

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 16 May 2016

PE6 - Star Street Former Road Reserves Planning Proposal and Development Control Amendments

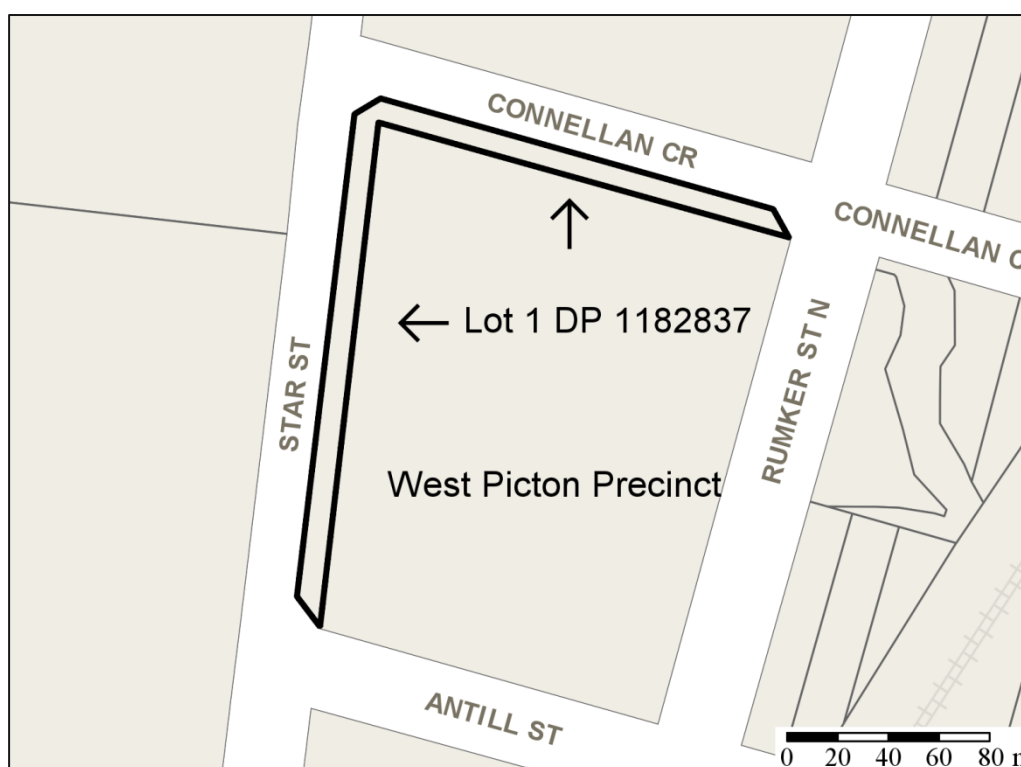
PE6

Star Street Former Road Reserves Planning Proposal and Development Control Amendments

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TRIM 7965

Applicant: Planning Ingenuity
Owner: K Morris Management Pty Ltd



LOCATION MAP N ↑

Stage	Completed
Preliminary notification	2 May 2014
Gateway Determination	7 August 2014
Consultation with Public Agencies	11 September 2014
Specialist Studies	22 January 2015
Public exhibition/community consultation	7 October – 23 October 2015
Publishing of WLEP 2011 Amendment	18 March 2016
Public Exhibition of Draft WDCP 2016 Amendments	9 March 2016 - 6 April 2016

Planning & Economy

**PE6 - Star Street Former Road Reserves Planning Proposal and
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EXECUTIVE SUMMARY

- Wollondilly Local Environmental Plan 2011 Amendment 20 for the Star Streets Former Road Reserves Planning Proposal was published on the NSW Legislation website on 18 March 2016.
- Draft amendments to the Wollondilly Development Control Plan 2016 have been prepared to guide development of this recently rezoned land. The draft amendments include controls for remediation of contaminated land and maintaining access to adjoining properties.
- These draft amendments were placed on public exhibition for a period of 28 days from 9 March until 6 April 2016. No submissions were received from the public exhibition.
- 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:
 - The amendments to Wollondilly Development Control Plan 2016 as exhibited and with minor changes outlined in this report, be adopted and public notice be given in accordance with Clause 20 of the *Environmental Planning and Assessment Regulation 2000*.
 - The applicant, landowner, nearby landowners and persons who made submissions to the planning proposal shall be notified about the approval of the amendments.

REPORT

BACKGROUND

Amendment 20 to WLEP 2011 was published on the NSW Legislation website on 18 March 2016 and has changed the statutory planning controls applying to the land. The land has been rezoned to Zone R2 Low Density Residential with a Minimum Lot Size of 450 sqm and a Maximum Building Height of 9 m. The site is also included on the Urban Release Area map and the provisions in WLEP 2011 require the preparation of a development control plan for the land.

Council resolved to exhibit the draft amendments to Wollondilly Development Control Plan 2016 (WDCP 2016) at its Ordinary Meeting held 15 February 2016.

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1.1 SITE DESCRIPTION

The draft WDCP 2016 amendments apply to Lot 1 DP 1182837 which has been formed from parts of the former Crown Road reserves on Star Street and Connellan Crescent, West Picton. The land comprises 3,713 sqm of a continuous relatively flat 10m wide strip adjacent to the northern and western boundaries of West Picton Precinct at Lot 1 DP 995172 (No.s 21-31 Rumker Street West Picton). West Picton precinct was rezoned to allow residential development through an amendment to Wollondilly Local Environmental Plan 2011 which was published (gazetted) on 31 January 2014. This land was formerly part of the Picton Tahmoor Thirlmere New Urban Lands Planning Proposal.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

As a result of consultation with Council staff minor changes to the WDCP 2016 draft amendments are proposed and these are detailed in section 2.4.1.

The section of Connellan Crescent which is still a Crown Road Reserve is proposed to be transferred to Council as a local road.

2.3 COMMUNITY CONSULTATION

Community consultation on the draft amendments to WDCP 2016 was undertaken for a 28 day period from 9 March - 6 April 2016. A letter detailing the draft amendments was sent to the applicant, landowner, nearby landowners and persons who made submissions to the planning proposal. A notice was placed in local newspapers, and information on the draft amendments was also made available for public viewing on Council's website and at Council's Administration Building and Picton Library.

No submissions were received from the community.

2.4 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Amendment 20 will allow this site to be developed in association with the West Picton Precinct site. It is estimated that 45 lots will be developed on the West Picton precinct site. The additional zoned land will allow for the development of an additional 5 lots (approximate) at a residential density of between 12-15 lots/ha. This represents a minor increase.

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2.4.1 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDCP 2016)

Amendments are proposed to the site-specific controls within WDCP 2016 Volume 2 Urban Release Areas and Volume 3 Subdivision of Land to guide future development of the recently rezoned land.

Changes to Urban Release Area – Volume 2 WDCP 2016

West Picton Precinct was within the Picton Tahmoor Thirlmere New Urban Lands Planning Proposal (PTT). It is proposed to apply the same Urban Release Area Controls for PTT under Volume 2 section 2.3 by adding a reference to Lot 1 DP 1182837. No other amendments are proposed to Volume 2.

Changes to Subdivision of Land – Volume 3 WDCP 2016

As the former road reserves site will be added to the Picton West precinct the amendments are proposed to be integrated with controls for that site.

It is proposed to add site-specific subdivision controls to Part 3 – Picton West. Some minor changes have been made to these controls from the exhibited amendments as a result of consultation and these are detailed below.

Purpose for Control	Control as exhibited	Proposed change to control	Reason for change
To ensure that landowners are able to access their properties during construction of the subdivision	2. Satisfactory road access shall be provided to properties benefiting from the right of carriageway applying to Lot 1 DP 1182837 prior to construction of any future subdivision of the site.	2. Satisfactory road access shall be provided to properties benefiting from the right of carriageway applying to Lot 1 DP 1182837 'during' construction of any future subdivision of the site.	Existing road access is available to these properties and the aim is to ensure that this will be maintained while the subdivision is being constructed.
To ensure that Connellan Crescent is constructed to provide access for both properties within any new subdivision but also for existing landowners.	3. The unformed road reserve named Connellan Crescent shall be constructed prior to the release of the Subdivision Certificate for the site.	3. The unformed road reserve named Connellan Crescent shall be constructed prior to the release of 'any' Subdivision Certificate for the site.	Changing 'the' to 'any' as there may be more than one Subdivision Certificate applying to the site.

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As the land will be developed as an integrated site, it is proposed to change the exhibited map to integrate it with the West Picton map.

The draft amendments to WDCP 2016 incorporating the minor changes are attached.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through Council's adopted Fees and Charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. 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 amendments to Wollondilly Development Control Plan 2016 incorporating minor changes.

RECOMMENDATION

1. That Council approve the amendments as exhibited and with the minor changes outlined in Section 2.4.1 and replace Wollondilly Development Control Plan 2016 with an amended Plan.
2. That Council make a public notice detailing the approval to the amendments to Wollondilly Development Control Plan 2016 in accordance with the provisions of Clause 22 of the *Environmental Planning and Assessment Regulation 2000*.
3. That the amendments to Wollondilly Development Control Plan 2016 shall come into effect on the day the notice is published in a local newspaper.
4. That the applicant, adjoining and nearby landowners and persons who made submissions to the planning proposal shall be notified about the adoption of the amendments to Wollondilly Development Control Plan 2016.

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ATTACHMENT 1 – 7965 – 16 MAY 2016

DRAFT AMENDMENTS TO WOLLONDILLY DEVELOPMENT CONTROL PLAN 2016

Proposed Changes in Red

Volume 2 – Urban Release Areas

2.3 Picton, Tahmoor, Thirlmere New Urban Lands (PTT) and Star Street Former Road Reserve

Requirement of LEP	Control(s)
(a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,	1. The development of the land shall be staged to ensure that access roads are provided in accordance with the controls contained in Part 3 of Volume 3 of this plan. 2. The development of each precinct and Lot 1 DP 1182837 may be undertaken in any number of stages.
(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,	1. The road hierarchy shall be provided in accordance with the controls contained in Part 3 of Volume 3 of this plan.
(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,	1. The objective of this provision is otherwise achieved by satisfying Parts 9 and 10 of Volume 1 and Section 2.8 of Volume 3 of this plan.
(d) a network of passive and active recreational areas,	The development of these sites shall utilise the existing facilities at Tahmoor, Thirlmere and Picton.
(e) stormwater and water quality management controls,	These measures shall be provided in accordance with Section 2.3 of Volume 3 of this plan.
(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,	<u>Bushfire</u> Development is to comply with the most recent version of the NSW Rural Fire Service's Planning for Bushfire Protection. <u>Flooding</u> Development is to comply with Part 8 of Volume 1 of this plan. <u>Contamination</u> Development is to comply with State Environmental Planning Policy No. 55 – Remediation of Land.
(g) detailed urban design controls for significant development sites,	These lands contain no significant development sites.
(h) measures to encourage higher density living around transport, open space and service nodes,	The site contains no areas which are particularly desirable for higher density living.
(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,	Neighbourhood shops should only be situated in locations that maximise the distance between the neighbourhood shop and existing commercial centres.
(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking,	The precincts will rely on existing facilities at Tahmoor, Thirlmere and Picton.

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ATTACHMENT 1 – 7965 – 16 MAY 2016

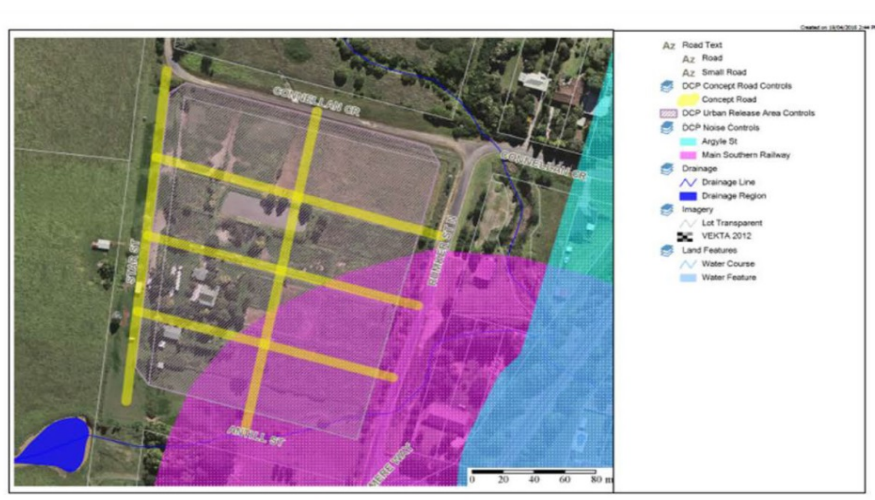
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PART 3 – CONTROLS FOR SPECIFIC LOCATIONS

3.1 Picton West and Star Street Former Road Reserve

Application

1. This section applies to land identified on the structure plan and map below which is part of an Urban Release Area (refer to Volume 2, Section 2.3):



Objectives

1. To ensure roads and pathways in future subdivision of the land provides direct connections to the internal and external road network.
2. To ensure that contaminated land is suitably assessed and remediated prior to residential development.
3. To ensure that satisfactory road access is provided for land owners using the right of carriageway across the site to access their properties.

Controls

1. Roads and pathways shall be provided generally in accordance with the structure plan above.
2. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55 – Remediation of Land, Lot 1 DP 1182837 is taken to contain potentially contaminated land and shall require further assessment and remediation prior to any development consent being granted for subdivision.
3. Satisfactory road access shall be provided to properties benefiting from the right of carriageway applying to Lot 1 DP 1182837 during construction of any future subdivision of the site.
4. The unformed road reserve named Connellan Crescent shall be constructed prior to the release of any Subdivision Certificate for the site.

Governance