

Proposed rezoning of Lot 1 DP 1134973 Swan Hill Road Murray Downs to zone RE2 Private Recreation

Proposal Title :	Proposed rezoning of Lot 1 DP 1134973 Swan Hill Road Murray Downs to zone RE2 Private Recreation		
Proposal Summary :	Proposal to rezone Lot 1 DP 1134973 Swan Hill Road Murray Downs from zone RU1 Primary Production to zone RE2 Private Recreation with no minimum lot size		
PP Number :	PP_2015_WAKOO_002_00	Dop File No :	15/10878

Proposal Details

Date Planning Proposal Received :	17-Jul-2015	LGA covered :	Wakool
Region :	Western	RPA :	The Council of the Shire of Wakool
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Swan Hill Road		
Suburb :	Murray Downs	City :	Murray Downs
		Postcode :	
Land Parcel :	Lot 1 DP 1134973. The subject land is currently zone RU1 Primary Production with minimum lot size of 500 ha		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
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 :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **No known meetings**

Supporting notes

Internal Supporting Notes : **The subject land has the benefit of a development consent for a tourist facility. The land is also identified in the conditionally endorsed Wakool Shire Land Use Strategy 2010 as being suitable for tourism. Nearby is established Golf Course, tourist and marina developments. The proposed rezoning is consistent with existing development and Council's future strategic direction for this area.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective of the proposal is clear - to rezone the land from RU1 Primary Production with a minimum lot size of 500 ha to zone RE2 Private Recreation with no minimum lot size to facilitate an existing development consent for a tourist facility.**

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

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

Comment : **To rezone the land to zone RE2 Private Recreation and with no minimum lot size**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.2 Rural Zones
1.5 Rural Lands
2.1 Environment Protection Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection**

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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 (Rural Lands) 2008**

e) List any other matters that need to be considered : **A State Heritage Item (Murray Downs Homestead I7&I8)is located on adjoining land-consultation will be required with the Heritage Office.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **The proposal is inconsistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands,4.3 Flood Prone Land and 4.4 Planning for Bushfire protection and SEPP (Rural lands) In relation to s117 Directions 1.2 Rural Zones, 1.5 Rural Lands and SEPP (Rural Lands) the General Manager Western Region can be satisfied that the inconsistencies are of minor significance as the subject land is identified in the endorsed Wakool Shire Land Use Strategy 2010 as being suitable for tourism.- No further work is required in this regard. In relation to section 117 Direction 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection the inconsistencies can be addressed at s59 after consultation with OEH and NSW Rural Fire Services.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate mapping has been provided to identify the land**

Mapping compliant with the LEP technical guidelines will be required at s59 submission

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is proposed to publicly exhibit proposal for 28 days which is acceptable**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Wakool LEP 2013 was notified on 22 November 2013**

Assessment Criteria

Need for planning proposal : **To achieve the proposals objective (to rezone land and change minimum lot size) a planning proposal is required**

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Consistency with strategic planning framework :

The Wakool Shire Land Use Strategy 2010 was conditionally endorsed by the Director General on 24 March 2011. This strategy formed the basis of the Wakool LEP 2013. A large amount of land was identified for change in zone, including this land, but further environmental justification was required.

The subject land is clearly identified as a 'tourism area' due to existing development in this area but subject to environmental assessment prior to change in zoning. It is to be noted that there is an existing development consent for a tourist facility over the land.

Environmental social economic impacts :

Economically tourism development is positive for the Council area.

Environmental considerations include biodiversity, groundwater, heritage, contamination and flooding.

In relation to flooding, Council has adopted the Murray Downs Flood Study which addresses flooding (verbal comm. P O'Brien 31 July 2015). There is adequate information in the flood study to allow the proposal to proceed to Gateway determination with consultation with OEH. There is adequate information in the LEP mapping and the planning proposal submission to indicate that the matter can proceed to gateway determination in relation to access, biodiversity, groundwater, bushfire or heritage considerations with consultation with RMS and OEH.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

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

If Other, provide reasons :

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
10659 - McNEILL AERIAL PHOTO.pdf	Proposal	Yes

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Wakool PP Evaluation Criteria.pdf	Proposal	Yes
10659 - McNEILL GATEWAY APPLICATION - ATTACHMENT 1.pdf	Proposal	Yes
10659 - McNEILL INFORMATION CHECKLIST.pdf	Proposal	Yes
10659 - McNEILL PLANNING REPORT FOR REZONING - v4.pdf	Proposal	Yes
CORRESPONDENCE FROM WSC RE DA NO. 32-07.pdf	Proposal	Yes
EMAIL FROM PAUL O'BRIEN DATED 1ST JULY.pdf	Proposal Covering Letter	Yes
EMAIL FROM PAUL O'BRIEN RE COUNCIL RESOLUTION NO. 160215.pdf	Proposal	Yes
NOTIFICATION DATED 17TH APRIL.pdf	Proposal	Yes
NOTICE OF DETERMINATION.pdf	Proposal	Yes
LAND ZONING MAP.pdf	Proposal	Yes
150630 DoP McNeil PP letter.pdf	Proposal Covering Letter	Yes
Wakool extract from LUS map.pdf	Proposal	Yes
Wakool Lot 1 DP 1134973 pdf.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

Additional Information :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

2. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979 and/or to comply with the requirements of relevant section 117 Directions::

(a) Office of Environment and Heritage - in relation to flooding, biodiversity, State Heritage item (Murray Downs Homestead located on Lot 2 DP 1067731).

(b) NSW Roads and Maritime Services.

(c) NSW Rural Fire Service.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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4. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is consistent with the conditionally endorsed Wakool Shire Land Use Strategy 2010. Council has adopted the Murray Downs Flood Study which provides adequate information to proceed to Gateway determination.
The inconsistencies with s117 Directions 4.3& 4.3 can be addressed at s59 after consultation with OEH and NSWRFs.

Signature:



Printed Name:

W Garnsey

Date:

6/8/15

endorsed 7-8-2015

