



Planning Proposal

Rezoning of lot's 2 & 3 DP 878007 and
lot 2 DP 1014681 Pitman Ave, Buronga NSW

July 2011

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Attachments at rear (A3)

- 1/ Buronga Rise master plan
- 2/ Buronga Rise Entrance shot
- 3/ Buronga Rise park aerial view
- 4/ Buronga Rise ground view
- 5/ Buronga Rise retirement village
- 6/ Medical Centre (as marked on master plan)
- 7/ Childcare Centre (as marked on master plan)

1. Part 1 – Objectives or Intended Outcomes

The purpose of this planning proposal is to enable future residential development on 31 Hectares of land on the corner of Pitman Avenue & Melaleuca Street, Buronga NSW.

The planning proposal intends to rezone the site from 1(a) General Rural Zone under Wentworth Local Environmental Plan (WLEP) 1993 to 2(v) Village or Urban.

2. Part 2 – Explanation of Provisions

Amend WLEP 1993 as follows:

- Amend the Wentworth LEP 1993 Land Zoning Map to identify the site within Zone No. 2(v) (Village or Urban Zone) as illustrated at **Attachment A**

The site is an elevated sandy loam allotment determined to be outside the flood liable land. The land forms part of the Urban Release Area in Wentworth Draft Local Environmental Plan 2011. Accordingly the land is supported for rezoning through the supporting documentation for the principal LEP being the strategic framework document including the Buronga Gol Gol Structure Plan and soil contamination analysis.

