

Ordinary Meeting Of Council



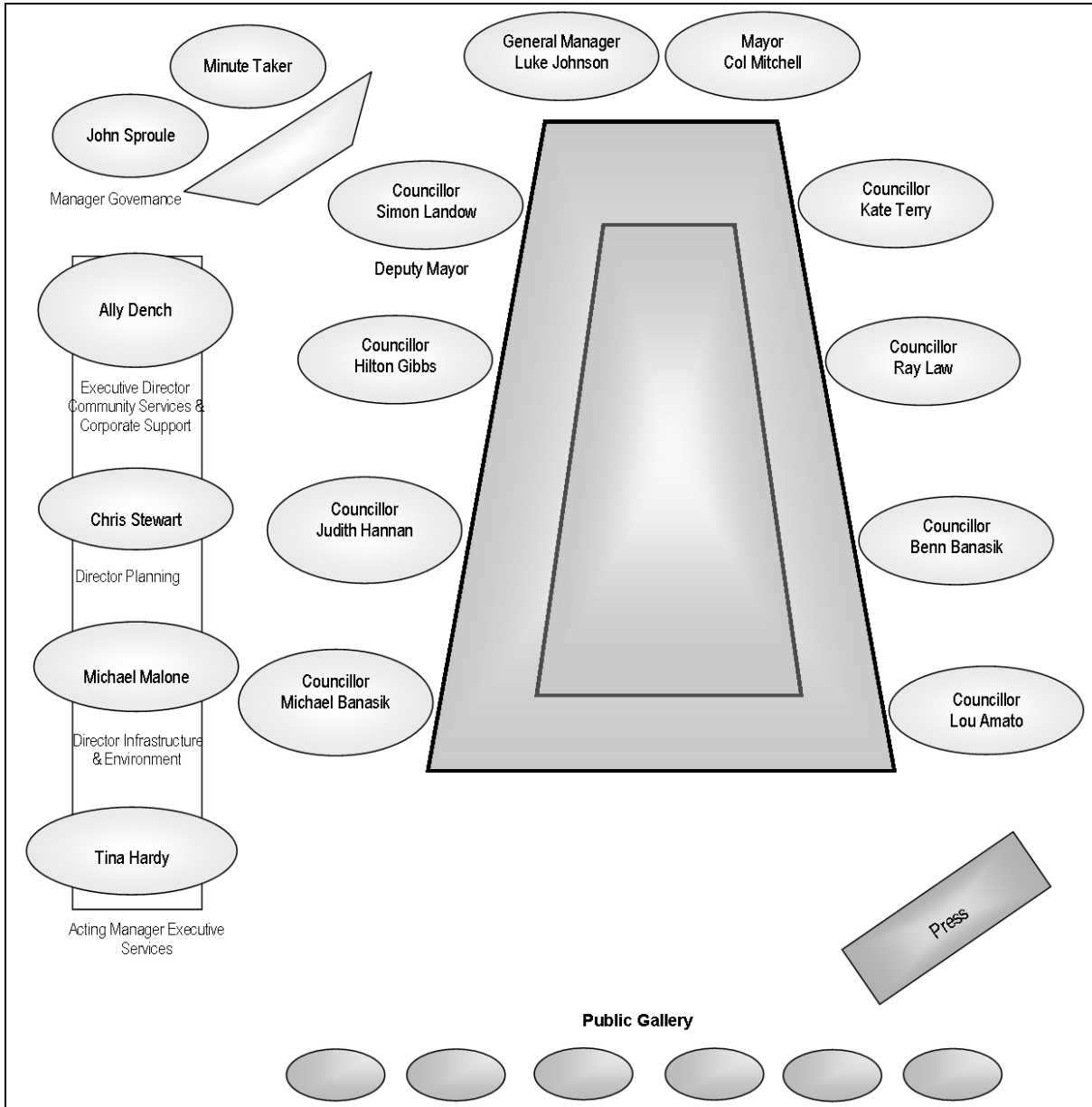
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 20 July 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 20 July 2015 commencing at 6.30pm.

Luke Johnson
General Manager

Seating in Council Chambers



EAST WARD

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

CENTRAL WARD

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

NORTH WARD

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

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

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OPENING

RECORDING OF THE MEETING

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

NATIONAL ANTHEM

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES AND LEAVE OF ABSENCE REQUESTS

DECLARATION OF INTEREST

CONFIRMATION OF MINUTES

▪ Ordinary Meeting of Council held on 15 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 20 July 2015

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN – PLANNING AND ECONOMY

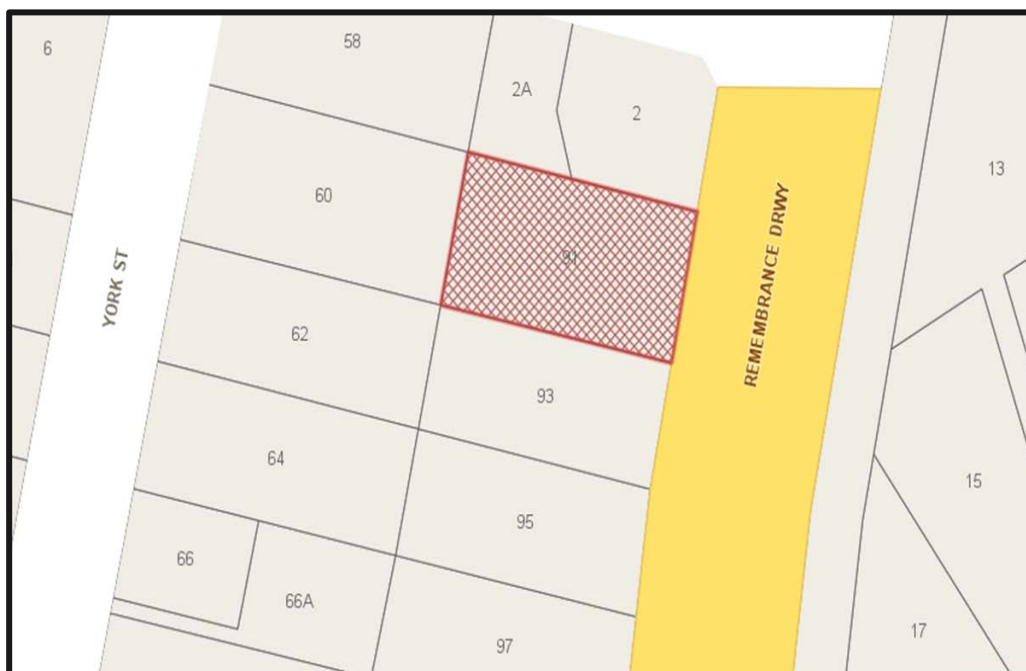
The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in your Community Strategic Plan 2033.

PE1 – Development Application No. 010.2015.00000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

PLANNING & ECONOMY

PE1 **Development Application No. 010.2015.00000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor**
264984 DD010.2015.00000062.001

Planning & Economy



↑
LOCATION MAP N

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

DEVELOPMENT INFORMATION

Development Application No:	010.2015.00000062.001
Property Address:	91 Remembrance Driveway, TAHMOOR Lot: 356 DP: 9278
Applicant:	Ghassibe Developments Pty Ltd
Owner:	Ghassibe Developments Pty Ltd
Proposal Details:	Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Title Subdivision
Zone:	R3 Medium Density Residential

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

EXECUTIVE SUMMARY

- Council is in receipt of an application seeking consent for a multi dwelling housing development and associated Strata title subdivision, creating five (5) Strata title allotments with a dwelling on each.
- The application was 'called up' by Council on 4 May 2015.
- A total of three (3) submissions were received.
- There are aspects of the application that do not comply with Wollondilly Development Control Plan 2011 (WDCP 2011). Variations are sought by the applicant and based on the merits of the development, the departures are considered justified in the circumstances of the case.
- 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 matter.
- It is recommended that the application be approved subject to conditions.

REPORT

BACKGROUND

On 5 February 2015, Council received Development Application No. 010.2015.0000062.001, for development described on the Application Form as "Demolition of buildings and erection of five (5) multi dwelling houses."

CONSULTATION

Referral	Outcome
Development Engineer	No concerns subject to recommended conditions of consent.
RMS	No objection subject to recommended conditions of consent.
Mine Subsidence Board	Approval provided.

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject property is known as No. 91 Remembrance Driveway (Lot: 356 DP: 9278) and is located on the western side of Remembrance Driveway. The site has a frontage of 25.14m to the Remembrance Driveway and has a total land area of 1,113sqm.

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

Existing on the subject site is a single storey residential dwelling house, garage shed, associated outbuilding and swimming pool. The site has minimal landscaping.

Access to the subject site is provided by a driveway off Remembrance Driveway.

The site is relatively level and drains to the rear of the site.

The property is located within the proclaimed Bargo Mine Subsidence District and is located in the village of Tahmoor, which consists of predominantly low to medium density residential development.

Adjoining the land to the north, west and south is low density residential development consisting of single storey dwellings with their associated structures and uses. To the east, the site is adjoined by Remembrance Driveway and public open space on the eastern side of Remembrance Driveway.

1.2 DESCRIPTION OF DEVELOPMENT

Consent is sought for the demolition of all existing structures, filling of the swimming pool, construction of five (5) dwellings and Strata title subdivision.

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) acts to protect and support the development of infrastructure in NSW.

New access is proposed from Remembrance Driveway, which requires RMS concurrence.

The application was referred to RMS, who provided no objection subject to conditions dated 10 April 2015. These conditions relate to the proposed access and require creation of a "Right of Way" issued by way of a Section 88B Instrument; closure of the existing access and reinstating of kerb and gutter; design and construction of the proposed driveway in accordance with Council's standards; and Section 138 approval prior to the commencement of works.

PE1 – Development Application No. 010.2015.00000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

The subject land is located approximately 4.5 metres to the west of a classified road being Remembrance Driveway. As a consequence, this proposal must be assessed against Section 101(2), SEPP (Infrastructure) 2007.

No objection has been received by RMS regarding the proposed vehicular access from Remembrance Driveway.

The safety, efficiency and ongoing operation of the classified road is not considered to be adversely affected by the proposed development due to the domestic nature of the development and required compliance with recommended conditions of consent provided by RMS.

The residential nature of the development may be described as being sensitive to traffic noise and vehicle emissions. The proposal has been assessed as per the provisions of *'Development near Rail Corridors and Busy Roads – Interim Guideline'*.

The traffic volume (number of vehicles, AADT) along Remembrance Driveway has been calculated at 9,192 vehicles. Units 1 and 2 are approximately 10.5 metres from wall to kerb, whilst Units 3, 4 and 5 are approximately 32 metres from wall to kerb. Units 3 and 5 are proposed directly behind Units 1 and 2. Unit 4 has direct line of sight to Remembrance Driveway. Therefore, assessment is required for Units 1, 2 and 4.

Due to the proposed development layout on the subject land, it is considered that Units 1 and 2 can be assessed against the dual occupancy screen test as they are grouped together, with a similar building line, and measures can be imposed subject to conditions of consent (in relation to an amended building design by way of a materials schedule submitted and approved prior to construction; and compliance with the submitted landscape plan) to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from Remembrance Driveway. The same applies to Unit 4, which can be assessed as a single dwelling (as Units 3 and 5 do not have direct line of sight to the road).

Therefore, units 1 and 2 are calculated as Category 3 Buildings and Unit 4 is calculated as a Category 2 Building for standard noise control treatments. Conditions of consent are recommended to ensure building design compliance with Category 2 and 3 provisions.

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

Section 102 of the SEPP provides controls in relation to impact of road noise or vibration on non-road development. Remembrance Driveway does not have an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) and as such, the proposal does not require further assessment under Section 102 of the SEPP.

State Environmental Planning Policy (BASIX)

Question	Answer
Are the street address, postcode and LGA correct on the BASIX certificate?	YES
Are the dwelling type and the number of bedrooms correct?	YES
Is the site area on the certificate correct?	YES
Is the roof area correct?	YES
Are the conditioned and unconditioned floor areas on the certificate correct?	YES
Are the landscaping/lawn areas correct on the certificate?	YES

State Environmental Planning Policy No. 55 – Remediation of Land

Question	YES		NO	
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 3		Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?		Proceed to Question 3		Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> ▪ Child care facility ▪ Educational use ▪ Recreational use ▪ Health care use ▪ Place of public worship ▪ Residential use in a commercial or industrial zone 		Proceed to Question 5	X	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?		Proceed to Question 5	X	Proposal satisfactory under SEPP 55 and DCP.

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	Request contaminated site assessment	Proposal satisfactory under SEPP 55 and DCP.
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Comment: A review of the property file and a site inspection (on 10 March 2015) did not identify any potential historical uses or sources of contamination which warrant further investigation or the requirement for the submission of a Stage 1 – Preliminary Investigation of contamination.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	The proposal is considered to be consistent with the aims of the plan as the development is able to be carried out with minimal impact on the quality of the river.
6. Planning Policies and Recommended Strategies	
(3) Water quality	Minimal impact on water quality is anticipated subject to conditions. The development area does not occur in close proximity to any watercourse.
(4) Water quantity	The impact of the development on drainage and flow characteristics has been assessed by Council's Development Engineer and is considered satisfactory.
(10) Urban development	Each allotment will be serviced by the Sydney Water reticulated sewer system. It is considered that the development will not be contrary to the aims and the objectives of the plan.

Wollondilly Local Environmental Plan, 2011

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	(a) Subject to conditions, it is anticipated that the effects of the development upon natural resources and landscape character is satisfactory.

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

Objective	Comment
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage,	(b) The subject land does not contain a heritage item; nor is it located adjacent to a heritage item. It is anticipated that the development will not impact adversely upon the heritage value of the area.
(c) to protect water quality in land that is situated within water supply catchments,	(c) Not applicable. The site is not located within a water supply catchment.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	(d) The proposal will not impede future growth, the provision of integrated transport and infrastructure systems or adequate facilities and services for future growth.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	(e) The development will not impact upon rural resource lands.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	(f) The proposal will be located in an established residential area within Tahmoor. Hence, the development will not significantly fragment the rural setting and the separation between urban and rural areas is maintained.

Characterisation: Demolition, Filling of swimming pool, Construction of five (5) dwellings (Multi dwelling housing) and Strata title subdivision

Zone of land: R3 Medium Density Residential

Permissibility: Permitted with consent

Zone objectives:

Objective	Comment
R3	
To provide for the housing needs of the community within a medium density residential environment.	The proposed development provides further housing for the community in a medium density residential environment.
To provide a variety of housing types within a medium density residential environment.	The proposed development satisfies this objective.

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Objective	Comment
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	This objective is not applicable to the proposed development. The proposed development is a residential land use.
To encourage the provision of affordable housing.	The proposed development satisfies this objective.

Clause	Comment
Part 2 Permitted or prohibited development	
2.6 Subdivision—consent requirements	Development consent has been sought. Complies.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	N/A - This clause does not apply to Strata Subdivision.
4.1A Minimum lot size for dual occupancies in residential zones	N/A – The proposed development is not a dual occupancy development.
4.3 Height of buildings	The Height of the proposed dwellings does not exceed the maximum 9m height limitation as identified under the Height of Building Map for the subject site.
Part 5 Miscellaneous provisions	
5.9 Preservation of trees or vegetation	No tree or vegetation removal is required.
Part 7 Additional local provisions	
7.1 Essential services	The subject site is serviced with reticulated water and sewer, underground telephone and overhead electricity.
7.2 Biodiversity	N/A - The site is not in the mapped biodiversity layer under WLEP 2011.
7.3 Water protection	N/A - No works are proposed within an area identified as water protection.
7.4 Flood planning	N/A. The subject site is not identified as flood prone.
7.5 Earthworks	To be conditioned accordingly. A maximum of 1.3m of fill is proposed.

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft Environmental Planning Instruments are relevant to the development proposal.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan 2011 (WDCP 2011) Volume 1 – General

Relevant Provisions	Comment
1.2 Aims of Plan	The proposal is consistent with the aims of the plan.
2.1 Advertising and Notification of Development Proposals	The proposal was advertised in accordance with the requirements of the control. Three (3) submissions have been received.
2.3 Tree and vegetation provisions	The proposal does not include the removal of any tree or vegetation on the subject site.
2.4 Landscaping	The submitted landscape plan is satisfactory.
2.5 Biodiversity	N/A. Clause 7.2 under WLEP 2011 does not apply.
2.6 Water	N/A. Clause 7.3 under WLEP 2011 does not apply.
2.7 Flood affected land	N/A. Not flood affected land
2.8 Bushfire prone land	N/A. Not bush fire prone land
2.9 Contaminated land and Land filling	The site is satisfactory as discussed under SEPP 55.
2.10 Land slip and subsidence	The land is identified as being within a mine subsidence area. The MSB has provided their approval.

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Relevant Provisions	Comment
2.11 Development in Sydney's Drinking Water Catchments	N/A. Not located within Sydney's Drinking Water Catchment
2.12 Site waste minimisation and management	Waste Management Plan (WMP) to be provided, subject to recommended standard conditions.
2.13 Salinity	No salinity report provided, subject to recommended standard conditions.
2.14 Water Management	N/A. This application does not propose creation of a public road nor does the subject land contain or adjoin a watercourse.
2.15 Transport and Movement	N/A. This application does not propose creation of a public road.
2.16 Landscape & Scenic Quality	N/A. This application does not propose creation of a public road and there are no existing trees on the subject land.

Volume 3 – Residential Development

4.15 Dual Occupancy within the R3 Medium Density Residential Zone and Medium Density Development other than Residential Flat Buildings

Relevant Provision	Comment
Density	
1. Residential development to which these provisions apply must achieve a minimum density of 25 lots per hectare rounded down to the nearest dwelling.	Complies. Minimum yield = 25×0.1113 = 2.78 = 3 dwellings
2. Residential development to which these provisions apply must not exceed a maximum density of 45 lots per hectare rounded down to the nearest dwelling.	Complies. Maximum yield = 45×0.1113 = 5.0085 = 5 dwellings
3. In determining the density of development under these provisions land used for the following purposes is not taken into account:	N/A

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<ul style="list-style-type: none"> ▪ Environmental Conservation ▪ Public Roads ▪ Land reserved for future development ▪ Dedication to Council as public open space ▪ Basins, wetlands and similar stormwater management systems (water tanks are to be included in the calculation) 	
Building Design	
4. The total portion of the site covered by all pools, buildings and paving shall not exceed 75% of the site area.	Proposed site coverage is less than 834.75sqm (75%) - being 751.62sqm (67.17%).
5. Filling of land shall not increase the natural ground level by more than 1.0m.	Complies. A maximum of 1.3m of fill will be required to fill the swimming pool back to natural ground level. This fill will not increase the natural ground level of the subject site.
6. Cut shall be limited to 2.0 metres below natural ground level.	No cut is proposed.
7. Each frontage of the lot to a public road must be addressed by a dwelling. A dwelling is taken to address a frontage if the façade of the dwelling visible from that frontage meets the front façade requirements of this volume.	Complies. Each of the proposed dwellings with frontage to a public road meets the front façade requirements of this volume as outlined below.
8. Any front façade must feature a personal access door.	Complies. A personal access door is provided to each façade facing a public road.
9. Any front façade must have no stretch of blank wall greater than 5.0m in length	Complies. Each front façade of the proposed dwellings has no stretch of blank wall greater than 5.0m in length.

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10. A side or rear façade must have no stretch of blank wall greater than 12.0 metres.	Complies. Each side and rear facade of the proposed dwellings has no stretch of blank wall greater than 12.0m in length.
11. No more than 50% of the front façade shall be garage doors.	Complies. Each dwelling has no more than 50% of the front façade occupied by garage doors.
12. The number of garage doors visible to the street shall be limited to 3. In this control a double garage door shall be counted as 2 doors.	Complies. A single garage is proposed for each of the dwellings.
13. The front façade shall be provided with at least one habitable room with a window looking out onto the public road.	Complies. A habitable room with a window looking out onto Remembrance Driveway is provided on the front façade of each dwelling.
14. Medium density developments must not: <ul style="list-style-type: none"> ▪ Be mirror reversed; ▪ Have a repeated façade; ▪ Locate garages at the centre of the building's front façade; nor ▪ Present an excessively bulky front façade. 	The proposed development complies with this control.
15. One dwelling per five provided in a medium density development (rounded down) shall be provided as an adaptable dwelling.	Complies. Unit 4 is adaptable.
Setbacks	
16. Where there is a dwelling on each adjoining lot, the setback for the dwelling from any primary road shall be the average setback of the existing adjoining dwellings plus or minus 10%. Such a setback shall be no less than 4.5m.	<p>Average setback = 9.6m</p> <p>Minus 10% = 8.64m</p> <p>Unit 1 is setback 6.2m with 1.5m wide verandah proposed within setback.</p> <p>Unit 2 is setback 6m with 1.5m wide verandah proposed within setback.</p> <p>The proposed development does not comply with this control.</p> <p>The Applicant requested a variation for the following reasons:</p>

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	<p>"The proposed development has been carefully designed to minimise adverse amenity impacts on adjoining properties. Careful site responsive design has ensured that the technical non-compliance with the front setback requirements does not give rise to significant amenity impacts for the immediate adjoining residential development, with all other setback requirements being compliant;" and</p> <p>"The proposed development is consistent with the objectives of Control 1.2 (particularly Visual Character)."</p> <p>"The proposed streetscape when viewed from various locations will provide variety and interest."</p> <p>"The best planning practice should recognise these constraints and respond to the opportunity to add value to this infill development by going beyond basic numerical compliance checking, and consider broader structural and urban design frameworks."</p> <p>It is recommended that the requested variation be supported, subject to conditions of consent.</p>
17. Where there is a dwelling on one adjoining lot the front setback for the dwelling shall be plus or minus 10% of the setback of the adjoining dwelling. Such a setback shall be no less than 4.5m.	N/A
18. Where there is no dwelling on an adjoining lot the front setback shall be 4.5m for a lot with an area less than 900sqm and 6.5m for other residential lots.	N/A

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19. The minimum side setback shall be 0.9m from land not included in the development.	Complies. All dwellings achieve a minimum side setback of 0.9m.
20. The minimum rear setback shall be 8.0m for a two (2) storey dwelling and 3.0m for a single storey dwelling or a single storey part of a two (2) storey dwelling.	Complies. The single storey and two (2) storey part of Units 3, 4 and 5 achieve the minimum rear setback requirement.
21. The methods for determining primary and secondary roads and setbacks prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes), 2008, are adopted by this volume.	Noted.
22. No part of any garage shall be located within 5.5 metres of a frontage of the site to a public road.	Complies. No garage is located within 5.5m of a public road.
23. Awnings and other building features that do not form a wall of a room may be located between the building setback to a primary and/or secondary road but shall not extend more than 1.5m in front of that building setback.	Complies. The verandahs attached to Units 1 and 2 do not extend more than 1.5m within the building setback.
24. Eaves and other building features that do not form a wall of a room may be located within the side and rear building setbacks but shall not extend more than 450mm into that building setback.	Complies.
25. For corner or irregular allotments with multiple road frontages the setback from any secondary road shall be 2m for a lot with an area less than 900m ² and 3m for other residential lots.	The subject land is not a corner or irregular allotment.
Private Open Space	
26. A minimum principal area of private open space must be provided for each dwelling with the following characteristics: a. Gradient no steeper than 1:20 (Rise:Run) b. Width no less than 3 metres in any direction	Complies. The proposed private open space (POS) to each dwelling complies with the design, location and use requirements of this control.

