

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 June 2016

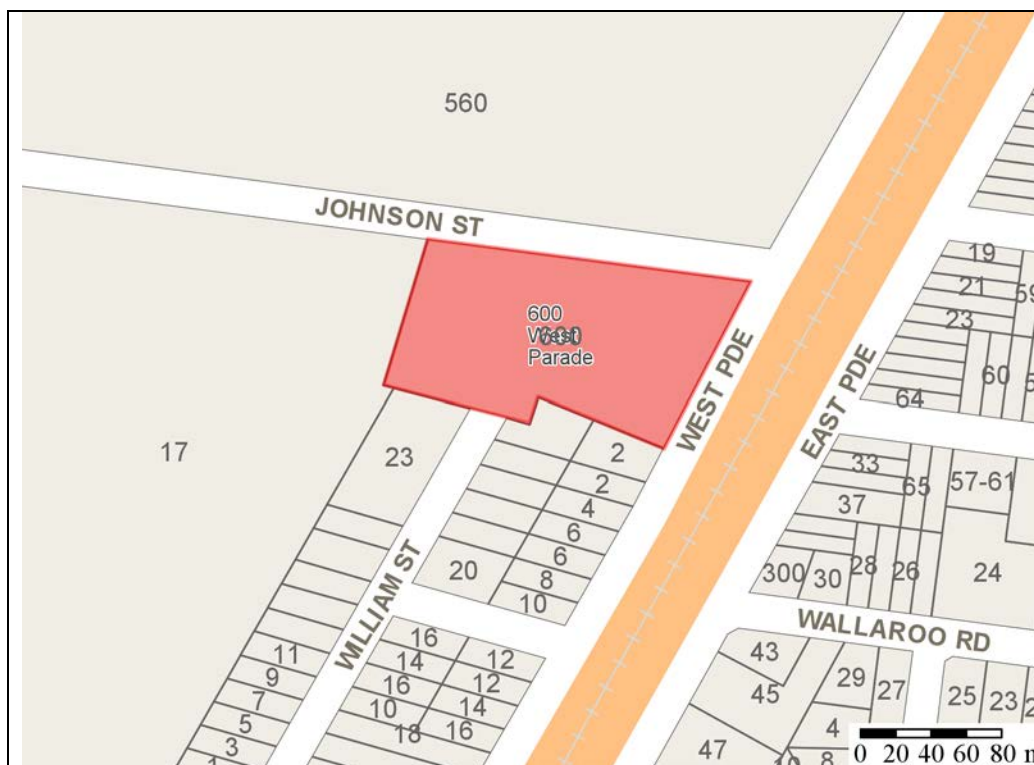
PE5 – Maximum Building Height: 600 West Parade Buxton

PE5

Maximum Building Height: 600 West Parade Buxton
265508

TRIM 8757

Applicant: Joanne Tapp Town Planning
Owner: Mr S M Farmer



LOCATION MAP N

Stage	Completed
Preliminary notification	30 September 2015
Gateway Determination	Not yet completed
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

PE5 – Maximum Building Height: 600 West Parade Buxton

EXECUTIVE SUMMARY

- At the Ordinary Council meeting held on Monday 15 February 2016, Council resolved to support the draft planning proposal to amend the Wollondilly Local Environment Plan 2011 for Lot 1 DP 940895 (No. 600 West Parade, Buxton also known as 10 Johnson Street, Buxton)
- The proposed amendment will rezone rural land for residential purposes and protect environmentally sensitive land.
- The purpose of this report is to further define the scope of the planning proposal by including an additional height of buildings provision for the proposed residential zoned land component consistent with the approach taken on other residential zoned land in Wollondilly.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement 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 support the inclusion of provisions within the planning proposal relating to the height of buildings so that the height of any building for future development will not exceed 9 metres.

REPORT

1.1 BACKGROUND

At the Ordinary Council meeting held on 15 February 2016, Council resolved to support an amendment to the Wollondilly Local Environment Plan 2011 for Lot 1 DP 940895 (No. 600 West Parade, Buxton also known as 10 Johnson Street, Buxton).

This amendment will see the identified land rezoned from RU1 Primary Production to R5 Large Lot Residential with a portion of E3 Environmental Management.

Council also resolved that a planning proposal for this amendment be prepared for a Gateway determination. A copy of this original report and Minutes are provided at Attachment 1 and 2.

1.2 PROPOSED ADDITIONAL PROVISIONS – HEIGHT OF BUILDINGS

The original report did not include provisions for building height related to the residential component of the proposal. This report seeks to further define the planning proposal, by ensuring that the Height of Buildings provisions within the WLEP 2011 will apply to the residential land use zone component, before the proposal is forwarded to the NSW Government Department of Planning & Environment for a Gateway Determination.

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The majority of residentially zoned land across Wollondilly is identified on the Height of Buildings Map, which forms part of the WLEP 2011, as having a maximum building height of 9m. There are some small areas around the Shire where a site specific assessment has determined that a maximum building height of 6.8m is more appropriate.