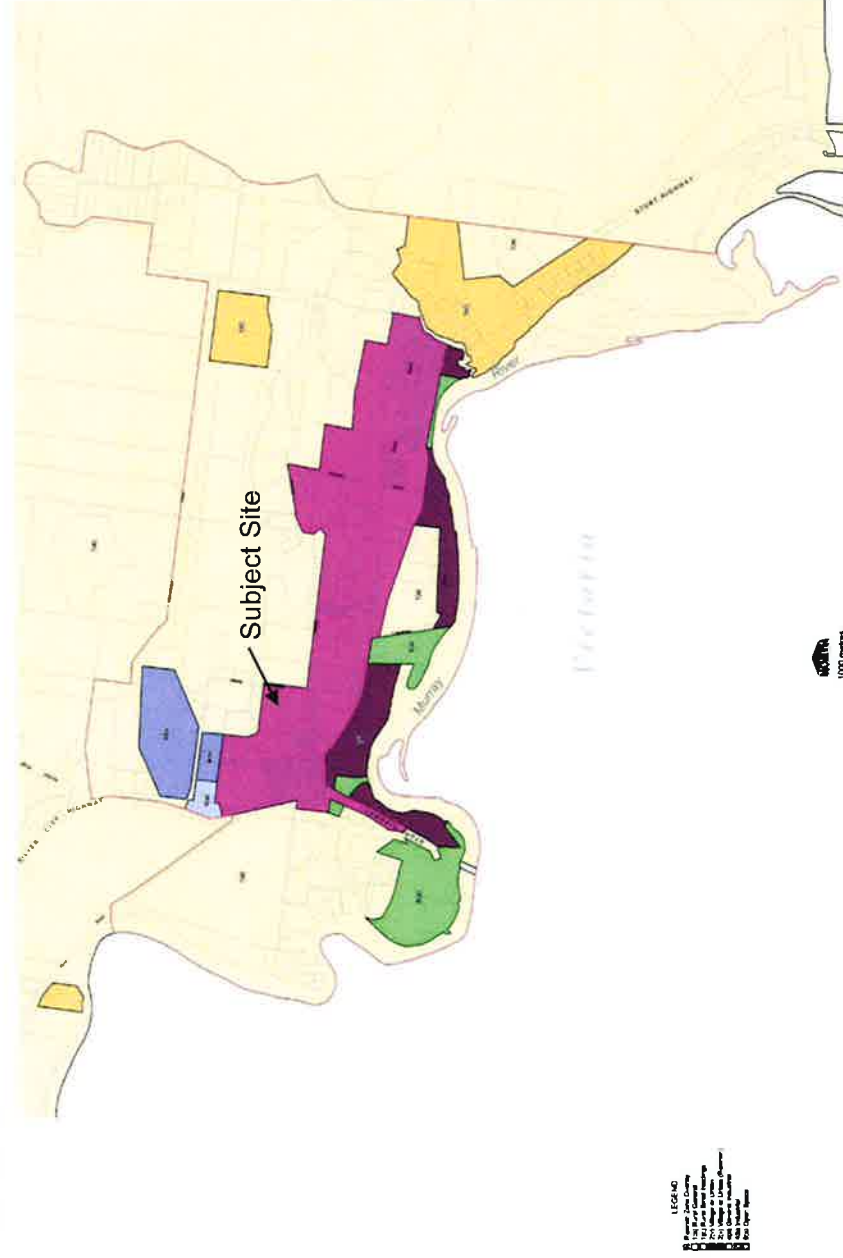
3. Part 3 – Justification

3.1 Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is consistent with the Buronga Gol Gol Structure plan. This plan was adopted by Wentworth Shire Council in December 2005.

The report identifies the site for future residential use as part of the strategic framework Wentworth Draft LEP 2011.



2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is currently located within the 1(a) General Rural Zone under WLEP 1993 which primarily supports rural pursuits of agricultural lots.

The site has been unnecessarily burdened by the ongoing delays of the implementation of standard instrument LEP process and concerns regarding the uncertain timeframes have resulted in the URGENT need for a planning proposal to be prepared to facilitate rezoning of the land.

The planning proposal offers the most transparent, effective and efficient means of changing the controls on development associated with the site. As such the planning proposal will assist in achieving the objects contained within Section 5 of the Environmental Planning and Assessment Act 1979 pertaining to the economic and orderly development of land and will also assist with the implementation of strategic planning policies being the Buronga Gol Gol Structure Plan that have previously anticipated a residential zoning on the site.

The delays are currently approaching 5 years and should this land not be rezoned in the (14 day) option suggested, the commercial decision has already been made to discontinue with the development, a loss of some **\$80 million** to the region.

The matter will be deemed a major **economic loss** to the Buronga Gol community as well as Wentworth Shire Council, something that is very obvious looking at the attachments at the rear.

Buronga Rise is a development the region can't afford lose due to any further delays.

The development can also be viewed @ www.burongarise.com.au

3. Is there a net community benefit?

The planning proposal will result in a positive community benefit with subsequent residential development leading to increased housing choice with high quality amenities.

The site is estimated to realise over \$80 million spent in construction costs alone, a massive boost for any regional economy. Buronga Rise will have major economic benefits for the area both short and long term and will have a significant impact on population growth.

It will consist of:

1. 267 residential Lots
2. 1 lot for public open space (2.03 Hectares). Refer to digital render shots at rear of document
3. Infrastructure including roads, drainage and utility services
4. Landscaping to public areas as per digital render shots at rear
5. A Medical Centre as per digital render shots at rear
6. A Childcare Centre as per digital shots at rear

Burunga Rise will be a catalyst for future residential subdivision in the area and a place people are proud to call home. It will benefit the existing residents by providing a major medical clinic and state of the art childcare facility.