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c. Must be directly accessible from, and adjacent to, a habitable room, other than a bedroom d. Have an area no less than 24 square-metres. e. Must not be located in the front building setback f. Not be used for clothes drying, effluent disposal or garbage storage	
Common Open Space	
27. The size of the principal area of private open space for each dwelling may be reduced to 10 square-metres if an area of common open space is provided for the development.	N/A. No common open space proposed.
Parking, Access and Vehicular Safety	
28. A minimum of one parking space must be provided wholly on the site for each dwelling. Such a space or spaces may be an open hard stand space or a carport or garage, whether attached to or detached from the dwelling.	Complies. One (1) car parking space is provided to each dwelling in the form of a secured garage.
29. An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.	Noted.
30. A minimum of 1 visitor parking space per three (3) dwellings (rounded up) must be provided wholly on the site. Such a space or spaces may be an open hard stand space or a carport or garage, whether attached to or detached from the building.	Complies. Two (2) visitor parking spaces are proposed.
Landscaping	
31. At least 10% of the area of the site shall be formally landscaped with an automated water system to be provided.	Submitted landscape plan complies, subject to conditions.
Privacy	

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32. Dwellings must not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity.	Complies. The proposed dwellings will not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity or dwellings which form part of the development itself.
33. A window that has a sill height of 1.7m or more above the floor level within the room shall be taken to have no potential for overlooking.	Noted.
Stormwater	
34. Stormwater from new buildings must be gravity fed to a constructed or natural stormwater system. The use of charged lines is not permitted for storm water connections except for connections conveying roof water to tanks within the property.	The proposal is supported by an easement drainage plan and owner agreement which identifies that the stormwater from the new dwellings will be conveyed to York Street via No. 60 York Street. The plan has been designed to conform to Council's design requirements and will be subject to conditions.
Waste Management	
35. The development shall be provided with onsite waste management facilities to allow for: a) The collection of domestic waste from each dwelling b) The storage of the waste out of sight of any publically accessible place, dwelling window, area of private open space and area of common open space. c) The collection of domestic waste from the development by waste collection vehicles.	Complies. Onsite waste management facilities proposed, subject to conditions.
Environmental Protection	
36. Development must be designed and located to result in no clearing of significant stands of native vegetation.	No significant stands of native vegetation are located on the subject site.

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Wollondilly Development Control Plan 2011 Volume 10 – Subdivision of Land

The proposal meets the definition of “minor subdivision” as defined in this Volume, see below:

“Any subdivision that:

- Does not create any additional dwelling opportunities (excluding an additional opportunity for a secondary dwelling); and
- Does not, by its scale and nature, have any plausible adverse social, environmental or economic impacts; and
- Does not involve any allotment on which an item of environmental heritage is situated; and
- Does not involve any allotment located within a heritage conservation area; and
- Does not result in more than 4 new allotments.

This definition is not intended to be applied to the interpretation of exempt or complying development provisions.”

PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
<p>1. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that the following risks to public safety are suitably mitigated:</p> <ul style="list-style-type: none"> a) Road and traffic hazards; b) Bushfire; c) Flood; d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses; e) Exposure to electricity transmission systems; and f) Exposure to radiation from telecommunications infrastructure. 	<p>Council has considered and is satisfied the risks identified under this control are suitably mitigated and do not present a risk to public safety for the proposed development.</p>
<p>2. The consent authority must not grant consent to a development application subject to this volume unless it is satisfied that the road network in the vicinity:</p>	<p>Council and RMS have considered the proposal and are satisfied that the road network in the vicinity of the proposed development has adequate capacity to support the development;</p>

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PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
<p>a) has adequate capacity to support the development; and b) will have an adequate level of amenity once the development is operating.</p>	<p>and will have an adequate level of amenity once the development is operating.</p>
<p>3. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that emergency services vehicles will have adequate access to service the proposal.</p>	<p>Council has considered and is satisfied that emergency services vehicles will have adequate access to service the proposal.</p>
<p>4. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.</p>	<p>The MSB has provided their concurrence to the proposal prior to determination.</p>
<p>5. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that adequate measures will be provided to prevent the release of wastes, hazardous or offensive materials into the natural environment..</p>	<p>Council has considered and is satisfied that adequate measures will be provided to prevent the release of wastes, hazardous or offensive materials into the natural environment.</p>
<p>6. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that adequate measures will be provided to prevent hazard from wastes, hazardous or offensive materials to human health</p>	<p>Council has considered and is satisfied that adequate measures will be provided to prevent hazard from wastes, hazardous or offensive materials to human health.</p>

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PART 3 - GENERAL REQUIREMENTS FOR ALL DEVELOPMENT	Comment
3.1 Traffic and Transport	The proposed subdivision is by Strata title. This control does not apply as this has been addressed in the WDCP 2011, Volume 3 assessment.
3.2 Wastewater	The proposed subdivision is by Strata title. This control does not apply as this has been addressed in the WDCP 2011, Volume 3 assessment.
3.3 Stormwater	
1. All subdivisions must demonstrate stormwater management arrangements to allow for drainage to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety	The proposal is supported by an easement drainage plan and owner agreement which identifies that the stormwater from the new dwellings will be conveyed to York Street via No. 60 York Street. The plan has been designed to conform to Council's design requirements and will be subject to conditions.
2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report to be submitted with the development application which must include modelling of both water quantity and quality.	N/A. The proposed subdivision is not medium or large.
3. All stormwater infrastructure to be dedicated to Council must be low maintenance.	Complies. All stormwater infrastructure to be dedicated to Council is to be low maintenance.
3.4 Lot Shape	The proposed subdivision is by Strata title. This control does not apply.

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PART 3 - GENERAL REQUIREMENTS FOR ALL DEVELOPMENT	Comment
3.5 Landscape and Character	The proposed subdivision is by Strata title. This control does not apply as this has been addressed in the WDCP 2011, Volume 3 assessment.
3.6 Delivery of Housing Variety in Residential Zones	The proposed subdivision is by Strata title. This control does not apply as this has been addressed in the WDCP 2011, Volume 3 assessment.
3.7 Corner Allotments	N/A. The subject land is not a corner allotment
3.8 Building Envelopes	The proposed subdivision is by Strata title. This control does not apply.
3.9 Environmental Protection	N/A. No significant native vegetation or other environmental assets are identified onsite.
3.10 Aboriginal Heritage	The proposed subdivision is by Strata title. This control does not apply.
3.11 Noise Amenity	N/A This control has been addressed in the SEPP (Infrastructure) 2007 assessment.
3.12 Agricultural Subdivision	N/A. The subject land is not agricultural.

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

None applicable.

1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	Subject to conditions of consent it is considered that the development will not have any unreasonable adverse impacts.
Built Environment	Subject to conditions of consent, it is considered that there will be minimal environment impacts.
Social Impacts	Subject to conditions of consent, it is considered that there will be minimal social impacts.
Economic Impacts	It is considered that there will be neutral or beneficial economic impact.

1.5 SUITABILITY OF THE SITE

It is considered that the site is suitable for the development. Issues that have been brought to the applicant's attention from Council have been considered and amendments have been made. The proposed development is considered to be suitable for the site subject to recommended conditions of consent.

1.6 SUBMISSIONS

The application was advertised for a period of 15 days commencing 1 April 2015. A total of three (3) submissions were received.

Below is an assessment of the submissions received relevant to this application:

Concern	Comment
Two (2) storey development	Two (2) storey developments up to a maximum height of 9m are permitted in the R3 Medium Density Residential Zone and this subject site by WLEP 2011.
Overlooking	The proposed dwellings will not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity or dwellings which form part of the development itself. No windows are provided to the

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Concern	Comment
	second storey of Units 3 and 5 along the northern and southern property boundaries; only bathroom windows are provided to the second storey of each Unit for viewing to adjoining properties; and there is minimal potential for overlooking into the private open space and bedroom windows of Units 1 and 2.
Loss of natural light and sun	The submitted shadow diagram complies and allows for a minimum of 3 hours of sunlight to adjoining properties - particularly No. 93 Remembrance Driveway.
Overdevelopment and Visual presence	<p>The proposed development complies with WDCP 2011, Volume 3, Control 4.15(4), not exceeding 75% of the site area.</p> <p>Notwithstanding the reduced front setback, the proposal complies with all other WDCP 2011 controls; and is not considered to present an excessively bulky façade.</p>
Inadequate provision of parking	<p>The proposed development is considered to provide a sufficient number of parking spaces, complying with WDCP 2011, Volume 3, Control 4.15(28-30).</p> <p>Access and Parking will be subject to recommended conditions of consent.</p>

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1.7 THE PUBLIC INTEREST

While there has been opposition to the proposed development, it complies with the provisions of WLEP 2011 and is broadly consistent with WDCP 2011. Subject to conditions of consent, the development is not expected to have any negative impacts on the environment or the amenity of the locality as detailed throughout this report.

It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS:

1. Plans of proposed development.

RECOMMENDATION

That Development Application 010.2015.00000062.001 for demolition of existing structures, filling of swimming pool, construction of five (5) dwellings and Strata title subdivision of Lot: 356 DP: 9278, at 91 Remembrance Driveway, Tahmoor be approved subject to the following conditions:

1. COMPLIANCE

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

- (1) Development Consent is granted for the demolition of existing structures, filling of swimming pool, construction of a multi-dwelling development comprising five (5) dwellings and associated Strata title subdivision at Lot: 356 DP: 9278, No. 91 Remembrance Driveway, Tahmoor.

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(2) Development shall take place in accordance with the endorsed plans:

Drawing Title	Drawing No.	Prepared By	Dated
Site Plan	1726	Reggie's Residential Design and Drafting	22/06/2015 (Issue C)
Unit 1 Lower Floor Plan	1726-1	Reggie's Residential Design and Drafting	16/12/2014 (Issue A)
Unit 1 Upper Floor Plan	1726-2	Reggie's Residential Design and Drafting	16/12/2014 (Issue A)
Unit 2 Lower Floor Plan	1726-4	Reggie's Residential Design and Drafting	16/12/2014 (Issue A)
Unit 2 Upper Floor Plan	1726-5	Reggie's Residential Design and Drafting	16/12/2014 (Issue A)
Units 3,4 and 5 Lower Floor Plan	1726-7	Reggie's Residential Design and Drafting	04/05/2015 (Issue B)
Units 3, 4 and 5 Upper Floor Plan	1726-8	Reggie's Residential Design and Drafting	16/12/2014 (Issue A)
Units 3-5 Elevations	1726-9 1726-10	Reggie's Residential Design and Drafting	16/12/2015 (Issue A)
Units 1 and 2 Garage Elevations	1726-11	Reggie's Residential Design and Drafting	16/12/2015 (Issue A)
Sections	1726-12	Reggie's Residential Design and Drafting	16/12/2015 (Issue A)
Landscape Plan	1726-14	Reggie's Residential Design and Drafting	08/01/2015 (Issue A)
Strata Plans	1-3	John R Lowe	Undated

and supporting information submitted in respect of Development Application No. 010.2015.00000062.001 lodged on 5 February 2015, except where varied by the following conditions:

- (3) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (4) In the event of an inconsistency of detail between the relevant plans and elevations the details shown in the *elevations* shall take precedent.

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- (5) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (6) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).

2. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

- (1) All demolition works shall be undertaken by a licensed demolisher who is registered with WorkCover Authority of NSW. Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.
- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the *How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia)*, WorkCover Authority of NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with a waste management plan approved by Wollondilly Shire Council.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).

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- (8) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “*Demolition work code of practice July 2014*” including provision for:
- Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

3. BUILDING DESIGN

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

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- (1) Prior to the issue of any Construction Certificate, a materials schedule and sample board must be provided to Council or the nominated Accredited Certifier for Units 1 and 2.

The existing colours and finishes of the buildings shall be altered so they are distinguishable from each other rather than having repeated façade colour treatments.

- (2) The dwellings shall incorporate earthy colours. Pale or patterned brickwork or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured brickwork shall only be used on sills, window heads, string courses etc.
- (4) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (5) The design details of the proposed building façade of Units 1 and 2, including all external finishes, glazing and colours, must be in accordance with the approved materials schedule and sample board.
- (6) Unit 4 shall comply with AS1428 – Design for access and mobility in respect of accessibility for people with a disability. Prior to the issue of any Construction Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.
- (7) Standard noise control treatments in accordance with NSW Department of Planning’s “*Development near Rail Corridors and Busy Roads – Interim Guidelines*” Appendix C Acoustic Treatment of Residences, Category 2 (for Unit 4) and 3 (for Units 1 and 2) standard constructions shall be provided to ensure the following LAeq levels are not exceeded:
 - (a) in any bedroom in the buildings – 35 dB(A) at any time between 10pm and 7am,
 - (b) anywhere else in the buildings (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.
- (8) Certification from an appropriately qualified acoustic consultant, that the works required in Condition 3(7) have been completed, shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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(REASON: Conditions 3(7) and 3(8) have been imposed to mitigate the effects of traffic noise due to the proximity of the subject land to Remembrance Driveway).

4. BASIX CERTIFICATES

These conditions have been imposed to ensure that the structure is constructed to approved standard and related approvals.

- (1) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 601945M are fulfilled.

In this condition:

- a) relevant BASIX Certificate means
 - i) a BASIX Certificate that was applicable to the development when this consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development consent when this consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to the term in the Environmental Planning and Assessment Regulation, 2000.

5. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments' best management practices for the management of urban salinity.

- (1) The concrete slab for the proposed dwellings shall be constructed using Class 32 mpa (N32) concrete or a sulphate resisting type SR cement with a water to cement ratio of 0.5. Salt resistant concrete which has been mixed, laid and cured is less permeable to water and therefore salt. Details verifying compliance with this condition shall be submitted to the Principal Certifying Authority after placement of the concrete and prior to any further building work.

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6. CONSTRUCTION GENERAL

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

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of demolition work or site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

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

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

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

- (4) Prior to the issue of any Construction Certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.
- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (7) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (8) If the soil conditions require it:
 - (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) Adequate provision must be made for drainage.
- (9) **SUPPORT FOR NEIGHBOURING BUILDINGS**
 - (a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (i) must preserve and protect the building from damage; and
 - (ii) if necessary, must underpin and support the building in an approved manner; and

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(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

(10) PROTECTION OF PUBLIC PLACES

(a) If the work involved in the erection or demolition of a building:

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

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

(b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

(c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

(11) There shall be no burning of builders rubble, felled trees or other material on site.

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7. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans for the access driveway, manoeuvring area, car parks and stormwater drainage, shall be submitted to and approved by Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
- (3) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to the Principal Certifying Authority before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (4) Engineer's certification shall be provided to the Principal Certifying Authority for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.
- (5) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Civil Engineering Construction Certificate (for stormwater drainage, car parks, driveway, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

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

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8. DRAINAGE/STORMWATER

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

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) The applicant shall amend stormwater drainage shown on the concept drainage plan by D & M Consulting, Sheet No. 13334C Civils(1-4), dated 08 May 2015 and Sheet No. 13334C Easement, dated 23 February 2015 as follows:
 - A maximum flow to York Street shall be 25l/sec
 - Provision of adequate on site detention to achieve this maximum flow of 25l/sec
 - The drainage outlet shall be located clear of the existing outlet from No. 60 York Street
 - Details of this shall be shown on the engineering plans for approval by **the nominated Accredited Certifier and Council** as the Road Authority prior to the issue of a Construction Certificate.
- (4) As per the concept drainage plan by D & M Consulting, Sheet No. 13334C Easement, dated 23 February 2015, the applicant shall provide evidence of registration of the drainage easement 1.5 metres wide prior to the issue of a Construction Certificate.
- (5) An overland flow path (grassed swale) shall be provided at the rear of Units 3, 4 and 5 for directing surface water to the proposed pits. Details of this shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier prior to the issue of a Construction Certificate.

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- (6) As per the concept drainage plan by D & M Consulting, Sheet No. 13334C Easement, dated 23 February 2015, the applicant shall provide the proposed overland flow path near the pit 2/1. This includes a gap under the fence to suit the overland flow path. Details of this shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier prior to the issue of a Construction Certificate. A restriction to this effect shall be placed on the Title of Unit 3.

9. CARPARKING/ACCESS

These conditions have been imposed to:

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**

- (1) A coloured concrete access driveway and manoeuvring area shall be provided generally as shown on the concept plan by D & M Consulting, Sheet No. 13334C Civils, Sheet No. 5, dated 23 February 2015. Details of this shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier.
- (2) The development is to be provided with – two concrete visitor car parking spaces and access thereto. Such spaces are to measure not less than 2.6m x 5.5m and are to be constructed and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.

10. PUBLIC ROADS

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

- (1) Provision of Vehicular Access to the site through the construction of a maximum 6.0 metre wide layback gutter crossings/concrete footpath crossings in accordance with Council's Construction Specifications. All obsolete vehicular crossings must be reconstructed as kerb.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council.

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- (2) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (3) All access to lots subdivided from Lot: 356 DP: 9278 (91 Remembrance Driveway) must be via a "Right of Way" legally certified on the titles of the burdened lots prior to the issue of any Occupation Certificate, being issued by way of a Section 88B Instrument under the Conveyancing Act, 1919.

11. EROSION AND SEDIMENT CONTROL

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

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

12. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill.

- (1) All filling on the site shall be compacted to not less than 95% Standard Compaction.
- (2) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (3) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.

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- (4) The person having the benefit of this consent shall provide Council with an audit report for the fill to be used in carrying out this development prior to commencing works. The audit report must be undertaken by a suitably qualified and practising professional.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (6) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (7) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.
- (8) Certification shall be provided to Council by a Registered Surveyor certifying that the development has complied with the conditions of this consent relating to the depth and extent of filling permitted on the site. The certification shall be provided within three (3) months of the completion of the development. If the development is not completed within three (3) years of the date of this consent then a surveyors report detailing the extent and depth of fill shall be submitted within the first three (3) years of the consent and annually thereafter until the development is completed.

13. WASTE MANAGEMENT

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

- (1) A Waste Management Plan is to be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or the nominated Accredited Certifier in accordance with Condition 12(1) of this consent.

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- (3) Each dwelling shall be provided with an area to be used to store Council's standard garbage and recycling containers with such area not visible from the street and easily accessible to dwelling occupiers.
- (4) During the construction stage all waste streams are to be stored separately and to include:
 1. Material to be recycled.
 2. Material to be transferred to Landfill.
 3. Material to be reused on the site.

14. OCCUPATION AND USE

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

- (1) The premises shall be maintained in a clean and tidy state at all times.
- (2) The dwellings shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.

15. HERITAGE

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

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

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16. FENCING

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

- (1) Lapped and capped timber fencing (or similar) shall be extended along the southern property boundary prior to the issue of any Occupation Certificate. Such fencing shall have a height of 1.8 metres to the building line of Unit 1, and shall then taper to a height of 1.2 metres at the street boundary.
- (2) All fencing shall comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, prior to the issue of any Occupation Certificate.

17. LANDSCAPING

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

- (1) Mulched garden beds shall be provided for all landscaped areas forward of the building lines. Each bed shall be finished with a permanent edge.
- (2) Landscaping is to be installed in accordance with the endorsed Landscape Plan prior to the release of any Occupation Certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

18. INSPECTIONS

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

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

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- Pier holes before pouring of concrete
 - Steel reinforcing before pouring of concrete
 - Wet area damp proofing and flashing before lining
 - Stormwater drainage before backfilling
 - Frame work before internal cladding or lining is fixed
 - Firewalls before internal cladding or lining is completed
 - Completion of the building work before occupation or use.
- (2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
 - When drainage lines have been laid, jointed and bedded, prior to backfilling
 - Prior to pouring of the drainage pits, when the formwork and steel is in place
 - At completion of the preparation of all concrete layback gutter crossing subgrade
 - Prior to pouring vehicle crossing slabs, when formwork and steel is in place
 - Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place
 - At practical completion of works.
- Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.
- (3) All plumbing and drainage works shall be carried out in accordance with the New South Wales Plumbing & Drainage Code of Practice and Australian Standard AS3500 except where otherwise provided in the Local Government Act 1993 and the Local Government (Approvals) Regulation, 2005.
- (4) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

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19. SERVICES

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

- (1) Electricity supply is to be made available to all proposed dwellings in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed dwellings in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

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

- (4) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post.
- (5) All of the letter boxes for the development shall be contained in the one structure which shall be constructed from materials that are complimentary to those used in the buildings on the site. The letter box structure shall be to the satisfaction of Australia Post and shall be positioned so that it does not obstruct sight lines for vehicles entering or leaving the site or adjoining land. A concrete or other pathway constructed from materials complementary to the development shall link the letter box structure to the rest of the development.
- (6) All power and services within the site shall be underground.

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- (7) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place.
- (8) All proposed dwellings shall be connected to the reticulated sewerage system prior to the release of the Occupation Certificate.

20. SECTION 94 CONTRIBUTIONS

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

- (1) Payment of a Contribution for four (4) dwellings in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Construction Certificate.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$644
(ii) Open Space, Sport & Recreation (Precinct)	\$26,328
(iii) Library & Community Facilities (Shire)	\$3,040
(iv) Library & Community Facilities (Precinct)	\$3,920
(v) Transport & Traffic (Roads & Intersections)	\$18,792
(vi) Transport & Traffic (Cycleways)	\$160
(vii) Bushfire Protection	\$76
(viii) Plan Administration	\$2,648
TOTAL	\$55,608

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

21. SUBDIVISION PLANS

These conditions have been imposed:

- (a) To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.**
- (b) To outline Council's requirements on work standards for the construction of land subdivision.**

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- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) Existing easements and natural watercourses are to be marked on the Linen Plan of Subdivision.

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

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

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

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- (c) This [clause](#) does not apply:
- (i) to the extent to which an exemption is in force under [clause](#) 187 or 188, subject to the terms of any condition or requirement referred to in [clause](#) 187 (6) or 188 (4), or
 - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
- (d) In this [clause](#), a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the [application](#) is made for the relevant:
- (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) construction certificate, in every other case.

