

**Wollondilly LEP 2011 - West Tahmoor Minimum Lot Size Amendment 2 (13 dwellings)**

Proposal Title : **Wollondilly LEP 2011 - West Tahmoor Minimum Lot Size Amendment 2 (13 dwellings)**

Proposal Summary : **The planning proposal seeks to rezone approximately 1.3 hectares of residential land for environmental conservation purposes and to reduce the minimum lot size of 1.2 hectares of land to allow for smaller lot subdivision.**

PP Number : **PP\_2017\_WOLLY\_002\_00**      Dop File No : **17/07195**

**Proposal Details**

Date Planning Proposal Received : **16-Jun-2017**      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 : **Macquarie Place and Thirlmere Way**

Suburb : **Tahmoor**      City :      Postcode :

Land Parcel : **Part Lot 4 DP 243776, Part Lot 37 DP 1215452 and Part Lot 38 DP 1215452**

**DoP Planning Officer Contact Details**

Contact Name : **Stuart McIntosh**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

Contact Name : **Adrian Hohenzollern**

Contact Number : **0298601505**

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**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 Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

**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 the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

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

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

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

Have there been No

meetings or

communications with

registered lobbyists? :

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 :

This Planning Proposal seeks to rezone the northern portion of the site, adjacent to Myrtle Creek, from a residential land use zone to an environmental protection zone. For the southern portion of the site a reduction in the minimum lot size will allow for sub division, excluding a pocket of land along the south western boundary.

The intended outcome of the proposal is to offer greater protection of environmentally sensitive land, and to allow a modest increase in allotments in an area already zoned for low density residential development.

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

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

Comment : **Make the following amendments to the Wollondilly LEP 2011**

**- Amend the Land Zoning Map (LZN 008C) for the northern part of the site from R2 Low Density Residential to E2 Environmental Conservation.**

**- Amend the Minimum Lot Size Map (LSZ 008C) for the south eastern part of the site to 700m2 and south western part of the site to 2000m2.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**1.3 Mining, Petroleum Production and Extractive Industries**

\* May need the Director General's agreement

**2.1 Environment Protection Zones**

**2.3 Heritage Conservation**

**3.1 Residential Zones**

**4.2 Mine Subsidence and Unstable Land**

**4.3 Flood Prone Land**

**4.4 Planning for Bushfire Protection**

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

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**

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

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

**Section 117 DIRECTIONS**

**The proposal requires further investigation to demonstrate consistency (or justify any inconsistencies) with the relevant s117 Directions.**

**The Department is satisfied that the proposal should proceed, pending the submission and endorsement of an updated planning proposal which adequately addresses these Directions. The Department notes that further approval from the Secretary may be required if the proposal seeks to justify inconsistencies with any Direction.**

**As the site is within the Bargo Mine District, consultation with NSW Resources and Energy is required regarding Direction - 1.3 Mining, Petroleum Production and Extractive Industries.**

**STATE ENVIRONMENTAL PLANNING POLICIES**

**It is considered this proposal will not hinder the application of any relevant State Environmental Planning Policies.**

**SREP No.20 - Hawkesbury Nepean River (SREP No 20)**

**The aim of SREP 20 is to protect the environment of the Hawkesbury-Nepean River system, further detailed consideration of the specific requirements of the SREP No.20 will be required at the development application stage.**

**RECOMMENDATION**

**Consultation is recommended with:**

- NSW RFS;**
- NSW Resources and Energy;**
- Office of Environment and Heritage; and**

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### - Hawkesbury - Nepean Catchment Management Authority.

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 : **Adequate mapping has been provided at this stage.**

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has suggested a 28-day exhibition period.**

### 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 gazetted 23.2.2011**

### Assessment Criteria

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Need for planning proposal :                    | <b>The planning proposal states that the current planning provisions do not adequately protect the environment, therefore a planning proposal is considered the best means of achieving the objectives of the planning proposal.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Consistency with strategic planning framework : | <p><b>A PLAN FOR A GROWING SYDNEY</b><br/>The proposal is considered generally consistent with A Plan for Growing Sydney, which further identifies that new housing should occur around established centres. The introduction of an environment protection zone to the portion of the site that adjoins Myrtle Creek is also considered to be consistent with Strategic Direction G – Protecting Sydney's Natural Environment, in particular objective G4, which aims to improve the Health of Waterways, Coasts and Estuaries.</p> <p><b>DRAFT SOUTH WEST DISTRICT PLAN</b><br/>The Metropolitan Rural Area (MRA) encompasses much of the Wollondilly Shire. In this regard the proposal is consistent with aspects of the Draft Plan which seek to protect the MRA. However, as the land is zoned for residential development, the proposal is generally consistent with other directions and priorities of the Draft Plan given the site's close location to the village of Tahmoor.</p> <p><b>WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011</b><br/>The site is identified for urban development in Council's Growth Management Strategy, therefore the planning proposal is consistent with this strategy.</p> |

