



Planning Proposal

To Amend Wollondilly Local Environmental
Plan 2011

Stargard Crescent, Picton

For the rezoning of land located at Lots 24 – 28 DP 1173845 (formerly part of Lot 24 DP 1087690) to allow for *R5 Large Lot Residential* purposes

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Introduction

This Planning Proposal has been prepared as a result of an application from John & Renelle Corbett seeking an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval for the rezoning of land located at 1, 3, 23, 25 & 27 Stargard Crescent, Picton being Lots 24-28 DP 1173845 to R5 Large Lot Residential (see Figure 1 - Site Map). This planning proposal was originally submitted for Lot 24 DP 1087690 and subsequently the landowner acting upon a subdivision certificate registered six lots with NSW Land and Property Information. Council resolved at their meeting held on 16 September 2013 to forward the planning proposal to the Department of Planning for a Gateway Determination. A Gateway Determination was issued on the 10 December 2013. The planning proposal was exhibited in July-August 2014. Council resolved to support it to proceed to finalisation at its meeting held on the 16 March 2015. The Council reports and Gateway Determination are included as **Appendices 1 and 2** respectively.



Figure 1: Site Map

Site Details

The site has an area of 3.4 hectares and is located approximately 500m from Picton Town Centre. It is situated west of Barkers Lodge Road, east of Stonequarry Creek and north of the main southern railway. Most of the site is vacant and neighbouring properties to the north and south are rural landholdings, with those to the west being large lot residential. Three lots, 24, 25 & 26 are located on the eastern side of Stargard Crescent near Barkers Lodge Road while Lots 27 and 28 are located to the west near Stonequarry Creek.

Site Zoning History

This site was zoned 1(c2) (Rural "C2" Zone) under the now repealed Wollondilly Local Environmental Plan 1991 (Wollondilly LEP 1991). The zone had the following provisions under Clause 12 in relation to subdivision:

3) The council may consent to the subdivision of land within Zone No 1 (c2) into allotments of less than 40 hectares if:

- (a) the parcel of land to be subdivided has an area of not less than 6 hectares and is land to which a reticulated water supply is available, and*
- (b) 1 allotment created by the subdivision will have an area of not less than 50 per cent of the total area of the land which is the subject of an application for consent under this subclause, and*
- (c) each additional allotment created by the subdivision will have an area of not less than 3,000 square metres, and*
- (d) the minimum length of any boundary of an allotment will be 30 metres, and*
- (e) each allotment referred to in paragraph (c) will have at least 1 boundary in common with the allotment referred to in paragraph (b), and*
- (f) the allotment referred to in paragraph (b) will, if the owner and the council agree, be dedicated to the council as a public reserve, or, if not so dedicated, is intended to be used for the purpose of private recreation.*

Clause 12(3) allowed subdivision with a dwelling entitlement into an allotment with a minimum of 3000 m².

An application for development to allow subdivision and dwellings was lodged in December 2010 when Wollondilly LEP 1991 was still in force. On 20 February 2012 which was after Wollondilly LEP 2011 came into force, Council granted approval on Lot 24 DP 1087690 for a six (6) lot subdivision and five (5) dwelling houses, subject to a number of conditions including registering a subdivision plan, having 16m setbacks from Stargard Crescent, dwellings having specific colours and the buildings being acoustically treated because of close proximity to the Rail Corridor. Accordingly Lots 24-28 currently have a dwelling entitlement in accordance with this development approval while Lot 29 does not (Lot 29 is no longer included within this proposal).

The RE2 Private Recreation (RE2) zone for this land came into force when Wollondilly LEP 2011 was published (gazetted) in February 2011. Under the provisions of the RE2 zone dwelling houses are prohibited. Therefore only the houses approved under the provisions of Wollondilly LEP 1991 are able to be built on Lots 24-28. As there is no minimum lot size currently applicable under the RE2 zone the lots could have potential for further subdivision.

Gateway Determination

The Gateway Determination supported the rezoning of land at Stargard Crescent Picton, to Zone large lot residential (Zone R5 Large Lot Residential) and the introduction of a minimum lot size of 3,000m² to rectify a zoning anomaly. Subsequently Council has resolved to support the following changes to the planning proposal:

1. Remove Lot 29 DP 1173845 from the planning proposal as it does not have an approved dwelling under Wollondilly LEP 1991.
2. Allow for the R5 zoned land to have a minimum lot size of 4,000m² which would conform with the lot size on adjoining land.
3. Rezone a small portion of Zone RE1 Public Recreation (Zone RE1) land within Lot 28 DP 1173845 to Zone R5. This land is in private ownership and is not classified as community land. It is not included on the Wollondilly LEP Land Reservation Acquisition Map. Council has sought the Secretary's approval under *Section 117 Direction 6.2 Reserving Land for Public Purposes* to remove the reservation on the Zone RE1 land in order to allow the land to be rezoned to R5 Large Lot Residential.

