



Wentworth Local Environmental Plan 2011

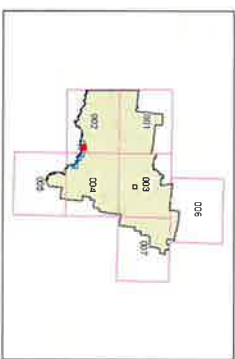
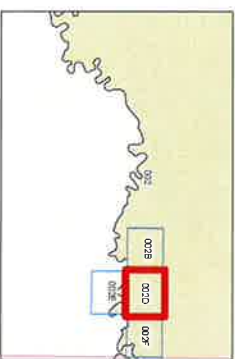
Lot Size Map - Sheet LSZ_002D

Minimum Lot Size (sq m)

- U 1000
- V 2000
- X 5000
- Z 2 ha
- AS 10 ha
- A1 10000 ha

Cadastre

Base data 09/12/2010 © Land and Property Information (LPI)



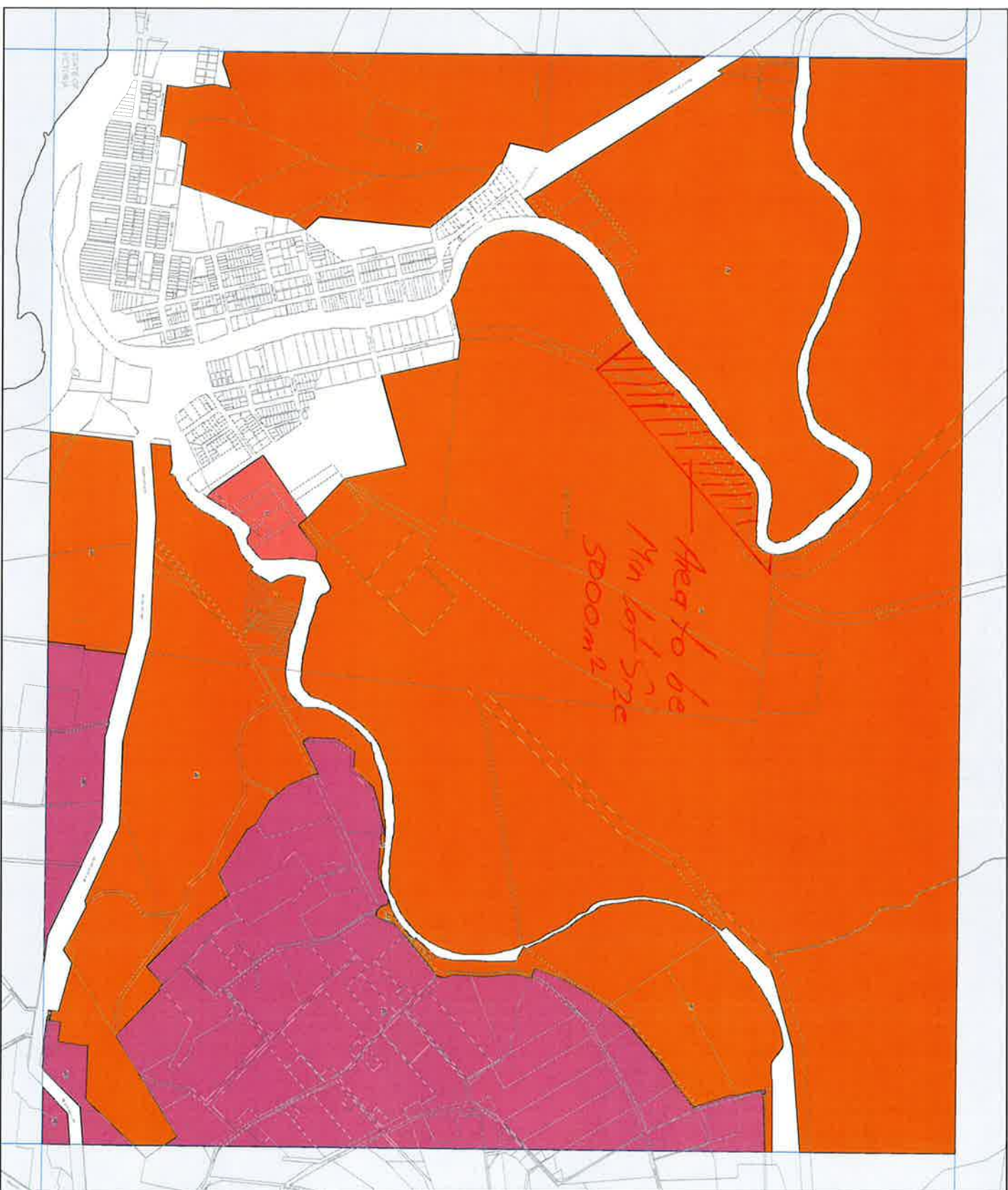
Projection: GDA 1984

MGA Zone 54

Scale: 1:20,000 @ A3

Map identification number

8200_COW_LSZ_002D_020_20108922





Wentworth Local Environmental Plan 2011

