

GR8 – Stilton Lane Planning Proposal

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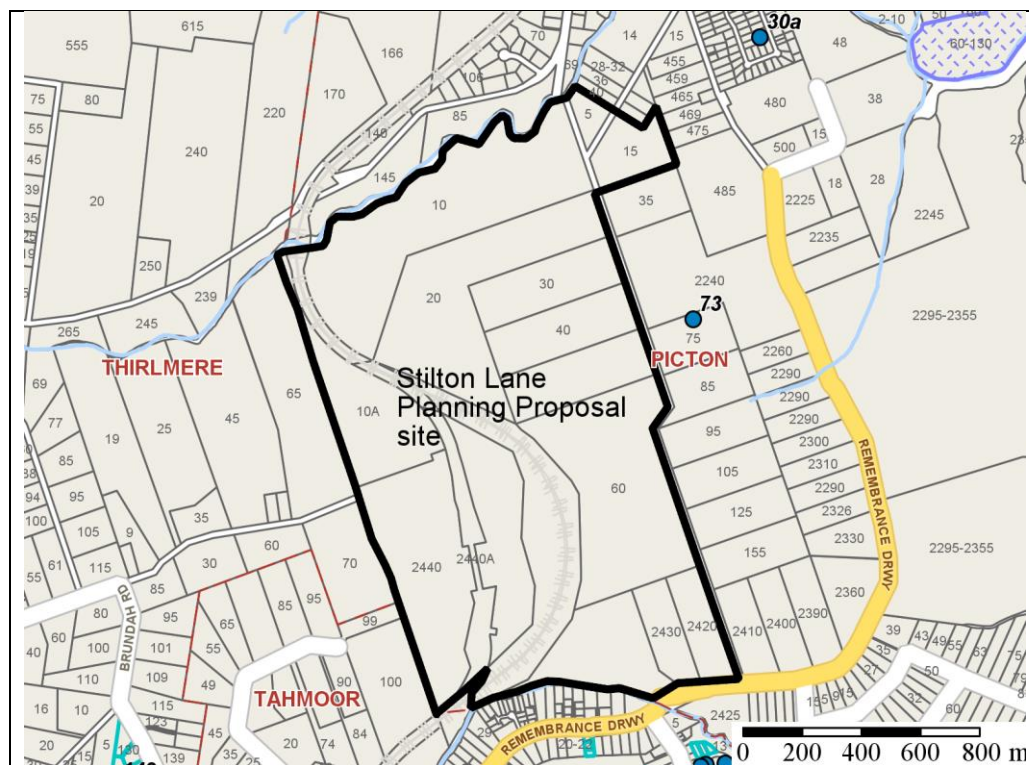
Stilton Lane Planning Proposal

41

TRIM 7142

Applicant: Fountindale Group
Owner: Mr A R Kent

Growth



LOCATION MAP N

Stage	Completed
Preliminary notification	8 June 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

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EXECUTIVE SUMMARY

- The purpose of this report is to clarify Council's resolution from the Ordinary Meeting of Council held on Monday 21 August 2017 as it related to the Stilton Lane Draft Planning Proposal.
- The Council supported the draft planning proposal in an amended form to proceed to a Gateway Determination.
- There are minor changes required to the resolution and the planning proposal to ensure that it is able to progress efficiently
- 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 Council:
 - Support the amended form of the planning proposal put forward by Council at its meeting held in August 2017 with the changes outlined in this report.
 - Forward the Planning Proposal in its supported form to the Greater Sydney Commission with a request for a Gateway Determination to enable the proposal to proceed.
 - Request delegation to make the amendment to Wollondilly Local Environmental Plan 2011.

REPORT

1.1 SITE DESCRIPTION

The site is located approximately 3 km south west from Picton Town Centre and has road frontages to Stilton Lane and Henry Street. The site is situated on the western side of Stilton Lane between the three towns of Picton Tahmoor and Thirlmere. It comprises 13 individual lots in a landholding under single ownership of approximately 174 hectares (ha).

Address	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



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2440 Remembrance Drive	2//1180702	39.76
2440A Remembrance Drive	201//1180801	4.994
		Total 173.528

1.2 BACKGROUND

Council considered the draft planning proposal at its meeting held on 21 November 2016 and again at its meeting held on 21 August 2017. These reports are provided at Attachment 1 and 2 and provide detail about what has been proposed by the applicant and by Council staff.

At the August 2017 meeting Council resolved to support the draft planning proposal in an amended form as follows:

1. *That Council support the Stilton Lane Draft Planning Proposal in a form different to that proposed by the applicant.*
2. *That a Planning Proposal be prepared in an amended form for land being:*

Lot 10 DP 583245, part Lot 2 DP 583247, part lot 2 DP 1180702 and Lot 3 DP 1180702 being numbers 5, & 15 Stilton Lane, Picton, 2440 Remembrance Driveway and the previous and current Main Southern Railway.

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- *Amend the Land Zoning Map to rezone land from:*
 - *RU2 Rural Landscape to IN2 Light Industrial, SP3 Tourist and E2 Environmental Conservation,*
 - *SP2 Infrastructure to RU2 Rural Residential and SP3 Tourist, and*
 - *RU2 Rural Landscape to SP2 Infrastructure.*
 - *Amend the Lot Size Map from a minimum lot size category of 16 hectares to a minimum lot size of 1500 sqm for IN2 Light Industrial and no minimum lot size for E2 Environmental Conservation or SP3 Tourist.*
 - *Amend the Natural Resources Biodiversity Map in accordance with the findings of a flora and fauna study.*
 - *Amend the proposed R2 and R5 land to RU4 Primary Production small lots with a minimum lot size of 4ha.*
3. *That the Planning Proposal be forwarded to the Greater Sydney Commission for a Gateway Determination.*
 4. *That Council request the Minister 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.*

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5. *That the applicant and submitters be notified of Council's Resolution.*

NEED FOR UPDATED RESOLUTION

At the August Ordinary Meeting Council resolved to support the Planning Proposal in a form different to that proposed in the report.

A number of amendments are required to Council's resolution to ensure that its intent is clear and the planning proposal can progress efficiently without challenge.

The amendments suggested within this report seek to define the proposal so that it can proceed as it is understood Council intended it.

The minor amendments seek to ensure that:

- The resolution refers to the correct land parcels
- Minimum lot sizes for subdivision won't prevent development on the site as intended by the amended proposal
- Suitable height limits are in place
- The proposed tourist zone is adequately defined.

PROPOSED CHANGES TO PREVIOUS RESOLUTION

The resolution above does not include property descriptions for all of the land proposed to be rezoned. The property descriptions refer only to the recommendation to rezone land for industrial and tourism purposes and to rectify the railway zone to reflect the new alignment. No property descriptions apply to the proposed rural-residential land. Minor changes to proposed lot sizes are also suggested to enable the efficient development of the land. The proposed tourist use will require the introduction of a new zone.

Zone Changes

The resolution recommends that the land originally proposed to be rezoned R2 Low Density Residential and R5 Large Lot Residential be rezoned to RU4 Primary Production Small Lots with a minimum lot size of 4 ha. However the respective property descriptions relating to the original proposed R2 and R5 zones are not included in the recommendation. In order to ensure that the land proposed to be rezoned accurately reflects the intentions of Council the resolution needs to be changed to include the additional property descriptions.

It is noted that the Council resolution does not propose any change to three properties (10A Stilton Lane, 2420 and 2430 Remembrance Driveway) and they would remain RU2 Rural Landscape Zone with a minimum lot size of 16 hectares. It is anticipated that it may be appropriate to include part of these lots on the Natural Resources Biodiversity Map, accordingly it is considered that they should remain within the planning proposal site.

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Lot Size Changes

One of the lots at 2440 Remembrance Driveway is part of a larger lot that is divided by the railway line. It would be more efficient to allow this to be a separate lot particularly if the land is considered suitable for employment uses (education, health, aged care) under the current zone. Similarly the other part of this lot is proposed to be part SP3 Tourist and part RU2 Rural Landscape. To enable future subdivision of the SP3 Tourist Zone from this land, it would be advisable to have a minimum lot size for the residue RU2 land.

The land currently zoned SP2 Railway (the old railway alignment) which is to be rezoned to part RU2 Rural Landscape and Part SP3 Tourist has a minimum lot size of 16 hectares but has an area of 4.9 hectares. To allow for the efficient use of the land for the proposed tourist and rural uses, it is suggested that this land have no minimum lot size.

The Council resolution recommended that the tourist zone not have a minimum lot size. This would potentially mean that the proposed tourist area of almost 30 hectares which would include Mount Stilton and a large area of bushland could be subdivided into any size lots. This may have implications for the future character and development of the site. It is considered prescient to have a minimum lot size that does not allow further subdivision of the tourist zone to prevent any such issues arising.

Height of Buildings

The RU2 land does not have a maximum building height and the proposed RU4 zone would not require a height limit. The industrial and tourist zone should have a maximum building height of 9m which typically allows 2 storeys and applies across most residential and industrial areas of the Shire. The proposed Height of Building Map is provided as Attachment 4.

Tourist Zone

The proposed Zone SP3 Tourist will need to be added to the Land Use Table of Wollondilly Local Environmental Plan 2011 (WLEP 2011). WLEP 2011 is based on the provisions under the Standard Instrument –Principal Local Environmental Plan which sets out mandatory land uses for specific zones. There are two mandatory land uses in the Tourist Zone SP3 being ‘Food and drink premises’ and ‘Tourist and visitor accommodation.’

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

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Note.

