

Planning Services

Gateway Determination Report

LGA	Wollondilly
RPA	Wollondilly
NAME	Amendment to the Wollondilly Local Environmental Plan 2011 to rezone rural land located at Stilton Lane for the purposes of small lot agriculture, industrial, tourism and environmental conservation purposes. The main southern railway line has been rerouted and the Planning Proposal also reflects the change to the zone required to apply to the new route.
NUMBER	PP_2018_WOLLY_001_00
LEP TO BE AMENDED	Wollondilly Local Environmental Plan 2011
ADDRESS	The site is located between the three surrounding townships of Picton, Thirlmere and Tahmoor and is generally bounded by Redbank Creek and Industrial land to the north, Stilton Lane to the east, Remembrance Driveway and Myrtle Creek to the south, and large lot residential development to the west.
DESCRIPTION	Various – refer to site description.
RECEIVED	Registered 23 March 2018
FILE NO.	IRD18/12638
IRF NUMBER	IRF18/1579
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The Planning Proposal seeks to amend the Wollondilly Local Environmental Plan 2011 to rezone rural land for the purposes of small lot agriculture, industrial, tourism and environmental conservation purposes. The southern railway line has been rerouted and the Planning Proposal also reflects the change to the zone required to apply to the new route.

Site Description

The subject site is a rural landholding approximately 174 hectares (ha) in size and comprises 13 individual lots under single ownership.

Address	Lot/DP	Area (ha)
5 Stilton Lane	10//583245	1.522
10 Stilton Lane	1//583248	28.78
10A Stilton Lane	1//865604	11.88
15 Stilton Lane	2//583247	4.695
20 Stilton Lane	4//1180702	22.65
30 Stilton Lane	53//251857	8.905
40 Stilton Lane	54//251857	8.904
50 Stilton Lane	55//251857	8.907
60 Stilton Lane	1//1180702	24.27
2420 Remembrance Drive	60//979250	4.375
2430 Remembrance Drive	60//979250	3.886
2440 Remembrance Drive	2//1180702	39.76
2440A Remembrance Drive	201//1180801	4.994
	Total	173.528

The site has previously been used as a dairy farm and is currently used for the grazing of beef cattle. The site is generally rectangular in shape with irregular boundaries to the north and south of the site due to natural and road constraints. The site has road frontages to Stilton Lane, Henry Street and Remembrance Driveway and is bounded by Redbank Creek to the north. The main southern railway line intersects the site and an overhead bridge provides access to the western portion of the site.

Surrounding Area

The site is located between the three surrounding townships of Picton, Thirlmere and Tahmoor which are located approximately 3km, 2.9km and 1.7km away, respectively.

Redbank Creek and the Henry Street Light Industrial Precinct are located to the north of the subject site. Stilton Lane forms the eastern boundary and adjoins rural land primarily used for rural-residential purposes. To the south, the site is bound by Remembrance Driveway, Myrtle Creek and the northern edge of the Tahmoor township which is characterised by both rural and residential land. The western boundary adjoins land recently rezoned to allow large lot residential development.

