

*Our Reference: TRIM 6842 KC:SG*

Ann-Maree Carruthers  
Director Sydney Region (West)  
GPO Box 39  
SYDNEY NSW 2001

13 March 2018

Dear Ms Carruthers

**PICTON EAST PLANNING PROPOSAL REQUEST FOR GATEWAY ALTERATION**

Wollondilly Shire Council would like to request an alteration to the Gateway Determination for the Picton East Planning Proposal (PP\_2013\_WOLLY\_002\_00) under section 58 (now 3.35) of the *NSW Environmental Planning and Assessment Act 1979*.

**Background**

Council previously requested a Gateway alteration for this planning proposal in 2016 and the Greater Sydney Commission decided not to issue an alteration. The reasons were that the planning proposal was considered to have departed significantly enough from the original proposal that it constituted a new proposal.

Following that decision, discussions were held with the Department of Planning staff and their main concern was the increased size of that planning proposal when compared to the original proposal. The current revised planning proposal is largely within the original site boundary. The other changes requested were the result of specialist studies and Council was advised to provide adequate information to justify these changes.

**Proposed changes**

The proposed changes to the Gateway Determination are detailed in Attachment 1.

Please find enclosed the following documents to assist in your consideration of this request to alter the Gateway Determination for the Picton East Planning Proposal:

1. **Attachment 1** – Proposed changes and amendments;
2. Council's **Planning Proposal** updated to include the proposed amendments;
3. Department of Planning **Gateway alteration response letter** dated 13<sup>th</sup> September 2016;
4. The **Report** and **Minutes** for the Ordinary Meeting of Council held on Monday 19<sup>th</sup> February 2018 considered the proposed alteration to the Gateway Determination for this planning proposal; and
5. **Specialist studies** that inform the planning proposal changes.

Should you require any further information or clarification with regard to this request please contact Kitty Carter Senior Strategic Planner on phone (02) 4677 8230 or email [kitty.carter@wollondilly.nsw.gov.au](mailto:kitty.carter@wollondilly.nsw.gov.au)

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. Gardiner', written in a cursive style.

Stephen Gardiner  
**MANAGER SUSTAINABLE GROWTH**

## Attachment 1

**Table 1 – Outline of Proposed Changes to the Planning Proposal**

No.	Proposed Changes	Reason for change
1.	Minor changes to the planning proposal site boundary. The site is around 28 hectares which conforms to the size of the original planning proposal.	Minor changes to the original site boundary are required to avoid unstable land detailed in specialist studies.
2.	The E3 Environmental Management (E3) zone in the original proposal is now proposed to be E4 Environmental Living or R2 Low Density Residential.	<ul style="list-style-type: none"> <li>▪ The DPE indicated concern with the proposed E3 zone and lot size.</li> <li>▪ Land in E4 or E2 with significant slope and remnant vegetation has a minimum lot size of 1500 sqm to maintain remnant vegetation and mature trees that add to the scenic nature of the landscape and the heritage character.</li> </ul>
3.	<p>Changing the R3 Medium Density zone (R3) to an R2 Low Density Residential zone (R2).</p> <p>Smaller lot sizes over the whole site.</p>	<ul style="list-style-type: none"> <li>▪ The proposed R3 land included around 1 ha of land to the north west of the site. However most of this land has geotechnical issues.</li> <li>▪ The change to R2 is to encourage single dwellings as the preferred form of development given the site's geotechnical constraints and its location adjoining the Picton Heritage Conservation Area.</li> <li>▪ Smaller lot sizes of 400 – 450 sqm are proposed over most of the site and would provide a higher overall density than the proposed 1 ha of R3 zoned land.</li> </ul>
4.	Additional land zoned E2 Environmental Conservation	<ul style="list-style-type: none"> <li>▪ An ecological assessment of the watercourses and consultation with the Office of Water required an increase in proposed E2 land due to the significant biodiversity around Reeves Creek and the need for riparian buffers to improve water quality.</li> <li>▪ These requirements included the RE1 Public Recreation land that was previously proposed and some of the E3 land.</li> <li>▪ The E2 land may be BioBanked or dedicated to Council and this would enable funding for ongoing management under the biobanking provisions or Council's Land Dedication Policy.</li> </ul>
5.	Remove the proposed RE1 Public Recreation zone (RE1)	<ul style="list-style-type: none"> <li>▪ As noted above RE1 land is now proposed to be E2. There is adequate land for public recreation purposes in the vicinity and adjoining the site in Margaret Street.</li> <li>▪ The E2 Environmental Conservation could be used for passive recreation uses.</li> <li>▪ A proposal to provide access to Vault Hill, for recreation and tourism purposes is proposed under a planning agreement.</li> </ul>

**Table 2 – Current Planning Proposal Objectives**

<b>Objectives or Intended Outcomes</b>	
<b>Current</b>	<b>Proposed outcomes</b>
<i>The intended outcome of the Planning Proposal is to enable the development of the site for the purposes of residential development while ensuring that significant environmental land, open space and riparian buffers are maintained and improved.</i>	The intended outcome of the Planning Proposal is to enable the development of the site for the purposes of residential development while ensuring that significant environmental land is maintained and improved; that residential development is restricted on areas that are potentially geotechnically unstable and; there is limited impact on the existing rural landscape and heritage character of the environs

**Table 3: Explanation of Provisions and Proposed amendments**

<b>Explanation of provisions</b>	
<b>Current</b>	<b>Proposed amendments</b>
<p><i>The proposed outcome will be achieved by:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Amending the Wollondilly Shire LEP 2011 Land Zoning Map (LZN Map) in accordance with the proposed LZN Map shown at attachment 2.</i></li> </ul> <p><i>Amendments to the Wollondilly Shire LEP 2011 Lot Size Map, Height of Buildings Map and potentially the Heritage Conservation Map, Heritage Items Map, Natural Resources Water Map and Natural Resources Biodiversity Map will be determined depending on the outcome of specialist studies.</i></p>	<p>The proposed outcome will be achieved by amending Wollondilly LEP 2011 as follows:</p> <ul style="list-style-type: none"> <li>▪ Amend the Land Zoning Map to R2 Low Density Residential, E4 Environmental Living and E2 Environmental Conservation.</li> <li>▪ Amend the Lot Size Map to a minimum lot size of 400sqm, 450sqm, 700sqm and 1500sqm for R2 land, 1500sqm for E4 land and 7ha for E2 land.</li> <li>▪ Amend the Height of Buildings Map to a maximum building height of 9 metres.</li> <li>▪ Amend Part 7 Additional Local Provisions to include a clause entitled "Landslip Risk" and prepare an accompanying map detailing areas of landslip risk on the site that would require further investigation at the development application stage.</li> </ul> <p><i>A minimum lot size for the residual rural land on the remainder of Lot 106 DP111043 and Lot 2 DP 229679 outside the rezoning site shall also be determined depending on the outcome of the Gateway alteration. A minimum lot size on this land is required for operational purposes to enable future subdivision of the rezoned land. Additional land may also be included on the Natural Resources Water Map as determined by specialist studies.</i></p>

## Addressing Gateway Determination conditions

**Table 4 – Addressing Gateway Determination conditions.**

No.	Gateway Condition	Comment
1.	<i>Prior to undertaking public exhibition, the maps are to be updated to consistently identify the subject land, consistent with Council's resolution. The 'subject land' is to only include land which is proposed to be rezoned and the proposal is to be clear on whether it applies to land currently zoned RE1 Public Recreation. Council is to consider including land to the immediate west of the subject land, which is zoned RU2 Rural Landscape as part of this rezoning.</i>	<ul style="list-style-type: none"> <li>▪ The maps indicate which land is proposed to be rezoned. However the residual rural land will require a change in the minimum lot size for operational requirements to enable the rezoned land to be subdivided in the future.</li> <li>▪ The land proposed to be rezoned does not include land currently zoned RE1 Public Recreation.</li> <li>▪ The land identified as <i>land to the immediate west</i> adjoins the property but does not immediately adjoin the site. There are no proposed links to this land and therefore it is not proposed to be added to this planning proposal.</li> </ul>
2.	<i>Council is to update the planning proposal to address acquisition arrangements for land proposed to be zoned RE1 Public Recreation, including identifying any necessary changes to the Land Reservation Acquisition Map. This will enable consistency with S117 Direction 6.2 reserving Land for Public Purposes to be determined.</i>	The revised proposal no longer includes RE1 Public Recreation land and therefore it is requested that this condition be removed.