Table 1 – Gateway conditions and response

Condition	Response
1. Council is to amend the planning proposal to: i. Clarify that the property description of the subject land includes only 'part' of Lots 28 and 29 DP 1173845, rather than the whole of these allotments; ii. Clarify that, in addition to retaining the part of Lot 29 zoned Public Recreation this will also apply to part of Lot 28; iii. Show the correct boundary of the subject land shown on the site map in Figure 1 on page 3; iv. Clarify whether the proposal is likely to result in additional development of the subject land; and v. Include a map of the proposed minimum lot size	i. The property description is as follows: the planning proposal applies to Lots 24-28 DP 1173845. Lot 29 DP 1173845 is proposed to be excluded from the proposal as it does not have an approved dwelling. This was supported by Council at its meeting held on the 19th May 2014. ii. It is proposed to rezone the part of Lot 28 DP 1173845 which is zoned RE1 Public Recreation (RE1) to Zone R5 Large Lot Residential as this land is currently used for domestic purposes. This amendment was supported by Council resolution on the 19th May 2014. Accordingly the whole of Lot 28 is proposed to be rezoned to R5 Large Lot Residential. There will be no change to the RE1 zone on Lot 29 as it is proposed to be removed from the planning proposal. iii. The revised boundary of the subject land is shown on the aerial site map and on the site plan in Part 4 Maps iv. The proposal is unlikely to result in additional development of the subject land as lots 24-27 are currently @ 3,000m² in area and are proposed to have a minimum lot size of 4,000m² and Lot 28 is proposed to have a minimum lot size which will be approximately its current size, thereby preventing further subdivision. It is proposed to change the minimum lot size from 3,000m² to 4,000m². This amendment was supported by Council resolution at its meeting held on 16th March 2015. v. A map of the proposed minimum lot size is included in Part 4 Maps.
2. Council is to consider rezoning small residue areas to Zone RE1 Public Recreation, where they adjoin land within this zone.	The rezoning of small residue areas of RE2 Private Recreation to Zone RE1 Public Recreation was not supported by Council as it will create an unnecessary future liability for land that is considered to have no value for public recreation uses. In addition most of this residue land is in Lot 29 which is proposed to be removed from this planning proposal. Council's Land and Property Panel also has concerns in relation to the stability and possible contamination of the land and the associated cost of rectification should the land be in Council ownership.
3. Council is to undertake a Flora and Fauna Assessment for Lots 28 and 29, if they are considered to have potential for subdivision and/or additional development, and subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones.	The only lot which contains native vegetation are lots 28 & 29. A Flora and Fauna Assessment is not necessary as there will be no potential for further subdivision as Lot 28 will now have a minimum lot size similar to its current size. Additionally a building envelope and effluent disposal area on the registered subdivision plan for Lot 28 will ensure a small area of remnant vegetation will not be impacted. Lot 29 is proposed to be removed from the planning

	proposal so Condition 3 no longer applies to this land. It is considered that the planning proposal is able to demonstrate consistency with Direction 2.1 Environment Protection Zones as no tree clearing is permissible on Lot 28 under the development approval outside of the building envelope.
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Part 1 – Objectives or Intended Outcomes

Key Objective

The key objective of this Planning Proposal is to change the zone and lot size provisions to reflect the proposed use of the land for residential purposes.

The intended outcomes of the Planning Proposal are as follows:

- To change the zone to one that is more compatible with the approved development and proposed residential land uses.
- To change the minimum lot size to reflect that on adjoining land and ensure that there is no further potential for subdivision.
- To provide certainty and security for existing and future residents with regard to the permissibility of residential development on this site.
- To limit future potential subdivision on Lot 28 to ensure any environmental attributes are maintained.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by including the following provisions in Wollondilly LEP 2011:

- Amending the Land Zoning Map for Lots 24-28 DP 1173845 from RE2 Private Recreation and Zone RE1 Public Recreation to Zone R5 Large Lot Residential; and
- Amending the Lot Size Map for Lots 24-27 DP 1173845 from no minimum lot size to a minimum lot size of 4,000m² and for Lot 28 DP 1173845 from no minimum lot size to a minimum lot size of 1.5ha.
- Amending the Height of Buildings Map for land currently zoned RE1 Public Recreation on Lot 28 DP 1173845 from no maximum height of building to a maximum height of building of 9m.

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.

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

Given the unique site history the best way to achieve the key objective and intended outcomes would be to rezone Lots 24-28 DP 1173845 to R5 Large Lot Residential including 3 small slivers, totalling 1850.73m² of land zoned RE1 Public Recreation in Lot 28 which are within private ownership with the largest sliver comprising a driveway providing access into the property. No additional lots other than the five (5) approved with a dwelling entitlement are proposed. The proposed 4,000m² lot size for Lots 24-27 is the same as that applicable on the lots within the Stargard Estate and no further subdivision potential would be available. A proposed minimum lot size of 1.5ha for Lot 28 will ensure that no further subdivision is permissible on this lot.

Section B – Relationship to strategic planning framework

3. 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 aims of the current and draft Metropolitan and sub-regional strategies in relation to providing land for residential development. The draft Metropolitan Strategy refers to the need to encourage housing growth where people want to live and close to shops, schools, transport and other services. This land is conveniently located in relation to the Picton town centre.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Community Strategic Plan

There are a number of outcomes to be considered including the following:

Environment

- *A community that is surrounded by a built and natural environment that is valued and preserved*
- *A community that has opportunities to engage with and actively care about their natural environment*

Comment

The proposed rezoning would have minimal impact on the character of the area that is already developed. Nevertheless the residential development would need to be sensitively designed taking into account potential visual and other impacts.

Economy

- *A community that is supported through appropriate, sustainable land use*

Comment

The proposed R5 Large Lot Residential zone is considered to be appropriate and would allow for sustainable land use.

Infrastructure

- *A community that has access to a range of viable transport options*
- *Communities that are supported by safe, maintained and effective infrastructure*

Comment

The site is located relatively close to public transport services available in Argyle Street.

Community

- *A resilient community that has access to a range of activities, services and facilities*
- *An engaged, connected and supported community that values and celebrates diversity*

Comment

Development of the site is aimed at increasing the supply and choice of housing for the local community.

Governance

- *A transparent, effective and sustainable Council*

Comment

All matters relating to the proposal will be examined to ensure the proposal is sustainable and that the community is fully engaged in this process.

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. 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 3 sets out the GMS Assessment Criteria relevant to this proposal and comments on its consistency with the criteria.

In addition to the Assessment Criteria, the GMS outlined 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 is generally consistent with the Key Policy Directions.

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 planning proposal conforms to the vision of “Rural Living” in terms of providing opportunities for communities to live, close to existing services and facilities.

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

Comment

Adjoining and nearby landowners were notified initially and their concerns have been addressed.

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

Comment

There are no such circumstances relating to this planning proposal.

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 site is part of an existing residential area and provides additional housing opportunities in the area. There are unlikely to be any potential negative impacts on the economic viability of existing town centres.

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

Comment

The small number of additional dwellings will contribute towards meeting the Shire's natural growth forecast.

P7 *A high growth or accelerated growth scenario is not being pursued. The extra dwellings needed for the Shire's growth therefore are not intended to accommodate the urban expansion of the Sydney Metropolitan Area*. (*It is acknowledged that Wollondilly will continue to accommodate migration from Sydney, however this is distinct from actually accommodating the spread of the Sydney urban footprint)*

Comment

The proposed dwellings will make a very small contribution towards accommodating growth in the Sydney Metropolitan region.

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 proposed developed will make a small contribution towards providing 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

The proposal is for a lower dwelling density on the western edge of Picton.

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

Comment

The site is located in close proximity to the existing urban edge of Picton.

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

The site can be sustainably developed.

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

This planning proposal is located adjacent to an existing residential area which contains all services and infrastructure required.

P21 *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 site is partially cleared, does not contain remnant ecologically significant vegetation and is not located within the Sydney drinking water catchment.

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.

5. 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 4**). The only one considered applicable at this stage is:

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

SREP 20

Clause 4 of SREP 20 requires assessment 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. Table 2 provides a general assessment of SREP 20 Clause 5 and 6.

Table 2 – Consideration of SREP 20 matters

Clause 5 matters	Comment
Aim of the Plan	The planning proposal is unlikely to have any regional impacts on the Hawkesbury Nepean River System.
Strategies listed in the Action Plan of the Hawkesbury-Nepean	Conditions of approval in the Development Consent have satisfactorily dealt with potential water quality

Environmental Planning Strategy	impacts.
Any feasible alternatives to the development	There are 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 planning proposal would not alter the character of the semi urbanised area.

Clause 6 Matters	Comment
1.Total catchment management	Future residential development is proposed to be serviced by reticulated water and on-site sewage management.
3.Water quality	Stormwater will be Managed on the principles of Water Sensitive Urban Design (WSUD).
5.Cultural heritage	A heritage assessment is not required as there are no on site heritage issues.
6.Flora & Fauna	There is a small area at the rear of Lot 28 which contains remnant native vegetation which will be conserved.
10.Urban Development Strategy	This land adjoins existing residential land.
12.Metropolitan Strategy Impacts	There would be no impacts from this planning proposal.

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

The planning proposal is generally consistent with applicable Ministerial Directions as detailed in Appendix 5.

Direction 6.2. Reserving Land for Public Purposes.

Objective (1) (b) of this direction states *(1)The objective of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

Comment

In terms of (b) above, it is proposed to remove land zoned for public recreation from this planning proposal as it is no longer required. Accordingly Direction 6.2 applies to this planning proposal.

Council must therefore address ***What a relevant planning authority must do if this direction applies:*** (4) *A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).*

Comment

Council as the relevant planning authority resolved to approve the reduction of land zoned for public recreation at its Ordinary meeting held on 19 May 2014. The approval of the Secretary (previously Director-General) of the Department of Planning and Environment is being sought in relation to clause (4) of Direction 6.2.

A planning proposal may be inconsistent with Direction 6.2 as detailed in **Consistency (8)** *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (d) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.*

Comment

There are 3 small slivers of land totalling 1850.73m² zoned RE1 Public Recreation (Zone RE1) in Lot 28 DP 1173845. The slivers of land are in private ownership and are not classified as community land. The land is not included on the Land Reservation Acquisition Map. Council's Land and Property Panel consider that the land has no value for public recreation purposes and are not proposing to acquire it. Council has resolved to support the rezoning of this Zone RE1 land. The land is not suitable for public recreation purposes and is currently being used for domestic purposes with the largest sliver comprising a driveway providing access into the property. Accordingly it is considered that for these reasons, the reduction of this RE1 land is of minor significance.

Section C – Environmental, social and economic impact.

7. 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?

Most of the site – Lots 24-27 are cleared but there is a small amount of vegetation (@2800m²) within a steep small gully on the southern end of Lot 28. This has been identified as riparian River Flat Forest which although weed infested, contains remnant trees that would be important habitat refuge. Retention of these trees is also important for soil conservation reasons as the gully provides a drainage line to Stonequarry Creek. The development consent provides for a building envelope and effluent disposal area outside of the vegetated area on Lot 28 and a restriction on tree clearing which will ensure that any remnant vegetation will not be impacted. Additionally the clearing of remnant native vegetation within the R5 zone requires approval under the Native Vegetation Act 2003.

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

The following specialist studies were undertaken as part of the Development Application:

- Onsite Wastewater Feasibility Study

- Environmental Noise Assessment
- Geotechnical Instability Assessment
- Flood Level Assessment
- Weed Management Plan

Some of the specific environmental issues identified in relation to the development of this site are as follows:

Wastewater

The on-site waste water study concluded that effluent disposal could be adequately managed on site. A condition of approval for the Development Application requires wastewater to be disposed of via an onsite sewage management system.

Geotechnical

The geotechnical report recommends that cut and fill slopes are battered during and after any proposed works. The report also established that the site has a low risk of slope failure.

Noise

The environmental noise impact assessment prepared as part of the Development Application recommended a number of measures to overcome noise from the main southern railway line. The same report found that vibration levels from trains were not high enough to warrant vibration attenuation. Conditions of approval for the Development Application require buildings to be acoustically treated to achieve acceptable interior noise levels as recommended by 'Development near Rail Corridors and Busy Roads- Interim Guidelines'.

