

Wollondilly LEP 2011 - amendment for land at 1550 Burragorang Road, Oakdale

Proposal Title : **Wollondilly LEP 2011 - amendment for land at 1550 Burragorang Road, Oakdale**

Proposal Summary : **To rezone the subject land for low density and rural residential purposes.**

PP Number : **PP_2013_WOLLY_004_00**

Dop File No : **13/05386**

Proposal Details

Date Planning : **19-Mar-2013**

LGA covered : **Wollondilly**

Proposal Received :

Region : **Sydney Region West**

RPA : **Wollondilly Shire Council**

State Electorate : **WOLLONDILLY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **1550 Burragorang Road**

Suburb : **Oakdale**

City : **Sydney**

Postcode : **2570**

Land Parcel : **Lot 1, DP 835288**

DoP Planning Officer Contact Details

Contact Name : **Mato Prskalo**

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RPA Contact Details

Contact Name : **Sophie Perry**

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DoP Project Manager Contact Details

Contact Name : **Tessa Parmeter**

Contact Number : **0298601555**

Contact Email : **tessa.parmeter@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub : **Metro South West subregion**

Consistent with Strategy : **Yes**

Regional Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) : 22.71		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 74		No. of Dwellings (where relevant) :	74
Gross Floor Area : 0		No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **At this point in time, to the best of the Regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.**

Supporting notes

Internal Supporting Notes : **The regional team supports the proposal, in principle, as it will provide housing opportunities and enable the orderly growth of Oakdale.**

DELEGATION

Delegation is to be given for Council to exercise the Minister's plan making powers.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to rezone the subject land from Zone RU1 Primary Production to part Zone R2 Low Density Residential and part Zone R5 Large Lot Residential. The proposal also includes corresponding lot size, building height and environmental controls.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal will be facilitated by amending Wollondilly LEP 2011 as follows:**

LAND ZONING MAP (Sheet LZN_007B)
Rezone the subject land as indicated above.

LOT SIZE MAP (Sheet LSZ_007B)
Amend the minimum lot size from 20 ha. to part 450 sqm. (R2 Zone) and part 4,000 sqm. (R5 Zone).

HEIGHT OF BUILDINGS MAP (Sheet HOB_007B)
Introduce a maximum building height of 9 m. for the entire site (currently, no maximum building height applies).

NATURAL RESOURCES - BIODIVERSITY MAP

Vegetation areas identified through proposed studies will be shown on this map and will require the creation of a new sheet NRB_008.

NATURAL RESOURCES - WATER MAP (Sheet NRW_008)

Riparian areas identified through proposed studies will be shown on this map.

A copy of the proposal is provided in the 'Documents' section of this report. The proposed rezoning is shown on page 34 of the proposal document.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.2 Sydney Drinking Water Catchments

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

Drinking Water Catchments Regional Environmental Plan No. 1

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

SECTION 117 DIRECTIONS

DIRECTION 1.2 - RURAL LAND

This Direction applies as the proposal rezones rural land for urban purposes. The proposal is inconsistent with this Direction as it rezones land from a rural zone to a residential zone. As such, the future potential for rural uses on the subject land is limited as it partly adjoins an existing urban area.

The inconsistency is considered to be justified as the proposal is generally consistent with the draft South West Subregional Strategy. Notwithstanding this, there is the potential for land use conflicts with agricultural uses on surrounding and neighbouring land. Also, it is noted that the proposal will result in the isolation of an adjoining allotment to the east, zoned RU1 Primary Production.

It is considered that Council should be formally required, as a condition of the Gateway determination, to:

- consider potential rural land use conflict,
- consider the isolation of the rural land adjoining to the east, and
- consult with the Department of Primary Industry - Agriculture.

The matters raised above are not considered to be significant and, as such, the approval of the Director General (or his delegate) is required for the inconsistency and is recommended.

DIRECTION 2.1 - ENVIRONMENTAL PROTECTION ZONES

This Direction is applicable as the subject land contains environmentally sensitive areas in the form of:

- Shale Sandstone Transition Forest (i.e. representative of Cumberland Plain Woodland (though, in this case, not the more significant Priority Conservation Lands category),
- riparian areas, and
- two dams.

The proposal seeks to apply clause 7.2 Biodiversity Protection of Wollondilly LEP 2011 to protect environmentally sensitive areas, which requires the land to be shown on the Natural Resources - Biodiversity Map. An aerial photograph of the subject land is provided on page 32 of the proposal document, showing the extent of vegetation cover.

Council proposes to undertake a flora and fauna assessment in accordance with requirements specified by the Office of Environment and Heritage (OEH) and addressing the Cumberland Plain Woodland Recovery Plan.

It is considered that Council should be formally required to undertake the following as a condition of the Gateway determination:

- proposed study, and
- consultation with the Office of Environment and Heritage, and
- subsequent demonstration of consistency with the Direction.

Council should also be reminded of the need to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

DIRECTION 2.3 - HERITAGE CONSERVATION

The proposal notes that there are no items or places of European heritage significance within or adjoining the site but, nevertheless, suggests the need for a Aboriginal Archaeological and European Heritage Cultural Assessment.