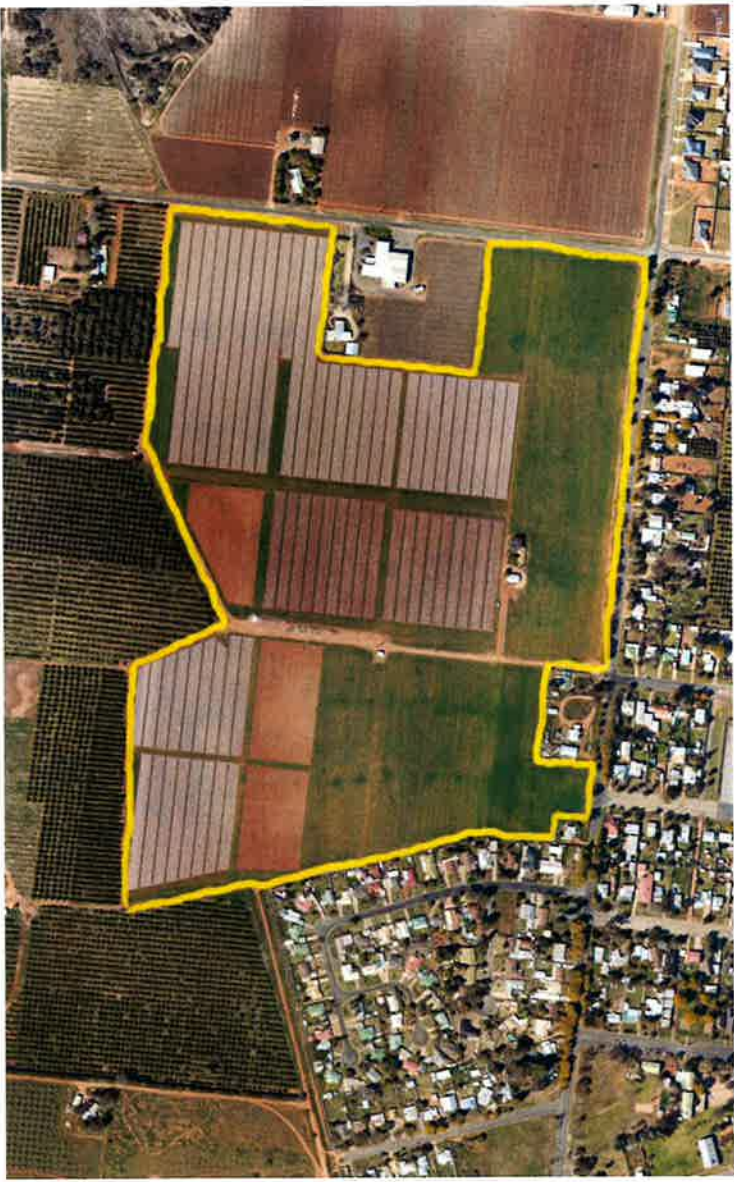


Figure 3 – Aerial Photograph of Lots 2&3 DP878007 and Lot 2 DP 1014681

There are no environmental impacts. The community benefit particularly as the planning proposal enables the implementation of land use zoning controls that are consistent with the proposed land uses identified within the Buronga Gol Gol structure plan.

Short term benefits associated with the proposal include employment within the building construction sector.

3.2 Section B – Relationship to Buronga Gol Gol Structure Plan

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Draft Murray Regional Strategy was exhibited from 30 October 2009 to 11 December 2009 and provides a guideline for development to accommodate the region's growth over the next 25 years.

The planning proposal is consistent with the draft strategy as the proposed rezoning will:

- accommodate additional population growth within an area that is generally well serviced and identified as a village;
- not result in the loss of significant agriculturally productive land.

5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes the site is clearly identified in the Buronga Gol Gol Structure Plan adopted by Council in December 2005. The Structure Plan forms part of the strategic framework document to support the Draft Wentworth Local Environmental Plan 2011.

As noted within Section A of this report, the planning proposal is consistent with the local strategic plans that have been developed to guide future development at Buronga within Wentworth Shire.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Relevant State Environmental Planning Policies and their relationship with the planning proposal are outlined in the table below:

SEPP	Comment
State Environmental Planning Policy No 1 – Development Standards	Consistent
State Environmental Planning Policy No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable
State Environmental Planning Policy No 6 – Number of Storeys in a Building	Consistent
State Environmental Planning Policy No 15 – Rural Land sharing Communities	Not applicable
State Environmental Planning Policy No 19 – Bushland in Urban Areas	Not applicable
State Environmental Planning Policy No 21 – Caravan Parks	Consistent
State Environmental Planning Policy No 22 – Shops and Commercial Premises	Not applicable
State Environmental Planning Policy No 30 – Intensive Agriculture	Not applicable
State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)	Not applicable
State Environmental Planning Policy No 33 – Hazardous and Offensive Development	Not applicable
State Environmental Planning Policy No 36 – Manufactured Home Estates	Not applicable
State Environmental Planning Policy No 44 – Koala Habitat Protection	Consistent – The site does not currently support Koalas. It is also noted that no trees are required to be removed as part of the planning proposal Or any subsequent subdivision.
State Environmental Planning Policy No 50 – Canal Estate Development	Not applicable
State Environmental Planning Policy No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
State Environmental Planning Policy No 55 – Remediation of Land	Consistent - No known contamination exists on the site as per councils contamination report
State Environmental Planning Policy No 60 – Exempt and Complying Development	Not applicable
State Environmental Planning Policy No 62 – Sustainable Aquaculture	Not applicable
State Environmental Planning Policy No 64 – Advertising and Signage	Not applicable
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development	Not applicable
State Environmental Planning Policy No 70 – Affordable Housing (Revised)	Not applicable

SEPP		Comment
Schemes)		
State Environmental Planning Policy No 71 – Coastal Protection	Not applicable	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Consistent - BASIX is able to be complied with At the DA stage.	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable	Not applicable
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable	Not applicable
State Environmental Planning Policy (Infrastructure) 2007	Not applicable	Not applicable
State Environmental Planning Policy (Major Development) 2005	Not applicable	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable	Not applicable
State Environmental Planning Policy (Rural Lands) 2008	Consistent – Refer to comments below.	
State Environmental Planning Policy (Temporary Structures) 2007	Not applicable	Not applicable
Murray Regional Environmental Plan (REP) No. 2 – Riverine Land. Note: MREP No. 2 is a deemed SEPP.	Consistent. – Refer to comments below.	

SEPP (Rural Lands) 2008

Clause 7 of SEPP (Rural Lands) 2008 contains the following rural planning principles that require consideration as part of this planning proposal:

- (a) *The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.*
- (b) *Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.*
- (c) *Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.*
- (d) *In planning for rural lands, to balance the social, economic and environmental interests of the community.*
- (e) *The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.*
- (f) *The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.*
- (g) *The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.*
- (h) *Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The planning proposal addresses the above rural planning principles as follows:

- The site does not contain State significant agricultural land and is not located within an area of regional farming significance.

- The proposal achieves an appropriate balance between social, environmental and economic interests of the community by providing opportunities for additional housing choice on a site that is not adversely affected by any significant constraints.
- Short and long term social and economic benefits are likely to benefit both the village of Buronga and the nearby town of Mildura.
- The planning proposal is consistent with the provisions contained within the Buronga Gol Gol Structure Plan and is part of the principal Draft Wentworth Local Environmental Plan 2011.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117 Directions contained within the Environmental Planning and Assessment Act 1979 is outlined in the table below:

1	Employment and Resources	Applicable	Consistent
	Direction		
1.1	Business and Industrial Zones	No	N/A
1.2	Rural Zones	Yes	No
1.3	Mining, Petroleum, and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	Yes	Yes

Justification

Direction 1.2 applies to planning proposals which affect land within an existing or proposed rural zone and states that a planning proposal must not rezone land from a rural zone to a residential zone.

The inconsistency is justified in this instance as the site is identified for future residential use within Draft Wentworth LEP. The mentioned land is part of the Buronga Gol Gol structure plan being part of the strategic framework document to support the Draft LEP.

The planning proposal is consistent with Direction 1.5 as the proposed residential use is consistent with the strategic policies adopted by Wentworth Shire Council whereby the social and environmental benefits associated with rezoning of rural land to residential land, such as additional housing choice and opportunities are recognised.

2 Environmental and Heritage

Direction	Applicable	Consistent
2.1 Environmental Protection Zones	No	N/A
2.2 Coastal Protection	No	N/A
2.3 Heritage Conservation	No	N/A
2.4 Recreation Vehicle Areas	No	N/A

Justification

The site does not contain any known items of European or Aboriginal heritage.

3 Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent
3.1 Residential Zones	Yes	Yes
3.2 Caravan Parks and Manufactured Home Estates.	No	N/A
3.3 Home Occupations	Yes	Yes
3.4 Integrating Land Use and Transport	Yes	No
3.5 Development near Licensed Aerodromes	No	N/A

Justification

In response to Direction 3.1, the planning proposal will broaden the choice of building types and locations available within the Wentworth Shire and will assist with the efficient use of infrastructure and services. Accordingly, the planning proposal will enable the development of land consistent with the objectives contained within Section 5 of the Environmental Planning and Assessment Act, 1979 and therefore reflects evolving lifestyle and demographic trends.

Home occupations will be able to be carried out in a dwelling without the need for development consent, consistent with Direction No. 3.3.

Whilst the planning proposal is inconsistent with Direction No. 3.4 pertaining to integrating land use and transport, the inconsistency is justified on the basis that the site has been the subject of comprehensive investigations and as such, has been identified for residential development within the Buronga Gol Gol Structure Plan and the Consideration of Environmental Matters being part of the strategic framework document supporting the Draft Wentworth LEP 2011.

