Amend Wentworth Local Environmental Plan 2011 (Amendment No. 2)

Director of Sustainable Development,

Thank you for your email dated 6 March 2013 regarding your request for Transport for NSW to provide comment on the abovementioned Planning Proposal.

Transport for NSW has undertaken a review of the above documents and would like to advise that no issues have been identified as part of the Planning Proposal review and therefore raises no objections.

Transport for NSW also understands that Roads and Maritime Services will be providing a separate response in due course that will focus on road safety issues in relation to access to the proposed rezoning.

Transport for NSW has no further requirements.

Yours sincerely,

Aleks Tancevski
A/Senior Land Use and Transport Planner

Integrated Transport Planning and Land Use

Planning and Programs
Transport for NSW

T 02 8202 2811 | F 02 8202 3120 | M
Level 3 18 Lee Street Chippendale NSW 2008

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Planning & Infrastructure

Mr Peter Kozlowski
General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

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☐	Permanent
☒	1 - 10 Years
☐	11 - 35 Years

Contact: Nita Lennon
Phone: (02) 6841 2180
Email: Nita.Lennon@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Dear Mr Kozlowski,

As you are aware, the Minister for Planning and Infrastructure delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation.

In light of this delegation, I have considered the nature of various planning proposals which are yet to be finalised and have decided to issue Council with authorisation to exercise its delegation for the making of the below proposal. I understand that Council agrees to delegation being issued for the below proposal.

PP_2012_WENTW_002_00

Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. If an agency objects to the proposal, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the planning proposal may proceed under delegation.

Council is also reminded that it may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The planning proposal should still be finalised within the timeframe identified in the Gateway determination. Council's request to draft and finalise the plan should be made directly to Parliamentary Counsel's Office as soon as possible to ensure the timeframe is met. Council should consult the Parliamentary Counsel's website (www.pco.nsw.gov.au) to ensure all necessary information is provided in its request to draft the plan.

A copy of the request should also be forwarded to the department for administrative purposes (planmaking.monitoring@planning.nsw.gov.au). If Council requires any assistance, including assistance with access to GIS support or liaison with Parliamentary Counsel's Office on the drafting of the plan it should contact the regional office. Further information can be found on the department's website (www.planning.nsw.gov.au/) and in *A Guide to Preparing LEPs*.

Should you have any queries in regard to this matter, please contact Nita Lennon of the regional office of the department on 02 6841 2180.

Yours sincerely,

Neil McGaffin
Executive Director
Rural and Regional Planning

3.6.13



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wentworth Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2012_WENTW_002_00	Planning proposal to rezone land at Pooncarie Road, Wentworth for residential purposes.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated *3rd June* 2013


Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

CR2013/001668
SF2013/019100
MM

27 March 2013

The General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Attention: Ken Ross

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Transport
Roads & Maritime
Services

**WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 2) -
REZONE PART LOT 1578 DP763289 AS R5 LARGE LOT RESIDENTIAL, POONCARIE
ROAD, WENTWORTH.**

I refer to your correspondence regarding the planning proposal to amend the Wentworth LEP which was referred to the Roads and Maritime Services (RMS) for assessment and comment.

From the information supplied it is understood that the planning proposal is for the rezoning of the subject site from RU1 Primary Production to R5 Large Lot Residential with the intention being to allow the subdivision of the land for residential purposes. The proposal applies to that land located on the western side of Pooncarie Road (MR68) with land on the eastern side to remain as rural land uses. The subject site has frontage to the Pooncarie Road within a 100 km/h speed zone.

The submitted plans indicate the creation of 23 allotments ranging in area from 0.5 hectares to 1.2 hectares along the western side of Pooncarie Road and the creation of 12 access driveways to Pooncarie Road with each, except 1, to be shared between 2 allotments. Effectively the proposal will result in one sided development for residential land use to Pooncarie Road in a 100 km/h speed zone with 12 access driveways within a 1.5 kilometre stretch of road.

The primary function of the classified roads is to serve through traffic with local roads serving access needs to local development and properties. In this regard RMS has a policy to minimise the number of vehicular access points to Pooncarie Road and/or encourage the use of local roads for access. RMS promotes the adoption of a strategic approach to the rezoning and subdivision of the site to provide for connectivity within the various stages of subdivision of land and integration of access provision for the development of adjoining sites and minimise the need for access directly to the Classified Road network.

