

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 August 2017

PE6 – Draft Development Control Plan for Macquariedale Road, Appin

PE6

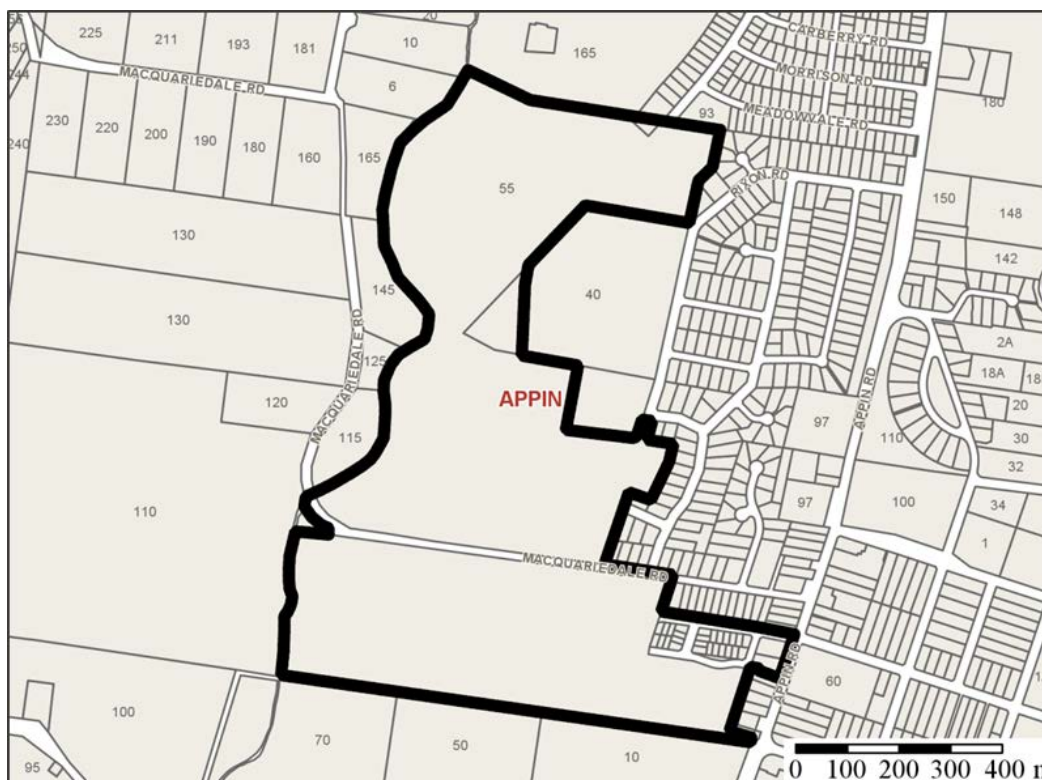
Draft Development Control Plan for Macquariedale Road, Appin

259421

TRIM 4985

Applicant: Walker Corporation Pty. Ltd.
Owners: Walker Corporation Pty. Ltd. and Wollondilly Shire Council

Planning & Economy



© Wollondilly Shire Council. © LPI

LOCATION MAP  N

EXECUTIVE SUMMARY

- On 20 March 2017 Council resolved to publicly exhibit a suite of material in relation to the planning proposal known as 55 Macquariedale Road, Appin (Macquariedale Road). This report is attached for information.
- This report provides an update on the resolution of 20 March 2017, and presents a draft Development Control Plan (DCP) for the land to be zoned residential at Macquariedale Road. It will be an amendment to the *Wollondilly Development Control Plan 2016*.
- The report considers the retention of some of the existing vegetation on the site. This is on the grounds of maintaining landscape character (and habitat) and minimising the visual impact of new development.

PE6 – Draft Development Control Plan for Macquariedale Road, Appin

- The public exhibition period shall be four (4) weeks as per the Gateway Determination by the State government. Because of the amount and complexity of material that needs to be exhibited, it is intended that an additional four (4) weeks be allowed for receipt of public submissions.
- The draft DCP is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy 2011 and the Community Strategic Plan 2033.
- 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 Council agree to publicly exhibit the draft DCP, along with the draft planning proposal, draft Voluntary Planning Agreement and draft Biodiversity Certification Application for the Macquariedale Road Planning Proposal.
- That the proponent be advised that agreement to exhibition should not be taken as an agreement to the finalisation of this proposal which will be considered on merit following the completion of the exhibition period.

