

**GR6 – Picton East Planning Proposal**

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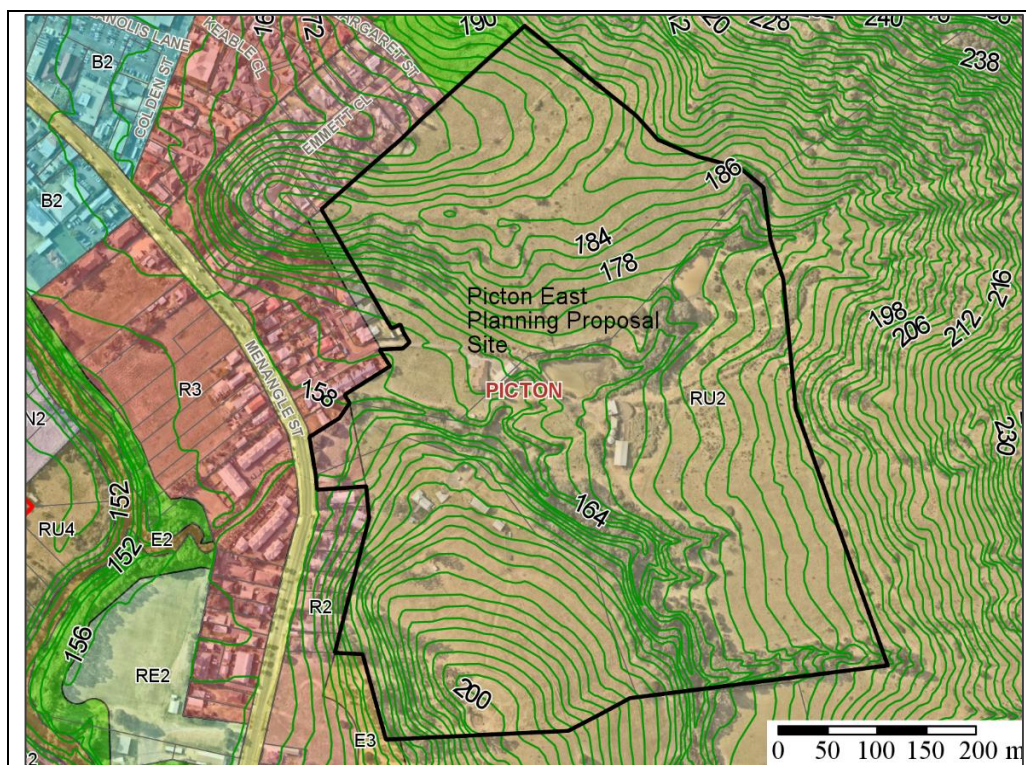
**Picton East Planning Proposal**

41

TRIM 6842

**Applicant:** Michael Brown Planning Strategies  
**Owner:** Mr L R Baxter, Reeves Junction Pty Ltd

Growth



LOCATION MAP ↑ N

Stage	Completed
Preliminary notification	16 May 2012 to 8 June 2012
Gateway Determination	28 March 2013
Consultation with Public Agencies	9 April 2013 to 3 May 2013
Specialist Studies	Nearing completion
Public exhibition/community consultation	To be completed
Referred to Minister for Publication	Not completed

**GR6 – Picton East Planning Proposal**

**EXECUTIVE SUMMARY**

- The purpose of this report is to seek Council support to an amendment to the Picton East Planning Proposal.
- The Planning Proposal site comprises part of Lot 106 DP 1111043 (108 Baxter Lane) and part of Lot 2 DP 229679 (108-114 Menangle Street) and Lot 9 DP 233840 (116-118 Menangle Street), Picton.
- The revised planning proposal proposes changes to the Wollondilly Local Environmental Plan 2011 to allow land to be rezoned for residential and environmental purposes which is the same objective as the current planning proposal.
- A report on this matter was previously considered at the Ordinary Council meeting held on Monday 17 July 2017.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
  - the revised planning proposal be supported
  - the Council request the Greater Sydney Commission for a Gateway alteration
  - The planning proposal be exhibited upon receipt of a Gateway alteration.

