

PLANNING PROPOSAL ASSESSMENT REPORT

Application Details

Application No: L1/92

Applicant: Roy Costa Planning & Development

Proposal Summary: Rezone approximately 2.1 hectares of land from RU4 Primary Production Small Lots zone to RU5 Village zone and remove the 10 hectare minimum lot size

Land Owner: Victor & Betty Pollesel

Assessment Officer: George Kenende, Strategic Development Officer

Site and Locality Details

Subject Land: 191 Pitman Avenue, Buronga 2739 (Lot 108 DP 756946)

Current LEP provisions: RU4 Primary Production Small Lot zone and 10 hectare minimum lot size

Current DCP Provisions: Chapter 8 Part B Pitman Avenue is identified as a collector road

Proposed amendment controls: RU5 Village zone with no minimum lot size

Existing Character and Use: The subject land is located north of Pitman Avenue in the locality of Buronga. The site contains a dwelling and farm structures and abandoned horticultural crops. Refer to Figure 1.

An easement in favour of Wentworth Shire Council traverses the subject site for the purposes of a stormwater drainage pipeline. The location of the infrastructure pipeline to drain stormwater to Drainage Basin 3 is not located within the easement. Refer to Figure 2.

The planning proposal states that the site is not be used for productive horticulture, however, the aerial imagery shows some form of small scale cropping activity occurring on the land.

Locality: The land to the south of the subject site is zoned RU5 Village and used for residential purposes. The property to the west is currently under horticultural crop (citrus). The properties directly on the eastern boundary are currently used for residential purposes. The land to the north is zoned C2 Environmental Conservation, a natural habitat that is also known as Drainage Basin 3.

The subject site can be accessed from Pitman Avenue (east and west) and Midway Drive.



Figure 1: Site location

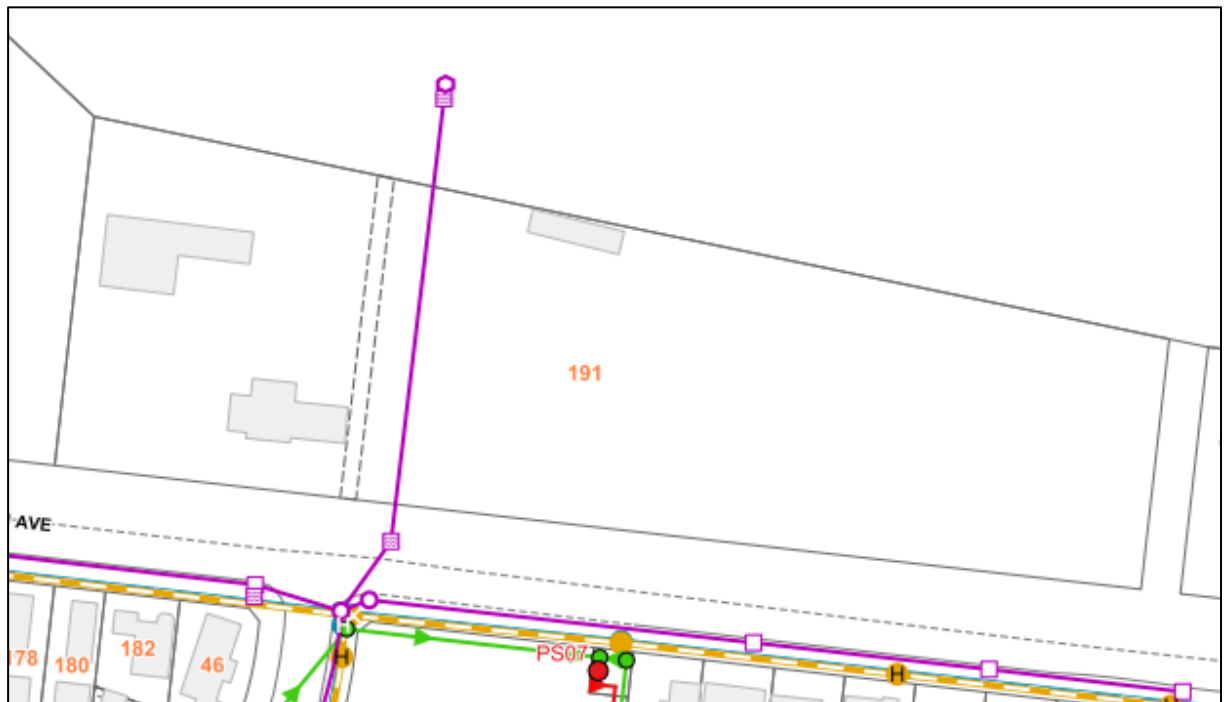


Figure 2: Drainage pipe and easement

Planning Proposal

Council is in receipt of an application to amend the Wentworth Local Environmental Plan 2011 (WLEP) to:

1. Rezone land from RU4 Primary Production Small Lot to RU5 Village (The change of zoning to RU4 occurred recently as such the planning proposal will still refer to RU1 zone).
2. Remove the minimum lot size of 10 hectares.

The planning proposal outlines the purpose of the proposal to:

- a) Enable subdivision of the land to with unrestricted lot size
- b) Provide Council with the opportunity to acquire a portion of the site containing the storm water infrastructure
- c) Given effect to Council's local strategic documents.



Figure 3: Current and Proposed land zoning



Figure 4: Current and Proposed minimum lot size

The applicant's description of the proposal, including supporting information and conceptual plans are provided in Attachment 1 Planning Proposal.

Strategic Assessment

1. Consistency with WSC Community Strategic Plan 2017-2027

Goal 3 of the CSP aims for Wentworth to be a *community that works to enhance and protect its physical and natural assets*. This is to be achieved by:

- 3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long-term interests of future generations
- 3.2 Plan for and develop the right assets and infrastructure

The planning proposal seeks to rezone the subject site to allow the opportunity for the parcel to be subdivided, thereby enabling Council to acquire a portion of the land where existing stormwater infrastructure is located. As Buronga is developing rapidly, particularly to the south of the site, Council is consistently working on, improving and expanding its infrastructure to support and adequately service new development in the area.

Consistent

2. Consistency with WSC Local Strategic Planning Statement

In addition to the response to the Local Strategic Planning Statement (LSPS) outlined on Page 5 of the Planning Proposal, referring to *Planning Priority 6 Sustainable Settlements*, the LSPS also identifies the necessity of ensuring that *utility infrastructure and services have the capacity to cope with the increase in demand* in the expanding Buronga and Gol Gol townships. This will be achieved through the following strategic direction:

b. Enable continued growth of townships by ensuring that adequate, water, sewer and stormwater infrastructure is provided

Drainage Basin 3 has been identified as important stormwater drainage infrastructure to service the continued growth and development in the townships of Buronga and Gol Gol. Ongoing works and maintenance to the current pipeline will be necessary to support and service the current spate of growth in the area.

Under the current zone and minimum lot size applied to the subject site, the property cannot be subdivided to enable Council to acquire the land where the existing stormwater pipeline is located and an area of land surrounding the pipeline to allow for ongoing works and maintenance to be carried out.

Consistent

3. Consistency with any other relevant strategy/study/report

The Buronga Gol Gol Structure Plan 2020 identifies existing stormwater basins and pipelines within the study area. Page 23 also highlights the necessity for upgrades and improvements to the system due to its inadequacy to cater for stormwater runoff in minor to medium rainfall events.

Page 23 of the Plan shows the location of Drainage Basin 3 adjacent to the subject site and the location of the existing stormwater pipe that services the existing and new development south of the subject site.



Figure 5: Stormwater pipeline to Basin 3

The plan identifies the necessity to prepare and plan for the increase in demand on infrastructure and services within the study area by recommending the preparation of an Integrated Water Management Plan.

The plan also identifies that there is approximately a 21 year supply of RU5 Village zoned land at the time of preparing the Buronga Gol Gol Structure Plan. Therefore, there is no recommendation made within the plan for rezoning land to RU5 Village zone. Any justification made to support the planning proposal on the basis of providing additional residential land is not supported.

However, there is justification for supporting the planning proposal on the basis that the outcomes to be achieved will be beneficial to assist Wentworth Shire Council with managing, maintaining and improving its stormwater infrastructure to service the growing community of Buronga Gol Gol.

Consistent

4. Consistency with Far West Regional Plan 2036

The planning proposal addresses *Direction 27 Provide greater housing choice* and *Direction 29 Manage rural residential development*. However, the Buronga Gol Gol Structure Plan has identified a 21 year supply of RU5 Village zoned land and the proposal does not seek to rezone the subject site to R5 Rural Residential zone.

The Far West Regional Plan 2036 identifies goals to protect productive agricultural land and plan for land use compatibility. It also outlines directions to manage change in settlements and achieve healthy built environments.

Whilst the planning proposal seeks to rezone RU1 Primary Production land, the opportunities to pursue viable agricultural uses are severely limited due to both the character and size of the lot and its close proximity to the existing residential development on Pitman Avenue.

The planning proposal objective is to enable subdivision of the land to facilitate better management and maintenance of the existing stormwater infrastructure to service the growing population and development of the Buronga Gol Gol area.

Generally consistent

5. Consistency with applicable Section 9.1 Ministerial Directions

Refer to Table 1 below.

6. Consistency with applicable State Environmental Planning Policies

Refer to Table 2 below.

- **NOTE: It should be noted that the planning proposal was received by Council prior to the effective dates for the newly consolidated State Environmental Plans on the NSW legislative website.**

| State Environmental Planning Policy (SEPP) | Applicable (Y/N) | Consistent (Y/N) | Assessment |
|--|------------------|------------------|---|
| State Environmental Planning Policy | Y | Y | Besides landscape plantings the site is fairly devoid of vegetation due to its previous use for |

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| (Biodiversity and Conservation) 2021 | | <p>horticulture. There will be not removal of vegetation require.</p> <p>Due to the lack of native vegetation on site, it is considered that the site is not potential or core koala habitat.</p> <p>The site is not riverine land.</p> |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | N | |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | N | |
| State Environmental Planning Policy (Housing) 2021 | Y Y | The planning proposal will result in additional RU5 Village zoned land and will therefore add to the existing stock of land available for residential development. |
| State Environmental Planning Policy (Industry and Employment) 2021 | N | |
| State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development | N | |
| State Environmental Planning Policy (Planning Systems) 2021 | N | |
| State Environmental Planning Policy (Precincts – Central River City) 2021 | N | |
| State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 | N | |
| State Environmental Planning Policy (Regional) 2021 | N | |
| State Environmental Planning Policy (Western Parkland City) 2021 | N | |
| State Environmental Planning Policy (Primary Production) 2021 | Y Y | <p>The site has previously been used for horticultural purposes. However, in recent times the agricultural use of the site has ceased. Due to the limitations of size and locality, the site is not considered to be significant agricultural land.</p> |

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| State Environmental Planning Policy (Resilience and Hazards) 2021 | Y N | The site has previously been used for horticultural purposes which may have included the use and spillage of chemicals, fuels and other contaminants. No preliminary assessment of the site has been undertaken and attached to the planning proposal. |
| State Environmental Planning Policy (Resources and Energy) 2021 | N | |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | Y Y | The objective of the planning proposal to enable Council to acquire the land over and around the existing stormwater pipeline provides greater certainty and efficiency of the management and maintenance of this infrastructure. |

- **NOTE:** It should be noted that the planning proposal was received by Council prior to the effective date of the revised S9.1 Ministerial Directions

| Section 9.1 Direction | Applicable (Y/N) | Consistent (Y/N) | Comments/Justification |
|--------------------------------------|------------------|------------------|---|
| 1. Planning Systems | | | |
| 1.1 Implementation of Regional Plans | Y | Y | The Far West Regional Plan was prepared to address the far west at a regional level, therefore specific reference to local infrastructure and servicing is not addressed at a local level within the FWRP. However, based on the objective of this planning proposal the following Directions are considered to be relevant: <i>Direction 2 Protect productive agricultural land and plan for greater land use compatibility</i> - the opportunities to pursue viable agricultural uses are severely limited due to both the character and size of the lot and its close proximity to the existing residential development on Pitman Avenue. <i>Direction 20 Manage change in settlements</i> – Buronga and Gol Gol are experiencing a spike in growth and development and its imperative that Council secures land containing existing infrastructure to allow for ease of access, maintenance and improvements as required. <i>Direction 30 Create healthy built environments</i> – healthy built environments include ensuring that stormwater runoff is |

