

Report of Planning and Economy to the Ordinary Meeting of Council held on Tuesday 18 April 2017

PE1 - Draft Amendments to Wollondilly Development Control Plan for the Bronzewing Street Planning Proposal

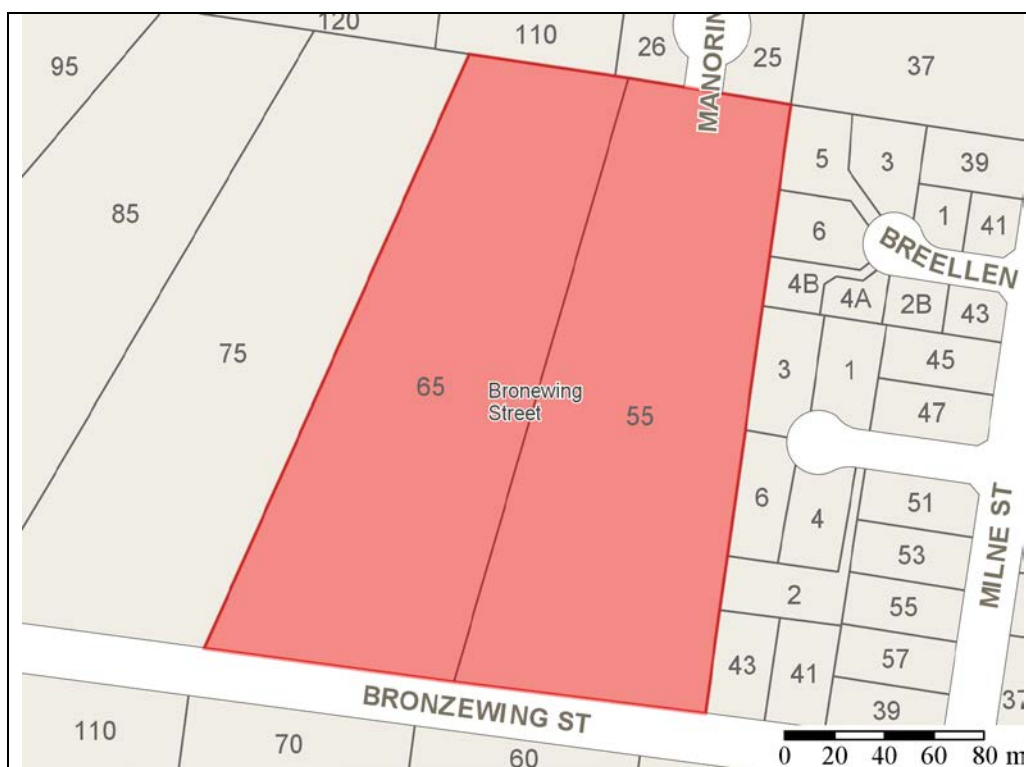
PLANNING AND ECONOMY

PE1 **Draft Amendments to Wollondilly Development Control Plan for the Bronzewing Street Planning Proposal**

41

TRIM 6115

Applicant: Haskew Planning
Owner: Mr J & Mrs R Dinallo



LOCATION MAP N

Stage	Completed
Preliminary notification	13 April 2012
Gateway Determination	14 February 2013
Consultation with Public Agencies	14 November 2014
Specialist Studies	29 September 2016
Public exhibition/community consultation	9 November 2016
Referred to Department of Planning to consider agency objection and finalise Draft LEP amendment.	20 January 2017