Weeds

The Weed Management Plan prepared in August 2012 found that the site contains both noxious and environmental weeds. A condition of approval of the Development Application requires the preparation of a weed eradication and management plan.

Traffic and Transport Impacts

During the assessment of the development proposal, Council's engineers found the existing road infrastructure to be able to satisfactorily cater for the minimal increase in traffic anticipated.

Stormwater management

Conditions of approval for the Development Application will ensure drainage / stormwater is properly managed.

9. Has the planning proposal adequately addressed any social and economic effects?

Heritage

There are no listed heritage items of local, state or national heritage significance nor is there any conservation areas located on the site and no heritage items or conservation areas in the vicinity of the site. Aboriginal archaeological items have been identified in the past along Stonequarry Creek in various locations but access to the creek in this location is restricted by steep topography and heavy bushland along the creek edge which would limit impact on any potential aboriginal archaeological items. Additionally as the residential use of the site is approved and there is residential development in the locality it is considered that this planning proposal would not increase any potential impact on aboriginal archaeological heritage.

Visual Impact

During the assessment of the Development Application, it was established that there could be impacts on the views from 31 Stargard Crescent, particularly in relation to the side view. It is unlikely that there will be any impacts on views to the rear of the property. In order to minimise these potential visual impacts, conditions of approval for the Development Application required the planting of native trees at a minimum density of 1 tree per 2m² behind lots 24 – 26.

Section D – State and Commonwealth interests.

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

The properties are able to be serviced by essential infrastructure. Town water is available and on site sewerage management is feasible.

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

It is considered that the minor nature of this proposal will not significantly alter the current development approval for the site and does not warrant consultation with State and Commonwealth public authorities.

Part 4 – Mapping

Map 1 –Site Identification Map

Map 2 – Land Zone Map

Map 3 - Lot Size Map

Map 4 – Height of Building Map



Wollondilly Local
Environmental Plan
2011: Amendment

Site Identification Map

Map sheets to be amended:

8400_COM_LZN_008F_020_20110131
8400_COM_HOB_008F_020_20110204
8400_COM_LSZ_008F_020_20110209

Proposed Zone

- Subject Land
Road

Cadastre

Cadastre base data 09/10/2012 © Land and Property Information (NSW)
Addendum data 09/10/2012 © Wollondilly Shire Council



