

Kader Street, Bargo

Proposal Title : **Kader Street, Bargo**

Proposal Summary : **To rezone land in Kader Street, Bargo, for low density and large lot residential development.**

PP Number : **PP_2012_WOLLY_009_00**

Dop File No : **13/01074**

Proposal Details

Date Planning : **21-Dec-2012**

LGA covered : **Wollondilly**

Proposal Received :

Region : **Sydney Region West**

RPA : **Wollondilly Shire Council**

State Electorate : **WOLLONDILLY**

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

LEP Type : **Precinct**

Location Details

Street : **1A Kader Street**

Suburb : **Bargo**

City : **Sydney**

Postcode : **2574**

Land Parcel : **Lot 1, DP 635609**

DoP Planning Officer Contact Details

Contact Name : **Mato Prskalo**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Stephen Gardiner**

Contact Number : **0298601536**

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Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub : **Metro South West subregion**

Consistent with Strategy : **Yes**

Regional Strategy :

Kader Street, Bargo

MDP Number :		Date of Release :	
Area of Release (Ha) :		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 : **Yes**

If No, comment :

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

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 and meetings with lobbyists has been complied with. No such communications or meetings have occurred.**

Supporting notes

Internal Supporting Notes : **The Proposal will provide additional housing opportunities through the orderly expansion of the existing Bargo centre.**

The Proposal seeks to rezone 1A Kader Street, Bargo, from Zone RU2 Rural Landscape to part Zone R2 Low Density Residential and part Zone R5 Large Lot Residential and introduce corresponding lot size and building height controls. The Proposal would facilitate approximately 50-60 lots of 450m2 and 1000m2.

The Proposal identifies a number of studies to be completed:

- flora and fauna and habitats,
- surface and ground water (including a Total Water Cycle Management Plan, Waste Water Report and Water Sensitive Urban Design options),
- riparian ecology,
- land contamination,
- bushfire hazard management, and
- traffic and transport.

It is considered that an odour study should also be prepared.

In accordance with the Instrument of Delegation dated 21 April 2010, the function of Gateway is not delegated to the Director General in this instance as the Proposal seeks to rezone rural land that is not identified for residential purposes in the draft South West Subregional Strategy (i.e. regional strategy).

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The Objective of the Proposal is to rezone the subject land for low density and large lot residential development. The intended outcomes are generally consistent with the**

Department's publication "A Guide to Preparing Planning Proposals (October 2012)".

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:**

- Amend the Land Zoning Map to rezone the subject land from Zone RU2 Rural Landscape to part Zone R2 Low Density Residential and part Zone R5 Large Lot Residential;

- Amend the Lot Size Map to reduce the minimum permissible lot size for the subject land from 16 ha. to 450 m2 within Zone R2 Low Density Residential 1,000m2 within Zone R5 Large Lot Residential;

- Amend the Height of Buildings Map to allow a maximum height of 9 metres (note: no height limit currently applies); and

- Amend the Natural Resources - Biodiversity Map and Natural Resources - Water Map (if required).

The explanation is generally consistent with the Department's publication "A Guide to Preparing Planning Proposals (October 2012)".

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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 : **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 :

Council does not appear to have delegated authority to undertake the plan-making functions in this instance.

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

If No, explain :

SECTION 117 DIRECTIONS

DIRECTION 1.2 RURAL ZONES

This Direction applies to the Proposal as it rezones land from a rural zone to a residential zone. The Proposal is inconsistent with the 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 not inconsistent with the draft South West Subregional Strategy. The Proposal would facilitate further housing opportunities in the LGA. The approval of the Director General (or his delegate) is required to the inconsistency and is recommended. Note: the subject land is 5.637 hectares in size.

DIRECTION 1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

This Direction applies to the Proposal as the subject land is affected by a current coal lease. Council proposes to consult with the Department of Trade & Investment regarding this matter and it is considered that the Gateway determination should make such consultation a requirement and that Council should be required to subsequently demonstrate consistency with the Direction.

DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

This Direction is relevant to the Proposal as the subject land contains very scattered Shale Sandstone Transition Forest (SSTF), which constitutes, and occurs at the edges of, Cumberland Plain Woodland. In addition, the adjoining land contains a significant amount of SSTF. Although this vegetation is not the more significant Priority Conservation Lands category of Cumberland Plain Woodland, this community is listed under both the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. As such, consultation with the relevant State and Federal environmental authorities should be required under the Gateway determination. The aforementioned authorities are the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities. Compliance with s.34A of the Environmental Planning and Assessment Act 1979 is also necessary.

The Proposal indicates that flora, fauna and habitat and riparian ecology studies will be prepared and will determine the details of the proposed rezoning (including whether the Natural Resources - Biodiversity Map and Natural Resources - Water Map will need to be amended to include the subject land). It is considered that the Gateway determination should require Council to prepare the above studies prior to exhibition and that Council should be required to subsequently demonstrate the consistency of the Proposal with the Direction.