**REPORT**

**BACKGROUND**

A report on this planning proposal was last considered by Council at its meeting held on 17 July 2017 and this is provided as Attachment 1. At that meeting Council resolved to defer the item to allow further discussion with Council staff. The table below provides responses on each of the matters to be resolved prior to a further report to Council.

Matter	Comment
1. Address the concerns of Council's engineers in regard to geotechnical constraints, road access and flooding/stormwater including the provision of additional reports if required.	The applicant has provided a significant amount of additional information to address these issues. Further reports will be required as the process progresses.
2. There is clarity on appropriate minimum lot sizes for the entire site given the geotechnical and other constraints present.	Appropriate lot sizes have been determined based on site constraints. Further geotechnical information as outlined in this report is required for confirmation.

**GR6 – Picton East Planning Proposal**

Matter	Comment
3. More details are provided in regard to public access to Vault Hill.	Discussions have been held with the applicant and these are detailed in the report.
4. The Picton CBD Traffic master plan impacts are considered.	Transport management has been considered. The report provides further detail
5. Following resolution of points 1-4 a workshop will be held with Councillors in regard to lot size on the site.	A Councillor workshop was held and the issue of lot size was discussed.

**1.1 DESCRIPTION OF SITE AND REVISED PROPOSAL**

The current site is in Zone Rural RU2 Rural Landscape and a small section along Menangle Street is zoned R2 Low Density residential. The site comprises an area of 27.8 hectares within three properties with a total area of 120.771 hectares. These three properties are Part Lot 106 DP 1111043 (108 Baxter Lane), Part Lot 2 DP 229679 (108-114 Menangle Street) and Lot 9 DP 233840 (116-118 Menangle Street) Picton. The site is located immediately east of Picton Town Centre between Vault Hill, Margaret and Menangle Streets.

The revised proposal aims to rezone the site for residential and environmental purposes largely within the footprint of the original planning proposal site with minor changes to the boundary reflecting topographical constraints.

Summary of proposed amendments to the planning proposal approved under the Gateway Determination:

- Public Recreation Land to be rezoned to E2 Environmental Conservation Land and R2 Low Density Residential Land as shown on the revised zoning plan.
- Land at Menangle Street along the creek line which is currently zoned R2 Low Density Residential to be partially rezoned to E2 Environmental Conservation.
- E3 Environmental Management to be rezoned to E4 Environmental Living.
- Proposed R3 Medium Density land to be rezoned to R2 Low Density Residential.
- Minor changes to the site boundary beneath the geotechnical constraints line to exclude land designated as "steep slope drainage & slumping constraints" as detailed in the Slope Stability Report by Douglas Partners.
- Introduction of a Landslip Risk map and clause in Wollondilly LEP.

**GR6 – Picton East Planning Proposal**

**Changes to Proposed Zones**

The majority of the site is proposed to be zoned R2 Low Density Residential (R2) and E2 Environmental Conservation (E2) along Reeves Creek. One area of E4 Environmental Living (E4) to include steeply sloping land is proposed along Menangle Street. The proposed zones and their location are considered appropriate for the site. The R2 residential zone and proposed lot sizes would be aimed at developing the site with a range of single dwellings. The proposed zone map is provided at Attachment 2.

**Changes to Proposed Minimum Lot Sizes**

The applicant has undertaken a detailed site analysis with regard to visual aspect and geotechnical constraints to provide a basis for the proposed minimum lot sizes.

