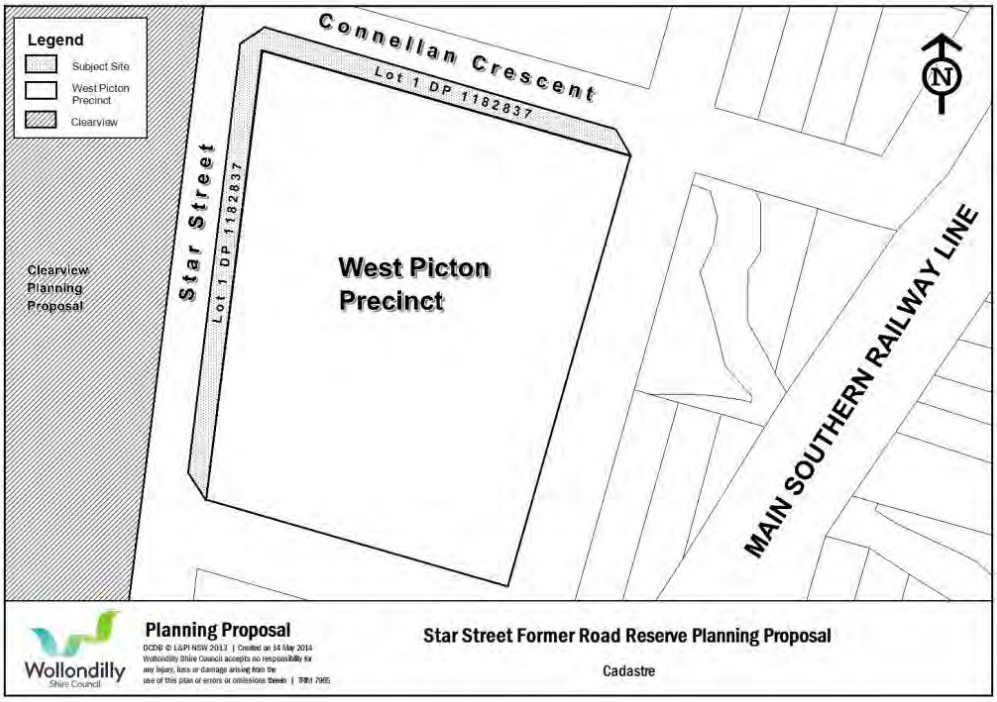
PE1 – Draft Planning Proposal – Star Street – Former Road Reserves

PLANNING & ECONOMY

PE1 **Draft Planning Proposal – Star Street – Former Road Reserves**

41KCAR TRIM 7965

APPLICANT: Planning Ingenuity
OWNER: K Morris Management Pty Ltd



Stage	Completed
Preliminary notification	Friday 2 May 2014
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 complete

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REPORT

EXECUTIVE SUMMARY

- An application for a Draft Planning Proposal has been received for Lot 1 DP 1182837, Star Street and Connellan Crescent, West Picton
- The application proposes changes to the Wollondilly Local Environmental Plan, 2011 to amend the Land Zoning from Zone RU2 Rural Landscape to Zone R2 Low Density Residential and to apply a minimum lot size of 450m^2 and a maximum building height limit of 9m
- The application has been subject to initial notification and there were no submissions received
- There have not been any disclosures of political donations made in regard to this application
- It is recommended:
  - That Council support the planning proposal and amendments to Wollondilly Local Environmental Plan 2011
  - That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination
  - 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
  - That Council requests, given the minor nature of the proposal, that the only specialist Studies to be required is a Phase 1 Preliminary Contaminated Site Assessment and that no consultation with agencies be required.

BACKGROUND

This Draft Planning Proposal applies to Lot 1 DP 1182837 which has been formed from parts of the former Crown Road reserves that adjoin Lot 1 DP 995172 being No's 21-31 Rumker Street, West Picton. Lot 1 DP 995172 also known as West Picton Precinct was rezoned to allow residential development through an amendment to Wollondilly Local Environmental Plan, 2011 which was published (gazetted) on 31 January 2014 as part of the Picton Tahmoor Thirlmere New Urban Lands Planning Proposal.

