

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 June 2016

PE3 – Draft Planning Proposal – Bronzewing Street Car Parking

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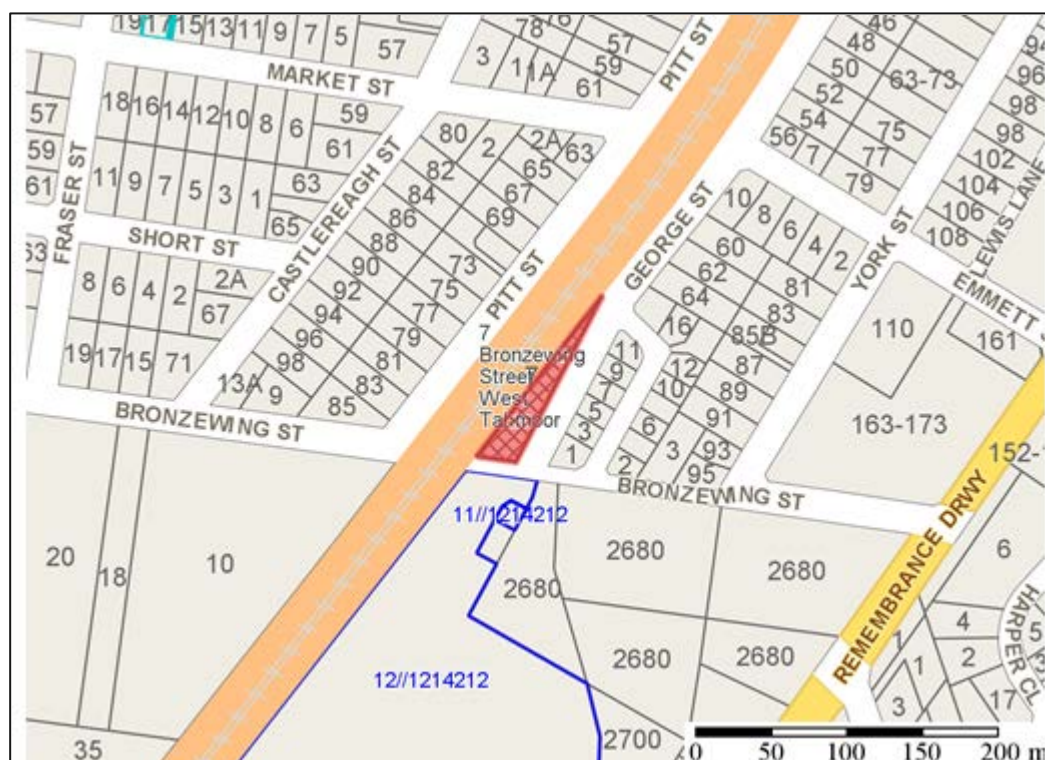
TRIM 9030

Applicant:

Tahmoor Joint Venture Nominee Pty Ltd

Owner:

Verdoso Tahmoor Pty Ltd



Stage	Completed
Preliminary notification	13 April, 2016 to 11 May, 2016
Gateway Determination	Not yet completed
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

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EXECUTIVE SUMMARY

- A Draft Planning Proposal has been received for Lot 110 DP 8982 (No. 7) Bronzewing Street, Tahmoor.
- The application proposes changes to the Wollondilly Local Environmental Plan, 2011 to enable an additional permitted use on the site for the purposes of car parking for any adjoining or nearby development.
- The Draft Planning Proposal has been subject to initial notification and there were two (2) submissions in response which objected to the proposal.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council support the preparation of a Planning Proposal for the site and that the proposal be forwarded to the NSW Department of Planning and Environment for a Gateway Determination.

REPORT

1.1 SITE DESCRIPTION

The site is a triangular shaped allotment which is 1467 square metres in area. The site adjoins an existing rail corridor to the west and has frontage to existing unformed parts of George Street to the east and Bronzewing Street to the south. The site is currently vacant and contains a moderate level of vegetation across the site. There is currently limited access to the site via George Street due to the presence of a large drainage structure which runs parallel to the eastern property boundary.