Note: There are no [relevant provisions](#) in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

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

- (a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - (ii) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (iii) Stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

PE1 – Development Application No. 010.2015.00000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

(3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS

- (a) For the purposes of Section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - (aa) the name and licence number of the principal contractor; and
 - (ab) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (ii) in the case of work to be done by an owner-builder:
 - (aa) the name of the owner-builder; and
 - (ab) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.
- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (b) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

23. ADVICES

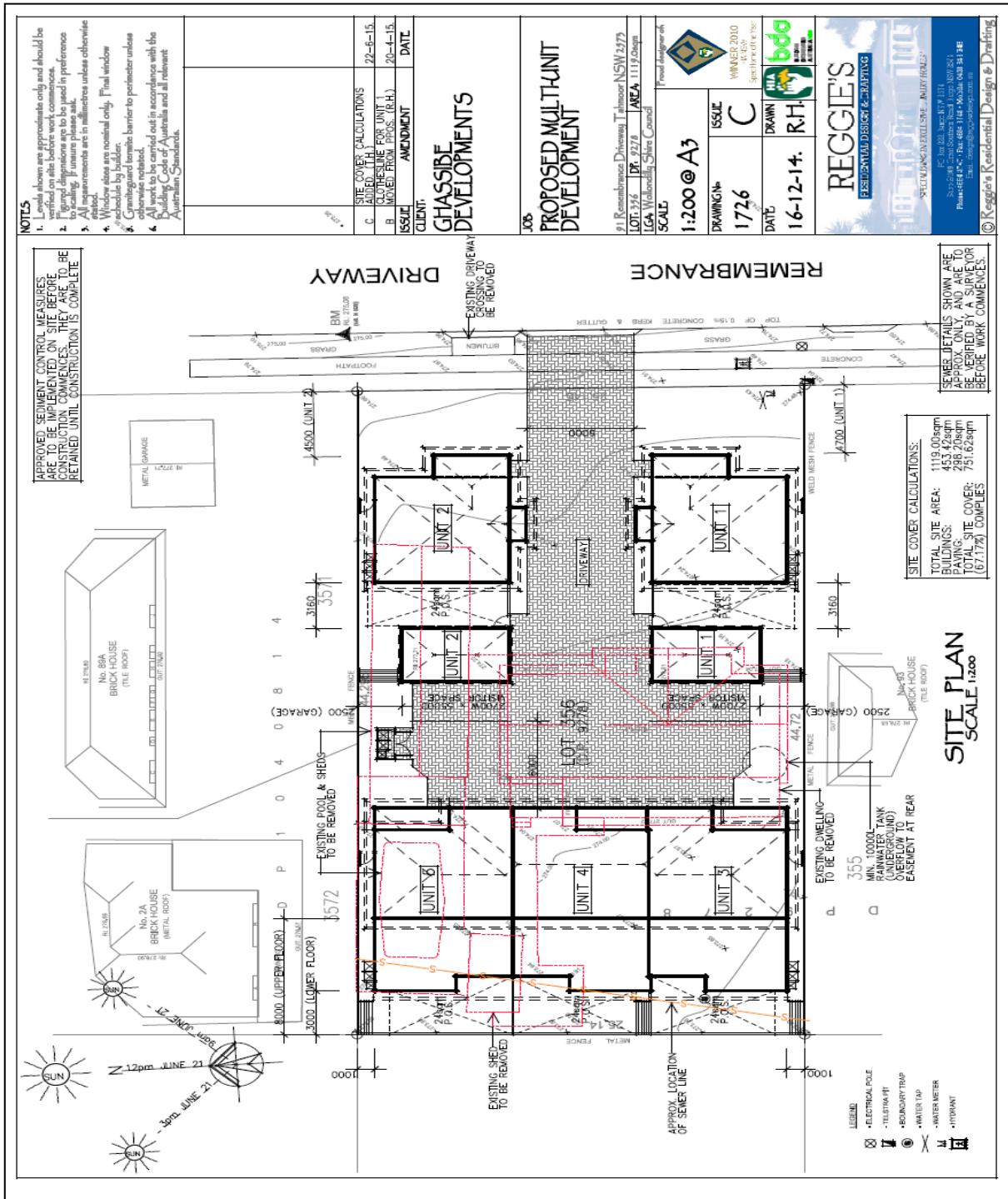
- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc. that require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.

PE1 – Development Application No. 010.2015.00000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.
- (3) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for civil works.**
- (4) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

ATTACHMENT 1 – 010.2015.0000062.001 – 20 JULY 2015



PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

ATTACHMENT 1 – 010.2015.0000062.001 – 20 JULY 2015

NOTES

- Levels shown are approximate only and should be verified on site before work commences.
- Figured dimensions are to be used in preference to scaling. If unsure please ask.
- All measurements are in millimetres unless otherwise stated.
- Window sizes are nominal only. Final window schedule by builder.
- Gravelguard kerbside barrier to perforator unless otherwise noted.
- All work to be carried out in accordance with the Building Code of Australia and all relevant Australian Standards.

CLIENT: GHASSIJE DEVELOPMENTS

JOB: PROPOSED MULTITRUIT DEVELOPMENT

91 Remembrance Driveway Tahmoor NSW 2573
 LOT 576 DP 9278 ARCA 1119 Design
 LGA Wollondilly Shire Council
 SCALE: 1:100 @ A3
 DRAWING No: 1726-9
 DATE: 16-12-14
 ISSUE: A
 DRAWN: R.H.
 WARRIOR 2010 HOUSE
 Specialise in the best
 bda
 REGGIE'S
 ESSENTIAL DESIGN & DRAFTING
 P.O. Box 203, Jago, NSW 2571
 812 5888 Gungahlin Road, Jago, NSW 2571
 Phone: 065 847 474 Fax: 065 748 3033
 Email: reggie@reggies.com.au
 © Reggie's Residential Design & Drafting

UNITS 3-5

WESTERN ELEVATION

EASTERN ELEVATION

ALL COLOURS SHOWN ARE INDICATIVE ONLY AND SHOULD BE VERIFIED BY BUILDER BEFORE WORK COMMENCES.

COLORBOND 'SURFIMIST'

COLORBOND 'MONUMENT'

COLORBOND 'DUNE'

AUSTRALIAN SYMMETRY 'ASPHALT'

AUSTRALIAN SYMMETRY 'EARTH'

COLORBOND 'TUNE'

COLORBOND 'DUNE'

COLORBOND 'MONUMENT'

COLORBOND 'SURFIMIST'

LA ESCUDILLA PLANUM TERRACOTTA ROOF TILES 'SLATE'

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

ATTACHMENT 1 – 010.2015.0000062.001 – 20 JULY 2015

NOTES

- Levels shown are approximate only and should be verified on site before work commences.
- Finished elevations are to be used in preference to scaling. If unsure please ask.
- All measurements are in millimetres unless otherwise stated.
- Windows are nominal only. Final window sizes are to be confirmed by the client.
- Gravel and kerbs are to be installed unless otherwise indicated.
- All work to be carried out in accordance with the Building Code of Australia and all relevant Australian Standards.

ISSUE	AMENDMENT	DATE
CLIENT: GHASSIBE DEVELOPMENTS		
JOB: PROPOSED MULTI-UNIT DEVELOPMENT		
91 Remembrance Driveway, Tahmoor NSW 2573 LOT: 516 D/L 2276 AREA: 1119.0sqm LGA: Wollondilly Shire Council		
SCALE: 1:100 @ A3		
DRAWING NO:	ISSUE	
1726-10	A	
DATE:	DRAWN BY:	SCALE:
16-12-14	R.H.	1:100 @ A3

UNITS 3-5

REGGIE'S	RESIDENTIAL DESIGN & DRAFTING
<p>REGGIE'S RESIDENTIAL DESIGN & DRAFTING</p> <p>15/152 Macleay Street, Sydney NSW 2011 Phone: 02 9439 4444 Fax: 02 9439 4444 www.reggiesdesign.com.au</p>	<p>REGGIE'S RESIDENTIAL DESIGN & DRAFTING</p> <p>15/152 Macleay Street, Sydney NSW 2011 Phone: 02 9439 4444 Fax: 02 9439 4444 www.reggiesdesign.com.au</p>

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

ATTACHMENT 1 – 010.2015.0000062.001 – 20 JULY 2015

<p>NOTES</p> <ol style="list-style-type: none"> Levels shown are approximate only and should be verified on site before work commences. General dimensions are to be fixed in preference to elevations. All measurements are in millimetres unless otherwise stated. Window sizes are nominal only. Final window schedule by builder. Crashguard/terrace barrier to perimeter unless otherwise notated. All works to be carried out in accordance with the Building Code of Australia and all relevant Australian Standards. 		<p>ISSUE: _____ AMENDMENT: _____ DATE: _____</p> <p>CLIENT: GHASSIBE DEVELOPMENTS</p>
<p>JOB: PROPOSED MULTI-UNIT DEVELOPMENT</p> <p>91 Remembrance Driveway, Tahmoor NSW 2573 LOT 3/6 DP 2278 LANKA 1119 Design LGA: Wollondilly Shire Council SCALE: 1:100 @ A3</p>		<p>WINNER 2010 BEST COMMERCIAL bdb BEST OF 2010</p>
<p>DRAWING: 1726-11 ISSUE: A</p> <p>DATE: 16-12-14 R.H.</p>		<p>RECCIE'S RESIDENTIAL DESIGN & DRAFTING</p> <p>15 The Hill, Macquarie Hill Sydney NSW 1588 Phone: 02 9350 8888 Fax: 02 9350 8888 Email: reccies@reccies.com.au Website: www.reccies.com.au</p> <p>© Reccie's Residential Design & Drafting</p>
<p>UNIT 2 GARAGE</p> <p>ROOF PITCH 25° ROOF TILES AS SELECTED FACE BRICKWORK (MAIN COLOUR)</p> <p>EASTERN ELEVATION</p> <p>ROOF PITCH 25° ROOF TILES AS SELECTED FACE BRICKWORK (MAIN COLOUR)</p> <p>WESTERN ELEVATION</p>		
<p>UNIT 1 GARAGE</p> <p>ROOF PITCH 25° ROOF TILES AS SELECTED FACE BRICKWORK (MAIN COLOUR)</p> <p>EASTERN ELEVATION</p> <p>ROOF PITCH 25° ROOF TILES AS SELECTED FACE BRICKWORK (MAIN COLOUR)</p> <p>WESTERN ELEVATION</p>		
<p>ROOF PITCH 25° ROOF TILES AS SELECTED GARAGE DOORS AS SELECTED FACE BRICKWORK (MAIN COLOUR)</p> <p>SOUTHERN ELEVATION</p> <p>ROOF PITCH 25° ROOF TILES AS SELECTED FACE BRICKWORK (MAIN COLOUR)</p> <p>NORTHERN ELEVATION</p>		
<p>ROOF PITCH 25° ROOF TILES AS SELECTED FACE BRICKWORK (MAIN COLOUR)</p> <p>SOUTHERN ELEVATION</p> <p>ROOF PITCH 25° ROOF TILES AS SELECTED GARAGE DOORS AS SELECTED FACE BRICKWORK (MAIN COLOUR)</p> <p>NORTHERN ELEVATION</p>		
<p>COLORBOND 'SURFIST'</p> <p>COLORBOND 'MONUMENT'</p> <p>COLORBOND 'DUINE'</p> <p>AUSTRAL SYMMETRY 'EARTH'</p> <p>AUSTRAL SYMMETRY 'ASPHALT'</p> <p>LA ESCANABELLA PLANUM TERRACOTTA ROOF TILES 'SLATE'</p>		

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

ATTACHMENT 1 – 010.2015.0000062.001 – 20 JULY 2015

NOTES

1. All dimensions are approximate only and should be verified on site before work commences.
2. All dimensions are to the face of the wall unless otherwise stated.
3. All dimensions are to the face of the wall unless otherwise stated.
4. All dimensions are to the face of the wall unless otherwise stated.
5. All dimensions are to the face of the wall unless otherwise stated.
6. All dimensions are to the face of the wall unless otherwise stated.
7. All dimensions are to the face of the wall unless otherwise stated.
8. All dimensions are to the face of the wall unless otherwise stated.
9. All dimensions are to the face of the wall unless otherwise stated.
10. All dimensions are to the face of the wall unless otherwise stated.

ISSUE: AMENDMENT
CLIENT: GHASSIBE DEVELOPMENTS
DATE:

JOB: PROPOSED MULTIUNIT DEVELOPMENT

21 Remembrance Driveway, Tahmoor NSW 2573
LOT 1516 DP 2374 AREA 1112.0sqm
LGA Wollondilly Shire Council

SCALE: As Shown
DATE: 8-1-15
DRAWING ISSUE: RH, A
DRAWING No: 1726-14

REGGIE'S
RESIDENTIAL DESIGN & DRAWING

REGGIE'S RESIDENTIAL DESIGN & DRAWING
PO BOX 100, WOLLONDILLY NSW 2573
Phone: 08834 5577 Fax: 08834 58318
www.reggiesdesign.com.au

PLANT LIST

No.	SPECIES	QTY	SIZE	MAT. HGT.	Ino.	QTY	SIZE	MAT. HGT.
1	PLANTAIN	2	1.5m	1.5m				
2	PLANTAIN	2	1.5m	1.5m				
3	PLANTAIN	2	1.5m	1.5m				
4	PLANTAIN	2	1.5m	1.5m				
5	PLANTAIN	2	1.5m	1.5m				
6	PLANTAIN	2	1.5m	1.5m				
7	PLANTAIN	2	1.5m	1.5m				
8	PLANTAIN	2	1.5m	1.5m				
9	PLANTAIN	2	1.5m	1.5m				
10	PLANTAIN	2	1.5m	1.5m				

150mm POT + 4L POTS IN PREPARED GARDEN BED
SCALE 1:50

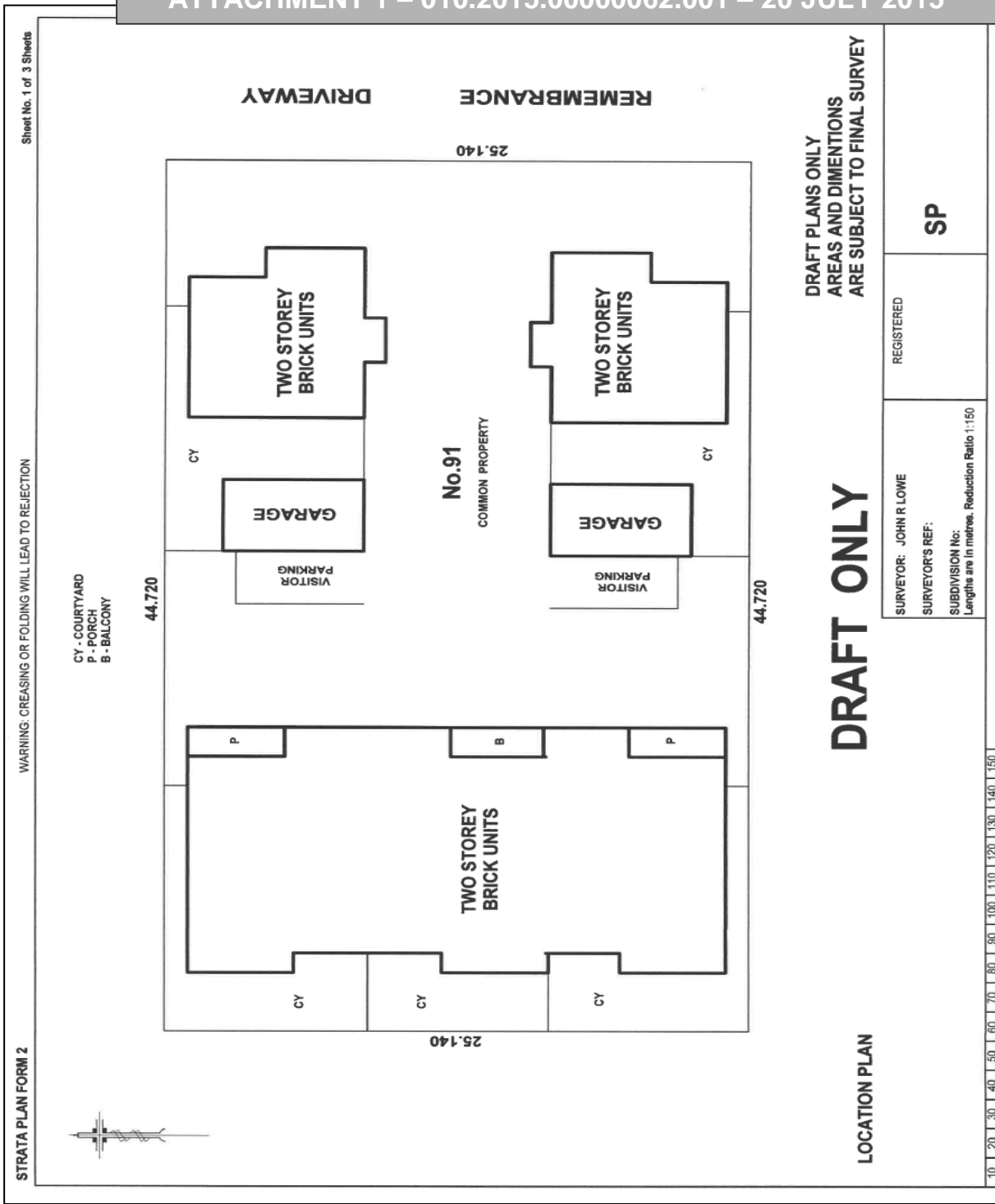
ADVANCED TREES PLANTED IN GRASSED AREA + TREE GUARD
SCALE 1:50

LANDSCAPE PLAN
SCALE 1:50

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 July 2015

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

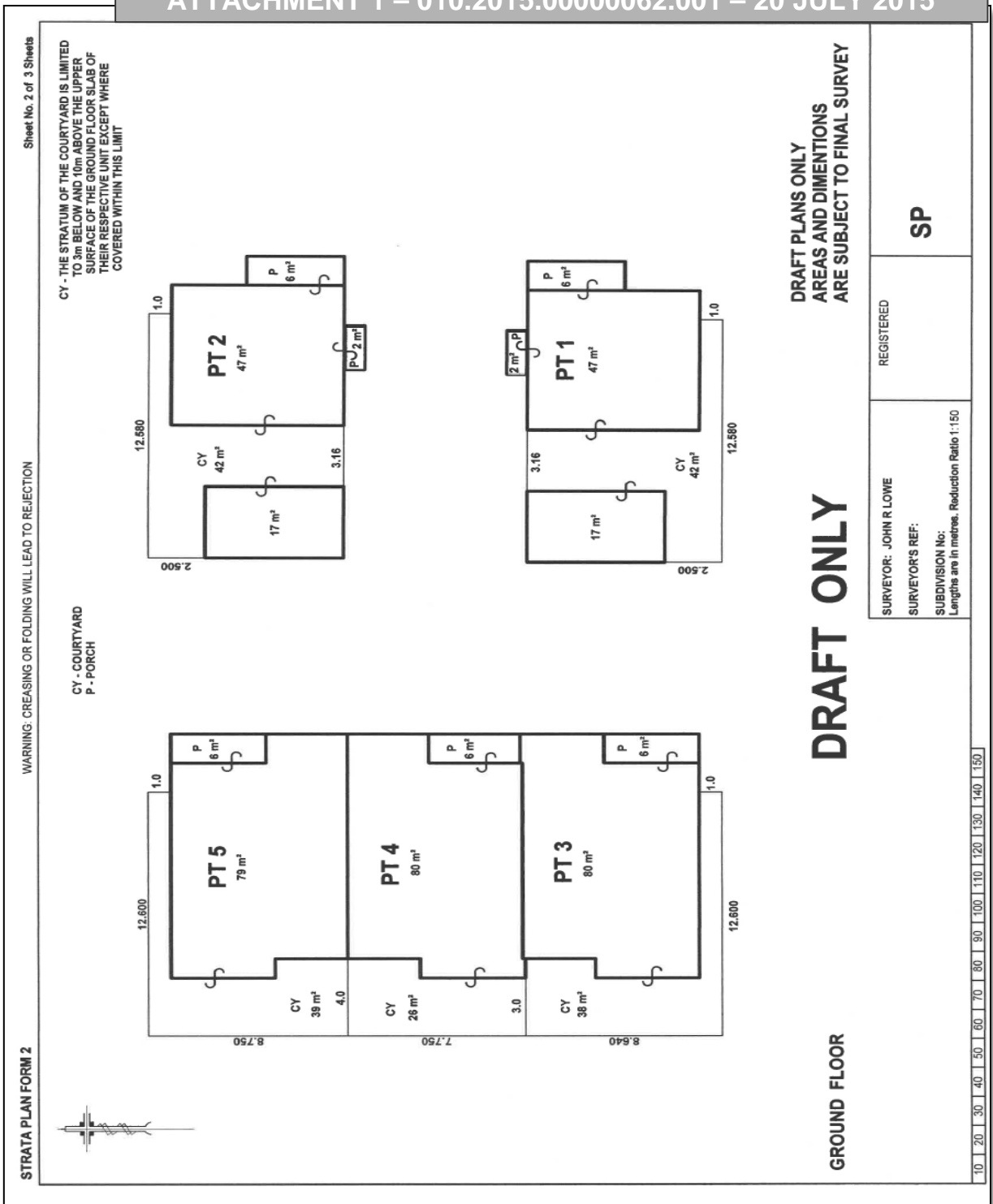
ATTACHMENT 1 – 010.2015.0000062.001 – 20 JULY 2015



Planning & Economy

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

ATTACHMENT 1 – 010.2015.0000062.001 – 20 JULY 2015

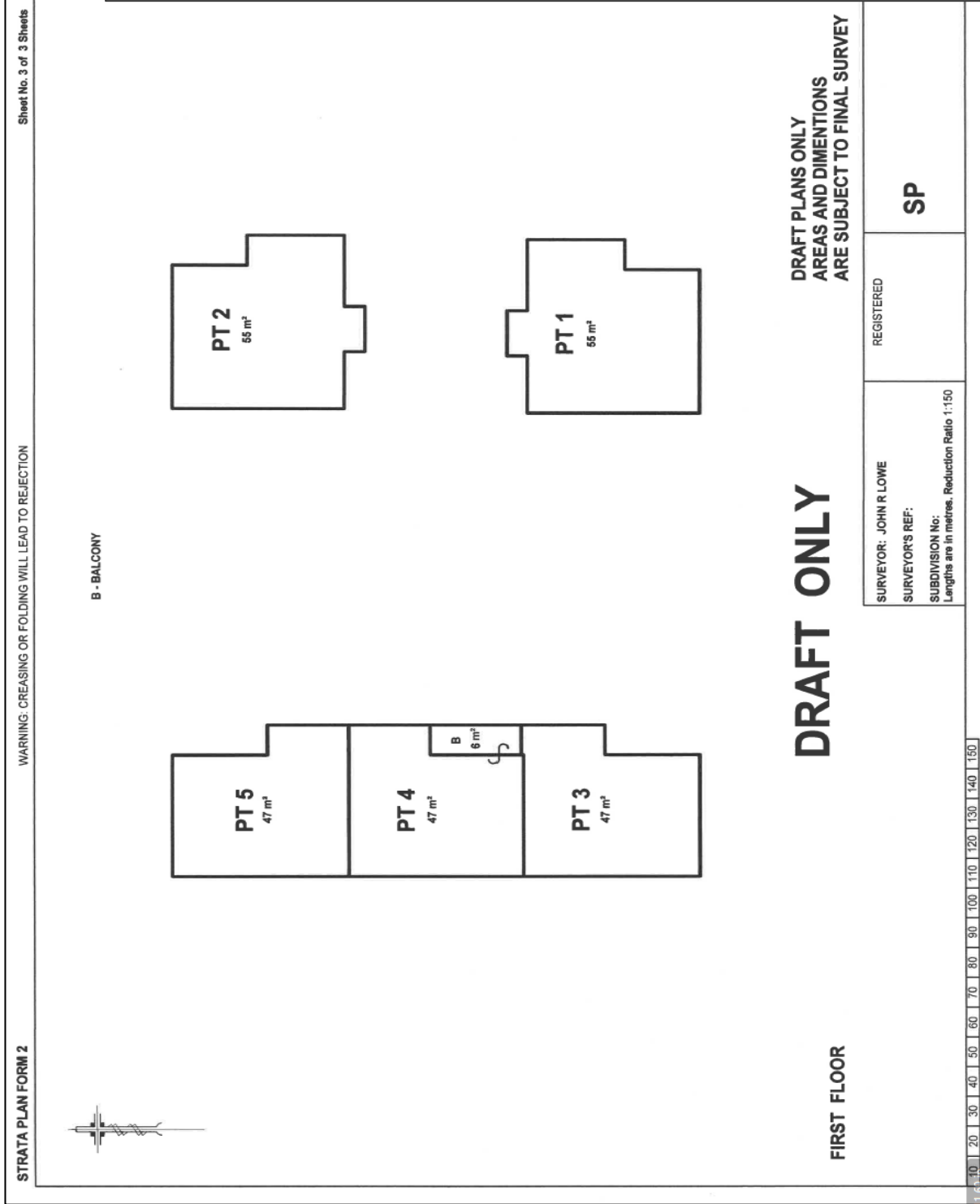


Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 July 2015

PE1 – Development Application No. 010.2015.0000062.001 – Demolition of Existing Structures, Filling of Swimming Pool, Construction of Five (5) Dwellings and Strata Subdivision – 91 Remembrance Driveway, Tahmoor

ATTACHMENT 1 – 010.2015.0000062.001 – 20 JULY 2015



Planning & Economy

PE2 – Secondary Dwellings on Land with a Private Sewer Scheme

PE2

Secondary Dwellings on Land with a Private Sewer Scheme

164

TRIM 1171

EXECUTIVE SUMMARY

- The purpose of this report is to address a concern under the current State Environmental Planning Policy (Affordable Rental Housing) 2009. The concern is that Secondary Dwellings could be approved as complying development in a way that could overwhelm the capacity of private sewerage schemes servicing residential allotments.
- 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 matter.
- It is recommended:
 1. That the Council write to the NSW Minister for Planning and the NSW Minister for Finance and Services seeking an amendment of the SEPP by the inclusion of a clause that the policy not apply to allotments that rely on private sewer schemes.
 2. That Council write to the Local Government Association and Minister for Local Government to advise of our concerns.