The proposed assessment will enable determination of whether the Direction is applicable and whether the Proposal is consistent with the Direction. Accordingly, it is considered that the proposed assessment and subsequent consideration of the Direction by Council should be made a formal requirement.

DIRECTION 3.1 - RESIDENTIAL ZONES

This Direction applies as the proposal rezones land for residential purposes.

The subject land generally forms a logical extension to the existing residential area at Oakdale and is identified for potential growth under Council's Growth Management Strategy 2011 (GMS). Council has submitted the GMS to the Department for endorsement. The GMS has not been endorsed by the Department to date and Council is revising the strategy.

Notwithstanding the above, it is considered that, in principle, the proposal holds merit and should proceed as it will facilitate the orderly expansion of Oakdale and provide housing opportunities and choice. It is, however, understood that there is a general lack of demand for rural residential housing in Wollondilly.

The subject land does not currently have access to reticulated water and sewer. The proposal notes that the subject land is located within the Sydney Drinking Water Catchment and that, consequently, it will require access to reticulated sewerage, whether by connection to Sydney Water's system or the provision of a self-contained, on-site package sewerage treatment plant.

The proposal indicates that the subject land has the potential to be provided with reticulated sewer services by Sydney Water, following the recent removal of mapped servicing boundaries for reticulated sewer services to the area. It is understood that this also applies to potable water availability.

Council proposes to consult with Sydney Water and also investigate the potential for the provision of on-site sewerage services (in accordance with standards to be specified by the Sydney Catchment Authority). It is considered that the proposed consultation and the preparation of a Potable Water and Wastewater Servicing Assessment should be formally required as a condition of the Gateway determination and that Council should be required to subsequently demonstrate consistency with the Direction.

It is also considered that Council should be required to consult with Endeavour Energy, Roads and Maritime Services and other relevant service/public authorities.

It is noted that clause 7.1 - Essential Services of Wollondilly LEP 2011 will apply to the subject land, which requires 'essential services' to be available or adequately arranged before development can proceed.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction applies as the proposal will rezone land for urban purposes, i.e. Zone R2 Low Density Residential and Zone R5 Large Lot Residential. The Direction requires the Proposal to, in part, have regard to 'Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001)'. The proposal is generally consistent with these guidelines as the subject land is located within walking distance (i.e. 800m) of shops at Oakdale, which is serviced by buses. Therefore, the proposal is considered to be generally consistent with the Direction.

DIRECTION 4.3 - FLOOD PRONE LAND

The Proposal indicates that the subject land is unlikely to be flood affected but nevertheless proposes to investigate potential impacts through the preparation of a Total Water Cycle Management Plan, that includes flood, stormwater, and ground water impacts and management. It is considered that the investigation should be formally required as a condition of the Gateway determination and that Council should be required to subsequently demonstrate consistency with the Direction.

DIRECTION 4.4 - PLANNING FOR BUSHFIRE PROTECTION

This Direction applies as the subject land is bush fire prone and requires consultation with the Commissioner of the NSW Rural Fire Service (RFS). Council proposes to consult with the RFS and prepare a bush fire hazard management plan. It is considered that this should be formally required as a condition of the Gateway determination and that Council should be required to subsequently demonstrate consistency with the Direction.

DIRECTION 5.2 SYDNEY DRINKING WATER CATCHMENT

This Direction requires the proposal to protect the water quality within the Sydney drinking water catchment and comply with related specific principles.

The proposal must also ensure consistency with SEPP (Sydney Drinking Water Catchment) 2011, give consideration to the outcomes of the SCA's Strategic Land and Water Capability Assessment and consult with the SCA (prior to seeking a Gateway determination) in relation to compliance with the water quality protection principles.

Council has consulted with the SCA, which advised that:

- any development proposal must demonstrate a Neutral or Beneficial Effect (NorBE),

- the capacity of the site shall be subject to an investigation of soil suitability for on-site effluent disposal and the potential impacts of on-site disposal on the SSTF vegetation and habitat,
- stormwater quality modelling is required with specific modelling parameters recommended, and
- preliminary advice based on Strategic Land and Water Capability Assessments is that reticulated sewer is essential to support redevelopment of lots any smaller than 4,000 square metres.

The issues raised by the SCA are addressed in part by the recent change to Sydney Water's servicing boundary. Other issues raised by the SCA are expected to be further investigated by recommended studies.

Council proposes to undertake further consultation with the SCA and it is considered that this should be formally required as a condition of the Gateway determination and that Council should be required to subsequently demonstrate consistency with the Direction.

A copy of the SCA's correspondence is provided at Attachment 11 of the proposal document.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

This Direction requires the proposal to be consistent with the Metropolitan Plan for Sydney 2036. The proposal is considered to be generally consistent with the above plan in that it is supported, in-principle, by a local strategy for growth.

SEPPs and DEEMED SEPPs

SEPP 44 - KOALA HABITAT PROTECTION

Although this SEPP applies at the development application stage, the proposal indicates that the proposed flora and fauna study will include consideration of potential koala habitat.