Planning & Economy

**PE1 - Draft Amendments to Wollondilly Development Control Plan for
the Bronzewing Street Planning Proposal**

EXECUTIVE SUMMARY

- The Bronzewing Street Planning Proposal was last considered by Council at the December 2016 Ordinary Meeting where it resolved to support an amendment to Wollondilly Local Environmental Plan subject to resolution of the agency objection from Subsidence Advisory NSW.
- Council also resolved that draft amendments to the Wollondilly Development Control Plan 2016 (WDCP 2016) related to the planning proposal be placed on public exhibition.
- The draft amendments to the WDCP 2016 were exhibited between 1 February 2017 and 1 March 2017.
- Two submissions were received in response to community consultation objecting to proposed controls, including the consultant acting on behalf of the owner of the land subject to the proposed controls.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends 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 adopt the amendments to Wollondilly Development Control Plan 2016 detailed in Section 2.3 of the report.
 - The amendments come into force on the day the amendment to Wollondilly Local Environmental Plan 2011 for the Bronzewing Street Planning Proposal site is notified on the NSW legislation website.
 - When the above amendments are made, Council gives public notice of its decision to amend Wollondilly Development Control Plan 2016 in accordance with Clause 21 in the Environmental Planning and Assessment Regulation 2000.
 - The applicant and persons who made submissions regarding the amendments to Wollondilly Development Control Plan 2016 be notified of Council's decision.

REPORT

1.1 BACKGROUND

Council considered the draft amendments to WDCP 2016 at its Ordinary Meeting held Monday 19 December 2016. At this meeting the Council resolved that the draft amendments be placed on public exhibition in accordance with the Environmental Planning and Assessment Regulation 2000 and that the findings of the community consultation from the public exhibition be reported back to Council.

**PE1 - Draft Amendments to Wollondilly Development Control Plan for
the Bronzewing Street Planning Proposal**

The draft amendments relate to the Bronzewing Street Planning Proposal for the rezoning of land to residential and propose site-specific controls for future development.

1.2 BRONZEWING STREET PLANNING PROPOSAL

The Bronzewing Street Planning Proposal site is located at 55-65 Bronzewing Street Tahmoor and comprises a total area of 4.046 hectares as detailed below.

Address and Lot details	Area in ha
55 Bronzewing - Lot 9 DP 249821	2.023
65 Bronzewing - Lot 8 DP 249821	2.023

The planning proposal aims to rezone land for low density residential development with a minimum lot size of 700m² and a maximum building height of 9m. Some of the vegetation is mapped as having biodiversity value.

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

The following comments on the draft amendments to WDCP 2016 were received from Council staff:

Environment

It is suggested that Control 6(i) in the draft amendments which states “*protects mature native trees providing connectivity*” should change to “*promoting connectivity*” as this would be a management goal given the potential for clearance to occur in the event of a Biobanking Statement being issued.

Comment

The fauna and flora study undertaken for the Bronzewing Street Planning Proposal recommends retaining the native trees for connectivity purposes. Discussions about biobanking were held with the landowner who indicated that this would be the likely course of action for land mapped on the Natural Resources Biodiversity map. A specific control for the protection of mature native trees in WDCP 2016 would ensure consideration is given to retention of these trees as part of any assessment of a future subdivision application, regardless of the potential for biobanking.

PE1 - Draft Amendments to Wollondilly Development Control Plan for the Bronzewing Street Planning Proposal

2.2 COMMUNITY CONSULTATION

The draft amendments to WDCP 2016 were exhibited for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000. During this time the draft amendments were made available for public viewing on Council's website and at Council's Administration Building and at Picton library. A public notice was placed in the local newspaper. Letters were sent to adjoining neighbours.

The issues raised in submissions that are relevant to the assessment of the draft amendments are summarised in the following table. Assessment comments are also provided.