4 Hazard and Risk

Direction	Applicable	Consistent
4.1 Acid Sulphate Soils	No	N/A
4.2 Mine Subsidence and Unstable Land	No	N/A
4.3 Flood Prone Land	No	N/A
4.4 Planning For Bushfire Protection	No	N/A

5 Regional Planning

Direction	Applicable	Consistent
5.1 Implementation of Murray River Strategy	No	N/A
5.2 Sydney Drinking Water Catchments	No	N/A
5.3 Farmland of State and Regional Significance on NSW Far North Coast	No	N/A
5.4 Commercial and Retail Development along the Pacific Hwy, North Coast	No	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Milfield	No	N/A
5.8 Second Sydney Airport: Badgerys Creek	No	N/A

Justification

There is no regional strategy that applies to the site that would otherwise require consideration under Direction No. 5.1. Notwithstanding, the provisions of the Draft Murray Regional Strategy have been addressed within Section 3.2 of this report.

6 Local Plan Making

Direction	Applicable	Consistent
6.1 Approval and Referral Requirements	Yes	Yes
6.2 Reserving Land for Public Purposes	Yes	Yes
6.3 Site Specific Purposes	Yes	Yes

Justification

Pursuant to Direction No. 6.1, the LEP provisions encourage the efficient and appropriate assessment of development.

Consistent with Direction No. 6.2, the planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

The planning proposal does not impose unnecessarily restrictive site specific planning controls and therefore is consistent with Direction No. 6.3.

7	Metropolitan Planning		
7.1	Direction Implementation of the Metropolitan Strategy.	Applicable No	Consistent N/A

Justification

NIL

The planning proposal has addressed the S.117 Directions prescribed by the Minister contained within the Environmental Planning and Assessment Act 1979.

3.3 Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are no foreseen impacts based on the fact that the site has been used for horticultural farming for approximately 20 years and hence has been disturbed through previous activities. The site is currently cleared of all vegetation awaiting the outcome of this planning proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

General constraints associated with development are able to be addressed at the development application stage when Council is obliged to consider Section 79C of the Environmental Planning and Assessment Act, 1979. Likewise, impacts on the built environment such as overshadowing, height, bulk and scale and streetscape presentation are also able to be determined at the DA stage.

The site is flood free and is conducive to being able to support future residential development without creating any significant adverse environmental impact.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal will result major, social and economic growth on the locality through the provision of wider housing choice and employment associated with building construction activity and commercial enterprises.

Residential development on the site is likely to support existing businesses within the town of Mildura and promote the village of Buronga Gol Gol .

All other social and economic effects have been considered as part of the Buronga Gol Gol structure plan.

3.4 Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

Existing roads (including Pitman Avenue & Melaleuca Street which currently provides convenient access to the site), public utilities and other essential services such as health, education and emergency services exist within the Wentworth Local Government Area and are generally adequate to serve and meet the needs of the proposal. In particular, Mildura is a major town that is able to service the incoming population of Buronga .Both raw & filtered water, sewerage, drainage and power are available.

As part of the section 62 consultation process for the Wentworth Draft LEP, government agencies were consulted on the larger urban release area with no matters of concern raised. The Development Application for the site has been referred to the Regional Office of Department of Planning and Infrastructure for their consultation with relevant agencies in consideration of this matter.

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Council through the consultation phase of the principal LEP have undertaken required consultation. The responses have not generated any issues requiring further consideration or variation to the plan.

4. Part 4 – Community Consultation

Community consultation is proposed in accordance with Section 57 of the Environmental Planning and Assessment Act 1979.

A period of 28 days is appropriate for the exhibition of the planning proposal as its 'low impact' status is recognised within A Guide to Preparing Local Environmental Plans prepared by the Department of Planning dated 2009.

Both the DA and Draft LEP have been advertised. Therefore it is considered that this provision has been satisfied.



Wentworth Local Environmental Plan 2011

Land Zoning Map - Sheet LZN_004F

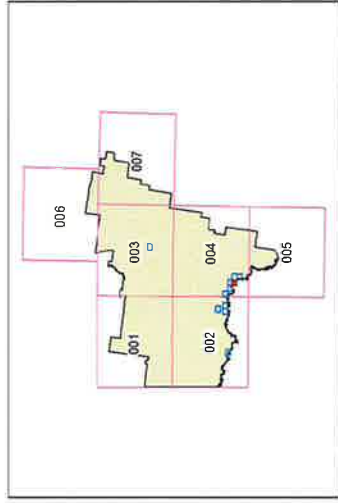
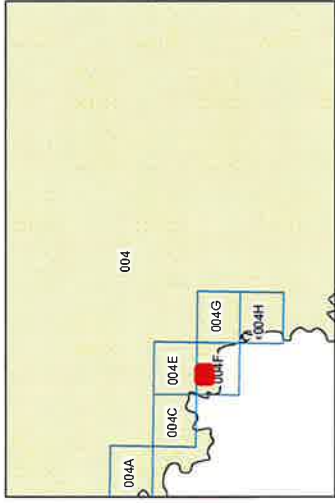
Zone

