

Ordinary Meeting Of Council



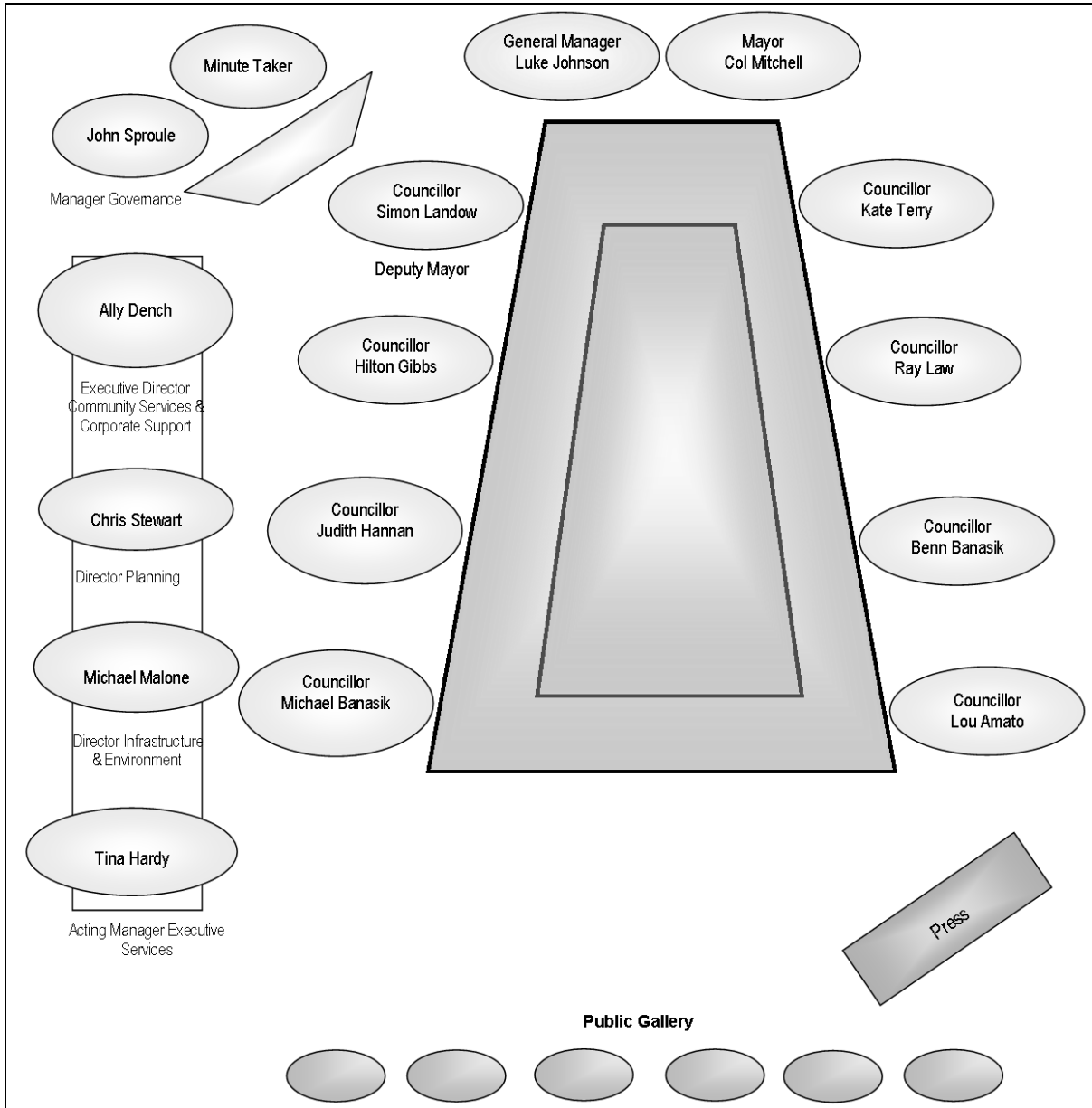
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 15 June 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 15 June 2015 commencing at 6.30pm.

Ally Dench
Acting 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

APOLOGIES AND LEAVE OF ABSENCE REQUESTS

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CONFIRMATION OF MINUTES

- Ordinary Meeting of Council held on 18 May 2015
- Extraordinary Meeting of Council held on 1 June 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 Outcomes	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 Outcomes	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 Outcomes	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 Outcomes	Meetings held quarterly at Campbelltown Arts Centre.
COUNTRY PUBLIC LIBRARIES ASSOCIATION (SOUTH EASTERN ZONE)	No Councillor Member	Manager Community Outcomes	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 Outcomes	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 Outcomes	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
15 June 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 15 June 2015

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

PLANNING AND ECONOMY

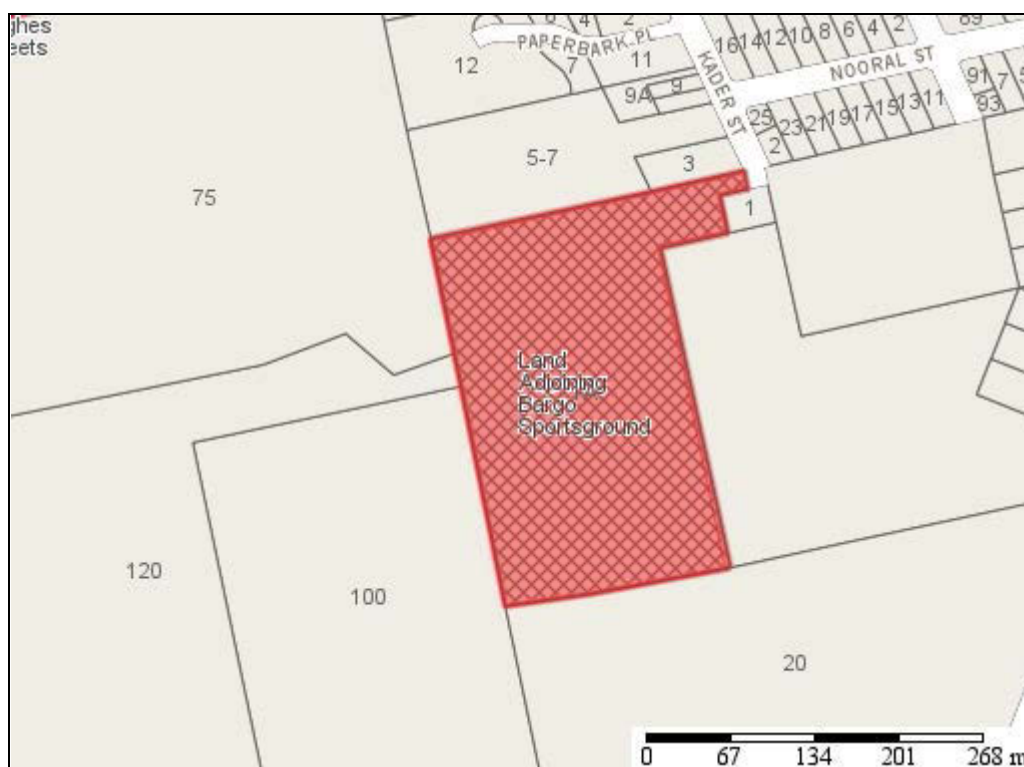
PE1

Planning Proposal - Land Adjoining Bargo Sportsground

1010

TRIM 6743

Proponent: Precise Planning
Owner: Mr B Elfar & Mrs R A Elfar



Stage	Completed
Preliminary notification	May, 2012
Gateway Determination	February, 2013
Consultation with Public Agencies	March, 2013 and October, 2014 (following amendments to the Planning Proposal)
Specialist Studies	November, 2013
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

Planning & Economy

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

EXECUTIVE SUMMARY

- This report seeks a Council resolution to support to amend the Planning Proposal for Lot 1 DP 635609 (No. 1A) Kader Street, Bargo to permit continued assessment of the following changes to Wollondilly Local environmental Plan 2011:
 - Change the zoning of the land to R5 Large Lot Residential; and
 - Change the minimum lot size to 4000 square metres.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended:
 - That Council support the proposed amendment to the Land Adjoining Bargo Sportsground Planning Proposal to zone the entire site R5 Large Lot Residential with a minimum lot size of 4000 square metres.
 - That the updated Planning Proposal be forwarded to the Minister for Planning and Environment for a revised Gateway Determination to reflect the zoning and minimum lot size changes.
 - That the proponent be informed of Council's resolution.

REPORT

1.1 SITE DESCRIPTION

The site is a large rural allotment located in Bargo. The site is 5.637 hectares in area and a majority of the site forms a rectangular shape with an access handle to Kader Street in the north east corner.

The frontage to Kader Street is 13.72 metres wide and the section fronting Kader Street is unsealed. For most part the site contains a gentle slope extending from the south western corner of the site to the north eastern corner of the site.

The site contains two watercourses, one of which runs across the narrow access handle. The other natural watercourse extends across the south west corner of the site. A dam has been constructed within the channel.

There are currently no buildings on the lot. The lot is predominantly cleared with some scattered vegetation, most notably in the north eastern corner of the site within the access handle and also in the south western corner of the site generally aligned with the natural watercourse.

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

The adjoining lands to the west of the site are zoned rural and typically contain dense vegetation with no buildings. The lands to the immediate north of the site consist of two lots and are zoned low density residential. The two lots are under single ownership and contain one dwelling and some outbuildings. The dwelling is located towards the front (Kader Street) boundary. The remainder of this adjoining site contains native vegetation.

To the east of the site is the Bargo Sportsground. To the south of the site is a large lot which is zoned E2 Environmental Conservation. The lot to the south contains predominantly dense vegetation and no buildings. At its nearest point the site is approximately 250 metres from the Bargo Town Centre and approximately 400 metres from Bargo Public School.

1.2 DESCRIPTION OF PROPOSAL

The Planning Proposal for the amendment of Wollondilly Local Environmental Plan 2011 (WLEP 2011) was submitted to Council in February, 2012 and preliminary consultation was carried out in May, 2012.

Council originally supported the Planning Proposal at its Ordinary Meeting of July, 2012 in the following form:

- Part R2 Low Density Residential (with 450 square metre minimum lot size);
- Part R5 Large Lot Residential (with 1000 square metre minimum lot size);
- 9m maximum building height.

A Gateway Determination was issued on 9 February 2013 which is discussed in further detail below. Post Gateway consultation with Sydney Water has revealed that there is insufficient capacity in the Bargo Priority Sewerage Program (PSP) to cater for any further low density development in the Bargo area. In response to this advice, the Planning Proposal was revised to apply an R5 Large Lot Residential zone to the entire site with a minimum lot size of 2000 square metres.

The amended Planning Proposal was adopted by Council at its July, 2014 Council meeting. Further internal consultation and external consultation with government agencies revealed that a 2000 square metre minimum allotment size would still not be sufficient given the constraints of the site.

It is now proposed that the Planning Proposal be amended to establish a minimum lot size of 4000 square metres across the entire site. It is considered that this lot size would enable future development of the site to accommodate the vegetation, wastewater, bushfire and heritage constraints.

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

1.3 GATEWAY DETERMINATION

A Gateway Determination was issued on 9 February 2013. The Determination permitted the proposal to proceed. The Gateway Determination granted that the planning proposal's inconsistencies with Section 117 Direction 1.2 Rural Zones is in accordance with the draft South West Subregional Strategy and no further approval is required in relation to this direction.

The Gateway Determination was to rezone land to Part R2 Low Density Residential and Part R5 Large Lot Residential and apply a minimum lot size of 450 square metres for land proposed to be zoned R2 and 1,000 square metres for land proposed to be zoned R5 and a maximum building height of nine metres, and if appropriate amend the Natural Resources - Biodiversity Map and Water Map.

On 16 July 2014, Council resolved to amend the Planning Proposal to enable R5 Large Lot Residential and 2000 square metres, an amended Gateway Determination was not required based on advice from the Department of Planning.

However, if the latest amendment to the Planning Proposal is supported by Council, a revised Gateway Determination is required due to the significant departure from the original proposal.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

The following comments on the Planning Proposal were received from Council staff:

Manager Environmental Services

Council's Environmental Services Section have raised some broader concerns with the Planning Proposal which do not impact on the proposed increase in minimum lot size from 2000 square metres to 4000 square metres. It is considered that these issues would need to be resolved before proceeding to public exhibition and further consultation will be carried out with the proponent with an aim to resolve those issues prior to the exhibition stage.

Senior Environmental Health Officer

Council's Environmental Health Officer had previously commented on the Planning Proposal following the submission of Specialist Studies (based on a minimum lot size of 2000 square metres) and the following concerns were raised:

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

"The Specialist Study states that 411 metres of effluent disposal area will be required for a 5 bedroom house. Once buffer distances are added to this figure; a quarter of the lot is required to be available for effluent disposal. It is unrealistic that owners would want to keep much of this area free for effluent disposal and as such will likely consider pump out which should only be considered as a last resort emergency option and should not be an option at the Planning stage".

The Environmental Health Officer has supported the proposal based on a minimum lot size of 4000 square metres and raised no further concerns with the Planning Proposal.

Design Engineer

Additional flood modelling was submitted which indicates that the majority of the site is inundated in the 1% AEP flood and that it is intended to fill the land to provide acceptable building sites (0.5m above the 1% AEP Level).

The difficulty with this scenario is that the site is surrounded by the 1% AEP flood and so evacuation once the roads are cut becomes a problem. This is when the PMF becomes important as we can say the land above this level is flood free. Evacuation is all about a continuously rising rout to flood free areas.

The flood modelling prepared by the proponent recommends the use of filled platforms (using vertical retaining walls) so that the site is shown as flood free.

There are two issues with this approach:

- A vertical edge to the floodwaters makes it difficult for any persons caught in the water to exit and it will separate a future lot into two halves
- The filling has impacts on flood behaviour by removing flood storage and acting to block flows and raise levels on adjoining properties.

As an alternate to the above, Council's design Engineer recommends the use of limited filling to provide building platforms associated with a central road providing this does not adversely impact the 1% AEP Flood Levels and has limited impact on the PMF on adjacent land.