**Proposed Minimum Lot Sizes**

Minimum Lot Size	Number of lots	
	Previous Proposal reported to July 2017 meeting	Current Proposal
250 sqm	75	76
450 sqm	180	149
700 sqm	15	13
1500 sqm	Nil	14
<b>Total number of Lots</b>	<b>270</b>	<b>252</b>

Consideration has been given to minimising the potential visual and environmental impact with larger minimum lot sizes proposed on the knoll and steep slopes along Menangle Street. The larger lots will ensure that large mature trees and other significant vegetation is able to be retained which is important both environmentally and to maintain the landscape character providing the background setting to Picton Heritage Conservation Area. Site-specific controls can be added to WDCP to ensure the site is developed with suitable housing styles. The 1500 sqm minimum lot size would preclude lots from being able to be developed for dual occupancies as there is a 1400 sqm maximum lot size for consideration of dual occupancies under Wollondilly Development Control Plan (WDCP)

Smaller lot sizes (250 sqm) are proposed in less visible areas of the site. Proposed small lots along Baxter Lane would be in keeping with current medium density style housing development. Smaller lot sizes will assist to provide alternative affordable housing conveniently located in relation to Picton Town Centre and Picton Railway Station. There is currently a lack of such housing within Picton and limited opportunities to provide for such housing. It should be noted that the minimum lot size is unlikely to be achieved on the site due to the constraints of slope and drainage and the smallest lot is likely to be around 300 sqm.



**GR6 – Picton East Planning Proposal**

A copy of the proposed road and lot layout and minimum lot sizes is provided at Attachment 3.

**Changes to the site boundary**

It is proposed to make minor changes to part of the site in response to geotechnical findings that highlighted potential slip areas. These minor changes will not significantly increase the land area.

**Changes to Public Recreation Land**

Specialist studies have detailed the importance of the riparian corridor as environmentally sensitive land with a more suitable zoning being E2 Environmental Conservation rather than RE1 Public Recreation (RE1). No other suitably sized land (at least 5,000m<sup>2</sup> under Council's Land Dedication Policy) has been identified on the site. There is an area of RE1 land of almost 1 ha adjoining the site in Margaret Street owned by the Department of Planning & Environment that would potentially serve the site for passive recreation.

**Changes to Medium Density Land**

Proposed R3 Medium Density Land is replaced with R2 Low Density Land with a reduced minimum lot size on land that is not subject to significant slope instability. The R2 zone permits a single detached dwelling which would be more in keeping with the current housing type rather than medium density styles of housing. A geotechnical report to confirm the suitability of the smaller lot sizes and to provide a basis for a Landslip Risk map is required.

**Changes to Environmental Management Land**

The Department of Planning & Environment has indicated that an E4 Environmental Living Zone (E4) is a more suitable zone than the proposed E3 Environmental Management Zone (E3). E3 land to the east is now proposed to be included within the E2 Environmental Conservation (E2) area along Reeves Creek. The E4 zone is proposed on the steepest land facing Menangle Street.

**1.2 PROPOSED GATEWAY ALTERATION**

The Department of Planning and Environment has advised that the revised planning proposal requires an alteration to the Gateway Determination.

The current Gateway Determination is proposed to be altered from:

“...RU2 Rural Landscape to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and for environmental purposes, amend the lot size and building height provisions applicable to the land and amend other associated maps ...”

**GR6 – Picton East Planning Proposal**

to read as follows:

“...to rezone and amend development provisions at Picton East for residential and environmental purposes and amend the lot size and building height provisions and include a provision for mapping landslip risk.”

**CONSULTATION**

**2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT**

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

**Infrastructure and Planning**

The applicant has provided detailed site plans showing elevations and proposed cut and fill which indicate that substantial cut and fill would be required to provide roads and suitable sites for building. To ensure that all concerns are addressed satisfactorily the following is considered necessary:

- An updated geotechnical report to confirm the suitability of the proposed minimum lot sizes with particular consideration to two direction slopes on lots.
- A clear indication where garages with no building setback would be located.
- The applicant has provided information to address concerns in relation to stormwater and flood management. Most of these matters have been addressed satisfactorily. There is an issue with the limited capacity of the drainage easement serving Emmett Street. An updated stormwater management report is required to address this issue.
- It is noted that Margaret Street has a width of 7m while the proposed collector road through the site is proposed to have a width of 10m or 13m to allow for a bus route. Details are required to address this incompatibility.
- The Draft Transport Management Plan for Picton Town Centre is nearing completion and would likely require contributions for transport infrastructure other than that required for the development of the site.

**Strategic Planning response**

The proposed site avoids the most unstable areas of the site although there is still significant cut and fill proposed. A Landslip map which details areas of instability shall be included in the amendment to the local environmental plan. Additional geotechnical information should be provided to provide assurance that the proposed minimum lot sizes can be developed sustainably, economically and without major visual impact. An updated report would also provide input for the landslip map.

**GR6 – Picton East Planning Proposal**

The proposed small lots (250 sqm) are located on flatter parts of the site. The smaller lots would assist in meeting the need for affordable housing and alternative housing types but should be based on the findings of an updated geotechnical report. The applicant has provided examples where housing has been successfully developed on smaller lots on sloping sites and has proposed to develop the site as an integrated whole to limit cut and fill retaining issues for future landowners of individual sites. The issue of building setbacks need to be considered. A concept plan to address more detailed design and site-specific controls shall be included in Wollondilly Development Control Plan 2016 (WDCP).

The applicant has indicated that they will provide an updated stormwater management report for public exhibition.

It would be difficult to widen Margaret Street so it is likely that the internal road would either become a local road only or an alternative arrangement between the site and Margaret Street and buses may access and egress via Menangle Street. Details on transport options that would also support the Transport Management Plan should be provided for public exhibition.

**Environmental Services**

There is concern with protection of remnant native vegetation and ensuring that environmental weeds are removed and managed. The proposed E2 land requires significant improvement, revegetation and soil stabilisation. These matters should be addressed prior to any dedication of the land to Council. Potential salinity issues should be addressed. There should be no Asset Protection Zones (APZs) for bushfire protection that encroach on the E2 land.

Strategic Planning response

It is proposed to guide future development of the site through site-specific controls in the development control plan. These controls would include the requirement for a vegetation management plan to be implemented as part of any future development of the site. The applicant has indicated that they would maintain the E2 land. If the land is dedicated to Council it would be required to be in a suitable improved state and a monetary contribution would enable ongoing maintenance and management in accordance with the provisions in the Land Dedication Policy. Site-specific controls are proposed in the WDCP to ensure APZs do not encroach on E2 land and that salinity issues are addressed as part of any future subdivision application.

**GR6 – Picton East Planning Proposal**

**Economic Development and Tourism**

Discussions regarding potential future public access to Vault Hill included consideration of the following:

- The need for a lookout with adequate vehicle and bus parking
- Opportunities to enhance the heritage assets that are currently located on Vault Hill
- Integration of walking tracks and access routes to the proposed housing development
- Provision of walking tracks both up and around Vault Hill.

When considering the community/tourism benefit, any development for Vault Hill should be accessible to all and have links with the wider community.

Strategic Planning comment

Vault Hill is not included within the current planning proposal site but is part of the property on which it is located. Land adjoining the site in Margaret Street (Lot 201 DP 1079164) and within the property (Lot 106 DP 1111043) was zoned RE1 Public Recreation by the NSW Government under a since repealed Regional Open Space Plan to provide a possible future walking route to Vault Hill. The proponent has indicated a willingness to engage with Council with regard to the provision of a walking track and further discussion and negotiation could be explored through a planning agreement.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

Public agencies were consulted as required under the Gateway Determination but no consultation has been undertaken to date on the intended amendments. Further consultation will be undertaken with public agencies during public exhibition of the planning proposal.

**Department of Planning and Environment (DP&E)**

The DP&E has raised concerns with Council about the length of time a number of planning proposals including this planning proposal are taking to reach finalisation. There has been a number of extensions to the initial Gateway deadline set in March 2015 and the current deadline is now 31 March 2018. The DP&E is keen to ensure that the planning proposal is finalised within gateway timeframes although a further extension will be required to allow for consideration of the Gateway alteration and revised studies.