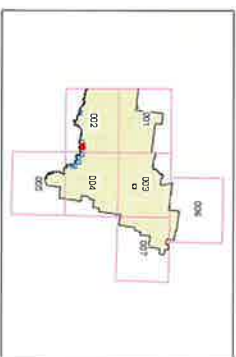
Land Zoning Map - Sheet LZN_002D

Zone

- B6** Enterprise Corridor
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- IM1** General Industrial
- IN2** Light Industrial
- R5** Large Lot Residential
- RE2** Public Recreation
- RE3** Private Recreation
- RUP1** Primary Production
- RUR3** Forestry
- RVS5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways

Cadastre

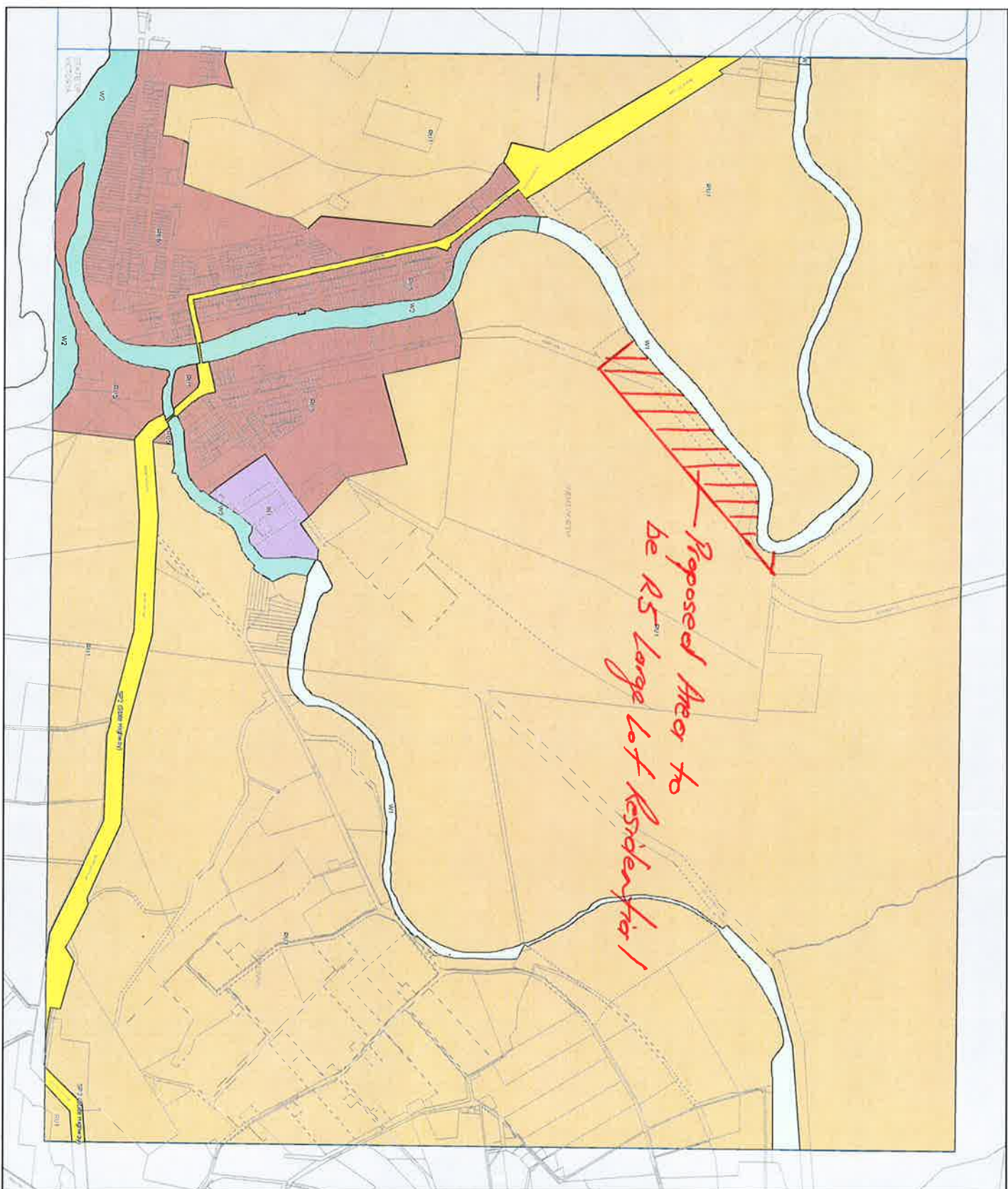
- ☐ Cadastre 08/12/2010 © Land and Property Information (LPI)