Given the location of the subject site relative to the urban area of Wentworth and the separation of the subject site from existing urban development it is considered that this proposal represents ribbon development. RMS does not support ribbon development along the classified road network due to its cumulative impact on traffic flow along the surrounding road network in terms of efficiency and safety on the network. To allow the development as proposed not only introduces multiple additional driveways and therefore potential points of conflict between through and turning vehicles but also may result in the need to reduce the current speed limit for that length of road. This therefore impacts on the safety and efficiency of the road.

Roads and Maritime Services

It is acknowledged that the design for the subdivision does propose to reduce the number of access driveways to Pooncarie Road by the sharing of each driveway between 2 allotments. Notwithstanding this given the current road environment consideration should be given to further reducing the number of intersections with Pooncarie Road by the provision of internal access driveways to service the allotments. The design and location of any intersection treatment will need to be based on appropriate traffic analysis and in accordance with best practice measures such as the Austroads guides for the prevailing speed limit and to cater for largest size vehicle likely to access the site.

Further to the above the potential for the parking of vehicles along the frontage of the proposed allotments to Pooncarie Road will impact on the roadside area and edge of seal of the carriageway as the frontage to Pooncarie Road is not treated with kerb and gutter. Provisions to deny parking within the road reserve along the frontage of future allotments should be adopted.

A major focus of RMS is the safety and efficiency of the classified road network and the level of service provided by these roads and their associated infrastructure. The rezoning of this precinct as proposed will generate additional traffic volumes along Pooncarie Road. The development of the precinct needs to acknowledge and fund measures to address the impacts of the increased development and traffic. Therefore measures to address the impacts and provide for the funding of any required works should be addressed as part of the rezoning process. Any works associated with the proposed development of the subject site shall be at no cost to the Roads and Maritime Services (RMS).

Roads and Maritime Services (RMS) has reviewed the documentation provided and refers to the concerns raised regarding the proposed LEP amendment and the subject site as outlined above in this correspondence.

Should the proposed amendment be adopted RMS offers the following initial comments in relation to the subdivision design and access provision

- The road network and roadside environment should be designed, constructed and maintained to provide a safe environment for all road users and to encourage compliance with the desired speed limit through the subdivision in accordance with the NSW speed zoning guidelines.
- Any provision for access to the proposed allotments from the public road network is to be design to provide for safe access for the prevailing speed limit.
- The road network is to provide for ease of access for larger vehicles such as public transport, service and construction vehicles (eg Garbage trucks, delivery trucks). Bus stop facilities are to be provided within the estate for the convenience of the user in accordance with relevant guidelines.
- The provision of a landscaped buffer along the frontage of the site to Pooncarie Road is supported to address visual and amenity issues and to minimise distraction to motorists. In order to achieve the benefits of a plantation buffer strip it should be established in advance of any subdivision.
- RMS encourages the provision of appropriate facilities for alternative modes of access (other than the motor vehicle) to and within urban release areas, eg walking and bicycle shared pathways. These facilities shall connect to existing networks and provide access through neighbourhoods for the safe and effective movement of pedestrians and cyclists to

facilities such as nearby schools, sporting and shopping facilities. Consideration should be given to providing these facilities separate to the carriageway of roads.

- Any works required as a result of the development of the subject area for the upgrade of Pooncarie Road or any access arrangement to the proposed allotments in order to provide safe access along and from Pooncarie Road is to be funded by the development of the subject site.
- The development of residential dwellings on the proposed allotments should be designed and constructed such that road traffic noise from Pooncarie Road is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria 'The Environmental Criteria for Road Traffic Noise'. Where the EPA external noise criteria would not practically or reasonably be met, the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the BCA:
 - All sleeping rooms: 35 dB(A) Leq(9hr)
 - All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr).

Please note that as Pooncarie Road (MR68) is a classified road any works within the road reserve of the Olympic Highway will require concurrence from RMS under the provisions of section 138 of the Roads Act.

Any enquiries regarding this correspondence may be referred to the Land Use Manager for RMS (South West Region), Maurice Morgan, phone (02) 69371611.

Yours faithfully

Per: 
Mitch Judd
Acting Regional Manager
South West Region