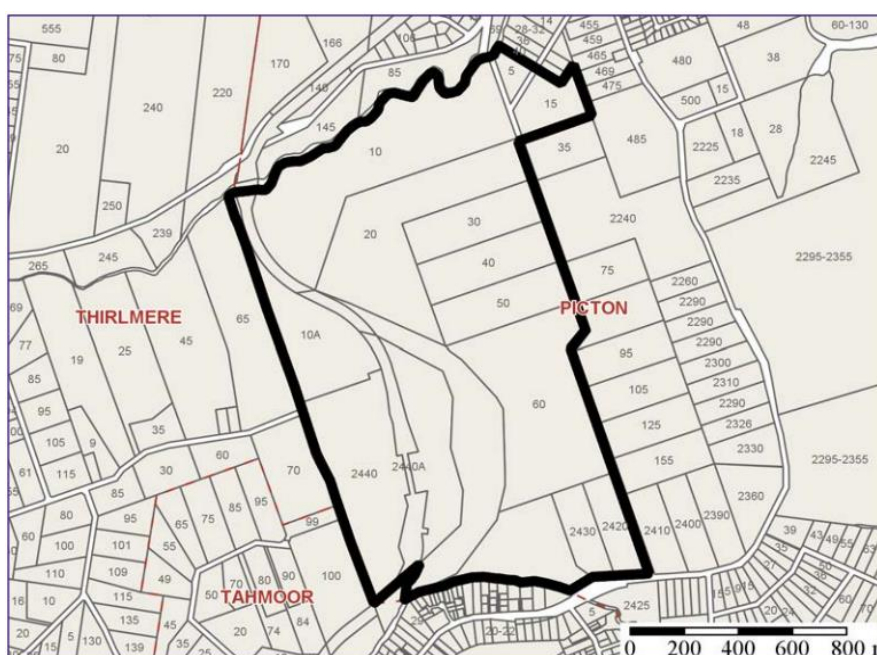


Figure 1: Location Map (Source: Wollondilly Shire Council)

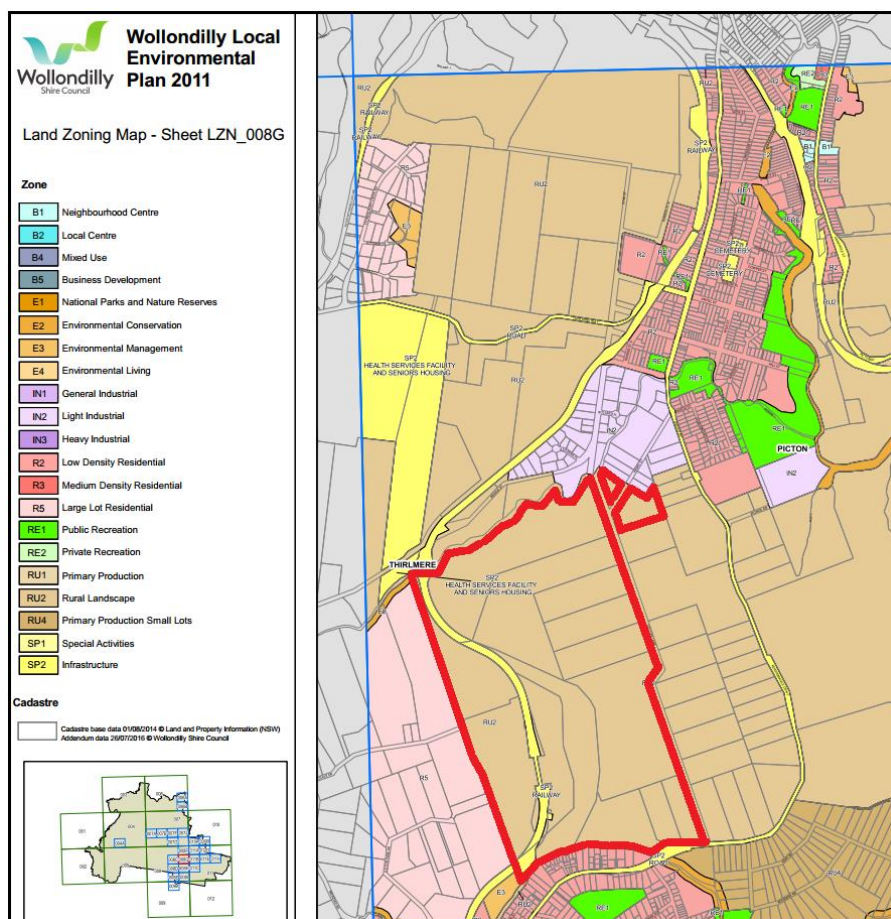


Figure 2: Existing Zoning Plan (Source: Wollondilly Local Environmental Plan 2011)

Summary of Recommendation

The Planning Proposal should proceed subject to conditions as it reflects the broader strategic aims for the Wollondilly LGA and has strategic merit. It will contribute to the provision of employment land for agriculture, industrial and tourism purposes and deliver additional housing through small lot rural land to protect agricultural production and the rural landscape character.