All residentially zoned land in Buxton currently has a maximum building height of 9m and it is proposed to apply the same height to the proposed R5 Large Lot Residential component of the planning proposal. This maximum height limit would allow a two-storey building.

The Height of building provisions within the WLEP 2011 do not tend to be applied to Environmental Protection Zones and so no height restriction is proposed for the E3 Environmental Management component of the proposal.

1.3 CONSULTATION

The absence of Height of Building provisions from the report to Council on this proposal in February was an oversight and the proposed inclusion of these provisions is to ensure Council has robustly defined the scope of the planning proposal before it is forwarded to the Minister for Planning to request a Gateway Determination.

This should ensure delays are avoided later in the Gateway Process.

The report to Council in February detailed consultation undertaken to date with Council staff, public agencies and the community. A copy of the report is provided at Attachment 1. No issues have been raised to date related to the height of future development and so it is considered appropriate to apply a maximum height of 9 metres consistent with the approach taken to other areas in Wollondilly.

1.4 OPTIONS FOR INCLUSION OF HEIGHT OF BUILDINGS PROVISION WITHIN THE PLANNING PROPOSAL

This report seeks to include further define the scope of the amendments proposed by the planning proposal to the WLEP 2011 by including height of buildings provisions so that the height of development on the R5 Large Lot Residential component would be limited to 9m.

Should Council resolve to support the inclusion of a building height provision within the planning proposal, this would be included in the Planning Proposal to be sent to the Minister for Planning for a Gateway determination.

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Council's options are:

1. Resolve to support the inclusion of a provision to limit the height of buildings to 9 metres on land zoned R5 Large Lot Residential within the Planning Proposal.
2. Resolve to support the planning proposal in a different form; which could include an alternate building height provision for the site.
3. Resolve to proceed with the planning proposal in the form supported at Council Meeting held on 15 February 2016 in which case, no provision for height of buildings would be included within the planning proposal.

Option 1 is the recommendation of this report.

1.5 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

Following consideration of initial consultation and notification and a preliminary assessment of the proposal, it is considered that the proposed amendments to WLEP 2011 for this planning proposal, including those already supported by Council should take the form as described below:

- Amend the Land Zoning Map from land use zone RU1 Primary Production to E3 Environmental Management and R5 Large Lot Residential (supported by Council on 15 February 2016);
- Amend the Lot Size Map from a minimum lot size category of 40 hectares to 4000 sqm (supported by Council on 15 February 2016);
- Amend the Height of Buildings Map to include a height limit of 9 metres for the proposed R5 Large Lot Residential land (proposed by this report).

ATTACHMENTS:

1. Report of Planning and Economy to the Ordinary Meeting of Council held Monday 15 February 2016 for agenda item PE4- Draft Proposal – West Parade, Buxton
2. Minutes of the Ordinary Meeting of Council held Monday 15 February 2016 for agenda item PE4 – Draft Planning Proposal – West Parade, Buxton

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RECOMMENDATION

1. That the West Parade, Buxton Planning Proposal also include a provision to amend the Wollondilly Local Environmental Plan 2011 by amending the Height of Buildings Map to include a height limit of 9 metres for proposed R5 Large Lot Residential land.
2. That the Height of Building provision be included into the Planning Proposal and forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment act, 1979.
4. That the applicant and submitters be notified of Council's Resolution.

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ATTACHMENT 1 - 8757 – 20 JUNE 2016

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 February 2016

PE4 – Draft Planning Proposal – West Parade, Buxton

PE4

Draft Planning Proposal – West Parade, Buxton
259421

TRIM 8757

Applicant: Joanne Tapp Town Planning
Owner: Mr S M Farmer

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LOCATION MAP ↑ N

Stage	Completed
Preliminary notification	30 September 2015
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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 February 2016

PE4 – Draft Planning Proposal – West Parade, Buxton

EXECUTIVE SUMMARY

- A Draft Planning Proposal has been received for Lot 1 DP 940895 (No. 600 West Parade, Buxton also known as 10 Johnson Street, Buxton).
- The application proposes changes to the Wollondilly Local Environmental Plan, 2011 (WLEP 2011) by rezoning rural land for residential purposes and to protect environmentally sensitive land.
- Although Council's Growth Management Strategy does not identify Buxton as a strategic location for growth in Wollondilly there is some planning merit to the proposal based on its modest scale and proximity to the village.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement 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 support the preparation of a planning proposal to amend the Wollondilly Local Environmental Plan 2011 as it relates to Lot 1 DP940895 in a form different to that submitted by the proponent as detailed in this report to permit lots with a minimum size of 4,000m².

REPORT

1.1 SITE DESCRIPTION

The subject site is rural land is zoned RU1 Primary Production and has an area of 1.635 hectares (16,350 square metres). It is a corner lot with street frontage to West Parade and Johnson Street. Johnson Street is an unformed road.

