

Ordinary Meeting Of Council



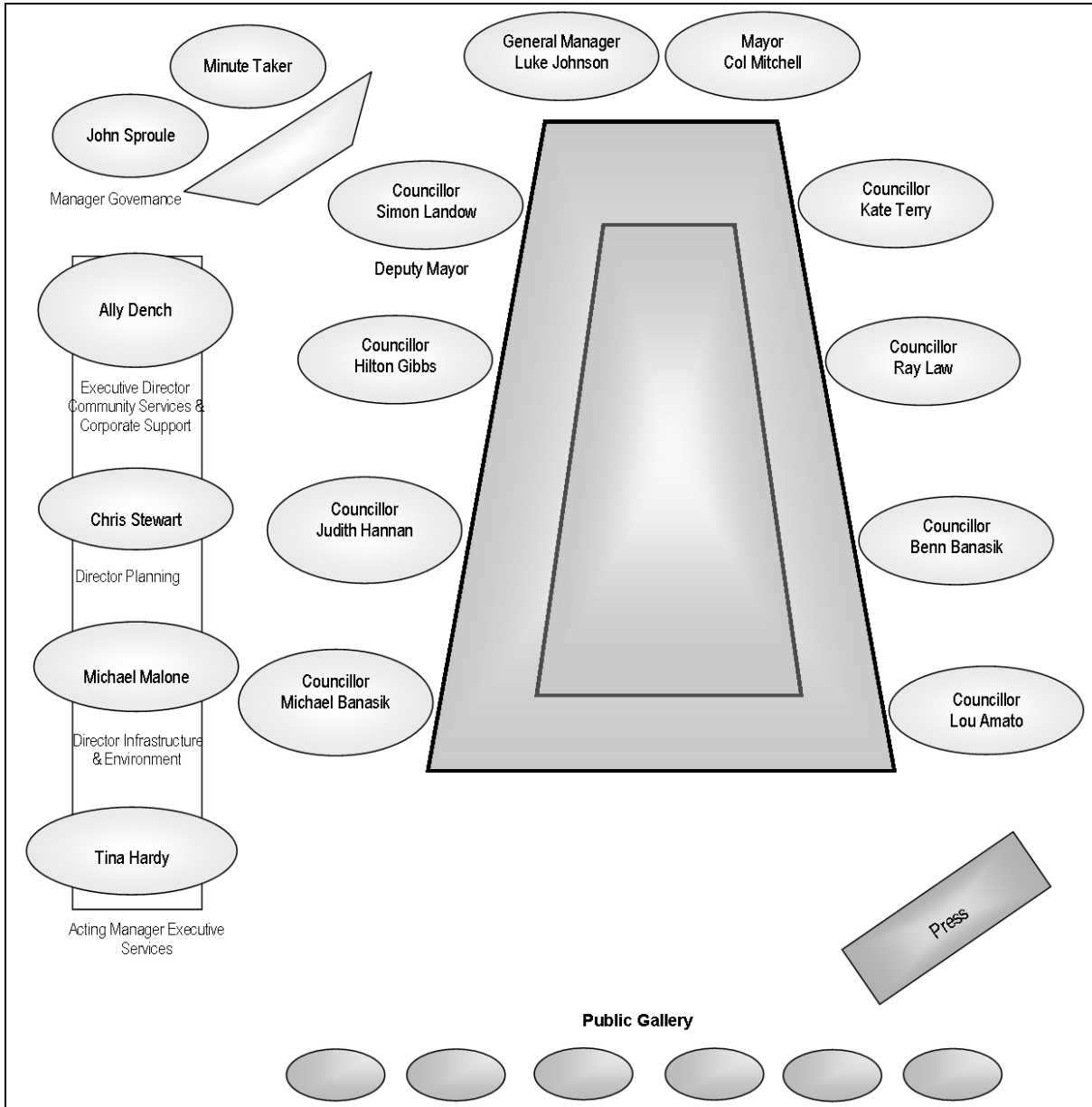
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 18 May 2015

You are invited to attend the next Ordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 18 May 2015 commencing at 6.30pm.

Luke Johnson
General Manager

Seating in Council Chambers



EAST WARD

Cr Benn Banasik	0434 832 636	Email: benn.banasik@wollondilly.nsw.gov.au
Cr Ray Law	0427 901 275	Email: ray.law@wollondilly.nsw.gov.au
Cr Kate Terry	0439 665 149	Email: kate.terry@wollondilly.nsw.gov.au

CENTRAL WARD

Cr Lou Amato	0439 451 143	Email: lou.amato@wollondilly.nsw.gov.au
Cr Michael Banasik	0425 798 068	Email: michael.banasik@wollondilly.nsw.gov.au
Cr Colin Mitchell (Mayor)	0418 265 006	Email: col.mitchell@wollondilly.nsw.gov.au

NORTH WARD

Cr Hilton Gibbs	0439 299 749	Email: hilton.gibbs@wollondilly.nsw.gov.au
Cr Judith Hannan	0414 557 799	Email: judith.hannan@wollondilly.nsw.gov.au
Cr Simon Landow (Deputy Mayor)	0415 406 719	Email: simon.landow@wollondilly.nsw.gov.au

Business Papers will be available from Council's Foyer or alternatively on Council's website on the Friday before the Ordinary Council meeting.

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OPENING

RECORDING OF THE MEETING

In accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

NATIONAL ANTHEM

ACKNOWLEDGEMENT OF COUNTRY

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▪ Ordinary Meeting of Council held on 20 April 2015

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Wollondilly Community Strategic Plan 2033

Council's format for reporting to our Ordinary Council Meetings will follow the:

1. Wollondilly Strategic Plan 2033 themes:

Looking after the **Community** | Accountable and Transparent **Governance** | Caring for the **Environment** | Building a strong local **Economy** | Management and Provision of **Infrastructure**

Under each of these themes are **Outcomes** – expressions of what we want to achieve in the long term which will be reflected in our reports.

2. Sustainability Principles (*reference page 10 of the CSP 2033*)

Equity | Precaution | Regeneration | Engagement | Sharing | Access | Participation | Rights | Governance

"Council will build the above principles into all facets of our organisation and everything we do."

1.

Community

Outcomes

1. Access to a range of activities, services and facilities.
2. A connected and supported community.

Strategies

CO1 - Community Building, Well-being and Identity

Deliver a range of community programmes, services, facilities and events which strengthen the capacity, well-being and cultural identity of our community.

CO2 - Working with Others

Work with other agencies and service providers to deliver community programmes, services and facilities which complement and enhance Council's service provision.

CO3 - Social Planning

Undertake strategic social planning and research regarding community needs and issues.

CO4 - Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Governance

Outcomes

1. Government, community and business talking and working together.
2. A Council that demonstrates good business management and ethical conduct.

Wollondilly Community Strategic Plan 2033

Strategies

- GO1 - Quality Employer
Provide an attractive employment choice for talented people.
- GO2 - Best Practice Governance
Be a leader in best practice local government governance.
- GO3 - Customer Service
Deliver responsive and helpful services to all our customers.
- GO4 - Advocacy
Advocate strongly for the interests of Wollondilly and its community.
- GO5 - Financial Sustainability
Maintain Council in a strong and sustainable financial position.
- GO6 - Resource Efficiency
Be efficient and effective in the use of Council resources and provide value for money in the delivery of services.
- GO7 - Information Management
Ensure best practice approach as to the delivery of quality information and technology services.
- GO8 - Corporate Image
Promote a positive representation of Council's corporate image.

Environment

Outcomes

1. Our local environment that is valued and protected.
2. A community that interacts with and cares for their environment.

Strategies

- EN1 - Biodiversity Resilience
Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems.
- EN2 - Growth Management
Apply best practice environmental principles to the management of future growth.
- EN3 - Development Assessment
Apply best practice environmental principles to the assessment of development and planning proposals.
- EN4 - Environmental Responsibility
Educate and promote legislative environmental responsibilities to the community.
- EN5 - Auditing, Monitoring and Enforcement
Undertake auditing, monitoring and regulatory enforcement to protect the environment and the health, safety and well-being of the community.
- EN6 - Waste Management
Improve waste minimisation and recycling practices in homes, workplaces, development sites and public places.
- EN7 - Sustainable Living
Educate, promote and support low consumption, sustainable lifestyles and lowering of the Shire's carbon footprint.

Economy

Outcomes

1. A strong local economy providing employment and other opportunities.

Strategies

EC1 - Economic Development

Enhance economic development in Wollondilly Shire through innovative engagement and ongoing promotion of our strengths.

EC2 - Planning for and Supporting Business

Strengthen and diversify Wollondilly's economic base by attracting and supporting the development of a diverse range of industries.

EC3 - Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

EC4 - Managing Development and Land Use

Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.

EC5 - Protect Natural Resources

Protect natural resources so as to contribute to the Shire's economic well-being.

Infrastructure

Outcomes

1. Safe, maintained and effective infrastructure.
2. Access to a range of transport options.

Strategies

IN1 - Maintain Road Network

Ensure that the road network is maintained to a standard that is achievable within the resources available.

IN2 - Manage Road Network

Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

IN3 - Provision of Facilities

Provide a range of recreation and community facilities to meet the needs of the community.

IN4 - Emergency Management

Plan for and assist in the community's response to emergencies such as bushfires and flooding.

IN5 - Advocacy and Lobbying

Represent our community with regard to external services including energy, communications, water, waste management and resource recovery.

2.

Environmental Principles

EQUITY

We uphold the principles of intragenerational and intergenerational equity and fairness in how resources are distributed within this generation and between this and future generations.

PRECAUTION

We adopt the precautionary principle which is that actions that have the potential to harm our environment should not be undertaken if the consequences are uncertain and the science inconclusive.

REGENERATION

We work to protect and restore the earth's ecological integrity, biological diversity and natural processes.

ENGAGEMENT

We recognise that sustainability will happen faster if local communities become champions of sustainability and are involved in the decisions affecting sustainability.

SHARING

We will work with others to share resources and knowledge and to promote sustainability.

Social Justice Principles

EQUITY

We will strive for the fair distribution of resources with a particular emphasis on protecting those people who are considered vulnerable.

ACCESS

We will provide all people with opportunities to use relevant services and facilities regardless of their circumstances.

PARTICIPATION

We will encourage and provide opportunities for people to take part in decision making processes that impact on their quality of life.

RIGHTS

People should not be discriminated against and everyone is entitled to honesty, information and involvement.

GOVERNANCE

People deserve responsible governance and fair and accountable decision making.

Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
ORDINARY COUNCIL MEETING	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
COMMUNITY FORUM	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building. Community Safety on the Agenda quarterly – February, May, August and November.
AUDIT COMMITTEE	Mayor Cr Gibbs	Manager Governance	Meetings held in office hours at the Council Chambers.
AUSTRALIA DAY COMMITTEE	Mayor Cr Hannan Cr Landow	Manager Community Services	Meetings held at 6.00pm in the Council Boardroom as required.
COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP	Cr Mitchell Cr Amato	Manager Infrastructure Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
COMPANION ANIMALS REFERENCE COMMITTEE	All Crs welcome to attend	Manager Compliance	Meetings held at 7.00pm, 2nd Tuesday of February, April, June, August, October & December in the Council Boardroom.
DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)	All Crs welcome to attend	Manager Community Services	Meetings held at 2.00pm, 2nd Wednesday of February, May, August and November in the Council Chambers.
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Economic Development & Tourism	Meetings held at 4.00pm, 4 th Wednesday of each month in Council's Boardroom.
ENVIRONMENT AND HERITAGE COMMITTEE	All Crs welcome to attend	Manager Environmental Services and Manager Planning	Quarterly.

Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
LOCAL TRAFFIC COMMITTEE	Mayor Cr Gibbs Cr Amato	Manager Infrastructure Planning	Meetings held at 2.00pm on the third Wednesday monthly, except February, May and August meetings are held on the 4 th Wednesday at 10.00am in the Council Boardroom.
MINERALS AND ENERGY RESOURCES COMMITTEE (NEW)	All Crs welcome to attend	Manager Environmental Services	Quarterly.
PICTON FLOOD PLAIN RISK MANAGEMENT COMMITTEE	Cr Amato	Manager Infrastructure Planning	As required.
ROAD SAFETY GROUP	All Crs welcome to attend	Manager Infrastructure Planning	10.30am, 1st Thursday each month in the Council Chambers..
RURAL INDUSTRY LIAISON COMMITTEE	All Crs welcome to attend	Manager Planning	Meetings held as required in the Council Chambers.
TRANSPORT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Infrastructure Planning	As required.
YOUTH ADVISORY COMMITTEE	All Crs welcome to attend	Manager Community Services	Meetings held quarterly at 6.30pm on the 3rd Tuesday of the months of February, May, August and November in the Council Chambers.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
AGL COMMUNITY CONSULTATIVE COMMITTEE	No Councillor member	Manager Environmental Services	As required.
ASSOCIATION OF MINING RELATED COUNCILS COMBINED COUNCILS SOUTHERN MINING LIAISON COMMITTEE	Cr Mitchell Cr M Banasik	Director Infrastructure & Environment	Meetings held February, May, August and November at various venues.
BORAL CEMENT – MALDON PLANT – COMMUNITY LIAISON COMMITTEE	Cr Law	Manager Infrastructure Planning	Meetings held quarterly at various locations.
CAMPBELLTOWN ARTS CENTRE CULTURAL PRECINCT ADVISORY GROUP	Cr M Banasik	Manager Community Services	Meetings held quarterly at Campbelltown Arts Centre.
COUNTRY PUBLIC LIBRARIES ASSOCIATION (SOUTH EASTERN ZONE)	No Councillor Member	Manager Community Services	Meetings held quarterly at rotating host Council locations.
GEORGES RIVER COMBINED COUNCIL COMMITTEE INC	Cr M Banasik	Manager Environmental Services	Meetings held at 7.00pm, 4th Thursday of every second month at various venues.
GREATER SYDNEY LOCAL LAND SERVICES LOCAL GOVERNMENT ADVISORY GROUP	Cr Terry	Manager Environmental Services	Quarterly
HAWKESBURY NEPEAN LOCAL GOVERNMENT ADVISORY GROUP	Cr Gibbs	Manager Environmental Services	Meetings held quarterly at various venues usually Penrith.
ILLAWARRA COAL COMMUNITY CONSULTATIVE COMMITTEE	Cr B Banasik	Manager Environmental Services	Meetings held 4.30pm, last Tuesday of every second month.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
JOINT REGIONAL PLANNING PANEL	Mayor General Manager	Manager Planning	As decided by the Panel Chair.
LACHLAN REGIONAL TRANSPORT COMMITTEE	Cr Hannan Cr M Banasik (Alternate)	Director Planning	Meetings held quarterly.
LOCAL EMERGENCY MANAGEMENT COMMITTEE	No Councillor member	Manager Works	Meetings held 6 times per year at various venues.
MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)	Mayor Cr Terry Cr B Banasik Cr Gibbs	General Manager	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
MALDON DOMBARTON RAIL LINK FEASIBILITY STUDY - PROJECT REFERENCE GROUP	Cr Hannan	Director Planning	As required.
MG MY GATEWAY	No Councillor Member	General Manager	Meetings held monthly at Centric, Park Central.
QUEEN VICTORIA MEMORIAL HOSPITAL ADVISORY GROUP	Cr Mitchell	Manager Community Services	As required.
SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY INC. (SEATS)	Cr Hannan	Manager Infrastructure Planning	Meetings held quarterly at various locations.
SOUTHERN HIGHLANDS TEAM - BUSH FIRE MANAGEMENT COMMITTEE	Cr Mitchell Cr Law	Manager Environmental Services	Meetings held at 12.30pm, 1 st Wednesday quarterly, Venue Bridge Street, Picton.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP	Cr M Banasik	Manager Community Services	Meetings held quarterly at Goulburn Council offices.
SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP	Cr Hannan	Manager Infrastructure Planning	Board Meetings held quarterly in Wollondilly, Campbelltown, Camden & Liverpool. Finance Meetings - Bi-monthly UWS.
SOUTH WEST REGIONAL WEEDS COMMITTEE	Cr Law	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday quarterly.
TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE	Cr Mitchell Staff representative	Manager Environmental Services	Meets quarterly as required at Tahmoor Colliery.
WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)	Mayor	Manager Works	Quarterly.
YERRANDERIE MANAGEMENT COMMITTEE	Cr Law	Manager Environmental Services	Meetings held at 6.30pm, 1st Thursday March, June, September and December at The Heritage Centre, The Oaks. 1st Saturday of alternate months - all day Yerranderie.

Planning & Economy

Matters for Consideration – General Under Section 79C(1) of the Environmental Planning & Assessment Act 1979 (EP&A)

“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
18 May 2015

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN – PLANNING AND ECONOMY

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in your Community Strategic Plan 2033.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday on 18 May 2015

PE1 – Development Application No. 010.2014.00000872.001 – Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level.

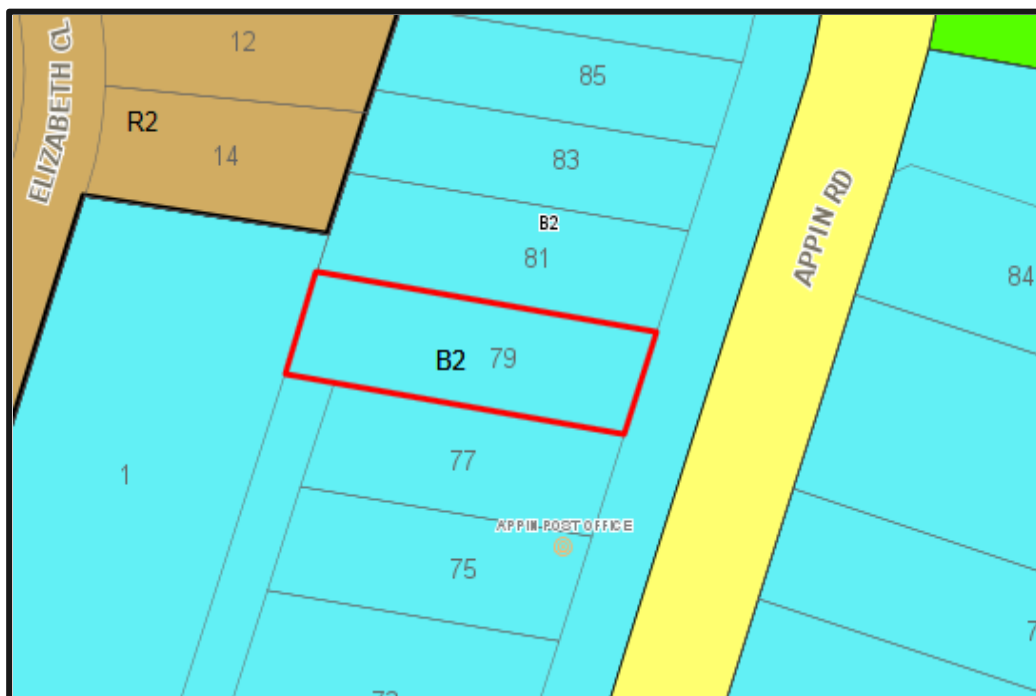
PLANNING AND ECONOMY

PE1 Development Application No. 010.2014.00000872.001 - Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level

260774

DD010.2014.00000872.001

Planning & Economy



LOCATION MAP N
(Showing zoning of subject property and zoning of adjoining lands/area)

DEVELOPMENT INFORMATION

Development Application No:	010.2014.00000872.001
Property Address:	79 Appin Road, APPIN.
Applicant:	M & M Zarac
Owner:	M & M Zarac
Proposal Details:	Construction of Boarding House Comprising Eight (8) Units on First Floor With Parking at Ground Level.
Zone:	B2 Local Centre

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday on 18 May 2015

PE1 – Development Application No. 010.2014.0000872.001 – Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level.

EXECUTIVE SUMMARY

- The purpose of this report is to assess a development application for the construction of a boarding house with eight (8) units located on the first floor with parking at ground level.
- This application was called up to Council for determination.
- Council resolved to place the Appin Planning Proposals in abeyance pending the outcome of the Greater Macarthur Investigation Area. However, in accordance with the provisions of the Environmental Planning and Assessment Act 1979, the determination of the subject Development Application cannot be held in abeyance and Council's resolution related only to planning proposals.
- Thirty seven (37) submissions have been received. These submissions are all against the development.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be refused.

REPORT

CONSULTATION

Referral	Outcome
Development Engineer	Comments received regarding incorrect parking space dimensions that could be amended if development consent were approved.
Building Surveyor	"The development will be a Class 3 building as it exceeds 300sqm (460 sqm first floor only) and it seems that the exit travel distances will not meet the BCA. There will be a need to reconfigure the exits to comply with D1.4 & D1.5 of the BCA or present an alternative solution at CC stage. i.e. if the applicant intends for deemed to satisfy compliance then amended plans will be required." The following additional information would be required if the application was supported.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday on 18 May 2015

PE1 – Development Application No. 010.2014.0000872.001 – Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level.

Referral	Outcome
	<p>1. Amended plans detailing compliance with exit pathways with D1.4 & D1.5 of the Building Code of Australia.</p> <p>2. Amended plans showing the side setbacks in the first floor level and width of corridors (including any balustrades)</p> <p>3. Amended plans detailing all requirements in Schedule 1 Part 1 (1)(2) & (3) of the Environmental Planning & Assessment Regulation</p> <p>4. Amended Statement of Environmental Effects deleting reference to BASIX Certificate and insert reference to compliance with Section J of the BCA.</p> <p>A number of additional conditions have also been recommended.</p>
Health Officer	If the application were recommended for approval, conditions can be imposed.
Disability Access Officer	Council's Disability Access Officer raised concerns regarding the lack of appropriately designated accessible parking and no built in robe in Unit 8. Such issues could be addressed through conditions of consent if development consent were granted for this proposal.
Community Planning	Council's Community Planner has requested the submission of a Social Impact Assessment (SIA) for this proposal to more fully consider potential social impacts.
NSW Police	The NSW Police do not support the application due to the potential social adverse social impact of the boarding house on students, children and the community in general. Should development consent be granted, the Police have recommended a number of conditions to address Crime Prevention Through Environmental Design (CPTED) issues.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday on 18 May 2015

PE1 – Development Application No. 010.2014.00000872.001 – Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level.

1.1 Description of site and surrounding area

The subject land is slightly irregular in shape and 1423m² in size. The site is located within the Appin Commercial precinct and approximately 43 metres south of the Appin Road and Market Street intersection and approximately 73 metres north of the Appin and Macquariedale Roads intersection. Access to the site is from a laneway located at the rear of the shops fronting Appin Road and from the car parking area located between the shops and Appin Road.

The property contains an existing development being a double story brick building used for commercial purposes. There are three shops located on the ground floor with two shops located on the first floor. Eleven parking spaces are located immediately in front of the shops and five spaces are available at the rear.

The site is located within the Appin Commercial precinct. North of the site are lots used for residential purposes. To the south are a number of commercial premises. East of the site (across Appin Road) is the IGA Supermarket and the Appin Hotel. West of the site (across the laneway) is vacant commercial land.

1.2 Description of Development

Development Consent is sought for the construction and use of a boarding house facility comprising eight units located on the first floor and parking facilities located at ground floor.

The ground floor of the proposed boarding house will consist of parking for thirteen (13) vehicles, two (2) motor cycles, two (2) bicycles, a waste disposal area and a lift. There is also provision for common open space. The first floor will consist of eight (8) separate units and a common room. One of the units is designed for disabled access.

Proposed building materials are concrete floors, masonry walls and a Colorbond steel roof. Each unit could accommodate a maximum of two (2) adult lodgers.

An existing unloading area attached to the shop/office building will be connected to the boarding house.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday on 18 May 2015

PE1 – Development Application No. 010.2014.00000872.001 – Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level.

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy No. 55 - Remediation of Land

Question	YES		NO	
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?		Proceed to Question 3	X	Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	X	Proceed to Question 3		Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone		Proceed to Question 5	X	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?		Proceed to Question 5	X	Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?		Request contaminated site assessment		Proposal satisfactory under SEPP 55 and DCP.

Comment:

A review of the property has concluded there have been no previous land uses resulting in any contamination of the site.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday on 18 May 2015

PE1 – Development Application No. 010.2014.0000872.001 – Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level.

State Regional Environmental Plan No 20 - Hawkesbury Nepean River

Relevant Provisions	Comment
3. Aims of the Plan and section	The nearest watercourse is located approximately 84 metres northwest from the proposed development. The development will be connected to the reticulated sewer and stormwater will be connected to existing drainage infrastructure. The development will not have any adverse impacts upon the receiving waters of the river system.
6. Planning Policies and Recommended Strategies	
(3) Water quality	It is considered that the impact of the development on water quality is minimal.
(4) Water quantity	The impact of the proposal on the drainage and the flow characteristics of the site have been assessed and is considered satisfactory, subject to conditions.

Planning & Economy

State Environmental Planning Policy (Affordable Rental Housing) 2009

Clause 8 of the Act provides that, if there is an inconsistency between this legislation and any other Environmental Planning Instrument (EPI), whether made before or after the commencement of this Policy, this policy prevails to the extent of the inconsistency.

Relevant Provisions	Comment
3 Aims of Policy The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,	(a) Noted. (b) This is discussed through the assessment of the SEPP Controls.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday on 18 May 2015

PE1 – Development Application No. 010.2014.00000872.001 – Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level.

Relevant Provisions	Comment
(c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	(c) Noted. (d) Noted. (e) Noted. (f) The proposal is not contrary to this aim. (g) The proposal is not contrary to this aim.
7 Land to which Policy applies This Policy applies to the State.	7. Noted.
9 Suspension of covenants, agreements and instruments (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Policy or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. (2) This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or	9. Noted. Council is not aware of any agreement, covenant or other similar instrument that would require suspension in regards to this proposal.

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday on 18 May 2015

PE1 – Development Application No. 010.2014.00000872.001 – Construction of Boarding House Comprising Eight (8) Units on First Floor with Parking at Ground Level.

Relevant Provisions	Comment
<p>(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or</p> <p>(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or</p> <p>(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or</p> <p>(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or</p> <p>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</p> <p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p> <p>(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(3).</p>	
Part 2 New affordable rental housing	
Division 3 Boarding houses	
<p>25 Definition</p> <p>In this Division: communal living room means a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room.</p>	25. Noted.
<p>26 Land to which Division applies</p> <p>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:</p>	26. The land is zoned B2 Local Centre which is compliant with the provisions of this clause.

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Relevant Provisions	Comment
(a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.	
28 Development may be carried out with consent Development to which this Division applies may be carried out with consent.	28. The applicant is seeking development consent for this boarding house application.
29 Standards that cannot be used to refuse consent (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than: (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State	29. (1) Not applicable as no floor space ratios standards are imposed under Wollondilly Local Environmental Plan 2011.

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Relevant Provisions	Comment
<p>Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p> <p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p> <p>(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p> <p>(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>(d) private open space if at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p>	<p>(2)</p> <p>(a) The proposal complies with building height requirements.</p> <p>(b) Landscaping is not proposed in the front setback area.</p> <p>(c) Not Applicable</p> <p>(d)</p> <p>(i) The proposed private open space is greater than 20m² in size, the area does not comply with the minimum dimensions. This is, the private open space is only 1.9 metres wide, not the</p>

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Relevant Provisions	Comment
<p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p> <p>(e) parking if:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>	<p>minimum required. The development is inconsistent with this clause</p> <p>(ii) A site manager will not live onsite.</p> <p>(e) Interpretation—general</p> <p>(1) In this Act: accessible area means land that is within: <i>“(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday”.</i></p> <p>In accordance with this definition the subject proposal is 'not within an accessible area'. Hence, the number of required parking spaces for this development is:</p> <p>0.4 x 8 = 3.2 (4 rounding up)</p>

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Relevant Provisions	Comment
<p>(f) accommodation size: if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.</p> <p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>Seven (7) parking spaces are proposed. The development is satisfactory in this regard.</p> <p>(f) Satisfactory. Each proposed unit exceeds the specified gross floor areas.</p> <p>(3) Satisfactory. Each unit contains kitchen and bathroom facilities.</p> <p>(4) Noted.</p>
<p>30 Standards for boarding houses</p> <p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p>	<p>(a) Complies.</p> <p>(b) The applicant submitted a "Proposed First Floor Plan" to Council. An assessment of the plans has been undertaken using information technology (Trapeze –</p>

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	<p>a computer program that allows for accurate measurements and scaling to be used), the size of each unit is calculated to be as follows:</p> <ol style="list-style-type: none"> 1. 24.8 square metres 2. 24.3 square metres 3. 24.4 square metres 4. 25.8 square metres 5. 25.7 square metres 6. 24.5 square metres 7. 24.6 square metres 8. 26.3 square metres <p>These calculations exclude the floor area used for the purposes of private kitchen and bathroom facilities but does include the floor area of the built in robes. The Gross floor area of units 4, 5 & 8 do not comply with this development standard. As such, refusal of the application is warranted.</p>
(c) no boarding room will be occupied by more than 2 adult lodgers,	(c) If the application were recommended for approval, conditions of consent to be recommended.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	(d) Satisfactory.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	(e) A maximum of sixteen (16) people is proposed. A site manager is not required.
(f) (Repealed)	(f) Noted.

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Relevant Provisions	Comment
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	(g) Complies. The ground floor of the proposal will not be used for residential purposes.
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	(h) The proposal provides parking for two (2) bicycles and two (2) motorcycles in accordance with the requirements of this clause. Satisfactory.
(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	(2) Not applicable.
30A Character of local area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	Having taken into consideration the compatibility of the design, it is considered that the proposal is not in character with the local area. The design is commercial rather than residential in character and is considered excessive in terms of bulk and scale for the site.
Part 4 Miscellaneous	
52 No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	52. Subdivision is not sought.

