

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 February 2016

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

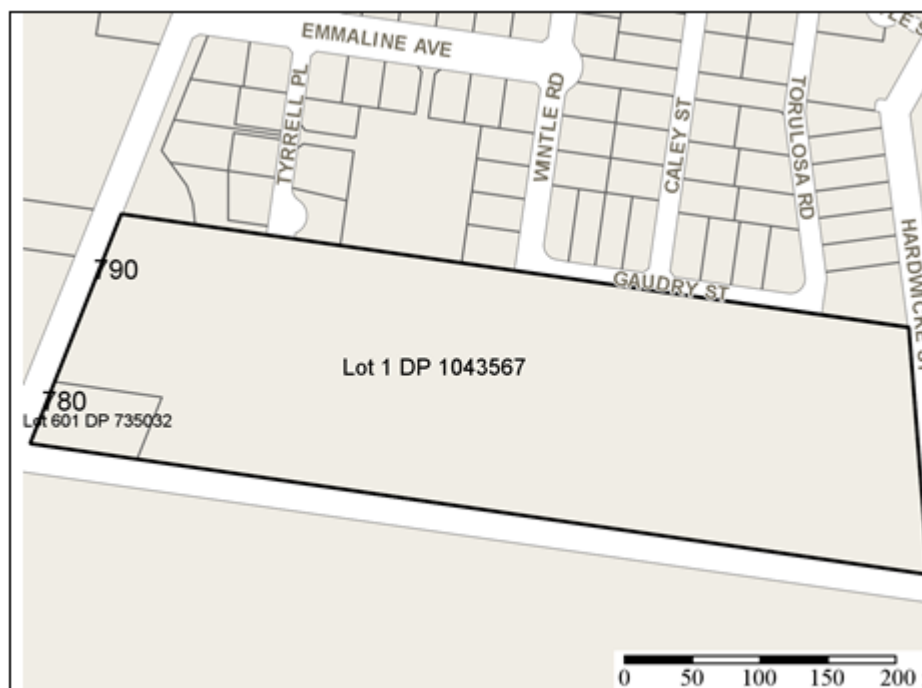
PE6

Montpelier Drive Planning Proposal – Amendments to WDCP 2016

41

TRIM 6961

Applicant: Pascoe Planning
Owner: Cove Residential Pty Ltd



LOCATION MAP **N**

Stage	Completed
Preliminary notification	26 November 2012 - 7 January 2013
Gateway Determination	3 July 2013
Consultation with Public Agencies	24 July 2013 - 17 August 2013
Specialist Studies	20 November 2014
Public exhibition/community consultation	25 March 2015 - 24 April 2015
Referred to Minister for Publication	19 October 2015
Notification on NSW website (Gazetted)	6 November 2015

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

EXECUTIVE SUMMARY

- At its Ordinary meeting held on Monday 16 November 2015 Council resolved to exhibit draft amendments to the Wollondilly Development Control Plan for residential land at Montpelier Drive, The Oaks.
- The proposed amendments were exhibited for a period of 28 days. One (1) submission was received in response to community consultation which was neutral.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement 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 amend the Wollondilly Development Control Plan, 2016 with amendments effective from the date of this meeting.
 - the applicant and persons who made submissions be notified of Council's decision.

REPORT

BACKGROUND

Land within the Montpelier Residential Lands Planning Proposal was rezoned in November 2015 to enable low density residential development. As part of the rezoning process site specific controls were also exhibited and included within the Wollondilly Development Control Plan 2015 (WDCP 2015) to guide the future development of the site.

Towards the end of the rezoning process a submission was received from the Heritage Council of New South Wales which included a number of recommendations related to heritage significance, archaeological potential and the landscape settings for items of local heritage significance. A number of the recommendations included advice/guidelines to ensure future development across the site is sensitive to the heritage on and near to the site. The advice from the Heritage Council warranted the inclusion of additional controls within the WDCP 2015. However, at the time the submission was received, it was too late in the rezoning process to include the controls without undue delays to the efficient and orderly progress of the planning proposal and so it was decided to pursue the necessary amendments as part of a separate process.