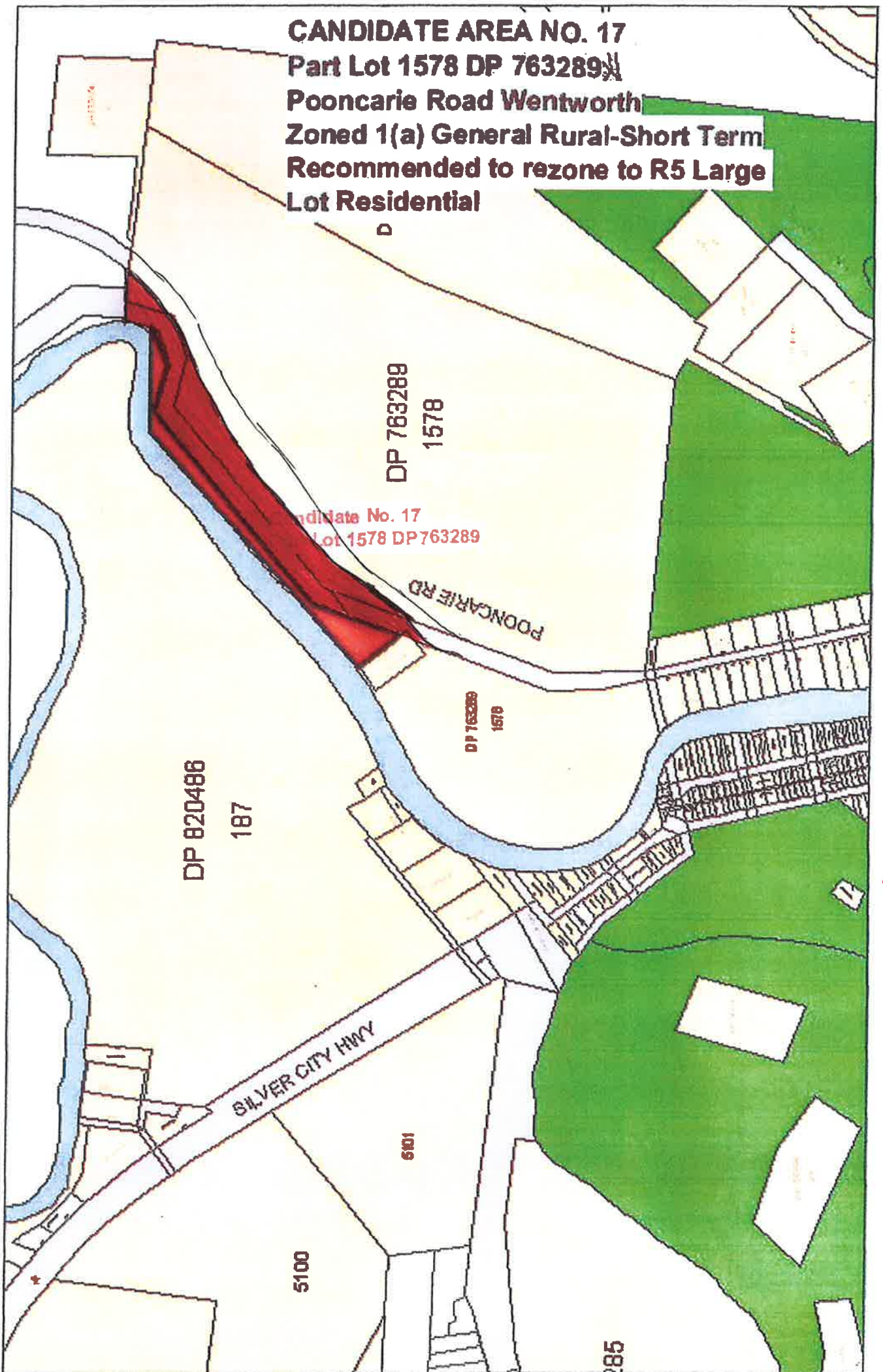
Proposed LZN 002D

Map identification number

8200_COM_LZN_002D_020_20110816



CANDIDATE AREA NO. 17
Part Lot 1578 DP 763289
Pooncarie Road Wentworth
Zoned 1(a) General Rural-Short Term
Recommended to rezone to R5 Large
Lot Residential



ROAD MAP REFERENCE

0

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hi

Short Term

5 Large

Confidential

1578

Candidate No. 17
Part Lot 1578 DP763289

POONCARIE RD

8251

181

SILVER CITY HWY

5101

5100

400



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr John Williams MP
Member for Murray-Darling
1/142 Argent St
BROKEN HILL NSW 2880

12/08460

RECEIVED
BY: _____

Dear Mr Williams

I refer to your representations on behalf of Mr Kevin Cooke regarding the rezoning of his land in the Wentworth Shire.

I understand Mr Cooke has approached Wentworth Shire Council regarding the rezoning of his land to allow subdivision for rural residential purposes. Any rezoning of land, such as that proposed by Mr Cooke can only be facilitated by making a change to the Wentworth Local Environmental Plan (LEP) 2011.

In July 2009, the NSW Government changed the system known as the 'gateway' plan-making process which allows a proposal ('planning proposal') to be reviewed at an early stage to enable a decision whether to proceed further. In addition, the process has been streamlined so LEPs can be prepared, considered and approved in a shorter timeframe. This process would apply to Mr Cooke's rezoning proposal.

The relevant planning authority (normally council), is responsible for the preparation of a planning proposal. Before a planning proposal is prepared, it is a matter for council to determine whether the planning outcome is justified, taking into consideration all relevant planning matters, planning policy and the applicable statutory framework.