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State Environmental Planning Policy (Infrastructure) 2007

Relevant Provisions	Comment
<p>101 Development with frontage to classified road</p> <p><i>(1) The objectives of this clause are:</i></p> <p><i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p><i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</i></p> <p><i>(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	<p>While the subject allotment fronts Appin Road, proposed access to the boarding house will be achieved via an existing laneway that connects the site to the road network. Should development consent be granted, conditions of consent would require that access to the boarding house is achieved from the laneway.</p> <p>The closest traffic count makers were located in Church Street (West of Kennedy Street).</p> <p><u>Church Street</u></p> <ul style="list-style-type: none"> ▪ East – 3,983 ▪ West – 3,888 ▪ ADT – 7,966 <p>This traffic count was conducted on 2003 and it is estimated that traffic volume increases by 3 per cent per annum. Hence, the estimated ADT for 2015 is 10,595 vehicles. The median speed posted was 63km/hr. The closest wall of the boarding house will be about 40 metres from Appin Road. With reference to “Development Near Rail Corridors and Busy Roads – Interim Guideline”, the appropriate category to mitigate traffic noise for this development is Category 2. Should development consent be granted, then conditions can be recommended to mitigate traffic noise in accordance with the provisions of this plan.</p>

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Relevant Provisions	Comment
<p>102 Impact of road noise or vibration on non-road development</p> <p><i>(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:</i></p> <p><i>(a) a building for residential use,</i> <i>(b) a place of public worship,</i> <i>(c) a hospital,</i> <i>(d) an educational establishment or child care centre.</i></p> <p><i>(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</i></p> <p><i>(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:</i> <i>(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,</i> <i>(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p> <p><i>(4) In this clause, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.</i></p>	<p>Appin Road does not have a daily average traffic volume exceeding 40,000. The latest figure is substantially lower.</p>

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Relevant Provisions	Comment
<p>103 Excavation in or immediately adjacent to corridors</p> <p><i>(1) This clause applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2):</i></p> <ul style="list-style-type: none"> <i>(a) the Eastern Distributor,</i> <i>(b) the Cross City Tunnel,</i> <i>(c) the Lane Cove Tunnel,</i> <i>(d) the Tugun Bypass,</i> <i>(e) the Liverpool—Parramatta Transitway,</i> <i>(f) the North-West Sydney Transitway Network.</i> <p><i>(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:</i></p> <ul style="list-style-type: none"> <i>(a) give written notice of the application to the RTA within 7 days after the application is made, and</i> <i>(b) take into consideration:</i> <ul style="list-style-type: none"> <i>(i) any response to the notice that is received within 21 days after the notice is given, and</i> <i>(ii) any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette, and</i> <i>(iii) any implications of the ground penetration for the structural integrity of the road or project, and</i> <i>(iv) any cost implications for the road or project of the ground penetration.</i> <p><i>(3) The consent authority must provide the RTA with a copy of the determination of the application within 7 days after the determination is made.</i></p>	<p>Not applicable as Appin Road is not listed in either Clause 103 or Schedule 2 of the State Environmental Planning Policy (Infrastructure) 2007</p>

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Wollondilly Local Environmental Plan, 2011

Characterisation: Boarding House

Boarding Houses:

"Boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of residential accommodation—see the definition of that term in this Dictionary."

Zone of land: B2 Local Centre

Permissibility: Yes with Consent

Zone objectives:

Objective	Comment
1.2 Aims of Plan	
(2) The particular aims of this Plan are as follows:	
(a) to provide for the management of natural resources and the protection of the natural landscape character,	(a) The development is compliant in this regard.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage,	(b) The development is satisfactory in this regard.
(c) to protect water quality in land that is situated within water supply catchments,	(c) Subject to conditions, the impacts of the development on any catchment can be adequately controlled.

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Objective	Comment
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	(d) It is considered that the provision of low cost housing for up to 16 people within the area is a positive contribution that provides additional housing for future growth.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	(e) Not applicable.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	(f) The development would not have a negative impact.
B2 Local Centre	Comment
<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. 	The objective is not relevant to this proposal.
<ul style="list-style-type: none"> To encourage employment opportunities in accessible locations. 	The objective is not relevant to this proposal.
<ul style="list-style-type: none"> To maximise public transport patronage and encourage walking and cycling. 	The proposal is not contrary to this objective.
<ul style="list-style-type: none"> To provide for appropriate residential development in the form of shop top housing to support the vitality of the local area 	Not applicable. Consent is not sought for shop top housing.

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LEP Clauses

Clause	Comment
Part 4 Principal development standards	
4.3 Height of buildings	The maximum height prescribed on the 'Height of Buildings Map.' is nine (9) metres and the maximum height of the boarding house will be 7.6 metres which satisfies the provisions of this control
Part 5 Miscellaneous provisions	
5.9 Preservation of trees or vegetation	The proposal does not entail the removal of trees or vegetation and is considered to be compliant with the provisions of this control.
Part 7 Additional local provisions	
7.1 Essential services	Necessary electricity, water and sewerage services are available. If approval were recommended, conditions can be imposed.
7.2 Biodiversity protection	Not Applicable.
7.3 Water protection	Not Applicable.
7.4 Flood Planning	Not Applicable.
7.5 Earthworks	If approval were recommended, conditions can be imposed.

1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Nil.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan Volume 1 - General

Relevant Provisions	Comment
1.2 Aims of Plan	The proposal is consistent with the nominated aims of the Plan.
1.11 Request for Variation	No variations for this proposal have been sought.
2.1 Advertising and Notification of Development Proposals	The proposal was notified in accordance with the provisions of the plan. Thirty seven (37) submissions were received for this proposal. These submissions are discussed in more detail later in this assessment report.

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Relevant Provisions	Comment
2.3 Tree and vegetation provisions	The proposal does not entail the removal of trees or vegetation.
2.4 Landscaping	The proposal dedicates insufficient space for landscaping as discussed in Control 41, Section 4.17 Hostels and Boarding Houses. Volume 3 – Residential Development. Wollondilly DCP 2011.
2.5 Water	The nearest watercourse will be located about 84 metres from the proposed development. It is considered that the development is satisfactory in this regard.
2.9 Contaminated land and Land filling	The subject land is not known to be contaminated or filled.
2.10 Land slip and subsidence	Approval has been obtained from the Mine Subsidence Board for this proposal. The land is not affected by land slip.
2.12 Site waste minimisation and management	If the application was recommended for approval, appropriate conditions can address this control.
2.13 Salinity	Not applicable.
2.14	Not applicable
2.15	Not applicable
2.16	Not applicable

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Wollondilly Development Control Plan 2011 Volume 3 - Residential Development

Part 1 Preliminary	Comments
1.2 Objectives	
1.1 To ensure in-fill development is compatible with existing landscape characters	1.1 The design is commercial rather than residential in character and is considered excessive in terms of bulk and scale for the site.
1.4 To ensure developments do not dominate the landscape by excess bulk or inappropriate scale	1.4 The design is considered to be excessively bulky and of inappropriate scale for the location. While the lot is 1423 square metres in size, there is already an existing commercial building which limits the area of any future development to about 616 square metres. The proposed building exceeds setback, site coverage, gross floor area and landscaping controls.
11.3 To ensure boarding house and hostel	11.3 The location of the boarding house is not within 400 metres of Douglas Park, Picton, Tahmoor or Bargo train stations. Hence, the proposal does not satisfy this

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Part 1 Preliminary	Comments
developments are only provided near appropriate public transport	objective of locating boarding houses near appropriate public transport
11.4 To ensure boarding house and hostel developments provide a satisfactory amenity to occupants.	11.4 The proposal does not provide a laundry and the common open space is less than 3 metres in width, in part. Therefore, it is considered that the proposal does not comply with this objective.
Part 2 – General Considerations For All Development Objectives	Comments
1. To ensure that developments are undertaken with regard to human safety.	1. It is considered that the proposal is compliant with this objective.
2. To ensure that developments do not unreasonably impact on their surrounds	2. The design is considered to be excessively bulky and of inappropriate scale for the location. While the lot is 1423 square metres in size, there is already an existing commercial building which limits the area of any future development to about 616 square metres. The proposed building exceeds setback, site coverage, gross floor area and landscaping controls. This indicates an overdevelopment of the site which will unreasonably impact upon the surrounding built environment.
3. To ensure that developments achieve a satisfactory level of social equity	3. It is considered that the proposal is compliant with this objective as there is provision for low cost housing for up to sixteen (16) people. One (1) unit is designed for disabled access.

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Part 2 - General Considerations for all Development	Comments
<p>Controls:</p> <p>1. The consent authority shall consider the following risks to safety for residents in assessing a development application under this volume:</p> <p>a) Road and traffic hazards; b) Bushfire; c) Flood; d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses; e) Exposure to electricity transmission systems; f) Exposure to radiation from telecommunications infrastructure; g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises; h) Hazards from vehicles within car parking areas; and i) Hazard from potential contamination of the land.</p>	<p>1. It is considered that the proposal is compliant with the provisions of this control.</p>
<p>2 The consent authority shall consider the suitability of the road network in the vicinity in assessing a development application under this volume.</p>	<p>2.2 Access to the site is proposed to be solely from the laneway at the rear of the site, not from the front parking area. No objection raised in this regard.</p>
<p>3. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.</p>	<p>Approval from the Mine Subsidence Board has been obtained</p>

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<p>4. The consent authority must not grant consent to a development application for development subject to this volume on land unless it has considered the impact of the development on any system for the management of wastewater present on that land.</p>	<p>A reticulated sewerage system is available.</p>
<p>5. The consent authority must not consent to the carrying out of development within a drinking water catchment area unless it is satisfied that the proposal will have a neutral or beneficial impact on water quality.</p>	<p>Not applicable.</p>
<p>PART 3 - General Requirements for all Development</p>	
<p>3.1 to 3.7 Inclusive</p>	<p>Do not apply</p>
<p>3.8 Driveways Controls 1,2 & 3 4. Driveways shall be sealed or all weather gravel for all other development under this volume.</p>	<p>Not Applicable 4. The rear vehicular access way is already constructed to a sealed standard. Satisfactory.</p>
<p>3.9 Non-Residential Development Controls 1. Development subject to this volume must demonstrate that it will not result in unreasonable impacts on existing non-residential development in the vicinity including (without limitation):</p>	<p>1. It is considered that the proposal will not unreasonably impact upon surrounding non-residential development.</p>

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<p>a. Agriculture b. Education Facilities c. Recreation Facilities d. Industries e. Business Undertakings.</p>	
<p>PART 4 - Specific Land Use Controls</p>	
<p>4.17 Hostels and Boarding Houses</p>	
<p>Density Controls 1. Development to which these provisions apply must achieve a minimum density of 4 boarding rooms per 1000 metres squared of allotment area rounded down to the nearest whole number boarding room.</p>	<p>1. Minimum yield = $4 \times 1423/1000$ = 5.692 = 5 boarding rooms The proposal is for eight (8) boarding rooms. Hence, the development complies with minimum yield requirements.</p>
<p>2. Residential development to which these provisions apply must not exceed a maximum density of 8 boarding rooms per 1000 metres squared of allotment area rounded down to the nearest whole boarding room.</p>	<p>2. Maximum yield = $8 \times 1423/1000$ = 11.384 = 11 boarding rooms Since the proposal is for eight (8) boarding rooms, the proposal is compliant with this control.</p>
<p>3. In determining the density of development under these provisions land used for the following purposes is not taken into account:</p> <ul style="list-style-type: none"> ▪ Environmental Conservation ▪ Public Roads ▪ Land reserved for future development ▪ Dedication to Council as public open space 	<p>3 The requirements of this control are noted and has been taken into account for the calculation of development density. No objection in this regard.</p>

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<p>Basins, wetlands and similar stormwater management systems (water tanks are to be included in the calculation)</p>	
<p>Site Selection and Transport</p> <p>4. Boarding house and hostel developments must only be provided with 400m of the following train stations:</p> <ul style="list-style-type: none"> ▪ Douglas Park ▪ Picton ▪ Tahmoor ▪ Bargo 	<p>4. The applicant provided the following regarding this control:</p> <p>"The proposed site is part of local shopping centre and is within walking distance of transport".</p> <p>The purpose of this control is to ensure that the development is located close to nearby public transport systems. The subject allotment is located about 360 metres from a bus stop. A regular bus service connects Appin to Campbelltown and Wollongong; however, there are no train stations in the suburb of Appin. As the proposal is not located within the areas identified in this control which are thought to provide adequate public transport, the development does not satisfy the requirements of this control.</p>
<p>Building Design</p> <p>5. The total portion of the site covered by all pools, buildings and paving shall not exceed 75% of the site area.</p>	<p>5. The land is 1423m² in area. The proposal relates only to the rear of the premises and there is no change to the estimated 765 square metres of building and paving already constructed at the front of the subject allotment (as calculated from recent aerial photograph). Of the 616m² identified for development at the rear, only about 65m² is dedicated to soft landscaping. The approximate area dedicated to buildings and paving for the development will be 1316m² or 92% of the land surface of the allotment which exceeds the parameters of this control.</p> <p>The proposal covers 92% of the lot with hard surfaces and does not comply with this control.</p>

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6. Filling of land shall not increase the natural ground level by more than 1.0m.	6. The building will be located on relatively flat land. The proposal is considered satisfactory in this regard.
7. Cut shall be limited to 2.0 metres below natural ground level.	7. It is considered that the proposal is compliant with the provisions of this control.
8. Each frontage of the lot to a public road must be addressed by the building. The building is taken to address a frontage if the façade of the dwelling visible from that frontage meets the front façade requirements of this volume.	8. This control is not applicable as the subject allotment already contains an approved building that fronts Appin Road. The proposed boarding house will be concealed behind this building.
9. Any front façade must feature a single personal access door.	9. The lot contains an approved building that complies with the provisions of this control.
10. Any front façade must have no stretch of blank wall greater than 5.0m in length.	10. This proposal does not alter the façade of the building to Appin Road.
11. Any front façade must have no stretch of straight wall greater than 10.0m in length.	11. This proposal does not alter the façade of the building to Appin Road.
12. A side or rear façade must have no stretch of blank wall greater than 12.0 metres.	12. The proposal contains no stretch of blank wall greater than 12 metres on length. Satisfactory.
13. No more than 50% of the front façade shall be garage doors.	13. The front façade does not contain any garage doors.
14. The number of garage doors visible to the street shall be limited to 2. In this control a double garage door shall be counted as 2 doors.	14. The front façade does not contain any garage doors.

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<p>15. The front façade shall be provided with at least one habitable room with a window looking out onto the public road.</p>	<p>15. This proposal does not alter the Appin Road façade.</p>
<p>16. Hostels and Boarding Houses developments must not:</p> <ul style="list-style-type: none"> ▪ Be mirror reversed; ▪ Have a repeated façade; ▪ Locate garages at the centre of the building's front façade; ▪ Be greater than 2 storeys in height; nor ▪ Present an excessively bulky front façade. 	<p>16. It is considered that the proposal adequately complies with the design requirements of this control.</p>
<p>17. Each boarding room must have an area of between 16 and 25m² (excluding any area used for the purposes of private kitchen or bathroom facilities).</p>	<p>17. An assessment of the plan has been undertaken using information technology (Trapeze – a computer program that allows for accurate measurements and scaling to be used), the size of each unit is calculated to be as follows:</p> <ol style="list-style-type: none"> 1. 24.8 square metres 2. 24.3 square metres 3. 24.4 square metres 4. 25.8 square metres 5. 25.7 square metres 6. 24.5 square metres 7. 24.6 square metres 8. 26.3 square metres <p>These calculations excluded the floor area used for the purposes of private kitchen and bathroom facilities but does include the floor area of the built in robes. The applicant has stated that Unit 8 is about 26.3 square metres "which would be necessary for complying to accessible requirement of BCA and Australian Standard."</p> <p>Units 4,5 and 8 exceed the control. No variation request has been submitted</p>

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	regarding compliance with this control. As the development is not compliant in this regard, refusal of the application is recommended.
18. Communal living area must be provided at the rate of 12m ² per 5 boarding rooms or part thereof.	18. To comply with this control, at least 24 square metres of communal living area must be dedicated to the building. Council's Trapeze program calculates that the area of the common room is about 36.2 square metres which is compliant with the provisions of this control.
19. No boarding rooms may be occupied by more than two adult lodgers (except for a Hostel which may provide dormitory rooms).	19. If development consent were granted for this proposal, conditions could be recommended to ensure compliance with this control.
20. Adequate kitchen, laundry and bathroom facilities must be provided for lodgers.	Submitted floor plans indicate that each unit contains adequate independent kitchen and bathroom facilities. Likewise, the common room contains kitchen and bathroom facilities. There is no inclusion of laundry facilities in the proposal and no variation report was submitted to justify non-compliance with the control. Refusal of the application is recommended.
21. If the boarding house has capacity to accommodate 20 or more lodgers then it must be provided with an onsite boarding room or dwelling for a boarding house manager.	21. Not Applicable. The maximum capacity of the boarding house is sixteen (16).
22. If the boarding house is proposed in a business zone then no part of the ground floor may be used for residential purposes.	22. Satisfactory.

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<p>23. At least one boarding room per five boarding rooms (rounded down) provided in a boarding house (excluding a hostel) shall be an accessible room complying with relevant Commonwealth Standards for disabilities access.</p>	<p>23. Satisfactory</p>
<p>24. At least one hostel room per five hostel rooms provided in a hostel (rounded down) shall be an accessible room complying with relevant Commonwealth Standards for disabilities access.</p>	<p>24. Not applicable.</p>
<p>Setbacks</p> <p>25. Where there is a dwelling on each adjoining lot, the setback for the building from any primary road shall be the average setback of the existing adjoining dwellings plus or minus 10%. Such a setback shall be no less than 4.5m.</p>	<p>25. This control is not applicable because there is already an approved shop/office building on the site with an established front setback.</p>
<p>26. Where there is a dwelling on one adjoining lot the front setback for the building shall be plus or minus 10% of the setback of the adjoining dwelling. Such a setback shall be no less than 4.5 metres.</p>	<p>26. This control is not applicable because there is already an approved shop/office building on the site with an established front setback.</p>
<p>27. Where there is no dwelling on an adjoining lot the front setback shall be 6.5m.</p>	<p>27. This control is not applicable because there is already an approved shop/office building on the site with an established front setback.</p>
<p>28. The minimum side setback shall be 0.9m from land not included in the development.</p>	<p>28. Submitted plans indicate that sections of the design have a zero lot setback, bordering portions of both the northern and southern boundaries of the subject allotment. No</p>

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	variation report was submitted to Council justifying the reasons for these variations to the side setbacks. Refusal is recommended in this regard.
29. The minimum rear setback from land not included in the development shall be 8.0m for a two (2) storey building and 3.0m for a single storey building or a single storey part of a two (2) storey building.	29. The submitted floor plan reveals a rear setback that varies from about 3.1 metres to 6 metres. As the proposal is for a double storey building, there is insufficient space dedicated to create a minimum rear setback of 8 metres. No variation report was submitted to Council justifying the reason for the variation to the rear setback. Refusal of the application is recommended in this regard.
30. The methods for determining primary and secondary roads and setbacks prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes), 2008, are adopted by this volume.	30. Noted.
31. No part of any garage shall be located within 5.5 metres of a frontage of the site to a public road.	31. The proposal incorporates undercover parking set back in excess of 5.5 metres from the frontage of a public road. Satisfactory.
32. Awnings and other building features that do not form a wall of a room or a balcony may be located between the building setback to a primary and/or secondary road shall not extend more than 1.5m in front of that building setback.	32. Not applicable. The front setback for the block has already been established by the approved shop/office building and the proposed boarding house is located behind this building.
33. Eaves and other building features that do not form a wall of a room may be located within the side and rear building setbacks but shall not extend more than 450mm into that building setback.	33. The side walls of the lift area (north) and corridor (south) extend to the side boundaries of the property which is non-compliant with the provisions of this control. The applicant has not supplied a variation report justifying this variation. Refusal of the application is recommended in this regard.

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<p>34. For corner or irregular allotments with multiple road frontages the setback from any secondary road shall be 6m.</p>	<p>34. Not applicable as the rear laneway access point is not considered a road frontage as the block is positioned at the end of the laneway.</p>
<p>Common Open Space</p> <p>35. An area of common open space shall be provided for the development with the following characteristics:</p> <p>(a) Gradient no steeper than 1:20 (Rise:Run)</p> <p>(b) Width no less than 3 metres in any direction</p> <p>(c) At least 3 hours of solar access to 50% of the area (ignoring shadowing caused by trees).</p> <p>(d) Provided with suitable fixed embellishment comprising a minimum of:</p> <p>(i). Seating and tables at the rate of 6 seats and one table per 3 dwellings rounded up to the nearest whole number.</p> <p>(ii). Barbeque facilities at the rate of 1 barbeque per 3 dwellings rounded up to the nearest whole number</p> <p>(iii). Children’s play equipment</p> <p>(e). Have a total area no less than 20m²</p> <p>(f). Must not be located in the front building setback</p> <p>(g) Not be used for effluent disposal or garbage storage</p>	<p>35. The "Proposed Ground Floor Plan" nominates a 32m² area for common open space in the north-western section of the lot. Of this space, about 10.64 square metres is covered by the first floor above meaning that it is not technically open space. This leaves a much smaller open space area of 21.36 square metres. .</p> <p>(a) Complies</p> <p>(b) Part of the 21.36m² of open space is only 1.9 metres in width which does not meet the requirements of this control. A variation report was not forwarded to justify non-compliance with this subsection.</p> <p>(c) Complies.</p> <p>(d) Complies.</p> <p>(e) Complies.</p> <p>(f) Complies.</p> <p>(g) Can be conditioned.</p>

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(h). Be secured form public access but available to all occupiers in the development.	(h) Complies.
<p>Parking, Access and Vehicular Safety</p> <p>36. For each 5 boarding rooms (or part thereof) parking shall be provided at the rate of:</p> <ul style="list-style-type: none"> ▪ One (1) bicycle space; and ▪ One (1) motorcycle space. 	<p>36. The proposal provides parking for two (2) bicycles and two (2) motorcycles in accordance with the requirements of this control. Satisfactory.</p>
<p>37. Parking shall be provided at the rate of:</p> <ul style="list-style-type: none"> ▪ One (1) parking space per boarding room that is not a dormitory room; and ▪ 0.5 parking spaces per bed in a dormitory room (rounded up). 	<p>37. The proposed ground floor plan provides five (5) parking spaces for the shop/office building in accordance with Development Consent No. D127-03.</p> <p>The SEPP (ARH) takes primacy over Councils DCP requirements. While eight (8) spaces are the plan, four (4) spaces are required by SEPP (ARH). As such, compliance with the control is not required.</p>
38. All driveways and car parking are to be sealed and line marked.	38. If development consent were granted then appropriate conditions can be recommended to ensure compliance.
39. Development to which this clause applies shall not be undertaken on a residential battle-axe allotment.	39. Not applicable. The land is not battleaxe in configuration.
40. One (1) visitor car parking space shall be provided.	40. Satisfactory. One visitor space is proposed.
<p>Landscaping</p> <p>41. At least 10% of the area of the site shall be formally landscaped with an automated water system to be provided.</p>	<p>41. It is estimated that 92% of the lot will be covered with hard surfaces. Refusal of the application is recommended as the development does not comply.</p>

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<p>Privacy</p> <p>42. The development must not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity.</p>	<p>42. The proposal is compliant with this control as neighbouring properties (number 81 and 77 Appin Road) do not contain windows of habitable rooms looking onto this section of the property. The potential for overlooking into private open space at 77 Appin Road is limited to two balconies that would be positioned above the boarding house. Views to the rear yard of 81 Appin Road are restricted by landscaping and the position of outbuildings. The design of the corridor that surrounds the units would further limit overlooking from the boarding house onto neighbouring properties.</p>
<p>43. A window that has a sill height of 1.7m or more above the floor level within the room shall be taken to have no potential for overlooking.</p>	<p>43. Not applicable. None of the proposed windows will have a sill height of 1.7 metres or greater</p>
<p>Stormwater</p> <p>44. Stormwater from new buildings must be gravity fed to a constructed or natural stormwater system. The use of charged lines is not permitted for stormwater connections except for connections conveying roof water to tanks within the property.</p>	<p>44. The applicant seeks to install a gravity fed system that will connect to the existing system. If approval were recommended, conditions can be imposed in this regard.</p>
<p>Waste Management</p> <p>45. The development shall be provided with onsite waste management facilities to allow for:</p> <p>a) the storage of the waste out of sight of any publically accessible place, dwelling window, area of private open</p>	<p>45. The development is satisfactory in this regard. The proposed waste storage area will be out of sight of any publicly accessible place, dwelling window, private open space and can be conditioned for concealment from common open space. The location allows for the collection of domestic waste by waste collection vehicles.</p>

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space and area of common open space; and b) The collection of domestic waste from the development by waste collection vehicles.	
Environmental Protection 46. Development must be designed and located to result in no clearing of significant stands of native vegetation.	46. The site is clear of native vegetation.

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1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

Not applicable.

1.4 IMPACT OF THE DEVELOPMENT

It is considered that the proposal has an adverse impact upon the build environment as it contravenes the following development standards:

Head of Consideration	Comment
Natural Environment	It is considered that, subject to conditions, the development would not have any unreasonable impact upon the natural environment.
Built Environment	The proposed development is considered to create an unacceptable impact upon the built environment as the design is commercial in character and is excessive in terms of bulk and scale for the site. The design exceeds setback, site coverage and gross floor area controls. There is no provision for a laundry and hence the proposal provides inadequate facilities for occupants of the boarding house.
Social Impact	Crime Prevention Through Environmental Design The applicant does not provide any information to address Crime Prevention through Environmental Design (CPTED) issues. Notwithstanding, the proposal relates to housing provision for up to sixteen (16) people with direct views (in private and common areas) to the side laneway and

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Head of Consideration	Comment
	<p>surrounds thereby providing constant visual surveillance to reduce the opportunities for crime within the site. If development consent were granted, conditions can be recommended for effective outdoor lighting and site access control such as fencing & lockable gates. It is considered that the design clearly delineates private and common space to effectively re-enforce territory.</p> <p>The proposal is considered to be consistent with the principles of CPTED.</p> <p>While the proposal will generate opportunities for affordable housing within the Appin area, it is considered that there is insufficient information to determine the likely social impact of the development in terms of residents needs and conversely the social impact of the development upon the neighbouring community. It is further acknowledged that the provision of a general boarding house will have a lesser social impact than if the proposal were for an assisted boarding house.</p>
Economic Impact	It is considered that the development would have minimal adverse economic impacts.

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1.5 SUITABILITY OF THE SITE

Given that the site area available for this development is restricted to 616m² at the rear of the lot (due to the presence of an existing commercial development at the front), it is considered that the site is not suitable for an eight (8) unit boarding house as it is too constrained, resulting in non-compliance with various controls relating to building size.