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

Some of the uses, such as 'serviced apartments' are not considered suitable in this particular location in Stilton Lane but may be appropriate in other locations. The nature of the site and proposed tourist zone which includes a large area of bushland suggests that 'camping grounds' and 'eco-tourist facilities' with a limited environmental footprint would be appropriate land uses to include in the zone. While 'caravan parks' are a more intensive residential type land use which are considered to be more appropriate in urban areas and closer to services and facilities they may be suitable for other areas zoned for tourism in the future.

The applicant's proposed uses for the tourist zone include convention centre which would be classified as a 'function centre' and included in the proposed tourist zone.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

Further uses may be added to the tourist zone as this planning proposal progresses and would apply across the Shire for other areas zoned for tourism.

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

The proposed amendments to WLEP 2011 to accurately describe the resolution made by Council and to account for operational matters as detailed in the report are described below:

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- Amend the Land Zoning Map to rezone land from:
 - RU2 Rural Landscape to IN2 Light Industrial, SP3 Tourist, E2 Environmental Conservation and RU4 Primary Production Small Lots and;
 - SP2 Infrastructure to RU2 Rural Residential and SP3 Tourist and;
 - RU2 Rural Landscape to SP2 Infrastructure (Railway); as detailed in Attachment 2
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to:
 - no minimum lot size for E2 Environmental Conservation and SP2 Infrastructure (Railway) (current and proposed) and;
 - 16 ha for SP3 Tourist and;
 - 1500 sqm for IN2 Light Industrial Zone and;
 - 4 ha for RU4 Primary Production Small Lots and;
 - 4 ha for the residue RU2 Rural Landscape Zone; as detailed in Attachment 3
- Amend the Natural Resources Biodiversity map in accordance with the findings of a Flora and Fauna study
- Amend the Height of Buildings Map from no Maximum Building Height to a Maximum Building Height Category of 9 metres for the IN1 Light Industrial Zone and SP3 Tourist Zone. The rural zones would retain the no maximum building height category.
- Amend the Land Use Table to include Zone SP3 Tourist as detailed below:

Zone SP3 Tourist

1. Objectives of zone

To provide for a variety of tourist-oriented development and related uses.

2. Permitted without consent

Nil

3. Permitted with consent (mandated uses in red)

Food and drink premises; Camping grounds; Eco-tourist facilities; Function centres; Tourist and visitor accommodation.

4. Prohibited

Any other development not specified in item 2 or 3

2.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

Site-specific amendments to WDCP 2011 are likely to be required and determined after further assessment of the planning proposal and will be reported to Council.

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These amendments will be placed on public exhibition with the Planning Proposal subject to the outcomes of the Gateway Determination.

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 Growth Priority Area. 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. Council Report & Minutes to November 2016 Meeting
2. Council Report & Minutes to August 2016 Meeting
3. Proposed Land Zones Map
4. Proposed Minimum Lot Sizes Map
5. Proposed Height of Building Map

RECOMMENDATION

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

Address	Lot//DP
5 Stilton Lane	10//583245
10 Stilton Lane	1//583248
10A Stilton Lane	1//865604
15 Stilton Lane	2//583247
20 Stilton Lane	4//1180702
30 Stilton Lane	53//251857
40 Stilton Lane	54//251857
50 Stilton Lane	55//251857
60 Stilton Lane	1//1180702
2420 Remembrance Drive	60//979250

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Address	Lot//DP
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To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map to rezone land from:
 - RU2 Rural Landscape to IN2 Light Industrial, SP3 Tourist, E2 Environmental Conservation and RU4 Primary Production Small Lots
 - SP2 Infrastructure to RU2 Rural Residential and SP3 Tourist
 - RU2 Rural Landscape to SP2 Infrastructure (Railway); generally in accordance with the land zone map at Attachment 3.
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to:
 - no minimum lot size for E2 Environmental Conservation, SP2 Infrastructure (Railway) (current and proposed) and SP3 Tourist
 - 1500 sqm for IN2 Light Industrial Zone
 - 4 ha for RU4 Primary Production Small Lots
 - 4 ha for the residue RU2 Rural Landscape Zone; generally in accordance with the lot size map at Attachment 4.
- Amend the Natural Resources Biodiversity map in accordance with the findings of a Flora and Fauna study
- Amend the Height of Buildings Map from no Maximum Building Height to a Maximum Building Height Category of 9 metres for the IN1 Light Industrial Zone and SP3 Tourist Zone. The rural zones would retain the no maximum building height category.
- Amend the Land Use Table to include Zone SP3 Tourist as detailed below:

Zone SP3 Tourist

1. Objectives of zone

To provide for a variety of tourist-oriented development and related uses.

2. Permitted without consent

Nil.

3. Permitted with consent

Food and drink premises; Camping grounds; Eco-tourist facilities; Function centres; Tourist and visitor accommodation.

4. Prohibited

Any other development not specified in item 2 or 3.

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 11 December 2017

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2. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister 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.
4. That the applicant and submitters be notified of Council's Resolution.