

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 September 2017

PE3 – Outcome of Gateway Review – The Oaks North Planning Proposal

PE3

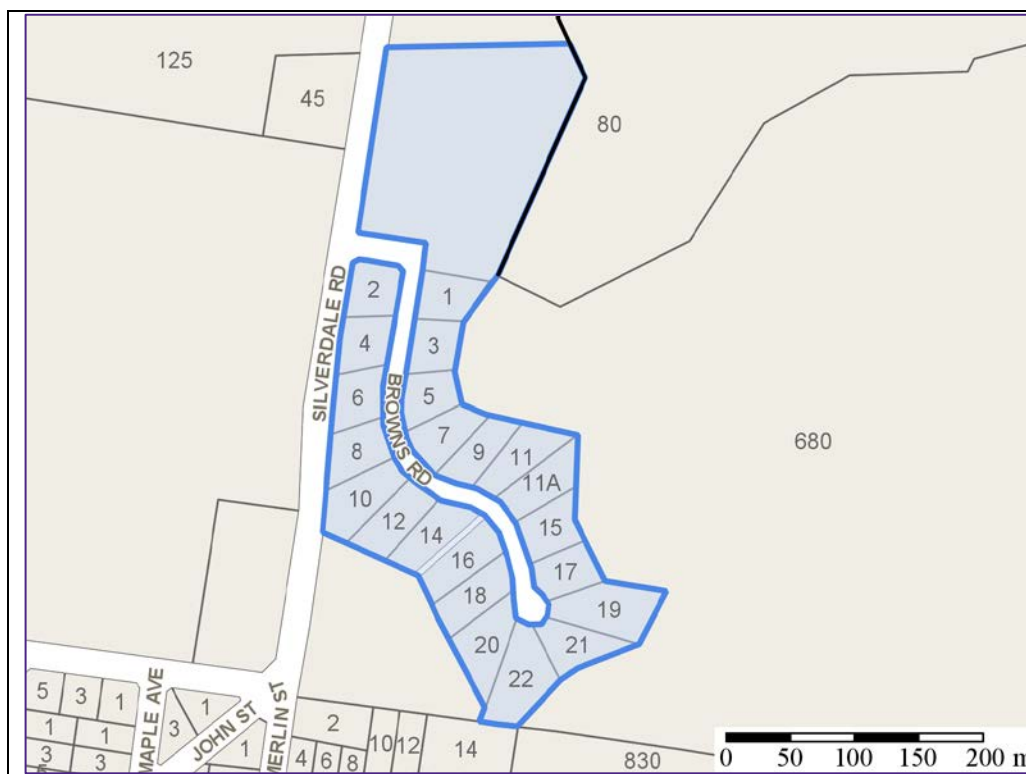
Outcome of Gateway Review – The Oaks North Planning Proposal

265508

TRIM 9004

Applicant: A.H Clinch Investments Pty Ltd
Owner: A.H Clinch Investments Pty Ltd

Planning & Economy



LOCATION MAP ↑ N

Stage	Completed
Preliminary notification	Wednesday 21 March 2016
Gateway Determination	8 December 2016
Gateway Alteration	20 July 2017
Consultation with Public Agencies	21 August 2017
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

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EXECUTIVE SUMMARY

- The purpose of this report is to update Council on the outcome of the Gateway Review for The Oaks North Planning Proposal and to seek Council's support to proceed with the proposal in line with the outcome.
- On 18 July 2016 Wollondilly Shire Council resolved to support the preparation of a planning proposal for The Oaks North to rezone land from RU2 Rural Landscape to R5 Large Lot Residential, to introduce a maximum height of 9 metres and to defer the identification of a minimum lot size until after a Gateway Determination had been issued and specialist studies had been prepared but with a minimum size of at least the average size of the existing lots in Browns Road (1,883m²).
- Subsequently a Planning Proposal was prepared and submitted to the Department of Planning and Environment and a Gateway Determination in support of the proposal was received on 8 December 2016.
- The proponent sought a Gateway Review with the outcome being the issuing of a Gateway Alteration dated 20 July 2017. The alteration identifies that a minimum lot size of 1500m² be applied to the whole of the site.
- 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:
 1. Council notes the outcome of the Gateway Review and supports the progress of the planning proposal in line with the resultant Gateway Alteration.
 2. That the applicant and submitters be notified of Council's Resolution.

REPORT

1.1 BACKGROUND

On 18 July 2016, Council resolved to support the preparation of a Planning proposal to rezone land at 80 Silverdale Road to allow for residential development. Council further resolved on 17 October 2016 to include additional land located on Browns Road within the proposal to protect the existing character of the area by increasing the minimum lot size for subdivision of this land.