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1.6 SUBMISSIONS

Concern	Comment
<p>Potential for undesirable boarders and safety issues for neighbours.</p>	<p>It is considered that there is insufficient information to determine whether the social impact upon the community is acceptable. The applicant has not provided sufficient comments with respect to potential social impacts other than the proposal is for a private, general boarding house designed to attract students using nearby campuses at Campbelltown.</p> <p>Recent research indicates a variety of people use boarding houses and they are mainly people on low incomes including older people living alone and students. Of all the capital cities in Australia, Sydney residents have the lowest disposal income after paying rent, a situation which is described as 'dire' (Chamberlain 2012:50). It is also important to recognise that the public perception of boarding houses can change over time from "fashionable and respectable accommodation" in the early 20th Century to the contemporary view of "boarding houses being associated with "urban vice and anomie" (Grenhalgh, E. et al. 2004:7).</p> <p>REFERENCE LIST</p> <p>Chamberlain, C. April 2012, "Are boarding houses disappearing?", RMIT University.</p> <p>Greenlaigh, E., Miller, A., Minnery, J., Gurran, N., Jacobs, K. & Phibbs, P. March 2004, "Boarding houses and Government supply side intervention",</p>

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Concern	Comment
	Australian Housing and Urban Research Institute & Queensland Research Centre
Insufficient public transport for boarders	<p>The proposal falls into the SEPP(ARH) category of a non-accessible area.</p> <p>The subject lot is located about 360 metres from the bus stop which provides a regular but not sufficiently frequent service to be categorised as an 'accessible area'. The SEPP(ARH) does not preclude boarding house development in a non-accessible area; however, the proposal is non-compliant with Control 4, Section 4.17 Hostels & Boarding Houses, Volume 3 - Residential Development, Wollondilly Development Control Plan 2011.</p>
Insufficient support services for boarders	<p>The proposal is for a general boarding house that does not cater for persons with additional needs. The definition of a person with additional needs under Section 36 of the Boarding Houses Act 2012 is provided below:</p> <p>"Section 36 Meaning of "person with additional needs"</p> <p>(1) For the purposes of this Act, a person is a person with additional needs if:</p> <p>(a) the person has any one or more of the following conditions:</p> <p>(i) an age related frailty,</p> <p>(ii) a mental illness within the meaning of the Mental Health Act 2007,</p> <p>(iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an</p>

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Concern	Comment
	<p>intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and (b) the condition is permanent or likely to be permanent, and (c) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication."</p> <p>There is insufficient information provided to determine whether there are sufficient support services available for occupants. It may be argued that the provision of an affordable, flexible, easy to manage unit with private kitchen and bathroom facilities, and support from fellow residents is an important resource for boarders. However, relevant support services are not restricted to those provided at the boarding house alone. Furthermore, the proposal does not provide laundry facilities for boarders contrary to Control 20, Section 4.17 Hostels and Boarding Houses, Volume 3 - Residential Development, Wollondilly DCP 2011. In this regard, the proposal provides insufficient services for boarders.</p>
<p>Insufficient employment opportunities for boarders</p>	<p>As stated previously, the proposal is for a private, general boarding house that does not cater for persons with additional needs. Hence, the employment opportunities available to these people is considered similar to other low income earners in the area and is not considered a valid reason to refuse this development.</p>

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Concern	Comment
Development will reduce property values	Fears of a loss of value, fears that may or may not be realised (but which are accepted as genuinely and honestly held) are not matters that Council can take into account in the assessment of a development application.
Non-compliance with planning requirements; specifically: Control 4, Section 4.17 Hostels & Boarding Houses, Volume 3 - Residential Development, Wollondilly Development Control Plan 2011.	The proposal is not compliant with Control 4, Section 4.17 Hostels & Boarding Houses, Volume 3 - Residential Development, Wollondilly Development Control Plan 2011. Please refer to this section of the assessment for further comment.
Development is out of character with the area	This proposal is non-compliant with the following relevant controls discussed in Volume 3 - Residential Development, Wollondilly Development Control Plan 2011: Control 5 Site Coverage Controls 28& 33 Side setbacks Control 29 Rear Setback Control 35 Common open space Control 41 Landscaping The proposal is also non-compliant with Clause 30A, State Environmental Planning Policy (Affordable Rental Housing) 2009. For these reasons, it is considered that the proposal is out of character with the local area.
Increased local traffic	The proposal provides for accommodation for a maximum number of sixteen (16) people. Seven (7) on-site car parking spaces have been allocated for boarders which exceeds the requirements of Clause 29(2)(e), State Environmental Planning Policy (Affordable Rental Housing) 2009. This clause only

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Concern	Comment
	<p>requires four (4) car parking spaces for such a development. All vehicles will access the site from the laneway connecting the rear of the lot. This solution is preferable to direct access from Appin Road which would increase congestion on a classified road.</p>
<p>Unacceptable noise generated by development.</p>	<p>The applicant has offered the following relevant information in the Statement of Environmental Effects (Pg 6):</p> <p>"Air & Noise</p> <p>Strictly daytime working hours shall be followed to minimise the noise likely to be generated by the use of onsite construction equipment. A policy of half day work on Saturdays and no work on Sundays and public holidays will reflect a positive attitude towards caring neighbours.</p> <p>Only standard residential cooking and hot-water heating appliances will be used in the proposed dwellings.</p> <p>The installation of all appliances will be as per manufacturer's recommendations. Therefore, the air and noise impact from this proposal on the surroundings will be minimal.</p> <p>During construction, the builder will be asked to comply with the EPA guidelines."</p> <p>The proposal is for small scale domestic accommodation that is not anticipated to provide unacceptable noise and is considered satisfactory in this regard.</p>

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Concern	Comment
Inadequate parking for the development	<p>In accordance with this definition of an accessible area, the subject proposal is deemed to be 'not in an accessible area'. Hence, the number of required parking spaces for this development, in accordance with clause 29(2)(e), SEPP (ARH) is:</p> <p>$0.4 \times 8 = 3.2$ (4 rounding up)</p> <p>A minimum of four (4) parking spaces is required which is provided by this proposal of seven (7) parking spaces. Hence, this clause of the SEPP (ARH) prevails over control 37, Section 4.17 Hostels and Boarding Houses, Volume 3 - Residential Development, Wollondilly Development Control Plan 2011. Therefore, proposed parking arrangements are considered adequate, subject to conditions.</p>
Unacceptable amount of rubbish generated.	<p>The proposed waste storage area is considered sufficient in size (4 x 120L garbage bins and 4 x 240L Recycling bins) & will be out of sight of any publicly accessible place, dwelling window, private open space and can be conditioned for concealment from proposed common open space. The location allows for the collection of domestic waste by waste collection vehicles. Waste disposal for the proposal is considered satisfactory.</p>
Fire safety	<p>Council's Fire Safety Officer stated that fire safety requirements could be conditioned accordingly if the application was approved.</p>

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1.7 THE PUBLIC INTEREST

The proposal is not in the public interest. The proposal has an unacceptable impact upon the built environment. The social impact of the development has not been adequately considered. The proposal is an overdevelopment of the site with insufficient public transport. There are several non-compliances with the controls outlined in Volume 3 - Residential Development, Wollondilly DCP. The proposal also contravenes Control 4, Section 4.17 Hostels and Boarding Houses, Wollondilly Development Control Plan 2011, a control relating to public transport provision. The combination of all these factors leads to the conclusion that the proposal is not in the public interest.

FINANCIAL IMPLICATIONS

Should the application be approved, Developer Contributions would be applicable.

ATTACHMENTS:

1. Plans of development (six pages)

RECOMMENDATION

That Development Application 010.2013.00000872.001 for the construction of an eight (8) unit boarding house with parking at ground level be refused for the following reasons:

- (a) The proposal does not comply with Clauses 3(b), 30(1)(b) & 30A of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (Section 79C(1)(a)(i) Environmental Planning and Assessment Act 1979).
- (b) The proposal does not comply with the controls 4, 5, 17, 20, 28, 29, 33, 35 and 41 in Section 4.17 Hostels and Boarding Houses, of Wollondilly Development Control Plan 2011 Volume 3.
- (c) The proposal does not comply with objectives 1.1, 1.4, 11.3, and 11.4, Section 1.2 Objectives of Wollondilly Development Control Plan 2011, Volume 3.
- (d) The proposal does not comply with objective 2 Part 2 – General Considerations for all Development, Wollondilly Development Control Plan 2011, Volume 3.

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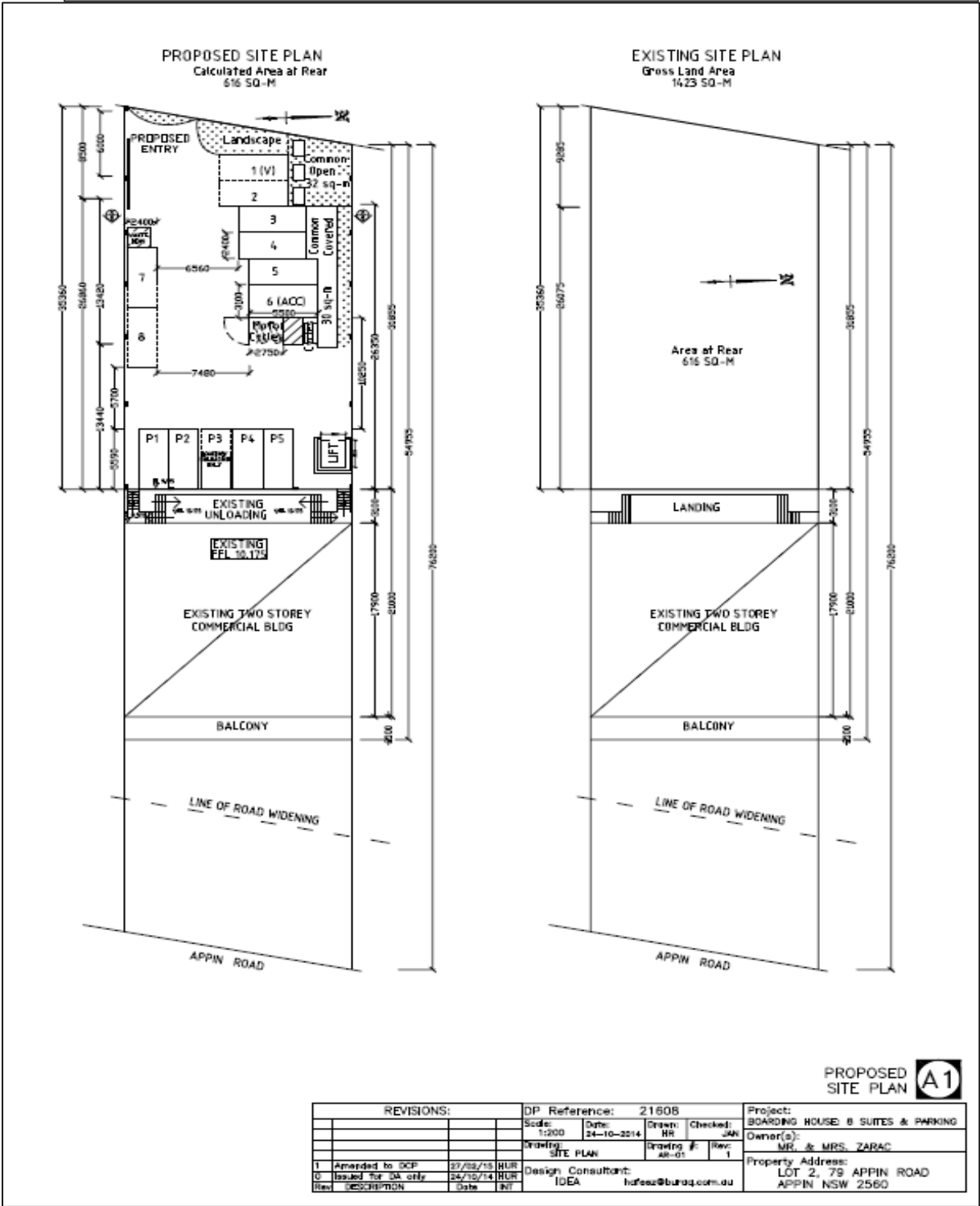
- (e) The proposed development will result in an unsatisfactory impact on the Built Environment.
- (f) The proposed development is not in the public interest.
- (g) The site is not considered suitable for the proposed development.

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ATTACHMENT 1 – 010.2014.0000872.001 – 18 MAY 2015

Planning & Economy

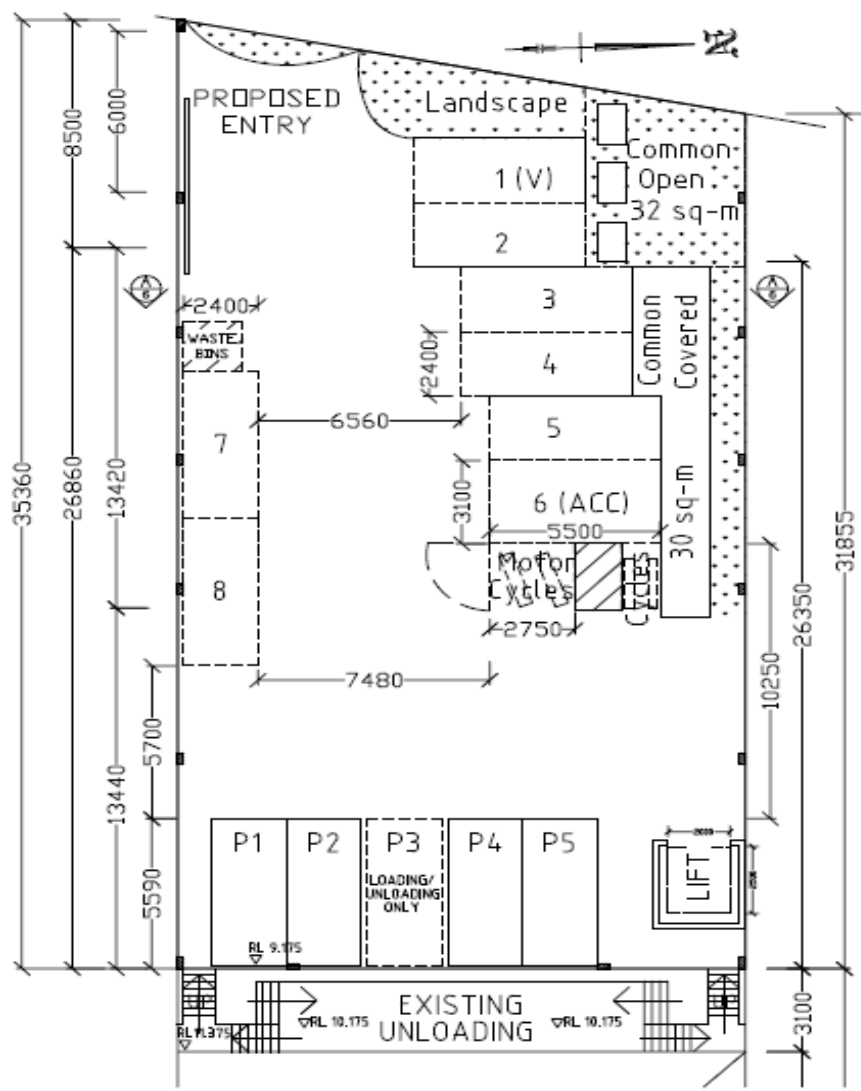


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PROPOSED GROUND FLOOR PLAN
SCALE: 1:100

PROPOSED GROUND FLOOR PLAN **A2**

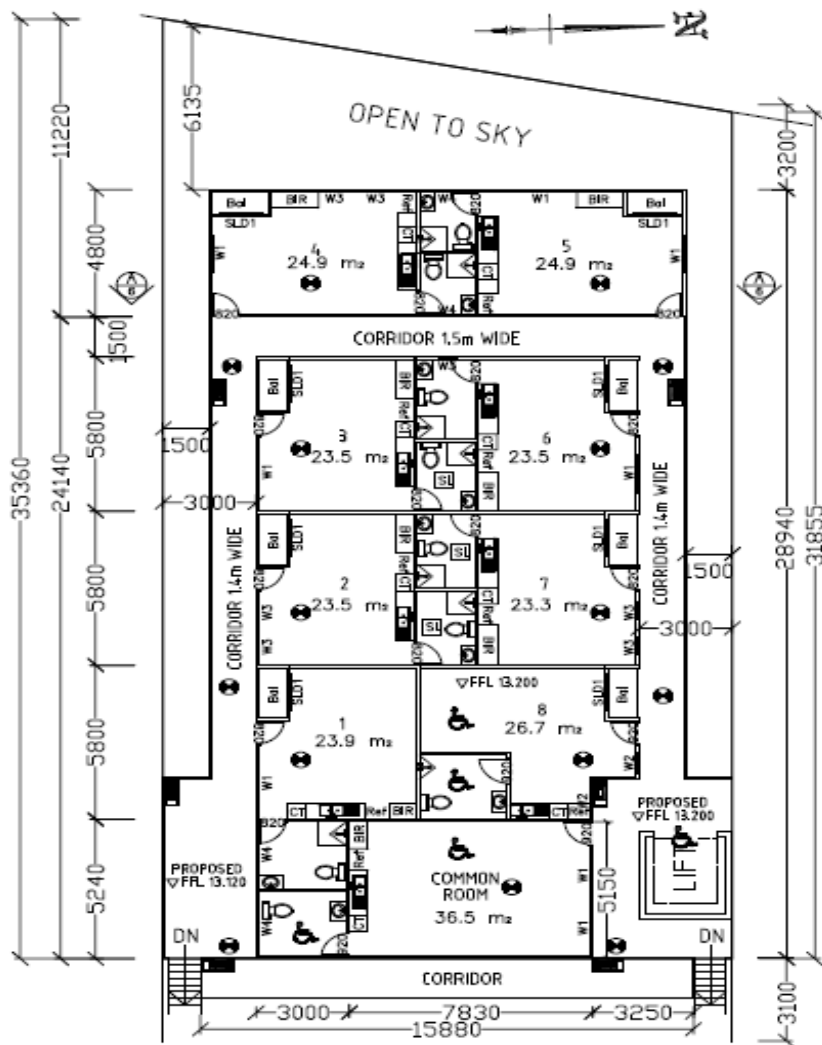
REVISIONS:		DP Reference: 21608		Project: BOARDING HOUSE & SUITES & PARKING	
		Scale: 1:100	Date: 24-10-2014	Drawn: HR	Checked: JAN
1	Amended to DCP	27/09/15	HR		
2	Issued for DA only	24/10/14	HR		
Rev	DESCRIPTION	Date	INT		
		Design Consultant: IDEA		Owner(s): MR. & MRS. ZARAC	
		hafeez@burag.com.au		Property Address: LOT 2, 79 APPIN ROAD APPIN NSW 2560	

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PROPOSED FIRST FLOOR PLAN
SCALE: 1:100

PROPOSED FIRST FLOOR PLAN **A3**

REVISIONS:		DP Reference: 21608		Project: BOARDING HOUSE 8 SUITES & PARKING	
1	Amended to DCP	27/06/15	HR	Drawn: HR	Checked: JAN
0	Issued for DA only	24/10/14	HR	Drawing #: 48-03	Rev: 1
Rev	DESCRIPTION	Date	INT	Design Consultant: IDEA	hafeez@burag.com.au
				Owner(s): MR. & MRS. ZARAC	
				Property Address: LOT 2, 79 APPIN ROAD APPIN NSW 2560	

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PROPOSED NORTH ELEVATION
SCALE 1:100

PROPOSED SOUTH ELEVATION
SCALE 1:100

REVISIONS:

NO	REVISION	DATE	BY
0	Issued for DA	26/10/14	HT
1	Revised for DA	06/11/14	HT

DP Reference: 21608
Scale: 1:100
Date: 14-10-2014
Drawn: MORT & SOUTH ELEVATIONS
Drawing # 48-24
Rev: 0
Design Consultant: IDECA
ideca@ideca.com.au

Project: BOARDING HOUSE, 8 UNITS & PARKING
Owner(s): MR. & MRS. ZABAC
Property Address: LOT 2, 79 ASPEN ROAD
ASPEN NSW 2560

PROPOSED NORTH & SOUTH ELEVATIONS

A4

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PROPOSED WEST ELEVATION
SCALE 1:100

PROPOSED EAST ELEVATION
SCALE 1:100

SCHEDULE OF WINDOWS & DOORS

Windows	Size (HxW)	Qty	Location	Remarks
W1	1200x1450	8	As marked	Sliding
W2	1200x 800	2	As marked	Sliding
W3	1200x 610	6	As marked	Awning
W4	800x 610	4	Bath, WC	Obscure glass
Doors				
SD1	2100x1440	8	Balconies	Al sliding door
820	2040x 820	14	As marked	Swing Door
920	2040x 920	4	As marked	Swing Door

NOTE: Measure all openings on site before ordering

REVISIONS:

No	DESCRIPTION	Date	INT
0	Issued for DA only	24/10/14	INT

WEST ELEVATIONS + SCHEDULE

DP Reference:	21608	Project:	BOARDING HOUSE, 8 UNITS & PARKING
Scale:	1:100	Date:	24-10-2014
Drawn:	JM	Checked:	JM
Drawn by:	JM	Drawn by:	JM
Checked by:	JM	Checked by:	JM
Design Consultant:	IDEA	Design Consultant:	idea@wollondilly.nsw.gov.au
Property Address:	LOT 2, 79 APPIN ROAD		
APPNV NSW:	2560		

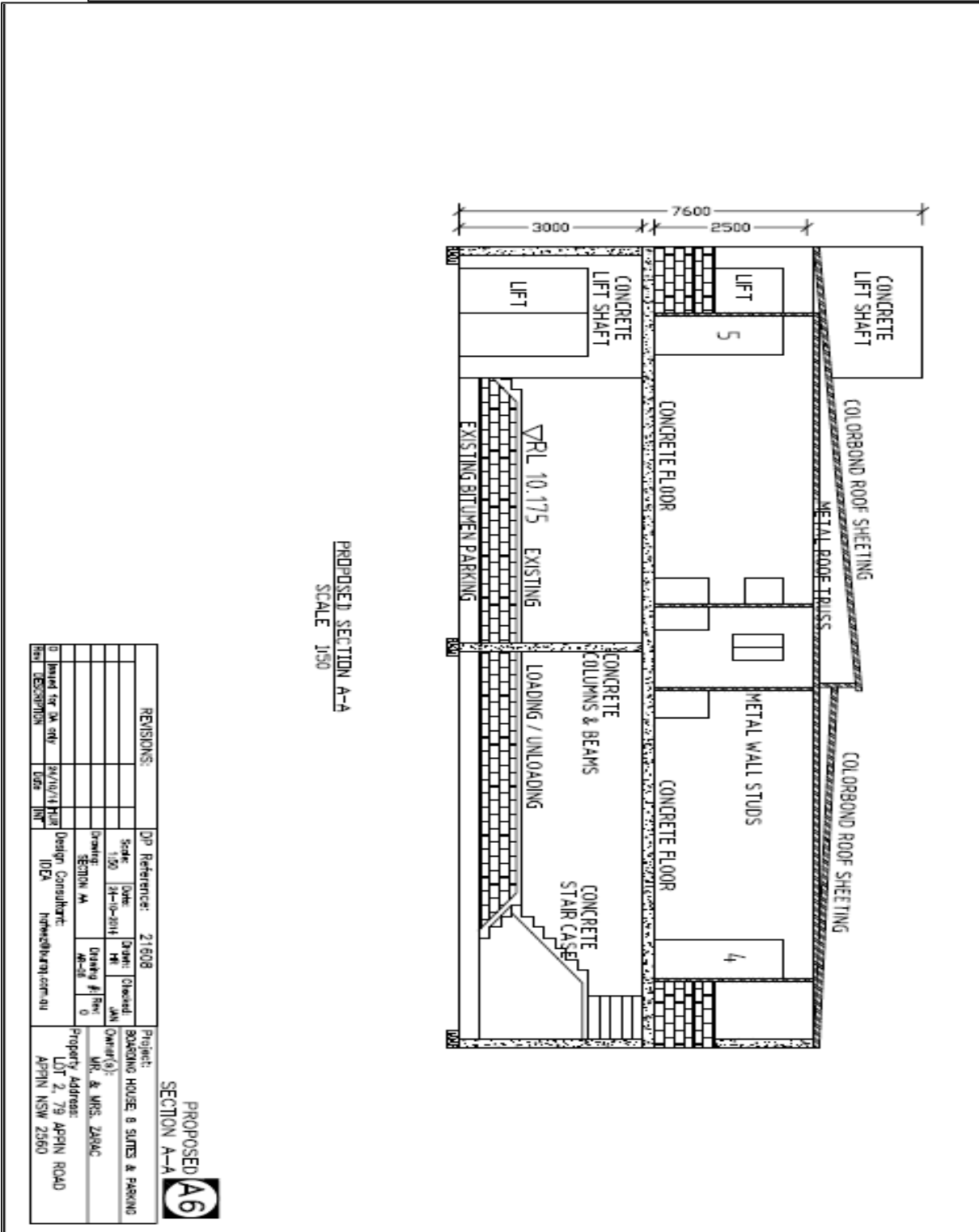
PROPOSED EAST & WEST ELEVATIONS + SCHEDULE

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PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

PE2

Development Application No. 010.2015.0000028.001 - The Construction and Use of a Resource Recovery Facility with associated Vehicle Depot and Truck Wash Area in two (2) stages at 50 Bridge Street, Picton

1006

TRIM DD010.2015.0000028.001



LOCATION MAP N

(Showing zoning of subject property and zoning of adjoining lands/area)

DEVELOPMENT INFORMATION

Development Application No:	010.2015.0000028.001
Property Address:	50 Bridge Street, Picton
Applicant:	JR & EG Richards (NSW) Pty Ltd
Owner:	The Berrima Co-Operative Rural Society Limited
Proposal Details:	Construction and use of a resource recovery facility with associated vehicle depot and truck wash area in two (2) stages
Zone:	IN2 Light Industrial

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

EXECUTIVE SUMMARY

- A Development Application has been received by Council for the construction and use of a resource recovery facility with associated vehicle depot and truck wash area in two (2) stages.
- The development is required to fulfil the requirements of a waste management contracts including a contract with Wollondilly Shire Council. The determination of the application by Council at a public meeting will ensure transparency in the assessment of the proposal.
- One (1) submission has been received raising concerns with the operation of the development.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be approved, subject to conditions.

REPORT

CONSULTATION

Referral	Outcome
Development Engineer	Conditions recommended
Building Surveyor	Conditions recommended
Health Officer	Conditions recommended
Mines Subsidence	Approval obtained
Environmental Protection Agency	Have advised that an Environmental Protection License is not required

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The site is located on the western side of Bridge Street, Picton and is approximately 441m by road from the Bridge Street and Remembrance Driveway intersection and approximately 31m from the Bridge Street and Bollard Place intersection.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
Bridge Street, Picton**

The site is 6,070m² in size and slightly irregular in shape. The land is bound by Bridge Street on its eastern boundary, the Great Southern Railway along its western boundary and adjoins two other light industrial lots (north and south). The land to the south contains a building used for indoor sports and a place of public worship. To the north the land is used for storage of miscellaneous items. The site is surrounded by a number of industrial uses, none of which are classified as being heavy industry.

The site contains sheds and miscellaneous items (predominantly scrap materials that have been deposited over time).

1.2 DESCRIPTION OF DEVELOPMENT

Development consent is sought for a resource recovery facility with associated vehicle depot. The resource recovery activities will be restricted to recycling of paper and cardboard. Vegetation clearing and bulk earth works form part of the scope of works.

The development will comprise and be staged as following:

- Workshop and truck wash building (stage 1)
- Truck parking buildings (stages 1 and 2)
- Office and amenities building (stage 1)
- Industrial building including resource recovery (stage 2)
- Ancillary infrastructure including driveways, car parking and landscaping.

The hours of operation are as follows:

- Workshop: 6am to 10pm, Monday to Saturday (including public holidays)
- Truck Movements: 5am to 6pm, Monday to Saturday (including public holidays)
- Office: 7am to 6pm, Monday to Saturday.

The applicant has advised the nature of the waste industry necessitates the need to operate on a 24 hours, 7 day a week basis from time to time. The applicant describes that they operate with a number state government agencies, as well as commercial and private entities. Out of hours calls are not frequent but can result during natural disasters, environmental and public health incidents, vehicle accidents and the like. Such requests can also come from local government, the SES, Fire and Rescue, NSW Police, Sydney Water and the like.

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

The workshop, truck wash and truck parking are limited solely to the maintenance, repair and external cleaning of JR Richards' vehicles associated with the proposed development site and use. The proposed industrial building is intended for industrial purposes associated with the depot site and future use for a paper / cardboard baler (resource recovery facility).

Stage 2 includes an industrial building associated with depot. The future proposal for use of this building for a resource recovery facility is not considered 'Designated Development' (this is to be commented on later in this assessment report).

1.3 SECTION 79C ASSESSMENT

1.3.1 LEGISLATIVE REQUIREMENT

Protection of the Environment Operations Act 1997

Section 3 Objects of the Act

Objective	Comment
(a) to protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development	The development is satisfactory in this regard
(b) to provide increased opportunities for public involvement and participation in environment protection	Noted
(c) to ensure that the community has access to relevant and meaningful information about pollution	Noted. The application was notified and advertised in accordance with Council's adopted policy
(d) to reduce risks to human health and prevent the degradation of the environment by the use of mechanisms that promote the following: (i) pollution prevention and cleaner production (ii) the reduction to harmless levels of the discharge of substances likely to cause harm to the environment (iia) the elimination of harmful wastes	The development is satisfactory in this regard. Conditions are recommended where necessary

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PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Objective	Comment
(iii) the reduction in the use of materials and the re-use, recovery or recycling of materials (iv) the making of progressive environmental improvements, including the reduction of pollution at source (v) the monitoring and reporting of environmental quality on a regular basis	
(e) to rationalise, simplify and strengthen the regulatory framework for environment protection	Noted
(f) to improve the efficiency of administration of the environment protection legislation	Noted
(g) to assist in the achievement of the objectives of the Waste Avoidance and Resource Recovery Act 200	Noted

Planning & Economy

Schedule 1 Scheduled activities - Clause 34 Resource recovery

Column 1	Column 2	Comment
Activity	Criteria	
recovery of general waste	if the premises are in the regulated area: (a) involves having on site at any time more than 1,000 tonnes or 1,000 cubic metres of waste, or (b) involves processing more than 6,000 tonnes of waste per year	Wollondilly Shire Council is within the regulated area. The applicant has advised the facility will not exceed any of the thresholds listed. Conditions are recommended to ensure the persons having the benefit of the consent comply at all times.

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

The applicant has provided additional information to the NSW Environmental Protection Agency at their request to justify as to why the proposed development does not require an environmental protection license. The Environmental Protection Agency has confirmed that a license is not required.

1.3.2 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy No. 55 – Remediation of Land

Question	YES		NO	
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?		Proceed to Question 3	x	Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	x	Proceed to Question 3		Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone		Proceed to Question 5	x	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?		Proceed to Question 5	x	Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?		Request contaminated site assessment		Proposal satisfactory under SEPP 55 and DCP.

Comments: Development Consent D23/95 was issued by Council on 2 May 1995 for the construction of a saw mill. According to the assessment of the application, this approval granted the expansion of an existing sawmill development. In accordance with Table 1 from the "Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land", a saw mill is not a development type that is likely to cause land contamination.

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Further, Development Consent D107-08 approved a two lot subdivision of the subject land. A review of the determination did not identify any requirements for the land to be remediated due to any past land uses.

Therefore, the subject land is considered to be acceptable for the proposed land use activity and no conditions are required for land remediation.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	<p>The closest watercourse to the site is Redbank Creek, which is approximately 168 metres east-south-east from the site.</p> <p>Between the site and the watercourse are roads and drainage infrastructure and as such, there will be no direct conveyance of water from the site to the watercourse.</p> <p>Subject to conditions of consent, the development will not have any adverse impacts upon the receiving waters of the river systems.</p>
6. Planning Policies and Recommended Strategies	
(3) Water quality	Conditions are recommended to ensure compliance with the provisions of the plan
(4) Water quantity	Conditions are recommended to ensure there will be no adverse impacts upon the receiving waters
11. Development controls	
(7) Filling	Consent for cut and fill works is sought as part of this development. Subject to conditions, no adverse impacts anticipated

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Wollondilly Local Environmental Plan, 2011

Clause 1.2 Aims of Plan

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	Subject to conditions, the development will be satisfactory in this regard
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	Satisfactory
(c) to protect water quality in land that is situated within water supply catchments,	Subject to conditions, satisfactory
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	Other than passenger motor vehicles (and similar) there is limited public transport access to the site. Given the location of the development, it is considered there is ample opportunity in the future to comply, as required.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	Not applicable.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	The development is within the existing down town of Picton.