The road will need to provide access during a 1% AEP flood without adversely impacting 1% AEP flood levels and limited impact on the PMF on adjacent land. The road will also need to provide a continuously rising profile away from any low point to an area of publicly accessible flood free land (this is expected to be required and may be provided in an area at the higher part of the site to the south by limited filling if required).

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

A pedestrian access into the rear of the sportsground is considered desirable and a flood free island within the site may also tie into this to provide a larger area if appropriate.

2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with the following Public Agencies:

- Greater Western Sydney Local Land Services
- Office of Environment and Heritage
- NSW Department of Primary Industries
- NSW Department of Trade and Investment
- NSW Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Endeavour Energy.

Consultation was carried out with the relevant public agencies in September/October, 2014 following the submission of Specialist Studies for the Planning Proposal.

Several government agencies raised concerns with the proposed 2000 square metre minimum lot size. The following is a summary of the matters raised by public authorities and Council assessment comments.

NSW Rural Fire Service (NSW RFS)

In relation to future residential or Special Fire Protection Purpose (SFPP) development on bushfire prone lands, it is suggested that the requirements of Planning for Bushfire Protection, 2006 be considered in the Planning stages.

Comment: The implementation of a 4000 square metre minimum lot size across the site would better enable future lots to incorporate the Asset Protection Zones required along the western boundary of the site. The required asset protection zones along this boundary range from 20-25 metres and it is considered that this could be incorporated into 4000 square metre lots with minimal impact on the existing vegetation along the western boundary.

The additional information provided by the proponent notes that the increase in lot size to 4000 square metres may impede the ability for a perimeter road to be provided within the site. RFS have provided further advice to the proponent which advises that any future Development Application would need to demonstrate that the intent of public road measures is achieved by meeting the performance criteria in section 4.1.3 of PBP 2006.

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

The advice from the RFS has indicated that consideration could be given to a single access to the site and the Bushfire Assessment Report at the development application stage would need to demonstrate that the width and design permit safe egress/access and the nominated path of travel is the best available option within the site in order for the RFS to be able to provide a Bushfire Safety Authority at the development application stage.

Office of Environment and Heritage (OEH)

OEH have stated that they do not support the Planning Proposal with a minimum lot size of 2000 square metres across the entire site and recommends a range of zoning and other planning controls to more appropriately protect the natural and cultural values of the site.

OEH have also provided advice that the Aboriginal and Cultural Heritage Assessment needs to be revised to ensure that it provides adequate and robust investigations, consultation, assessment and quantification of:

1. *The consultation with the local aboriginal community in accordance with the OEH Aboriginal Cultural Heritage Consultant Requirements for Proponents 2010.*
2. *The nature, extent and significance of archaeological resources and/or cultural values on the site (particularly any areas of high significance).*
3. *Recommendations for appropriate management of areas of cultural and archaeological significance on the site suitable to guide the Planning Proposal and any subsequent decisions by Council to amend the LEP.*

Comment: The 4000 square metre minimum lot size would enable much of the remaining vegetation on the site to be retained particularly in the south western corner and north eastern corner of the site. It is considered however, that the south western corner may need to be incorporated into a lot which is quite larger than the minimum 4000 square metre lot size to ensure that the building envelope, effluent disposal areas and asset protection zones do not impact on the existing vegetation and dam on the site.

The larger lot size would enable APZ's along the western boundary to be contained within the existing cleared areas. The additional ecological assessment submitted has advised that all impacts from the 10/50 code of practice would be able to be minimised to 0.24ha of direct impact. Much of the part of the site that would be impacted by the 10/50 code is already highly disturbed/under-scrubbed and any additional impacts associated with the 10/50 code are expected to be minimal.

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

Further test excavations would need to be carried out to confirm the significance of items in the areas of the site identified as high or moderate in value in the Aboriginal Cultural Heritage Assessment in order to address the concerns of OEH. The proposal to increase the lot size to 4000 square metres would better enable any significant areas to be retained either through the allocation of building envelopes on future lots or the imposition of a protective covenant on the significant areas at the future subdivision stage.

Other Agencies

None of the other government agencies who were consulted raised concerns with the previously proposed minimum lot size of 2000 square metres.

2.3 COMMUNITY CONSULTATION

Preliminary consultation was undertaken in May, 2012. No community consultation has been carried out in relation to the latest changes to the Planning Proposal as the changes would result in lower density development than the proposal that was previously exhibited. Formal consultation will occur at a future stage of the Planning Proposal. It should be noted that the Applicant is aware and agreeable to the proposed change to the draft minimum lot size provision.

2.4 PUBLIC HEARING

A Public Hearing under the *Local Government Act, 1993* has not been required for this Planning Proposal to date.

3.1 PLANNING PROPOSAL

The Planning Proposal has been prepared in accordance with Section 55 of the EP&A Act, 1979 and the guidelines published by the Department of Planning & Environment. The Planning Proposal has been revised from the version previously considered by Council at its July, 2014 Council Meeting in response to matters raised through internal and external consultation.

Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section 2.14 of this report.
2. Resolve to support the Planning Proposal in another form. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.
3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, submitters and the DP&I that the Planning Proposal has been terminated. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council' refusal to support the Planning Proposal at this stage of the process.

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

Option 1 is the recommendation of this report.

RELEVANT CONSIDERATIONS

4.1 A PLAN FOR GROWING SYDNEY

The proposed amendments to the planning proposal will not result in any inconsistency with the Plan.

4.2 DRAFT METROPOLITAN STRATEGY 2013

The proposed amendments to the planning proposal would not result in any inconsistency with the Metropolitan Strategy and the planning proposal would still contribute to the overall dwelling targets outlined in the Strategy for the South West Growth Centre.

4.3 DRAFT SOUTH WEST SUBREGIONAL STRATEGY

The amendments to the Planning Proposal to increase the proposed minimum lot size to 4000 square metres would be consistent with the key directions contained in the strategy, particularly the directions contained in section E, Environment, heritage and resources as the amendments would enable future development to occur in accordance with the constraints of the site.

4.4 METROPOLITAN PLAN FOR SYDNEY TO 2036

The Planning Proposal would remain consistent with the strategic directions contained in the Metropolitan Plan for Sydney 2036.

4.5 DRAFT SOUTH WEST SUBREGIONAL STRATEGY TO 2031

The proposed amendment to planning proposal to introduce a 4000 square metre minimum lot size across the entire site would not be contrary to any provisions contained in the sub-regional strategy.

4.6 SECTION 117 MINISTERIAL DIRECTIONS

Planning for Bushfire Protection

The increase in lot size would improve the ability of the Planning Proposal to comply with the ministerial direction, in particular clause 6(a) which requires the provision of required asset protection zones. The increase in lot size may make a future development difficult to comply with clause 6(c) which requires the provision of perimeter roads. RFS have advised however, that they would consider such a layout with a one way in/one way out arrangement provided that it is able to be demonstrated that the performance criteria Section 4.1.3

(1) in Planning for Bushfire Protection 2006 would be achieved during a future development application stage.

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

4.7 STATE ENVIRONMENTAL PLANNING POLICIES

The amendments to the Planning Proposal to increase the proposed minimum allotment size to 4000 square metres would not create an inconsistency with any relevant SEPP.

4.8 DRAFT AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013

The Planning Proposal would not be contrary to the SEPP. It is noted that the SEPP requires a 2 kilometre buffer distance of any coal seam gas development to a residential zone, future residential growth area or rural village. There is currently no exploration license within 2 kilometres of the site and no objections to the Planning Proposal have been made by NSW Trade and Investment.

4.9 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

The proposed amendment does not affect the sites suitability as previously assessed under the GMS.

4.10 FINAL FORM OF PLANNING PROPOSAL

The final form of the Planning Proposal may be further refined after public exhibition and further consultation with government agencies, however it is considered that at this point in time the Planning Proposal is able to proceed based on a proposed minimum lot size of 4000 square metres. It is considered that the 4000 square metre minimum lot size adequately addresses the concerns raised by Council staff and Government Agencies made during comments on specialist studies.

4.11 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Based on the specialist studies and consultation and engagement the Planning Proposal now seeks amendments to WLEP 2011 as described below:

- Amend the Land Zoning Map from Zone RU2 to Zone R5 Large Lot Residential
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to 4000 square metres
- Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres.

4.12 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

No amendments are proposed to WDCP 2011 at this point in time, however, it is acknowledged that controls may be required to be added to the DCP in respect of aboriginal heritage and flooding at a future stage.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
15 June 2015

PE1 - Planning Proposal - Land Adjoining Bargo Sportsground

4.13 FINAL FORM OF VOLUNTARY PLANNING AGREEMENT (VPA)

The Planning Proposal does not include a Voluntary Planning Agreement.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through Council's adopted Fees and Charges.

All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS:

Nil

RECOMMENDATION

1. That Council support the proposed amendment to the Land Adjoining Bargo Sportsground Planning Proposal to zone the entire site R5 Large Lot Residential with a minimum lot size of 4000 square metres.
2. That the updated Planning Proposal be forwarded to the Minister for Planning and Environment for a revised Gateway Determination to reflect the zoning and minimum lot size changes.
3. That the proponent be informed of Council's resolution.

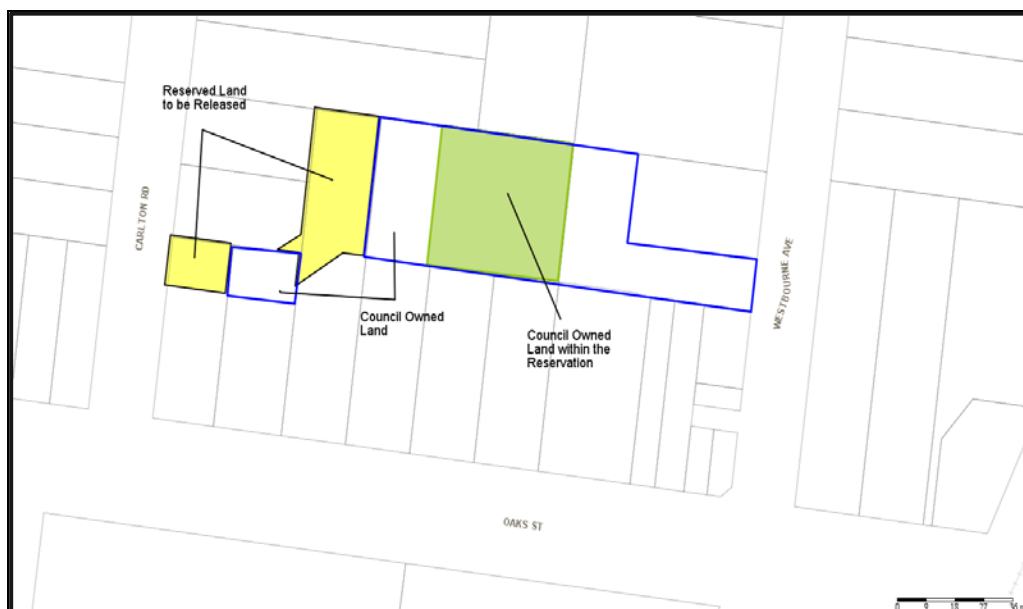
PE2 - Proposed Housekeeping LEP Amendment - Penny Lane Land Acquisition Release

PE2 Proposed Housekeeping LEP Amendment - Penny Lane Land Acquisition Release

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TRIM 5298

Applicant: Not Applicable
Owners: D R Roache, Pikestaff Investments Pty Ltd, L Thornton



Stage	Completed
Preliminary notification	Not required
Gateway Determination	Not yet commenced
Consultation with Public Agencies	Not yet commenced
Specialist Studies	Not yet commenced
Public exhibition/community consultation	Not yet commenced
Referred to Minister for Publication	Not yet commenced

EXECUTIVE SUMMARY

- Council has a long standing position to acquire land in Thirlmere for car parking behind the existing shops fronting Oaks Street.
- Council has been approached by one of the land owners affected by the reservation. The owner wishes to develop their land and has asked Council to either acquire the part of the site that is affected by the reservation or to release it.

PE2 - Proposed Housekeeping LEP Amendment - Penny Lane Land Acquisition Release

- Following a review, it is the opinion of Council staff that there is currently sufficient land owned by Council to service Thirlmere's commercial precinct and that there is no need to acquire further land for this purpose.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended:
 - That Council prepare a planning proposal to release Lots B & C DP 383947 and Lot 3 Section C DP 1569 from the land reserved for acquisition layer in Wollondilly Local Environmental Plan, 2011.
 - That Council seek delegation to make this plan.
 - That a further report come to Council on the requirements of the gateway determination.

REPORT

1.1 SITE DESCRIPTION

The land is vacant unimproved land located behind and adjacent to the Thirlmere Commercial Area. The area reserved for acquisition is severed by land that has already been acquired by Council. Taken as a whole, the reservation and existing Council own land forms a corridor from Carlton Road to Penny Lane (and then Westbourne Avenue).

The land is largely flat and appears suitable for providing car parking.

1.2 DESCRIPTION OF PROPOSAL

Council has already acquired Lot 100 in DP1175654. When fully constructed, a car park on this lot will accommodate approximately 110 parking spaces. A car park of this size will service the car parking demand generated by Thirlmere commercial precinct. A further report, regarding Lot 1 in DP 793568, which Council has also acquired, may recommend disposal given the relative size (i.e.297m²) and lack of connectivity with the lot mentioned above.

It is proposed to release the car parking reservation on Lots B & C DP 383947 and Lot 3 Section C DP 1569.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL MANAGERS & STAFF

The following comments on the Planning Proposal were received from Council departments:

PE2 - Proposed Housekeeping LEP Amendment - Penny Lane Land Acquisition Release

Infrastructure Planning

Council engineers have advised that they do not consider the additional land is required to provide car parking in Thirlmere.

2.2 CONSULTATION WITH PUBLIC AGENCIES

Not required.