PROPOSAL

Objectives or Intended Outcomes

The objectives or intended outcomes of the proposed amendments to Wollondilly LEP 2011 are:

- to provide land for continued rural land uses in the form of small lot agricultural landholdings;
- to provide employment land to be used for industrial and tourism purposes;
- to conserve environmentally sensitive vegetation along Redbank Creek;
- to maintain the separation between the three townships of Picton, Tahmoor and Thirlmere; and
- housekeeping amendments to the zoning of the main southern railway line to reflect the realignment of the railway.

The objectives and intended outcomes are considered clear and adequate for the purposes of the Planning Proposal.

Explanation of Provisions

To facilitate the proposed amendments, it is proposed the Wollondilly LEP 2011 be amended to:

- Amend the Land Zoning Map to rezone land from:
 - RU2 Rural Landscape to IN2 Light Industrial, SP3 Tourist, E2 Environmental Conservation and RU4 Primary Production Small Lots;
 - SP2 Infrastructure to RU2 Rural Landscape and SP3 Tourist;
 - RU2 Rural Landscape to SP2 Infrastructure (Railway).
- Amend the Lot Size Map from a minimum lot size category of 16ha to:
 - No minimum lot size for E2 Environmental Conservation and SP2 Infrastructure (Railway) (current and proposed);
 - 1500sqm for IN2 Light Industrial Zone;
 - 4 ha for RU4 Primary Production Small Lots;
 - 4 ha for the residue RU2 Rural Landscape Zone.
- Amend the Natural Resources Biodiversity Map.
- Amend the Height of Buildings Map from no Maximum Building Height to a Maximum Building Height Category of 9 metres for the IN2 Light Industrial Zone and SP3 Tourist Zone. The rural zones would retain the no maximum building height category.
- Amend the Land Use Table to include Zone SP3 Tourist as detailed below:

1 Objectives of zone

To provide for a variety of tourist-oriented development and related uses.

2 Permitted without consent

Nil.

3 Permitted with consent

Food and drink premises, Camping grounds, Eco-tourist facilities, Function centres, Tourist and visitor accommodation.

4 Prohibited

Any other development not specified in item 2 or 3.

Mapping

It is considered that Council has provided adequate mapping to identify the site area and Council's intentions for the site. Maps are included in the Planning Proposal as follows:

- proposed Land Zoning Map;
- proposed Lot Size Map;
- proposed Height of Buildings Map.

These maps are considered suitable for community consultation. However, prior to community consultation, the Gateway determination has been conditioned to require Council to prepare the Natural Resources Biodiversity Map to reflect the proposed amendments.

NEED FOR THE PLANNING PROPOSAL

The Planning Proposal is not the result of a strategic study. However, the Planning Proposal states that the proposed industrial land is supported by a Council assessment of industrial employment land which indicates that there is a short supply of available zoned and serviced industrial land in the adjoining Henry/Bridge Street industrial area.

The Planning Proposal is considered to be the best way to achieve the objectives and intended outcomes for the town centre. The level of information provided is considered reasonable to justify the Planning Proposal proceed to Gateway determination.

STRATEGIC ASSESSMENT

State

The NSW Premier's Priorities highlight the importance of creating jobs, building infrastructure, affordable housing and tackling childhood obesity. The Planning Proposal is considered to be consistent with these priorities as it has the potential to create approximately 32 rural allotments and generate employment for local residents through the proposed tourist and industrial land.