Characterisation: resource recovery facility, truck depot

Zone of land: IN2 Light Industrial

Permissibility: yes, both with development consent

Zone objectives:

Objective	Comment
IN2	
To provide a wide range of light industrial, warehouse and related land uses.	Satisfactory
To encourage employment opportunities and to support the viability of centres.	Satisfactory
To minimise any adverse effect of industry on other land uses.	Satisfactory

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PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Objective	Comment
To enable other land uses that provides facilities or services to meet the day to day needs of workers in the area.	Subject to conditions, satisfactory
To ensure development does not impact on the viability of land within Zone B1 Neighbourhood Centre.	Satisfactory

LEP Clauses

Clause	Comment
Part 5 Miscellaneous provisions	
5.9 Preservation of trees or vegetation	Onsite vegetation to be removed. The site does not contain any Endangered Ecological Communities or threatened species. Conditions recommended.
Part 7 Additional local provisions	
7.1 Essential services	To be conditioned accordingly
7.5 Earthworks	To be conditioned accordingly

1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

None

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan 2011 Volume 1 – General

Relevant Provisions	Comment
1.2 Aims of Plan	Noted
1.11 Request for Variation	None proposed
2.1 Advertising and Notification of Development Proposals	The application was notified and advertised in accordance with the plan.
2.3 Tree and vegetation provisions	Onsite vegetation to be removed. The site does not contain any Endangered Ecological Communities or threatened species. Conditions recommended.
2.4 Landscaping	Landscaping will be required to be established in accordance with the plan. Conditions are recommended

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PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Relevant Provisions	Comment
2.10 Land slip and subsidence	The land has no evidence of any land slip occurring. Mines Subsidence Board approval has been obtained.
2.12 Site waste minimisation and management	Conditions are recommended for all waste streams to be disposed in accordance with the plan submitted with the application
2.14 Water Management	Conditions are recommended to ensure water quality outcomes are satisfactory in regards to the requirements of the plan
2.15 Transport and Movement	No objections raised by the Development Engineering Section. Conditions recommended
2.16 Landscape & Scenic Quality	Conditions are recommended to ensure suitable landscaping is established to create a positive streetscape outcome

Planning & Economy

Wollondilly Development Control Plan 2011 Volume 5 – Industrial and Infrastructure uses

Relevant Provisions	Comment
<p>2.2 General objectives</p> <p>Objectives</p> <p>(a) To provide for development that protects the scenic qualities of Wollondilly Shire.</p> <p>(b) To ensure that industrial development has a neutral or beneficial effect on the natural and built environments.</p> <p>(c) To provide employment opportunities that significantly contributes to economic activity within Wollondilly Shire.</p> <p>(d) To provide controls for industrial development that will encourage the use of land for sustainable and viable industrial activities.</p> <p>(e) To ensure the most efficient use of industrial land is consistent with the existing amenity of the area.</p>	<p>a) Subject to conditions, the development is considered to be satisfactory</p> <p>b) Subject to conditions, satisfactory</p> <p>c) Satisfactory. The development has the capacity to provide employment opportunities</p> <p>d) Noted</p> <p>e) It is considered the development is satisfactory in this regard</p>

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Relevant Provisions	Comment
(f) To ensure the orderly provision of services and infrastructure.	f) To be conditioned accordingly
(g) To ensure good vehicular access, circulation and loading facilities on industrial sites and these do not impact on the pedestrian and vehicular mobility in the locality.	g) Satisfactory. No objections raised in this regard
(h) To ensure adequate on-site car parking is provided.	h) The dedicated truck parking areas provide additional spaces onsite.
(i) To ensure access to adequate services are provided for the disposal of waste.	i) Conditions are recommended in this regard
(j) To promote high standards of architecture, landscaping and building design that is visually attractive in form, design, colour and scale.	j) The buildings are complementary to the built form within the immediate industrial area. Conditions are recommended regarding colours and streetscape appeal
(k) To ensure that industrial developments are suitably designed and landscaped without restricting their viability through over regulation.	k) Noted. To be conditioned accordingly
(l) To ensure industrial development is undertaken in a manner that minimises land use conflicts.	l) While dwellings are located within 150m of the site, based on the information provided, it is considered there will be no adverse impacts or land use conflict
(m) To ensure buildings do not adversely affect views from adjoining zones, classified roads (Picton Road and Remembrance Driveway) or other public spaces.	m) Satisfactory

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Relevant Provisions	Comment
(n) To ensure soil conservation and sediment control measures are implemented during and post-construction.	n) To be conditioned accordingly
(o) To permit development which serves the daily convenience needs of persons working within industrial areas.	o) Subject to conditions, satisfactory
(p) To encourage the integration of land use and transport, and provide for environments that are highly accessible and conducive to walking, cycling and the use of public transport	p) Other than passenger motor vehicles (and similar) there is limited public transport access to the site. Given the location of the development, it is considered there is ample opportunity in the future to comply, as required.
2.3 General requirements	
2.3.2 Building setbacks	
Objectives	
(a) To provide satisfactory separation between industrial buildings,	a) Satisfactory
(b) To mitigate land use conflict between industrial land uses and other land uses,	b) It is considered the development is satisfactory in this regard. Conditions are recommended
(c) To provide sufficient setbacks along major roads for the planting of landscaping elements so as to visually screen industrial development, and	c) Satisfactory. Conditions are recommended
(d) To provide safe and efficient ingress and egress in and around industrial properties.	d) Satisfactory
Controls	
1. Setbacks for buildings erected on industrial zoned land are:	1.

Planning & Economy

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Relevant Provisions		Comment	
Setback	Control	Setback	Complies
Front	10 metres all other roads	Front	Yes
Side and rear setback	Nil setback required except as provided by this table and subject to bushfire and water course separations	Side and rear setback	Yes
<p>2.3.3 Building design</p> <p>Objectives</p> <p>(a) To encourage attractive design that is both functional and considers the surrounding streetscape,</p> <p>(b) To ensure that industrial development does not have adverse impacts on the amenity of the area, and</p> <p>(c) To encourage the provision of employee facilities such as canteens, lunch parks, child-minding centres and recreation facilities.</p>		<p>a) The development is consistent and compatible with the surrounding built environment.</p> <p>b) The development is satisfactory in this regard</p> <p>c) To be conditioned accordingly</p>	
<p>Controls</p> <p>General</p> <p>1. Buildings must not occupy more than 50% of the site area.</p> <p>2. Office floor space and associated rooms used for administrative purposes must occupy no greater than 30% of the gross floor area.</p> <p>3. Street facades and visually prominent elements of any structure must be articulated to minimise their impact on the streetscape.</p>		<p>1. The development is satisfactory in this regard (approximately 30%)</p> <p>2. The development is satisfactory in this regard (approx. 15%)</p> <p>3. Satisfactory. Landscaping will be established in accordance with Council's controls in this plan</p>	

Planning & Economy

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Relevant Provisions	Comment
<p>4. Loading areas, driveways, rubbish, storage and roof-top equipment must not be located adjacent to residential zones</p> <p>5. External and security lighting should be positioned to avoid light spillage to nearby non-industrial development.</p>	<p>4. The development is satisfactory in this regard</p> <p>5. To be conditioned accordingly</p>
<p>2.3.4 Parking and access Objectives</p> <p>(a) To ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development,</p> <p>(b) To ensure that adequate manoeuvring areas are available on-site to permit forward entry and exit of vehicles,</p> <p>(c) To enable the efficient functioning of parking areas, loading bays and access driveways,</p> <p>(d) To ensure that parking areas and access ways are constructed with a smooth trafficable surface and to avoid conflict between pedestrians and vehicles, and</p> <p>(e) To ensure parking areas are visually attractive and designed and constructed to encourage safe usage.</p>	<p>a) It is considered adequate parking is available</p> <p>b) The development is satisfactory in this regard</p> <p>c) The development is satisfactory in this regard</p> <p>d) To be conditioned accordingly</p> <p>e) The development is satisfactory in this regard. Conditions are recommended</p>
<p>Controls</p> <p>1. Car parking, manoeuvring areas, driveways, access, signposting and loading bays must be designed in accordance with Council's Design Specification.</p> <p>2. Vehicles are to enter and leave the subject site in a forward direction.</p>	<p>1. The development is satisfactory in this regard</p> <p>2. The development is satisfactory in this regard. Conditions are recommended</p>

Planning & Economy

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

Relevant Provisions		Comment																				
<p>3. Where through vehicle travel paths are not able to be provided (for example, where a zero setback is proposed) all lots must provide sufficient level space on-site for rigid and articulated vehicle turning areas. This space must be unobstructed and clear of drainage lines, power poles and parking spaces.</p> <p>4. The number of parking spaces required for industrial uses is detailed below in Table 1. The RTA publication 'Policies, Guidelines and Procedures for Traffic Generating Developments' will also be referred to when determining traffic requirements for certain uses.</p> <p>Table 1. Parking and Loading Requirements.</p> <table border="1"> <thead> <tr> <th>Use</th> <th>Requirement</th> </tr> </thead> <tbody> <tr> <td>Industrial Development</td> <td>1 space per 70m² of net floor area with a minimum of 3 spaces per industrial unit</td> </tr> <tr> <td>Ancillary office space</td> <td>1 space per 35m² of net floor area</td> </tr> <tr> <td>Depot, Freight transport facility, Transport depot, Truck depot, Rural industries</td> <td>Traffic Study required unless low scale (will be determined by the assessing officer)</td> </tr> </tbody> </table>		Use	Requirement	Industrial Development	1 space per 70m ² of net floor area with a minimum of 3 spaces per industrial unit	Ancillary office space	1 space per 35m ² of net floor area	Depot, Freight transport facility, Transport depot, Truck depot, Rural industries	Traffic Study required unless low scale (will be determined by the assessing officer)	<p>3. Detailed information was submitted with the application. No issues and/or concerns raised in this regard</p> <p>4. see below</p> <p>A total of 17 parking spaces are proposed. Dedicated truck parking areas are proposed and will provide an additional (approximated) ten (10) parking spaces.</p> <p>The development satisfies Council's parking minimum parking requirements as detailed below:</p> <table border="1"> <thead> <tr> <th>Use</th> <th>Requirement</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>Industrial Development</td> <td>1 space per 70m² of net floor area with a minimum of 3 spaces per industrial unit</td> <td>A total of 10 spaces are required for all industrial buildings located on site (Truck parking areas to only be used for parking of vehicles and will not be used for any other purpose)</td> </tr> <tr> <td>Ancillary office space</td> <td>1 space per 35m² of net floor area</td> <td>A total of 6 spaces are required for the office/administration buildings onsite</td> </tr> <tr> <td>Depot, Freight transport facility, Transport depot, Truck depot, Rural industries</td> <td>Traffic Study required unless low scale (will be determined by the assessing officer)</td> <td>The dedicated truck parking areas provide additional spaces onsite.</td> </tr> </tbody> </table>	Use	Requirement	Comments	Industrial Development	1 space per 70m ² of net floor area with a minimum of 3 spaces per industrial unit	A total of 10 spaces are required for all industrial buildings located on site (Truck parking areas to only be used for parking of vehicles and will not be used for any other purpose)	Ancillary office space	1 space per 35m ² of net floor area	A total of 6 spaces are required for the office/administration buildings onsite	Depot, Freight transport facility, Transport depot, Truck depot, Rural industries	Traffic Study required unless low scale (will be determined by the assessing officer)	The dedicated truck parking areas provide additional spaces onsite.
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Vehicle repair workshop or station	3 spaces per work bay, except where more than 2 work bays are proposed and a Traffic Study is required to determine the number of spaces	The dedicated truck parking areas provide additional spaces onsite.
All Industrial Developments Access space for disabled persons	Minimum 1 space per 100 spaces. If less than 100 spaces then at least 1 space 3m wide, clearly marked and close as practicable to building entrances	One (1) space proposed and located as close to the office/administration building.
2.3.5 Signage		No signage is proposed with this Development Application. The applicant has stated that any signage will be designed in accordance with the exempt provisions from Schedule 2 of the Wollondilly Local Environmental Plan 2011 or if signage is to exceed the exemptions, than a separate application will be lodged. To be conditioned accordingly
2.3.6 Open storage areas Objectives (a) To minimise the visual impact of open storage areas on the area, and (b) To assist in making vehicle and pedestrian entrances discernible from the street for anyone looking for a particular business.		a) & b) The development is satisfactory in this regard. Landscaping to be established in accordance with the controls Conditions recommended to prevent external storage of any items.
Controls 1. Land between any road and the façade of any building or visible from a public road, must		1. To be conditioned accordingly

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Relevant Provisions	Comment
<p>not be used for the storage, sale or display of goods.</p> <p>2. Areas used for storage must be suitably screened.</p> <p>3. Dedicated open storage areas must be appropriately drained and constructed in suitable materials to prevent soil disturbance.</p> <p>4. External storage of unregistered vehicles, vehicle parts, used building materials, scrap materials or other industrial waste is not permitted, except for emergency services or tow truck storage yards.</p>	<p>2. Conditions are recommended for provision of landscaping.</p> <p>3. The development is satisfactory in this regard</p> <p>4. To be conditioned accordingly</p>
<p>2.3.7 Landscaping</p> <p>Objectives</p> <p>(a) To minimise the impact of any development on the amenity and streetscape through the use of landscaping, without compromising bushfire safety, and</p> <p>(b) To encourage landscaping that enhances the industrial locality and provides a natural/functional/pleasant outdoor area for employees and visitors.</p>	<p>a) Conditions are recommended to ensure landscaping is established to minimise the impact of the development.</p> <p>b) Conditions are recommended in this regard</p>
<p>Controls</p> <p>1. All new development must provide a minimum 2.5 m wide landscape strip which must be suitably landscaped and maintained, across the street frontage of any site (excluding access ways).</p> <p>2. Edging is to be provided to retain mulch, enable mowing if necessary and to protect the landscaping from damage by vehicles.</p>	<p>1. The development exceeds this requirement. Conditions recommended</p> <p>2. To be conditioned accordingly</p>

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Relevant Provisions	Comment
<p>3. All landscaping areas must be installed and with an appropriate management regime in place prior to use of the site.</p> <p>4. Additions to existing industrial buildings or new ancillary buildings and works are not permitted to encroach on landscaping.</p> <p>5. Provision must be made for shade trees in outdoor off-street parking areas and planted to a minimum of 1 shade tree per 10 car spaces. Landscaping areas for these trees must be a minimum of 2 metres wide and allow for deep soil planting.</p> <p>6. For rear and side setbacks, where a development directly adjoins a zone other than industrial (known as the interface zone) a 2.5 metre landscaped area must be provided.</p> <p>7. Where practical utilise species that are endemic to the local area. Refer to Council's Recommended Planting Species List in Volume 1 of this DCP (Clause 2.4, Table 1 - 7).</p>	<p>3. To be conditioned accordingly</p> <p>4. Not applicable.</p> <p>5. To be conditioned accordingly</p> <p>6. Not applicable. While the buildings are setback 3 metres from side boundaries but do not adjoin another zone.</p> <p>7. To be conditioned accordingly</p>
<p>2.3.8 Fencing Objectives</p> <p>(a) To ensure that the impact of fences on the streetscape and public places is minimised,</p> <p>(b) To allow reasonable enclosure of yard areas for privacy and security,</p> <p>(c) To ensure the safe movement of vehicles does not adversely impact on gateways and street intersections,</p> <p>(d) To protect drainage easements from the effects of fencing, and</p>	<p>a) The development is satisfactory in this regard. 1.8 metre fences to be used and erected along and within the property</p> <p>b) The development is satisfactory in this regard</p> <p>c) The development is satisfactory in this regard</p> <p>d) Not applicable. No easements located on title</p>

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Relevant Provisions	Comment
(e) To ensure that adjoining owners are not adversely affected by fencing on the front yard of the adjoining property.	e) No impacts in this regard
<p>Controls</p> <p>1. Fencing within industrial areas must be no greater than or equal to 1.8 m in height along property boundaries and within properties.</p> <p>2. Where provided, front fencing must be located behind the required landscaped area setback.</p>	<p>1. Conditions recommended</p> <p>2. The applicant has committed to provide front fencing rearward of landscaping area.</p>
<p>2.3.9 Waste management</p> <p>Objectives</p> <p>(a) To ensure appropriate waste storage and collection facilities,</p> <p>(b) To maximise source separation and recovery of recyclables,</p> <p>(c) To ensure waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers,</p> <p>(d) To ensure appropriate resourcing of waste management systems, including servicing,</p> <p>(e) To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene,</p> <p>(f) To minimise adverse environmental impacts associated with waste management, and</p> <p>(g) To discourage illegal dumping by providing on site storage and removal services.</p>	<p>a) Waste bins will be located within the site. Conditions recommended</p> <p>b) The premise of the development is for increase waste recycling. The development is satisfactory in this regard</p> <p>c) Conditions are recommended in this regard. The plans show there will be no impediments in this regard</p> <p>d) The development is satisfactory in this regard</p> <p>e) The development is satisfactory in this regard.</p> <p>f) To be conditioned accordingly</p> <p>g) Satisfactory</p>

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Relevant Provisions	Comment
<p>Controls</p> <p>1. A completed Site Waste Minimisation and Management Plan (SWMMP) complying with the template in Appendix A of the Office of Environment and Heritage’s Model Waste Not DCP must accompany an application for industrial buildings in accordance with Council’s Guidelines for submitting a DA.</p> <p>2. There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).</p> <p>3. Every development must include a designated general waste/recycling storage area or room(s) constructed in accordance with the requirements of the Building Code of Australia (BCA) and designed in accordance with the requirements below), as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).</p> <p>1. Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.</p>	<p>1. Conditions are recommended for this plan to be submitted to Council, which is consistent with typically all previous assessments and determinations for the construction phase of the development. The application is essentially a development that maximises waste minimisation by increased recycling opportunities.</p> <p>2. The development is satisfactory in this regard. However, conditions are recommended</p> <p>3. Sufficient area located onsite. conditions</p> <p>1. Sufficient area located onsite.</p>

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Relevant Provisions	Comment
<p>2. Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:</p> <ul style="list-style-type: none"> ▪ the proximity of the area to dwellings ▪ the visibility of the area ▪ noise generated by any equipment located within the area ▪ noise generated by the movement of bins into and out of the area ▪ noise generated by collection vehicles accessing the site; and ▪ odours emanating from the area. <p>Size</p> <p>1. Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.</p> <p>2. The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described below) between collections.</p> <p>Layout</p> <p>1. The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must</p>	<p>2. To be conditioned accordingly. Given the nature of the development, it is unlikely such areas will generate noise and odour impacts on adjoining properties</p> <p>1. Sufficient room available onsite to cater for all waste streams generated by the development.</p> <p>2. No rates provided in the plan. However, the site is of sufficient size to cater for the development's requirements.</p> <p>1. The site is satisfactory in this regard</p>

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Relevant Provisions	Comment
<p>be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.</p>	
<p>2. Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.</p>	<p>2. To be conditioned accordingly</p>
<p>Access: waste/recycling collection</p>	
<p>1. The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.</p>	<p>1. On-street collection of waste will be undertaken. the development has been designed so that all vehicles enter and leave in a forward direction</p> <p>Conditions are recommended in this regard</p>
<p>2. Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.</p>	<p>2. Satisfactory</p>
<p>3. Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with</p>	<p>3. Satisfactory</p>

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Relevant Provisions	Comment
<p>WorkCover NSW Occupational Health and Safety requirements.</p> <p>Access: general</p> <p>1. Vermin must be prevented from entering the waste/recycling storage area.</p> <p>Surfaces</p> <p>1. Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within.</p> <p>Doors/gates</p> <p>1. Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers.</p> <p>Services</p> <p>1. Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers.</p>	<p>1. A vermin management plan will be required prior to the issue of the Construction Certificate, consistent with other development of the same nature</p> <p>1. To be conditioned accordingly. Details to be submitted with the Construction Certificate</p> <p>1. To be conditioned accordingly. Details to be submitted with the Construction Certificate</p> <p>1. To be conditioned accordingly. Details to be submitted with the Construction Certificate</p>

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Relevant Provisions	Comment
<p>2. The floor must be graded so that any water is directed to a sewer authority approved drainage connection located upon the site. In the SMA this is Sydney Water.</p> <p>Signage</p> <p>1. Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.</p> <p>Management</p> <p>1. Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a sewer authority approved drainage connection. In the Sydney Metropolitan Area (SMA) this is Sydney Water. The Better Practice Guide for Waste Management in Multi-Unit Dwellings (Department of Environment and Climate Change, 2007) gives detailed information about waste recycling/storage rooms and facilities.</p> <p>2. Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.</p>	<p>2. To be conditioned accordingly. Details to be submitted with the Construction Certificate</p> <p>1. Satisfactory</p> <p>1. To be conditioned accordingly. Details to be submitted with the Construction Certificate</p> <p>2. Given the scale of the development, separate facilities are not considered necessary.</p>

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Relevant Provisions	Comment
<p>3. Bins must be stored in the designated waste/recycling storage room(s) or area(s).</p> <p>4. Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in place in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.</p>	<p>3. To be conditioned accordingly.</p> <p>4. To be conditioned accordingly.</p>
<p>5. The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.</p>	<p>5. To be conditioned accordingly. Details to be submitted with the Construction Certificate</p>
<p>6. The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.</p>	<p>6. To be conditioned accordingly. Details to be submitted with the Construction Certificate</p>
<p>7. Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.</p>	<p>7. Conditions are recommended in this regard</p>
<p>8. A waste/recycling cupboard must be provided for each and every kitchen area in the development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.</p>	<p>8. To be conditioned accordingly.</p>

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Relevant Provisions	Comment
<p>9. Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. In the SMA this is Sydney Water. Sydney Water defines trade wastewater as 'any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).</p>	<p>9. No trade waste is proposed to be directed to Sydney Water. Conditions are recommended in a form that provides for circumstances where an agreement must be obtained.</p>
<p>10. Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.</p>	<p>10. To be conditioned accordingly</p>
<p>11. Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.</p>	<p>11. Not applicable.</p>
<p>2.3.10 Stormwater management</p> <p>Objectives</p> <p>(a) To minimise the volume of stormwater flows and demand for water and sewer infrastructure by encouraging and facilitating opportunities for water reuse and recycling, (b) To ensure that industrial developments are designed to prevent pollutants entering the stormwater disposal system,</p>	<p>a) A detention basin is proposed. Conditions for an automatic irrigation system are recommended in addition to other onsite opportunities</p> <p>b) A detention basin is proposed to cater for such concerns</p>

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Relevant Provisions	Comment
<p>(c) To ensure that the quality of water discharged from a development is treated appropriately to avoid adverse impacts on receiving waters,</p> <p>(d) To ensure post-development peak stormwater runoff from frequent storm events does not exceed that which occurred prior to development taking place, and</p> <p>(e) To ensure stormwater runoff is collected and disposed in an appropriate manner.</p>	<p>c) The development is considered satisfactory in this regard</p> <p>d) Details to be provided with the Construction Certificate. However, it is considered the development can satisfy this requirement</p> <p>e) To be conditioned accordingly</p>
<p>Controls</p> <p>1. For all development in existing or proposed urban areas consent must not be granted for development unless the assessing officer is satisfied that:</p> <p>(a) The stormwater management system includes all reasonable management actions to minimise impacts on and contribute to the achievement or protection of relevant environmental values,</p> <p>(b) Water sensitive urban design principles* are incorporated into the design of the development, and</p> <p>(c) The stormwater management system complies with Council's requirements.</p>	<p>a) A detention basin and water tank are proposed. It is considered the development satisfies this control</p> <p>b) Advisory conditions are recommended. The scale of the development does not make it conducive to anything in addition to the detention basin and the water tank.</p> <p>c) To be conditioned accordingly</p>
<p>* For the purposes of clause 1(b) above, the principles of water sensitive urban design can be summarized as follows:</p> <p>(a) Protection and enhancement of natural water systems (creeks, rivers, wetlands,</p>	<p>a) Satisfactory</p>

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<p>estuaries, lagoons, groundwater systems etc.), (b) Protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments, (c) Minimisation of harmful impacts of urban development upon water balance and surface and groundwater flow regimes, (d) Integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity, and (e) Reduction in potable water demand by using stormwater as a resource.</p>	<p>b) It is considered the development is satisfactory in this regard c) Satisfactory d) The development does propose a detention basin and a water tank. Conditions of consent will require reuse for landscaping irrigation and other requirements from this plan e) Conditions are recommended</p>
<p>2.3.11 Ecological sustainability and Energy conservation</p> <p>Objectives</p> <p>(a) To ensure built form, landscape and site planning embodies energy efficiency and ecologically sustainable development principles, (b) To encourage development that demonstrates appropriate use of energy efficient materials in construction wherever possible, and (c) To encourage development that demonstrates appropriate solar access, natural ventilation and use of landscape elements for micro-climate control, and (d) To reduce potable water mains demand of non-residential development by promoting water-efficient</p>	<p>The applicant has detailed the following about the development:</p> <p>Ecologically sustainable measures are incorporated into the project and building design as follows:</p> <ul style="list-style-type: none"> - Water minimisation techniques, including water recycling / re-use of water in the proposed truck wash building; - Rainwater collection and storage for re-use as on-site irrigation; - Use porous paving materials for storage areas to the rear of the site to minimise runoff; - Reduction on artificial lighting and ventilation by building design; - Consideration of energy efficient heating/cooling system, light switches at room exits, dimmer switches, motion detectors for lighting doorways, entrances or outdoor security lighting, automatic turn-off switches used for outdoor

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Relevant Provisions	Comment
appliances, fit for purpose alternative water use.	purposes; - Consideration of water efficient showerheads, water tap outlets, rated urinals and rated toilet cisterns for all amenities. It is considered the development is satisfactory in regards to the objectives
<p>Controls</p> <p>1. Any development application for industrial development on land affected by this DCP must be supported by documentation which identifies how the proposed land use will meet the objectives of cleaner production, conservation and minimisation of resources and waste production.</p> <p>2. A Sustainability Assessment is required to demonstrate where viable ecologically sustainable measures are proposed, which may incorporate some or all of the following in the building design:</p> <ul style="list-style-type: none"> ▪ Potential for effluent re-use ▪ Water minimisation techniques, including water recycling ▪ Waste minimisation techniques, including recycling ▪ Incorporate water efficient design principles. Rainwater must be collected and stored for re-use as on-site irrigation ▪ Use porous paving materials to minimise runoff ▪ Use drainage swales to slow down stormwater runoff and increase on-site infiltration 	<p>1. The details provided by the applicant (provided above) are considered to be sufficient for the purpose of this assessment</p> <p>2. The details provided by the applicant (provided above) are considered to be sufficient for the purpose of this assessment.</p>

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Relevant Provisions	Comment
<ul style="list-style-type: none"> ▪ Salinity hazard investigations ▪ Comfort levels and reduction on artificial lighting and ventilation. Orientate buildings to the North with overhang measures to protect from summer sun ▪ A selection of an energy efficient heating/cooling system ▪ Heating/cooling systems must target only those spaces which require heating or cooling and ensure efficient distribution/redistribution of warm/cool air. ▪ Where a space heating or cooling system is installed, it must be selected for maximum energy efficiency ▪ Light switches at room exits, dimmer switches, motion detectors for lighting doorways, entrances or outdoor security lighting, automatic turn-off switches used for outdoor purposes ▪ If evergreens are planted within the northern quadrant of the building, they must be spaced well away from the building so as not to obstruct the winter sun of any building. 	
<p>3. Where necessary demonstrate adequate site restoration, rehabilitation or remediation measures for the site.</p>	<p>3. Conditions are recommended regarding site restoration. That is, while the site is not contaminated, all existing junk, debris and the like will be required to be removed prior to the issue of the Occupation Certificate</p>
<p>4. Connection to recycled water is required if serviced by a dual reticulation system for non-</p>	<p>4. Conditions are recommended for the rain water tank to connect to toilets, irrigation, car washing and the</p>

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Relevant Provisions	Comment
<p>potable uses (i.e. toilet flushing, irrigation, car washing, fire fighting and certain industrial purposes where applicable).</p> <p>5. Installation of 3 star WELS rated water efficient showerheads, 6 star WELS rated water tap outlets, 5 star WELS rated urinals and 4 star WELS rated toilet cisterns are required for all amenities.</p>	<p>like as required by the control.</p> <p>5. To be conditioned accordingly</p>
<p>2.3.12 Noise</p> <p>Objectives</p> <p>(a) To ensure intensification, expansion and future industrial development does not adversely impact on surrounding rural and residential development, and (b) To ensure that appropriate traffic management measures are applied to direct industrial traffic onto the arterial network.</p>	<p>a) Council's Environmental Health Officer does not raise any concern regarding noise generation from the development in proximity to residential properties b) Council's Development Engineering Section raise no objection</p>
<p>Controls</p> <p>1. Noise sources must be located away from residential areas and noise mitigation measures such as fencing, earth mounding and other acoustic measures will be considered within the development. These measures must not compromise any other provision in this Development Control Plan or on the achievement of minimum solar access requirements of neighbouring properties. 2. Development may be required to comply with the NSW Industrial Noise Policy or require noise attenuation measures.</p>	<p>1. All noise generating equipment will be located within buildings. A dwelling house is located approximately 195 metres from the subject land. Council's Environmental Health Officer has not raised any objection and is not recommending any additional noise attenuation measures than what is proposed in the noise assessment report.</p> <p>2. it is considered the development is satisfactory in this regard</p>