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| | | | directed away from development to protect buildings from stormwater flooding in rainfall events. The existing pipeline allows stormwater to be directed away from urban development to Drainage basin 3 which provides a valuable water source to land under C2 Environmental Conservation zone. |
| 1.2 Development of Aboriginal Land Council land | N | | |
| 1.3 Approval and Referral Requirements | Y | Y | The planning proposal is consistent with direction. |
| 1.4 Site Specific Provisions | N | | |
| 1.5 Parramatta Road Corridor Urban Transformation Strategy | N | | |
| 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | N | | |
| 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | N | | |
| 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | N | | |
| 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor | N | | |
| 1.10 Implementation of the western Sydney Aerotropolis Plan | N | | |
| 1.11 Implementation of Bayside West Precincts 2036 Plan | N | | |
| 1.12 Implementation of Planning Principles for the Cooks Cove Precinct | N | | |
| 1.13 Implementation of St Leonards and Crows Nest 2036 Plan | N | | |
| 1.14 Implementation of Greater Macarthur 2040 | N | | |

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| 1.15 Implementation of the Pyrmont Peninsula Place Strategy | N | | |
| 1.16 North West Rail Link Corridor Strategy | N | | |
| 1.17 Implementation of the Bays West Place Strategy | N | | |
| 2. Design and Place | | | |
| 2.1 Not yet applied | | | |
| 3. Biodiversity and Conservation | | | |
| 3.1 Conservation Zones | Y | Y | The subject site of the planning proposal abuts land under the C2 Environmental Conservation zone. The proposal is consistent with this direction as the proposal will not have a negative impact or reduce the environmental protection standards applied to the protect the adjoining site. |
| 3.2 Heritage Conservation | N | | |
| 3.3 Sydney Drinking Water Catchments | N | | |
| 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | N | | |
| 3.5 Recreation Vehicle Areas | N | | |
| 4. Resilience and Hazards | | | |
| 4.1 Flooding | N | | The subject site is not subject to flooding. |
| 4.2 Coastal Management | N | | |
| 4.3 Planning for Bushfire Protection | N | | |
| 4.4 Remediation of Contaminated Land | Y | N | Any application for the rezoning of land that may have been contaminated and enables the development of dwellings or other permissible sensitive uses, should be accompanied by a preliminary assessment report. The Managing Land Contamination Planning Guidelines advises that it is necessary to investigate a site proposed to be rezoned if the site has been used for agricultural or horticultural activities. As there are existing farm buildings on the site, which may have stored agricultural chemicals, it is recommended to request either: |

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| | | | <p>a) The proponent to submit a preliminary assessment report, or</p> <p>Request the Department of Planning & Environment to issue a Gateway Determination to proceed, including a condition requiring the submission of a preliminary assessment report prior to proceeding with consultation.</p> |
| 4.5 Acid Sulfate Soils | N | | |
| 4.6 Mine Subsidence and Unstable Land | N | | |
| 5. Transport and Infrastructure | | | |
| 5.1 Integrating Land Use and Transport | Y | Y | The planning proposal is considered consistent with direction as the subject site is located on a connector road, has access to services and infrastructure. |
| 5.2 Reserving Land for Public Purposes | N | | |
| 5.3 Development Near Regulated Airports and Defence Airfields | N | | |
| 5.4 Shooting Ranges | N | | |
| 6. Housing | | | |
| 6.1 Residential Zones | Y | Y | While the RU5 Village zone is a generally flexible zone and not specifically applied for residential purposes, it does permit residential development. This planning proposal is considered consistent with this direction. |
| 6.2 Caravan Parks and Manufactured Home Estates | Y | Y | The planning proposal is consistent with this direction as it will not prohibit this type of development. |
| 7. Industry and Employment | | | |
| 7.1 Business and Industrial Zones | N | | |
| 7.2 Reduction in Non-Hosted Short-term Rental Accommodation period | N | | |
| 7.3 Commercial and Retail Development along the Pacific Highway North Coast | N | | |
| 8. Resources and Energy | | | |
| 8.1 Mining, Petroleum Production and Extractive Industries | N | | |
| 9. Primary Production | | | |

