

PE2 – Picton East Planning Proposal

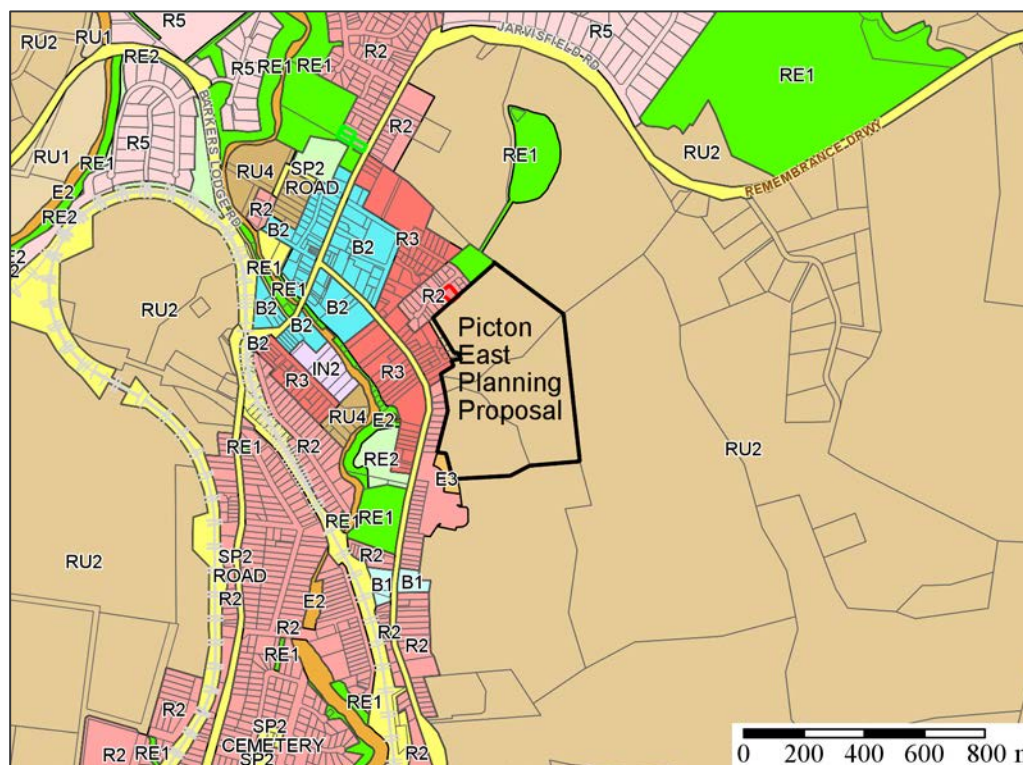
PE2

Picton East Planning Proposal

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TRIM 6842

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



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 - 3 May 2013
Specialist Studies	To be completed
Public exhibition/community consultation	To be completed
Referred to Minister for Publication	To be completed

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EXECUTIVE SUMMARY

- The Picton East Planning Proposal comprises parts of Lot 106 DP 1111043, Lot 2 DP 229679 and Lot 9 DP 233840 being No's 108 Baxter Lane, 108-114 and 116-118 Menangle Street, Picton.
- The revised planning proposal is seeking to rezone land for low density residential, environmental living and environmental conservation purposes.
- Council supported an alteration to the Gateway Determination for this planning proposal at its meeting held on Monday 21 September 2015.
- The Department of Planning & Environment ('DP&E') subsequently refused the Gateway alteration on the basis that it departed significantly from the original proposal and would constitute a new planning proposal.
- The revised planning proposal has reduced the scope of the changes and the DP&E have reviewed these and advised that a Gateway alteration would be considered.
- Submitters to the original proposal were advised about the September 2015 Council report and no concerns were raised. These submitters have also been advised about this Council report.
- 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. The proposal is considered consistent with the Community Strategic Plan.
- It is recommended that Council support the revised Picton East Planning Proposal with the changes detailed in this report and forward the planning proposal to the Greater Sydney City Commission for an alteration to the Gateway Determination.