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Relevant Provisions	Comment
<p>2.2.19 Open Space</p> <p>Objectives</p> <p>(a) To promote accessible, functional and safe open space for employees within industrial developments.</p>	<p>a) Sufficient area has been provided. The development is satisfactory in this regard</p>
<p>Controls</p> <p>1. Where an individual premises or an industrial complex (or equivalent) is employing 5 or more staff in total, an area of open space must be provided:</p> <ul style="list-style-type: none"> ▪ which is readily accessible, and ▪ contains seating, solar access and shade. <p>2. The open space area provided in accordance with clause 1 can be included as part of any landscaped area of the site.</p>	<p>1. To be conditioned accordingly</p> <p>2. Satisfactory. Conditions regarding embellishment are recommended</p>
<p>3.2 Rural industry and Depots (including Transport depots and Truck depots)</p> <p>Objectives</p> <p>(a) To provide development guidelines for the sustainable development of rural industries, and</p> <p>(b) To ensure colours used are complimentary to the surrounding landscape and blend into the rural character of the Shire.</p>	<p>a) Noted</p> <p>b) As mentioned earlier in this report, the buildings are complementary to the built form within the immediate industrial area. conditions are recommended regarding colours and streetscape appeal</p>

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Relevant Provisions	Comment
<p>Controls</p> <p>Location and building setbacks</p> <p>1. Buildings used for rural industries must not to be located in visually prominent locations such as ridgelines and must not be erected on slopes in excess of 15 degrees.</p> <p>2. Certain industries may require a more significant setback to be determined by the assessing officer.</p> <p>3. Where industries are proposed in rural zones the minimum requirements are (as per igloos).</p> <p>Building colour</p> <p>1. The colour of a building used for the purpose of a rural industry must match or blend with the colour of existing structures and buildings on the property and must be in keeping with the natural features of the surrounding environment.</p> <p>Parking and Access</p> <p>1. Site access roads in rural areas may need to be sealed depending on the nature of the proposal.</p>	<p>1. Satisfactory</p> <p>2. The proposed setbacks (3m) are considered satisfactory</p> <p>3. Not applicable.</p> <p>1. As mentioned earlier in this report, the buildings are complementary to the built form within the immediate industrial area. Conditions are recommended regarding colours and streetscape appeal</p> <p>1. Not applicable. Bridge Street affords satisfactory access. No improvements to the pavement is recommended</p>
<p>3.8 Waste or Resource management facilities</p> <p>Objectives</p> <p>(a) To minimise the overall environmental impacts of waste,</p> <p>(b) To maximise, through design, the opportunities to deal with industrial waste reduce the</p>	<p>a) Noted</p> <p>b) The development is satisfactory in this regard. The development is being operated for this purpose</p>

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Relevant Provisions	Comment
<p>demand on waste disposal by providing detailed criteria for the consideration of design and management of recycling, composting and waste storage and collection,</p> <p>(c) To provide industrial waste management system that allow for ease of use by occupants and ease of service by collection contractors,</p> <p>(d) To encourage building designs and construction techniques that will minimise waste generation,</p> <p>(f) To assist in achieving Federal and State Government waste minimisation targets promote development design that is appropriate and provides convenient waste storage, recycling and collection facilities on site,</p> <p>(g) To encourage the orderly and economic development of waste management facilities in appropriate locations, and</p> <p>(h) To encourage the minimisation of human and environmental health impacts from the location and operation of waste management facilities.</p>	<p>c) Not applicable.</p> <p>d) Satisfactory</p> <p>f) Noted. The development's purpose is for recycling of cardboard and paper products.</p> <p>g) Noted</p> <p>h) Noted</p>
<p>Controls</p> <p>Location</p> <p>1. The waste operations area of a landfill or organic waste processing facility must be sited:</p> <ul style="list-style-type: none"> ▪ at least 500 metres from the boundaries of the allotment and ▪ at least 500 metres from the nearest dwelling, shop, office, public institution or other building designed 	<p>1. Not applicable.</p>

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Relevant Provisions	Comment
<p>primarily for human occupation</p> <ul style="list-style-type: none"> ▪ at least 250 metres from a public open space reserve, forest reserve, national park, conservation zone or policy area ▪ at least 100 metres from the nearest surface water (whether permanent or intermittent and ▪ entirely outside of any 1 in 100 year average recurrence interval flood event area <p>2. The waste operations area of a landfill must not be located on land that is subject to land slipping and/or with ground slopes greater than 10%, except where the site incorporates a disused quarry.</p> <p>3. The waste operations area of an organic waste processing facility must not be located on land that is subject to land slipping and/or ground slopes greater than 6%.</p> <p>4. The waste operations area of an organic waste processing facility must not be located on land where the interface of engineered landfill liner and natural soils would be within any of the following:</p> <ul style="list-style-type: none"> ▪ 15 metres of unconfined aquifers bearing groundwater with less than 3000 mg/L total dissolved salts ▪ 5 metres of groundwater with a water quality of 3000 to 120000 mg/L total dissolved salts 	<p>2. Not applicable.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p>

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Relevant Provisions	Comment
<ul style="list-style-type: none"> ▪ 2 metres of groundwater with a water quality greater than 12 000mg/L total dissolved salts <p>5. Applications for development are to be accompanied by a Waste Management Plan (WMP). The WMP accompanying the application must demonstrate appropriate design of facilities and on-going management techniques that minimise waste and the WMP will include the following details:</p> <ul style="list-style-type: none"> ▪ type of future use for the development ▪ types of waste to be generated ▪ estimated volume of waste to be generated per week ▪ show on plans and describe on-site storage and/or treatment facilities for waste ▪ state the destination for waste produced to licensed facilities ▪ provide for ongoing monitoring and auditing of the site in accordance with licensing requirements under the Protection of the Environment Operations Act 1997 <p>A Trade Wastewater permit may be required from Sydney Water Corporation for the disposal of wastewater.</p>	<p>5. A waste management plan was submitted with the Development Application. No issues raised in regards to construction and operational phases of the development</p>
<p>Storage</p> <p>1. Adequate storage for waste materials must be provided on site. Ideally waste storage containers must be kept inside a building or buildings.</p>	<p>1. The development is satisfactory in this regard</p>

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Relevant Provisions	Comment
<p>2. All waste must be removed at regular intervals and not less frequently than once per week.</p> <p>3. All waste storage areas must be screened from view from any other adjoining residential or rural zoned property or public place.</p>	<p>2. Mobile garbage bins will be collected by Council's kerb side waste collection vehicles</p> <p>3. To be conditioned accordingly</p>
<p>Noise/Odour/Litter</p> <p>1. Waste management facilities must be located and designed to minimise adverse impacts on both the site and surrounding areas from the generation of surface water and groundwater pollution, traffic, noise, odours, dust, vermin, weeds, litter, gas and visual impact</p> <p>2. Separation and/or noise attenuation must be used to ensure noise generation associated with the waste management operation does not unreasonably interfere with the amenity of sensitive land uses.</p> <p>3. The development must comply with the NSW Industrial Noise Policy.</p>	<p>1. It is considered the site is suitable for the development being located in an industrial area.</p> <p>2. The development is satisfactory in this regard. No concerns were raised by Council's Environmental Health Officer</p> <p>3. Hours of operation conditions are recommended in this regard.</p> <p>The hours of operation are as follows:</p> <ul style="list-style-type: none"> ▪ Workshop: 6am to 10pm, Monday to Saturday (including public holidays) ▪ Truck Movements: 5am to 6pm Monday to Saturday (including public holidays) ▪ Office: 7am to 6pm, Monday to Saturday.

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Relevant Provisions	Comment
4. Litter control measures that manage windblown litter must be provided to the satisfaction of Council.	4. To be conditioned accordingly
<p>Drainage</p> <p>1. Sufficient area must be provided within the waste operations area for the:</p> <ul style="list-style-type: none"> ▪ maximum expected volume of material on the site at any one time ▪ containment of potential groundwater and surface water contaminants ▪ diversion of clean stormwater away from the waste and potentially-contaminated areas <p>Where required, a leachate barrier must be provided between the operational areas and underlying soil and groundwater.</p>	<p>1. Council's Development Engineering Section has no objection to the proposed drainage and stormwater control infrastructure proposed in the application.</p> <p>Given the nature of the development, no conditions are recommended in regard to leachate or other contamination controls. The development is not a type that will produce any contamination</p>
<p>Access</p> <p>1. Waste management sites must be accessed by appropriately constructed and maintained roads.</p> <p>2. Chain wire mesh must be erected on the perimeter of a waste management facility to prevent access other than at entry points.</p> <p>3. Plant, equipment or activities that could cause a potential hazard to the public must be enclosed by a security fence.</p>	<p>1. Access is from Bridge Street which is a Council maintained road. Conditions are recommended to ensure any damage caused to the pavement be repaired by the persons having the benefit of the consent for the life of the development</p> <p>2. A 1.8m high fence will be constructed, which is far superior to the wire mesh fence proposed in this control</p> <p>3. The bailer and the like will be located within an enclosed industrial building. Council's Environmental Health Officer has not raised any objection and/or concerns in this regard</p>
Sustainable gas emissions	Not applicable.

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1.3.4 The Regulations

Environmental Planning and Assessment Regulations 2000

Schedule 3 Designated Development

32 Waste management facilities or works

(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

- (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:
 - (i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
 - (ii) that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or
 - (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or
 - (iv) that comprises more than 200 tonnes per year of other waste material, or

Comments: Not applicable.

- (b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:
 - (i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
 - (ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or

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- (iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or

Comments: the development does not have an intended capacity of more than 30,000 tonnes per annum.

- (c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or

Comments: Not applicable.

- (d) that are located:
 - (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or
 - (ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or
 - (iii) within a drinking water catchment, or
 - (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
 - (v) on a floodplain, or
 - (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

Comments: the subject land is located within 250 metres of a dwelling house not associated with the development and 500 metres of a residential zone. The nearest dwelling house is located approximately 199 metres north-north-east of the subject land. The closest residentially zoned area is located 138 metres north of the site.

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After reviewing the information, particulars and the impact assessment reports submitted, it has been concluded that the application can be assessed as a local development application. Council's Development Engineering Section and Environmental Health Officer have not raised any objection in regards to the development's impacts upon the residential properties located less than 250 metres from the subject site.

Upon review of the material submitted with the application, it is considered the development will not significantly affect the amenity of the neighbourhood by the reason of:

Impacts	Comments
Noise	Activities will be undertaken within the proposed buildings and hours of operation will restrict when activities are able to occur from the site. Noise generation will be consistent with existing noise levels within the industrial area
Visual impacts	The development will be similar to the existing built form and landscaping will be established in and around the site to 'soften' the development and reduce any impacts
Air pollution (odour, smoke, fumes, dust)	No part of the proposed development will generate any air pollution that will have a significant effect on the neighbourhood.
Vermin	Conditions are recommended
Traffic	While there will be an increase in traffic generation as a result of the approval of the development, a review of the traffic generation numbers has been undertaken and the development will have a small percentage increase in traffic along Bridge St. It is considered the development will not have a significant effect on the neighbourhood. Council's engineers have not raised any concerns with the carrying capacity of the local road network.

1.3.5 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

None

1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	The development is satisfactory in this regard
Built Environment	The development will be similar with the existing built form within the industrial area

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Head of Consideration	Comment
Social Impacts	It is anticipated there will be no negative social impacts
Economic Impacts	The development is not likely to have any negative economic impacts

1.5 SUITABILITY OF THE SITE

Subject to conditions, it is considered the site is suitable for the development.

1.6 SUBMISSIONS

The application was advertised and notified in accordance with Council's adopted policy for fifteen (15) days from 18 February to 5 March 2015. One (1) submission was received and matters brought to Council's attention are provided below:

Concern	Comment
Will the premises be operating under any license?	The NSW Environmental Protection Agency has confirmed that an environmental protection license is not required.
What will be stored inside the sheds?	Paper and cardboard refuse will be stored within the sheds as well as equipment associated with the operation.
Are there any special measures to control any vermin due to waste and waste water?	Conditions will require the submission of a vermin management plan to detail what measures will be put in place to control vermin for the life of the development. The site will be connected to reticulated sewer and as such, there will be no onsite effluent disposal. A trade waste agreement with Sydney Water may need to be obtained. Waste will be disposed of in Council's kerbside waste collection service. Any other items will be required to be removed by a separate waste contractor.
Will there be any odour emanating from the site?	Based on the information submitted in the application, it is unlikely that the development will create any adverse odours. Conditions of consent are recommended

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1.7 THE PUBLIC INTEREST

It is considered the site is suitable for the development, subject to conditions of consent.

FINANCIAL IMPLICATIONS

The developer contributions payable in accordance with the following table:

Description	Levy	Applicable	Condition Required
Non-residential development with proposed cost exceeding \$200,000.	1.0%	Yes	Yes

The estimated cost of the development is \$2,649,000. A developer contribution of about \$26,490 will be required to be paid, with the actual contribution confirmed at the time of issue of the construction certificate.

ATTACHMENTS:

1. Plans of Development

RECOMMENDATION

1. That Development Application 010.2015.00000028.001 for the construction and use of a resource recovery facility with associated vehicle depot and truck wash area in two (2) stages at Lot 14 DP 620557, No. 50 Bridge Street, Picton be approved subject to the following conditions:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council’s satisfaction.

All Stages

- (1) Development Consent is granted for resource recovery facility, depot with associated vehicle depot, truck wash facility and associated works in two (2) stages at Lot: 14 DP: 620557, No. 50 Bridge Street, Picton.

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- (2) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 010.2015.00000028.001 received on 15/01/2015 except where varied by the following conditions of consent.
- (3) Development shall take place in accordance with the following plans:

Plan Title	Drawn By	Reference	Dated
Proposed Transport Depot 50 Bridge Street, Picton Site Layout Stage 1	Duggan & Hede Pty Ltd	JR469-c2-02 Revision B	11/14
Proposed Transport Depot 50 Bridge Street, Picton Site Layout Stage 2	Duggan & Hede Pty Ltd	JR469-c2-02 Revision B	11/14
Proposed Transport Depot 50 Bridge Street, Picton Office – Floor Plan	Duggan & Hede Pty Ltd	JR469-20-01	02/15
Proposed Transport Depot 50 Bridge Street, Picton Office – Elevations	Duggan & Hede Pty Ltd	JR469-20-03	02/15
Proposed Transport Depot 50 Bridge Street, Picton Office – Unisex PWD Details	Duggan & Hede Pty Ltd	JR469-20-06	01/15
Proposed Transport Depot 50 Bridge Street, Picton Workshop/Truck Wash – Plans and Elevations	Duggan & Hede Pty Ltd	JR469-20-10 Revision B	11/14
Proposed Transport Depot 50 Bridge Street, Picton Truck Park #1 – Plan & Elevations	Duggan & Hede Pty Ltd	JR469-20-11 Revision B	11/14
Proposed Transport Depot 50 Bridge Street, Picton Truck Park #2 – Plan & Elevations	Duggan & Hede Pty Ltd	JR469-20-12 Revision B	11/14
Proposed Transport Depot 50 Bridge Street, Picton Stage 2 Industrial Building – Plan & Elevations	Duggan & Hede Pty Ltd	JR469-20-13 Revision B	11/14
Proposed Transport Depot 50 Bridge Street, Picton Stage 2 Truck Park #2B - Plan & Elevations	Duggan & Hede Pty Ltd	JR469-20-14 Revision B	11/14

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Proposed Transport Depot 50 Bridge Street, Picton Baler Layout	Duggan & Hede Pty Ltd	JR469-C2-13 Revision A	03/15
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submitted in respect of Development Application No. 010.2015.00000028.001 dated , except where varied by the following conditions:

(4) The development shall be undertaken in the following stages:

Stage 1:

- Workshop and Truck Wash Building
- Truck Parking Building #1 and #2A
- Office and Amenities Building

Stage 2:

- Industrial Building (baler facility)
- Truck Parking Buildings #2B.

(5) The truck parking facilities are not to be fully enclosed and shall only be used for the parking of vehicles associated with the development.

(6) Development shall take place in accordance with the recommendations of the following reports:

- Review of Proposed Resource Recovery Facility – Picton NSW prepared by Air Noise Environment Pty Ltd (Ref 4053 Replet) dated 12 January 2015
- Geotechnical Investigations at No.50 Bridge Street, Picton prepared by Ground Technologies (Ref GTE-468) dated 19 December 2014
- Integrated Management System – Health, Safety, Environment and Quality Plan prepared JR Richards & Sons dated 16.07.2010.

(7) In the event of an inconsistency of detail between the relevant plans and elevations the details shown in the elevations shall take precedent.

(8) For the life of the development, the operation shall not exceed the thresholds prescribed by Clause 34 Resource Recovery, Schedule 1 Scheduled Activities from Protection of the Environment Operations Act 1997 and Clause 32 Waste management facilities or works, Schedule 3 Designated Development from Environmental Planning and Assessment Regulations 2000.

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- (9) Prior to the issue of any Occupation Certificate, all onsite refuse, waste products and the like shall be removed from the site.
- (10) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

- (11) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (12) This facility shall only process paper and cardboard materials, products and the like. At no time shall the facility process other waste products made of steel, plastic, rubber and like materials.
- (13) This facility is not permitted to receive paper and/or cardboard products for processing directly from the public. Only those paper and/or cardboard products collected by the persons having the benefit of this consent is permitted.

2. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

All Stages

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development and/or match those of the existing development.

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- (2) The building shall incorporate earthy colours. Pale or patterned brickwork or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured brickwork shall only be used on sills, window heads, string courses etc.
- (4) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (5) The building shall comply with AS1428 – Design for access and mobility in respect of accessibility for people with a disability. Prior to the issue of any Construction Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.
- (6) An external open space area shall be provided onsite for use by all employees. The area shall be readily accessible and contain seating, solar access and shade in accordance with the requirements of Section 2.2.19 of the Wollondilly Development Control Plan 2011, Volume 5 Industrial and Infrastructure Uses. Details shall be provided to the Nominated Accredited Certifier for approval prior to the issue of any Building Construction Certificate.

3. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

All Stages

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8:00am and 1:00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

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- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (4) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development and for the life of the development.

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- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (7) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (8) If the soil conditions require it:
 - (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) Adequate provision must be made for drainage.

(9) SUPPORT FOR NEIGHBOURING BUILDINGS

- (a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (i) must preserve and protect the building from damage; and
 - (ii) if necessary, must underpin and support the building in an approved manner; and
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place.

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(10) PROTECTION OF PUBLIC PLACES

- (a) If the work involved in the erection or demolition of a building:
- (i) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or
 - (ii) Building involves the enclosure of a public place;

A hoarding or fence must be erected between the work site and the public place.

- (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

4. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-

All Stages

- (1) All works are to be designed and constructed in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans and stormwater drainage calculations, for all car parking, manoeuvring and loading areas, access driveways, retaining walls and stormwater drainage, shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.

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- (3) A certified “Works as Executed” plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted electronically, to the Principle Certifying Authority before the final inspection for the Certificate of Practical Completion. The “Works as Executed” details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

The applicant shall provide of all new assets constructed within the public land as per Council’s asset valuation sheet.

Where Council is the nominated Principal Certifying Authority, the spread sheet will be attached to the approved plans and is available from the Design Specifications on the Website.

- (4) A “Soil and Water Management Plan” (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Principal Certifying Authority. The measures shall be in accordance with Council’s Construction specification and the Department of Housing’s “Blue Book”. The plan is to be approved by Principal Certifying Authority with the Engineering Plans.
- (5) A “Traffic Management Plan” that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the RTA’s “Traffic Control at Work Sites” manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the Principal Certifying Authority before the issue of a Construction Certificate for development.
- (6) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

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- (7) Certification by a qualified Structural Engineer on the structural design for all retaining walls shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (8) Engineer's Certification shall be provided to the Principal Certifying Authority for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.

5. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

All Stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and Australian Standard AS/NZS 3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.
- (3) The ground surface around the development is to be graded and drained to direct surface water run-off away from the building.
- (4) The applicant shall ensure all drainage designs are performed in accordance with Council's Design Specifications and details of such is shown on the engineering plans for approval by the Principal Certifying Authority prior to issue of a Civil Construction Certificate.
- (5) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with the constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Overland flow path within the site shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (6) The applicant shall provide storm water drainage and pollution control devices as shown generally on the concept plan by Duggan & Hede Pty Ltd. Details of this shall be shown on the engineering plans for approval by the Principal Certifying Authority prior to issue of a Construction Certificate.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
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Drainage calculations are to be carried out in accordance with “Australian Rainfall and Runoff” published by the Institution of Engineers Australia, and are to include delineation of flow paths for storms of average recurrence interval of 1:100 years (1% AEP) where appropriate.

- (7) The applicant shall provide full hydraulic modelling of the stormwater drainage design. Modelling should include the hydraulic performance pollution control devices to determine the effects of head loss through the devices on the drainage system.
- (8) An Operation and Management Plan shall be prepared for the management and maintenance of the stormwater system including pollution control devices. The plan shall be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

6. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

All Stages

- (1) Provision shall be made for Vehicular Access to the site through the construction of a heavy duty layback gutter crossing as generally shown on the concept plan by Duggan & Hede Pty Ltd and in accordance with Council’s Construction Specifications. All obsolete vehicular crossings must be reconstructed as kerb.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council’s Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (2) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council’s Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (3) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant’s expense.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
Bridge Street, Picton**

7. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**

Stage 1 Only

- (1) The development is to be provided with a minimum of twelve (12) sealed car parking spaces and access thereto. Such spaces are to measure not less than 2.6m x 5.5m and are to be constructed and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) One (1) of the required car parking spaces shall be reserved for people with mobility impairment in accordance Australian Standard AS/NZS 2890.6. – Parking facilities – Off-street parking for people with disabilities. These spaces shall have dimensions as required by AS/NZS 2890.1 – Parking facilities – Off-street car parking and shall be appropriately signposted and marked on the pavement.

Stage 2 Only

- (3) The development is to be provided with an overall (17) sealed car parking spaces and access thereto. Such spaces are to measure not less than 2.6m x 5.5m and are to be constructed and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.

All Stages

- (4) Concrete driveways, manoeuvring, loading and parking areas shall be provided as generally shown on the concept plan by Duggan & Hede Pty Ltd. Details of this shall be shown on the engineering plans for approval by the Certifying Authority prior to issue of a Construction Certificate.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
Bridge Street, Picton**

- (5) The internal driveways, car parking spaces and manoeuvring areas are to be constructed using concrete. The dimensions, grades and finishes of all parking, driveway, loading area and manoeuvring spaces shall be shown on the engineering plans for approval by the Principal Certifying Authority prior to issue of a Construction Certificate. All works shall comply with relevant Standards. All dimensions are to be measured from the inside face of kerbs and edging to driveway, parking spaces and manoeuvring areas.

8. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

All Stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
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9. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

All Stages

(1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

- Footings
- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Structural steel work before covering
- Stormwater drainage before backfilling
- Frame work before internal cladding or lining is fixed
- Completion of the building work before occupation or use.

(2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
- When drainage lines have been laid, jointed and bedded, prior to backfilling
- Prior to pouring of the drainage pits, when the formwork and steel is in place
- Prior to place of concrete, when formwork is in place
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place
- At practical completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections where Council is the Principal Certifying Authority.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
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- (3) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

10. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

All Stages

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (2) All liquid waste other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water. This may require a Trade Waste Agreement to be obtained. Evidence shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate in this regard, if required.

11. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

All Stages

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with Development Application 010.2015.0000028.001.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
Bridge Street, Picton**

- (2) All waste and recyclable materials shall be kept separate from general waste receptacles in order to reduce any cross contamination between all waste streams.
- (3) Waste bins storage area shall be constructed with a smooth, durable floor and must be enclosed with a durable wall, fence and/or gate which extends to the height of any waste bins that are stored within the waste storage and control area(s).
- (4) Doors and gates to the waste and recycling area shall be constructed from durable materials.
- (5) Hot and cold water shall be made available to the waste and recycling storage areas and provided through a centralised mixing valve. The hose cock must be protected from all waste containers and located in an easily accessible location for use.
- (6) Arrangements shall be in place for the regular maintenance and cleaning of the waste and recycling areas.
- (7) Signage shall be erected on the doors and/or gates to the waste and recycling area instructing that the doors and/or gates shall remain closed when not in use.
- (8) Signage shall be erected on the doors and/or gates to the waste and recycling area clearly describing the types or materials that can be deposited into the recycling bins and the general garbage bins.
- (9) Waste and recycling containers/bins shall only be washed in an area which has drains that convey water to the reticulated sewage system.
- (10) Litter control devices shall be installed throughout the site to prevent windblown litter.

12. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
Bridge Street, Picton**

All Stages

- (1) The structure shall not be occupied as a residence or domicile.
- (2) The premises shall be maintained in a clean and tidy state at all times.
- (3) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (4) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission or discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (5) The business shall be conducted between the following hours:
 - Workshop: 6am to 10pm, Monday to Friday (including Public Holidays) only
 - Truck Movements: 5am to 6pm, Monday to Saturday (including Public Holidays) only
 - Office: 7am to 6pm, Monday to Saturday (including Public Holidays) only.
- (6) Despite Condition 12(5), truck movements are permitted to occur seven days a week but only during emergency periods. That is, if public authorities require the persons having the benefit of this consent to assist in clean ups and the like.

In the event that complaints are received by Council regarding trucks entering and leaving the site outside of those hours permitted in Condition 12(5), the persons having the benefit of this consent shall keep accurate records of the emergency event/period, the weather conditions, the times of departure and arrival and the like should justification be required by Council in regards to the condition being breached.

- (7) The baler facility is only permitted to be used between 7am to 5pm, Monday to Saturdays only. The baler is not permitted to be used on Sundays and Public Holidays.
- (8) The premises shall be operated so that the use of the development, building services, equipment, machinery and ancillary fittings shall not give rise to an “offensive odour” as defined in the Protection of the Environment Operations Act, 1997.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
Bridge Street, Picton**

Offensive odour means an odour:

- (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 - (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.
- (9) All work shall be carried out inside the premises and not in adjacent forecourts, yards, accessways, car parking areas or on Council's footpath.
 - (10) All raw materials, manufactured goods, and machinery shall be stored wholly within the factory building and not in adjacent forecourts, accessways, car parking areas or on Council's footpath.
 - (11) The office shall be used in conjunction with the use of the premises and shall not be separately let or occupied.
 - (12) The buildings shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
 - (13) Cleaning and vermin control shall be carried out in accordance with a vermin management plan approved by the nominated accredited certifier.
 - (14) At no time are the truck parking areas are to be used for the storage of any equipment, waste products or the like. Truck parking areas shall only be used for the parking of vehicles associated with the development.
 - (15) At no time shall any area outside of any building (parking areas, accessways, forecourts and the like be used for the storage of any products, raw materials, manufactured good/items, machinery, waste bins, unregistered vehicles, building materials, scarp materials and the like.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
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- (16) All vehicles must enter and leave the site in a forward direction.
- (17) The lighting throughout the development related to the subject development shall be shielded and directed so as not to cause annoyance to the owners and/or occupiers of adjoining properties and/or cause any glare to motorists on adjoining or nearby roads.

Such lighting shall be consistent with Australian Standard AS4282 Control for Obtrusive Effects of Outdoor Lighting.

- (18) Installation of 3 star WELS rated water efficient showerheads, 6 star WELS rated water tap outlets, 5 star WELS rated urinals and 4 star WELS rated toilet cisterns are required for all amenities shall be installed throughout the development site.
- (19) Wherever possible, treated and/or recycled water should be used for toilet flushing, in wash bays, fire fighting and the like.
- (20) A plan of management shall be submitted to the nominated Accredited Certifier for approval prior to the issue of the Building Construction Certificate in regards to what measures, policies, controls, and the like will be implemented to ensure the development site is maintained in a tidy state throughout the life of the development, including removal of refuse, paper and products and the like in and around fences, the detention basin and the like.

13. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

All Stages

- (1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act.
- (2) No advertising flags or banners or the like are to be erected on or attached to Council's footpaths, street lights or telegraph poles.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
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14. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

All Stages

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

16. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

All Stages

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. This plan must include the following:
 - (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of proposed plant species.
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems.
 - (g) Provision of only native species that are endemic to the region.
 - (h) Details of compliance with the landscaping requirements of other conditions of this consent.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
Bridge Street, Picton**

The landscape plan shall include the following:

- (i) Provision for automatic irrigation to ensure all landscaped areas are maintained for the life of the development. Irrigation supplies shall be wither connected to a rain water tank and/or to the detention basin to lessen dependence on potable water. Edging is to be provided to retain mulch, enable mowing to limit any impacts of the landscaped areas from vehicular damage. Provision shall be made for one shade tree per ten parking spaces. Security fencing is to be located rearward of any front fencing so as to minimise the fence's visual impact.
- (ii) Where applicable, landscaping shall be of local species endemic to the local area. Refer to Tables 1 to 7 of Section 2.4 Landscaping from the Wollondilly Development Control Plan 2011 Volume 1 –General for more information in this regard.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) Landscaping is to be installed in accordance with the approved Plan prior to the release of the occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

17. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

All Stages

- (1) Any proposed security fencing shall be located behind the landscaped area at the frontage of the site. Details for this fencing, including elevations, shall be provided to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.
- (2) Fencing shall not be greater than 1.8m high above Natural Ground Level.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
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18. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

- (1) A Section 94A Developer Contribution of \$26,490 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2005 based on an estimated construction cost of \$2,649,000.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

19. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

All Stages

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
- (a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia ,
- (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (b) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia .

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
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- (c) This clause does not apply:
 - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.

- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) construction certificate, in every other case.

Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

**(2) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND
DEMOLITION SITES**

- (a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - (ii) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (iii) Stating that unauthorised entry to the work site is prohibited.

