

Rezoning of 600 West Parade, Buxton - RU1 to E3 and R5

Proposal Title : Rezoning of 600 West Parade, Buxton - RU1 to E3 and R5

Proposal Summary : To amend the Wollondilly Local Environmental Plan 2011 to rezone 600 West Parade, Buxton from RUI Primary Production to E3 Environmental Management and R5 Large Lot Residential. The proposal also seeks to amend the height of building, minimum lot size and natural resources biodiversity controls relating to the site.

PP Number : PP_2016_WOLLY_003_00

Dop File No : 16/09541

Proposal Details

Date Planning
Proposal Received : 15-Jul-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 : 600 West Parade

Suburb : Buxton

City : Wollondilly

Postcode : 2751

Land Parcel : Lot 1 DP 940895 - RU1 Primary Production

DoP Planning Officer Contact Details

Contact Name : Alicia Hall

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RPA Contact Details

Contact Name : Nicole Aiken

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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 : 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)	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	No. of Dwellings (where relevant) :	4
Gross Floor Area :	No of Jobs Created :	0

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

If No, comment : **The Department's Lobbyist Contact Register has been checked on 18 July 2016 and there are no records of contact with lobbyists in relation to this proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The planning proposal seeks to make a number of amendments to the Wollondilly Local Environmental Plan (WLEP 2011) to enable a small, large lot residential development and to protect environmentally sensitive land.**

The proposal seeks to rezone the subject site (600 West Parade, Buxton) from RU1 Primary Production to E3 Environmental Management and R5 Large Lot Residential. Additionally the proposal seeks to amend the height of building, minimum lot size and natural resources biodiversity controls applying to the site.

The overall intent is to allow the subdivision of land to enable a small (up to 4 lots), large lot, residential development and to support the regeneration of the Cumberland Plain Vegetation through the introduction of an E3 Environmental Management zone to part of the site.

Department Comment

It is considered that the statement provided in the planning proposal is suitable.

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

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

Comment : **The proposal seeks to amend the Wollondilly LEP 2011 by amending:**

. the land zoning map (LZN_008D_020) from RU1 Primary Production to E3 Environmental Management and R5 Large Lot Residential;

- . the minimum lot size map (LSZ_008D_020) from a minimum lot size category of 40 hectares to 4000 square metres; and
- . The height of buildings map (HOB_008D_020) from a no height provision, to include a height limit of 9 metres on the proposed R5 Large Lot Residential land.

Further, it is proposed that the E3 Environmental Management land zone should include all land identified by Council for natural revegetation and that the natural resources-biodiversity map (NRB_008D_020) be amended to include sensitive land.

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

2.1 Environment Protection Zones

2.3 Heritage Conservation

4.4 Planning for Bushfire Protection

5.2 Sydney Drinking Water Catchments

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 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

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

SEPP - Sydney Drinking Water Catchment 2011

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

If No, explain :

SITE DESCRIPTION AND EXISTING USES

The site is located in the suburb of Buxton. The subject site is rural land RU1 Primary Production and has an area of 1.635 hectares (16,350 square meters). It is a corner lot with a street frontage to West Parade and Johnson Street. Johnson Street is an unformed road. The main use of the site at present is residential. The site contains a single storey cottage and three shed/garages.

The site is relatively flat land that has been cleared of vegetation. Council is of the view that some parts of the land have been cleared without the necessary approval. Council's vegetation mapping (which is based on remnant vegetation mapping of Cumberland Plain Woodland, provided by the Office of Environment and Heritage) identifies that the rear of the site was covered in Cumberland Plain Vegetation 2 (CPV2) - Shale Sandstone Transition Forest (High Sandstone Influence). An aerial photo of the site is provided on p. 7 of the planning proposal and a map showing the area of the site affected by CPV2 vegetation is available on p. 12 of the planning proposal.

To the east of the site runs West Parade and the Great Southern Railway, a single track train line which is only occasionally used for heritage steam train trips, within a Special Purposes Zone (SP2 Infrastructure). The land to the north of the site is zoned RU1 Primary Production. Residential development is located to the south of the site and is zoned E3 Environmental Management and R2 Low Density Residential. Land to the west of the site is zoned RU1 Primary Production, however much of this land is heavily wooded with natural vegetation.

The site is also located within the Sydney Drinking Water Catchment Area.

SECTION 117 DIRECTIONS

The planning proposal is considered to be consistent with relevant section 117 directions, except as follows:

DIRECTION 1.2 RURAL ZONES

This Direction seeks to protect the agricultural production value of rural land. Given the circumstances, it is considered that any inconsistency with this Direction is of minor significance.

The proposal seeks to rezone the site from RU1 Primary Production to R5 Large Lot Residential (for a small residential development - up to four lots) and E3 Environmental Management.

The land is currently primarily used for residential purposes and the proposed rezoning is consistent with existing residential development to the east and south of site. The proposal will not result in the fragmentation of existing rural land.