2.3 COMMUNITY CONSULTATION

The application has not been subject to initial notification. Public exhibition is proposed if the proposal proceeds. This exhibition would include particular consultation with the affected land owners, their neighbours and those operating business in Thirlmere's commercial area.

3.1 PREPARATION OF A PLANNING PROPOSAL

To be fair to land owners burdened by this reservation Council needs to decide if it wishes to acquire the land or to release the reservation. This report recommends that Council prepare a planning proposal to release the reservation and seek a gateway determination from the NSW Government. This determination would outline what action would be necessary to release the restriction. A further report would then come to Council advising on how to proceed.

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Environment. The Planning Proposal is then forwarded to the Minister for Planning and Environment for a Gateway Determination.

Council's options are:

1. Agree to purchase the reserved land as the various owners commence development of their land or find themselves in a position of financial hardship.
2. Resolve to support a Planning Proposal to release the reservation. This support would then be reviewed once the details of a gateway determination from the NSW government are known. If the proposal progresses further, community consultation will be undertaken.
3. Resolve to support a Planning Proposal to release the reservation and to fund any specialist studies that may be required. This would mean that the next report to Council would be when the proposal is ready to be finalised.

Option 2 is the recommendation of this report.

PE2 - Proposed Housekeeping LEP Amendment - Penny Lane Land Acquisition Release

RELEVANT CONSIDERATIONS

4.1 A PLAN FOR GROWING SYDNEY

The planning proposal will not result in any inconsistency with the Plan.

4.2 DRAFT SOUTH WEST SUBREGIONAL STRATEGY

This plan does not deal with the of detail of how car parking will be provided in this town centre.

4.3 METROPOLITAN PLAN FOR SYDNEY 2036

This plan does not deal with the detail of how car parking will be provided in this town centre.

4.4 DRAFT SOUTH WEST SUBREGIONAL STRATEGY TO 2031

This plan does not deal with the detail of how car parking will be provided in this town centre.

4.5 SECTION 117 MINISTERIAL DIRECTIONS

It is possible that the NSW Department of Planning may require Council to undertake specialist studies to demonstrate compliance with the Section 117 directions. The Department may request that Council prepare an economic study, traffic study and/or car parking study. While it is considered that no studies should be provided, it is possible that the department may require these to be prepared in any case. There is no current budget for the cost of preparing any such studies.

4.6 STATE ENVIRONMENTAL PLANNING POLICIES

This minor proposal does not offend any State Environmental Planning Policy.

4.7 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

This strategy identifies the land as being part of the Thirlmere Commercial Centre but does not deal with the detail of how car parking will be provided.

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

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Acquisition Map to remove the reservation for car parking from Lots B & C DP 383947 and Lot 3 Section C DP 1569.

4.9 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP, 2011)

No amendments are proposed to WDCP 2011.

PE2 - Proposed Housekeeping LEP Amendment - Penny Lane Land Acquisition Release

FINANCIAL IMPLICATIONS

Council has no adopted budget to purchase this land.

This planning proposal project would be dealt with through the existing strategic planning and mapping budgets with no fees being obtained from land owners. Any specialist studies required would need to be funded by Council and there is no budget for this.

ATTACHMENTS:

Nil

RECOMMENDATION

1. That Council prepare a planning proposal to release Lots B & C DP 383947 and Lot 3 Section C DP 1569 from the land reserved for acquisition layer in Wollondilly Local Environmental Plan, 2011.
2. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
4. That a further report be provided to Council detailing the requirements of any Gateway Determination and give consideration to whether the Planning Proposal should proceed.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 June 2015

PE3 - Planning Proposal - Montpelier Drive Residential Land

PE3

Planning Proposal - Montpelier Drive Residential Land

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TRIM 6961

Applicant: Pascoe Planning
Owner: Mr D C Beauchamp & Mrs T C Beauchamp
 Mr C P Hunt & Mrs H C Hunt



Stage	Completed
Preliminary notification	26 November 2012 - 7 January 2013
Gateway Determination	3 July 2013
Consultation with Public Agencies	24 July 2013 to 17 August 2013
Specialist Studies	20 November 2014
Public exhibition/community consultation	25 March 2015 - 24 April 2015
Referred to Minister for Publication	

Planning & Economy

PE3 - Planning Proposal - Montpelier Drive Residential Land

EXECUTIVE SUMMARY

- This report seeks a Council resolution to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lot 601 DP 735032 and Lot 1 DP 1043567 being No's 780-790 Montpelier Drive, The Oaks to:
 - Change the zoning of the land to Zone R2 Low Density Residential
 - Change the minimum lot size to 975m²
 - Change the maximum height of building to 6.8m at the eastern end and 9m at the western end
 - Change the natural resources biodiversity map to include environmentally sensitive land
 - Change the natural resources water map to include riparian land
- The Planning Proposal includes amendments to the Wollondilly Development Control Plan, 2011 for rural and heritage character, road efficiency, rural land use conflict, aviation risk, dam failure risk and stormwater management.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy.
- Council is authorised by the Minister with delegation to make this plan.
- Four submissions were received in response to Community Consultation. Of these submissions 3 objected and 1 was neutral.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended:
 - that Council adopt and make the Draft Local Environmental Plan in the form it was exhibited.
 - that the Draft Local Environmental Plan be forwarded to the Minister for Planning and Environment for publishing.
 - that Council amend the Wollondilly Development Control Plan, 2011 with amendments effective from the date at which the amended LEP is published. That these amendments also be incorporated into Draft Wollondilly Development Control Plan 2015.
 - that the applicant and persons who made submissions be notified of Council's decision.

PE3 - Planning Proposal - Montpelier Drive Residential Land

REPORT

1.1 SITE DESCRIPTION

The site is located approximately 820 metres south from The Oaks village on the eastern side of Montpelier Drive. Most of the site is cleared and slopes gently towards the Hardwicke Street road reserve on the eastern end. A single-storey dwelling and ancillary buildings are located on each property. Three dams are located on Lot 1 with the largest incorporating an unnamed tributary of Werri Berri Creek which runs downstream from south to north across the western end of the site. A large dam upstream on a property immediately to the south is also part of this unnamed tributary. Land adjoining to the north of the site was rezoned for low density residential purposes in 2012 and a residential subdivision is currently being constructed. Other surrounding land is used for agricultural and rural-residential purposes.

The Oaks airfield and east west runway is located directly to the north- west across Montpelier Drive. An unformed road adjoins the southern side of the site and Jooriland Road is offset diagonally to this road.

1.2 DESCRIPTION OF PROPOSAL

It is proposed to develop the site for the purposes of low density residential development for approximately 60 dwellings. This development is likely to be restricted to the eastern end of the site as the western end of the site is flood prone. The main access to the site is proposed from an unformed public road reserve adjoining to the south. Hardwicke Street on the eastern end will be used for emergency access only for fire fighting and potentially flood evacuation. It is also proposed to enable road and pedestrian links to the adjoining residential subdivision being constructed to the north.

The site contains a small area of Cumberland Plain Woodland which is proposed to be conserved on site. The tributary is proposed to be protected by a riparian buffer. Height restrictions for buildings and structures are proposed to reduce risk to aviation and limit the impact on the rural character. Density provisions across the site would apply to ensure the rural character is maintained. Landscaping and setbacks along the southern end are proposed to provide a buffer to rural land.

1.3 GATEWAY DETERMINATION

A Gateway Determination was issued dated 3 July 2013. The Determination permitted the proposal to proceed. The Gateway Determination granted that the planning proposal's inconsistencies with Section 117 Direction 1.2 Rural Zones is in accordance with the draft South West Subregional Strategy and no further approval is required in relation to this direction. The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Gateway Condition	Addressed by:
<p>Additional information about traffic & transport, aviation risk, heritage, flooding, stormwater & water quality, flora & fauna and potential for land use conflict should be placed on public exhibition with the planning proposal.</p>	<p>Completed.</p>
<p>Council should update its consideration of S117 Directions 2.1 Environment Protection Zones, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments to reflect the outcome of the studies and government agency consultation.</p>	<p><u>S117 Directions</u> <u>2.1 Environment Protection Zones</u> The Flora and Fauna study identified a small area of remnant Cumberland Plain Woodland which is proposed to be identified on the Natural Resources Biodiversity map. The planning proposal is not inconsistent with Direction 2.1.</p> <p><u>4.3 Flood Prone Land</u> Flood prone land identified on the site is proposed to be zoned R2. This is inconsistent with Direction 4.3. However a concept plan outlines a proposal to use this flood prone land for the purpose of stormwater management and protection of water quality and riparian corridors. The proposed treatment of this flood prone land is in accordance with the principles and guidelines outlined in the Floodplain Development Manual, 2005.</p> <p><u>4.4 Planning for Bushfire Protection</u> The site is impacted by bushfire hazard on its eastern end. The RFS Commissioner was consulted as per this direction. The Bushfire Constraints Assessment indicates that the site is able to meet the requirements of this direction.</p> <p><u>5.2 Sydney Drinking Water Catchment</u> The site is proposed to be serviced by reticulated water and sewerage services. An assessment of water quality indicates that the proposed development would have a neutral or beneficial effect on water quality. The proposal is consistent with the <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i>.</p>

PE3 - Planning Proposal - Montpelier Drive Residential Land

Gateway Condition	Addressed by:
Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. Council is to prepare an initial site investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.	The site has been determined to contain contaminated material and will require remediation prior to subdivision. This requirement has been included as a control in site specific DCP provisions.
Community consultation is required for a minimum of 28 days.	Completed
Consultation is required with relevant public authorities listed in the Gateway Determination.	Completed
A public hearing is not required to be held by Council unless required in response to a submission.	Noted
The timeframe for completing the LEP is 12 months from the week following the date of the Gateway determination.	An alteration to the Gateway determination was sought to allow the timeframe to be extended to July 2015.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

The following comments on the Planning Proposal were received from Council staff:

Manager Infrastructure Planning

Traffic

Vehicular access from Montpelier Drive via the unformed public road is supported. To ensure traffic conflict is reduced Jooriland Road should be aligned with this proposed new access road. A reduction in speed along Montpelier Drive to allow safe access into this new road is likely to be required. Consideration has been given to future access in the design of the new subdivision adjoining to the north to allow for an alternative access route. No access into Hardwicke Street other than for emergency vehicles or evacuation is proposed.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Flooding

A significant part of the site is flood prone and there is the possibility of the large dam failing on the adjoining property to the south. The important issue is the management of flooding and associated risks. The exact limits of flooding will vary for example with the design of the access road and the detailed drainage design. The scenario may also change if the property (or the dam) upstream is modified in future.

A control to exclude development within the potential dam failure zone has been included in the draft DCP site specific provisions.

Future stormwater management will require long term maintenance and there are controls within the site specific draft DCP provisions.

Recreation Facilities

No additional recreation facilities are required specifically to service this site and proposed pedestrian links are supported.

Manager Environmental Services

There are no significant environmentally sensitive areas on the site. A small amount of remnant Cumberland Woodland vegetation was identified and is included on the Natural Resources Biodiversity map. It is proposed to be retained on site. Revegetating with suitable native species around the waterways, consistent to riparian river flat forest, is required to prevent erosion and assist in maintaining water quality.

Manager Community Outcomes

The Infrastructure study contains a brief discussion of community facilities that basically suggested that the additional population (60 lots) would be adequately serviced by existing infrastructure and that a contribution be made as outlined in Council's S94 contributions plan.

The study also suggested that the relatively poor provision of public transport and cycle infrastructure will be improved with planned adjoining developments as well as future contributions from the developer likely to be required as part of the planning consent. A connecting cycleway/pedestrian path is proposed along Montpelier drive and linked to the adjoining subdivision.

This proposal seems adequate considering the size of the development and its proximity to The Oaks Village centre. Concerns raised through the exhibition period appear to have been addressed through the specialist studies.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Manager Governance

Council land and roads should not to be used as Asset Protection Zones.

Access to the site has been proposed via the unformed public road reserve between 760 & 790 Montpelier Drive. The proponent is proposing to align this road to form an intersection with Jooriland Road through acquisition of neighbouring land (760 Montpelier Drive). The proponent would require written consent from the adjoining neighbour for the splay as part of the application.

There is a Limited Title on 790 Montpelier Drive (Lot 1 DP 1042367) which indicates that the boundaries for Lot 1 DP 1043567 have not been investigated by the Registrar General (RG). A new survey plan should be provided by the applicant subdividing this parcel. Council can then be assured the land title is valid.

2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with the following Public Agencies:

- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Office of Environment and Heritage
- Sydney Water
- Transport for NSW - Roads and Maritime Services
- Endeavour Energy
- Civil Aviation Safety Authority
- NSW Education and Communities
- Department of Primary Industries - Agriculture
- Department of Primary Industries - Office of Water
- Sydney Catchment Authority (S117 Direction 5.2 Sydney Drinking Water Catchments).

The following is a summary of the matters raised by public authorities and assessment comments.

NSW Rural Fire Service (NSW RFS) (Section 117 Direction 4.4 Planning for Bushfire Protection)

The RFS notes that the eastern edge of the site is impacted by the Wollondilly Bush Fire Prone Land Map but has no objection to the proposed rezoning.

Future development will be subject to the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act 1997.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Comment

The RFS comments are noted. A bushfire hazard assessment has been undertaken which makes recommendations with regard to APZs and these are able to be met on site. Bushfire protection requirements under Planning for Bushfire Protection 2006 will be assessed further for a residential lot layout lodged as part of any future development application for subdivision.

Office of Environment and Heritage - Environment Branch

The Environment branch recommended the completion of an archaeological assessment and a cultural heritage assessment to inform the planning proposal.

Comment

An aboriginal archaeological and cultural assessment was undertaken which found that the site did not contain any aboriginal archaeological heritage items. Consultation was undertaken with local Aboriginal groups who did not identify that the site had any cultural significance. The Environment Branch was satisfied with the assessment.

