

SECTION 59 PLANNING REPORT

Planning proposal details:

PP_2013_WOLLY_008_00: To rezone land at The Oaks for residential purposes and amend the development standards applying to the land.

Planning proposal summary:

To rezone land at 780 and 790 Montpelier Drive, The Oaks from RU2 Rural Landscape to R2 Low Density Residential, amend the minimum lot size to 975sqm (or greater) and the maximum building height to 9m on the subject land and amend the Natural Resources Water Map.

Date of Gateway determination:

3rd July 2013

1.0 SUMMARY

Council to provide summary of the key issues associated with the planning proposal including:

- *any relevant background issues related to council policy/rationale for proceeding with the proposal,*
The land was identified as being potentially suitable for residential development in Wollondilly Growth Management Strategy 2011.
- *an overview of the zones/development standards to be amended*
 - Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zone R2 Low Density Residential
 - Amend the Lot Size Map from a minimum lot size category of 40 hectares to 975m²
 - Amend the Height of Buildings Map from a Maximum Building Height Category of no maximum to a Maximum Building Height Category of 6.8 m at the western end and 9 m over the remainder of the site
 - Amend the Natural Resources Biodiversity Map to include a small area of environmentally sensitive land towards the western end of the site
 - Amend the Natural Resources Water Map to include a 10m riparian buffer around the natural watercourse at the western end of the site.
- *summary of key exhibition dates and main points raised in submissions*
Community Consultation – 25 March 2015 – 24 April 2015
Main points raised in submissions – see Council report Monday 15 June 2015
- *a summary of any key amendments made to the planning proposal as a consequence of public exhibition or agency consultation*
No amendments were made to the planning proposal as a consequence of public exhibition or agency consultation.
- *other relevant background*

2.0 GATEWAY DETERMINATION

Council to provide details about the Gateway determination including:

- *date Determination issued*
3rd July 2013
- *timeframe for completion of proposal*
12 months
- *whether the Gateway determination was subject to a review request and the outcomes of that request*
No review request was made
- *whether the conditions included in the Gateway determination have been complied with and if not, the justification for the non-compliance and the impacts non-compliance may/will have on the LEP*
The conditions included in the Gateway determination have been complied with.

3.0 COMMUNITY CONSULTATION

Council to provide details relating to community consultation that occurred in relation to the planning proposal, including:

- *dates of exhibition*
25 March 2015 – 24 April 2015
- *number of submissions received*
4 submissions
- *issues raised during exhibition*
See Council report Monday 15 June 2015
- *responses to issues*
See Council report Monday 15 June 2015
- *whether the planning proposal was re-exhibited and if so, all relevant details as above*
The proposal was not re-exhibited
- *whether the consultation requirements included in the Gateway determination were complied with*
The consultation requirements were complied with
- *what amendments were made to the planning proposal to respond to the issues raised during public exhibition*
No amendments were required as the planning proposal has addressed all relevant issues raised.

4.0 VIEWS OF PUBLIC AUTHORITIES

Council is to provide details of consultation with relevant agencies, including:

- *which agencies were consulted*
 - ☐ NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - ☐ Office of Environment and Heritage
 - ☐ Sydney Water
 - ☐ Transport for NSW - Roads and Maritime Services

- ☐ Endeavour Energy
- ☐ Civil Aviation Safety Authority
- ☐ NSW Education and Communities
- ☐ Department of Primary Industries - Agriculture
- ☐ Department of Primary Industries - Office of Water
- ☐ Sydney Catchment Authority (S117 Direction 5.2 Sydney Drinking Water Catchments)
- *which agencies provided a response*
All the above other than Endeavour Energy
- *what were the views of those agencies*
See Council report – Monday June 15 2015
- *how were any objections or issues resolved*
See Council report – Monday June 15 2015
- *did agency consultation occur in accordance with the requirements of the Gateway determination*
Yes agency consultation did occur in accordance with the requirements of the Gateway determination
- *what amendments were made to the planning proposal to respond to the issues raised by agencies*
See Council report – Monday June 15 2015

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

Council is to provide information to demonstrate how the proposal is consistent, justifiably inconsistent or inconsistent with all relevant s117 Directions, SEPPs and other strategic planning documents.

See Planning Proposal document

Where consultation with an agency is a requirement of a Section 117 Direction to demonstrate consistency, details of that consultation should be provided and evidence that the agency supports the planning proposal should be provided.

The planning proposal is considered to be consistent with all relevant Section 117 Directions

6.0 PARLIAMENTARY COUNSEL OPINION

Council is to provide details of when an Opinion was sought and given by Parliamentary Counsel.

An Opinion was sought on 24 September 2015 and given on 30 September 2015.

7.0 OTHER RELEVANT MATTERS

Council is to include any additional matters that are relevant considerations for the making of the plan. This may include:

- *whether representations have been received on the planning proposal from State or Federal members of Parliament*
No representations have been received on the planning proposal from State or Federal members of Parliament

- *whether council has met with the Minister in relation to the planning proposal*
Council has not met with the Minister in relation to the planning proposal.

8.0 MAPPING

Council is to include copies of all relevant maps related to the planning proposal including zoning maps, maps related to development standards where they are being amended etc. Maps are to be provided in a format compliant with the Standard Instrument LEP Mapping Guidelines and all relevant GIS data is also to be provided.

Maps have been provided in accordance with Standard Instrument LEP Mapping Guidelines.

9.0 RECOMMENDATION

Council is to include a recommendation which clearly states whether the plan is to be made, made subject to amendments, or whether the matter (or a component of the plan) will be deferred.

It is recommended that the plan should be made as exhibited without amendments.

- Council is to include copies of all relevant documents referred to in the summary report properly tagged and clearly identified.

Gateway Determination

Council's Final Report and Resolution – Monday June 15 2015

Planning Proposal document