

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 September 2014, commencing at 6.30pm

Planning and Economy

Cr Landow left the meeting due to previously declared Conflict of Interest in Item PE6.

PE6

Draft Planning Proposal – Coull Street, Picton
259421CWHI

TRIM 8035

181/2014

Resolved on the Motion of Crs Amato and Gibbs:

1. That Council support the preparation of a Planning Proposal for land being:
 - Lot 102 DP 1092990 (No. 2-6 Coull Street, Picton)
 - Lots 59-63, Sec 1, DP2893 (8-14 Coull Street, Picton).
2. To amend Wollondilly Local Environmental Plan, 2011 as follows:
 - Amend the Land Zoning Map from IN2 Light Industrial to R3 Medium Density Residential, RE1 Public Recreation and RE2 Private Recreation
 - Amend the Height of Buildings Map to include a height limit of 9 metres for proposed R3 Medium Density Residential land
 - Amend the Lot Size Map for R3 land to a minimum lot size of 975m².
3. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
4. That the applicant and submitters be notified of Council's Resolution.
5. That Council request that the Study requirements in the Gateway Determination include an investigation of opportunities for improvement of Stonequarry Creek.

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

Vote: Crs B Banasik, Law, Terry, Amato, Mitchell, M Banasik and Gibbs.

Cr Landow returned to the meeting at 7.21pm.

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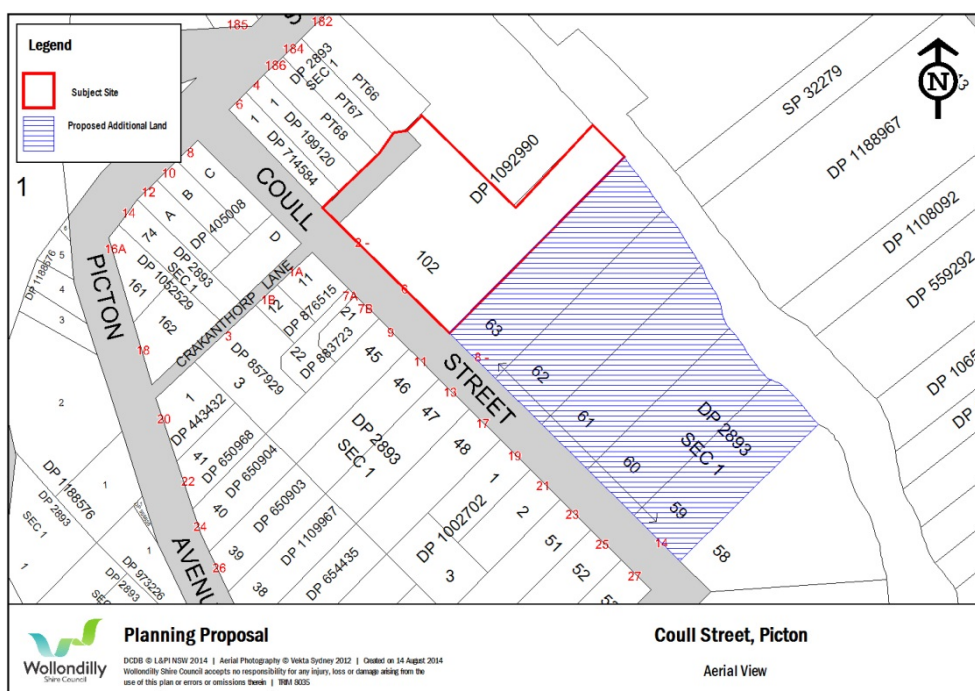
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APPLICANT:

Corbett Constructions P/L

OWNER:

J & R Corbett Pty Ltd



Stage	Completed
Preliminary notification	11 June to 9 July 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

REPORT

EXECUTIVE SUMMARY

- Council has received a Planning Proposal for No. 2-6 Coull Street, Picton (Lot 102 DP 1092990).

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- The draft planning proposal proposes changes to the Wollondilly Local Environmental Plan, 2011 to amend the land use zone from IN2 Light Industrial to R3 Medium Density Residential and RE1 Public Recreation.
- The application has been subject to initial notification and there were 2 submissions in objection.
- There is considered to be strategic merit to including adjacent land on Coull Street within the Planning Proposal to review the existing land use zones.
- 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 102 DP 1092990 (No. 2-6 Coull Street, Picton) and support the inclusion of additional land within the Planning Proposal being Lots 59-63, Sec 1, DP2893 (8-14 Coull Street, Picton) and amend Wollondilly Local Environmental Plan, 2011 to rezone the land.