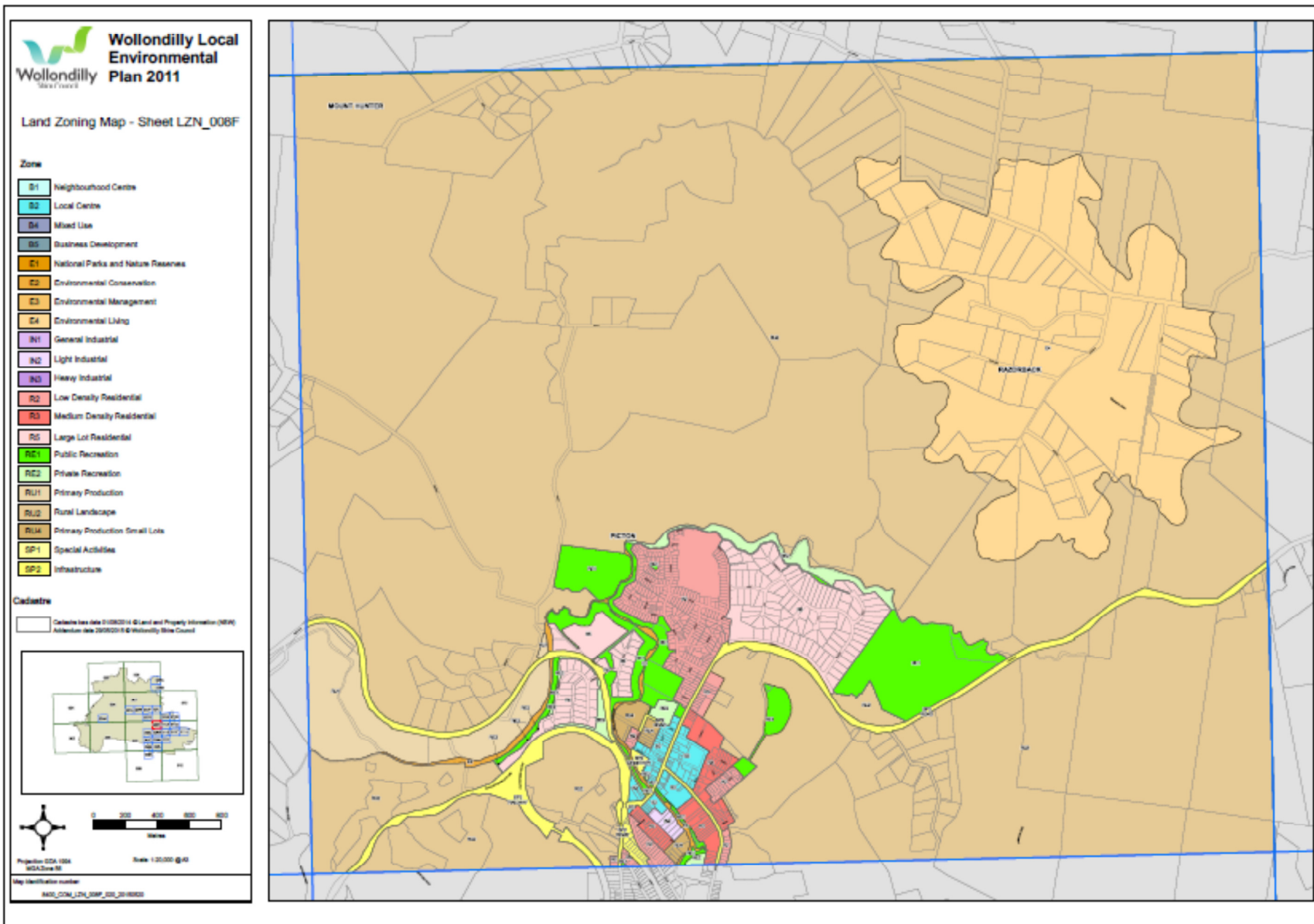
Map produced on: 14/07/2014

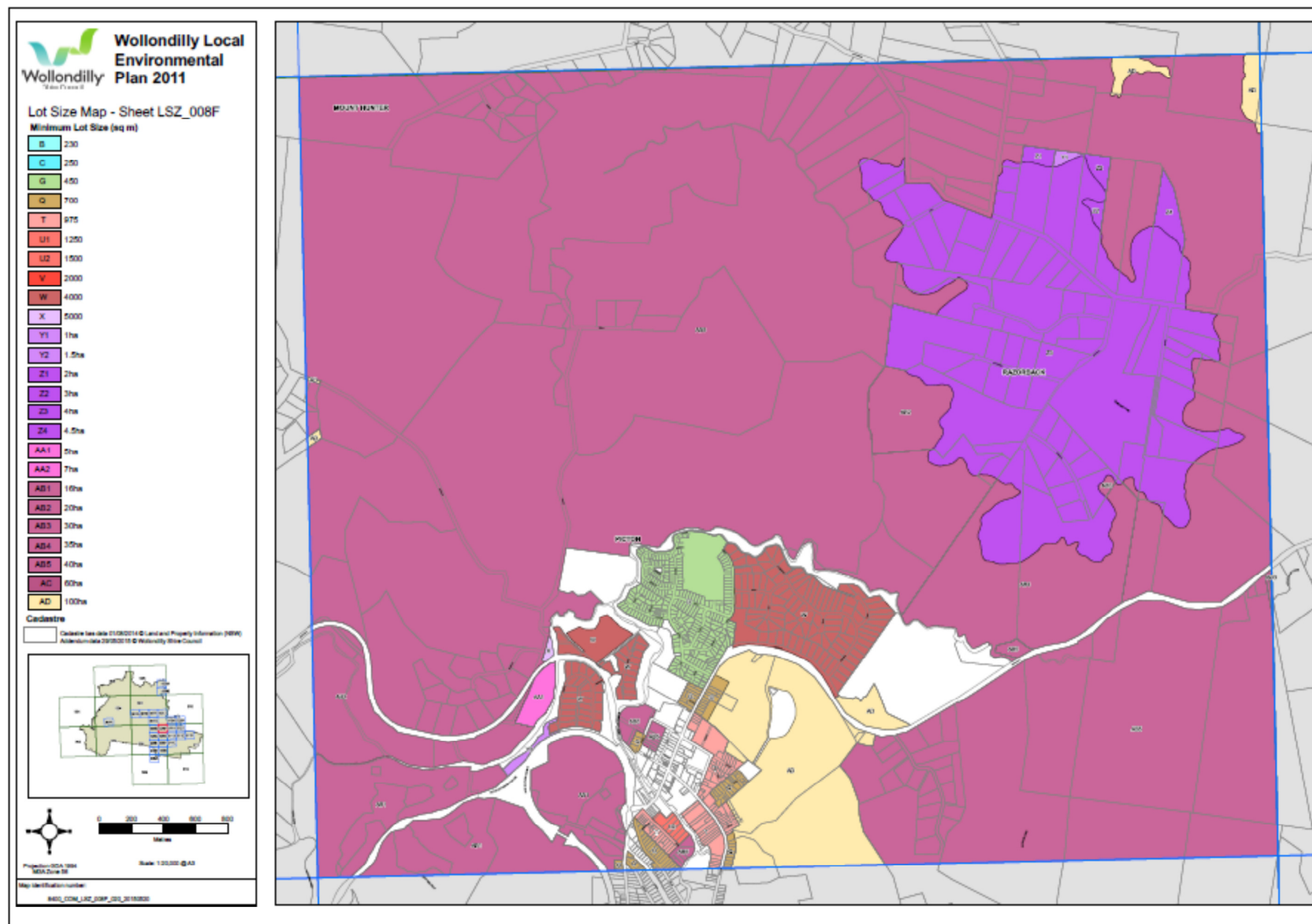
Projection GDA 1994
MGA Zone 56

Wollondilly Shire Council accepts no
responsibility for any injury, loss or
damage arising from the use of this
plan or errors or omissions therein.

Visit the website below to find the published map sheet listed above:
<http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2011&no=85>









Wollondilly Local Environmental Plan 2011

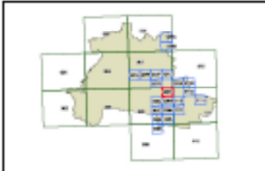
Height of Buildings Map
- Sheet HOB_008F

Maximum Building Height (m)

