

**Rezoning of 'JR Stud' Site, Nos.165-185 River Road, Picton**

Proposal Title : **Rezoning of 'JR Stud' Site, Nos.165-185 River Road, Picton**

Proposal Summary : **To rezone land at 165-185 River Road, Tahmoor, known as the 'JR Stud' site, primarily for rural residential development.**

PP Number : **PP\_2011\_WOLLY\_015\_00**      Dop File No : **11/22533**

**Proposal Details**

Date Planning Proposal Received : **12-Dec-2011**      LGA covered : **Wollondilly**

Region : **Sydney Region West**      RPA : **Wollondilly Shire Council**

State Electorate : **WOLLONDILLY**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

**Location Details**

Street : **165-185 River Road**

Suburb : **Tahmoor**      City : **Sydney**      Postcode : **2573**

Land Parcel : **Lots 85 and 86 in DP 751270 and Lots A and B in DP 369710**

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

Contact Name : **Terry Doran**

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**Land Release Data**

Growth Centre : **N/A**      Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South West subregion**      Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha)  
:

Type of Release (eg  
Residential /  
Employment land) :

No. of Lots : 102

No. of Dwellings 102  
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment :

### Supporting notes

Internal Supporting  
Notes :

Council has conducted a preliminary assessment of the Planning Proposal against its Growth Management Strategy and considers that it is consistent with the aims and key policy directions of the Strategy. Council has noted that the subject land is located within the general direction identified for potential residential growth east of Tahmoor under the Strategy.

External Supporting  
Notes :

## Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The Planning Proposal is attached at Tag A.

The objective is to rezone the site to allow for urban and recreational land uses and the conservation of bushland.

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

Is an explanation of provisions provided? Yes

Comment : The objective will be facilitated by the following amendments to Wollondilly LEP 2011:

#### ZONING

Rezone the site from part RU2 Rural Landscape and part E2 Environmental Conservation to part R5 Large Lot Residential and part E2 Environmental Conservation, as shown on the current and proposed zoning maps at Tag B.

#### LOT SIZE

As part of the Proposal, the minimum lot size for land being rezoned from RU2 Rural Landscape to R5 Large Lot Residential is proposed to be 4.000sqm. The current lot size for this land is 16ha.

**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**

**1.3 Mining, Petroleum Production and Extractive Industries**

**2.1 Environment Protection Zones**

**2.3 Heritage Conservation**

**3.1 Residential Zones**

**3.4 Integrating Land Use and Transport**

**4.2 Mine Subsidence and Unstable Land**

**4.4 Planning for Bushfire Protection**

**6.2 Reserving Land for Public Purposes**

**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

**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? **No**

If No, explain :

**SECTION 117 DIRECTIONS**

**Direction 1.2 Rural Zones**

This Direction applies to the Proposal as it will affect land in an existing rural zone. The Proposal is inconsistent with this Direction as it will rezone part of the subject land from RU2 Rural Landscape to part R5 Large Lot Residential and part E2 Environmental Conservation.

However, it is considered that the inconsistency is justified pursuant to clause 5(c) of the Direction on the basis of being generally in accordance with the draft South West Subregional Strategy, which refers to the capacity for additional housing at Tahmoor. The Director General (or his delegate) is required to approve the inconsistency.

**Direction 1.3 Mining, Petroleum Production and Extractive Industries**

This Direction applies to the Proposal as it could potentially compromise the future extraction of State or regionally significant resources, given that it is located in a Mine Subsidence District. To meet the requirements of the Direction, Council is required to consult the Director General of the Department of Primary Industries and provide a copy of the response to the Department of Planning and Infrastructure before community consultation.

**Direction 2.1 Environment Protection Zones**

The Direction applies to the Proposal as it relates to land within an environment protection zone. The Proposal is consistent with the Direction as it will protect Cumberland Plain Woodland by rezoning the land to E2 Environmental Conservation. It is recommended that Council consult with the Office of Environment and Heritage on this matter.

**Direction 2.3 Heritage Conservation**

This Direction applies to the Proposal as it includes land which contains a potential Aboriginal archaeological site. The Proposal is consistent with the Direction as it will include this area in the E2 Environmental Conservation Zone. It is considered that

Council should be required to consult with the Office of Environment and Heritage on this matter.

**Direction 3.1 Residential Zones**

This Direction applies to the Proposal as it seeks to create a residential zoning. However, the Proposal is considered to be consistent with the Direction as it relates to rural residential development and will not permit significant residential development. In these circumstances, any inconsistency with the Direction is of a minor matter.

**Direction 3.4 Integrating Land Use and Transport**

This Direction applies to the Proposal as it seeks to create a residential zoning. The Proposal is generally consistent with Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001) as the subject land is located in proximity to the village of Tahmoor. As such, the Proposal is considered to be generally consistent with the Direction.

**Direction 4.2 Mine Subsidence and Unstable Land**

This Direction applies to the Proposal as it is located within a Mine Subsidence District. Council is required to consult with the Mine Subsidence Board and notify the Department of the results prior to community consultation.

**Direction 4.4 Planning for Bushfire Protection**

This Direction applies to the Proposal as it contains bush fire prone land. Council is required to consult with the Commissioner of the NSW Rural Fire Service and notify the Department of the results prior to exhibition.

**Direction 6.2 Reserving Land for Public Purposes**

While this Direction does not technically apply, it is recommended that Council consult with the Department of Finance and Services (Crown Land Division) as the Proposal seeks to rezone a road reserve owned by the Crown.

**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 generally consistent with this Plan as it provides housing opportunities and choice in an appropriate locality.

**SEPPS**

Sydney Regional Environmental Plan (SREP) No. 20 - Hawkesbury-Nepean River (No. 2 - 1997).

SREP 20 applies to the Proposal as the subject land is located within the catchment area of the Nepean River. The Proposal is not inconsistent with the SEPP, however, the SEPP requires Council to take various matters into consideration, including matters specific to rural residential development. Such matters include the preparation of a Total Water Cycle Management Study or Plan. The Proposal is supported by studies which include a Riparian Corridor and Site Flood Assessment and a Water Sensitive Urban Design report but does not include a Total Water Cycle Management Study or Plan.

**Mapping Provided - s55(2)(d)**

Is mapping provided? Yes

Comment :

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is considered that the Proposal should be exhibited for 28 days.**

### 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? **No**

If No, comment : **The following supporting studies have been undertaken for the Proposal:**

- bushfire,
- flora and fauna,
- heritage,
- traffic and transport,
- riparian and flooding,
- stormwater, and
- odour.

The odour study has recommended that a small part of the north west corner of the site not be rezoned for residential purposes. The affected land, which contains bushland, is proposed to be zoned E2 Environmental Conservation. However, the odour study only takes into account one of four potential nearby odour sources (i.e. the Wollondilly Abattoir). The other three sources, two separate duck sheds and a turkey processing plant, have not been included in the study. It is noted that a separate study conducted for the rezoning of other land at Tahmoor has identified potentially significant odour impacts from two of these three other odour sources on part of the JR Stud site than is affected by the abattoir. Therefore, it is considered that the odour study for the subject Proposal should be revised to include the other potential odour sources and submitted to the Sydney West Region office of the Department for further consideration prior to community consultation.

### Proposal Assessment

Principal LEP:

Due Date : **February 2011**

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

### Assessment Criteria

Need for planning proposal : **The Proposal is the only means of achieving the rural residential development proposed.**

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Consistency with strategic planning framework :

### STATE AND REGIONAL STRATEGIC PLANS

The Proposal is generally consistent with the draft South West Subregional Strategy and the Metropolitan Plan for Sydney 2036, which seek to provide housing choice close to existing centres. The subject land is considered to be an appropriate locality for rural residential development as it is situated approximately 2km from the Tahmoor town centre. This proximity is shown on the zoning maps at Tag B.

### WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011

The subject land is not specifically identified for growth in the Wollondilly Growth Management Strategy 2011. However, Council has conducted a preliminary assessment of the Planning Proposal against the Strategy and considers that it is consistent with the Strategy's aims and key policy directions. Council has noted that the subject land is located within the general direction identified for potential residential growth east of Tahmoor under the Strategy.

The Strategy has been adopted by Council and submitted to the Department for final endorsement. The Strategy is currently receiving consideration.

Environmental social economic impacts :

### ENVIRONMENTAL

The Ecological Constraints Assessment indicates that a threatened fauna species has been sighted on the subject land. As such, Council will need to give consideration whether to formally consult with the Director General of the Office of Environment and Heritage pursuant to s.34A of the EP&A Act 1979. The Ecological Constraints Assessment did not comprehensively examine fauna and recommends that a further fauna study be undertaken.

The Proposal is not expected to result in adverse environmental impacts due to the buffer and conservation effects of the proposed E2 Environmental Conservation zone. It is noted that the riparian study has recommended the creation of a buffer around an additional watercourse that is not currently shown on the Natural Resource - Water Map under Wollondilly LEP 2011. Therefore, it is considered that Council should consider the need to amend the above Map in this regard during the process.

The flora and fauna report recommends that asset protection zones for the proposed development area should be located outside the bushland area. It is unclear whether the proposed rezoning reflects this and Council should be required to clarify the situation during the process.

Recreation areas are proposed within the area proposed to be zoned E2 Environmental Conservation. While this is a development stage matter, it is considered that Council should give consideration to the potential impact of recreational uses on the bushland, particularly the Cumberland Plain Woodland that is identified as Priority Conservation Land, and the consequent need for separate dedicated zoning for such uses within the site.

### SOCIAL AND ECONOMIC

It is not anticipated that any significant adverse social impacts will result from the Proposal.

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### Assessment Process

Proposal type :                      Precinct                      Community Consultation                      28 Days  
Period :

Timeframe to make                      12 Month                      Delegation :                      DDG  
LEP :

Public Authority                      NSW Aboriginal Land Council  
Consultation - 56(2)(d)                      Ambulance Service of NSW  
:                      Hawkesbury - Nepean Catchment Management Authority  
                    Office of Environment and Heritage  
                    NSW Department of Primary Industries - Agriculture  
                    NSW Department of Primary Industries - Minerals and Petroleum  
                    Mine Subsidence Board  
                    NSW Rural Fire Service  
                    Sydney Water  
                    Other

Is Public Hearing by the PAC required?                      No

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

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

**Fauna**

If Other, provide reasons :

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 :                      **Note: As the Proposal relates to rural residential development, it is not considered that the provision and funding of State infrastructure is applicable in this case.**

#### **WATER**

The Proposal will rely on the augmentation of water supply by Sydney Water at cost to the developer. Sydney Water's trunk main is located close to the site.

#### **SEWER**

The Proposal will include on-site sewage disposal.

#### **ROAD**

The Proposal will require the formation and upgrading of River Road, This is a local road and funding can be arranged with Council at the development stage.

### Documents

| Document File Name          | DocumentType Name        | Is Public |
|-----------------------------|--------------------------|-----------|
| Council_Covering_Letter.pdf | Proposal Covering Letter | Yes       |

