

Parramatta Local Environmental Plan 2011 - former Moxham Quarry - 166A Windsor Road, Northmead

Proposal Title : **Parramatta Local Environmental Plan 2011 - former Moxham Quarry - 166A Windsor Road, Northmead**

Proposal Summary : **The planning proposal seeks to amend the planning controls applicable to the site to enable the former Moxham Quarry site to be reused for sustainable high density residential development as indicated in the concept plans at Annexure 2 to the planning proposal.**

PP Number : **PP_2014_PARRA_005_00** Dop File No : **09/02664**

Proposal Details

Date Planning Proposal Received : **05-Sep-2014** LGA covered : **Parramatta**

Region : **Metro(Parra)** RPA : **Sydney West Joint Regional Plan**

State Electorate : **BAULKHAM HILLS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **166A Windsor Road**

Suburb : **Northmead** City : **Sydney** Postcode : **2152**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Lillian Charlesworth**

Contact Number : **0298601101**

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RPA Contact Details

Contact Name : **Suzie Jattan**

Contact Number : **0292282067**

Contact Email : **suzie.jattan@planning.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

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

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Metro West Central 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) :

No. of Lots : 0

No. of Dwellings 57
(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 : **The regional team is not aware of any meetings or communication with registered lobbyists concerning this planning proposal. The Lobbyist Contact Register was checked on 17 September, 2014.**

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 amend the planning controls applicable to the site to enable the former Moxham Quarry site to be reused for sustainable high density residential development as indicated in the concept plans at Annexure 2 to the planning proposal.**

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

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

Comment : **It is proposed to amend Parramatta Local Environmental Plan 2011 in relation to the former Moxham Quarry site at 166A Windsor Road, Northmead to enable:**
- rezoning part of the site from E3 Environmental Management to R4 High Density Residential;
- increase in floor space ratio from 0.5:1 to 1.1:1 for the proposed R4 land; and
- increase the maximum height of buildings from 9m to between RL 60.35 and RL 66.35 (ie. 11m to 17m above the quarry floor) for the proposed R4 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 :

2.1 Environment Protection Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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 19—Bushland in Urban Areas

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 65—Design Quality of Residential Flat Development

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

SECTION 117 DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

The planning proposal is inconsistent with this Direction as it proposes to reduce the environmental protection standards for that part of the site to be rezoned from E3 Environmental Management to R4 High Density Residential. It is recommended that the Minister's delegate agree that the proposal is justifiably inconsistent as it is supported by a Flora and Fauna Assessment at Annexure 3 of the planning proposal. The area of the site to be rezoned does not contain any Sydney Turpentine Ironbark Forest and the area to remain E3 will be protected by a Conservation Agreement (outlined on page 19 of the planning proposal) regarding the management of stormwater and implementation of a Bushland Management Plan.

SECTION 117 DIRECTION 2.3 HERITAGE CONSERVATION

The former Moxham Quarry is not a listed heritage item. The Heritage Impact Assessment at Annexure 4 of the planning proposal indicated that "it is difficult to fully assess and appreciate the characteristics of the quarry, based on the limited information available and current condition of the site." The study determined that the site is of some historical significance, is of some aesthetic significance due to mature tree plantings and may be of some social significance. The study concluded that the proposed rezoning provides opportunities to use and recognise the site in a positive way that may increase community awareness and interpretation of the history, development and connections with the local area.

The proposal is considered to be consistent with this Direction although it should be referred to the Office of Environment and Heritage for comment during the public authority consultation process.

SECTION 117 DIRECTION 3.1 RESIDENTIAL ZONES

The proposal is consistent with this Direction as it will increase housing choice and make more efficient use of existing infrastructure and services.

SECTION 117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The proposal is consistent with this Direction as it will increase housing in a location within walking distance of public transport (bus services on Windsor Road), local shops and open space.

SECTION 117 DIRECTION 4.1 ACID SULFATE SOILS

The proposal is inconsistent with this Direction as it proposes an intensification of land uses on land identified as potential class 5 acid sulfate soils although an acid sulfate soils study has not been prepared. It is recommended that the Minister's delegate agree that the proposal is justifiably inconsistent as it is considered to be of minor significance given the class 5 rating.

SECTION 117 DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

Although the site contains, and adjoins bushland, this Direction does not apply as the site and adjoining lands are not mapped as bushfire prone land.

