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PLANNING PROPOSAL

LOT 108 DP 756946

191 PITMAN AVENUE, BURONGA

REQUEST TO REZONE TO RU5 VILLAGE

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INTRODUCTION

This planning Proposal seeks to amend to the Wentworth Local Environmental Plan 2011 (WLEP) to rezone Lot 108 DP 756946 being 191 Pitman Avenue, Buronga from RU1 Primary Production to RU5 Village.

Site location and context

The site is approximately 2.10ha in size located 3.8km north of the Murray River and the NSW/Victoria border. While the land is currently zoned RU1 Primary Production, Wentworth Shire Council has determined the dominant use of the land as being consistent with the RU5 Village context. The land is located approximately 600m north of the Silver City Highway. The land also has access to the Highway approximately 2km to the West via Pitman Avenue.

The land is not being used for productive agriculture.

Table 1: Lots contained in the Subject land

No.	Lot	Address	Land Tenure	Current Zoning
1.	Lot 108 DP756946	191 Pitman Avenue	Freehold	RU1 - Primary Production



Image 1: 191 Pitman Ave, Arial photo

PART 1 -OBJECTIVES OR INTENDED OUTCOMES

This application seeks to rezone 191 Pitman Avenue from RU1 – Primary Production Zone to RU5 Village under the WLEP.

The purpose of the rezoning is:

- a) to enable the subdivision of the land pursuant to Clause 4.1 of the *Wentworth LEP 2011* by amending the Lot Size Map to allow an unrestricted Lot size, i.e; remove the minimum lot size.
- b) Provide the means for Wentworth Shire Council to acquire land to maintain existing storm water infrastructure
- c) Give effect to Wentworth Shire Councils local strategic documents

PART 2 -EXPLANATION OF PROVISIONS

The subject land is proposed to be rezoned to RU5 Village based on the assessed current uses and potential future uses under the Wentworth Shire Councils Community Strategic Plan Objective 1.2 and Wentworth Shire Councils Local Strategic Planning Statement (LSPS), specifically Planning Priority 6 which addresses housing growth and supply within settlement boundaries as well as Planning Priority 7 infrastructure and services especially for the liveability for urban areas for the Shire's residents.

The intended outcome of the Planning Proposal will be achieved by amending the WLEP as follows:

- a) Amending Land Zoning Map LZN_004F in the WLEP to show the subject land as RU5 Village
- b) Create a small parcel of land for Wentworth Shire Council to acquire for SP2 Infrastructure services
- c) Amending Lot Size Map LSZ_004F to reflect no MLS

PART 3 -JUSTIFICATION

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guide.

