



**Planning Proposal
to amend
Wollondilly LEP 2011**

**Residential Rezoning
At 'Menangle Street' site in
Picton**

Part 1 – Objectives or Intended Outcomes

This Planning Proposal has been prepared as a result of an application from Pascoe Planning Solutions seeking an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval of a residential development on the 'Menangle Street' site, see below.

Map 1



Site Details

The site comprises a portion of one property located at 136-154 Menangle Street, Picton being Lot 12 DP1126525. The area outlined in yellow on Map 1 is proposed to be rezoned.

The property has a total area of 34.81ha and the area proposed to be rezoned has an area of 2.32ha. It is proposed to develop approximately 17 single dwelling residential lots on the rezoned land.

Key objective

The key objective of this Planning Proposal is:

To facilitate the comprehensive subdivision for residential purposes of land contiguous with the Picton township in an integrated manner in accordance with its environmental capacity and capitalising on existing infrastructure.

The intended outcomes of the Planning Proposal are as follows:

- To provide additional residential land in a suitable location.
- To maintain the visual appeal of the rural landscape.
- To ensure impacts on existing residential properties are minimised.
- To allow for the subdivision of the existing residentially zoned land.

Part 2 – Explanation of the Provisions

The objectives of the Planning Proposal can be achieved through the inclusion of the following amendments to the Wollondilly LEP 2011:

- The Land Zoning Map (LZN) would be amended to include an R2 Low Density Residential Zone (R2) adjoining the existing R2 zone on the north-western end of the site.
- The Lot Size Map (LSZ) would be amended to allow for a minimum lot size of 700m² for the area proposed to be zoned R2 and a lower minimum lot size for the RU2 Rural Landscape Zone (RU2) approximating the size of the residue land to be determined after further assessment.
- The Height of Buildings Map (HOB) would be amended to allow for a maximum height of 9m in the proposed R2 zone and with no height limit to remain for the residue RU2 zone.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the direct result of any strategic study or report. However, the Growth Management Strategy (GMS) was adopted in February 2011 and this site is identified as a part of the '*potential residential growth areas*' within the structure plan for Picton within the GMS. The GMS is discussed later with regard to this planning proposal.

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

It is considered that the Planning Proposal is the best means of achieving the stipulated objective.

Under the provisions of Wollondilly LEP 2011 the site currently has a split zoning being part R2 Low Density Residential (R2) and part RU2 Rural Landscape (RU2). It is proposed to rezone a 2.32ha portion of the RU2 land to R2 and to reduce the minimum lot size for this land to 700m².

An LEP amendment to the LSZ map is required to allow the current and proposed R2 land to be subdivided as the minimum lot size for subdivision of the RU2 land is 100ha and Lot 12 has a total area of only 34.84ha with around 32ha proposed to be left in the residue RU2 lot. Consequently although the minimum lot size for subdivision of the current R2 and proposed R2 zone is 700m², subdivision would not be allowed as it would result in an undersized RU2 lot. Accordingly a lower minimum lot size is required for the residue RU2 land which would approximate but be lower than the amount of land remaining after the additional land assessed as most suitable for residential purposes is determined.

The amendment to the HOB map is required to limit building height to 9m in the proposed R2 zone as is currently the case with the adjoining R2 zoned land and all land zoned for residential purposes in the Shire. There is currently no height restriction on the RU2 land and it is proposed to maintain this for the residue RU2 land.

The expansion of the existing R2 zone on the north-western portion of the site will support residential density on the portion of the site closest to the existing Picton township. This development would be compatible and complementary in scale and density with the existing settlement pattern. The residue RU2 land would remain as one large landholding and would continue to be used for agricultural purposes.

3. Is there a net community benefit?

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is in keeping with the adjoining residential character.
- The proposal will contribute to Council's requirements to facilitate new dwelling growth in accordance with the Draft South-West Sub-Regional Strategy target.
- The proposal will facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- It is located within the existing Picton town area catchment and has adequate infrastructure to support the development.
- The proposal will not result in any significant adverse environmental impacts.
- It will create local employment opportunities in construction and home maintenance.

