

Report of Planning and Economy to the Ordinary Meeting of Council held on Tuesday 18 April 2017

PE6 – Inclusion of Lot 2 DP 243776 into Draft Planning proposal – West Tahmoor Minimum Lot Size Amendment No. 2

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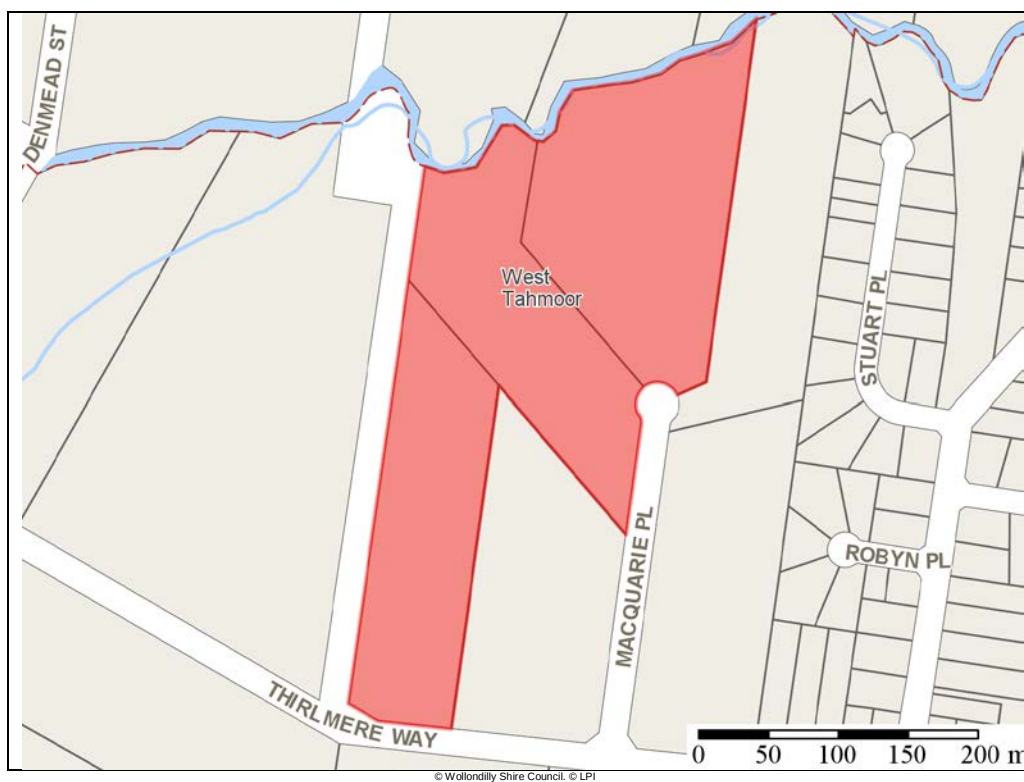
TRIM 8154-2

Applicant:

Precise Planning

Owner:

Mr J E Baxter & Mrs M H Baxter and Abax Contracting Pty Limited



LOCATION MAP N

Stage	Completed
Preliminary notification	28 September to 12 October 2016
Gateway Determination	Not completed
Consultation with Public Agencies	Not completed
Specialist Studies	Not completed
Public exhibition/community consultation	Not completed
Referred to Minister for Publication	Not completed

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EXECUTIVE SUMMARY

- Council is currently assessing a draft planning proposal to amend the Wollondilly Local Environment Plan 2011 for **Lots 2, 3, & 4 DP 243776** at **125 Thirlmere Way Tahmoor** and **21 & 25 Macquarie Place Tahmoor**.
- At the Ordinary Meeting held 20 February 2017, Council resolved to support an amendment to Wollondilly Local Environment Plan 2011 for **Lots 3 & 4 DP 243776**.
- The purpose of this report is to seek Council's support to include a small portion of **Lot 2** in the amendment to give effect to the change in minimum lot size.
- It is recommended that:
 - The West Tahmoor Minimum Lot Size Amendment No. 2 Planning Proposal be amended to include part of Lot 2 DP243776 (125 Thirlmere Way Tahmoor). The Lot Size Map be amended for this parcel of land from 4000m² to 2000m².
 - This land be included into the Planning Proposal and forwarded for a Gateway Determination and request delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
 - The applicant and submitters be notified of Council's Resolution.

REPORT

BACKGROUND

At its meeting held on 20 February 2017, Council determined to support the West Tahmoor Minimum Lot Size Amendment No. 2 in a revised format.

Council resolved (in part) as follows:

1. *That Council support the preparation of a Planning Proposal, in an amended form, for Lots 3 & 4 in DP 243776 (21 & 25 Macquarie Place Tahmoor) to amend Wollondilly Local Environmental Plan 2011 as follows:*
 - *Amend the Land Zoning Map as it applies to the northern portion of the site to rezone land adjoining Myrtle Creek from R2 Low Density Residential to E2 Environmental Conservation. Amend the Lot Size Map for land;*
 - *zoned R2 Low Density Residential in the northern portion of the site, but not adjoining the western boundary to a minimum lot size of 700m².*
 - *for land zoned R2 Low Density Residential along the western boundary to 2000m².*

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2. That the Lot Size Map be amended so that land proposed to be zoned E2 Environmental Conservation cannot be subdivided into more than two (2) lots. The minimum lot size will be determined in consultation with the proponent after a Gateway Determination has been issued.

The above resolution effectively made no change to Lot 2 in DP 243776. The minimum lot size for the majority of Lot 2 will remain at 2000m². However a small portion of land within Lot 2 of approximately 300m² is identified under the WLEP 2011 as requiring a minimum lot size of 4000m² for subdivision.

This portion of land is surrounded on two sides by land that Council has resolved to amend the minimum lot size map from 4000m² to 2000m² or land already identified as on the lot size map as 2000m².

This will result in a poor planning outcome once the land is developed. Therefore it is recommended that Council resolves to include this land into the planning proposal as described in Section 1.3.

This portion of land is shown in Figure 1.

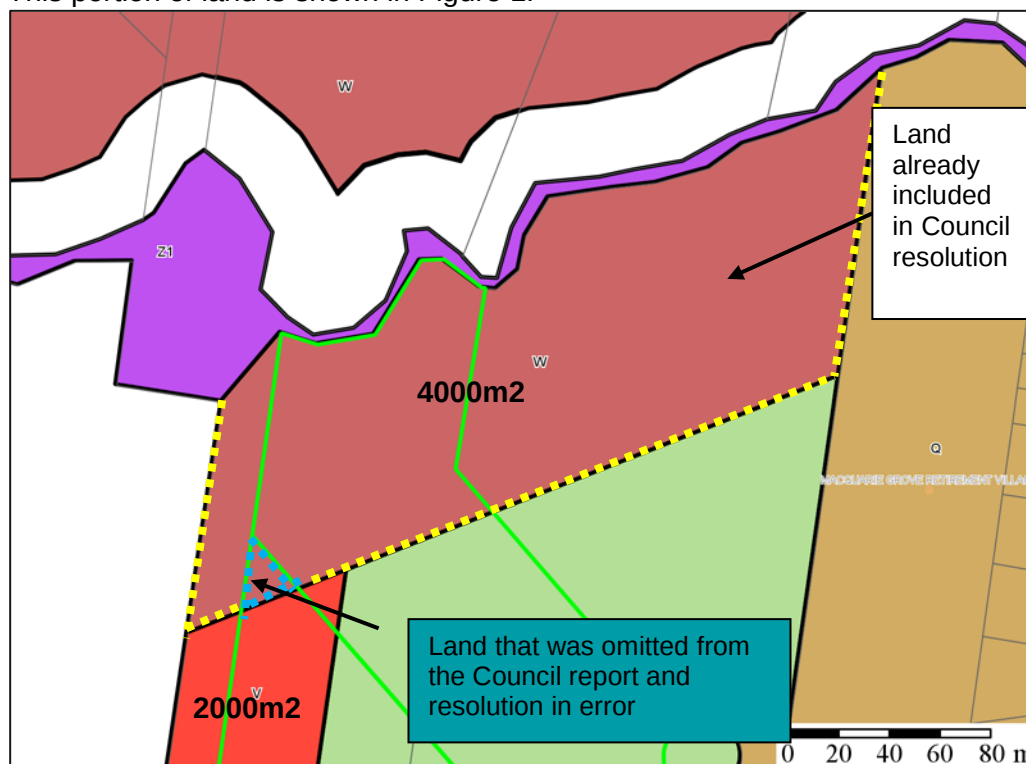


Figure 1 Location of land that was omitted in error also showing existing Minimum Lot Sizes

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CONSULTATION

The omission of Lot 2 DP 243776 from the report recommendation to Council on this proposal in February was an oversight and the proposed inclusion of this land is to ensure Council has robust planning proposal before it is forwarded to the Greater Sydney Commission to request a Gateway Determination. This should ensure delays are avoided later in the Gateway Process.

The report to Council in February detailed consultation undertaken to date with Council staff, public agencies and the community. A copy of the report is provided at Attachment 1. Issues raised regarding the proposed minimum lot size in the original proposal have been addressed in the revised approach.

1.1 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 a change to the minimum lot size of a small portion of Lot 2 DP 243776 (125 Thirlmere Way Tahmoor) from 4000m² to 2000m² within the Planning Proposal.
2. Resolve to proceed with the planning proposal in the form supported at Council Meeting held on 20 February 2017 in which case, no provision for Lot 2 DP 243776 (125 Thirlmere Way Tahmoor) would be included within the planning proposal.

Option **1** is the recommendation of this report.

1.2 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

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.

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

The proposed amendments to WLEP 2011 are described below:

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For Lots 3 & 4 in DP 243776 (21 & 25 Macquarie Place Tahmoor):

- Amend the Land Zoning Map as it applies to the northern portion of the site to rezone land adjoining Myrtle Creek from R2 Low Density Residential to E2 Environmental Conservation. (Supported by Council on 20 February 2017);
- Amend the Lot Size Map for land zoned R2 Low Density Residential in the northern portion of the site, but not adjoining the western boundary to a minimum lot size of 700m². (Supported by Council on 20 February 2017);
- Amend the Lot Size Map for land for land zoned R2 Low Density Residential along the western boundary to 2000m². (Supported by Council on 20 February 2017);
- Amend the Lot Size Map to ensure land proposed to be zoned E2 Environmental Conservation cannot be subdivided into more than two (2) lots. (Supported by Council on 20 February 2017).

For Lot 2 DP243776 (125 Thirlmere Way Tahmoor):

- Amend the Lot Size Map for land zoned R2 Low Density Residential with a current minimum Lot Size of 4000m² to 2000m².

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.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Report to the Ordinary Meeting of Council held Monday 20 February 2017.
2. Minutes of the Ordinary Meeting of Council held Monday 20 February 2017.

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RECOMMENDATION

1. That the West Tahmoor Minimum Lot Size Amendment No. 2 Planning Proposal be amended to include part of Lot 2 DP243776 (125 Thirlmere Way Tahmoor). The Lot Size Map be amended for this parcel of land from 4000m² to 2000m².
2. That this land be included into the Planning Proposal and forwarded for a Gateway Determination and request delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
3. That the applicant and submitters be notified of Council's Resolution.