The main use of the site at present is as a residence and the site contains a single storey cottage with three sheds/garages. The site has recently been cleared of vegetation.

The site is located next to the existing urban boundary for Buxton with adjoining land to the south along West Parade being zoned R2 Low Density Residential. To the north and west the site adjoins rural zoned land (RU1 Primary Production) and to the south an environmental protection zone (E3 Environment Management).

Land on the other side of West Parade, opposite the property, contains the Great Southern Railway within a Special Purposes zone (SP2 Infrastructure).

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

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1.2 DESCRIPTION OF PROPOSAL

The body of this report refers to two different proposed approaches to rezoning the site. A plan is provided at Appendix 1 to illustrate the general intent of the original planning proposal as submitted by the proponent to Council for consideration. This was the version that formed the basis of the preliminary community consultation.

The proponent has since amended the draft planning proposal in response to the sites wastewater capability. A plan is provided at Appendix 2 to illustrate the general intent of the amendments. The planning proposal was amended after the formal community consultation.

The original version included a component of R2 Low Density Residential Land, this has been removed and the proponent now proposes an R5 Large Lot Residential zone. Both versions propose to rezone the rear of the site to E3 Environmental Management.

The objective of the draft Planning Proposal, as amended, by the proponent is to:

- Amend the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011) Land Zoning Map to rezone the site from RU1 Primary Production to R5 Large Lot Residential and E3 Environmental Management.
- Amend the Wollondilly LEP 2011 Lot Size Map to reduce the minimum lot size from the current 40 hectares to 4000 square metres.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL MANAGERS & STAFF

A preliminary meeting was held with council staff and the preliminary comments received are that the intent of the draft planning proposal originally submitted to Council is not supported. However, the proposal could be supported in an amended form.

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The following initial observations were provided:

TOPIC	SUMMARY OF COMMENTS
Drainage & Flooding	<ul style="list-style-type: none"> William Street doesn't drain well The site falls to the south west corner (i.e. towards the rear corner near William Street) and may exacerbate existing drainage issues in that area. A concept drainage plan would be required to establish the suitability of the site for the proposal Drainage to Johnson Street may require removal of vegetation. Drainage is a significant, potentially prohibitive, constraint for the site. Kerb and gutter will be required for the properties on West Parade; however this could create additional problems for existing development in the area.
Flora & Fauna	<ul style="list-style-type: none"> An area at the front of the site adjacent to West Parade which contained pine trees and other exempt species has been legally cleared. However, a portion of the site appears to have been cleared without the necessary approvals. The area cleared contained native vegetation. Consideration is being given as to whether compliance action could be taken on this matter. More intensive development (i.e. increased lots) should not occur where land has been illegally cleared without the necessary approvals. It is anticipated that regeneration of the vegetation could occur quickly. Any rezoning should enable land rezoned to an environmental protection zone to regenerate with limited increase in density.
Traffic & Transport	<ul style="list-style-type: none"> Johnson Street is not a formed road (it has not been formally constructed and exists as a dirt road). Johnson Street is a crown road and would need to be handed over to Council if development proceeded. There would be some benefit to residents on William Street if this road was extended to Johnson Street. However, the current road is constrained and further development accessing William Street is not supported. No further development with access from Johnson Street should be permitted until Johnson Street is formed with an appropriate intersection to West Parade which may be cost prohibitive for this development.

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TOPIC	SUMMARY OF COMMENTS
Bushfire Prone Land	<ul style="list-style-type: none"> The land is partially bushfire prone. The site is located within an area which is known to be heavily constrained by the risk of bushfire. Any future development is likely to require additional requirements to meet a higher Bushfire Attack Level (BAL) rating.
Planning	<ul style="list-style-type: none"> An acoustic assessment may be required given the sites proximity to an existing quarry at 536 & 540 West Parade. If drainage issues can be addressed no objection was raised to the principle of low density style residential development along West Parade.

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2.2 CONSULTATION WITH PUBLIC AGENCIES

Water NSW

Because the site is located within the Sydney Drinking Water Catchment Area (SDWCA) there is a statutory requirement for consultation with Water NSW prior to the issuing of a Gateway Determination. This requirement is contained within Ministerial Direction 5.2 Sydney Drinking Water Catchment issued under Section 117(2) of the *Environmental Planning and Assessment Act 1979*.

Water NSW undertook a Strategic Land and Water Capability Assessment (SLWCA) and advised that:

- Residential sewer development would have a moderate risk to water quality.
- Any future development of the land will need to comply with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. This means future development must have a neutral or beneficial effect on water quality (NorBe).
- Acknowledges that vegetation on the site appears to have been recently removed. Future applications for the site should include information on the water quality considerations included in the approvals for the vegetation clearing.

Sydney Water

In response to the community consultation Council also received a submission from Sydney Water.

Sydney Water has advised that the current wastewater system does not have sufficient capacity to serve the proposal and cannot commit to servicing the site.

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Other Public Agencies

Consultation with public agencies usually occurs after a Gateway Determination is issued and it has been established that a proposal has strategic merit.