REPORT

State Environmental Planning Policy (Affordable Rental Housing) 2009, (the SEPP) establishes a consistent planning regime and incentives for the provision of affordable rental housing. This includes allowing Secondary Dwellings as complying development.

The requirements imposed relate to standard urban allotments not taking into consideration limitations of allotments created on private sewerage schemes and their subsequent limited capacity for servicing additional dwelling capacity.

Under the SEPP Principal Certifying Authorities are not required to consider the limitations of private sewer schemes in the assessment of applications.

This potential increase in the load on existing schemes can have serious consequences upon their operation. This could have significant adverse impacts on the environment and human health.

PE2 – Secondary Dwellings on Land with a Private Sewer Scheme

Council has no power to change the SEPP. It is considered that the best course of action in this case is to write to the NSW Government Ministers that have jurisdiction in this area. The relevant NSW Government Ministers are the Minister for Planning who administers the Environmental Planning and Assessment Act, 1979, and the Minister for Finance and Services who administers the Water Industry Competition Act 2006.

The change to the SEPP would be to insert a subclause 23(1)(h) to read:

23(1)(h) is on a lot that does not comprise a private sewer scheme.

This would ensure that any application for a secondary dwelling within a residential estate serviced by a private sewerage scheme is required to lodge a Development Application with Council. Council's DCP has provisions to ensure that the capacity to cater to the increased load of the system is considered prior to the grant of consent.

CONSULTATION

No formal consultation has been undertaken.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS:

Nil.

RECOMMENDATION

1. That the Council write to the NSW Minister for Planning and the NSW Minister for Finance and Services seeking an amendment of the SEPP by the inclusion of a clause that the policy not apply to allotments that rely on private sewer schemes.
2. That Council write to the Local Government Association and Minister for Local Government to advise of our concerns.

PE3 – Planning Proposal – Addition of Clause 4.1AA to Wollondilly Local Environmental Plan, 2011 (Community Title Subdivision)

PE3

Planning Proposal – Addition of Clause 4.1AA to Wollondilly Local Environmental Plan, 2011 (Community Title Subdivision)

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TRIM 8479

EXECUTIVE SUMMARY

- The purpose of this report is to initiate a planning proposal to adopt Clause 4.1AA of the Standard Instrument - Principal Local Environmental Plan Order into Wollondilly Local Environmental Plan, 2011.
- Clause 4.1AA is an optional standard instrument clause which requires community title subdivisions to comply with the minimum lot size under the plan.
- This clause was introduced after Wollondilly LEP 2011 was finalised and therefore does not form part of Council's LEP. This means that a developer could seek consent for undersized lots in a community title scheme.
- The addition of Clause 4.1AA will give greater clarity to the appropriate use of community title subdivision in the Shire.
- 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 matter.
- It is recommended that Council initiate a planning proposal to adopt Clause 4.1AA of the Standard Instrument LEP into Wollondilly LEP 2011.

REPORT

Wollondilly Local Environmental Plan was made on 23 February 2011. On the same day an amendment was made to the Standard Instrument (Local Environmental Plans) Amendment Order. This amendment included the addition of Clause 4.1AA to the standard instrument. This clause provides:

4.1AA Minimum subdivision lot size for community title schemes
[optional if clause 4.1 is adopted]

- (1) *The objectives of this clause are as follows:*
 - (a) [set out objectives of the clause]
- (2) *This clause applies to a subdivision of land (being land under a community title scheme and shown on the Lot Size Map) that requires development consent and is carried out after the commencement of this Plan.*

PE3 – Planning Proposal – Addition of Clause 4.1AA to Wollondilly Local Environmental Plan, 2011 (Community Title Subdivision)

Note. Part 6 of State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 provides that the strata subdivision of a building in certain circumstances is specified complying development.

- (3) *The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Direction. An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.

Clause 4.1 in Wollondilly LEP 2011, which sets minimum lot sizes, does not apply to “the subdivision of individual lots in a Strata Plan or Community Title Scheme”. A developer could, in theory, seek consent for undersized lots in a community title scheme and not be subjected to standards on the minimum lot size map. While it is unlikely that such a development application would be supported, such an application could be a significant resource drain on Council in both its assessment and any appeal that could result.

This standard instrument clause was introduced after Wollondilly LEP 2011 was finalised. This means that it was not available to Council when the LEP was drafted.

The addition of Clause 4.1AA will give greater clarity to the appropriate use of community title subdivision in the Shire.

CONSULTATION

No consultation has been undertaken at this stage. Minimal community consultation is likely to be required by the NSW Department of Planning as part of a gateway determination.

It should be noted that once a planning proposal has been formally exhibited it becomes a relevant consideration for any development application in the Shire.

FINANCIAL IMPLICATIONS

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

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 July 2015

PE3 – Planning Proposal – Addition of Clause 4.1AA to Wollondilly Local Environmental Plan, 2011 (Community Title Subdivision)

ATTACHMENTS:

Nil.

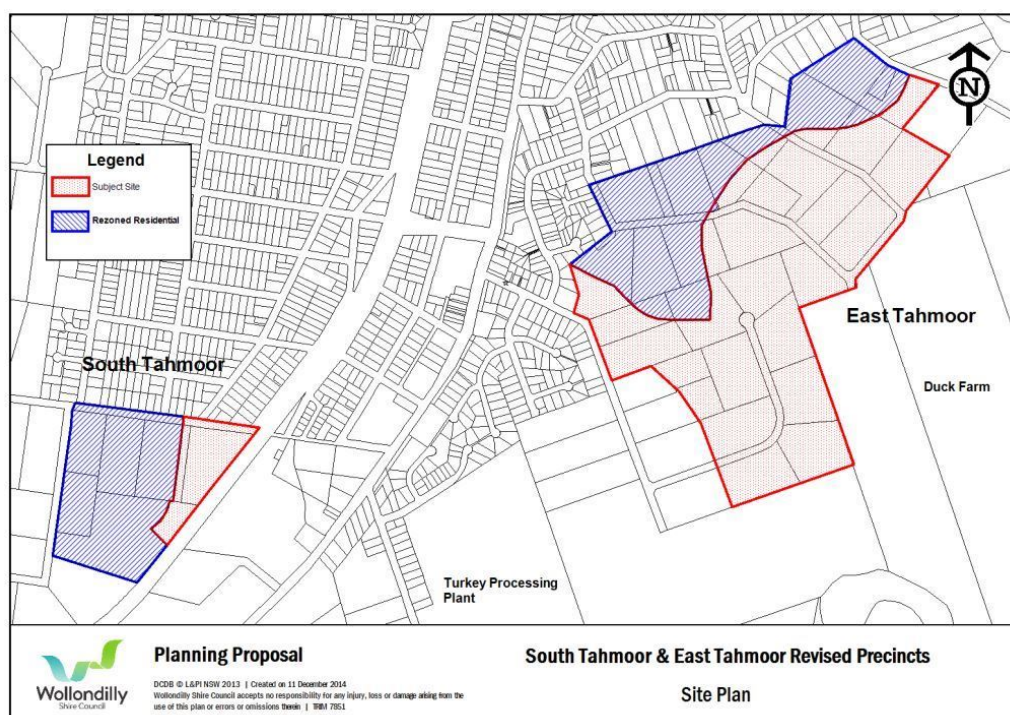
RECOMMENDATION

That Council initiate a planning proposal to adopt Clause 4.1AA of the Standard Instrument LEP into Wollondilly LEP 2011 and forward it to the Department of Planning and Environment to seek a Gateway Determination.

PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

PE4 **Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts**
 41 TRIM 7851

Applicant: **Wollondilly Shire Council**
Owner: **Various Landowners**



Planning & Economy

Stage	Completed
Preliminary notification	30 April 2014
Gateway Determination	15 August 2014
Consultation with Public Agencies	12 November - 19 December 2014
Specialist Studies	Studies previously undertaken for PTT Planning Proposal
Public exhibition/community consultation	12 November - 19 December 2014
Referred to Minister for Publication	

PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

EXECUTIVE SUMMARY

- Council previously considered this planning proposal at its Ordinary meeting held on Monday 9 February 2015 and resolved to support the planning proposal to proceed to finalisation. (See attached report).
- This Planning Proposal has been prepared by Wollondilly Shire Council and seeks to amend the provisions of Wollondilly Local Environmental Plan 2011, as outlined in the report.
- Advice has subsequently been received from the Department of Planning and Environment that the proposed clause to restrict development may unintentionally sterilise development on the affected land. The Department of Planning and Environment have suggested another approach and Council's support is now sought for this alternative clause.
- The Planning Proposal includes amendments to the Wollondilly Development Control Plan, 2011 which were adopted by Council on Monday 18 February 2013.
- 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 support the Planning Proposal with amendments as described in this report
 - That the Planning Proposal be finalised and forwarded to the Minister for Planning and Environment for publishing
 - That the applicant and persons who made submissions be notified of Council's decision.

REPORT

BACKGROUND

Council at its Ordinary meeting held on Monday 9 February 2015 resolved as follows:

1. *That Council support the Planning Proposal for land being:*

<i>South Tahmoor Planning Precinct</i>	
<i>Lot/DP Description</i>	<i>Address</i>
<i>9/16911</i>	<i>10 Bronzewing Street, Tahmoor</i>
<i>1/1032620</i>	<i>18 Bronzewing Street, Tahmoor</i>
<i>Part 2/1032620</i>	<i>35 Byron Road, Tahmoor</i>

PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

<i>East Tahmoor Planning Precinct</i>	
<i>Lot/DP Description</i>	<i>Address</i>
<i>Part 4/262132</i>	<i>38 Tahmoor Road, Tahmoor</i>
<i>Part 223/10669</i>	<i>50 Tahmoor Road, Tahmoor</i>
<i>224/10669</i>	<i>80 Tahmoor Road, Tahmoor</i>
<i>225/10669</i>	<i>90 Tahmoor Road, Tahmoor</i>
<i>Part 211/10669</i>	<i>65 Tahmoor Road, Tahmoor</i>
<i>210/10669</i>	<i>69 Tahmoor Road, Tahmoor</i>
<i>Part A/365411</i>	<i>30 Progress Street, Tahmoor</i>
<i>1/623127</i>	<i>36 Progress Street, Tahmoor</i>
<i>Part 12/826338</i>	<i>44 Progress Street, Tahmoor</i>
<i>Part 13/826338</i>	<i>50 Progress Street, Tahmoor</i>
<i>7/263172</i>	<i>30 Greenacre Drive, Tahmoor</i>
<i>6/263172</i>	<i>36 Greenacre Drive, Tahmoor</i>
<i>5/263172</i>	<i>42 Greenacre Drive, Tahmoor</i>
<i>4/263172</i>	<i>60 Greenacre Drive, Tahmoor</i>
<i>East Tahmoor Planning Precinct</i>	
<i>Lot/DP Description</i>	<i>Address</i>
<i>3/263172</i>	<i>66 Greenacre Drive, Tahmoor</i>
<i>10/263172</i>	<i>15 Greenacre Drive, Tahmoor</i>
<i>11/825465</i>	<i>45-65 Greenacre Drive, Tahmoor</i>
<i>Part 2/263172</i>	<i>71 Greenacre Drive, Tahmoor</i>
<i>Part 190/10669</i>	<i>76 Myrtle Creek Avenue, Tahmoor</i>
<i>102/597260</i>	<i>90 Myrtle Creek Avenue, Tahmoor</i>
<i>101/597260</i>	<i>100 Myrtle Creek Avenue, Tahmoor</i>
<i>100/597260</i>	<i>110 Myrtle Creek Avenue, Tahmoor</i>
<i>Part 258/10669</i>	<i>85 Myrtle Creek Avenue, Tahmoor</i>
<i>Part 59/555941</i>	<i>95 Myrtle Creek Avenue, Tahmoor</i>
<i>60/555941</i>	<i>105 Myrtle Creek Avenue, Tahmoor</i>
<i>Part 26/740263</i>	<i>80 River Road, Tahmoor</i>

Planning & Economy

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map (LZN Map) to R2 Low Density Residential
- Amend the Lot Size Map (LSZ Map) to allow a minimum lot size of 450m² on R2 Low Density Residential land and 1ha on residue RU4 Primary Production Small Lots land within part lots 12 & 13 DP 826338
- Amend the Height of Buildings Map (HOB Map) to impose a maximum building height limit of 9 metres for R2 Low Density Residential land
- Amend the Natural Resources Water Map (NRW Map) to impose a riparian buffer of 10m around two watercourses
- Amend the Natural Resources Biodiversity Map (NRB Map) to include sensitive land
- Amend the Urban Land Release Map (URA Map) to include this land

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- *Amend Part 7 Additional Local Provisions to include a clause with the heading Restrictions on Development and which states: 1. a) the objective of this clause is to restrict development on land shown on the Odour Restricted Area Map (ORA Map). b) Development consent shall not be granted for the subdivision and development of this land, other than the replacement of existing development, until the current duck farming operations cease on Lots 1, 2, 3, 4, 5 & 6 DP 1128745, Lot C DP 376421 and Lot 255 DP 10669.*
- 2. *That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded under delegation to the Director-General and Parliamentary Counsel with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report and in the Planning Proposal subject to no late submissions from government agencies objecting to the Planning Proposal.*
- 3. *That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.*

The aim of amending the Additional Local Provisions section of Wollondilly LEP is to both assist 21 landowners affected by the odour buffer within the current planning proposal to undertake residential development in the future and to protect the operation of the duck farm located on the Cross Street Planning Proposal site until it is developed for residential purposes.

Council has received advice from the Department of Planning and Environment (DP&E) that there would be issues with the proposed clause to Amend Part 7 Additional Local Provision in relation to restricting development on land potentially affected by odour from the adjoining poultry operations.

The DP&E have advised that future development on the affected land may be sterilised for an indefinite period as there is no certainty as to when the poultry operations would cease. They recommended an alternative approach based on a clause within another Local Environmental Plan. This has been tailored to read as follows:

7.6 Development within an odour buffer area

- (1) *The objective of this clause is to protect the operational environment of activities where odour emissions may occur.*
- (2) *This clause applies to development on land described as "Odour Buffer Area" on the Odour Buffer Area Map.*

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- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:
- (a) The impact that any odour associated with the poultry operation identified on the Odour Buffer Area Map as “Poultry Operation” would have on the proposed development within the “Odour Buffer Area” and;
 - (b) Any proposed measures incorporated into the proposed development within the “Odour Buffer Area” that limit the impact of such odour emissions associated with the “Poultry Operation” and;
 - (c) Whether the proposed development within the “Odour Buffer Area” would adversely affect the operational environment of the “Poultry Operation”.

The "Poultry Operation" would be identified on the Odour Buffer Area map as the land which is used for duck farming on Lots 1, 2, 3, 4, 5 & 6 DP 1128745, Lot C DP 376421 and Lot 255 DP 10669, Cross Street and River Road, East Tahmoor, being the Cross Street Planning Proposal site.

1.1 SITE DESCRIPTION

There are two separate planning proposal sites as detailed in the site plan. The South Tahmoor site proposes the inclusion of an additional three (3) properties with a total area of around 3.6 ha. An additional twenty six (26) properties are proposed to be included in the East Tahmoor site with a total area of around 40 ha.

2.1 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. The Planning Proposal has been revised from the publicly exhibited version in response to matters raised through consultation with the DP&E.

Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section **2.10** 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.

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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.

Option 1 is the recommendation of this report.

3. FINAL FORM OF PLANNING PROPOSAL

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map (LZN Map) to R2 Low Density Residential
- Amend the Lot Size Map (LSZ Map) to allow a minimum lot size of 450m² on R2 Low Density Residential land and 1ha on residue RU4 Primary Production Small Lots land within part lots 12 & 13 DP 826338
- Amend the Height of Buildings Map (HOB Map) to impose a maximum building height limit of 9 metres for R2 Low Density Residential land
- Amend the Natural Resources Water Map (NRW Map) to impose a riparian buffer of 10m around two watercourses
- Amend the Natural Resources Biodiversity Map (NRB Map) to include sensitive land
- Amend the Urban Land Release Map (URA Map) to include this land
- Amend Part 7 Additional Local Provisions to include a clause with the heading Development within an odour buffer area and which states:
 - (1) The objective of this clause is to protect the operational environment of activities where odour emissions may occur.
 - (2) This clause applies to development on land described as "Odour Buffer Area" on the Odour Buffer Area Map.
 - (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:
 - (a) the impact that any odour associated with the poultry operation identified on the Odour Buffer Area Map as "Poultry Operation" would have on the proposed development within the "Odour Buffer Area" and;
 - (b) any proposed measures incorporated into the proposed development within the "Odour Buffer Area" that limit the impact of such odour emissions associated with the "Poultry Operation" and;
 - (c) whether the proposed development within the "Odour Buffer Area" would adversely affect the operational environment of the "Poultry Operation".

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4. WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Based on consultation with the DP&E the following changes are recommended to the exhibited version of the Planning Proposal for WLEP 2011:

- Amend Part 7 Additional Local Provisions to include a clause with the heading Development within an odour buffer area and which states:
 - (1) The objective of this clause is to protect the operational environment of activities where odour emissions may occur.
 - (2) This clause applies to development on land described as “Odour Buffer Area” on the Odour Buffer Area Map.
 - (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:
 - (a) the impact that any odour associated with the poultry operation identified on the Odour Buffer Area Map as “Poultry Operation” would have on the proposed development within the “Odour Buffer Area” and;
 - (b) any proposed measures incorporated into the proposed development within the “Odour Buffer Area” that limit the impact of such odour emissions associated with the “Poultry Operation” and;
 - (c) whether the proposed development within the “Odour Buffer Area” would adversely affect the operational environment of the “Poultry Operation”.

5. WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

Amendments to WDCP 2011 with regard to the South Tahmoor and East Tahmoor precincts were included in relation to the PTT Planning Proposal. As the land is proposed to be included on the Urban Release Area Map the provisions of WDCP 2011 Volume 11 apply. No further amendments are proposed to WDCP 2011.