REPORT

1.1 BACKGROUND

Council previously considered a report requesting a Gateway alteration to the planning proposal at its Ordinary meeting held in September 2015. That report and minutes are at Attachment 1. The request for a Gateway alteration was sent to DP&E in December 2015. They advised in September 2016 that the Gateway alteration was refused as it departed significantly from the original proposal and constituted a new planning proposal.

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Further discussions held with the DP&E determined that the planning proposal should only make minor changes to the scale of the original proposal. It was agreed that the planning proposal could be amended with marginal changes to the planning proposal boundary. These and other proposed changes should be supported by the findings of specialist studies. The proponent has submitted a revised planning proposal and request for a Gateway alteration.

1.2 SITE DESCRIPTION

The planning proposal site is in Zone Rural RU2 Rural Landscape and comprises an area of 27.8 hectares within three properties with a total area of 120.771 hectares. These three properties are parts of Lot 106 DP 1111043, parts of Lot 2 DP 229679 and Lot 9 DP 233840 being No's 108 Baxter Lane, 108-114 and 116-118 Menangle Street, Picton which are located immediately east of Picton Town Centre around Vault Hill.

The original planning proposal which covered the entire three properties was reduced in scale by Council at its meeting held on 17 December 2012 due to concerns raised in submissions and by Council staff largely relating to excessive development in this highly visible and scenic location.

1.3 DESCRIPTION OF REVISED PROPOSAL

Summary of changes

- Increase the amount of Zone E2 Environmental Conservation Land subject to suitable funding arrangements for its ongoing maintenance either through a bio-banking mechanism or incorporation into the residual land.
- RE1 Public Recreation Land to be rezoned E2 Environmental Conservation Land and R2 Low Density Residential Land as shown on the revised zoning plan.
- Land proposed as E3 Environmental Management be rezoned to E4 Environmental Living.
- Land proposed to be rezoned R3 Medium Density be rezoned to R2 Low Density Residential.
- Support minor changes to the site boundary beneath the geotechnical constraints line and excluding land designated as "steep slope drainage & slumping constraints" as detailed in the Slope Stability Report by Douglas Partners.

Boundary changes

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

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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. Further assessment of slope stability with regard to the proposed minimum lot sizes will be required.

Lot Sizes

The revised proposal is expected to generate up to 270 Lots, which is an increase of 70 lots over the estimated 200 lots under the current planning proposal. Three minimum lot sizes have been nominated by the proponent as detailed:

Minimum Lot size	No. of Lots
250m ²	75
450m ²	180
700m ²	15
Total	270

The range of lot sizes would increase potential for housing diversity with smaller lots assisting in the provision of more affordable housing. The location of this site near the Picton Town Centre and Picton Railway Station renders it suitable for medium density development which is able to be achieved through smaller lot sizes with single dwellings rather than the R3 Medium Density Zone with community tile housing. However smaller lots may not be suitable on much of the site due to land instability. Further detailed assessment of the suitability of the site for the proposed lot sizes should be undertaken prior to public exhibition of the proposal.

A minimum lot size of 700m² is proposed for the E4 zone but it is considered that a 975m² minimum would enable better retention of large mature trees.

Land facing Menangle Street

This land within the south west corner of Lot 9 DP 233840 is within a view corridor and is located above Picton Conservation Area land. The land rises steeply and currently has a rural landscape character with large trees and a few rural buildings. The proposed minimum lot size of 250m² and 450m² in this location is considered too dense. A minimum lot size of no less than 975m² within this view corridor would enable the retention of large trees, and would be more appropriate subject to further investigation.

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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 5,000m² 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 DP&E that would potentially serve the site for passive recreation.

Environmental Living Land

The DP&E 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.