**2.3 COMMUNITY CONSULTATION**

Community views on the planning proposal will be sought during the formal exhibition period. Formal public exhibition in accordance with the Gateway Determination requires that the planning proposal be exhibited for a minimum period of 28 days and planning documents provided in accordance with Department of Planning guidelines.



**GR6 – Picton East Planning Proposal**

**2.4 A PLAN FOR GROWING SYDNEY**

The revised planning proposal aims to achieve a range of housing lots which is in keeping with the vision for housing choice and affordability.

**2.5 DRAFT WESTERN SYDNEY DISTRICT PLAN**

The Draft Plan includes:

*Planning Priority W5 Providing housing supply choice and affordability with access to jobs and services.*

Smaller housing lots close to Picton Town Centre and Picton Railway Station would assist Council in meeting this priority.

*Planning Priority W12 Protecting and improving the health and enjoyment of the District's waterways.*

Protection of Reeves Creek and its improved health will be achieved through implementation of the E2 Environmental Protection zone and ongoing management and maintenance and these actions would assist in meeting this priority.

*Metropolitan Rural Area (MRA)*

The planning proposal site is within the MRA which aims to limit urban development. However this planning proposal pre-dates the draft plan and was identified as suitable for residential purposes under the Growth Management Strategy.

**2.6 SECTION 117 MINISTERIAL DIRECTIONS**

The site is considered to be consistent with relevant Section 117 Ministerial Directions.

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

The 2km exclusion zone around residential land for coal seam gas mining applies to this land.

**2.8 CREATE WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033**

The Create Wollondilly Community Strategic Plan (CSP) 2033 is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations. The CSP focuses on 5 key themes as follows:

- Sustainable and balanced growth
- Management and provision of infrastructure
- Caring for the environment
- Looking after the community
- Efficient and effective Council.

**GR6 – Picton East Planning Proposal**

Council's priority focus for growth under the CSP will be the development of a new town at Wilton and Council will only support appropriately scaled growth within and around its existing towns and villages that respects the character, setting and heritage of those towns and villages. The Picton East Planning Proposal is consistent with this vision of growth in the CSP.

An assessment of the Planning Proposal against the 5 themes is provided below:

- **Sustainable and balanced Growth**  
The Planning Proposal is consistent with Council's position on growth as it will provide incremental growth around an existing township in an area that is identified within Council's current Growth Management Strategy.
- **Management and Provision of Infrastructure**  
Appropriate road and drainage infrastructure would be provided as part of the future development of the site.
- **Caring for the Environment**  
Remnant vegetation is proposed to be protected and improved along the creek line and through larger minimum lot sizes on certain land. Consideration has been given to ensuring impacts on views, landslip and water quality issues are minimised.
- **Looking after the Community**  
The proposal aims to provide diversity in housing supply to provide more affordability and choice. Although the site is relatively hilly its location close to Picton town centre and Picton Railway station would encourage walking which would lead to a healthier community.
- **Efficient and Effective Council**  
Council will continue to work to ensure that the planning proposal is consistent with the planning of long term growth within the Shire.

**2.9 WOLLONDILLY GROWTH MANAGEMENT STRATEGY**

The proposed amendments to the planning proposal are considered to be minor. It is considered that the revised planning proposal remain consistent with the key policy directions of the Growth Management Strategy. It aims to achieve housing choice and diversity. The revised planning proposal would provide for residential development in an area convenient to services, community facilities and public transport. Environmentally sensitive areas are proposed to be protected. The impact of additional traffic generation on the local road network would be able to be addressed through improved contributions to provide additional traffic management infrastructure

**2.10 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

Following consideration of responses from consultation and notification and detailed assessment of the revised proposal, in addition to advice from the Department of Planning it is considered that the Planning Proposal should take the form as detailed below.