DIRECTION 2.3 HERITAGE CONSERVATION

There are no known or likely heritage items on the subject land. However, Council proposes to investigate the occurrence of indigenous heritage items and places - this is a matter for the development stage. Therefore, it is considered that the Proposal is consistent with this Direction.

DIRECTION 3.1 RESIDENTIAL ZONES

This Direction applies to the Proposal as it rezones land for residential purposes. The proposed R2 Low Density Residential zone will adjoin an existing low density residential zone, while the proposed R5 Large Lot Residential zone will provide a transition between urban and rural zones.

The subject land adjoins the existing residential area at Bargo and, as such, is consistent, in principle, with Council's Growth Management Strategy 2011. The subject land is located on the western edge of Bargo, which is not identified for growth under Council's Strategy. However, this is simply because Council anticipated growth to occur on the eastern edge.

Council has submitted its Growth Management Strategy to the Department for endorsement. The Department has delayed its consideration of the Strategy until the completion of the Government's Review of Potential Housing Opportunities on Landowner Nominated Sites. However, the regional team considers that, in principle, the Proposal holds merit and should proceed.

It is considered that the Proposal is consistent with the Direction as the Proposal will facilitate the orderly expansion of Bargo.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction applies to the Proposal as it will create zones relating to urban land, i.e. Zones R2 Low Density Residential and R5 Large Lot Residential. The Direction requires the Proposal to locate the zones, and include provisions that give effect to, and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001), and
- (b) The Right Place for Business and Services - Planning Policy (DUAP 2001).

The Proposal is generally consistent with the above planning documents in that it is within walking distance (i.e. 800 metres) of the Bargo commercial area, buses and rail. In view of the above, the Proposal is considered to be generally consistent with the Direction.

DIRECTION 4.2 MINE SUBSIDENCE AND UNSTABLE LAND

This Direction applies to the Proposal as the subject land is located within the Bargo Mine Subsidence District (however, underground mining is yet to occur). The Direction requires Council to consult with the Mine Subsidence Board and the Proposal indicates that such consultation will occur. Nevertheless, it is considered that such consultation should be made a requirement of the Gateway determination and that Council should be required to demonstrate consistency with the Direction following public exhibition.

DIRECTION 4.3 FLOOD PRONE LAND

This Direction applies to the Proposal as the subject land contains two watercourses and a dam. Although the subject land is not known to be flood prone, the Proposal indicates that a Total Water Cycle Management Plan and Wastewater Management Report will investigate options for managing flooding. It is considered that these studies should be made a requirement under the Gateway determination.

It is considered that Council should be required to demonstrate consistency with the Direction following completion of the studies.

DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction applies to the Proposal as the subject land contains bushfire prone land. The Direction requires Council to consult with the Commissioner of the Rural Fire Service prior to public exhibition and the Proposal indicates that such consultation will occur. Nevertheless, it is considered that the above consultation should be made a requirement of the Gateway determination and that Council should be required to demonstrate consistency with the Direction following public exhibition.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

This Direction requires the Proposal to be consistent with the Metropolitan Plan for Sydney 2036. The Proposal is considered to be generally consistent with the above document in that it will provide housing opportunities in a generally appropriate location. This will assist in accommodating future housing needs within the Wollondilly LGA.

SEPPS AND DEEMED SEPPS

SEPP 44 - KOALA HABITAT PROTECTION

The Proposal identifies the subject land as containing Shale Sandstone Transition Forest (SSTF). Depending on the outcome of consultation with the Office of Environment

and Heritage and the Flora, Fauna and Habitat Assessment, Council may need to amend the Proposal to include any required changes to address SEPP 44. Species that form part of SSTF form part of critical habitat for Koalas (i.e. Forest Red Gum, Grey Gum).

SEPP 55 - REMEDIATION OF LAND

SEPP 55 applies to the Proposal as the subject land may have a history of agricultural use. The Proposal indicates that, pursuant to the SEPP, a preliminary land contamination investigation will be undertaken. It is considered that such investigation should be conducted prior to public exhibition of the Proposal and that this should be made a requirement of the Gateway determination.

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

SREP 20 applies to the Proposal and requires Council to give consideration to various general and specific planning matters and related recommended strategies. The Proposal includes a consideration of the above requirements and consequently identifies the need for various studies and plans to be undertaken.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping accompanying the Proposal is considered to be adequate for the purposes of consideration by the Gateway. Mapping that is compliant with Standard Instrument LEP requirements will be prepared by Council after the completion of any required studies. The Proposal would amend maps identified by the sheet number 008E.**

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. Council's proposal is supported.**

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 : **ADDITIONAL INFORMATION**

Attachment 6 to the Proposal contains a consideration of consistency with the draft South West Subregional Strategy. Council's consideration is partially incomplete. While it is considered that the Proposal contains sufficient information to enable adequate assessment for the purposes of a Gateway determination, if the Proposal proceeds, Council should be required to amend the Proposal and complete its consideration before the Proposal is publicly exhibited.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Council's Standard Instrument 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.**

Consistency with strategic planning framework : **The Proposal is consistent, in principle, with Council's Wollondilly Growth Management Strategy 2011. The subject land adjoins the residential area at Bargo and represents a logical extension.**

The Proposal is also consistent with the general direction of the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy as it provides housing opportunities in a generally appropriate location.