The table in **Appendix 1** addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the Metropolitan Plan and in particular Strategic Direction D which details the need for diverse and affordable housing stock to meet the demands of the growing Sydney population. Such housing is to optimise utilisation of broad ranging infrastructure including transport. The plan at Strategic Direction F focuses upon Balancing Land Uses on the City Fringe, including agriculture and resource lands and controlling sprawling residential development.

In terms of sub-regional planning the Draft South West Sub-Regional Strategy in its vision to 2031 has established a growth target in Wollondilly Shire of 5,200 additional dwellings comprising some 1,200 additional "infill" dwellings and 4,000 "greenfield" dwellings (i.e. a 24%/76% split).

The Department of Planning and Infrastructure (DoP&I) has also highlighted the need for any future urban development to meet the Sustainability Criteria detailed in the Metropolitan Strategy and in particular attendant infrastructure requirements. Additionally the DoP&I has outlined the need for housing product diversity for any future urban lands with lot sizes of a variable nature exceeding a minimum of eight dwellings per hectare but not necessarily attaining 15 dwellings per hectare.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Wollondilly Community Strategic Plan

The planning proposal is consistent overall with Council's Community Strategic Plan (CSP). It is considered that this proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

The natural environment is protected and conserved and Wollondilly has a healthy, sustainable and resilient environment; with a rural character (EO-1).

Comment – The proposed small scale residential development will utilise existing cleared land and maintain the largest part of the site for rural purposes.

Support the economic viability of our towns and villages by encouraging appropriate residential development in and around those towns.(EC7)

Comment – The proposed residential development is well located to enable new residents to take advantage of and support existing facilities and services in Picton

Wollondilly Growth Management Strategy

The Growth Management Strategy was adopted by Council on 21 February 2011 and is a policy document with associated mapping which contains key directions and principles to guide proposals and Council decisions on growth. It identifies this site as being part of the "Potential residential growth areas" on the Structure Plan – Picton. The *Growth Management Strategy's Appendix 1* to the GMS, provides Assessment criteria which are required to be met to satisfy the Key Policy Directions. The GMS states that the Assessment Criteria will apply to any planning proposal which seeks to develop land for residential and employment uses as outlined in the GMS. All planning proposals will need to address and be consistent with these criteria.

Appendix 2 to this submission sets out the relevant Assessment Criteria to this proposal and comments on its consistency with the criteria.

In addition to the Assessment Criteria, the GMS outlines a number of Key Policy Directions. The relevant directions are set out below:

P1 *All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.*

Comment

The planning proposal satisfies this Key Policy Direction.

P2 *All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)*

Comment

The draft proposal is generally consistent with the concept and vision of 'Rural Living'. The draft planning proposal will augment the existing residential area while maintaining the rural landscape character.

P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.

Comment

Two submissions were received which raised concerns regarding flooding, drainage, traffic, privacy and the type of residential development. These concerns will be addressed by the undertaking of studies to investigate the potential impact of the rezoning and options for managing such.

P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.

Comment

There have been no such representations regarding this draft proposal and therefore this Key Policy Direction has been satisfied.

P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).

Comment

The draft proposal represents a logical rezoning of the subject site for low density residential purposes in keeping with adjoining land uses. Within the constraints of the site the proposal is considered appropriate as it will facilitate the consolidation of the residential area. Conservation and enhancement of natural systems is intended. Existing infrastructure is to be utilised and embellished.

P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.

Comment

The draft proposal contributes toward Council's dwelling target for Picton outlined in the GMS. The Structure Plan for Picton includes the subject land as a "potential residential growth area."

P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.

Comment

The indicative plan of the proposed subdivision submitted with the planning proposal indicates lot sizes from 707m² to 3067m² which will allow for a mix of housing types.

P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").

Comment

It is proposed to have low density residential development comprising mainly single dwellings which will be in keeping with the surrounding housing.

P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.

Comment

This draft planning proposal complies with this policy direction as it is contiguous to existing residential development fronting Menangle Street within Picton township.

P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.

Comment

The proposal will create short-term employment opportunities through the construction jobs associated with the civil and building works, and will provide stimulus to the local economy by boosting population.

P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.

Comment

The site is not zoned to facilitate further employment opportunities.

P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.