Should the proposal be supported by Council and forwarded to the Minister for Planning and Environment, any subsequent Gateway Determination will outline the consultation requirements with government agencies.

2.3 COMMUNITY CONSULTATION

In accordance with Council's notification policy, initial community consultation has been undertaken. The application was made available on Council's website and letters were sent to owners and occupiers of adjoining and potentially affected properties.

A total of 3 submissions were received and of these submissions; 1 objected and 2 submissions were neutral. Two of the submissions were from public agencies and have been discussed already.

A number of issues were raised which are relevant to the assessment of the proposal. These can be summarised as follows:

- Infrastructure
- Precedent of Development
- Bushfire Hazard
- Native Vegetation
- Loss of Rural Land
- Need for the Planning Proposal
- Dwelling Density
- Housing
- Community Benefit
- Traffic and Transportation
- Stormwater
- Regional Strategies
- Rural Urban Land Conflict
- Justification for Proposal.

A table is provided at Attachment 3 with more detail on the issues raised and an assessment comment.

The issues raised are not considered to merit the refusal of the planning proposal. However, there are a number of matters which would require further consideration if a Gateway Determination is issued.

It is also noted that the recommendation of this report is to support the planning proposal in a form different to the proposal which was consulted on.

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The scale of the proposal has been reduced and the amended form would address some of the concerns raised in the submission.

2.4 PREPARATION OF A PLANNING PROPOSAL

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Environment. The Planning Proposal is then forwarded to the Minister for Planning and Environment for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be *Council's* Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 2.9.1 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

Note that the application has been with Council for more than 90 days. The applicant can apply for a pre-Gateway review in accordance with the EP&A Regs, 2000 if Council fails to indicate support for the application within 90 days of receiving the application.

Option 2 is the recommendation of this report.

2.5 A PLAN FOR GROWING SYDNEY (2014)

The proposal seeks negligible growth to Buxton village and is not of a scale to conflict with the objectives of A Plan for Growing Sydney.

A Plan for Growing Sydney seeks to accelerate housing supply across Sydney and although its focus is on areas of significant housing growth it also notes that all suburbs will need additional housing over the next 20 years. New locations for housing around established centres are encouraged.

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2.6 SECTION 117 MINISTERIAL DIRECTIONS

Further information is required to establish that the proposed amendments to the Wollondilly LEP 2011 are consistent with all relevant s117 Ministerial Directions.

If a Gateway Determination is issued for the Planning Proposal specialist studies would be required to inform the Planning Proposal and address the requirements of relevant Directions.

2.7 STATE ENVIRONMENTAL PLANNING POLICIES

Further information is required to establish whether the proposed amendments to the Wollondilly LEP 2011 are consistent with all relevant State Environmental Planning Policies.

If a Gateway Determination is issued for the Planning Proposal specialist studies would be required to inform the Planning Proposal and address the requirements of the relevant SEPP's.

2.8 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	<p>Although the GMS does not identify Buxton as a strategic location for growth in Wollondilly there is some planning merit to the proposal based on its modest scale (up to 4 lots) and location directly adjoining the Buxton urban area and within close proximity to local shops.</p> <p>Some initial amendments are recommended to the planning proposal in response to site constraints (insufficient reticulated wastewater capacity and environmentally sensitive land).</p> <p>On balance, the proposal, in an amended form, is considered to be generally consistent with the key Policy Directions.</p>

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Key Policy Direction	Comment
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	The Planning Proposal is consistent with the concept and vision of 'Rural Living'. It proposes a modest increase in lots adjoining an existing village and will not have a significant impact on the rural setting and character of Buxton or the shire.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	One (1) submission was received from the community during the initial consultation period (The other two submissions were from public agencies). The outcome of this consultation has been considered and is discussed in Section 2.3 of this report.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	The Planning Proposal seeks a modest expansion to Buxton village directly adjoining the existing urban boundary. Sydney Water has advised that the current wastewater system does not have sufficient capacity to serve the proposal and cannot commit to servicing the site. Subsequently rezoning part of the site for R2 Low Density Residential Development with a minimum lot size of 700sq.m is not considered appropriate. The site would therefore be more suited to a rural residential type development where onsite wastewater provision could be accommodated.

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PE4 – Draft Planning Proposal – West Parade, Buxton

Key Policy Direction	Comment
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	Council plans for the adequate housing supply through the Growth Management Strategy (GMS). The GMS does not identify the need for additional dwellings for Buxton. However, the planning proposal is small in scale and will have a negligible contribution towards the provision of adequate housing.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The planning proposal proposes a mix of urban lots with a minimum lot size of 700sq.m and larger rural residential style lots with a minimum lot size of 4000sq.m. A preliminary assessment has concluded that the urban lots cannot be accommodated at this location at present as there is insufficient reticulated wastewater capacity. A small amount of rural residential development could be accommodated however and would be consistent with other minimum lot sizes on the periphery of Buxton and would contribute to the mix of housing types.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The planning proposal seeks a modest expansion to the Buxton village through a minor extension to the existing R2 Low Density Residential land use zone. The planning proposal also seeks to extend the adjoining E3 Environmental Management zone. However, based on the preliminary assessment residential lots with a minimum lot size of 700sq.m could not be accommodated at this location due to infrastructure constraints as Sydney Water has advised they cannot service these lots with wastewater. Large lots will be required to ensure on-site wastewater provision can be accommodated within any new lots. It is therefore proposed to rezone the site for a mix of E3 Environmental Management and R5 Large Lot Residential.