Council considers an R5 Large Lot Residential zone across these areas of the site to be more suitable than an E4 zone for the following reasons:

- Dual Occupancy Development would be prohibited on sensitive parts of the site.
- There would be no potential land use conflict with any extensive agriculture activities which could be carried out in the E4 zone.

Land adjacent to Menangle Street is now proposed to be rezoned to E4 Environmental Living instead of E3 Environmental Management.

However Land near Baxters Lane which was proposed to be E3 Environmental Management is proposed to be rezoned to R2 Low Density Residential. It is considered that this land should be rezoned R5 Large Lot Residential. The area has been found to contain Shale Hills Woodland which is identified as an endangered ecological community and is considered to have high recovery potential. This location also is visible from Menangle Street and provides a vegetated backdrop to existing housing. It is also quite steep and prone to landslip.

Building Height Limit

A maximum building height limit of 9 metre is proposed for the whole site. The proposed 9m height limit allows a 2 storey dwelling which is suitable for most of the site. It is considered that the part of Lot 9 DP 233840 which is in the view corridor from Menangle Street and adjacent to Picton Conservation Area should be 6.8 metres to lessen potential impact on the heritage character. It should be noted that a 6.8m height limit has been applied to the recent rezoning of adjoining land at 136-154 Menangle Street, Picton.

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The proponent's maps detailing proposed zones, minimum lot sizes and maximum building heights can be found at Attachments 2, 3 and 4. These maps will be changed to reflect the matters raised in this report should a Gateway alteration be supported.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

Infrastructure & Planning

- Amendments to the geotechnical report have not been peer reviewed. The original geotechnical report was peer reviewed.
- No consideration has been given to achieving building platforms across the mostly steep site in relation to cut/fill and retaining walls. In this regard there is no reference to Development Control Plan 2016 (DCP 2016) Section 3.13 Retaining Walls, it appears with the proposed lot sizes in various locations that compliance for fill, cut and height of retaining walls would be difficult to achieve.
- The proposed 250m² lots on the north side of the extension of Baxter Lane, has a natural slope of approximately 16%. To achieve a building pad on such small lots, significant excavation and retaining would be necessary. It is likely that compliance with DCP 2016 would not be achieved. Similarly significant cut and fill is likely to impact on the proposed 250m² lots located on the SW side of the road leading from Menangle Street. The same concerns apply for all 700m² lots and road along the full length of the eastern side of the site.
- The north west of the site appears to encroach into the “steep slope drainage & slumping constraints” area as identified by the geotechnical assessment. This area should be avoided for development.
- No consideration has been given to the impact of new road construction on the need for cut/fill and retaining walls while still achieving suitable access to lots. The proposed new road from Menangle Street will require significant side cut & fill which could encroach onto the E2 land.
- Similar concerns apply to the proposed road on the north side near Margaret Street. Construction of the road in this location could also impact adjoining land where “no residential Building Envelopes or associated roadways to be included in this area” are identified in the geotechnical report.
- It is requested that the applicant provide a detailed geotechnical assessment to address the above concerns, which should be peer reviewed.

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- While stormwater would generally run to the creeks, the upslope steepness of this site could mean that overland localised flooding may be an issue, as well as potential seepage reducing the infiltration at some locations. This would have some impact on stability possibly requiring significant fill and/or cutting which would also impact the flow regime and therefore flooding potential.
- The Hydrology report was assessed and further detail is required to adequately assess flooding impact.

Environmental Services

Issues identified include the following:

- The site does contain remnant Shale Hills Woodland – part of the Cumberland Plain Woodland complex in various condition from very degraded to moderate to good.
- There are many noxious and environmental weeds that would need to be removed.
- Vegetation types that like moist habitats on clay soils are in abundance in certain parts of the hill side suggesting seepage at these locations. Some of the proposed E2 Environmental Conservation zoned land is highly degraded both ecologically and from a soil stability perspective. There would be substantial cost to council from the geotechnical (soil stabilisation) perspective but also from an ecological perspective should this land be dedicated. Accordingly the applicant for any future subdivision would be required to ensure any E2 Environmental Conservation land dedicated to Council would be stabilised, weeded and revegetated to ensure that there is a low ongoing maintenance burden.
- Bird activity was noted in the weed infested creeklines, suggesting that there is habitat potential for some common species.
- The proposed E2 areas are very steep so the long term use of them for anything other than vegetated riparian area is unlikely. Revegetation along the creek lines is critical to protect the soil.
- It was noted that there was a salt crust in the dam. Therefore salinity issues may be present at certain depths or in certain locations.