Office of Environment and Heritage - Heritage Council

The heritage branch noted the two listed heritage items – Rose Cottage and The Oaks Airfield. They indicated that a heritage impact assessment is required which considers the suitability of the rezoning and provides an assessment on the likelihood of visual and physical impacts on heritage items resulting from the future envisaged subdivision and residential development of the site.

Comment

A heritage impact assessment was undertaken and found that the proposed rezoning would not impact on the existing heritage items.

Three other items are considered to have heritage value but are not listed on any heritage register. A group of rural buildings at 800 Montpelier Drive are not considered to merit listing based on a previous study. An early cottage at 745 Montpelier Drive and an early farm dam at 662-676 Montpelier Drive will be considered for listing as part of a separate heritage based planning proposal currently being undertaken. The Heritage Council has indicated that they will be providing comments in response to the public exhibition but these are not expected to require any change to the planning proposal.

Sydney Water

Water

The proposed development will be serviced by a drinking water extension of the 100mm main in Montpelier Drive and infrastructure will be in accordance with relevant codes.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Wastewater

A wastewater main will connect to the 150mm main located on the northern section of the adjoining lot to the north and infrastructure will be in accordance with relevant codes.

Comment

Existing water and wastewater infrastructure will need to be extended and this will be undertaken with future development of the site.

Transport for NSW – Roads and Maritime Services (RMS)

The RMS have advised that given the distance of the proposed rezoning to any classified roads and the potential maximum yield of approximately 60 low density single residential dwellings in the rezoning area, the planning proposal is unlikely to have a significant impact on the classified road network. Therefore, RMS does not object to the planning proposal in principle.

The RMS strongly supports sustainable modes of travel – buses, bicycles and walking - to reduce car dependency. Where applicable the rezoning proposal should make provisions for developer funding or required road/transport infrastructure provisions, including cycleways that may be required as a result of the additional development.

The RMS also advised that Council should refer to the Premier's Council for Active Living – Designing Places for Active Living which proposes key design considerations for urban places to positively impact on individual and community health and well-being in the broadest sense thereby meeting multiple health, environmental and social objectives.

Comment

In terms of sustainable modes of travel it is proposed that the shared pathway which provides a link to The Oaks village centre along Montpelier Drive be extended to include this site. Pedestrian/cycleways are also proposed to be developed within the site and integrated with the adjoining newly subdivided land at 800 Montpelier Drive which has included potential transport connections to this site.

There are limited bus services within The Oaks but it is anticipated that bus stop infrastructure required for the adjoining site will be close enough to also service this site.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Council has a bike plan which includes The Oaks and the provision of a shared pathway along Montpelier Drive will add to this developing plan. Council's engineering design guidelines include requirements for shared pathways along local roads. Council's development control plans support the provision of sustainable transport options. Consideration of the matters raised in Designing Places for Active Living will be undertaken during future planning and assessment of any application for subdivision of the planning proposal site.

Endeavour Energy

No submission was received from Endeavour Energy.

Comment

The Infrastructure report details the requirements for augmentation of the high voltage mains on Montpelier Drive. Provision of electricity services will be undertaken by any future developer of the site.

Civil Aviation Safety Authority (CASA)

It is considered that operations at The Oaks using the east-west runway may not be compatible with the proposed development.

Aircraft operated at The Oaks are generally home-built, ultralight aircraft which are designed, built and flown by members of Recreational Aviation Australia (RA-Aus). RA-Aus aircraft and pilots are exempted from a number of provisions of the civil aviation legislation that relate pilot training and licensing, and to aircraft design standards, certification and airworthiness.

The take-off and approach surfaces that apply to an aeroplane landing area (ALA) are intended to provide obstacle clearance in the critical phases of flight when an aircraft is close to the ground during take-off or landing. They are not intended to provide clearance between an aircraft taking-off or landing and a populous below the aircraft's flight path.

The consultant's assessment did not consider aircraft noise, and this alone will undoubtedly affect the quality of life and well-being of residents. It is considered that residents would be more concerned about RA-Aus aircraft flying at low level over their houses, regardless of the noise level.

To reiterate, CASA is not able to control operations at an ALA, or to apply conditions on a development that may be affected by operations at an ALA. The imposition of conditions on a residential development, or on the zoning of land used as an ALA, is therefore not within CASA's jurisdiction.

Comment

CASA is concerned with the safety aspects of allowing aircraft over a residential area and also with the continued operation of the east-west runway.

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The Aviation Risk Assessment has demonstrated that there is minimal risk for potential future residents from aircraft of all types using the east-west runway. The east-west runway is not the main runway at The Oaks airfield and is only used in certain weather conditions when the other two runways are unusable. With respect to CASA's previous comments about the reliability of aircraft using the east-west runway, this factor has been taken into account in the assessment through the use of a crash rate derived from similar unregistered/uncertified recreational aircraft types within Australia. This rate is 7-8 times higher than the crash rate for typical CASA-registered light aircraft used by private pilots (eg Cessna 172 etc).

The flight path covers around one-third of the potential future area to be used for residential development. Around a quarter of the site at the western end nearest the runway is flood prone and will not contain dwellings or habitable structures.

Controls to limit the height of buildings, structures and trees will be put in place to assist in mitigating potential risk to aircraft during take-off and landing.

The level of noise anticipated from the limited use of the east-west runway would not restrict the proposed residential land use. However acoustic measures for future dwellings in Wollondilly DCP that are in place for the adjoining land to the north of this site will also be used for this site.

Future residents will be aware that the site is affected by aircraft flying overhead by covenants on the land title in relation to noise and height restrictions due to aviation use. Complaints from potential future residents about any legal operation of the airfield would not be considered a valid reason to limit its operation.

Accordingly it is considered that the proposed provisions and controls will enable the east-west runway to continue to be safely used and with minimal impact on residents and their quality of life.

NSW Education and Communities (NSW Education)

NSW Education has indicated that there would be sufficient capacity at The Oaks primary school to cater for additional students generated from the proposed approximately 60 dwellings resulting from the rezoning.

Comment

Noted.

Department of Primary Industries - Agriculture

Suitable fencing and a landscaped buffer to prevent public access into the property to the south are suggested.

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The proposed landscaping of the access road to provide screening and a minimum setback of 10m from the access road to provide a buffer between rural and urban uses is supported.

The Compatibility Report mentions a poultry farm however no recommendation was noted regarding potential odour drift towards the proposed residential area.

Comment

Fencing/landscaping to prevent both the public from entering and livestock from escaping would need to be addressed by the landowner.

Support for the proposed screening landscaping and setbacks is noted.

The subject poultry sheds are located around 1km east of the nearest property boundary. An odour assessment was undertaken around 7 years ago as part of a development application for an additional shed and found that odour to sensitive receivers including some further from the subject site was well below exceedance criteria.

Department of Primary Industries - Office of Water

Two dams are proposed to be modified to create online wetlands and their purpose is not clear and does not comply with NSW Office of Water guidelines. Further consultation is required to determine the merit of the online wetland design.

Water Holding Structures (Dams)

The design of water holding structures will need to consider the Maximum Harvestable Rights Dam Capacity for the property area of the newly created lots or reduction, removal or licensing will be required.

The proponent should consider consulting with the Dams Safety Committee to determine the safety and integrity of any dam with regard to proposed development and any modification to dams upstream.

Water NSW (previously Sydney Catchment Authority) (Section 117(2) Direction 5.2 Sydney Drinking Water Catchment)

The subject site is within the Sydney drinking water catchment and planning proposals are required to demonstrate that water quality is protected and that future development is able to demonstrate a neutral or beneficial effect on water quality. Water NSW is pleased to note that the proposal identifies the importance of achieving a neutral or beneficial effect on water quality in the catchment and identifies a range of measures that can achieve this.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Strategic Land and Water Capability Assessment (SLWCA)

A low risk to water quality from residential sewer development on the eastern portion of the site. There is a moderate risk to water quality around the tributary to Werri Berri Creek and a small dam in the western end of the site.

Water NSW supports the proposal for a riparian buffer around the watercourse and the proposal for stormwater treatment and management.

Water NSW supports provision of flood free dwelling envelopes on all future lots and that no houses or habitable structures are constructed within the failure zone for the large dam upstream of the site.

Water NSW supports use of the flood prone land for open space and stormwater management and generally not for residential development.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Compliance with the Drinking Water SEPP requires that future development must have a neutral or beneficial effect on water quality.

A number of aspects of the MUSIC modelling undertaken were not consistent with the MUSIC User Guide. Water NSW will review any future development application and may require changes and or additional information at that time. Construction of the site will also need to adhere to management of water quality guidelines.

Connection to reticulated sewer network

The site is able to be connected to the nearby sewerage system of The Oaks, Oakdale and Belimbla Park Sewerage Scheme. Transfer of Wastewater to the West Camden Sewerage Treatment Service must meet the Minister's Conditions of Approval in terms of ensuring no more than five (5) wet weather overflows in a ten year period. Developers will be required to assess environmental impacts associated with additional connections. Water NSW will require confirmation when reviewing any future development assessment for subdivision that the site can be connected to the sewerage scheme without impacting the compliance with relevant conditions of the scheme.

2.3 COMMUNITY CONSULTATION

The Gateway Determination specified a 28 day period of community consultation and public exhibition. During this time the Planning Proposal, specialist studies and other documents as required by the Gateway Determination were made available for public viewing on Council's website and at Council's Administration Building and Picton Library. A public notice was placed in the local newspaper. Letters were sent to adjoining landowners and those who made previous submissions.

PE3 - Planning Proposal - Montpelier Drive Residential Land

The issues raised in submissions that are relevant to the assessment of the Planning Proposal are summarised in the following table along with assessment comments.

Issue Raised	Assessment Comment
Loss of rural character.	Lower densities and landscaping provisions are proposed to ensure the impact on the rural character is minimised. A significant proportion of the site is flood prone and is expected to be free from residential development.
Use of Hardwicke Street as an access road.	Hardwicke Street is proposed to be used as an evacuation route only in times of emergencies similar to the adjoining residential development to the north.
The validity of the aviation risk assessment is questioned.	The aviation risk assessment was conducted by recognised specialists in the field and was undertaken in accordance with all relevant planning and air safety standards. It is therefore considered to be valid.
Lack of consultation in relation to The Oaks airfield	The owner of The Oaks airfield was consulted in relation to the previous planning proposal adjoining to the north. It is considered that there has been little change in the operation of the airfield since that time. In any case the aviation risk assessment modelled the maximum number of movements that could be undertaken on the east-west runway which was greater than the numbers provided by the landowner. The airfield operators have since been directly contacted by the consultants regarding the information in the report.
Impact on operation of The Oaks airfield	The finding of the aviation risk assessment is that there would be negligible impact on the operation of the east-west runway. Controls on the height of buildings and structures and measures to reduce potential noise impacts are proposed to limit safety risk to aircraft, maintain residential amenity and enable the continued safe use of the east-west runway.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Issue Raised	Assessment Comment
Larger minimum lot size on western end similar to adjoining land to the north	It is likely that there will be minimal development on the western end of the site as the land is flood prone.
Maximum building height limit of 6.8m at western end	A maximum building height of 6.8m is proposed to limit aviation safety risk and maintain the rural.
Reduce the speed limit to 50km/h further to the south of the site	A reduction in the speed limit to the south of the site requires RMS approval. Any requirements / comments received from RMS will be considered as part of the assessment of any future development application for subdivision.
Maintain the traditional rural frontage	The traditional open rural frontage with suitable fencing and landscaping will be maintained.
Ensure the stormwater is managed to reduce flooding particularly across Montpelier Drive when considering both this and the adjoining development.	Stormwater management will be assessed at the development application stage with the final subdivision design and any infrastructure required for the development will be provided by the developer.

In summary, the matters raised in submissions have been addressed by the specialist studies and controls are proposed to be included in the DCP or can be dealt with as part of the assessment of future development applications.

3.1 PLANNING PROPOSAL

The Planning Proposal has been prepared in accordance with Section 55 to the EP&A Act, 1979 and the guidelines published by the DP&E.

Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section **4.10** to this report.
2. Resolve to support the Planning Proposal in another form. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.
3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, submitters and the DP&I that the Planning Proposal has been terminated. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council' refusal to support the Planning Proposal at this stage of the process.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Option 1 is the recommendation of this report.

RELEVANT CONSIDERATIONS

4.1 A PLAN FOR GROWING SYDNEY

The Plan has a vision for a city of housing choice with homes that meet our needs and lifestyle. It is considered that this planning proposal will provide this housing choice for those seeking a lifestyle within a rural setting.

4.2 DRAFT SOUTH WEST SUBREGIONAL STRATEGY

A strategy has not been finalised but housing growth will be an important element. In terms of what is highlighted in the metropolitan plan, south west strategy the planning proposal meets the objectives as it is located adjoining urban land to consolidate housing growth around The Oaks village while ensuring that water quality is maintained in the Sydney Drinking Water Catchment.

4.3 METROPOLITAN PLAN FOR SYDNEY TO 2036

This plan highlighted the need for consolidated housing growth around town centres which has been met by this planning proposal.

4.4 SOUTH WEST DRAFT SUBREGIONAL STRATEGY TO 2031

The strategy set out housing targets for the sub region to be met mainly by growth around urban centres. The strategy outlines a range of matters to be considered in planning proposal including heritage, biodiversity, riparian areas and resources. The planning proposal is not inconsistent with the Draft Plan.

4.5 SECTION 117 MINISTERIAL DIRECTIONS

It is considered that the planning proposal has satisfactorily addressed all relevant directions.

4.6 STATE ENVIRONMENTAL PLANNING POLICIES

4.6.1 AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013

The 2km exclusion zone around residential land for coal seam gas mining applies to this land.

4.7 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with relevant provisions.
State Planning Policies	Consistent with relevant provisions.