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Key Policy Direction	Comment
	At this stage, it is anticipated that the site could only accommodate an additional 2 lots.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The planning proposal proposes growth immediately adjacent to Buxton village.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	Not applicable.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	The Planning Proposal, in its current form does not propose any employment lands.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The Planning Proposal, in its current form, does not propose any employment lands.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without	The planning proposal seeks a small amount of growth and is not anticipated likely to impose a significant burden on Council or the community. If a Gateway Determination is issued for the Planning Proposal specialist studies would be required to inform the planning proposal. These studies should identify any potential

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Key Policy Direction	Comment
imposing unsustainable burdens on Council or the Shire's existing and future community.	issues in this regard.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The Planning Proposal is consistent with this key policy direction as the subject site is well located in terms of the existing Buxton urban area and proximity to the village shops.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The Planning Proposal is consistent with this key policy direction as the subject site adjoins the existing urban area associated with Buxton.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	Buxton is not a location which is the focus for population growth. The GMS does not include a Structure Plan or housing target for Buxton. However, the planning proposal seeks a modest amount of growth and is considered to be negligible.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	If a Gateway Determination is received further studies would be required to consider the sites suitability against issues such as aboriginal heritage, bushfire impacts and water quality. In particular, the site has recently been cleared of vegetation. Councils view is that some parts of the site have been cleared of native vegetation without the necessary approval. The portion of the site which contained native vegetation should be encouraged to naturally revegetate.

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Key Policy Direction	Comment
	Additional lots with in the area of revegetation should be limited and may not be suitable.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The Planning Proposal is consistent with this Key Policy Direction as the site it does not propose fragmentation of rural land in a dispersed location.

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2.9 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Following consideration of responses from initial consultation and notification and preliminary assessment of the application, it is considered that the Planning Proposal should take the form as detailed below.

2.9.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Zoning Map from land use zone RU1 Primary Production to E3 Environmental Management and R5 Large Lot Residential.
- Amend the Lot Size Map from a minimum lot size category of 40 hectares to 4000sq.m.

Amendments may be required to the Natural Resources – Biodiversity Map. However, the details of the changes will not be known until specialist studies are completed.

Note: Section 2.4 of this report notes that the recommendation of this report is to support the planning proposal for this site in a form different to the application.

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PE4 – Draft Planning Proposal – West Parade, Buxton

The proponent's amended proposal is illustrated at Attachment 2 to this report. The proponent is now seeking to zone approximately three quarters of the site to R5 Large Lot Residential. It is considered that the appropriate area for the proposed Environmental Protection zone is likely to be larger than that identified by the proponent and should include the portion of the site which should be allowed to naturally revegetate and potentially an additional buffer area as well. This is expected to limit the lot yield potential for the site to approximately 2 to 3 lots (i.e. only an additional 1 or 2 lots).

2.9.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP, 2011)

No amendments are proposed to WDCP 2011 at this time.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS:

1. Plan of Draft Planning Proposal - Original version submitted to Council and included with preliminary community consultation documentation
2. Plan of Draft Planning Proposal - Amended Version to respond to the sites wastewater capability
3. Table - West Parade, Buxton Draft Planning Proposal - Summary & Response to Community Consultation

Planning & Economy

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 June 2016

PE5 – Maximum Building Height: 600 West Parade Buxton

ATTACHMENT 1 - 8757 – 20 JUNE 2016

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 February 2016

PE4 – Draft Planning Proposal – West Parade, Buxton

RECOMMENDATION

1. That Council support the preparation of a Planning Proposal for land being Lot 1 DP 940895 (No. 600 West Parade, Buxton) to amend Wollondilly Local Environmental Plan, 2011 as follows:
 - Amend the Land Zoning Map from RU1 Primary Production to E3 Environmental Management and R5 Large Lot Residential
 - Amend the Lot Size Map from a minimum lot size category of 40 hectares to 4000sq.m.
2. That the proposed E3 Environmental Management land use zone should include all land identified by Council for natural revegetation.
3. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
4. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
5. That the applicant and submitters be notified of Council's Resolution.