- B6** 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
- RU4** Rural Small Holdings
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways

Cadastre

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

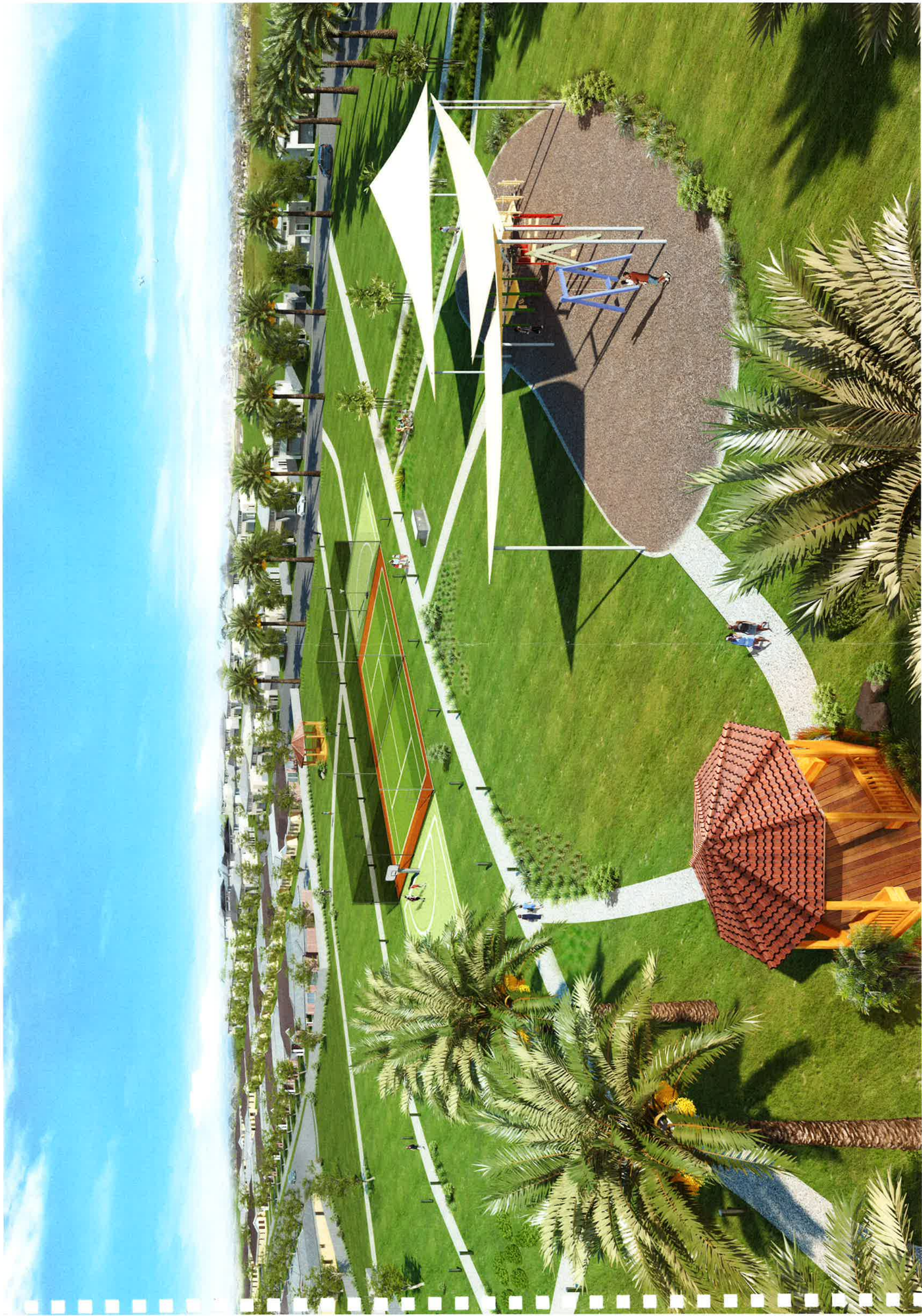
Planning Proposal - Buronga



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Buronga Rise - Medical Centre