FINANCIAL IMPLICATIONS

Council has experienced a substantial increase in the number of Planning Proposals submitted. 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.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 July 2015

PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

ATTACHMENTS:

1. Report to Ordinary Meeting of Council Monday 9 February 2015.

RECOMMENDATION

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

South Tahmoor Planning Precinct	
Lot/DP Description	Address
9/16911	10 Bronzewing Street, Tahmoor
1/1032620	18 Bronzewing Street, Tahmoor
Part 2/1032620	35 Byron Road, Tahmoor
East Tahmoor Planning Precinct	
Lot/DP Description	Address
Part 4/262132	38 Tahmoor Road, Tahmoor
Part 223/10669	50 Tahmoor Road, Tahmoor
224/10669	80 Tahmoor Road, Tahmoor
225/10669	90 Tahmoor Road, Tahmoor
Part 211/10669	65 Tahmoor Road, Tahmoor
210/10669	69 Tahmoor Road, Tahmoor
Part A/365411	30 Progress Street, Tahmoor
1/623127	36 Progress Street, Tahmoor
Part 12/826338	44 Progress Street, Tahmoor
Part 13/826338	50 Progress Street, Tahmoor
7/263172	30 Greenacre Drive, Tahmoor
6/263172	36 Greenacre Drive, Tahmoor
5/263172	42 Greenacre Drive, Tahmoor
4/263172	60 Greenacre Drive, Tahmoor
3/263172	66 Greenacre Drive, Tahmoor
10/263172	15 Greenacre Drive, Tahmoor
11/825465	45-65 Greenacre Drive, Tahmoor
Part 2/263172	71 Greenacre Drive, Tahmoor
Part 190/10669	76 Myrtle Creek Avenue, Tahmoor
102/597260	90 Myrtle Creek Avenue, Tahmoor
101/597260	100 Myrtle Creek Avenue, Tahmoor
100/597260	110 Myrtle Creek Avenue, Tahmoor
Part 258/10669	85 Myrtle Creek Avenue, Tahmoor
Part 59/555941	95 Myrtle Creek Avenue, Tahmoor
60/555941	105 Myrtle Creek Avenue, Tahmoor
Part 26/740263	80 River Road, Tahmoor

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To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map (LZN Map) to R2 Low Density Residential and;
 - Amend the Lot Size Map (LSZ Map) to allow a minimum lot size of 450m² on R2 Low Density Residential land and 1ha on residue RU4 Primary Production Small Lots land within part lots 12 & 13 DP 826338 and;
 - Amend the Height of Buildings Map (HOB Map) to impose a maximum building height limit of 9 metres for R2 Low Density Residential land and;
 - Amend the Natural Resources Water Map (NRW Map) to impose a riparian buffer of 10m around two watercourses and;
 - Amend the Natural Resources Biodiversity Map (NRB Map) to include sensitive land and;
 - Amend the Urban Land Release Map (URA Map) to include this land and;
 - Amend Part 7 Additional Local Provisions to include a clause with the heading Development within an buffer risk area and which states:
 - (1) The objective of this clause is to protect the operational environment of activities where odour emissions may occur.
 - (2) This clause applies to development on land described as “Odour Buffer Area” on the Odour Buffer Area Map.
 - (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:
 - (a) the impact that any odour associated with the poultry operation identified on the Odour Buffer Area Map as “Poultry Operation” would have on the proposed development within the “Odour Buffer Area” and;
 - (b) any proposed measures incorporated into the proposed development within the “Odour Buffer Area” that limit the impact of such odour emissions associated with the “Poultry Operation” and;
 - (c) whether the proposed development within the “Odour Buffer Area” would adversely affect the operational environment of the “Poultry Operation”.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the draft Local Environmental Plan be forwarded to Parliamentary Counsel and the Department of Planning and Environment with a request to make arrangements for the drafting and notification of the amended Local Environmental Plan.
 3. That the landowners and persons who made submissions regarding the Planning Proposal be notified of Council’s decision.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 July 2015

PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

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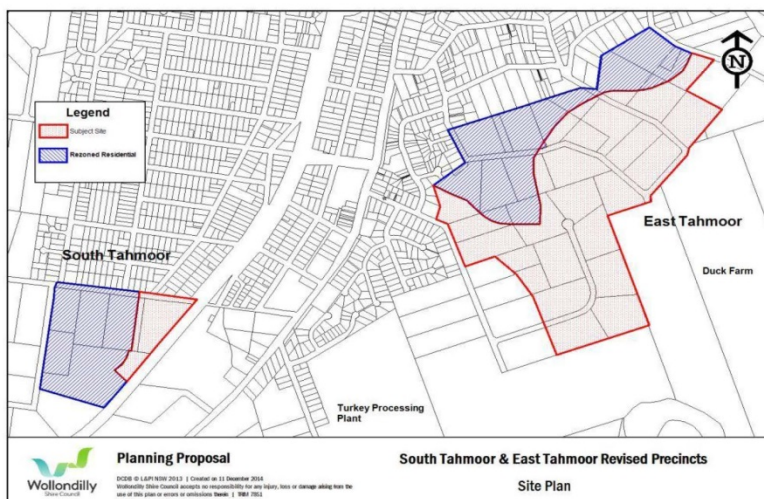
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Report of Planning and Economy to the Ordinary Meeting of Council held 9 February 2015

PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

PE4 **Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts**
41 TRIM 7851

Applicant: Wollondilly Shire Council
Owner: Various



Stage	Completed
Gateway Determination	30 April 2014
Alteration of Gateway Determination	15 August 2014
Consultation with Public Agencies	12 November - 19 December 2014
Specialist Studies	Studies previously undertaken for PTT Planning Proposal
Public exhibition/community consultation	12 November - 19 December 2014
Referred to Minister for Publication	

EXECUTIVE SUMMARY

- This Planning Proposal has been prepared by Wollondilly Shire Council. It seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to properties within South and East Tahmoor identified on the above site plan to:
 - Change the zoning of the land to R2 Low Density Residential
 - Change the minimum lot size to 450m²



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- Change the natural resources water map to include 10m riparian buffers around Myrtle Creek in East Tahmoor and an unnamed depression in South Tahmoor
- Change the height of building map to allow a height of 9m for land to be zoned residential
- Change the natural resources biodiversity map to include environmentally sensitive land in each precinct
- Change the urban release area map to include this land
- Changing Wollondilly LEP 2011 to include a clause to restrict development until operations on the adjoining duck farm cease.
- The Planning Proposal includes amendments to the Wollondilly Development Control Plan, 2011 which were adopted by Council on Monday 18 February 2013.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy.
- One submission was received in response to Community Consultation which was neutral.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended:
 - that Council support the Planning Proposal in the form subject to community consultation
 - that the Planning Proposal be finalised and forwarded to the Minister for Planning and Environment for publishing
 - that the applicant and persons who made submissions be notified of Council's decision.

REPORT

BACKGROUND

South Tahmoor and East Tahmoor Revised Precincts were originally part of the Picton, Tahmoor, Thirlmere New Urban Lands Planning Proposal (PTT Planning Proposal) until an odour study was undertaken which resulted in their exclusion from consideration for rezoning under that planning proposal due to the potential odour impact from the nearby Inghams poultry operations. The PTT Planning Proposal LEP Amendment to rezone land to residential was published on the NSW legislation website in January 2014 and included areas of both the South Tahmoor and East Tahmoor precincts that were not odour affected.

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Council received an updated odour study from Inghams based on their proposal to rezone rural land to residential on land used for poultry operations at Cross Street, East Tahmoor. Subsequently consideration was given to the South Tahmoor and East Tahmoor Revised Precincts Planning Proposal at the Ordinary meeting of Council held on Monday 18 November 2013. Council resolved to support a recommendation for the preparation of a planning proposal and its submission to the Department of Planning for a Gateway Determination.

Originally the planning proposal aimed to rezone the whole of No's 36, 44 and 50 Progress Street. However the Gateway Determination received in April 2014 allowed only the land outside the turkey processing facility odour buffer to be included. A Gateway review was sought to include all of No. 36 Progress Street which was the least impacted by the odour buffer and as it has a development approval for seniors living. An alteration to the Gateway Determination was received in August 2014 which allowed the whole of No 36 to be included for rezoning. Consequently only part of No's 44 and 50 are able to be considered for rezoning.

1.1 SITE DESCRIPTION

There are two separate planning proposal sites as detailed in the site plan. The South Tahmoor site proposes the inclusion of an additional three (3) properties with a total area of around 3.6 ha. An additional twenty six (26) properties are proposed to be included in the East Tahmoor site with a total area of around 40 ha. These properties were originally included in the PTT Planning Proposal and 5 properties within the East Tahmoor precinct are still totally excluded due to odour concerns. Details of properties included in this planning proposal are outlined below. Some of the properties are only part of a lot as the other portion is within the recently rezoned South Tahmoor or East Tahmoor precinct previously within the PTT Planning Proposal. As indicated, two properties at No's 44 and 50 Progress Street are within the odour buffer and in accordance with the alteration to the Gateway Determination only part of this land is able to be considered for rezoning.

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South Tahmoor Planning Precinct	
Lot/DP Description	Address
9/16911	10 Bronzewing Street, Tahmoor
1/1032620	18 Bronzewing Street, Tahmoor
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Lot/DP Description	Address
Part 4/262132	38 Tahmoor Road, Tahmoor
Part 223/10669	50 Tahmoor Road, Tahmoor
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225/10669	90 Tahmoor Road, Tahmoor
Part 211/10669	65 Tahmoor Road, Tahmoor
210/10669	69 Tahmoor Road, Tahmoor
Part A/365411	30 Progress Street, Tahmoor
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3/263172	66 Greenacre Drive, Tahmoor
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100/597260	110 Myrtle Creek Avenue, Tahmoor
Part 258/10669	85 Myrtle Creek Avenue, Tahmoor
Part 59/555941	95 Myrtle Creek Avenue, Tahmoor
60/555941	105 Myrtle Creek Avenue, Tahmoor
Part 26/740263	80 River Road, Tahmoor

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1.2 DESCRIPTION OF PROPOSAL

It is proposed to rezone land to allow low density residential development. The proposed density of development at around 15 lots per hectare will provide for approximately 45 additional residential lots within the South Tahmoor precinct and 600 residential lots within the East Tahmoor precinct. Final lot numbers will be determined after further detailed investigation as part of any future development application for subdivision and will depend on a range of considerations including treatment of the proposed environmentally sensitive land and riparian buffers.



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It should be noted that some of the land in the East Tahmoor precinct will be impacted by an odour buffer boundary until the duck farming operations cease on the land owned by Inghams. The Odour Restricted Area map which is attached indicates which properties will be impacted. This area is based on the odour contour boundary around the duck sheds which was determined as part of the Picton Tahmoor Thirlmere New Urban Lands Planning Proposal (PTT New Urban Lands). Properties within this area will not be able to subdivide their land for residential purposes until the duck farming operations cease. The Cross Street Planning Proposal to rezone this land to allow residential development is also currently being considered by Council and is expected to be finalised later this year. This land will also not be able to be developed for residential purposes until the duck farming operations cease.

1.3 GATEWAY DETERMINATION

A Gateway Determination was issued dated 30 April 2014 and an altered determination on the 15 August 2014. The Determination permitted the proposal to proceed. The Gateway Determination granted that the inconsistencies with Section 117 Directions 1.2 Rural Zones, is justified by the draft South West Subregional Strategy. No further approval is required in relation to this Direction. Specific 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.

Gateway Condition	Addressed by:
1. The planning proposal is supported subject to: <ul style="list-style-type: none"> ▪ No development occurring within the relevant buffer area until the current duck farm operations cease. This is to be achieved via a new clause in the LEP and the planning proposal documentation is to be amended to reflect this position; and ▪ Land located within the 500m odour buffer (derived using Environment Protection Authority approved modelling) of the wastewater treatment ponds at Ingham's turkey processing plant, excluding No. 36 	A new clause is proposed to be added to Part 7 Local Provisions in Wollondilly LEP 2011 and the planning proposal has been amended to reflect this position. <p>The planning proposal has been updated to remove parts of Nos 44 and 50 Progress Street from the planning proposal.</p> <p>The mechanism to allow subdivision along the odour boundary will be the Lot Size Map with a minimum lot size equivalent to the residue for the RU4 land at Nos 44 and 50 Progress Street. All other land proposed to be zoned R2 will have a minimum lot size of 450m2.</p> <p>Inghams was informed that all of No. 36 Progress Street, East Tahmoor is included within the planning proposal.</p>

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Gateway Condition	Addressed by:
<p>Progress Street, Tahmoor, is to be removed from the planning proposal and accompanying maps; and</p> <ul style="list-style-type: none"> ▪ The planning proposal being updated to advise that Wollondilly LEP 2011 will be amended to include a mechanism to allow subdivision along the odour buffer boundary; and ▪ Inghams being notified of the exclusion of No. 36 Progress Street, Tahmoor from the abovementioned requirement. 	
<p>2. Prior to undertaking public exhibition, Council is to update the planning proposal to reflect the above variations and include a map which clearly identifies the subject land and identifies the location of the duck farms and the relationship of the subject land with the odour buffers from the current operations.</p>	<p>Completed and detailed in Part 4 Mapping of the planning proposal.</p>
<p>3. Once consultation with public authorities is undertaken, Council is to update its consideration of S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection Zones, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection.</p>	<p>The consideration of S117 Directions has been updated in response to consultation with public authorities.</p>

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Gateway Condition	Addressed by:
4. Community consultation is required for a minimum of 28 days in accordance with relevant Department of Planning guidelines.	The planning proposal was exhibited for a period of 37 days in total.
5. Consultation is required with specific public authorities for a minimum period of at least 21 days.	Consultation was undertaken with public authorities during public exhibition and their responses are detailed in the planning proposal and summarised in this report.
6. A public hearing is not required unless Council is obliged to hold one in response for example to a submission or if reclassifying land.	Council has not received any submissions requesting a public hearing.
7. The timeframe for completing the LEP is to be 12 months from the week following the Gateway Determination.	The timeframe for completion of the LEP is by the 7 May 2015.

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CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

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

Infrastructure Planning

The main concern in relation to this planning proposal relates to the provision of timely and effective transport infrastructure to service future development resulting from the rezoning. There has been a number of planning proposals within the Tahmoor/Thirlmere area which when developed will result in a cumulative impact on local road infrastructure particularly along Remembrance Drive. Traffic modelling is being undertaken to examine the cumulative impact on the road network and this will assist in determining forward planning for infrastructure. Adequate infrastructure for pedestrians, cyclists and for public transport is also required. In order to ensure there is adequate funding for the provision of this infrastructure it will be necessary to review the required development contributions under the Wollondilly Contributions Plan based on the findings from the transport modelling.

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Comment

Cumulative impact is an important consideration given the number of new residential lots arising from the planning proposals that have been finalised and those yet to be finalised in the Tahmoor/Thirlmere area. The completion of traffic modelling for the Shire will assist in determining whether additional contributions will be required to enable the timely provision of road and transport infrastructure to ensure that the road and transport network is able to cope with the demand resulting from the increasing residential development. While this may result in additional financial impost for landowners developing their land, this is considered to be the fairest way of ensuring that the financial burden is shared by the beneficiaries of the rezoning rather than falling on the wider community.

Environment and Planning (Development)

Concerns have been raised that the use of a Natural Resources – Biodiversity layer over a residential zone does not offer adequate certainty for development of the land after it is rezoned. These concerns have their origin in the part of the PTT investigation area that has already been zoned to residential.

The difficulties experienced in implementing these controls at the development application stage appear to arise a number of factors. It is considered that the most significant of these is expectations from land owners that the clearing of biodiversity lands is a fait accompli. This is not the case. Land set aside in this manner may be cleared only if it is suitably offset. The alternative is to zone the land with an environmental zoning which precludes possible offsetting of the impacts into better suited environmental land that has less planning merit for development.

Council has an adopted policy position on the use of environmental zones and biodiversity layers. This proposal is consistent with that policy and it is recommended that Council stand by this position. If Council is consistent in this position it is likely that the community and development industry will adapt to this approach and Council will achieve positive environmental and development outcomes.

Planning (Development)

The land is proposed to be included on the Urban Release Area Map which triggers Part 6 Urban release areas under WLEP 2011. Clause 6.1 requires that arrangements be made for designated State public infrastructure. The implementation of this clause has required liaison with the Department of Planning and Environment to determine whether any state agencies require contributions for provision of public infrastructure through a State Infrastructure Levy. This process has taken a considerable amount of time and delayed the assessment of development applications for recently rezoned residential land in Tahmoor and Thirlmere. It would be preferable for the required contributions to be determined upfront through a planning agreement.

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Comment

It is recognised that there have been delays in the consideration of subdivision applications for land rezoned under the PTT New Urban Lands planning proposal due to the requirement to consider the need for the imposition of a State Infrastructure Levy. It is anticipated that there will soon be an outcome regarding this levy. While a planning agreement may be a suitable outcome at the rezoning stage, it is difficult when there are a large number of landowners to organise such an agreement. As detailed Clause 6.1 in WLEP 2011 has provisions which apply to Urban Release Areas and the development application stage is the appropriate time when this clause is considered. Unfortunately this is a timely process involving the NSW Government and is not under the control of Council.

2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with the following Public Agencies:

- Department of Primary Industries - Agriculture
- NSW Environment Protection Authority
- Transport for NSW
- Roads and Maritime Services
- Department of Education and Communities
- NSW Health
- State Emergency Service
- Fire and Rescue NSW
- NSW Police Force
- Sydney Water
- NSW Office of Water (S117 Direction 2.1 Environment Protection Zones)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Trade and Investment - Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Hawkesbury-Nepean Catchment Management Authority now Greater Sydney Local Land services (S117 Direction 2.1 Environment Protection Zones)
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones).

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

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Department of Primary Industries (Agriculture)

Council will need to be aware that modelling of odour is difficult and as noted in the report the assessment recognises that community acceptance of odour varies. Agriculture NSW supports that a minimum of 500m buffer is maintained while poultry production and processing is occurring. To augment the odour separation buffer some publications acknowledge that vegetation within the buffers can also assist.

Previously in relation to the exhibition for PTT Planning Proposal, Agriculture NSW also stated that it supports maximising opportunities for new dwelling densities to reduce the pressure for the loss of non-urban land to urban purposes.

Comment

A defined buffer will remain in place from future proposed residential land and the turkey processing facility and this will protect continued production into the future. A buffer is in place with regard to the duck sheds and residential development on rezoned land will not be undertaken until the duck sheds are removed. The proposed density of development will be similar to that permissible within the rezoned PTT precincts and allows for a slightly higher density than the R2 areas in older areas of Tahmoor which have a minimum lot size of 700m².

Department of Primary Industries (DPI -Fisheries)

Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. They note that the subject site contains sections of Myrtle Creek and Redbank Creek and their tributaries which drain to the Nepean River. DPI – Fisheries have determined that Myrtle Creek and Redbank Creek are considered to be Key Fish Habitat. DPI-Fisheries consider that the Aquatic Ecology Assessment adequately meets their requirements and supports the recommendations made.

Riparian buffer zones adjacent to waterways must be established and maintained within the proposal area. The planning proposal should consider SREP No 20 – Hawkesbury Nepean River (No 2 – 1997). DPI- Fisheries is particularly concerned about potential impacts to water quality from stormwater runoff and effluent disposal. The Department recommends that water sensitive urban design measures are implemented so that any increases in nutrient concentrations are minimised. Fisheries NSW have no objection to the planning proposal subject to the establishment of riparian buffer zones and water sensitive urban design consistent with NSW Fisheries Departmental guidelines.

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Comment

A 10m riparian buffer is proposed around the tributary in East Tahmoor and this will be placed on the Natural Resources Water mapping layer which relates to clause 7.3 Water protection in Wollondilly LEP 2011. This clause has objectives for maintaining water quality and this has to be considered in relation to any development application for subdivision. The need to meet water sensitive urban design outcomes is included in Wollondilly DCP Volume 10 Subdivision of Land.

Transport for NSW

Transport for NSW is concerned with ensuring public and active transport requirements are addressed at the planning proposal stage. They consider there is a need for a comprehensive transport study and masterplan or site specific development controls in relation to provision for pedestrian, cycleway and public transport infrastructure. Pedestrian and cycleway links are required to the town centre and Tahmoor Railway station. Bus transport routes and facilities should be detailed. Treatment of safe access for pedestrians and cyclist through intersections with roundabouts should be detailed. Consideration should be given to the staging, implementation and funding of such infrastructure.

Comment

There are a number of planning proposals in East Tahmoor and consideration is being given to ensuring there are adequate routes for traffic, buses and shared pedestrian/cycleway routes to service these new areas. Council is keen to promote sustainable transport options as indicated in its Community Strategic Plan. Council has design guidelines for the provision of pedestrian footpaths, cycleways and bus shelters for any future subdivision. With these provisions the developer would be required to provide these facilities along the frontage of any proposed subdivision which would include existing roads and proposed new roads. Safe access for pedestrians and cyclists is a major consideration. The structure plans for South Tahmoor and East Tahmoor precincts within Wollondilly DCP 2011 provides a broad overview of the potential road and pedestrian/cycleway network for each precinct. Accordingly with these provisions and the continuing planning for route linkages to service the East Tahmoor area it is considered that the precincts will be able to be developed to meet the requirements of NSW Transport.

Roads and Maritime Services (RMS)

The RMS has indicated that they do not object to the proposal provided there is an appropriate planning mechanism to ensure contributions to State and regional road infrastructure are collected. For instance this could be the inclusion of the "satisfactory arrangements clause". RMS notes that the traffic study prepared for PTT New Urban Lands Planning Proposal identified a number of road infrastructure upgrades along Remembrance Driveway. RMS states that the cumulative impact of development associated with these land releases will have a significant impact on the State and regional classified road networks.

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RMS in consultation with Council, the Department of Planning & Environment and Transport NSW is currently undertaking a study to identify the impact of land releases in Wollondilly on the State road network. The study will identify the impact of the land releases and infrastructure upgrades required to accommodate them and determine the cost apportionments that should be applied. This study is expected to be finalised by early 2015. RMS recommends that a similar exercise be undertaken by Council to identify the works required on the regional classified road network including road widening and intersection upgrades along Remembrance Driveway.

RMS supports sustainable modes of transport to reduce car dependency and recommends the identification of appropriate pedestrian and cycleway networks throughout the Shire.

Comment

Land within the precincts will be included on the Urban Release Area map which is linked to Part 6 - Urban release areas of Wollondilly LEP 2011 which requires that "satisfactory arrangements" are made for the provision of designated State public infrastructure before the subdivision of land is allowed. As the RMS is undertaking an assessment of infrastructure upgrades and cost apportionment which will potentially apply when this land is developed it is unlikely that the delay experienced by current subdivision applications will apply when development applications are made to subdivide this land.

Council have engaged traffic consultants to carry out shire wide traffic modelling with the growth data out of the draft Growth Management Strategy. It is anticipated that the results from this will also be available in early 2015. The results of this modelling will assist in the review of the Wollondilly Contributions Plan to assess the need for additional contributions for identified local infrastructure. It is considered that these provisions satisfy the requirements of the RMS.

NSW Education and Communities

The Department of Education and Training (DET) has undertaken a high level analysis which indicates that additional demand would be generated for public education spaces from the potential 645 additional dwellings resulting from the planning proposal. Both Tahmoor Public School and Picton High School are currently fully utilising all permanent classrooms and Picton High School relies on supplementary temporary classrooms. As a result new and supplementary classrooms may need to be provided. The DET has requested that the planning system and Wollondilly Shire Council support land use policies that help address these pressures, including the following:

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- Investing in existing schools to make them bigger and in doing so ensuring the amenity and function of existing schools is maximised and updated with flexible technology rich learning spaces
- Open planned school models that revolve around larger multi storey schools on existing sites
- Facilitating out of hours use and shared uses of education facilities such as ovals and halls
- Delivery of education infrastructure when it is needed in response to enrolment demands an site capacity shortages
- Removing the planning policy barriers to existing school development
- Fairer developer contributions so that construction of schools or classrooms can be considered as a developer contribution
- Support the delivery of education infrastructure through land dedications when doing strategic land use planning and rezonings when a new school is required
- Efficient surplus land disposals to fund new and updated school infrastructure
- Streamlined planning approvals to build new education infrastructure.

Comment

The DET has not indicated that any new schools will be required as a result of this planning proposal. However the cumulative impact of this and other planning proposals in the Tahmoor area will continue to place pressure on the need for additional classrooms and resources at local schools. Many of the concerns of DET relate to State government policy and funding. As indicated they are seeking developer contributions to assist in provision of classrooms. If this approach is adopted by the NSW government such contributions would be included in any future State Infrastructure Levy imposed at development application stage. Discussions have been held with DET to achieve a co-ordinated approach to planning for school development within Wollondilly Shire and ongoing liaison is planned in this regard.

State Emergency Services (SES)

The SES has provided advice with regard to the consideration of flooding issues that may impact the sites based on the principles outlined in the NSW Government's Floodplain Development Manual, 2005. Matters of concern to the SES that should be addressed at the strategic level involve the safe evacuation of the community. The SES recommends that the building, land-use and subdivision guidelines developed as part of the Hawkesbury-Nepean Flood Management Strategy should be a reference point in relation to future development of the site.

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Comment

The SES advice is noted. None of the land within the precincts has been identified as being flood prone, however further detail in relation to stormwater management and safe evacuation of residents should any of the land potentially become flooded will be required as part of any future development application for subdivision.

Sydney Water Corporation

The following comments were provided in relation to each precinct:

South Tahmoor

- The existing water and wastewater reticulation network has capacity to service this development.

East Tahmoor

- The existing water reticulation system has capacity to service the proposed 600 dwellings plus an additional 100 dwellings and will require a number of trunk amplifications in the future.
- The wastewater network has capacity to service the proposed 600 dwellings.