BACKGROUND

1.1 Site Description

The subject site has an area of 5,685m² and currently forms part of a small area of industrially zoned land which has remained undeveloped.

It is bound by Coull Street and existing residential development to the South, industrial zoned land to the east (no. 8-14 Coull Street), Stonequarry Creek to the north and an existing business zone to the west. The subject site adjoins 174 Argyle Street which is the location of George IV Hotel.

Despite the mix of uses surrounding this site it faces onto Coull Street which is essentially residential in nature with land to the south of Coull Street zoned R3 medium density residential.

The whole site is flood prone land as it lies within the extent of the Probable Maximum Flood (PMF). However, the majority of the site is located within a Low Flood Precinct where the risk of damages are low for most land uses and most land uses would be permitted within this precinct.

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 IN1 General Industrial to R3 Medium Density Residential and RE1 Public Recreation

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- Amend the Wollondilly LEP 2011 Height of Buildings Map to allow for a three storey height limit.

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	▪ No buildings will be permitted within the high hazard floodway. ▪ Habitable rooms will need to be above the 1:100 year flood level. ▪ Flooding is not a prohibitive constraint to the proposed rezoning.
Flora & Fauna	▪ There is a Grey Headed Fox colony within 1km of the site. A flora and fauna statement will be required. ▪ Vegetation should be retained along the creek.
Traffic & Transport	▪ Future road improvements are proposed for the intersection of Coull Street, Picton Avenue and Argyle Street to accommodate future growth. However, these are not confirmed and there is no date in place for their implementation. ▪ The proposed rezoning is not considered likely to significantly exacerbate the traffic situation at this intersection. ▪ There is no need for RE1 land on the southern side of the creek. The RE1 land on the northern side has been identified for a future strategic path connection.
Planning	▪ Consideration should be given to reviewing whether the existing IN2 Light Industrial and RU4 Primary Production Small Lots land use zones on adjacent land are appropriate in the context of the area with a view to including additional land within the planning proposal where relevant. ▪ Odour issues should be considered associated with the brewery at the George IV Inn. This may require a study. ▪ Noise issues should be considered in relation to George IV Inn and the approved function facility to the rear of this venue. ▪ 3 storey development may be possible within a 9m height limit. ▪ The subject site forms part of a wider area identified within the GMS for further potential growth. Future development should be brought forward in a coordinated manner.

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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.

Two (2) submissions were received objecting to the proposal.

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

Issue Raised	Assessment Comment
Height Concern with the proponent's claim that a 13 metre height limit is acceptable on the basis of previous approvals on the site related to the brewery. A height limit of 13m is inappropriate adjacent to a heritage listed item (i.e. George IV Inn) Buildings with this height will be obvious as the tallest buildings in the area. Disputes the proponents claim that 3-4 storeys are typical of old towns. Development more than 2 storeys in height should not be permitted.	A maximum 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 adjacent land which is zoned R3 Medium Density Development to the south and B2 Local Centre to the west. Irrespective of the height limit contained within the Wollondilly LEP 2011, if the land were to be rezoned any future development proposal would be considered on its merits with particular reference to the sites location within the Picton Conservation Area.
Flood Prone Land Concern raised with the cumulative impact on the flood plain from the amount of development recently approved in Picton on flood prone land. Flooding issues	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>. While flooding is a constraint which must be considered the New South Wales Flood Prone Land Policy

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Issue Raised	Assessment Comment
	directs that flood prone land should not be sterilised by unnecessarily precluding its development. Council's Infrastructure Planning staff have advised that flooding is not a prohibitive constraint to the proposed rezoning.
Traffic The planning proposal is not consistent throughout the documentation on the number of units proposed. The traffic analysis does not consider the context of the road layout at this location by not considering that Picton Avenue and Coull Street effectively form a cul-de-sac with a single entrance and exit point to Argyle Street. The traffic analysis is based on a single traffic survey between 7:30 and 8:30am and does not consider the peak periods of relevant junctions. The traffic analysis does not consider the additional dwellings approved or currently under construction on Coull Street and Picton Avenue. The Picton Avenue exit onto Argyle Street is dangerous for traffic turning right into Picton. Concern raised with the general adequacy of the traffic study.	Council's Infrastructure Planning team have reviewed the traffic assessment and have confirmed that the traffic assessment will need to be revised.
Noise The planning proposal indicates that 3 storey development would facilitate lift access and provide housing for 'old and infirm' residents. In this regard the suitability of the site was questioned due to its location adjacent to a known noise development (George IV Inn).	Further consideration of noise will need to be given to the planning proposal if it progresses. This may include the need for a noise study to be undertaken.

