

Planning and Economy

199/2014 Resolved on the Motion of Crs Landow and Law:

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

PE4 – Draft Planning Proposal on Land Adjacent to the Mushroom Tunnel

PE4

Draft Planning Proposal on Land Adjacent to the Mushroom Tunnel

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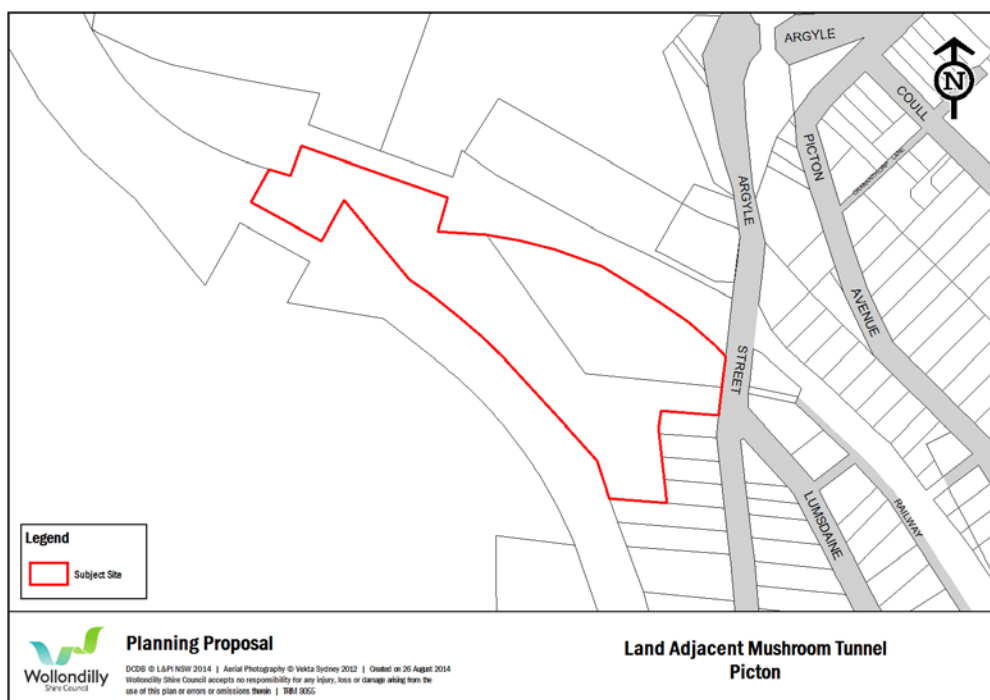
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APPLICANT:

Michael Brown Planning Strategies

OWNER:

Mr J C Barrow



Stage	Completed
Preliminary notification	21 May to 18 June 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 completed

PE4 – Draft Planning Proposal on Land Adjacent to the Mushroom Tunnel

Note from General Manager: This matter was considered at the September 2014 Council meeting where, following a tied vote it was 'laid on the table' for consideration at a future meeting. This report is now resubmitted for Council's determination.

REPORT

EXECUTIVE SUMMARY

- Council has received a Planning Proposal for No. 233-239 Argyle Street, Picton (Lots 1 and 2 in DP 223667)
- The Planning Proposal seeks to changes to the Wollondilly Local Environmental Plan, 2011 to amend the land use zone from RU2 Rural Landscape to R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation
- The application has been subject to initial notification and there were four (4) submissions in response, two (2) in objection and two (2) neutral
- There have not been any disclosures of political donations made in regard to this application
- It is recommended:
 - That Council support the preparation of a Planning Proposal for Lot 1 and 2 in DP223667 (No. 233-239 Argyle Street, Picton).

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map from RU2 Rural Landscape to R5 Large lot Residential and R2 Low Density Residential
- Amend the Lot Size Map from a minimum lot size of 16 hectares to 450m² and 1250m² as appropriate
- Amend the Height of Buildings Map to include a height limit of 9 metres.

BACKGROUND

1.1 Site Description

The site is located within walking distance of Picton town centre and has frontage to Argyle Street. It is bound by existing zoned R2 Low Density Residential areas to the south and east a railway embankment along the south-western boundary and RU2 Rural Landscape land to the north.

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The site is currently zoned RU2 Rural Landscape under the Wollondilly LEP 2011. The total land area of the site is 4.071 hectares and it comprises 2 parcels of land (Lot 1 & 2 in DP 223667).