1.2 DESCRIPTION OF PROPOSAL

The Draft Planning Proposal as submitted intends to amend Wollondilly Local Environmental Plan 2011 in the following manner:

- Amend the additional permitted uses maps that form part of Wollondilly Local Environmental Plan 2011 to include the subject land at No. 7 Bronzewing Street, Tahmoor;
- Amend Schedule 1 of Wollondilly Local Environmental Plan 2011 by adding the following:
 - 1) *This clause applies to land at Bronzewing Street, Tahmoor being Lot 110, DP 8982, within Zone RU2 Rural Landscape.*
 - 2) *Development for the purposes of providing car parking for any adjoining or nearby development is permitted with development consent.*

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The Draft Planning Proposal follows the submission of a development application to Council proposing a child care centre on the adjoining lot 12 DP 1214212 (No. 2710 Remembrance Driveway, Tahmoor). This development application also proposes to use the site at 7 Bronzewing Street for car parking to service the child care centre. However, the site at No 7 Bronzewing Street is zoned RU2 Rural Landscape and both a “Child Care Centre” and a “Car Park” are prohibited uses in this zone, therefore Council cannot grant consent to the development application in its current form. The Draft Planning Proposal proposes the additional permitted use to allow car parking servicing the proposed child care centre on the site with consent.

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

The following comments on the Planning Proposal were received from Council staff:

Manager Infrastructure Planning

No concerns raised with regards to the proposal.

Manager Environmental Services

The site is mapped as Shale Sandstone Transition Forest and a Flora and Fauna Assessment would be required in order for Council to consider any likely impact of the use of the site for car parking on vegetation.

Design Engineer

No concerns raised with regard to the Planning Proposal.

2.2 CONSULTATION WITH PUBLIC AGENCIES

No consultation with Government Agencies has yet been undertaken.

2.3 COMMUNITY CONSULTATION

In accordance with Council's notification policy, initial community consultation has been undertaken. The Draft Planning Proposal was made available on Council's website and letters were sent to owners and occupiers of adjoining and potentially affected properties.

Two (2) submissions were received which objected to the draft proposal.

The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

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Issue Raised	Assessment Comment
There is no need for this and once again increases traffic and subsequently noise, to the surrounding residents.	The Draft Planning proposal would enable the site to be considered for use as a car park to service a proposed child care centre at No. 2710 Remembrance Drive, Tahmoor. It is considered that there is adequate planning merit for the use of the site as a car park and traffic implications of the child care centre use will be considered as part of the development application at this site.
There is ample parking within the area either for the school, or the Food works complex, unless there is another development slated that the residents are not aware of.	The site is located some distance from the existing car parking sites at the Tahmoor Public School and the Foodworks complex. The principle purpose of the Draft Planning Proposal is to enable the site to be considered for use as a car park to service a proposed child care centre on adjoining land. It would not be appropriate for a future child care centre (or another development type) at 2710 Remembrance Drive, to utilise other car parking facilities in Tahmoor (such as Foodworks) and it is considered that the use of the site as a car park has strategic planning merit.
The additional traffic in Bronzewing Street would pose a traffic hazard given that many parents drop off and pick up their children within Bronzewing Street.	The intent of the use is to provide off street car parking for a proposed child care centre on adjoining land. The traffic implications on Bronzewing Street will be given appropriate consideration as part of the development application for the child care centre which is currently before Council.
Many children and parents/carers walk from the other side of the railway station down George Street, and then into Valerie Street and Bronzewing Street to access the School. More traffic in this area would be an issue for both drivers and pedestrians.	The additional use of car parking on the subject site would enable car parking (from the proposed child care centre) to be provided off the street which would improve the safety of this development. The impact of additional traffic movements in Bronzewing Street associated with the proposed child care centre would be given due consideration as part of the