Issue Raised	Assessment Comment
Question about the fairness and consistency for requiring a Baseline Archaeological Survey at subdivision as it was not required for the site at 90 Thirlmere Way, Tahmoor which has a common boundary with the heritage item.	The NSW Heritage Council submission requested a Baseline Archaeological Survey as the planning proposal site was historically used for farming. The Heritage Council did not make a similar request for the site at 90 Thirlmere Way, Tahmoor.
Proposes an unexpected findings protocol control should any European heritage farming relics be found during construction of any future subdivision. This would ensure any relics found are recorded and if necessary conserved.	The provisions of Section 139 of the NSW Heritage Act deem it unlawful for a person to disturb or excavate any land on which a relic is likely to be found without an excavation permit. Accordingly as the NSW Heritage Council consider there is a likelihood of finding relics, a Baseline Archaeological Survey is considered necessary.
Opposes the proposed buffer strip on the western side due to concerns with potential fire hazard, weeds, rabbits and maintenance.	It is recommended that this buffer not be included in the proposed controls.
Larger lots proposed for provision of a buffer are not required as the poultry farm to the west is too distant to impact on any residential development.	The Department of Primary Industry was concerned about potential for land use conflict with the adjoining property at the western side of the site and not necessarily the poultry farm. The adjoining property to the west is not currently used for agricultural purposes.

Report of Planning and Economy to the Ordinary Meeting of Council held on Tuesday 18 April 2017

PE1 - Draft Amendments to Wollondilly Development Control Plan for the Bronzewing Street Planning Proposal

Issue Raised	Assessment Comment
It is inconsistent to require a buffer to rural activities on the west while also requiring a road connection for possible future residential development.	The adjoining property to the west is included in the Tahmoor Structure Plan in the Growth Management Strategy 2011 as having potential for residential development and the landowner has indicated an interest in pursuing a rezoning. Under these circumstances it is considered that a requirement for a buffer is inconsistent with the requirement for a road connection. Hence it is recommended that the control requiring larger lots along the entire western side of the site be removed. Larger lots will still be required to protect bushland in the north-west corner of the site. The road connection should remain.

Planning & Economy

2.3 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016

It is proposed to amend Volume 1 and Volume 3 of WDCP 2016 as follows. The proposed amendments in part reflect the concerns raised during public exhibition as detailed in the submissions. The draft amendments no longer recommended by staff are highlighted in bold italic font.

Volume 3 Subdivision	Comment
Controls for Specific Locations	
Contamination	Parts of the site are potentially contaminated. Further investigation and possible remediation are required
European Heritage	To require a Baseline Archaeological Assessment to be undertaken as part of any development application for subdivision to provide a process for locating, excavating, recording and conserving any potential 'relics' during construction of the subdivision.
Shared pathways	To require connections to shared pathways that link to Tahmoor Railway Station along Bronzewing Street and to Thirlmere Way via Maniora Place.
Road connections	Provide a road connection to the adjoining Maniora Place and for any future development to the west.

Report of Planning and Economy to the Ordinary Meeting of Council held on Tuesday 18 April 2017

PE1 - Draft Amendments to Wollondilly Development Control Plan for the Bronzewing Street Planning Proposal

Volume 3 Subdivision	Comment
Controls for Specific Locations	
Trees, Vegetation and landscaping	To protect remaining large native trees for the purpose of habitat and connectivity and ensure indigenous vegetation is used for landscaping. To ensure asset protection zones do not impact on remnant native vegetation.
<i>Landscaping buffer to the west of the site to reduce potential land use conflict with regard to agricultural activities.</i>	<i>Under these circumstances it is considered that the control requiring larger lots to provide a buffer along the entire western side of the site be removed.</i>

Planning & Economy

The amendments proposed to be included in WDCP 2016 are included as Attachment 1.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through Council’s adopted Fees and Charges.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Draft Amendments to Wollondilly Development Control Plan 2016.

RECOMMENDATION

1. That Council adopt the amendments to Wollondilly Development Control Plan 2016 detailed in Section 2.3 of the report.
2. That the amendments come into force on the day the amendment to Wollondilly Local Environmental Plan 2011 for the Bronzewing Street Planning Proposal site is notified on the NSW legislation website.
3. That when the above amendments are made, Council gives public notice of its decision to amend Wollondilly Development Control Plan 2016 in accordance with Clause 21 in the Environmental Planning and Assessment Regulation 2000.
4. That the applicant and persons who made submissions regarding the amendments to Wollondilly Development Control Plan 2016 be notified of Council’s decision.