I understand Mr Cooke's land is affected by flooding, as it is located in close proximity to the Darling River. Flooding must be adequately assessed before land can be released for any type of housing related development. I have been advised Wentworth Shire Council is currently finalising a review of its Flood Plain Management Study, which will contain flood data and recommendations for the Shire including Mr Cooke's land. Other planning matters which may be relevant to Mr Cooke's land may also need to be considered by Council before preparing a planning proposal to rezone his land.

I recommend Mr Cooke liaise with Wentworth Shire Council about obtaining the relevant flood data for his land, together with any other planning matters which would need consideration. After this time, a planning proposal could be prepared to support the rezoning if the land is found to be suitable for rural residential development.

I note also that the Government is currently reviewing the rezoning processes and the possibility of appeals against refusals by councils in limited circumstances to allow rezonings is being considered. Mr Cooke may be able to pursue this course if his request to Wentworth Shire Council is not successful and new policy is introduced.

Noted

Should Mr Cooke have any further enquiries about this matter, I have arranged for Ms Azaria Dobson, Plan Making and Urban Renewal - Dubbo Planning Team, of the Department of Planning and Infrastructure to assist him on (02) 6841 2180.

Yours sincerely

A handwritten signature in black ink, appearing to be 'B. Hazzard', written in a cursive style.

HON BRAD HAZZARD MP
Minister

0 8 JUN 2012

14.4 Planning Proposal – Riverton Farm Development Rezone Part Lot 1578 DP 763289 107 Pooncarie Road Wentworth

File Number: P493/0

Responsible Directorate: Director Sustainable Development

Recommendation

That Council adopts the following recommendation:

That Council forwards the planning proposal for the change of zone and minimum lot size over the subject land to the Department of Planning and Infrastructure under Section 56(1) of the Environmental Planning and Assessment Act, requesting that the Minister issue a *gateway determination* that will allow the planning proposal to proceed to facilitate Wentworth Local Environmental Plan 2011 Amendment No 2.