Economic Development and Tourism

A walking track that is readily accessible to the peak of Vault Hill would provide an important tourism attraction and assist economic development.

Planning's response to internal consultation

Development on unstable land is a significant concern for this site. In this regard the minimum lot size should reflect the constraints of the site and a more detailed geotechnical assessment that considers the concerns raised by engineering staff should be undertaken before minimum lot sizes across the site are determined.

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To ensure that adequate assessment is undertaken at the development application stage and to ensure future landowners are aware of potential landslip on the site, areas prone to landslip should be mapped and a clause inserted in Wollondilly Local Environmental Plan 2011 detailing the assessment requirements.

An assessment of flooding using the 2014 base hydraulic model for Stonequarry Creek has indicated that post development flood and hazard levels would not exceed current pre development levels. Stormwater management includes a series of detention basins to contain flow. The risk associated with potential failures of these basins also needs to be addressed.

An assessment of salinity has confirmed the potential for salinity and the report has recommended options for management.

There is a significant amount of E2 Environmental Conservation Land proposed which would require a maintenance contribution under the Council's Dedication of Lands Policy should this land be dedicated. Further discussions will be held with the proponent regarding their plans for ensuring ongoing maintenance of this land and/or dedication to Council.

The impact from this planning proposal has been considered in preparation of the Picton Town Centre Transport Management Plan which is anticipated to be finalised over the coming months. Contributions for transport infrastructure are likely to be required should the planning proposal proceed.

Options for a walking track to Vault Hill including the current RE1 Public Recreation zoned potential access route (which is outside the site) will continue to be discussed with the proponent.

2.2 A PLAN FOR GROWING SYDNEY

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

2.3 DRAFT SOUTH WEST DISTRICT PLAN

The Draft Plan includes liveability actions with regard to housing diversity and affordability which would be met by this proposal. Sustainability actions would be achieved by rezoning sensitive riparian land for environmental conservation.

2.4 SECTION 117 MINISTERIAL DIRECTIONS

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

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2.5 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.

2.6 CREATE WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033

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

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 low scale incremental growth around an existing township in an area that is identified within Council's current Growth Management Strategy. The application of an R5 zone would encourage lower scale development which would be consistent with the existing built environment.

- Management and Provision of Infrastructure

Appropriate road and drainage infrastructure would be provided as part of the future development of the site.

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▪ Caring for the Environment

This report recommends that larger lot sizes be applied to lands facing Menangle Street so that some of the current landscape character can be retained and some trees on the site can be retained. The scale of the Planning Proposal has been reduced substantially from when it was originally received to avoid impacts on views, landslip and water quality issues.

▪ Looking after the community

The proposed amendments to incorporate larger lots for land facing Menangle Street, as well as the amendments to include planning controls (such as an R5 zone) to more sensitive parts of the site to prohibit higher density development would retain the character of the area and would also improve the quality of the final development. Community involvement will be further encouraged during public exhibition of the proposal.

▪ Efficient and Effective Council

Council will continue to work to ensure that the proposal is consistent with the planning of long term growth within the Shire.

2.7 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

The revised planning proposal is considered to be in accordance with the key policy directions of the Growth Management Strategy. It aims to achieve housing diversity and affordability. The revised planning proposal may be able to achieve a slightly higher density in an area convenient to services, community facilities and public transport. However landslip concerns need to be addressed prior to smaller lot sizes being adopted. Environmentally sensitive areas are proposed to be protected. Additional traffic generation would be able to be addressed through improved traffic management infrastructure under a planning agreement.