The detail of the additional controls for the Montpelier Drive Residential Lands within the Wollondilly Development Control Plan for this site was included within a report considered by Council at its meeting held on Monday 16 November 2015. At that meeting Council resolved as follows:

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

1. *That the amendments to Wollondilly Development Control Plan 2011 and/ or 2015 as described in Section 2.4 to this report be placed on public exhibition for a period of 28 days in accordance with the provisions of Clause 18 of the Environmental Planning and Assessment Regulation 2000.*
2. *That the owners of the corner block that are included in the proposal be consulted with and any concerns they are left with be addressed in any further reports and be identified as such.*
3. *That the applicant, adjoining and nearby landowners and persons who made submissions to the planning proposal shall be notified about the public exhibition.*

The draft amendments to the Wollondilly Development Control Plan were placed on public exhibition from the 2 December 2015 until the 14 January 2016. A longer than normal period of consultation was held to allow extra time over the Christmas and New Year holiday period to ensure effective community engagement.

With regard to resolution 2, the owners of the corner block (No. 780 Montpelier Drive) were contacted by phone to discuss the planning proposal and draft amendments and indicated that they were satisfied with the information and assistance provided. A follow-up letter was sent and no further concerns have been raised. All other persons were notified in accordance with resolution 3.

It is noted that since the public exhibition was held Wollondilly DCP 2015 has been repealed and Wollondilly DCP 2016 came into effect on 20 January 2016. Subsequently, the amendments sought by this report will be to Wollondilly DCP 2016.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

No comments were received from Council staff.

2.2 COMMUNITY CONSULTATION

The draft amendments were placed on public exhibition for a period of six weeks from 2 December 2015 until the 14 January 2016 to allow extra time for the Christmas New Year holiday period. The draft amendments were made available for public viewing on Council's website and; at Council's Administration Building and; at the Wollondilly Visitor Information Centre in Picton. A public notice was placed in the local newspaper. Letters were sent to the applicant, adjoining and nearby landowners and previous submitters.

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

At the close of the exhibition period a total of one submission was received and the issues raised are detailed in the following table.

Issue Raised	Assessment Comment
Concerns with extent of development south of the Oaks and impact on rural lifestyle and peace and quiet.	This submission related to the general principle of additional houses on the site and did not include specific concerns with the draft amendments to the Wollondilly DCP.

2.3 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDCP 2016)

The draft amendments proposed to the Wollondilly Development Control Plan are to provide additional site-specific controls for the future development of Montpelier Drive Residential Land Planning Proposal at Lot 601 DP 735032 (No. 780) and Lot 1 DP 1043567 (No. 790) Montpelier Drive, The Oaks.

The amendment (No 18) of Wollondilly Local Environmental Plan for the Montpelier Drive Residential Land Planning Proposal was notified on the NSW Legislation website on 6 November 2015. Most of the site-specific development controls for the planning proposal were in force from that date.

The proposed draft amendments would be added to the current controls for the site under the Specific Locations section of the residential and subdivision volumes of WDCP 2016.

ATTACHMENTS:

1. Proposed changes to WDCP 2016 controls for Montpelier Drive Residential Land - Showing changes
2. Final WDCP 2016 controls for Montpelier Drive for adoption (combined draft and adopted site-specific controls)

RECOMMENDATION

1. That Council approve the amendments as publicly exhibited to Controls for Specific Locations for Montpelier Drive Residential Land in the subdivision and residential volumes of Wollondilly Development Control Plan 2016 and that the amended WDCP replace the current plan.
2. That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 public notice be given of Council's decision in a local newspaper within 28 days.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

ATTACHMENT 1 - 6961 – 15 FEBRUARY 2016

Proposed changes to WDCP 2016 for Montpelier Drive Residential Land – Showing Changes

★ Proposed Changes to the WDCP 2016 are shown in *red italics* ★

Changes to Wollondilly Development Control Plan Volume 3 – Subdivision of Land

3.9 Montpelier Drive Residential Land (The Oaks)

1. This section applies to the land identified on the map below:



Objectives

1. To minimise the impacts on the scenic *and cultural* qualities of the rural and heritage landscape.
2. To ensure that contaminated land is suitably assessed and remediated prior to residential development.
3. To improve road efficiency and permeability between residential areas.
4. To minimise rural land use conflict.
5. To maintain water quality in the drinking water catchment.
6. To reduce Council's maintenance burden.
7. To minimise the potential risk to life and property, and mitigate noise, from use of the nearby airfield.
8. To ensure habitable buildings are not impacted by potential "dam failure" from the large dam located on the adjoining property to the south.