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Issue Raised	Assessment Comment
	development application for that use on the site.
A bridge/road over the creek behind Valerie Street would contribute to people crossing railway tracks to get to the other side of Tahmoor contributing to a safety issue.	Appropriate measures could be imposed as part of a development application for a child care centre and associated car park to ensure that sufficient safety measures are utilised to prevent the general public using the car park to trespass onto the adjoining railway land.
The area behind Valerie Street is currently used as a dumping site, fences being graffitied and damaged, stones and rubbish being thrown over fences and it is a concern that if the car parking is approved this will increase.	It is considered unlikely that a future car park on this site would further increase these issues on the unformed part of George Street as the people using the car park would be unlikely to walk across this area. It is also considered that this is not a valid planning consideration for the Planning Proposal.
Concerns over the possibility of lighting being installed in the car park and their impact on the amenity of nearby homes.	The impact of any lighting in the car park would be a matter for consideration as part of any development application for the use of a site as a car park. If any lighting were proposed, sufficient information would be required to demonstrate that such lighting would comply with AS 4282-1997 'Control of the Obtrusive Effects of Outdoor Lighting'.
Concerns regarding the responsibility of car park maintenance and upkeep.	There is no intention at this stage of dedicating the car park to Council. The maintenance and upkeep of the car park and property in general would be given due consideration as part of the development application for the child care centre and car park and may be dealt with either through a management plan or condition of consent (if approved).
The proposal would lead to an increase in the situation of illegal dumping and overgrown grass in this area.	It is considered unlikely that the development of the site for a car park would exacerbate illegal dumping in the nearby area.
Impact on the value of nearby properties.	There is no evidence to suggest that the Draft Planning Proposal would impact on the value of nearby properties.

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Issue Raised	Assessment Comment
As the proposal for a child care centre has provision for 11 car parking spaces, the residents believe that this is sufficient for the staff/parents/carers to use for access to the child care centre.	Although some parking may be provided on the land at 2710 Remembrance Dr, Tahmoor where the child care centre is proposed, the use of the site at No. 7 Bronzewing Street would give greater certainty that the minimum car parking requirements of a child care centre would be capable of being met. It may also be possible for other nearby facilities (including those future facilities in the South Tahmoor Business Development Lands) to utilise some of the car park if in fact there is an oversupply.
The Tahmoor Public School does not have an allocated car park for residents/carers.	The school site doesn't have an allocated car park, however, there is quite considerable on street car parking and off street car parking at adjoining premises. The Draft Planning Proposal is to enable the site to be used for car parking in association with a proposed child care centre and the lack of car parking at the Tahmoor Public School is not considered a valid reason to reject the Draft Planning Proposal.
The Tahmoor Railway Station in George Street has no allocated car parking except for two car parking spaces.	The Tahmoor Railway Station is located approximately 300 metres from the subject land and it is considered that the use of the site at No. 7 Bronzewing Street for car parking would not impact on the ability of further car parking to be provided that would service the railway station.

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2.4 PREPARATION OF A PLANNING PROPOSAL

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the Environmental Planning and Assessment Act, 1979 and guidelines published by the Department of Planning and Environment. The Planning Proposal is then forwarded to the Minister for Planning and Environment for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be Council's Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

In accordance with Option 2 above, it is recommended that any Planning Proposal sent for a Gateway Determination should take the form as detailed below.

- Amend the additional permitted uses map to include the subject site;
- Amend Schedule 1 of Wollondilly Local Environmental Plan 2011 to allow car parking for additional permitted use including 'child care centre', 'medical centre', 'educational establishment', 'shops', 'food and drink premises', or 'office premises'.

This alteration will allow establishment of a car park for not only the intended use (i.e. child care) but a range of other compatible land uses, should the intended use not proceed.

Note: The Planning Proposal was lodged on 10 March, 2016 and the application will have been with Council for more than 90 days at the time that the application is considered at a Community Forum and Council Meeting. The applicant can apply for a pre-Gateway review in accordance with the Environmental Planning & Assessment Regulations, 2000 if Council fails to indicate support for the application within 90 days of receiving the application.

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2.5 A PLAN FOR GROWING SYDNEY

It is considered that the additional permitted use of car parking on the site to service a proposed child care centre would not compromise any aspect of the goals or visions within the Plan for Growing Sydney.

2.6 SECTION 117 MINISTERIAL DIRECTIONS

- Ministerial Direction 1.2 Rural Zones

The Ministerial Direction provides the following in respect of rural zoned land:

A planning proposal must:

- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

It is considered that the Draft Planning Proposal is consistent with sub clause (a) above as it would not involve the re-zoning of rural land to a residential, business, industrial, village or tourist zone.

The Draft Planning Proposal would not 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. It is therefore considered that this would provide an efficient use of land.

- Ministerial Direction 3.4 Integrating Land Use and Transport

The Planning Proposal would enable future off street car parking to be provided for the proposed child care centre on the adjoining land. The proposal is considered to be consistent with the objectives of the Ministerial Direction.

2.7 STATE ENVIRONMENTAL PLANNING POLICIES

There are no State Environmental Planning Policies that are applicable to the Planning Proposal.

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Key Policy Direction	Comment
General Policies	
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.	It is considered that the Draft Planning Proposal is consistent with the key policy directions and assessment criteria contained in the GMS.
P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS).	Whilst the proposal would enable the use of a car park on rural zoned land, it is considered that the proposal would not be contrary to the concept of rural living on the following grounds: ▪ The site adjoins an existing village and the use is considered appropriate for the area; ▪ The site is quite constrained and is limited in its capacity to support other rural uses.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Council has undertaken Preliminary Notification and two (2) submissions were received during this period. The issues raised in the submissions have been considered above under section 2.3.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The personal financial circumstances of individual landowners have not been given consideration through the preliminary assessment of this Draft 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	The car park intends to service a proposed development (Child care Centre) within the South Tahmoor Business Development Lands site and it is therefore likely to support an appropriate level of growth in the locality.

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Key Policy Direction	Comment
constraints, market forces etc.).	
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	Not Applicable.
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.	Not Applicable.
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").	Not Applicable.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	Not Applicable.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	No Applicable.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	The car park would support a proposed, potential employment generating activity on an adjoining lot which would be consistent with this policy direction.

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Key Policy Direction	Comment
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The additional permitted use of car parking would service a proposed child care centre development on land that was recently rezoned to new business lands and it is therefore considered that it would support an employment generating activity in accordance with this policy.
Integrating Growth and Infrastructure	
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.	The use of the site for car parking would not create any additional servicing or infrastructure demands. Servicing and infrastructure provision/upgrades may be required to support the development of the site at No. 2710 Remembrance Drive, Tahmoor for a child care centre and these would be given appropriate consideration as part of the development application for that use.
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.	Not Applicable.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The subject site is located adjacent to an existing urban area and will service anticipated future uses on adjoining commercial lands.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate	Not Applicable.

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Key Policy Direction	Comment
smaller growth opportunities are identified for other towns.	
Rural and Resource Lands	
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.	The site adjoins an existing urban area and minimal impact in terms of water quality, drinking water catchment, agricultural lands, aboriginal and European heritage and landscape is anticipated. It is recommended that a flora and fauna study be carried out to ensure that minimal impact on the vegetation on the site and surrounding area would result from the proposal.
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 possible practicable, existing dwelling and subdivision entitlements in rural areas.	The proposal would not result in any increase in dwelling entitlements or fragmentation of rural lands.

2.9.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Following consideration of responses from initial consultation and notification and preliminary assessment of the application, it is considered that the Draft Planning Proposal should take the form as detailed below.

- Amend the additional permitted uses map to include the subject site;
- Amend Schedule 1 of Wollondilly Local Environmental Plan 2011 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.

It is considered appropriate to include car parking for the purposes of other uses including 'medical centre', 'educational establishment', 'shops', 'food and drink premises', or 'office premises' as an additional permitted use on this site to enable flexibility in the future.

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Should a situation arise where the proposed child care centre ceases to operate or downsizes, the inclusion of these other uses in Schedule 1 would ensure that the site would still be capable of providing car parking to serve adjoining uses.

The additional uses listed above are permitted with consent in the B5 Business Development Zone, and may be appropriate future uses in the South Tahmoor Business Development Lands site, which adjoin No.7 Bronzewing Street, and it is therefore considered appropriate to also list car parking serving these uses in Schedule 1.

This would also enable visitors to Tahmoor Public School to utilise a car park at No.7 Bronzewing Street if there is an oversupply of car parking on this site.

2.9.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDGP, 2016)

There are no changes proposed to Wollondilly Development Control Plan 2016 at this time.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS:

1. Map identifying subject land

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RECOMMENDATION

1. That Council support the preparation of a Planning Proposal for land being Lot 110 DP 8982 (No. 110) Bronzewing Street, Tahmoor to amend Wollondilly Local Environmental Plan, 2011 as follows:
 - Amend the additional permitted uses maps that form part of Wollondilly Local Environmental Plan 2011 to include the subject land at No. 7 Bronzewing Street, Tahmoor;
 - Amend Schedule 1 of Wollondilly Local Environmental Plan 2011 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.
2. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
4. That the applicant and submitters be notified of Council's Resolution.

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ATTACHMENT 1 - 9030 – 20 JUNE 2016

MAP SHOWING SUBJECT LAND:

