

ATTACHMENT

Background

Bellevue Station is made up of some 23,700 hectares. Approximately 22,600 hectares consists of a number of Western Lands Leases (“WLL”) including WLL1444, with the balance being numerous freehold lots, mostly adjacent to the Darling River. The proprietors of Bellevue Station commenced an irrigation development on freehold Lot 1 on DP735148 which is situated east of the Pooncarie Road and abuts WLL1444. This irrigation development was then extended into WLL1444 and a subdivision of that Lease was granted creating a new Lease, WLL16332 (being Lot 1 on DP1181118). This Lease has an area of 325.5 hectares whilst WLL1444 (being Lot 2 on DP1181118) was left with an area of 5,668 hectares. Both WLL16332 and the original freehold lot have been fully developed with irrigated vines and citrus and WLL16332 has now been converted to freehold.

Application

The proprietors wish to further develop their irrigated horticultural business by extending their development further into WLL1444. To do so they propose a further two lot subdivision of WLL1444 as shown on the plan, creating Lot 1 for irrigated horticultural purposes with Lot 2 remaining as grazing.

The Objective

The objective of the proprietors is to split their farming activities into two separate businesses, one of irrigated horticulture on freehold Lot 1 on DP735148, the converted freehold being Lot 1 on DP1181118 and the new proposed Lot 1 on WLL1444, and secondly a separate traditional grazing business on the balance of WLL1444 (and the other WLL’s). Subsequently it is envisaged that the new WLL on proposed Lot 1 would be converted to freehold and consolidated with Lot 1 on DP1181118. This would create a large contiguous, viable freehold lots for irrigated horticulture with the balance of WLLs remaining for grazing.

The Subdivision

All of the relevant land in this application is zoned RU1 Primary Production, and is less than the minimum size for subdivision pursuant to Section 4.1 of the Wentworth LEP. The land however, being in a rural zone, and subject to Council’s Consent, may be subdivided pursuant to Section 4.2(3) to create a lot that is less than the minimum size. The new lot being created (Lot 2) does not have existing dwelling and there is no proposal to ever erect one, so the Application will not transgress either Section 4.2(4) or 4.2(5). It is submitted therefore that there is no restriction on Council permitting the subdivision, providing the proposal meets its LEP’s objectives which are formally set out in Section 4.2(1) –

“The objective of this Clause is to provide flexibility in the application of standards for subdivisions in rural zones to allow landowners a greater chance to achieve the objectives in the relevant zone.”

Planning Objectives

- (a) Section 1.3 of The Environmental Planning and Assessment Act 1979 provides the general objectives required by the LEP. In so far as they are relevant to this application, they are as follows:

- (i) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources
 - (ii) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision making about environment planning and assessment, and
 - (iii) To promote the orderly and economic use and development of land.
- (b) In implementation of these objectives the LEP provides the following objectives relevant to this application –
- Section 1.2 – Aims of Plan
- The relevant clauses are :
- . To encourage and manage ecologically sustainable development.
 - . To encourage the retention and enhancement of land that supports the primary economic activities within Wentworth for productive agriculture and other primary production purposes.
- (c) Section 4.1- minimum lot size –
- This clause provides the principal rules for subdivision of rural lots in respect to minimum size and is directly relevant to the operation of Section 4.2. The relevant clauses are:
- 1(a) To ensure subdivision of land occurs in a manner that promotes suitable land uses and development.
 - 1(b) To prevent the fragmentation of productive rural land.
 - 1(e) To provide for more intensive small lot agricultural uses with access to commercial quantities of irrigation water.
- (d) Land Use Table Zone RU2 Primary Production.
- This Clause specifies the particular objective relating to the Zone for primary production land. The objectives include –
- . To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
 - . To encourage diversity in primary industry enterprises and systems appropriate for the area.
 - . Minimise fragmentation and alienation of resource lands.
 - . Minimise conflict between land uses within the zone and land uses within adjoining zones.
 - . To ensure the protection of both mixed dry land and irrigated agricultural uses that together form the distinctive rural character of Wentworth.
 - . To ensure land is available for intensive plant agricultural activities.
 - . To encourage diversity and promote employment opportunities relating to primary industry enterprises, including those that require small holdings or are more intensive in nature.

Satisfaction of Objectives

(a) General Objectives

In so far as there is an overall objective provided by the Act and the LEP, it is to encourage and manage ecologically sustainable development and encourage development of land that supports primary production, particularly intensive irrigated

primary production. It is submitted that this proposal for a subdivision to create two large, viable separate but different businesses squarely meets the overall objective.