Controls

1. *Prior to construction of any subdivision a Historical Archaeological Assessment should be undertaken by an appropriately experienced and*

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

ATTACHMENT 1 - 6961 – 15 FEBRUARY 2016

- qualified Historical Archaeologist. Should the assessment find that the proposed works are likely to discover, expose, move, damage or destroy any archaeological relics an excavation permit under Section 139 of the Heritage Act 1977 is to be submitted for the approval of the Heritage Council.*
2. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55 – Remediation of Land the site is taken to contain potentially contaminated land and shall require further assessment and remediation prior to any development consent being granted for subdivision.
 3. Any subdivision layout shall achieve an overall density of 9 lots per hectare with a graduating range from 10 lots per hectare at the northern end decreasing to 8 lots per hectare at the southern end of the site.
 4. Lots shall be oriented to Montpelier Drive and the main access road and fenced with open style rural fencing.
 5. The main access to the site shall be from Montpelier Drive via the unformed public road reserve adjoining the southern end of the site. This access road shall be constructed in accordance with Council design requirements and align with Jooriland Road on the western side of Montpelier Drive.
 6. Vehicular access to Hardwicke Street will only be allowed during emergencies.
 7. Internal road and shared pathway links shall be provided to the adjoining northern residential area.
 8. *A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots.*
 9. The main access road shall be landscaped on its southern boundary with suitable vegetation prior to release of any subdivision certificate to achieve a suitable buffer from noise and dust associated with rural activities on adjoining land.
 10. All stormwater treatment systems shall be maintained and monitored by the developer for a period of 5 years after construction of the subdivision is completed for the whole site and these systems shall be demonstrated to be functioning effectively before being handed over to Council. Note: The letter of offer by the landowner on 26 August 2014 to enter into a planning agreement at the development application stage to provide additional funds for maintenance of these systems beyond the 5 year period.
 11. The height of any new structure or tree shall be restricted to below the maximum permissible height as detailed in Figure 4 Height Limitations of the Aviation Risk Assessment by Rehbein Airport Consulting, 31 March 2014. Details of this restriction shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all lots.
 12. A noise assessment shall accompany all development applications for dwellings and detail design features to achieve an Aircraft Noise Reduction goal of approximately 20dBA in accordance with AS 2021. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots.

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

ATTACHMENT 1 - 6961 – 15 FEBRUARY 2016

13. Uses such as hospitals, schools, child care centres and seniors living developments although permissible in the R2 Low Density Zone are not recommended for this site due to the potential risk from aircraft using the nearby east-west runway. Council shall only consider a proposal for such uses if an assessment indicates that these risks can be mitigated effectively.
14. All habitable buildings shall be constructed above the PMF flood level and to achieve this, building envelopes on affected lots shall be detailed on plans lodged as part of any development application for subdivision. Details of this building restriction on affected lots shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all such lots.

**Changes to Wollondilly Development Control Plan
Volume 4 – Residential Land**

4.3 Montpelier Drive Residential Land

Application

1. This section applies to the following allotments:
 - a) 780 Montpelier Drive, The Oaks (Lot 601 DP 735032)
 - b) 790 Montpelier Drive, The Oaks (Lot 1 DP 1043567)

Objectives

1. To mitigate noise impacts from the nearby airfield.
2. To provide separation between the urban-rural edge to minimise rural land use conflict.
3. *To minimise the impact on the historical character.*

Controls

1. A noise assessment shall accompany all development applications for dwellings and shall detail how building design and building materials for noise attenuation shall meet the noise level objectives for 'sleeping areas and dedicated lounges' in AS 2021 which will require an Aircraft Noise Reduction goal of approximately 20dBA. This should be able to be achieved through standard building construction methods.
2. All dwellings along Montpelier Drive and the southern end of the site shall be set back a minimum of 10 metres from the front boundary of each allotment.
3. *A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site.*

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

ATTACHMENT 2 - 6961 – 15 FEBRUARY 2016

Combined Draft and Adopted Amendments for Montpelier Drive Residential Land (The Oaks) site

Volume 3 – Subdivision of Land

Part 3 Controls for Specific Locations

3.9 Montpelier Drive Residential Land (The Oaks)

Application

1. This section applies to the land identified on the map below:



Objectives

1. To minimise the impacts on the scenic and cultural qualities of the rural and heritage landscape.
2. To ensure that contaminated land is suitably assessed and remediated prior to residential development.
3. To improve road efficiency and permeability between residential areas.
4. To minimise rural land use conflict.
5. To maintain water quality in the drinking water catchment.
6. To reduce Council's maintenance burden.
7. To minimise the potential risk to life and property, and mitigate noise, from use of the nearby airfield.
8. To ensure habitable buildings are not impacted by potential "dam failure" from the large dam located on the adjoining property to the south.