A planning proposal was subsequently prepared and forwarded to the Department of Planning and Environment for a Gateway Determination.

PE3 – Outcome of Gateway Review – The Oaks North Planning Proposal

The Oaks North Planning Proposal sought changes to the Wollondilly Local Environmental Plan 2011 to rezone approximately 1.9 hectares of rural landscape zoned land to enable large lot residential development. Identification of an appropriate minimum lot size the site was deferred until this could be informed by the preparation of a number of studies. The resolution also required that the minimum lot size be at least the average size of the existing lots in Browns Road (1,883m²). The proposal also sought to increase the minimum lot size of land located on Browns Road from 700m² to 1500m².

A Gateway Determination was issued on 8 December, 2016 supporting the proposal. However, on 24 January, 2017 the proponent lodged a Gateway Review with the NSW Government Department of Planning and Environment.

1.2 GATEWAY REVIEW

A Gateway Review is a review mechanism that can be requested by either a proponent or Council to seek a review of the Gateway determination and in this case was requested to review the decision made in terms of the form of the proposal.

This review request sought two changes to the planning proposal to introduce an R2 Low Density Residential zone and to apply a minimum lot size of 1,500m².

This request was reviewed by the Department of Planning and Environment and was then referred to the Planning Assessment Commission (PAC) for advice.

After consultation with the proponent and Council Officers the PAC recommended that the R5 Large Lot Residential zone be retained and that a minimum lot size of 1500m² be applied to the site.

This recommendation was supported by the Department of Planning and Environment who issued an alteration to the Gateway Determination on 20 July 2017. This alteration retains the proposed R5 Large Lot Residential zone and introduces a minimum lot size of 1500m².

The 1500m² minimum lot size identified in the Gateway Alteration is not consistent with Council's resolution from 18 July 2016 which indicated that the *lot size shall not be less than the average lot size for the existing allotments in Browns Road, The Oaks which is 1,883sq.m.*

PE3 – Outcome of Gateway Review – The Oaks North Planning Proposal

1.3 COUNCIL OFFICER ASSESSMENT

The Gateway Alteration supports Council's determination to rezone the site to an R5 Large Lot Residential zone. This zone prohibits dual occupancy development which will help to ensure elements of the current rural outlook are retained.

The minimum lot size of 1500m² is smaller than the average lot size of the lots within the Browns Road development and so is not in line with Council's resolution on the matter. However, a minimum lot size only sets out the minimum size a lot can be subdivided into and the extent of the constraints on a site may result in the actual size of any future lot being larger.

Constraints affecting the site which may have an influence on the size of any future lot include bushfire hazard, part of the site's location within the Sydney Drinking Water Catchment, the steep escarpment to the east, an electrical easement to the north and land contamination. The impact of these constraints will be investigated through the specialist studies.

In addition to this, further consideration must also be given to the visual prominence of the site. The site for future residential development sits on top of an escarpment and on clear day has views as far as the Sydney CBD, Chatswood and Parramatta. The site also boasts views to the historical town of Camden. Therefore it is likely that a visual assessment will be required as part of the specialist studies to ensure any future visual impact is taken into consideration.

The Gateway Alteration also requires that the final minimum lot size of 1500m² be subject to:

- demonstrating the availability of reticulated sewerage to each lot in consultation with Sydney Water; and
- providing a comprehensive whole-of-site concept plan for stormwater management in consultation with Water NSW.

1.4 FORM OF A PLANNING PROPOSAL

Now that the Gateway review is complete and an Alteration to the Gateway determination has been issued, Council is expected to progress the planning proposal. This involves the preparation of specialist studies and undertaking community consultation.

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PE3 – Outcome of Gateway Review – The Oaks North Planning Proposal

Council's options are:

1. Progress the planning proposal in line with the Alteration to the Gateway Determination issues on land capability being resolved with future specialist studies
2. Resolve to seek a further Alteration to the Gateway Determination to either not proceed or to revert the planning proposal in the form previously supported by Council.

Option 1 is the recommendation of this report.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Report and Minutes from the Ordinary Meeting of Council held on 18 July 2016
2. Report and Minutes from the Ordinary Meeting of Council held on 17 October 2016
3. Gateway Determination dated 8 December 2016
4. Gateway Alteration dated 20 July 2017.
5. Department of Planning and Environment Briefing Report
6. PAC Advice and Recommendation

RECOMMENDATION

1. That Council note the outcome of the Gateway Review and the resulting Alteration to the Gateway Determination for the Oaks North Planning Proposal.
2. That The Oaks North Planning Proposal be progressed in line with the Alteration of the Gateway Determination.
3. That the applicant and submitters be notified of Council's Resolution.