SECTION 117 DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The proposal is consistent with this Direction as it will increase housing availability, affordability and choice in an area in close proximity to Parramatta CBD and offering access to jobs, services and infrastructure.

STATE ENVIRONMENTAL PLANNING POLICY 19 - BUSHLAND IN URBAN AREAS

The proposal is consistent with the aims of this Policy as:

- although the proposal will result in the removal of 0.3ha of mainly exotic vegetation from the north, east and south site boundaries as well as 0.5ha of mixed native/exotic aquatic vegetation from the former quarry pit area, this clearance area does not contain any endangered or threatened vegetation species;
- six species of noxious weeds as well as six weeds of national significance are located on the site. Partial vegetation clearance of the site will remove these weeds and protect endangered vegetation located downstream.
- the proposal includes a commitment from the landowner to enter into a Conservation Agreement with the NSW Minister for the Environment for the ongoing protection of the Sydney Turpentine Ironbark Forest, which is found at the western portion of the site.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 - REMEDIATION OF LAND

The proposal is consistent with this Policy as a Soil Investigation has been carried out by Pacific Environmental that concluded that the soil meets the requirements of the National Environment Plan Measure for Residential Development with un-limited access to the soil.

MOXHAM PARK RESERVE TRUST

The majority of the site falls within the Moxham Park Reserve Trust and advice was sought to verify whether the land could be rezoned given that it has been set aside as a Crown reserve. Advice was provided by the Department of Trade and Investment that under the Crown Lands Act 1989, the Minister may authorise reserved land to be used for additional purposes, revoke the appointment of a reserve trust, sell, lease or otherwise deal in Crown land.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Consultation with the Office of Environment and Heritage at community consultation stage is required to clarify whether or not the proposal is consistent with Section 117 Direction 2.3 Heritage Conservation.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping is suitable for public exhibition purposes. The relevant planning authority will be required to produce maps consistent with the Department's "Standard Technical Requirements for LEP Maps" prior to finalisation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Community consultation would be carried out by the Sydney West Joint Regional Planning Panel secretariat in consultation with Parramatta City Council.**

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 : **October 2011**

Comments in relation to Principal LEP :

This proposal will amend Parramatta Local Environmental Plan 2011.

Assessment Criteria

Need for planning proposal :

The site contains the former Moxham Quarry which ceased operations around 1914. The site has been unused since that time and is now weed infested, hazardous and fenced off for safety. The site consists of 16,361sqm of vacant land. Rezoning that part of the site that formed the former base and rim of the quarry would enable economic reuse of the land, provision of housing in a suitable location, improved access to the adjoining bushland reserve as well as improvement in the quality of stormwater runoff and ongoing environmental management of Sydney Turpentine Ironbark Forest located on the western portion the site.

Consistency with strategic planning framework :

DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031

The planning proposal is consistent with this Strategy as it will provide high density housing in an area accessible by public transport, is in close proximity to the Parramatta CBD, will assist in meeting dwelling targets and will provide for a greater diversity of housing types and sizes.

DRAFT WEST CENTRAL SYDNEY SUBREGIONAL STRATEGY

The proposal is consistent with this draft Strategy that sets a dwelling target of 21,000 for the Parramatta local government area to 2031. It also specifies that additional residential growth is expected to occur in Northmead.

The proposal is consistent with relevant Section 117 Directions (with the possible exception of Section 117 Direction 2.3 Heritage Conservation) and State Environmental Planning Policies.

Environmental social economic impacts :

FLORA AND FAUNA

There is approximately 0.8ha of land at the western edge of the site that contains endangered Sydney Turpentine Ironbark Forest that will remain protected within the current E3 Environmental Management zone. A Flora and Fauna Assessment was undertaken that included Assessments of Significance and concluded that impacts of the proposal (including the partial clearing of vegetation) on the flora and fauna species considered are unlikely to be significant. Vegetation clearing will include exotic and native species as well as weeds.

The drainage aspects of the development concept have been designed to improve downstream water quality with the aim of improving the quality of the significant vegetation to be retained. Weed removal, improved water quality and a proposed Conservation Agreement are likely to enhance the environmental quality of the adjoining E3 Environmental Management lands. It is recommended that consultation be undertaken with the National Parks and Wildlife Service during the consultation period in order to implement the proposed Conservation Agreement.