1.1 Site Description

The subject site comprises 3,713m^2 of land as a continuous relatively flat 10m wide strip adjacent to the northern and western boundaries of West Picton Precinct. This land was previously part of the unformed Crown road reserves of Connellan and Star Streets before being acquired by the current landowner. The site is surrounded by rural land to the north and south. Land to the west is currently subject to a planning proposal known as "Clearview" for the rezoning of rural land to residential. Residential properties are located to the east.

The land on the Star Street side contains several small sheds and is largely cleared, fenced and used for grazing in conjunction with the adjoining property. There is an unsealed vehicle track within the land on the Connellan Street side which is used to access properties to the north. A Section 88B instrument applies to this land and provides a right of carriageway of variable width to benefit lots to the north. The existing 1m wide easement to drain water from the adjoining property to the west has been extended through Star Street onto this site as indicated on the registered plan.

1.2 Description of Application

The purpose of this draft planning proposal is to establish the appropriate land use zone on the site to enable its future redevelopment in conjunction with the West Picton Precinct for low density residential lots with a minimum lot size of 450m^2. It is estimated that the rezoning would allow for the development of an additional five (5) lots at a residential density of between 12-15 lots/ha. This represents a minor increase in the number of lots (approximately 45) anticipated to be developed on the West Picton precinct site.

CONSULTATION

2.1 Consultation with Council Managers and Staff

A meeting was held with Council staff and preliminary comments received are that the proposal is generally supported. There are no major constraints to development of this site other than the potential for contamination as the site has been used for agriculture which is classed as a potentially contaminating activity and would require a preliminary contaminated site investigation. As this planning proposal is of a minor nature and adjoins the West Picton Precinct which was extensively studied as part of the PTT New Urban Lands Planning Proposal, it is considered that studies, other than a Phase 1 contamination study, are not required.

Infrastructure

The Council infrastructure section did not object to the sale of portions of closure of the unformed sections of Crown Road reserve in Starr Street and Connellan Crescent as there is sufficient land to provide a 20m road reserve from the former 30m reserve. As part of the road acquisition by the landowner, the Council requested 10m splays on each corner which have been provided.

Planning
The registered plan as indicated in Attachment 2 includes a right of carriageway (ROW) of variable width of around 3m in the subject 10m wide strip which is part of the unsealed track alongside the unformed Connellan Crescent road reserve. This ROW benefits three landowners to the north. It is anticipated that this ROW will be extinguished with the approval of these three landowners when Connellan Road is constructed as part of the subdivision of West Picton precinct. Council has received a preliminary concept plan for consideration which incorporates the subject land. The timely construction of vehicular access for affected landowners, as part of any future subdivision will be essential to the efficient development of the site.

2.2 Consultation with Public Agencies

Extensive consultation was undertaken with public agencies during the assessment of the PTT New Urban Lands Planning Proposal which included consideration of the West Picton Precinct. The minor nature of this planning proposal adjoining the West Picton Precinct and its purpose to be amalgamated with this land for future subdivision does not warrant the attention of public 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.

No submissions were received during the notification period.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All applications for Planning Proposals are assessed in accordance with the strategies of the Wollondilly Community Strategic Plan (CSP). The following CSP strategies have significance for the application as described below.

EN2 - Growth Management

Apply best practice environmental principles to the management of future growth.

Comment:
The addition of this small section of land will allow this and adjoining land to be used effectively to assist in housing growth.

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EN3 - Development Assessment

Apply best practice environmental principles to the assessment of development and planning proposals.

Comment:
The future potential development of this land is linked to the development of the adjoining land and the assessment of the planning proposal has addressed matters which may have implications in relation to a future development application for subdivision, in particular the ROW.