Regional / District

Greater Sydney Region Plan

The Greater Sydney Regional Plan provides a 40 year vision and 20 year plan for the delivery of 725,000 dwellings and an extra 817,000 jobs in the Greater Sydney region. The plan recognises the Wollondilly local government area as being within the Western City District.

The Planning Proposal is consistent with the focus of the plan to deliver housing choice (Objective 11), protect environmental, social and economic values in rural areas (Objective 29) and to provide additional industrial land in appropriate locations (Objective 23).

Western City District Plan

The Western City District Plan provides a 20-year plan to manage growth and achieve the 40-year vision, while enhancing Greater Sydney's liveability, productivity and sustainability into the future. It is a guide for implementing A Metropolis of Three Cities - the Greater Sydney Region Plan at a District level and is a bridge between regional and local planning.

The Planning Proposal is consistent with the focus of the plan to contribute to housing supply, choice and affordability with access to jobs, services and public transport (Planning Priority W5), to protect and enhance bushland and biodiversity (Planning Priority W14) and maintain and enhance the value of metropolitan rural areas (Planning Priority W17).

Local

There is no relevant local strategy that has been endorsed by the Department.

Section 9.1 Ministerial Directions

The proposal is inconsistent with Direction 1.2 Rural Zones as it will rezone rural land to an industrial and tourist zone. It is considered that this inconsistency is justified in accordance

with the terms of the Direction on the basis that the proposal is generally consistent with the *Greater Sydney Region Plan* and the *Western City District Plan*.

The proposal (Appendix 4) notes that further assessment and consultation with state agencies is required to determine consistency (or address any inconsistency) with the following Section 9.1 Directions:

- 1.3 Mining, Petroleum Production and Extractive Industries;
- 2.3 Heritage Conservation;
- 4.2 Mine Subsidence and Unstable land;
- 4.3 Flood Prone Land; and
- 4.4 Planning for Bushfire Protection.

A Gateway determination has been drafted to this effect.

State Environmental Planning Policies

The proposal (Appendix 3) notes that further assessment is required to determine consistency (or address any inconsistency) with the following State Environmental Planning Policies (SEPP):

- SEPP 44 - Koala Habitat Protection;
- SEPP 55 - Remediation of Land;
- Deemed SEPP – SREP 20 Hawkesbury-Nepean River (No2 – 1997).

A Gateway determination has been drafted which requires the preparation of a number of specialist studies to enable the SEPPs above to be adequately addressed.

SITE SPECIFIC ASSESSMENT

Social

Heritage

An Aboriginal Heritage Information Management System (AHIMS) search conducted by Council confirms 10 recorded Aboriginal sites within or near the proposed site.

With regard to European heritage, the site contains numerous old farm buildings/structures and Council has proposed to undertake a heritage assessment of the site. In addition, the site adjoins the following local heritage items:

- I207- Koorana Homestead, outbuildings and trees, 2240 Remembrance Driveway, Picton (to the east);
- I295 – Cottage, 100 Hilton Park Road, Tahmoor (to the west); and
- I296 – House, 70 Tickle Drive, Thirlmere (to the west).

To better enable assessment of potential impacts on heritage values a condition of gateway has been recommended requiring consultation with the Office of Environment and Heritage.

Economic

The Planning Proposal will have a beneficial economic impact by creating employment opportunities through the proposed industrial and employment lands, in addition to employment creation in the development/construction industry. The local businesses at Picton, Tahmoor and Thirlmere are also likely to benefit through enhanced trade.

Council staff have recommended that the proponent and Council enter into a voluntary planning agreement to provide for public works and services specific to the Planning Proposal.

Environmental

Ecological communities and critical habitats

The Planning Proposal specifies that the results of the preliminary ecological study identify significant stands of vegetation across the site, being Cumberland Plain Woodland and Shale Sandstone Transition Forest which are critically endangered ecological communities. The study also identifies potential koala habitat close to the western boundary of the site.

The preparation of a flora and fauna assessment has been included as a condition of the Gateway to allow further consideration of potential impacts on the environment.

