

9.14 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 – 191 PITMAN AVENUE REZONING PLANNING PROPOSAL

File Number: RPT/23/201

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: George Kenende - Strategic Planning Officer

Objective: 3.0 Wentworth Shire is a community that works to enhance and protect its physical and natural environment

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

Wentworth Shire Council has received a Planning Proposal from Roy Costa Planning and Development on behalf of VF & BM Pollesel.

The Planning Proposal seeks to amend the Wentworth Local Environmental Plan 2011 (WLEP) by rezoning Lot 108 DP 756946, 191 Pitman Avenue, Buronga from RU4 Primary Production Small Lot zone with an existing minimum lot size (MLS) of 10 hectares to RU5 Village and SP2 Infrastructure zone with no MLS.

Recommendation

That Council resolves to:

- a) Submit the planning proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination to amend the Wentworth Local Environmental Plan 2011 in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Detailed Report

Purpose

The purpose of this report is to provide Council with the information required to make an informed decision with respect to the planning proposal, based on the content of the planning proposal submitted by Ray Costa Planning and Development.

Background

The lot subject to the planning proposal is located at the northern end of Midway Drive within Pitman Avenue, Buronga. The single lot encompass approximately 2 hectares in total area.

The site falls under the RU4 Primary Production Small Lots zone with a minimum lot size of 10 hectares. The planning proposal submitted by Roy Costa Planning and Development refers to the lot as RU1 Primary Production, while the current zoning is RU4 Primary Production Small Lots. The RU4 zoning came into effect in February of 2023, after the PP had been drafted and checked by relevant agency as part of the pre-lodgement process. No changes will be required to the PP as the Department of Planning and Environment (DPE) are aware of the matter and it will not impact the processing of the PP.

The property is being used for the following:

- Partially as rural residential with outdoor buildings and a dwelling;
- Abandoned horticulture crops;

The northern boundary of the subject site adjoins C2 Environmental Conservation zoned land used as a stormwater drainage basin by Council (Drainage Basin 3).

An easement in favour of Council traverses the lot for the purposes of a stormwater drainage pipeline, however the pipeline to drain stormwater to Drainage Basin 3 is not located within the easement. The rezoning will provide Council with the opportunity to acquire a portion of the site containing the storm water infrastructure.

Refer to Attachment 1 Planning Proposal

Matters under consideration

A detailed assessment of the planning proposal has been undertaken to determine if the proposed rezoning is justified in seeking the support from Council to submit to the Department of Planning for consideration of a Gateway Determination.

Refer to Attachment 2 – Planning Proposal Assessment

The Assessment Report determines that the planning proposal as submitted, with minor amendments, satisfactorily addresses the requirements of the Guide to Preparing Planning Proposals, Ministerial Directions and applicable State Environmental Planning Policies.

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.

As part of the assessment, a SP2 Infrastructure zone was determined to be the most appropriate zoning for the 345 sqm area of land over the stormwater pipeline.

Options

Based on the information contained in this report, the options available to address this matter are to:

1. Submit the Planning Proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination,
Or
2. Refuse to support the Planning Proposal.

Legal, strategic, financial or policy implications

The endorsement of the attached Planning Proposal will allow it to be submitted to the Minister for Planning and Environment for consideration of a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979.

The endorsement will provide Council the opportunity to acquire land to be used for vital drainage infrastructure.

Conclusion

The Planning Proposal prepared by Roy Costa Planning and Development requests Council's support for the rezoning of the subject lot from RU4 Primary Production Small Lots zone to RU5 Village zone and the removal of the minimum lot size provisions applying the land. Amendment is proposed to the planning proposal to add a SP2 Infrastructure zone over the portion of land to be acquired by Council for drainage infrastructure.

The ultimate objective of this Planning Proposal is to allow for the site to be redeveloped for residential purposes, similar to the existing residential development to the east of the subject site and allow Council to acquire portion of the land with drainage infrastructure.

The assessment of the Planning Proposal determines that the proposal is justifiably supportable and adequately responds to the requirements of the Guide to Preparing Planning Proposals, Ministerial Directions and applicable State Environmental Planning Policies.

Attachments

1. Planning Proposal [↓](#)
2. Planning Proposal Assessment [↓](#)

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Council Resolution

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Moved Cr Cooper, Seconded Cr Crisp

CARRIED UNANIMOUSLY

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Heywood, Linklater, MacAllister, Nichols and Rodda.***

Against the Motion: ***Nil.***