IN2 - Manage Road Network

Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

Comment:
The subject land was surplus to requirements for provision of a satisfactory road to service the community in this location and will reduce Council costs for ongoing maintenance.

POLICIES & LEGISLATION

- *Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979)*
- *Environmental Planning and Assessment Regulation, 2000 (EP&A Regs, 2000)*
- *Local Government Act, 1993*
- *Standard Instrument (Local Environmental Plan) Order, 2006 (SI Order, 2006)*
- *State Environmental Planning Policies (SEPPs)*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013*
- *Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)*
- *Wollondilly Development Control Plan, 2011*
- *Wollondilly Contributions Plan 2011*
- *Draft Metropolitan Strategy for Sydney to 2031 (Draft Metro 2031)*
- *Draft South West Sydney Subregional Strategy to 2031*
- *Draft Planning Proposal Policy (Draft PP Policy).*

3.1 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 Infrastructure 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 4.9 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.

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 1 is the recommendation of this report.

3.2 Gateway Determination

When a Planning Proposal has been endorsed by Council, it is then forwarded to the Minister for Planning and Environment for a Gateway Determination. The Gateway process is a checkpoint for Planning Proposals before significant resources are committed to carrying out specialist studies and before extensive consultation with public agencies.

As part of the Gateway process, the Minister or his delegate will decide:

- whether the proposal is justified on planning grounds
- whether the Planning Proposal should proceed (with or without variation)
- whether the Planning Proposal should be re-submitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal)
- the community consultation required
- any consultation required with State and Commonwealth Agencies
- whether a public hearing by the Planning Assessment Commission or other specified person or body is required
- the timeframes for the various stages of the procedure to make the draft amendment

- whether the function of making the LEP is to be exercised by the Minister for Planning and Infrastructure or delegated to Council.

3.3 Delegation of Plan-making to Council

It is recommended that Council requests the Minister to grant Council delegation to make this amendment to WLEP, 2011 in accordance with Section 59 to the EP&A Act, 1979.

RELEVANT CONSIDERATIONS

4.1 Draft Sydney Metropolitan Strategy (Draft Metro 2031)
The planning proposal supports recommended strategies to increase the housing supply.

4.2 South Western Sydney Regional Action Plan (2012)
This plan outlines actions broadly across the region aimed at providing more affordable housing options which is a consideration for this planning proposal.

4.3 Metropolitan Plan for Sydney to 2036
The planning proposal supports the need for incremental growth around existing urban centres recommended by this plan.

4.4 Draft South West Subregional Strategy to 2031
New sub regional action delivery plans will be drawn up for Sydney in 2014.

4.5 Section 117 Ministerial Directions
The planning proposal is considered to be generally consistent with these directions.

4.6 State Environmental Planning Policies
SEPP No. 55 – Remediation of Land
Part of the site along Starr Street has been used for agriculture, a purpose which is classed as a potential contaminating activity under the SEPP. Accordingly a Phase 1 Contaminated Site Investigation would be required should a positive Gateway Determination be received.

4.7 Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2014
The subject site falls within the 2km buffer area around a residential zone and therefore is within the coal seam gas exclusion zone.

4.8 Wollondilly Growth Management Strategy

The Growth Management Strategy was adopted by Council in 2011 and outlines future directions for housing and employment growth for the Shire. A set of key policy directions provides a basis for considering whether planning proposals are in accordance with Council's future plans for growth.

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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.*	The proposal, as noted throughout this table, satisfies this Key Policy Direction.
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 proposal is generally consistent with the concept and vision of 'Rural Living' as it provides for increased density of development adjoining the established urban area which ensures land in rural locations is retained for rural purposes.
P3 *All Council decisions on land use proposals shall consider the outcomes of community engagement.*	The planning proposal was notified to the local community for a period of 28 days and at the end of that period no submissions were received. Should the proposal receive a positive Gateway determination further community consultation will be undertaken.
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 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 proposal is considered appropriate as it will facilitate the orderly development of housing in conjunction with the West Picton precinct. Existing infrastructure is to be utilised and where necessary embellished.
Housing Policies	
P6 *Council will plan for adequate housing to accommodate the Shire's natural growth forecast.*	The proposal will contribute in a minor way towards housing growth in the Picton Area.
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 proposal aims to provide low density residential land with a smaller than average lot size to assist in meeting affordable housing needs within the community.

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Key Policy Direction	Comment
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 dwelling density will be in accordance with that proposed on the adjoining West Picton Precinct site and this land will assist in providing an adequate buffer area to the rural land on the northern side.
P10 *Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.*	The land is located adjoining land in the West Picton Precinct which was recently rezoned for low density housing.
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.*	Although there are no employment lands proposed, there will be short-term employment opportunities through the construction jobs associated with the civil and building works. The proposal will also provide stimulus to the local economy by boosting population.
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 site is not proposed to be zoned to facilitate further employment opportunities. Modest opportunities may exist for home business and tradesman residency.
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 imposing unsustainable burdens on Council or the Shire's existing and future community.*	It is anticipated that the site will be able to be serviced with the extension or augmentation of existing infrastructure. There will be a need at the subdivision stage to ensure that the unformed section of Connellan Crescent adjoining the land is constructed prior to the extinguishment of the ROW.

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Key Policy Direction	Comment
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.*	This site will allow for sustainable development of land surplus to road requirements to enable a more efficient use of land for housing in association with the West Picton precinct.
P19 *Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.*	The proposal does not contribute toward dispersed population growth as it proposes urban growth in close proximity to the existing and newly developing residential area.
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.*	This area is included within the Picton Structure Plan as a place suitable for residential development. The proposal contributes toward Council's dwelling target for Picton identified in the GMS.
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.*	This planning proposal has been informed by detailed analysis of site constraints conducted for the West Picton precinct of the PTT New Urban Lands Planning Proposal. There are no identifiable constraints, other than potential contamination, to development of this land in association with the West Picton precinct.
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 proposal will not result in rural land fragmentation but will consolidate land with adjoining residentially zoned land.

4.9 Recommended form of Planning Proposal

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.

4.9.1 Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Zoning Map 008G from Zone RU2 Rural Landscape to Zone R2 Low Density Residential
- Amend the Lot Size Map 008G from a minimum lot size category of 16 hectares to 450m^2
- Amend the Height of Buildings Map 008G from a Maximum Building Height Category of no metres to a Maximum Building Height Category of 9 metres.

4.9.2 Wollondilly Development Control Plan, 2011 (WDCP, 2011)

No amendments are proposed to WDCP 2011.

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.

CONCLUSION

The proposal in the form as described in Section 4.9 to this report is consistent with relevant State, Regional and Local planning strategies to the extent that can be determined at this time. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Infrastructure for a Gateway Determination.

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ATTACHMENTS

1. Aerial photo showing land within planning proposal
2. Registered plan of Lot 1 DP 1182837

RECOMMENDATION

1. That Council support the preparation of a Planning Proposal for land being:

   Lot 1 DP 1182837 Star Street and Connellan Crescent, West Picton to amend Wollondilly Local Environmental Plan, 2011 as follows:

   - Amend the Land Zoning Map 008G from Zone RU2 Rural Landscape to Zone R2 Low Density Residential
   - Amend the Lot Size Map 008G from a minimum lot size category of 16 hectares to 450m^2
   - Amend the Height of Buildings Map 008G from a Maximum Building Height Category of no metres to a Maximum Building Height Category of 9 metres.

2. That the Planning Proposal be 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 Council requests, given the minor nature of the proposal, that the only specialist study to be undertaken be a Phase 1 Preliminary Contaminated Site Assessment and that no consultation with agencies be required.

5. That the applicant be notified of Council's Resolution.

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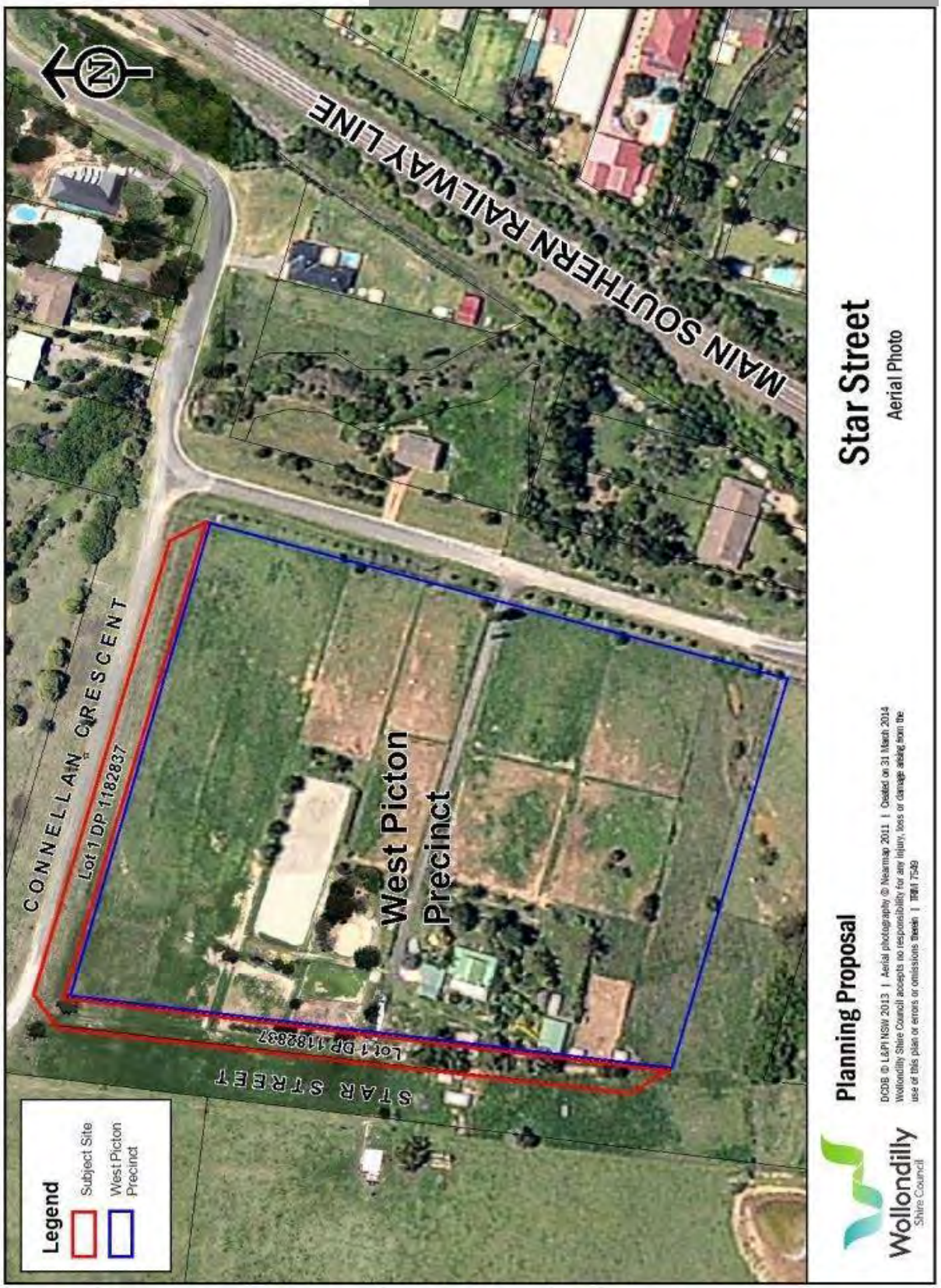
ATTACHMENT 1 - 7965 – 16 JUNE 2014



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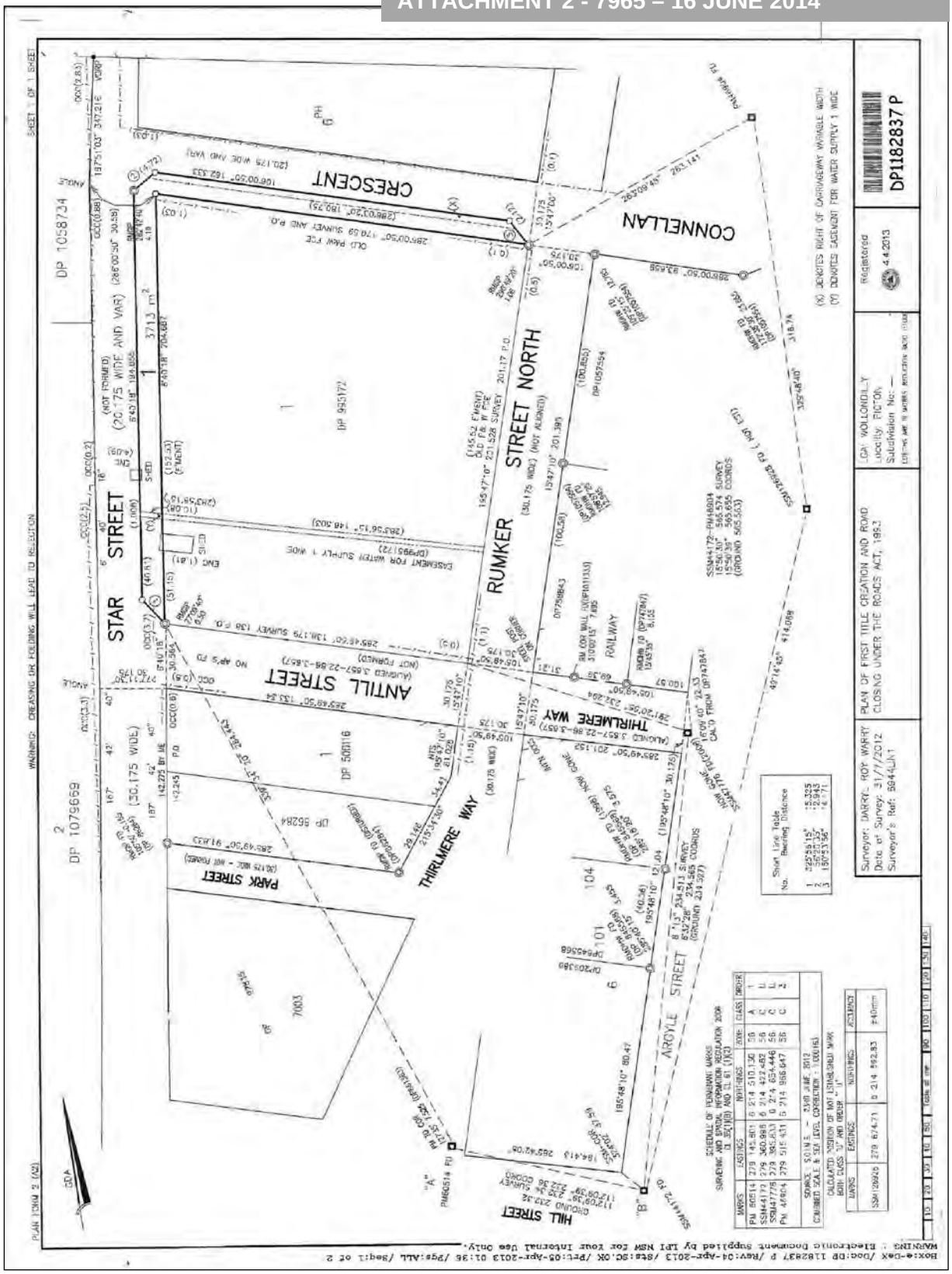
ATTACHMENT 2 - 7965 – 16 JUNE 2014