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

ATTACHMENT 2 - 6961 – 15 FEBRUARY 2016

Controls

1. Prior to construction of any subdivision a Historical Archaeological Assessment should be undertaken by an appropriately experienced and qualified Historical Archaeologist. Should the assessment find that the proposed works are likely to discover, expose, move, damage or destroy any archaeological relics an excavation permit under Section 139 of the Heritage Act 1977 is to be submitted for the approval of the Heritage Council
2. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55 – Remediation of Land the site is taken to contain potentially contaminated land and shall require further assessment and remediation prior to any development consent being granted for subdivision.
3. Any subdivision layout shall achieve an overall density of 9 lots per hectare with a graduating range from 10 lots per hectare at the northern end decreasing to 8 lots per hectare at the southern end of the site.
4. Lots shall be oriented to Montpelier Drive and the main access road and fenced with open style rural fencing.
5. The main access to the site shall be from Montpelier Drive via the unformed public road reserve adjoining the southern end of the site. This access road shall be constructed in accordance with Council design requirements and align with Jooriland Road on the western side of Montpelier Drive.
6. Vehicular access to Hardwicke Street will only be allowed during emergencies.
7. Internal road and shared pathway links shall be provided to the adjoining northern residential area.
8. A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots.
9. The main access road shall be landscaped on its southern boundary with suitable vegetation prior to release of any subdivision certificate to achieve a suitable buffer from noise and dust associated with rural activities on adjoining land.
10. All stormwater treatment systems shall be maintained and monitored by the developer for a period of 5 years after construction of the subdivision is completed for the whole site and these systems shall be demonstrated to be functioning effectively before being handed over to Council. Note: The letter of offer by the landowner on 26 August 2014 to enter into a planning agreement at the development application stage to provide additional funds for maintenance of these systems beyond the 5 year period.
11. The height of any new structure or tree shall be restricted to below the maximum permissible height as detailed in Figure 4 Height Limitations of the *Aviation Risk Assessment* by Rehbein Airport Consulting, 31 March 2014. Details of this restriction shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all lots.
12. A noise assessment shall accompany all development applications for dwellings and detail design features to achieve an Aircraft Noise Reduction goal of approximately 20dBA in accordance with AS 2021. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots.
13. Uses such as hospitals, schools, child care centres and seniors living developments although permissible in the R2 Low Density Zone are not recommended for this site

PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016

ATTACHMENT 2 - 6961 – 15 FEBRUARY 2016

due to the potential risk from aircraft using the nearby east-west runway. Council shall only consider a proposal for such uses if an assessment indicates that these risks can be mitigated effectively.

14. All habitable buildings shall be constructed above the PMF flood level and to achieve this, building envelopes on affected lots shall be detailed on plans lodged as part of any development application for subdivision. Details of this building restriction on affected lots shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all such lots.

Volume 4 – Residential Development

Part 4 – Controls for Specific Locations

4.3 Montpelier Drive Residential Land

Application

1. This section applies to the following allotments:
 - a) 780 Montpelier Drive, The Oaks (Lot 601 DP 735032)
 - b) 790 Montpelier Drive, The Oaks (Lot 1 DP 1043567)

Objectives

1. To mitigate noise impacts from the nearby airfield.
2. To provide separation between the urban-rural edge to minimise rural land use conflict.
3. To minimise the impact on the historical character.

Controls

1. A noise assessment shall accompany all development applications for dwellings and shall detail how building design and building materials for noise attenuation shall meet the noise level objectives for 'sleeping areas and dedicated lounges' in AS 2021 which will require an Aircraft Noise Reduction goal of approximately 20dBA. This should be able to be achieved through standard building construction methods.
2. All dwellings along Montpelier Drive and the southern end of the site shall be set back a minimum of 10 metres from the front boundary of each allotment.
3. A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site.