SECTION A- NEED FOR THE PLANNING PROPOSAL

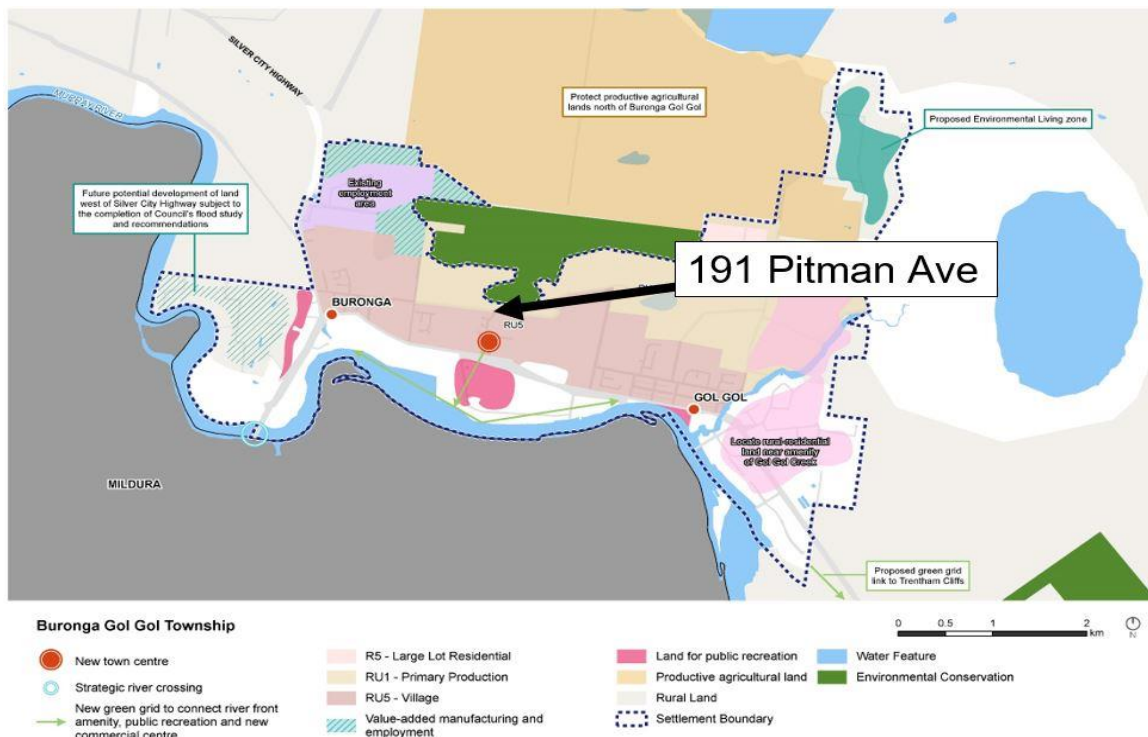
1) Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

This planning proposal is the result of Wentworth Shire Council's LSPS, Buronga/Gol Gol Structure (BGGSP) Plan and the Community Strategic Plan (CSP).

LSPS

The LSPS identifies a number of planning priorities. Planning Priority No.6 – 'Sustainable Settlements' identifies Buronga/Gol Gol is a growing urban area that has evolved from two distinct villages and are developing as a new urban identity as a single township. The LSPS has identified a settlement boundary for Buronga/Gol Gol which outlines sites for future development and rezoning of land to meet current and future growth needs. This proposal also aligns with Planning Priority 7 Infrastructure and Services which serves to relieve pressure on Council's existing stormwater and water infrastructure networks and to respond to the fluctuation in climatic events and water security challenges.

Image 2: Settlement Boundary Buronga / Gol Gol (Source: LSPS pg. 38)



BGGSP

Wentworth Shire Council currently has existing stormwater infrastructure that originates from Pitman Ave and traverses through 191 Pitman Avenue into Lot 7311 DP 1181340 being a Crown Reserve for storm water retention, more commonly known as Basin 3. The issue with this infrastructure is the physical location of the stormwater pipe. This pipe is significantly off-set from the easement created on the land for this purpose. (See image 3 below).

Image 3: Stormwater asset map



As the infrastructure is currently located in freehold land, Wentworth Shire Council can only enter land to carry out stormwater maintenance and drainage works pursuant to section 191A of the *Local Government Act 1993* (LG Act). Council's power of entry under this section is fettered by section 193 of the LG Act which stipulates that Notice of Entry is to be given in every instance maintenance work is required to be carried out.

The arrangement as permitted under the LG Act for infrastructure maintenance is not acceptable to Council Staff or the land owner. This situation creates ongoing access issues for Council, disturbance of land for the land owner which in turn creates delays in project work which then incurs additional costs to Council.

Therefore, this planning proposal will achieve the objectives of the BGGSP especially as it relates to stormwater infrastructure existing within privately owned freehold land which is necessary to ensure security of sites that contain essential infrastructure to service the growth population of Buronga/Gol Gol.

CSP

The Wentworth Shire Council's CSP sets out a series of objectives and strategies that seek to have a well-planned connected built environment that is designed to support the local community. Objective 1.2 seeks to encourage and support population growth and resident attraction.

As this parcel of land is located within the identified settlement boundary and giving consideration to the stormwater infrastructure, this planning proposal will achieve the objective of a well planned and connected built environment.