Detailed requirements for water and wastewater servicing will be provided by Sydney Water at the Section 73 application phase.

Comment

Sydney Water's comments are noted. Council has ongoing liaison with Sydney Water with regard to their timing of infrastructure required for provision of reticulated water and wastewater services.

Office of Water

The Office of Water indicated that they have no comments.

NSW Rural Fire Service (RFS)

The RFS raises no objection subject to a requirement that the future subdivision of the land complies with the requirements in Planning for Bushfire Protection 2006 and in particular but not limited to the provision of asset protection zones, perimeter roads, suitably designed public roads, water/electricity/gas and Special Fire Protection Purpose developments.

Comment

Relatively small areas of the site are impacted by bushfire hazard on the East Tahmoor site but the whole of the South Tahmoor Precinct is impacted. The matters outlined by the RFS will be assessed as part of any future development application for subdivision.

Mine Subsidence Board

No objection.

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Greater Sydney Local Land Service (GS LLS)

The GS LLS was formerly the Hawkesbury Nepean Catchment Management Authority (HNCMA). The GS LLS has indicated that the revised precincts do not change or affect the original response sent to Wollondilly Council by HNCMA.

The HNCMA indicated that they support the rezoning of the land provided the provisions minimise impacts to native vegetation, conserve and manage existing ecological integrity particularly for Endangered Ecological Communities and threatened species and any clearing is to be offset or managed in terms of a Biobanking Agreement or a Conservation Property Vegetation Plan.

Conditions of development consent are recommended for any future works likely to impact on native vegetation.

HNCMA agrees with the recommendations of the report "PTT New Urban Lands LES – Terrestrial Flora and Fauna Survey and Constraints Assessment".

Comment

The GS LLS comments are noted. Any future development application for subdivision will be required to address the provisions of WLEP 2011 Clause 7.2 Biodiversity protection in relation to environmentally sensitive land mapped on the Natural Resources Biodiversity map. Any environmentally sensitive land which is proposed to be cleared would need to be either offset or managed as detailed by GS LLS and this would be assessed as part of the development application process.

Office of Environment and Heritage (OEH)

The OEH Environment has advised that their detailed comments for the PTT New Urban Lands Planning Proposal provided on 11 December 2012 in regards to biodiversity and flood risk management remain relevant to the subject revised precincts planning proposal. In regard to Aboriginal cultural heritage, OEH noted that an amended Wollondilly Shire Council Local Environmental Study: Aboriginal and Historical Heritage Assessment report dated January 2013 was submitted to Council for the PTT New Urban Lands Planning Proposal, however this amended report was not previously referred to OEH for comment. As Council has determined that the report was adequate for the PTT New Urban Lands Planning Proposal and included the revised precincts, OEH will not be providing additional comments.

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Biodiversity

The comments provided by OEH during exhibition of the PTT New Urban Lands planning proposal OEH raised concerns that Zone R2 Low Density Residential overlapping with the Biodiversity Layer may result in impacts to the biodiversity and ecological integrity of the land identified as having biodiversity qualities. The OEH consider that the Wollondilly LEP clauses relating to the biodiversity layer do not mention offsetting. The OEH notes that as the land is in different ownerships it is difficult to protect areas but the up-zoning of these lands will result in significant economic benefits to the landholders and they consider that Council should work with the relevant stakeholders to ensure that the risk and benefits will be shared by all who benefit from the zoning changes.

Comment

The Flora and Fauna report for the South Tahmoor site indicated that there was an area of high quality Shale Sandstone Transition Forest (SSTF), along the railway line some of which will be incorporated into a vegetation corridor. SSTF is now classified as a Critically Endangered Ecological Community under Schedule 1A of the Threatened Species Conservation Act 1995. Cumberland Plain Woodland which includes SSTF is scattered in patches across the East Tahmoor site and most of this vegetation is in low-moderate condition and because of both these factors it would not necessitate the application of a conservation zone as outlined in Council's Environmental Protection Zones Policy. The added complication in East Tahmoor is that there are a high number of landowners on relatively small (2ha) lots which may have only a small area of environmentally sensitive vegetation making it difficult to attain a useful conservation area and connectivity.

On both sites environmentally sensitive land has been mapped on the Natural Resources Biodiversity layer. The aim of using the Biodiversity Layer is to ensure that any future development is compatible with the objectives for biodiversity as detailed in clause 7.2 to WLEP 2011 through ensuring that vegetation is retained in-situ on larger lots or offset elsewhere on-site or through biobanking. Further investigations into biodiversity will be required with specific development applications which address the requirements of clause 7.2 Biodiversity protection in WLEP 2011.

Flooding

The OEH submission in relation to the PTT Planning Proposal indicated that additional flood studies and evacuation assessment would be required in relation to potential flooding along creeks.

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Comments

The precincts are not located on a floodplain and no areas have been identified as flood prone. East Tahmoor contains a minor watercourse which is proposed to have a riparian buffer area of 10m which would assist in mitigating localised flooding. This watercourse flows to the Bargo River which is located along a gorge and therefore it is unlikely that residential development would create flooding problems in the vicinity. Council's Design Engineer has determined that the recommendations of the specialist reports are adequate to determine that no additional special provisions are required to be included in Wollondilly LEP or DCP with respect to flooding. Detailed stormwater management plans to mitigate potential flooding issues will be submitted with future development applications for assessment.

Aboriginal and Historical Heritage

A submission received from the Office of Environment and Heritage during exhibition of the PTT Planning Proposal identified a number of issues in relation to the Aboriginal Heritage Assessment (Specialist Study). As a result changes were made to the Aboriginal Heritage Assessment including:

- additional mapping of sensitivity areas
- more explanation of justification for classifications of highly sensitive areas – why some areas are classified and some are not
- the criteria for significance assessment was amended and re-assessed
- further clarification on areas of low sensitivity, mapped areas of significant disturbance and added areas of moderate sensitivity
- a clearer outline of the recommendations and what specifically needs to be undertaken for each of the level of archaeological sensitivity and recorded sites. Areas with moderate sensitivity (that were not mapped previously), will now require further detailed archaeological assessment at development application stage. Areas mapped as high sensitivity and Aboriginal sites stay the same (require testing and applying for AHIP if impacts to registered sites cannot be avoided).

As indicated in their recent comments, the OEH are not seeking any further archaeological heritage assessment.

Comments

No aboriginal archaeological items or sites were found within either precinct. However the archaeological study identified a high sensitivity area around the creekline on the East Tahmoor precinct and along a narrow depression in the South Tahmoor precinct. These areas are indicated on the precinct structure plans and future development applications for subdivision will require further detailed investigation in accordance with the provisions of the National Parks and Wildlife Act, 1974 and Wollondilly Development Control Plan 2011 (WDCP 2011).

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Additional provisions in relation to these investigations have been included in WDCP 2011 to address the concerns of OEH. Aboriginal cultural heritage has been investigated to the extent necessary for the proposed changes to the LEP provisions. More detailed studies will be conducted with future development applications in accordance with the provisions of WDCP 2011 noting that the provisions of WDCP 2011 have been amended to address the concerns of the OEH.

No submissions were received from the following agencies at the end of the exhibition period:

- NSW Environment Protection Authority
- Fire and Rescue NSW
- NSW Police Force

Submissions also were not received from the following agencies for this current planning proposal but were received during the public exhibition held in November-December 2012 for PTT New Urban Lands Planning Proposal. These submissions are still considered relevant in the context of this planning proposal.

- NSW Health
- NSW Trade and Investment - Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

Area Health Services - South Western Sydney Local Health District

Some additional programs and outreach services would be required to meet the demands from additional resident population. Tahmoor Community Centre has some capacity for growth. Access to acute health services for new residents would continue to be provided by Campbelltown and Camden hospitals. Liverpool hospital provides tertiary health services.

Comment

It is unlikely that the proposed rezoning will alter the above comments significantly.

Department of Trade and Investment (Resources and Energy)

The two precincts are within the Bargo Mine Subsidence District (MSD).

Tahmoor Coal Pty Limited are currently mining beneath the precincts and this will largely have been completed in 7 to 8 years.

No objection to the LEP amendments subject to approval from the Mine Subsidence Board.

Comment

A similar response is expected from Resources and Energy for this planning proposal.

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The Department of Trade and Investment indicated that they would be putting in a late submission. Further efforts have been undertaken to contact the other agencies for a response. However it is considered unlikely that their responses would impact unfavourably on the progress of this planning proposal to finalisation.

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 at Picton Library. A public notice was placed in the local newspaper. Letters were sent to precinct landowners, adjoining landowners and those who made a previous submission.

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
What is the expected width of the road including the curb in this case?	Road widths are determined in relation to the overall plan of the site and it would be difficult to say exactly what size road would be applicable. Council's Engineering and Design Specifications are available on our website.
When the actual planning starts does the landowner have a say as to where a road is placed for example in the middle of the block.	The landowner/developer would determine the road layout but would need to consider this in relation to the Structure Plan under Wollondilly DCP 2011.
Is there any compensation to landowner for the land lost? eg. in the form of less contribution etc.?	There is no compensation applicable in relation to roads required to service a subdivision.
Under Section 7.2, the objective of Biodiversity Protection is to protect native fauna and flora AND water quality. Where can I find out exactly which one our land is subject to, either or both? Is there any documents I can read to get more understanding?	The "sensitive land" land is proposed to be included on the Natural Resources Biodiversity Map and conservation of this land will assist in maintaining biodiversity but water quality is also important. The Flora and Fauna report outlines the

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Issue Raised	Assessment Comment
	rationale for the protection of this land – p33 & pp56-57 and Fig 6f shows the area to be included.
Are there other more detailed maps with measurements of the area affected by the biodiversity mapping.	Our property section has the GIS co-ordinates and you can make a mapping request to obtain these details. The mapping application request form is available on our web site.

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In summary, the matters raised in submissions will be addressed in the statutory provisions for the Draft LEP and the current controls in Wollondilly DCP.

2.3 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 DP&E.

Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section 2.14 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.

Option 1 is the recommendation of this report.

2.4 A PLAN FOR GROWING SYDNEY 2014

This plan replaces the Draft Metropolitan Strategy and Metropolitan Plan for Sydney and emphasises the need for growth of housing around established centres and these precincts are well located in this regard.

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2.5 SOUTH WESTERN SYDNEY REGIONAL ACTION PLAN (2012)

This plan outlines actions broadly across the region aimed at protecting the environment and providing more affordable housing options and it is considered that this planning proposal is in accordance with these actions.

2.6 DRAFT SOUTH WEST SUBREGIONAL STRATEGY TO 2031

New sub regional action delivery plans are proposed.

2.7 SECTION 117 MINISTERIAL DIRECTIONS

It is considered that this planning proposal is consistent with all relevant ministerial directions.

2.8 STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal has considered all relevant State Environmental Planning Policies and is in accordance with them.

Mining, Petroleum Production and Extractive Industries Act 2007

The precincts are located within the 2km buffer area around a residential zone and therefore they fall within the coal seam gas exclusion zone.

2.9 ENVIRONMENTAL PROTECTION POLICY

This policy applies to environmentally sensitive land and details under what circumstances the Natural Resources Biodiversity mapping layer is applied. The layer is applied when the environmentally sensitive land does not meet the criteria for being zoned within an environmental protection zone. The environmentally sensitive land within the South Tahmoor and East Tahmoor Revised Precincts does not meet the criteria for being zoned within an Environmental Protection Zone and therefore the Natural Resources Biodiversity mapping layer has been applied.

2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The proposal, as noted throughout this table, satisfies this Key Policy Direction.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)	The proposal is generally consistent with the concept and vision of 'Rural Living' as it provides for increased density of development adjoining the established urban area and ensures land in rural locations is retained for rural purposes.

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Key Policy Direction	Comment
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	The planning proposal was placed on public exhibition for a period of 28 days and at the end of that period one (1) submission was received which was neutral in relation to the proposal.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	<p>The proposal represents a logical rezoning of the subject sites for low density purposes in keeping with land in the adjoining precinct. The site is also directly between two (2) low density residential planning proposals to its north and south.</p> <p>Within the constraints of the site the proposal is considered appropriate as it will facilitate the orderly development of housing.</p> <p>Conservation and enhancement of remnant vegetation and riparian areas is intended.</p> <p>Existing infrastructure is to be utilised and embellished.</p>
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	<p>The proposal will contribute towards housing growth in the Tahmoor Area.</p> <p>The Structure Plan for Tahmoor & Thirlmere identifies the subject land as a 'potential residential growth area'.</p>
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	<p>The proposal aims to provide for R2 Low Density Residential land with a minimum lot size of 450m2. A range of housing types including affordable housing would potentially be available when the site is developed.</p> <p>There may be a need for some larger lots to conserve environmentally sensitive land and for riparian buffer provisions.</p>

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Key Policy Direction	Comment
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).	The proposed density will be similar to that adjoining the site to the east.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The land is located immediately to the east of the existing urbanised area of Tahmoor.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area	Not applicable.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes	Although there is no employment lands proposed, there will be short-term employment opportunities through the construction jobs associated with the civil and building works. The proposal will also provide stimulus to the local economy by boosting population.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The site is not proposed to be zoned to facilitate further employment opportunities. Modest opportunities may exist for home business and tradesman residency.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be	The site is able to be serviced with the extension or augmentation of existing infrastructure. The addition of residential allotments in the locality shall not adversely burden Council as infrastructure

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Key Policy Direction	Comment
clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	requirements should be readily able to be financed by the developers or through Council's development contributions scheme.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The proposal site is located around 1.1km from Tahmoor town centre and is near Tahmoor Sportsground to its west enabling future residents to access existing facilities and services.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal does not contribute toward dispersed population growth; it proposes urban growth directly to the west of the Tahmoor urban area.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	This is an area identified as a being a potential residential growth area on the Tahmoor Structure Plan in the GMS. The proposal contributes toward Council's dwelling target for Tahmoor identified in the GMS.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	Existing sewerage systems should have the capacity to cater for the additional growth from this relatively small proposed future development. Applying the principles of Water Sensitive Urban Design to future development will ensure sustainability and water quality objectives are met. Environmentally sensitive land and riparian land is protected under the biodiversity and water protection provisions of WLEP 2011 and WDCP 2011.

Planning & Economy

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PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

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Key Policy Direction	Comment
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	Key Policy Direction P22 is not applicable to the proposal.

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2.11 FINAL FORM OF PLANNING PROPOSAL

2.11.1 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:

- Amending the Land Zoning Map (LZN Map) from RU4 Primary Production Small Lots to R2 Low Density Residential (R2) and;
- Amending the Lot Size Map (LSZ Map) from 2ha to allow a minimum lot size of 450m² on R2 Low Density Residential land and 1ha on residue RU4 Primary Production Small Lots land within part lots 12 & 13 DP 826338 and;
- Amending the Height of Buildings Map (HOB Map) to impose a maximum building height limit of 9 metres for R2 land and;
- Amending the Natural Resources Water Map (NRW Map) to impose a riparian buffer of 10m around two watercourses and;
- Amending the Natural Resources Biodiversity Map (NRB Map) to include sensitive land and;
- Amending the Urban Land Release Map (URA Map) to include this land.
- Amending Part 7 Additional Local Provisions to include a clause with the heading Restrictions on Development and which states: 1. a) the objective of this clause is to restrict development on land shown on the Odour Restricted Area Map (ORA Map). b) Development consent shall not be granted for the subdivision and development of this land, other than the replacement of existing development, until the current duck farming operations cease on Lots 1, 2, 3, 4, 5 & 6 DP 1128745, Lot C DP 376421 and Lot 255 DP 10669.

Maps detailing the proposed amendments are attached.



PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

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2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

Amendments to WDCP 2011 with regard to the South Tahmoor and East Tahmoor precincts were included in relation to the PTT Planning Proposal. As the land is proposed to be included on the Urban Release Area Map the provisions of WDCP 2011 Volume 11. apply No further amendments are proposed to WDCP 2011.

FINANCIAL IMPLICATIONS

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

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. 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 Land Zone Map
2. Proposed Lot Size Map
3. Proposed Height of Building Map
4. Proposed Natural Resources Water Map
5. Proposed Natural Resources Biodiversity Map
6. Proposed Urban Release Area Map
7. Proposed Odour Restricted Area Map

RECOMMENDATION

1. That Council support the Planning Proposal for land being:

South Tahmoor Planning Precinct	
Lot/DP Description	Address
9/16911	10 Bronzewing Street, Tahmoor
1/1032620	18 Bronzewing Street, Tahmoor
Part 2/1032620	35 Byron Road, Tahmoor
East Tahmoor Planning Precinct	
Lot/DP Description	Address
Part 4/262132	38 Tahmoor Road, Tahmoor
Part 223/10669	50 Tahmoor Road, Tahmoor
224/10669	80 Tahmoor Road, Tahmoor
225/10669	90 Tahmoor Road, Tahmoor
Part 211/10669	65 Tahmoor Road, Tahmoor
210/10669	69 Tahmoor Road, Tahmoor
Part A/365411	30 Progress Street, Tahmoor
1/623127	36 Progress Street, Tahmoor

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Part 12/826338	44 Progress Street, Tahmoor
Part 13/826338	50 Progress Street, Tahmoor
7/263172	30 Greenacre Drive, Tahmoor
6/263172	36 Greenacre Drive, Tahmoor
5/263172	42 Greenacre Drive, Tahmoor
4/263172	60 Greenacre Drive, Tahmoor
East Tahmoor Planning Precinct	
Lot/DP Description	Address
3/263172	66 Greenacre Drive, Tahmoor
10/263172	15 Greenacre Drive, Tahmoor
11/825465	45-65 Greenacre Drive, Tahmoor
Part 2/263172	71 Greenacre Drive, Tahmoor
Part 190/10669	76 Myrtle Creek Avenue, Tahmoor
102/597260	90 Myrtle Creek Avenue, Tahmoor
101/597260	100 Myrtle Creek Avenue, Tahmoor
100/597260	110 Myrtle Creek Avenue, Tahmoor
Part 258/10669	85 Myrtle Creek Avenue, Tahmoor
Part 59/555941	95 Myrtle Creek Avenue, Tahmoor
60/555941	105 Myrtle Creek Avenue, Tahmoor
Part 26/740263	80 River Road, Tahmoor

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map (LZN Map) to R2 Low Density Residential and;
- Amend the Lot Size Map (LSZ Map) to allow a minimum lot size of 450m² on R2 Low Density Residential land and 1ha on residue RU4 Primary Production Small Lots land within part lots 12 & 13 DP 826338 and;
- Amend the Height of Buildings Map (HOB Map) to impose a maximum building height limit of 9 metres for R2 Low Density Residential land
- Amend the Natural Resources Water Map (NRW Map) to impose a riparian buffer of 10m around two watercourses
- Amend the Natural Resources Biodiversity Map (NRB Map) to include sensitive land
- Amend the Urban Land Release Map (URA Map) to include this land
- Amend Part 7 Additional Local Provisions to include a clause with the heading Restrictions on Development and which states: 1. a) the objective of this clause is to restrict development on land shown on the Odour Restricted Area Map (ORA Map). b) Development consent shall not be granted for the subdivision and development of this land, other than the replacement of existing development, until the current duck farming operations cease on Lots 1, 2, 3, 4, 5 & 6 DP 1128745, Lot C DP 376421 and Lot 255 DP 10669.

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2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded under delegation to the Director-General and Parliamentary Counsel with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report and in the Planning Proposal subject to no late submissions from government agencies objecting to the Planning Proposal.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

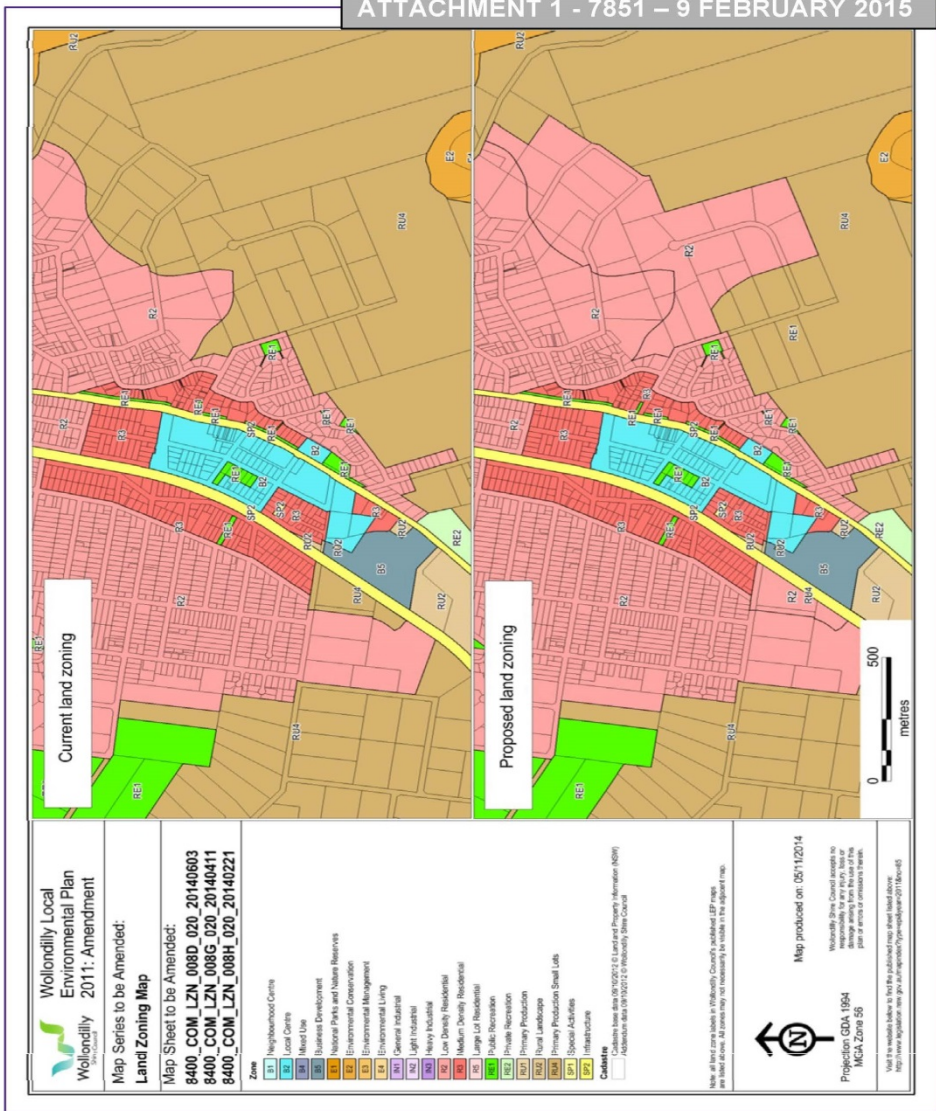
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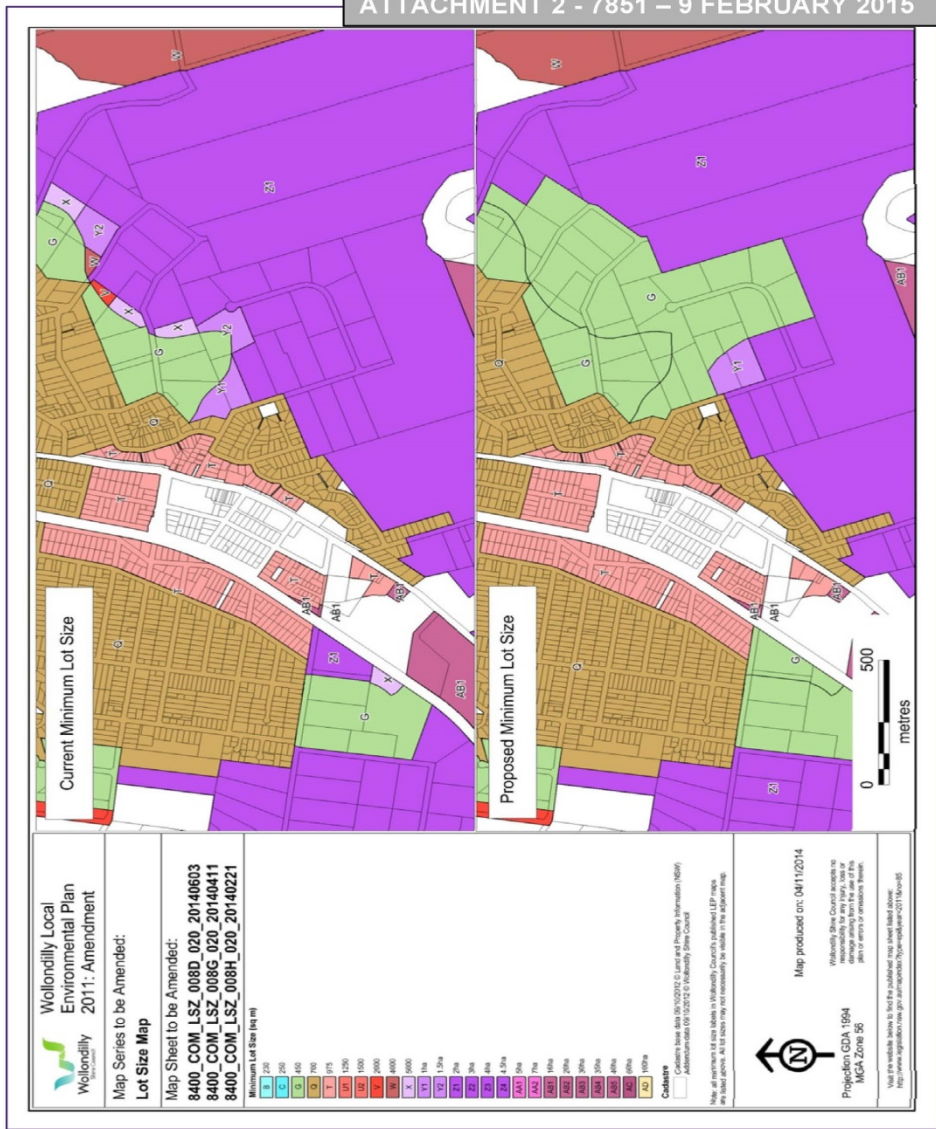
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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

