

Bronzewing Street, Tahmoor

Proposal Title : **Bronzewing Street, Tahmoor**

Proposal Summary : **To rezone the subject land for residential purposes.**

PP Number : **PP_2012_WOLLY_008_00**

Dop File No : **13/01072**

Proposal Details

Date Planning : **19-Dec-2012**

Proposal Received :

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 : **55-65 Bronzewing Street**

Suburb : **Tahmoor**

City : **Sydney**

Postcode : **2573**

Land Parcel : **Lots 8 & 9, DP 249821**

DoP Planning Officer Contact Details

Contact Name : **Mato Prskalo**

Contact Number : **0298601534**

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RPA Contact Details

Contact Name : **Kitty Carter**

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DoP Project Manager Contact Details

Contact Name : **Stephen Gardiner**

Contact Number : **0298601536**

Contact Email : **stephen.gardiner@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name :

N/A

Regional / Sub : **Metro South West subregion**

Consistent with Strategy :

Yes

Regional Strategy :

Bronzewing Street, Tahmoor

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

Residential

No. of Lots : **60**

No. of Dwellings
(where relevant) : **60**

Gross Floor Area : **0**

No of Jobs Created : **0**

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

If No, comment :

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

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 and meetings with lobbyists has been complied with. No such communications or meetings have occurred.**

Supporting notes

Internal Supporting
Notes :

The Proposal will provide additional housing opportunities through the orderly expansion of the existing Tahmoor centre.

The Proposal seeks to rezone 55-65 Bronzewing Street, Tahmoor, from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential and introduce corresponding lot size and building height controls. The Proposal would facilitate approximately 60 lots of 700m².

The Proposal identifies a number of studies to be completed:

- flora and fauna,
- hydrology (dealing with drainage and stormwater and water sensitive urban design options),
- bushfire hazard,
- traffic and transport,
- contaminated land, and
- heritage.

In accordance with the Instrument of Delegation dated 21 April 2010, the function of Gateway is not delegated to the Director General in this instance as the Proposal seeks to rezone rural land that is not identified for residential purposes in the draft South West Subregional Strategy (i.e. regional strategy).

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The Objective of the Proposal is to rezone the subject land for residential development. The intended outcomes are generally consistent with the Department's publication "A Guide to Preparing Planning Proposals (October 2012)".**

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

Is an explanation of provisions provided? **Yes**

Comment : **The Proposal will be facilitated by amending Wollondilly LEP 2011 as follows:**

- Amend the Land Zoning Map to rezone the subject land from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential;
- Amend the Lot Size Map to reduce the minimum permissible lot size for the subject land from 2 hectares to 700 m²;
- Amend the Height of Buildings Map to apply a height limit of 9 metres to development on the subject land (note: no height limit currently applies); and
- Amend the Natural Resources - Biodiversity Map (if required).

The explanation is generally consistent with the Department's publication "A Guide to Preparing Planning Proposals (October 2012)".

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

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

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 55—Remediation of Land

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

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

Council does not appear to have delegated authority to undertake the plan-making functions in this instance.

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

SECTION 117 DIRECTIONS

DIRECTION 1.2 RURAL ZONES

This Direction applies to the Proposal as it rezones land from a rural zone to a residential zone. The Proposal is inconsistent with the 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 not inconsistent with the draft South West Subregional Strategy. The Proposal would facilitate further housing opportunities in the LGA. The approval of the Director General (or his delegate) is required to the inconsistency and is recommended. Note: the subject land is 4.046 hectares in size.

DIRECTION 1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

This Direction applies to the Proposal as the subject land has previously been the subject of underground coal mining and may be subjected to future such activity. Council proposes to consult with the Department of Trade & Investment regarding this matter and it is considered that the Gateway determination should make such consultation a requirement and that Council should be required to subsequently demonstrate consistency with the Direction.

DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

This Direction is relevant to the Proposal as the subject land contains patches of Shale Sandstone Transition Forest, which constitutes, and occurs at the edges of, Cumberland Plain Woodland. Although the vegetation is not the more significant Priority Conservation Lands category of Cumberland Plain Woodland, this community is listed under both the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. As such, consultation with the relevant State and Federal environmental authorities should be required under the Gateway determination. The aforementioned authorities are the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities. Compliance with s.34A of the Environmental Planning and Assessment Act 1979 is also necessary.