2.8 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Following consideration of responses from the DP&E and internal consultation, it is considered that the Planning Proposal should take the form as detailed below.

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

The proposed amendments to WLEP 2011 for which an alteration to the Gateway Determination are sought are detailed below:

- Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zone R2 Low Density Residential, Zone R5 Large Lot Residential and zone E2 Environmental Conservation excluding the area which encroaches into the "steep slope drainage & sumping constraints" part of the site as detailed in the Douglas Partners Slope Stability assessment report

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- Amend the Lot Size Map from a minimum lot size category of 100 hectares to minimum lot sizes determined after further detailed assessment of geotechnical constraints and heritage/visual streetscape considerations
- Amend the Height of Buildings Map from a Maximum Building Height Category of no maximum height to a Maximum Building Height Category of 9 metres
- That a minimum Lot size of no greater than 975m² be applied to Land facing Menangle Street
- 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.

2.8.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDCP, 2016)

Amendments to WDCP 2016 are likely to be required and will be the subject of further investigation should the revised planning proposal receive a Gateway alteration.

VOLUNTARY PLANNING AGREEMENT

It is recommended that the landowner/developer and Council enter into a Voluntary Planning Agreement for the Planning Proposal site. This agreement will provide for public works and services specific to the Planning Proposal the details of which are to be negotiated.

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.

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ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Council report and minutes 21 September 2015.
2. Applicant's revised zoning plan.
3. Applicant's revised lot layout.
4. Applicant's revised maximum height map.
5. Council's Zoning Plan with Gateway Determination.

RECOMMENDATION

1. That Council support a revised Picton East Planning Proposal for parts of Lot 106 DP 1111043, parts of Lot 2 DP 229679 and Lot 9 DP 233840 being No's 108 Baxters Lane, 108-114 and 116-118 Menangle Street, Picton, and that the proposal proceed in the following manner:
 - Amend the Land Zoning Map to R2 Low Density Residential, R5 Large Lot Residential and E2 Environmental Conservation and;
 - That amendments to the minimum Lot size map be determined following further detailed assessment of geotechnical constraints and Flood Impact Assessment;
 - Amend the Height of Buildings Map to a 9 metre maximum building height except for land above Menangle Street adjoining the Picton Conservation area which shall be 6.8 metres and;
 - 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.
 - That a minimum Lot size of no less than 975m² be applied to Land facing Menangle Street.
2. That Council support the following changes to the Gateway Determination:
 - Increase the amount of Zone E2 Environmental Conservation Land subject to suitable funding arrangements for its ongoing maintenance either through a bio-banking mechanism or incorporation into the residual land.
 - RE1 Public Recreation Land to be rezoned E2 Environmental Conservation Land and R2 Low Density Residential Land as shown on the revised zoning plan.
 - Land proposed as E3 Environmental Management be rezoned to E4 Environmental Living.
 - Land proposed to be rezoned R3 Medium Density be rezoned to R2 Low Density Residential.

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- Support minor changes to the site boundary beneath the geotechnical constraints line and excluding land designated as "steep slope drainage & slumping constraints" as detailed in the Slope Stability Report by Douglas Partners.
3. That subject to a positive Gateway alteration, the applicant shall complete the following prior to public exhibition of the proposal:
 - Prepare a more detailed geotechnical assessment to address the slope instability concerns highlighted in this report and to determine the appropriate minimum lot size for those areas not detailed in Recommendation 1. A peer review shall be undertaken of this detailed assessment.
 - Address the matters raised in the review of the Flood Impact Assessment Hydrology report.
 4. That the revised Planning Proposal be forwarded to the Greater Sydney Commission with a request for an alteration to the Gateway Determination.
 5. That Council request the Greater Sydney Commission to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
 6. That the applicant and submitters be notified of Council's Resolution.