SEPP 55 - REMEDIATION OF LAND

This SEPP applies as the subject land has previously been used for agricultural purposes. The SEPP requires Council to obtain a preliminary investigation into whether the land is contaminated, before it can be rezoned. Council proposes to arrange for an investigation and it is considered that this should be formally required as a condition of the Gateway determination.

SREP 20 - HAWKESBURY-NEPEAN RIVER (No. 2 — 1997)

SREP 20 applies to the proposal and requires Council to give consideration to various general and specific planning matters and related recommended strategies. The proposal includes a consideration of the above requirements and, to address these, proposes various environmental studies (discussed throughout this report).

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The proposed zoning map is included at Attachment 2 of the proposal document. Attachments 3 and 4 of the proposal document relate to the proposed lot size and height of buildings maps, however, these have been left blank. This matter should be brought to Council's attention and addressed before the proposal is exhibited.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to publicly exhibit the proposal for a period of 28 days and it is considered that this length of time is appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2011**

Comments in relation to Principal LEP : **Wollondilly LEP 2011 was notified in February 2011.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the best means of facilitating the rezoning of the land.**

Consistency with strategic planning framework : **The proposal is generally consistent with the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy as it is supported, in principle, by Council's GMS.**

Environmental social economic impacts : **Council proposes to undertake the following studies:**

- ☐ **Total Water Cycle Management Plan (including a Flood Management and Stormwater Management Plan and surface and ground water impacts and management),**
- ☐ **Aboriginal Archaeological and European Heritage Cultural Assessment,**
- ☐ **Transport and Movement Assessment,**
- ☐ **Bushfire Hazard Management Plan,**
- ☐ **Phase 1 Contamination Assessment,**
- ☐ **Salinity Assessment,**
- ☐ **Flora, Fauna and Habitat Impact Assessment, and**
- ☐ **Riparian Ecology Assessment.**

It is expected that the proposed studies, along with a Potable Water and Wastewater Servicing Assessment, will sufficiently address potential environmental impacts and should be formally required as a condition of the Gateway determination. No significant social and economic impacts are expected.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority : **Sydney Catchment Authority**
 Consultation - 56(2)(d) : **Department of Education and Communities**
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council proposes a timeframe of 13 months in which to finalise the LEP. It is considered that this length of time is generally reasonable and that a 12 month timeframe should apply.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Flooding

Other - provide details below

If Other, provide reasons :

In addition to the above studies, other studies as discussed in this report are recommended.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council's_covering_ letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Council_report.pdf	Proposal	Yes
Council's_resolution.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
2.1 Environment Protection Zones

2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.2 Sydney Drinking Water Catchments
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the proposal proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;
2. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination; and
3. Delegation is to be given for Council to exercise the Minister's plan making powers.

The matters below are to be addressed prior to community consultation.

4. Council is to amend the proposal to ensure that Attachments 3 and 4 include proposed lot size and height of buildings maps respectively;

5. Council is to undertake the following studies:

- ☐ Total Water Cycle Management Plan (including a Flood Management and Stormwater Management Plan and surface and ground water impacts and management),
- ☐ Potable Water and Wastewater Servicing Assessment,
- ☐ Aboriginal Archaeological and European Heritage Cultural Assessment,
- ☐ Transport and Movement Assessment,
- ☐ Bushfire Hazard Management Plan,
- ☐ Phase 1 Contamination Assessment,
- ☐ Salinity Assessment,
- ☐ Flora, Fauna and Habitat Impact Assessment, and
- ☐ Riparian Ecology assessment;

6. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the proposal is not inconsistent with the Draft South West Subregional Strategy. However, Council is to:

- give consideration to including in the proposal, rural land adjoining the subject land to the east, which will become isolated by the proposed rezoning,
- consider potential land use conflicts with agricultural uses on surrounding and neighbouring land, and
- consult with the Department of Primary Industries - Agriculture;

7. Council is to consult with the Office of Environment & Heritage and subsequently demonstrate consistency with section 117 Direction 2.1 Environmental Protection Zones. Council is to also have regard to the need to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;

8. Council is to demonstrate consistency with section 117 Direction 2.3 Heritage Conservation after undertaking the relevant study;

9. Council is to consult with Sydney Water, Endeavour Energy, Roads & Maritime Services, and any other relevant service/public authorities and demonstrate consistency with section 117 Direction 3.1 Residential Zones;

10. Council is to demonstrate consistency with section 117 Direction 4.3 Flood Prone Land after undertaking the relevant study; and

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11. Council is to consult with the Commissioner of the NSW Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection; and

12. Council is to consult further with the Sydney Catchment Authority, comply with the various requirements of section 117 Direction 5.2 Drinking Water Catchment and subsequently demonstrate consistency with the Direction.

Supporting Reasons : The proposal will provide housing opportunities and enable the orderly growth of Oakdale.

Signature:



Printed Name:

TESSA PARMETER

Date:

22.3.13

A/TEAM LEADER