- (b) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**PE2 – The Construction and Use of a Resource Recovery Facility at 50
Bridge Street, Picton**

ADVICES

All Stages

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.
- (3) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for civil works.
- (4) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

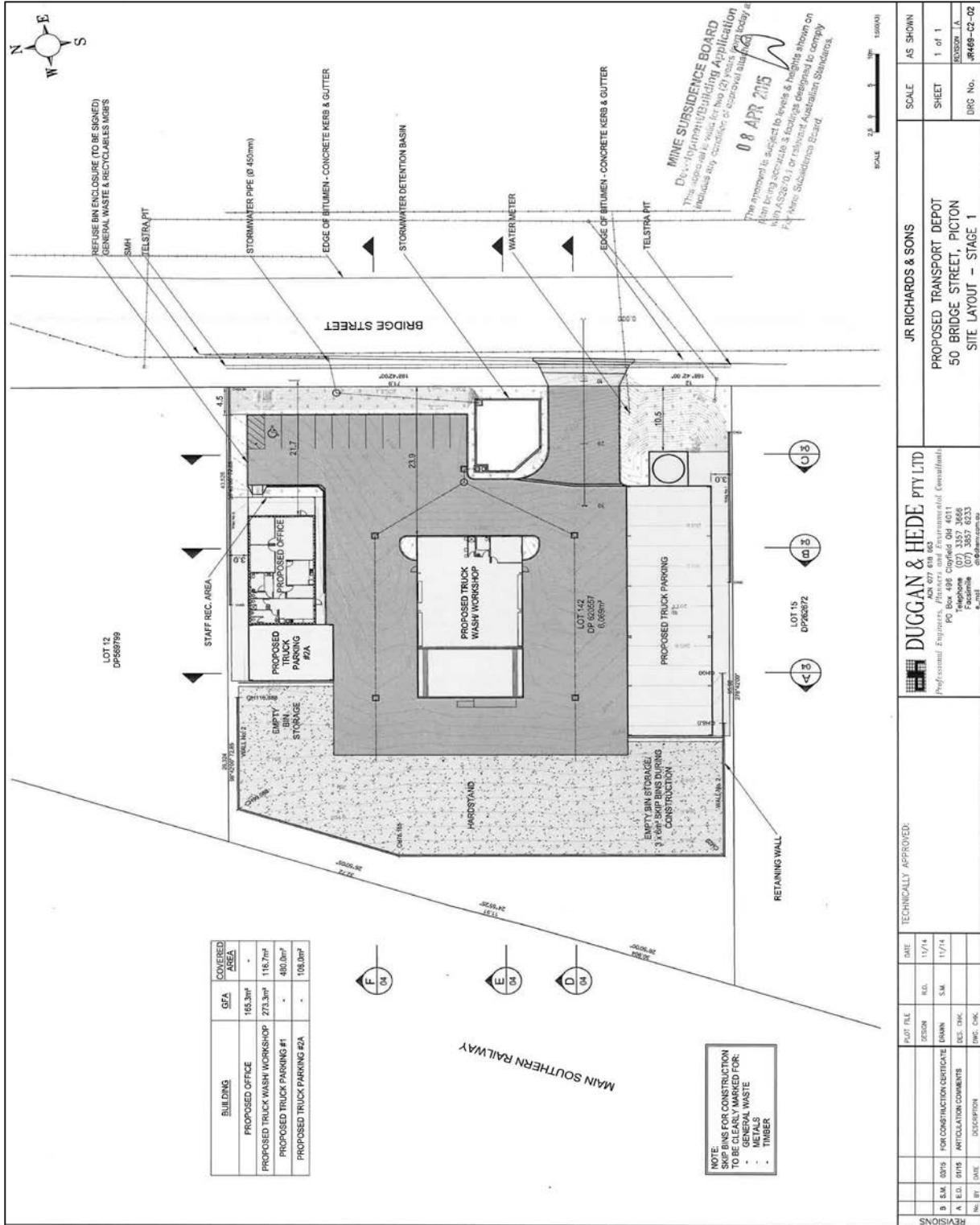
**PE2 – The Construction and Use of a Resource Recovery Facility at 50
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- (5) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (6) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.
- (7) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.
- (8) Where practical, the development shall have regard to Water Sensitive Urban Design requirements. Details shall be provided to the Nominated Accredited Certifier for approval prior to the issue of a Construction Certificate.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

ATTACHMENT 1 – 010.2015.0000028.001 – 18 MAY 2015



BUILDING	GEA	COVERED AREA
PROPOSED OFFICE	163.3m ²	-
PROPOSED TRUCK WASH WORKSHOP	273.3m ²	116.7m ²
PROPOSED TRUCK PARKING #1	-	480.0m ²
PROPOSED TRUCK PARKING #2A	-	108.0m ²

NOTE:
SKIP BINS FOR CONSTRUCTION
TO BE CLEARLY MARKED FOR:
- GENERAL WASTE
- METALS
- TIMBER

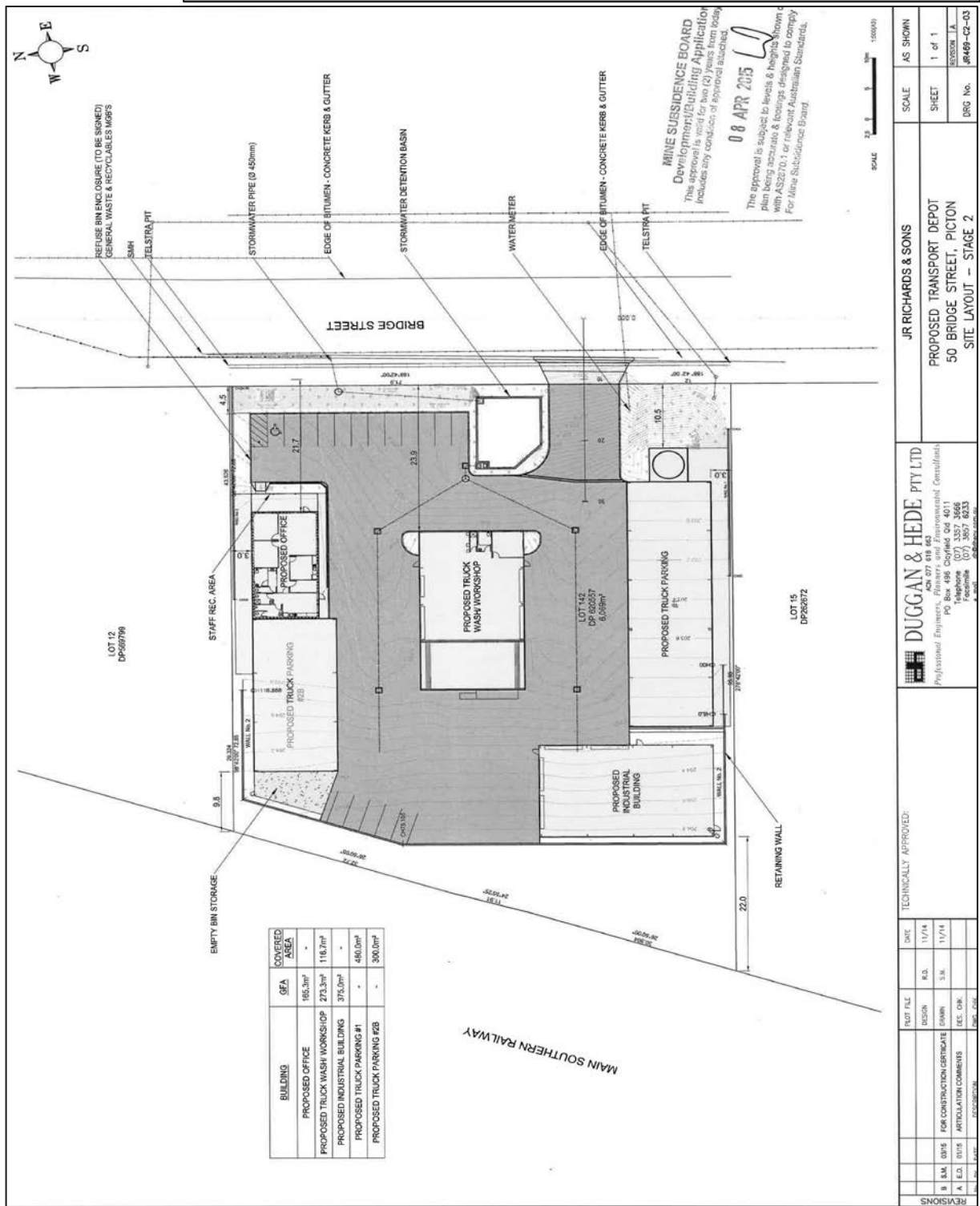
DUGGAN & HEIDE PTY LTD Professional Engineers, Planners and Environmental Consultants PO Box 488 Coplefield QLD 4011 Phone: (07) 3657 8233 Fax: (07) 3657 8233 www.duggan-heide.com.au		JR RICHARDS & SONS PROPOSED TRANSPORT DEPOT 50 BRIDGE STREET, PICTON SITE LAYOUT - STAGE 1	
TECHNICALLY APPROVED		SCALE	AS SHOWN
REVISIONS		SHEET	1 of 1
NO.	BY	DATE	DESCRIPTION
A	E.L.J.	01/15	ARTICULATION COMMENTS
B	S.M.	02/15	FOR CONSTRUCTION CERTIFICATE
C		11/14	
D		11/14	
E		11/14	

Planning & Economy

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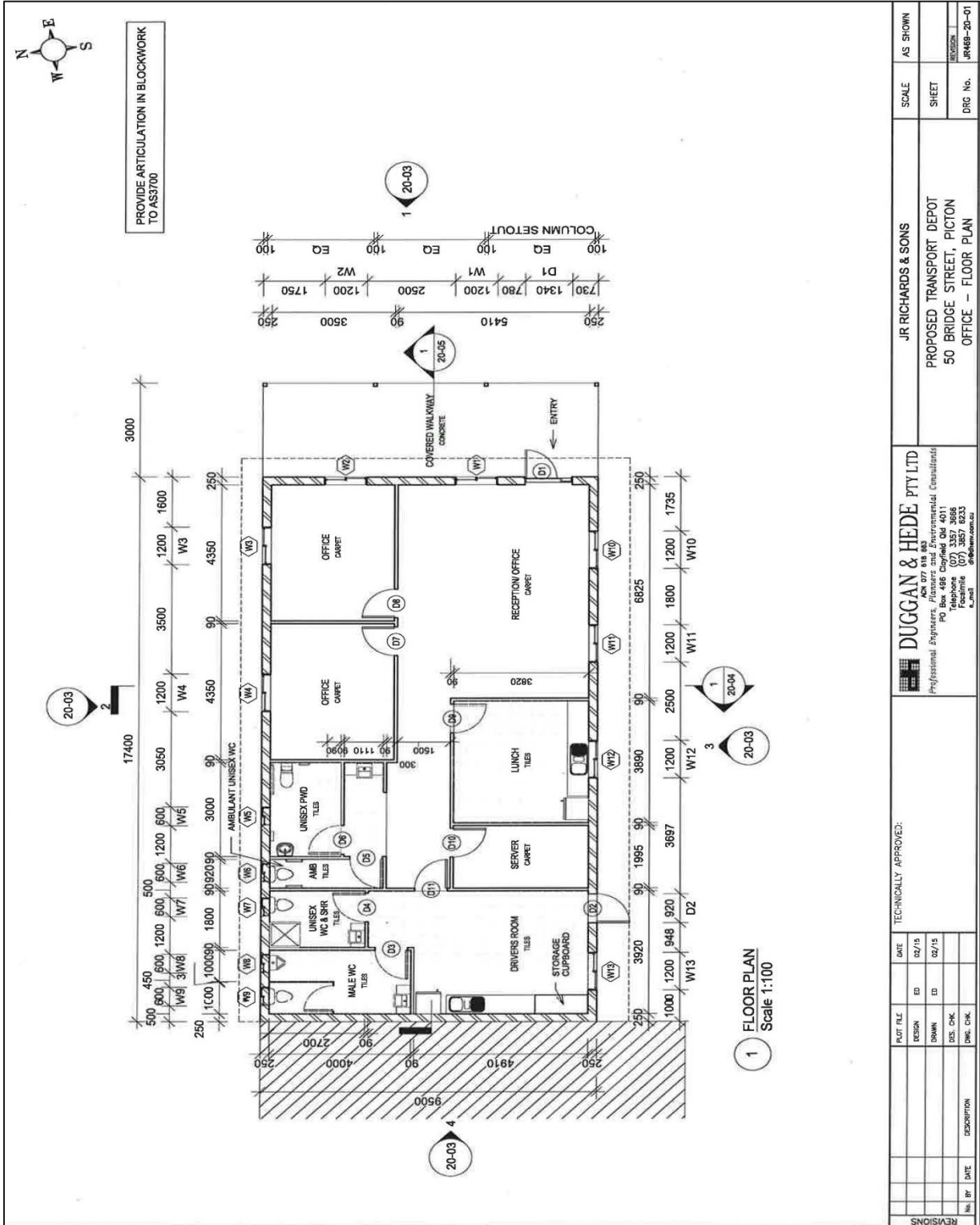


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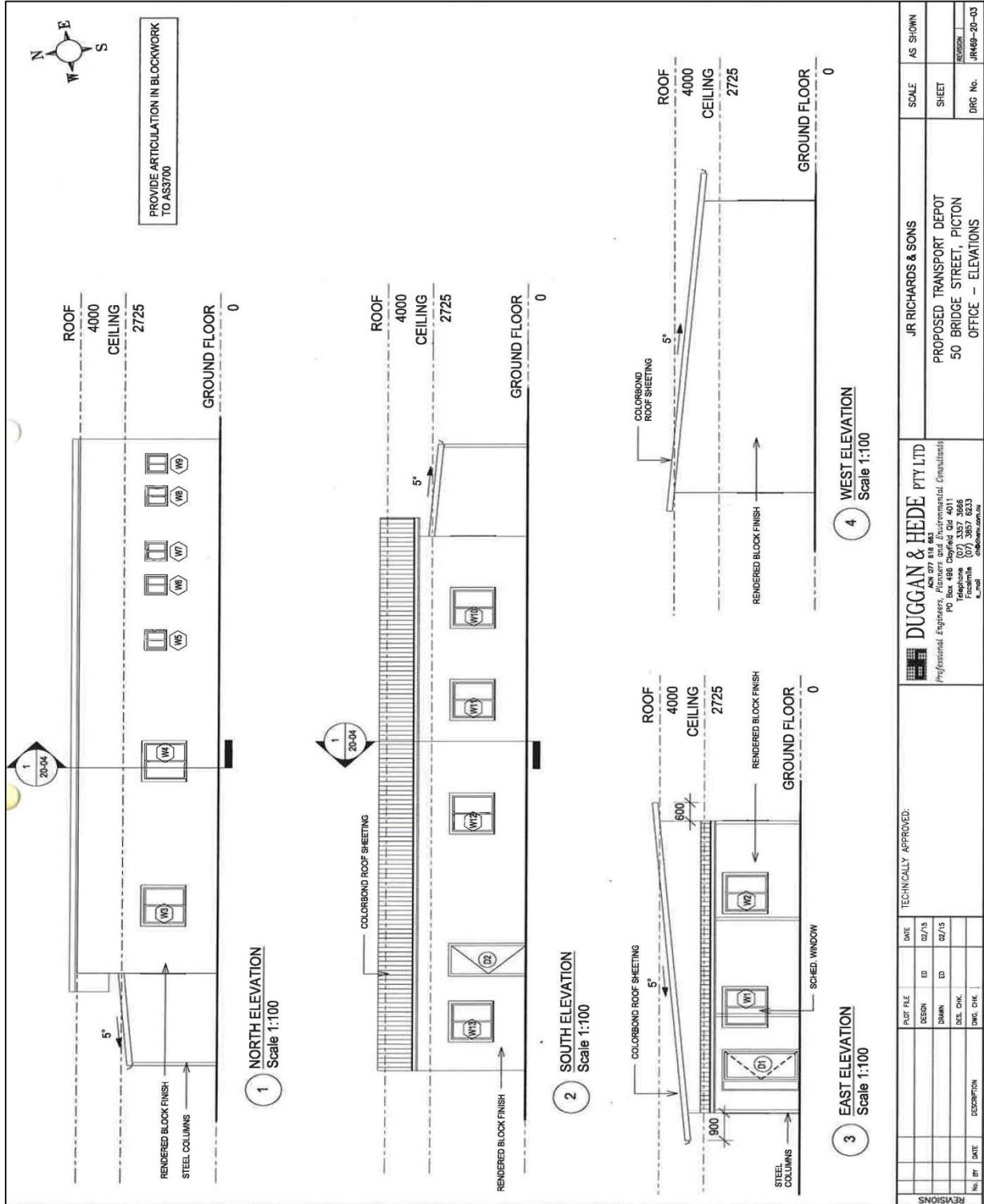


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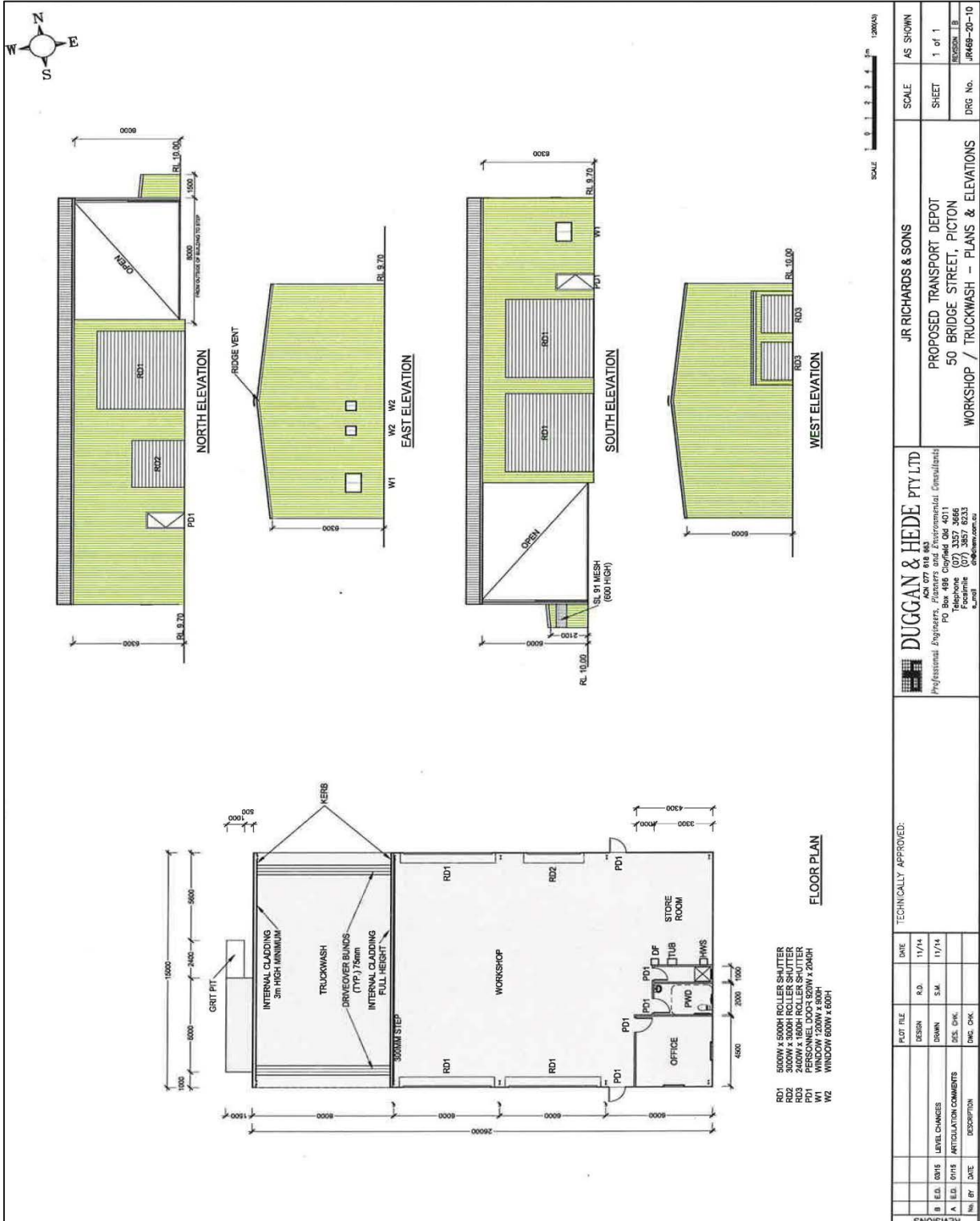
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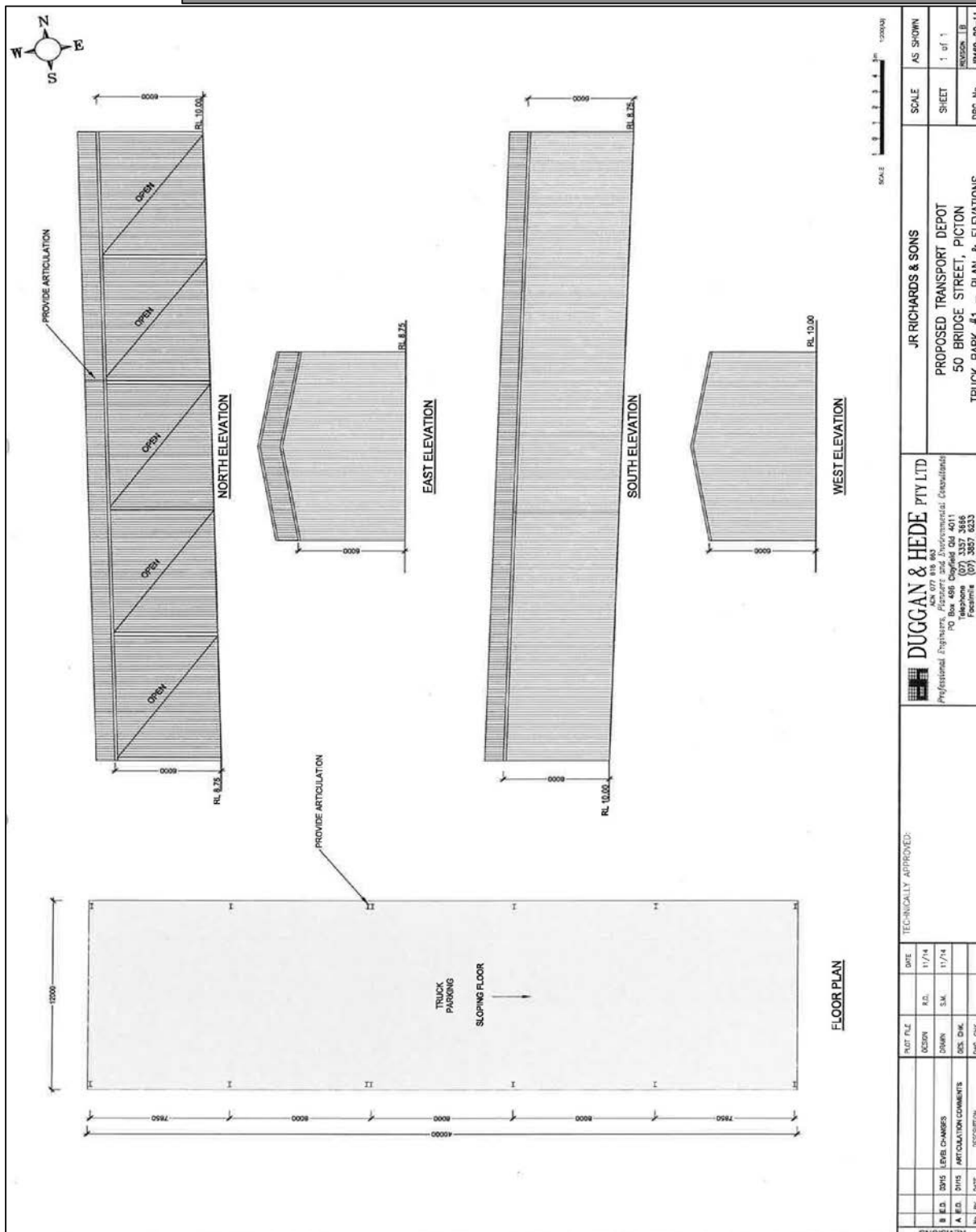


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ATTACHMENT 1 – 010.2015.0000028.001 – 18 MAY 2015



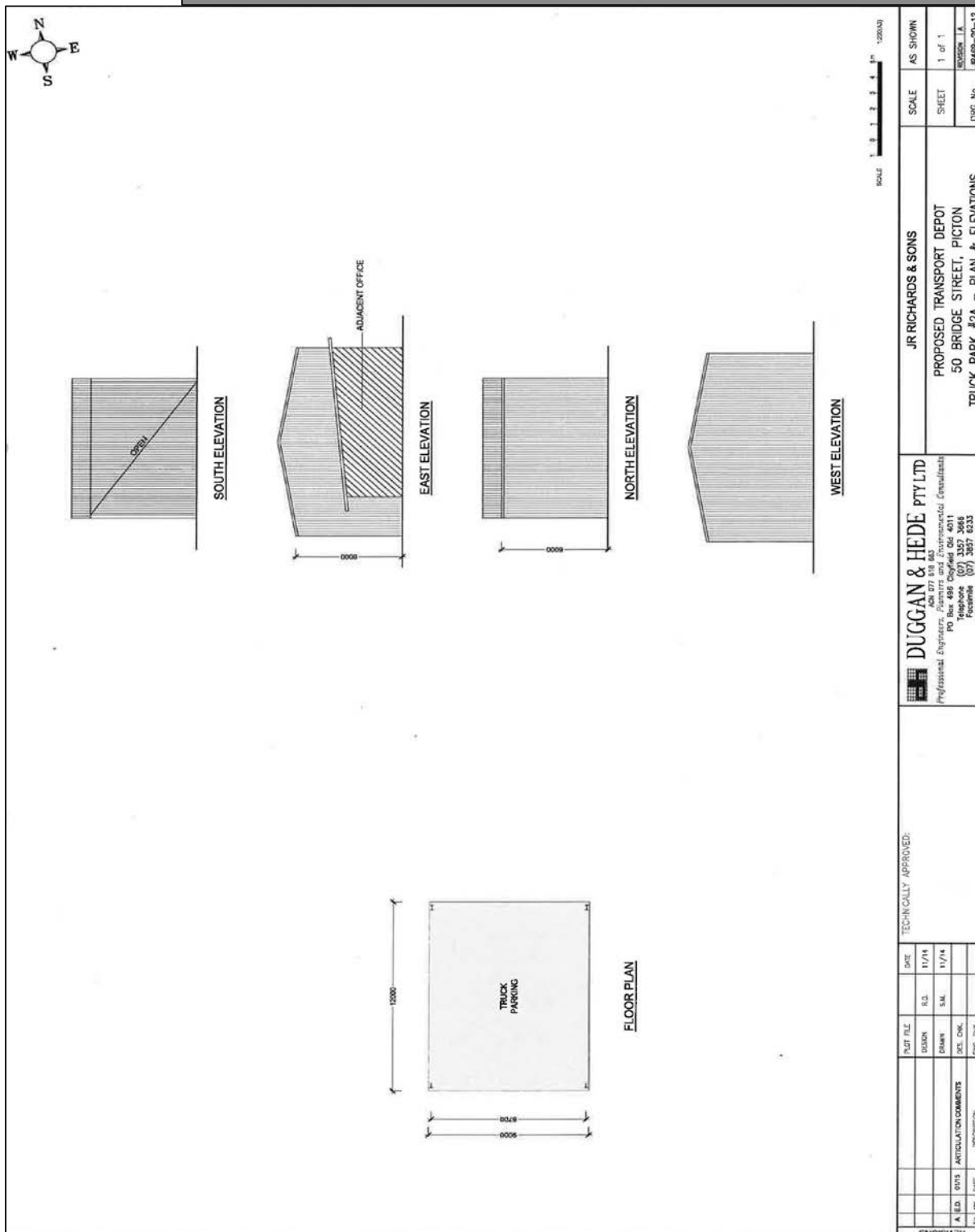
<p>DUGGAN & HEDE PTY LTD Professional Engineers, Planners and Environmental Consultants PO Box 468 Dugald Rd 4011 Fremantle (07) 3527 8333 www.dugganandhe.com.au</p>		<p>JR RICHARDS & SONS PROPOSED TRANSPORT DEPOT 50 BRIDGE STREET, PICTON TRUCK PARK #1 – PLAN & ELEVATIONS</p>		<p>SCALE AS SHOWN SHEET 1 of 1 REVISION B DOC No. JRM9-20-11</p>
<p>TECHNICALLY APPROVED:</p>		<p>DATE 11/74</p>	<p>DATE 11/74</p>	<p>DATE 11/74</p>
<p>NO. BY DATE DESCRIPTION</p>	<p>DESIGN</p>	<p>REV.</p>	<p>S.A.</p>	<p>DATE</p>
<p>B.E.D. 2015 LEVEL CHANGES</p>	<p>J.M.R.N.</p>	<p>11/74</p>	<p>11/74</p>	<p>11/74</p>
<p>A.E.D. 2015 ARTICULATION COMMENTS</p>	<p>J.R.S.</p>	<p>11/74</p>	<p>11/74</p>	<p>11/74</p>

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE2 – The Construction and Use of a Resource Recovery Facility at 50 Bridge Street, Picton