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Criteria	Response
Ministerial Directions	Consistent with the relevant provisions, or where not consistent is justified.
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.
Local Strategies and Policies	
Criteria	Response
Key Policy Directions on the GMS	Consistent with the relevant provisions.
Precinct Planning	Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	Consistent with the relevant provisions
Project Objectives and Justification	
Criteria	Response
Overall Objective	To provide serviced residential land that is able to be sustainably developed with good access and links to the local community.
Strategic Context	The site will provide additional lots in a well located position to achieve housing targets for The Oaks.
Net Community Benefit	The site is able to meet water quality requirements and provide additional housing to service local demand.
Summary of Likely Impacts	The proposed residential land will enable the provision of additional housing which can be readily serviced with the augmentation of existing infrastructure. Potential water quality impacts are able to be addressed. Potential impacts from operation of the east-west runway have been addressed and will ensure its continued operation.
Infrastructure and Services	Infrastructure and services are available and with augmentation can be connected to the site.
Supply and Demand Analysis	The proposal would add a relatively small amount of additional serviced residential land to satisfy unmet demand.

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Criteria	Response
Site Suitability/Attributes	The subject site is near The Oaks urban area and most services have capacity to be extended onto the site. Subject to environmentally sensitive design the site is considered capable of being sustainably developed. It is considered likely that traffic generation from the resulting development would be within the environmental capacity of the surrounding road network.
Preserving Rural Land and Character	
Criteria	Response
Character Setting	The land is sited within a rural setting near The Oaks village Town Centre.
Visual Attributes	The site is located on a small plateau area which slopes up to the east while land to the west is open rural paddock which slopes up to small hills. The Oaks airfield is located within this rural setting.
Rural and Resource Lands	The land is currently used for agricultural purposes but the current use has limited commercial viability in this location.
Environmental Sustainability	
Protection and Conservation	Most of the site is cleared but there is a small amount of remnant vegetation which has characteristics of Cumberland Plain Woodland. This vegetation is proposed to be included on the Natural Resources Biodiversity mapping layer which will ensure that it is either conserved or offset if cleared.
Water Quality and Quantity	Maintaining water quality is important as the land is within the Sydney Drinking Water catchment. An assessment has shown how stormwater management can achieve a neutral or beneficial effect on water quality.
Flood Hazard	Around a quarter of the site is impacted by flooding. In addition the potential for flooding from the failure of a large dam has been assessed and indicated that on land within the PMF flood level no habitable structures should be allowed.
Geotechnical/Resources/Subsidence	The site is not within a Mine Subsidence Area and there are no geotechnical issues.

PE3 - Planning Proposal - Montpelier Drive Residential Land

Criteria	Response
Buffers and Spatial Separation	The site will be located opposite rural land to the south. There will be a road separating this land and to assist in buffering the site from any potential agricultural activities, landscaping of the southern side of this road would be required as part of any future development application for subdivision.
Bushfire Hazard	The eastern and southern side of the site is impacted by bushfire hazard and an assessment has defined the need for asset protection zones which are able to be accommodated on the site. Further assessment of bushfire protection requirements including asset protection zones will be undertaken as part of any future development application for subdivision.
Heritage	Two heritage items are located in the vicinity of the site but the rezoning will not impact on these items. An archaeological investigation was undertaken and found that the land has no archaeological sites or aboriginal cultural heritage which would constrain the proposal for rezoning to residential and future subdivision.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development
Infrastructure	
Criteria	Response
Efficient Use and Provision of Infrastructure	Utilities and services required for residential development are able to be provided with extension and augmentation.
Transport Road and Access	A traffic/transport study has found that the local road network has the capacity to cater for increased residential development.
Open Space	No additional open space requirements have been identified for the site by Council staff.

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Residential Lands	
Criteria	Response
Location/Area/Type	The proposal is consistent with land identified under the GMS for Urban on Town Edge development.
Social Integration	It is anticipated that the development of the site will allow for social integration and this will be assisted by the proposed pedestrian and cycle links to The Oaks village centre and to the adjoining residential area.
Urban on Town Edge	The site adjoins urban land & most of the land is within practical walking/cycling distance of town services. The density of residential development shall be further assessed and is proposed to ; - Achieve physical and visual integration with the existing edge of town. - Allow for a mix of residential lot sizes to cater for a mix of housing types. - Achieve a density range which ensures the efficient use of land while maintaining the rural landscape character.

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4.8 FINAL FORM OF PLANNING PROPOSAL

4.9 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Based on the specialist studies and consultation and engagement there are no changes to the Planning Proposal as exhibited.

The Planning Proposal seeks amendments to WLEP 2011 as described below:

- Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zone R2 Low Density Residential
- Amend the Lot Size Map from a minimum lot size category of 40 hectares to 975m²
- Amend the Height of Buildings Map from a Maximum Building Height Category of no maximum to a Maximum Building Height Category of 6.8 m at the western end and 9 m over the remainder of the site
- Amend the Natural Resources Biodiversity Map to include a small area of environmentally sensitive land towards the western end of the site
- Amend the Natural Resources Water Map to include a 10m riparian buffer around the natural watercourse at the western end of the site.

PE3 - Planning Proposal - Montpelier Drive Residential Land

4.10 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

Amendments are proposed to WDCP 2011 as follows:

- To minimise the impacts on the scenic qualities of the rural and heritage landscape
- To improve road efficiency and permeability between residential areas.
- To minimise rural land use conflict
- To maintain water quality in the drinking water catchment
- To reduce Council's maintenance burden
- To minimise the potential risk to life and property, and mitigate noise, from use of the nearby airfield
- To ensure habitable buildings are not impacted by potential "dam failure" from the large dam located on the adjoining property to the south
- To ensure that contaminated land is suitably assessed and remediated prior to residential development.

These amendments will be included within the residential and subdivision volumes of WDCP 2011.

These amendments were placed on public exhibition with the Planning Proposal. No submissions raised issues relevant to the proposed amendments to WDCP 2011 and these are detailed in Section 2.3 to this report.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through Council's adopted Fees and Charges.

All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS:

1. Proposed changes to the Land Zoning Map
2. Proposed changes to the Lot Size Map
3. Proposed changes to the Height of Buildings Map
4. Proposed changes to the Natural Resources Biodiversity Map
5. Proposed changes to the Natural Resources Water Map

PE3 - Planning Proposal - Montpelier Drive Residential Land

RECOMMENDATION

1. That Council as the delegated responsible authority adopt and make the draft Local Environmental Plan for land being:

Lot 601 DP 735032 (No. 780) and Lot 1 DP 1043567 (No. 790) Montpelier Drive, The Oaks, to amend Wollondilly Local Environmental Plan, 2011 as follows:

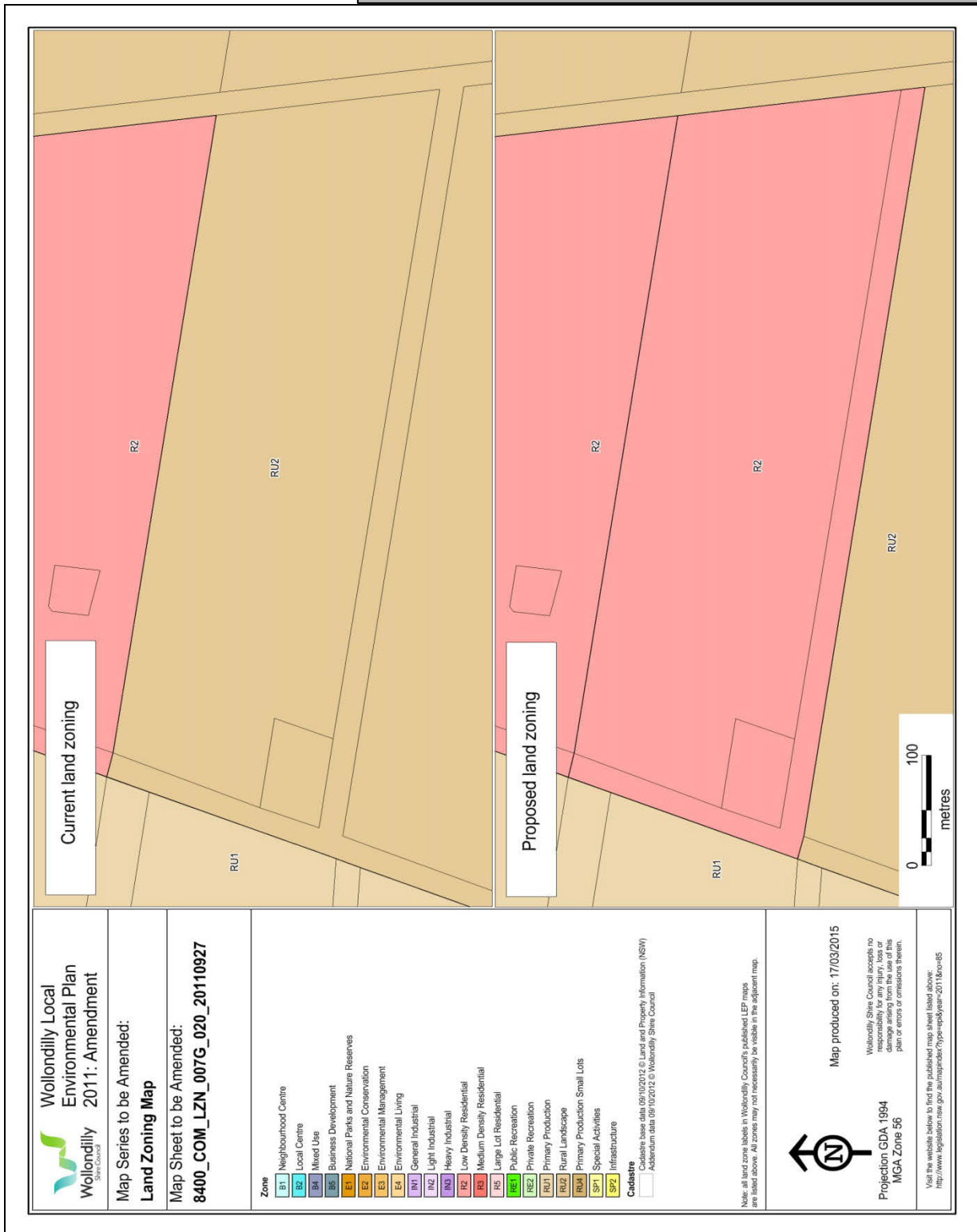
- Amend the Land Zoning Map (LZN Map) from Zone RU2 Rural Landscape (RU2) to Zone R2 Low Density Residential (R2)
- Amend the Lot Size Map (LSZ Map) to indicate a minimum lot size of 975 m²
- Amend the Height of Buildings Map (HOB Map) HOB to impose a maximum building height limit of 9 metres for the majority of the site and 6.8 metres at the western end of the site
- Amend the Natural Resources Water Map (NRW Map) to allow for a 10m riparian zone along the watercourse on the western end of the site
- Amend the Natural Resources Biodiversity (NRB Map) to allow for the protection of a small area of environmentally sensitive land located towards the western end of the site.

2. That in accordance with Section 59 of the Environmental Planning and Assessment Act 1979, Council makes the plan in the form as detailed in this report and request Parliamentary Counsel and the Department of Environment and Planning to make arrangements for the drafting and notification of the amended Local Environmental Plan subject to there being no objection from the Office of Environment and Heritage - Heritage Council.
3. That Council support the amendments to WDCP 2011 as described in Section 4.10 to this report. That these amendments also be incorporated into Draft Wollondilly Development Control Plan 2015.
4. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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PE3 - Planning Proposal - Montpelier Drive Residential Land

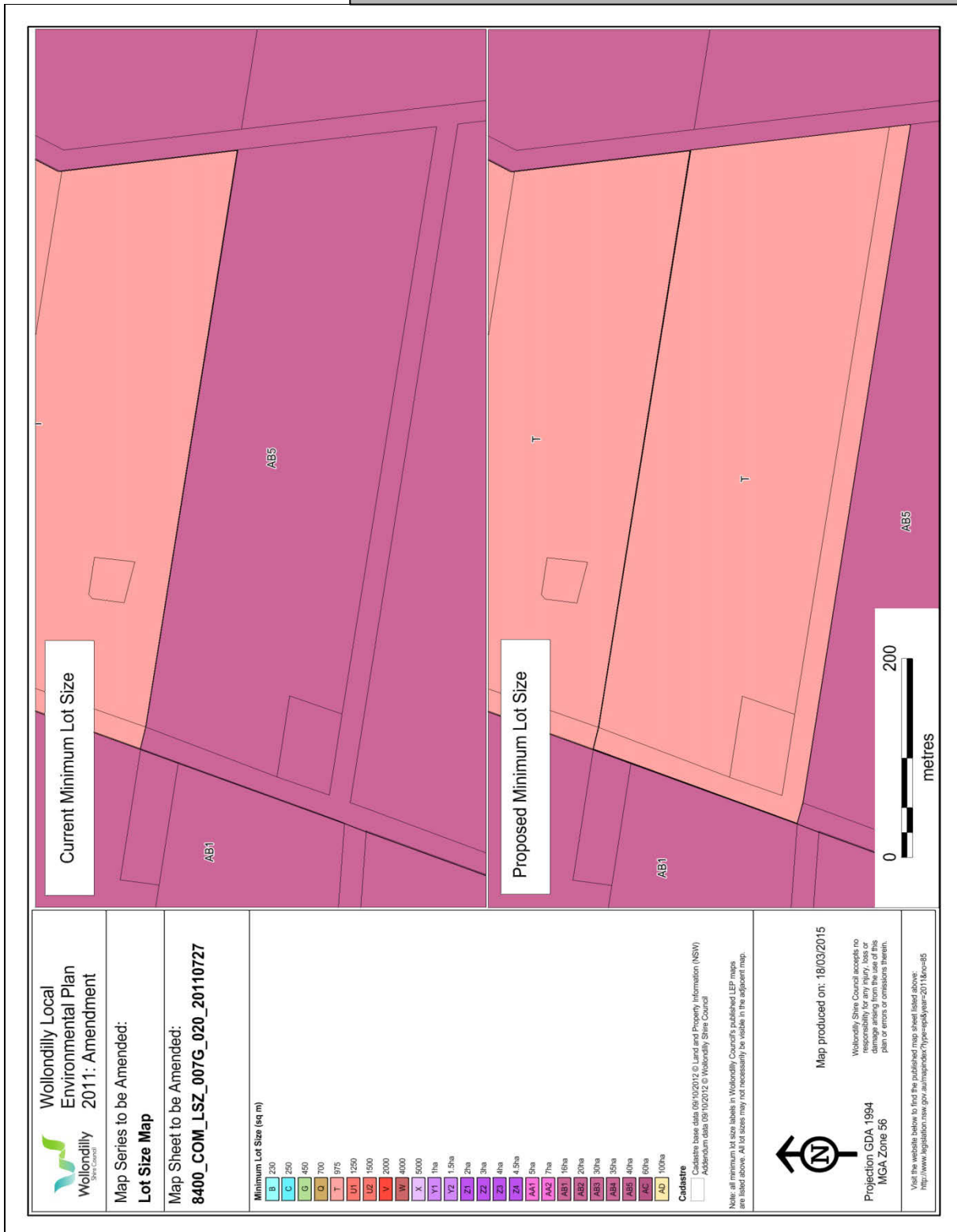
ATTACHMENT 1 – 6961 – 15 JUNE 2015



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PE3 - Planning Proposal - Montpelier Drive Residential Land

ATTACHMENT 2 – 6961 – 15 JUNE 2015



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PE3 - Planning Proposal - Montpelier Drive Residential Land

ATTACHMENT 3 – 6961 – 15 JUNE 2015



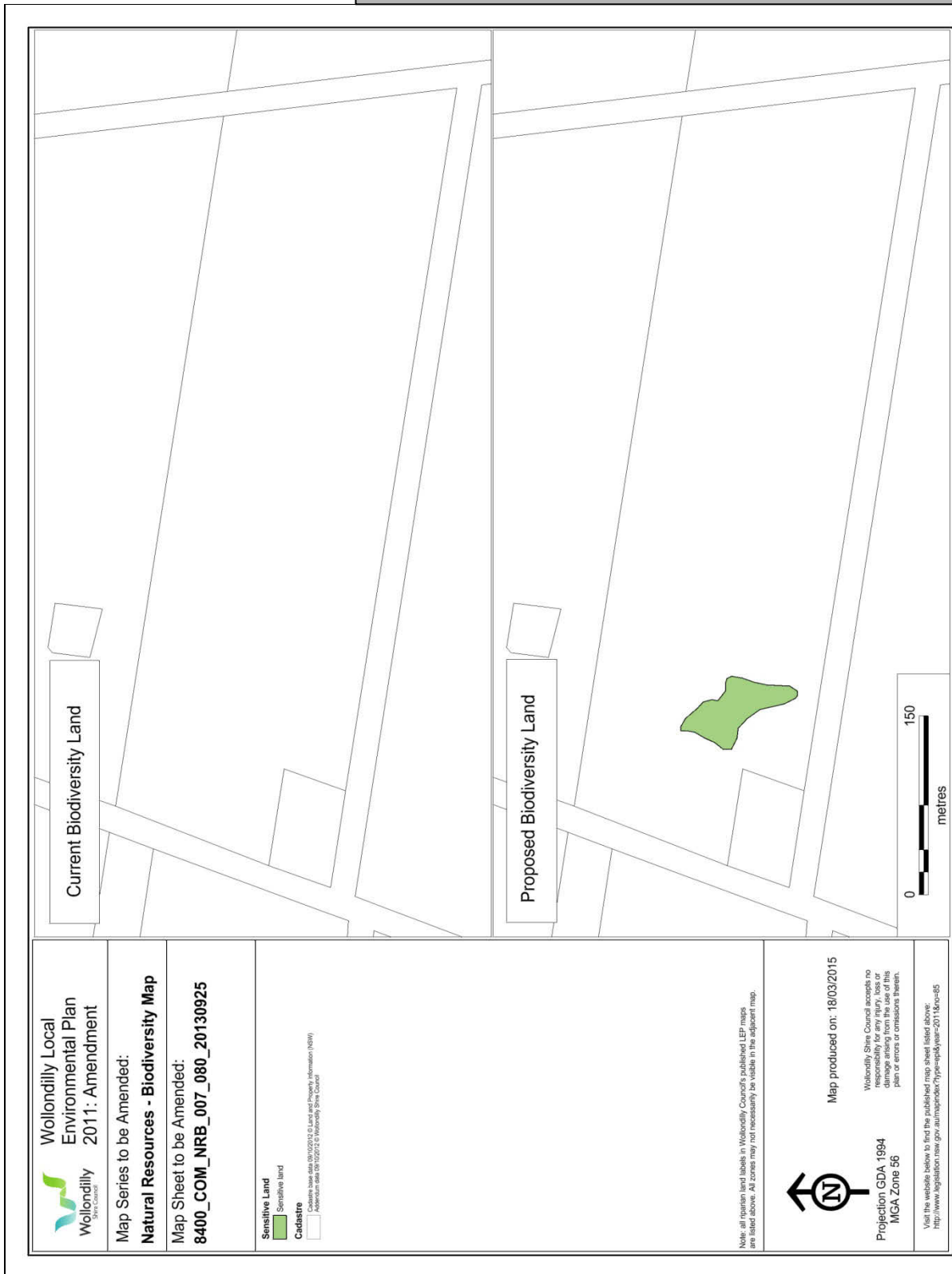
<p>Wollondilly Local Environmental Plan 2011: Amendment</p>	
<p>Map Series to be Amended: Height of Buildings Map</p>	
<p>Map Sheet to be Amended: 8400_COM_HOB_007G_020_20110927</p>	
<p>Maximum Building Height (m)</p> <ul style="list-style-type: none"> 6.8 9 11 	<p>Cadastral</p> <ul style="list-style-type: none"> Adjoining land (SN/10/2012) © Wollondilly Shire Council
<p><small>Note: all maximum building height labels in Wollondilly Council's published LEP maps are listed above. All heights may not necessarily be visible in the adjacent map.</small></p>	
<p>Map produced on: 18/03/2015</p> <p>Wollondilly Shire Council accepts no responsibility for any injury, loss or damage arising from the use of this plan or errors or omissions therein.</p> <p>Projection GDA 1994 MGA Zone 56</p> <p>Visit the website below to find the published map sheet listed above: http://www.lapollation.nsw.gov.au/mapindex?type=ep&year=2011&no=85</p>	

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PE3 - Planning Proposal - Montpelier Drive Residential Land

ATTACHMENT 4 – 6961 – 15 JUNE 2015

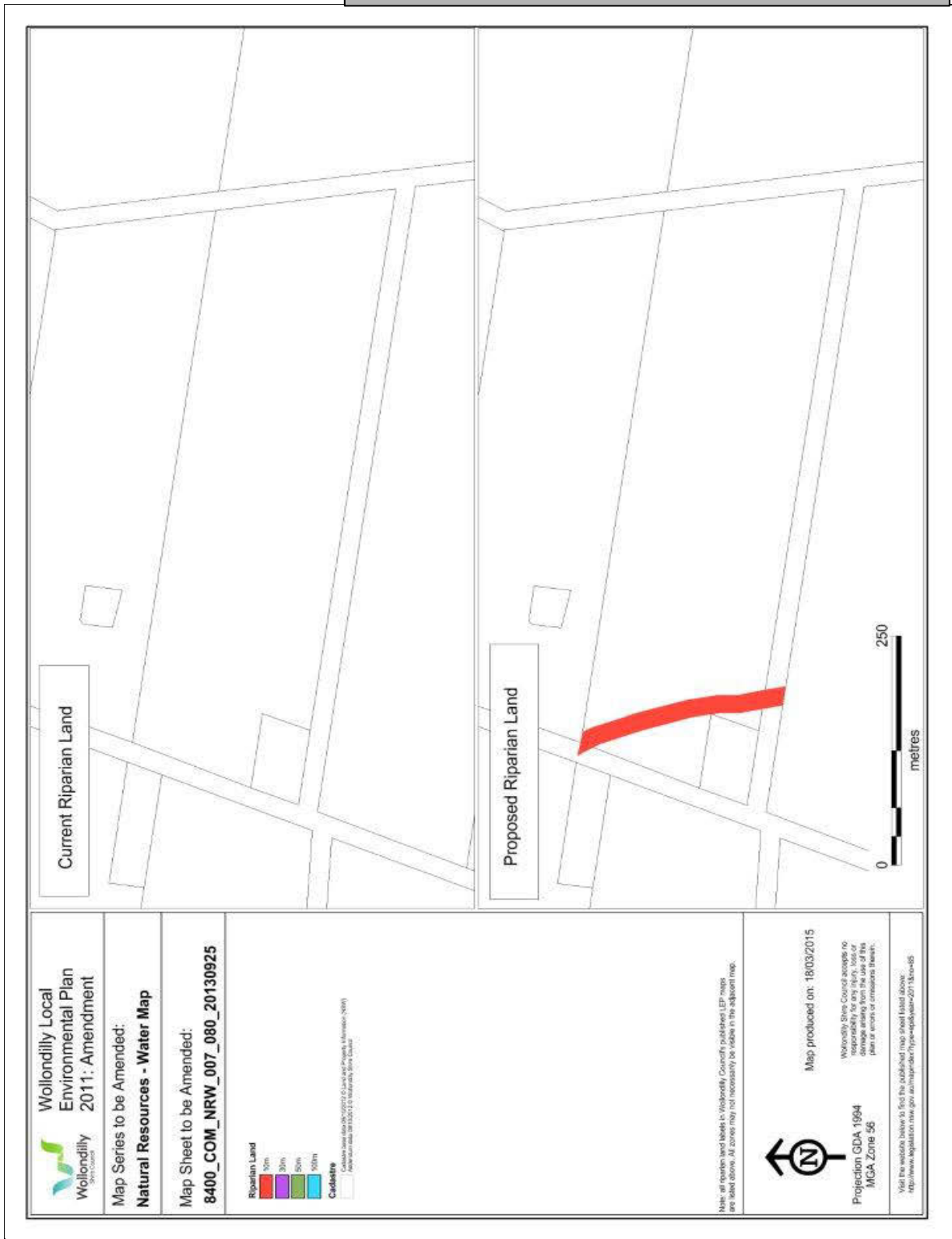
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PE3 - Planning Proposal - Montpelier Drive Residential Land

ATTACHMENT 5 – 6961 – 15 JUNE 2015



<p>Wollondilly Local Environmental Plan 2011: Amendment</p>	<p>Map Series to be Amended: Natural Resources - Water Map</p>	<p>Map Sheet to be Amended: 8400_COM_NRW_007_080_20130925</p>	<p>Riparian Land</p> <ul style="list-style-type: none"> 50m 30m 20m 50m 500m <p>Cartobline</p> <p><small>Cartobline used as per the 2011 Local Environmental Plan (LEP) Amendment (NRM) Information Map and the 2011 Local Environmental Plan (LEP) Amendment (NRM) Information Map (2011) (L100-48)</small></p>	<p><small>Note: all riparian land labels in Wollondilly Council publications (LEP maps) are based above. All zones may not necessarily be visible in the adjacent map.</small></p>	<p>Map produced on: 18/03/2015</p> <p><small>Wollondilly Shire Council accepts no responsibility for any (third party) loss or damage arising from the use of this plan or where it contains errors.</small></p>	<p>Projection GDA 1994 MGA Zone 56</p> <p><small>Visit the website below to find the published map sheet listed above: http://www.lgis.wollondilly.nsw.gov.au/mapping/lep/pe3/pe3plan-2011-150-48</small></p>
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Planning & Economy

PE4 - Picton Town Centre Traffic Investigation

PE4

Picton Town Centre Traffic Investigation

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TRIM 3138

EXECUTIVE SUMMARY

- The purpose of this report is to propose that a traffic investigation be undertaken within the Picton Town Centre to explore options for how to best manage traffic.
- Council is in receipt of a number of planning proposals that would, if approved, increase traffic in the Picton Town Centre. The traffic assessment reports submitted with these proposals indicate that a number of intersections in Picton are performing poorly. Additionally, there are safety concerns with the existing pedestrian crossings on Argyle Street.
- None of the reports submitted to date have comprehensively looked at the full range of options.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended:
 - That Council commence the process of undertaking a traffic investigation to identify and evaluate the options for traffic management in the Picton Town Centre.
 - That financial contribution to undertake this traffic investigation be sought from the Proponents involved in the Stonequarry Commercial Planning Proposal, the Picton East Planning Proposal and the Coull Street Planning Proposal. The financial assistance will be based on the proportion of traffic generation expected from each of these planning proposals.
 - That the proponents be advised that their planning proposals will not be exhibited until after the investigation is completed.
 - That the Department of Planning be advised about the proposed traffic investigation and extensions sought to any deadlines for finalisation of these planning proposals.

REPORT

Background

Council has received a number of planning proposals which together will generate a significant level of additional traffic within the Picton Town Centre and local area. In particular the Stonequarry Commercial Planning Proposal, Picton East Planning Proposal and Coull Street Planning Proposal would, if approved, generate traffic that will use intersections in the town centre.

PE4 - Picton Town Centre Traffic Investigation

There is concern about the adequacy of the current roads, particularly the intersections in the town centre, to cope with higher traffic levels from these and future planning proposals.

Stonequarry Commercial Planning Proposal

This planning proposal is located on land at the western side of the town centre adjacent to Stonequarry Creek. The site is accessed via Cliffe Street and Menangle Street West. The planning proposal aims to rezone approximately 6.2 ha of rural land to a business zone. The land is then anticipated to be developed with a shopping centre and related businesses. The *Economic Impact Assessment undertaken* for the planning proposal indicates that the proposed rezoning could support 7,500 m² of retail floorspace plus additional commercial and other non-retail uses. According to the assessment Picton town centre currently has around 15,000m² of commercial floorspace which includes 11,000m² of retail floorspace. Potentially the Stonequarry site if developed as anticipated would almost double the existing Picton retail floorspace. An estimated 450 jobs could be generated by the rezoning.