Comment

It is anticipated that nearby reticulated water and sewer and other services can be readily extended onto the site. An access road and additional drainage will be provided at subdivision stage. The small scale of the development will not place any undue pressure on existing community facilities and services and future development contributions will assist in meeting any unmet demand.

P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.

Comment

The draft planning proposal is located approximately 550m from Picton town centre which is a convenient location in terms of pedestrian access to existing services and facilities.

P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.

Comment

The draft proposal does not contribute toward dispersed population growth; it proposes urban growth adjacent to the Picton urban area.

P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.

Comment

This is an area identified as a being a potential residential growth area on the Picton Structure Plan in the GMS. The draft proposal contributes toward Council's dwelling target for Picton identified in the GMS.

F21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.

Comment

The proposal will have minimal impact on the agricultural capacity of the land as most of the land will remain within a rural zone. The proposal is not likely to result in any adverse environmental impacts

P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possibly practicable, existing dwelling and subdivision entitlements in rural areas.

Comment

Key Policy Direction P22 is not applicable to the draft proposal.

6. Is the planning proposal consistent with applicable state environmental planning policies?

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken (see **Appendix 3**). Whilst a number of policies may be applicable at the development application stage those applicable to this planning proposal are:

*State Environmental Planning Policy no. 55 – Remediation of Land ("SEPP 55");
Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River 1997 ("SREP 20")*

SEPP 55

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) provides:

In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning authority has considered whether the land is contaminated, and;

(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and;

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

- (a) land that is within an investigation area,
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The land was used for agricultural purposes and contains an old dairy. Agriculture is a potentially contaminating activity and accordingly a preliminary contaminated land investigation should be undertaken prior to rezoning for residential purposes to determine whether the land is contaminated and requires remediation.

SREP 20

Clause 4 of SREP 20 requires consideration of the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 in the preparation of an environmental planning instrument.

Consideration of the 'clause 5' matters is set out below

Matter	Comment
Aim of the Plan	The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Potential impacts of any significance relate to water quality impacts
strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	Subject to appropriate management of water quality impacts the scale of the proposal is likely to be acceptable in terms of the Action Plan strategy.
any feasible alternatives to the development	No feasible alternatives
relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	The site is largely cleared with some remnant vegetation characteristic of <i>Cumberland Plain Woodland</i> and significant weed encroachment. A weed/vegetation management plan is recommended for the whole site.

Consideration of the 'clause 6' matters is set out below:

Matter	Comment
1.Total catchment management	The residential land is proposed to be serviced by reticulated sewer and water. A hydrology study will examine potential impacts on the catchment.

3. Water quality	The residential land is proposed to be serviced by reticulated water and sewer.
5. Cultural heritage	Menangle Street is located within the Picton Conservation Area. The site contains an old dairy which has some heritage value. A heritage assessment is recommended for both the European and Aboriginal cultural background.
6. Flora & Fauna	The site is largely cleared and relatively degraded in terms of vegetation. The site contains remnant <i>Cumberland Plain Woodland</i> but is not included within the priority conservation lands detailed in the State Government's <i>Cumberland Plain Recovery Plan</i> . There are large areas of invasive weeds particularly African Olive.
10. Urban Development Strategy	Section 10(b) calls for consideration of urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development). It is considered that the proposed zoning & lot size changes proposed are the most appropriate urban design options given the site location/context.
12. Metropolitan Strategy Impacts	Waste disposal, air quality and predicted climate change are considered negligible when taking into account the small scale of the proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Section 117 Directions (see Appendix 4).

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 site has been extensively cleared from the days of earliest European settlement. Remnant vegetation in the land to be rezoned occurs as isolated individual trees or small clusters, predominantly eucalypts together with some pockets of regrowth. The site includes areas of *Cumberland Plain Woodland* an endangered ecological community but is not included within the priority conservation lands detailed in the State Government's *Cumberland Plain Recovery Plan*. Any mature remnant *Cumberland Plain Woodland* mature trees within a future subdivision should be retained. There are areas of African Olive, a woody weed which impact on the ability of remnant *Cumberland Plain Woodland* throughout the site to regenerate. Accordingly a weed/vegetation management plan should be prepared to assist woodland regeneration.

