

Rezoning of part Lot 1578 DP 763289, 107 Pooncarie Road Wentworth NSW 2648

Proposal Title : **Rezoning of part Lot 1578 DP 763289, 107 Pooncarie Road Wentworth NSW 2648**

Proposal Summary : **To rezone rural land (nominated as 25ha) for residential purposes, being part Lot 1578 DP763289, 107 Pooncarie Road Wentworth NSW.**

PP Number : **PP_2012_WENTW_002_00** Dop File No : **12/**

Proposal Details

Date Planning Proposal Received : **07-Nov-2012** LGA covered : **Wentworth**

Region : **Western** RPA : **Wentworth Shire Council**

State Electorate : **MURRAY DARLING** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Pooncarie**

Suburb : City : **Wentworth** Postcode : **2648**

Land Parcel : **Lot 1578 DP 763289**

DoP Planning Officer Contact Details

Contact Name : **Nita Lennnon**

Contact Number : **0268412180**

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RPA Contact Details

Contact Name : **Ken Ross**

Contact Number : **0427510714**

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	25.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	No known contact as at 14 November 2012		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	No known meetings as at 14 November 2012		

Supporting notes

Internal Supporting Notes :

Note: the mapping supplied with the Planning Proposal indicates that the Part Portion of the land (Lot 1578 DP 763289 has a total area of 220 ha) to be rezoned is 25 ha in area. However the nominated land area includes the Pooncarie Road Reserve, effectively cutting the subject area into two long narrow strips of land 6.5 ha in area on the river side of the road reserve (averaging 25-50m depth between road reserve and river bank), and 7.3ha on the other side of the road, the total area being 13.8ha. The road reserve is 9.3ha in area and 60m wide x 1.57km long. The actual Pooncarie Road alignment appears to not follow the road reserve, further creating issues for the subdivision of land for residential purposes.

The existence of the road reserve is not acknowledged in the PP, which is a major oversight given the fact that the land cannot be used to support development. Further, the road reserve severely compromises development potential on the river side, where there is a limited amount of area available for residential development (notwithstanding flooding, river setback issues). The status of the road reserve is required to be resolved prior to the PP proceeding to public exhibition.

The subject land has not been supported strategically due to existing, adequate supply of rural residential land, the lack of servicing and the floodprone nature of the land. Council has embarked on a strategy to investigate Primary Production land and a flood study, both which will have relevance to this proposal. The draft strategy is at pre-tender stage. The Wentworth Flood Plain Management Study is being finalised which will include the subject land.

There has been some correspondence in recent past on this matter, with the proponent seeking the support of the Minister via the local member. Wentworth Shire Council advised that the issues of flooding and servicing were raised in 2003 and the basic information required to adequately consider the suitability of any rezoning has not been submitted.

The land has been deemed unsuitable for additional development without the issues of flooding, servicing and effluent disposal being further investigated. Page 39 of the 2007 (not endorsed) Wentworth Rural Residential Strategy states that for the subject land (Candidate Area No 17)

"In order for a rezoning and eventual development to take place, the proponent would be required to undertake a PVP (Property Management 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 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".

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective states that the purpose of the Planning Proposal is to enable future residential development on approximately 25 hectares of land adjoining Wentworth township and the Darling River. It is proposed to rezone part of the site from zone RU1 Primary Production to zone R5 General Residential with a 5000m2 MLS.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation is provided and describes the expected amendment to the Wentworth LEP 2011.**

The explanation does include the comment "the area is an elevated Darling River frontage site, adjoined by the main road to Pooncarie, approx 1 km north of the Wentworth township boundary..."

Verification of the area of land being rezoned is required as the Pooncarie road reserve removes a significant amount of land from the subject site, in turn leaving two largely unworkable parcels of land for the proposed residential land use.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 1—Development Standards
SEPP No 6—Number of Storeys in a Building
SEPP No 21—Caravan Parks
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Rural Lands) 2008
Murray REP No. 2 - Riverine Land**

e) List any other
matters that need to
be considered :

Murray Regional Environmental Plan No 2

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The land is floodprone. The Wentworth LEP 2011 includes clause 7.3 Floodprone land which sets out a flood planning level. The Planning Proposal relies on this clause to allow the proposal to proceed without reference to any flood data for the site. Data has been supplied to the Department in previous correspondence on this matter which indicates that the flood water height over the site is 1.32m and the velocity ranges from medium to high. The Wentworth LEP 2011 Flood Planning Area Map shows that the land is completely floodprone. The Planning Proposal states that the proposal is consistent with the 117 Direction 4.3 on account that 'no future residential development will be allowed under a level of 0.75m freeboard of the flood planning level RL34.65 AHD. With direct access to a sealed road built at approximately the 1:100 year flood level the future occupants of the site will be readily accessible to emergency services'. As noted above, more information is required before the site can be regarded as suitable for residential development from a flooding/natural hazard perspective.