The development will have significant implications with regard to traffic generation and impacts on existing road infrastructure and traffic management around the town centre. It will significantly increase westbound turning movements from Argyle Street. The Traffic Investigation submitted with this proposal recommends traffic signals (e.g. lights) at the Argyle Street / Barkers Lodge Road and Argyle Street/ Menangle Street intersections.

Picton East Planning Proposal

This planning proposal is located on the eastern side of the town centre with access from Margaret Street and proposed access from Menangle Street. The planning proposal aims to rezone around 29ha of rural land to a residential zone which would result in the development of approximately 200 residential lots. Again this will create a significant amount of additional traffic and create potential issues for traffic management through the town centre. In particular, it will increase eastbound turning movements from Argyle Street.

Coull Street Planning Proposal

This planning proposal is located on land to the south of the town centre with access from Coull Street. The planning proposal aims to rezone around 2ha of industrially zoned land to provide around 20 residential lots. While this is a much smaller amount of potential development and traffic generation, the access to this site is relatively difficult and future development of the site will have implications in relation to traffic management and required traffic infrastructure. In particular, it will increase traffic entering Argyle St from Coull St.

PE4 - Picton Town Centre Traffic Investigation

Proposal

An investigation is required to identify and evaluate the options for traffic management in the Picton Town Centre. This investigation will need to consider traffic impacts from these planning proposals as a whole rather than on a piecemeal basis.

The last Traffic Study for Picton was undertaken in 2005. The 2005 study did not consider the planning proposals referred to in this report. The investigation will review of the existing traffic modelling work undertaken by Council and the proponent's consultants and the preparation of a detailed traffic model for the Picton Town Centre. The report would then test a number of traffic management options using this model to determine how each option performs. The report will recommend suitable options and outline the justification for each.

Once the report is finalised it is proposed to then exhibit the report and seek public comment prior to bringing the report to Council for a decision. This process is expected to take approximately 15 months.

CONSULTATION

Council's Infrastructure Planning and Strategic Planning staff have both identified a need to look at the bigger picture and the longer term impacts resulting from the current and potential future planning proposals on the Picton Town Centre.

The proponents for the Stonequarry Commercial Proposal have indicated a desire to proceed with their planning proposals without delay. There is a need to resolve this issue promptly.

FINANCIAL IMPLICATIONS

The traffic investigation is required mainly because of the potential development and additional traffic generated in and around the Picton town centre from the three planning proposals outlined above which are currently being considered by Council. Accordingly it is considered reasonable for Council to request a proportional amount of funding from the Proponents of the sites applying to these planning proposals.

The contribution provided by Council relates to administration of the Tender process, participation in the project management and community consultation process plus any subsequent implementation works (e.g. amendments to the Section 94 Contributions Plan etc). It is anticipated that much of this work can be completed under current budget allocations.

PE4 - Picton Town Centre Traffic Investigation

CONCLUSION

The Stonequarry Commercial Planning Proposal will completely transform the Picton Town Centre with significant community and economic benefit. As an alternative to the recommendation in this report, Council could consider this proposal without delay based upon the installation of traffic signals (i.e. lights) at the Argyle Street / Barkers Lodge Road and Argyle Street / Menangle Street intersections. These measures will address the traffic implications of this particular proposal.

It is recommended however that a comprehensive assessment of a range of traffic options, in terms of the overall traffic and pedestrian management, would better serve the community. The investigation work would also inform Council with respect to the determination of the various planning proposals currently under assessment.

ATTACHMENTS:

1. Plan showing the Picton Town Centre and planning proposals

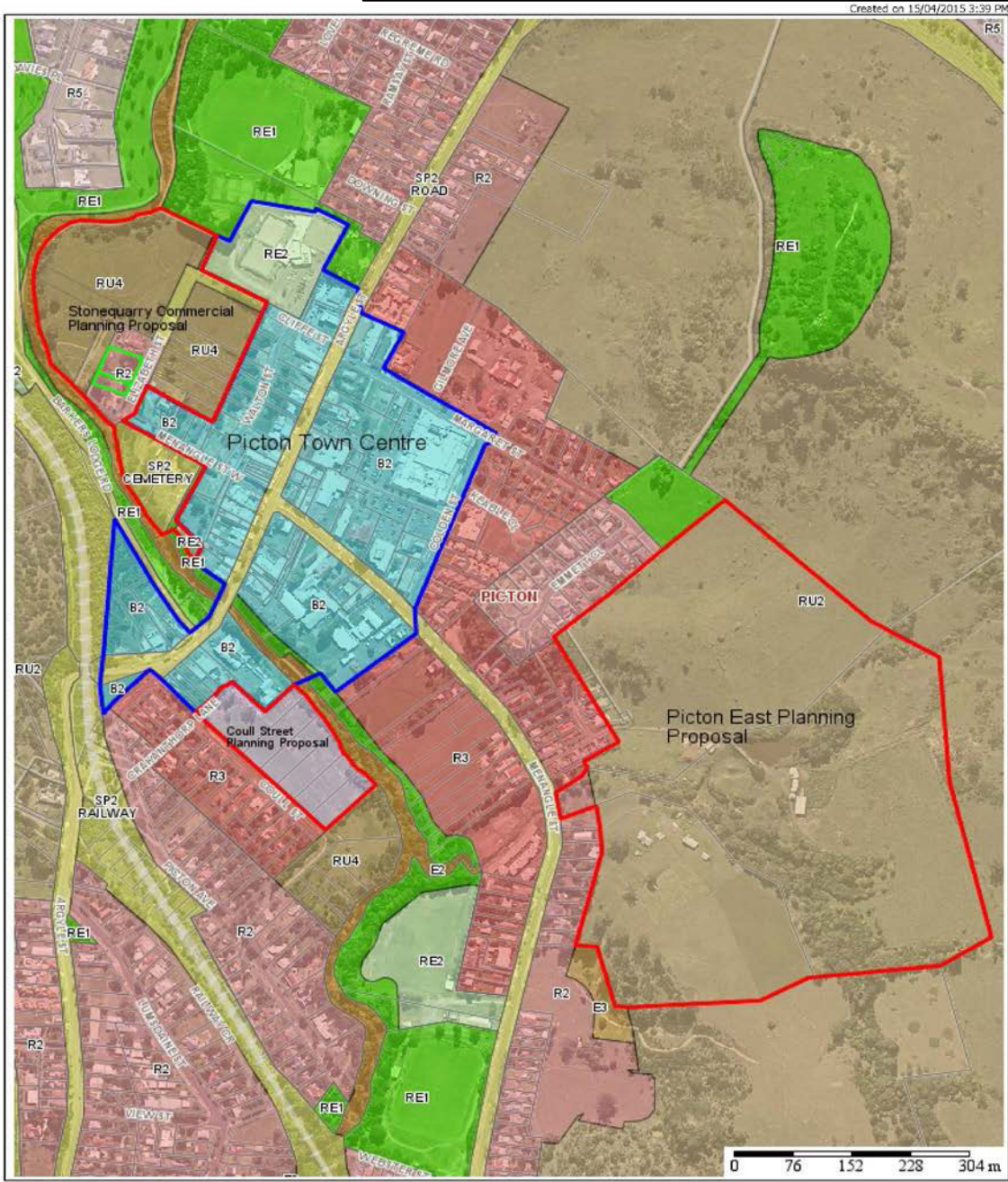
RECOMMENDATION

1. That Council commence the process of undertaking a traffic investigation to identify and evaluate the options for traffic management in the Picton Town Centre.
2. That financial contribution to undertake this traffic investigation be requested from the Proponents involved in the Stonequarry Commercial Planning Proposal, the Picton East Planning Proposal and the Coull Street Planning Proposal. The financial assistance will be based on the proportion of traffic generation expected from each of these planning proposals.
3. That the Proponents be advised that their planning proposals will not be exhibited until after the traffic investigation is completed.
4. That the Department of Planning be advised about the proposed traffic investigation and extensions sought to any deadlines for finalisation of these planning proposals.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 June 2015

PE4 - Picton Town Centre Traffic Investigation

ATTACHMENT 1 – 3138 – 15 JUNE 2015



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<p>Wollondilly Shire Council PO Box 21 PICTON 3529 Ph: (02) 4677 1100 Fax: (02) 4677 2339 9011 www.wollondilly.nsw.gov.au</p>			

Planning & Economy

PE5 – Public Exhibition of Mt Gilead Planning Proposal - Campbelltown City Council

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Public Exhibition of Mt Gilead Planning Proposal - Campbelltown City Council

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EXECUTIVE SUMMARY

- The purpose of this report is to brief Council on the public exhibition of the Mt Gilead Planning Proposal for residential redevelopment.
- Campbelltown City Council is the relevant planning authority for this proposal and they have notified us as an adjoining Council.
- In summary the proposal seeks to:
 - Rezone the subject site from No 1 (Non Urban) under the City of Campbelltown Interim Development Order No 15 (IDO 15) to R2 low density residential providing approximately 1500 – 1700 residential allotments ranging in size from 375sqm to 1000sqm.
 - Incorporate a mix of zones including RE1 Public Recreation, RU2 Rural Landscape, B1 Neighbourhood Centre, SP2 Infrastructure.
 - Inclusion of a Terrestrial Biodiversity clause and map which aims to protect and encourage the recovery of significant flora and fauna and their habitats.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council write to Campbelltown City Council requesting that it further consider the traffic, air quality and environment in the assessment of the Mt Gilead Planning Proposal and that the proposal be placed on hold until after the Greater Macarthur Investigation is completed.

REPORT

1. THE SUBJECT SITE

The subject site includes part Lot 1 and part Lot 2 DP807555, Lot 59 DP752042 and Lot 61 DP752042 Appin Road, Gilead. It is located directly south of Noorumba Reserve, north of the historic Beulah property and east of the Mount Gilead homestead site which includes the house, outbuildings, dam and old mill. The subject site is essentially a triangle extending south of Campbelltown's urban footprint. The western boundary of the site diagonally bisects Lot 1 in DP 807985 ending at the south eastern boundary of Lot 2 in DP 807555. The eastern boundary is Appin Road. The total land area of the site is 210ha.

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Historically, the site has been predominantly used for agricultural purposes and contains a number of drainage lines and farm dams with pockets of remnant native vegetation.

The site of the proposal is located adjacent to the major Nepean and Georges Rivers. The southern boundary of the subject site is approximately 3.4 kilometres from the Wollondilly LGA's boundary.

The proposal is noted to be situated within the Macarthur South Investigation Area and within close proximity to the boundaries of the expanded Bulli Seam Project Area which covers most of the northern section of the Wollondilly LGA.

2. BACKGROUND MT GILEAD PLANNING PROPOSAL

The planning proposal is to rezone the site to a combination of residential, rural and conservation/riparian/open space land use. Approximately 158.46 ha is proposed for residential (includes development and detention basins), 24.18 ha for conservation and riparian (offset) with the balance (26.94 ha) being retained.

The Mt Gilead site is proposed to be zoned as follows, R2 Low Density Residential, RU2 Rural Landscape, B1 Neighbourhood Centre, RE1 Public Recreation, SP2 Infrastructure. The proposed development standards that will apply to the Mt Gilead land are noted as follows:

R2 Low Density Residential:

- Minimum lot sizes – 450 square metres; 500 square metres; and 700 square metres
- Maximum building height – 8.5 metres. Note a small area is restricted to 6 metres to protect views from the Mt Gilead Homestead site
- Maximum floor space ratio – 0.55:1.

RU2 Rural Landscape:

- Minimum lot size – 100ha
- Maximum building height – 9 metres.

B1 Neighbourhood Centre:

- Maximum building height – 9 metres.

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3. KEY PLANNING ISSUES IMPACTING WOLLONDILLY LGA

3.1 Greater Macarthur Investigation Area – Impact on Current Planning Proposals

The Department advised that they will be undertaking an investigation into a potential new Growth Centre in South West Sydney (referred to as the Greater Macarthur or Macarthur South Urban Release Investigation Area). This investigation area lies across the boundary of Wollondilly and Campbelltown LGAs. The process will culminate in a document produced by the Department outlining the findings of the investigation work. The Department estimates that the process, including exhibition of the Draft Urban Capability Study will be completed in July 2015. The final draft of the Urban Capability Study will inform Government and Council with regards to future growth potential in the Greater Macarthur area.

At the Ordinary Meeting of Wollondilly Council held Monday 18 May 2015, it was resolved to await the outcomes of this report before final determination of current and future planning proposals in the investigation area.

It is considered appropriate for Council to include in a submission to Campbelltown Council a request that this planning proposal also be deferred until the NSW Government's investigation into the Greater Macarthur Area has been completed.

3.2 Traffic Transport and Access

A Specialist Study accompanying the proposal was prepared by Parsons Brinckerhoff and dated July 2014. In summary three access roads are proposed to connect the development site with Appin Road. These three intersections would be located at suitable distances from one another (ideally 300 to 400 metres apart) and are proposed to comprise of roundabout intersections connecting the development site with Appin Road.

To accommodate the additional traffic that would result from future development of the subject site it is proposed to widen Appin Road from two to four lanes from the central access road to the northern boundary of the subject site. In addition two south bound lanes are proposed from the central access road to the southern boundary of the subject site.

The report also noted that JTW data provided by TfNSW suggested that 95% of all traffic generated by the Mount Gilead development site would have an origin-destination to the north and 5% would have an origin-destination to the south.

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The report concluded that:

“This traffic, transport and access study confirms that the proposed Mount Gilead Rezoning residential development will further contribute traffic to intersections along Appin Road into the future. Several of the intersections are currently operating at or near capacity in 2013 and will further deteriorate purely on the basis of background traffic growth into 2021 and 2026.

Several intersections are expected to operate near, at or over capacity due to the addition of Mount Gilead development traffic including the intersections of:

- *Appin Road, Kellerman Drive and Copperfield Drive*
- *Appin Road and St Johns Road*
- *Appin Road, Oxley Street, Narellan Road and The Parkway.*

Intersection upgrades are proposed at these intersections in both 2021 and 2026 to ameliorate the impacts and to improve intersection performance to acceptable Levels of Service.”