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

Subdivision 38 'Subdivision' of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, [Codes SEPP], has been considered, specifically 2.75(f) as an option to achieve the intended outcomes. However, this option is incongruous to the objectives of the proposed amendment as the Codes SEPP only allows land to be excised rather than sub-divided.

The excising of land will create a split title over the land, and while it would allow Council to acquire land for the infrastructure, it is not a desirable outcome for the land owner. The preferred outcome for all stakeholders is to allow the re-zoning of this land to enable sub-division which will allow Council to acquire land needed for asset control and maintenance without creating a split freehold title over the parcel via the 2.75(f) process.

Therefore, this planning proposal is the best means of achieving the objectives and intended outcomes.

SECTION B- RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3) Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The regional plans applicable to this planning proposal are the Far West Regional Plan 2036 adopted by the NSW government in 2017 and the Draft Murray Regional Strategy 2009-2036.

Far West Regional Plan

The Far West Regional Plan is the NSW Government's 20-year development blueprint for the future of this region. The goal of the plan is to help communities in the Far West adapt to meet future challenges and to ensure ongoing livability of local communities and health of the environment.

Direction 27 of this plan provides for providing greater housing choice and Action 27.1 of this direction encourages the review of planning controls to increase housing options in those locations that are close to services and jobs. Action 27.2 provides for the alignment of infrastructure planning with land release areas to support new developments with adequate infrastructure.

Direction 29 provides for the management of rural residential development and action 29.3 seeks to avoid and minimise the potential for land use conflicts with productive zoned agricultural land and natural resources.

This planning proposal is consistent with the Far West Regional Plan as the rezoning for the following reasons:

- a) The subject land is not classed as 'productive agricultural land'. Refer to SEED Land and Soil Capability Mapping for NSW – the mapping for the site identifies that it falls under 5 severe limitations and 7 extremely severe limitations.
- b) The subject land is currently rated as R5 rural residential land by Wentworth Shire Council
- c) The subject land is currently used as 'rural residential'

- d) Wentworth Shire Council are seeking to have the rezoning of this land to be consistent with the surrounding land use on the southern side of Pitman Avenue being RU5 – Village.
- e) The subject land is in close proximity to local services and amenities.
- f) This amendment will give effect to action 29.3 of the Far West Regional Plan.

Draft Murray Regional Strategy

This strategy represents the NSW Government's position on the future of the Murray Region. It is one of a number of regional strategies prepared by the Department of Planning to complement the NSW State Plan and other State and Local Strategies. The goal of this Strategy is to create a prosperous and resilient place that can sustain livable communities. It aims to achieve this by catering to a housing demand of 13,900 new dwellings by 2036 as well as protecting and managing the riverine environment of the Region's river system.

This planning proposal is consistent with the goals and objectives of this strategy.

4) Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Giving Effect to the LSPS

The planning proposal is supported within the Wentworth Shire Council's Local Strategic Planning Statement – A vision to 2040 ('LSPS') and beyond where the document specifically notes that:

'Council will investigate and review land use pressures to ensure the Shire has a complimentary balance of residential and commercial development opportunities to encourage population growth.

Planning Priority 7 of the LSPS provides key strategic directions that discuss provision of enabling continued growth of townships by ensuring that adequate stormwater infrastructure services are provided.

The LSPS also identifies Primary Settlement Areas Strategies, specifically in Buronga/Gol Gol. It states new urban development is to be located in the identified settlement boundary. The subject land falls within the identified settlement boundary and therefore this proposed amendment gives effect to Councils LSPS – See Image 1 above.

Giving Effect to the CSP

The Wentworth Community Strategic Plan was endorsed in 2017 to define the vision and priorities of the community for the next ten years to 2027. The Plan sets the direction for Council, government, business and residents and provides a guide on the opportunities to move forward.

