

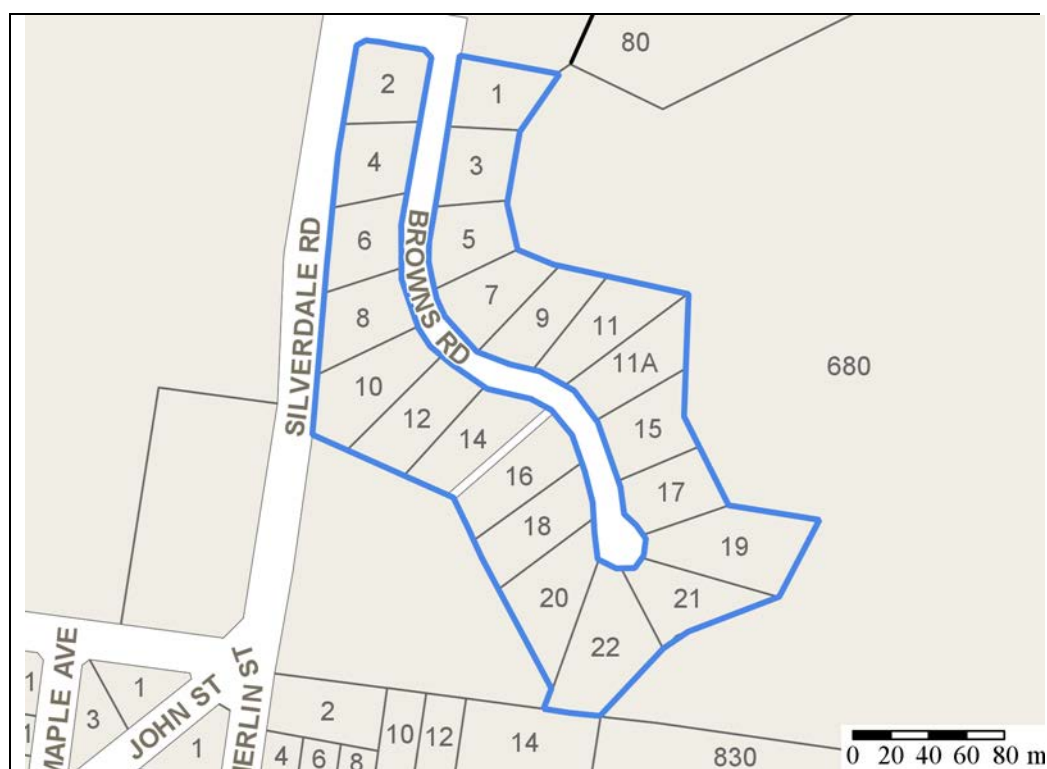
Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE12 – Inclusion of Change to Minimum Lot Size Browns Road into The Oaks North Planning Proposal

PE12 **Inclusion of Change to Minimum Lot Size Browns Road into The Oaks North Planning Proposal**
 265508 TRIM 9004

Applicant: **Wollondilly Shire Council**
Owner: **Various**

Planning & Economy



LOCATION MAP ↑
N

| Stage | Completed |
|--|------------------|
| Preliminary notification | 5 September 2016 |
| Gateway Determination | |
| Consultation with Public Agencies | |
| Specialist Studies | |
| Public exhibition/community consultation | |
| Referred to Minister for Publication | |

PE12 – Inclusion of Change to Minimum Lot Size Browns Road into The Oaks North Planning Proposal

EXECUTIVE SUMMARY

- The purpose of this report is to seek support to include residential land at Browns Road in The Oaks North Planning Proposal
- This relates to all properties located along Browns Road, The Oaks (Lots 1 - 21 DP 775993)
- The proposal will seek changes to the Wollondilly Local Environmental Plan, 2011 to **amend the current Minimum Lot Size of 700 sqm to 1500 sqm**
- The reason to include this additional land in the proposal is to ensure the minimum lot size of this existing residential area is in line with Council's recent resolution relating to The Oaks North Planning Proposal.
- Council has received two submissions in support of this proposed change.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council support the inclusion of additional land at Browns Road, The Oaks within The Oaks North Planning Proposal to increase the minimum lot size for the subject site from 700 sqm to 1500 sqm.

REPORT

1.1 SITE DESCRIPTION

The Oaks North planning proposal seeks to rezone approximately six (6) hectares of land located at 80 Silverdale Road (Lot 3 DP 1201486) from RU2 Rural Landscape to R2 Low Density Residential.

The site currently comprises of pasture, farm dams, farm dwellings, outbuildings and scattered vegetation.

The north, east and west of the site adjoins other rural properties zoned RU2 Rural Landscape with the south of the site bordering the northern urban boundary of low density residential development.

The proposed area to be rezoned is located on the south-western portion of the site and fronts Silverdale Road to the west and Browns Road to the south.

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This report seeks to include the residential land located at Browns Road in this proposal. The properties to be included are Lots 1 -21 DP 775993 located at no. 1 - 22 Browns Road, The Oaks.

Housing along Browns Road is characterised by detached houses on larger lots with wide frontages. Browns Road is a quiet leafy quiet street that terminates in a cul-de-sac.

A map showing the location of the existing proposal and the proposed inclusion of Browns Road is provided in Attachment 1.

1.2 BACKGROUND

Council recently supported the preparation of a planning proposal for The Oaks North, Silverdale Road to rezone land to enable residential development located at 80 Silverdale Road, The Oaks (Lot 3 DP 1201486).

Preliminary community consultation undertaken for the proposal highlighted a desire to retain the character of housing on the northern fringe of The Oaks village and to ensure that any future development matched what is already there.

In response, Council has been supportive of the proposed residential area being similar in character to that of Browns Road, with the following resolution being made at its meeting held 18 July 2016:

“The lot size shall not be less than the average lot size for the existing allotments in Browns Road, The Oaks.”

A copy of the agenda report and minutes of this meeting is provided in Attachment 2.

1.3 DESCRIPTION OF PROPOSAL

The purpose of this report is to expand The Oaks North Planning Proposal to include additional land at Browns Road. The reason for including this additional land is to change the minimum lot size to reflect the existing lot sizes and prevent further subdivision.

Existing lots along Browns Road range in size from approximately 1500sq.m to 2800sq.m with the average lot size being 1883sq.m.

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Under the land use planning controls in the Wollondilly Local Environmental Plan 2011 (LEP 2011), the minimum lot size for this land is 700 sqm, which is less than half the size of most of the properties along Browns Road. This means that in principle, most of the land along Browns Road can be subdivided. If this was to occur it could result in a change to the 'character' of this area. Assuming that Council's intention for this area was not to encourage growth then it is considered that the current minimum lot size does not reflect the intended land use planning outcome for land on Browns Road.

It is proposed to increase the minimum lot size for subdivision from 700sqm to 1,500 sqm which would effectively prevent Torrens Title subdivision of any of the lots.

The minimum lot size for the land to be rezoned to the North has not yet been determined but is likely to be much larger if the site can not be serviced by reticulated sewage.

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

No formal consultation has been carried out with staff on the change recommended in this report. If supported by Council consultation will be carried out as part of the broader planning proposal following a positive Gateway Determination.

2.2 CONSULTATION WITH PUBLIC AGENCIES

As the proposal supports a minimum lot size change to an existing residential area it is not considered necessary to consult with public agencies at this point. However, should the proposed inclusion 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 for the proposal as a whole.

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2.3 COMMUNITY CONSULTATION

A letter has been sent to all land owners on Browns Road to inform them of the proposed change and to encourage them to provide comment. To date, two submissions have been received from a property owner of Browns Road indicating their support for the inclusion of Browns Road in The Oaks North Planning Proposal. Specifically the residents thanked Council for '*considering the character of Browns Road and The Oaks Northern fringe*' and noted their support for '*any proposal that improves or protects the current rural character and the outlook to and along this ridge line*' and in turn their support for the '*proposal to increase the minimum lot size along Browns Road*'.

2.4 PREPARATION OF A PLANNING PROPOSAL

Should Council resolve to support the inclusion of additional land at Browns Road within the The Oaks North Planning Proposal then these changes will be incorporated into the planning proposal which has been 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 inclusion of a change to the minimum lot size for Browns Road into The Oaks North, Planning Proposal and amend the Planning Proposal accordingly.
2. Resolve not to support a change in the minimum lot size for Browns Road.

Option 1 is the recommendation of this report.

2.5 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

The inclusion of additional land in the The Oaks North Planning Proposal will not create any additional opportunity for growth.

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

The proposed amendments to WLEP 2011 for the additional land at Browns Road are described below:

- Amend the Lot Size Map from a minimum lot size category of **700 sqm** to **1500sqm**.

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

It is anticipated that site specific controls will be required to be included within the WDCP to guide the future development of land within The Oaks North Planning Proposal. However, it is not expected that any new controls will relate to the existing residential are located at Browns Road.

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 at this stage but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS INCLUDED IN SEPARATE BOOKLET

1. Map showing location of proposed inclusion of Browns Road in relation to the The Oaks North Planning Proposal.
2. Council Agenda and Minutes for meeting held Monday 18 July 2016.

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RECOMMENDATION

1. That Council support the inclusion of additional land at Browns Road in the The Oaks North Planning Proposal for land being:

Lots 1 - 21 DP 775993 No. 1 - 22 Browns Road, The Oaks
To amend Wollondilly Local Environmental Plan, 2011 as follows:

- amend the Lot Size Map to 1500 sqm
2. That the amended Planning Proposal for The Oaks North 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 the submitters and land owners be notified of Council's Resolution.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

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207/2016 **Resolved on the Motion of Crs Hannan and Landow:**

1. That Council support the inclusion of additional land at Browns Road in the The Oaks North Planning Proposal for land being:

**Lots 1 - 22 DP 775993 No. 1 - 22 Browns Road, The Oaks
To amend Wollondilly Local Environmental Plan, 2011 as follows:**

- amend the Lot Size Map to 1500 sqm.
2. That the amended Planning Proposal for The Oaks North 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 the submitters and land owners be notified of Council's Resolution.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould