

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2016

PE3 - Stilton Lane Planning Proposal

PE3

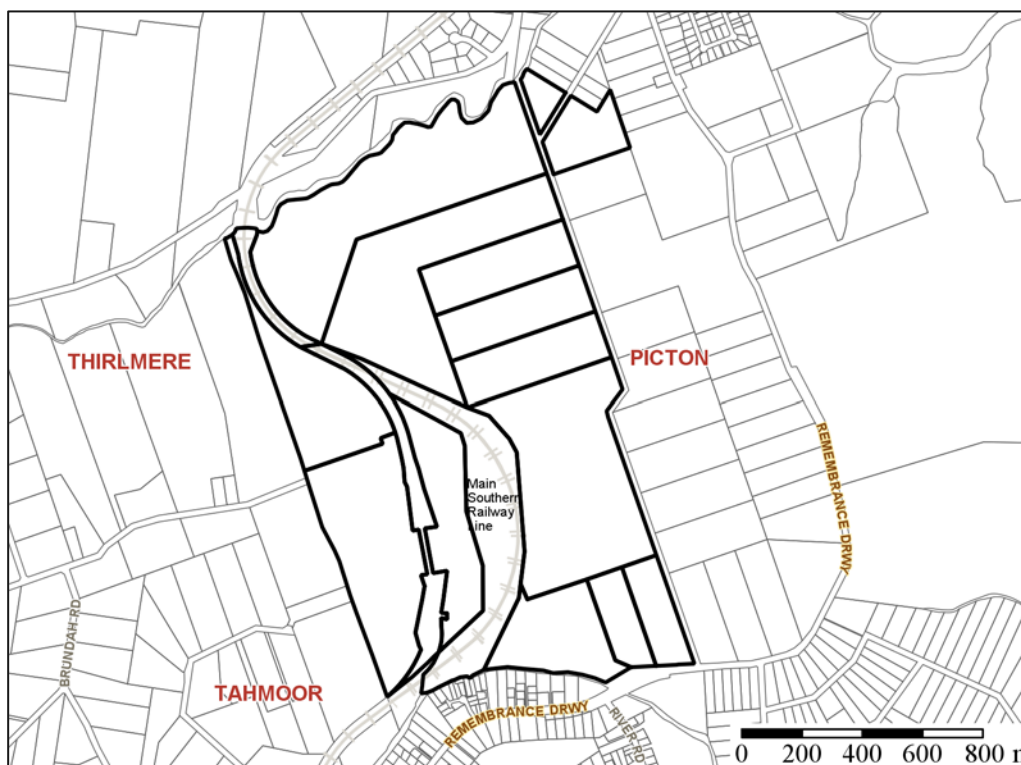
Stilton Lane Planning Proposal

41

TRIM 7142

Applicant: Fountaindale Group
Owner: A R Kent

Planning & Economy



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LOCATION MAP N

Stage	Completed
Preliminary notification	8 June 2016 to 8 July 2016
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

PE3 - Stilton Lane Planning Proposal

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's position on a Draft Planning Proposal for a landholding containing 13 properties at Stilton Lane, Picton.
- The proposal seeks changes to the Wollondilly Local Environmental Plan (WLEP), 2011 and aims to rezone rural land for residential, environmental, industrial and tourism purposes. Changes to the WLEP lot size, height of buildings and biodiversity maps are also proposed.
- The proposal has been subject to preliminary community consultation and there were 6 submissions in response, 2 in objection, 2 in support and 2 neutral.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend 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:
 - The planning proposal not be supported at this time due to concerns about the cumulative impact of residential growth on the road network, the access to the site through an industrial area, the relative isolation from town centres, lack of connectivity to adjoining residential areas, the bushfire hazard, limited access on the western part of the site, inconsistency with the Wollondilly Growth Management Strategy 2011 and the unknown quantity of employment lands required for Picton's future growth;
 - The planning proposal be reconsidered after an assessment by Council of the need for employment lands is undertaken;
 - The applicant and submitters are advised of Council's resolution.

REPORT

BACKGROUND

The original rezoning application for this site was received in 2009 and put on hold pending the endorsement by Council of the Growth Management Strategy which was adopted in February 2011.

A formal Draft Planning Proposal application was received in August 2013 and proposed a village style development comprising a commercial centre surrounded by residential terraces and lots ranging in size from 250sqm up to 2ha around the ridgelines. A total of 616 residential lots were proposed. The proposal also included potential sites for a school, reception conference centre and retirement village.

PE3 - Stilton Lane Planning Proposal

After an initial assessment informed by preliminary community consultation, concerns were raised with the proposed village concept separate to the nearby towns, the housing style and density, the location of the retirement village and school, the function centre and traffic impacts.

Since that time the applicant has met with Council staff a number of times to discuss alternative options for the site and an amended Draft Planning Proposal was submitted for consideration in May 2016 which is the subject of this report.

1.1 SITE DESCRIPTION

Stilton Lane is located on the south-western end of Picton Township at the end of Henry Street. The site is situated between the three towns of Picton Tahmoor and Thirlmere and is bounded by Redbank Creek to the north, Remembrance Drive to the south, Thirlmere to the west and Stilton Lane/Henry Street on the east. The landholding comprises 13 individual lots with a combined size of approximately 174 hectares.

Address	Cadastre – Lot//DP	Area in hectares
5 Stilton Lane	10//583245	1.522
10 Stilton Lane	1//583248	28.78
10A Stilton Lane	1//865604	11.88
15 Stilton Lane	2//583247	4.695
20 Stilton Lane	4//1180702	22.65
30 Stilton Lane	53//251857	8.905
40 Stilton Lane	54//251857	8.904
50 Stilton Lane	55//251857	8.907
60 Stilton Lane	1//1180702	24.27
2420 Remembrance Drive	60//979250	4.375
2430 Remembrance Drive	61//979250	3.886
2440 Remembrance Drive	2//1180702	39.76
2440A Remembrance Drive	201//1180801	4.994
Total		173.528

The site is currently used for beef cattle production and previously was a dairy farm. Smaller properties on the eastern side of Stilton Lane are mainly used for rural-residential and agricultural pursuits, including intensive horticulture (greenhouses). Henry Street and Bridge Street comprise a local industrial centre. Environmentally sensitive land is located along the Redbank Creek riparian corridor.

PE3 - Stilton Lane Planning Proposal

The Main Southern Railway line dissects the site and traverses the western portion of the site having been re-routed to avoid potential impact on railway infrastructure from mining subsidence. The northern and central part of the site is contained within a small valley with ridgelines defining the periphery. The area to the west of the railway line forms a separate part of the site while land fronting Remembrance Drive to the south is separated from the northern section by a relatively steep ridgeline running east-west across the centre of the site.

1.2 DESCRIPTION OF PROPOSAL

The draft planning proposal seeks to rezone most of the land from its current rural zone to enable development for approximately 700 residential lots, a tourism area for a conference and accommodation facility and land for industrial purposes.

Land proposed for community purposes is not required to be rezoned. Environmentally significant land would be conserved.

The planning proposal seeks to provide an integrated plan for the whole site which incorporates the following features:

Residential land

- Rezoning of around 50 ha of land for low density residential purposes with a 600 sqm minimum lot size within the northern portion of the site.
- Rezoning of around 60 ha of land for large lot residential purposes with a 2,000 sqm minimum lot size on the steeper slopes with building envelopes located away from the ridgelines. The ridgelines would be vegetated and managed under private ownership.

Employment Lands

- Rezoning of around 20 ha for tourism (with about half of this being cleared land suitable for development) on the highest part of the site (301m), described as Mount Stilton, to take advantage of views across the Shire and to the Blue Mountains.
- An area of around 22 ha of land adjacent to Remembrance Drive on the southern edge is not proposed to be rezoned (i.e. it will retain its current zone) but is proposed to have a minimum lot size of 4 ha. While the applicant has no specific proposal for this land, they consider that it would potentially be suitable for integrated education, hospital and/or for aged care facility type development. These would be permissible with consent under the current RU2 Rural Landscape zone.

PE3 - Stilton Lane Planning Proposal

Industrial Land

- Rezoning of around 3 ha industrial land with a 1,500 sqm minimum lot size immediately adjacent to the existing Henry Street industrial area. This land would be separated from the proposed residential area via a vegetated buffer and small park.

Environmental Conservation

- Rezoning of around 20 ha riparian land around Redbank Creek for environmental conservation.
- Environmentally sensitive land throughout the site will be mapped for its biodiversity value.

A copy of the Draft land Zoning Map forms Attachment No 1.

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

A preliminary assessment and site inspection were undertaken by Council staff and the following comments on the Planning Proposal were made:

▪ **Traffic and Transport**

Over the past few years there have been a significant number of planning proposals submitted and completed within the Picton, Tahmoor and Thirlmere areas. The cumulative impact of the additional traffic on the transport network from recent rezoning of land I for approximately 2,000 dwellings/lots and potentially a further 1600 dwellings/lots (including this proposal) in planning proposals currently being assessed in the Picton/Tahmoor/Thirlmere area is of major concern in terms of the adequacy and capacity of the transport network for servicing these areas.

The Picton Town Centre Transport Master Plan is currently underway and will review impacts on existing transport infrastructure and develop a framework for managing proposed developments and their impacts on the transport network in the short to medium term. It aims to identify requirements for transport infrastructure in the town centre and should be completed early 2017. Consideration of a Picton bypass is outside the scope of the investigation as this project is not achievable in the short to medium term.

To accommodate this rezoning proposal, Stilton Lane would require upgrading as it contains a very steep and severe alignment which would result in major safety issues for any future residential development.

PE3 - Stilton Lane Planning Proposal

It is considered that any support of the draft planning proposal would be premature until the findings of the Picton Town Centre Transport Master Plan are known.

It is also considered optimal that the strategic planning consideration for this site be informed by further consideration of a Picton By-pass.

▪ **Access and Connectivity**

The site is at the south western edge of Picton and relatively isolated from existing residential areas and shopping/community centres and is almost 3 kms from Picton Town Centre at its northern end and 1.6 kms Tahmoor Town Centre at its southern end. There is only one access road, Henry Street/Stilton Lane into the site and the surrounding hills and railway line limit the ability to achieve satisfactory road and shared pathway connections.

Access to a proposed residential area via the industrial area is not considered satisfactory and would potentially result in conflict and safety issues between industrial road use and residential/pedestrian road use.

This potential for conflict between residents and industrial users along Henry Street is also a concern with regard to future business viability of the industrial area as there appears to be minimal opportunity for separating the uses in terms of vehicular and pedestrian access.

The planning proposal has not satisfactorily addressed these concerns.

Options for shared pathway routes within and from the site are proposed and supported in principle although the proposed pathway along Redbank Creek at the rear of industrial properties along Henry Street outside of this site would require Council to negotiate with the landowners and acquire the land. This shared pathway is not currently in a Contributions Plan. These shared pathways are identified on the Structure Plan as walking trails provided at Attachment 2.

▪ **Employment Lands**

The planning proposal site adjoins the light industrial area centred on Henry and Bridge Streets and a small amount of industrial land providing around 6 industrial allotments is proposed.

The existing Bridge/Henry Street industrial area comprises relatively small properties but has proved a popular location for services and manufacturers and has a low vacancy rate in terms of available land. Many expanding industries are forced to leave this area and the Shire due to a lack of suitable larger industrial properties.

PE3 - Stilton Lane Planning Proposal

It is considered that the Stilton Lane site may have potential for development for industrial or other employment purposes because it has the following attributes:

- It contains a large amount of relatively flat land which is physically separate from urban residential areas.
- It is located near to and could complement the existing industrial area at Henry and Bridge Street with potential to link the site through to Bridge Street via Star Street unformed road.
- Its location near to a railway line adjoining with potential for freight access and movement - (similar to Flour mill site at Maldon)
- Future potentially direct access to Picton By-pass depending on its location.
- Potential for agri-business which requires large areas of flat land with access to a reliable water supply. The property is serviced by reticulated water.

The main constraint which would hinder use of this site for employment generating purposes would be poor transport links in the absence of a Picton Bypass or direct access to the F5 Motorway. Although it is noted that B Double trucks are allowed up to Bridge Street via F5 off/on ramps at Bargo.

The Growth Management Strategy 2011 identifies a need for more detailed research to determine which specific industry and commercial development types are needed in Wollondilly and within the region generally to achieve growth in employment opportunities both locally and regionally (Section 4.6 Driver of Change - Commercial and Industrial Development).

Given the sites strategic potential to provide employment lands for the area it is considered that a decision to support rezoning the site for residential development would be short-sighted and premature and should wait until a detailed employment lands strategy for the Shire prepared by Council.

The proponent is aware of this issue and in response has prepared an Employment Lands Review. The purpose of the Review is to demonstrate the rationale for the proposed site land use mix and to provide an overview of employment lands within the Shire with a view to demonstrating that there is ample opportunity to provide future employment opportunities within the Shire in addition to those proposed as part of the draft planning proposal.

While the Review is a useful document it is a high level desk top document prepared with a limited scope and timeframe (3 weeks). The Review acknowledges that it *“does not remove the requirement of a comprehensive employment lands study that looks at supply and demand issues across the entire Shire”*.

PE3 - Stilton Lane Planning Proposal

The Review considers employment lands from a very general perspective; however what is required is an employment lands strategy which considered industrial lands specifically. A key consideration of any study would need to consider the challenges facing the existing Bridge Street industrial area particularly in relation to the potential for a Picton By-pass. The Review does not do this.

▪ **Tourism Precinct**

The draft planning proposal includes a tourist zone at the site's highest point for the potential future development of a hotel/conference centre. However, such a proposal appears to be speculative as no firm proposal for such a use has been submitted to support this change to the WLEP.

While the steeper part of the site does have scenic and natural attributes, the bushfire hazard and single lane access across the railway line are considered to make it unsuitable for such a zone (see Bushfire Hazard section).

A tourist zone in this location also may not be suitable because of potential for noise issues impacting on the proposed residential land on the site and recently rezoned large lot residential land adjoining to the west.

▪ **Education, Health and Aged Care**

An area at the southern end of the site topographically separated from the northern end by a ridgeline has been identified by the proponent as having potential for a range of uses such as education, hospitals and aged care under the current RU2 Rural Landscape Zone.

Education

Picton High School has limited land to increase capacity for student numbers. A high school or a second campus for an existing school on the proposal site could service the Picton, Tahmoor, Thirlmere area.

However, a public school would require the support of the NSW Education Department. The minimum area required for a high school under NSW Education Department guidelines is 6 ha. On the southern end of the site there are currently two lots of around 4 ha each and land which is part of a larger allotment with an area of 9 ha. The draft proposal seeks to retain the current land use zone but reduce the minimum lot size for subdivision to 4 ha potentially resulting in 4 lots in this location. If the NSW Education Department is interested in this location they would then need to acquire 2 lots should the minimum lot size be changed to 4 ha.

Private schools have shown an interest in locating at Wilton New Town. The planning for Wilton also includes a K-12 public school and other primary schools.

PE3 - Stilton Lane Planning Proposal

Health

Council has advocated for a hospital for the local area for a number of years. Wilton New Town is more likely to be the preferred location for any such facility although state health agencies have not indicated that a hospital is required in the proposed new town.

Under the WLEP a "hospital" is a type of "health services facility" and is the only type of "health services facility" permissible in the RU2 Zone.

Aged Care

Additional aged care services in terms of nursing and hostel care are becoming more important as the population ages. This part of the site fronts Remembrance Drive and is accessible by a reasonable level of public transport (buses) during the day and early evening but is relatively isolated in terms of distance and walkability from either the Tahmoor or Picton town centre. Part of the land is also subject to bushfire hazard. For these reasons this part of the site is not considered an optimum location for either aged care services or for a hospital.

As with the tourism element of the draft proposal, the Aged Care element also appears to be speculative as no firm propositions for any future development of this land has been submitted at this stage.

It is noted that any such proposals if in accordance with the current zone and other requirements may not require any further change to Wollondilly LEP for the southern part of the site.

▪ **Bushfire Hazard**

The northern, western and southern parts of the site are impacted by bushfire hazard. The northern part of the site adjacent to Redbank Creek comprises areas of environmentally significant vegetation and most of this would need to be retained both because of its intrinsic biodiversity value and to protect the water quality and habitat of Redbank Creek. Provision of adequate Asset Protection Zones (APZs) and fire trails would be needed.

The limited access across the railway line to the west of the site is of concern because of the bushfire hazard and lack of alternative evacuation points for any future tourism and residential development in this location. There is single lane access on the railway bridge and this does not meet the two-way access requirements under the NSW Rural Fire Service Planning for Bushfire Protection (PFBP) guidelines. Tourism development is classified under PFBP as a Special Fire Protection Purpose development and one of the biggest challenges with bushfire is the evacuation of people who may have no comprehension of the danger or knowledge of the area in which they find themselves.

PE3 - Stilton Lane Planning Proposal

The applicant has indicated that options for improving access on the western side of the site will be investigated at a later date during the Development Control Plan preparation for the site. This is not considered a satisfactory approach to addressing the access issue. The applicant has indicated that there would be potential access into the site from the unformed Tickle Drive to the west. This access would be problematic given the steep topography and would also be located within the main bushfire hazard. Accordingly this approach would not be feasible either from a physical, cost or safety viewpoint. Another railway crossing may address this issue but the planning proposal has not suggested such an approach which is likely to be very costly.

The land at the southern end of the site is also impacted to a lesser extent by bushfire hazard. Hospitals, schools and housing for older people are also classed as Special Fire Protection Purposes requiring detailed consideration under PFBB guidelines.

▪ **Stormwater, Flooding and Water Quality**

The following matters were raised with regard to stormwater, flooding and water quality as detailed:

- Impact on the flooding extent of Redbank Creek.
- Potential impact on the railway drainage.
- Water quality throughout the site.
- Determine if the stormwater infrastructure and land is to be dedicated to Council at an early stage.
- A flood analysis is required on the site to determine any potential for localised flooding around the internal overland flowpaths and gullies.
- Identify any need to create riparian corridors or zones on the existing internal natural watercourses. The NSW Office of Water should be contacted to determine any watercourses considered waterfront land and that would need to remain as watercourse (with no potential for piping).
- Potential use of the formed basin on the northern end of the site for detention of water.

Specialist studies would be required with regard to stormwater management, flooding and water quality should a Gateway Determination to progress the planning proposal be received. The Office of Water would be contacted as part of government consultation.

PE3 - Stilton Lane Planning Proposal

▪ **Geotechnical**

The site generally appears to be at low risk of slope instability. The steeper land at the southern end and identified as large lot residential will need to be assessed for slope stability with the potential for building envelopes to be created on stable and lower parts of these potential lots.

Parts of the site on the northern side were filled during the reconstruction and realignment of the Main Southern Railway line. On the northern end a large basin has been formed from use of fill and this land would need to be tested. Consideration would also need to be given to the residential use of land adjoining this basin area with regard to safety as it has resulted in relatively steeply sloping land.

A Geotechnical assessment would be required should the planning proposal receive a positive Gateway Determination.

▪ **Infrastructure Provision**

The cumulative impact of this and other planning proposals contributes to the need for additional infrastructure.

The lack of space for additional classrooms limits capacity for growth in student numbers in the local Picton High School and Picton Primary School.

The proponent is seeking options to develop a portion of the site for provision of education, health and aged care facilities to assist in provision of required services and facilities in the area. However there are no definite proposals at this stage and such proposals are not dependant on rezoning.

Additional traffic infrastructure for managing traffic at the intersections of Henry Street/Remembrance Drive and Stilton Lane/Remembrance Drive would be required and need to be provided by the developer. Additional development contributions would be required for local transport infrastructure and local community facilities depending on the findings of specialist studies.

As the planning proposal has a significant number of proposed new housing lots, it should be placed on the Urban Release Area map which would ensure that any required contributions for provision of State infrastructure are met by the developer similar to other rezonings around Picton, Tahmoor or Thirlmere.

PE3 - Stilton Lane Planning Proposal

▪ **Biodiversity**

Vegetation around Redbank Creek provides an important habitat and riparian corridor which should be maintained and improved. There is currently a 30m wide riparian buffer identified on the Natural Resources Water Map of WLEP. Native grasses, Cumberland Plain Woodland and Shale Sandstone Transition Forest need protection on the site. The planning proposal includes an E2 Environmental Conservation zone (E2) of approximately 30m along Redbank Creek which widens to include vegetated land in the north-west corner. A 100m wide E2 zone along Redbank Creek is recommended to ensure that the existing vegetation is protected and to improve the potential habitat corridor that extends west along Redbank Creek. The NSW State Government's new approaches in terms of biodiversity aim to strengthen options to retain vegetation on-site rather than offset elsewhere.

A Flora and Fauna study would need to be undertaken should the planning proposal proceed. The proposed 600 sqm lot size adjacent to the Redbank Creek riparian corridor may not be large enough to enable this land to be protected adequately if they are to include E2 land with sufficient area for an Asset Protection Zone outside of the E2 land.

The ridgelines are proposed to be vegetated and these would be maintained in private ownership with a positive covenant so as to ensure that the land does not become a maintenance burden for Council. Further assessment is required to determine whether the proposed lot size along the ridgelines would be large enough to support a vegetation corridor and that the vegetation does not increase bushfire hazard and the need for APZs while also ensuring that housing development does not encroach on the ridgeline.

▪ **Separation of Picton and Tahmoor**

The proposal will result in the rural land between Picton and Tahmoor being lost which is inconsistent with Council's vision for 'rural living' and the desire to retain a separation between towns and villages.

There may be a loss of visual separation along the southern end of the site when viewed from Remembrance Drive. As detailed the proponent is investigating a range of options for this land including aged care, a hospital and a school which can occur without rezoning.

Ensuring there are adequate setbacks and landscaping for land fronting Remembrance Drive area would assist in maintaining the landscape character and visual separation. Existing rural and unbuilt land east of Stilton Lane along Remembrance Drive would continue to provide a visual landscape buffer between Picton and Tahmoor if this proposal proceeded.

PE3 - Stilton Lane Planning Proposal

▪ **Residential Land Supply**

There is a question as to whether there is a need for the rezoning of additional residential land because of the proposed new town at Wilton. In the current Growth Management Strategy 2011 (GMS) there are proposals for consolidated incremental growth around towns to assist in meeting local demand for housing as well as improving the viability of local town centres. The GMS has a housing target of 4,000 lots to 2036 for the Picton/Tahmoor Thirlmere area which has almost been met already assuming all current planning proposals including this one are finalised.

A concern has been raised as to whether landowners on the eastern side of Stilton Lane and north of the middle ridge of the site would be able to rezone their land for residential purposes. A decision on this would not be able to be made until the outcome of this planning proposal is known. There is no proposal to include their land in the current planning proposal.

Land fronting Remembrance Drive on the eastern side of Stilton Land to the south of the ridge across the middle of the site is proposed to retain the rural zone. Any future development on the site in this location would need to ensure there are adequate buffers to avoid potential land use conflict with small scale agricultural uses.

▪ **Specialist Studies**

Should the planning proposal proceed and receive a positive Gateway Determination the following specialist studies are recommended:

- Traffic and Transport
- Rail Noise and Vibration
- Stormwater Management and Water Quality
- Flooding
- Geotechnical
- Preliminary Contamination Assessment
- Flora and Fauna report
- Bushfire Management Assessment
- Community Needs Assessment
- European and Aboriginal Archaeological Heritage Study
- Land-Use conflict Assessment
- Visual Assessment.

PE3 - Stilton Lane Planning Proposal

2.2 CONSULTATION WITH PUBLIC AGENCIES

Formal consultation with government agencies and infrastructure providers would be required should the planning proposal receive a positive Gateway Determination. It is considered that the following agencies and organisations should be consulted.

- NSW Department of Transport
- Roads and Maritime Services
- NSW Rural Fire Service
- Sydney Water Corporation
- NSW Fire & Rescue
- NSW Office of Environment and Heritage
- NSW Department of Primary Industries
- Office of Water
- NSW Education Department
- NSW Health - South Western Sydney Local Health District
- Australian Rail Track Corporation
- NSW Department of Industry - Resources & Energy
- Mine Subsidence Board
- Subsidence Advisory NSW.

The proponent has independently sought preliminary feedback from a number of service agencies and their responses are outlined below:

Sydney Water

Water - There is sufficient capacity to service the site with drinking water subject to extension and augmentation of existing infrastructure.

Sewer - There is no current capacity for servicing the site but this may change after the Picton Treatment Plant is expanded. The proponent has undertaken a Waste Water Investigation and provided a wastewater treatment strategy for providing on-site sewerage should Sydney Water not be able to service the site in the future.

Natural Gas

Jemena has indicated that existing gas infrastructure would have capacity to service the site.

Telecommunications

The site is not currently located within the area for NBN rollout so additional cost would be required to enable connection.

PE3 - Stilton Lane Planning Proposal

Electricity

Endeavour Energy's existing infrastructure has sufficient capacity to service the site.

Mining

The site is currently being undermined with completion expected in 2017. Proposed changes to the *Mine Compensation Act 1961* would pass the cost of subsidence impacts onto the mine operator and this may affect the response from Subsidence Advisory NSW with regard to the timing of this rezoning.

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.

A total of 6 submissions were received and of these submissions; 2 objected, 2 supported and 2 submissions were neutral.

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

Issue Raised	Assessment Comment
Need for a railway station and car park due to population increases	Consultation with rail authorities would determine whether a railway station is able to be provided should the planning proposal proceed.
Planning proposal is unclear regarding future employment land.	The proponents have suggested a range of potential uses for land adjoining Remembrance Drive and are not proposing to change the RU2 Rural Landscape zone in this section of the site. No specific proposal has been received.
The increase in population of around 2,000 people would require a large investment in local services and infrastructure.	It is agreed there would be additional infrastructure requirements and additional information in this regard should be sought from government agencies if the planning proposal proceeds. An assessment of local services and facilities would also be required.
Traffic congestion through Argyle Street would require a bypass road via Maldon.	The potential traffic impact is a concern as outlined in the report. Options for a Picton bypass are a medium to long term project. If the planning proposal proceeds a traffic study will be required.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2016

PE3 - Stilton Lane Planning Proposal

Issue Raised	Assessment Comment
The lack of spatial separation between Picton and Tahmoor is of concern and the report is contradictory as the land on Remembrance Drive is proposed for employment generating uses.	It is acknowledged that the proposal would join Picton and Tahmoor. Most of the site is not visible from Remembrance Drive being within a valley. Potential development along Remembrance Drive could occur under the current zone. Landscaping of the site and adequate setbacks would be required to soften any visual impact.
Concern with potential uses and noise from the proposed tourist zone.	There is a concern with the proposed tourist zone which would allow a range of uses that have potential for production of noise particularly with regard to impact on the proposed surrounding residential land. Any future proposal for development in the tourist zone would need to consider potential noise and amenity impacts on the nearby residential area as part of the development application process.

Planning & Economy

2.4 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 2.13 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.

PE3 - Stilton Lane Planning Proposal

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 3 is the recommendation of this report.

2.6 A PLAN FOR GROWING SYDNEY

The Plan has a vision for a city of housing choice with homes that meet our needs and lifestyle. The location and features of the site indicate that the site may be more suitable for employment generating lands rather than housing. Direction 1.9: "Support priority economic sectors" aims to support the growth of industry clusters by the provision of sufficient well-located and well-serviced land and it is considered that additional information on the need, type and location requirements of employment generating land to service the local area is required before a decision is made to rezone the land for residential purposes.

2.7 SECTION 117 MINISTERIAL DIRECTIONS

Direction 4.4 Planning for Bushfire Protection

The planning proposal is inconsistent with objective (a) of Direction 4.4 which is "(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas,' with regard to the proposed tourism zone and residential land on the western side of the railway line. In particular the planning proposal does not comply with section (6) (c) which requires that "a planning proposal must contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks."

It is considered that the planning proposal has the potential to be generally consistent with all other relevant ministerial directions subject to specialist studies addressing all directions satisfactorily.

2.8 STATE ENVIRONMENTAL PLANNING POLICIES

Specialist studies would address requirements outlined in relevant State Environmental Planning Policies. These would be required if the planning proposal progresses.

PE3 - Stilton Lane Planning Proposal

2.9 AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013

The site is located within 2km of a residential zone and therefore is within the coal seam gas exclusion zone.

2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011 (GMS)

The GMS includes Structure Plans which identify areas that are considered to have potential for growth. A part of the northern portion of the site adjoining Henry Street is identified on the Structure Plan for Picton. The site is not identified on the Structure Plan for Tahmoor and Thirlmere.

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.	The draft planning proposal is not consistent with all the key Policy Directions and Assessment Criteria contained within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	The planning proposal would reduce the separation between the urban areas of Picton Tahmoor and Thirlmere but the visual impact from the main road corridor (Remembrance Drive) would be limited. The site is not located near town centres and would result in a relatively isolated housing development with limited opportunities for connectivity with existing urban residential area.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Adjoining landowners that may be impacted by this proposal have been notified. Their comments have been summarised and discussed in this report.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	No personal financial details of landowners have been made available and would not form a part of any consideration of this planning proposal.

PE3 - Stilton Lane Planning Proposal

Key Policy Direction	Comment
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.).	There are concerns with both the relative isolation of this site from the established urban areas and with the tourism and residential purposes west of the main southern railway line, which are impacted by bushfire hazard. There is currently insufficient sewerage capacity to service the site and there are concerns with the potential impact of the development on the traffic and transport network.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	There has been an influx of planning proposals for the rezoning of rural land for residential purposes potentially resulting in housing and population increases well above the Shire's natural growth forecast.
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 housing would provide lots of both standard and larger sizes that would provide for family style housing for those on middle to high incomes.
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").	This site is at the edge of the Picton township and provides for lower density development suited to this location.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The site is at the edge of Picton, Tahmoor and Thirlmere but is relatively isolated from each of the town centres both in terms of distance and connectivity.
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.	NA

PE3 - Stilton Lane Planning Proposal

Key Policy Direction	Comment
Employment Policies	
<p>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	<p>It is proposed to rezone a small amount of land for industrial purposes. Community facilities and tourism uses are proposed but no specific or definite proposals have been submitted. There are bushfire hazard issues with the proposed tourism use. The site is located adjacent to an important industrial area servicing the Shire and has physical attributes that make it potentially suitable for industrial and agri-business pursuits and other types of employment lands yet to be determined.</p> <p>The Growth Management Strategy 2011 identifies a need for more detailed research to determine which specific industry and commercial development types are needed in Wollondilly and within the region generally to achieve growth in employment opportunities both locally and regionally.</p> <p>Given the sites strategic potential to provide employment lands for the area it is considered that a decision to support rezoning the site for residential development would be premature and should wait until an employment Lands strategy has been prepared for Wollondilly.</p>
<p>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.</p>	<p>Land is proposed to be zoned for tourism purposes with a view to enabling development of the site for a motel and conference accommodation. However, due to the bushfire hazard and limited access these uses are not supported in this location.</p> <p>The current RU2 Zone permits a range of employment generating land uses already and this includes hospitals and educational establishments which the applicant has indicated are being pursued in terms of commercial viability and prospective clients/end users.</p>

PE3 - Stilton Lane Planning Proposal

Key Policy Direction	Comment
Integrating Growth and Infrastructure	
<p>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.</p>	<p>There is a concern that development of the site for an additional 700 dwellings at this time may impose a burden on the transport network given the cumulative impact from the significant number of residential and commercial planning proposals currently under consideration by Council. In addition Picton High School and Picton Primary School have limited land for providing additional classrooms to cope with anticipated growth in student numbers..</p>
<p>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.</p>	<p>The site is not considered to be suitable in terms of supporting existing towns and villages as its location is relatively remote from, and its connectivity potential is particularly poor, with existing centres at Picton, Tahmoor and Thirlmere.</p> <p>There is limited, if any, potential for the site to make genuine connections with existing urban areas particularly as these would need to pass through an industrial area This is particularly challenging for establishing safe and inviting connections to foster community cohesion between newer and older areas and also in the ability to encourage incidental physical activity through creating safe and inviting paths.</p> <p>Future development at this location would more than likely result in a satellite community reliant on car use rather than a logical extension of an existing area.</p> <p>The development of residential land adjoining an industrial area may lead to conflict between residential and industrial uses and affect the sustainability of the industrial area.</p>

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2016

PE3 - Stilton Lane Planning Proposal

Key Policy Direction	Comment
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The development of the site would not lead to dispersed population growth as it is near population centres but has poor connectivity to these centres.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The site is at the edge of the PTT area and while a limited part of the site is indicated for residential growth on the Picton Structure Plan, the main access to the site through an industrial area is not supported. The site is not identified on the Structure Plan for Tahmoor-Thirlmere
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 planning proposal aims to augment environmental land adjoining Redbank Creek and to protect the ridgelines within the site from development by including a revegetation plan. Mineral resources underlying the site are currently being mined with completion expected in 2017.
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.	The site is not located in a dispersed rural area. This proposal aims to develop the site as a whole for range of residential, community, industrial, environmental and tourism purposes.