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PE4 – Draft Planning Proposal – West Parade, Buxton

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**Draft Planning Proposal – West Parade, Buxton;
Original Version submitted to Council and included with preliminary community consultation documentation**

Proposed Zone: R2 Low Density Residential
Proposed Minimum Lot Size: 700 sqm

Approximate location of existing Environment Management

Approximate location of existing R7 Low Density Residential

JOHNSON STREET

WILLIAM STREET

WEST PARADE

LOT 1 DP 940895

NOTE: THIS PLAN HAS BEEN PREPARED TO ACCOMPANY A REPORT TO COUNCIL AND ASSIST THE COUNCIL AND RESIDENTS WITH A GREATER UNDERSTANDING OF THE CHANGES TO THE WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011 SOUGHT BY THE WEST PARADE, BUXTON DRAFT PLANNING PROPOSAL. IT IS AN INTERPRETATION OF THE DRAFT PLANNING PROPOSAL AND WAS NOT PREPARED BY THE PROPONENT.

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PE5 – Maximum Building Height: 600 West Parade Buxton

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PE4 – Draft Planning Proposal – West Parade, Buxton

ATTACHMENT 3 - 8757 – 15 FEBRUARY 2016

West Parade, Buxton Draft Planning Proposal – Summary & Response to Community Consultation

Issue Raised	Assessment/Comment
<p>Precedent of development</p> <ul style="list-style-type: none"> • If rezoned, would this set a precedent for other neighbouring large lots to be rezoned to enable subdivision? 	<p>Every planning proposal is assessed on its merits to establish whether there is strategic planning merit.</p> <p>No two sites are the same and it is not considered that rezoning the land would establish a precedent for neighbouring lots.</p>
<p>Bushfire Hazard</p> <ul style="list-style-type: none"> • Questions the proponent's claim that the proposal would provide an "important alternate bushfire egress route". 	<p>Further consideration of bushfire hazard will be required if the planning proposal progresses.</p> <p>It is anticipated that a bushfire hazard type assessment will be required and the planning proposal would need to address how it is consistent with Ministerial Direction 4.4 Planning for Bushfire Protection.</p> <p>If the planning proposal progresses consultation will also be required with the Commissioner of the NSW Rural Fire Service.</p> <p>The planning proposal has been amended since the community consultation and the proponent no longer intends to connect William Street with Johnson Street.</p>

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PE4 – Draft Planning Proposal – West Parade, Buxton

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Issue Raised	Assessment Comment
<p>Native vegetation</p> <ul style="list-style-type: none"> • Questions the validity of the objectives for the E3 Environmental Management Zone and their relevance to the site now that it has been cleared. • A large portion of the property was remnant woodlands which provided a sanctuary for a large number and diversity of wildlife. • Why did Council give permission for clearing the site and now seeks to protect the site with the proposed E3 Environmental Management zone. • Questions content within the planning proposal which states that the rezoning encourages and better achieves the conservation of natural and artificial resources including agricultural land, natural areas, forests... 	<p>The whole site has recently been cleared. The front portion of the site contained pine trees and other exempt species and was cleared. These trees were legally cleared under the provisions of the Wollondilly LFP 2011 and the Wollondilly Development Control Plan 2011 and did not require a permit or development consent.</p> <p>However, the site also contained native vegetation on the rear part of the site which in Council's opinion has been cleared without the required approval.</p> <p>It is considered that the area of the site which contained native vegetation should be encouraged to naturally regenerate and any intensification of the land in terms of subdivision should not be permitted. This portion of the site should be included within the proposed L3 Environmental Management zone.</p> <p>Planning Proposals are required set out the justification for making the proposed changes to the Local Environmental Plan. The proponent has provided as part of their justification that the proposal will better achieve the objects of the Environmental Planning and Assessment Act 1979. The proponent has indicated that the proposal will facilitate a logical, orderly and economic extension to the existing urban areas of Buxton.</p>
<p>Loss of Rural Land</p> <ul style="list-style-type: none"> • Ministerial Direction 1.7 Rural Zones provides that a planning 	<p>If the Planning Proposal progresses, Ministerial Direction 4.2 Rural</p>

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PE4 – Draft Planning Proposal – West Parade, Buxton