F	6.0
J	9
L	11
M	12

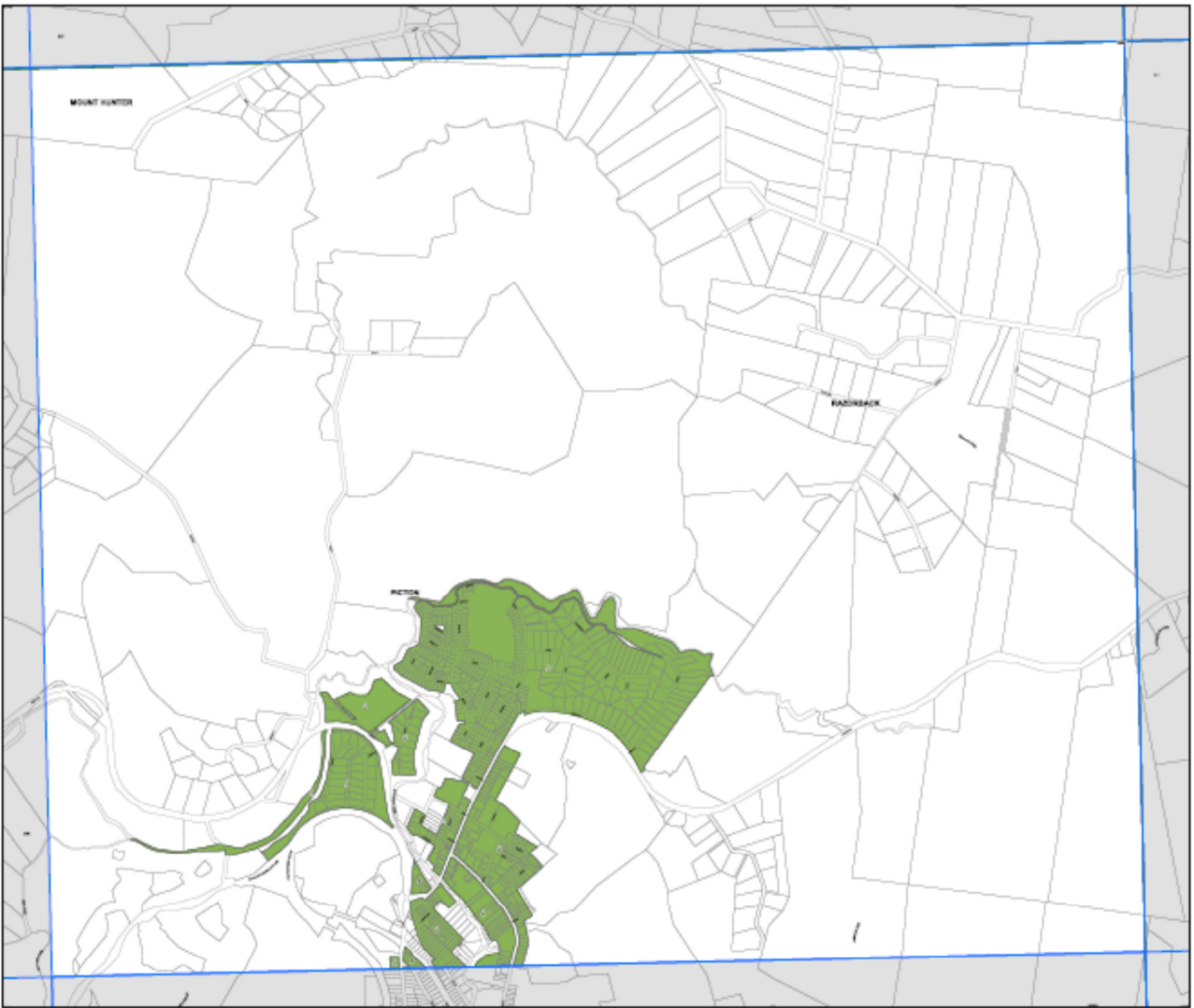
Cadastral

 Cadastral boundary (1:100,000) © Land and Property Information (LPI)
 Cadastral boundary (1:100,000) © Wollondilly Shire Council





Projection: GDA 1984
 SRS: GDA1984
 Scale: 1:20,000
 Map identification number:
 HOB_008F_008F_008F_008F



Part 5 – Community Consultation

Council notified adjoining landowners for a period of 28 days and received two submissions.

The Gateway Determination required a 14 day exhibition period for community consultation as the planning proposal is considered to be minor in nature. However as the planning proposal has been revised slightly Council resolved at its meeting held on 19 May 2014 to exhibit this planning proposal and draft LEP amendments and consult with adjoining and nearby residents for a 28 day period. The planning proposal was exhibited from Wednesday 23 July – 20 August 2014.

One submission was received as a result of the public exhibition. The issues raised and the assessment comments are detailed below:

Issue Raised	Assessment Comment
Stargard Crescent is a very narrow street and should be widened because of the additional traffic and lack of parking	<i>Stargard Crescent meets the requirements in Council's Design code for the level of traffic including the additional 5 residential lots. Additional road verge was provided for the subject lots to allow for pedestrian movement.</i>
Trucks should not park in the street when homes are constructed.	<i>Truck drivers and builders would need to ensure they park safely and so as not to inconvenience residents.</i>
Safety is an issue with children playing and walking their dogs.	<i>All motorists in every road situation need to be aware of residents' activities and drive cautiously and in accordance with road conditions.</i>
The land was zoned private recreation and the land was bought in good faith on this basis and we feel cheated of what we thought was genuine.	<i>The original subdivision of Stargard Crescent was within a rural zone with the RE2 Private Recreation zone being applied under WLEP 2011. Under the previous WLEP 1991 the land was able to be subdivided further to allow for rural residential development. The RE2 zone will still apply to Lot 29 which surrounds the whole subdivision.</i>

Consultation with government agencies and departments is not required. Identified issues and constraints, including stormwater, noise, effluent disposal, visual impacts and weeds have already been dealt with at Development Application stage.

Part 6 – Project Timeline

The Project Timeline is based on the estimated timeframe and may vary depending on when the matter is reported to Council.