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Issue Raised	Assessment Comment
Density Low density housing would be more in keeping with the hotel and surrounding development. Question over how many units would be proposed if the land was rezoned to R3	The proposed R3 Medium Density Residential land use zone is consistent with the land use zone which applies to all residential land on Coull Street and is therefore considered an appropriate land use zone for the subject site. The Planning Proposal seeks to rezone the land and will not provide planning permission to a specific development. Notwithstanding this rezoning the land to R3 Medium Density Development would permit, with development consent, <i>Multi dwelling housing</i> and <i>residential flat buildings</i>. Both of these development could involve more than 3 units/dwellings on the site. A minimum lot size of 975m² is considered to be appropriate for the site. This is consistent with the minimum lot size which currently applies within the Wollondilly LEP to adjacent land which is zoned R3 Medium Density to the south.

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.

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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 located within walking distance of the Picton town centre and adjacent to existing residential land for residential development facilitates growth in a sustainable manner.

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.

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).

PE6 – Draft Planning Proposal – Coull Street Picton**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.

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)

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- 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

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 Planning Circulars.

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.

4.2 Section 117 Ministerial Directions

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

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.

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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. Further information is required to establish the Planning Proposal's suitability against key policy directions P15, P16 and 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.	Two (2) submissions were received during the initial consultation period objecting to the proposal. 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.).	If rezoned, development of the site for residential development would effectively be infill development which consistent with this key policy direction.

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Key Policy Direction	Comment
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.
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 R3 Medium Density Residential land use zone would allow development of the site for a range of housing types including multi dwelling housing and residential flat buildings.
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 to rezone land for medium density development adjacent to the commercial area for Picton.
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 is located within 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 will result in the loss of employment lands. However, the site is vacant and has not been developed for its intended purpose in line with the land use zone. A study will be required to establish the suitability of the site for an industrial land use and whether the employment lands should be protected.

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Key Policy Direction	Comment
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. If the land is rezoned it may create short-term employment opportunities through the construction jobs associated with the civil and building works.
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 imposing unsustainable burdens on Council or the Shire's existing and future community.	The site is located within the existing Picton area and will have minimal impact on the need for new infrastructure. Developer contributions payable at the development application stage will partially fund the necessary local infrastructure required to support any future development.
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 located within the existing Picton urban area.
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 located within the existing Picton urban area.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the	The Planning Proposal is consistent with key policy direction as the subject site is located within the existing Picton urban area.

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Key Policy Direction	Comment
Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	
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.	The subject land is located adjacent to Stonequarry Creek and this will need further investigation following the issue of a Gateway Determination in terms of the impacts on the Hawkesbury-Nepean River and flooding. Further studies will also be required such as bushfire impacts, contamination, flora and fauna and aboriginal heritage.
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.

The following five (5) additional lots should be included within the Planning Proposal and an appropriate land use zone, lot size and building height determined:

- Lot 59 to 63, Sec 1, DP2893.

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It is envisaged that these lots would be rezoned RE2 Private Recreation, however the Gateway Process will establish the most suitable land use zone.

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 land use zone IN2 Light Industrial to R3 Medium Density and RE2 Private Recreation
- Amend the Height of Buildings Map to allow a height limit of 9 metres
- Amend the Lot Size Map for R3 land to a minimum lot size of 975m².

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 (WDCP, 2011)

No amendments are proposed to WDCP 2011 at this time.

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.