(b) Specific Objectives

(i) Minimum lot size –

The proposed subdivision precisely meets the aim of the relevant clause. In particular, it will ensure that land suitable for intensive irrigated horticulture is made available for that purpose whilst the balance will remain in its existing category. The proposal when completed, will create no new lots, but merely re-align the boundaries to meet the land use classifications. No fragmentation will take place but rather a practical consolidation. It will specifically provide for more intensive irrigated small-lot agricultural use.

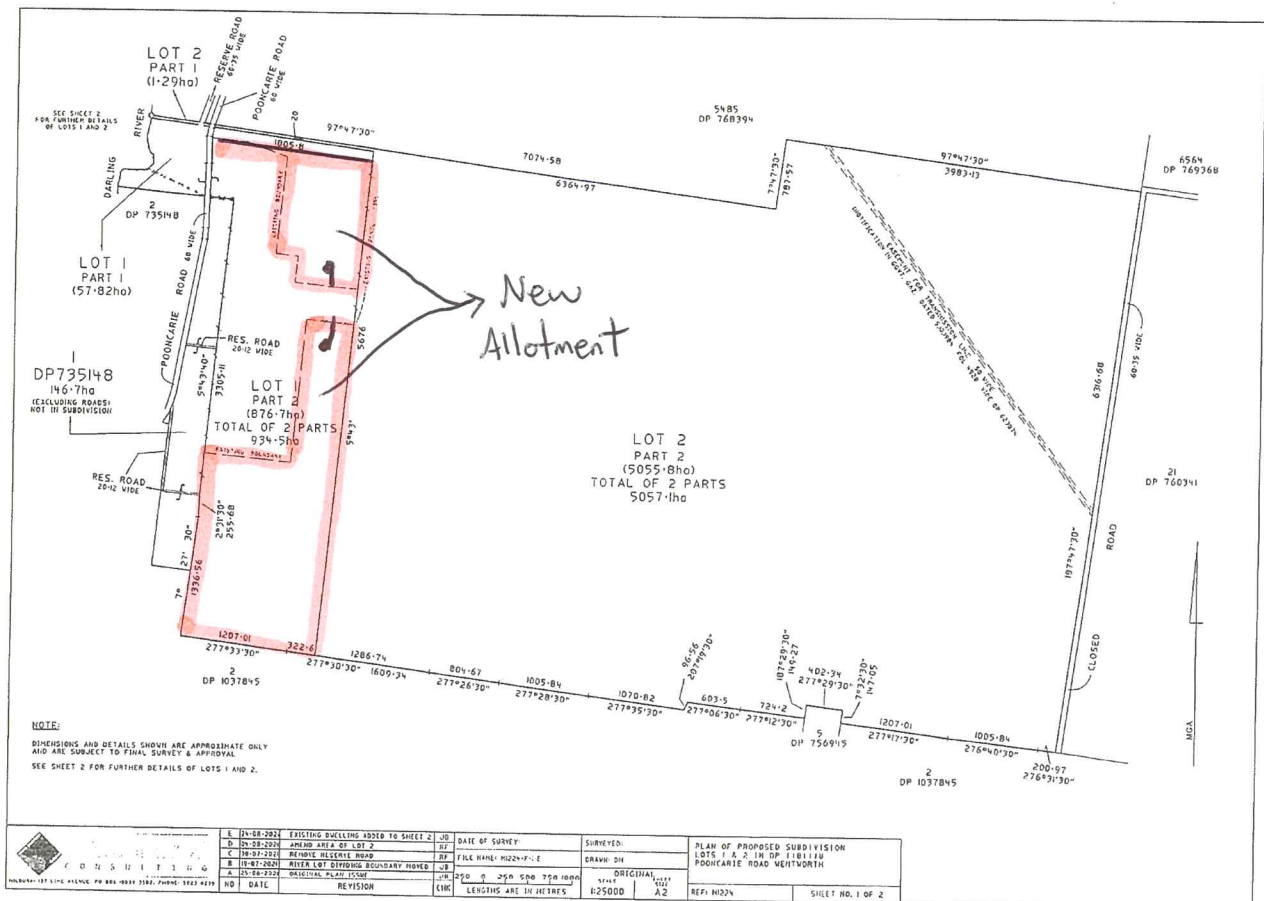
(ii) Zone RU1 Land Use Table Objectives. It is submitted that this application –

- . encourages sustainable primary industry production by maintaining and enhancing the natural resource base by assisting in the development of the horticultural potential of the natural resources on a more economical and viable basis, whilst also assisting in maintaining the existing undeveloped land in its natural state.
- . assists in encouraging diversity in primary industry enterprises by the development of crops other than grazing with a variety of horticultural crops.
- . assists the overall project by a consolidation of the different land uses.
- . assists with the continued development of a horticultural project which is wholly consistent with adjacent properties, thereby reducing potential conflict of land uses within the zone.
- . as there is no residential premises to be constructed, there is a large buffer of natural bushland between the horticultural development and adjoining land which reduces conflict and is totally consistent with the distinctive rural character of Wentworth.
- . assist the proprietors in developing the land for intensive plant agricultural activities.
- . assist the proprietors in the development of a diversity of agricultural enterprise and is consistent with the objective to include small holdings and intensive primary production.