There is also reliance upon an non-endorsed Rural Residential Strategy (2007) which did not recommend the subject land as a candidate area. Council claims that the planning proposal is consistent with the draft strategy as the rezoning will allow for additional growth of the Wentworth township, being well serviced adjoining the township; protect the riverfront of the Darling River and does not allow for any loss of agricultural land. Council states that 'the planning proposal is consistent with the Wentworth Shire Council's preference for the growth of the Wentworth township. Local Council has been strongly supportive of this rezoning for almost 10 years, when the land converted to freehold tenure'.

The Department has noted in a Briefing Note to the Minister (12/11086) that the site is floodprone and not serviced and not part of any endorsed strategy. It is also noted that Amendments 27 and 28 to Wentworth LEP 1994 were notified just prior to the commencement of the Wentworth LEP 2011, which released approximately 196ha/2270 residential lots and 61ha of industrial land at Buronga Gol-Gol . This land has been part of a previous strategic assessment funded by the Department under the Planning Reform Fund.

It is also noted that the Council is undertaking a Primary Production Strategy and is finalising a Flood Study for Wentworth. Both these documents will give further guidance on the implications of releasing residential land in this locality.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A period of 28 days is proposed.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Flooding needs to be addressed as a matter of priority. The Wentworth Flood Study is being finalised and it is recommended that the outcomes of this work be provided prior to exhibition.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Council has not addressed the major issues of justifying the rezoning of rural land for**

housing when there has been an extensive land release 12 months ago. The site is also floodprone and the Council has assumed compliance with clause 7.3 of the LEP is sufficient to deal with any flood issues. The site is known to be subjected to both high and medium hazard, and with large amounts of land recently rezoned, on the information provided there is little justification to release more land.

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation to Principal LEP : **The Wentworth LEP 2011 was notified on 16 December 2011**

Assessment Criteria

Need for planning proposal : **Yes**

Consistency with strategic planning framework : **Inconsistent**

Environmental social economic impacts : **Potentially social and environmental impacts - extent unknown at this time**

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - s56(2)(d) : **NSW Aboriginal Land Council
Lower Murray Darling Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Fishing and Aquaculture
NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service
Transport for NSW
Transport for NSW - Roads and Maritime Services
State Emergency Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

**Flora
Fauna
Bushfire**

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If Other, provide reasons :

Further justification for a land release in light of the amount of residential zoned land recently released.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information :

- 1. Completion of flood study for the area, which is in the course of preparation, being completed prior to the exhibition of the Planning Proposal.**
- 2. Completion of the Primary Production Strategy, which has commenced preparation, to justify rezoning of rural land for residential purposes, to be completed prior to the exhibition of the Planning Proposal.**
- 3. Consultation with the following public authorities:**
Aboriginal Land Council, CMA - Lower Murray-Darling, Office of Environment and Heritage, Department of Primary Industries (Agriculture, Fisheries, Catchment and Lands), NSW Office of Water, NSW Roads and Maritime, State Emergency Service, Minerals and Resources
- 4. Prior to exhibition advice on the status of the Pooncarie Road reserve and whether the road reserve has been closed.**
- 5. A public hearing is not required**
- 6. The timeframe is to be 12 months to account for the completion of additional studies.**

Supporting Reasons :

Insufficient information in support of the Planning Proposal at this time in relation to flooding, status of Pooncarie Road reserve and the need for additional residential land. The site is flood prone and has not been supported in the past by strategic work. Servicing is also an issue. The Wentworth LEP 2011 was notified less than 12 months ago and two amendments approx 12 months ago released a land supply of land for residential purposes.

Signature:

W Garnsey

Printed Name:

W Garnsey

Date:

14/11/12