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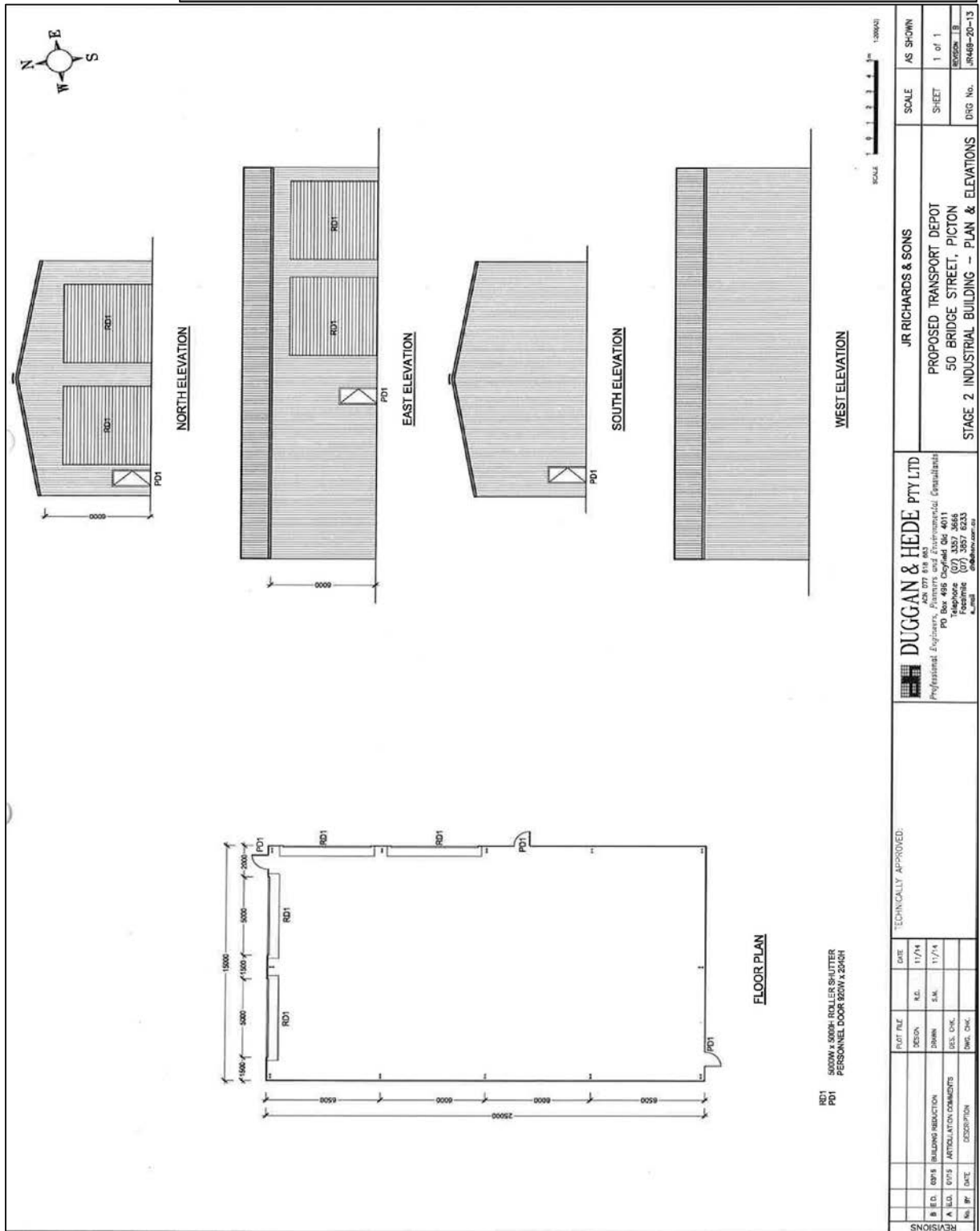


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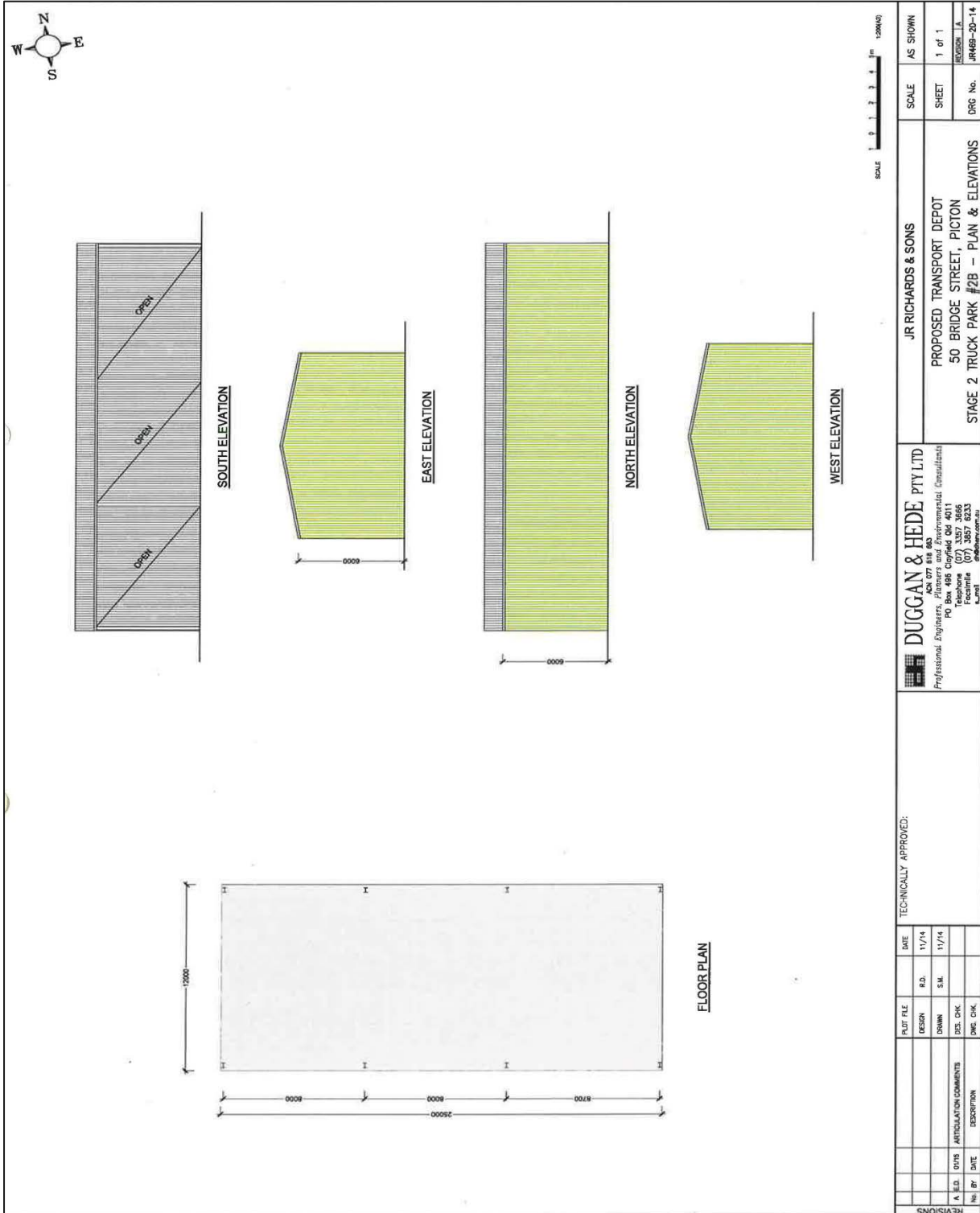


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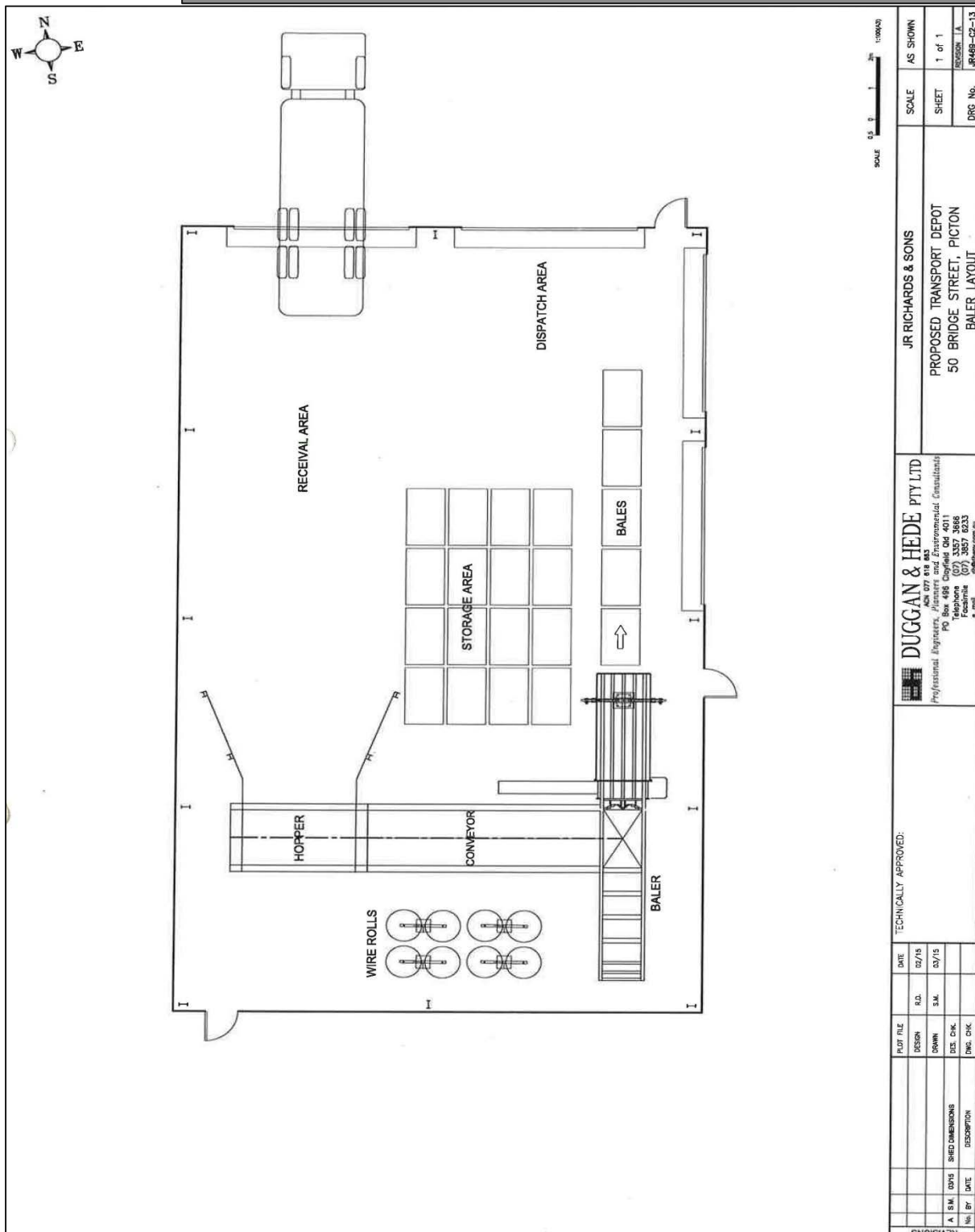


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REVISIONS		DATE		TECHNICALLY APPROVED:	
No.	BY	DATE	DESCRIPTION	DATE	
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		03/15			

DUGGAN & HEDE PTY LTD
 Professional Engineers, Architects, Surveyors, Environmental Consultants
 10th Floor, 401 St Georges Road, Geelong, VIC 3220
 Telephone (07) 3357 8866
 Facsimile (07) 3857 8233
 Email: info@dugganandhede.com.au

JR RICHARDS & SONS
 PROPOSED TRANSPORT DEPOT
 50 BRIDGE STREET, PICTON
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 SHEET 1 of 1
 REVISION 1.A
 DRG No. JR48-C2-13

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE3 - Exhibition of a Draft Planning Agreements Policy

PE3

Exhibition of a Draft Planning Agreements Policy

263081

TRIM 115

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's endorsement to exhibit a Draft Planning Agreements Policy.
- It is recommended that Council:
 - agree to the exhibition of the Draft Planning Agreements Policy
 - consider another report on the matter following the completion of the public exhibition period.

REPORT

WHY PREPARE A PLANNING AGREEMENTS POLICY

Planning Agreements are a mechanism under the Environmental Planning and Assessment Act for Council to collect developer contributions from developers to help pay for the delivery of services and infrastructure. They provide more flexibility in the type of contributions that can be collected under the traditional Section 94 or Section 94A Plans.

With the anticipated growth of Wollondilly, Council will come under pressure to negotiate more Planning Agreements. A Policy to provide a management framework around the preparation and consideration of Planning Agreements is regarded as good practice for the following reasons:

- Planning Agreements may involve Council receiving large sums of money as benefits under an Agreement. A policy will provide a transparent and rigorous framework for accepting these benefits.
- Entering a Planning Agreement often involves setting aside Council's adopted policy on developer contributions (its Section 94 and Section 94A Plans). A Policy framework will provide guidance as to when it is appropriate to do this.
- A Planning Agreements Policy will provide certainty to developers regarding what Council's "rules" are for planning requirements and so it should help streamline the negotiation process for preparing Planning Agreements.

The draft Policy (copy attached) is based on a previous draft that was commenced some years ago. The content has been updated to ensure that it is consistent with current approaches to preparing Planning Agreements, and it has been restructured into the standard format for Wollondilly Council policies. It was also referred to Council's legal advisors on two occasions and revisions were made to address their comments.

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MAIN FEATURES OF THE DRAFT POLICY

The Draft Policy provides guidance to ensure that Planning Agreements are prepared to comply with Council, and other legal requirements. It omits most of the procedural stages in preparing a Planning Agreement, with this information being included in a separate Procedures Guideline. There are 3 key sections of the Draft Policy, described as follows:

- Sections 4.2 – 4.5, which outline the criteria for deciding whether to enter into a planning agreement and for assessing its suitability. For example, Clause 4.2 outlines some strategic objectives for planning agreements, Clause 4.3 includes the specific matters that planning agreements can be used for, and Clause 4.4 proposes some fundamental planning principles governing the use of planning agreements.
- Section 4.7, which sets out Council's "rules" for planning agreements, and covers such matters as security requirements, Council's position on credits and refunds, section 94 offsets, acceptance of works and a range of other matters. Council will expect that all planning agreements will be prepared to comply with Clause 4.7. Two clauses in this section are specifically drawn to Council's attention:
 - Clause 4.7.2 which aims to provide some rigour around the circumstances around which roadworks could be included as a benefit in a Planning Agreement. The purpose of this is to ensure that funds which would otherwise be paid into Council's Section 94 funds for this purpose are not redirected into Planning Agreements unless there are clear criteria for doing so. This clause should help to maintain the integrity of Council's Section 94 Plan, without discouraging developers from funding roadworks not listed in the Section 94 Plan that provide a public benefit.
 - Clause 4.7.12; which outlines the proposed approach towards managing costs associated with preparing planning agreements. This clause recommends that all of Council's costs be paid by the applicant, because the combined costs of preparing a planning agreement can be significant, and can erode the value of the benefits being paid through the agreement. Without this clause there could also be a financial risk to Council, because if there are several planning agreements in preparation at any one time, then Council would incur significant costs and if the related planning proposal or DA doesn't proceed then these costs are incurred without receiving the benefits provided through the agreement. However this approach is not popular with developers, and the approval of the Executive has been obtained for this approach to cost management in preparing planning agreements.

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- Section 4.8. This section of the Policy addresses probity issues and is particularly important given that planning agreements often involve setting aside Council's Section 94 Plan to accept large sums of money. This section provides for a range of measures to ensure probity including separation of staff in preparing a planning agreement from any role in assessing the associated DA or planning proposal, and the preparation of a Probity Plan or appointment of a Probity Advisor where necessary to manage probity considerations.

The Draft Policy has also been tested against 3 draft planning agreements that are in preparation and was found to provide a suitable framework for managing their preparation and for assessing their suitability. However it needs to be said that some of the Agreements presently in preparation might have been approached differently if the Draft Policy included in this report was in existence when these Planning Agreements were first developed. This is not to suggest that any draft Planning Agreements that have been exhibited should be re-negotiated, but that when the Policy is adopted that it will provide a more rigorous approach towards the preparation of Planning Agreements, particularly in relation to the circumstances in which road works could be accepted as work under a Planning Agreement.

FURTHER ACTION

Council's agreement to exhibit the draft Policy is requested. After completion of the 30 day exhibition period, the policy will be reviewed and may be amended to address matters raised in the submissions. The Draft Policy will then be reported to Council advising them of the outcome of the exhibition process and presenting the final version of the Policy for adoption.

CONSULTATION

In preparing the Draft Policy, consultation occurred with Council staff through Council's Greenfields Release Area Working group. The Draft Policy was also discussed with Council's Audit Committee on two occasions and their comments were taken into account in preparing the Draft Policy.

By agreeing to exhibit the Draft Policy this will provide for the public and other interest groups (eg developers) to comment on the draft Policy.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact on Council's adopted budget or forward estimates.

However, the continued preparation of planning agreements in accordance with a Planning Agreements Policy should help provide some financial benefits for Council.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE3 - Exhibition of a Draft Planning Agreements Policy

ATTACHMENTS

1. Draft Planning Agreements Policy

RECOMMENDATION

1. That Council agree to the exhibition of the Draft Planning Agreements Policy.
2. That Council consider another report on the matter following the completion of the public exhibition period.

PE3 - Exhibition of a Draft Planning Agreements Policy

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Planning Agreements PLA 037-**

1. POLICY OBJECTIVES

- 1.1 The objectives of this policy are to:
- a) establish a framework governing the use of planning agreements by Council;
 - b) ensure that the use of planning agreements by Council is efficient, fair, transparent and accountable;
 - c) enhance flexibility in the provision of infrastructure and services for the community through the use of planning agreements;
 - d) enhance the range and extent of development contributions made by development towards public facilities in the Council's area;
 - e) set out the Council's specific policies on the use of planning agreements;
 - f) help to achieve objectives CO1, C02, G02, G05, G06, EN2, EC1, EC3, EC4, EC5 IN1, IN2, IN3 of the *Wollondilly Community Strategic Plan 2033*

2. BACKGROUND

- 2.1 The Environmental Planning and Assessment Act 1979 (the Act) empowers Council to require developers to make contributions of money, works or land in relation to a development. These contributions are used to help pay for services and infrastructure that need to be provided as a consequence of the development;
- 2.2 As an alternative to collecting these contributions, (known as Section 94 Contributions) the Act also enables the Council and developers to negotiate planning agreements under which the developer offers to provide services and infrastructure for the community, or contributions of money or land for such services and infrastructure;
- 2.3 Planning agreements allow for a wider range of public benefits to be obtained in comparison to benefits collected under Section 94 of the Act;
- 2.4 With the anticipated growth of Wollondilly it is likely that more developers will seek to enter into planning agreements with the Council. A policy on planning agreements will help facilitate the preparation of planning agreements in the future and will demonstrate good governance by Council;
- 2.5 This Policy sets out Council's overall policy framework for preparing and negotiating planning agreements and for assessing their suitability;
- 2.6 Council has resolved pursuant to s55(3)(j) of the Local Government Act 1993 not to invite tenders in respect of any planning agreement because of the unavailability in every case of competitive tenders meaning that a satisfactory result cannot and would not be achieved by inviting tenders (**Note: Council will need to pass a resolution to this effect before this policy is adopted. This could be done following exhibition of the Draft Policy.**)

3. ELIGIBILITY

- 3.1 All land within the Shire of Wollondilly;
- 3.2 This policy also applies to planning agreements proposed in respect of land in Wollondilly Shire, and which will also apply to land in adjoining local government areas;

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3.3 All planning agreements prepared for land in the Wollondilly Shire should seek to follow this policy to the fullest extent possible;

3.4 The Policy will apply to all planning agreements that have not been exhibited at the time this Policy has been adopted.

4. GUIDELINES

4.1 Council discretion to negotiate Planning Agreements

The Council has the complete discretion to negotiate a planning agreement with a developer in connection with any application by the developer for a change to an environmental planning instrument or for development consent relating to any land in the Council's area, or in conjunction with the relevant Council of any land adjoining the Council's area.

4.2 Council's Strategic Objectives for Planning Agreements

In deciding whether to negotiate a Planning Agreement the Council will consider whether the agreement is consistent with the following strategic objectives:

- a) to generally advance Council's Mission for the Local Government Area as stated in the Wollondilly Community Strategic Plan 2033: *"(to) create opportunities in partnership with the Community to enhance the quality of life and the environment, by managing growth and providing sustainable services and facilities"*.
- b) to demonstrate consistency with at least one of the specific objectives of the Wollondilly Strategic Plan that were referred to in clause 1.1(g) of this Policy;
- c) to provide an enhanced and more flexible development contributions system for the Council,
- d) to supplement or replace, as appropriate, the application of s94 or s94A of the Act to development (refer also to Cls 4.5(d) and 4.5(j)).
- e) to give all stakeholders in development greater involvement in determining the type, standard and location of public facilities and other public benefits,
- f) to allow the community, through the public participation process under the Act, to agree to the redistribution of the costs and benefits of development in order to realise community preferences for the provision of public benefits,
- g) to provide or upgrade services and infrastructure to appropriate levels that reflect and balance environmental standards, community expectations and funding priorities, and
- h) to provide certainty for the community, developers and Council in respect to infrastructure, services and development outcomes.

4.3 Specific Purposes of Planning Agreements

The Council may consider negotiating a planning agreement with a developer to:

- a) compensate for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration,
- b) meet the demands created by the development for new public infrastructure, and services that may be outside those of the current Development Contributions Plan,
- c) address a particular deficiency or deficiencies in the existing provision of public facilities in the Council's area,

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- d) achieve recurrent funding in respect of public facilities,
- e) prescribe inclusions in the development that meet specific planning objectives of the Council relating to the development,
- f) monitor and/or mitigate the planning impacts of development, and
- g) secure planning benefits for the wider community (eg affordable housing, skills training).

4.4 Fundamental principles governing the use of planning agreements

The Council's use of planning agreements will be governed by the following principles:

- a) planning decisions shall not be bought or sold through planning agreements,
- b) development that is unacceptable on planning grounds will not be permitted because of benefits offered by planning agreements that do not make the development acceptable in planning terms,
- c) the Council will not allow planning agreements to improperly fetter the exercise of its functions under the Act, Regulation or any other Act or law,
- d) the Council will not use planning agreements for any purpose other than a proper public purpose (*note: a public purpose is defined in Sec 93F2 of the Act*),
- e) the Council will not actively seek benefits under a planning agreement that are wholly unrelated to the development the subject of that planning agreement, but may consider offers made by a developer,
- f) the Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed planning agreement,
- g) the Council will not improperly rely on its statutory position in order to extract unreasonable public benefits from developers under planning agreements,
- h) if the Council has a commercial stake in development the subject of a proposed planning agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interest in the development, and
- i) planning agreements should not be used to justify a dispensation with applicable development standards under clause 4.6 of the Wollondilly Local Environmental Plan 2011.

4.5 Acceptability test to be applied to all planning agreements

The Council will consider all planning agreements against the following "Acceptability Test":

- a) is the proposed planning agreement directed towards a proper or legitimate planning purpose having regard to the statutory planning controls and other adopted planning policies and the circumstances of the case?
- b) does the proposed planning agreement provide a reasonable means of achieving the relevant purpose?
- c) can the proposed planning agreement be taken into consideration in the assessment of the relevant application for an instrument change or development application?
- d) will the planning agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest? This should be considered (inter alia) particularly with the public interest and impact on community

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values associated with varying Council's relevant Developer Contributions Plan as per clause 4.2(d) that may apply in order to accept the benefits proposed under the Planning Agreement (refer also Clause 4.5 (j) below)

- e) does the agreement provide public benefits that are not wholly unrelated to the development?
- f) does the proposed planning agreement promote the Council's strategic objectives in relation to the use of planning agreements?
- g) does the proposed planning agreement conform to the fundamental principles governing the Council's use of planning agreements?
- h) are there any relevant circumstances that may operate to preclude the Council from entering into the proposed planning agreement?
- i) is the Agreement consistent with other relevant Council Policies (eg the Dedication of Land Policy) and with the Wollondilly Community Strategic Plan 2033?
- j) is it appropriate to forego the benefits that would otherwise be paid under Council's Developer Contributions Plan in exchange for the benefits proposed under the planning agreement? (this applies to those agreements which seek to offset contributions made under Council's relevant Developer Contributions Plan).

4.6 General Guidance on Negotiating and Preparing a Planning Agreement:

4.6.1 The Council's negotiation of planning agreements will be based on principles of efficiency, fairness, transparency and accountability

4.6.2 Council prefers that the negotiation of planning agreements occurs simultaneously with the associated application for an instrument change or development application.

4.6.3 This Policy includes references to a document entitled "*Planning Agreements Procedures Guideline*" (*Procedures Guideline*) which provides information about the procedural aspects of preparing planning agreement. The Procedures Guideline has been prepared for use by Council staff involved in preparing planning agreements, though it may also be of interest to other parties involved in preparing planning agreements.

4.6.4 **It is essential that a planning agreement comply with Section 93F of the Act, including the mandatory content requirements for planning agreements.** These matters are included in the Procedures Guideline mentioned above and are not repeated in this Policy.

4.6.5 However, clause 4.7 of this Policy provides advice as to Council's policy position, or "rules" on how some of the mandatory requirements should be addressed in a planning agreement, as well as on other matters that may be included in the agreement.

4.6.6 As required by the legislation, an Explanatory Note must be prepared to accompany a planning agreement and must include the matters included in Clause 25E of the Regulation. The Procedures Guideline referred to above provides more information on matters to be included in the Explanatory Note

4.6.7 The diagram overleaf outlines the general process to be followed in preparing a planning agreement. The Guideline document referred to in Clause 4.6.3 above provides more advice on the procedural stages included in this diagram, and Schedule 1 to this Policy includes the checklist that Council's Executive will consider against planning agreements when considering whether to endorse them for exhibition.

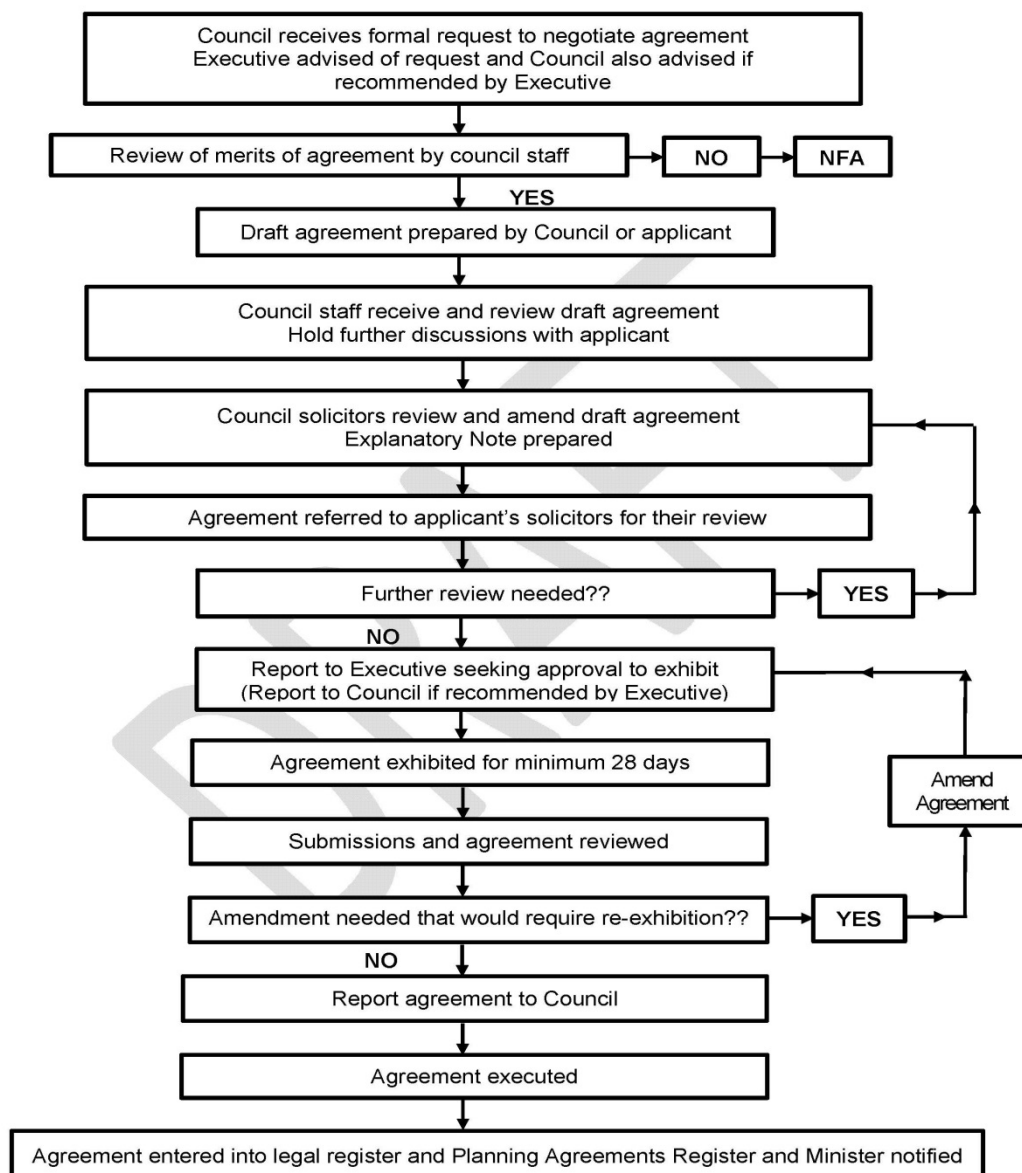
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Process for Preparing a Planning Agreement



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**4.7 Council's Policy on some specific matters relating to planning agreements
A planning agreement must above all else, address the mandatory content
requirements included in Sec 93F of the Act.**

This section of the policy outlines Council's policy position on some of these mandatory requirements, and on other matters that may be included in a planning agreement. **Council expects that all planning agreements will be prepared to be consistent with the provisions included in this section of the Policy.**

4.7.1 Security

As required by Section 93F of the Act. Council will ensure that planning agreements include adequate security arrangements to protect against a breach of the agreement by the developer. Such arrangements may include the following, depending upon the circumstances of the planning agreement and the benefits being provided:

- a) where the agreement provides for benefits to be paid in the form of a monetary contribution, that the contribution be made prior to the issue of a construction certificate or a subdivision certificate. Unless unavoidable, a planning agreement should not include a provision that such contributions be made prior to an occupation certificate as this does not provide Council with a sufficient level of security;
- b) where the agreement provides for works to be carried out, a bond or bank guarantee from an Australian bank in favour of the Council should be provided for the full value of the works, and on terms otherwise acceptable to Council (refer also to pgh 'f' below);
- c) where a planning agreement provides for the dedication of land to Council, a Planning Agreement must include a provision that enables the Council to compulsorily acquire the land for A\$1.00 in the event of a breach of the agreement by the developer;
- d) as noted in Clause 4.17.16, Council will also require the planning agreement to be registered on the title of the land;
- e) Council may also in appropriate circumstances require the planning agreement to create a charge on the land, and to provide that council can lodge a caveat on the title of the land to protect its interests;
- f) Council will also require any financial security that is provided to be indexed according to the same index as the contributions to which it relates.