Environmental social  
economic impacts :

The amendments will increase environmental protection. The site has ecological features such as:

- Shale Sandstone Transition Forest;
- potential threatened species habitat for State listed microbats and birds; and
- the adjoining Myrtle Creek, which is a Prescribed Stream requiring 50 m riparian setbacks.

The site is also mapped on Council's Natural Resources - Biodiversity Map under the Wollondilly LEP 2011. The proposed E2 - Environmental Conservation aligns to the biodiversity map, and no changes to the existing minimum lot size (4000m2) are proposed for this portion of the site.

This proposal is in part reliant on specialist studies carried out in Jan 2014 which rezoned the site to R2 (PTT Urbans Lands - Amendment No.3 (Jan 2014)) and an updated Ecological Impacts and Avoidance, Mitigation and Offsetting Measure report has been submitted in support of the proposal.

The effect on local traffic and transport is considered of minor significance and therefore a traffic study is not required.

#### RECOMMENDATION

That Council undertake the various studies it has proposed, including:

- aboriginal archaeological assessment;
- water quality assessment;
- stormwater and flood assessment;
- bushfire assessment; and
- flora and fauna assessment.

The proposal is to be updated and provided to the Department for information purposes prior to community consultation.

#### Assessment Process

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

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

Public Authority **Hawkesbury - Nepean Catchment Management Authority**  
Consultation - 56(2)(d) **Mine Subsidence Board**  
**NSW Rural Fire Service**  
**Other**

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. :

**Flora**  
**Fauna**  
**Heritage**  
**Bushfire**  
**Flooding**

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**Other - provide details below**

If Other, provide reasons :

**Water Quality**

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 |
|--------------------------------------------------------------------------------------|--------------------------|-----------|
| Letter to Department.pdf                                                             | Proposal Covering Letter | Yes       |
| West Tahmoor Amendment 2 Planning Proposal - Version 2 for Gateway Determination.pdf | Proposal                 | Yes       |
| Council Report - 18 April 2017.pdf                                                   | Proposal                 | Yes       |
| Council Resolution - 18 April 2017.pdf                                               | Proposal                 | Yes       |
| Council Report - 20 February 2017.pdf                                                | Proposal                 | Yes       |
| Council Resolution - 20 February 2017.pdf                                            | Proposal                 | Yes       |
| Assessment of ecological impacts and avoidance mitigation and offsetting.pdf         | Study                    | Yes       |

**Planning Team Recommendation**

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

S.117 directions:      **1.3 Mining, Petroleum Production and Extractive Industries**  
                                 **2.1 Environment Protection Zones**  
                                 **2.3 Heritage Conservation**  
                                 **3.1 Residential Zones**  
                                 **4.2 Mine Subsidence and Unstable Land**  
                                 **4.3 Flood Prone Land**  
                                 **4.4 Planning for Bushfire Protection**

Additional Information :      **1. Prior to community consultation, Council is to:**

(a) undertake relevant specialist studies, and amend the planning proposal (if required) to reflect the findings of those studies;

(b) amend the planning proposal to demonstrate consistency, or justify any inconsistency with relevant section 117 Directions. Approval from the Secretary will be required for any inconsistencies with the section 117 Directions;

(c) provide an updated copy of the planning proposal to the Department for endorsement.

**2. Consultation Community consultation is required under sections 56(2)(c) of the Environmental Planning and Assessment Act 1979 (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 Local Environmental Plans (Department of Planning and Environment 2016).

**3. Consultation is required with the following public authorities under section 56(2)(d) of**

the Act:

- (c) NSW Resources and Energy;
- (d) Mine Subsidence Board;
- (e) Hawkesbury - Nepean Catchment Management Authority;
- (f) NSW Rural Fire Service; and
- (g) Sydney Water.

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

5. The timeframe for completing the amending Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it will provide a small increase residential development (approximately 13 lots) and provide environmental protection to the northern boundary of the site.

Signature:



Printed Name:

Adrian Hohenzeller

Date:

26/6/17