Estimated Timeframe

Project detail	Timeframe	Timeline
Date of Gateway Determination		10 December 2013
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	N/A
Anticipated timeframe for the completion of required technical information - after Specialist Study requirements determined	N/A	N/A
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	July-August 2014
Dates for public hearing (if required)	Not required	-
Timeframe for consideration of submissions	2 week period	End of August 2014
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	7 months	Mid March 2015
Date of submission to the Department to finalise the LEP (including 6 week period for finalisation)	N/A	
Preparation of maps and documents for finalisation and anticipated date Council will forward Draft LEP Amendment to PC and to the Department	2 months	August 2015
Anticipated date RPA will forward to the Department for notification	2 months	September 2015

The original Gateway Determination allowed a period of 9 months until 3 September 2014. Council has received an extension to the Gateway Determination until 17 December 2014. A further extension of 4 months was approved by the Department and the Gateway Determination has been extended until 23 July 2015. A further extension until September is being sought.

Appendices

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

Appendix 1 – Council Reports and Resolutions

COUNCIL RESOLUTION FROM MARCH 15, 2015 ORDINARY MEETING

1. That Council as the delegated responsible planning authority adopt and make the draft Local Environmental Plan for land being:

Lots 24, 25, 26, 27 and 28 DP 1173845 being Nos 1, 3, 23, 25 and 27 Stargard Crescent, Picton to amend Wollondilly Local Environmental Plan, 2011 as follows:
 - amend the Land Zoning Map 008F for Lots 24, 25, 26, 27 and 28 DP 1173845 from RE2 Private Recreation and RE1 Public Recreation to R5 Large Lot Residential
 - amend the Lot Size Map 008F for Lots 24, 25, 26 and 27 DP 1173845 from no minimum lot size to a minimum lot size of 4,000m2 and for Lot 28 DP 1173845 from no minimum lot size to a minimum lot size of 1.5ha
 - amend the Height of Building Map 008F for the land zoned RE1 Public Recreation on Lot 28 DP 1173845 from no maximum height of building to a maximum height of 9m.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 Council makes the plan as outlined above and requests Parliamentary Counsel and the Department of Planning and Environment to make arrangements for the drafting and notification of the amended Local Environmental Plan.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

COUNCIL REPORT INCLUDED UNDER SEPARATE COVER
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Appendix 2 – Gateway Determination



Planning &
Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_012_00): to rezone land in Stargard Crescent, Picton, for large lot residential development (Zone R5 Large Lot Residential) and introduce a minimum lot size of 3,000m², to rectify a zoning anomaly.

I, the Acting Regional Director, Sydney Region West, at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act, that an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone land in Stargard Crescent, Picton, for large lot residential development (Zone R5 Large Lot Residential), to rectify a zoning anomaly and introduce a minimum lot size of 3,000m², should proceed subject to the following conditions:

Prior to undertaking public exhibition, Council is to satisfy conditions 1 to 3 below.

1. Council is to amend the planning proposal to:
 - i. clarify that the property description of the subject land includes only 'part' of Lots 28 and 29 DP 1173845, rather than the whole of these allotments;
 - ii. clarify that, in addition to retaining the part of Lot 29 zoned RE1 Public Recreation, this will also apply to part of Lot 28;
 - iii. show the correct boundary of the subject land shown on the site map in Figure 1 on page 3;
 - iv. clarify whether the Proposal is likely to result in additional development potential for the subject land; and
 - v. Include a map of the proposed minimum lot size.
2. Council is to consider rezoning small residue areas to Zone RE1 Public Recreation, where they adjoin land within this zone.
3. Council is to undertake a Flora and Fauna Assessment for Lots 28 and 29, if they are considered to have potential for resubdivision and/or additional development, and subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones.
4. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 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 LEPs* (Department of Planning & Infrastructure 2013).
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

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6. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act 1979.
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated th day of November 2013.

R Cumming 10/12/13

Rachel Cumming
Acting Regional Director
Sydney Region West
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure

Appendix 3 – Growth Management Strategy Assessment

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with relevant provisions relating to housing growth.
State Planning Policies	Consistent with relevant provisions in terms of housing opportunities.
Ministerial Directions	Consistent with Ministerial directions. (see Appendix 5)
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.
Local Strategies and Policies	
Criteria	Response
Key Policy Directions on the GMS	Consistent with the relevant Key Policy directions.
Precinct Planning	Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	The proposal is generally consistent with the outcomes.
Project Objectives and Justification	
Criteria	Response
Overall Objective	Consistent with the relevant provisions.
Strategic Context	Consistent with the relevant provisions.
Net Community Benefit?	Consistent with relevant provisions.
Summary of Likely Impacts	No impacts are considered likely.
Infrastructure and Services	Approved road and drainage infrastructure and on-site sewage treatment will be provided.
Supply and Demand Analysis	Not required
Site Suitability/Attributes	The subject site adjoins an existing residential area and rural land. The largest portion of the site has a steep slope and vehicular access can be provided from Stargard Crescent.

Preserving Rural Land and Character	
Criteria	Response
Character Setting	The site has a semi-rural character being on the outskirts of Picton but adjoins existing large lot residential land in Stargard Crescent.
Visual Attributes	Part of the site has a relatively steep topography. There are no significant topographic features.
Rural and Resource Lands	The larger residential lots will assist in maintaining the open semi-rural outlook.
Environmental Sustainability	
Criteria	Response
Protection and Conservation	The site is mostly cleared and a small amount of remnant native vegetation will not be impacted by any future residential development.
Water Quality and Quantity	Stormwater and waste water management has been assessed as part of the development application.
Flood Hazard	On-site flooding is not an issue.
Geotechnical/Resources/Subsidence	The subject land is not within a Mine Subsidence area.
Buffers and Spatial Separation	Building envelopes have been sited to minimise impacts on existing residential properties in Stargard Crescent and landscaping was approved under the existing development consent applying to this site.
Bushfire Hazard	There is no current bushfire hazard indicated for this site.
Heritage	The site contains no listed heritage items of local, state or national heritage significance.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be applied to any future residential development.
Infrastructure	
Criteria	Response
Efficient Use and Provision of Infrastructure	Limited traffic management, pedestrian/cyclist and drainage infrastructure is required.
Transport Road and Access	No additional road and transport infrastructure is required.
Open Space	The proposed residential development will not require the provision of additional open space.