The table below considers key goals of the CSP:

Direction/Goal	Response
Goal 1 - Wentworth is a vibrant, growing and thriving shire (economic)	The key vision for Buronga/Gol Gol is to seek new residential options close to the amenity of the Murray River and employment services available in Mildura. This planning proposal will facilitate that vision.
Goal 2 - Wentworth is a desirable Shire to visit, live, work and invest	This planning proposal will encourage greater housing choice and development to meet our changing populations needs

The planning proposal is consistent with the objectives and strategies as identified above, with the added benefit of improved outcomes for the land owners and Council.

5) Is the planning proposal consistent with any other applicable State and Regional Studies or Strategies?

There are no other State or Regional Strategies applicable to this proposal.

6) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with relevant State Environmental Planning Policies (SEPPs) as follows:

State Environmental Planning Policies	Relevance	Comments
Transport and Infrastructure SEPP	Provides greater flexibility in the location of infrastructure and service facilities. Provides for infrastructure to demonstrate good design outcomes.	Nothing in this planning proposal impacts upon the aims and provisions of this SEPP.
Biodiversity and Conservation	Protect biodiversity values of trees and vegetation.	Nothing in this planning proposal impacts upon the aims and provisions of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008		The planning proposal does not recommend any amendments to Part 3, Schedule 2 or Schedule 3 of the LEP affecting exempt and complying development provisions.
Resilience and Hazards	Specifies when certain considerations relevant in rezoning land.	Nothing in this planning proposal impacts upon the aims and provisions of this SEPP. A contamination investigation and report will be provided upon issue of a gateway determination
Primary Production	To reduce land use conflict	Given this planning proposal is seeking to re-zone land from RU1 to RU5, which inclusion of and SP zone, this proposal meets the objectives of this SEPP.

7) Is the planning proposal consistent and applicable Ministerial Directions (s. 9.1 directions)?

Table 3: Assessment of Lots 108 DP DP756946 against applicable Ministerial Directions

Section 9.1 Direction	Applicable (Y/N)	Consistent (Y/N)	Comment/Justification
Focus Area 1: Planning Systems			
1.1 Implementation of Regional Plans	Y	Y	This proposal is consistent with Direction 27 of the Far West Regional Plan – provide greater housing choice.
1.3 Approval and Referral Requirements	Y	Y	The current and proposed LEP provisions will encourage the efficient and appropriate assessment of development.
1.4 Site Specific Provisions	N	N/A	This proposal is not seeking a particular development to be carried out.
Focus Area 2: Design and Place			
This focus area was blank when the directions were made.			
Focus Area 4: Resilience and Hazards			
4.1 – 4.2	N	N/A	These directions are not applicable to this proposal.
4.4 Remediation of Contaminated Land	Y	Y	The subject land will be subject to a land contamination investigation and report upon issue of a gateway determination.
4.5 Acid Sulfate Soils	Y	Y	Land is not likely to have acid sulfate soils per the SEED map.
Focus Area 5: Transport and Infrastructure			
5.1 Integrating Land Use Transport	Y	N	The inconsistency of minor significance as the location of this proposal is in the far west NSW where public transport options are limited.
Focus Area 6: Housing			
6.1 Residential Zones	Y	Y	The planning proposal seeks to rezone land to broaden the choice of building types and locations available in the local housing
Focus area 9: Primary Production			
9.1 Rural Zones	Y	N	The provisions of the planning proposal that are inconsistent are justified by Councils LSPS which has considered the objectives of this direction. The LSPS is a DPIE endorsed document. Also, this is of minor significance as the land is not productive agricultural land.
9.2 Rural Lands	Y	Y	This planning proposal seeks to rezone non-viable non-productive RU1 land to be consistent with immediate surrounding land uses. As stated above, this land is being used as a residential block of land.

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?

The subject site is already developed and is largely devoid of vegetation. It is not identified in the WLEP 2011 as containing environmentally sensitive land or significant environmental attributes. The rezoning of the land for to RU5 Village is unlikely to have a significant impact on flora and fauna. Stormwater infrastructure already traverses the subject site.

