

PE1 - Planning Proposal – Stargard Crescent, Picton.

WOLLONDILLY SHIRE AND ITS PLANNING & ECONOMY

PE1

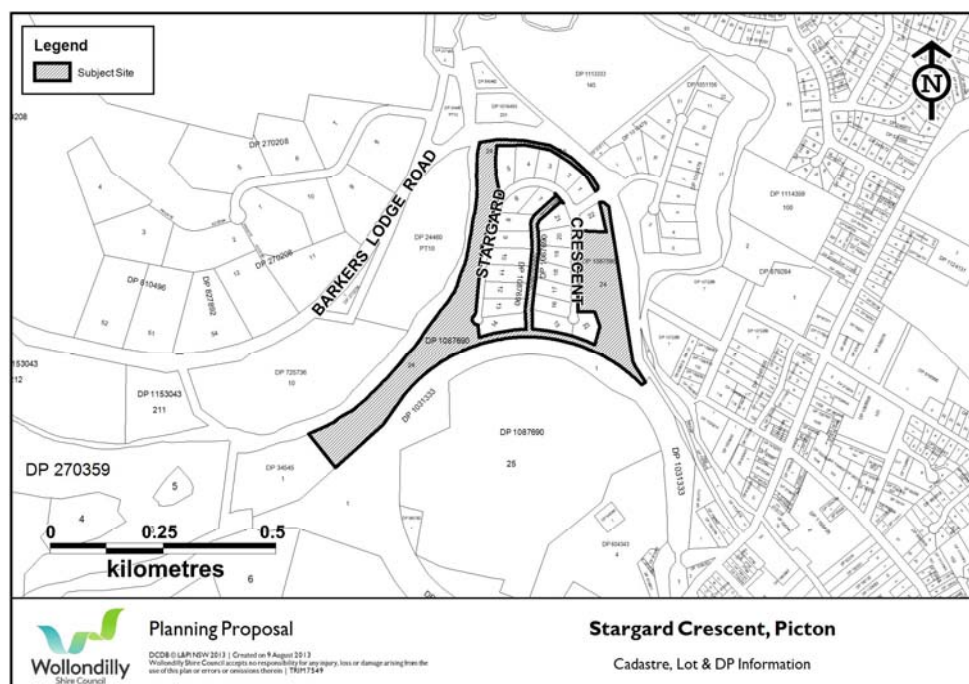
Draft Planning Proposal – Stargard Crescent, Picton

41KCAR

TRIM 7549

APPLICANT: J & R Corbett

OWNER: J & R Corbett



Stage	Completed
Preliminary notification	July 2013
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

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REPORT

EXECUTIVE SUMMARY

- An application for a Planning Proposal has been received for Lot 24 DP 1087690 Stargard Crescent, Picton
- The application proposes changes to the Wollondilly Local Environmental Plan, 2011 to amend the Land Zoning from RE2 Private Recreation to R5 Large Lot Residential
- The application has been subject to initial notification and there were 2 (two) submissions in response 1 (one) in objection and 1 (one) neutral
- There have not been any disclosures of political donations made in regard to this application
- It is recommended:
 - That Council support the draft Planning Proposal to rezone land at Stargard Crescent, Picton to allow for large lot residential development.
 - That the draft Planning Proposal be forwarded to the Department of Planning & Infrastructure for a Gateway Determination; and
 - That the persons who made submissions regarding the draft Planning Proposal be notified of Council's decision.

BACKGROUND

1.1 Site Description

The site has an area of 9.06 hectares and is located west of the Picton Town Centre. It is situated south and west of Barkers Lodge Road, adjacent to Stonequarry Creek and north of the main southern railway. A small dam is located on site with the remainder undeveloped. Neighbouring properties to the north and south are rural landholdings, with those to the west being large lot residential properties. The largest portion of the site slopes relatively steeply towards Barkers Lodge Road and Stonequarry Creek. The site is heavily vegetated along Stonequarry Creek, with the remainder mainly consisting of grassed land.

PE1 - Planning Proposal – Stargard Crescent, Picton.**1.2 Development History**

An application for development to allow subdivision was lodged in December 2010 when Wollondilly LEP 1991 was still in force. That application was later modified to include dwellings for five (5) of the proposed lots. On 20 February 2012 Council granted approval for a six (6) lot subdivision and five (5) dwelling houses, subject to a number of conditions including registering a subdivision plan, having 16m setbacks from Stargard Crescent, dwellings having specific colours and two (2) of the buildings being acoustically treated because of their close proximity to the Rail Corridor.

The RE2 Private Recreation Zone (RE2) for this land came into force when Wollondilly LEP 2011 was published (gazetted) in February 2011. Under the provisions of the RE2 zone dwelling houses are prohibited. Therefore the only dwelling houses able to be built are those approved by the aforementioned development approval. Any alterations to the approved dwellings must be within the scope of Section 96 of the Environmental Planning and Assessment Act, 1979.

This site was zoned 1(c2) (Rural “C2” Zone) (1(c2)) under the now repealed Wollondilly Local Environmental Plan 1991 (Wollondilly LEP 1991). Clause 12(3) in Wollondilly LEP 1991 allowed the subdivision that was approved by the 2012 consent.

Under Wollondilly LEP 2011 the site is partly zoned RE2 and a corridor along Stonequarry Creek is zoned RE1 Public Recreation (RE1). However the land zoned RE2 is constrained in terms of its shape, size and topography in terms of its use for private recreation purposes.

It is also a risk that potential uses of the site for private recreation purposes may create land use conflict with the adjacent residential development. It is intended to change the RE2 portion of the site to R5 Large Lot Residential (R5) in conformity with the existing adjoining zoning and maintain the existing RE1 corridor along Stonequarry Creek.

This proposed change would permit a range of dwelling houses on the approved lots and would also prohibit a range of land uses that are permitted under the RE2 zone but unsuitable in this location.

1.3 Description of Application

The aim of this planning proposal is to provide a more appropriate large lot residential zone for the majority of the subject land whilst preserving the appropriate RE1 zone.

The intended outcomes of the Planning Proposal are as follows:

- To change the zone to one that is more compatible with the approved development and adjoining land uses.
- To provide certainty and security for existing and future residents with regard to the permissibility of residential development on this site.

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In order to achieve this outcome the following amendments to Wollondilly LEP 2011 are proposed for Lot 24 DP 1087690:

- Change the part of the Land Zoned on the Map LZN 008F from Zone RE2 Private Recreation to Zone R5 Large Lot Residential; and
- Change the Lot Size Map LSZ 008F (for the current RE2 Zone) from no minimum lot size to a minimum lot size of 3,000 m².

CONSULTATION

2.1 Consultation with Council Managers and Staff

There were no concerns raised by Council staff in relation to the proposed rezoning of this land.

As part of the previous development application for the subdivision of this land matters such as waste water, geotechnical concerns, noise, weed management, traffic, stormwater, heritage and visual impact were assessed by Council staff. The following specialist studies were undertaken for that development application:-

- Onsite Wastewater Feasibility Study
- Environmental Noise Assessment
- Geotechnical Instability Assessment
- Flood Level Assessment
- Weed Management Plan

2.2 Consultation with Public Agencies

It is considered that the minor nature of this proposal will not significantly alter the current development approval for the site and does not warrant consultation with State and Commonwealth public authorities.

Identified issues and constraints, such as stormwater management, noise control, wastewater management, visual impacts and weed management were addressed as part of the development application for subdivision and dwelling approval.

Despite the minor nature of the draft proposal, the Gateway determination may still outline requirements for consultation with other Government Departments and agencies. There will also be further community consultation should the proposal progress.

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.

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A total of 2 (two) submissions were received and of these submissions; 1 (one) objected, 0 (nil) supported and 1 (one) submission was neutral.

The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

Issue Raised	Assessment Comment
A request was made for information on the advantages and disadvantages of changing the zone.	The proposed zone will ensure that future development will be compatible with the current residential development which will benefit existing and future residents and will allow flexibility in the choice of houses for the owners of the 5 lots approved by Council. There are not considered to be any disadvantages associated with changing the zone to R5.
Concerns that the previous planning requirements for lots 25, 26 & 27 Stargard Crescent have not been adhered to;	Development consent requirements in relation to subdivision were met for the subdivision certificate to be approved. The dwellings have not been constructed.
The rezoning of the land to R5 overlooks existing houses;	Maintaining the privacy of current dwellings is important and would be a consideration at development application stage for any future dwelling proposed or controlled through complying development provisions.
Concerned that the condition requiring Stargard Crescent be widened by 2 metres may be over-ruled by a future road transport study;	The planning proposal would not modify the relevant development consent. Any requirement to modify road widths would be subject to a separate process under Section 96 of the Environmental Planning and Assessment Act, 1979 or a new DA. Road widths are normally determined on the basis of traffic generation and are unlikely to change as a result of this planning proposal.
There is no need for the unaffected portion of the original lot 24 to be rezoned to R5. If the rezoning of lot 24 went ahead then potentially the whole of the remaining lot would be allowed to be developed for housing (R5 Large Lot Residential).	The rezoning area ties in with the approved subdivision plan and the remaining portions of land are severely constrained by slope, size and shape and would not be conducive for development. It would be unfeasible to have small slithers of Private Recreation land remaining.

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Issue Raised	Assessment Comment
This would be at odds with the original development and would severely impact on the whole estate amenity;	There would be limited potential for further subdivision of the small portions of land and there would be potential for including the land in existing lots. Any future proposal for residential development would undergo the same assessment required for all residential proposals in the Wollondilly Shire. While it is not recommended, the planning proposal could be further amended to impose a larger minimum allotment size on the residual allotment to prevent further subdivision. This is not recommended because one possible outcome for the residual allotment is for it to be sold to the owners of the residential allotments in Stargard by way of boundary adjustments. Preventing this possibility is not considered to be a positive planning outcome.
There are concerns that the proposal should meet the key policy directions in the growth management strategy as regards the provision of low cost housing	Low cost housing is required in the Shire but given the proposed minimum lot size of 3,000m ² it is unlikely that such housing would be provided on this site in this location. The site is not considered desirable for low cost housing based on access to services and infrastructure. The density that is generally required for low cost housing is not feasible on this site.

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.

Community

- CO-1 *The safety, health and well being of the Wollondilly community is improved*
- CO-3 *Wollondilly community is more engaged, more caring and more inclusive*

A zone which is more compatible with the adjoining land will lead to a more cohesive community and an improved amenity for existing and new residents. The proposal will retain public recreation land for the amenity of local residents.

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Environment

- E-1 The Shire's natural environment is protected and conserved*
EO-2 The impact of existing and new development on the environment is reduced.

The proposal will maintain the rural character through large allotments and the retention of bushland along the creekline in a public recreation zone which will also assist in improving local biodiversity.

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)
- Draft amendment to the 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 Infrastructure. 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.

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2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 4.3 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 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 Infrastructure 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 request the Minister to grant Council delegation to make this amendment to WLEP, 2011 in accordance with Section 59 to the EP&A Act, 1979 and relevant Planning Circulars.

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The planning proposal is in accordance with the Metropolitan Plan as it supports further residential development.

4.2 Wollondilly Growth Management Strategy

Council's GMS was adopted by Council in 2011. Planning Proposals are required to be assessed against the GMS to determine whether they should or should not proceed.

The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. The revised Planning Proposal is generally consistent with the strategy.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the draft proposal:

Key Policy Direction	Comment
<i>General Policies</i>	
<i>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.</i>	The proposal, as noted throughout this table, satisfies this Key Policy Direction.
<i>P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)</i>	The draft proposal is generally consistent with the concept and vision of 'Rural Living'.
<i>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	The planning proposal was notified to adjoining and nearby landowners.
<i>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations regarding this draft proposal and therefore this Key Policy Direction has been satisfied.
<i>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</i>	The draft proposal represents a logical rezoning of the subject site for low density residential purposes in keeping with adjoining land uses. Within the constraints of the site the proposal is considered appropriate as it will facilitate an extension of an existing urban area.

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Key Policy Direction	Comment
<i>capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</i>	Existing infrastructure is to be utilised and embellished.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The draft proposal contributes toward Council's dwelling target for Picton as outlined in the GMS.
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 proposed developed will make a small contribution towards providing a 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 proposed large lot residential development is on the edge of the Picton.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	Proposal consistent.
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	Not applicable.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to	There is unlikely to be a significant amount of employment generated by the existing private recreation zone given the site constraints.

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Key Policy Direction	Comment
<i>create employment opportunities in different sectors of the economy in appropriate areas.</i>	Modest opportunities exist for home business and tradesman should the land be rezoned to permit residential development.
Integrating Growth and Infrastructure	
P17 <i>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.</i>	The properties will be able to be serviced by essential infrastructure. In accordance with the conditions of approval for the Development Application: - - Wastewater will be disposed of via an onsite sewage management system; - Buildings will be acoustically treated because of the proximity of the site to the railway line; - A weed eradication and management plan will be prepared; - Road access from Stargard Crescent to the building envelope of approved lot 28 and the widening of Stargard Crescent by 2.0 metres along the front of approved lots 24, 25, 26 and 28 will be required; & - Drainage / stormwater needs to be properly managed.
P18 <i>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.</i>	The site is located adjacent to an existing residential estate in Stargard Crescent, Picton. Minimal new infrastructure will be required.
P19 <i>Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The draft proposal does not contribute toward dispersed population growth; it proposes urban growth adjacent to Picton.
P20 <i>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.</i>	The proposed dwellings will make a very small contribution towards accommodating growth in Picton.
Rural and Resource Lands	
P21 <i>Council acknowledges and seeks to protect the special economic, environmental and</i>	The subject land does not contain any remnant ecologically significant vegetation and is not located within the Sydney drinking water

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Key Policy Direction	Comment
<i>cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</i>	catchment. The proposal will not result in any adverse environmental impacts.
P22 <i>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.</i>	Key Policy Direction P22 is not applicable to the draft proposal.

4.3 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.

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

The proposed amendments to WLEP 2011 are described below:

- Amend the part of the Land Zoned Zone RE2 Private Recreation to Zone R5 Large Lot Residential as shown in Attachment 2
- Amend the Lot Size Map for the above land to a minimum lot size of 3000m².

4.3.2 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. This needs to be considered in the adopted budget and forward estimates.

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CONCLUSION

The proposal in the form as described in Section 4.3 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.

ATTACHMENTS

1. Aerial view of site
2. Proposed zoning of site

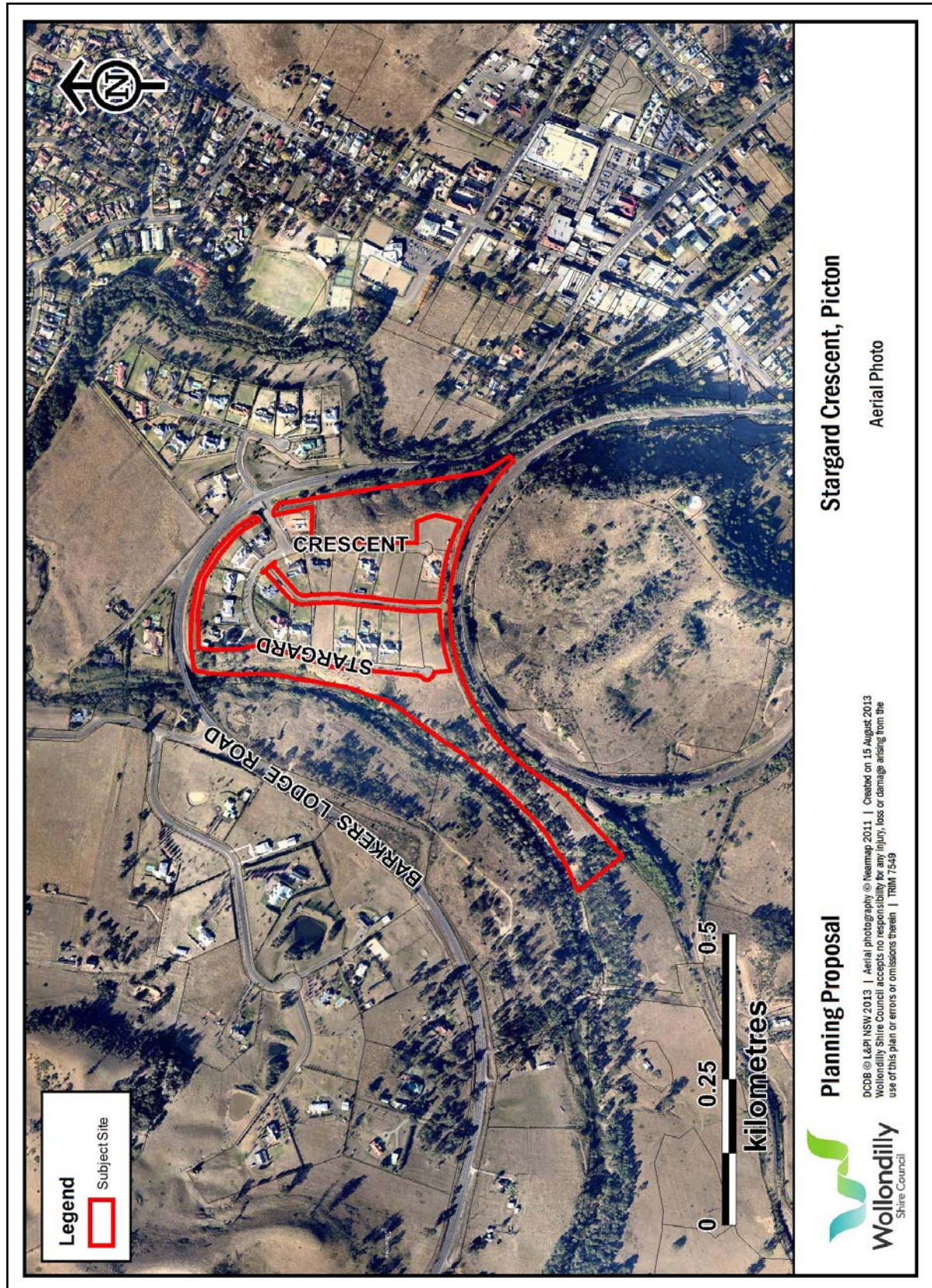
RECOMMENDATION

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

Lot 24 DP 1087690 Stargard Crescent, Picton to amend Wollondilly Local Environmental Plan, 2011 as follows:
 - amend the land shown as Zone RE2 on the Land Zoning Map to R5 Large Lot Residential
 - amend the Lot Size Map for this land to a minimum lot size of 3000m².
2. That the Planning Proposal be forwarded to the Department of Planning and Infrastructure 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 - 7549 - 16 SEPTEMBER 2013



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ATTACHMENT 2 - 7549 - 16 SEPTEMBER 2013