Purpose

The purpose of this report is for Council to consider and endorse the attached Planning Proposal and recommend that this be forwarded to NSW Department of Planning and Infrastructure to issue a gateway determination.

Summary

While the history of this land is well known to the Councillors the lodgment of this Planning Proposal was in part triggered by an invitation by the Minister Hazzard to do so. The Minister's letter is attached. The purpose of the planning proposal is to rezone 25 ha of land from Zone R1 Primary Production to Zone R5 Large Lot Residential. It should be noted that this is not a proposal to rezone the entire holding which has an area of 220 ha. Appropriate land has been identified.

Alignment to Strategic Plans/Policy

Plan Name	Description
Community Strategic Plan	A vibrant, growing and thriving community
Resource Strategy	Long Term Financial Plan
Delivery Program Objective	2 - Improved population growth & residential expansion
Principal Activity	5.2 Increase the capacity of land use within the Shire
Program Area	P5.5 - Planning Services
Council Policy	Wentworth Local Environmental Plan 2011

Report

Background

The background to this planning proposal dates back some ten years. A Council file was opened as an amendment to LEP 1993 known as Amendment number 22. A common theme throughout that file is that the Council and officers of the day conveyed support for the proposal. However, under the previous government it was deemed that this planning proposal could not be put up as a spot rezoning on the basis of lack of strategic

justification. With the current government showing a willingness to consider planning proposals on their merits it is deemed appropriate at this time we put forward this one in a timely fashion.

Following endorsement by Council the planning proposal will be forwarded to the Department of Planning and Infrastructure seeking a gateway determination to proceed with the amendment. The gateway decision will set out requirements for any additional investigations, consultations and the timing of any required changes to the Wentworth LEP 2011.

Matters under consideration

In considering this matter Council should be satisfied that the planning proposal is warranted and there is community benefit by allowing the style of development to occur adjacent to Darling River north of Wentworth.

The content of the planning proposal has been based on the requirements of the Department Of Planning *A Guide to Preparing Local Environmental Plans* and accordingly the matters under consideration have been addressed to a standard enabling Council to endorse the planning proposal and refer to the department for a gateway determination.

Options

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

1. Do not support the planning proposal
2. Support the planning proposal and refer to the Department of planning and infrastructure for a gateway determination

Implications

The decision item has the following implications for Council:

Provide additional land for large lot residential development on the outskirts of the town of Wentworth. The development of the land is proposed to subdivide part of Lot 1578 DP 763289 into 24 allotments ranging in size from 5000 sqm to 12000 sqm. It is intended by the applicant that the land will be serviced with reticulated water from Council's existing system, while sewerage is proposed to be pumped to the East Wentworth Evaporation ponds. This will minimise the potential for environmental harm.

Risk Assessment

The table below reflects the risk implications of the decision item. An alteration to the recommendation(s) may necessitate an adjustment to the Risk implications and controls.

Risk Description	Impact	Level	Risk Rating (Pre-controls)	Controls	Residual Risk (post controls)
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1. Political & societal					
Do not support the planning proposal	3. Medium	B. 41-60% - Likely	Moderate Risk	endorse the planning proposal	Low Risk
2. Environment					
Adverse impact on the environment subsequent to the development	3. Medium	C. 21-40% - Possible	Moderate Risk	adhere to planning control measures to mitigate the impact on the environment	Low Risk

Consultation Proposed/Undertaken

Stakeholder Group	Consulted	Proposed or Outcome
Wentworth community	Will be consulted	propose to undertake a 28 day public exhibition phase
Departmental agencies	Will be consulted	propose to undertake 28 day consultation period with relevant government agencies

Conclusion

Having given consideration to the content of the planning proposal in conjunction with the desire to facilitate large lot residential development adjacent to the Darling River it is appropriate that Council support the planning proposal and further refer the matter for consideration of a gateway determination to the Minister for planning and infrastructure.

Attachments

Attachment 1: Planning Proposal - Riverton Farm Development

Moved Councillor Wakefield and seconded Councillor Clarke that the recommendation be adopted.

CARRIED

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

For the motion: Councillors Nunan, Bill Wheeldon, Clarke, Bob Wheeldon, Whitfield, Wakefield, Hederics, Cohrs, McKinnon

Against the motion: Nil