The study in support of the proposal is noted, however, concern is raised with respect to the limited assumption of potential traffic numbers heading south along Appin Road in particular to Wollongong and the additional impact with its intersection with Church Street/Bulli Appin Road and Appin village in general.

It is recommended that Council request further studies be carried out identifying the true impact upon Appin Road heading south and Bulli Appin Road traffic heading to Wollongong.

3.3 Ecological Assessment

A report was prepared in support of the application by Eco Logical Australia. The report concluded as follows:

“The proposed rezoning, has been designed to focus future subdivision and development in areas with generally lower habitat value, lower condition of vegetation and higher exotic species density. While this report provides information to inform a rezoning, Mt Gilead Pty Ltd intend to pursue Biocertification through Council after rezoning.

The proposed rezoning includes approximately 158.46 ha for residential development, 24.18 ha for offsets (conservation and riparian) and 26.94 ha will be retained. Areas set aside for offsets could be afforded appropriate protection if zoned RE1 – Public Recreation Zone or RU2 – Rural Zone with a terrestrial biodiversity overlay clause included in the LEP. Streams that are Strahler 3 or higher will be zoned RU2 or RE1, while Strahler 1 and 2 streams can adopt an equivalent zoning to adjoining land.

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A long history of grazing and pasture improvement has resulted in the majority of vegetation on site having a high cover of exotic species. Nevertheless, there are examples of endangered ecological communities, some of which possess distinctive upper, middle and lower strata dominated by native vegetation. These communities are Cumberland Plain Woodland (CPW), Shale Sandstone Transition Forest (SSTF) and River-flat Eucalypt Forest (RFEF), and their various condition states were mapped.

The proposed rezoning will remove 1.71 ha of CPW (principally occurring as scattered trees) and 11.18 ha of SSTF (mostly occurring as scattered trees or in moderate condition). Based on the areas to be impacted for future development, the BCAM was used to calculate the quantum of offset required. This determined that there is sufficient area of vegetation remaining within the proposed conservation areas to satisfy offset requirements under the managed and funded scenario and the managed scenario.

No threatened flora were identified on site, and prolonged grazing and pasture improvement renders most of the site unsuitable for threatened flora.

One vulnerable species (Little Lorikeet) and one migratory species (Cattle Egret) were recorded on site. The proposal is unlikely to have a deleterious impact on these species in the area.

The majority of the watercourses in the study site are considered substantially to slightly modified. ELA identified that some streams no longer had a defined channel, and sought and received agreement on this assessment from the NOW. Should development of the site require roads or stormwater detention basins to be constructed within the riparian corridor, the area lost must be offset within riparian corridor.

The proposed residential development of Mt Gilead presents a plan that can achieve an “improve or maintain” outcome under BCAM, however, a red-flag variation would be required to remove 1.89 ha of SSTF in moderate to good condition.”

Council’s Environment Officer reviewed the proposal and noted as follows:

“The site comprises areas of native grassland as well as habitat for a wide range of fauna species including 46 threatened species. The proposal involves the removal of 11.18 of Shale/Sandstone Transition Forest (SSTF) and 1.71ha of Cumberland Plain Woodland (CPW). Both these communities are listed as Critically Endangered Ecological Communities at both the State and Commonwealth level. There is a loose interconnectivity of these areas to the habitat corridors adjacent to the Georges and Nepean Rivers that extend into the Wollondilly LGA. It is considered appropriate the potential impacts associated with the proposal on existing habitat corridors require assessment within a regional context as part of the application process.”

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Furthermore, Council's Environment Officer has detailed a number of concerns with regard to the submitted Ecological Report and the Planning document in particular relation to Biocertification, environmental related objectives, zoning of the site, deficiencies in the BCAM to the proposal, description of vegetation communities, potentially impacted threatened flora and fauna (koalas) and impacts on riparian corridors.

As such, it is recommended that Council's Environment Officers detailed comments be incorporated within the response to Campbelltown Council.

3.4 Potential Impacts of Mine Subsidence

A report titled "Potential Impacts of Mine Subsidence due to the Future Extraction of Coal Resources at Mt Gilead" has been prepared by MSEC Mine Subsidence Engineering Consultants in support of the application. The report identifies the following potential scenarios:

Coal Resources beneath the Mount Gilead Site

The Mount Gilead site lies within Coal Exploration Authorisation Area A248. The extent of the coal resources beneath the Mount Gilead site was determined from plans provided by BHP Billiton and the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS). Valuable coal resources are present beneath the site in the Bulli and Balgownie Coal Seams.

The Bulli Seam is the uppermost seam and lies at a depth of approximately 500 metres to 590 metres below the surface. The seam contains valuable reserves of high quality coking coal, which varies in thickness from approximately 2.5 metres to 3.5 metres.

The Balgownie Seam lies approximately 20 metres below the Bulli Seam and is approximately 1.5 metres to 2.0 metres thick. The Balgownie Seam is believed to contain significant reserves of thermal coal, though it is unlikely that it would be mined for many years, if at all, based on current technology.

Known Future Coal Mining Plans

In the next few years, BHP Billiton plans to mine additional longwalls in the Bulli Seam at West Cliff Colliery. These longwalls are all located to the south of the proposed development and north of the Appin Township. BHPB also plans to mine additional longwalls in the Bulli Seam at Appin Colliery. These will be mined as a continuation of the current mining activities to the west of the Mount Gilead site and will extend in a northerly direction to the southern limit of Menangle Park.

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Potential Future Coal Mining Plans

The coal resources in the Bulli and Balgownie Seams, beneath the proposed development, could be extracted as an extension of the current mining activities at Appin Colliery or, possibly, by the establishment of a new mine access closer to Campbelltown. At this time, the layout of any future longwalls beneath the site can only be conjectured, but it is likely that the resources would be extracted using longwall mining techniques similar to those that are now being used at Appin and West Cliff Collieries.

The trend over time in the coal mining industry has been to extract wider longwalls and the future longwalls beneath the Mount Gilead site are likely to be at least of the same width as those that are being mined at Appin and West Cliff Collieries and those that are currently proposed in the area, which have a maximum width of approximately 320 metres. It should be noted, however, that a large part of the seam beneath the Mount Gilead site is unlikely to be mined due to the presence of faults within the seam.

Potential Coal Seam Methane Gas Resources

The Mount Gilead site lies totally within the Petroleum Exploration Licence Area PEL2 held by AGL Upstream Investments Pty Ltd, a subsidiary of AGL. Whilst the Mount Gilead Development site is a relatively small area within the petroleum exploration licence area, it does overlie significant gas reserves, which can be economically extracted from gas wells established within the site boundaries. PEL2 forms part of the Camden Gas Project, which has been designated a State Significant Development by the New South Wales Government.

Potential for Extraction of Gas Resources at Mount Gilead

Extraction of coal bed methane from the Bulli Seam beneath the Mount Gilead site is possible at some time in the future. However, based upon imminent legislation restricting coal seam gas extraction within two kilometers of residential dwellings, AGL's proposed expansion of the Camden AGL Project has been put on hold, and the project is not expected to proceed as proposed. Further to this, extraction at Mt Gilead in the foreseeable future is unlikely, unless legislation about gas extraction is relaxed in the future. However, should gas extraction occur at the Mount Gilead site in the future, it is expected that the extraction process would take approximately 15 years to be completed from wells on the site.

3.5 Air Quality Issues

Northern sections of the Wollondilly Local Government Area are viewed as potentially impacted by air quality issues associated with the planning proposal. These issues are considered to relate to pollutants emitted from vehicles as well as from any installed wood based heaters in future residential dwellings.

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The Air Quality Review Report is restricted to identifying potential impacts from pollutants from existing sources on the proposal site. It is considered that air quality issues associated with the proposal may generate concern amongst sections of the community in the northern part of the Wollondilly LGA.

Issues have not been adequately addressed within the submitted report, further detail is required with recommendations of ensuring minimal impact upon existing and proposed residences. It is consequently recommended that Campbelltown Council be requested to require modelling of these potential impacts prior to public exhibition of the proposal as a response to community concerns regarding this issue.

4. CONSULTATION

Campbelltown Council, being the relevant planning authority, has co-ordinated exhibition of the planning proposal to adjoining residents. This includes those property owners adjacent to the site located within the Wollondilly Local Government Area.

FINANCIAL IMPLICATIONS

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

CONCLUSION

It is cause for Council to make a submission in relation to this planning proposal. The submission should raise the following matters for consideration:

- The timing of the Greater Macarthur Investigation
- Environment Protection (E3 or E4) Zones and/or Natural Resources (Biodiversity) Clauses
- Additional ecology investigation in to wildlife corridors and Koala habitat
- Additional air quality investigation
- Additional traffic investigation into Appin Road heading south and Bulli Appin Road.

ATTACHMENTS:

1. Proposed Land Zones Map

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 June 2015

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RECOMMENDATION

That Council write to Campbelltown City Council requesting that it consider the following matters in the assessment of the Mt Gilead Planning Proposal:

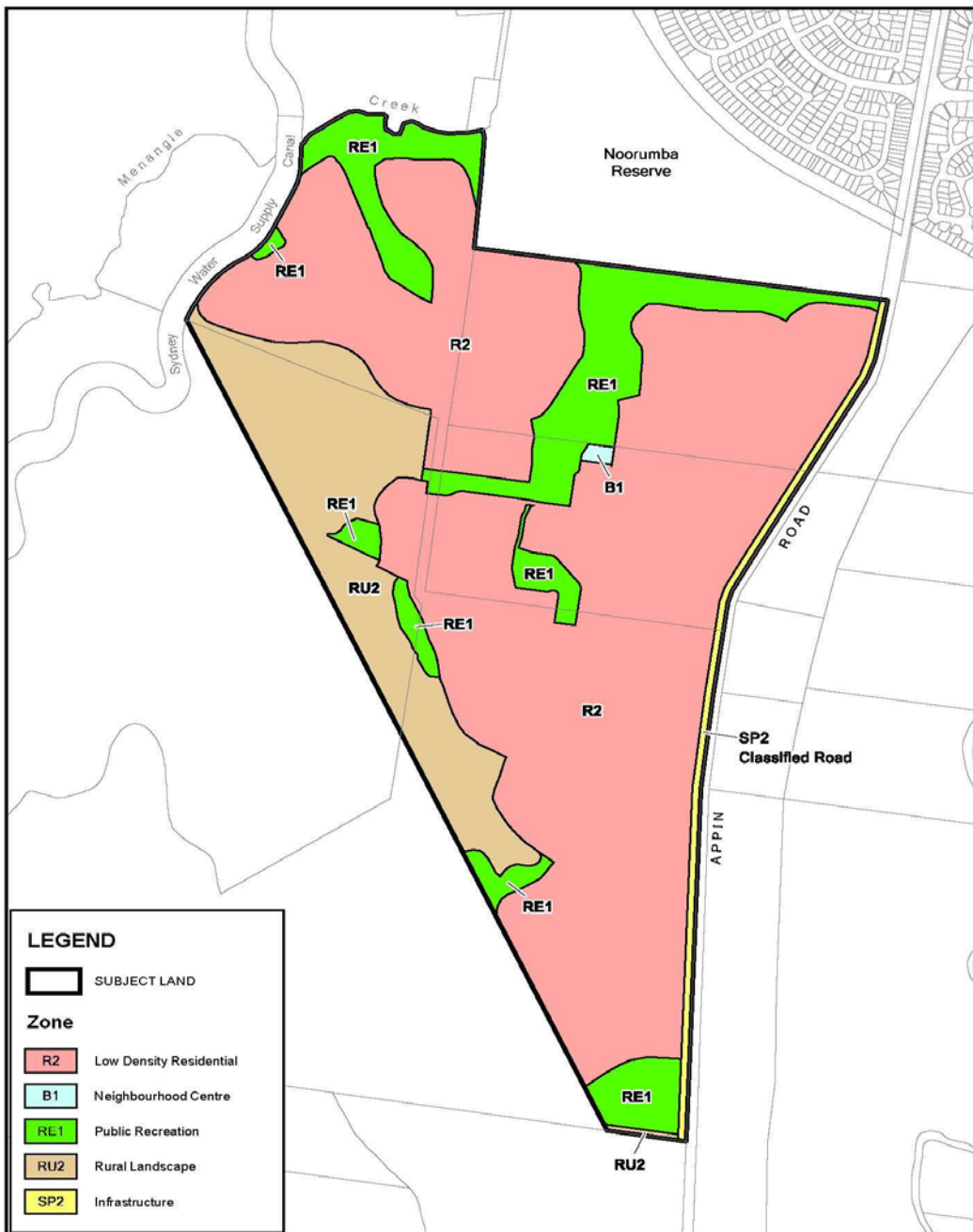
- Consider placing the proposal on hold until the outcome of the NSW Government's investigation into the Greater Macarthur Area is complete.
- Consider the use of Environment Protection (E3 or E4) Zones and/or Natural Resources (Biodiversity) Clauses on all land which contains native vegetation that satisfies the Scientific Determinations for Shale/Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW).
- Consider additional ecology investigation to address the potential impacts associated with the proposal on existing habitat corridors within a regional context as part of the planning proposal process. This assessment should consider connectivity with adjoining identified regionally significant habitat corridors in the Wollondilly Shire.
- Consider additional ecology investigation to address the potential impacts of the proposal on koalas and their movement.
- Consider additional modelling and investigation of potential air quality impacts associated with the construction of the proposal in a regional context occur prior to public exhibition of the proposal as a response to community concerns regarding this issue.
- Consider additional modelling and investigation of the potential traffic and transport impacts with particular focus on Appin Road heading south and Bulli Appin Road.

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**Draft
Mount Gilead Planning Proposal
Land Zoning Map**

0 400 800
metres
Scale 1:13,000 (at A4)
Cadastre 24/11/2014 © Land and Property Information (LPI)
Date: 30/12/2014