Accordingly it is submitted that both the overall and specific objectives are wholly satisfied. There is nothing in this application that appears to be in conflict with any relevant objective.

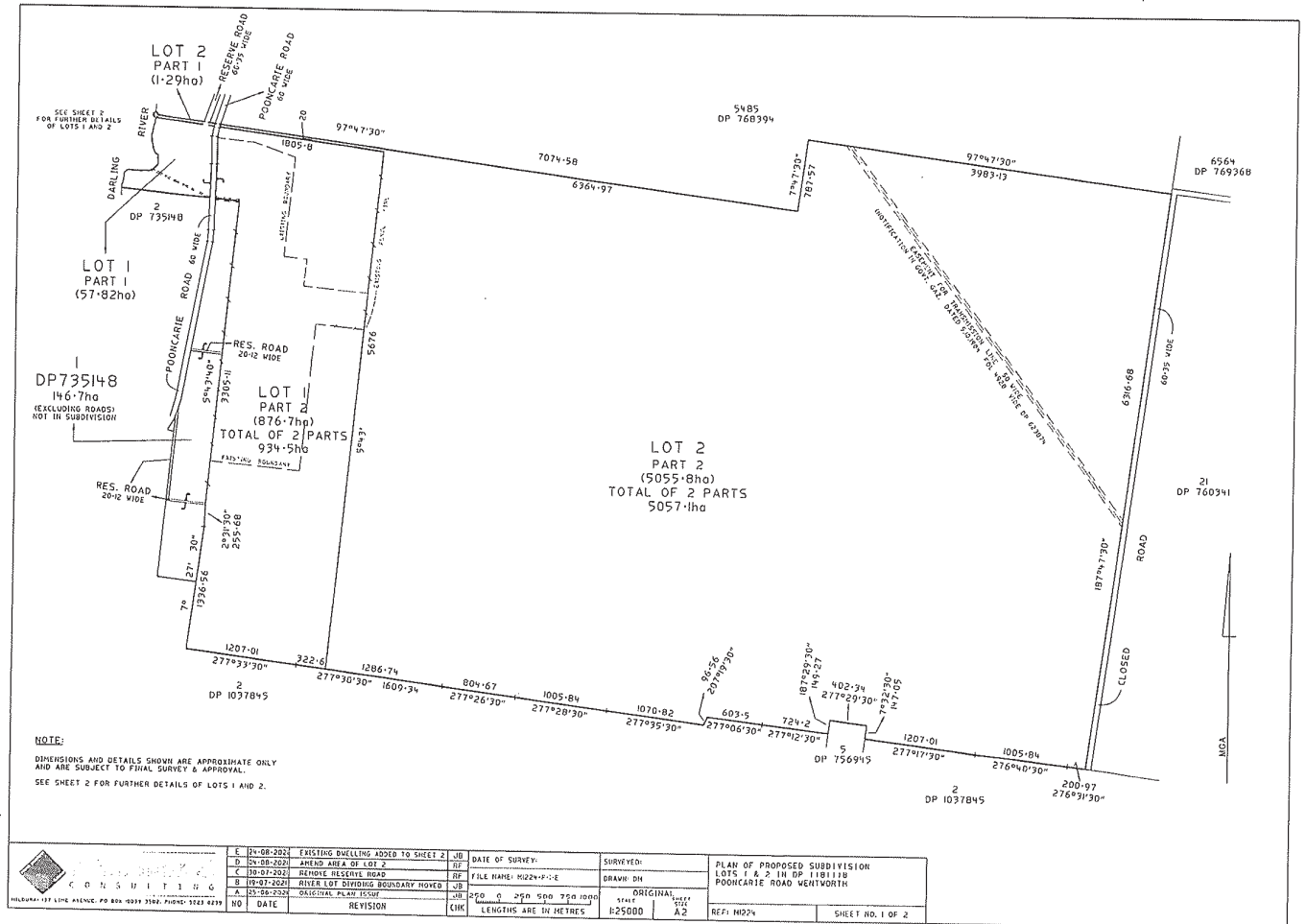
Summary

In summary the proprietors submit that the proposed application achieves both the general and specific objectives of the LEP and precisely meets the objectives of Section 4.2 in that it will allow the proprietors a greater chance to achieve the objectives for development in this zone.



"A"

PART 1 OF 2 PARTS



" A "

PART 2 OF 2 PARTS