Environmental social economic impacts : **ENVIRONMENTAL IMPACTS**

The Proposal proposes the following studies:

- flora and fauna and habitats,
- surface and ground water (including a Total Water Cycle Management Plan, Waste Water Report and Water Sensitive Urban Design options),
- riparian ecology,
- bushfire hazard management, and
- traffic and transport.

The proposed studies will determine any environmental impacts and are supported.

The Proposal also notes that, as the subject land is located at the rural-urban fringe, specific urban design requirements will be needed to minimise the potential for rural land use conflicts and ensure compatibility with native vegetation on adjoining land.

Adjoining the subject land to the south west is a licensed wastewater disposal system. The Proposal considers that future development on the subject land can be sufficiently buffered from the system to avoid any adverse impacts. However, it is considered that Council should be required to prepare an odour study.

SOCIAL AND ECONOMIC IMPACTS

No significant adverse social or economic impacts are expected.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 Month	Delegation :	Minister
Public Authority Consultation - 56(2)(d) :	Hawkesbury - Nepean Catchment Management Authority Office of Environment and Heritage Department of Trade and Investment Mine Subsidence Board NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Sydney Water Other		

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

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

If no, provide reasons: **CONSULTATION WITH PUBLIC AUTHORITIES**

Council proposes to consult with the following public authorities in addition to those pertaining to section 117 Directions:

- Hawkesbury-Nepean Catchment Management Authority,
- Sydney Water, and
- Office of Water.

The proposed consultation is supported and should also include Endeavour Energy and Roads and Maritime Services.

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

If Yes, reasons: **TIMEFRAME**

Council proposes a timeframe of 12 months in which to finalise the LEP. It is considered that this is reasonable.

Identify any additional studies, if required.:

Flora

Fauna

Bushfire

Flooding

Other - provide details below

If Other, provide reasons:

For information on other studies proposed, refer to the above discussion of environmental impacts.

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: **WATER**

Town water is provided to Bargo and discussions will be required with Sydney Water regarding the scope for extension to the subject land.

SEWER

The Proposal states that Sydney Water has indicated that the Bargo Sewerage Scheme is scheduled for completion by 2015, with services to be made available only to existing urban zoned land and a 10% infill allowance. The Proposal notes that, consequently, Council cannot guarantee that the subject land can be serviced by reticulated sewer operated by Sydney Water. The Proposal states that, in view of this, a Water Cycle Management Plan, incorporating an On-Site Wastewater Assessment, will be required to address the potential impacts and requirements for a self-contained package wastewater treatment plant on the subject land.

It is noted that clause 7.1 Essential Services of Wollondilly LEP 2011 prevents Council from granting consent to development until water, electricity and reticulated sewerage services are either available or adequate arrangements have been made to make such services available when required.

Documents

Document File Name

DocumentType Name

Is Public

Planning_Proposal.pdf	Proposal	Yes
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Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
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;**
- 3. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the inconsistency is of minor significance;**
- 4. Council should consult with the Mine Subsidence Board and subsequently demonstrate consistency with section 117 Direction 4.2 Mine Subsidence and Unstable Land;**
- 5. Council should demonstrate consistency with section 117 Direction 4.3 Flood Prone Land after undertaking relevant studies required below;**

The following conditions should be met prior to community consultation:

- 6. Council should consult with the Department of Trade & Investment (Mineral Resources and Energy) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;**
- 7. Council should consult with the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities. Compliance with s.34A of the Environmental Planning and Assessment Act 1979 is also necessary. Council should subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones and address SEPP 44 - Koala Habitat Protection;**
- 8. Council should consult with the Commissioner of the Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection;**

9. Council should prepare the following studies:

- flora and fauna and habitats,**
- surface and ground water (including a Total Water Cycle Management Plan, Waste Water Report and Water Sensitive Urban Design options),**
- riparian ecology,**
- land contamination (pursuant to SEPP 55 - Remediation of Land),**
- bushfire hazard management,**
- traffic and transport, and**
- odour;**

10. Council should additionally consult with the following public authorities:

Kader Street, Bargo

- the Hawkesbury-Nepean Catchment Management Authority,
- Sydney Water,
- Office of Water
- Roads and Maritime Services, and
- Endeavour Energy;

11. Council should complete Attachment 6 of the Proposal (i.e. assessment against the draft South West Subregional Strategy).

Supporting Reasons : **The Proposal will provide additional housing opportunities through the orderly expansion of the existing Bargo centre.**

Signature:



Printed Name:

STEPHEN GARDNER Date:

11/01/13