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

Flooding and drainage

A small portion at the front of the lot within the existing residential zone is prone to flooding from Stonequarry Creek although the land proposed to be rezoned is not affected. There are drainage issues due to the steep topography at the rear of properties fronting Menangle Street and therefore a hydrology study addressing flooding and drainage issues identified by Council staff and residents is recommended.

Services

The development should be connected to reticulated sewage and water. As the land is zoned rural it is located outside Sydney Water's servicing boundary but there are plans to amend the boundary being considered by the Department of Planning. Investigations will be undertaken with Sydney Water to determine whether current infrastructure has capacity. Similarly other service providers will be contacted to determine service availability.

Geotechnical

Some of the land proposed for rezoning is steeply sloping and it is considered that parts of the land unsuitable for building should not be contained in the proposed residential lots but instead should be part of the residue lot. A geotechnical and engineering report is required to evaluate the suitability of the land for residential purposes and to assess the suitability of the proposed subdivision layout and road construction.

Traffic

Menangle Street provides the main access route into Picton from the east and is classified as a State Road. A new road is proposed into the site to service the proposed new residential land and the residue rural land. An assessment of traffic volumes from the additional residential land and future potential development of the residue rural land is considered necessary to ensure suitable performance and safety of the new intersection. An evaluation of the traffic concerns and measures identified by residents is also recommended.

Heritage

The current residential portion of the site fronting Menangle Street is located within the Picton Conservation Area. The site contains an old dairy which has some heritage value. A heritage assessment is recommended for both the European and Aboriginal cultural background.

Bushfire Hazard

The land is subject to bushfire hazard and will require an assessment under the provisions of *Planning for Bushfire Protection 2006*.

Privacy

Maintaining privacy for properties along Menangle Street is important and site-specific measures identified will be incorporated into Wollondilly Development Control Plan 2011.

Residue land

The draft planning proposal indicates that there are no proposals to develop this residue land at present. Some consideration of its continued use for agricultural purposes and potential for development should be given in the studies particularly with regard to soil stability, weeds/vegetation management, access, traffic generation and land use conflict.

10. How has the planning proposal adequately addressed any social and economic effects?

No adverse social and economic effects are anticipated. Additional housing opportunities will be provided in a location convenient to existing community services and facilities.

There will be a positive economic effect with increased construction and home maintenance business opportunities.

Section D - State and Commonwealth interests.

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

The property is generally well serviced by existing infrastructure with other relevant requirements detailed below:

Water and Sewer

The existing reticulated water and sewer system in the adjoining urban area will need to be extended to service the potential new housing. Detailed liaison will need to occur with Sydney Water to include the new residential land within the Picton Catchment Servicing boundary.

Stormwater

Provision of additional stormwater infrastructure is likely to be required as there are currently drainage issues associated with this site for existing residential development fronting Menangle Street. This will be provided by the developer at subdivision stage.

Road

An additional road is required to access the proposed new residential development and will be provided by the developer at subdivision stage.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

A gateway determination has not yet been issued. No State agency has been consulted on the Planning Proposal to date.

Part 4 – Community Consultation

Council has notified adjoining and nearby residents for a period of 35 days in accordance with its notification policy (over Xmas holidays and New Year period). As a result of this notification two submissions were received and the matters raised will be addressed as outlined.

Council is proposing to exhibit this planning proposal and draft LEP amendments and consult with the community for a 28 day period in accordance with the requirements for community consultation outlined in *'A guide to preparing local environmental plans'*.

Additional criteria under *'A guide to preparing local environmental plans'*

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The planning proposal does not include the extinguishment of any interests in the land.

The concurrence of the landowner, where the land is not owned by the relevant planning authority

The land is owned by a number of landowners who support the proposal.

Additional criteria under '*A guide to preparing local environmental plans*'

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The planning proposal does not include the extinguishment of any interests in the land.

The concurrence of the landowner, where the land is not owned by the relevant planning authority

The land is owned by Stevon D & D Pty Ltd and C E Mazuren and T Perich who engaged Pascoe Planning Solutions to prepare and submit the draft planning proposal to Council.

Maps

1. Proposed Residential Zoning
2. Indicative Subdivision Layout

Appendices

1. Net Community Benefit Test
2. Assessment Criteria under the *Wollondilly Growth Management Strategy 2011*
3. Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)
4. Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act