

Montpelier Drive Residential Lands

Proposal Title : **Montpelier Drive Residential Lands**

Proposal Summary : **To rezone land located at Montpelier Drive, The Oaks, from rural to residential to enable the development of low density housing.**

PP Number : **PP_2013_WOLLY_008_00** Dop File No : **13/10142**

Proposal Details

Date Planning Proposal Received : **13-Jun-2013** 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 : **780 and 790 Montpelier Drive**

Suburb : **The Oaks** City : **Sydney** Postcode : **2570**

Land Parcel : **Lot 601 DP 735032 and Lot 1 DP 1043567**

DoP Planning Officer Contact Details

Contact Name : **Mato Prskalo**

Contact Number : **0298601534**

Contact Email : **mato.prskalo@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Kitty Carter**

Contact Number : **0246778230**

Contact Email : **kitty.carter@wollondilly.nsw.gov.au**

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

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MDP Number :		Date of Release :	
Area of Release (Ha) :	11.15	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 :

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 seeks to facilitate approximately 60 dwellings by rezoning the site from Zone RU2 Rural Landscape to Zone R2 Low Density Residential. Corresponding changes to lot size, building height and environmental controls (i.e. watercourse buffers) are also proposed.

The Proposal is supported by assessments relating to ecological constraints, bushfire protection and stormwater, drainage and flooding. Council proposes to additionally seek assessments relating to aviation risk (due to a nearby airfield) and a traffic and transport study. Investigations by Council will also include appropriate lot size and the presence of contaminated land. A further flora and fauna study is recommended as there appears to be uncertainty regarding the nature of the vegetation on the site.

The Proposal is supported, in principle, as it will provide housing opportunities and enable the orderly growth of The Oaks.

DELEGATION

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 rezone the site from Zone RU2 Rural Landscape to Zone R2 Low Density Residential and make corresponding changes to lot size, building height and environmental controls (i.e. watercourse buffers).

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:

LAND ZONING MAP (Sheet LZN_007G)

Rezone the site as indicated above.

LOT SIZE MAP (Sheet LSZ_007G)

Amend the minimum lot size from 16 ha. to 975 sqm. (or greater, depending on the outcomes from further investigation). Note: the Proposal addresses the proposed standard as a maximum rather than a minimum. This appears to be erroneous (and is an error) and it is considered that the Gateway determination should require Council to amend the Proposal to rectify the error prior to undertaking public exhibition.

HEIGHT OF BUILDINGS MAP (Sheet HOB_007G)

Introduce a maximum building height of 9 metres for the entire site (currently, no maximum building height applies).

NATURAL RESOURCES - WATER MAP (Sheet NRW_007)

Riparian areas identified through proposed studies will be shown on this map.

A copy of the Proposal is provided in the 'Documents' section of this report. The proposed rezoning is shown on page 14 of the Proposal document.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General?

b) S.117 directions identified by RPA :

1.2 Rural Zones

2.1 Environment Protection Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.2 Sydney Drinking Water Catchments

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 :

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

Drinking Water Catchments Regional Environmental Plan No. 1

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

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

Council proposes to undertake:

- an aviation risk assessment (and consult with the Civil Aviation Safety Authority) as the site is located close to The Oaks Airfield,
- a traffic and transport study.

Council anticipates noise from road traffic and aircraft and proposes to apply the same noise controls that were recently applied to adjoining residential land.

The proposed building height may be refined in the context of the airfield.

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

If No, explain : SECTION 117 DIRECTIONS

DIRECTION 1.2 - RURAL LAND

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. Therefore, the approval of the Director General (or his delegate) is required for the inconsistency and is recommended.

Notwithstanding the above, as there is potential for land use conflicts to occur with any agricultural uses that may be located on adjoining land, it is considered that Council should be formally required, as a condition of the Gateway determination, to:

- consider potential rural land use conflict, and
- consult with the Department of Primary Industry - Agriculture.

DIRECTION 2.1 - ENVIRONMENTAL PROTECTION ZONES

Although most of the site is cleared, a small amount of vegetation is located around a creek and dam in the western portion of the site (as shown on the aerial photograph on page 3 of the Proposal document). The Proposal is supported by an Ecological Constraints Assessment and Council advises that the vegetation is likely to be remnant Cumberland Plain Woodland species (though not the more significant Priority Conservation Lands category). Council proposes to protect and enhance the vegetation within a riparian buffer area and has indicated that consultation may be necessary with the Office of Environment and Heritage and the Office of Water.

It is considered that the Gateway determination should require Council to:

- undertake a flora and fauna assessment (in order to clarify the nature of the vegetation),
- consult with the Office of Environment and Heritage and the Office of Water, and
- subsequently demonstrate consistency with the Direction.

Council should also be reminded of the need to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

DIRECTION 2.3 - HERITAGE CONSERVATION

The Proposal indicates that the site does not contain any heritage items and is unlikely to contain any cultural artefacts as it has been cleared and used for rural purposes for a considerable period.

Notwithstanding this, Council notes that there are two heritage items (of local significance) located opposite the site and proposes to assess the potential impact on these items.

The Proposal is, therefore, considered to be consistent with the Direction.

DIRECTION 3.1 - RESIDENTIAL ZONES

The site forms a logical extension to the existing residential area at The Oaks, has access to reticulated water and sewer systems and is identified for potential growth under Council's Growth Management Strategy 2011 (GMS). The Proposal is, therefore, considered to be consistent with the Direction.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The Proposal is considered to be generally consistent with this Direction as the site adjoins an existing urban area. A bus service is available along Montpelier Drive, which fronts the site.

DIRECTION 4.3 - FLOOD PRONE LAND

The Proposal indicates that part of the site is impacted by flooding and that an assessment will be required. It is considered that the Gateway determination should require Council to subsequently demonstrate consistency with the Direction.

DIRECTION 4.4 - PLANNING FOR BUSHFIRE PROTECTION

Part of the site is bushfire prone and Council has undertaken an assessment of requirements to limit bushfire hazard in accordance with Planning for Bushfire Protection 2006. Council also proposes to consult with the Commissioner of the Rural Fire Service, as required by the Direction. It is considered that the Gateway determination should require Council to subsequently demonstrate consistency with the Direction.

DIRECTION 5.2 SYDNEY DRINKING WATER CATCHMENT

The site is located within the Sydney Drinking Water Catchment and Council proposes to consult with the Sydney Catchment Authority. It is considered that the Gateway determination should formally require Council to undertake the proposed consultation and subsequently demonstrate consistency of the Proposal with the Direction. Council considers that the Proposal is consistent with SEPP (Sydney Drinking Water Catchment) 2011.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The Proposal is considered to be generally consistent with the Metropolitan Plan for Sydney 2036 as it is supported, in-principle, by a local strategy for growth.

SEPPs and DEEMED SEPPs

SEPP 44 - KOALA HABITAT PROTECTION

Although this SEPP applies at the development application stage, Council considers that the site is unlikely to support Koala habitat.

SEPP 55 - REMEDIATION OF LAND

Council proposes to undertake a preliminary contaminated land investigation due to the potential for previous use of the site for agricultural purposes.

SREP 20 - HAWKESBURY-NEPEAN RIVER (No. 2 — 1997)

The Proposal includes a consideration of the requirements under the SEPP and does not consider that any significant environmental issues are raised.

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Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

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 :

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. The Proposal would facilitate up to 60 new residential lots and is consistent with residential growth outlined in the GMS. The Proposal would provide for an orderly expansion of The Oaks township.
Consistency with strategic planning framework :	The Proposal is generally consistent with the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy as it is supported, in principle, by Council's GMS. The GMS has been submitted to the Department for endorsement, however, Council now commenced a review of the GMS.
Environmental social economic impacts :	It is considered that the various existing and proposed studies and assessments will sufficiently address all potential impacts and that no significant environmental, social or economic impacts are expected.

Assessment Process

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

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

Public Authority **Sydney Catchment Authority**
Consultation - 56(2)(d) **Department of Education and Communities**
: **Office of Environment and Heritage**
NSW Department of Primary Industries - Agriculture
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 : **It is considered that Council's proposed consultation with the Civil Aviation Safety Authority should be made a formal condition of the Gateway determination.**

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

If Yes, reasons : **Council proposes a timeframe of 12 months in which to finalise the LEP, which is considered to be reasonable.**

Identify any additional studies, if required. :

Flora

Fauna

If Other, provide reasons :

A number of appendices to the Proposal were not included with the document received by the Department. These include:

- 5. Ecological Constraints Assessment**
- 6. Bushfire Protection Assessment**
- 7. Stormwater, Drainage and Flooding Assessment**

It is considered that the Gateway determination should require Council to ensure that the exhibited Proposal contains all appendices.

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:**
- it is anticipated that nearby reticulated water and sewer and other services can be readily extended onto the site,
- an access road and additional drainage would be provided at subdivision stage,
- the small scale of the development will not place any significant undue pressure on existing community facilities and services, and
- future development contributions will assist in meeting any unmet demand, and
- information from service providers would be sought regarding the capacity of existing infrastructure to cater for the relatively small additional demand.

The Proposal also falls outside of the Department's policy that captures the need to further consider whether designated State public infrastructure is required.

The site requires access to reticulated sewerage as it is located within the Sydney

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Drinking Water Catchment. Sydney Water has advised the landowner that the current West Camden wastewater system has sufficient capacity to serve the potential development of 67 dwellings and that an extension of the wastewater system will be required. While Council proposes to consult with Sydney Water, it is considered that this should be made a formal requirement of the Gateway determination.

Documents

Document File Name	DocumentType Name	Is Public
Covering_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Council_Report.pdf	Study	Yes
Council_Meeting_Minutes.pdf	Study	Yes
Attachment_4_-_Evaluation_Criteria_for_the_Delegation_of_Plan_Making_Functions.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.2 Sydney Drinking Water Catchments
- 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; 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.

4. Council is to undertake the studies/assessments outlined in the Proposal and a flora and fauna study;
5. 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. However, Council is to consider the potential for land use conflicts and consult with the Department of Primary Industries - Agriculture;
6. Council is to consult with the Office of Environment & Heritage and Office of Water 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 Environment Protection and Biodiversity Conservation Act 1999;
7. Council is to consult with Sydney Water, Endeavour Energy, Roads & Maritime Services, the Department of Education and Communities and any other relevant service/public authorities;
8. Council is to demonstrate consistency with section 117 Direction 4.3 Flood Prone Land

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after undertaking the relevant study/assessment;

9. 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;

10. Council is to consult with the Sydney Catchment Authority, comply with the requirements of, and subsequently demonstrate consistency with, section 117 Direction 5.2 Drinking Water Catchment;

11. Council is to consult with the Civil Aviation Safety Authority in relation to potential impacts on, and from, The Oaks Airfield;

12. Council is to amend the Proposal (i.e. Part 2 - Explanation of Provisions) to refer to the proposed lot size as a minimum rather than a maximum; and

13. Council is to ensure that the exhibited Proposal contains all appendices.

Supporting Reasons :

The Proposal is supported, in principle, as it will provide housing opportunities and enable the orderly growth of The Oaks.

Signature:



Printed Name:

STEPHEN GARDINER Date: 21/6/13