The proposal also seeks to protect and preserve potentially environmentally sensitive land within the site, through the inclusion of this land on the natural resources-biodiversity map.

Therefore, it is recommended that any inconsistency with this direction is of minor significance.

DIRECTION 2.1 ENVIRONMENTAL PROTECTION ZONES

The planning proposal seeks to rezone part of the land E3 Environmental Management. Council has indicated, however, that Cumberland Plain Vegetation 2 (CPV2) - Shale Sandstone Transition Forest (High Sandstone influence) was present on the rear of the site and has been cleared.

Council intends to undertake a study to identify a suitable boundary for the proposed E3 zone to apply to this portion of the site. This would allow the portion to be naturally revegetated and add a buffer area. Consideration may also be given to a linkage to denser vegetation to the west of the site, as part of this study.

Department Comment

As the land has been cleared, this direction does not strictly apply. While this is the case and given the circumstances, no objection is held to the proposed zone.

Prior to undertaking public exhibition, the planning proposal is to be updated to clearly show the boundary of the proposed R5 Large Lot Residential and E3 Environmental Management lots and include Land Zoning, Height of Buildings, and Natural Resources – Biodiversity maps.

Consultation with the Office of Environment and Heritage is recommended.

DIRECTION 2.3 HERITAGE CONSERVATION

While Council has not identified any heritage issues, consultation with the Office of Environment and Heritage is recommended to ensure further consideration is given to this issue.

DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

The land has been identified as bush fire prone land on Council's Bush Fire Prone Land map.

To ensure consistency with this direction, the NSW Rural Fire Service is required be consulted prior to exhibition. Recommend accordingly.

DIRECTION 5.2 SYDNEY DRINKING WATER CATCHMENTS

The land is located within Sydney Drinking Water Catchment Area.

To ensure consistency with this direction, consultation with Water NSW is recommended.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal is not considered to be inconsistent with relevant SEPPs, however, additional information will be required to ensure the proposal is consistent with the following SEPPs:

SEPP No. 44 - KOALA HABITAT PROTECTION

The site has been cleared of any vegetation and it is considered unlikely that the site will contain core Koala Habitat, however, the planning proposal should address SEPP No. 44 - Koala Habitat Protection.

It is recommended that a condition be attached to the determination, for Council to ensure compliance with this SEPP.

SEPP No. 55 - REMEDIATION OF LAND

There is potential for contamination on the site owing to previous agricultural activities.

It is recommended that a preliminary contamination report be prepared as a condition of the Gateway determination.

SEPP - SYDNEY DRINKING WATER CATCHMENT 2011

As noted above, the land is located within the Sydney Drinking Water Catchment. Consultation with Water NSW is required. Recommend accordingly.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Draft maps showing the proposed zoning, maximum building height, minimum lot size and natural resources-biodiversity have been provided. These maps are considered to be suitable.

However, prior to public exhibition, it is recommended that Council be required to determine a definitive boundary for portions of the land to be zoned R5 Large Lot Residential and E3 Environmental Management and amend the following maps accordingly:

- land zoning
- maximum building height
- natural resources-biodiversity

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council has proposed a community consultation of 28 days.

During exhibition of the planning proposal the community will be invited to make written submissions. The community will be further consulted through the development application process should the proposal be issued with a Gateway determination to proceed.

Department Comment
Recommended.

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 (WLEP 2011) was notified on 23 February 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the best means of achieving Council's intentions of rezoning this site to enable large a small, large lot residential development and the protection of environmentally sensitive land.**

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

The planning proposal has suitably addressed A Plan for Growing Sydney and is generally consistent with the objectives in the strategy.

The proposal is specifically consistent with the following goals:

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles
2.3 Improve housing choice to suit different needs and lifestyles

Department Comment:

The proposal seeks to rezone part of this site to allow for residential development. This presents an opportunity to increase housing supply at a small local scale, in a suitable location i.e. close to existing residential areas and within walking distance of local shops.

Goal 4: Sydney's sustainable and resilient environment
4.1 Protect our natural environment and biodiversity

Department Comment:

The proposal aims to restore and protect the ecological value of this site by seeking to rezone part of the site to E3 Environmental Management and to amend the Natural Resources-Biodiversity map.

SOUTHWEST SUBREGION DRAFT SUBREGIONAL STRATEGY

The proposal is considered generally consistent with the 'Southwest Subregion Draft Subregional Strategy' delivering on key themes of the Plan.

The proposal seeks to minimise conflict between land uses and will not result in the fragmentation of rural land.

The proposal is small scale, up to a maximum of four lots, and the proposed zone is consistent with the adjoining land use pattern.

GROWTH MANAGEMENT STRATEGY

The planning proposal is also consistent with Growth Management Strategy which was formally adopted by Council in 2011.

The proposal delivers on the key themes of the strategy's policies including a commitment to growth in towns and villages that is consistent with the characteristics of the town or village, as well as housing mix, density and affordability.