This planning proposal is necessary to support the growth and development of Buronga/ Gol Gol and this means that Wentworth Shire Council needs to secure land for servicing infrastructure without impediment, limitation or constraint.

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

Environmental Consideration	To be Considered? (Y/N)	Applicable (Y/NA)	Comment/Justification
1. Bushfire Hazard			
Is the land subject to bushfire hazards, buffer zones or contain category 2 Or 3 vegetation?	Y	NA	The subject land is not bushfire affected
2. Acid Sulphate Soil			
Is the land subject to acid sulfate soils consisting of natural sediments that contain iron sulfides?	Y	N/A	Acid sulphate soil mapping provided by DPIE does not show any mapped occurrence on the subject land
3. Noise Impact			
Will this planning proposal create or introduce intrusive or offensive noise sources that will impact on surrounding land owners?	Y	N/A	Given the existing residential use, noise impacts are considered to be insignificant.
4. Flora and/or Fauna			
Is the land encroaching on critical habitat or threatened species, populations or ecological communities or LMD priority vegetation?	N	N/A	See response to Question 7 above
5. Soil stability, erosion, sediment, land slip assessment and subsidence			
	N	N/A	The subject land is not impacted by these issues
6. Water Quality			
	Y	N/A	The subject land has access to potable water
7. Stormwater Management			
	Y	Y	The subject land has access to Council storm water infrastructure services
8. Flooding			
Is the land in a floodway, flood mapping or flood building area?	Y	N/A	The land identified in table 1 is not subject to flooding
9. Land Site Contamination			
	Y	Y	A land contamination report will be provided upon issue of a gateway determination.
10. Resources (drinking water, minerals, oysters, agricultural lands, fisheries, mining)			
	Y	N/A	See response to item 6 above re: drinking water
10. Sea level rise			
	N	N/A	The land identified in table 1 is not subject to sea level rise

10) Has the planning proposal adequately addressed any social and economic effects?

The residential areas of Buronga/Gol Gol have seen considerable change in recent years to the effect that these two villages are now a combined identity which has made it a popular area for urban growth. The convenience of the locations in relation to access to schools, employment, retail and commercial facilities has become prominent especially given its proximity to the Regional Centre of Mildura.

As the population expands, particularly in Buronga/Gol Gol it is imperative for the Wentworth Shire to work with local businesses and government agencies to ensure the sustainability and livability of our urban areas. While we recognise the importance of our community's ability to access higher level services in the Mildura township, we also know that our Shire needs to be 'Open for Business' and that includes actively supporting local businesses and development to ensure there is a complimentary balance of residential and commercial needs.

Council anticipates that a wider mix of land use zones will make more activities and services available in one location which will promote a more engaged community while responding to the changing needs and expectations

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Yes, adequate infrastructure exists to support this amendment to the land use. Please note the services that will be accessible to the site that will support the proposed land use including: sealed road access, electricity, telecommunications, water, stormwater and sewer.