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. Proposed land use zones for the site

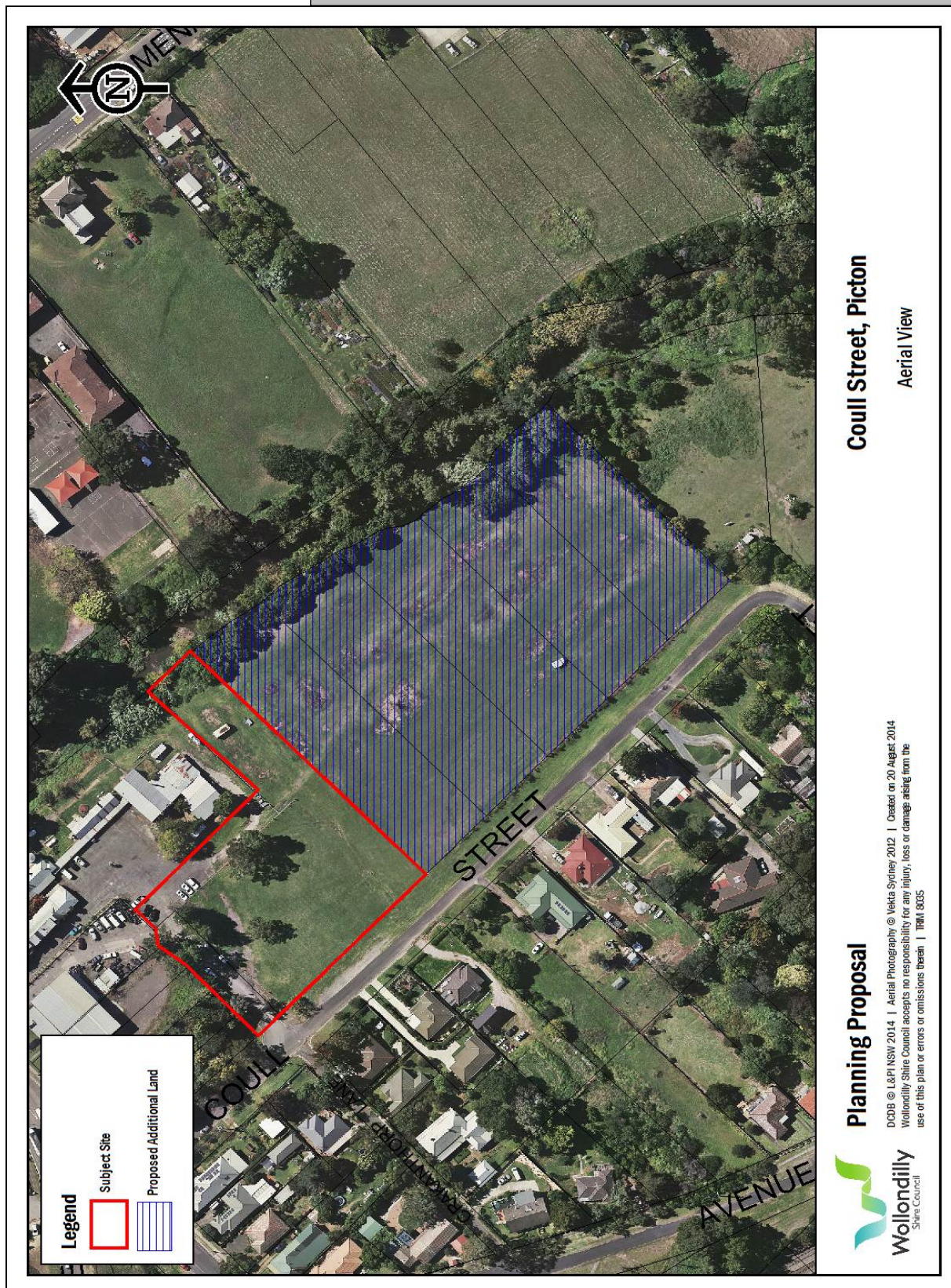
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RECOMMENDATION

1. That Council support the preparation of a Planning Proposal for land being:
 - Lot 102 DP 1092990 (No. 2-6 Coull Street, Picton)
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2. To amend Wollondilly Local Environmental Plan, 2011 as follows:
 - Amend the Land Zoning Map from IN2 Light Industrial to R3 Medium Density Residential, RE1 Public Recreation and RE2 Private Recreation
 - Amend the Height of Buildings Map to include a height limit of 9 metres for proposed R3 Medium Density Residential land
 - Amend the Lot Size Map for R3 land to a minimum lot size of 975m².
3. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
4. That the applicant and submitters be notified of Council's Resolution.
5. That Council request that the Study requirements in the Gateway Determination include an investigation of opportunities for improvement of Stonequarry Creek.

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ATTACHMENT 1 - 8035 – 15 SEPTEMBER 2014



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ATTACHMENT 2 - 8035 – 15 SEPTEMBER 2014