The planning proposal will result in a small scale rural residential type development on lots in the vicinity an existing village. The planning proposal will not have a significant impact on the rural setting and character of Buxton Village, due to the minor nature of the planning proposal.

Environmental social economic impacts :

ENVIRONMENTAL

FLORA AND FAUNA

The proposal identifies the former presence of Cumberland Plain Vegetation 2 (CPV2) on the site. It is recommended that Council consults with the Office of Environment and Heritage as a condition of the Gateway determination.

TRAFFIC

Johnson Road which runs along the northern border of the site is an unformed Crown Road (pg 105, Council Report 20 June 2016). It is recommended that Council consults with the Department of Primary Industries - Lands, as a condition of the Gateway determination.

FLOODING AND STORMWATER

The Council Report of 20 June 2016 states, that William Street doesn't drain well and further development on the subject land may exacerbate this issue.

It is recommended that additional drainage studies be prepared as part of this proposal.

PROXIMITY TO EXISTING QUARRY

The site is located within 400m of an existing quarry. Council has indicated (pg 106 Council Report 20 June 2016) that an acoustic assessment may be required.

It is recommended that an acoustic assessment be prepared as a condition of the Gateway determination.

SOCIAL AND ECONOMIC

The proposal is anticipated to have positive social and economic benefits by providing a small number of new residential dwellings on a site directly adjoining the Buxton residential area and within close proximity to local shops.

Assessment Process

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

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

Public Authority **Office of Environment and Heritage**
Consultation - 56(2)(d) **NSW Department of Primary Industries - Agriculture**
: **NSW Rural Fire Service**
State Water Corporation
Sydney Water

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 :

Identify any additional studies, if required. :

Other - provide details below

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 - Cover Letter - 12 July 2016.pdf	Proposal Covering Letter	Yes
2 - Council Report - 20 June 2016.pdf	Proposal	Yes
3 - Council Resolution - 20 June 2016.pdf	Proposal	Yes
4 - Planning Proposal - July 2016.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**
 2.1 Environment Protection Zones
 2.3 Heritage Conservation
 4.4 Planning for Bushfire Protection
 5.2 Sydney Drinking Water Catchments

Additional Information : **SECTION 117 DIRECTIONS**
It is recommended that the delegate agree that any inconsistency with Section 117 Direction 1.2 Rural Lands is of minor significance.

The rezoning of land to residential and environmental management is considered to be warranted as the proposed rezoning is consistent with adjoining land zoning and does not result in the fragmentation of existing rural land.

DELEGATION AND PLAN MAKING FUNCTION

Wollondilly Council has requested delegation of the plan-making function in relation to this proposal. Given the minor nature of the planning proposal, it is considered appropriate for authorisation to be issued in this instance.

GATEWAY DETERMINATION

As the matter is of a local, minor, planning matter it is recommended that the Gateway Determination function be exercised by the Director, Sydney Region West.

RECOMMENDATION AND GATEWAY CONDITIONS

It is recommended that the planning proposal proceeds, subject to the following conditions:

1. Prior to public exhibition:

- (a) Council is to undertake an appropriate study and amend the planning proposal to indicate the exact boundary of the proposed R5 Large Lot Residential and E3 Environmental Management zones on the following maps:
 - Land Zoning;
 - Maximum Building Height; and,
 - Natural Resources-Biodiversity;
- (b) address State Environmental Planning Policy No. 44 - Koala Habitat Protection and amend the planning proposal accordingly;
- (c) address State Environmental Planning Policy No. 55 - Remediation of Land within the planning proposal and prepare a preliminary site contamination assessment; and,
- (d) following preparation of the other supporting studies identified in the planning proposal (refer to page 12), amend the planning proposal, if necessary.

2. To comply with the requirements of Section 117 Direction 4.4 Planning for Bushfire Protection, prior to public exhibition, consultation is to occur with the NSW Rural Fire Service.

3. Prior to undertaking public exhibition Council is to consult with the Office of Environment and Heritage to ensure consistency with Section 117 Directions 2.1 Environmental Protection Zones and 2.3 Heritage Conservation.

4. Prior to undertaking public exhibition, Council is to consult with Water NSW and Sydney Water to ensure consistency with Section 117 Direction 5.2 Sydney Drinking Water Catchments, and SEPP – Sydney Drinking Water Catchment 2011 and update the planning proposal accordingly.

3.Community consultation is required under sections (56(2)(c) and 57 of the Act

as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 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 A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant s117 Directions:

- Office of Environment and Heritage - Environment and Heritage Division
- Sydney Water
- NSW Water
- Department of Primary Industries - Lands

Each 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 on the proposal.

5. 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 (for example, in response to a submission or if reclassifying land).

6. The time frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as the proposal will provide a small scale large lot, residential development near an existing urban area, while supporting the regeneration of Cumberland Plain Vegetation through the introduction of an E3 Environmental Management zone to the affected portion of the site.

Signature:



Printed Name:

T. Doran

Date:

5/8/16