The Proposal indicates that a flora and fauna study will be prepared and will determine whether, amongst other things, the Natural Resources - Biodiversity Map will need to be amended to include the subject land. It is considered that the Gateway determination should require Council to prepare a flora and fauna study and consult with the Office of Environment & Heritage on the Proposal. These actions should be undertaken prior to public exhibition of the Proposal and Council should be required to subsequently demonstrate the consistency of the Proposal with the Direction.

DIRECTION 2.3 HERITAGE CONSERVATION

Council proposes to undertake a heritage assessment in relation to the potential impact of the Proposal on a local heritage item located on adjoining land. As there do not appear to be any existing or likely heritage items on the subject land itself, it is considered that the Proposal is consistent with this Direction.

DIRECTION 3.1 RESIDENTIAL ZONES

This Direction applies to the Proposal as it rezones land for residential purposes. The subject land adjoins the existing residential area at Tahmoor and, as such, is consistent, in principle, with Council's Growth Management Strategy 2011, which identifies the subject land for potential residential growth.

Council has submitted its Growth Management Strategy to the Department for endorsement. The Department has delayed its consideration of the Strategy until the completion of the Government's Review of Potential Housing Opportunities on Landowner Nominated Sites. However, it is considered that, in principle, the Proposal holds merit and should proceed.

It is considered that the Proposal is consistent with this Direction as the Proposal will facilitate the orderly expansion of Tahmoor.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction applies to the Proposal as it will create a zone relating to urban land, i.e. Zone R2 Low Density Residential. The Direction requires the Proposal to locate the zone, and include provisions that give effect to, and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001), and
- (b) The Right Place for Business and Services - Planning Policy (DUAP 2001).

The Proposal is generally consistent with the above planning documents in that it adjoins the existing Tahmoor residential area and is close to rail (approximately 1km from Tahmoor Railway Station), buses (albeit limited - along nearby Thirlmere Way) and

shops (approximately 1.25km from Tahmoor Commercial Centre). In view of the above, 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 the Bargo Mine Subsidence District. The Direction requires Council to consult with the Mine Subsidence Board and the Proposal indicates that such consultation will occur. Nevertheless, it is considered that such consultation should be made a requirement of the Gateway determination and that Council should be required to demonstrate consistency with the Direction following public exhibition.

DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction applies to the Proposal as the subject land contains bushfire prone land. The Direction requires Council to consult with the Commissioner of the Rural Fire Service prior to public exhibition and the Proposal indicates that such consultation will occur. Nevertheless, it is considered that the above consultation should be made a requirement of the Gateway determination and that Council should be required to demonstrate consistency with the Direction following public exhibition.

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 document 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 identifies the subject land as containing Shale Sandstone Transition Forest (SSTF). Depending on the outcome of consultation with the Office of Environment and Heritage and the Flora and Fauna Study, Council may need to amend the Proposal to include any required changes to address SEPP 44. Species that form part of SSTF form part of critical habitat for Koalas (i.e. Forest Red Gum, Grey Gum).

SEPP 55 - REMEDIATION OF LAND

SEPP 55 applies to the Proposal as the subject land may have a history of agricultural use. The Proposal indicates that, pursuant to the SEPP, a preliminary land contamination investigation will be undertaken. It is considered that such investigation should be conducted prior to public exhibition of the Proposal and that this should be made a requirement 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 consequently identifies the need for various studies and plans to be undertaken.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The mapping accompanying the Proposal is considered to be adequate for the purposes of consideration by the Gateway. Council has advised that mapping that is compliant with Standard Instrument LEP requirements will be prepared after the completion of

any required studies. The Proposal would amend maps identified by the sheet number 008D.

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. Council's proposal is supported.**

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Council's Standard Instrument 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, which identifies the subject land as a 'potential residential growth area'.**

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**

In addition to a flora and fauna study, the Proposal proposes the following studies:
- hydrology (dealing with drainage and stormwater and water sensitive urban design options),
- bushfire hazard,
- traffic and transport,
- contaminated land, and
- heritage.