REPORT

On 20 March, 2017 in relation to the draft Planning Agreement (PA) for Macquariedale Road, Appin, Council resolved:

1. *That Council note the revised offer made by the Proponent as part of the Macquariedale Road Planning Proposal.*
2. *That Council re-exhibit the Draft Planning Agreement and Explanatory Note for Macquariedale Rd South Appin concurrently with an amended Planning Proposal, Development Control Plan and Bio certification Application when these are ready for exhibition and access be given to those documents at an appropriate venue in Appin Village.*
3. *The Proponent be advised that exhibition of the above in no way implies acceptance of the offer. Rather the exhibition exercise will provide an opportunity for the community to review the proposal and provide comment for Council's consideration.*
4. *That a community engagement plan be prepared for the exhibition exercise, including a letterbox drop throughout Appin and a Special Community Forum and that the documents be made available at a suitable location.*
5. *That Council consider a further report on the Draft Planning Agreement and other exhibited material following the completion of the exhibition period.*
6. *That the Council write to the RMS requesting if or when a complete and comprehensive traffic management study and plan will be provided that addresses the provision of an Appin Bypass.*

PE6 – Draft Development Control Plan for Macquariedale Road, Appin

7. *That Council write to the State and Federal Government asking when the money that they promised at the last elections is going to be spent on Appin Road.*

A copy of the report is provided at Attachment 1. This report updates Council on progress with matters relating to this Resolution.

1.1 SITE DESCRIPTION

Land at Macquariedale Road and Appin Road, Appin (the site) described as follows:

Lot 1 DP 1218358 (55 Macquarie Road); Lot 3 DP1218358 (65 Appin Road); Part Lot 2035 DP1198686 (112 Heritage Drive); Lot 2 DP529457 (61 Appin Road); Part Lot 1 DP245866 (sports ground 40 Sportsground Parade.

The site is not currently within an Urban Release Area (Clause 6.3 of Wollondilly Local Environmental Plan 2011).

1.2 COMMUNITY STRATEGIC PLAN 2033

The proposed draft Development Control Plan is consistent with the Community Strategic Plan 2033 (CSP) adopted by Council. The CSP states that West Appin is referred to as “an urban investigation area identified having urban development potential for the long term when needed” (NOTE: Council will not be supporting major urban developments in the West Appin area).

A total of 215 lots for residential development is proposed for the site. The planning proposal is not considered to be “major urban development” under the terms of the Community Strategic Plan and is considered an extension to the village rather than part of the ‘West Appin’ area. It is consistent with Council’s adopted approach of allowing additional development on the fringe of existing urban areas. It follows that the requirements of the draft DCP the subject of this report are consistent with the CSP.

1.3 COMMUNITY ENGAGEMENT

It is proposed that the following suite of planning documents be publicly exhibited in electronic and paper format:

- An overarching summary of the exhibition purpose and content;
- A Frequently Asked Questions information sheet;
- Planning Proposal document, updated to reflect: recent relevant changes in state planning legislation i.e. new SEPP’s and draft SEPP’s, the Draft South West District Plan; updated property description of the site (following a series of subdivisions that have occurred since the preparation of the original PP); and Council’s CSP 2033;

PE6 – Draft Development Control Plan for Macquariedale Road, Appin

- Draft Development Control Plan that includes site specific controls based on a series of general, and more, specific objectives as well as requirements covering: subdivision layout; road transport infrastructure and pedestrian access; linkages and connectivity; landscaping and retention of vegetation. This will be in the form of an amendment to Wollondilly Development Control Plan 2016, specifically Volumes 3 and 4. The draft amendment is attached to this report;
- Biodiversity Certification Application and accompanying documents approved for placing on public exhibition by the NSW Office of Environment and Heritage received 26 April 2017;
- Walker’s Letter of Offer to Enter into a Planning Agreement received 4 January 2017 by Council;
- Draft Voluntary Planning Agreement (i.e. the version that went to Council on 20 March 2017 (and updated with new property description);
- Explanatory Note for the Voluntary Planning Agreement; and
- Relevant background material to assist with the community’s understanding of the Planning Proposal and documentation required under Environmental Planning and Assessment legislation e.g. *Wollondilly Local Environmental Plan 2011* and the *Wollondilly Development Control Plan 2016*, the original and subsequent amending Gateway Determinations for the NSW Government Department of Planning and Environment and the most recent Council reports and resolutions for the project i.e. this report, 18 April 2016 and 20 March 2017.

The community engagement plan shall include the following:

- A four (4) week period for the exhibition and making of submissions. A further four (4) weeks for the lodgement of submissions is considered appropriate given the volume of information on exhibition;
- A letterbox drop of Appin informing the local community of the public exhibition. A map showing the extent of the area proposed for the letter drop is provided at Attachment 4;
- Exhibition material will be made available at a local Appin venue as well as the standard Council and library venues;
- A Community Forum with a managed “Question and Answer” session (chaired by an external facilitator) that will allow Council to provide an accurate overview of the project and to answer questions on it;
- Use of Facebook, Mayoral Notice, newspaper notification and articles etc. to inform the community of the exhibition and provide opportunities for stakeholders to have their say on the matter;

1.4 DRAFT DEVELOPMENT CONTROL PLAN (DCP) CONTENT

The Draft Development Control Plan will amend the existing *Wollondilly Development Control Plan 2016* (DCP 2016) to address development in the three (3) proposed residentially zoned areas which form the Macquariedale Road, Appin Planning Proposal.

PE6 – Draft Development Control Plan for Macquariedale Road, Appin

It is not proposed to apply the proposed amendments to land currently under development at Lots 1 – 27 in DP 270989 (Koolahs Street, Thomas Street & Sykes Avenue). This land remains within the Macquariedale Road Planning Proposal but it is not considered necessary to establish site specific controls for this land as the subdivision has already been approved and constructed.

The amendment will be in the form of additional, site specific sections at the end of Volume 3 - Subdivision of Land and Volume 4 - Residential Development the following manner. The proposed draft amendments to Volume 3 and Volume 4 of the DCP are provided at Attachment 1 and 2 respectively.

The proposed overall subdivision (Volume 3) objectives for the Macquariedale Road Planning Proposal site are:

1. *To encourage initiatives to empower a sustainable and physically active community*
2. *To facilitate an environmentally sensitive development outcome*
3. *To ensure that the small scale, rural, scenic and historic character of Appin is maintained and enhanced*
4. *To ensure Aboriginal and European environmental heritage is protected*
5. *To acknowledge the value of existing, significant native vegetation*
6. *To recognise the value of Ousedale Creek as part of a wider ecological corridor*
7. *To ensure the protection of the riparian environment*
8. *To reduce the impact of climate change*
9. *To acknowledge the important role that the heavily vegetated land to the west of the residential area plays as an enclosing buffer, both visually and climatically*

There are further, more specific objectives and requirements in Volume 3 for: subdivision layout; road transport infrastructure and pedestrian access; linkages and connectivity; landscaping and retention of vegetation.

The DCP is not specific about lot size, lot configuration or street layout. This is to allow some flexibility for this approach also creates increased opportunities for retention of existing vegetation and new planting. The DCP requires larger lots to be on the western, heavily vegetated side of the residential area near the APZ. Generally, smaller lots are to be on cleared land that is also closer to the existing commercial area, oval and school. A vegetation buffer retention of landscape character, connectivity, habitat and visual screening) and limit on the number of lots (maximum 25) is required on the Macquariedale Road frontage.

PE6 – Draft Development Control Plan for Macquariedale Road, Appin

A Landscape Plan is required to be submitted as part of any future subdivision application. This is for both the private and public domains. Existing vegetation needs to be retained wherever possible, particularly along Macquariedale Road and in future roads, green linkages and open space areas that are required on the residential land. A recommended species list based on local vegetation has been incorporated to assist with the preparation of the Landscape Plan. Also important for the overall urban design outcomes, a Fencing Plan will be required for approval at the subdivision stage.

The Shared path/cycle way that exists in other parts of Appin will need to be completed in accordance with the draft Voluntary Planning Agreement.

Generally, the existing controls in Volume 4 of the DCP are considered adequate to direct the form of individual dwellings in Macquariedale Road. There is an overall objective for the area, as well as an 8 metre front setback to the 25 lots on Macquariedale Road. The latter is to allow additional curtilage for vegetation retention, landscaping and minimising the visual impact of the new subdivision form the road.

1.5 PATH FORWARD

Following the conclusion of all stakeholder engagement, a report will be prepared to Council on the outcomes of the exhibition and consultation. It will include a recommendation to either send the Planning Proposal to the State Government for finalisation (unamended, or changed as a result of the community and stakeholder engagement), or not. If the Planning Proposal is sent to the State Government for finalisation, Council will need to resolve to approve a complementary DCP for commencement (amended as a result of the public exhibition, or not) from when the planning proposal is finalised.

FINANCIAL IMPLICATIONS

Funding for this project to date has been partly achieved through the adopted Planning Proposal fees and charges. The costs of the assessment and progression of this proposal have been greater than the fees charged. Since this proposal was submitted, fees for the lodgement of a planning proposal have increased substantially, but this proposal only paid the fees applicable at the time it was submitted.

ATTACHMENTS IN A SEPARATE BOOKLET

1. Report to Ordinary Meeting of Council 20 March 2017
2. Proposed Wollondilly DCP amendment for Volume 3
3. Proposed Wollondilly DCP amendment for Volume 4
4. Appin mail box drop for notification

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 August 2017

PE6 – Draft Development Control Plan for Macquariedale Road, Appin

RECOMMENDATION

1. That Council place the draft Development Control Plan for Macquariedale Road, Appin on public exhibition along with the Planning Proposal, draft Voluntary Planning Agreement, Biodiversity Certification Application and other explanatory documents generally in the manner detailed in this report.
2. That the proponent be advised that agreement to exhibition should not be taken as an agreement to the finalisation of this proposal which will be considered on merit following the completion of the exhibition period.