WETLAND

A wetland has formed at the base of the former quarry since quarrying ceased and advice

was obtained from the Office of Environment and Heritage regarding its value. It was advised that the wetland is of sufficient value to warrant retention and rehabilitation although it is not protected under any legislative or statutory instruments for wetland protection in NSW. It is proposed to retain the western edge of the wetland and incorporate it into a drainage feature that will act as a buffer between future residential development on the site and adjoining bushland.

BUSHFIRE HAZARD

The site is not affected by mapped bushfire prone lands, however, the development concept for the site includes measures to minimise any potential risk, including provision of a fire access trail at the western edge of the proposed development and a water feature that will act as a further buffer between future residential development and bushland.

ACCESS AND TRAFFIC

The proposed access location on the northern boundary of the site does not appear to be sufficiently wide to allow for this purpose although Annexure 6 includes a letter from Cardno road design engineers that concludes that adequate access is achievable in this location. The traffic report prepared by Cardno concludes that the concept development will not result in any adverse traffic, parking or access implications, particularly as access will be directly onto the arterial road system, rather than a local residential street.

VISUAL IMPACT

The proposal will allow for buildings having a maximum height of 5 stories, however, only 2.5 storeys will be visible above ground. Due to the unique nature of the site, the buildings will be partially hidden by the quarry walls. The site topography will ensure that future development of the site creates minimal visual impact on adjoining low density residential development that adjoins to the north and south of the site.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Transport for NSW Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		
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. :			
If Other, provide reasons :			
Identify any internal consultations, if required :			
No internal consultation required			

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Annexure 1 - Survey.pdf	Proposal	Yes
Annexure 2 - Site Analysis and Indicative Development Plans#2.pdf	Proposal	Yes
Annexure 3 - Flora and Fauna Assessment#2.pdf	Proposal	Yes
Annexure 4 - Heritage Impact Assessment.pdf	Proposal	Yes
Annexure 5 - Hydrology Reports.pdf	Proposal	Yes
Annexure 6 - Traffic Impact Assessment.pdf	Proposal	Yes
Annexure 7 - Soils & Contamination Report.pdf	Proposal	Yes
Annexure 8 - Bush Fire Safety Assessment.pdf	Proposal	Yes
Moxham Quarry Planning Proposal 190814.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.4 Planning for Bushfire Protection
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **DELEGATION OF PLAN-MAKING FUNCTION**

On 7 March, 2014, the former Minister appointed the Sydney West Joint Regional Planning Panel as the Relevant Planning Authority for this planning proposal.

The Panel has not been issued with delegations to make plans and has therefore not requested use of delegations.

Note: the Director, Metropolitan Delivery (Parramatta) is of the view that the proposal is outside her Gateway delegation and it is appropriate that the planning proposal be submitted to the Deputy Secretary for attention.

RECOMMENDATION

It is recommended that the Secretary's delegate agree that any inconsistency with s.117 Directions 2.1 Environment Protection Zones and 4.1 Acid Sulfate Soils and is of minor significance to allow the planning proposal to proceed.

Further, it is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act (EP&A Act) 1979 as follows:

- (a) the planning proposal must be 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 identified in section 5.5.2 of 'A Guide to Preparing LEPs**

Department of Planning and Infrastructure 2012).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
- Office of Environment and Heritage
 - Office of Environment and Heritage - National Parks and Wildlife Service
 - Transport for NSW - Road and Maritime Services
 - Transport for NSW
 - NSW Rural Fire Service

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.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).

4. The timeframe for completing the 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:

- the unique nature of the site enables high density residential development with minimal visual impact on adjoining residential uses;
- the proposal will allow economic reuse of the site which has remained vacant since 1914 when quarrying operations ceased;
- the proposal will increase housing density in an area in close proximity to the Parramatta CBD, jobs, public transport, infrastructure and services;
- redevelopment of the site will enable improved public access to appreciate the sites history and connect with adjoining bushland areas; and
- the proposal is environmentally sensitive and by removing weeds, improving the quality of stormwater run-off and incorporating a Bushland Management Plan, it will enhance the environmental quality of the adjoining Sydney Turpentine Ironbark forest.

Signature:



Printed Name:

SHANE NUGENT

Date:

17/9/14