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PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

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PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

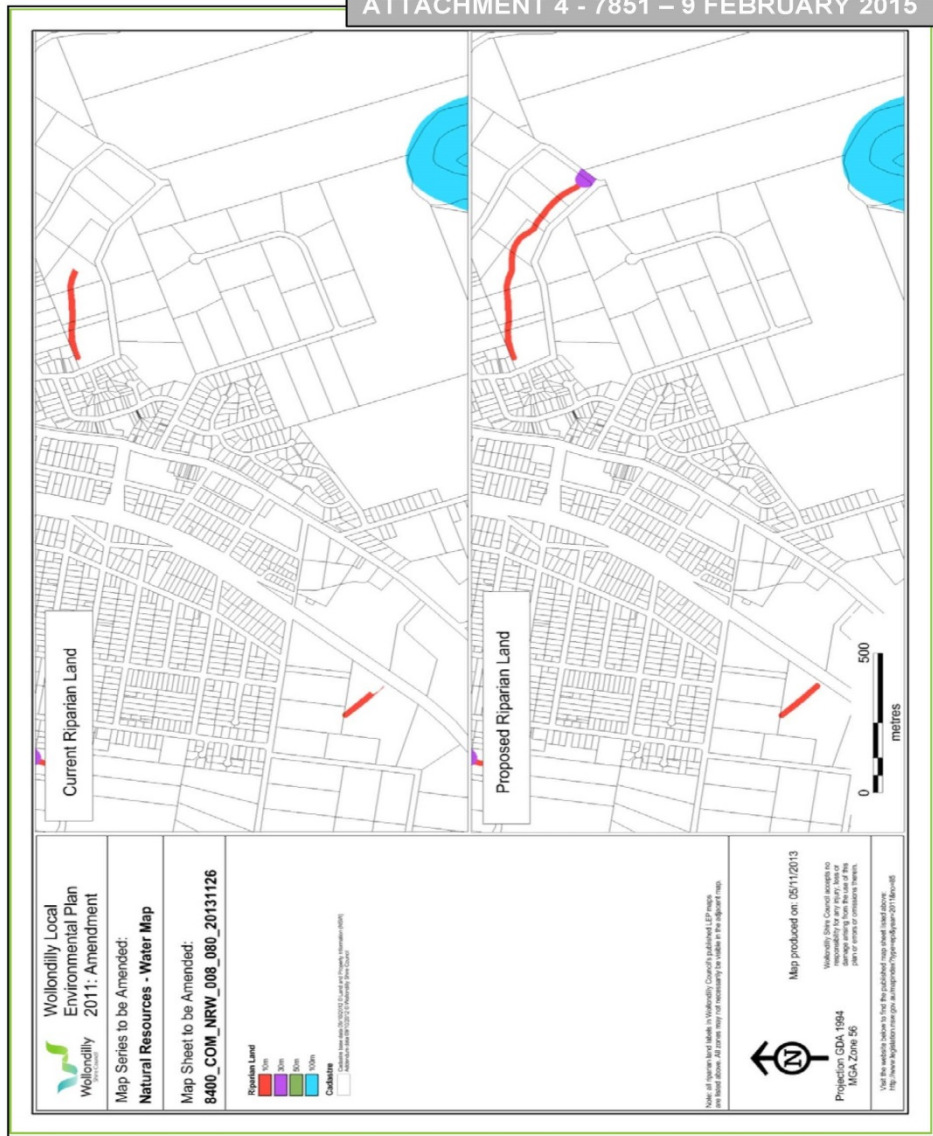
ATTACHMENT 1 – 7851 – 20 JULY 2015

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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

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<p>Wollondilly Local Environmental Plan 2011: Amendment</p>	<p>Map Series to be Amended:</p> <p>Natural Resources - Biodiversity Map</p> <p>Map Sheet to be Amended:</p> <p>8400_COM_NRB_008D_020_20140221 8400_COM_NRB_008G_020_20140411 8400_COM_NRB_008H_020_20140221</p>	<p>Map produced on: 02/11/2014</p> <p>Wollondilly Shire Council accepts no liability for errors or omissions in this map.</p> <p>Projection: GDA 1984 MGA Zone 56</p>
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PE4 – Planning Proposal – South Tahmoor and East Tahmoor Revised Precincts

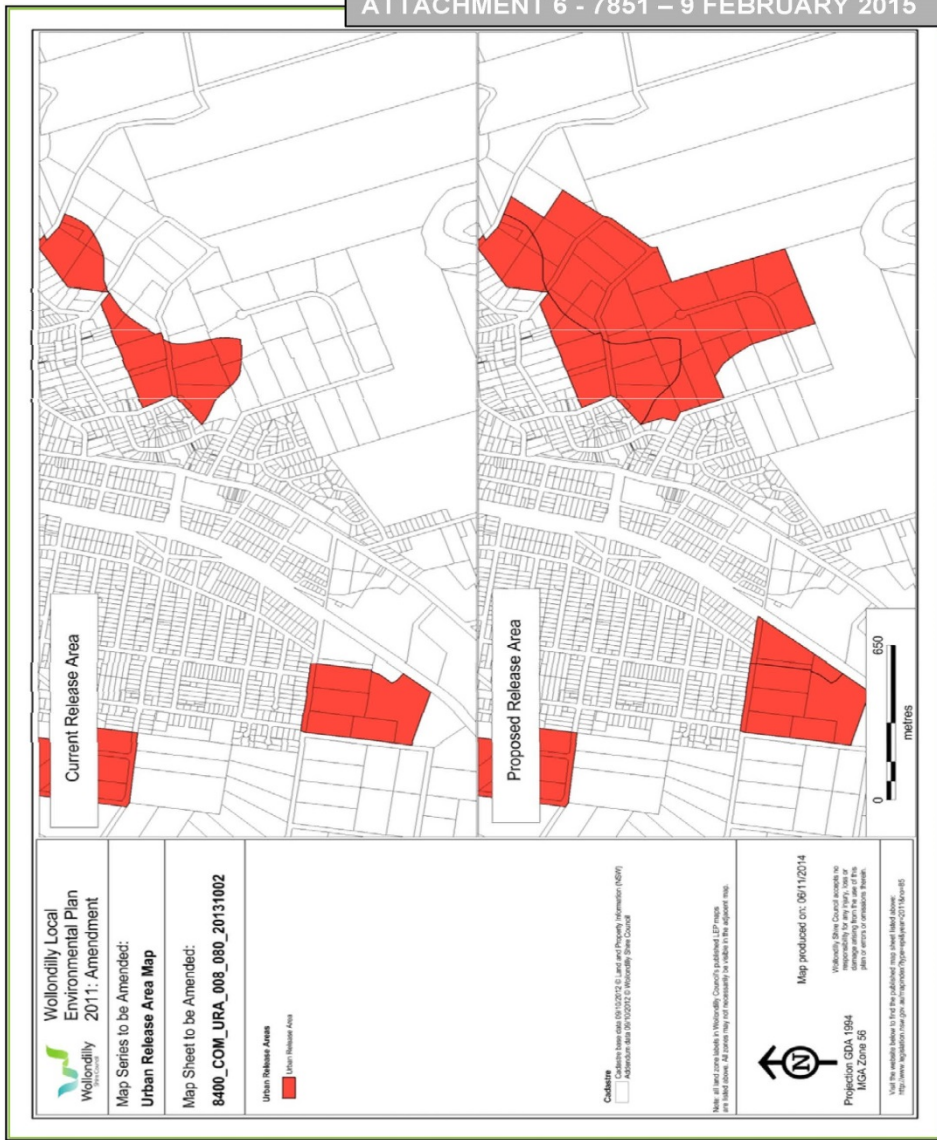
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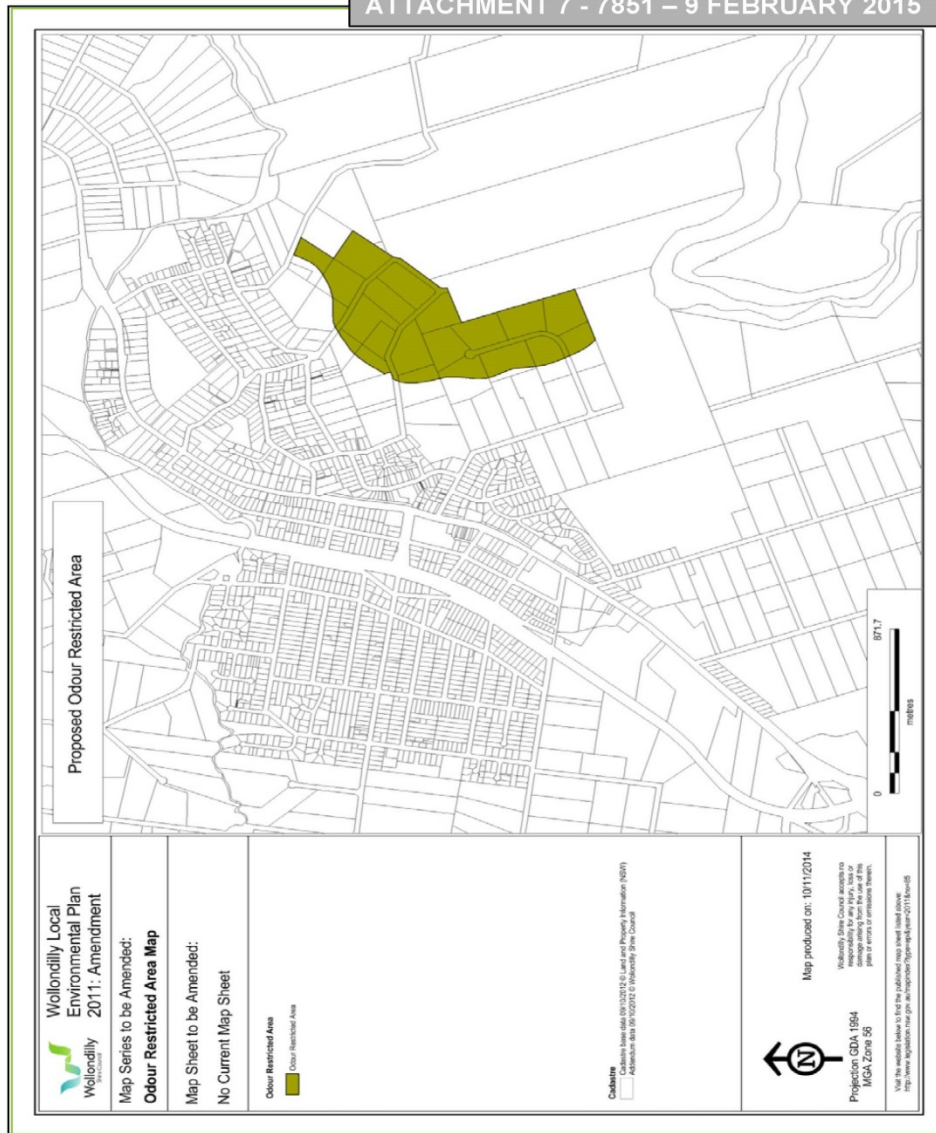
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PE4 – Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts

ATTACHMENT 7 - 7851 – 9 FEBRUARY 2015



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PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

PE5 **Draft Planning Proposal – Housekeeping Amendment to correct Wollondilly Local Environmental Plan 2011 Original Holdings Maps**
 1010 TRIM 8277

Applicant: **Wollondilly Shire Council**
Owner: **Various**

Stage	Completed
Preliminary notification	N/A
Gateway Determination	Not yet issued
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

EXECUTIVE SUMMARY

- This Planning Proposal seeks to amend the original holdings maps contained within Wollondilly Local Environmental Plan, 2011 (WLEP 2011). This housekeeping amendment is required to correct errors in the existing published maps.
- The Planning Proposal is considered to be minor therefore preliminary notification was not necessary.
- 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 proposal.
- It is recommended that Council support the preparation of a Planning Proposal to amend the original holdings maps contained within WLEP 2011 to include the land identified in the map provided as an attachment to this report.

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

REPORT

1.1 DESCRIPTION OF PROPOSAL

Wollondilly Local Environmental Plan 2011 contains a clause which has the intention of controlling density within E4 zoned land across the Shire. The Density Control only applies to land mapped on the original holdings maps which form part of Wollondilly LEP 2011. Several original holdings lots are not currently identified on the LEP original holdings maps, specifically in the Razorback and Menangle areas.

The intended outcomes of the Planning Proposal are:

- To correct the Original Holdings maps within Wollondilly LEP 2011 to include all original holdings within E4 zoned land across the Shire.
- Ensure that all subdivision of land within the E4 Environmental Living Zone is subject to Clause 4.1B of WLEP 2011 and achieves the density provisions identified in this clause.
- Ensure that errors on existing mapped land are corrected.

1.2 BACKGROUND

The concept of density controls within the E4 Environmental Living Zone was formed by a number of studies as detailed below:

Wollondilly Agricultural Land Study

In 1993, Council published the Wollondilly Agricultural Land Study ("the agricultural land study") in conjunction with the Wollondilly Local Environmental Plan 1991 (amendment No. 11). The study recognized that agriculture was an important land use within the shire and included 5 recommendations. Of particular relevance was recommendation number 2 which stated the following:

- "2. That Council carry out a review of its rural zones to prepare a draft Local Environmental Plan which will allow for agricultural production as well as rural residential subdivision. This is to be done utilising the methodology outlined for assessing the agricultural potential of the land."

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Review of Rural Lands Report

In September, 1996 the Council completed the Review of Rural Lands Report (“the rural lands report”). This report describes the Wollondilly Shire as comprising:

"A diverse landscape consisting of undulating rural land, fertile alluvial river flats and steep river gorges. There is a large amount of indigenous vegetation associated with this diverse landscape, the majority of it forming significant corridors, which are associated with the river gorges. The Shire has a scattered population of which approximately half live in the 16 towns and villages. The other half live in the rural residential and farming lots. The towns and villages range in size from 70 to over 3,000."

The objectives identified in the rural lands report not only involve the protection of agricultural lands but also to maintain the rural landscape character of the Wollondilly Local Government Area by providing a balance between agriculture and other land uses. These objectives are to be achieved by the introduction of three new rural zones:

- 1(a) Agriculture
- 1(b) Agricultural Landscape
- 7(c) Environmental Protection Rural Living.

According to section 7.3 of the rural lands report, the 7(c) zone is to provide: rural living opportunities within a sensitive environment and that subdivision and dwelling houses must cater for the protection of that sensitive environment. Also, rural living is a residential use of land in a rural environment. The primary objective of the 7(c) zone is to provide rural living opportunities having regard to the preservation of the rural landscape character as well as the constraints of the land. The lot size and density standards were then determined as follows:

"The 2ha subdivision minimum lot size and 4ha density was arrived at after an assessment of the existing lot size range, landscape as well as topographical considerations. It was considered that by providing a density of 4ha, the integrity of the landscape would be preserved and that land degradation would not occur. The 2ha minimum was introduced to allow for a range of lot sizes to be created so that they conform to the landscape and land forms of the area and to provide for a variety in the lots created. It should be pointed out that the primary objective of the zone is to encourage the preservation of the landscape character by ensuring that development does not detract from that character. It is considered that any lesser density would not achieve that objective."

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Section 8.3 of the Rural Lands Report states that there are four areas of environmental protection (rural living) within the Wollondilly Local Government Area, being within the following localities:

- Werombi – Theresa Park – Orangeville
- Brownlow Hill
Menangle
- Razorback and Pheasants Nest.

The areas were said to be chosen for rural living because of their highly fragmented nature and non-degraded areas as well as lack of any significant agricultural enterprise.

The rural lands report was used as a basis for the introduction of the 7(c) zone into several rural areas of the Shire that were seen to have a level of scientific, aesthetic or environmental values and that were suitable for residential living in a rural environment. The development standards discussed above in relation to lot size and density were incorporated into these areas.

Specialist studies are not considered necessary for this Planning Proposal as the outcomes of the Planning Proposal would be following the previous land use investigations discussed above. The Planning Proposal would correct mapping errors to ensure the findings of these previous investigations are appropriately implemented.

Wollondilly Local Environmental Plan 1991 (WLEP 1991)

Relevant to any application for the subdivision of land in the 7(c) zone was clause 13B(1) which was inserted into WLEP 1991 on 20 September, 1996 and contained the following development standards:

- “(1) The Council may consent to a subdivision of all or part of an original holding consisting of land within zone No. 7(c), or of land partly within that zone and the residue of which is within zone No. 1(b), only if:*
- (a) the total number of lots into which the original holding will be divided after the subdivision will not exceed the number obtained by dividing by 4, the area (in hectares) of the original holding that is within Zone No. 7(c) only, the dividend being rounded down to the nearest whole number, and*
 - (b) None of the allotments to be created by the subdivision will have an area of less than 2ha.”*

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Clause 13B(2) defined original holding as:

“a lot in a current plan (within the meaning of section 327AA(1) of the Local Government Act, 1919) as at the date of publication in the Gazette of Wollondilly Local Environmental Plan 1991 (Amendment No. 11)”.

Clause 13(b)(1) of WLEP 1991 had the effect that any subdivision of land within the 7(c) zone would be required to comply with the relevant density provisions and minimum lot size listed above. The provisions of WLEP 1991 were repealed upon the commencement of Wollondilly Local Environmental Plan 2011 on 23 February, 2011.

Wollondilly Local Environmental Plan 2011 (WLEP 2011)

The Standard Instrument LEP Program was initiated by the Department of Planning in 2006 to create a common format and content for Council's LEP's across the state. WLEP 2011 was gazetted on 23 February, 2011.

The standard instrument advised that 7(c) zoned land would generally be incorporated as an E4 Environmental Living Zone within WLEP 2011. Clause 4.1B within WLEP 2011 is applicable for the subdivision of land within the land use zone E4 Environmental Living, but only applies if the original holdings lot is identified on the “Original Holdings” maps that form part of the LEP. Clause 4.1B is provided below:

“4.1B Subdivision of certain land in Zone E4 Environmental Living

- (1) The objective of this clause is to ensure that certain land within Zone E4 Environmental Living is not subdivided to significantly increase the density of development on the land.*
- (2) This clause applies to the land identified as “Original holdings” on the Original Holdings Map.*
- (3) Despite clause 4.1, development consent must not be granted for the subdivision of land to which this clause applies if the total number of lots comprising the land will exceed 1 lot per 4 hectares as a result of the subdivision.*
- (4) In this clause, Original Holdings Map means the Wollondilly Local Environmental Plan 2011 Original Holdings Map.”*

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Sub-clause (3) listed above acts to ensure that the original holding is not subdivided to a density of greater than 1 lot per 4 hectares however no such definition of “original holding” was provided in WLEP 2011 as the original holdings were to be identified on maps which formed part of the LEP.

Several original holdings (particularly in the areas of Razorback and a small part of Menangle) were not identified on the final published original holdings maps issued by the Department of Planning upon gazettal of WLEP 2011. As a result clause 4.1B does not apply to those lands. This has resulted in the subdivision of land being permissible with consent on some lots which should not have this entitlement.

It should be noted that the Review of Rural Lands Report identified that for the locality of Razorback, the zone boundary for this area uses a topographic boundary rather than a cadastral one. The Razorback range has a district plateau with steep sides. The land on the plateau is capable for subdivision and buildings. The land on the slopes is not. Therefore, the boundary of the zone has been chosen as the contour line. The density of lots for subdivision is to be measured for that land within the E4 Environmental Living zone only.

Under WLEP 2011, this means that many of the lots along the fringe of Razorback have two distinct land use zonings, typically E4 Environmental Living (the plateau component) and RU2 Rural Landscape (the slopes). The entire lots would be included on the original holdings maps as the term original holding relates to an entire lot. However, the method for calculating the permissible density of the site under clause 4.1 would only relate to the component of the land zoned E4 Environmental Living. The ability of any residue lot in the RU2 portion of a site to be further subdivided would need to be considered under clause 4.1 of WLEP 2011.

CONSULTATION

Consultation with Council Managers & Staff

No comments have been sought from Council staff at this time. This could be undertaken post Gateway if necessary.

Consultation with Public Agencies

No public agencies have yet been consulted. Council does not consider that any agencies would need to be consulted as part of this Planning Proposal.