Other environmental impacts

The proposal notes that further assessment and consultation with state agencies is required to address the potential for other items of concern, including:

- stormwater management;
- water quality;
- bushfire threat;
- flooding impacts;
- mine subsidence;
- soil contamination;
- noise and vibration; and
- transport infrastructure.

A Gateway determination has been drafted to require the preparation of specialist studies in this regard.

CONSULTATION

Community

The proposal outlines public consultation will be undertaken in accordance with the provisions of *A Guide to Preparing Local Environmental Plans*. Given the nature of the Planning Proposal it is recommended that a 28 day community consultation period applies.

Agencies

To comply with the requirements of relevant Section 9.1 Directions it is considered appropriate that the following agencies and organisations be consulted on the Planning Proposal:

- Subsidence Advisory NSW;
- Transport for NSW;
- Roads and Maritime Services;
- Destination NSW;
- NSW Rural Fire Service;
- Office of Environment and Heritage;
- NSW Resources and Energy;
- Water NSW;
- Australian Rail Track Corporation;
- Sydney Water; and

- Endeavour Energy.

TIMEFRAME

The Planning Proposal includes a Project Timeline which outlines the steps in the process for the future LEP amendment and requests a Gateway timeframe of 18 months to complete the LEP amendment.

It is considered that a timeframe of 12 months from the date of a positive Gateway determination is sufficient to complete the proposed amendment.

DELEGATION

Council has requested the use of plan making delegations, and given the nature of the proposed amendments, delegation is recommended to be authorised in this instance.

CONCLUSION

Subject to conditions of Gateway, the Planning Proposal has merit and is supported to proceed for the following reasons:

- to contribute to the provision of employment land for agriculture, industrial and tourism purposes;
- to protect and enhance significant environmental values within the proposed environmental conservation zone;
- to deliver additional housing through small lot rural land whilst protecting agricultural production and maintaining the rural landscape character; and
- to achieve the planning priorities and actions for Metropolitan Rural Areas pursuant to the *Greater Sydney Region Plan* and the *Western City District Plan*.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree that the inconsistency with Section 9.1 Direction 1.2 Rural Zones is justified in accordance with the terms of the Direction.
2. Note that the proposal's consistency with Section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.3 Heritage Conservation, 4.2 Mine Subsidence and Unstable Land, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, remains unresolved until further justification has been provided.

It is recommended that the delegate of the Greater Sydney Commission, determine that the Planning Proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is required to:
 - (a) Undertake the following specialist studies and amend the Planning Proposal to reflect the findings of these studies:
 - stormwater management plan;
 - water quality management plan;

- bushfire assessment report;
 - flooding assessment;
 - phase 1 contamination assessment;
 - noise and vibration assessment; and
 - transport study.
- (b) Demonstrate, through an economic study, the feasibility and viability of the proposed RU4 – Primary Production Small Lots zone, and the associated 4ha lot size. The Planning proposal is to be amended if necessary, in consideration of the findings of this investigation.
 - (c) Consult with Subsidence Advisory NSW, Office of Environment and Heritage, Roads and Maritime Services and Transport for NSW in relation to relevant Section 9.1 Directions, and revise the proposal to address comments received by those agencies;
 - (d) Prepare a Natural Resources Biodiversity Map to reflect the proposed amendments; and
 - (e) Submit a revised proposal to the Department of Planning and Environment for endorsement.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1, clause 4 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) The planning must be made publicly available for a minimum of **28 days**; and
 - (b) The relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
 3. Consultation is required with the following public authorities and organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:
 - Destination NSW;
 - NSW Rural Fire Service;
 - NSW Resources and Energy;
 - Water NSW;
 - Australian Rail Track Corporation;
 - Sydney Water; and
 - Endeavour Energy.

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The timeframe for completing the LEP is to be **18 months** following the date of the Gateway determination.



7/05/18

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26/05/2018

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