The site contains no existing structures and is vacant.

1.2 Description of Application

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

- Amend the Wollondilly LEP 2011 Land Zoning Map to rezone the site from RU2 Rural Landscape to R2 Low Density Residential and R5 Large Lot Residential and RE1 Public Recreation
- Amend the Wollondilly LEP 2011 Lot Size Map from 16ha to a minimum of 450m² in the proposed R2 zone and 1250m² in the proposed R5 zone
- Amend the Wollondilly LEP 2011 Height of Buildings Map to provide a maximum height of 9m.

CONSULTATION**2.1 Consultation with Council Managers and Staff**

A preliminary meeting was held with council staff and the preliminary comments received are that the proposal is generally supported. The following initial observations were provided:

Topic	Summary of Comments
Drainage & Flooding	▪ Drainage has not been an issue for previous development proposals for the site ▪ A stormwater study is required to determine whether on-site drainage is required.
Flora & Fauna	▪ A flora & fauna study will be required ▪ The vegetation is likely to be limited in terms of protected species.
Traffic & Transport	▪ Consideration will need to be given to the design of any access point if additional land is to be included within the planning proposal.
Planning	▪ Consideration should be given to reviewing whether the existing RU2 Rural Landscape land use zone on land near to the site is appropriate in view of the Wollondilly Growth Management Strategy and the context of the area

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Topic	Summary of Comments
	- If the adjacent land is to be included within the planning proposal it should be ensured that any future subdivision would not preclude access further to the north so that future development in the area in line with the GMS is not prevented - Rezoning land in the vicinity of the Mushroom Tunnel may present an opportunity to enhance the setting and access to this listed item and design out ongoing antisocial behaviour issues that affect the site.
Soil	- Geotech issues will affect the site. - Salinity could be an issue with the site.
Public Recreation Land	- Concerns raised with the proposed RE1 land as it would be expensive to maintain. There are issues with weed resilience - Concerns with the isolated nature of this land and difficulties with access - Open space should be central to the development.
Noise	A study is required to consider noise and vibration, particularly with freight trains.

2.2 Consultation with Public Agencies

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 four (4) submissions were received and of these submissions two (2) objected and two (2) submissions were neutral.

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

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Issue Raised	Assessment Comment
<i>Rural Living</i> ▪ The proposed small lot sizes do not accord with a town that premises itself on Rural Living. ▪ The proposed development will detract from the aesthetics of the area and put enormous strain on existing infrastructure. ▪ Growth should not have a negative impact on existing residents in an area that promotes rural living. ▪ Dividing the land into 33 lots would not be in keeping with the 9 “Rural Living” Principles stated on Wollondilly Council’s website and which Picton proudly promotes. ▪ A lot size of 1,500 to 2000 would be more appropriate with keeping a rural community aspect. ▪ Rezoning the whole site to R5 Large Lot Residential rather than R2 Low Density Residential would be more appropriate if 450sq.m lots are considered “low” density residential.	▪ The site’s location and proposed land use zone are considered to be consistent with the Wollondilly Growth Management Strategy. In particular, the subject site is identified as a “Potential residential growth area” within the Structure Plan for Picton. ▪ Adjoining R2 Low Density Residential areas to the south and east have a minimum lot size of 700m². This is not to say that 450m² is not appropriate as there are other areas within Picton with a minimum lot size of 450m², however further consideration needs to be given to determine an appropriate minimum lot size. It may be that, after further investigation, lots with a frontage to Argyle Street have a larger minimum lot size to maintain the existing streetscape. ▪ Although the land is rurally zoned, it is located between Picton town centre and existing residential area and could be considered as infill development.
<i>Services</i> ▪ An increase in population will place extra strain on local medical services which already barely copes with the existing demand. ▪ Concern raised that additional housing will place further strain on existing police services. Development next to the mushroom tunnel will encourage more young people in the area to disturb the peace late at night and increase the	▪ If the Planning Proposal progresses consultation will be undertaken with government agencies and council staff to determine the capacity of existing services. However, it may be that additional growth in Picton will improve the viability of additional services. ▪ If the Planning Proposal progresses the NSW Department for Education and

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Issue Raised	Assessment Comment
incidents of vandalism in the area. Concern with the amount of growth without additional school provision when existing schools are at capacity.	Communities would be consulted as part of the Gateway/planning process.
<i>Traffic and Transportation</i> - The number of lots will dramatically increase traffic on an already busy main road. - Concern raised over the potential hazard of cars leaving and entering the subject site combined with school traffic related traffic in opposite Lumsdaine Street. - Concern raised with additional traffic entering a section of Argyle Street which is already affected by heavy vehicles and associated noise with heavy breaking just before the bend under the railway line, speeding traffic. - Argyle Street unable to cope with present traffic levels. - Entrance to the subject site at intersection with Argyle and Lumsdaine streets will exacerbate congestion at peak traffic times associated with the school. 3 of the 4 submissions raised concern with the safety/congestion of the intersection of Argyle and Lumsdaine Streets. - There have been a number of vehicle accidents in this section of Argyle Street over the past 9 and a half years. - If there is additional traffic council should further investigate possibilities to divert traffic travelling to and from south of Picton with an alternate route.	- If the Planning Proposal progresses a traffic study will be required. Any traffic study will need to consider the peak traffic periods relevant to the site. - Council's Infrastructure Planning team have identified the access point to the subject site as a matter for consideration.

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Issue Raised	Assessment Comment
▪ Consideration should be given to a pedestrian crossing or pedestrian refuge outside Picton Primary School. ▪ Incorporation of additional land would allow for traffic to and from Argyle Street to be considered for the whole precinct with greater benefits for existing and future road users. ▪ Pedestrian access to the school, public transport and town centre have not been addressed.	
<i>Drainage & Flooding</i> ▪ Concern raised with the natural water causeway, especially after heave or long periods of rain. Any change to this natural causeway could put the surrounding existing dwellings at risk of flooding or water erosion. ▪ Removal of vegetation will cause even more water runoff from the surrounding hills place even further strain on the drainage system. ▪ Development of the site depends on drainage works further downstream. These should be completed prior to any increased usage of this site. ▪ Retention basins should be incorporate into the drainage design and layout of lots.	▪ If the Planning Proposal progresses it will need to establish that it is consistent with Direction 4.3 Flood Prone Land issued by the Minister for Planning under section 117(2) of the <i>Environmental Planning and Assessment Act 1979</i>. ▪ Further consideration of drainage & flooding will need to be given if the planning progresses. This may include a preliminary flood assessment and/or Stormwater management plan.
<i>Flora and Fauna</i> ▪ Concern that local fauna will be affected by future development if the site is rezoned (e.g. wallabies). ▪ The removal of trees will remove the homes of many indigenous bird species.	▪ If the Planning Proposal progresses a flora and fauna study will be required.

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Issue Raised	Assessment Comment
<i>Contamination</i> Concern that asbestos and other hazardous materials may still be present in the vicinity of the mushroom tunnel.	- If the Planning Proposal progresses it will need to demonstrate that it is consistent with applicable State Environmental Planning Policies including SEPP 55 – Remediation of Land. - Related to the above a site contamination assessment will be required to demonstrate that the land is suitable for rezoning for residential purposes.
<i>Access & Maintenance</i> Concern raised with removal of the existing access to the railway line and the affect this will have on the ability to maintain the service road and existing drainage ditch.	- The owner of the railway line was notified of the draft Planning Proposal along with other adjoining land owners. No submission has been made by the State Rail Authority in response to the proposal. - Access to the railway line is available over adjoining Lot 2 DP813474 (through the Mushroom Tunnel) which is legally protected by a Right of Carriageway.
<i>Height</i> - Concern with the height of future dwellings and the affect this will have on solar access and privacy for existing dwellings. - Development should be restricted to single storey to be in keeping with surrounding development, protect the privacy of existing dwellings, and to maintain a look which is not “built up”. - A building height of 15m was suggested as the hills to the rear will dwarf such buildings and dominate the skyline.	- A height limit of 9m is considered appropriate for the site. This is consistent with the maximum height limit which currently applies within the Wollondilly LEP 2011 to residential adjoining the site to the east and south which is zoned R2 Low Density Residential. A maximum height limit would permit 2 storey development. - A height limit of 15m would be unprecedented for Picton as all residential areas within Picton

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Issue Raised	Assessment Comment
	currently have a maximum height limit of 9m. On the basis of information provided to date, there is no basis for varying this height limit.
<i>RE1 Public Recreation Land</i> • It is unclear what the area of open space will be used for. • The land identified for RE1 appears to reflect an area of the site not considered ideal to build on rather than creating an open space for public recreation purposes or trying to conserve and enhance elements of the natural landscape. • Reference made to existing issues with afterhours visitors to the Mushroom Tunnel and that the location of the proposed open space has the potential to cause similar issues as it is unseen and is in close proximity to the mushroom tunnel.	▪ Preliminary consultation with council officers suggests that there is little benefit to the community in rezoning the land to RE1 Public Recreation due to the isolated nature of this site, the maintenance costs if acquired and need. If the Planning Proposal progresses further consideration will need to be given to the suitability of the proposed zone including a referral to the Council's Land & Property Panel. ▪ Inclusion of additional land to the north of the subject site could provide an opportunity to improve the setting and surveillance of the Mushroom Tunnel through the design of any future residential development at this site. The preparation of a site specific Development Control Plan to accompany the Planning Proposal is considered essential to realising this.
<i>Planning</i> ▪ The Planning Proposal is short-sighted and is a spot rezoning. A precinct wide planning proposal should be pursued. ▪ The Planning Proposal should include surrounding lots 2, 101, 100, 4 and 25. ▪ Residential infill development at the subject site should encourage a higher density than that proposed.	▪ Rezoning land specifically to allow for tourist accommodation and restaurant uses is not considered necessary as there is insufficient evidence to justify this zone. However, it is noted that the Wollondilly LEP 2011 already contains a heritage incentives clause (clause 5.10(10)) that allows consideration of development

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Issue Raised	Assessment Comment
▪ Suggestion of tourist / accommodation / restaurant use be accommodated within the planning proposal as part of plan of management for the site to address miss-use of the Mushroom Tunnel. ▪ No car parking facilities are shown for the proposed open space/look out. ▪ Reference made to Council's intention to construct a look out on nearby land. It's time to explore open space, look outs, parking access and use of the mushroom tunnel site in conjunction with this planned open space site.	for any purpose which would not otherwise be allowed subject to five (5) criteria. ▪ There is considered to be merit in a separate future planning proposal for Lot 2 DP 813474 (owned by the Council) and Lot 101 DP1078420 as this land is identified within the Wollondilly Growth Management Strategy as a potential residential growth area. ▪ There is not considered to be merit in the inclusion of Lot 4 DP604343 (owned by the Council) and Lot 25 DP1087690 as there are significant constraints to the development of these sites which are unlikely to be overcome at this time. ▪ It has already been noted that further consideration needs to be given to the appropriate lot size/density for development. ▪ The Planning Proposal seeks to rezone the land and will not provide planning permission to a specific development. Subsequently, the matter of car parking for a potential open space areas would be too detailed and is not considered relevant to this Proposal.
Sewerage ▪ Existing residential development on small lots zoned RU2 and located near the subject site cannot connect to sewerage due to their rural land zone. These properties should be rezoned as part of this planning proposal.	▪ This is a matter for Sydney Water.

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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.

CO4 - Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Comment:

Preliminary consultation with the community has been undertaken and the submissions received have been considered in this report. Further consultation with the community and stakeholder will be undertaken during the formal public exhibition if the planning proposal is supported.

EN1 - Biodiversity Resilience

Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems.

Comment:

If the Planning Proposal progresses specialist studies will be required to establish that the development of the land for residential purposes will not have an unacceptable effect on the environment.

EN2 - Growth Management

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

Comment:

Rezoning land within the existing Picton urban area for residential use forms part of a sustainable approach to future growth.

EN3 - Development Assessment

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

Comment:

There is considered to be strategic merit in rezoning the subject site for residential purposes. If the draft Planning Proposal progresses, the Gateway Process will involve the preparation of specialist studies to inform the Planning Proposal and determine the suitability of the land for residential development.

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- 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 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 4.5 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.

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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.

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 Environment or delegated to Council.

3.3 Delegation of Plan-making to Council

If Council owned land is to be included within the planning it is recommended that Council does not 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 Planning Circular. This is not the recommendation of this report.

RELEVANT CONSIDERATIONS**4.1 Metropolitan Plan for Sydney to 2036**

The Planning Proposal is in accordance with the Metropolitan Plan as it supports further residential development in a convenient location to services and facilities.

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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.

4.3 State Environmental Planning Policies (SEPP's)

Further information is required to establish the proposed amendments to the Wollondilly LEP 2011 are consistent with all relevant SEPP's.

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.

4.4 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.	This Planning Proposal is generally consistent with the key Policy Directions and Assessment Criteria contained within the GMS. In particular, the subject site is identified for 'Potential residential growth areas' within the Picton Structure Plan which forms part of the GMS. Further information is required to establish the Planning Proposal's suitability against key policy direction P21.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	This Planning Proposal is consistent with the concept and vision of 'Rural Living'.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	A total of four (4) submissions were received during the initial consultation period and of these submissions; two (2) objected and two (2) submissions were neutral.

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Key Policy Direction	Comment
	The outcomes of this consultation have been considered and are 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 subject site is located directly adjacent to existing R2 Low Density Residential zoned areas within Picton and could be considered infill development in terms of the characteristics of development along this section of Argyle Street.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	This Planning Proposal would make a small contribution toward Council's dwelling target for Picton outlined in the GMS. The subject site is identified for 'Potential residential growth areas' within the Picton Structure Plan which forms part of 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 Planning Proposal, in its current form, proposes a mix of minimum lots sizes of 450m ² and 1250m ² .

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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 proposal is consistent with this direction as it proposes minimum lot sizes of 450m ² and 1250m ² in close proximity to Picton town centre.
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 is consistent with this key policy direction as the subject site would integrate into the existing Picton urban area.
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. This proposal has the potential to create short-term employment opportunities through the construction jobs associated with the civil and building works.
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.	See comment for P15.
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 site is located adjacent to the existing Picton urban area and is expected to be able to utilise existing infrastructure. Developer contributions payable at the development application stage will partially fund the necessary local infrastructure required to support any future development.

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Key Policy Direction	Comment
imposing unsustainable burdens on Council or the Shire's existing and future community.	
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 key policy direction as the subject site is well located in terms of the existing Picton urban area and proximity to Picton town centre.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The Planning Proposal is consistent with key policy direction as the subject site is well located in terms of the existing Picton urban area and proximity to Picton town centre. The subject site is identified for 'Potential residential growth areas' within the Picton Structure Plan which forms part of the GMS.
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.	The Planning Proposal is consistent with key policy direction as it would provide population growth associated with the Picton area. The subject site is identified for 'Potential residential growth areas' within the Picton Structure Plan which forms part of 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.	If a Gateway Determination is received further studies would be required to consider the sites suitability against issues such as aboriginal heritage, bushfire impacts, impacts on the Hawkesbury-Nepean River, geotechnical, loss of agricultural land.

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Key Policy Direction	Comment
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.	Key Policy Direction P22 is not applicable to this Planning Proposal.

4.5 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.

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

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Zoning Map from RU2 Rural Landscape to R5 Large lot Residential and R2 Low Density Residential
- Amend the Lot Size Map from 16 hectares to 450m² and 1250m² where appropriate
- Amend the Height of Buildings Map to allow a height limit of 9 metres.

It should be noted that details of the changes will not be finalised until specialist studies have been completed and further consultation with council staff and public agencies has been undertaken.

4.5.2 Wollondilly Development Control Plan, 2011 (WDGP, 2011)

It is anticipated that a site specific DCP will be necessary to ensure future development enhances the setting of the Mushroom Tunnel and to guide the coordinated development of this precinct.

A DCP will be prepared as the Planning Proposal progresses and will be placed on public exhibition with the Planning Proposal subject to the outcomes of the Gateway Determination.

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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.

If Council land is included in the Planning Proposal then Council may have an obligation to assist financially with the studies required and will incur costs associated with managing probity issues. These are not currently included in the adopted budget.

CONCLUSION

The proposal in the form as described in Section 4.5 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 Environment for a Gateway Determination.

ATTACHMENTS

1. Aerial photograph of site and surrounds.
2. Location plan identifying Council owned land near the subject site.
3. Plan of Current and Proposed Zoning.

RECOMMENDATION

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

Lot 1 and 2 in DP223667 (No. 233-239 Argyle Street, Picton).

To amend Wollondilly Local Environmental Plan, 2011 as follows:

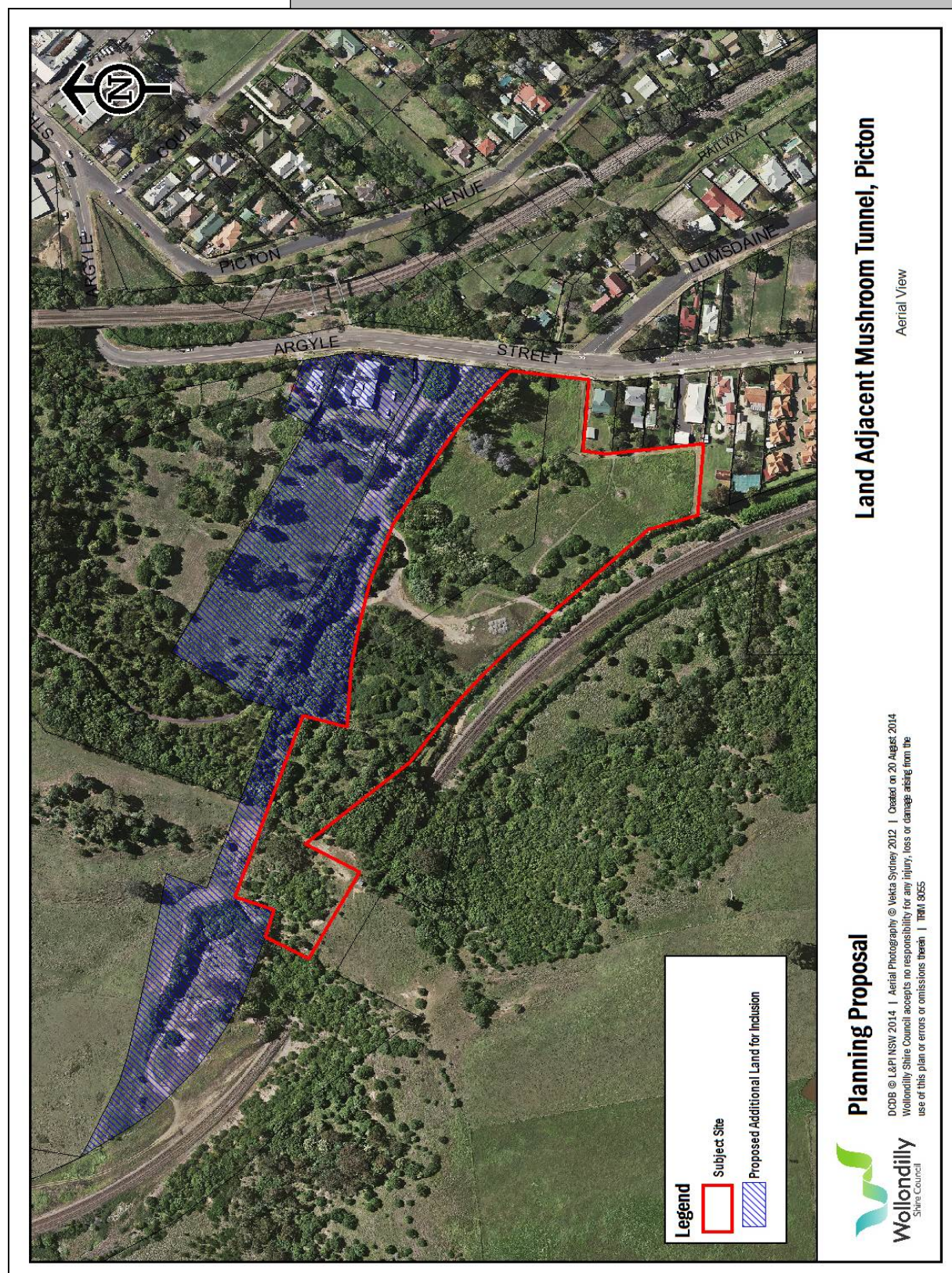
- Amend the Land Zoning Map from RU2 Rural Landscape to R5 Large lot Residential and R2 Low Density Residential
- Amend the Lot Size Map from a minimum lot size of 16 hectares to 450m² and 1250m² as appropriate
- Amend the Height of Buildings Map to include a height limit of 9 metres.

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2. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That a site specific Development Control Plan is prepared to accompany the Planning Proposal to ensure future development enhances the setting and access to the Mushroom Tunnel and to guide the coordinated development of this precinct.
4. That the Planning Proposal be progressed so that future residential growth to the North is not precluded.
5. That the applicant and submitters be notified of Council's Resolution.

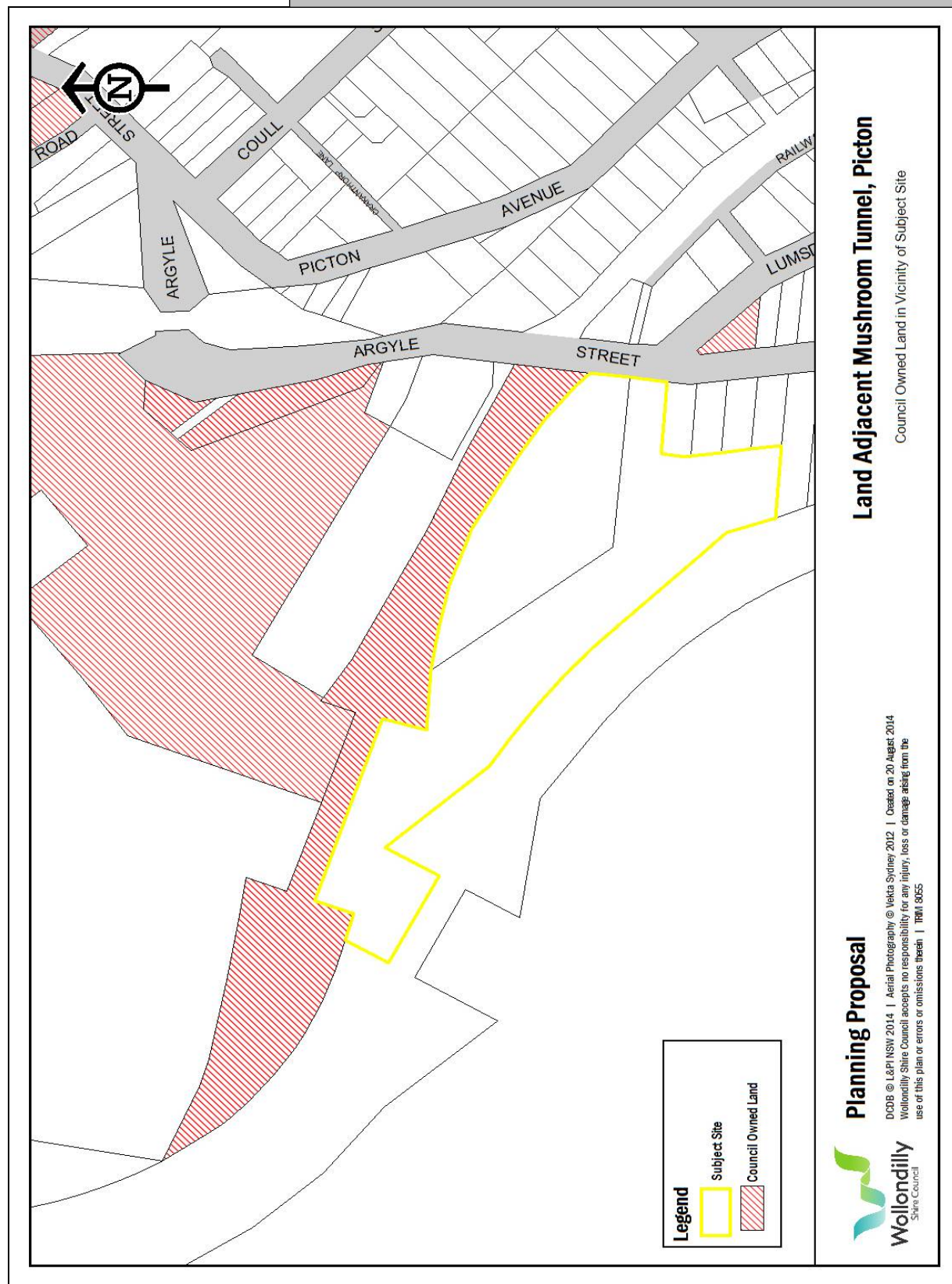
PE4 – Draft Planning Proposal on Land Adjacent to the Mushroom Tunnel

ATTACHMENT 1 - 8055 – 13 OCTOBER 2014



PE4 – Draft Planning Proposal on Land Adjacent to the Mushroom Tunnel

ATTACHMENT 2 - 8055 – 13 OCTOBER 2014



Planning & Economy

PE4 – Draft Planning Proposal – Land Adjacent to the Mushroom Tunnel

ATTACHMENT 3 - 8055 – 13 OCTOBER 2014

