

Picton East Rezoning

Proposal Title : **Picton East Rezoning**

Proposal Summary : **To rezone land at Picton East from Zone RU2 Rural Landscape to Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone RE1 Public Recreation, Zone E2 Environmental Conservation and Zone E3 Environmental Management, to allow low and medium residential development, while providing for open space and environmental protection.**

PP Number : **PP_2013_WOLLY_002_00**

Dop File No : **13/03628**

Proposal Details

Date Planning **08-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 : **1735 Remembrance Drive**

Suburb : **Picton**

City :

Postcode : **2571**

Land Parcel : **Part of Lot 106 DP 1111043**

Street : **108-114 Menangle Street**

Suburb : **Picton**

City :

Postcode : **2571**

Land Parcel : **Part of Lot 2 DP 229679**

Street : **116-118 Menangle Street**

Suburb : **Picton**

City :

Postcode : **2571**

Land Parcel : **Lot 9 DP 233840**

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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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
MDP Number :		Date of Release :	
Area of Release (Ha) :	27.70	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	240	No. of Dwellings (where relevant) :	240
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
meetings or
communications with
registered lobbyists? :

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 proposal is supported, subject to recommended environmental studies, as it will provide housing opportunities in a generally appropriate location. The proposal is generally consistent with the draft Wollondilly Growth Management Strategy 2011.**

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 enable residential development, while ensuring that environmental land, open space and riparian buffers are maintained and improved. Council estimates that the proposal will yield 190-240 lots (assuming a density of 12-15 dwellings per hectare).

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

Is an explanation of provisions provided? Yes

Comment : The proposal will be facilitated by rezoning the subject land from:

- Zone RU2 Rural Landscape

to:

- Zone R2 Low Density Residential,
- Zone R3 Medium Density Residential,
- Zone RE1 Public Recreation,
- Zone E2 Environmental Conservation, and
- Zone E3 Environmental Management.

This will require amendment of the following maps under Wollondilly LEP 2011:

LAND ZONING MAP

- Sheet LZN__008F
- Sheet LZN__008G

LOT SIZE MAP

- Sheet LSN__008F
- Sheet LSZ__008G

HEIGHT OF BUILDINGS

- Sheet HOB__008F
- Sheet HOB__008G

Depending on the outcome of proposed specialist studies, the following maps may also be amended:

HERITAGE MAP

- Sheet HER__008F
- Sheet HER__008G

NATURAL RESOURCES - WATER MAP

- Sheet NRW__008

NATURAL RESOURCES - BIODIVERSITY MAP

- Sheet NRB__008

LAND RESERVATION ACQUISITION MAP

- Sheet LRA__008F

A copy of the proposal is provided in the 'Documents' section of this report. The subject land and proposed zoning are shown on page 14 of the proposal document.

COMMENT

The subject land is currently zoned RU2 Rural Landscape, as shown on the Land Zoning Map in the 'Documents' section of this report. The following mapping issues are raised:

(1) Council has amended the proposal submitted by the applicant to reduce the area proposed for rezoning. However, the proposal, as submitted to the Department, still contains maps showing the original proposal and incorrect references to the subject land.

(2) It is unclear whether the proposal, as adopted by Council, includes land currently zoned R2 Low Density Residential (i.e. located on the western edge of the subject land). The maps supporting the proposal suggest that the land is included but the matter is not discussed in the proposal.

(3) The proposal indicates that the subject land includes a small area of land currently zoned RE1 Public Recreation. However, it is unclear from the supporting maps whether this is the case.

It is considered that the proposal should be amended to rectify/address the above matters.

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

4.3 Flood Prone 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?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

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

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

ISOLATION OF RURAL LAND

The subject land adjoins a row of lots on the eastern side, which are split between Zones R3 Medium Density Residential and RU2 Rural Landscape (see page 14 of the proposal document). The proposal will result in the isolation of the rural land and, in view of this, it is considered that Council should be required to amend the proposal to include the rural land and rezone it appropriately.

Have inconsistencies with items a), b) and d) being adequately justified? No

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. However, the inconsistency is considered to be justified as the proposal is generally consistent with the draft South West Subregional Strategy. The future potential for rural uses on the subject land is limited as it adjoins an existing urban area (and forms a logical extension to that area). Council intends to:

- undertake studies to ensure that the residual rural land is appropriately managed and protected, and

- consult with the Department of Primary Industry - Agriculture.

It is considered that the above proposed actions should be made a formal requirement. The approval of the Director General (or his delegate) is required for the inconsistency and is recommended.

DIRECTION 1.3 - MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

This Direction may apply as the subject land has previously experienced underground mining and, therefore, the potential remains for future such activity to occur. It is considered that Council should be required to consult with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) to establish the applicability of, and, if necessary, consistency with, the Direction.

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 land, and
- steep topography (i.e. potentially unstable land, possibly exacerbated by mine subsidence).