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| 9.1 Rural Zones | Y | N | The planning proposal is inconsistent with this direction as it seeks to rezone the subject site from a rural zone to a village zone. However, the inconsistency is justified through the Community Strategic Plan, Local Strategic Planning Statement, Far West Regional Plan and Buronga Gol Gol Structure Plan. |
| 9.2 Rural Lands | Y | N | <p>The planning proposal does not respond to this direction. This Ministerial direction requires planning proposals to address (1)(a) to (i).</p> <ul style="list-style-type: none"> a) The proposal is consistent with regional and local strategies. b) The significance of the subject site in terms of agricultural production is considered minor due to the limitations on size and location. c) As the site has been historically used for agricultural purposes minimal native vegetation exists, and is generally located around the boundary. The proposal will not have a negative impact on the adjoining allotment where the C2 zone is applied to protect its environmental values, any heritage items or water resources. d) The subject land is suitable for development based on its close proximity to township services. e) Due to the small lot size and its location, there is very limited or restricted opportunity for rural investment opportunities. f) The proposal will not interfere with surrounding farmers' rights to farm. g) Due to the existing size of the subject site and its proximity to rural land uses on the west boundary, it may be necessary for buffers to be planted to prevent land use conflict. h) The site is not listed in Chapter 2 of the SEPP (Primary Production) 2021. |

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| | | | i) The planning proposal has considered the social, economic and environmental interests of the community. |
| 9.3 Oyster Aquaculture | N | | |
| 9.4 Farmland of State and Regional Significance on the NSW Far North Coast | N | | |

Site Assessment

Suitability of site for proposal

The site is deemed suitable for the proposal because of the issues surrounding the existing stormwater pipeline. By rezoning the subject site, the area of land that contains the existing pipeline (approximately 345 m²) can be subdivided and acquired by Council for management and maintenance purposes.

The site location is adjacent to existing RU5 Village land that is developed along Pitman Avenue and under development along Midway Drive. Although the BGGSP has not included a recommendation to rezone this site, at this stage, it is anticipated that growth of the township will progress north of Pitman Avenue.

Infrastructure

There is adequate infrastructure to support the outcomes of the planning proposal.

Sealed road frontage to Pitman Avenue, a collector road.

Power, sewer, filtered and raw water and stormwater infrastructure is located on the south side of Pitman Avenue.

Consultation

Internal consultation

Roads and Engineering Department

External consultation

Department of Planning & Environment

Financial Implications

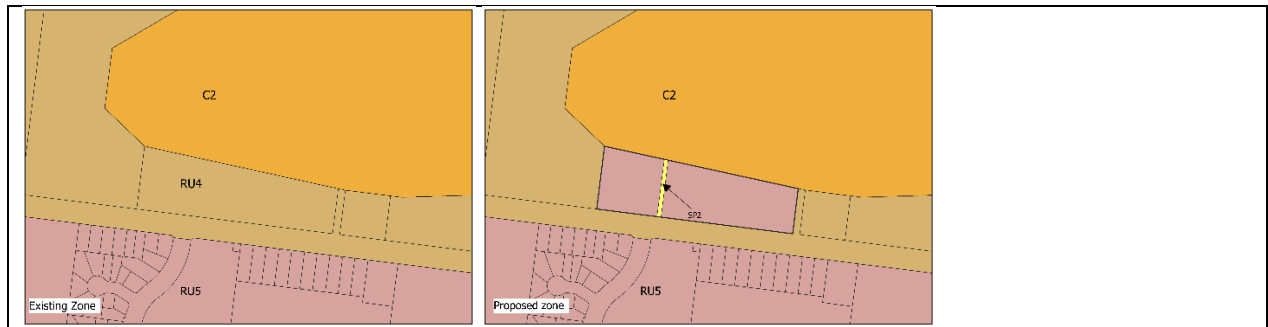
Council's 2021/2022 Fees and Charges includes a fee for planning proposals which is \$6,367.00. This fee has been paid by the proponent.

Should the planning proposal proceed and an amendment to the LEP be made, the contribution and development servicing plans will apply to future development on the subject site.

Recommended Amendments

Part of the land will be acquired by Council and used for stormwater infrastructure connecting Drainage basin 3 to Pitman Avenue. The Drainage Basin 3 has been identified as important stormwater drainage infrastructure to service the continued growth and development in the townships of Buronga and Gol Gol. Ongoing works and maintenance to the current pipeline will be necessary to support and service the current spate of growth in the area.

A SP2 Infrastructure zone will be the most appropriate zoning for the 345 m² area over the stormwater pipeline.



Conclusion and Recommendation

That Council:

1. Support the planning proposal to amend the Wentworth LEP 2011 by rezoning the subject site from RU4 Primary Production Small Lot zone to RU5 Village and SP2 Infrastructure zones and removal of minimum lot size
2. Submit the planning proposal to the NSW Department of Planning and Environment for Gateway Determination