**GR6 – Picton East Planning Proposal**

**2.11 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP, 2011)**

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Zoning Map from Zone RU2 Rural Landscape (and Zone R2 Low Density Residential) to Zones R2 Low Density, E4 Environmental Living and E2 Environmental Conservation, as shown in Attachment 3.
- Amend the Lot Size Map from a minimum lot size category of 100 ha and 700sqm to 7ha minimum lot size for the E2 Environmental Conservation Zone, 250sqm, 450sqm, 700sqm and 1500sqm for the R2 Low Density Residential Zone and 1500sqm for the E4 Environmental Living Zone as shown in Attachment 4.
- Amend the Height of Buildings Map from no Maximum Building Height Category to a Maximum Building Height Category of 9 metres.
- Amend Part 7 Additional Local Provisions to include a clause entitled "Landslip Risk" and prepare an accompanying map detailing areas of landslip risk on the site that would require further investigation at the development application stage.

**2.12 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDCP, 2016)**

Site-specific amendments are proposed for inclusion in WDCP 2016 and would potentially include

- a concept subdivision - road, pedestrian/cycleway and lot layout
- integrated provisions for construction of a future subdivision
- lot design controls including setbacks on smaller lots
- a vegetation management plan
- salinity controls
- landscape/streetscape controls
- location of APZs outside of E2 land.

These amendments will be reported to Council when prepared and then exhibited and notified in accordance with the environmental planning regulations and will be available for implementation when the planning proposal is published (gazetted).

**VOLUNTARY PLANNING AGREEMENT**

The cumulative impact of traffic generated from this and other planning proposals near the Picton Town Centre on the local road network is being assessed with the outcome being a Transport Management Plan to provide a basis for the provision of transport infrastructure to service the local road network. The Transport Management Plan will detail the costs for delivery of this infrastructure and would require landowners to provide additional development contributions and this would be implemented through a voluntary planning agreement. The provision of a walking track to Vault Hill is another matter that could be explored through a planning agreement.

**GR6 – Picton East Planning Proposal**

**FINANCIAL IMPLICATIONS**

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

A Voluntary Planning Agreement is to be investigated to address matters specific to the Planning Proposal.

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 INCLUDED IN A SEPARATE BOOKLET**

1. Previous Report to Council – July 2017
2. Current Zoning Plan approved under Gateway Determination
3. Proposed Land Zoning Plan for alteration to the Gateway Determination
4. Proposed Minimum Lot Size Plan

**RECOMMENDATION**

1. That Council support the preparation of a revised Planning Proposal for land being:

Part Lot 106 DP 1111043 (108 Baxter Lane), Part Lot 2 DP 229679 (108-114 Menangle Street), Picton and Lot 9 DP 233840 (116-118 Menangle Street).

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map to R2 Low Density Residential, E4 Environmental Living and E2 Environmental Conservation.
- Amend the Lot Size Map to a minimum lot size of 250sqm, 450sqm, 700sqm and 1500sqm for R2 land, 1500sqm for E4 land and 7ha minimum lot size for E2 land.
- Amend the Height of Buildings Map to a maximum building height of 9 metres.
- Amend Part 7 Additional Local Provisions to include a clause entitled "Landslip Risk" and prepare an accompanying map detailing areas of landslip risk on the site that would require further investigation at the development application stage.

Sustainable and Balanced Growth  
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

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**GR6 – Picton East Planning Proposal**

2. That the revised Planning Proposal be forwarded to the Greater Sydney Commission requesting an alteration to the Gateway Determination and an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone and amend development provisions at Picton East for residential and environmental purposes and amend the lot size and building height provisions and include a provision for mapping landslip risk.
3. That subject to a positive Gateway determination and completion of specialist studies and mapping, the revised planning proposal and planning documents be placed on public exhibition for a period of 28 days.
4. That the applicant and submitters be notified of Council's Resolution.