ATTACHMENT 3 - 8757 – 15 FEBRUARY 2016

Issue Raised	Assessment Comment
<p>proposal must not rezone land from rural to a residential zone.</p> <ul style="list-style-type: none"> Questions the proposals justification for inconsistency with Ministerial Direction 1.5 Rural Lands. Reasons provided in the proposal are weak and tenuous. Questions how remaining rural land into suburban blocks contributes to the concept of rural living? 	<p>Zones requires the Director General of the Department of Planning & Environment to be satisfied that any inconsistency is justified by a strategy or study or is of minor significance.</p> <p>It is anticipated that a large portion of the site is more suited to an environmental protection zone than a rural zone and this will be established if the planning proposal progresses.</p> <p>The remaining portion of the site would be constrained in terms of its capability for agricultural production given its size, location adjoining an existing urban area and environmentally sensitive land as well as being located within the Sydney Water Catchment Area. It is anticipated that a planning proposal prepared for a Gateway Determination request would conclude that the inconsistency is of minor significance on these grounds.</p>
<p>However, if the planning proposal progresses and the Department of Planning & Environment are not satisfied with this justification then a study may need to be prepared to consider the loss of rural land.</p>	<p>However, if the planning proposal progresses and the Department of Planning & Environment are not satisfied with this justification then a study may need to be prepared to consider the loss of rural land.</p>
<p>Ministerial Direction 1.5 Rural Lands does not apply to this planning proposal as Wollondilly is listed as an area which is not subject to State Environmental Planning Policy (Rural Lands) 2008.</p>	<p>Ministerial Direction 1.5 Rural Lands does not apply to this planning proposal as Wollondilly is listed as an area which is not subject to State Environmental Planning Policy (Rural Lands) 2008.</p>
<p>Rural Urban Land Conflict</p> <ul style="list-style-type: none"> Impact on future development from the nearby Wollondilly Quarry Current noise and dust issues are accepted by existing 	<p>The concerns with impacts from the nearby quarry are valid. If the planning proposal progresses further consideration will need to be given to these potential impacts. A specialist study may be required to</p>

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 February 2016

PE4 – Draft Planning Proposal – West Parade, Buxton

ATTACHMENT 3 - 8757 – 15 FEBRUARY 2016

Issue Raised	Assessment Comment
<p>residents, what impact will there be with more urbanisation so close to the Quarry?</p> <ul style="list-style-type: none"> How does the proposal contribute to the concept of rural living. 	<p>consider potential noise and dust impacts.</p> <p>One of the Key Policy Directions in the Wollondilly Growth Management Strategy is for proposals to be compatible with the concept and vision of "Rural Living". "Rural Living" in Wollondilly is defined and made up of a number of characteristics including, but not limited to, rural setting and character, community lifestyle and the character of our towns and villages. The proposal is considered to be consistent with the concept of "Rural Living" as it proposes small scale development directly adjoining Buxton while still retaining a rural setting.</p>
<p>Need for the Planning Proposal</p> <ul style="list-style-type: none"> Proposal is not the result of any strategic study or report which implies Council did not consider the site to be appropriate for development prior to this point. Seeks an explanation for various terms used and their relevance to justify the need for the planning proposal; 'optimise the viability', 'contained urban area' Questions how expanding the existing urban area will "contain" it. Disagrees with the proposals claim that it would create a circuitous local street network. Concern raised with the strength of the justification for the planning. Questions the proposals statement that it will better achieve 	<p>There is a statutory requirement for planning proposals to comment on whether they are the result of any strategic study or report. It is one (1) of 11 questions that together set out the case for making the proposed changes. The proponent has acknowledged in their proposal that the proposed changes are not to implement the outcome of any strategic study or report. This alone is not sufficient grounds for not supporting a planning proposal.</p>

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Issue Raised	Assessment Comment
<p>the objects of the Environmental Planning and Assessment Act 1979. Particularly how it would conserve the natural and artificial resources including agricultural land...</p> <p>Justification for Proposal</p> <ul style="list-style-type: none"> • What are the objectives and intended outcomes that require the site to be rezoned. • The WLLP 2011 does not allow further intensification of the site. What has changed in the last 4 years? • The proposal may lead to "edge" creep of Buxton village. • Concern raised with vagueness of the proposal about future lot sizes and the statement that this will be determined subject to further considerations and investigations. • Disagrees with the proponent's position that the proposal will result in a logical extension of the northern edge of Duxton Road. 	<p>The Wollondilly LTP 2011 is limited in its ability to guide growth and ensure there is a sufficient supply of land for housing. This function is carried out by the Wollondilly Growth Management Strategy 2011. Consideration of spot rezoning's, such as this one, are generally more appropriately considered outside of the comprehensive LEP review process because of the likely need for specialist studies on a site by site basis. The Wollondilly LEP 2011 has been amended a number of times since it came into place in 2011, mostly due to spot rezoning's in other locations.</p> <p>It is not considered that support for this planning proposal would lead to "edge" creep as each planning proposal is considered on its merits.</p> <p>It is not unusual for future lot sizes to be determined later in the process. Specialist studies are generally only prepared after a Gateway Determination is issued and help to establish the capability of the land for the proposed changes.</p> <p>It is also noted that if the planning proposal was to progress there will be a statutory requirement for a public exhibition and the community will have another opportunity to have their say once more detail is available.</p> <p>At this stage a minimum lot size of 4000sq.m has been identified.</p>

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Issue Raised	Assessment Comment
<p>Housing</p> <ul style="list-style-type: none"> • Land release is more appropriately located in Wollondilly's declared growth areas. • What is meant by 'increase housing affordability and diversity in the village of Buxton'? • Questions what is meant by housing affordability and diversity and whether this refers to social housing? • What price range does Council determine as affordable? • Request for explanation of a lack of housing diversity in existing housing stock in Buxton. 	<p>The Wollondilly Growth Management Strategy 2011 guides the strategic location of growth for Wollondilly. The scale of this proposal is not considered to have any significant impact on the release of land.</p> <p>Council is not aware of any plans for social housing.</p> <p>Affordable housing generally refers to the cost of housing in an area being reasonable in relation to income. Whereas housing diversity refers to the range of housing types provided within an area. Given the scale of the amended proposal, any housing affordability or diversity benefits are considered to be incidental and do not form the basis for justifying the proposed changes to the Wollondilly LTP 2011.</p>
<p>Community Benefits</p> <ul style="list-style-type: none"> • Concern raised that the proposal does not acknowledge or address negative impacts of the proposal on existing residents. • The stated benefits are not benefits to the existing residents. 	<p>The need to specifically address the 'Net Community Benefit' of a proposal was required under the previous NSW Government Department of Planning & Environment's A guide to preparing planning proposals and is no longer required.</p> <p>Notwithstanding this, the community consultation and Council's assessment provide an opportunity for the full potential impacts to be considered. The proposal has already reduced the scale of the planning proposals in response to some critical issues which came to light from the preliminary assessment.</p>

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Issue Raised	Assessment Comment
<p>Traffic & Transportation</p> <ul style="list-style-type: none"> • What is meant by 'utilize available infrastructure to service future residential development'? • Is a loop-pull and road crossing proposal on West Parade to access Telopea Park or the local shops? • Concern with road safety along West Parade for pedestrians as road is busy and unpredictable. • Prefers Johnson Street to remain an unformed road as it contributes to the rural character and amenity of residents and reduces maintenance costs to Council. 	<p>If the planning proposal progresses, the need for specialist studies, consultation with public agencies and a public exhibition will provide further opportunities for a more balanced consideration of the proposal.</p>
<p>In general, Council's preference is for a sealed road constructed to Council's requirements. This is both easier to maintain and safer.</p> <p>The proposal has indicated that the site benefits from access to the following infrastructure: telephone, electricity, and water.</p>	<p>In general, Council's preference is for a sealed road constructed to Council's requirements. This is both easier to maintain and safer.</p> <p>The proposal has indicated that the site benefits from access to the following infrastructure: telephone, electricity, and water.</p>
<p>Stormwater</p> <ul style="list-style-type: none"> • Concern raised that the addition of hard surfaces to form Johnson Street may cause stormwater and run-off issues. 	<p>There are existing drainage problems in the area, particularly in the vicinity of William Street. If the planning proposal progresses a specialist study would be required which would consider stormwater.</p>
<p>Regional Strategies (Planning)</p> <ul style="list-style-type: none"> • Proposal indicates that A Plan for Growing Sydney does not include Wollondilly Shire but continues to use it as a justification. 	<p>The Planning Proposal document acknowledges that regional planning strategies do not identify Wollondilly as a strategic location in terms of contributing to Sydney's housing land supply with the exception of</p>

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Issue Raised	Assessment Comment
<ul style="list-style-type: none"> Proposal indicates that the Draft South West Sub-Regional Strategy states there are no current growth priorities for Wollondilly Shire, apart from the Macarthur South Investigation Area but then states that the proposal is not inconsistent with this strategy. Enquires how the proposal is consistent with Wollondilly Shire Council's plans for the Buxton area. 	<p>The recent announcement related to the Macarthur South area. Small scale local growth can proceed without compromising the aims and objectives of regional strategies.</p> <p>At the local level, the Wollondilly Growth Management Strategy 2011 does not identify Buxton as a strategic location for growth in Wollondilly. However, there is some planning merit to the proposal based on its modest scale and location directly adjoining the Buxton urban area and within close proximity to local shops.</p>
<p>Infrastructure</p> <ul style="list-style-type: none"> A Telstra tower is proposed to be constructed in the rail corridor immediately opposite 600 West Parade. Could the tower still proceed if the current rural site is re-zoned? 	<p>A telecommunications tower was approved in 2014 and is located opposite existing dwellings on West Parade. Given the assessment concludes that the likely impact in proximity to existing dwellings was acceptable it is unlikely that additional dwellings on the proposal site would be any different. Rezoning the land will not prevent the telecommunications tower from proceeding.</p>

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ATTACHMENT 2 - 8757 – 20 JUNE 2016

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

Planning and Economy

PE4 Draft Planning Proposal – West Parade, Buxton TRIM 8757
259421

6/2016 Resolved on the Motion of Crs M Banasik and Mitchell:

1. That Council support the preparation of a Planning Proposal for land being Lot 1 DP 940895 (No. 600 West Parade, Buxton) to amend Wollondilly Local Environmental Plan, 2011 as follows:
 - Amend the Land Zoning Map from RU1 Primary Production to E3 Environmental Management and R5 Large Lot Residential
 - Amend the Lot Size Map from a minimum lot size category of 40 hectares to 4000sq.m.
2. That the proposed E3 Environmental Management land use zone should include all land identified by Council for natural revegetation.
3. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
4. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
5. That the applicant and submitters be notified of Council's Resolution.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow