

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 June 2015, commencing at 6.31pm

Planning and Economy

PE2 **Proposed Housekeeping LEP Amendment - Penny Lane Land Acquisition Release**
211 TRIM 5298

91/2015 **Resolved** on the Motion of Crs Landow and Law:

1. That Council prepare a planning proposal to release Lots B & C DP 383947 and Lot 3 Section C DP 1569 from the land reserved for acquisition layer in Wollondilly Local Environmental Plan, 2011.
2. That the Planning Proposal 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 a further report be provided to Council detailing the requirements of any Gateway Determination and give consideration to whether the Planning Proposal should proceed.

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

Vote For: Crs Mitchell, B Banasik, Law, Amato, M Banasik and Landow

Vote Against: Crs Gibbs and Terry

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Applicant: Not Applicable
Owners: D R Roache, Pikestaff Investments Pty Ltd, L Thornton



Stage	Completed
Preliminary notification	Not required
Gateway Determination	Not yet commenced
Consultation with Public Agencies	Not yet commenced
Specialist Studies	Not yet commenced
Public exhibition/community consultation	Not yet commenced
Referred to Minister for Publication	Not yet commenced

EXECUTIVE SUMMARY

- Council has a long standing position to acquire land in Thirlmere for car parking behind the existing shops fronting Oaks Street.
- Council has been approached by one of the land owners affected by the reservation. The owner wishes to develop their land and has asked Council to either acquire the part of the site that is affected by the reservation or to release it.

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- Following a review, it is the opinion of Council staff that there is currently sufficient land owned by Council to service Thirlmere's commercial precinct and that there is no need to acquire further land for this purpose.
- 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 prepare a planning proposal to release Lots B & C DP 383947 and Lot 3 Section C DP 1569 from the land reserved for acquisition layer in Wollondilly Local Environmental Plan, 2011.
 - That Council seek delegation to make this plan.
 - That a further report come to Council on the requirements of the gateway determination.

REPORT

1.1 SITE DESCRIPTION

The land is vacant unimproved land located behind and adjacent to the Thirlmere Commercial Area. The area reserved for acquisition is severed by land that has already been acquired by Council. Taken as a whole, the reservation and existing Council own land forms a corridor from Carlton Road to Penny Lane (and then Westbourne Avenue).

The land is largely flat and appears suitable for providing car parking.

1.2 DESCRIPTION OF PROPOSAL

Council has already acquired Lot 100 in DP1175654. When fully constructed, a car park on this lot will accommodate approximately 110 parking spaces. A car park of this size will service the car parking demand generated by Thirlmere commercial precinct. A further report, regarding Lot 1 in DP 793568, which Council has also acquired, may recommend disposal given the relative size (i.e. 297m²) and lack of connectivity with the lot mentioned above.

It is proposed to release the car parking reservation on Lots B & C DP 383947 and Lot 3 Section C DP 1569.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL MANAGERS & STAFF

The following comments on the Planning Proposal were received from Council departments:

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Infrastructure Planning

Council engineers have advised that they do not consider the additional land is required to provide car parking in Thirlmere.

2.2 CONSULTATION WITH PUBLIC AGENCIES

Not required.

2.3 COMMUNITY CONSULTATION

The application has not been subject to initial notification. Public exhibition is proposed if the proposal proceeds. This exhibition would include particular consultation with the affected land owners, their neighbours and those operating business in Thirlmere's commercial area.

3.1 PREPARATION OF A PLANNING PROPOSAL

To be fair to land owners burdened by this reservation Council needs to decide if it wishes to acquire the land or to release the reservation. This report recommends that Council prepare a planning proposal to release the reservation and seek a gateway determination from the NSW Government. This determination would outline what action would be necessary to release the restriction. A further report would then come to Council advising on how to proceed.

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.

Council's options are:

1. Agree to purchase the reserved land as the various owners commence development of their land or find themselves in a position of financial hardship.
2. Resolve to support a Planning Proposal to release the reservation. This support would then be reviewed once the details of a gateway determination from the NSW government are known. If the proposal progresses further, community consultation will be undertaken.
3. Resolve to support a Planning Proposal to release the reservation and to fund any specialist studies that may be required. This would mean that the next report to Council would be when the proposal is ready to be finalised.

Option 2 is the recommendation of this report.

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RELEVANT CONSIDERATIONS

4.1 A PLAN FOR GROWING SYDNEY

The planning proposal will not result in any inconsistency with the Plan.

4.2 DRAFT SOUTH WEST SUBREGIONAL STRATEGY

This plan does not deal with the detail of how car parking will be provided in this town centre.

4.3 METROPOLITAN PLAN FOR SYDNEY 2036

This plan does not deal with the detail of how car parking will be provided in this town centre.

4.4 DRAFT SOUTH WEST SUBREGIONAL STRATEGY TO 2031

This plan does not deal with the detail of how car parking will be provided in this town centre.

4.5 SECTION 117 MINISTERIAL DIRECTIONS

It is possible that the NSW Department of Planning may require Council to undertake specialist studies to demonstrate compliance with the Section 117 directions. The Department may request that Council prepare an economic study, traffic study and/or car parking study. While it is considered that no studies should be provided, it is possible that the department may require these to be prepared in any case. There is no current budget for the cost of preparing any such studies.

4.6 STATE ENVIRONMENTAL PLANNING POLICIES

This minor proposal does not offend any State Environmental Planning Policy.

4.7 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

This strategy identifies the land as being part of the Thirlmere Commercial Centre but does not deal with the detail of how car parking will be provided.

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

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Acquisition Map to remove the reservation for car parking from Lots B & C DP 383947 and Lot 3 Section C DP 1569.

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

No amendments are proposed to WDCP 2011.

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FINANCIAL IMPLICATIONS

Council has no adopted budget to purchase this land.

This planning proposal project would be dealt with through the existing strategic planning and mapping budgets with no fees being obtained from land owners. Any specialist studies required would need to be funded by Council and there is no budget for this.

ATTACHMENTS:

Nil

RECOMMENDATION

1. That Council prepare a planning proposal to release Lots B & C DP 383947 and Lot 3 Section C DP 1569 from the land reserved for acquisition layer in Wollondilly Local Environmental Plan, 2011.
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