

Bronzewing Street Car Parking

Proposal Title : **Bronzewing Street Car Parking**

Proposal Summary : **To amend the Additional Permitted Uses Map and Schedule 1 of Wollondilly Local Environmental Plan 2011 to include childcare centre, medical centre, educational establishment, shops, food and drink premises or office premises car parking on the site at 7 Bronzewing Street, Tahmoor.**

PP Number : **PP_2016_WOLLY_002_00**

Dop File No : **16/08892**

Proposal Details

Date Planning Proposal Received : **29-Jun-2016**

LGA covered : **Wollondilly**

Region : **Metro(Parra)**

RPA : **Wollondilly Shire Council**

State Electorate : **WOLLONDILLY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **7 Bronzewing Street**

Suburb : **Tahmoor**

City : **Wollondilly**

Postcode : **2573**

Land Parcel : **Lot 110 DP 8982**

DoP Planning Officer Contact Details

Contact Name : **James Sellwood**

Contact Number : **0298601559**

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RPA Contact Details

Contact Name : **Mark Ruddiman**

Contact Number : **0246779592**

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601579**

Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 : **To the best of the Sydney Region West's knowledge, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with.**

Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

The Planning Proposal seeks to allow the use of the site at 7 Bronzewing Street, Tahmoor for car parking to service adjoining and nearby land uses.

The site is zoned for rural purposes, however it has limited capacity to support rural land uses due to its size and location.

The site is adjacent to an existing village and land which has been zoned for business development purposes. It is considered appropriate to allow car parking ancillary to the adjoining and nearby land uses as an additional permitted use on this site.

DELEGATION

Given the minor nature of this proposal, it is considered that delegation may be given for Council to exercise the Minister's plan-making powers.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the planning system.

"The disclosure requirements under new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications".

The term relevant planning authority means:

"A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or the Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this planning proposal.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives provided is as follows:**

The objective of this Planning Proposal is to amend Wollondilly Local Environmental Plan 2011 to allow the use of the site at 7 Bronzewing Street, Tahmoor for car parking to service adjoining and nearby land uses.

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

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

Comment : **The explanation of provisions is as follows:**

- Amend the additional permitted uses maps to include the subject land at 7 Bronzewing Street, Tahmoor (Lot 110 DP 8982);**
- Amend Schedule 1 to include an additional permitted use for 'child care centre', medical centre', 'educational establishment', 'shops', 'food and drink premises', or 'office premises' car parking on the site.**

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**
3.4 Integrating Land Use and Transport

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other **SECTION 117 MINISTERIAL DIRECTIONS**

matters that need to
be considered : **Direction 1.2 Rural Zones**

Council considers that the Planning Proposal is consistent with sub clause (a) above as it would not involve the rezoning of rural land to a residential, business, industrial, village or tourist zone.

Nor would it increase the permissible density within the zone as the additional permitted use would not enable additional lots or dwellings to be established on the site.

The additional permitted use for a car park would not be a typical rural use, however, it is considered an appropriate use in this case as the site is immediately adjoining an existing village and is limited in its ability to support rural uses due to its size, constraints and proximity to existing urban areas.

Response: The Department concurs with Council's assessment.

Direction 3.4 Integrating Land Use and Transport

Council states that the planning proposal would enable future off street car parking to be provided for the proposed child care centre on the adjoining land.

Response: The Department concurs with Council's assessment.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal is consistent with all SEPPs identified by Council as relevant to the planning proposal.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Although indicative maps showing the subject land have been provided, mapping amendments have not been prepared as yet.

Should the planning proposal proceed to public exhibition, it will need to be revised to provide mapping which is to LEP mapping standards.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council placed the planning proposal on preliminary notification prior to submitting to the Department for a Gateway determination. Two submissions were received at this time.

Given the minor nature of the planning proposal, the Department proposes that the it be exhibited for a period of 14 days.

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 Local Environmental Plan 2011 was notified in February 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal will allow for a 'car park' ancillary to a 'child care centre', 'medical centre', 'educational establishment', 'shops', 'food and drink premises', or 'office premises' as an additional permitted use on the subject site.**

This would allow for car parking to be provided on the subject site to service the above proposed uses which are permitted on the adjacent B5 Business Development zoned site.

This approach would limit the permissible uses on site to those permitted under the site's RU2 Rural Landscape zoning, and car parking for the additional uses proposed above.

Conversely, rezoning the land to match the adjacent B5 zoning would allow for an increase in the land uses permissible on the subject site, at odds with the intention of providing car parking for the proposed adjacent development.

Response: The Department concurs with Council's proposed approach, which will limit the unwanted proliferation of land uses on the subject site.

Consistency with strategic planning framework :

The proposal is of a minor nature, and is consistent with the local, regional and state strategic planning framework.

Council's assessment against the Wollondilly Community Strategic Plan and the Wollondilly Growth Management Strategy shows that Council is satisfied that the proposal is consistent with both these documents.

Council's assessment against the Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury Nepean River notes that the requirements of SREP 20 relating to water quality are likely to be capable of being suitably managed.

Environmental social economic impacts :

Council's has identified that the site contains Shale Sandstone Transition Forest which is listed as a Critically Endangered Species under the Threatened Species Conservation Act, 1995.

Council's Environment Officer has requested the preparation of a Flora and Fauna assessment as part of the Specialist Study requirements in this regard to enable an appropriate assessment of the level of impact.

Response: The Department concurs with Council's proposed approach, especially seeing as the proposal falls within the boundaries of SREP 20 as noted above. Consultation should be undertaken with the Office of Environment and Heritage in relation to this matter.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage**

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

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

If no, provide reasons :

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

If Yes, reasons :

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Identify any additional studies, if required. :

Flora

Fauna

If Other, provide reasons :

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 :

Documents

Document File Name	DocumentType Name	Is Public
1 - Letter from Council.pdf	Proposal Covering Letter	Yes
2 - Council Report.pdf	Proposal	Yes
3 - Council Resolution.pdf	Proposal	Yes
4 - 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**
 3.4 Integrating Land Use and Transport

Additional Information : **1. Prior to undertaking public exhibition, the planning proposal is to be updated to include a Flora and Fauna study which addresses the impact of the proposal on the Shale Sandstone Transition Forest which is present on site.**

2. Community consultation is required under sections 56(2) and 57 of the Act as follows:

 a) the planning proposal must be made publicly available for 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 the Department's 'A Guide to Preparing Local Environmental Plans'.

3. Consultation is required with the following public authority under section 56(2)(d) of the Act:

 • Office of Environment and Heritage.

 The public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

 Should the public authority require any additional information, or specify any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

5. The timeframe for completing the LEP is 9 months from the week following the date of the Gateway determination.

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Supporting Reasons : The planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones, and 3.4 Integrating Land Use and Transport are of minor significance. No further approval is required in relation to these Directions.

Signature:



Printed Name:

ADRIAN HOHENZOLLERN

Date:

26/7/16