The proposed studies will determine any environmental impacts and are supported.

SOCIAL AND ECONOMIC IMPACTS

No adverse social or economic impacts are expected.

Assessment Process

Proposal type : **Precinct** Community Consultation **28 Days**
Period :

Timeframe to make **12 Month** Delegation : **Minister**
LEP :

Public Authority **Hawkesbury - Nepean Catchment Management Authority**
Consultation - 56(2)(d) **Office of Environment and Heritage**
: **Department of Trade and Investment**
Mine Subsidence Board
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water

Is Public Hearing by the PAC required? **No**

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

If no, provide reasons : **CONSULTATION WITH PUBLIC AUTHORITIES**

Council proposes to consult with the following public authorities in addition to those required under, or relating to, section 117 Directions:

- Hawkesbury-Nepean Catchment Management Authority, and
- Sydney Water.

The proposed consultation is supported and should also include Endeavour Energy and Roads and Maritime Services.

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **TIMEFRAME**

Council proposes a timeframe of 15 months in which to finalise the LEP. However, it is considered that a 12 month timeframe is more appropriate and that future consideration may be given to an extension where justified. The assessment of submissions, amending the Proposal and reporting to Council, has been overestimated, being 4 months, 3 weeks and 3 months respectively, and can be consolidated and reduced.

ADJOINING LAND

Preliminary community consultation by Council has resulted in submissions from land owners in the vicinity of the subject land, who have requested the inclusion of their properties in the Proposal. However, Council has agreed to consider rezoning only land directly adjoining the subject land (to the north), which will provide drainage and access benefits for development on the subject land. The rezoning of the adjoining land is being pursued as a separate planning proposal and will not be included in the subject Proposal. However, Council will have regard to linkages between the two sites when assessing development applications.

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Other - provide details below

If Other, provide reasons :

For information on other studies proposed, refer to the above discussion of environmental impacts.

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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 : **The Proposal indicates that reticulated water and sewer infrastructure are located nearby and can be readily extended to service the proposed development. The Proposal notes that Sydney Water has indicated that there may be sufficient capacity at the local sewerage plant but that this is subject to the approval of a current application by Sydney Water for expansion of the servicing area.**

Council proposes to consult with Sydney Water and it is considered that this action, along with consultation with Endeavour Energy, should be made a requirement under the Gateway determination.

Documents

Document File Name	DocumentType Name	Is Public
Planning_Proposal.pdf	Proposal	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
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 12 months from the week following the date of the Gateway determination (Council should consolidate and reduce the 4 months + 3 weeks + 3 months proposed for considering submissions);**
- 3. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the inconsistency is of minor significance;**
- 4. Council should consult with the Mine Subsidence Board and subsequently demonstrate consistency with section 117 Direction 4.2 Mine Subsidence and Unstable Land;**

The following conditions should be met prior to community consultation:

- 5. Council should consult with the Department of Trade & Investment (Mineral Resources and Energy) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;**
- 6. Council should prepare a flora and fauna study and consult with the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities. Compliance with s.34A of the Environmental Planning and Assessment Act 1979 is also necessary. Council should subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones and address SEPP 44;**

7. Council should consult with the Commissioner of the Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection;

8. Council should prepare the following studies:

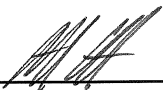
- a heritage assessment (regarding the impact on the local heritage item located on the adjoining land),
- a preliminary land contamination investigation (and subsequent demonstration of compliance with SEPP 55 - Remediation of Land),
- a hydrology study (dealing with drainage and stormwater and water sensitive urban design options),
- a traffic and transport study, and
- a bushfire hazard assessment.

9. Council should additionally consult with the following public authorities:

- the Hawkesbury-Nepean Catchment Management Authority,
- Sydney Water,
- Roads and Maritime Services, and
- Endeavour Energy.

Supporting Reasons : **The Proposal will provide additional housing opportunities through the orderly expansion of the existing Tahmoor centre.**

Signature:



Printed Name:

STEPHEN GARDINER

Date:

10/01/13