Community Consultation

No community consultation has been undertaken at this time. This will occur post Gateway if required by the Department of Planning.

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

PREPARATION OF A PLANNING PROPOSAL

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.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be Council's Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 2.13 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site.

Option 1 is the recommendation of this report.

A Plan for Growing Sydney

A Plan for Growing Sydney was introduced in December, 2014 and is intended to guide strategic land use planning decisions for Sydney over the next 20 years. The plan identifies population growth targets and includes strategies for the balancing of housing growth with protecting the natural environment and creating liveable cities. The Plan comprises 4 key goals which consist of key directions and actions to assist the implementation of the plan.

The Planning Proposal would not impact on the population targets in the plan. Goal 4 in the plan which is to achieve *a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources* is particularly relevant to this Planning Proposal. The Planning Proposal would achieve this goal by enabling appropriate controls to apply to those parts of the Shire which are of environmental or aesthetic significance, without restricting the ability for future growth in more suitable areas.

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Draft South West Sub Regional Strategy 2031

The Planning Proposal may reduce some future development potential in the E4 zone. However, the Planning Proposal intends to correct errors in the existing LEP maps to control density in these zones. The Planning Proposal would not impact on the ability of other, more suitable areas of the Shire to allow for future development that would contribute to the population targets identified in the Strategy.

Draft Metropolitan Strategy for Sydney 2036

The Planning Proposal would not impact on population targets and other measures outlined for the South West Growth Centre identified in the plan.

Section 117 Ministerial Directions

Ministerial Direction 2.1 - Environmental Protection Zones

The following criteria apply when considering a Planning Proposal in an environmental protection zone:

(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

Comment: The density control of 4 hectares was originally applied to all environmental zoned land with the aim of protecting and conserving environmentally sensitive areas. The correction of the original holdings maps to include all land not currently identified on the original holdings maps would be consistent with these criteria.

(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".

Comment: The Planning Proposal would not reduce the development standards as they would ensure that the prescribed density control applies to E4 zoned land at Razorback and Menangle. This density control currently doesn't apply to these lands due to mapping errors.

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

State Environmental Planning Policies

The proposal would not be contrary to any SEPP which applies to the land.

Draft Amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

Not applicable.

Wollondilly Growth Management Strategy

Wollondilly Growth Management Strategy (GMS) was adopted by Council in February 2011 and sets directions for accommodating growth in the Shire for the next 25 years. All planning proposals which are submitted to Council are required to be assessed against the Key Policy Directions within the GMS to determine whether they should or should not proceed.

The following table sets out the planning proposal’s compliance with relevant Key Policy Directions within the GMS:

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	This proposal meets all the relevant Key Policy Directions and Assessment Criteria contained within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS).	The proposal is consistent with the concept and vision of rural living identified in the GMS.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	The proposal falls within low impact proposal and preliminary consultation is not required. Further consultation may be required if imposed by the conditions of the gateway determination.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The purpose of the Planning Proposal is to correct mapping errors contained in WLEP 2011 and financial circumstances of landowners have not been considered.

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Key Policy Direction	Comment
<p>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</p>	<p>The density controls were originally applied to E4 zones due to the sensitive environment and it is considered that including lots on the original holdings maps would enable development that is more in keeping with the character of the area by enabling appropriate density provisions to apply.</p>
Housing Policies	
<p>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</p>	<p>The inclusion of E4 zoned land in Razorback and part of Menangle on the original holdings maps may reduce potential lots that could be excised from existing holdings, however, the areas identified for potential future growth would not be compromised.</p>
<p>P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</p>	<p>The Planning Proposal would reduce some current subdivision potential in the areas of Razorback and Menangle however, it would only be establishing the dwelling densities originally intended in previous studies for the E4 zoned land and to correct mapping errors. It is anticipated that these areas would still cater for residential development in a rural environment and be capable of catering for a variety of housing types within the area.</p>
<p>P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").</p>	<p>The amendment of the original holdings maps would restore the dwelling densities originally intended for these areas and dwelling densities would remain higher closer to the townships.</p>

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Key Policy Direction	Comment
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	Not applicable.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	Not applicable.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	Not applicable.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	Not applicable.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	Not applicable.

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Key Policy Direction	Comment
<p>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</p>	<p>The Planning Proposal would not impact on the ability of growth to occur around surrounding towns and villages.</p>
<p>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>The proposal would not discourage growth closer to the towns and would ensure an appropriate density of development in other areas.</p>
<p>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	<p>The Planning Proposal is not inconsistent with this policy direction.</p>
<p>Rural and Resource Lands</p>	
<p>P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire’s lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</p>	<p>The Review of Rural Lands Report acknowledges that E4 zoned land is typically within a sensitive environment. The inclusion of land at Razorback within the original holdings maps would ensure that an appropriate density of development is achieved in these areas and accounts for the constraints of the area.</p>

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 July 2015

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

Key Policy Direction	Comment
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The Planning Proposal is consistent with this policy direction as it would ensure that all E4 zoned land occurs across the Shire is subject to the relevant density provisions of Clause 4.1B of WLEP 2011. This would avoid inappropriate fragmentation of rural lands in across the Shire.

Planning & Economy

Wollondilly Local Environmental Plan, 2011 (WLEP 2011)

It is considered that the Planning Proposal should take the form as detailed in the report and amend the original holdings map to include original holdings missed on the current map.

Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below:

Amend the Original Holdings Maps so that they correctly identify all original holdings within the E4 Environmental Living Zone in the areas identified on the maps attached.

Wollondilly Development Control Plan, 2011 (WDCP, 2011)

No amendments are proposed to WDCP 2011.

Voluntary Planning Agreement

Not Applicable.

Public Hearing

Not applicable.

FINANCIAL IMPLICATIONS

This Planning Proposal is not anticipated to have any implications on Council's budget or forward estimates.

ATTACHMENTS:

1. Proposed amendments to Original Holdings Maps.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 July 2015

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

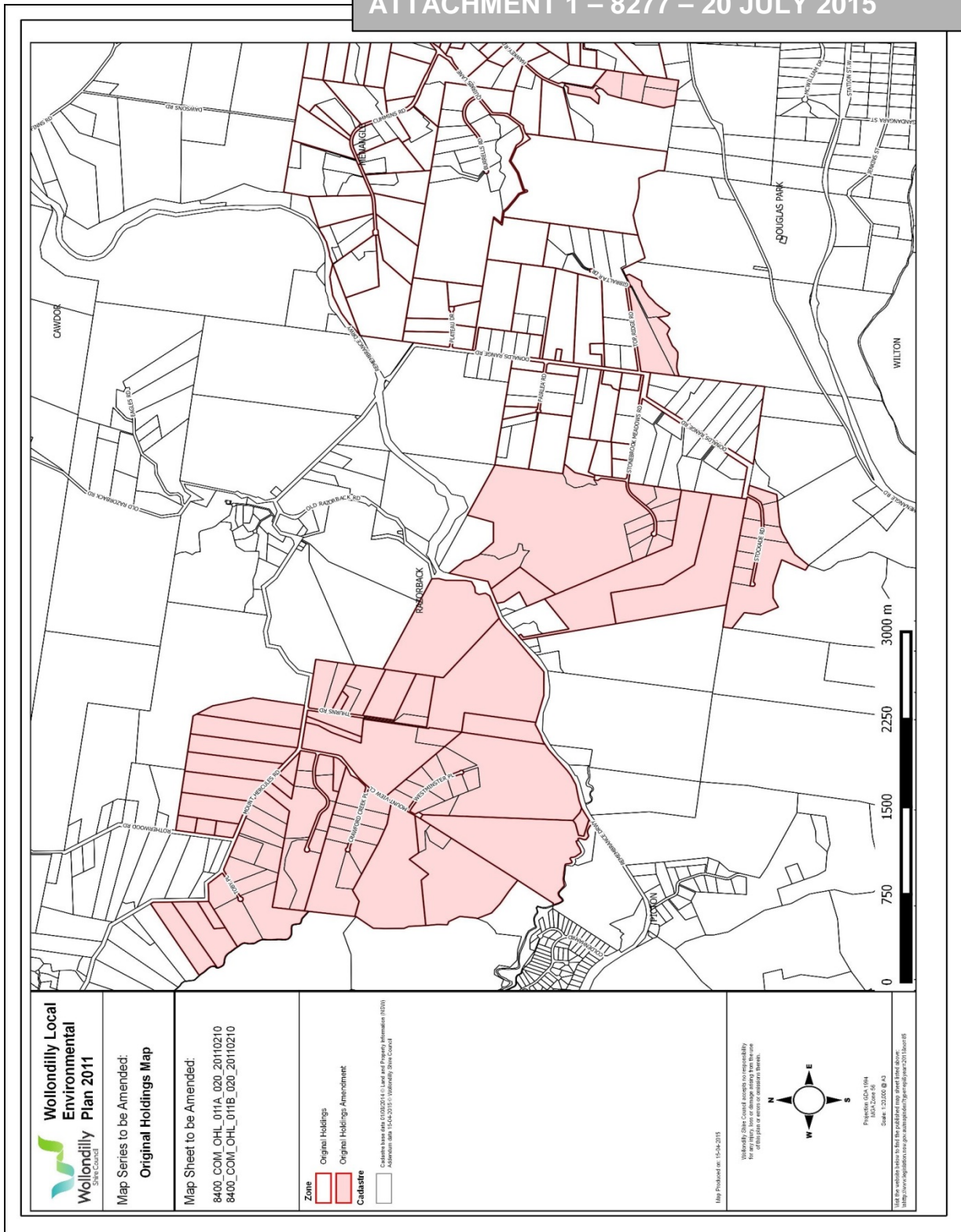
RECOMMENDATION

1. That Council support the preparation of a Planning Proposal to make amendments to the Wollondilly Local Environmental Plan 2011 Original Holdings Maps within E4 zoned land across the Shire which are currently not included in error.
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.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 July 2015

PE5 – Draft Planning Proposal – Housekeeping Amendment to Correct Wollondilly Local Environmental Plan 2011, Original Holdings Maps

ATTACHMENT 1 – 8277 – 20 JULY 2015



Planning & Economy

PE6 – Picton Town Centre Traffic Investigation

PE6

Picton Town Centre Traffic Investigation

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TRIM 3138

EXECUTIVE SUMMARY

- Council previously considered a report on this matter at its Ordinary Meeting held Monday 15 June 2015.
- At that meeting Council resolved to defer the matter for a Councillor Workshop, which was held Monday 22 June 2015.
- It is proposed that a traffic investigation be undertaken to explore options to improve the traffic safety and capacity within the Picton Town Centre.
- It is further proposed that the cost of the traffic investigation and upgrade works be funded by up to five (5) planning proposals that surround Picton.
- 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 these applications.
- 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, Picton East Planning Proposal, Coull Street Planning Proposal, Abbotsford Planning proposal and Land adjacent to Mushroom Tunnel Planning Proposal. The financial assistance will be based on the proportion of traffic generation expected from each of these planning proposals.
 - The assessment of these planning proposals continue subject to a suitable Planning Agreement for each to facilitate upgrade works to the local traffic network.

PE6 – Picton Town Centre Traffic Investigation

REPORT

BACKGROUND

In conjunction with Roads & Maritime Services, Council recently undertook an assessment of our traffic network deficiencies. The Draft Report which was based upon the data in Council's Growth Management Strategy was completed in February 2015. The report suggests that the major Picton intersections (i.e. Argyle Street / Menangle Street, Argyle Street / Barkers Lodge Road and Argyle Street / Margaret Street) are not performing to a satisfactory level. The traffic studies prepared for the various planning proposals surrounding Picton generally support this assessment.

Council is in receipt of the following planning proposals which will generate significant additional traffic within the Picton Town Centre.

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 6.2ha of rural land to a business zone.

Picton town centre currently has around 15,000m² of commercial floorspace which includes 11,000m² of retail floorspace. The Stonequarry site if developed as anticipated will add 4,400m² of commercial floorspace and 18,500m² of retail floorspace.

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 Report submitted with this proposal recommends traffic signals at the Argyle Street / Barkers Lodge Road and Argyle Street / Menangle Street intersections.

The specialist studies including the traffic impact assessment required by the Department of Planning have been submitted and are currently being reviewed. The next stage is preparation for community consultation with public exhibition of the planning proposal. The Gateway Determination deadline is 16 August 2015. A request to the Department of Planning and Environment for an extension is required.

PE6 – Picton Town Centre Traffic Investigation

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. The Traffic Report submitted with this planning proposal confirms the need for the proposed traffic signals on the Margaret Street / Cliffe Street / Argyle Street intersection and recommends upgrade to the Argyle Street / Menangle Street intersection.

The proponent is seeking an alteration to the Gateway Determination to extend the site and change zones. This is currently being considered prior to a report being prepared to Council. A Gateway Determination deadline of 23 September 2016 applies to this planning proposal.

Abbotsford Planning Proposal

This planning proposal is located around 1km from the Picton town centre along Abbotsford and Fairley Roads and aims to rezone around 70ha of rural land to provide approximately 40 environmental living lots. The Traffic Report for this proposal indicated that the Barkers Lodge Road / Argyle Street intersection performs poorly and would require upgrade in the medium term.

There are proposed changes to this planning proposal which will require an alteration to the Gateway Determination. A voluntary planning agreement is being negotiated. The deadline for this planning proposal is 1 August 2015. An extension to the Gateway Determination will be sought from the Department of Planning and Environment.

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 industrial land to medium density residential to provide between 12- 20 medium density dwellings. 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 the current level of traffic entering Argyle Street from Coull Street.

Consultation with government agencies and preparation of specialist studies is currently being undertaken. The planning proposal has Gateway Determination with a deadline of 23 April 2016 for finalisation.

PE6 – Picton Town Centre Traffic Investigation

Land Adjacent Mushroom Tunnel Planning Proposal

This planning proposal is located around 400 metres south west of the town centre with a frontage to Argyle Street and adjoins land on which the Mushroom tunnel is located. An area of 4.1ha of rural land is proposed to be zoned to provide around 40 low density and large lot residential sites. A traffic study has not been undertaken as yet for this planning proposal but the traffic generated is likely to impact on traffic movement along Argyle Street.

Post Gateway consultation with government agencies is underway and a brief for specialist studies is being prepared. The planning proposal has a deadline of 30 March 2016 for finalisation under the Gateway Determination.

Proposal

The Draft Wollondilly Traffic Network Deficiency Assessment suggests that a number of Picton intersections are not operating to a satisfactory level. The additional traffic generated by the various planning proposals surrounding Picton is likely to exacerbate the traffic network deficiencies.

The proposed Traffic Investigation will:

1. Review the Draft Wollondilly Traffic Network Deficiency Assessment using growth data based upon the five (5) planning proposals surrounding Picton.
2. Assess the feasibility and cost of the upgrade options and impact of each upon the wider traffic network, pedestrian linkage and on-street car parking.

The Traffic Investigation is expected to cost up to \$150,000. The proponents will be asked to contribute to cover the cost of the investigation work based upon the proportion of traffic generated by their proposal.

Attached to this report is a range of traffic management options currently under consideration by staff. These works, excluding direct works required by development and works that would be the responsibility of the Roads and Maritime Service, are estimated at \$12,500,000. The planning proposals surrounding Picton could facilitate these works by contributions made under a planning agreement.

It should be noted that each planning proposal, if approved, is required to pay development contributions under the Wollondilly Development Contribution Plan 2011 (see table below). The planning agreement would seek a contribution for improvements to the local road network, in lieu of, the normal payments under the Contribution Plan.

PE6 – Picton Town Centre Traffic Investigation

Proposal	Contribution Rate	Estimated Contribution
Stonequarry Commercial	1% of construction costs	Up to \$400,000 [#]
Picton East	\$20,000 / Lot	Up to \$4,000,000
Coull Street	\$20,000 / Lot	Up to \$400,000
Abbotsford	\$20,000 / Lot	Up to \$800,000
Land adjacent to Mushroom Tunnel	\$20,000 / Lot	Up to \$600,000
	Total	\$6,200,000

based upon 4,400m² of commercial space and 18,500m² of retail space, excluding civil costs.

In terms of the discrepancy between the contributions payable for residential subdivision compared to commercial development, it may be appropriate to negotiate a planning agreement for Stonequarry Commercial based upon the number of vehicle trips or other appropriate method.

In relation to the shortfall between the estimated cost of works and the income generated by development contributions, Council could consider the following options:

1. Adjust the works to match the income
2. Seek additional funding (either internal or external)
3. Amend the Wollondilly Development Contribution Plan 2011

As suggested elsewhere in this report, the planning proposals surrounding Picton are at various stages of assessment. To avoid significant delay and allow the continued assessment of the planning proposals, it is proposed that:

- A contribution be sought from the proponents for the investigation work
- Council negotiate, via the Planning Agreement mechanism, for contributions from the various proponents towards the cost of upgrade works to improve the safety and capacity of the traffic network
- The Traffic Investigation work run in parallel with the assessment of the individual planning proposals.

CONSULTATION

The proponents of the various planning proposals have raised concern in relation to the report presented to the May 2015 Ordinary Meeting. The concerns relate predominately to delay caused by the proposed Traffic Investigation and the fact that the unsatisfactory performance of the main street intersections is a pre-existing issue.

The contents of this report, which attempts to address some of these concerns, have been discussed with the various proponents. Formal consultation has not been possible given time constraints.

PE6 – Picton Town Centre Traffic Investigation

In terms of the Traffic Investigation, the final report will be subject to a public exhibition process. Following exhibition the findings of the Traffic Investigation will be reported to Council to determine the preferred upgrade works and traffic improvement outcomes.

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 five (5) 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 for the study from the Proponents of the sites applying for 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 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.

The provision of intersection upgrades required to service the future development is not currently budgeted in the Wollondilly Contributions Plan. An equitable arrangement to provide such funding through planning agreements negotiated with the proponents of each planning proposal would ensure that the costs are shared relative to the development proposed.

CONCLUSION

It is acknowledged that the poor performance of intersections in the Picton main street is a pre-existing issue. Council is addressing safety and capacity issues at the Argyle Street / Cliffe Street / Margaret Street intersection with the installation of traffic lights. Without further upgrade works to the traffic network it is questionable whether the planning proposals surrounding Picton can be supported.

A comprehensive assessment of a range of traffic options, in terms of the overall traffic management, would ensure that the most community benefit is achieved from proposed growth around the town centre. The investigation work would also inform Council with respect to the determination of the planning proposals currently under assessment.

ATTACHMENTS:

1. Plan showing the Picton Town Centre and planning proposals.
2. Picton CBD Traffic/Pedestrian Management Options.

PE6 – Picton Town Centre Traffic Investigation

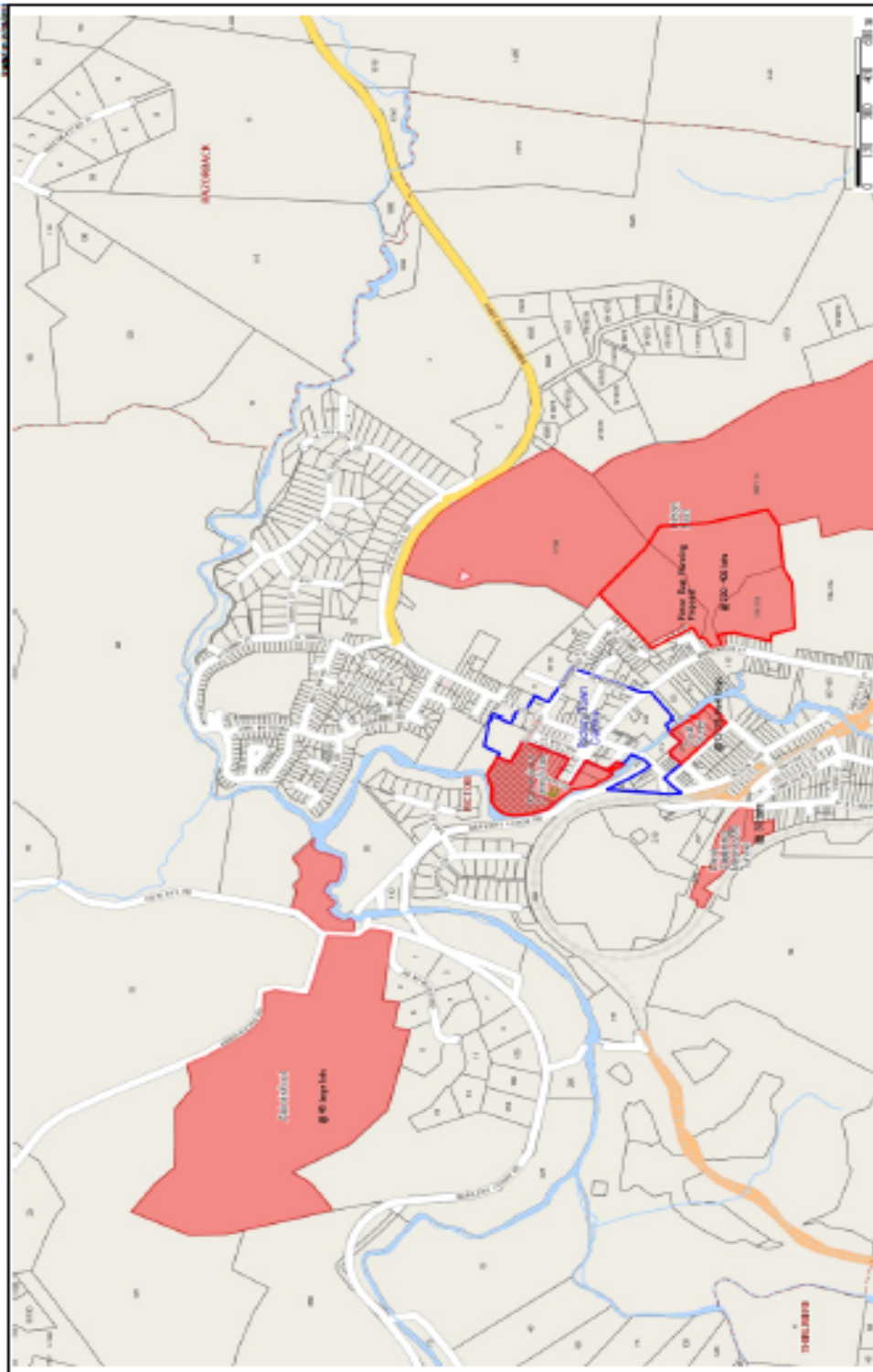
RECOMMENDATION

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, the Abbotsford Planning Proposal, the Land Adjacent to the Mushroom Tunnel Planning Proposal and the Coull Street Planning Proposal. The financial contribution will be based on the proportion of traffic generation expected from each of these planning proposals.
3. That the assessment of the various planning proposals that surround Picton continue subject to a planning agreement for each to facilitate improvements to the traffic network.
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 20 July 2015

PE6 – Picton Town Centre Traffic Investigation

ATTACHMENT 1 – 3138 – 20 JULY 2015



Planning Proposals around Picton Town Centre

Projection: GDA94 / MGA zone 56
 Date: 24/06/2015
 Created by: City Care

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Planning & Economy

PE6 – Picton Town Centre Traffic Investigation

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