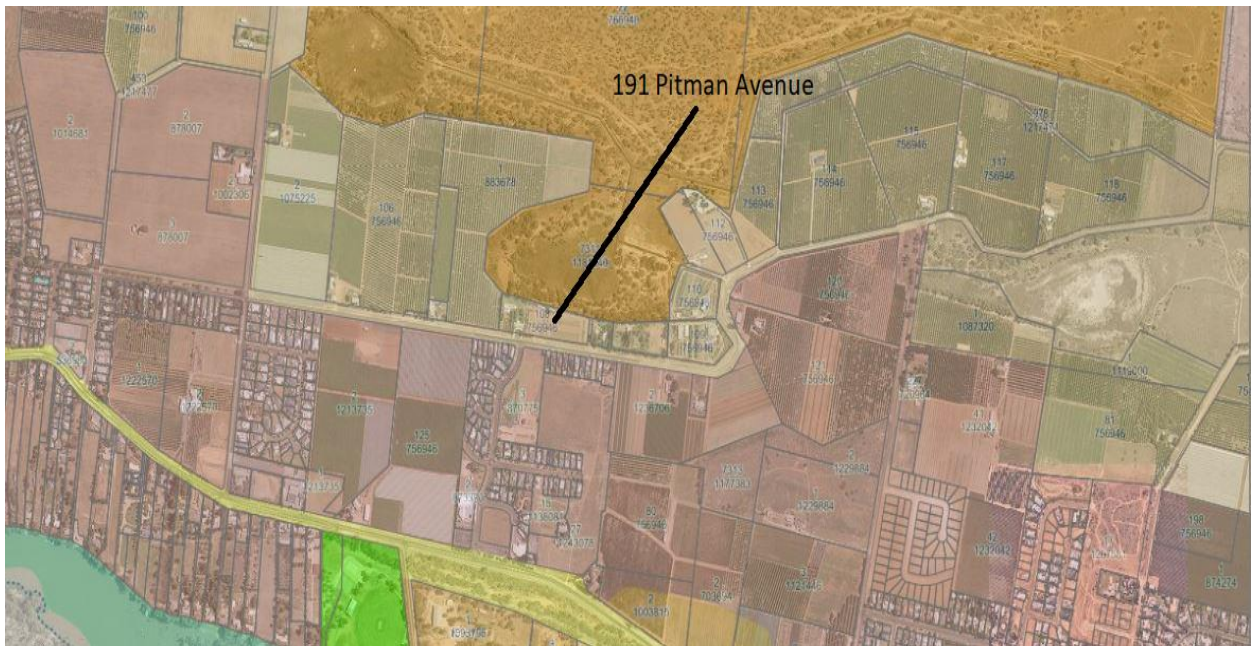
12) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Table 1: View of State and Commonwealth Authorities

Name of Agency	Is PP supported Y/N?	Comments
NSW DPIE	Y	In principle agreement

PART 4 – MAPPING

Map 1: Aerial Image of 191 Pitman Ave and surrounding area



Map 2: Existing Land Use Zone (RU1)



Map 3: Proposed Land Use Zone (RU5)



PART 5 – COMMUNITY CONSULTATION

Community consultation was undertaken during the preparation of the Community Strategic Action Plan, the LSPS and the Buronga/Gol Gol Structure Plan which forms the basis of this planning proposal.

Public exhibition and community consultation, including neighbour notification will be undertaken by Council as part of the Gateway determination process. Given the minor scale and low impact nature of the planning proposal, it is anticipated it will be exhibited for a period of 28 days in accordance with Clause 4 of Schedule 1 of the EP&A Act 1979 and the NSW Department of Planning and Environment's: A guide to preparing local environmental plans 2016.

PART 6 - PROJECT TIMELINE

There are many factors that can influence the timeline although it is anticipated for completion within 6 months.

The indicative timeframe for completing the planning proposal is presented in Table 3 below.

Table 3: Indicative Project Timeline

Stage	Timeframe and/or date
Consideration by Council	End of March 2023
Council decision	19 April 2023
Gateway Determination	End of May/June 2023
Pre-Exhibition	June 2023
Commencement and completion of public exhibition period	July/August 2023
Consideration of Submissions	August 2023
Post-exhibition review and additional studies	September/October 2023
Submission to the Department for finalisation (where applicable)	November/December 2023
Gazettal of LEP Amendment	January 2024

CONCLUSION

The Planning Proposal is to rezone a parcel of land at 191 Pitman Avenue Buronga from RU1 Primary Production to RU5 Village.

An amendment to the WLEP is necessary as the land holder desires rezone the land to enable the minimum lot size to permit a future subdivision of the land.

In summary, the Planning Proposal is considered to have merit because:

- the subject land is located within close proximity Buronga/Gol Gol.
- it is consistent with planning strategy and statement.
- it is consistent with the broader planning framework (e.g. State provisions).
- the subject land can be provided with all services.