4.7.2 Nature of development contributions under a planning agreement

Council has no preference for a particular type of contribution, and will consider, on a case by case basis contributions including money, land, or construction of works, including a combination of these;

Where a planning agreement proposes the dedication of land to Council, Council will consider this in relation to Council's adopted "Dedication of Land Policy" (PLA0036).

Where a Planning Agreement proposes to undertake works, the provisions of clause 4.7.3 will apply.

In relation to the inclusion of roadworks in a Planning Agreement, the Council will be guided by the following principles:

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a) Roads Included in the Contributions Plan:

If a road which is listed in Council's Contributions Plan is proposed for upgrading (or for any road or traffic related works) as part of a Planning Proposal or a Development Application, the works can be included in a Planning Agreement and offsets given against Section 94 payments. Offsets will generally be allowed only up to the amount that would otherwise be paid as a Section 94 payment for the roads component of that development. However, in limited circumstances (depending upon the offer made by the developer) the Council may consider allowing offsets against other categories of works included in the Contributions Plan, up to the full cost of the roadworks as specified in the Contributions Plan. Should the cost of carrying out the roadworks exceed the cost that is included in the Contributions Plan against those works, Council will consider allowing the developer credits against Section 94 contributions payable for future developments in the Wollondilly Shire, up to an amount of 50% of the difference between the cost of the works as carried out by the developer, and the cost of the works included in the Contributions Plan.

b) Roads not included in the Contributions Plan:

- i. If a road which is not listed in Council's Contributions Plan will require upgrading (or any other road or traffic related works) as part of a Planning Proposal or a Development Application, the works can be included in a Planning Agreement as "direct works" to provide certainty that they will be delivered. Council will expect that the cost of these works will be borne by the developer, and in most cases no offset will be given against Section 94 contributions, particularly where the works are required to service a proposed development. Council will however consider a Section 94 offset up to a maximum of 50% of the amount that would otherwise be paid as a Section 94 payment for the roads component of that development in cases where Council considers that there will be a material public benefit as a result of the works.
- ii. As an alternative to this approach, and in cases where a significant public benefit will result from the works, Council may agree to consider recoupment mechanisms for the developer where the developer agrees to forward fund such works. Such mechanisms could include the identification of the road in Councils Developer Contributions Plan and allowing the developer to recoup a percentage of the cost of the works from contributions paid as a result of future development. In other cases Council may include the road in its Contributions Plan where it can be shown that future development in the area will incur a significant benefit from the completion of these works.

4.7.3 Acceptance of Works

Acceptance by Council of any works to be constructed under a planning agreement shall be subject to the following:

- a) the developer obtaining all necessary approvals (including development consent or complying development certificate) necessary to undertake the works;
- b) the provision by the developer of a certificate confirming that the work has been carried out and completed in accordance with the agreement and with any development consent that applies and with any relevant Australian Standards; and
- c) the Council will also require the agreement to provide a defects liability period during which any defects must be rectified at the developers expense.

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- d) Where a work is proposed as a benefit under a planning agreement and a monetary value is assigned to that work and is included in the Agreement for the purpose of valuing the work, Council will expect that the Agreement will provide for the work to be delivered whether or not it exceeds the value of that work included in the Agreement;

4.7.4 Time when developer's obligations arise under a planning agreement

The Council will generally require a planning agreement to provide that the developer's obligations under the agreement take effect when the first development consent operates in respect of development that is the subject of the agreement.

Contributions will usually be required to be made prior to the issuing of a construction certificate or subdivision certificate in respect of the development;

For planning agreements prepared in connection with instrument changes, the development contributions may be required before any development consent is granted.

4.7.5 Application of s94 and s94A

Planning agreements can exclude the application of s94 and s94A of the Act in whole or in part, so that a developer may not need to pay some or all of these contributions, in addition to the contributions proposed under the planning agreement.

Council has no general policy on whether a planning agreement should exclude the application of s94 or s94A of the Act to development to which the agreement relates. This is a matter for negotiation between the Council and a developer, depending upon the circumstances of the agreement. Some further advice about this matter is included in Clause 4.7.10.

Where the application of s94 of the Act to development is not excluded by a planning agreement, the Council will consider on a case by case basis whether to include a provision allowing benefits under the planning agreement to be taken into account when determining a development contribution under s94.

A planning agreement may only exclude the application of s94EF of the Act (relating to State Infrastructure Contributions) if the Minister for Planning is a party to the agreement. The exclusion of s94EF is a matter for negotiation between the developer and the Minister.

4.7.6 Dispute resolution

A planning agreement must provide a mechanism for the resolution of disputes arising under a planning agreement. The Council will generally require a planning agreement to provide for mediation of disputes between the parties to the agreement before the parties may exercise any other legal rights in relation to the dispute.

4.7.7 Indexing of Costs and GST

In general, Council will expect that monetary contributions paid under a planning agreement are indexed to account for changes in the consumer price index, with the final payment to be indexed to the cpi current at the time that the payment is made;

In indexing the contributions to be paid, Council will use the "All Groups" cpi as published by the Australian Bureau of Statistics as its default index. However Council reserves the right to base its indexation of contributions on other indexes where this is considered

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appropriate and relevant to the use to which the contribution will be applied.

Contributions made under a planning agreement are generally exempt from GST.

Council may also seek to standardise development contributions sought under a planning agreement by basing them on the current Development Contributions Plan. This should streamline negotiations and provide fairness, predictability and certainty for developers.

4.7.8 Recurrent Costs

Planning Agreements may also be used to recover recurrent costs of public facilities. Where the public facility primarily serves the development to which the planning agreement relates or neighbouring development, the developer may be required to fund the ongoing costs of the facility in perpetuity.

However, where the public facility or public benefit is intended to serve the wider community, the planning agreement will usually only require the developer to make contributions towards the recurrent costs of the facility until a sufficient public revenue stream is established to support the on-going costs of the facility.

4.7.9 Pooling of Development Contributions

Where a proposed planning agreement provides for a monetary contribution by the developer, the Council may seek to include a provision permitting money paid under the agreement to be pooled with other money obtained by the Council under other planning agreements, and under conditions imposed on development consents pursuant to s94 or s94A of the Act, so that those funds can be applied progressively for the different purposes identified under those agreements and conditions.

Pooling may assist in allowing public benefits, particularly essential infrastructure and services to be provided in a fair and equitable way.

4.7.10 Methodology for valuing Public Benefits under a Planning Agreement

a) Offsets

Council will consider whether the value of any land or works provided under a planning agreement (determined in accordance with the remainder of this clause 4.7.10) should offset contributions payable under s94 of the Act.

b) Dedication of Land

Where the benefit under a planning agreement is the provision of land for a public purpose, the Council will generally seek to value the benefit on the basis of the estimated amount of compensation to which the Developer would be entitled under the *Land Acquisition (Just Terms Compensation) Act 1991* upon the compulsory acquisition of the land.

Council will normally require the developer to obtain a valuation of the land at his or her cost. Council may also seek to confirm this value by arranging for a separate valuation at its own cost.

If land is dedicated to Council under a Planning Agreement, it will not be considered to be dedicated at "no cost" to Council if an offset of the Section 94 payment that would otherwise be required is given.

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c) Carrying Out of Works

Where the benefit under a planning agreement is the carrying out of works for a public purpose, the Council will generally seek to value the benefit on the basis of the estimated value of the completed works determined using the method that would be ordinarily adopted by an independent quantity surveyor.

Where such works are already included in Council's Contributions Plan, the value of any offset that may be given for such works through the planning agreement will generally not exceed the value of the work that is included in the Contributions Plan.

Where an offset is considered appropriate Council will only allow the value of the works to be offset against s94 contributions which would otherwise be payable in respect of the same type of work, and the value of the offset will not exceed the s94 contributions otherwise payable in respect of that type of work. (This clause may be varied by Clause 4.7.2 in relation to roadworks in limited circumstances if determined to be appropriate).

Council will normally require the developer to obtain a valuation of the works being provided through a planning agreement land at his or her cost. Council may also seek to confirm this value by arranging for a separate valuation at its own cost.

Council will also have regard to other relevant mechanisms for valuing the benefits proposed to be provided under a planning agreement, and in particular may refer to the "Local Infrastructure Benchmark Costs (IPART, Final Report April 2014)."

Council may require that the value of contributions of land and works made under a planning agreement should be indexed using an appropriate index (refer cl 4.7.7).

4.7.11 Credits and refunds

a) Credits

Except as provided for in the following paragraph, Council will generally not grant a credit for the value of contributions made under a planning agreement against any development contributions required in relation to development other than the development to which the planning agreement relates.

Where a developer has provided infrastructure under a planning agreement which exceeds the value of the s94 contributions otherwise payable in respect of the development to which the planning agreement relates, Council may allow that surplus value to be offset against s94 contributions payable in respect of other development carried out by the developer, to the extent that Council has been able to recoup the cost of that infrastructure from other developers.

b) Refunds

The Council will generally not give refunds of any contributions that are made under a planning agreement.

The Council will generally not agree to refund any amount by which a contribution made under a planning agreement exceed the contributions which the developer would otherwise have been required to make under the Act.

4.7.12 Council's costs of negotiating, entering into, monitoring and enforcing a Planning Agreement

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Council will generally require a developer to pay all of the Council's reasonable costs of negotiating, preparing and entering into the agreement, and enforcing its terms. This will include all costs associated with any third parties who may be engaged to facilitate a planning agreement, and will be Council's expectation whether or not the agreement is concluded.

In addition, Council may require the developer to make a contribution towards the Council's costs of the on-going administration of the agreement and/or administration of the current Development Contributions Plan. The amount to be paid by the developer will be determined by negotiation in each case.

4.7.13 Assignment and dealings by the developer and landowner

The Council will require every planning agreement to provide that the developer (and, if the developer is not the landowner, the landowner) may not transfer the land to any person or transfer its rights or obligations under the agreement unless:

- a) the person to whom the land or rights are transferred agrees to be bound by the planning agreement at no cost to Council,
- b) Council is satisfied that the person to whom the land or rights are transferred
- c) is able to perform the obligations under the agreement, based on evidence to be provided to Council when Council's consent to the transfer is sought;
- d) the developer is not in breach of the planning agreement, and
- e) the Council otherwise consents to the transfer.

4.7.14 Monitoring and review of a Planning Agreement

The Council will continuously monitor the performance of the developer's obligations under a planning agreement.

The Council will also require regular reviews of the terms of the planning agreement and, if the parties consider that amendments to the agreement are required, the parties will use their best endeavours to agree on the amendments.

Amendments might be required if there is a change in circumstances relating to the development or a change in law which impacts upon the contributions which can be made.

Amendments may also be required as a result of the introduction of new planning legislation once this is introduced.

4.7.15 Modification or discharge of the developer's obligations under a planning agreement

Council will only agree to changing the developer's obligations under a planning agreement, or discharging the developer from its obligations, if:

- a) the developer has fully performed its obligations under the agreement, including providing all contributions that are required;
- b) the developer has assigned its interest to another party who has agreed to perform the developer's obligations,
- c) the development consent to which the agreement relates has lapsed or has been surrendered,

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- d) the performance of the planning agreement has been frustrated by an event beyond the control of the parties, or
- e) the Council and the developer otherwise agree to the modification or discharge of the agreement.

Should the parties agree to a modification of this Agreement, the proposed modification shall be publicly notified in accordance with the Council's current notification policy, and in accordance with the Procedures Guideline referred to previously.

4.7.16 Registration of planning agreements

The Council will, subject to the requirements of Sec 93H of the Act require planning agreements to be registered on the title of the property being developed or that is subject to the instrument change.

To facilitate this process, Council will require the developer to provide all relevant documents for the purposes of registration within 10 days after execution of the agreement. Council will then attend to the registration.

4.7.17 Notations on certificates under s149(5) of the Act

The Council may decide to make a notation on any planning certificate issued under s149 of the Act in relation to the land to which a planning agreement relates, about the planning agreement, and may include a provision in the planning agreement acknowledging this.

4.7.18 Implementation agreements

The Council may require an implementation agreement that provides for matters such as:

- a) the timetable for provision of planning obligations under the planning agreement.
- b) the design, technical specification and standard of any work required by the planning agreement to be undertaken by the developer.
- c) the manner in which a work is to be handed over to the council.
- d) the manner in which a material public benefit is to be made available for its public purpose in accordance with the planning agreement

4.7.19 Council's consideration of planning agreements in the exercise of its Statutory Functions

When exercising its functions under the Act in relation to an application for an instrument change or a development application to which a proposed planning agreement relates, the Council will consider whether the proposed planning agreement is relevant to the application and the proper weight to be given to the proposed planning agreement.

4.7.20 Consideration of applications under Clause 4.6 of Wollondilly LEP 2011

Clause 4.6 of the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP) allows a developer to object to the application of a development standard to a development.

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Council will not uphold an objection made under this clause merely because the developer has offered to enter into a planning agreement and provide additional development contributions under that agreement.

Council will assess such an objection under the provisions of clause 4.6 of the Wollondilly LEP. In this regard, the provisions of the planning agreement may be relevant to the extent that any contributions to be provided under the agreement offset any impact of the development which is relevant to the development standard in question.

4.8 Ensuring Probity in Preparing Planning Agreements

Ensuring probity in the preparation of planning agreements is of the utmost importance to Wollondilly Council. Some steps that the Council will undertake to ensure probity in the planning agreement process are:

- a) ensure that all planning agreements are prepared in accordance with the relevant statutory requirements, this Policy, the Procedures Guideline and relevant Guidelines from the Department of Planning;
- b) where possible, ensure a separation between Council staff with a direct role in planning agreements and those assessing development applications or preparing planning proposals associated with a planning agreement;
- c) ensure that Councillors do not have a direct role in negotiating planning agreements.
- d) all formal offers to negotiate a planning agreement will be referred to Council's Executive, and where Council's Executive considers the proposed planning agreement to relate to a significant development application or instrument change, then if the offer is supported by the Executive, a report to the Council shall be provided outlining the key terms of the agreement, and seeking Council approval to negotiate it.
- e) where the Council has a commercial stake in a development or instrument change that is subject to a planning agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its commercial role in the development;
- f) in this regard, Council (or Council's Executive) may require a Probity Plan to be prepared for some planning agreements, or recommend the appointment of a third party Probity Advisor to manage probity concerns. This may be appropriate for planning agreements that relate to a major development application or instrument change, where Council has a significant commercial stake in a development that is subject to a planning agreement, or where there may be a potential conflict of interest. Where such a Plan (or third party appointment) is made, Council will expect that the developer should pay the entire cost of preparing it;
- g) the Council may also appoint an independent party to facilitate or otherwise participate in the negotiation of a planning agreement, where it considers that this may lead to a better planning outcome. Where it is decided to involve a third party in the preparation of a planning agreement, Council will expect that the developer should pay the entire cost associated with the appointment of the third party.
- h) prior to the exhibition of any planning agreement, the endorsement of Council's Executive will be sought. In considering the Agreement, the Executive may wish to consider it against the checklist included in Schedule 1 of this Policy. A resolution from the Council will also be sought prior to exhibiting a draft planning agreement if determined appropriate by the Executive;
- i) ensuring a full and transparent public exhibition process for planning agreements. Besides complying with any statutory requirements for the exhibition of planning

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agreements, this will include providing a level of supporting information sufficient to ensure that the public is aware of what is being proposed under a planning agreement.

- j) A planning agreement will be re-exhibited if any change is made to it after exhibition, other than a minor change which does not affect the operation of the agreement, or the contributions provided under the agreement (subject to legal advice in any particular case if considered necessary).

However, re-exhibition will not be needed if minor changes are proposed to the scope of works for a benefit provided under an Agreement, or if there are changes to the designs or specifications of the Agreement. In such cases the changes will be agreed to in writing between the parties and will be fully documented.

- k) In spite of any delegations that might apply, the decision to enter into a planning agreement will always be made by the elected body of Council after considering a report on the matter. The report should advise Council of the details of the agreement, its compliance with the Policy, and the outcome of the exhibition process and will ensure transparency in the decision making process for planning agreements. Should the planning agreement provide for the dedication of land to Council, a specific resolution will be sought from Council to accept the dedication of the land.

4.9 Endorsement and Execution of Planning Agreements

The endorsement and execution of planning agreements will occur as follows:

- a) as noted above, all planning agreements will be reported to Council to seek a formal resolution that Council supports the planning agreement being entered into;
- b) following endorsement by Council the planning agreement will be prepared for execution;
 - a planning agreement has been executed when it has been signed and dated by both parties.
 - the General Manager will be responsible for executing a planning agreement on behalf of the Council;

4.10 Administration of Council's Planning Agreement System

Council is required to ensure transparency and accessibility for the public in managing its planning agreements. As a result, the administration of Council's Planning Agreement system will be based on the following principles;

- a) complying with relevant statutory requirements. These include:
 - maintaining a Planning Agreements Register;
 - forwarding a copy of all planning agreements to the Minister;
 - reporting on planning agreements in Council's Annual Report,
- b) providing for planning agreements to be accessible to the public both electronically and in hard copy.

The Procedures Guideline referred to previously provides more information about these matters.

5. RESPONSIBILITY/ACCOUNTABILITY

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- 5.1 Executive
- 5.2 Growth Management
- 5.3 Planning
- 5.4 Property
- 5.5 Finance
- 5.6 Environment
- 5.7 Infrastructure Planning
- 5.8 Governance
- 5.9 Community
- 5.10 Council's Land and Property Panel

6. RELATED POLICIES

- 6.1 Development Contributions Plan
- 6.2 Local Environmental Plan
- 6.3 Community Strategic Plan
- 6.4 Asset Management Plan
- 6.5 Environmental Zones Policy
- 6.6 Dedication of Land Policy
- 6.7 Probity – Dealing With Council Owned Land Policy
- 6.8 Open Space Recreation and Community Facilities Strategy
- 6.9 Biodiversity Strategy

7. RELATED PROCEDURES

- 7.1 As mentioned in this Policy, a document entitled "*Planning Agreements Procedures Guideline*" (Procedures Guideline) has been prepared to provide additional information on the procedures associated with preparing planning agreements. It has been prepared for internal use by Council staff, but it may be of interest to other parties involved in preparing planning agreements.

8. RELATED LEGISLATION

- 8.1 Environmental Planning and Assessment Act, 1979
- 8.2 Environmental Planning and Assessment Regulation, 2000

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9. ATTACHMENTS

- 9.1 Schedule 1 – Matters for Consideration by Council's Executive

10. RESOURCES

- 10.1 Planning Agreement Practice Note (Department of Infrastructure, Planning and Natural Resources, 19 July 2005)

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
- a) a regular review of the legislation and Guidelines from the Department of Planning to ensure that any relevant changes that affect planning agreements are incorporated into this Policy. This will be particularly important should new planning legislation be introduced;
 - b) regular emphasis on relevant sections of the Policy when planning agreements are reported to the Council;
 - c) a review of this policy every 3 years. This will include a consideration of the impact of this policy on the preparation of planning agreements, review of similar policies prepared by other Councils, and obtaining legal advice where appropriate.

12. POLICY HISTORY

- 12.1 Date Adopted as Draft
12.2 Date Adopted as Most Recent Adoption
12.3 Next Review Date
12.4 Responsible Officer Manager Planning

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339 DX: 26052 Picton
Email: council@wollondilly.nsw.gov.au
Rural Living www.wollondilly.nsw.gov.au

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Schedule 1: Matters for Consideration by the Executive

The following checklist has been prepared which provides for a consideration of the draft agreement against relevant matters included in Council's policy, and which the Executive could use in deciding whether to approve the exhibition of a draft planning agreement.

Checklist of Matters for Consideration to Exhibit Draft Planning Agreement

Matter for Consideration	Comment
What benefits are proposed under the Agreement (any land to be dedicated should be identified)?	
Does the agreement accompany a DA or Planning proposal?	
Does the agreement exclude Council's Sec 94/94A Plan?	
Is there likely to be significant community interest in the agreement or associated application?	
Are any special probity considerations required (eg Probity Plan or Probity Advisor)	
Does the agreement comply with the mandatory content requirements (s93f of Act)?	
Does it comply with Council's strategic objectives for VPAs (cl 4.2)?	
Is the agreement for a legitimate planning purpose? (cl 4.3)	
Is it consistent with Council's principles regarding the use of planning agreements (cl 4.4)?	
Does it meet the acceptability test for planning agreements (cl 4.5)?	
Does it comply with other clauses of Councils Policy (cl 4.7)?	
Has a valid Explanatory Note been prepared	
Does the council need to be further involved at this stage	
Is the Agreement approved for exhibition	

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 May 2015

PE4 - Update on Assessment of Development Application D525-05 - Alterations and Additions to existing commercial building, to create eight (8) ground level shops, nine (9) units of shop-top housing dwellings over new shops and landscaping - 55-57 Menangle Street, Picton

PE4

Update on Assessment of Development Application No. D525-05 - Alterations and Additions to existing commercial building, to create eight (8) ground level shops, nine (9) units of shop-top housing dwellings over new shops and landscaping - 55-57 Menangle Street, Picton

Picton
265155

DA525-05



↑
LOCATION MAP N

DEVELOPMENT INFORMATION

Development Application No:	D525-05
Property Address:	55-57 Menangle Street, Picton
Applicant:	J T Consulting Services Pty Ltd
Owner:	J T Consulting Services Pty Ltd
Proposal Details:	Alterations and additions to existing commercial building, to create eight (8) ground level shops, nine (9) units of shop-top housing dwellings over new shops and landscaping
Zone:	B2 Local Centre

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PE4 - Update on Assessment of Development Application D525-05 - Alterations and Additions to existing commercial building, to create eight (8) ground level shops, nine (9) units of shop-top housing dwellings over new shops and landscaping - 55-57 Menangle Street, Picton

EXECUTIVE SUMMARY

- The purpose of this report is to provide Council with an update on the assessment of Development Application No. D525-05 and draft Voluntary Planning Agreement (VPA) in relation to Lot 1 in DP 19465, No. 55-57 Menangle Street, Picton.
- Nine (9) submissions were received during exhibition of the VPA. All submissions received were objecting to the application in its current form.
- An independent assessment report for the Development Application and draft VPA will be prepared for a future Council Meeting by Planning Consultant, Mr David Broyd.
- It is recommended:
 - That Council note the contents of this report
 - That a Councillor Workshop be scheduled in May 2015 for a briefing provided by the independent assessing officer
 - A determination report be provided to a future Ordinary Meeting for Council's consideration.

REPORT

BACKGROUND

- On 21 June 2005, Council received Development Application No. D525-05 for "Additions, Extensions, New Shops & Offices".
- On 16 August 2010, the Development Application was reported to Council as "Alterations and Additions to Create New Shops and Offices to Existing Building in Three Stages and Strata Subdivision at 55-57 Menangle Street, Picton". The Council Report recommended refusal of the application on a number of planning grounds. Council deferred the matter for further consultation to address the shortfall in car parking.
- On 1 September 2011, Council received amended plans and reports for development described as, alterations and additions to the existing commercial building, to create eight (8) ground level shops, nine (9) units of shop-top housing dwellings over new shops and landscaping. The revised Statement of Environmental Effects identified a deficiency in the car parking.

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- On 19 September 2011, Council's Development Contributions Coordinator invited the Applicant to prepare a VPA and Explanatory Note to address the deficiency in car parking for the proposed development.
- On 13 February 2012, Council received the first draft of the VPA and Explanatory Note. Council, the Applicant and both parties' legal representatives commenced negotiating the contents and details of the VPA.
- On 28 October 2014, Council received a copy of the VPA and Explanatory Note for public exhibition.
- On 30 October 2014, Council's Executive agreed to exhibit the draft VPA and accompanying Explanatory Note for a period of 28 days.
- Nine (9) objections were received during the exhibition period.

CONSULTATION

Lindsay Taylor Lawyers have provided assistance and advice to Council in connection with the preparation and review of the VPA.

DESCRIPTION OF SITE AND SURROUNDING AREA

The subject land is located on the Argyle and Menangle Street intersection, Picton. The site contains two heritage listed buildings, being the former CBC Bank (now known as the former NAB Bank Building) and the Former Coach house. The site is listed as Item 189, Picton under Schedule 1 of the *Wollondilly Local Environmental Plan 2011*.

Apart from the buildings, the site contains two Silver Poplar trees and a large grassed area which is informally used as a public space and pedestrian thoroughfare between the public school / parking area and main street.

The site is 1,679m² and is generally regular in shape.

North and directly opposite the site is the former Post Office and furniture store, which are items of local heritage significance and listed Items 185 and 186, Picton from Schedule 1.

South of the site is the 'town square' area and a double storey commercial building that was constructed in the early 1990's. East of the site is a public car parking area along St Mary MacKillop Lane and the St Anthony of Padua Primary School.

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St Mary MacKillop Lane is operational land (Council Resolutions No.235/94). It is intended that the lots which form part of St Mary MacKillop Lane will be dedicated in the future as a public road. The proposal is reliant on the dedication as public road both for access and in terms of building design.

PROPOSAL

Consent is sought for alterations and additions to the existing commercial building comprising the following:

- Demolition of the amenities block at the southern end of the NAB building
- Provision of an irregular shaped pedestrian plaza in the southern end of the site, providing both setbacks to the Coach House building and extension to the civic space of the Picton Town Square
- Construction of eight (8) ground level shops, with two (2) facing Menangle Street, two (2) facing Argyle Street, and four (4) facing the proposed landscaped area
- Construction of nine (9) shop top dwellings over the new shops
- Construction of seven (7) garages to service the shop top dwellings with access via St Mary MacKillop Lane.

The net floor area of the proposed retail area is 620.7m² and the gross floor area of the residential component is 517.6m². In addition to the residential and commercial components of the development a passive recreation area of 125m² is provided as a roof terrace for use by the residents.

The development generates a need for 31 parking spaces to meet the parking requirements. As an alternative to providing these spaces on site, the Applicant has offered to embellish the landscaped area described above to Council's satisfaction and make available for public use for a period of 50 years. The Applicant has also offered a monetary contribution of \$100,000 to provide on-street or other public car parking in the vicinity of the site.

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PLANNING AGREEMENT FINANCIAL DETAILS

Under the terms of the Draft VPA, the Applicant will pay \$100,000 to Council in lieu of providing 31 car parking spaces as part of the development.

The value of the monetary contribution has been determined on the following basis:

- the cost of constructing 31 car spaces is estimated at approximately \$305,505.00;
- less the cost of embellishment works on the open space which is approximately \$225,732.00; and
- the minimum monetary contribution of \$100,000.

RELEVANT MERITS OF THE PLANNING AGREEMENT

The provision of the landscaped area at the southern end of the site will complement the existing open space on the adjoining development. The landscaping will be completed to Council's satisfaction and a covenant established over the land which will guarantee its use for open space purposes for a period of 50 years.

The VPA also provides for a cash contribution of \$100,000 which may be used to reimburse Council for the costs associated with the construction of the Wilton Lane car park or future car parking in the vicinity of the subject site.

The VPA does not offset the Section 94/94A contributions that will be payable under Council's Development Contribution Plan 2011. It is estimated Council will receive \$125,000 in Section 94 contributions and Section 94A contributions, levied at a rate of 1% for the proposed cost of works associated with the commercial component of the development.

The VPA will not provide a monetary contribution for the loss of parking spaces in St Mary MacKillop Lane (e.g. eight spaces on the western side and one space on the eastern side). The Applicant's Traffic Consultant contends that the St Mary MacKillop car park located to the south of the subject site, which is time limited, has capacity to accommodate the loss of car parking within the laneway. It is further contended that the loss of parking spaces will not significantly impact upon the drop off / pick up of children at St Anthony of Padua Primary School which typically occurs using the spaces on the eastern side of the laneway.

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The landscaped area at the southern end of the site will be dedicated to Council for a period of 50 years, through the lodgement of a covenant with Land & Property Information. Upon expiration of the covenant the Applicant will not be bound to maintain this landscaped area for a community benefit and may lodge a development application for alternate development in this location.

POLICIES OR LEGISLATION

- Environmental Planning and Assessment Act, 1979
- Wollondilly Local Environmental Plan 2011
- Wollondilly Development Contribution Plan 2011.

THE PUBLIC INTEREST

The Planning Agreement promotes the public interest by providing improvements to the town centre to enhance the social welfare of the community and to provide public car parking in the area.

FINANCIAL IMPLICATIONS

Council will receive approximately \$225,000 of in kind works (e.g. embellishment of the open space), \$100,000 in cash contribution for car parking plus the usual Section 94/94A contributions.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. That Council note the contents of this report.
2. That a Councillor Workshop be scheduled in May 2015 for a briefing provided by the independent assessing officer.
3. That a determination report be provided to a future Ordinary Meeting for Council's consideration.