The proposal seeks to apply Zone E2 Environmental Conservation and Zone E3 Environmental Management to protect and conserve the environmentally sensitive areas. Council proposes the following supporting environmental (and other) studies:

- ☐ drainage and stormwater
- ☐ flora and fauna
- ☐ flooding
- ☐ bushfire hazard
- ☐ traffic and transport
- ☐ heritage
- ☐ geotechnical
- ☐ open space
- ☐ scenic landscape analysis
- ☐ residue land (protection and management of remaining agricultural land)
- ☐ preliminary contamination assessment

It is considered that:

- the above studies should be made a formal requirement,
- Council should be required to consult with the Office of Environment and Heritage and demonstrate consistency with the Direction (note: Council itself proposes to undertake such consultation), and
- Council should be reminded of the need to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth EPBC Act 1999.

DIRECTION 2.3 - HERITAGE CONSERVATION

This Direction applies as the subject land is partly located within the Picton Heritage Conservation area and includes an old dairy, which may have heritage significance. The subject land also adjoins land containing a local heritage item, i.e. Vault Hill Cemetery, which is located on Crown Land. Council should be formally required to undertake the proposed heritage study, including consultation with the Crown, before demonstrating consistency with the Direction.

DIRECTION 3.1 - RESIDENTIAL ZONES

This Direction applies as the proposal rezones land for residential purposes. The subject land adjoins the existing residential area at Picton, which is provided with reticulated water and sewer and other services. These can be readily extended to the subject land but may require augmentation (at cost to the developer). It is understood that the subject land is located outside Sydney Water's water and sewer servicing boundary and, therefore, cannot currently be serviced. It is unclear whether the subject land can accommodate on-site water and sewer disposal due to topographical constraints.

It is considered that Council should be required to consult with Sydney Water (which Council already proposes to do) and undertake a water and wastewater servicing assessment, before addressing the consistency of the proposal with the Direction. It is considered that Council should also be required to consult with Endeavour Energy, Roads and Maritime Services and any other relevant public authorities.

The subject land is identified for potential growth under Council's Growth Management Strategy 2011 (GMS). Note: Council has submitted the GMS to the Department for endorsement. However, the Department has delayed its consideration of the GMS until the completion of the Government's Priority Homesites Program. However, the regional team considers that, in principle, the proposal holds merit and should proceed as it will facilitate the orderly expansion of Picton. Note: Council is currently revising its GMS.

It is noted that clause 7.1 - Essential Services of Wollondilly LEP 2011 will apply to the subject land. This clause 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 R3 Medium Density 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, buses and rail at Picton. Therefore, the proposal is considered to be generally consistent with the Direction.

DIRECTION 4.2 - MINE SUBSIDENCE

This Direction applies as the subject land is located within a proclaimed Mine Subsidence District (Wilton). Accordingly, must consult with the Mine Subsidence Board and subsequently demonstrate consistency with the Direction. It is considered that this should be made a formal requirement as a condition of the Gateway determination.

DIRECTION 4.3 - FLOOD PRONE LAND

This Direction applies as the proposal contains a small area of flood prone land and may also increase the flood risk for other land downstream. Council intends to prepare drainage/stormwater and flood studies and it is considered that these should be made a formal requirement and that Council should also demonstrate consistency with the Direction following completion of the studies.

DIRECTION 4.4 - PLANNING FOR BUSHFIRE PROTECTION

This Direction applies as the subject land is bush fire prone. Consultation with the Commissioner of the NSW Rural Fire Service is required to determine consistency with this Direction. Council proposes to undertake a bushfire hazard study and it is considered that the consultation and proposed study should be formally required as a condition of the Gateway determination.

DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

This Direction applies as the proposal rezones land to Zone RE1 Public Recreation (and possibly to existing land zoned RE1 Public Recreation). Under Wollondilly LEP 2011, Council is the relevant acquisition authority for land in this zone where the land is identified on the Land Reservation Acquisition Map. However, the proposal does not discuss proposed acquisition arrangements and it is considered that Council should amend the proposal to address this matter and enable determination of consistency with the Direction. The Director General (or his delegate) is required to approve the rezoning pursuant to the Direction.

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 will provide housing opportunities in a generally appropriate location. This will assist in accommodating future housing needs within the Wollondilly LGA.

SEPPs and DEEMED SEPPs

SEPP 44 - KOALA HABITAT PROTECTION

The proposal considers that the subject land is unlikely to support Koala habitat. Council will be required to give consideration to the applicability of this SEPP at the development application stage.

SEPP 55 - REMEDIATION OF LAND

This SEPP applies due to the former use of the subject land as a dairy farm. 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 proposes various environmental studies.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The proposal should be amended to ensure that the maps:

- show only the current boundary of the subject land, and
- exclude land currently zoned R2 Low Density Residential, if it is not being rezoned or otherwise amended (e.g. lot size changes).