## Rezoning of 'JR Stud' Site, Nos.165-185 River Road, Picton

|                                                                  |          |     |
|------------------------------------------------------------------|----------|-----|
| Council_Report.pdf                                               | Proposal | Yes |
| Tag_'A'_(Part_1)_-_Planning_Proposal.pdf                         | Proposal | Yes |
| Tag_'A'_(Part_2)_-_Planning_Proposal.pdf                         | Proposal | Yes |
| Tag_'B'_-_Current_and_Proposed_Zoning_Maps.pdf                   | Map      | Yes |
| Appendix_'A'_-_Proposed_Zoning_and_Lot_Size_Plans.pdf            | Map      | Yes |
| Appendix_'B'_-_Development_Concept.pdf                           | Drawing  | Yes |
| Appendix_'C'_(Part_1)_-_Bushfire_Assessment.pdf                  | Study    | Yes |
| Appendix_'C'_(Part_2)_-_Bushfire_Assessment.pdf                  | Study    | Yes |
| Appendix_'D'_(Part_1)_-_Ecological_Constraints_Assessment.pdf    | Study    | Yes |
| Appendix_'D'_(Part_2)_-_Ecological_Constraints_Assessment.pdf    | Study    | Yes |
| Appendix_'D'_(Part_3)_-_Ecological_Constraints_Assessment.pdf    | Study    | Yes |
| Appendix_'D'_(Part_4)_-_Ecological_Constraints_Assessment.pdf    | Study    | Yes |
| Appendix_'E'_-_Cultural_Heritage_Impact_Assessment.pdf           | Study    | Yes |
| Appendix_'F'_-_Transport_Impact_Assessment.pdf                   | Study    | Yes |
| Appendix_'G'_-_Riparian_Corridor_and_Site_Flood_Assessment.pdf   | Study    | Yes |
| Appendix_'H'_(Part_1)_-_Preliminary_Contamination_Assessment.pdf | Study    | Yes |
| Appendix_'H'_(Part_2)_-_Preliminary_Contamination_Assessment.pdf | Study    | Yes |
| Appendix_'I'_-_Water_Sensitive_Urban_Design_Report.pdf           | Study    | Yes |
| Appendix_'J'_-_Odour_Impact_Assessment.pdf                       | Study    | Yes |

## Planning Team Recommendation

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

- S.117 directions:
- 1.2 Rural Zones
  - 1.3 Mining, Petroleum Production and Extractive Industries
  - 2.1 Environment Protection Zones
  - 2.3 Heritage Conservation
  - 3.1 Residential Zones
  - 3.4 Integrating Land Use and Transport
  - 4.2 Mine Subsidence and Unstable Land
  - 4.4 Planning for Bushfire Protection
  - 6.2 Reserving Land for Public Purposes
  - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

1) The Odour study should be revised to include impacts from the nearby turkey processing plant and duck sheds. Once this has been completed, Council is to revise and resubmit the Planning Proposal to the Department's Sydney West Regional Office for endorsement. Following such endorsement, the revised Planning Proposal may proceed subject to the conditions below;

2) Before any other agency consultation occurs, and before undertaking community consultation, the Office of Environment and Heritage should be consulted in relation to the potential impacts on the environment and the Aboriginal archaeological site. A comprehensive fauna study should be undertaken before consultation with that Office occurs. Council will also need to consider the need for formal consultation with the Director-General of the Office of Environment and Heritage pursuant to section 34A of the EP&A Act 1979;

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- 3) The Director General's delegate agrees that the inconsistency with section 117 Direction - 1.2 Rural Zones is justified pursuant to clause 5(c) of the Direction;
- 4) Consultation is required with the Director General of the Department of Primary Industries (Minerals and Petroleum), prior to community consultation, pursuant to Director 1.3 Mining, Petroleum Production and Extractive Industries;
- 5) The Director General's delegate agrees that any inconsistency with section 117 Direction - 3.1 Residential Zones is justified pursuant to clause 6(d) of the Direction;
- 6) Consultation is required with the Mine Subsidence Board, prior to community consultation, pursuant to section 117 Direction 4.2 Mine Subsidence and Unstable Land;
- 7) Consultation is required with the Commissioner of the NSW Rural Fire Service, prior to community consultation, pursuant to section 117 Direction 4.4 - Planning for Bushfire Protection;
- 8) In addition to consultation under s.56(2)(d) of the EP&A Act 1979 with the public authorities identified in this report, consultation should also occur with the Department of Finance and Services (Crown Land Division) in relation to the rezoning of the Crown road reserve, and the approval of the Director General of that Authority for the rezoning should be obtained;
- 9) Council should give consideration to the application of Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), particularly whether the preparation of a Total Water Cycle Management Study or Plan is necessary;
- 10) Council should consider whether the recommendations of the riparian study require an amendment to the Natural Resource - Water Map to create buffers around additional watercourses;
- 11) Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days; and
- 12) The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway Determination.

Supporting Reasons : The Proposal will provide additional housing opportunities and housing choice in an appropriate location.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_