Appendix 4 – Compliance with SEPPs

Table indicating compliance with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	Yes	The Planning Proposal does not contain provisions that will be inconsistent with this SEPP.
14	Coastal Wetlands	NA	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	NA	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	NA	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	Yes	The Planning Proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
26	Littoral Rainforests	NA	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	NA	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	Yes	Not relevant to this planning proposal
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	Yes	Not relevant to this planning proposal.
36	Manufactured Home Estates	NA	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	NA	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	No potential koala habitat has been identified on the site.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	Not applicable in the Shire of Wollondilly.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NA	Not applicable in the Shire of Wollondilly.
55	Remediation of Land	Yes	It is considered unlikely that site contamination will be an issue.
59	Central Western Sydney Regional Open Space & Residential	NA	Not applicable in the Shire of Wollondilly.
62	Sustainable Aquaculture	Yes	Not relevant to the planning proposal
64	Advertising and Signage	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder the application of the SEPP
65	Design Quality of Residential Flat Development	Yes	Not relevant to this planning proposal.
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder the application of the SEPP
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Infrastructure) 2007	Yes	The planning proposal does not contain provisions that are

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
			inconsistent with the SEPP.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	Not applicable to this planning proposal
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This planning proposal does not change current provisions for mining, petroleum, production and extractive industries.
	SEPP (Miscellaneous Consent Provisions) 2007	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Penrith Lakes Scheme) 1989	NA	Not applicable in the Shire of Wollondilly
	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	SEPP (State & Regional Development) 2011	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder the application of the SEPP
	SEPP 1 (Sydney Drinking Water Catchments) 2011	NA	The site is not located within the catchment area.
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Temporary Structures) 2007	Yes	This planning proposal does not change current provisions for 'temporary structures'.
	SEPP (Three Ports) 2013	NA	Not applicable in the Shire of Wollondilly
	SEPP (SEPP 53 Transitional Provisions) 2011	NA	Not applicable in the Shire of Wollondilly
	SEPP (Urban Renewal) 2010	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Parklands) 2009	NA	Not applicable in the Shire of Wollondilly.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	SEPP (Western Sydney Employment Area) 2009	NA	Not applicable in the Shire of Wollondilly.
Deemed SEPPs (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	NA	Not relevant to this planning proposal
20	Hawkesbury–Nepean River (No 20 - 1997)	Yes	The planning proposal is consistent with this deemed SEPP.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.

Appendix 5 – Examination of Draft Plan in accordance with relevant Section 117(2) Directions

Ministerial Direction	Applicable	Consistency	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	N/A	N/A	Direction does not apply.
1.2 Rural Zones	N/A	N/A	Direction does not apply.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A	Direction does not apply.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	Lot 28 DP 1173845 site contains a minimal area of remnant native vegetation and this remnant vegetation is not proposed to be impacted by the proposal. The development consent for the subdivision does not allow tree clearing outside of the building envelope. Approval for clearing of native vegetation would be required under the Native Vegetation Act 2003. The planning proposal is considered to be consistent with direction 2.1.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Yes	The land does not contain heritage items or heritage conservation areas and would not impact on any heritage items or heritage conservation areas. The planning proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	N/A	N/A	Direction does not apply
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	A single dwelling will be built on each lot. The planning proposal is not inconsistent with Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	Direction does not apply.

Ministerial Direction	Applicable	Consistency	Assessment
3.3 Home Occupations	Yes	Yes	Home businesses are permitted in residential zoned lots. The planning proposal is not inconsistent with Direction 3.3.
3.4 Integrating Land Use and Transport	Yes	Yes	The site is accessible to public bus services along Argyle Street which is relatively close to the site. Given the minor nature of the planning proposal an assessment of traffic impacts and management will not be required. It is considered that the application is consistent with this direction.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	N/A	N/A	The subject land is not within a Mine Subsidence area. The planning proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	N/A	N/A	Direction does not apply as the site is not known to be flood prone.
4.4 Planning for Bushfire Protection	Yes	Yes	Consultation with the Commissioner of the NSW Rural Fire Service was undertaken during assessment of the development application for subdivision. The NSW Rural Fire Service issued a bushfire safety authority with no conditions. Accordingly it is considered that the planning proposal is not inconsistent with direction 4.4
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply
5.2 Sydney Drinking Water Catchments	N/A	N/A	Direction does not apply. The land is not within catchment area.
5.3 Farmland of State	N/A	N/A	Direction does not apply

Ministerial Direction	Applicable	Consistency	Assessment
and Regional Significance on the NSW Far North Coast			
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Direction does not apply
5.6 Sydney to Canberra Corridor	N/A	N/A	Although the Sydney Canberra Corridor Strategy 1995 refers to land within Wollondilly Local Government Area the Strategy has been determined to no longer apply to Wollondilly LGA.
5.7 Central Coast	N/A	N/A	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority. The planning proposal is consistent with Direction No. 6.1.
6.2 Reserving Land for Public Purposes	Yes	Yes	The planning proposal will reduce land zoned for public recreation purposes by a minor amount. This land comprises small slivers of land in private ownership which would have no value for recreational use and which Council is not interested in acquiring. The approval of the Secretary of the Department of Planning and Environment is being sought. It is considered that the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.
6.3 Site Specific	Yes	Yes	The planning proposal will not include provisions that are inconsistent with this

Ministerial Direction	Applicable	Consistency	Assessment
Provisions			direction.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	The planning proposal is consistent with the metropolitan strategy and <i>A Plan for Growing Sydney</i> . It is considered to be consistent with Direction 7.1.