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 : The proposal was received by the regional team on 18 February 20013, but did not include an assessment of Section 117 Directions. This was provided by Council on 20 March 2013, at the request of the regional team.

On 8 March 2013, clarification was sought from Council regarding the size of the subject land under the proposal. Council responded that the size has been reduced from 120 ha. to 27.7 ha.

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 consistent, in principle, with Council's Wollondilly Growth Management Strategy 2011. The subject land adjoins the existing residential area at Picton and forms a logical extension.

The proposal is also consistent with the general direction of the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy as it provides housing opportunities in a generally appropriate location.

Environmental social economic impacts : ENVIRONMENTAL IMPACTS

Potential environmental impacts will be addressed by:

- proposed environmental zonings,
- various supporting studies, and
- site specific DCP controls.

SOCIAL AND ECONOMIC

No significant social and economic impacts are expected.

Assessment Process

Proposal type : Precinct Community Consultation 28 Days
Period :

Timeframe to make LEP : 24 Month Delegation : Minister

Public Authority Hawkesbury - Nepean Catchment Management Authority
Consultation - 56(2)(d) : Office of Environment and Heritage
: NSW Department of Primary Industries - Agriculture
Department of Trade and Investment
Mine Subsidence Board
Fire and Rescue NSW
NSW Rural Fire Service

Picton East Rezoning

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: TIMEFRAME

Council proposes a timeframe of 21 months in which to finalise the LEP. It is considered that this length of time is reasonable and 24 months is recommended.

Resubmission - s56(2)(b): No

If Yes, reasons:

Identify any additional studies, if required.:

Flora

Fauna

Heritage

Bushfire

Flooding

Economic

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? Yes

If Yes, reasons: On 7 March 2013, the proposal was referred to the Manager, Infrastructure Planning and Coordination (IPC), for comment. On 13 March 2013, IPC advised that it would not be necessary for satisfactory arrangements clauses (relating to the provision of designated State public infrastructure) to apply as the scale of the proposed development was relatively insignificant.

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_resolution.pdf	Proposal	Yes
Current_zoning_map_Part_1.pdf	Map	Yes
Current_zoning_map_Part_2.pdf	Map	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
- 4.3 Flood Prone 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 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 24 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, in consultation with the regional office.

4. Council is to amend the proposal document to ensure that:

(i) the maps are to be amended to show only the boundary of the subject land as resolved by Council (and discrepancies in references to the 'subject land' throughout the proposal are to be amended accordingly),

(ii) the proposal clarifies whether it applies to land currently zoned RE1 Public Recreation,

(iii) land currently zoned R2 Low Density Residential is to be excluded if it is not being rezoned or otherwise amended, and

(iv) as land adjoining the subject land to the west, zoned RU2 Rural Landscape, will become isolated by the rezoning, Council is to give consideration to including this land in the proposal;

5. Council is to undertake the following studies/assessments:

- ☐ drainage and stormwater
- ☐ flora and fauna
- ☐ flooding
- ☐ bushfire hazard
- ☐ traffic and transport
- ☐ heritage
- ☐ geotechnical
- ☐ open space
- ☐ scenic landscape analysis
- ☐ residue land (protection and management of remaining agricultural land)
- ☐ preliminary contamination assessment
- ☐ water and wastewater servicing

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. Notwithstanding this, Council is to consult with the Department of Primary Industries - Agriculture;

7. Council is to consult with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;

8. Council is to consult with the Office of Environment & Heritage and the Hawkesbury-Nepean Catchment Management Authority 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 EPBC Act 1999;

9. Council is to demonstrate consistency with section 117 Direction 2.3 Heritage Conservation and include consultation with the Crown (in relation to the Vault Hill Cemetery);

10. Council is to consult with Sydney Water, Endeavour Energy, Roads & Maritime

Picton East Rezoning

Services, Fire & Rescue NSW and any other relevant public authorities and demonstrate consistency with section 117 Direction 3.1 Residential Zones;

11. Council is to consult with the Mine Subsidence Board and subsequently demonstrate consistency with section 117 Direction 4.2 Mine Subsidence and Unstable Land;

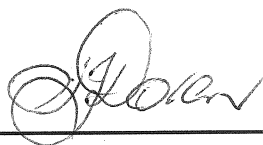
12. Council is to demonstrate consistency with section 117 Direction 4.3 Flood Prone Land after undertaking the relevant study/studies;

13. 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

14. Council is to amend the proposal to clarify acquisition arrangements for land proposed to be rezoned to Zone RE1 Public Recreation, including any necessary changes to the Land Reservation Acquisition Map. This will enable the Director General to consider whether to approve the rezoning pursuant to section 117 Direction 6.2 Reserving Land for Public Purposes.

Supporting Reasons : The proposal will provide additional housing opportunities in a generally appropriate location.

Signature:



Printed Name:

T DORAN

Date:

15/3/13