PE3 - Stilton Lane Planning Proposal

2.11 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Following consideration of responses from initial consultation and notification and a preliminary assessment of the application, it is not considered appropriate to amend the existing provisions of WLEP 2011 at this time for the following reasons:

- It is unclear that rezoning of the major portion of the site to a residential zone will achieve the best and highest use of the land.
- There appears to be a need for additional well located, large industrial, employment or agri/business land and a portion of the site could provide this.
- There is insufficient information regarding the specific need, type and optimum location for industrial/employment generating land in the Shire and this should be obtained before Council makes a decision on the rezoning of this landholding.
- The main access to the site via an industrial area is not ideal and will potentially create conflict between residential and industrial land uses which may both create safety issues and impact on the long-term viability of the industrial area.
- There is concern about the cumulative impact on the local road network from the additional traffic which would potentially be generated from this planning proposal.
- The site has poor connectivity with existing centres and adjoining residential areas and there are limited opportunities to provide additional connection routes due to the topography and railway line.
- There is potential for rural land use conflict from the agricultural land uses on adjoining land.
- The proposed tourist and residential development on the western side of the Main Southern Railway Line is not suitable due to limited access and bushfire hazard.
- The cumulative impact from recent rezoning and current planning proposals for residential land in the Picton, Tahmoor and Thirlmere will increase the strain on existing education, health and community facilities.
- The planning proposal has not provided evidence that the proposal for a hospital or school is a realistic possibility and therefore these facilities should not be considered a reason to support the proposed residential rezoning.
- The proposed location of aged care nursing and hostel care services is not supported as it is isolated from town centres and may be subject to bushfire hazard.

PE3 - Stilton Lane Planning Proposal

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

The proposed amendments to WLEP 2011 that may be considered are described below should the planning proposal be supported:

- Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zones R2 Low Density Residential (R2), R5 Large Lot Residential (R5), IN2 Light Industrial (IN2) and E2 Environmental Conservation (E2) as shown in Attachment 1.
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to a lot size to be determined for R2 and R5 land based on further assessment, 1,500 sqm for IN2, no minimum lot size for E2 and 4 ha for the residue RU2.
- Amend the Height of Buildings Map from a Maximum Building Height Category of no metres to a Maximum Building Height Category of 9 metres except for the residue RU2 Rural Landscape zone.
- Amendments are anticipated for the Natural Resources – Biodiversity Map. However, the details of the changes will not be known until specialist studies are completed.
- The Land Use Table would be amended to include the SP3 Tourist Zone and the land uses that may be added to those detailed in the Standard Instrument would be determined following further specialist studies.
- Amend the Urban Release Area Map to include this land.

These amendments would exclude part of Lot 2 DP 1180702 west of the Main Southern Railway Line which is considered unsuitable for tourism and residential uses because of the single lane access over the railway lane and bushfire hazard.

2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016

Amendments to Wollondilly Development Control Plan to provide site specific planning controls to guide future development on the site are likely to be required and will be determined after completion of specialist studies when details of changes will be apparent.

PE3 - Stilton Lane Planning Proposal

VOLUNTARY PLANNING AGREEMENT

At this stage no need has been identified for a voluntary planning agreement for the provision of any infrastructure or facilities has not been offered.

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 New Town project. Note that the Wilton New Town 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

1. Draft Land Zoning Map.
2. Structure Plan.

RECOMMENDATION

1. That Council not support the preparation of a Planning Proposal for the Stilton Lane site which includes the following land being Lot 10 DP 583245 (5 Stilton Lane), Lot 1 DP 583248 (10 Stilton Lane), Lot 2 DP 583247 (15 Stilton Lane) Lot 4 DP 1180702, (20 Stilton Lane), Lot 53 DP 251857 (30 Stilton Lane), Lot 54 DP 251857 (40 Stilton Lane), Lot 55 DP 251857 (50 Stilton Lane), Lot 1 DP 1180702 (60 Stilton Lane), Lot 60 DP 979250 (2420 Remembrance Drive), Lot 61 DP 979250 (2430 Remembrance Drive), Lot 2 DP 1180702 (2440 Remembrance Drive) and Lot 201 DP 1180801 (2440A Remembrance Drive), Picton for the following reasons:
 - Support for the planning proposal is considered to be premature in the absence of an employment lands strategy and the outcome of the Picton Town Centre Transport Master Plan investigation is known.
 - The site is not an appropriate location for residential development housing limited connectivity.
 - The proposed tourist and residential development on the western side of the Main Southern Railway Line are not considered suitable due to bushfire and access constraints.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2016

PE3 - Stilton Lane Planning Proposal

- There is insufficient information and certainty at present to support the changes required to enable the education and health components of the proposal. In addition, the principle of aged care nursing and hostel care services are not supported given the sites isolated location from town centres and potential bushfire constraints.
 - The proposal is largely inconsistent with the Wollondilly Growth Management Strategy, 2011.
2. That the planning proposal be reconsidered after an assessment by Council of the need for employment lands is undertaken.
 3. That the applicant and submitters be notified of Council's Resolution.