

Ordinary Meeting Of Council



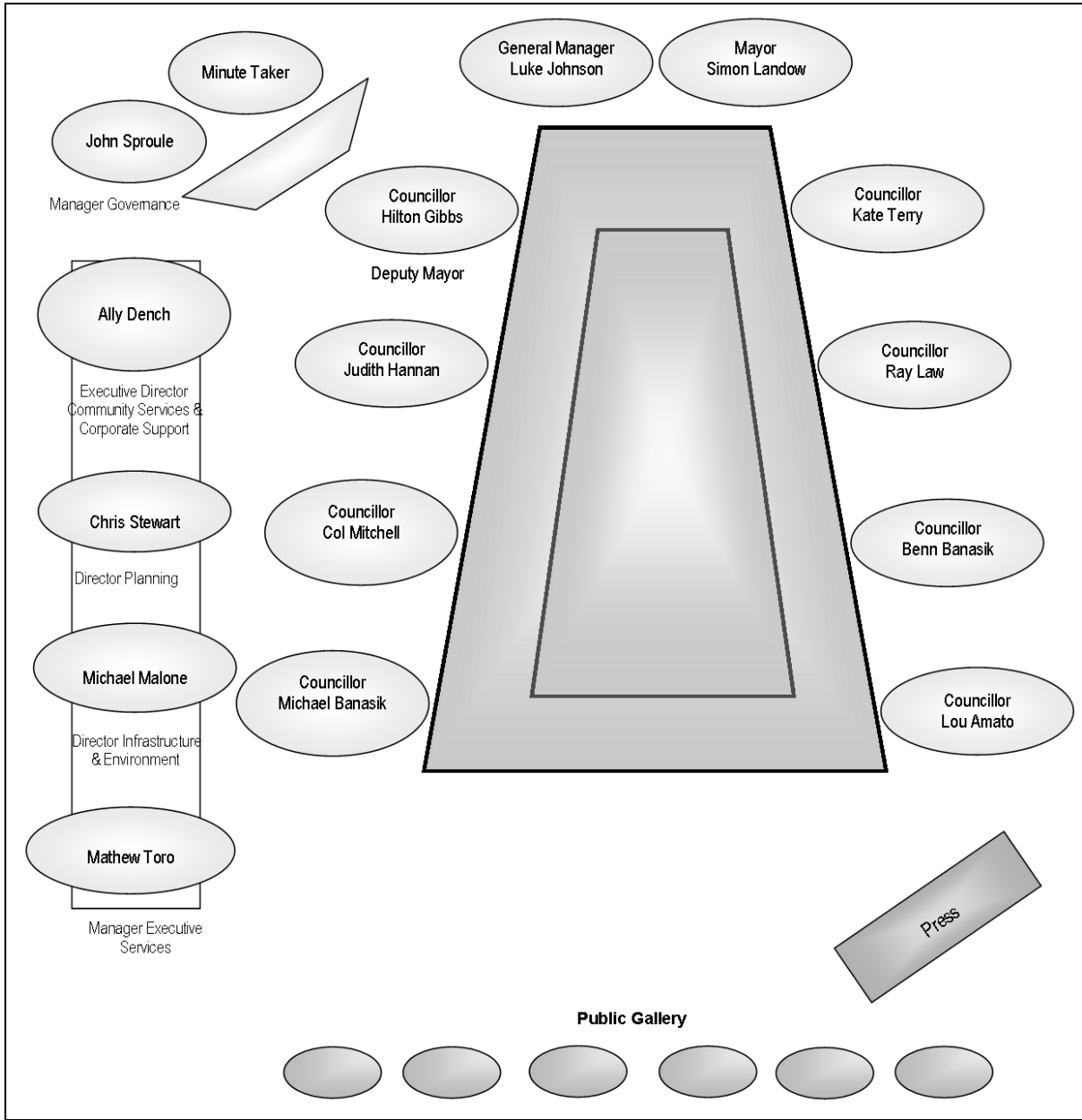
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 16 November 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 16 November 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	0418 265 006	Email: col.mitchell@wollondilly.nsw.gov.au

NORTH WARD

Cr Hilton Gibbs (Deputy Mayor)	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 (Mayor)	0415 406 719	Email: simon.landow@wollondilly.nsw.gov.au

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

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OPENING

RECORDING OF THE MEETING

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

NATIONAL ANTHEM

ACKNOWLEDGEMENT OF COUNTRY

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- Ordinary Meeting of Council held on 19 October 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 Gibbs	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 3.30pm, 4th Wednesday of February, May, August and November in the Council 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 Mitchell	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 M 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 SUPPORT 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 TABLELANDS REGIONAL ARTS ADVISORY GROUP	Cr M Banasik	Manager Community Outcomes	Meetings held quarterly at Goulburn Council offices.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
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 PERI URBAN NETWORK	No Councillor Member	Executive Director Community Services and Corporate Support	Meetings held as required at various locations.
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.
WOLLONDILLY/ WINGECARRIBEE - BUSH FIRE MANAGEMENT COMMITTEE	Mayor Cr Law	Manager Environmental Services	Meetings held at 12.30pm, 1st Wednesday quarterly, Venue Bridge Street, Picton.
YERRANDERIE MANAGEMENT COMMITTEE	No Councillor Member	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
16 November 2015

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN – PLANNING AND ECONOMY

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

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 16 November 2015

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

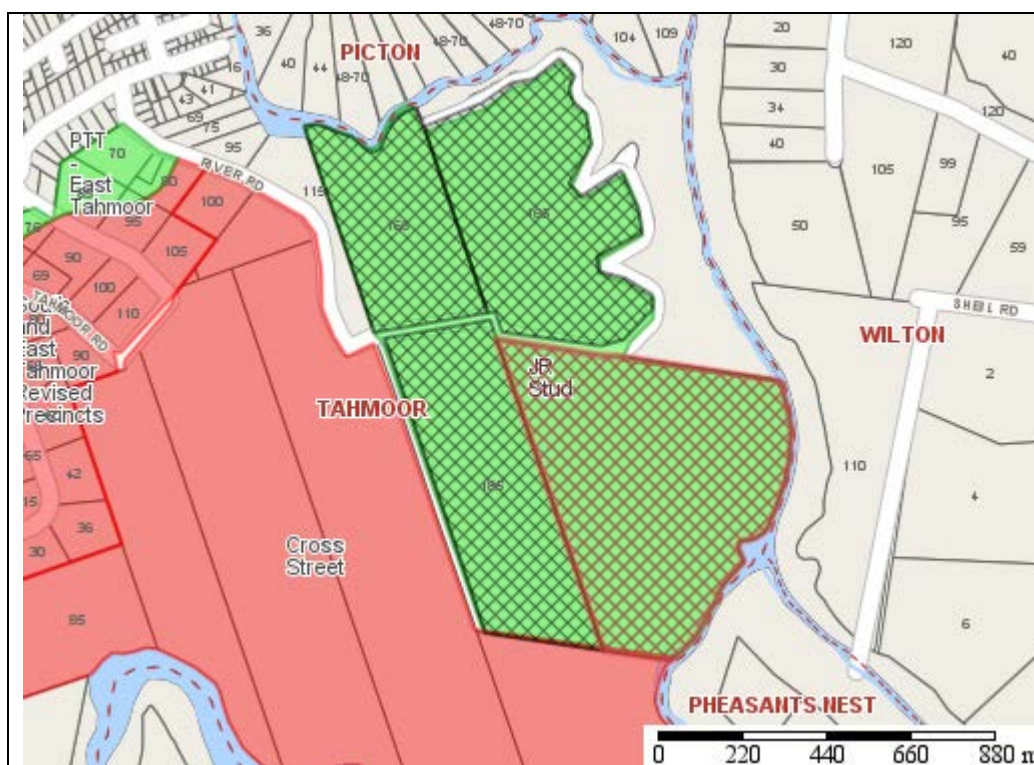
PLANNING & ECONOMY

PE1 **Development Application No. 010.2014.00000588.001 - One Hundred and Twenty-Five (125) Rural Residential Lot Subdivision and one (1) Open Space Lot in Six (6) Stages at 165-195 River Road, Tahmoor**

1006

DA010.2014.00000588.001

Planning & Economy



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LOCATION MAP
DEVELOPMENT INFORMATION



Development Application No:	010.2014.00000588.001
Property Address:	165-195 River Road, Tahmoor
Applicant:	EJC C/- Craig & Rhodes
Owner:	M Camilleri
Proposal Details:	One hundred and twenty-five (125) rural residential lot subdivision and one (1) open space lot in six (6) stages
Zone:	Part E2 Environmental Conservation Part R5 Large Lot Residential

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

EXECUTIVE SUMMARY

- At the Ordinary Meeting held 18 February 2013, it was resolved that any Development Application for subdivision of the subject land be considered by Council for determination.
- Two (2) variations have been sought in regard to road construction controls from the Wollondilly Development Control Plan 2011 Volume 10 Subdivision. Based on the merits of the case, it is recommended that Council support the departures, subject to conditions.
- A total of twenty-one (21) submissions have been received by Council during the assessment of the Development Application
- 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 the application be approved subject to conditions.

REPORT

CONSULTATION

Integrated Development Considerations

Authority	Comments
NSW RFS	Conditions recommended GTAs issued 19 December 2014
Office of Water	Conditions recommended. GTA have been issued 11 December 2014
MSB	Approval obtained

Referrals

Referral	Outcome
Development Engineer	Conditions recommended
Building Surveyor	Concerns with effluent disposal in regards to location of watercourses and an onsite water bore, topographic constraints, size of some systems and potential soil characteristic issues
Environmental Health Officer	Conditions recommended
Environment Officer	Conditions recommended
S94 Planner	A Voluntary Planning Agreement applies to this application and conditions require contributions and works in kind to be

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 16 November 2015

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

Referral	Outcome
	undertaken in accordance with the agreement.
Property	Concerns raised regarding transfer and/or closure of Crown roads. Conditions are recommended to address concerns.
Strategic Planning	There appears to be no reference to the Voluntary Planning Agreement. At the rezoning stage, a concept plan was exhibited showing three small parks and a horse riding field Fragmentation of the E2 land should not be allowed. This will impact upon connectivity of the vegetation The development will prevent access to the Crown Land and limit access during bushfire periods. A perimeter road should be created
Contamination	The reporting states the site is clean but testing was not able to be undertaken under the structures. Since the buildings have been removed, it is recommended that prior to a construction certificate that an addendum to the report be provided to council by a qualified consultant that verifies that no contamination is present where the building were located If any contamination is found it is recommended that a validation report is prepared for council to ensure that the site is free from contamination. conditions recommended
Tharawal	No comments
Cubbitch Barta	Concerns have been raised and have advised that an Aboriginal Cultural Heritage Assessment should be undertaken and provided with the application.

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject land is located at the end of River Road, Tahmoor, approximately 1.7km from the River Road and Remembrance Driveway intersection. The development comprises four allotments with a combined area of 111 hectares and is irregular in shape. Access to the site is solely from River Road. Approximately 78% of the land has been cleared. Approximately 17.47 hectares of land is within the land zoned E2 Environmental Protection.

The land is bound by the Nepean River (to the east), Myrtle Creek (to the north), Bargo River (to the south) and rural land (to the west). The land immediately north, east and south comprises gorges with steep inaccessible land containing dense vegetation. Bargo River and Myrtle Creek form confluences with the Nepean River. A large natural pool is located at the confluence of the Nepean and Bargo Rivers. The perimeter of the site is vegetated.

Four separate land parcels make up the development site. Vast areas of the land have been cleared of vegetation and presently the site is vacant with no improvements apart from internal road and a dam. The dwelling house was removed from the site in May 2015. The other sheds and associated outbuildings were removed some time before.

One watercourse traverses the site, running in an east-west direction, and there are five watercourses that start from within the site.

Beyond Myrtle Creek are an abattoir and a poultry farm. To the west of the site is another poultry farm. South of the site beyond the Bargo River are a small number of dwelling houses and the land are used for rural residential purposes. No agriculture pursuits are being carried out. Beyond the Nepean River to the east, there are a number of land parcels being used for residential purposes. These lots are generally densely vegetated towards the rear of the site and dwellings located towards the roads.

1.2 DESCRIPTION OF DEVELOPMENT

Development consent is sought for a large lot residential subdivision comprising one hundred and twenty five (125) lots and one (1) open space lots including roads, drainage, earthworks, tree removal.

Lot sizes range from 4,010m (Lot 206) to 16.365 hectares in size. The vast majority of lots range in size between 4,010 to approximately 1.5 hectares in size.

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

The development will be undertaken in the following stages:

- Stage 1: creation of Lots 101 to 118 inclusive and residue
- Stage 2: create Lots 201 to 220 inclusive and residue
- Stage 3: create Lots 301 to 330 inclusive and residue
- Stage 4: create Lots 401 to 421 inclusive and residue
- Stage 5: create Lots 501 to 521 inclusive and residue
- Stage 6: create Lots 601 to 615 inclusive.

The open space allotment (which will be embellished at a later as a recreation/public park) will be created in Stage 1 of the development. The embellishment will be subject to a later Development Application.

Proposed Lot 606 is 16.365 hectares in size. Only 1.96 hectares of this lot will be located within the R5 zone. The remainder of the proposed lot is located within the Bargo and Nepean River Gorge, beneath the top of the escarpment. This area is densely vegetated and generally inaccessible.

Crown Roads will be closed as part of the application process. All structures onsite have already been demolished. All roads within the development are proposed to be 16 metres wide (total road width reservation).

The majority of the vegetation within the development footprint is to be retained, particularly the land within the E2 Environmental Conservation Zone. A landscape plan has been submitted detailing the extent of road side vegetation embellishment.

The applicant has advised that minor earthworks and regrading will be undertaken across the site with no fill having to be imported to the subject land. The site does not have access to reticulated sewer so all future effluent disposal will be by onsite sewage management systems.

A Vegetation Management Plan (VMP) has been submitted to deal with weed and pest control, revegetation of parts of the site, asset protection zones management and monitoring.

A 150 metre buffer (from the edge of the gorge) has been delineated on the plan of development. This buffer has been established in accordance with a Council resolution from 18 February 2013 and no development will be permitted to be undertaken within this area.

(Attachment A: proposed plan of development)

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

Threatened Species Conservation Act 1995

Objects of Act

Clause	Comment
<p>(a) to conserve biological diversity and promote ecologically sustainable development,</p>	<p>The development site which is considered Shale/Sandstone Transitional Forest, contains a number of threatened species according to NPWS, being:</p> <ul style="list-style-type: none"> ▪ <i>Persoonia bargoensis</i>, ▪ <i>Grevillea parviflora</i>, ▪ <i>Persoonia hirsute</i>, and ▪ <i>Epacris purpurascens</i> to name a few. <p>These are primarily located in the gorge area immediately surrounding the Nepean River. The land zoned E2 is also very likely to contain the same plants and communities referred to above however the development does not proposed to undertake any activity within the E2 zone.</p> <p>The Vegetation Management Plan (VMP) states that one <i>Persoonia bargoensis</i> will possibly be lost (occurs on the proposed boundary of one allotment and on the edge of the asset protection zone). As such, a Section 91 license in accordance with the provisions of the Threatened Species Conservation Act 1995 will need to be obtained prior to the issue of any Construction Certificate for the development. Conditions are recommended in this regard.</p> <p>Further conditions are recommended to ensure that the future development of the land will not have any adverse impacts upon the viability of the plants and communities.</p>

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

Clause	Comment
(b) to prevent the extinction and promote the recovery of threatened species, populations and ecological communities,	Subject to conditions, the development will not have any adverse impacts
(c) to protect the critical habitat of those threatened species, populations and ecological communities that are endangered,	Subject to conditions, the development will not have any adverse impacts
(d) to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities,	Subject to conditions, the development will not have any adverse impacts
(e) to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed	Conditions are recommended in this regard
(f) to encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.	Conditions are recommended in this regard

While there are trees onsite that are representative of an Endangered Ecological Community, such vegetation are isolated from the densely vegetated areas located within the E2 zone and the gorge. Nonetheless, those trees that are required to be removed during civil works, conditions are recommended so that all hollows and the like are inspected prior to their removal and that any fauna are relocated by WIRES or a similar body, agency or the like.

A Vegetation Management Plan (VMP) has been submitted which proposes to embellish the grasslands and the area shown as the asset protection zones on the plan of development. That is, the report intends to revegetate the aforementioned areas so there is a transition of vegetation between the densely vegetated areas and the grasslands that will eventually form the residential allotments.

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

National Parks and Wildlife Act 1974

A Cultural Heritage Impact Assessment Report was submitted with the rezoning application (and later after the submission of the subject application) which detailed that there are 48 recorded sites of Aboriginal significance within a 10km radius of the study area, there are no items of significance located within the development footprint. In addition to the eight recommendations from the report, conditions of consent are recommended so that in the event any unknown artefacts and the like are found during site works, contact is made with National Parks, NSW Office of Environment and Heritage and the Heritage Council.

Water Management Act 2000

The application has been referred to NSW Department of Primary Industries - Office of Water and General Terms of Approval have been granted in accordance with Section 91 of the Act.

Rural Fires Act 2000

The application was referred to the New South Wales Rural Fire Service and General Terms of Approval have been issued in accordance with Section 100B of the Rural Fires Act 1997. Conditions are recommended.

Mines Subsidence Act 1961

Approval from the Mines Subsidence Board has been obtained. Conditions are recommended.

State Environmental Planning Policy No. 55 – Remediation of Land

Question	YES	NO
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	Proceed to Question 3	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	Proceed to Question 4

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Question	YES	NO
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?	x Proceed to Question 5	Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	x Request contaminated site assessment	Proposal satisfactory under SEPP 55 and DCP.

Council's Contamination Officer has advised that the report did not test for contamination under the structures that were located onsite. These structures were demolished during the assessment of the application. It is recommended that prior to the issue of any Construction Certificate, that an addendum report be prepared and submitted to verify there are no contaminants located immediately in the area of the former structures and if any contaminants are found, a validation report is prepared for council to ensure that the site has been made suitable for the future use. It is better that contamination is resolved prior to bulk earthworks commencing to minimise any spread of contamination, should it be present.

Conditions are recommended in this regard.

State Environmental Planning Policy No 44 - Koala Habitat Protection

No vegetation within the E2 land is proposed to be removed and as such, there are no issues with koala habitat.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	<p>Subject to conditions of consent, it is considered that the development will not have any adverse impacts on the catchment.</p> <p>Building and onsite sewer management system envelopes will be required on some allotments to ensure sufficient separation from watercourses in accordance with Tables 4 and 5 from the "Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households" and Australian Standard AS1547 "Onsite Domestic Wastewater Management" to ensure future systems will be located on land where topography (land with slope greater than 12%) is also not a limiting factor.</p>

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Relevant Provisions	Comment
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	Subject to conditions, the development will not have any adverse impact upon the catchment.
(3) Water quality	Subject to conditions, the development will not have any adverse impact. Engineering controls will be designed and installed to mitigate any concerns
(4) Water quantity	Subject to conditions, the development will not have any adverse impact. Engineering controls will be designed and installed to mitigate any concerns
(5) Cultural heritage	A Cultural Heritage Impact Assessment was submitted with the rezoning application which identified some areas of significance but they were not located in the development footprint area. The report also provided a number of recommendation and these will for conditions of consent to ensure appropriate protections are in place pre, during and post construction and for the life of the development.
(6) Flora and fauna	Subject to conditions, the development will not have a detrimental impact upon flora and fauna. Conditions are recommended to limit the development within any areas zoned E2. Fences will be required forward of the E2 zoned land so as to allow for regeneration and re-vegetation
(7) Riverine scenic quality	<p>The eastern portion of the site is mapped within a scenic significance zone. As a result of a council resolution, a 150m buffer from the edge of the escarpment extends into the development site where no development activity will be permitted within this area.</p> <p>This buffer will ensure future developments will not have any impact upon the scenic quality of the catchment or require the removal of any vegetation, thus satisfying the provisions of the subclause</p>
(9) Rural residential development	<p>The subject land is mapped as being 'Class 3' in accordance with the Agricultural Land Classification Atlas. In general, Class 3 lands can be grazed or is well suited to pastoral improvement and can be cultivated or cropped in rotation with pasture, but there are factors that limit the capacity for cultivation.</p> <p>Sufficient separations are in place between existing primary production development and lots are required to be consolidated to ensure the land has sufficient capacity to accommodate onsite effluent disposal</p>

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Relevant Provisions	Comment
11. Development controls	
(4) Remediation of contaminated land	Conditions are recommended in this regard
(7) Filling	To be conditioned accordingly

Wollondilly Local Environmental Plan, 2011

Clause 1.2 Aims of Plan

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character	Subject to conditions, the development will not have any adverse impacts. Buffers will be established to ensure future development of the land will not dominate the landscape character
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	Conditions are recommended in this regard
(c) to protect water quality in land that is situated within water supply catchments,	Building and effluent disposal envelopes are recommended to establish buffers in accordance with the “Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households” and Australian Standard AS1547 “Onsite Domestic Wastewater Management” to enhance protection of the Hawkesbury-Nepean catchment
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	The land is accessed by only one road (River Road). There will be opportunity in the future for a public transport route and a possible connection to the adjoining immediately west (Cross Street Planning Proposal) should that Planning Proposal be published. Presently, Picton Bus Lines only stop at the Remembrance Driveway and River Road intersection. The development of land may lead to an increase in servicing of the locality.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	The land is mapped as being Class 3 as already detailed in this report and has limited agricultural capacity. The development, subject to conditions, will not have a detrimental impact
(f) to maintain the	Satisfactory

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separation between towns and villages to retain their unique character and rural and natural settings.	
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Characterisation: Subdivision
Zone of land: Part E2 Environmental Conservation and Part R5 Large Lot Residential
Permissibility: Yes, with consent

Objective	Comment
R5 Large Lot Residential	
To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.	Subject to conditions, the development will not have any adverse impact upon the scenic quality of the landscape and specifically the Nepean River gorge.
To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.	The development is satisfactory on this regard
To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.	The development is satisfactory on this regard
To minimise conflict between land uses within the zone and land uses within adjoining zones.	No issues have been raised in this regard. It is considered that the development is satisfactory on this regard
E2 Environmental Conservation	
To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values	Subject to conditions of consent, the development will not have any adverse impact upon the area of land within this zone. The applicant has advised that the E2 land that is not vegetated in accordance with the VMP and fences to be installed to limit access and/or works within such areas
To prevent development that could destroy, damage or otherwise have an adverse effect on those values.	Subject to conditions, the development will not have any adverse impacts.

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Objective	Comment
Part 2 Permitted or prohibited development	
2.6 Subdivision— consent requirements	Consent is sought
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	Land within the R5 zone shall be no less than 4,000m ² in size – all lots are compliant.
Part 5 Miscellaneous provisions	
5.9 Preservation of trees or vegetation	Trees within the R5 land will need to be removed to allow for the construction of road, drainage works and the like. Conditions are recommended to prohibit the removal of any trees that are not required to be removed to accommodate civil works.
5.10 Heritage conservation	<p>A Cultural Heritage Impact Assessment Report was submitted with the rezoning application which detailed that there are 48 recorded sites of Aboriginal significance within a 10km radius of the study area, there are no items of significance located within the development footprint. In addition to the eight recommendations from the report, conditions of consent are recommended so that in the event any unknown artefacts and the like are found during site works, the relevant authorities are contacted.</p> <p>There are no items of European significance onsite or within a kilometre of the development. The closest item is Item I290, schedule 5, being the John White Family House and Farm Remains.</p>
Part 7 Additional local provisions	
7.1 Essential services	<p>Standard conditions are recommended in regard to water, electricity and telephone services.</p> <p>Council's Environmental Health Officer and Area Building Officer have raised concerns with effluent disposal in regards to location of watercourses and an onsite water bore, topographic constraints, size of some systems and potential soil characteristic issues. A number of objections have also highlighted the potential impacts from onsite sewage management system during heavy and/or sustained inclement weather periods and the downstream impacts, particularly on the Bargo and Nepean Rivers.</p>

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Objective	Comment
	<p>While the vast majority of the site and the proposed lots will be capable of accommodating effluent from future residential developments, due to the aforementioned constraints, lots will need to be consolidated to reduce environmental impacts and to satisfy the provisions of Clause 7.1(1)(c).</p> <p>In order to do so, Lots 319 and 320 will need to form one allotment, the same with Lots 322 and 323, Lots 324 and 325, Lots 508 and 509, and Lots 505, 506 and 507 to be reconfigured so the three lots are reduced to two. The main issues with these allotments are the intermittent watercourses that traverse the land and their shape.</p> <p>Lots 501, 502, 503, 504, 518 and 519 will need to be reconfigured so that the six lots are reduced to four allotments. The main issues with these allotments are proximity to the watercourse that traverses the land and topographic constraints. These changes will reduce the development yield to 118 allotments.</p> <p>It is considered necessary to consolidate the lots referred to above in order to create land that is suitable for future residential development with gradient less than 12% as required to comply with “Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households” and Australian Standard AS1547 “Onsite Domestic Wastewater Management” and satisfy the requirements of Clause 7.1(1)(c).</p>
7.2 Biodiversity protection	<p>The E2 zoned land is mapped as being within the biodiversity protection zone. The Endangered Ecological Communities and the individual threatened species are primarily located within gorges that surround the development site.</p> <p>Subject to conditions, the development will not have any adverse impacts upon the land within the biodiversity area. That is, no fences, earth berms and other construction will be permitted to be constructed through the E2 land.</p> <p>A fence will be constructed prior to the issue of the Subdivision Certificate for each stage forward of the E2 zone along with re-vegetation in accordance with the VMP, no vegetation within the E2 land will be</p>

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Objective	Comment
	permitted to be removed for asset protection zones purposes. The VMP proposes to remove fences within the E2 land and replace them with steel posts at 100m intervals. (Attachment B: map showing the biodiversity protection buffers)
7.3 Water protection	The Nepean River and the watercourses located within Lot 606 and through Lots 418, 518, 519 and 520 are mapped as protected watercourses. The Nepean River has a 100m protection buffer whereas the latter have 10m buffers measured from 'top of bank'. The NoW has issued General Terms of Approval and otherwise has not highlighted any concerns with the subdivision configuration. However, in accordance with the "Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households" and Australian Standard AS1547 "Onsite Domestic Wastewater Management", there are issued with effluent disposal and some lots will need to be consolidated to ensure compliance. (Attachment C: map showing the watercourse protection buffers)
7.4 Flood planning	Not applicable.
7.5 Earthworks	To be conditioned accordingly

1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

None

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Volume 1 – General

Relevant Provisions	Comment
1.2 Aims of Plan	Noted
1.11 Request for Variation	No variations are sought
2.1 Advertising and Notification of Development Proposals	The application has been notified and advertised in accordance with the adopted plan

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Relevant Provisions	Comment
2.2 Heritage Conservation	<p>The Cultural Heritage Impact Assessment Report states that there are 48 recorded sites of items of Aboriginal significance, but there are no sites identified within the development footprint area. The report lists a number of recommendations which will be included as conditions of consent.</p> <p>There are no items of European significance onsite or within a kilometre of the development. the closest item is Item I290, schedule 5, being the John White Family House and Farm Remains.</p>
2.3 Tree and vegetation provisions	<p>Trees within the R5 land will need to be removed to allow for the construction of road, drainage works and the like.</p> <p>Conditions are recommended to prohibit the removal of any trees that are not required to be removed to accommodate civil works.</p>
2.4 Landscaping	<p>A landscape plan has been submitted and conditions are recommended in this regard</p>
2.5 Biodiversity	<p>The E2 zoned land is mapped as being within the biodiversity protection zone. The Endangered Ecological Communities and the individual threatened species are primarily located within gorges that surround the development site.</p> <p>Subject to conditions, the development will not have any adverse impacts upon the land within the biodiversity area. That is, no fences will be permitted to be constructed through the E2 land, a fence will be constructed prior to the issue of the Subdivision Certificate for each stage forward of the E2 zone along with re-vegetation in accordance with the VMP, no vegetation within the E2 land will be permitted to be removed for asset protection zones purposes. The VMP proposes to remove fences within the E2 land and replace them with steel posts at 100m intervals.</p>
2.6 Water	<p>The Nepean River and the watercourses located within Lot 606 and through Lots 418, 518, 519 and 520 are mapped as protected watercourses. The Nepean River has a 100m protection buffer whereas the latter have 10m buffers measured</p>

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Relevant Provisions	Comment
	from 'top of bank'. NoW has issued General Terms of Approval and otherwise has not highlighted any concerns with the subdivision configuration.
2.8 Bushfire prone land	General Terms of Approval have been issued by New South Wales Rural Fire Service. Conditions are recommended
2.9 Contaminated land and Land filling	This matter has already been addressed in this report
2.10 Land slip and subsidence	Mines Subsidence Board approval has been obtained
2.12 Site waste minimisation and management	To be conditioned accordingly
2.13 Salinity	The Statement of Environmental Effects details that the site is in an area of low salinity potential. No detailed report was submitted as such, conditions are recommended
2.14 Water Management	No issues raised by NSW Department of Primary Industries - Office of Water and/or Council's engineers in this regard. Conditions are recommended
2.15 Transport and Movement	Subject to conditions, it is considered that the road capacity will be capable of accommodating the additional traffic generated by this development. Further conditions are recommended in regard to requirements of the plan
2.16 Landscape & Scenic Quality	Subject to conditions of consent, it is considered that the development will not have any adverse impacts upon the rural landscape character.

Volume 10 – Subdivision

PART 1 – PRELIMINARY	
<u>Objective</u> The object of this volume is to ensure subdivisions are undertaken in a way that achieves positive planning outcomes.	The development is satisfactory in this regard
PART 2 – GENERAL CONSIDERATION FOR ALL DEVELOPMENT	
<u>Objectives</u> 1. To ensure that developments are undertaken with due regard to human safety. 2. To ensure that developments do not unreasonably impact on their surrounds.	1. Satisfactory 2. Satisfactory

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<p>3. To ensure that developments achieve a satisfactory level of social equity.</p> <p><u>Controls</u></p> <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>3. Satisfactory</p> <p>1. It is considered that the development is satisfactory in this regard</p> <p>The applicant advised that odour impacts were investigated during the rezoning assessment which concluded recommended the following:</p> <p><i>“Compliance to the OEH guidelines is achieved either by removing the two identified receptors from the development footprint, or by establishing heavily vegetated earth berms to further reduce the odour impacts towards the subdivision.”</i></p> <p>The subject receptors R8 and R9, are in the E2 lands, not within the proposed development footprint of the R5 zone and as such, compliance is achieved.</p> <p>Council’s Environmental Health Officer has not raised any concerns in this regard. Conditions are recommended to prevent any earth berms from being constructed and the onus will be on the persons having the benefit of this consent to ensure compliance with the recommendations and findings of the odour impact assessment report.</p>
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<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>a) has adequate capacity to support the development; and</p> <p>b) 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>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>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>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>2. Satisfactory</p> <p>3. Access to and from the site will be improved subject to conditions of consent. The operation of the public road system will not be impacted as a result of the approval of the application</p> <p>4. approval has been obtained</p> <p>5. The development is satisfactory in this regard. conditions are recommended to ensure compliance</p> <p>6. Conditions are recommended</p>
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PART 3 – GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

3.1 Traffic & Transport Objectives

1. To ensure subdivisions are provided with adequate public roads.

1. Road improvements are subject of conditions of consent. the New South Wales Rural Fire Service and Council's engineers are satisfied with the capacity of the access roads

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<p>2. To ensure subdivisions are only undertaken in locations where the road network is able to provide adequate servicing.</p> <p>3. To ensure new roads are safe and efficient.</p> <p>4. To ensure access points for rural subdivisions are located at safe locations within the road network.</p> <p>5. To ensure pedestrian and cycle paths are provided to maximise the uptake of healthy and sustainable transport options.</p> <p>6. To ensure splay corners are dedicated at intersections so that intersections can be maintained to maximise sight distances and to maximise flexibility to upgrade intersections in the long term.</p> <p><u>Controls</u></p> <p>1. The controls in this clause 3.1 do not apply to strata subdivisions of existing buildings that do not propose new roads.</p> <p>2. All new public roads must comply with Council's design specifications including kerb and guttering, pedestrian paths and street lighting.</p> <p>3. All access handles must comply with the following minimum widths:</p> <p>4. In the case of an access handle servicing one allotment the access handle must wholly be part of the allotment it is servicing.</p> <p>5. In the case of an access handle servicing more than one allotment the access handle must be part of each of the allotments it is servicing with reciprocal rights of carriageway provided.</p>	<p>2. Satisfactory</p> <p>3. To be conditioned accordingly</p> <p>4. Satisfactory</p> <p>5. To be conditioned accordingly</p> <p>6. To be conditioned accordingly</p> <p>1. Not applicable.</p> <p>2. A variation has been sought in this regard. The applicant has requested that the road be constructed with drainage swales either side of the road pavement in lieu of kerb and guttering. No objection has been raised by Council's Development Engineering Section and it is recommended that the variation be supported by Council, subject to conditions.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p>
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<p>6. Road infrastructure enhancement shall be provided to existing roads in accordance with the following table</p> <table border="1" data-bbox="395 568 995 909"> <tr> <td data-bbox="395 568 995 640"> <p>Large Subdivision Requirements (>100 Lots)</p> </td> </tr> <tr> <td data-bbox="395 640 995 909"> <p>Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site and so as to provide a link the nearest village centre.</p> </td> </tr> </table> <p>7. All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment. 8. New street lighting must use only LED type lights. 9. Access handles servicing more than 1 allotment in a rural, residential or environmental zone must be provided with a streetlight within 10m of the point where the access handle connects to the public road. 10. Splay corners shall be provided for newly created corner lots with the following sizes - 4m x 4m for residential zones</p>	<p>Large Subdivision Requirements (>100 Lots)</p>	<p>Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site and so as to provide a link the nearest village centre.</p>	<p>6. Variations are sought regarding this control. Essentially, the applicant seeks consent to not install kerb and guttering, but to have drainage swales located beside the road so that the development retains a rural rather than an urban environment character.</p> <p>Council's Development Engineering Section have not raise any objections. It is recommended that the departure be supported. Conditions are recommended.</p> <p>7. Satisfactory</p> <p>8. To be conditioned accordingly</p> <p>9. Not applicable.</p> <p>10. To be conditioned accordingly</p>
<p>Large Subdivision Requirements (>100 Lots)</p>			
<p>Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site and so as to provide a link the nearest village centre.</p>			
<p>3.2 Wastewater Objectives</p> <p>1. To ensure wastewater generated by development can be managed without harm to the natural environment or human health.</p> <p>2. To encourage sustainability in wastewater disposal by preventing the use of pump out systems which require significant energy inputs for the transport of waste.</p> <p>Controls</p> <p>1. The controls in this clause 3.1 do not apply to strata subdivisions of existing buildings that do not propose new wastewater treatment arrangements.</p>	<p>1. To ensure there will be no harm, lots will need to be consolidated to ensure compliance. Conditions are recommended</p> <p>2. A restriction on title is recommended preventing the use of pump out systems</p> <p>1. Not applicable.</p>		

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<p>2. All lots created must have access to one or more of the following:</p> <ol style="list-style-type: none"> A reticulated sewage scheme operated by the relevant statutory sewage authority; or A private reticulated sewage scheme operated by person licensed under relevant legislation; or Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot. <p>3. A “pump out” system shall only be considered as a satisfactory method of wastewater disposal for the purposes of Control 2 in the following zones under Wollondilly Local Environmental Plan, 2011:</p> <ol style="list-style-type: none"> B1 Neighbourhood Centre B2 Local Centre IN1 General Industrial IN2 Light Industrial IN3 Heavy Industrial RE1 Public Recreation RE2 Private Recreation 	<p>2. (a) and (b) do not apply</p> <p>(c) Concerns have been raised by Council's Area Building Officer and Environmental Health Officer. Conditions are recommended for the development to be amended to ensure sufficient land is available for future onsite sewage disposal</p> <p>3. Conditions are recommended to prohibit the use of pump out onsite sewage management systems for every allotment</p>
<p>3.3 Stormwater</p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> To ensure stormwater is appropriately managed to prevent environmental harm and to reduce the risk of damage to property and human life. To ensure stormwater is appropriately managed to minimise long term flooding impacts on and from developments. <p><u>Controls</u></p> <ol style="list-style-type: none"> 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. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water 	<ol style="list-style-type: none"> Satisfactory. To be conditioned accordingly Satisfactory. To be conditioned accordingly <p>1. The NSW Department of Primary Industries - Office of Water and Council's engineers raise no objections. To be conditioned accordingly</p> <p>2. Subject to conditions, the development is considered satisfactory in this regard.</p>

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<p>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.</p> <p>3. All stormwater infrastructure to be dedicated to Council must be low maintenance.</p>	<p>To be conditioned accordingly</p> <p>3. To be conditioned accordingly</p>						
<p>3.4 Lot Shape</p> <p><u>Objectives</u></p> <p>1. To ensure regular and practical allotments that will encourage the orderly and economic use of land.</p> <p>2. Lots in residential zones shall have the following minimum dimensions:</p> <table border="1" data-bbox="395 1339 951 1444"> <thead> <tr> <th>Min. Width</th> <th>Min. Width (corner lot)</th> <th>Min. Depth</th> </tr> </thead> <tbody> <tr> <td>20m</td> <td>30m</td> <td>30m</td> </tr> </tbody> </table> <p>3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:</p> <ol style="list-style-type: none"> The subdivision of a dual occupancy or medium density development that is existing and lawful; or The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2011. The subdivision of dwellings approved under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 or an equivalent State Environmental Planning Policy. 	Min. Width	Min. Width (corner lot)	Min. Depth	20m	30m	30m	<p>1. Those lots within the footprint are satisfactory. Those lots that are located on the fringe of the site/adjoining the E2 land have been designed to ensure no future development is undertaken within the E2 and within the 150m buffer zone. Based on the merits of the case, it is considered the lot configuration is satisfactory.</p> <p>2. All lots comply</p> <p>3. Not applicable.</p>
Min. Width	Min. Width (corner lot)	Min. Depth					
20m	30m	30m					

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<p>4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.</p>	<p>4. Noted.</p>
<p>3.5 Landscape & Character <u>Objectives</u> 1. To ensure subdivisions are designed in a way that maintains or enhances the landscape character of the surrounding area.</p> <p><u>Controls</u> 1. Subdivisions in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.</p> <p>2. Subdivisions in residential zones must ensure that there are not two independent access handles along the same property boundary.</p> <p>3. Access handles to lots in residential zones must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas.</p> <p>4. Landscaping required by control 3.5(3) shall be provided with: a. An automatic watering system; and b. A mix of ground covers and shrubs that are appropriate for the width of the handle; and c. A mulched or rocked garden bed with permanent edging.</p> <p>5. Landscaping for access handles shall not obscure the buildings at the rear of the handle.</p> <p>6. Subdivision proposing the opening of a new public road must include embellishment of the new road verges in accordance with Council's Street Tree Risk Plan.</p>	<p>1. It is considered that the development is satisfactory</p> <p>1. It is considered that the future development of the land will not have an impact upon the landscape. Conditions are recommended for certain lots, either constrained by topography, proximity to the E2/150m and the like to have building and effluent disposal envelopes</p> <p>2. To be conditioned accordingly</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p> <p>6. No issues have been raised regarding the proposed street tree landscaping plan</p>

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<p>7. For access handles that are more than 30m in length the width of landscaping shall vary from 2m to 0.5m to prevent a “gun barrel” appearance to the driveway.</p>	<p>7. Not applicable.</p>
<p>3.6 Delivery Of Housing Variety in Residential Zones</p> <p><u>Objectives</u></p> <p>1. To ensure a variety of lot sizes and dwelling types are provided.</p> <p>2. To avoid a monoculture of allotment sizes and undesirable landscape character.</p> <p>3. To ensure residential land is not underdeveloped.</p> <p><u>Controls</u></p> <p>1. Medium and Large Subdivision proposals in the R2 zone must achieve a lot yield in accordance with the following table:</p> <p>2. Lots created with an area more than 3 times the minimum allotment size for the zone shall not be included in calculating lot yield.</p>	<p>1. Satisfactory</p> <p>2. Satisfactory</p> <p>3. Satisfactory</p> <p>1. Not applicable.</p> <p>2. Not applicable.</p>
<p>3.7 Corner Allotments</p> <p><u>Objectives</u></p> <p>1. To plan corner allotments at the subdivision stage to ensure safe vehicular access and maximum amenity for the streetscape.</p> <p><u>Controls</u></p> <p>1. Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks.</p> <p>2. Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection.</p> <p>3. These controls do not apply to proposed corner allotments on which a dwelling is already constructed.</p>	<p>1. All corner lots are considered to be satisfactory</p> <p>1. To be conditioned in accordance with requirements of the Wollondilly Development Control Plan 2011 Volume 3 Residential Development.</p> <p>2. To be conditioned accordingly</p> <p>3. Not applicable.</p>
<p>3.8 Building Envelopes</p> <p><u>Objectives</u></p> <p>1. To identify the constraints on rural and environmental land at the subdivision stage.</p>	<p>1. Noted</p>

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<p>2. To ensure integrated housing lots are provided with adequate covenants for a future zero lot line.</p> <p><u>Controls</u></p> <p>1. Each lot created by subdivision of land within rural and environmental zones shall be provided with a building envelope of at least 400m² that includes all developable land and excludes the following land:</p> <ul style="list-style-type: none"> a. Land that is moderate or higher risk of geotechnical instability; and b. Land that is within a setback identified in Volume 3 of this DCP; and c. Land that is within 40 metres of the top of bank of a watercourse; and d. Land that contains significant native vegetation; and e. Land that has been identified as being subject to the 1% AEP flood extent; and f. Land that is required for an asset protection zone under a Bushfire Safety Authority; and g. Land that is subject to a transmission line or other utility service easement; and h. Land that is visually prominent and upon which the construction of a dwelling would degrade the landscape character of the area. <p>2. The building envelope is to be drafted to ensure the following are wholly contained within the envelope:</p> <ul style="list-style-type: none"> a. All building construction; and b. All wastewater management activities. <p>3. Integrated housing lots (that is, lots on which a dwelling may be lawfully constructed with an area less than 450m²) may be created with one boundary as a zero lot line boundary. If such a boundary is to be created then satisfactory easements must be</p>	<p>2. Not applicable.</p> <p>1. While not applicable in this application, due to development constraints, some of the lots will have building envelopes to ensure future residential development on land can be undertaken without impediments in accordance with the following</p> <ul style="list-style-type: none"> a) Not applicable. b) To be conditioned accordingly where applicable c) To be conditioned accordingly d) To be conditioned accordingly e) Not applicable. f) To be conditioned accordingly g) Not applicable. h) To be conditioned accordingly, particularly land within the 150m buffer zone <p>2. To be conditioned accordingly</p> <p>3. Not applicable.</p>
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<p>provided on the adjoining lot for eave overhang, drainage, maintenance and any other relevant matter.</p>	
<p>3.9 Environmental Protection <u>Objectives</u> 1. To ensure significant native vegetation and other environmental assets are not lost in the provision of asset protection zones.</p> <p><u>Controls</u> 1. Subdivisions of sites that include significant stands of native vegetation must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision. 2. Subdivisions of sites that include watercourses or other environmental assets must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision.</p>	<p>1. To be conditioned accordingly to ensure compliance</p> <p>1. To be conditioned accordingly</p> <p>2. To be conditioned accordingly</p>
<p>3.10 Aboriginal Heritage <u>Objectives</u> 1. To mitigate the risks of development on Aboriginal artefacts and sacred sites.</p> <p><u>Controls</u> 1. Medium and large subdivisions and subdivisions providing a new public road must include an assessment of the likelihood of the site containing any aboriginal items or places of cultural significance. This assessment must be prepared in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW published by NSW Office of Environment, Climate Change and Water. 2. If the assessment at control 1 identifies any areas of high likelihood of Aboriginal significance those areas are to be subject to detailed assessment prior to the granting of development consent. If the detailed assessment finds any items or places of</p>	<p>1. Subject to conditions from the impact assessment report and Council's standard conditions, there will be no impact upon any artefacts of Aboriginal significance</p> <p>1. The impact assessment report submitted with the rezoning application provided extensive details and the development has been designed to mitigate impacts.</p> <p>2. The report advised there were a number of items of significance within a 10km radius of the site but none were located on the land.</p>

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<p>significance then a management plan must be prepared to the satisfaction of the consent authority prior to the granting of development consent.</p> <p>3. Land identified as moderate or low likelihood of Aboriginal significance by the assessment at control 1 shall be subject to consent conditions to ensure the relative risks to Aboriginal heritage are mitigated.</p>	<p>3. To be conditioned accordingly</p>
<p>3.11 Noise Amenity</p> <p><u>Objectives</u></p> <p>1. To ensure that noise impacts on future dwellings are considered and identified at subdivision.</p> <p><u>Controls</u></p> <p>1. The consent authority must consider noise impact on any proposed lot located within 150m of a classified road or the Southern Rail Line. This may require an acoustic assessment for properties that are within the ranges identified by the guidelines of the NSW Government. Where acoustic treatment is required an appropriate restriction as to user is to be registered on the plan of subdivision.</p> <p>2. The consent authority must consider noise impact on any proposed lot from existing non-residential development in the vicinity including (without limitation):</p> <ol style="list-style-type: none"> a. Agriculture b. Education Facilities c. Recreation Facilities d. Industries e. Business Undertakings. 	<p>1. No concerns raised in regard to those noise generating developments within a one kilometre radius of the land. That is, two poultry farms, one abattoir and main roads</p> <p>1. The rail corridor is approximately 1,304m north-west of the site. The rail corridor is located physically higher (in terms of elevation) above the development site (approximately 50m)</p> <p>2. It is considered that the development is satisfactory in this regard.</p>

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

A Planning Agreement was entered into in association with Council's assessment of the Planning Proposal to rezone the subject site.
(Attachment D: Voluntary Planning Agreement)

1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	While there has been significant public interest regarding the potential impacts of the development, subject to conditions as detailed throughout this report, it is considered that there will be no adverse impacts upon the natural environment.
Built Environment	Subject to conditions, there will be no adverse impacts upon the built environment
Economic Impacts	Subject to conditions, there will be no adverse economic impacts

Social Impacts

Creation of a National Park

A number of submissions drew to Council's attention the works that have been undertaken by representatives of the National Parks Association, Macarthur Branch to create a National Park within the Nepean and Bargo River Gorges.

To Council staff felt that it was prudent to discuss the matter and contacted representatives from National Parks and Wildlife Service regarding the creation of a national park or a state reserve for the Nepean and Bargo River Gorges. In short, the representatives advised that they have commenced a review of the gorges and their environmental values, but this is only the initial stages of the decision making process.

NPWS advised there is no commitment at this stage and they are uncertain as to whether a National Park or Nature Reserve will be created. Further, the review is only being undertaken on the Crown Lands and not any freehold land. Regarding freehold land, NPWS is not in a position to purchase land from landowners. In this case, if a National Park or a Nature Reserve is to be created, the only way that the freehold land will be included into the park or reserve will be by dedication, but only if the land contains the same environmental values as those within the Crown Land areas.

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NPWS advised that at a state level, the proposed National Park is not a high priority. However, at a local level, due to the amount of threatened species and visual significance, the gorges have high intrinsic value.

A potential condition of consent was discussed whereby the persons having the benefit of the consent contact the NPWS prior to the issue of the Construction Certificate for Stage 6 to see if any determination has been made regarding the creation of a park or a reserve and if there will be any timeframe for an announcement for a park or reserve. The representatives were amenable to this potential condition but advised that an informed decision will be made based on the environmental values, significance of the area/gorges and whether there is any funding available within the financial year for this purpose.

However, NPWS advised that the timeframe of this review is lengthy and it is estimated to take a number of years, which may be beyond the totality of works associated with the construction of the development.

1.5 SUITABILITY OF THE SITE

Subject to conditions of consent, it is considered that the land will be suitable for the development. The recommendations from the impact assessment reports submitted with the rezoning and the Development Application will, where practical, are recommended as conditions of consent to ensure the future development of the site to not have any adverse impacts.

1.6 SUBMISSIONS

The application was advertised and notified three times being from

- a) 29 October 2014 to 29 November 2015,
- b) 7 May 2015 to 8 June 2015, and
- c) 11 August 2015 to 26 August 2015.

A total of twenty-two (21) submissions were received and a summary of the relevant issues follow:

Concern	Comment
<p>Concerned about the construction of dwellings close to the escarpment. The cliff tops should be preserved and a buffer of 150-200 metres should be provided. This will allow for the public and native animals access and reduce bushfire issues</p>	<p>On 18 February 2013, Council resolved the following:</p> <p><i>“5. That the applicant be advised that when a development application is submitted, the setback from the building envelopes to the lip of the gorge shall be shown on all DA Plans and shall be at least 150 metres.”</i></p>

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Concern	Comment
	<p>The current plan of development shows a line designating the extent of a 150m.</p> <p>Conditions of consent will prohibit any developments within the 150m buffer in order to preserve the scenic quality of the Nepean and Bargo Rivers gorges. Further, restrictions will prohibit the construction of fences and other impediments that will reduce wildlife movements and also prevent the fragmentation of any vegetation within the buffer and E2 zoned land.</p>
<p>Concerns are raised regarding the development's interface with wildlife corridors. Has NSW Office of Environment and Heritage been consulted?</p>	<p>In accordance with Section 91 of the Environmental Planning and Assessment Act 1979, NSW Office of Environment and Heritage is not a concurrence authority in the assessment of this application. as mentioned above, a buffer zone has been delineated on the plan of development and further, conditions are recommended that will ensure the movement of wildlife within the E2 land and within the gorges are not impeded</p>
<p>What studies have been submitted and what assessment has been undertaken? What safeguards will be put in place to protect existing fauna and flora?</p>	<p>Substantial assessments were undertaken during the rezoning assessment and a flora and fauna assessment was submitted. A review was undertaken by Council staff and conditions are recommended to prohibit any clearing of land within the E2 zone. Further, the VMP proposes to embellish/revegetate parts of the site to enhance the Endangered Ecological Community which will further improve fauna movements.</p>
<p>The development is located close to the Bargo and Nepean River Gorges, which is particularly sensitive. These gorges are the subject of a National Parl proposal being developed by National Parks Association and they provide a link</p>	<p>A report was presented to Council on 18 May 2015 regarding the establishment of a national park for the Bargo River gorge. Council resolved the following:</p> <p><i>"1. That Council acknowledges that</i></p>

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Concern	Comment
<p>between the World Heritage Area of the Blue Mountains and the unspoilt Sydney Water Catchment. The idea of a national park has been previously been unanimously endorsed by council</p>	<p><i>the area has important biodiversity and scenic amenity and should be protected through options available to Council through planning and land management activities.</i></p> <p><i>2. That Council review the possibility of embellishing Planning instruments such as the DCP with the aim of applying a buffer for environmental protection along the Bargo River Gorge Area as planning proposals are assessed.</i></p> <p><i>3. That Council consider these buffers in any current and future planning proposals that adjoin these areas in the Bargo River Gorge Area.</i></p> <p><i>4. That Council considers that the Bargo River Gorge Area be listed for National Heritage through the Federal Government's Department of Sustainability, Environment, Water, Population and Communities.</i></p> <p><i>5. That the National Parks Association be advised of this response."</i></p> <p>In additional to this report, Council staff have discussed the establishment of a national park directly with representatives from National Parks and Wildlife Service who have advised that investigations are taking place however, any decision to create a national park is likely to be in a number of years. The scenic quality of the gorge is recognised but at this point in time, a decision to delay the determination or refuse the application is not warranted. A buffer has been delineated and further, conditions are recommended to ensure the future development of the land is maintained, if not improved.</p>
<p>The development is now for a greater number of lots, where originally it was for around 100. It</p>	<p>The Wollondilly Local Environmental Plan 2011 permits a minimum lot size of 4,000m².</p>

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Concern	Comment
<p>was originally envisioned the development would be for larger lots with some being around the minimum lot size. Why are smaller lots being considered? Having small lots close together will negatively impact upon the movement of wildlife across the site</p>	<p>Any plan submitted at the rezoning assessment stage would have been concept in nature and subject to a detailed assessment during the Development Application stage. For the reasons mentioned above, subject to conditions of consent, it is considered that the development will not have a negative impact upon wildlife movement across the site</p>
<p>Any consent must put in place restrictions on the type of pets to be kept onsite. Domestic pets, dogs and cats, should be completely banned.</p>	<p>Conditions are recommended in this regard to aid in the protection of wildlife in the locality.</p>
<p>What steps are in place to prevent removal of native trees? All established native trees should be retained.</p>	<p>The VMP proposes to revegetate and rehabilitate parts of the site. Conditions of consent are recommended in this regard</p>
<p>What monitoring and penalties will be put in place regarding non-compliance with conditions now and with future developments?</p>	<p>The onus will be on the persons having the benefit of the consent and future landowners to maintain the areas of land that the VMP proposes to embellish. Any breaches will be investigated by Council's Compliance Team and appropriate actions will take place to ensure compliance</p>
<p>What type of fencing will be allowed? Fencing should not prevent the movement of wildlife</p>	<p>Subject to conditions, the development will not have any adverse impacts upon the land within the biodiversity area. That is, no fences, earth berms and other construction will be permitted to be constructed through the E2 land.</p> <p>A fence will be constructed prior to the issue of the Subdivision Certificate for each stage forward of the E2 zone along with re-vegetation in accordance with the VMP, no vegetation within the E2 land will be permitted to be removed for asset protection zones purposes. The VMP proposes to remove fences within the E2 land and replace them with steel posts at 100m intervals.</p>

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Concern	Comment
	Fences will be restricted to rural fencing only. That is, only post and wire or post and rail fences will be permitted. No barbed wire fences or solid fences will be permitted.
<p>What provisions will be put in place to allow for wildlife to cross River Road without incident? It will be sensible for a culvert to be put in place to allow wombats and goannas to go under the road to avoid injury or death. Speed bumps should be considered to slow traffic speeds. Overhead crossings for tree dwelling fauna should also be considered. Signage for WIRES should be erected.</p>	<p>The current speed environment (according to Council's Geographic Information System) is 100km/h past No.78 River Road. The speed limit will be reduced to 60km/h as part of the approval.</p> <p>The installation of speed bumps is not considered an appropriate course of action to reduce speeds along the road and if this is a concern after the completion of the subdivision, Council will need to undertake a review and act accordingly.</p> <p>The concerns regarding wildlife passage is valid and as such, it is considered that a wildlife crossing (under the road) be constructed. Guidelines published by state agencies detail design specifications in this regard. Conditions are recommended for WIRES signage to be erected.</p>
<p>Concerns raised regarding the operation of the public road system due to:</p> <ul style="list-style-type: none"> ▪ Increased number of vehicle along local roads ▪ A blind spot immediately before the entry to the development site ▪ Access into/out of existing properties ▪ Excessive speeds ▪ Road widths ▪ Pedestrians/passive recreation ▪ Delays at the Remembrance Driveway intersection ▪ Intersection treatments 	<p>Council's Development Engineering Section has reviewed the relevant impact assessment reports and conditions are recommended to ensure that the operation of the public road system is maintained, if not improved, as a result of the approval of the application. A Voluntary Planning Agreement has been entered into which details what road upgrades are required to be undertaken to ensure concerns with the public roads are addressed.</p>

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Concern	Comment
<ul style="list-style-type: none"> ▪ Width of the road pavement ▪ A “Give Way” sign is needed at the corner of River and Moorland Roads 	
<p>Another road access should be provided – through the Inghams Site/Cross Street planning proposal.</p>	<p>Only one road access will be provided for this development and no issues and/or concerns are raised in this regard. There may be opportunity for a connecting road to be constructed if the Cross Street Planning Proposal is given a favourable gateway determination</p>
<p>Why was there no archaeological assessment undertaken? Have the Local Aboriginal Land Council been consulted? Previous landowners have advised that stone tools were found in the valley</p>	<p>The application was referred to the Local Aboriginal Land Council and concerns were raised. However, a Cultural Heritage Impact Assessment Report was submitted with the rezoning application which detailed that there are 48 recorded sites of Aboriginal significance within a 10km radius of the study area, there are no items of significance located within the development footprint. This information was provided after the submission of the Development Application. In addition to the eight recommendations from the report, conditions of consent are recommended so that in the event any unknown artefacts and the like are found during site works, contact is made with National Parks, NSW Office of Environment and Heritage and the Heritage Council.</p>
<p>One access road surely is problematic in regards to bushfire safety?</p>	<p>The New South Wales Rural Fire Service did not raise any concerns and General Terms of Approval have been issued. The RFS were contacted and have advised that if the Cross Street Planning Proposal is approved, then it is very likely that the road connection between this and the aforementioned rezoning will be required</p>
<p>The effluent disposal systems for a large number of lots may have an impact upon the Bargo and Nepean</p>	<p>In accordance with the “Environment & Health Protection Guidelines – Onsite Sewage Management for</p>

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Concern	Comment
Rivers during high rainfall periods	Single Households” and Australian Standard AS1547 “Onsite Domestic Wastewater Management”, lots will need to be consolidated to ensure that there will be no adverse impacts during inclement weather periods
The scenic beauty of the gorges needs to be protected. The 150m buffer must be complied with. No dwellings should be allowed to be built at the edge of the gorges/escarpment	Conditions are recommended in this regard.
What controls will be put in place to stop people from throwing lawn clippings, weeds and the like over the fence or into the gorge?	It is recommended that a plan of management be prepared by the persons having the benefit of the consent to provide what controls; measures and the like will be employed to prevent landowners of all allotments that share a common boundary with the E2 Environmental Conservation Zone from disposing of domestic waste into this area. This is a similar approach undertaken with subdivision approvals in Bingara Gorge, Wilton where and abuts the Environmental Sensitive Land.
<p>How will public access along the edge of the gorge be maintained? Once the land is developed, it will be difficult to getting public access back</p> <p>The Bargo and Nepean River Gorges are under consideration for a national park and for this designation to be possible in the future, a buffer zone between the lip of the gorge and private property is a must</p>	<p>At this point in time, there is no public access along the edge of the gorge and this application does not seek to create any public recreation area. Lot 606 will contain the existing portion of freehold land below the escarpment’s edge.</p> <p>The NPWS have advised that they are years away from making an informed decision as to whether a national park or state reserve may be created and if this is the case, then they will only accept land by dedication and not in a position to purchase land. At this point in time, Council is not in a position to accept any land for public recreation purposes due to the significant costs and potential liability issues that may arise.</p>

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Concern	Comment
<p>What controls will be put in place to stop future landowners from removing the Critically Endangered Ecological Community and/or using fertilisers in close proximity which will cause an adverse impact?</p>	<p>Restrictions on title are recommended to prevent any structures, fences, clearing of land, asset protection zones and the like being permitted in the E2 Environmental Conservation Zone.</p>
<p>The central park needs to be larger and the dam should be retained to allow access to fauna for a water source.</p>	<p>Due to concerns raised by Council's Land Property Panel regarding topographic constraints and the costs of the future maintenance of the large central park, the size has been reduced to 2.003 hectares. The reduction will ensure a more useful public recreation available residents and visitors.</p> <p>Regarding the dam, the applicant advised the following:</p> <p><i>"The long term stability of the dam from an engineering point of view is a significant issue. The dam would not support any roads.</i></p> <p><i>The dam is an artificial construct on a drainage corridor and it is proposed to be removed. The removal of the dam will return the drainage corridor generally to its natural state."</i></p> <p>Council's engineers and the Office of Water raise no objection in this regard, conditions of consent are recommended. It is considered that an easement for an overland flow path be created to ensure there are no impediments to water flow across the site, apart from required engineering controls to prevent high velocities during inclement weather.</p>
<p>This land should not be developed for residential purposes. It should have been made into a nature reserve/park or similar to Mount Annan.</p>	<p>The land was rezoned for large lot residential purposes in January 2014. The edge of the land was zoned E2 Environmental Protection to protect the fringe of the gorge.</p>

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Concern	Comment
	Should a nature reserve or park be created, the onus is on the landowner to dedicate/transfer the land to the relevant authority for such a purpose. At this point in time, Council and NPWS are in a position to accept the land for this purpose.
<p>Approving the development in its current form will prevent the formation of the national park. The 150m should be increased to 200m so as to not prevent the national park from being created</p> <p>We are of the opinion that the last stage be rejected so that National Parks and Wildlife Service would almost certainly create a national park. This approach will be in favour of the public interests at least as often as it benefits the developers.</p>	<p>Currently there is no indication from NPWS that a national park or a state reserve will be created. Any decision in this regard is year away and the deferral of a determination or refusal of the application is not warranted. However, conditions of consent are recommended that the persons having the benefit of this consent contact NPWS prior to the issue of the Stage 6 Construction Certificate to see if they have made a decision in this regard.</p> <p>If a decision has been made, then Council will be in a position to consider a modification to excise the E2/land below the escarpment line in Lot 606 and/or reducing the size of those lots sharing a boundary with the gorge so that land can be vested in NPWS.</p>
Has a visual impact assessment been undertaken in regards to the potential impacts from the gorge?	A visual impact assessment has not been submitted and one was not requested during the assessment. The 150m buffer is considered to provide a sufficient area of land where structures and the like will not be permitted, thus not causing any visual impact from gorge.
We thought the 150m buffer would create a lot for future public access and not remain or permit residential development so public access would be afforded	Council's resolution from 18 February 2013 did not resolve to establish the buffer for the creation of a public reserve area.
Approval of a number of lots may lead to later inappropriate developments being established, like truck depots and the like	The R5 Large Lot Residential Zone only permits a small range of land use activities. Any further application for a permissible use will be subject to an assessment against Section 79C from

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Concern	Comment
	Environmental Planning and Assessment Act 1979.
A different approach should be considered where the number of lots be reduced and an ecotourism project be located at the edge of the buffer zone complete with a seniors living development or a B&B accommodation to take advantage of the scenic and environmental assets and values. The income can be used to help maintain and rehabilitate the buffer zone and improve the attractiveness of the areas	Consent is not sought for the establishment of any residential accommodation or tourism facilities. It is not considered warranted to request the applicant create allotments for this purpose. Further, any development in this regard may have an impact upon the scenic qualities of the gorge.
What controls will be put in place in regards to stopping pollution and runoff into creek,	In addition to some lots being reconfigured to address concerns with effluent disposal, engineering controls will be installed to prevent pollution from entering the watercourses and downstream rivers.
The VMP is problematic as the revegetation will apply to freehold land. How will the outcomes be enforced and policed?	Council's Environmental Services Section has not raised any issues with the findings and recommendations of the VMP. Conditions of consent are recommended. The persons having the benefit of this consent and future landowners will be required to ensure compliance and Council's Compliance Section will take appropriate actions if breaches occur.
Why hasn't biobanking been considered	Biobanking is a voluntary undertaking. However, as the land with the E2 zone is being preserved and additional land being revegetated, there is no conservation or preservation incentives required for any loss of vegetation.
Council is reluctant to create a wide publicly owned buffer/corridor on the belief that the maintenance of such land will be expensive but the following needs to be considered: a) The land will restore itself and there will be no need for bush	Due to significant costs for maintenance and the establishment of facilities to enable sufficient public access and the like to a public reserve along the edge of the escarpment and within the gorge, the creation of such land to be vested in

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Concern	Comment
regeneration overtime b) An annual weed program will help save costs over the long term rather than requiring a substantial amount of work every few years. grants can be obtained for such works c) The creation of walking tracks is not urgent and doesn't have to be expensive. Walking without tracks can be fun to hardy bushwalkers d) Council/government should require the developer to make a substantial contribution to protection and enhancement of the vegetation within the gorge e) A small percentage of ratepayer's money can be used on bush regeneration f) Volunteers can be used for bush regeneration and weed control g) If the land is created into a national park, than NPWS will be doing all or most of the necessary maintenance work	Council is not considered warranted. The creation of a national park will be a matter for NPWS. However, any decision in this regard is still a number of years away but nonetheless; a condition is recommended that contact be made with them prior to the issue of the Construction Certificate for Stage 6 to understand their intentions with this matter.

1.7 THE PUBLIC INTEREST

While there has been significant public interest and opposition to the proposed development, it is considered that, subject to conditions of development consent, the site is suitable for the development.

The development is considered appropriate in terms of the zoning and the character of the area and is therefore considered to be in the public interest.

FINANCIAL IMPLICATIONS

The developer contributions are payable in accordance with the Voluntary Planning Agreement.

ATTACHMENTS:

1. Proposed Plans of Development
2. Map showing the biodiversity protection buffers
3. Map showing the watercourse protection buffers
4. Executed Voluntary Planning Agreement

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

RECOMMENDATION

That Development Application 010.2014.00000588.001 for a One hundred and twenty-five (125) rural residential lot subdivision one and (1) open space lot in six (6) stages at 165-195 River Road, 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.

All Stages

- (1) Development Consent is granted for a one hundred and twenty-five (125) rural residential lot subdivision one and (1) open space lot in six (6) stages at 165-195 River Road, Tahmoor.
- (2) Development shall take place in accordance with the following plans/reports (as amended in red).

Plan Title	Drawn By/Author	Plan Reference	Dated
Subdivision Plan	Craig & Rhodes	1770 Amendment * (Dwg No. 1770P L07 {08} Sheet 1 of 1	27 July 2015

except where varied by the following conditions of consent:

- (3) Only those trees identified on the plan titled "Demolition, Tree Removal and Soil & Water Management Plan" prepared by Craig & Rhodes (Ref 1770) (Dwg No. 1770p Z01[06]) Sheet 1 of 1 are permitted to be removed but only within the land zoned R5 Large Lot Residential in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015).
- (4) The following allotments shall be amalgamated:
 - Lots 319 and 320 to form one (1) lot
 - Lots 322 and 323 to form one (1) lot
 - Lots 324 and 325 to form one (1) lot
 - Lots 508 and 509 to form one (1) lot.

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

- (5) Lots 505, 506, 507 and 520 shall be combined to form three (3) allotments to be undertaken in the following manner:
- a) The common boundary of Lots 505 and 506 shall continue to across Lot 507 to adjoin the boundary of Lot 508 so that the land area of Lot 507 is shared between Lots 505 and 506.
 - b) The common property boundary between Lots 505 and 520 shall be relocated south of its current location along its junction with Road No.8 by no less than twenty (20) metres.
- (6) Lots 501, 502, 503, 504, 518 and 519: these six (6) allotments shall be reduced to form four (4) allotments in the following manner:
- a) The common boundary between Lots 518 and 519, 501 and 504 and Lots 502 and 503 shall be maintained in the current location.
 - b) The common boundary between Lots 502 and 504 shall be relocated no less than twenty (20) metres north along its current location.
 - c) The common property boundary of Lots 503 and 504 shall be relocated no less than thirty (30) metres north of its current location.

The effect of the changes will result in the land area of Lots 501 and 504 will be divided between Lots 502 and 518 and Lots 503 and 519.

(Reason for Conditions 4, 5 and 7: to ensure sufficient separation from watercourses in accordance with Tables 4 and 5 from the “Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households” and Australian Standard AS1547 “Onsite Domestic Wastewater Management”)

- (7) The staging of the development is as follows:

Stage	Description
1	creation of Lots 101 to 118 inclusive , one (1) public open space lot and residue
2	create Lots 201 to 220 inclusive and residue
3	create Lots 301 to 330 inclusive and residue
4	create Lots 401 to 421 inclusive and residue
5	create Lots 501 to 521 inclusive (except Lot 511) and residue
6	create Lots 601 to 615, inclusive and including Lot 511

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

- (8) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 010.2014.00000588.001 received on 22/09/2014 and where subsequently superseded by the amended plans and information submitted to Council on 2 March 2015 and 9 June 2015 and except where varied by the following conditions of consent.
- (9) Development shall take place in accordance with the recommendations of the following reports:
- Development Application and Statement of Environmental Effects To Wollondilly Shire Council – Large Lot Residential Subdivision, 165-185 River Road, Tahmoor” prepared by EJC Corporate Service Pty Ltd dated 16 September 2014
 - “Vegetation Management Plan” prepared by Travers Bushfire and Ecology (Ref: A14091V)
 - “Bushfire Protection Assessment” – Proposed Rural Residential Subdivision Lot A & B DP 369710 and Lots 85 and 86 DP 751270, 165-815 River Road, Tahmoor – Under Section 100B of the Rural Fires Act (1997)” prepared by Travers Bushfire and Ecology dated August 2014 (Ref A14091B) except where superseded by the addendum reports dated October 2014 (Ref: A14091B), March 2015 (Ref: A14091B2), July 2015 (Ref: A14091B3)
 - “Flora and Fauna Assessment Lot A & B DP 369710 and Lots 85 and 86 DP 751270, 165-815 River Road, Tahmoor” prepared by Travers Bushfire and Ecology dated September 2014 (Ref: A14091F) except where superseded by the addendum report submitted in October 2014 (Ref A14091F)
 - “Preliminary Contamination Assessment, 165-185 River Road, Tahmoor NSW” prepared by JBS Environmental dated July 2012 (Ref: JBS 41274-15405)
 - “Cultural Heritage Impact Assessment, 165-185 River Road, Tahmoor” prepared by RPS, (Ref PR104838) dated August 2012
 - “Riparian Corridor and Site Flood Assessment, 165-815 River Road, Tahmoor: prepared by Worley Parsons dated 31 July 2012 (Ref: 301015-02294-dbtm_wjh120731 – Tahmoor Riparian + SFA.doc)
 - “Report for Odour Impact Assessment for Mary Camilleri, Koorana Road, Tahmoor NSW” prepared by Benbow Environmental dated September 2011 (Ref: September 2011)
 - “EG Property Group Tahmoor Recreation Precinct Transport Impact Assessment” prepared by ARUP dated 18 July 2012 (Ref: 220887)

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

- “Proposed Recreation Precinct, Tahmoor – Water Sensitive Urban Design Report for Rezoning” prepared by GCA Engineering Solutions dated 2 August 2012 (Ref: Final, Revision 3)
- “Preliminary Wastewater Assessment 165-185 River Road, Tahmoor for EJC Corporate Services Pty Ltd c/- Craig & Rhodes” prepared by SMEC Testing Services Pty Ltd dated August 2014 (Ref: 19747/4414C)

except where varied by the following conditions of consent:

- (10) A management plan shall be prepared and submitted to the nominated Accredited Certifier prior to the release of any Construction Certificate which details what measures and the like will be employed to prevent landowners of all allotments that share a common boundary with the E2 Environmental Conservation Zone from disposing of all domestic waste (particularly lawn clippings) into the E2 Environmental Conservation Zone.

A notation shall be placed on the contract of sale advising the responsibilities of all affected landowners in this regard.

- (11) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

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

- (12) 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.

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

- (13) No temporary and permanent engineering controls, stormwater management, headwalls, temporary sediment basins, stockpiles, shake down facilities, hay bale barriers and filters shall be located within any land that is zoned E2 Environmental Conservation Zone in accordance with the provisions from Wollondilly Local Environmental Plan 2011.
- (14) All such infrastructure and items referred to in this condition shall only be constructed and/or placed on land that is zoned R5 Large Lot Residential in accordance with the provisions from Wollondilly Local Environmental Plan 2011.
- (15) No vegetation shall be removed, pruned, lopped or topped (including ground covers) within any land that is zoned E2 Environmental Conservation Zone in accordance with the provisions from Wollondilly Local Environmental Plan 2011 to accommodate any part of the development.

Stage 6 only:

- (16) For the Lots 511 and 605-615 (inclusive), prior to CC being issued for these lots, confirmation shall be sought from NSW National Parks and Wildlife Service advising they do not intend to purchase the land located immediately east of Lots 511, 606 to 615 (inclusive) referred to as land being west of the “Steep Boundary Defined by Top of Escarpment” identified in the approved subdivision plan subject of Condition 1(2).

If there is sincere intention to purchase the land, the persons having the benefit of the consent will be required to amend the development by the way of an Application to Modify Development Consent prior to the issue of a CC for Stage 6. If there is no sincere intention to purchase the land by NPWS, the CC for Stage 6 can be issued so that works can commence onsite.

Documentary evidence shall be provided council prior to the issue of any CC for Stage 6 demonstrating that the persons having the benefit of this consent has been in contact with NPWS and their intention to either purchase the land or other has been provided.

All Stages

- (17) Any land to be dedicated to Council for public recreation purposes shall not be burdened with any easements and the like.

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

2. MANAGEMENT OF CONTAMINATED LAND

These conditions have been imposed to ensure that the site is suitable for the proposed development with regard to the possible contamination of soil and groundwater.

Stage 1 only

- (1) Prior to the issue of any Construction Certificate, that an addendum report be prepared and submitted to verify that there are no contaminants located immediately in the area of the former structures located across the development site and if any contaminants are found, a validation report is prepared for council to ensure that the site has been made suitable for the future use.

3. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

- (1) The conditions of the attached Bushfire Safety Authority issued by the NSW Rural Fire Service dated 19 December 2014 form conditions of this consent and are included as conditions of this Consent.
- (2) The attached General Terms of Approval issued by the NSW Office of Water dated 8 December 2014 form conditions of this consent and are included as conditions of this Consent.
- (3) The approval obtained from the NSW MSB form conditions of this consent and are included as conditions of this Consent.
- (4) Certification from a suitably qualified and practising bushfire consultant shall be provided to Wollondilly Shire Council demonstrating that the works required by Condition 2(1) have been completed prior to the release of each and every Subdivision Certificate.

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- (5) The onus is on the persons having the benefit of this consent to ensure that all requirements from the General Terms of Approval issued by each state authority are satisfied at the relevant stage of the development.

4. CONSTRUCTION GENERAL

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

All Stages

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (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.

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

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

- (4) All trees outside a radius of 3m from the external wall of the building shall be preserved unless prior approval in writing for their removal or lopping is obtained from Council.
- (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 Subdivision Certificate for the development.
- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (7) 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.
- (8) 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.

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- (9) There shall be no burning of builder's rubble, felled trees or other material on site.
- (10) Prior to the issue of any Construction Certificate, the persons having the benefit of this consent shall establish and implement method to avoid direct impacts on any threatened fauna species that may be present in the site prior to dam(s) and vegetation removal.

Note: Dams are a known freshwater turtle habitat, under Part 7 Section 98 of the National Parks and Wildlife Act 1974 it is an offence to harm any protected fauna.

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

All Stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans and stormwater drainage calculations, for all road and drainage construction, shall be submitted to 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) Where Council's Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

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- (4) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as public Road. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with council's Construction Specification for all work that is to become the property of Council.
- (5) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, including CCTV recording for all road stormwater lines, before the final inspection for the Certificate of Practical Completion. The "Works as Executed" details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

The applicant shall provide details of all new assets constructed within the public land as per Council's Asset Valuation sheet, available from the Design Specification on the Council's website.

- (6) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Principal Certifying Authority. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved with the Engineering Plans.
- (7) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RTA certification and submitted to Council with the 138 Consent Application.

6. DRAINAGE/STORMWATER

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

All Stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

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- (2) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) An interallotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights. A drainage connection pit shall be located in each lot for dwelling connections and overland flow drainage.
- (4) Council drainage easements are to be a minimum 3.0 metres wide but may be larger depending on the size of the drainage structures. Interallotment drainage easements are to be a minimum 1.5 metres wide. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.
- (5) A stormwater cut off drain shall be placed over all interallotment drainage lines to divert overland flows from affecting the adjoining lots.
- (6) The applicant shall provide stormwater drainage and water quality treatment generally as shown on the concept plan by Craig & Rhodes sheet no. 1770P Z03(03) amended date 9 Sept.. 2015. Details of this shall be shown on the engineering plans for approval by Council as the Road Authority prior to the issue of the construction certificate.
- (7) All stormwater channels draining road and upstream stormwater within easements in private property shall be piped, and include over land flow paths, to suitable outlet locations with appropriate controls. Details are to be included with the engineering plans for approval.
- (8) Stormwater runoff water quality treatment train shall meet the objectives of the Upper Nepean Stormwater Management Plan. Details to be included for approval with the engineering plans. Standards for pollution reduction treatments are:
 - Total Phosphorus 45%
 - Total Nitrogen 45%
 - Coarse Sediments 80% - particles 0.5mm or less and
 - Litter 70% - greater than 5mm.

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- (9) The extent and depth of the 1 in 100 year ARI flow path shall be shown on the engineering plans and indicated on the linen plans, in particular on Lots 418, 518, 519 and 520 referred to on the approved plan of development subject of Condition 1(2) (except where varied by later conditions for lot boundary adjustments).

A restriction as to use shall be placed on the title of the lot preventing any alteration to the surface level or placement of any building, structure or unsuitable fence on the land affected by the 1 in 100 year ARI flow.

- (10) The minimum floor level of any dwelling shall be 0.5 metres above the level of the 1 in 100 year ARI flood level, in particular on Lots 418, 518, 519 and 520 referred to on the approved plan of development subject of Condition 1(2) (except where varied by later conditions for lot boundary adjustments).

A restriction as to use shall be placed on the title of the lot preventing any alteration to the surface level or placement of any building, structure or unsuitable fence on the land affected by the 1 in 100 year ARI flow.

- (11) A restriction shall be placed on the Title of each lot for any fencing to comply with Council's "Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses".

7. PUBLIC ROADS

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

All Stages

- (1) The person having the benefit of this consent shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The road shall be constructed to Council's Design & Construction Specifications.
- (2) The applicant shall reconstruct the existing road pavement in River Road, at no cost to Council, from the intersection of Moorland Road to the proposed subdivision site. The road pavement shall be designed and constructed to conform with Council's Design and Construction Specifications. Details to be included with the engineering design plans for approval by Council, as the Road Authority, prior to the issue of a Construction Certificate.

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- (3) The applicant shall widen the above section of River Road, at no cost to Council, to provide an 8.0 metre wide sealed pavement with a 1.2 metre wide concrete pathway. The road pavement and pathway shall be designed and constructed to conform with Council's Design and Construction Specifications. Details to be included with the engineering design plans for approval by Council, as the Road Authority, prior to the issue of a Construction Certificate.
- (4) The applicant shall construct public roads generally as shown on the concept plan by Craig & Rhodes sheet no. 1770C SK06 Rev. D dated 7 Sept. 2015 and sheet no. 1770P Z03(03) dated 9 Sept.15, with the below variations.
- All carriageways shown as 8.0 metres wide on the proposed plans shall be constructed as 9.0 metre wide asphaltic concrete pavement with placement of an edge line 1.0 metres off the edge of seal
 - The carriageway shall be placed to provide a minimum verge width of 3.0 metres
 - A heavy duty dish crossing shall be provided as shown on the proposed plans for the full frontage of lots 101, 102, 103, 117 and 118
 - The proposed roundabout shall be constructed with the use of kerb and gutter to contain vehicle turning paths and control stormwater runoff. The roundabout shall be designed and constructed for the turning paths of a 12.5 metre single unit truck, these turning paths are to be shown on the engineering plans.
 - A 1.5 metre wide concrete pathway shall be constructed from the proposed path in River Road (required by the Voluntary Planning Agreement) to the proposed roundabout. Concrete pathways are not required beyond this point
 - A raised kerb shall be constructed to separate the travel lanes from the central median of the entry road. Details are to be included on the engineering plans
 - Provision of Car parking shall be included for all road frontages of public land and to be detailed with the engineering plans and approved by Council prior to the issue of a Construction Certificate
 - Access shall be provided for Council's maintenance staff to the public land.

Details of all new roads shall be shown on the engineering plans for approval by Council as the Road Authority prior to the issue of the Construction Certificate.

- (5) The asphaltic concrete depth for roads shall be a minimum 40mm and 50mm in the cul-de-sacs.

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- (6) The applicant shall provide test reports on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in accordance with relevant Australian standards and Roads and Traffic Authority Specifications.
- (7) 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.
- (8) Street Lighting shall be provided using LED LIGHTING within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (9) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.
- (10) The person having the benefit of this consent shall, at no cost to Council, dedicate 10m x 10m splay corner at the junction of all public road in order to ensure intersection sight lines can be maintained.
- (11) The road width shall comply with section 4.1.3 of "Planning for Bush Fire Protection 2006" for a minimum 8.0m wide carriageway.

Stage 1 only

- (12) The speed environment beyond No.78 River Road, Tahmoor shall be reduced to 50km/h prior to the issue of a Construction Certificate for Stage 1.

The persons having the benefit of this consent shall install appropriate signage at no cost to Council.

All Stages

- (13) The persons having the benefit of this consent shall submit to the nominated Accredited Certifier for approval a design for an under road wombat crossing along River Road with the engineering design plans in accordance with the relevant guidelines and publications in regards to fauna sensitive road design specifications issued by the NSW Office of Environment and Heritage and other relevant authorities.

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Should more information be required, it is recommended that the persons having the benefit of this consent contact Council's Environmental Services Section on 4677 1100).

(Reason: to ensure that fauna are able to cross from one side of River Road to the other without being struck by passing motor vehicles and the like).

8. SECURITY AND SAFETY

These conditions are imposed to ensure that the development is compliant with the Safer by Design principles.

All Stages

- (1) Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lightning engineers and designers to consider crime risk and fear when selecting lamps and lighting intervals.
- (2) Public area lighting must be bright and even to permit facial recognition of approaching persons at 15m.
- (3) Street trees shall be maintained to maintain good sight lines from private and public vantage areas and not inhibit surveillance.
- (4) Pedestrian and cycle tracks must be wide enough to allow emergency vehicles to attend.

9. EROSION AND SEDIMENT CONTROL

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

All Stages

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

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- (5) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

10. EARTH FILL

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

All Stages

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries. This includes filling of the existing dam.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) There shall be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (4) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (5) 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.
- (6) 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.

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- (7) Prior to Council or a nominated Accredited Certifier issuing any Construction Certificate for this development, a geotechnical report prepared by a NATA registered laboratory shall be submitted. Such a report must demonstrate that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 500mm in depth or the land has been identified as previously filled.
- (8) Prior to the issue of any Occupation Certificate for the development a site audit report shall be prepared in accordance with the requirements of the NSW Office of Environment & Heritage Guidelines for Consultants Reporting on Contaminated Sites (published 2011). The report shall be prepared by a Site Auditor accredited under the Contaminated Land Management Act, 1997, and shall state in an end statement that the fill material is suitable for the proposed use of the land.
- (9) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Office of Water.
- (10) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (11) 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.
- (12) 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.
- (13) 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.

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- (14) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council. In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Council.

11. INSPECTIONS

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

All Stages

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
 - When drainage lines have been laid, jointed and bedded, prior to backfilling
 - Prior to pouring of the drainage pits, when the formwork and steel is in place
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place
 - When roadworks have been excavated to subgrade, prior to placing of pavement
 - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
 - After shaping and prior to topsoil/turf placement of overland flow paths
 - When part of the pavement depth (as indicated by Principal Certifying Authority) has been placed
 - During the roller test, which is to be carried out using a three point roller or approved equivalent
 - At sealing
 - At completion of the preparation of kerb and guttering subgrade
 - At completion of the preparation of all concrete layback gutter crossing subgrade
 - Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place
 - Prior to pouring vehicle crossing slabs, when formwork and steel is in place

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- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place
- At practical completion of works
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

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.

- (2) 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.

12. SERVICES

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

All Stages

- (1) Electricity supply is to be made available to all proposed lots 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 lots 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.

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

- (4) All power and services provided to the development within the site shall be underground.

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:

All Stages

- (1) A Waste Management Plan is to be submitted to the Council or a 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 a nominated Accredited Certifier in response to a condition of this consent.

14. SIGNS

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

All Stages

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

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- (4) All directional signage shall comply with the Roads and Maritime Services guidelines.

Information with regard to directional signage shall be detailed and provided on the engineering design plans and submitted to the nominated Accredited Certifier prior to the release of the Construction Certificate.

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.

All Stages

- (1) Should any potential archaeological deposit likely contain Aboriginal artefacts be identified during the planning or historical assessment stage, application shall be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (2) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (3) in addition to the above, the works required to fulfil the conditions of this consent shall be undertaken in accordance with the recommendations and findings from the “Cultural Heritage Impact Assessment, 165-185 River Road, Tahmoor” prepared by RPS, (Ref PR104838) dated August 2012, being:
- a) Recommendation 1
RPS TA1 (Rock shelter with PAD) must be avoided by the proposed development and 50m buffer maintained around this site.

OEH has required that development free buffer along the eastern boundary of Lot 86

DP751270 be adhered to. This has been required on the basis that crown land is located east of Lot 86 DP751270 and this crown land has not been subject to a heritage assessment. The proponent should consider whether a development free buffer zone along the eastern boundary of Lot 86 DP751270 can be adhered to, if not, then the crown land adjacent should be assessed.

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- b) Recommendation 2
A development free buffer along the eastern boundary of Lot 86 DP751270 be adhered to, or if this is not possible then the crown land adjacent to this lot must be subject to a heritage assessment.
- As there was no identified need for an Aboriginal Heritage Impact Permit (AHIP) the Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) have not been followed. However, Tharawal LALC has been consulted in this assessment. If Aboriginal artefacts are later identified and an AHIP is required, then the ACHCRs must be followed.
- OEH has suggested that the ACHCRs be run for the project, but they are not mandatory unless an AHIP is required.
- c) Recommendation 3
The Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) should be considered by the proponent on the advice of OEH, but at this stage it is not a mandatory requirement.
- d) Recommendation 4
Prior to the commencement of work, all relevant staff and contractors should be made aware of their statutory obligations for heritage under NSW NPW Act (1974) and the NSW Heritage Act (1977), which may be implemented as a heritage induction/training workshop. Staff and contractors should also learn of their responsibilities relating to the impact of Aboriginal objects and identification of Aboriginal objects.
- e) Recommendation 5
If works are planned outside of the Study Area, then this area will need to be assessed for European and Aboriginal archaeological heritage.
- f) Recommendation 6
If Aboriginal objects/s are identified in the study area during development, then all works in the area should cease, the area cordoned off and contact made with Department of Environment, Climate Change and Water Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.

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- g) Recommendation 7
In the event that skeletal remains are uncovered, work is to stop in the vicinity immediately and the relevant command area of the NSW Police contacted. If skeletal remains are deemed to be of Aboriginal origin, then all works in the area should cease, the area cordoned off and contact made with DECCW Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.
- h) Recommendation 8
If, during the course of clearing works, significant European cultural heritage material is uncovered, work should cease in that area immediately. The NSW Heritage Branch should be notified and works only recommence when an appropriate and approved management strategy instigated.
- (4) The persons having the benefit of this consent shall provide documentary evidence with each application for a Subdivision Certificate demonstrating compliance with the above conditions.

16. LANDSCAPING

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

All Stages

- (1) Landscaping is to be installed in accordance with the “River Road, Tahmoor EJC” plan prepared by Arcadia Landscape Architects dated September 2014 prior to the release of the subdivision certificate.

The landscaping must be maintained in accordance with the details provided on that Plan at all times.

- (2) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.
- (3) All existing trees and shrubs that are transplantable shall be salvaged for reuse. Non salvageable materials shall be disposed of in accordance with a waste management plan approved by Wollondilly Shire Council.

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17. STREET TREES

These conditions are imposed to ensure that street trees are sensitive to the environment in which they are located.

All Stages

- (1) Plans shall be provided that detail the location of all utility services, share ways and street trees including tree protection to be approved by Council prior to the issue of a Construction Certificate.
- (2) The following street trees species shall not be used:
 - *Angophra costata*
 - *Plantus x acerifolia* 'Columbia'
 - *Allocasuarina littoralis*
 - *Eucalyptus heamastoma*
 - *Populus fastigiata*
 - *Eucaplytus territicornis*
 - ***Lophostemon confertus***
 - *Sapium*
 - *Angohora floribunda*
 - *Lophostermon confertus*
 - *Sapiums serbiferum*
 - *Fraxinun grifithii*
 - *Liquidambar*
 - *Cupressus torulosa*
 - *Sapium sebiferum.*

NOTE: It is recommended that the person(s) having the benefit of this consent use Tables 1, 2 and 5 from Wollondilly Development Control Plan 2011 Volume 1 – General as a guide for tree planting for this and the remainder of the estate.

- (1) Root guards are to be installed where street trees may affect infrastructure. Details shall be shown on the landscaping plans.
- (2) All street trees and landscaping located within Public Roads and Public Reserves shall be maintained for a 36 months defects liability period from the date of the release of each subdivision certificate for a subdivision creating residential lots.
- (5) A bond shall be paid, with the amount determined at the time, to Council for a period of 3 years thereafter to cover the cost of replacing trees or landscaping that dies or is damaged irrevocably.

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18. FENCING

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

All Stages

- (1) No fencing may be constructed on the subject land nor along its property boundaries unless such fencing is visually open rural fencing with a height no greater than 1.2 metres.
- (2) Details of the construction of dog proof fencing are to be submitted with the Subdivision Certificate demonstrating that the fencing shall be adequate to contain domestic dogs within the building envelope. Dog proof fencing must be erected prior to the release of the linen plan for subdivision.

19. TREE REMOVAL AND VEGETATION MANAGEMENT

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner and to protect vegetation that has been identified on the subject land.

All Stages

- (1) Prior to the commencement of any work, only those trees permitted to be removed subject to conditions of this consent trees shall be inspected by a qualified arborist/bush regenerator. Those trees that are considered are to be clearly marked and are to be inspected by a Council Officer prior to work commencing.
- (2) Prior to the commencement of any work a joint inspection shall be arranged between the Arborist and Council's Environmental Management Officer to confirm that all suitable trees have been clearly marked for retention.
- (3) All trees greater than 3 metres in height or with a branch spread greater than 3 metres are to be clearly marked on the Engineering Plans.

The road layout and lot boundaries shall be adjusted as necessary to maximise the retention of healthy significant trees (i.e. lot boundaries shall be adjusted so that the erection of dwellings won't inevitably result in tree removal).

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- (4) No works are to be undertaken within 15m radius of the drip zone of the tree(s) or vegetation nominated for retention.
- (5) Earthworks are not permitted within a 15 metre radius of the drip zone of nominated and significant trees or the E2 Environmental Conservation Zone.
- (6) Precautions must be adequately adopted to minimise the impact around the identified significant vegetation. Soil is not to be built up around the drip zone around significant vegetation or the E2 Environmental Conservation Zone.
- (7) Solid or liquid waste materials shall not be deposited in the E2 Environmental Conservation Zone.

20. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

All Stages

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:
 - a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (i.e., low, medium, high).
 - b) A treatment schedule in tabulated form, specifying for each species:
 - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - ii) The rates of application methods of all herbicide treatments;
 - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - iv) The timing of treatments.
 - c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site.

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- d) Details of any methods of disposal of weed material.

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

21. SECTION 94 CONTRIBUTIONS

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

All Stages

- (1) Developer Contributions shall be paid/levied/provided and the works in kind shall be completed in full for each stage of the development in accordance with the Voluntary Planning Agreement dated 12 August 2013.
- (2) Prior to the release of each Subdivision Certificate, the persons having the benefit of this consent shall provide Council with documentary evidence that works in kind and the like subject of the Voluntary Planning Agreement have been undertaken in accordance with the lot creation anniversaries.

22. 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:**

All Stages

- (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 Lands Titles Office. A fee for the release of the Subdivision Certificate applies.

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- (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) Submission of the appropriate instruments under the Conveyancing Act (e.g. Section 88B) with the linen plan to create the following restrictions as to User on the lots and responsibilities on future owners:
- a) Building envelopes shall be nominated and indicated on the Linen Plan for the following lots:
- The lot resultant of the consolidation between Lots of 319-320
 - The lot resultant of the consolidation between Lots of 322-323
 - The lot resultant of the consolidation between Lots of 324-325
 - The lot resultant of the consolidation between Lots of 505-520
 - The lot resultant of the consolidation between Lots of 518-501
 - The lot resultant of the consolidation between Lots of 519-504
 - Lot 606, 607, 608, 419, 418.

The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings.

Each building envelope shall be:

- at least 400 square metres in size
 - of low risk to geotechnical instability
 - satisfy the setback requirements as detailed in Section 4.5 setbacks in accordance with the setback controls from Section 4.5 Single Dwelling Houses (Rural Lifestyle Lots) from Wollondilly Development Control Plan 2011 Volume 3 Residential Development or subsequently amending plan
 - outside of land shown as asset protection zones delineated on the approved plan of development subject of Condition 1(2)
 - avoid any public utility and/or other existing easements
 - no less than ten (10) metres from any watercourse, drainage depression and/or creekline (measured from top of bank) in accordance with the Water Management Act 2000.
- b) Effluent disposal envelopes shall be created for the following allotments in the following locations:
- The lot resultant of the consolidation between Lots of 319-320
 - The lot resultant of the consolidation between Lots of 322-323
 - The lot resultant of the consolidation between Lots of 324-325
 - The lot resultant of the consolidation between Lots of 505-520

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- The lot resultant of the consolidation between Lots of 518-501
- The lot resultant of the consolidation between Lots of 519-504
- Lots 107, 108, 209 to 211 inclusive, 311 to 318 inclusive, 321, 326, 327, 307, 306, 303, 302, 419, 418, 510, 511, 521, 604, 603, 606 to 615 inclusive.

Effluent disposal envelopes shall be delineated on the plan of development and shall be no less than 1,500m in size.

Each effluent disposal envelope shall be located:

- no less than forty (40) metres from each intermittent watercourse shown on the approved plan of development (to be measured from top of bank)
 - within any land that is zoned E2 in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015)
 - no less than land that is located within thirty (30) metres of land that is zoned E2 in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015)
 - on land that is less than 12% in grade.
- c) For each lot: all future residential development must contain a concrete slab using Class 32 (N32) concrete or sulphate resistant type SR cement with a cement ration of 0.5 unless a salinity assessment report has been submitted with a future development application to demonstrate the land is not saline.
- d) For Lots 209, 210, 211, 311, 312, 313, 314, 315, 316, 317, 318, 319-320, 321, 322-323, 324-325, 326, 327, 520, 505-507, 508-509, 510, 511, 606 to 615 inclusive: no development, the construction of a dwelling and any other structures (including all types of fences), removal of vegetation, grazing of any animals, the construction of any earth dams, the creation/establishment of an asset protection zones, and any other similar purpose is permitted to be undertaken within the land shown on the approved plan of development shaded to represent the land zoned E2 Environmental Conservation in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015).

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- e) For Lots 314, 315, 316, 317, 318, 319-320, 321, 322-323, 324-325, 326, 327, 521, 520, 505-507, 508-509, 510, 511, 606 to 615 inclusive: no development, the construction of a dwelling and any other structures, removal of vegetation, grazing of any animals, the construction of any earth dams, the creation/establishment of an asset protection zones, and any other similar purpose is permitted to be undertaken within the land shown on the approved plan of development located beyond or east of the 150m Offset from Escarpment line.

For all allotments: no development is permitted to be serviced by a pump out onsite sewer management system.

- f) For all allotments: each lot shall only be serviced by one (1) driveway access.
- g) For each corner allotment: a building envelope shall be delineated on the linen plan identifying the primary and secondary setbacks in accordance with the setback controls from Section 4.5 Single Dwelling Houses (Rural Lifestyle Lots) from Wollondilly Development Control Plan 2011 Volume 3 Residential Development or subsequently amending plan.
- h) For each corner allotment: a driveway access location is to be shown on the linen plan and where practical, access shall be from a secondary road so as to limit any conflict upon the operation of the public system.
- i) For every allotment: the erection and maintenance of dog-proof fencing enclosing the boundaries of the building envelope. Dogs may only be permitted outside the building envelope if they are on a leash and suitably controlled under the supervision of a responsible person.
- j) For every allotment: the prohibition of keeping of cats within all lots unless cats are confined to suitable enclosures at all times.

The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council.

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- (5) Existing easements and natural watercourses are to be marked on the Linen Plan of Subdivision.
- (6) The development shall be completed in accordance with the relevant plans and conditions of consent relevant to each stage of the development prior to the release of the Subdivision Certificate for that stage.

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

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

All Stages

(1) 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.

ADVICES

All Stages

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

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- (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 subdivision works.
- (4) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (5) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (6) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

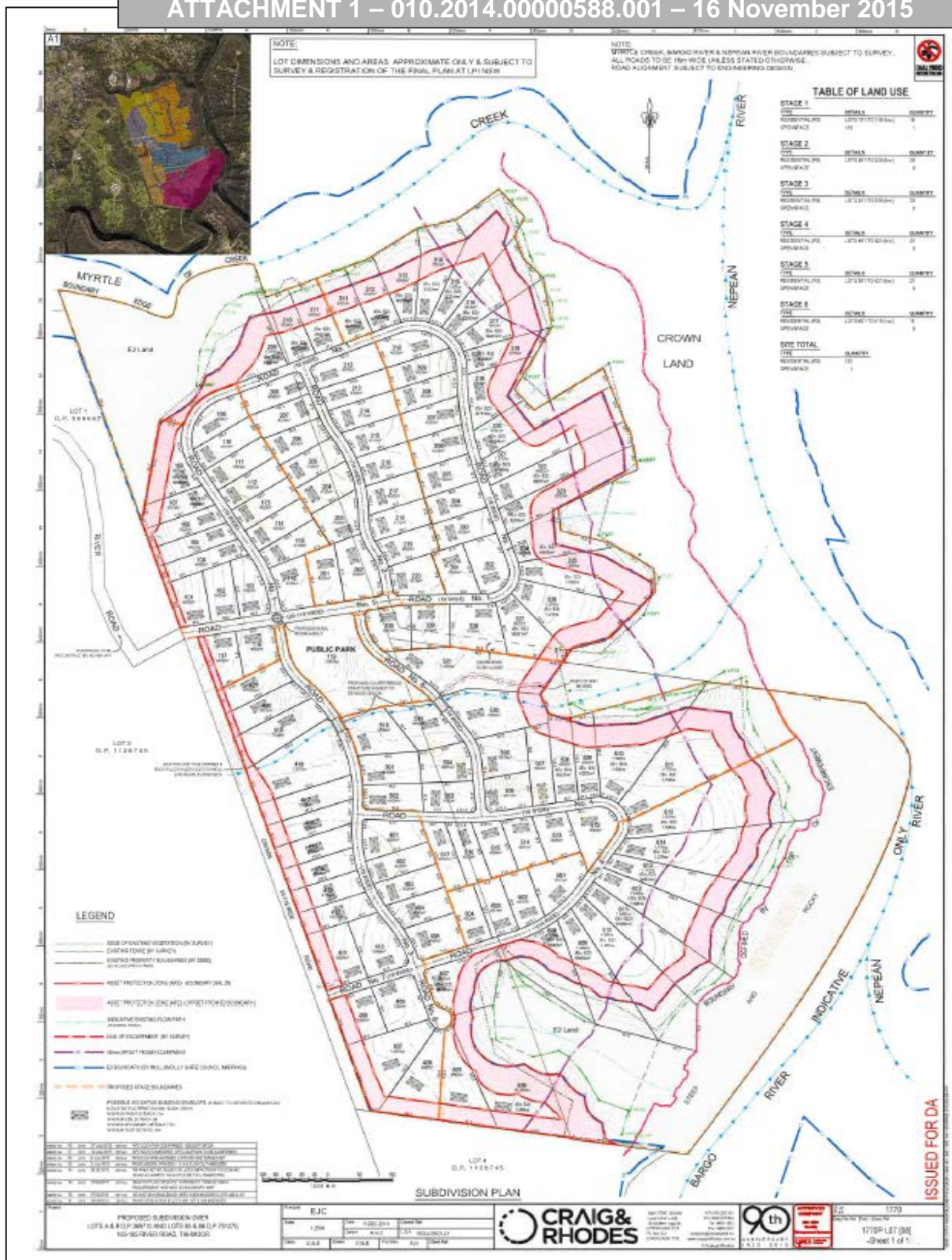
PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

- (7) 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.
- (8) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 16 November 2015

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

ATTACHMENT 1 – 010.2014.00000588.001 – 16 November 2015



Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 16 November 2015

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

ATTACHMENT 2 – 010.2014.00000588.001 – 16 November 2015



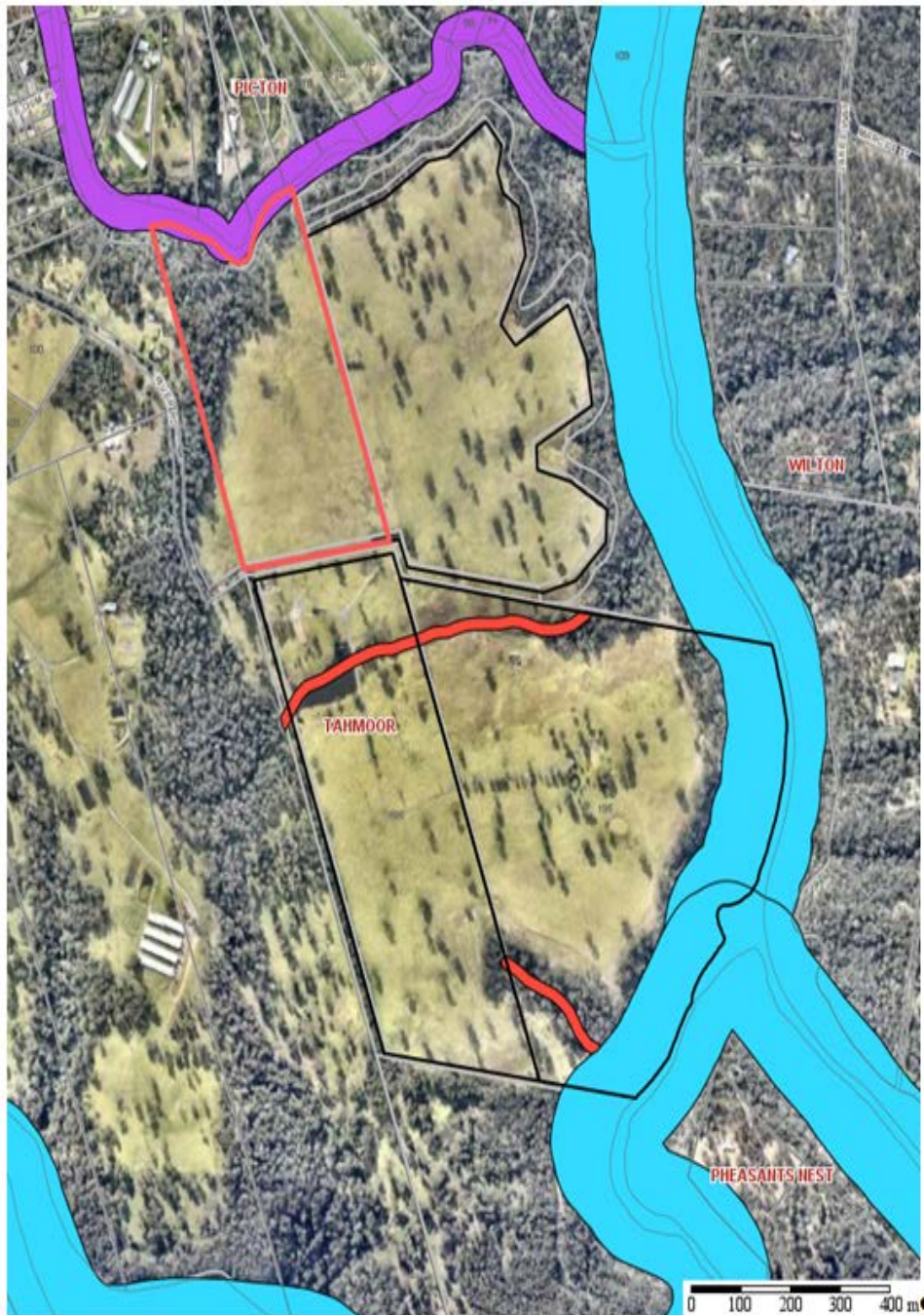
Map showing the protection buffers in accordance with Clause 7.2 Biodiversity Protection from Wollondilly Local Environmental Plan 2011

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 16 November 2015

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

ATTACHMENT 3 – 010.2014.00000588.001 – 16 November 2015



Map showing the protection buffers in accordance with Clause 7.3 Water Protection from Wollondilly Local Environmental Plan 2011

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

ATTACHMENT 4 – 010.2014.00000588.001 – 16 November 2015

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under section 93F of the Environmental Planning and Assessment Act 1979

1. Parties

Wollondilly Shire Council ("Council")

Mary Camilleri ("Developer")

2. Description of the Land to Which the Planning Agreement Applies

2.1 The Planning Agreement applies to the land described as Lots A & B DP 369710 and Lots 85 & 86 DP 751270 and known as 165-185 River Road, Tahmoor.

3. Description of the Proposed Change to the Environmental Planning Instrument and of the Development

3.1 The Developer is seeking changes to *Wollondilly Local Environmental Plan 2011 (WLEP 2011)*. This change will be effected by the Minister for the Department of Planning making an Amendment to WLEP 2011.

The effect of the changes to WLEP 2011 will be to rezone the Land to permit large lot residential and environmental conservation uses together with all necessary road works and ancillary services. It is anticipated that the land the subject of this planning agreement will yield about 110 residential lots, ranging from 4,000m² upwards.

4. Summary of Objectives, Nature and Affect of the Planning Agreement

4.1 The Planning Agreement outlines that the Developer will provide Developer Contributions of \$22,855.45 for each new Residential Allotment approved under the Development Approval. It is estimated that there will be approximately 110 allotments created. The road works, community facilities and ancillary facilities provided by the Developer's Contributions are detailed in Schedule 1.

In addition the Developer has agreed to pay a Section 94 Contribution for each residential allotment of \$17,144.55 which represents a discount of \$7458.45 from the contribution for major development applicable under the Wollondilly Development Contributions Plan 2011.

Both the Developer Contributions and the Section 94 Contributions payable under the Planning Agreement are to be paid prior to the issue of the relevant Subdivision Certificate for each stage of the development. The Section 94 Contribution will be paid for the number of residential allotments to be created under the relevant Subdivision Certificate for each stage of the development.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 16 November 2015

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

ATTACHMENT 4 – 010.2014.00000588.001 – 16 November 2015

The combined Developer Contributions and Section 94 Contributions amount to a total of \$40,000 for each residential allotment created. The timing of the Developer's Contributions is detailed in Schedule 1 below.

Schedule 1 – Developer Contributions

PROJECT	ESTIMATED CONTRIBUTION	TYPE OF CONTRIBUTION	TIMING OF CONTRIBUTION
Road Works and Improvements			
Financial contribution toward future widening and improvements to Myrtle Creek Bridge and road widening of Remembrance Drive	\$349,800.00	Cash	At the issue of the Subdivision Certificate for Stage A of the Development Approval
Construction of acceleration and deceleration lane at the River Road / Remembrance Driveway intersection and associated intersection widening	\$70,000.00	Works	At the issue of the Subdivision Certificate for Stage A of the Development Approval
Construction of Road 2 as detailed on the Sketch of Proposed Road Widening	\$583,800.00	Works	At the issue of the Subdivision Certificate for Stage A of the Development Approval
Construction of Road 1 (including footpath to Remembrance Drive) as detailed on the Sketch of Proposed Road Widening	\$393,000.00	Works	At the issue of the Subdivision Certificate for Stage B of the Development Approval
Subtotal	\$1,396,600.00		
Community Facilities within the boundaries of the Development Land			
Shared pathway	\$360,000.00	Works	At the issue of a Subdivision Certificate for the stage of the Proposed Development in which the relevant facilities are required to be provided under the Development Approval.
Horse trail	\$80,000.00	Works	
Boating pond embellishments and facilities	\$100,000.00	Works	
Horse riding park	\$90,000.00	Works	
One playground	\$110,000.00	Works	
One tennis court / one half size basketball court	\$123,500.00	Works	
Four look out clearings	\$65,000.00	Works	
Subtotal	\$928,500.00		
DEVELOPMENT CONTRIBUTIONS TOTAL	\$2,325,100		

*Assuming a total of 110 approved residential lots.

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5. The Planning Purpose of the Planning Agreement

- 5.1 In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purposes:
- the provision of (or the recoupment of the cost of providing) public amenities or public services;
 - the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;

The Council and Developer have assessed the Planning Agreement and the parties hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purposes set out above.

6. How the Planning Agreement promotes the Public Interest

- 6.1 The Planning Agreement promotes the public interest by dealing with important elements of social, recreational and transport infrastructure and public service needs of the new population which are anticipated by the residential subdivision of the Land once the WLEP 2011 Amendment is made by the Minister.

7. How the Planning Agreement Promotes the Objects of the Act

- 7.1 The Planning Agreement promotes the following objects of the Act:
- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - the promotion and co-ordination of the orderly and economic use and development of land;
 - the provision and co-ordination of community services and facilities;
 - the sharing of the responsibility for environmental planning between the different levels of government in the State.

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to provide the contribution amounts set out in this explanatory note under the heading "Summary of Objectives, Nature and Effect of the Planning Agreement" for the following purposes:

- facilities within the boundaries of the development land; and
- road network improvements through upgrades to River Road Tahmoor, the River Road and Remembrance Drive intersection, and future widening of Myrtle Creek Bridge on Remembrance Drive; and
- construction of a footpath from the site to Remembrance Drive.

Each of these purposes represents an important public benefit, and the Developer's offer to contribute towards these purposes will provide an important positive impact on the public who use the infrastructure and services to which these purposes relate.

8. How the Planning Agreement promotes the elements of the Council's Charter

- 8.1 The Planning Agreement is consistent with the following elements of Council's Charter:
- (1) to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 16 November 2015

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

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- (2) to engage in long-term strategic planning on behalf of the local community.
- (3) to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- (4) to promote and to provide and plan for the needs of children. This is achieved by improvements to recreational facilities and shared cycleways proposed under this Planning Agreement.
- (5) to exercise community leadership. This is achieved through funding for improved community and sporting facilities.
- (6) to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development This is achieved by all aspects of the works facilitated by funding through the subject Planning Agreement.

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Planning Agreement

Parties

Wollondilly Shire Council (Council)

Mary Camilleri (Developer)

Dated _____

PE1 – Rural Residential Lot Subdivision - 165-195 River Rd, Tahmoor

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THIS PLANNING AGREEMENT is made on theday of.....2013

BETWEEN:

Parties

WOLLONDILLY SHIRE COUNCIL of 62-64 Menangle Street, Picton NSW 2571 ("The Council")

AND:

MARY CAMILLERI of PO Box 3715, Rouse Hill NSW 2155 ("The Developer")

Introduction

- A. The Developer is the registered proprietor of the Development Land
- B. On the 22nd of February 2011 the developer lodged a planning proposal to rezone the Development Land from its existing rural zone under the Wollondilly Shire LEP to a rural residential housing zone. The rezoning would facilitate 110 rural residential lots and a range of community-recreation facilities on the Development Land.
- C. The Developer proposes to make a Development Application to Council for Development Approval to carry out the Proposed Development of the Development Land if the Development Land is rezoned in accordance with the lodged planning proposal.
- D. The Developer has offered to provide the development contributions on the terms and conditions contained in this agreement if the Development Approval is granted.

And it is agreed as follows

1. **Definitions and Interpretation**

In this agreement the following words and letters have the meanings set opposite them

- 1.1 "Act" means the *Environmental Planning and Assessment Act 1979* (NSW) (as amended from time to time).
- 1.2 "Approval" means any approvals, consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development.
- 1.3 "Authority" means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body, commission, department, agency, tribunal or other authority or body and where such Authority ceases to exist or where its functions and powers are transferred to another body, such reference is to the replacement body or the body substantially succeeding to the former Authority's function and powers.

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- 1.4 **“Business Day”** means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act and thing is to be performed or a payment is to be made.
- 1.5 **“Costs”** include costs, charges, fees, disbursements and expenses, including those incurred in connection with advisers.
- 1.6 **“Defects Liability Period”** means, in respect of each stage of the Proposed Development, the period of 12 months from the date of practical completion of the works included in the Developer’s Contribution.
- 1.7 **“Developer’s Contribution”** means for each Residential Allotment approved under the Development Approval, road works, financial contribution towards road works, community facilities and other works to the value of twenty two thousand, eight hundred and fifty five dollars and forty five cents (\$22,855.45) as detailed in Schedule 1.
- 1.8 **“Developer’s Discounted Section 94 Contribution”** means for each Residential Allotment approved under the Development Approval, the amount of seventeen thousand, one hundred and forty four dollars and fifty five cents (\$17,144.55) which represents a discount of \$7458.45 off the usual S94 contribution for major development.
- 1.9 **“Development Application”** means an application under the Act for the Development Approval.
- 1.10 **“Development Approval”** means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 1.11 **“Development Land”** means the land comprising Lots A & B DP 369710 and Lots 85 & 86 DP 751270 and known as 165-185 River Road, Tahmoor.
- 1.12 **“Dispute”** in connection with this agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 1.13 **“Event of Insolvency”** means in respect of the Developers (and any one of them), any one or more of the following occurrences:
 - 1.13.1 becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the *Bankruptcy Act 1976* (Cth); or
 - 1.13.2 becomes subject to any order or declaration under the *Mental Health Act 2007* (NSW) or is otherwise incapable of managing his or her own affairs;

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- 1.13.3 in the case where a Developer is a company, if:
- 1.13.3.1 a resolution is passed for the winding up or liquidation of that party;
 - 1.13.3.2 a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator;
 - 1.13.3.3 if it suspends payment of its debts or is unable to pay its debts including, of money payable under this agreement or is deemed insolvent;
 - 1.13.3.4 if it fails to or is taken as having failed to comply with a statutory demand under the *Corporations Act 2001* (Cth); or
 - 1.13.3.5 if anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction with respect to the Developer.

1.14 **"GST"** has the same meaning as in the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.

1.15 **"GST Act"** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended from time to time).

1.16 **"Law"** means:

- 1.16.1 the common law and principles of equity;
- 1.16.2 the requirements of legislation, regulations and by-laws; and
- 1.16.3 a binding order made by an Authority.

1.17 **"LPI"** means Land and Property Information (NSW).

1.18 **"Mortgage"** means a mortgage, charge, lien, pledge, title retention, deposit arrangement, caveat or equitable interest.

1.19 **"Planning Proposal"** means an application to rezone the Development Land in order to allow the Proposed Development to be carried out on that land.

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- 1.20 **"Proposed Development"** means the subdivision of the Development Land into approximately 110 Large Lot Residential Allotments together with all necessary road works, community facilities and ancillary services.
- 1.21 **"Residential Allotment"** means a lot comprising part of the Development Land to be created as part of the Proposed Development that is intended to be used for the purpose of a single dwelling house without being further subdivided.
- 1.22 **"Subdivision Certificate"** means a certificate issued under section 109C(d) of the Act with respect to the Proposed Development.
- 1.23 **"Transfer"** means to settle, sell, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

2. Interpretation:

In this agreement unless the contrary intention appears:

- 2.1 One gender includes the opposite gender.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A party includes that party's executors, administrators, successors, permitted assigns, permitted legal representatives and substitutes.
- 2.4 Dollars or \$ means Australia dollars and all money payable under this agreement is payable in that currency.
- 2.5 "Including" and similar expressions are not words of limitation.
- 2.6 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 2.7 Headings, any table of contents or index are for convenience only and do not affect interpretation of this agreement.
- 2.8 An explanatory note which relates to this agreement does not affect the interpretation of this agreement.
- 2.9 A provision of this agreement must not be construed to the disadvantage of a party merely because that party was responsible wholly or partly for the preparation of this agreement or the inclusion of a term or condition in this agreement.
- 2.10 If an act and thing must be done on a specific day which is not a business day, it must be done instead on the next business day.

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2.11 A person means and includes a person, a body corporate, Authority, firm, body of persons, association, trust, joint venture or other legal commercial entity or undertaking recognized by law whether or not incorporated.

3. Planning Agreement

3.1 This agreement:

- 3.1.1 applies to the Development Land;
- 3.1.2 is a planning agreement within the meaning set out in Section 93F of the Act;
- 3.1.3 excludes the application of each of Sections 94 and 94A of the Act to the Development and/or the Development Land;
- 3.1.4 is to be registered on the title of the Development Land under section 93H of the Act;
- 3.1.5 is not a confidential document and may be exhibited without restriction by either party.

3.2 Subject to clause 3.3, this agreement operates from the date it is formed.

3.3 Clause 4 of this agreement will only operate if and when Council grants the Development Approval.

4. Development Contributions

4.1 The Development will be undertaken in stages A, B and C.

4.2 For each stage, the Developer must provide:

- 4.2.1 the Developer's Discounted Section 94 Contribution for each Residential Allotment identified in the application for a Subdivision Certificate to Council for that stage; and
 - 4.2.2 Developer's Contributions that are identified in Schedule 1 as being deliverable for the relevant stage
- prior to the issue of a Subdivision Certificate for that stage.

4.3 The Developer undertakes to Council not to make an application for the issue of any Subdivision Certificate until it has made the contributions required to be made to Council under clause 4.2.

4.4 It is at the Developers discretion whether to make contributions above that owing for the commensurate number of Residential Allotments approved as part of an individual stage

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Development application. Any such additional contributions will be credited towards the amount owing in the subsequent development application.

5. Defects Liability

- 5.1 If Council notifies the Developer of a defect in the works provided by the Developer's Contributions during the Defects Liability Period, the Developer must remedy that defect to the reasonable satisfaction of Council within a reasonable period (having regard to the nature of the defect).
- 5.2 On and from the expiry of the Defects Liability Period, the Council releases the Developer from and agrees that the Developer is not liable for any liability or loss arising from or in connection with the performance of the Developer's Contribution.

6. G.S.T

- 6.1 Unless otherwise expressly stated all money or other sums payable or consideration to be provided under this agreement are exclusive of G.S.T.
- 6.2 Despite Clause 6.1 to the extent that the Commissioner of Taxation, a Court or Tribunal determines that any supply made under or in connection with this agreement is a taxable supply, the G.S.T exclusive consideration otherwise to be paid or provided for that taxable supply is increased by the amount of any G.S.T payable in respect of that taxable supply and that amount must be paid at the same time and in the same manner as the GST exclusive consideration is otherwise to be paid or provided and a valid Tax invoice is to be delivered to the recipient of the taxable supply and this clause will not merge on completion or termination of the agreement.

7. Dispute Resolution

- 7.1 If a party believes that there is a Dispute then:
- 7.1.1 that party must give notice (Dispute Notice) in writing to the other party stating that there is a Dispute; and
- 7.1.2 the Dispute Notice must outline:
- 7.1.2.1 what the party believes the dispute to be;
- 7.1.2.2 what the party wants to achieve;
- 7.1.2.3 what the party believes will settle the Dispute; and
- 7.1.2.4 who will be the party's representatives to negotiate the dispute.

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- 7.2 Within fifteen (15) Business Days of a notice served in accordance with clause 7.1 the representatives of each of the parties must meet in order to resolve the Dispute.
- 7.3 Both parties must adhere to the dispute resolution procedure set out in this agreement.
- 7.4 The only time that either party may depart from the dispute resolution procedure set out in this clause is when urgent interlocutory relief is required to restrain a breach or threatened breach of this agreement.
- 7.5 If the parties cannot resolve the Dispute after adhering to the dispute resolution procedure set out in this agreement then either party may seek any other avenues available to it in order to resolve the Dispute.

8. Agreement of the Developer

The Developer warrants that she:

- 8.1 is the legal and beneficial owner of the Development Land;
- 8.2 will take all practicable steps and use best endeavors and do all acts and things required to procure:
 - 8.2.1 the consent of each person who has an interest (including by way of a Mortgage) in the Development Land;
 - 8.2.2 the execution of any documents necessary;
 - 8.2.3 the production of the relevant certificates of title for the Development Land, and the lodgement for registration of this agreement with LPI on the title of the Development Land within twenty (20) Business Days of the date of this agreement.

9. Assignment

The Developer must not Transfer their interest in the whole or any part of the Development Land (other than a residential allotment for which the relevant Developer's Contribution and Developer's Discounted Section 94 Contribution has been paid to Council) unless:

- 9.1 the Developer is not in breach of any terms of this agreement; and
- 9.2 before the Transfer of any part of the Development Land to another person, the transferee executes a deed in a form and with conditions acceptable to Council acting reasonably including containing provisions under which the transferee:

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9.2.1 agrees to comply with this agreement as if the transferee was the Developer with respect to that part of the Development Land transferred, including obligations which arose before the Transfer; and

9.2.2 acknowledges and agrees that the rights of the Council under this agreement are not diminished in any way.

10. Release

When the Developer has satisfied all of the obligations imposed on them under this agreement in respect of that part of the Development Land for which a Subdivision Certificate has been issued and for which the required contributions have been paid and delivered then the Council must promptly at the request and at the expense of the Developer do all acts and things necessary to remove this agreement from the title of that part of the Development Land.

11. Termination

11.1 This agreement may be terminated by Council by written notice to the Developer if:

11.1.1 the Developer commits a breach of any of the terms and conditions of this agreement and fail to remedy such a breach within fourteen (14) days of receipt of a written notice (which specifies the breach and requires the Developers to Remedy the same) whereupon the date of such termination will be effective on the effluxion of fourteen (14) days of receipt of such written notice; or

11.1.2 the Developer becomes subject to an Event of Insolvency.

11.2 Unless the written notice as provided in this Clause is required to be expressed in terms of time, all notices will otherwise be effective in accordance with clause 13.

12. Review Procedures

The parties may agree to review this agreement, in circumstances and in a manner determined by the parties. Any amendment, modification, supplement or replacement document which results from a review must be in writing, signed by the parties and registered at LPI under Section 93H of the Act.

13. Notices

Any notice, request for information to be made or information to be given under this agreement must, in order to be valid, be in writing and may be given to or served upon a party:

13.1 by being left at that party's address or such other address as may be notified to the first party giving or serving any such document which will be deemed served when so left; or

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13.2 by being posted in a pre-paid ordinary, certified or registered letter addressed to that party at such address which will be deemed duly served three (3) Business Days after the posting of the same; or

13.3 by being dispatched by facsimile transmission to that party and which will be deemed served at the time recorded on the facsimile machine of the party serving such document of an error free transmission to the correct facsimile number. For the purposes of this clause the party's contact details for service are:

The Developer

Address: PO Box 3715, Rouse Hill NSW 2155
Telephone: NA
Fax: NA
Email: john@diversepropertiesolutions.com
Attention: Mary Camilleri C/-Diverse Property Solutions

Council

Address: 62-64 Menangle Street PICTON NSW 2571
PO Box 21 PICTON NSW 2571
Telephone: 4677 1100
Fax: 4677 2339
Email: council@wollondilly.nsw.gov.au
Attention: General Manager

14. Proper Law and Jurisdiction

This agreement is made and will be construed and governed in accordance with the Law of the State of NSW South Wales. Each party submits to the exclusive jurisdiction of each and every Court or Tribunal of the said State having jurisdiction to hear the matter submitted to it.

15. Severance

If it is held by any Court or Tribunal that:

15.1 any part or condition of this agreement is void, invalid, illegal or otherwise unenforceable; or

15.2 this agreement would be void, voidable, invalid, illegal or otherwise unenforceable unless any part or condition of this agreement was severed:

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then that part or provision which is severed from this agreement will not affect the continued operation of the remainder of this agreement which has not been severed nor the validity or enforceability of that part or condition, provided that the fundamental purpose of or the intentions expressed by the parties under this agreement is not substantially altered.

16. Waiver

- 16.1 No failure on the part of a party to exercise and no delay in exercising and no cause of dealing with respect to, any condition and the rights, powers or remedies of that party under this agreement will impair any of those rights, powers or remedies, nor constitute a waiver of any of those rights, powers or remedies.
- 16.2 No single or partial exercise by a party of any condition and rights, powers or remedies under this agreement will preclude any other or further exercise of those or exercise of any other conditions rights or remedies.
- 16.3 Any condition and the rights, powers or remedies under or relating to this agreement are cumulative and will not exclude any other rights, powers or remedies under or relating to this agreement at Law.
- 16.4 No waiver of any of the conditions of this agreement will be effective unless in writing signed by the party against whom such waiver is sought to be enforced.
- 16.5 Any waiver of the conditions of this agreement will be effective only in the specific instance and for the specific purpose given and the waiver will not be deemed a waiver of such obligations or of any subsequent breach of the same or some other obligation.

17. Further Acts

Unless otherwise dealt with specifically in this agreement each party must with due diligence do all acts and things and will sign all documents required or necessary to be done and performed so as to give full force and effect to, to perfect and complete the terms and conditions of this agreement or as contemplated.

18. Assignment and Dealings

None of the parties to this agreement may assign or otherwise deal with their rights, powers, obligations and remedies under this agreement or allow any interest in them to arise or be varied, save and except as provided in clause 9.

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19. Entire Agreement

This agreement contains all the terms and conditions to which the parties have agreed on in relation to the matters which they have dealt with. No party can rely on an earlier document, anything said or done by another party, or omitted to be relied upon, said or done except as permitted by Law.

20. No Fetter

Nothing in the agreement is to be construed as requiring Council to do anything:

- 20.1 that would cause it to be in breach of any of its obligations at Law;
- 20.2 limiting or fettering in any way the exercise of any statutory discretion or duty at Law; or
- 20.3 imposing any obligations to grant an Approval.

21. Representatives and Warranties

Each party agrees that he has the power and authority to enter into this agreement and comply with their obligations under the same and that entry into this agreement will not result in a breach of Law.

22. Costs

Each party must bear and pay its own costs of and incidental to the preparation and execution of this agreement.

23. Joint and Several Liability

If two or more parties are included within the same defined term in this agreement:

- (1) a liability of those parties under this agreement is a joint liability of all of them and a several liability of each of them;
- (2) a right given to those parties under this agreement is a right given severally to each of them; and
- (3) a representation, warranty or undertaking made by those parties is made by each of them.

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Schedule 1 – Developer's Contributions

PROJECT	ESTIMATED CONTRIBUTION	TYPE OF CONTRIBUTION	TIMING OF CONTRIBUTION
Road Works and Improvements			
Financial contribution toward future widening and improvements to Myrtle Creek Bridge and road widening of Remembrance Drive	\$349,800.00	Cash	At the issue of the Subdivision Certificate for Stage A of the Development Approval
Construction of acceleration and deceleration lane at the River Road / Remembrance Driveway intersection and associated intersection widening	\$70,000.00	Works	At the issue of the Subdivision Certificate for Stage A of the Development Approval
Construction of Road 2 as detailed on the Sketch of Proposed Road Widening	\$637,597.60	Works	At the issue of the Subdivision Certificate for Stage A of the Development Approval
Construction of Road 1 (including footpath to Remembrance Drive) as detailed on the Sketch of Proposed Road Widening	\$528,202.40	Works	At the issue of the Subdivision Certificate for Stage B of the Development Approval
Subtotal	\$1,585,600.00		
Community Facilities within the boundaries of the Development Land			
Shared pathway	\$360,000.00	Works	At the issue of a Subdivision Certificate for the stage of the Proposed Development in which the relevant facilities are required to be provided under the Development Approval
Horse trail	\$80,000.00	Works	
Boating pond embellishments and facilities	\$100,000.00	Works	
Horse riding park	\$90,000.00	Work	
One playground	\$110,000.00	Works	
One tennis court / one half size basketball court	\$123,500.00	Works	
Four look out clearings	\$65,000.00	Works	
Subtotal	\$928,500.00		
DEVELOPER'S CONTRIBUTIONS TOTAL \$2,514,100			

Planning & Economy

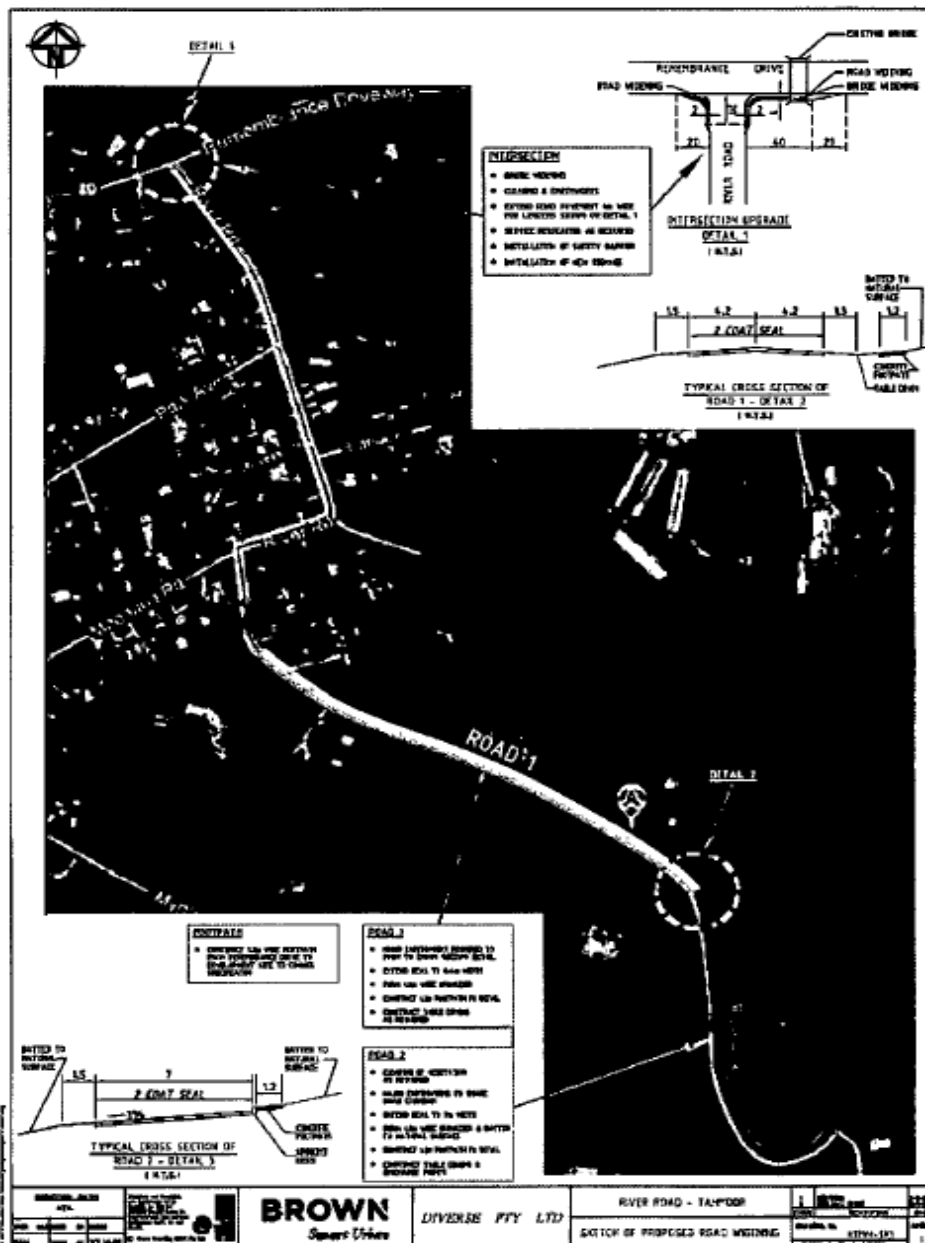
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Planning & Economy

Sketch of Proposed Road Widening



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Planning & Economy

Execution:

Executed as an Agreement

I, LES McMAHON, General Manager of Wollondilly Shire Council, execute this agreement on behalf of the Council under the authority delegated to me pursuant to Section 377(1) of the Local Government Act, 1993.

Witness: Debbie Hunt General Manager: Les McMahon

Name:(printed) Debbie Hunt Name:(printed) Les McMahon

SIGNED by Mary Camilleri in the presence of:

Witness: John Camilleri Developer: M. Camilleri

Name:(printed) John Camilleri Name:(printed) MARY CAMILLERI

Date: 12 August 2013

PE2 – Draft Planning Proposal - Cawdor

PE2

Draft Planning Proposal - Cawdor

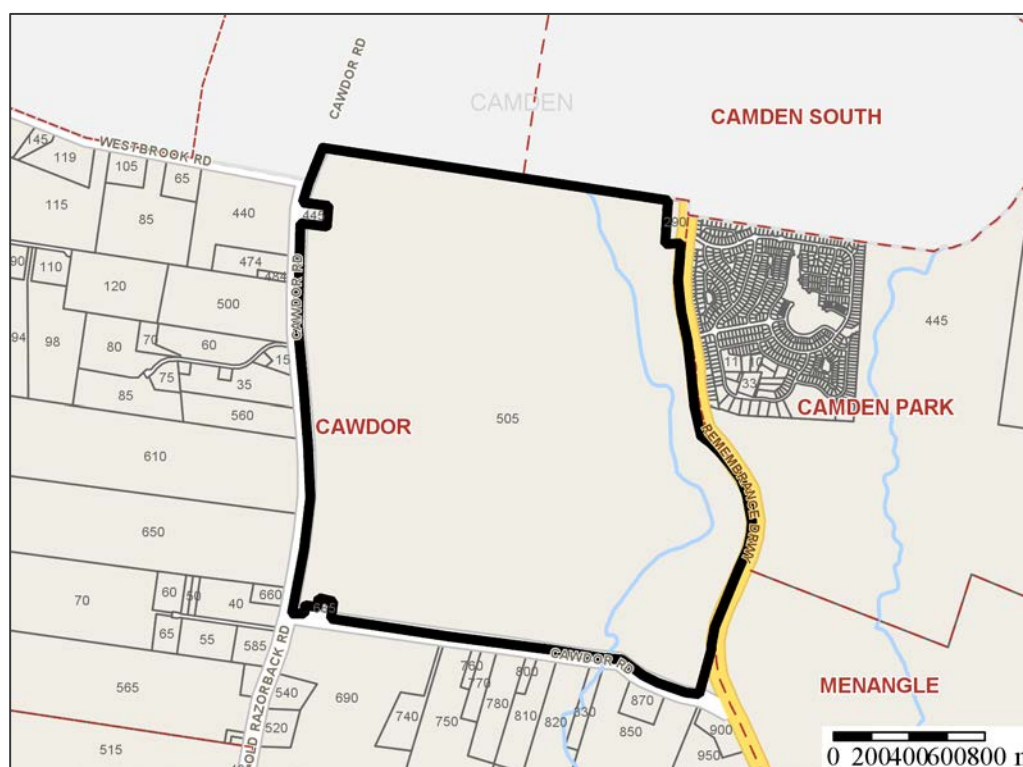
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TRIM 7258

Proponent: Frasers Property (formerly known as Australand Property Group)

Owner: Milino Pty Limited

Planning & Economy



Location Map N

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

PE2 – Draft Planning Proposal - Cawdor

EXECUTIVE SUMMARY

- An application for a Planning Proposal was received by Council in November 2012 for Lot 12 in DP 531898, No. 505 Remembrance Driveway, Cawdor.
- The planning proposal seeks changes to the Wollondilly Local Environmental Plan, 2011 to develop a new Cawdor urban village centre with a variety of housing options that could deliver in the order of 4,000 new dwellings, local neighbourhood centre, mixed use area and new social infrastructure such as a primary school, sportsground, parks and recreation reserves.
- The proponent has lodged a Pre-Gateway Review with the NSW Government Department of Planning and Environment to request an independent review on the Cawdor planning proposal and whether it should proceed. This is because Council has not made a decision on the proposal. Council has not made a decision because it has not been able to exhibit the draft revised Growth Management Strategy.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements 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:
 - The Department of Planning & Environment be advised that the pre-Gateway Review should wait for the outcome of the Wollondilly GMS review and if it can't then Council does not support the planning proposal at this time.
 - Any final decision on the WLEP 2011 amendment should not be made for the preferred corridor for the Outer Sydney Orbital (M9) is known.
 - The Department consult with Camden Council.

REPORT

1.1 SITE DESCRIPTION

The Cawdor site consists of a large site, approximately 530 hectares, in single ownership located at 505 Remembrance Driveway. The land is currently zoned RU1 Primary Production and is currently used for grazing livestock.

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It is located West of the established Bridgewater Estate and South of Camden South (located in Camden Council area).

The northern boundary of the site forms the local government boundary between Wollondilly Shire Council and Camden Council. The site is bound by Remembrance Driveway to the East, Cawdor Road to the South and West, and the alignment of Wire Lane to the north.

1.2 DESCRIPTION OF PROPOSAL

The planning proposal seeks to rezone 530 hectares of land at Cawdor to facilitate approximately 4,000 dwellings, a local retail centre, mixed use area, a school, parks and reserves and community facilities.

The draft Planning Proposal proposes to rezone the land from its current rural land use zone to a mixture of the following land use zones:

- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- B2 Local Centre
- B4 Mixed Use
- E2 Environmental Conservation

The location of the proposed land use zones is illustrated in Attachment 2.

1.3 STATUS OF DRAFT PLANNING PROPOSAL

The Planning Proposal for Cawdor was submitted to Council on 28 November 2012.

In December 2012, the NSW Government released the *NSW Long Term Transport Master Plan*. This state wide master plan for traffic included a proposal for an Outer Sydney Orbital route (the M9) which would link Wollongong and Newcastle via Penrith. Council's preliminary assessment anticipated that the Outer Orbital was likely to come near or potentially through the Cawdor planning proposal site.

Council wrote to the proponent in February 2013 to advise that there was a "threshold issue that may fundamentally alter the proposal and needs to be addressed prior to any further assessment or progression of this matter".

In particular it was noted that "The presence of the M9 would greatly alter the road hierarchy in the locality and may also change the appropriate balance of further land use in terms of the balance between housing and employment generating uses".

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Council's assessment was that the potential for the Outer Orbital to pass through or nearby the Cawdor site would have a significant bearing on the strategic planning for both the site and the wider area such that an early decision should not be made which could result in inappropriate development.

One potential implication may be that a full redesign of the planning proposal would be required. As a first step the proponent was asked to provide a study, prepared in consultation with Transport NSW to assess the likely location of the M9 in relation to the proposal site. The draft Planning Proposal was then placed on hold and has been hold since that time.

1.4 PLANNING BACKGROUND

NSW Government Potential Home Sites Program (PHSP)

In August 2011, the Minister for Planning and Infrastructure called for expressions of interest from landowners with sites of more than 100 hectares who believed they could deliver houses quickly to the market.

The purpose was to identify sites, in appropriate locations, that will increase dwelling production in the short term and at no additional cost to the Government. Nine (9) of the 29 submissions plus two (2) late nominated sites were for land located in Wollondilly, one of these being the Cawdor site.

As part of its submission to the PHSP consultation, Council at its Ordinary Meeting on 20 February 2012 resolved to support the draft planning proposal in principle.

In March 2013, the NSW Government announced the outcomes of the review into potential housing opportunities. The government decided to support immediate action to progress 15,850 potential new housing lots and to investigate a further 60,000 lots in upcoming local or regional strategies.

Following the evaluation report the NSW Government identified nine (9) sites within Wollondilly Shire as potential sites for further investigation for residential development. Cawdor was one of these sites.

A review of the Wollondilly Growth Management Strategy 2011 (GMS 2011) was identified by the NSW Government as a key requirement to assess suitability and drive future urban residential land release within the Wollondilly Local Government Area.

The nine sites were outlined in the Department of Planning document "Summary of Endorsed Departmental Actions on Potential Home Sites". The sites have been tabled as "Strategic investigation" sites included in the Department's endorsed actions.

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Draft GMS 2014 (Review of Wollondilly Growth Management Strategy 2011)

In 2013, in response to the outcome of the NSW Government Potential Homes Sites Program, Wollondilly began a review of the GMS 2011.

A number of workshop meetings were held between Councillors and staff over an 18 month period from early 2013 to mid-2014 in order to reach a common understanding on the aims, directions and content of the draft GMS.

The review was funded in part by the Department of Planning and Environment and Council has been updating the Department on its progress.

At the Council meeting on 17 November 2014 Council supported the *Draft GMS 2014* and resolved to seek the Department's endorsement and agreement to commence public consultation.

In response the Department advised that they would undertake a review of Council's Draft GMS once the outcome of the Government's consideration on two matters was known; namely the Wilton Junction threshold issues and the West Appin infrastructure investigation. The Department asked Council not to commence a public exhibition. These considerations were then rolled into the Greater Macarthur Land Release Investigation which are still to be finalised and are critical to the Draft GMS 2014. Subsequently, the Department's review of the Draft GMS is still pending and the Draft GMS remains a confidential document.

As the Cawdor PHSP site was considered as part of the Draft GMS 2014 it represents Council's position on housing growth and where it should occur, and particularly whether any growth is anticipated for Cawdor. As the Draft GMS has not released for public exhibition its contents are confidential.

Outer Sydney Orbital (M9)

Transport for NSW is investigating a suitable corridor for the Outer Sydney Orbital (the M9) to provide a north-south connection for a future motorway, freight rail with supporting Intermodal Terminal and where practical a passenger rail line. The Outer Sydney Orbital will connect the Hunter and Illawarra regions.

Transport for NSW has identified the Outer Orbital Study Area. This is a wide study area and it includes the Cawdor site.

According to their timetable the land required for the preferred corridor should be preserved by late 2016 through legislation to provide certainty.

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CONSULTATION

2.1 CONSULTATION WITH COUNCIL MANAGERS & STAFF

No consultation has been undertaken with Council staff to date.

2.2 CONSULTATION WITH PUBLIC AGENCIES

Consultation would be undertaken with public agencies when and if a Gateway Determination has been issued.

2.3 COMMUNITY CONSULTATION

Given the threshold issue with the Outer Sydney Orbital Route and the potential need for a complete redesign of the draft planning proposal no community consultation has been undertaken to date.

3.1 A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney (the Plan) was released on 14 December 2014 and is an action plan which will guide land use planning decisions for the next 20 years for the Sydney Metropolitan Area.

Wollondilly is located on Sydney's metropolitan fringe and falls within the Sydney Metropolitan Rural Area in A Plan for Growing Sydney. The focus of the Plan for Sydney's Metropolitan Rural Area is the protection of the environment and economic assets in terms of mining, agriculture and natural vegetation and biodiversity.

A key focus for the Plan is to accelerate housing supply. In particular it identifies a need for 664,000 new dwellings in Sydney over the next 20 years (up to 2031).

In terms of how this need is to be met, subregional plans have been identified as the mechanism to set goals for housing supply in each region, investigate local housing need, identify areas for additional housing capacity, and to set five year local housing targets.

Subregional plans or District Plans are currently being prepared for each of the regions. Council has been part of a process to prepare the South West Subregion District Plan which has involved attendance at 5 meetings with the Department, other government agencies and Councils. We are currently waiting on the Department to finalise this process.

However, *A Plan for Growing Sydney* provides some direction for the subregions. Of particular note, for the South West subregion, the Plan lists a priority for Wollondilly is to investigate the suitability of the Macarthur South Investigation Area for a future Growth Centre. This process is underway with the recent release by the NSW Government of the Greater Macarthur Preliminary Strategy for consultation.

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In terms of *A Plan for Growing Sydney*, the location for housing should be directed by District Plans. The suitability for development at the scale proposed for the Cawdor site should not be made on-the-run and should wait for the outcome of strategic planning processes currently underway.

3.2 SECTION 117 MINISTERIAL DIRECTIONS

The Minister for Planning, under section 117(2) of the Environmental Planning & Assessment Act 1979 issues directions that relevant planning authorities must follow when preparing planning proposals.

Without the preparation of specialist studies it is not possible at this stage of the strategic planning process to know with certainty whether a planning proposal.

Based on a preliminary assessment the table below has been prepared to identify the Ministerial Directions which are relevant to the Planning Proposal and to note any requirements if a Gateway Determination were issued:

Relevant Ministerial Direction	Likely requirements if the planning proposal was to proceed
1.1 Business and Industrial Zones	The planning proposal would need to be justified by a study as new business zones are proposed.
1.2 Rural Zones	Draft Planning Proposal is not consistent and a study is required to consider the site and the objectives of this Direction.
1.3 Mining, Petroleum Production and Extractive Industries	Consultation and advice would be required with the Department of Primary Industries.
2.1 Environmental Protection Zones	The planning proposal includes proposed environmental protection zones. It is also noted that although the site has been mostly cleared through previous land uses, there are pockets of vegetation throughout the site which have been mapped as Cumberland Plain Woodland. A flora and fauna study is required.
2.3 Heritage Conservation	The site contains two heritage items listed in Schedule 5 Environmental Heritage of the WLEP 2011. These are Cawdor Dairy (Item no. 61) and

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Relevant Ministerial Direction	Likely requirements if the planning proposal was to proceed
	<p>archaeological site referred to as Cawdor Creamery site (Item No. A2).</p> <p>The site is also located adjacent to at least eight (8) other heritage items.</p> <p>The following studies would be required:</p> <ul style="list-style-type: none"> ▪ European Heritage; a heritage study which would also need to include an archaeological assessment. ▪ Aboriginal cultural heritage; an archaeological and cultural heritage assessment.
3.1 Residential Zones	No particular requirements for Gateway Determination.
3.3 Home Occupations	No particular requirements for Gateway Determination.
3.4 Integrating Land Use and Transport	An appropriate traffic study would be required.
4.2 Mine Subsidence and Unstable Land	<p>The site is located within the Wilton Mine Subsidence District.</p> <p>Consultation will be required with the Mine Subsidence Board if the proposal progresses.</p>
4.3 Flood Prone Land	<p>A portion of the site is flood prone. There are also a number of riparian corridors which pass through the site.</p> <p>An appropriate flood and stormwater assessment will be required and may need to consider post mining flood levels.</p>
4.4 Planning for Bushfire Protection	<p>The site is partially bushfire prone.</p> <p>An appropriate bushfire assessment will be required.</p>
6.1 Approval and Referral Requirements	No particular requirements for Gateway Determination.
7.1 Implementation of A Plan for Growing Sydney	In terms of <i>A Plan for Growing Sydney</i> , the location of housing should be directed by District Plans. The suitability for development at the

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Relevant Ministerial Direction	Likely requirements if the planning proposal was to proceed
	<p>scale proposed for the Cawdor site should not be made on-the-run and should wait for the outcome of strategic planning processes currently underway.</p> <p>More information on A Plan for Growing Sydney is included within the body of this report.</p>

3.3 STATE ENVIRONMENTAL PLANNING POLICIES

If the planning proposal was to proceed it is anticipated that additional information will be required to ensure the planning proposals consistency with the following State Environmental Planning Policies (SEPPs):

- SEPP 44 – Koala Habitat Protection
- SEPP No. 55 – Remediation of Land
- REP No.20 – Hawkesbury-Nepean River (No 2 – 1997).

3.4 WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011

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 draft Planning Proposal is not consistent with the key policy directions within the GMS as noted throughout this table.
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 draft Planning Proposal is consistent with this Key Policy Direction. However, further studies (possibly an odour assessment) and consideration need to be given to existing and approved poultry farms which are located to the north of the site.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	No community engagement has been undertaken on this proposal to date.

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Key Policy Direction	Comment
<p>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>There have been no such representations made regarding this proposal at this time and therefore this Key Policy Direction has been satisfied.</p>
<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 proposed rezoning is not consistent with the principle of appropriate growth as it is remote from any of Wollondilly's towns and villages.</p> <p>However, the Cawdor Planning Proposal proposes growth for a town which is located in the adjoining Camden local government area and opposite the Bridgewater Estate.</p> <p>An assessment as to whether growth is suitable at this location would need to be considered on its merits and in consultation with Camden Council. The timeframe available to make a submission to the Pre-Gateway Review does not allow time for this to happen. Subsequently, it is recommended that the Council's submission should highlight the need for a cross boundary approach to this planning proposal.</p>
Housing Policies	
<p>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</p>	<p>The GMS 2011 plans for adequate growth by identifying where in Wollondilly growth should happen. The GMS focusses growth in two key areas; Picton/Thirlmere/Tahmoor Area and the Bargo area. Smaller growth is also planned for the Warragamba/Silverdale, Oaks/Oakdale and Appin areas.</p> <p>It also noted that the GMS 2011 has planned for more growth than what is expected as a contingency to ensure there is sufficient land for housing should some sites not be suitable (and this could be for a range of reasons).</p>

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Key Policy Direction	Comment
	<p>No growth has been planned for the Cawdor area.</p> <p>It is acknowledged that the recent announcement by the NSW Government on the Greater Macarthur Land Release Investigation which identified Wilton as the location for a new town means that the focus for growth within the GMS 2011 needs to be reviewed. However, if anything, this reduces the strength for significant new housing in other locations where a case for “housing supply need” cannot be established.</p> <p>The draft Planning Proposal is not consistent with this Key Policy Direction.</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 draft Planning Proposal includes three (3) different residential land use zones and would enable a range of lots sizes and types.</p> <p>The draft Planning Proposal is consistent with this Key Policy Direction.</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 draft Planning Proposal seeks a minimum lot size of 250sq.m across the majority of the site for both R2 Low Density Residential, R3 Medium Density Residential and B2 Local Centre. It is noted that the minimum lot size does not necessarily reflect what the end lot size will be after subdivision but the proposal in its current form could facilitate higher density in proximity to the proposed local centre. If the proposal was to progress it is anticipated that there would need to be further consideration given to the minimum lots sizes across the site and the total development yield.</p> <p>The proposal includes R5 Large Lot Residential along most of its fringe areas</p>

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Key Policy Direction	Comment
	<p>with a minimum lot size of 2000sq.m. While the location of the larger lots is consistent with this Key Policy Direction it is noted that the minimum lot size is too small to accommodate on-site wastewater treatment for these lots.</p> <p>The draft Planning Proposal is not inconsistent with this Key Policy Direction.</p>
<p>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</p>	<p>The Planning Proposal is not located in and around an existing Wollondilly Shire town or village. Strictly speaking, the draft Planning Proposal is therefore not consisted with the GMS.</p> <p>It is located on the boundary with Camden Council and would contribute to the growth of the directly adjoining Camden South urban area to the north of the Cawdor site and is located opposite the Bridgewater Estate. There is some merit to the site's location as it is not isolated.</p> <p>However, as noted above consultation would be required with Camden Council to gain a better understanding of how growth at this location would affect their existing communities and planning for the shire.</p>
Macarthur South Policies	
<p>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.</p>	<p>The Cawdor site is not located within the Macarthur South area identified within the GMS.</p> <p>The proponent has indicated that the Cawdor site warrants inclusion within the Macarthur South Investigation Area.</p> <p>It is noted that the NSW Government Department of Planning & Environment recently released the Greater Macarthur Preliminary Strategy which is currently the subject of community consultation until 4 November 2015.</p>

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Key Policy Direction	Comment
	<p>The Cawdor site was undoubtedly not included within the Macarthur South Investigation Area and has not been identified as a Growth Centre.</p>
Employment Policies	
<p>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	<p>The focus for the GMS is on the supply of industrial zoned land as enlarged business zone areas within existing centres were considered and included within the WLEP 2011 when it came into place.</p> <p>The Structure Plans which form part of the GMS do not identify any potential employment areas in the Cawdor area.</p> <p>Notwithstanding this, the scale of the proposal warrants the inclusion of employment land.</p> <p>The proponent's supplementary report suggests that the development of the Cawdor site could lead to:</p> <ul style="list-style-type: none"> ▪ 1,400 direct jobs, and 900 indirect jobs as a result of the construction and delivery of the proposed urban development project. ▪ 1,800 direct jobs and 2,250 indirect jobs resulting from the operation stage of the site; and ▪ Significant economic benefits from the delivery of infrastructure and construction components. <p>There is insufficient information to establish how much of this economic benefit would be retained within Wollondilly or whether the benefits would “leak” to the adjoining Council area given the sites location on the border with Camden Council. Further, the location of the outer orbital could alter the suitability of the site for employment land and could change the amount of land zoned for employment uses.</p> <p>The draft Planning Proposal is not inconsistent with this Key Policy Direction.</p>

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Key Policy Direction	Comment
<p>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.</p>	<p>The proponent has indicated in their Supplementary report that development of the Cawdor site would "have a significant, positive economic and employment 'boost' for South West Sydney".</p> <p>The draft Planning Proposal includes two (2) different business zones; B4 Mixed Use Zone and B2 Local Centre Zone.</p> <p>The draft Planning Proposal is not inconsistent with this Key Policy Direction.</p>
Integrating Growth and Infrastructure	
<p>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.</p>	<p>The proponent in their Supplementary Report has indicated that the sites location on the urban fringe would benefit from and can readily connect with existing infrastructure. However the proponent has also acknowledged that there would need to be additional infrastructure to support the development (both hard and soft infrastructure). There is insufficient information available to establish the timing of new infrastructure.</p> <p>The planning proposal has the potential to be consistent with this key policy direction.</p>
<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 Cawdor site is not located in and around an existing Wollondilly Shire town or village.</p> <p>However it is located adjacent to the Camden Park (Bridgewater Estate) in Wollondilly and Camden South in the neighbouring Camden Council area and may support these areas.</p> <p>Given the proposal sites proximity to Camden, development at this scale may present infrastructure burdens for Camden. Consultation would be necessary to establish what affect the planning proposal may have. There has not been sufficient time as part of the pre-Gateway Review for Council to undertake the necessary consultation.</p>

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Key Policy Direction	Comment
	If Camden Park is considered a “village” then the planning proposal has the potential to be consistent with this key policy direction.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The Cawdor site is not located in and around an existing Wollondilly Shire town or village. Strictly speaking, the draft Planning Proposal is therefore not consistent with the GMS.
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.	The draft Planning Proposal is not consistent with this Key Policy Direction. The Cawdor site is not identified as a location for growth.
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.	Further specialist studies will be required to establish whether the draft Planning Proposal is consistent with this Key Policy Direction. These would be undertaken once and if a Gateway determination was issued. Further studies would include, but are not limited to, bushfire impacts, contamination, flora and fauna, aboriginal heritage, drainage, traffic, loss of agricultural land, land use conflict.
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 Cawdor site directly adjoins an existing urban area, albeit one located in the adjoining Camden Council area, and is not a dispersed rural area. The draft Planning Proposal is not inconsistent with this Key Policy Direction.

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4.1 PRE-GATEWAY REVIEW

The pre-Gateway review provides a mechanism for proponents to request an independent review on the merits of a planning proposal. This independent review is usually undertaken by the Joint Regional Planning Panel (JRPP) who will make a recommendation to the NSW Government Department of Planning and Environment (the Department). This effectively means that the authority to make a decision on whether the planning proposal will proceed now lies with the Department and not Council.

The proponent has requested a pre-Gateway review for the Draft Cawdor Planning Proposal because Council has not made a decision within 90 days of the proposal being lodged. A decision has not been made on this planning proposal as it has been on hold awaiting further information from the proponent.

In order for a planning proposal to be forwarded to the JRPP for a review, the Department will need to determine whether the proposal has:

- strategic merits and/or
- whether it has site-specific merit and is compatible with the surrounding land uses.

The following two (2) tables consider the Department's criteria for "strategic" and "site-specific" merit;

"Strategic merit" Criteria	Comment
<i>is it consistent with a relevant local strategy endorsed by the Director General; or</i>	<p>The GMS was prepared in consultation with and was partially funded by the Department of Planning and Infrastructure (now called Planning and Environment). However the finalised document has not been endorsed by the Director-General.</p> <p>Notwithstanding this, the GMS was adopted by the Council on 21 February 2011 and is consistently referred to in the assessment of Planning Proposals for new growth throughout the Shire.</p> <p>The Draft Cawdor Planning Proposal is not consistent with the Wollondilly Growth Management Strategy 2011.</p>
<i>is it consistent with the relevant regional strategy or Metropolitan Plan or</i>	The relevant strategies are <i>A Plan for Growing Sydney</i> (December 2012) and the Southwest Subregion District Plan which is currently being prepared.

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"Strategic merit" Criteria	Comment
	<p>A focus for A Plan for Growing Sydney is increasing housing supply. However, the Plan identifies District Plans as the appropriate policy for determining where and how much housing should be provided at a subregional level.</p> <p>The suitability for development at the scale proposed for the Cawdor site should be held off until the Southwest Subregion District Plan has been prepared.</p>
<p><i>Can otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc.)</i></p>	<p>There is some merit to the sites location as it is located directly adjacent to the existing Camden South (in Camden Council) and Camden Park (in Wollondilly) residential areas to the north and north and northeast.</p> <p>Further understanding is required to understand how the planning proposal would connect with these existing areas. This would require consultation with Camden Council. There has not been sufficient time as part of the pre-Gateway Review for Council to undertake the necessary consultation.</p> <p>A key justification put forward by the proponent is its contribution to accelerating Sydney's housing supply. In particular because:</p> <ul style="list-style-type: none"> ▪ it is a large site in single ownership, ▪ is well located in terms of road infrastructure and proximity to existing centres, ▪ there is existing infrastructure capacity to deliver around 500 lots immediately; and ▪ the proponent has the financial capacity and expertise to develop the site. <p>While it is agreed that there is strategic merit on these grounds it is considered that a decision on this proposal should not be made on-the-run and should wait for the outcome of strategic planning processes currently underway, namely the Subregional</p>

Planning & Economy

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"Strategic merit" Criteria	Comment
	<p>(District) Plan for South West Sydney and the review of the Wollondilly GMS which will establish how much and where housing should be provided. The location of the Outer Sydney Orbital will also affect the decision on the amount of land zoned for employment uses.</p>
<p><i>the natural environment (including known significant environmental values, resources or hazards)</i></p>	<p>There are a number of known site constraints. These include; the presence of Cumberland Plain Woodland, riparian corridors and bushfire prone land.</p> <p>They are unlikely to prevent development in some form across the site but will probably require mitigation. If the planning proposal was to proceed a number of studies would be required to inform the planning proposal.</p>
<p><i>the existing uses, approved uses and likely future uses of land in the vicinity of the proposal</i></p>	<p>The majority of the site's boundary is located adjacent to rural zoned land. Except for the north eastern corner which adjoins existing residential development being the Camden Park (Bridgewater Estate) development in Wollondilly and the Camden South area in Camden.</p> <p>The site's proximity to rural land could lead to land use conflict. In particular, there are existing and approved poultry farms to the north of the site which would need to be considered.</p>
<p><i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i></p>	<p>The proponent has indicated that the Cawdor site has the servicing capacity to deliver around 500 lots immediately if the land was rezoned at present. Although it is noted that this may also be subject to other developers taking up capacity so it could be less.</p> <p>Augmentation/upgrade works would be required for electricity, water, sewer and roads. The proponent has indicated that it would be the developer's responsibility to augment these works.</p>

PE2 – Draft Planning Proposal - Cawdor

"Strategic merit" Criteria	Comment
	The proponent has also indicated that they anticipate entering into a separate or joint Voluntary Planning Agreement (VPA) with both Wollondilly Shire Council and Camden Council to address the required infrastructure for the proposed development, and any required upgrading to existing facilities in the area.

VOLUNTARY PLANNING AGREEMENT

The proponent has indicated that they intend to enter into a Voluntary Planning Agreement (VPA) with both Camden Council and Wollondilly Shire Council to provide monetary contributions, land dedication or any other material public benefit (or a combination of all of these) to manage the delivery and demand for infrastructure, including social and community infrastructure.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal 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. Draft Indicative Structure Plan taken from Cawdor Draft Planning Proposal (November 2012)
2. Proposed Zoning Map taken from Cawdor Draft Planning Proposal (November 2012).

PE2 – Draft Planning Proposal - Cawdor

RECOMMENDATION

1. That Council advise the Department of Planning & Environment that a decision on the Cawdor Planning Proposal would be premature and should wait until the Review of the Wollondilly Growth Management Strategy has been completed.
2. That if the pre-Gateway review cannot be put on hold that Council does not support the draft Cawdor Planning Proposal at this time.
3. That if the outcome of the pre-Gateway Review is that the planning proposal should proceed then a condition of the Gateway Determination should prevent the amendments to the WLEP being finalised until the preferred corridor for the Outer Sydney Orbital (M9) is known and can be planned for as part of the planning proposal where necessary (this includes preserving a road corridor if necessary or ensuring the most appropriate land zones once the location is known).
4. That Council request the Department also consults with Camden Council on the pre-Gateway Review.

PE2 – Draft Planning Proposal - Cawdor

ATTACHMENT 1 –7258 - 16 NOVEMBER 2015

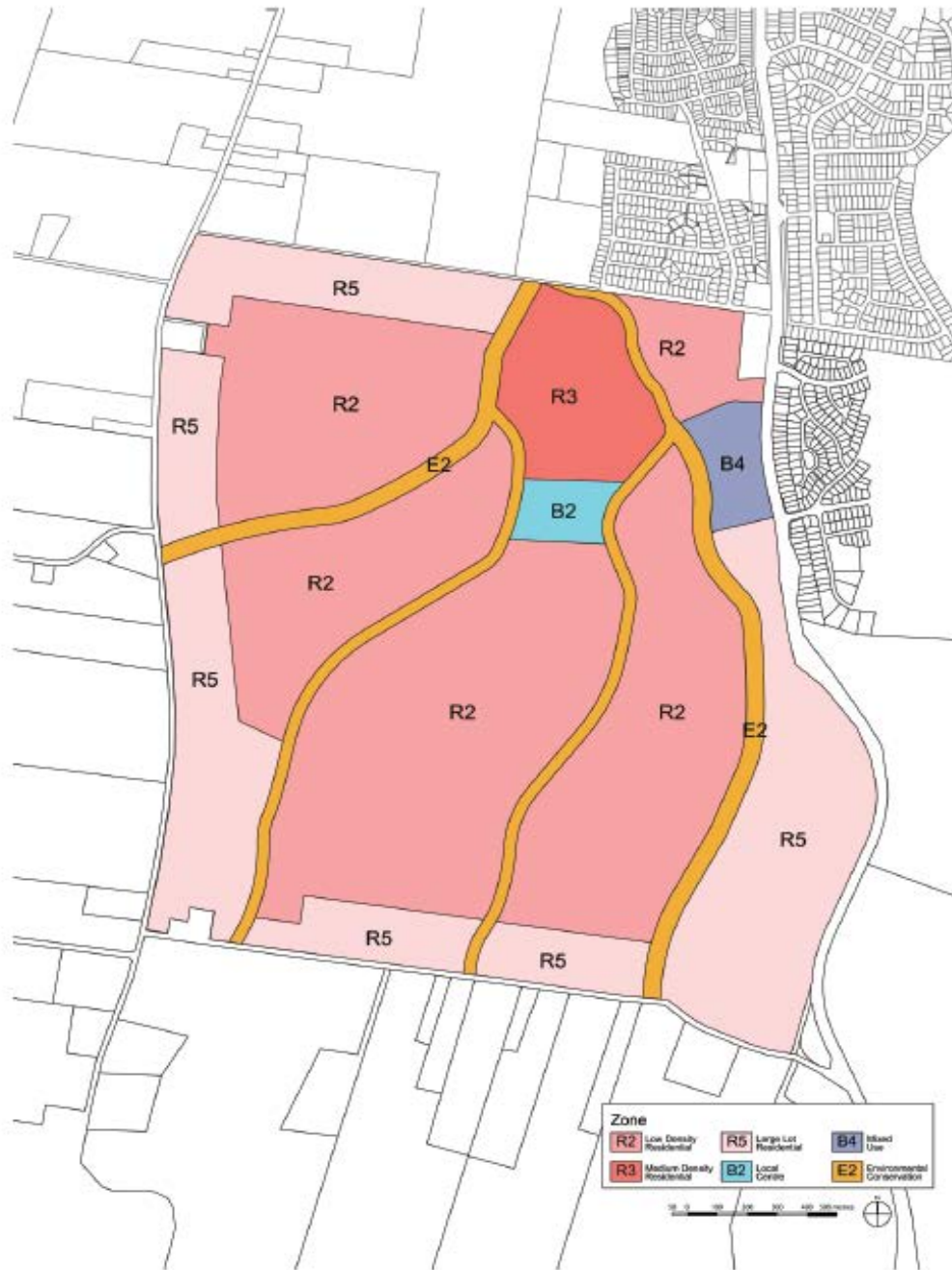
Figure 4: Draft Indicative Structure Plan



PE2 – Draft Planning Proposal - Cawdor

ATTACHMENT 2 –7258 - 16 NOVEMBER 2015

Figure 7: Proposed Zoning Map



Report of Planning and Economy to the Ordinary Meeting of Council held on
Monday 16 November 2015

PE3 – Planning Proposal - Clearview

PE3

Planning Proposal - Clearview

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TRIM 5875

Applicant: Tesrol Clearview Pty Ltd
Owner: As Above



Stage	Completed
Preliminary notification	24 March 2010 - 23 April 2010
Gateway Determination	8 August 2011
Consultation with Public Agencies	September - October 2011
Specialist Studies	March 2014
Pre-exhibition approval from Department of Planning & Environment	11 July 2014
Public exhibition/community consultation	23 July - 20 August 2014
Referred to Minister for finalisation	18 September 2015

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on
Monday 16 November 2015

PE3 – Planning Proposal - Clearview

EXECUTIVE SUMMARY

- This Planning Proposal was considered by Council at its Ordinary meeting held 17 August 2015 where it was resolved to support the making of the amendment to Wollondilly Local Environmental Plan 2011.
- The Planning Proposal includes proposed amendments to the Wollondilly Development Control Plan and Council resolved that these amendments be exhibited.
- These amendments were exhibited from 16 September 2015 until 14 October 2015.
- No submissions were received in response to exhibition of the proposed amendments to Wollondilly Development Control Plan. It is recommended:
 - That Council amend the Wollondilly Development Control Plan, 2011 and 2015 with amendments effective from the date at which the amended LEP is published
 - That the applicant and persons who made submissions be notified of Council's decision.

REPORT

BACKGROUND

Council at its Ordinary meeting held 17 August 2015 resolved to support the Planning Proposal and proceed to finalisation.

Council also resolved as follows:

“3. That Council exhibit the proposed amendments to Wollondilly Development Control Plan (2011 or 2015).”

The proposed amendments have now been exhibited.

1.1 SITE DESCRIPTION

The planning proposal site for which the Wollondilly Development Control Plan amendments are required is known as 'Clearview' and is situated on the western edge of the township of Picton, rising up along two ridgelines. It comprises 6 lots with a total area of approximately 82 hectares. Historically the site was used for dairy farming and currently is used for grazing cattle.

PE3 – Planning Proposal - Clearview

Most of the site is cleared except on the western end. The site is partially bounded on two sides, the north and east by Star Street, an unformed road, and Thirlmere Way to the south. Access to the eastern end of the site from Argyle Street is via Thirlmere Way and under a railway bridge for the main Southern Railway. A dirt track on the western end of the site from Thirlmere Way provides access to this part of the site. On its western end the site adjoins a community title development which contains large lot residential development.

1.2 DESCRIPTION OF PLANNING PROPOSAL

The planning proposal will potentially allow for the development of approximately 300 dwellings. It proposes to rezone land for both low density and large lot residential purposes.

1.3 PROPOSED CHANGES TO WOLLONDILLY DEVELOPMENT CONTROL PLAN

It is proposed to add site specific controls to guide future development of the 'Clearview' site. Matters such as mine subsidence, land contamination, land instability, biodiversity and controls for this site as an urban release area are proposed.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

Environmental Services

A request to include a requirement that the proposed vegetation management plan shall be prepared by a consultant registered with the *Ecological Consultant Association of NSW* has been incorporated into the proposed amended Development Control Plan.

Growth and Strategic Planning

Minor formatting changes to achieve more consistent and clearer controls are proposed and these have been incorporated into the amended Development Control Plan attached to this report.

2.2 COMMUNITY CONSULTATION

The Draft WDCP was exhibited for a 28 day period from Wednesday 16 September until Wednesday 14 October. The draft documents were made available for public viewing on Council's website, at Council's Administration Building and at Wollondilly Tourist Information Centre. A public notice was placed in the local newspaper.

At the end of the exhibition period no submissions were received.

PE3 – Planning Proposal - Clearview

2.3 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

It is proposed to amend WDCP 2011 to provide controls within the subdivision and residential volumes. WDCP 2015 is currently being prepared and the proposed amendments will also be included in that plan.

The amendments provide specific controls for the 'Clearview' site based on the findings of specialist studies undertaken for the planning proposal. The amended WDCP provisions are included as Attachment 1.

Proposed Control	Description
Mine Subsidence	Guidelines for construction of dwellings potentially affected by mine subsidence
Land Contamination	Identifying the site as potentially being contaminated
Land Instability	Ensuring that buildings are located on stable land
Biodiversity	The revised provisions replaced those that were exhibited with the planning proposal and reflect concerns raised by the Office of Environment and Heritage, Council's Environment section and the community. The controls include details about the proposed covenant to protect CPW.
Urban Release Area	Controls to address Clause 6.3 of Wollondilly Local Environmental Plan 2011

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

1. Draft amendments to Wollondilly Development Control Plan 2011 or 2015.

RECOMMENDATION

1. That Council support the amendments to Wollondilly Development Control Plan 2011 and/or 2015 described in Section 2.4 to this report.
2. That the amendments come into force on the day the amendment to Wollondilly Local Environmental Plan 2011 for the Clearview site is notified on the NSW legislation website.
3. That the applicant and persons who made submissions regarding the amendment to Wollondilly Development Control Plan 2011 and the Clearview Planning Proposal be notified of Council's decision.

Report of Planning and Economy to the Ordinary Meeting of Council held on
Monday 16 November 2015

PE3 – Planning Proposal - Clearview

ATTACHMENT 1 - 5875 – 16 NOVEMBER 2015

Planning & Economy

Draft Amendment to Wollondilly Development Control Plan (2011 or 2015)

Volume 3 – Subdivision of Land

Part 4 Controls for Specific Locations

3.10 Clearview

Application

1. This section applies to the land identified on the map below:



Mine Subsidence

Objectives:

- (a) To ensure any potential impacts of mining are minimised for any future development of the site.

Requirements:

1. Dwellings must be constructed in accordance with the most current 'Surface Development Guidelines' available at the time of consideration of any development application for the site which apply to the adjacent mine subsidence district as provided by the Mine Subsidence Board.

Land Contamination

Objectives:

- (a) To ensure remediation measures are undertaken to address any potential contaminants to enable the land to be used for residential purposes.

Note: Potential contaminants were identified on the site at rezoning stage (as part of a 'Limited Preliminary Site Investigation' Report prepared in support of the Clearview Planning Proposal) which identified measures to be undertaken at development assessment stage.

Requirements:

- i. This site is identified as being contaminated for the purposes of State Environmental Planning Policy 55 – Remediation of Land.

Draft Amendments to Wollondilly Development Control Plan (2011 or 2015)
October 2015

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PE3 – Planning Proposal - Clearview

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Land Instability and Landscape Character

Objectives:

- (a) To ensure development is located on land which is not subject to instability, and
- (b) To ensure development is not located on ridgelines.

Requirements:

- 1. The location of building envelopes for the purposes of a dwelling house must be indicated on any plans submitted with a subdivision application for any allotments located above the 250 AHD contour.
- 2. Building envelopes shall also be located and drafted in accordance with WDCP 2011 control 3.8 in Volume 10 Subdivision of Land.

Biodiversity

The following requirements apply to all allotments identified as containing Cumberland Plain Woodland on the Clearview Vegetation Map.

Clearview Vegetation Map (prepared by Cumberland Ecology)



Objectives:

- (a) To protect and improve remnant vegetation species identified on the site.
- (b) To maintain Cumberland Plain Woodland trees which are important for biodiversity and landscape character.

Requirements:

- 1. A Vegetation Conservation Management Plan shall be submitted which details the long-term maintenance and improvement of Cumberland Plain Woodland (CPW) identified on the Clearview Vegetation Map.
- 2. The plan shall:
 - a. Detail measures to ensure the CPW is maintained to improve biodiversity outcomes

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PE3 – Planning Proposal - Clearview

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Planning & Economy

- b. Consolidate CPW in allotments (reducing the edge to area ratio) and through revegetation.
- c. Detail provisions to ensure that dead and hollow trees and stags are protected.
- 3. A building envelope for dwellings and ancillary structures shall not impact on CPW detailed on the vegetation map.
- 4. Cumberland Plain Woodland trees identified on the vegetation map cannot be cleared for the purpose of fencing of allotment boundaries or for provision of infrastructure and utilities or driveways.
- 5. Asset Protection Zones shall be located outside of any CPW.
- 6. A Restriction on the Title shall be registered on the title of all lots containing CPW and shall include the measures detailed in controls 1-5

PART 2 – Urban Release Areas

5.4 664, 740 and 760 Thirlmere Way and 25 Star Street, Picton (Clearview Site)

Indicative Concept Plan



Urbis November 2013

Requirement of LEP	Control(s)
(a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,	1. Ensure that the development is generally in accordance with the Indicative Concept Plan prepared by Urbis dated November 2013. Proposed roadworks include the construction of Antill Street West and a roundabout at the

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Requirement of LEP	Control(s)
	intersection of Rumker Street and Thirlmere Way and the lowering of Thirlmere Way at the railway underpass. 2. The development may be undertaken in any number of stages.
<i>(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,</i>	1. The major circulation routes and connections are indicated in the Indicative Concept Plan. 2. Primary road access is to be provided from Star Street. Pedestrian and cyclist routes will be provided in accordance with Wollondilly DCP (2011 or 2015) and include the provision of a pedestrian path along Thirlmere Way underneath the railway bridge.
<i>(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,</i>	1. Riparian areas shall be vegetated in accordance with the environmental protection provisions under Wollondilly DCP (2011 or 2015) and the NSW Office of Water <i>Riparian Corridor Guidelines for Waterfront land</i> . 2. Cumberland Plain Woodland will be protected through a positive covenant and Vegetation Management Plan. Further details of this are included in the subdivision chapter of Wollondilly DCP (2011 or 2015). 3. Protection of visually prominent areas with larger lots and location of building envelopes as detailed in the subdivision chapter of Wollondilly DCP (2011 or 2015).
<i>(d) a network of passive and active recreational areas,</i>	The location and area of any required recreational areas will be determined through more detailed planning as part of any future subdivision application.
<i>(e) stormwater and water quality management controls,</i>	The Flood Study and Water Cycle Strategy Overview provided a basis for further detailed planning in accordance with the provisions for stormwater and water quality management in the Wollondilly DCP (2011 or 2015).
<i>(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,</i>	<u>Bushfire</u> Development is to comply with the most recent version of the NSW Rural Fire Service's Planning for Bushfire Protection. <u>Flooding</u> Development is to comply with the Wollondilly DCP (2011 or 2015) provisions. <u>Contamination</u> Development is to comply with State Environmental Planning Policy No. 55 – Remediation of Land and the "Land Contamination" provisions in the Clearview site section in the subdivision chapter of Wollondilly DCP (2011 or 2015).
<i>(g) detailed urban design controls for significant development sites,</i>	The precinct contains no significant development sites.
<i>(h) measures to encourage higher density living</i>	The location of the land is not considered suitable

Draft Amendments to Wollondilly Development Control Plan (2011 or 2015)
October 2015

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Report of Planning and Economy to the Ordinary Meeting of Council held on
Monday 16 November 2015

PE3 – Planning Proposal - Clearview

ATTACHMENT 1 - 5875 – 16 NOVEMBER 2015

Planning & Economy

Requirement of LEP	Control(s)
<i>around transport, open space and service nodes,</i>	for higher density living.
<i>(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,</i>	Neighbourhood shops are permitted in the R2 zone but would be subject to other relevant considerations in Wollondilly DCP (2011 or 2015) and Wollondilly LEP 2011.
<i>(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.</i>	1. This development is to utilise the existing facilities in Picton. 2. Parking will be accommodated on each individual residential allotment.
<i>(a) measures to protect the water quality in, and the ecological integrity of, any special area in the vicinity of that land,</i>	1. The development shall be provided with an integrated stormwater reticulation and treatment system to achieve a neutral or beneficial impact on the quality of stormwater leaving the site. 2. The site will be connected to the Sydney Water wastewater network.

PE4 – Planning Proposal - Montpelier Drive Residential Lands

PE4

Planning Proposal - Montpelier Drive Residential Lands

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TRIM 6961

Applicant: Pascoe Planning
Owner: Cove Residential Pty Ltd



Stage	Completed
Preliminary notification	26 November 2012 - 7 January 2013
Gateway Determination	3 July 2013
Consultation with Public Agencies	24 July 2013 - 17 August 2013
Specialist Studies	20 November 2014
Public exhibition/community consultation	25 March 2015 - 24 April 2015
Opinion Received from Parliamentary Counsel	30 September 2015

EXECUTIVE SUMMARY

- Council previously considered this planning proposal at the Ordinary meeting held 15 June 2015 and resolved to adopt and make the draft Local Environmental Plan to amend Wollondilly Local Environmental Plan 2011. At the time of the meeting Council had not received a submission from NSW Heritage Council.

PE4 – Planning Proposal - Montpelier Drive Residential Lands

- On 16 June 2015 a submission was received from NSW Heritage Council. The submission supports the planning proposal subject to a number of recommendations.
- It is proposed to amend Wollondilly Development Control Plan 2011 (or 2015) to include controls to address the recommendations from the NSW Heritage Council.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended:
 - That the proposed amendments to Wollondilly Development Control Plan 2011 and/or 2015 be placed on public exhibition for a period of 28 days in accordance with Clause 18 of the *Environmental Planning and Assessment Regulation 2000*.
 - That the applicant, landowner, nearby landowners and persons who made submissions to the planning proposal be notified about the public exhibition.

REPORT

BACKGROUND

Council at its meeting held 15 June 2015 resolved to adopt and make the Draft Local Environmental Plan.

Council also resolved as follows:

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

Council received a submission from the NSW Heritage Council on 16 June 2015 which supported the planning proposal subject to a number of recommendations. These recommendations are proposed to be addressed through amendments to Wollondilly Local Environmental Plan 2011 (WLEP 2011) and Wollondilly Development Control Plan 2011 (or 2015) (WDCP).

PE4 – Planning Proposal - Montpelier Drive Residential Lands

1.1 SITE DESCRIPTION

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

1.2 DESCRIPTION OF PLANNING PROPOSAL

It is proposed to develop the site for the purposes of low density residential development for approximately 60 dwellings. This development is likely to be restricted to the eastern end of the site as the western end of the site is flood prone.

1.3 PROPOSED CHANGES TO WOLLONDILLY DEVELOPMENT CONTROL PLAN

Site specific controls are proposed to ensure the site is developed sympathetically in relation to the rural character, nearby heritage items and in relation to the airfield.

Height restrictions for buildings and structures are proposed to reduce risk to aviation and limit the impact on the rural character. Density provisions across the site would apply to ensure the rural character is maintained. Landscaping and setbacks along the southern end are proposed to provide a buffer to rural land.

1.4 WOLLONDILLY DEVELOPMENT CONTROL PLAN (WDCP)

It is proposed to change WDCP 2011 to reflect the recommendations from the NSW Heritage Council. These changes will be included in the subdivision and residential volumes of WDCP 2011. WDCP 2015 is currently being prepared and these controls will also be included in that Plan. The proposed controls for Montpelier Drive residential land are attached at Attachment 1.

PE4 – Planning Proposal - Montpelier Drive Residential Lands

Recommended by NSW Heritage Council	Proposed Amendment
<ul style="list-style-type: none"> ▪ A Historical Archaeological Assessment be undertaken prior to any ground disturbance ▪ Maintain rural landscape and include measures in relation to east-west orientation of new structures off Montpelier Drive ▪ Establish minimum clearance zones from mature trees that contribute to the historic setting. 	<p><u>Subdivision of land – Site Specific controls</u></p> <ol style="list-style-type: none"> 1. Prior to construction of any subdivision a Historical Archaeological Assessment should be undertaken by an appropriately experienced and qualified Historical Archaeologist. Should the assessment find that the proposed works are likely to discover, expose, move, damage or destroy any archaeological relics an excavation permit under Section 139 of the Heritage Act 1977 is to be submitted for the approval of the Heritage Council 2. Lots shall be oriented to Montpelier Drive and the main access road and fenced with open style rural fencing. 3. A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots. <p><u>Residential Development – Controls for Specific Locations</u></p> <ol style="list-style-type: none"> 4. A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site.

CONSULTATION

Consultation with Council Staff

Consultation will be undertaken with Council staff during the exhibition of the proposed draft amendments.

Consultation with Public Agencies

NSW Heritage Council

The NSW Heritage Council does not object to the planning proposal subject to a number of recommendations:

PE4 – Planning Proposal - Montpelier Drive Residential Lands

Heritage Significance

Undertake further investigation into the local heritage significance of a cottage at 745 Montpelier Drive.

Comment: *This item has been included on a list of potential new heritage items which are proposed to be listed in Schedule 5 of WLEP 2011 as part of a future planning proposal. Council's consultant Heritage Advisor has confirmed that 'Gawdry's Cottage' has local heritage significance.*

Archaeological Potential

A Historical Archaeological Assessment be undertaken prior to any ground disturbance.

Comment: *This can be included as a control in WDCP. Any consent issued by Council will require the assessment to be undertaken prior to subdivision works commencing.*

Landscape setting for items of Local Heritage Significance

An area of cultural landscape sensitivity fronting Montpelier Drive was identified in the Heritage Impact Assessment.

- Maintain rural landscape and include measures in relation to east-west orientation of new structures off Montpelier Drive
- Height of structures and landscaping be limited to ensure operation of the historic airfield is not compromised
- Establish minimum clearance zones from mature trees that contribute to the historic setting.

Comment:

- *Landscaping controls have been adopted and can be embellished. A density provision already adopted in WDCP (2011) will result in lower densities on the southern end. A 10m setback applies to dwellings on the southern boundary. These provisions will assist in maintaining the rural character.*
- *There is a proposed height limit of 6.8m on buildings along the western end of the property. In addition there are height controls for structures over the whole site.*
- *Additional site specific controls in relation to the recommendations proposed to be included in WDCP are detailed in Section 2.4.*

PE4 – Planning Proposal - Montpelier Drive Residential Lands

COMMUNITY CONSULTATION

The *Environmental Planning and Assessment Regulation 2000 Clause 18* requires that a draft development control plan is exhibited for a **28 day** period. A public notice will be placed in the local newspaper. The proposed amendments will also be made available for public viewing on Council's website and at Council's Administration Building. Letters will also be sent to adjoining and nearby landowners and persons who previously made submissions to the planning proposal.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS

1. Proposed controls for Montpelier Drive residential land.

RECOMMENDATION

1. That the amendments to Wollondilly Development Control Plan 2011 and/ or 2015 as described in Section 2.4 to this report be placed on public exhibition for a period of 28 days in accordance with the provisions of Clause 18 of the *Environmental Planning and Assessment Regulation 2000*.
2. That the applicant, adjoining and nearby landowners and persons who made submissions to the planning proposal shall be notified about the public exhibition.

PE4 – Planning Proposal - Montpelier Drive Residential Lands

ATTACHMENT 1 - 6961 – 16 NOVEMBER 2015

Revised Draft DCP Controls

**Appendix 7 – Draft Wollondilly Development Control Plan 2011
or 2015 Amendments**

Volume 10 – Subdivision of Land

Part 4 Controls for Specific Locations

4.9 Montpelier Drive Residential Land (The Oaks)

Application

1. This section applies to the land identified on the map below:



Objectives

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

PE4 – Planning Proposal - Montpelier Drive Residential Lands

ATTACHMENT 1 - 6961 – 16 NOVEMBER 2015

Controls

1. Prior to construction of any subdivision a Historical Archaeological Assessment should be undertaken by an appropriately experienced and qualified Historical Archaeologist. Should the assessment find that the proposed works are likely to discover, expose, move, damage or destroy any archaeological relics an excavation permit under Section 139 of the Heritage Act 1977 is to be submitted for the approval of the Heritage Council
2. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55 – Remediation of Land the site is taken to contain potentially contaminated land and shall require further assessment and remediation prior to any development consent being granted for subdivision.
3. Provide a subdivision layout to achieve an overall density of 9 lots per hectare with a graduating range from 10 lots per hectare at the northern end decreasing to 8 lots per hectare at the southern end of the site.
4. Lots shall be oriented to Montpelier Drive and the main access road and fenced with open style rural fencing.
5. The main access to the site shall be from Montpelier Drive via the unformed public road reserve adjoining the southern end of the site. This access road shall be constructed in accordance with Council design requirements and align with Jooriland Road on the western side of Montpelier Drive.
6. Vehicular access to Hardwicke Street will only be allowed during emergencies.
7. Internal road and shared pathway links shall be provided to the adjoining northern residential area.
8. A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots.
9. The main access road shall be landscaped on its southern boundary with suitable vegetation prior to release of any subdivision certificate to achieve a suitable buffer from noise and dust associated with rural activities on adjoining land.
10. All stormwater treatment systems shall be maintained and monitored by the developer for a period of 5 years after construction of the subdivision is completed for the whole site and these systems shall be demonstrated to be functioning effectively before being handed over to Council. Note: The letter of offer by the landowner on 26 August 2014 to enter into a planning agreement at the development application stage to provide additional funds for maintenance of these systems beyond the 5 year period.
11. The height of any new structure or tree shall be restricted to below the maximum permissible height as detailed in Figure 4 Height Limitations of the *Aviation Risk Assessment* by Rehbein Airport Consulting, 31 March 2014. Details of this restriction shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all lots.
12. A noise assessment shall accompany all development applications for dwellings and detail design features to achieve an Aircraft Noise Reduction goal of approximately 20dBA in accordance with AS 2021. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots.
13. Uses such as hospitals, schools, child care centres and seniors living developments although permissible in the R2 Low Density Zone are not recommended for this site

PE4 – Planning Proposal - Montpelier Drive Residential Lands

ATTACHMENT 1 - 6961 – 16 NOVEMBER 2015

due to the potential risk from aircraft using the nearby east-west runway. Council shall only consider a proposal for such uses if an assessment indicates that these risks can be mitigated effectively.

14. All habitable buildings shall be constructed above the PMF flood level and to achieve this, building envelopes on affected lots shall be detailed on plans lodged as part of any development application for subdivision. Details of this building restriction on affected lots shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all such lots.

Volume 3 – Residential Development

Part 5 – Controls for Specific Locations

5.2 Montpelier Drive Residential Land

Application

1. This section applies to the following allotments:
 - a) 780 Montpelier Drive, The Oaks (Lot 601 DP 735032)
 - b) 790 Montpelier Drive, The Oaks (Lot 1 DP 1043567)

Objectives

1. To mitigate noise impacts from the nearby airfield.
2. To provide separation between the urban-rural edge to minimise rural land use conflict.
3. To minimise the impact on the historical character.

Controls

1. A noise assessment shall accompany all development applications for dwellings and shall detail how building design and building materials for noise attenuation shall meet the noise level objectives for 'sleeping areas and dedicated lounges' in AS 2021 which will require an Aircraft Noise Reduction goal of approximately 20dBA. This should be able to be achieved through standard building construction methods.
2. All dwellings along Montpelier Drive and the southern end of the site shall be set back a minimum of 10 metres from the front boundary of each allotment.
3. A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site.

PE5 – Planning Proposal – Coull Street, Picton.

PE5

Planning Proposal - Coull Street, Picton

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TRIM 8035

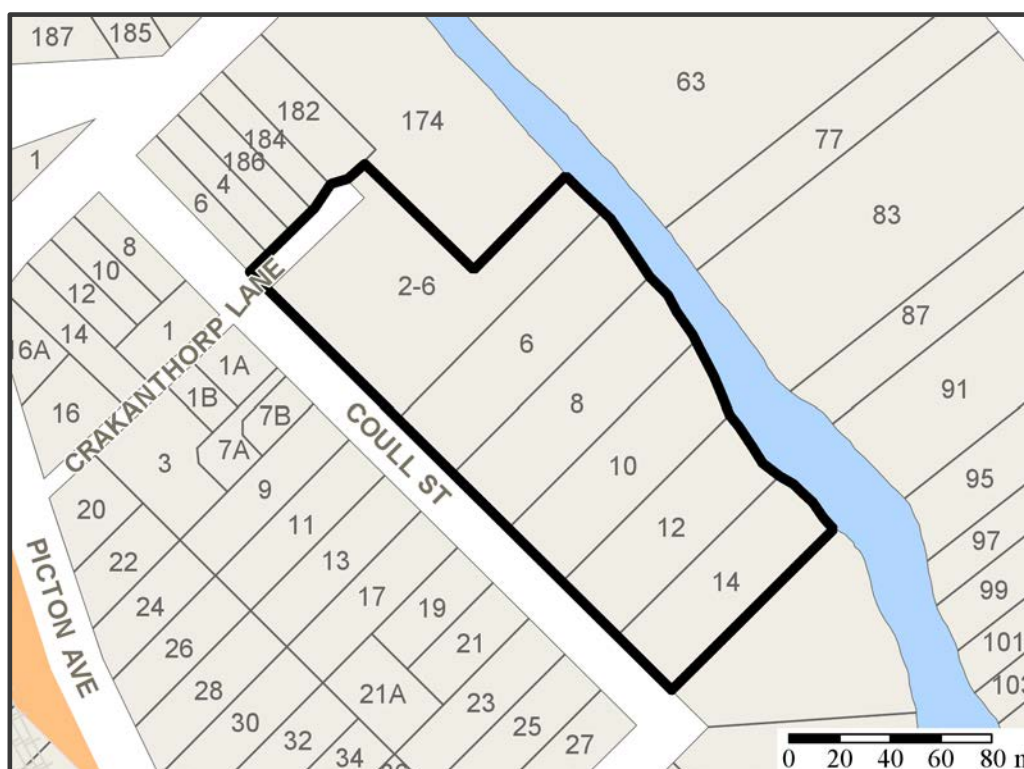
Applicant:

Corbett Constructions P/L

Owner:

J & R Corbett Pty Ltd

**Trustees of the Roman Catholic Church for the
Diocese of Wollongong**



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LOCATION MAP N

Stage	Completed
Preliminary notification	11 June to 9 July 2014
Gateway Determination	16 April 2015
Consultation with Public Agencies	April 2015
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

PE5 – Planning Proposal – Coull Street, Picton.

EXECUTIVE SUMMARY

- A Planning Proposal has been received for No. 2 - 14 Coull Street, Picton to rezone land to enable medium density residential development and to designate land for public and private recreation purposes.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- The focus for this report is on whether the planning proposal should proceed in light of the consideration of flooding constraints.
- It is recommended that Council no longer support this planning proposal and that the planning proposal be withdrawn. It is also recommended that Council write to the NSW Government Department of Planning & Environment to advise that the planning proposal has been withdrawn.

REPORT

1.1 SITE DESCRIPTION

The site is known as 2 - 14 Coull Street, Picton and relates to a 2.1 hectare area of land.

The site is presently zoned industrial land which has remained undeveloped. No. 2 - 6 is currently vacant and No. 8 - 14 is used for grazing by horses.

The site is bound by Coull Street and existing residential development to the south, rural zoned land to the south east, Stonequarry Creek to the north and an existing business zone to the west. The subject site adjoins 174 Argyle Street which is the location of George IV Hotel.

Despite the mix of uses surrounding the site it faces onto Coull Street which is essentially residential in nature with land to the south of Coull Street zoned R3 medium density residential. The streetscape presents as cleared open land to the north (being the subject site) and predominantly single storey detached housing to the south.

The whole site is flood prone as it lies within the extent of the Probable Maximum Flood (PMF) area for Stonequarry Creek.

PE5 – Planning Proposal – Coull Street, Picton.

1.2 DESCRIPTION OF PROPOSAL

The planning proposal for Coull Street, Picton seeks to rezone the land to enable medium density residential development and to designate land for public and private recreation.

The proposed medium density land use zone and public recreation zone relate to No. 2 - 6 Coull Street, and the proposed private recreation land relates to the remainder of the site located at no. 8 - 14 Coull Street.

In particular the proposal seeks to:

- Amend the Land Zoning Map from IN2 Light Industrial to R3 Medium Density Residential, RE1 Public Recreation and RE2 Private Recreation
- Amend the Height of Building Map to include a height limit of 9 metres for proposed R3 Medium Density Residential land
- Amend the Lot Size Map for R3 land to a minimum lot size of 975sq.m.

CONSULTATION

2.1 CONSULTATION WITH PUBLIC AGENCIES - OEH

In April 2015, a number of public agencies were invited to provide comments on the Coull Street, Planning Proposal. The purpose of this consultation was, in part, to inform the scope of specialist studies required to enable a full and detailed assessment of the planning proposal.

One of the agencies who provided comments was the NSW Government Office of Environment & Heritage (OEH) who provided comments on the following aspects of the planning proposal:

- Flood Risk Management
- Biodiversity
- Aboriginal Heritage.

This report only deals with comments provided in relation to flood risk management. Generally speaking, based on the information available to date OEH do not support rezoning part of the site for residential development.

In particular, OEH correspondence includes the following two statements:

A simplistic analysis has been undertaken to indicate that proposed filling of the site would not impact on flooding behaviour or on adjacent properties. From OEH's perspective the assessment by G.F. Murphy Consulting (2013) is considered inadequate as it does not appropriately address floodplain risk management aspects.

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The Planning Proposal includes medium density residential and public and private recreation land uses. From a floodplain risk management perspective, the appropriate land use that is compatible with the identified flood risk is recreation use. The site is heavily constrained by flooding, which may have a significant impact on the potential occupiers of future development. Thus, the proposed residential land use is not compatible with the flood risk of the site.

A full copy of this correspondence from OEH is provided at Attachment 1.

Council wrote to OEH in July 2015 to clarify the proposal and outline how the flooding issue might be managed.

The proponent maintains that the assessment by G.F Murphy Consulting (2013) is adequate and is not prepared to provide any additional information to address the concerns raised by OEH to address flood risk management.

It is worth noting that it is unusual for the OEH to maintain such a position for a planning proposal of this scale which may suggest their level of concern.

2.2 CONSULTATION WITH COUNCIL MANAGERS & STAFF

There has been extensive collaboration with Council's Infrastructure Planning staff to work through the flooding issues and progress the planning proposal.

Council's Infrastructure Planning staff have advised that, in their opinion, flooding is not a prohibitive constraint to the proposed rezoning.

Council's Infrastructure Planning staff have spoken with OEH's Floodplain Engineer and contributed to Council's additional written correspondence to OEH dated July 2015.

Extract from Council's correspondence is provided as follows:

Although the land is flood prone, Council considers this to be an issue that can be managed for the site and should not preclude development for medium density development.

It is also acknowledged that although the planning proposal seeks to rezone all of Lot 102 DP1092990 (2-6 Coull Street) to R3 Medium Density Residential, the whole site is not useable.

The proponent understands the flood constraints across the site and only intends to utilise land directly adjacent to Coull Street to an approximate depth of 30 metres for the habitable component of any future development.

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In light of this, it is still considered appropriate to rezone the remaining portion of the site for medium density development as this area will most likely be used for ancillary residential uses such as private recreation, drainage and car parking. These uses are considered compatible with the proposed R3 Medium Density land use zone.

In light of this information I would seek your confirmation that:

- i. flooding constraints should not prevent rezoning land at 2-6 Coull Street to R3 Medium Density Residential; and*
- ii. no further flood related studies are required for this planning proposal.*

The requested confirmation was not provided by OEH.

2.3 COMMUNITY CONSULTATION

In accordance with Council's notification policy, initial community consultation was undertaken shortly after the planning proposal was received in 2014. The issues raised as part of the consultation and Council's assessment was reported to Council on 15 September 2014.

Two submissions were received objecting to the proposal.

'Flood Prone Land' was one (1) of five (5) issues raised during exhibition of the planning proposal.

The following information was reported to Council on 15 September 2014 on this issue:

Issue Raised	Assessment Comment
<p><i>Flood Prone Land</i> Concern raised with the cumulative impact on the flood plain from the amount of development recently approved in Picton on flood prone land.</p> <p>Flooding issues</p>	<p>If the Planning Proposal progresses it will need to establish that it is consistent with Direction 4.3 Flood Prone Land issued by the Minister for Planning under section 117(2) of the Environmental Planning and Assessment Act 1979.</p> <p>While flooding is a constraint which must be considered the New South Wales Flood Prone Land Policy directs that flood prone land should not be sterilised by unnecessarily precluding its development.</p> <p>Council's Infrastructure Planning staff have advised that flooding is not a prohibitive constraint to the proposed rezoning.</p>

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2.4 SECTION 117 MINISTERIAL DIRECTIONS

As the planning proposal affects flood prone land, it needs to satisfy Ministerial Direction 4.3 Flood Prone Land.

The objectives of Ministerial Direction 4.3:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The planning proposal identifies the need for a specialist study or additional information to ensure it is consistent with this Ministerial Direction.

2.5 WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011

An assessment of the planning proposal against the Wollondilly Growth Management Strategy 2011 (GMS 2011) was addressed in the report to Council on 15 September 2014.

The assessment noted that the planning proposal was consistent with the following key policy directions; General Policies, Housing Policies, and Integrating Growth and Infrastructure.

However, further information in the form of specialist studies is required to consider whether the planning proposal was consistent with key policy directions around Employment Policies and Rural and Resource Lands.

The structure plan for Picton, included within the GMS 2011 does not identify the site as a potential residential growth area. However, development of the site for residential and recreation purposes will in effect be infill development and is not of a scale which is strategically significant to include within the structure plans.

2.6 PLANNING MERIT

While it is considered that there is strategic merit to the proposed changes to the WLEP 2011 for No. 2 - 6 Coull Street given the sites location within the existing Picton urban area and particularly given its close, walkable, proximity to Picton town centre, the planning proposal is not considered to be strategically significant as the site is not identified in any relevant local, regional or subregional strategy to meet housing or urban renewal objectives.

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There are a number of other specialist studies which will also need to be prepared to inform this planning proposal. However, given the critical nature of comments received from the OEH the proponent has been recommended to hold off on the preparation of other studies until it was established that this issue could be overcome.

The proponent has indicated they are not prepared to provide any additional information to address flood risk management. Subsequently, this information would either need to be provided by Council or the planning proposal could be progressed without the additional information.

Council does not have a budget for the preparation of specialist studies where these are ordinarily prepared by the proponent and this would set a precedent for other planning proposals.

If the planning proposal was progressed there would be uncertainty on the outcome if OEH maintained their concerns with flood risk management throughout the process. Given the flooding concerns and Council's limited resources, it is questionable whether further effort should be given to this planning proposal.

The planning proposal also includes land at No. 8 - 14 Coull Street, Picton which is proposed to be rezoned to RE2 Private Recreation. Unlike the proposed residential land use zone for the other portion of the site, the proposed RE2 Public Recreation zone is more compatible with the areas flooding constraint.

No 8 - 14 was included within the planning proposal by Council because it was considered short-sighted to consider rezoning only a portion of the existing small area of industrial zoned land, particularly given its close proximity to existing established residential areas. The inclusion of this land relied on specialist studies necessary to rezone the residential component of the planning proposal. It was considered that the outcome of the specialist studies would be applicable to the additional land or that the specialist studies could consider the land at No. 6 - 8 with minimal additional cost.

Consequently, a planning proposal cannot be progressed for land at No. 8 - 14 Coull Street at this time either.

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2.7 OPTIONS FOR MOVING FORWARD

Council's options are:

1. Resolve to cease work on this Planning Proposal. It should be noted that the proponent has a right to seek a post Gateway review.
2. Resolve to support the progress of the Planning Proposal without the preparation of any further specialist study into flood risk management. With this option the proponent will still need to provide other required specialist studies.
3. Resolve to support a Planning Proposal for this site and fund a further study on flood risk management to inform the planning proposal. With this option the proponent will still need to fund and provide other required specialist studies.
4. Resolve to prepare a Flood Study. It should be noted that this work has not been included in Council's Operational Plan and would require the allocation of funding at the expense of other Council priorities.

Option 1 is the recommendation of this report.

2.8 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Following consideration of responses from initial consultation and notification, Council's Infrastructure Planning and OEHL, it is considered that the Planning Proposal should not progress any further by Council and should be withdrawn.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal 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. Letter from NSW Government Office of Environment & Heritage dated 20 April 2015.

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RECOMMENDATION

1. That in relation to the land at No. 2 - 14 Coull Street, Picton, Council no longer support the Planning Proposal to amend Wollondilly Local Environmental Plan, 2011.
2. That Council write to the NSW Government Department of Planning & Environment to advise that the planning proposal has been withdrawn.
3. That the proponent and submitters be notified of Council's Resolution.

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ATTACHMENT 1 - 8035 – 16 NOVEMBER 2015



**Office of
Environment
& Heritage**

Your reference: TRIM 8035 CW:CW
Our reference: DOC15/142268
Contact: Jennifer Charlton
02 8837 6311

The General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Attention: Carolyn Whitten

Dear Mr Johnson

I refer to Council's letter dated 23 April 2015, seeking comments from the Office of Environment and Heritage (OEH) as required under Section 56(2)d of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to the Planning Proposal for 2-14 Coull Street, Picton.

It is understood that Council proposes to amend Wollondilly Local Environmental Plan 2011 to rezone approximately 2.1 ha of industrial zoned land (IN2) to enable medium residential development (R3) and to designate land for public (RE1) and private recreation (RE2). Proposed amendments to the LEP also include changing the minimum lot size of 1500m² to 975m² for the R3 zone, and to include a height limit of 9 m for R3 land.

The whole site is flood prone as it lies within the extent of the Probable Maximum Flood (PMF) area for Stonequarry Creek. A 'Site Filling and Flood Impacts' study has been prepared. No ecological or heritage studies have been prepared to inform the Planning Proposal to date.

OEH has reviewed the Planning Proposal, the Department of Planning and Environment's Gateway Determination and the 'Site Filling and Flood Impacts' study and provides advice in relation to flood risk management, biodiversity and Aboriginal cultural heritage. OEH notes that the Heritage Council has provided a separate response.

If you require further details or clarification on any matter raised in this response please contact Jennifer Charlton, Conservation Planning Officer, on 8837 6311.

Yours sincerely

S. Harrison 20/05/15

SUSAN HARRISON
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ATTACHMENT 1

Office of Environment and Heritage advice in relation to the Planning Proposal for 2-14 Coull Street, Picton.

1.0 Flood Risk Management

Gateway Determination condition 2 requires Council to demonstrate consistency of the Planning Proposal with s.117 Direction 4.3 'Flood Prone Land' of the EP&A Act. A primary objective of s.117 Direction 4.3 is to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

The primary objective of the NSW Government's Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land and reduce private and public losses resulting from floods. The most appropriate method to assess the development of flood prone land is through the floodplain risk management process, which is a risk-based assessment detailed in the NSW Floodplain Development Manual (2005).

Review of the 'Site Filling and Flood Impacts' study by G.F. Murphy Consulting (November 2013)

A simplistic analysis has been undertaken to indicate that proposed filling of the site would not impact on flooding behaviour or on adjacent properties. From OEH's perspective the assessment by G.F. Murphy Consulting (2013) is considered inadequate as it does not appropriately address floodplain risk management aspects.

A key aspect when assessing a Planning Proposal is to provide sound understanding of the nature of flood hazards and risk to people and properties for the full range of floods up to the Probable Maximum Flood (PMF). This understanding will guide decisions on the management of this risk and on the appropriate type of development for the particular site.

G.F. Murphy Consulting (2013) based its investigation on the Stonequarry Creek Floodplain Management Plan by Willing and Partners, dated June 1996. The assessment should be based on the latest available studies undertaken by Council for the catchment that includes the proposal site. Wollondilly Shire Council has completed the Stonequarry Creek – 2D Modelling and Climate Change Assessment (Worley Parsons, July 2011) which is available on the Council website at the link below:

<http://www.wollondilly.nsw.gov.au/environment-wollondillycd/flooding-wollondilly/497621-stonequarry-creek>

Based on the above study, the characteristics of flooding in the vicinity of the site for pre-development condition can be summarised as the following:

- The majority of the site is defined as floodway and flood storage areas;
- The majority of the site is located in high flood hazard areas in the 1% ARI flood event; and
- The site is subject to extreme flood hazard in the PMF.

The Planning Proposal includes medium density residential and public and private recreation land uses. From a floodplain risk management perspective, the appropriate land use that is compatible with the identified flood risk is recreation land use. The site is heavily constrained by flooding, which may have a significant impact on the potential occupiers of future development. Thus, the proposed residential land use is not compatible with the flood risk of the site. From a duty of care perspective, residential development shouldn't be permitted in high hazard flood ways or flood storage areas. However, whilst the appropriate land use that is compatible with the identified flood risk is recreation land use, the flood risks to people using these areas need to be minimised and managed.

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Floodplain risk management aspects for recreation land use

The flood assessment for this flood conveyance site for a developed scenario should be based on the final vegetation state of the site.

Development and building controls should be applied to any proposed recreation structures such as visitor accommodation and administrative buildings. This consideration should include floor levels, building materials and their structural soundness.

Any increase in flood levels due to the proposed use of the site should be managed within the site without adversely affecting adjacent properties. Compensatory measures should be designed to achieve negligible differences to flood affectation, including flood levels, velocities and extents.

An emergency management plan and flood evacuation strategy should be prepared in consultation with the SES in the early stages of the proposal. The evacuation strategy needs to be incorporated into the strategy for the whole Picton area. Also, the additional traffic generated from any future development should not affect the capacity of the broader road network on the evacuation of the existing population.

2.0 Biodiversity

Gateway Determination condition 7 requires Council to consult with OEH regarding s.117 Direction 2.1 – Environmental Protection Zones and demonstrate consistency with the Direction. OEH notes the objective of s.117 Direction 2.1 “is to protect and conserve environmentally sensitive areas”.

The Planning Proposal is contradictory; Part 3 acknowledges that a significant portion of the site is identified as “sensitive land” on the WLEP 2011 Natural Resources – Water Map due to its proximity to Stonequarry Creek, while Appendix B states “the Planning Proposal in its current form does not contain any environmentally sensitive areas and no environmental protection zones currently apply to the site”. Further, the Planning Proposal does not recognise that the north-eastern boundary of the site directly adjoins, and drains into, land zoned E2 Environmental Conservation.

Notwithstanding the above contradiction, s.117 Direction 2.1 requires that a Planning Proposal “must include provisions that facilitate the protection and conservation of environmentally sensitive areas”. Environmentally sensitive areas can include threatened ecological communities, threatened species/populations, threatened species habitat and wildlife corridors.

Threatened Ecological Communities

The majority of the site has been cleared in the past and for the most part there are only a few trees across the site. The exception to this is along the bank of Stonequarry Creek which forms the north-eastern boundary to the site. The Planning Proposal states that desktop records suggest the vegetation along Stonequarry Creek is Shale Sandstone Transition Forest which is listed as a **Critically** Endangered Ecological Community under both the NSW *Threatened Species Conservation Act 1995* (TSC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Shale Sandstone Transition Forest forms part of a riparian corridor, which is zoned E2 Environmental Conservation.

Threatened species habitat

No threatened flora or fauna records occur within the subject site (OEH Atlas of NSW Wildlife). The threatened tree, *Eucalyptus macarthurii* (Paddys River Box or Camden Woollybutt), has been recorded along Stonequarry Creek approximately 400m to the north. According to the Planning Proposal and Council’s website, a Grey-headed Flying-fox colony (listed as Vulnerable on both the TSC and EPBC Acts) has recently established along Stonequarry Creek approximately 1km from the site. A number of other threatened fauna have been recorded nearby the subject site within the past ten years such as Cumberland Plain Land Snail, Little Eagle, Gang-gang Cockatoo, Glossy Black-cockatoo, Regent Honeyeater, Brown Treecreeper (eastern subspecies), Scarlet Robin, Large-eared Pied Bat, Little Bentwing-bat, Eastern

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Freetail-bat and Southern Myotis. The potential for the subject site and other areas of likely impact from future development (i.e. Stonequarry Creek riparian corridor) to support habitat for these and other threatened species needs to be determined.

Wildlife corridor

As discussed above, Stonequarry Creek provides a vegetated riparian corridor directly adjoining the subject site. The corridor runs north and south of the subject site for several kilometres and connects with the riparian corridor of the Nepean River to the south-east. Wildlife corridors connect areas of habitat and are critical for the maintenance of ecological processes including allowing for the dispersal of wildlife populations, genetic material exchange, seasonal wildlife movement and the continuation of viable populations. The Planning Proposal should consider the significance of the corridor and the suitability of the proposed land uses in terms of potential impacts on the functionality of the wildlife corridor. Much of the Stonequarry Creek corridor is also zoned E2 Environmental Conservation.

Flora and Fauna Assessment

Section C3.7 of the Planning Proposal recognises that preparation of a Flora and Fauna study is required. OEH supports the preparation of a Flora and Fauna Assessment based on survey work by a suitably qualified ecologist, with knowledge and expertise of the species and ecological communities in the area. OEH recommends the Flora and Fauna Assessment includes, but not be restricted to:

- details of the methods, timing and extent of survey work undertaken;
- site-specific surveys for threatened fauna and flora species and ecological communities and their habitat. The surveys are to include the adjoining Stonequarry Creek riparian corridor;
- identification, including site-specific surveys of any fauna and flora species and ecological communities and their habitat which are of local, regional or state conservation significance;
- maps detailing the vegetation on and adjacent to the site including ground-truthing of existing mapping, the classification of these assemblages, vegetation condition and habitat corridors and vegetation linkages; and
- State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection assessment.

The Flora and Fauna Assessment should be used as the basis for determining the biodiversity values by assessing the:

- conservation significance of the vegetation communities on and adjoining the site. The criteria for establishing significance should be documented;
- recovery potential and ecological role of cleared land and areas supporting modified vegetation;
- significance of habitat for threatened species and regionally and locally significant fauna and flora species; and
- significance of wildlife corridors.

These assessments should be used to create a map indicating areas of high, moderate or low biodiversity value. The map should extend beyond the subject site where necessary to include areas that may be subject to indirect impacts of the proposed land uses (i.e. Stonequarry Creek riparian corridor).

OEH recommends that Council's determination of the final zoning outcomes is based on the outcomes of the Flora and Fauna Assessment and other specialist studies. To protect areas of high and moderate biodiversity value, environmental protection zonings such as E2 and E3 may be appropriate. If the Flora and Fauna Assessment is carried out as detailed above, the assessment will help to inform which parts of the site have more capability for development (from a biodiversity perspective only) and which require protection to avoid an adverse impact on threatened species and communities and their habitats. The Planning Proposal should then be updated to include provisions that facilitate the protection and conservation of environmentally sensitive areas and environmental protection zones.

OEH will comment on the Planning Proposal further once this work is complete and the Planning Proposal has been updated to include the study's findings.

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Further OEH guidance on threatened species survey and assessment can be found at www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm.

3.0 Aboriginal Heritage

Gateway Determination condition 8 requires Council to demonstrate consistency of the Planning Proposal with s.117 Direction 2.3 – Heritage Conservation. OEH notes the objective of s.117 Direction 2.3 "is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance".

The Planning Proposal acknowledges that s.117 Direction 2.3 applies and that further investigation is required to demonstrate consistency with the Direction. In this regard, OEH recommends the completion of two basic types of Aboriginal cultural heritage assessment to inform the Planning Proposal:

- an archaeological assessment – involving the identification and assessment of Aboriginal objects (often referred to as 'sites') and their management based on archaeological criteria; and
- a cultural heritage assessment – involving consultation with Aboriginal stakeholders (groups and individuals) and can include historical and oral history assessment and broader values assessment (e.g. landscape and spiritual values).

The outcomes of the archaeological and consultation components of the Aboriginal heritage assessment should be compiled into a single map showing areas of high, moderate or low Aboriginal cultural values. Options for conserving areas of Aboriginal heritage significance should be fully explored in discussion with the Aboriginal community.

OEH will comment on the Planning Proposal further once this work is complete and the Planning Proposal has been updated to include the findings of the studies.

4. References

G.F. Murphy Consulting (2013). Site Filling and Flood Impacts. November 2013.

Department of Infrastructure, Planning and Natural Resources (2005). NSW Floodplain Development Manual: the management of flood liable land. April 2005.

Wollondilly Shire Council (2011). Wollondilly Local Environmental Plan 2011.

Worley Parsons (2011). Stonequarry Creek – 2D Modelling and Climate Change Assessment. July 2011.

(END OF SUBMISSION)

PE6 – Appin Workshop - Growth In and Around Appin

PE6

Appin Workshop - Growth In and Around Appin

259421

TRIM 8529

EXECUTIVE SUMMARY

- At its Ordinary meeting held 16 March 2015, Council resolved (in part) to commence an independent mediation process in response to issues raised by some members of the Appin community regarding growth in and around Appin.
- In June and July 2015 a series of workshops were held at the Appin Community Hall. These workshops were facilitated by an independent consultant.
- A Community Engagement Report on the outcomes of the workshops has been prepared.
- It is recommended that:
 - Council note the reports contents; and
 - A Councillor Workshop with the independent consultant / facilitator be arranged to examine the findings in the Community Engagement Report.

REPORT

1.1 INTRODUCTION

There is significant interest in the Appin area as a location for housing growth in the short, medium and long term. This interest is related to a number of local and state government led development and strategic planning processes.

Local led planning matters:

- Recent housing development - Appin Valley
- Six (6) Planning Proposals submitted with Wollondilly Shire Council in the Appin area
- Review of the Wollondilly Growth Management Strategy 2011.

State led strategic planning matters:

- Potential Home Sites Program initiated in 2011
- West Appin Infrastructure Investigation
- A Plan for Growing Sydney released December 2014
- Greater Macarthur Investigation Area.

PE6 – Appin Workshop - Growth In and Around Appin

1.2 BACKGROUND

The Agenda for the Ordinary meeting held 16 March 2015 included a report on the implications of the recently released A Plan for Growing Sydney on the Council's Growth Management Strategy.

Council resolved (in part):

4. *That Council's final determination of these planning proposals [for Appin] be deferred until completion of the studies into the Macarthur South investigation area estimated to be six months as per the advice of the Department of Planning.*
5. *That Council commence an independent mediation process that includes key community representatives and further invitations are extended to representatives from the Chamber of Commerce, Appin Scouts, Appin Historical Society, Appin Men's Shed and Sporting Groups. The independent mediator to report on the issues raised by the community as part of the final assessment report.*

THE WORKSHOP

2.1 PRE WORKSHOP PLANNING

Prior to the workshops, Council staff met with the appointed consultant facilitator from Deconstructing Conflict to plan the event. It became clear during the planning phase that the intended workshop was better described as facilitation not mediation.

Formal mediation is very structured and requires the parties (generally two) to agree to certain rules. The outcome of the mediation is a formal agreement or statement of unresolved issues.

A facilitation session is more focussed on guiding discussion by setting a structure for a group. This approach was more appropriate in terms of providing an opportunity for stakeholders to discuss their views on growth and to identify concerns held by the local community. This approach was also more appropriate in terms of fulfilling Council's resolution.

2.2 WORKSHOP OBJECTIVES AND OUTCOMES

Workshop Objectives:

- To hold a workshop to enable residents and other local stakeholders to have a broader discussion about growth in and around Appin;
- To identify the concerns held by residents and other local stakeholders about growth in and around Appin;
- To further explore key identified issues in one or two focussed workshops;

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- To inform Appin residents about the strategic planning process and what current processes affect Appin; and
- To provide an independent report to council on the issues raised in the workshop.

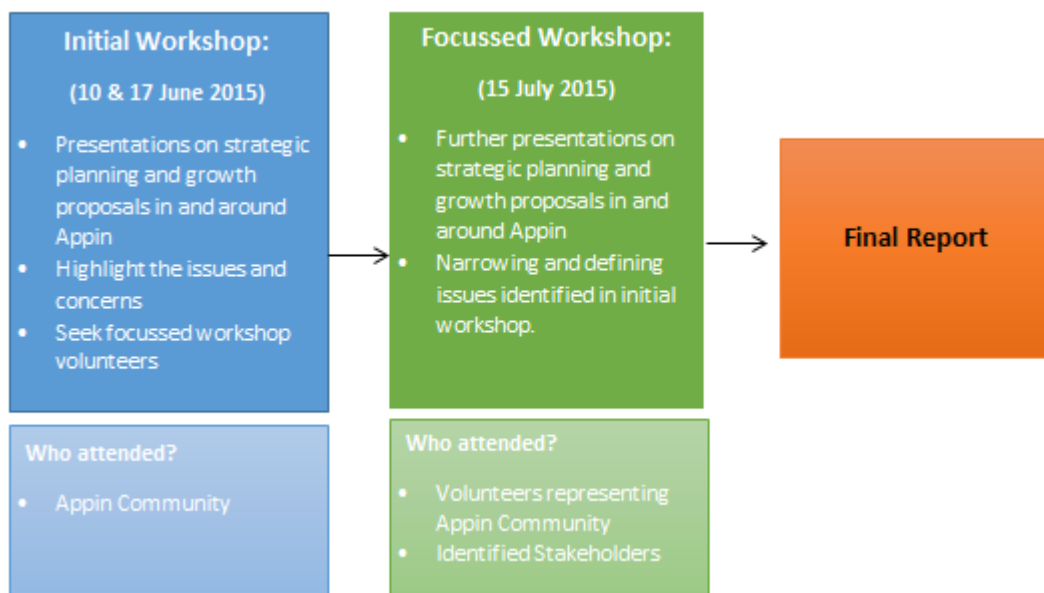
Workshop Outcomes:

- Council's approach to strategic planning matters which relate to growth in and around Appin will be based on a solid understanding of resident's views
- Establish open lines of communication with Appin residents
- Appin residents will have a greater understanding of the planning process and Council's decisions.

2.3 WORKSHOP FORMAT & DATE

The workshop series involved an initial workshop to share and gather information. The initial workshop included a presentation on the strategic planning process and information the planning proposals in and around Appin. The focus for the initial workshop was on smaller group discussion to identify the key issues with growth. There were two initial workshops held to accommodate everyone who expressed an interest in attending. These were held on 10th and 17th June 2015.

A focussed workshop was then held on 15 July 2015 to discuss in further detail the key issues identified in the initial workshop. The focused workshop was attended by volunteers form the initial workshop and relevant invited stakeholders depending on the issues raised in the initial workshop. The figure below provides a summary of the workshop format:



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2.4 COMMUNITY ENGAGEMENT REPORT

The outcomes of the Appin workshops are detailed in the above-mentioned report. The report is divided into the following parts:

- Part A Community Engagement Strategy; Prepared by Council and sets out the "why, how and where" for the Appin workshops.
- Part B What can we learn? Prepared by Deconstructing Conflict it details the discussion from the workshops and the issues raised.

2.5 KEY ISSUES

The following issues were identified by workshop participants as being the major/planning issues in and around Appin:

- Environmental
- Retaining Rural Aspects/ Atmosphere/ Lifestyle
- Suitable Planning - Infrastructure ahead of growth
- Information (lack of, or perceived to be misleading)
- Land Affordability
- Uncertainty
- Amalgamation of Councils
- Where is Section 94 money going?
- Need for social impact study
- Community consultation
- Proportional growth in Appin
- Section 94 Contributions/ VPA's for the benefit of Appin community
- SRV works program
- Lack of community club
- Maintenance/ revitalisation program
- Conservation of green belt in the proposed GMS
- Lack of Appin representation on WSC decisions.

The key issues with growth in and around Appin identified at the workshops are shown in the table below.

Key Issue	Most pressing elements of key issue
Environment	Protection of threatened (native) species in their native habitat Endangered Ecological Communities (EEC's) Waterways - quality, pollution, stormwater runoff, sediment/chemicals/pollutants Semi-Rural Environment (retained) - larger lots, rural amenities, balance with development (Development with integrity) Green Open Space - natural bushland and

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Key Issue	Most pressing elements of key issue
	park areas. Air Quality - dust, coal dust, wood smoke, vehicle emissions. Intergenerational Equity - What's going to be left for future generations? Illegal dumping - soil, styrofoam/plastics. Developer integrity, council compliance. Resources to manage. Environmental heritage/ Aboriginal heritage - Impact on carving stones. Impact on the Town Centre - Street trees, historic houses, Making more consistent protection of the natural & heritage values. Sustainability.
Infrastructure	Roads Water & sewage Electricity (there was some discussion about outages)
Heritage & rural living	Lack of proactive approach to preserve heritage (buildings, landscape (visual), Aboriginal heritage, historical values. Character and setting of small village in farmland setting (new developments in keeping with the character of the village) Urban style development for a rural setting - i.e. block size, type of dwelling.
Communication & transparency	Method of communication Clarity of information Feelings that community are not being told the whole story - apathy (powerlessness)

The facilitator also noted that throughout the workshops there were some recurring themes related communication and uncertain futures.

Further detail on the issues raised in the workshop is provided in the final report, Part B at Attachment 2.

FINANCIAL IMPLICATIONS

The cost for the initiative has been funded using budget allocations in the 2015/2016 Operational Plan.

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ATTACHMENTS:

1. Final Report Part A - Community Engagement Strategy. Prepared by Council.
2. Final Report Part B - What can we learn? Prepared by independent facilitator.


RECOMMENDATION

1. That Council note the contents of the Community Engagement Report on the Appin Workshop; Growth In and Around Appin.
2. That a Councillor Workshop with the independent consultant / facilitator be arranged to examine the findings in the Community Engagement Report.

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**APPIN WORKSHOP;
GROWTH IN AND AROUND APPIN**

Part A – Community Engagement Strategy | Wollondilly Shire



Wollondilly
Shire Council

Planning & Economy

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Part A – Community Engagement Strategy

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Part A – Community Engagement Strategy

Introduction

The community engagement initiative relating to growth in and around Appin commenced in March 2015, as a consequence of a resolution of Council. The outcomes of the community engagement exercise are detailed in this report, which is divided into the following parts:

Part A – Community Engagement Strategy; prepared by Council and sets out the “why, how and where” for the Appin workshops.

Part B – What can we learn? Prepared by Deconstructing Conflict, appointed by Council to facilitate the workshops. Part B details the discussion from the workshops and the issues raised.

Background

The Agenda for the Ordinary Meeting of the Council on 16 March 2015 included a report on the implications of the recently released *A Plan for Growing Sydney* on the Council’s draft Growth Management Strategy.

Council resolved (in part);

4. *That Council’s final determination of these planning proposals [for Appin] be deferred until completion of the studies into the Macarthur South investigation area estimated to be six months as per the advice of the Department of Planning.*

5. *That Council commence an independent mediation process that includes key community representatives and further invitations are extended to representatives from the Chamber of Commerce, Appin Scouts, Appin Historical Society, Appin Men’s Shed and Sporting Groups. The independent mediator to report on the issues raised by the community as part of the final assessment report.*

A Plan for Growing Sydney, released in December 2014, is the NSW Government’s plan for the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney’s productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space.

In particular, the Plan includes an action to investigate the suitability of the Macarthur South Investigation Area for a future Growth Centre. The Macarthur South area includes Appin.

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Part A – Community Engagement Strategy

Project Scope

The scope of the proposed event was developed in consultation with the elected Councillors. A number of community engagement options were discussed with Councillors and the most appropriate chosen to address their expectations. It was evident from these discussions that Councillors favoured the use of an independent facilitator to engage with a cross section of interest groups within the local community.

How was the facilitator appointed?

Council approached LEADR & IAMA to provide a list of suitably qualified and experienced professionals to facilitate the event. LEADR and IAMA is a not-for-profit organisation that maintains a database of mediators and related practitioners.

Three names were provided. Council then approached these professionals and sought quotes. Deconstructing Conflict was chosen as the successful candidate by the selection panel that included the General Manager and Director Planning.

Pre-workshop planning

Prior to the workshops, Council staff met with Deconstructing Conflict to plan the event. It became clear during the planning phase that the intended workshop was better described as facilitation and not mediation.

Formal mediation is very structured and requires the parties (generally two) to agree to certain rules. The outcome of mediation is a formal agreement or statement of unresolved issues.

A facilitated session is more focussed on guiding discussion by setting a structure for a group. This approach seemed more appropriate in terms of providing an opportunity for stakeholders to discuss their views on growth and to identify concerns held by the local community.

Workshop Objectives and Outcomes

As a consequence of the pre-workshop planning the following objectives and outcomes were developed:

Workshop Objectives

- To hold a workshop to enable residents and other local stakeholders to have a broader discussion about growth in and around Appin;
- To identify the concerns held by residents and other local stakeholders about growth in and around Appin;

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Part A – Community Engagement Strategy

- To further explore key identified issues in one or two focussed workshops;
- To inform Appin residents about the strategic planning process and what current processes affect Appin.
- To provide an independent report to Council on the issues raised in the workshop sessions.

Workshop Outcomes

- Council's approach to strategic planning matters which relate to growth in and around Appin will be based on a solid understanding of resident's views.
- Establish open lines of communication with Appin residents.
- Appin residents will have a greater understanding of the planning process and Council's decisions.

The Workshop

Who was invited to attend?

The initial workshop was open to anyone with an interest in Appin. This included current residents, land owners, local business operators, people who work in Appin, prospective purchasers and special interest groups.

The initial workshop event was promoted on Council's Facebook Page, the Mayors Column in the Wollondilly Advertiser and through a page established for the event on Council's website (Growth In and Around Appin – A Workshop).

In addition, emails or letters were sent to the following identified stakeholders;

- Anyone who had made a submission to a current planning proposal to rezone land in Appin (i.e. Macquariedale Road, Appin Bulli Road, and Brooks Point Road);
- Anyone who has contacted the Council recently about issues related to Appin and growth;
- Appin Historical Society;
- Appin Men's Shed
- Appin Scouts
- Appin Chamber of Commerce
- Local sporting groups;
 - Appin Sports Aeromodellers Club
 - Appin United Soccer Club
 - Appin Netball Club
 - Appin Rugby League Football Club
 - Appin Touch Association
 - Macarthur Motorcross Club
- Landowners for the Appin Bulli Road and Brooks Point Road Planning Proposals.

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Part A – Community Engagement Strategy

Subsequently the proponents (applicants) for each of the Appin planning proposals were informed of the event and advised that depending on the issues that arose from the initial workshop, Council may wish to invite them a further workshop.

Figure 1: Photo of Workshop in action - 10 June 2015



Workshop Attendance and Scheduling

It was intended to hold an initial workshop followed by a focussed workshop. As a consequence of a higher than anticipated interest from the community, a decision was made to hold two initial workshops. This allowed groups of approximately 30 attendees to each workshop.

The initial workshops were held on 10th and 17th June 2015. Everyone wishing to attend the event was offered a place at one of the two workshops.

Attendees were not questioned as to their interest or motive in attending the event. There are a couple of exceptions, for example, where interested parties identified themselves as belonging to large development companies. In these instances the contact was asked not to attend.

At the initial workshops, two attendees were identified as possibly representing developer interest. Both gentlemen were invited to attend the first session of the workshop (presentation by the Department of Planning / Council) and not the second session relating to community engagement.

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Part A – Community Engagement Strategy

At the conclusion of the initial workshops, those community members who attended the second sessions were invited to participate in a further workshop. The focussed workshop was held on 15 July 2015.

The Workshop Format

In addition to the independent facilitator, two representatives from the NSW Department of Planning and a number of Council staff attended the workshops and participated in the community engagement process.

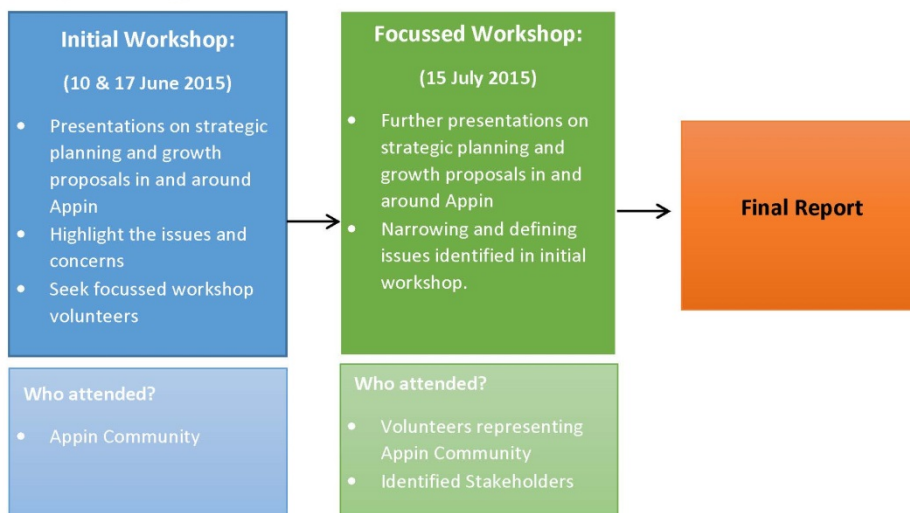
As suggested above, the workshops were broken up into two sessions. The first being presentations regarding growth in and around Appin from:

- Brendan O’Brien
Executive Director, Infrastructure, Housing & Employment
NSW Department of Planning & Environment

- Chris Stewart
Director Planning
Wollondilly Shire Council

The second session, which the facilitator led, was predominately group work. At the conclusion of the group work, a representative from the group was asked to present their views. An opportunity to ask questions was provided during and at the conclusion of each session.

Figure 2: Workshop format



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Part A – Community Engagement Strategy

The workshop series involved an initial workshop to share and gather information. A presentation was given on the strategic planning process and information on the Planning Proposals for growth in and around Appin. The focus for the initial workshop was on smaller group discussion to identify the key issues with growth.

A focussed workshop was then held to discuss the key issues identified in the initial workshop in further detail. The focused workshop was attended by volunteers from the initial workshop and relevant invited stakeholders depending on the issues raised in the initial workshop. Figure 2 provides a summary of the workshop format.

Following the focussed workshop, at the facilitator's request, staff forwarded a survey to the group via electronic means.

How will this report be used?

The Appin Workshop has been initiated by Council in response to concerns held by the Appin Community with the numerous proposals for growth in and around Appin. It is not a statutory consultation process and is not related to any specific strategic planning process.

It is anticipated that the outcomes from the workshops contained within this report may inform Council decision making in relation to growth in and around Appin. This could include planning proposals to rezone land, any review of the Draft Wollondilly Growth Management Strategy, and Council submissions on regional strategies being prepared by the NSW Government.

Next Steps

The general feedback from the workshop participants was that a further workshop with the proponents of the major Planning Proposals surrounding Appin was not required.


The agreed approach is outlined as follows:

- Finalise this report and make it publicly available;
- Evaluate whether the workshop objectives and outcomes have been met, and
- Inform the Councillors of the Workshop outcomes through;
 - a report to Council on the Appin Workshop
 - presentation to Councillors by the facilitator

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**APPIN WORKSHOP;
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Part B - What can we learn? | Deconstructing Conflict

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Part B (Facilitator’s Report) – What can we learn?

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Part B (Facilitator's Report) – What can we learn?

Overview

The workshop objectives were discussed and agreed prior to the facilitation process. It was agreed that, considering the purpose of the process (see Part A, Outcomes & Objectives) that workshops would be designed to maximize community involvement and provide current and applicable feedback to Council. Given the limitations and purpose of the mediation process it was not considered appropriate to meet the outcome requirements and a workshop facilitation model was adopted.

Methodology

Questions (tasks) were designed on standard group-work theory and practice to encourage and promote robust discussion and exploration within the groups. Further questions (Choose the top three from your list?) were designed to encourage participants to refine and focus their thoughts and discussion on more specific and manageable issues.

The size of the groups (number of participants) is an important factor in group design. Large groups tend to limit input, “we follow the strongest member (voice) and this limits individual contribution” because we are fearful that we will not be accepted into the group (see Mlodinow 2012, Churchland 2002). The optimum number for short discussion groups is between 4 and 10 participants. On the night workshop groups contained four (4) to six (6) participants per group.

Participation

A total of 81 people attended the information sessions, from these 39 participants stayed to take part in workshops one (1) and two (2). In workshop three (3), 19 residents attended the information session and 17 stayed to contribute to the tasks exercises.

Meeting the Workshop Objectives

Initial Workshops (1 & 2)

- **Objective four:** “To inform residents about the strategic planning process and what current processes affect Appin”

To satisfy this requirement, information sessions were provided in the initial workshops (1&2) by Chris Stewart (Wollondilly Shire Council) and Brendan O’Brien (with David Fitzgibbon NSW Department of Planning and environment). They provided detailed information regarding the planning process and legal and

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statutory requirements that determine the process. Information sessions were followed by open question and answers. These sessions were provided prior to the workshop sessions.

In workshop three Chris Stewart presented on the key identified issues outlining the Council's obligations and considerations on each issue. Wayne Nugent provided an overview of the preliminary workshops and current feedback.

- **Objective one:** *"To hold workshops to enable residents and other local stakeholders to have a broader discussion about growth in and around Appin.*
- **Objective two:** *To identify the concerns held by residents and other local stakeholders about growth in and around Appin.*

To satisfy these objectives Workshops One (1) and Two (2) were designed to elicit open dialogue with and between participants and further for participants to feedback issues and concerns to Council.

The first task (question) was structured to promote broader exploration and discussion of issues (*see Initial Workshops, Task Q1(a) below*). Part (b) of this task was to focus participants and to further identify and define the issues, this provides for more manageable or organized feedback of ideas.

Task two (*see Initial Workshops Q2 (a & b below)*) was designed to encourage dialogue and provide Council with a deeper understanding of the participants' experience in communicating with Council. Together with part (b) it can help to provide ownership (*what is your solution?*) and to specify the practical or 'on the ground' experience of participants. It has a greater capacity to inform Council about community attitude and interpretation.

Focused workshop.

- **Objective three:** To further explore key identified issues.

Workshop three consisted of participants who had attended past workshops and who had elected to contribute to the final workshop. There were 24 nominees, 19 attended the session though two left after the presentations and consequently did not contribute to the workshop.

The workshop focused on the four key issues selected in the previous sessions (those that were most often chosen as the top three issues). Participants were divided in to four groups, each dealing with a single issue. A Council representative was assigned to each group to provide information and assistance.

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The Workshops

Feedback from Initial Workshop: 10th & 17th June 2015

Figure 1: Questions for Preliminary (Initial) Workshop

Questions for Preliminary (Initial) Workshop
<p>Task 1:</p> <p>(a) What do members see as being the major growth/planning issues in and around Appin? (Groups were asked to note down as many as possible)</p> <p>(b) Choose (and list or highlight) the top three issues from your list.</p> <p>Task 2:</p> <p>(a) What are the constraints to community involvement in the growth/planning process?</p> <p>(b) Choose the top three constraints from your list.</p> <p>(c) For each constraint list ONE means for overcoming the problem.</p>

Figure 2: Initial Workshop – Response to Task 1(a)

Response to Task 1 (a); What do members see as being the major/planning issues in and around Appin? (Note down as many as possible)	
Issues	Specifics/Comments
Environmental	<ul style="list-style-type: none"> • Air pollution/quality • Loss of native habitat and bushland • Loss of native animals (endangered species/ecological communities) • Aboriginal heritage • Preservation of river and creek system • Feral pests • Toxicity of land (Spraying, general waste & rubbish dumping) • Noise pollution • Agriculture sustainability • Mining

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	<ul style="list-style-type: none"> • Health concerns (Lupus high rates) • Bushfires, mining, gas, subsidence • Water catchment
Retaining Rural Aspects/ Atmosphere/Lifestyle	<ul style="list-style-type: none"> • Historic village • Block sizes • Sympathetic design (architecture/style) • Historic promise to renovate Old Inn • Heritage sites/monument • Destruction of significance
Suitable Planning – Infrastructure ahead of growth <i>The notion of forward planning was very strong</i>	<ul style="list-style-type: none"> • Lack of forward planning • Roads • Land/Block Size • Dual Occupancy • Green Areas (Parks/Recreation) • Public transport • Schools • Employment • Medical Facilities (hospital) • Access to healthcare • Appin Road, Broughton Pass • Water pressure • Electricity – Some outages already experienced. • Entertainment • Appin Bypass • Police (Growth In Crime) • Facilities for older residents • Safety crossings and lights • Buffer zone between Appin and Mt Gilead • Mt Gilead and urban renewal along Macarthur line • Major freight corridor to south coast
Information (Lack of, or perceived to be misleading)	<ul style="list-style-type: none"> • Developers not following through with Voluntary Planning Agreements (VPA's) • Rezoning of council/community lands • Transparency from Council (consistent theme) • No social impact study
Land Affordability	•
Uncertainty*	<i>*See note below. Consistent theme</i>
Amalgamation of Councils	

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Part B (Facilitator's Report) – What can we learn?

Where is Section 94 Money going?	
Need for Social Impact Study	None conducted
Community Consultation	
Proportional growth in Appin	
Section 94 Contributions/VPA's for the benefit of Appin community	Where do they go?
SRV Works Program	How will Appin residents benefit?
Lack of community club	
Asset Maintenance/ revitalization program	Sport and recreation facilities
Conservation of green belt proposed G.M.S	
Lack of Appin representation on WSC decisions	

Figure 3: Initial Workshop - Response to Task 1(b)

Response to Task 1(b); Choose (and list or highlight) the top three issues from your list	
Issues that were identified by groups as being their 'top three'	Number of times issue was identified as being top three
Environment	6
Infrastructure (Planning)	5
Rural Lifestyle (Heritage)	4
Information/Communication (Transparency)	4
Land/Block Size	3
Employment	3
Community Consultation	3
Social Impact Study	2
Affordability	2
Council amalgamations	1

Top issues raised.

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Figure 4: Initial Workshop - Response to Task 2 (a), (b) and (c)

Response to Task 2 (a), (b) and (c);	
Constraints	Solutions
Lack of transparency & community & by Council to the community.	<ul style="list-style-type: none"> • Community engagement – more events like tonight. • More locally delivered information. • Involve community at initial planning stage. • Letterbox drops. • History room. • Use community noticeboards. • Development newsletter • Information Centre – Permanent Heritage Centre - (Tourist, office, WWW, Men’s Shed) • Newsletter, Council notice board – for Appin in shops. • Plain language Information • Minutes to community forums. • Video community forums. • Personalized responses to concerns • Councils to act on consensus achieved at forums
No communication with community until there were protests – Too Late!	
Often aren’t aware of proposals.	
The community does not know what the growth/planning process is.	
Lack of understanding of process/council workings.	
Technical disadvantages – No Facebook, no local papers.	
Method of communications – lack of access to internet, email, etc. (by much of the community).	
Emails are not always replied and when they are, answers are generic.	
Lack of Master Plan – “Hot Spot” developments in absence of master plan	
Lack of trust in Council	
Lack of trust in developers	<ul style="list-style-type: none"> • Keep promises and keep commitments. • Be responsive to community concerns, • Empathy for community concerns.
Timing of consultation to fit with working hours – people in Appin commute.	<ul style="list-style-type: none"> • Focus Group to report back. • Flexible times – Sunday meetings, etc. • Maybe online forums.
Timing - meetings (forums) are hard to get to.	
Time – people are just busy getting on with survival - no time to investigate	

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issues fully, formulate ideas, arguments and proposals and put them appropriately into submissions/presentations.	
Poor facilities for meetings – lack of heating, etc.	
Inability to vote against change or type of change. Feel powerless –why bother?	<ul style="list-style-type: none"> • Heat the Community Hall
Individual landowners can’t compete against large corporations with time, money and specialists on their side.	
Complicated procedures.	
Initial proposal of developments are changed - changing goalposts.	
Other Constraints (Other constraints to community involvement which were identified but not listed as top three)	
Finances	
Fear of community backlash, ridicule.	
Time – length of process	
(An) Attitude (?) – can’t stop development so don’t participate.	
Conflicting info from Council.	
Health effects due to long drawn out battles with Council.	
Councillors say “I will answer that later” and don’t.	<ul style="list-style-type: none"> • Answer questions in person so we can get real answers and ask follow up questions
Social division – Old versus New	
Lack of support from state and federal MP’s.	
Pressure from developers.	
Lack of interest by some people in the village.	

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Part B (Facilitator’s Report) – What can we learn?

Comments/statements.	
Wollondilly is larger than just Picton	
Council representing developers	
No local representation of community by Councilors	
Poor Representation of the community	
Feels like Council are just following formalities to placate concerned community members. Nothing will really change or be prevented.	
Threats to residents. <i>(These were not allegations of threats by or on behalf of Council)</i>	
Bought land with lifestyle & it’s changed, as a developer wants to change zoning.	
Feel like no one is listening.	
Stand down Council.	

These were the constraints identified within each group as their top three.

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Part B (Facilitator's Report) – What can we learn?

Feedback from Focused Workshop: 15th July 2015

Figure 5: Questions for Focused Workshop

Focused Workshop	
Group Topic	Workshop Questions
ENVIRONMENT	<p>Task 1: What ENVIRONMENTAL issues do you see as the primary considerations for your community in the immediate future?</p> <p>Task 2: List three ways community and Council can work together to preserve the environment?</p>
INFRASTRUCTURE	<p>Task 1: What INFRASTRUCTURE issues do you see and the primary considerations for your community in the immediate future?</p> <p>Task 2: List the three most pressing issues and solution for each</p> <p>Task 3: How can the community and Council work together to plan for future infrastructure needs?</p>
HERITAGE & LIFESTYLE	<p>Task 1: What HERITAGE & LIFESTYLE issues do you see and the primary considerations for your community in the immediate futures?</p> <p>Task 2: List the three most pressing issues and a solution for each.</p> <p>Task 3: How can the community and Council work together to plan for future heritage and lifestyle needs?</p>
COMMUNICATION & TRANSPARENCY	<p>Task 1: What COMMUNICATION & TRANSPERNCY issues do you see as the primary considerations for your community in the immediate future?</p> <p>Task 2: List the three most pressing issues and a solution for each.</p> <p>Task 3: How can the community and council work together to plan for future heritage and lifestyle needs?</p>

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Part B (Facilitator's Report) – What can we learn?

Figure 6: Focused Workshop - Response to Task 1 for Environment Group

ENVIRONMENT - Response to Task 1

What ENVIRONMENTAL issues do you see as the primary considerations for your community in the immediate future?

- Protection of threatened (native) species in their native habitat.
- Endangered Ecological Communities (EEC's)
- Waterways – quality, pollution, stormwater runoff, sediment/chemicals/pollutants
- Semi-Rural Environment (retained) – larger lots, rural amenities, balance of with development (development with integrity)
- Green Open Space – Natural bushland & park areas.
- Air Quality – Dust, coal dust, wood smoke, vehicle emissions.
- Intergenerational Equity – What's going to be left for Future generations?
- Illegal Dumping – Soil, Styrofoam/plastics. Developer integrity, council compliance. Resources to manage
- Environmental Heritage/Aboriginal Heritage – Impact on carving stones.
- Impact on the Town Centre – Street trees, historic houses. Making more consistent protection of the natural & heritage values.
- Sustainability.

Figure 7: Focused Workshop - Response to Task 2 for Environment Group

ENVIRONMENT - Response to Task 2

List three ways Community and Council can work together to preserve the environment

1. Insist on caveat on each development that preserves the environment. E.g. Plantings, weed control, design, removal of waste (illegal dumping)
2. LEP/DCP's – Review of shire wide strategic review on how our towns and villages are developing. Implement slower growth and staged growth.
3. Local elected Councillor to advocate local concerns (where are they tonight?)
4. Environmental Protection Committees – resident representatives.

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Part B (Facilitator's Report) – What can we learn?

Figure 8: Focused Workshop - Response to Task 1 for Infrastructure Group

<p>INFRASTRUCTURE - Response to Task 1</p> <p><i>What INFRASTRUCTURE issues do you see as the primary considerations for your community in the immediate future?</i></p>
<ul style="list-style-type: none"> • Roads • Water and sewage • Electricity (there was some discussion about outages)

Figure 9: Focused Workshop - Response to Task 2 for Infrastructure Group

<p>INFRASTRUCTURE - Response to Task 2</p> <p><i>List the three most pressing issues and a solution for each.</i></p>	
Most Pressing Issues	Solution
1. Roads	<ul style="list-style-type: none"> • Upgrade prior to further development • Special attention was drawn to Appin Road. Namely fear of loss of native vegetation and animals (habitats) from development of new roads. "Traffic travels from Wollongong for work" solution = Too Late?
2. Water and sewage	<ul style="list-style-type: none"> • Upgrade prior to further development
3. Electricity	<ul style="list-style-type: none"> • Upgrade prior to further development

Figure 10: Focused Workshop - Response to Task 3 for Infrastructure Group

<p>INFRASTRUCTURE - Response to Task 3</p> <p><i>How can the community and Council work together to plan for future infrastructure needs?</i></p>
<ul style="list-style-type: none"> • Transparency & Truthfulness/Communication

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Figure 11: Focused Workshop - Response to Task 1 for Heritage & Rural Living Group

HERITAGE & RURAL LIVING - Response to Task 1

What HERITAGE & LIFESTYLE issues do you see as the primary considerations for your community in the immediate future?

- Preservation of Heritage and Lifestyle.
- Greenbelts – Upkeep not enforceable
- Deteriorate
- State Heritage list properties in Appin
- History Room
- Small Historic Village
- Small Acreage
- Bushland heritage
- Aboriginal Heritage
- Farms and fields – rural animals
- Village landscape
- Children – loss of green space
- DCP for Appin (Development Control Plan)

Figure 12: Focused Workshop - Response to Task 2 for Heritage & Rural Living Group

HERITAGE & RURAL LIVING - Response to Task 2	
<i>List the three most pressing issues and a solution for each.</i>	
Most Pressing Issues	Solution
1. Lack of proactive approach to preserve heritage (buildings, landscape (visual), Aboriginal heritage, historical values.	<ul style="list-style-type: none"> • Work with historical society (State & Council) to better manage historical items – Council to apply for state listing. Nominate new items. Heritage Landscape Conservation – like Menangle.
2. Character and setting of small village in farmland setting (new developments in keeping with the character of the village)	<ul style="list-style-type: none"> • Clear boundaries for Appin written in GMS.
3. Urban style development for a rural setting – i.e. block size, type of dwelling	<ul style="list-style-type: none"> • DCP for Appin (Development Control Plan to be implemented). Local Environmental Plan – Height, block size, maximum number

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	capped for minimum lot size – i.e. 5 blocks of 1000m ² .
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Figure 13: Focused Workshop - Response to Task 3 for Heritage & Rural Living Group

HERITAGE & RURAL LIVING - Response to Task 3

How can the community and Council work together to plan for future infrastructure needs?

- Not answered directly, though some answers embedded in the solutions offered to Task 2.

Figure 14: Focused Workshop - Response to Task 1 for Communication & Transparency Group

COMMUNICATION & TRANSPARENCY - Response to Task 1

What COMMUNICATION & TRANSPARENCY issues do you see as the primary considerations for your community in the immediate future?

- Method of communication – reliance on internet
- Timing – Notice
- Lack of information and answers
- Clarity of information
- Confusion of planning processes and when to intervene
- Use of acronyms
- Lack of interest by community due to lengthy process
- Conflicting information between info supplied by council & info supplied by development (*perhaps developer?*)
- People’s capacity to participate or gain information
- Feelings that we are not being told the full whole story
- Apathy (powerlessness to stop it)

Figure 15: Focused Workshop - Response to Task 2 for Communication & Transparency Group

COMMUNICATION & TRANSPARENCY - Response to Task 2

List the three most pressing issues and a solution for each.

Most Pressing Issues	Solution
1. Method of communication	<ul style="list-style-type: none"> • Information Centre in village on streetscape
2. Clarity of information	

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<p>3. Feelings that we are not being told the whole story – Apathy (powerlessness)</p>	<ul style="list-style-type: none"> • Newsletters – not just using the internet • WEB casting and/or more face to face kiosks • Answer the questions asked – not in a round about way • Informal approaches by Council towards community – e.g. stalls at markets, attend footy, etc.
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Figure 16: Focused Workshop - Response to Task 3 for Communication & Transparency Group

COMMUNICATION & TRANSPARENCY - Response to Task 3

How can the community and Council work together to improve future COMMUNICATION & TRANSPARENCY issues?

- *Again, this was not answered directly, however the solutions contain this content also.*

Additional Questions

Additional questions were to be asked of the workshop. However, due to time constraints, they were addressed via survey after completion of the workshop.

Figure 17: Additional Questions sent to volunteers for focused workshop

Additional questions; Next Steps

1. **What other information/discussion sessions would you like to have?**
2. **What do you think would be the best way to continue the dialogue between residents and Council now and into the future?**
3. **If further sessions were held in the future, who would you like to take part?**

Figure 18: Response to Additional Question No.1

Responses to Question 1; What other information/discussion sessions would you like to have?

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- Development and review of a Master Plan for residential development in Appin.
- Further discussions on proposed planning and development approvals in the area following the conclusion of the DoP [Department of Planning & Environment] investigation into the Greater Macarthur Investigation Area. What are the proposed SRV revitalisation works/infrastructure maintenance programs to be undertaken in the Appin area?
How and where will residents benefit from these projects?
Council's proposed measures/steps to ensure the environmental protection of the Appin's semi-rural environment and its protected species.
Measures to improve the delivery of essential utility services in Appin by other state government agencies.
- Report back to a meeting of final draft.
- More discussions with the council representatives where smaller groups are able to discuss their concerns with each representative in turn.
- No response.
- I would like Council to organise a meeting with all State Government Ministers relating to roads, electricity, water/sewage and environment with the Appin community.
- There is no point in discussing anything when council cannot even tell us what the masterplan looks like for Appin. *(This reply also included some allegations and named individuals).*

Figure 19: Response to Additional Question No.2

Responses to Question 2; What do you think would be the best way to continue the dialogue between residents and Council now and into the future?

- Web page with progress updates and Q & A
Community rep to act as an email distribution point.
- Email, e/Newsletters, community consultation evenings (held in the area so that residents are able to attend), letterbox drops, correspondence.
- Open meetings.
- Consistent communication about ANY further development to ALL Appin residents and the opportunity for the residents to actually have a say that makes a difference.

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- No response.
- Developments of this size and nature – decisions should not be made by Council alone.
(See additional comments below)
- Through the local action group Help Save Appin NSW Inc.

Figure 20: Response to Additional Question No.3

Responses to Question 3; If further sessions were held in the future, who would you like to take part?

- Yes. Councilors that represent EAST WARD. Ben Banasik, Ray Law, Kate Terry. State MPs for Planning – Water & sewage, Electricity and roads. Definitely NO estate agents or developers.
- Yes providing they were done in the correct way.
- Not sure your question makes sense, but it is difficult to answer your questions without a pool of choices. So my first suggestion would be myself; and then my second would be the Ex Director of the Department of Environment and Planning Mr Brendan O'Connor. Thank you.

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Conclusion

Comments on final survey questions

The small number of replies to the survey is typical of surveyed responses. Many of the answers indicated that the final question (which was posted after the initial on-line survey) might have been misinterpreted. One respondent had objection to some of the participants who attended the sessions, made comments regarding a pecuniary interest issue and described the session as a “waste of time”. While these concerns are to be respected, privacy and due process (under the various Acts and Statutes), as well as the group agreement made at each session, prohibit the naming of individuals.

Issues of process and propriety.

There were a small number of issues/allegations of proprietor and process, such as council not enforcing compliance to EPBC Act, Council's treatment of developers, conflict of interests, truthfulness. These would need further discussion and appear, in some cases, to be matters that should be directed to the formal complaints procedures.

Conclusion

Apart from identifying the issues there were a number of reoccurring themes that became evident at each session. Though the real-world issues of environment, infrastructure and lifestyle where predominate the issue of communication is possible the most telling issue to arise from the workshops.

Communication is very difficult to define, as it is not so much about what we do in order to communicate, but how it is interpreted and reinterpreted. Bohm (1996) describes communication, as a “continual flow of meaning” where each response and counter response illustrates what has been understood. There was a clear message that participants felt that information (communication) was either; not accessible, not clear (or user-friendly), not complete, changed without notice, or not available at the necessary time in order for people to respond or give feedback.

The notion of not being heard, or simply ignored, was probably the most consistent message in all sessions. This leads to feelings of frustration and anger and heightens the sense of uncertainty. Kahnemann (2011) suggests that uncertainty, or lack of control, leads to “risk averse responses” which inhibit valid discussion and negotiation. What becomes problematic is that the audience stops engaging and messages simply do not get through. It's well known in conflict literature that it is not agreement that resolves conflict but rather the “feeling that we've been heard”. What was clear is that some groups did not feel as that they were being understood or that they had a voice in how their community was changing.

Communication, old versus new

Digital communication has many advantages. The problem with digital communications is that it is not fully integrated into all of society. While the younger segment is well, if not over wirelessly informed for many it is not always effective.

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We utilize communication and information storage and retrieval very differently. A strong message, and it is well illustrated in the communication responses across all workshops, is that the form or manner of communication simply does not work for all residents. The responses to the Initial Workshops Q2 (Constraints -Solutions) as well as Focused Workshop Q2, all suggest greater distribution of written and more traditional forms of communication including face to face, and more locally delivered information through letterbox and community noticeboards, and newsletters. Facebook is popular, however it is likely to connect with only a small section of the community. Many people may or may not have computers, however they all use digital communication very differently.

Engagement

The sessions provided a unique opportunity to measure engagement with the community. While the attendance demonstrated that the community wishes to engage with Council, the communication message was not consistent with the engagement theme. From the psychological perspective engagement and communication are interchangeable. Given that communication is a two-way activity it simply means that the community also wishes to be heard. A strong theme in educating young lawyers is to teach them to first let their client speak and that they will get more information, more efficiently then by asking too many questions. In short we engage by listening and validating first. More than one comment was made regarding reply to letters and emails that was "impersonal", "seemed like a standard reply". Again in engagement terms, it can send a message that "your concern is not important", encouraging a feeling of lack of standing, disconnection.

In July I attended a Community (Council) Forum, an excellent way for residents to engage directly with council. There is little doubt that this, as an existing forum for discussion, holds great promise as part of a solution to the engagement issue. Though, again, on observation, there were a number of aspects that illustrate a lack of engagement, somewhat two sides talking with little space for exchange of meaning.

On a number of occasions it was suggested that Councilors were not accessible, or at least easy to access, by the constituents. This was usually in the context of them and us, or divided community. Feelings of isolation or non-inclusion tend to create disharmony and lead to disengagement and can be counterproductive to the necessary "community as a safe haven".

There were a number of encouraging comments regarding the forum process such as "more events like tonight", "maybe on-line forums". These, together with the attendance illustrate a strong desire from the community to engage with Council in the growth and development of the community issues.

Uncertain futures

If it could be said that there was an underlying theme it would certainly be that of uncertain futures. One group did not deliver a list as requested but instead wrote a short piece about family history dating back to pre 1816. Here is a short extract "We

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can't imagine ever living anywhere but Appin. All our land was frozen in 1973 to create the third city in the TriCity Plan. Since then all our families have had to move away from Appin, as we can't subdivide a block for each of our children. We desperately need rezoning to get on with our lives. We need development in Appin, as the farming community is no more."

Development was not necessarily an objection, but the pace of change, the type of change, and retaining the lifestyle (and environment) that participants, and their families, had invested in was strong. One participant said, "I don't object to change (development), but it needs to be done right!"

Scope

The workshops were not designed to answer all of the complex questions that exist in a diverse and multifaceted community such as Appin, particular in that it exists in unique and natural environment on the edge of urban advance.

The scope of the workshop was to explore the issue and was based on the specific outcomes:

- Establish open lines of communication with Appin residents
- To establish that the Council's approach to strategic planning matters, which relate to growth in and around Appin will be based on a solid understanding of the resident's views.
- So that Appin residents will have a greater understanding of the planning process and Council's decisions.

While some residents may have been disappointed (understandably) that their individual concerns were not addressed, and certainly that was the objective of some, this was not an objective of the workshops. Further engagement processes may be required to address these specific issues.

Where to from here?

Further reading of the feedback from the workshops can provide a well-founded insight into community feeling and perception. What is evident is that community engagement is complex and requires a systemic response. There were many comments made by participants during the process that illustrate the diverse and complex community of Appin. Some participants did not stay for the workshops "because nothing will change". Some participants hoped that this would be a place where their questions could be answered (see above). Most participants demonstrated their concern for their community and for their future and the future of their families.

How the Council manages community engagement in the future will determine community sentiment.

PE7 – Greater Macarthur Land Release Investigation

PE7

Greater Macarthur Land Release Investigation

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EXECUTIVE SUMMARY

- In December 2014, NSW Department of Planning & Environment (“Department”) released ‘A Plan for Growing Sydney’, which sets out the Government’s strategy to meet Sydney’s housing needs over the next 20 years. The Plan nominated the Greater Macarthur area as a potential new growth centre for Sydney.
- On 22 September 2015, the Department released the Greater Macarthur Land Release Investigation for public comment.
- The Preliminary Strategy and Action Plan for Greater Macarthur has nominated two Priority Precincts for growth. The Wilton Priority Precinct, located in the Wollondilly Local Government area, has the potential to accommodate up to 16,600 dwellings.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council make a submission regarding the exhibited documents in accordance with the comments contained in this report.

REPORT

BACKGROUND

As a consequence of the investigation work into the Greater Macarthur area, the Department has placed the following documents on public exhibition:

- Greater Macarthur Land Release Investigation - Preliminary Strategy and Action Plan
- Greater Macarthur Land Release Investigation - Land Use and Infrastructure Analysis
- Draft Amendment to State Environmental Planning Policy (Sydney Region Growth Centres).

The exhibition period which commenced on 22 September 2015 will close on 4 November 2015 (6 weeks). Council has been granted an extension until 18 November 2015 to coincide with our cycle of Council meetings.

PE7 – Greater Macarthur Land Release Investigation

SUBMISSION TO EXHIBITION DOCUMENTS

The following information and comments are provided in relation to the exhibited documents. It is intended that the comments will form part of Council's submission to the Department.

1.0. Greater Macarthur Land Release Investigation - Preliminary Strategy and Action Plan.

The Preliminary Strategy and Action Plan ('Preliminary Strategy') identifies two Priority Precincts for inclusion in the SEPP (Sydney Region Growth Centres). The Plan suggests there is an immediate opportunity to deliver up to 35,000 homes in Menangle Park/Mount Gilead and in a new town at Wilton. Beyond 2036 another 33,000 homes could be provided in surrounding areas.

The Preliminary Strategy contains a Vision for Greater Macarthur in terms of infrastructure, land use and a retail hierarchy to support the population growth (see attached).

The Preliminary Strategy nominates the significant rezoning issues for the Priority Precincts and outlines Delivery Pathways to address these issues.

The Delivery Pathway sets the framework for the future assessment of rezoning applications to address the mining co-existence issue and biodiversity constraints. The Delivery Pathway is less prescriptive when addressing waterways.

In terms of the co-existence issue, the specialist studies that support the Preliminary Strategy give some context to prioritization of competing land uses.

For mining within a 0-7 year timeframe, exploration and the mining plan are generally well developed. In which case the studies recognise the benefit in delaying urban development until mining subsidence has been completed.

For mining within a 7-15 year timeframe, a specific economic assessment that weighs up the benefits of resource against the cost of forestalling urban development is considered to have some benefit.

For mining in the 15 year plus time frame, the cost of forestalling urban development becomes significant and the balance of overall community benefit is likely to tip in favour of allowing urban development to proceed at the risk of sterilising the coal resource.

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Comments:

The Vision for Greater Macarthur suggests that rail electrification to Menangle Park will be investigated. It is also understood that NSW Government has committed substantial funds to review the viability of the Maldon Dombarton Freight Rail. The Spring Farm Link Road will not only serve to relieve the pressure on Narellan Road and Appin Road. It will also serve to relieve the significant pressure on Finns Road, Menangle Road and Woodbridge Road in Menangle. Any proposed Bus Priority Corridor should extend to Appin Village. A two way bus loop to Campbelltown which incorporates Appin and Wilton should be considered in the longer term. These initiatives are fundamental to support the proposed urban growth.

In terms of the co-existence issues, exploration and resource extraction followed by urban development will result in the fragmented delivery of infrastructure given some land in Wilton is encumbered by mining and other land is unencumbered. The establishment of the town centre and much needed educational institutions may also be delayed considerably. The co-existence issue needs to be resolved to permit urban development on encumbered land at the same time as surrounding unencumbered land.

More clarity in relation to policy and legislative framework in the Delivery Pathways to address biodiversity constraints water quality would assist the rezoning assessment process. The Delivery Pathways to address biodiversity constraints should require revision of previous ecological based reports associated with the Wilton Junction proposal to give a contemporary statutory and policy context.

Regarding the funding mechanism to facilitate delivery of the urban development the "at no cost to government" stance is noted. Given that individual rezoning applications / planning proposals are likely to be assessed at the local level, the cost to Council is expected to be significant. Council seeks financial assistance via a State Planning Agreement for additional resources to manage urban growth. In terms of developing a local Section 94 Contribution Plan an increase of the cap to \$30,000 per lot would be appropriate given the greenfield nature of the precinct.

2.0. Greater Macarthur Land Release Investigation - Land Use and Infrastructure Analysis

The Land Use and Infrastructure Analysis ('Analysis') gives greater context to the work undertaken by the Department and the investigation findings.

The existing land values and constraints have been mapped and the capacity of existing infrastructure assessed. Areas outside the two Priority Precincts have significant infrastructure costs and environmental constraints but provide opportunities for longer term supply.

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The process from exhibition to rezoning has been detailed. A Steering Committee led by the Department will be formed to finalise the Land Release Strategy, Wilton Master Plan and Special Infrastructure Contribution. Council will have representation on the Steering Committee.

The Analysis refers to "existing and planned" infrastructure for water, sewer, electricity etc. It also refers to "planned and potential" infrastructure particularly in relation to transport (see attachment). It is understood, however, that some of the planned infrastructure, such as the sewer network and wastewater treatment plant, might be better described as potential infrastructure.

Comments:

To deliver a new town centre and up to 16,600 new homes at Wilton, Council requires clear understanding of the level of commitment from the Government to fund planned and potential infrastructure. For instance the Wilton Junction High Level Master Plan is based upon the sewer network largely confined to that precinct. An interconnected sewer network for the entire Greater Macarthur area has not been previously contemplated.

Consideration should be given to the underground supply of electricity in line with the provision arrangements for the existing Growth Centres.

In terms of mining values and constraints the Analysis does not recognise the proposed Power Plant proposed for Douglas Park. A formal application for the Power Plant is expected mid-2016.

2.1. Priority Precinct – Menangle Park and Mount Gilead

The Priority Precinct has an area of 849 hectares of unencumbered land suitable for residential development, and 15 hectares of unencumbered land suitable for employment uses. There is a further 363 hectares of encumbered land for residential purposes.

The known Planning Proposals in the precinct have the potential to generate up to 18,100 new homes on the boundary of the Wollondilly Local Government Area. The Preliminary Strategy suggests that rezoning of this precinct could be finalised by the end of 2015 with the first new houses possible within two years.

The area affected by Coal Seam Gas has been deemed encumbered land. The importance of the agricultural industry has been recognised in terms of resident employment (13.1%) within the investigation area. Consequently the poultry cluster and land mapped with Class 2 soil classification has also been deemed encumbered land. The Pathway Steps outlined in the Preliminary Strategy need to be addressed before encumbered land can be considered for urban release.

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In addition to the planned upgrade of Appin Road and construction of the Spring Farm Link, the Analysis recognises the need to upgrade Menangle Road to four lanes between Macarthur and Douglas Park.

Comments:

The Planning Proposal for Mount Gilead suggests the majority of traffic generated by the new estate will travel in a northerly direction. Council has previously commented that the impact from traffic upon Appin Village is likely to be significant. To alleviate the current traffic congestion in this area, Council is planning a By-pass around Appin, which is an unfunded project. It would be appropriate for any Special Infrastructure Contribution / State Planning Agreement negotiated by Government for the Menangle Park and Mount Gilead Precinct to fund construction of the Appin Bypass.

2.2. Priority Precinct – Wilton

The Wilton Priority Precinct has an area of 554 hectares of unencumbered land suitable for residential development. There is a further 552 hectares of encumbered land for residential purposes.

Council participated in the development of the Wilton Junction High Level Master Plan ('Wilton Master Plan'). The following notable amendments to the Wilton Master Plan are detailed in the Vision for Greater Macarthur:

- The housing yield for the area has increased from 12,000 to 16,000 new dwellings.
- The Vision for Greater Macarthur suggests an alternative retail arrangement to that envisaged in the Wilton Master Plan including a proposed village centre in West Wilton and Maldon.
- The precinct includes a considerable parcel of land at West Wilton not included in the Wilton Master Plan. The known Planning Proposals for this precinct have the potential to create 12,000 new dwellings. Based upon the Departments estimation of 16,600 potential new dwellings, it is assumed that West Wilton may accommodate up to 4,600 new homes.
- Approximately 131 hectares of unencumbered land and a further 321 hectares of encumbered land have been identified for employment purposes. This includes land at Maldon between Menangle Road and the Nepean River. The Analysis suggests this land could be zoned to permit heavy industrial use.
- The floor space for the proposed town centre has increased from 55,000m² to between 100,000 and 150,000m².
- The educational facilities envisaged in the Wilton Master Plan consisted of two primary schools (plus Bingara Gorge) and two kindergarten to year 12 schools. The Vision for Greater Macarthur proposes 7 primary schools, 2 high schools and specialty school (i.e. agriculture).

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- The highway service precinct show in the Wilton Master Plan does not appear in the Vision for Greater Macarthur.
- The Wilton Master Plan envisaged two intersection points along Picton Road to access West Wilton. In addition to these works, the Analysis suggests that Picton Road will be upgraded to a four lane arterial standard between Hume Highway and Picton.

Comments:

Council has worked with the Department and Wilton Junction Land Owners Group to develop the Wilton Master Plan. The high level nature of the Vision for Greater Macarthur is acknowledged. It is recommended however that the Vision incorporate the planned highway service precinct proposed south of the town centre.

In recent times considerable work has been carried out with the Department, Roads and Maritime Services and Wilton Junction Land Owners Group to develop an Infrastructure Sequencing Plan for the provision of state and local infrastructure.

Prior to finalisation of the Land Release Strategy, Council recognises the need to test the capacity of existing and proposed infrastructure to accommodate the additional 4,600 homes envisaged for West Wilton.

The capacity of the two intersections on Picton Road requires modelling in light of the additional population. It is noted that the northern intersection is proposed across land encumbered by mining. Any decision regarding the density and sequencing of urban development in West Wilton requires a level of certainty in terms of delivery of the northern intersection.

The provision of social infrastructure also requires re-examined. Any shortfall identified by the capacity / threshold tests needs to be addressed in terms of a funding mechanism for new or augmented infrastructure. A revised Wilton Master Plan should clearly indicate where any new infrastructure (e.g., open space, schools etc) will be provided.

The development forecast for West Wilton is not necessarily consistent with the vision for the area held by the Wilton Parklands Group. Given the number of land owners in the West Wilton area, it is recommended that Council lead the LEP Amendment process.

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In terms of the proposed employment precinct at Maldon, it is noted that much of the existing industrial land has not yet been developed for this purpose. Council's experience is that property owners are reluctant to rezone land for industrial purposes given the demand for residentially zoned estates and relative land values. Hence Council questions the likelihood of a proponent led rezoning of land. Council has previously rejected a planning proposal to rezone land for industrial purposes in this area. The reference to a Heavy Industrial zoning, which under the standard LEP instrument, permits industry of a hazardous or offensive nature is also questioned.

2.3. Planning Proposals in areas outside the Priority Precincts

The Analysis provides commentary on the known planning proposals not located with the priority precinct.

In relation to the Station Street Planning Proposal in Menangle, the Analysis suggests *"small scale development in Menangle Village in line with the existing post-Gateway planning proposal can be supported by the existing infrastructure and transport network"*.

In relation to the Planning Proposals in Appin, the Analysis suggests the rural setting of Appin Village should be protected *"with only small scale expansion taking place, in line with existing post- Gateway planning proposals"*. The Analysis makes references Appin East as a known Planning Proposal.

Comments:

Given the relative size of the various Planning Proposals, it is unclear which proposals the Department consider to be 'small scale'. It is suggested that the reference in the Preliminary Strategy and Analysis to 'small scale expansion taking place, in line with existing post – Gateway planning proposals' be replaced with a reference to 'moderate expansion in line with Council's adopted Growth Management Strategy'. If this approach was adopted, the Gateway approval process would still act as a safe guard for the Department to ensure inappropriate proposals do not proceed to detailed assessment stage.

Regarding the Station Street Planning Proposal the commentary should be adjusted to reflect that some infrastructure is required to support this proposal. The following amendment is suggested. "Moderate development in Menangle Village in line with Council's adopted Growth Management Strategy can be supported by the existing infrastructure and transport network provided alterations to local infrastructure identified in the proposal are undertaken and funded".

The reference to Appin East as a known Planning Proposal should be removed. Council has not received a Planning Proposal for this land consequently it has no formal status.

PE7 – Greater Macarthur Land Release Investigation

2.4. Social Infrastructure

The Analysis summarises the social infrastructure, including health facilities, that can be found in the investigation and surrounding areas. The need for an Integrated Health Facility for the Wilton Priority Precinct and a Primary Health Care Clinic for Menangle Park / Mt Gilead is recognised in the Analysis.

Poor air quality is listed as a major health concern for new residents. To combat the risk, it is proposed to establish a Priority Growth Area Air Technical Working Group consisting of various state agencies including NSW Health and Transport for NSW.

Comments:

During the development of the Wilton Master Plan, NSW Health suggested that hospital care services needed by new residents is best met through increased capacity at existing hospital facilities (e.g., Liverpool, Campbelltown, Camden & Bowral District Hospitals) and that public health care for Wilton Junction will be supported through the development of an Regional Integrated Primary & Community Care Centre. Given the total population estimated across the two Priority Precinct and into the future (e.g., beyond 2036) it is suggested that Government re-consider the benefits of a new hospital at Wilton. The acquisition of land within the Wilton Priority Precinct as a future hospital site should be included in any State Planning Agreement.

The following notable social infrastructure should also be referenced in the Land Use & Infrastructure Analysis - Picton High School, Camden High School, the Cemeteries (Catholic and Anglican) at Appin and Wilton, Picton Ambulance Service, Picton RFS, Wilton RFS, Wollondilly Leisure Centre, Bingara Golf Course, Antill Park Golf Course, Studley Park Golf Course and Mt Annan Leisure Centre.

2.5. Draft Amendment to State Environmental Planning Policy (Sydney Region Growth Centres)

It is proposed to amend the Growth Centres SEPP by referencing and mapping the two Priority Precincts as Growth Centres and recognising the Greater Macarthur Land Release Strategy as a “growth centre structure plan”. The existing provisions of Council’s LEP will continue to apply to development of land in the proposed growth centres until Precinct Plans are developed and incorporated into the Growth Centres SEPP.

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Comments:

The desired future character outlined in the Wilton Master Plan developed by Council should be reflected in any Precinct Plan. Council also seeks an assurance that any Precinct Plan will incorporate suitable density cap provisions to avoid the forward planning issues being experienced in the existing Sydney Growth Centres.

The Bingara Gorge Master Plan is based upon a cap of 1165 lots. Any re-examination of the density for urban development at Bingara Gorge needs to consider the existing infrastructure constraints. The Department also needs to consider the relevant resolutions of Council regarding the desired future character of Bingara Gorge prior to finalisation of the Precinct Plan.

CONSULTATION

Public exhibition of the Greater Macarthur Land Release Investigation is being co-ordinated by NSW Department of Planning & Environment. The Department has sought comment from Council as the local planning authority.

Council has received community feedback via the Wilton Junction Land Owners Group, Wilton Junction Community Reference Group and Wilton Parklands Group.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted Operational Plan. Listing of Wilton as a Priority Precinct will have resourcing implications in future years.

ATTACHMENTS

1. A Vision for Greater Macarthur
2. Existing and Planned Infrastructure Capacity
3. Planned and Potential Transport Infrastructure.

RECOMMENDATION

That the comments relating to the Greater Macarthur Land Release Investigation, outlined in this report and summarised below, be forwarded to NSW Department of Planning & Environment for their consideration:

- Council is supportive of a new town at Wilton
- The co-existence issue needs further resolution so that key infrastructure and the town centre are not delayed
- Key infrastructure including rail electrification, Spring Farm Link and bus corridors are essential to the success of Greater Macarthur
- Appin bypass is also essential and should be part funded by urban growth in Campbelltown (Menangle Park and Mount Gilead)

Report of Planning and Economy to the Ordinary Meeting of Council held on
Monday 16 November 2015

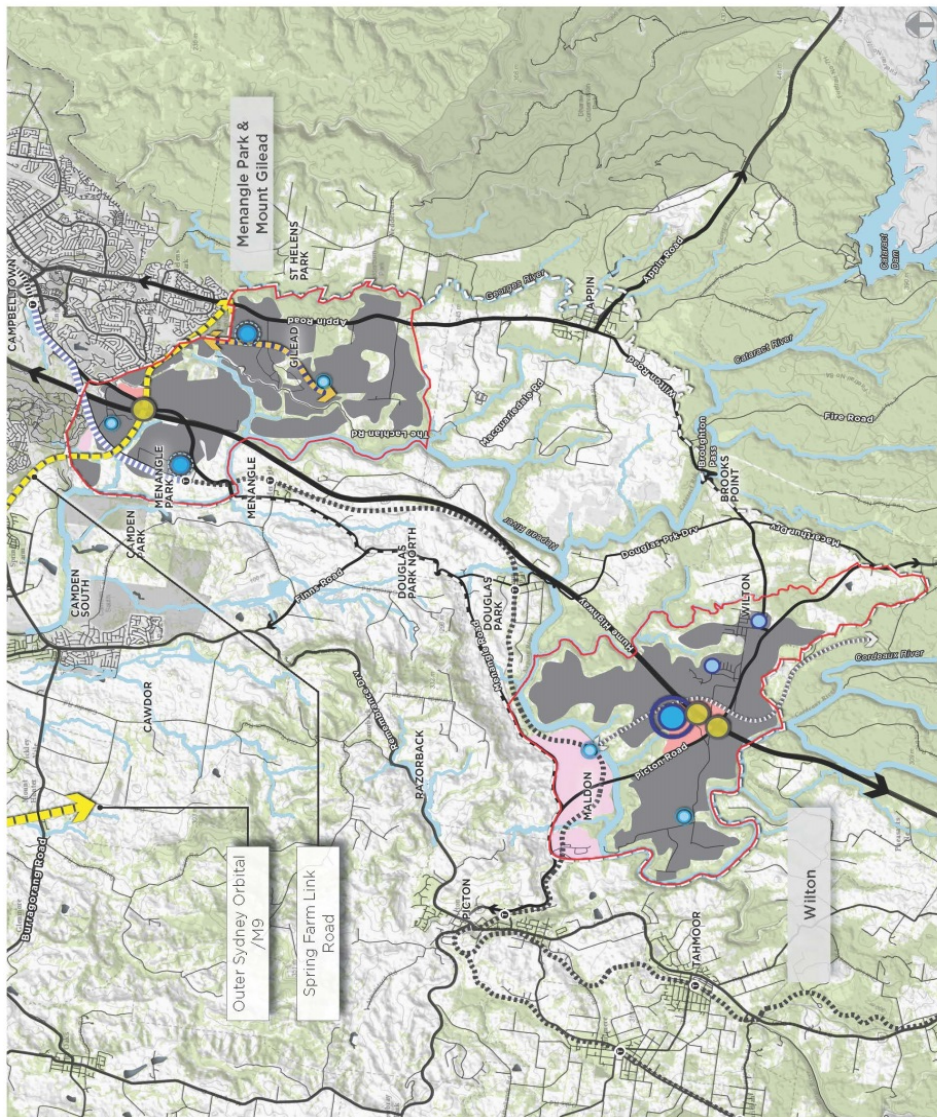
PE7 – Greater Macarthur Land Release Investigation

- The increase in the developer contributions cap from \$20,000 to \$30,000 is essential to enable Council to ensure local infrastructure is provided at required levels
- The increase in dwelling numbers requires re-consideration of infrastructure provision and sequencing. Re-examination of social infrastructure is also required
- Further justification is required for a heavy industrial area at Maldon
- References to individual proposals need to be corrected
- Council's preference remains that health services are provided through a new hospital.

PE7 – Greater Macarthur Land Release Investigation

ATTACHMENT 1 - 8520 – 16 NOVEMBER 2015

Vision for Greater Macarthur



- Preliminary Vision Structure**
- Greater Macarthur Land Release Investigation Area
 - Priority Precinct Boundary
 - Existing Rail & Station
 - Investigate Rail Electrification
 - Proposed New Interchange
 - Existing Roads
 - Planned Major Roads
 - Proposed Bus Priority Corridor
 - Preserve Maldon to Dombarton Freight Rail Waterways
 - Proposed Major Centre
 - Proposed Town Centre
 - Proposed Village Centre
 - Existing Village Centre
 - Developable Land
 - Employment Land
 - Service Industry / Large Format Retail

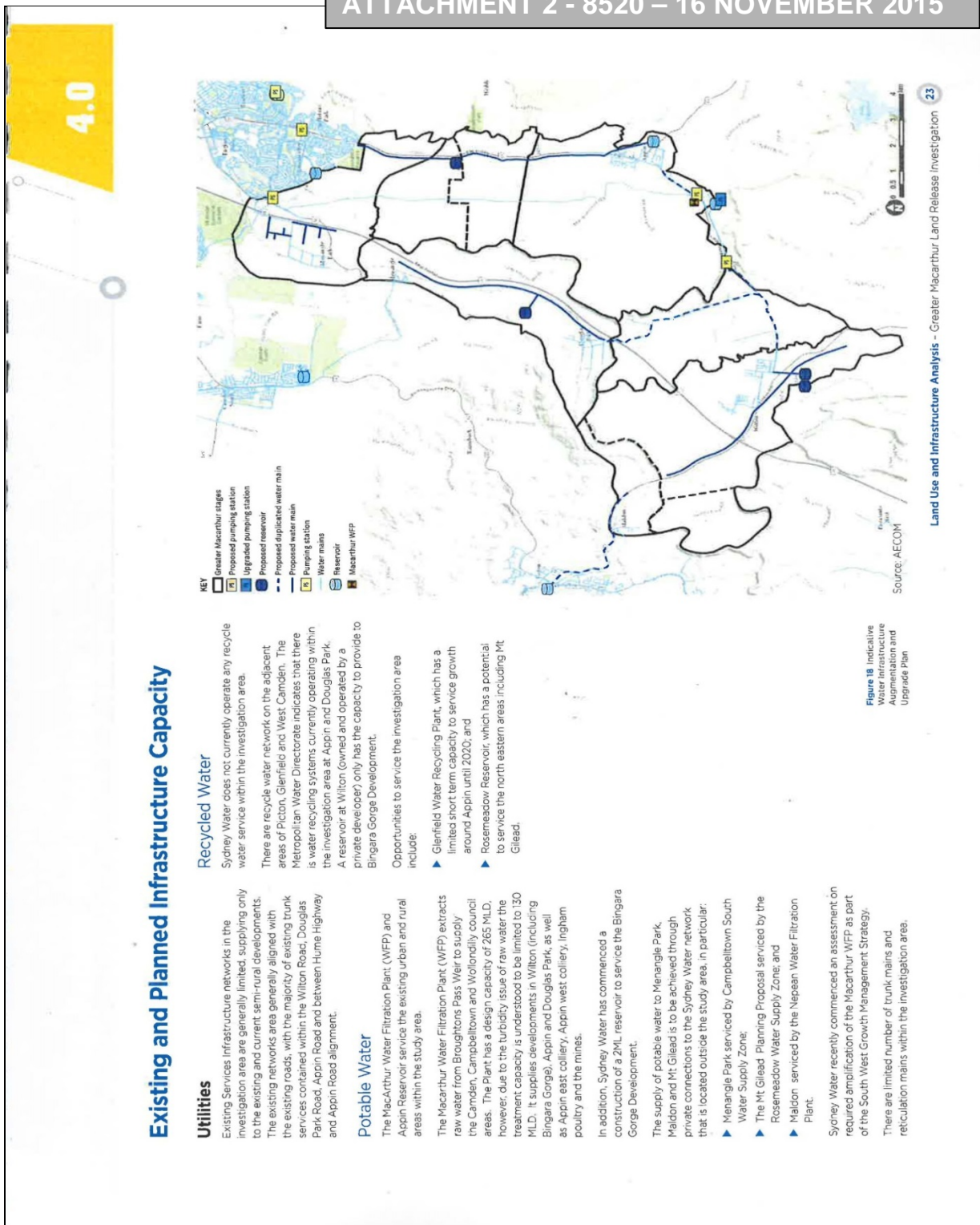
Figure 1 Greater Macarthur Vision to 2036

3 Preliminary Strategy & Action Plan – Greater Macarthur Land Release

Planning & Economy

PE7 – Greater Macarthur Land Release Investigation

ATTACHMENT 2 - 8520 – 16 NOVEMBER 2015



Existing and Planned Infrastructure Capacity

Utilities

Existing Services infrastructure networks in the investigation area are generally limited, supplying only to the existing and current semi-rural developments. The existing networks area generally aligned with the existing roads, with the majority of existing trunk services contained within the Wilton Road, Douglas Park Road, Appin Road and between Hume Highway and Appin Road alignment.

Potable Water

The MacArthur Water Filtration Plant (WFP) and Appin Reservoir service the existing urban and rural areas within the study area.

The Macarthur Water Filtration Plant (WFP) extracts raw water from Broughtons Pass Weir to supply the Camden, Campbelltown and Wollondilly council areas. The Plant has a design capacity of 265 MLD, however, due to the turbidity issue of raw water the treatment capacity is understood to be limited to 130 MLD. It supplies developments in Wilton (including Bingara Gorge), Appin and Douglas Park, as well as Appin east colliery, Appin west colliery, Ingham poultry and the mines.

In addition, Sydney Water has commenced a construction of a 2ML reservoir to service the Bingara Gorge Development.

The supply of potable water to Menangle Park, Maldon and Mt Gilead is to be achieved through private connections to the Sydney Water network that is located outside the study area, in particular:

- ▶ Menangle Park serviced by Campbelltown South Water Supply Zone.
- ▶ The Mt Gilead Planning Proposal serviced by the Rosemeadow Water Supply Zone, and
- ▶ Maldon serviced by the Nepean Water Filtration Plant.

Sydney Water recently commenced an assessment on required amplification of the Macarthur WFP as part of the South West Growth Management Strategy. There are limited number of trunk mains and reticulation mains within the investigation area.

Recycled Water

Sydney Water does not currently operate any recycle water service within the investigation area.

There are recycle water network on the adjacent areas of Picton, Glenfield and West Camden. The Metropolitan Water Directorate indicates that there is water recycling systems currently operating within the investigation area at Appin and Douglas Park. A reservoir at Wilton (owned and operated by a private developer) only has the capacity to provide to Bingara Gorge Development.

Opportunities to service the investigation area include:

- ▶ Glenfield Water Recycling Plant, which has a limited short term capacity to service growth around Appin until 2020; and
- ▶ Rosemeadow Reservoir, which has a potential to service the north eastern areas including Mt Gilead.

Figure 18 Indicative Water Infrastructure Amplification and Upgrade Plan

Land Use and Infrastructure Analysis - Greater Macarthur Land Release Investigation

PE7 – Greater Macarthur Land Release Investigation

ATTACHMENT 2 - 8520 – 16 NOVEMBER 2015

Existing Values and Constraints

Sewer Network

The review of the existing sewer networks indicates limited sewer mains present within the study area.

Existing pressure sewer trunk mains are located within Appin Village, sewer mains within Wilton Village and reticulated network in Douglas Park.

The Glenfield WRP currently service North Appin through a pressure sewer main that traverse along Appin Road via Rosemeadow pumping station, which is then discharge to Malebar Waste Water Treatment Plant.

Sydney Water's Priority Sewerage Program (PSP) has recently provided reticulated pressure sewerage systems to service the urban village of Appin, Douglas Park (154 properties) and the village of Wilton (260 properties).

The existing systems are serviced by a range of wastewater transportation and treatment schemes. These include:

- ▶ Douglas Park wastewater is collected and stored at Moreton Park and transported by tanker trucks to Sydney Water's wastewater pumping station on Camden Valley Road at Catherine Field;
- ▶ Appin wastewater is collected and transferred to Glenfield Water Recycling Plant;
- ▶ Wilton's wastewater is collected and transferred to the Bingara Gorge wastewater network for treatment; and
- ▶ The villages of Menangle and Menangle Park, which are currently unsewered and are serviced by on-site sewerage systems.

The design capacity of the reticulated system is limited to 450 L/household/day. However, future connections to the network are not guaranteed as it will be dependent on the size of the development and existing capacity in the system.

A private reticulated water treatment plant currently operates at Bingara Gorge.

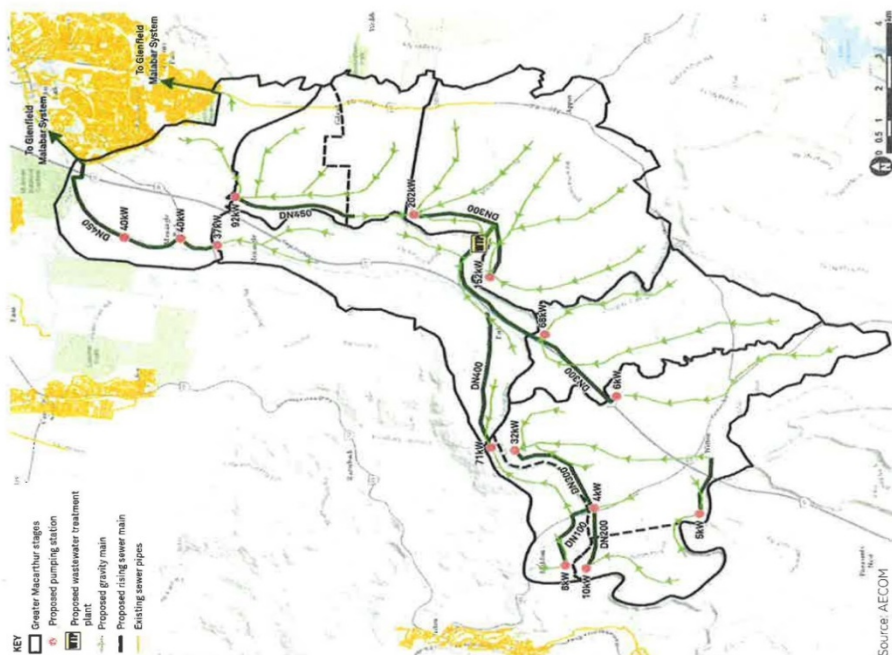


Figure 19 Indicative Sewer Infrastructure Augmentation and Upgrade Plan

PE7 – Greater Macarthur Land Release Investigation

ATTACHMENT 3 - 8520 – 16 NOVEMBER 2015

Area Context

Planned and Potential Transport Infrastructure

South West Rail Link Extension

The South West Rail Link extension to St Marys via the Western Sydney Airport (Northern extension) and to Narellan (Southern extension) is identified in the strategy as a corridor to be prioritised for corridor protection. Additional studies will identify a link to the Southern Rail Line either at Macarthur, Merangle Park or Kirangie.

The extension of the South West Rail Link would provide residents of the Macarthur / Campbelltown and Greater Macarthur area with enhanced connectivity to the Western Sydney Employment Area and the Western Sydney Airport.

Maldon- Dombarton Rail Line

The Australian Government has provided TfNSW with \$25.5M to undertake planning and pre-construction development for this freight line that will link Port Kembla with the Main South Freight Line. Approximately 70 per cent of the earthworks, track formation, drainage and bottom ballast have been constructed, including the approaches to the mid span of the Nepean River Bridge.

Spring Farm Link Road

The Spring Farm Parkway is a proposed east-west road link that would connect Camden Bypass in Spring Farm with the Hume Motorway, Menangle Road and Appin Road. The alignment traverses both the Camden and Campbelltown LGAs. The road will provide a relief to Narellan Road and Appin Road. The road will support development in the Merangle Park and Gilead areas. There is no funding available for this road. The corridor is already zoned and protected.

Georges River Parkway

Preserved north-south road corridor located east of the Hume Highway. The Georges River Parkway would provide relief link between the Hume Highway and the M5 West. There is no funding available for this road. The corridor is already zoned and protected.

Outer Sydney Orbital

This is a multi-modal (road, rail and freight) corridor linking the Western Sydney Employment Area with the Central Coast and the Illawarra. Transport for NSW (TfNSW) is considering corridor alignments for their protection. The southern extent of the corridor study area overlaps with the Greater Macarthur investigation area. A short-list of alignment options is expected late 2015.

High Speed Rail

A High Speed Rail (HSR) passenger network connecting Melbourne, Sydney, Canberra, Brisbane and other regional centres is under investigation by the Australian Government. The HSR Study Phase 2 Report (April 2013) identified a preferred alignment east of the Hume Highway. There is no current federal commitment to the project.



Figure 8 Planned and Potential Transport Infrastructure

8 Land Use and Infrastructure Analysis - Greater Macarthur Land Release Investigation

PE8 – Planning Proposals In Appin

PE8

Planning Proposals In Appin

105

TRIM 4985, 6585, 6984, 7896, 7966 & 7967

EXECUTIVE SUMMARY

- The purpose of this report is to provide further advice on Planning Proposals in Appin following the release of the Greater Macarthur Land Release Investigation - Preliminary Strategy and Action.
- Council has previously resolved to place all planning proposals within the investigation area on hold pending the release of the report. The NSW Department of Planning & Environment ('Department') have now released their Preliminary Strategy and Action Plan together with a Land Use and Infrastructure Analysis for public exhibition.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with these applications.
- It is recommended that Council recommence assessment of the Bulli - Appin Rd (20 Lot), Macquariedale Rd (280 Lots) and Brooks Point Rd (225 Lots) planning proposals in line with the advice contained in the Greater Macarthur Land Release Investigation Area report and Council's 2011 Growth Management Strategy.
- It is also recommended that Council invite the proponents for the Appin Vale (4000 Lots), North Appin (4000 Lots) and Brooks Point (3500 Lots) planning proposals to withdraw their rezoning applications.

REPORT

BACKGROUND

Release of the Greater Macarthur Land Release Investigation was announced by the NSW Minister for Planning on 22 September 2015 and subsequently placed on public exhibition for 6 weeks.

The Preliminary Strategy and Action Plan identifies immediate opportunities for up to 35,000 homes in Menangle Park, Mt Gilead and Wilton requiring a coordinated approach to land use planning and infrastructure delivery.

Other identified precincts, including Appin, are found to have 'significant infrastructure costs and environmental constraints but may provide longer term opportunities beyond 2036'. Specifically it is noted that 'prior to 2036 the rural setting of Appin Village will be protected with only small scale expansion taking place, in line with existing post-Gateway planning proposals'.

PE8 – Planning Proposals In Appin

STATUS OF PLANNING PROPOSALS

All planning proposals within the Greater Macarthur Urban Release Investigation Area which are handled by Council have been on hold since March 2015. This includes six planning proposals in Appin (Macquariedale Road, Brooks Point Road, Appin Bulli Road, Appin Vale, North Appin and Brooks Point) that were previously reported to Council most recently in August 2015. This decision was in response to a Council resolution at the Ordinary meeting held 16 March 2015. It was also resolved in May 2015 'that processing and public exhibition of the Biodiversity Certification Application for Macquariedale Road, Appin not commence until the final report on the Greater Macarthur Urban Release Investigation Area has been released.'

This does not include the planning proposal at Station Street, Menangle which is being progressed by the Joint Regional Planning Panel (JRPP) as the responsible planning authority.

The following table summarises the various planning proposals in Appin, their scale, assessment status and whether they have been identified as locations for residential growth in the Wollondilly Growth Management Strategy 2011 and previous versions of this document:

Planning Proposal	Estimated Lot Yield	Stage	Identified in the GMS 2011 for residential growth?
Macquariedale Road, Appin	280	Public exhibition completed. Further public exhibition required for voluntary planning agreement and submission of biodiversity certification application.	Yes
Brooks Point Road, Appin	228	Preliminary consultation undertaken	Yes
Appin Bulli Road	20	Gateway Determination received	Yes
Appin Vale	4000	Initial assessment not complete	No
North Appin	4000	Initial assessment not complete	No
Brooks Point	3500	Initial assessment not complete	No

PE8 – Planning Proposals In Appin

The following comments are provided regarding the continued assessment of the various planning proposals for Council's consideration:

▪ **Appin Vale, North Appin and Brooks Point Planning Proposals.**

The West Appin planning proposals represent an additional 11,500 residential lots.

The Greater Macarthur Land Release Investigation - Preliminary Strategy and Action Plan ('Preliminary Strategy') suggests that *'areas outside Menangle Park / Mount Gilead and Wilton have significant infrastructure costs and environment constraints but provide opportunities for longer term supply. Up to 2036, these areas will remain rural in nature with small scale development that can be supported by the existing infrastructure and transport network'*.

Given the above, it is recommended that Council write the proponents of these planning proposals and invite them to withdraw their rezoning applications. If not withdrawn prior, the planning proposals should be rejected upon finalisation of the Land Release Strategy provided the Department's position on Appin remains unchanged.

▪ **Appin Bulli Road. Planning Proposal.**

This planning proposal represents an additional 20 residential lots.

The Preliminary Strategy also suggests that *'the rural setting of Appin Village will be protected with only small scale expansion taking place, in line with existing post – Gateway planning proposals'*.

The Appin Bulli Road Planning proposal received Gateway Determination on 24 January 2014. The scale of the proposal is consistent with the small scale expansion referred to in the Preliminary Strategy. The proposal is also consistent with Council's Growth Management Strategy 2011. It is suggested that the proposal can be supported by the existing infrastructure and transport network

Given the above, it is recommended that assessment of the planning proposal continue. A further report relating to the relative merits of the planning proposal will be presented to Council at a future date. The proponent will be advised that any decision to continue with the assessment should not be misconstrued as support by Council for the proposed LEP amendment.

PE8 – Planning Proposals In Appin

▪ **Macquariedale Road Planning Proposal**

This planning proposal represents an additional 280 residential allotments.

The planning proposal is consistent with Council's Growth Management Strategy 2011. Gateway determination for the proposal was granted on 25 October 2011. The planning proposal has been publically exhibited.

Council previously resolved to defer exhibition of the Voluntary Planning Agreement and Bio-Certification Application until the Preliminary Strategy was released.

The Greater Macarthur Land Release Investigation - Land Use and Infrastructure Analysis ('Analysis') lists the known planning proposals relating to Appin. No distinction is provided as to which proposals are considered 'small scale'. It is assumed that Macquariedale Road Planning Proposal is small scale compared to the West Appin Planning Proposals which have the potential to create an additional 11,500 residential lots. This assumption is supported by separate correspondence received from the Department relating specifically to the Macquariedale Road Planning Proposal (see attached).

Given the above, it is recommended that assessment of the planning proposal continue. A further report relating to the relative merits of the planning proposal will be presented to Council at a future date. The proponent will be advised that any decision to continue with the assessment should not be misconstrued as support by Council for the proposed LEP amendment.

▪ **Brooks Point Road Planning Proposal**

This planning proposal represents an additional 228 residential lots.

Given the relative size of the various Planning Proposals, it is assumed that this proposal is consistent with the Department's interpretation of 'small scale'. Whilst the planning proposal is consistent with Council's Growth Management Strategy 2011, it has not gained Gateway Determination from the Department.

In a separate report to this Business Paper, it is suggested that Council make a submission to the Greater Macarthur Land Release Investigation. In the draft submission it is recommended that the reference to '*small scale expansion taking place, in line with existing post – Gateway planning proposals*' be replaced with a reference to '*moderate expansion in line with Council's adopted Growth Management Strategy*'.

PE8 – Planning Proposals In Appin

If this approach was adopted, the Gateway approval process would still act as a safe guard for the Department to ensure inappropriate proposals do not proceed to detailed assessment stage.

Given the above, it is recommended that assessment of the planning proposal continue. A further report relating to the relative merits of the planning proposal will be presented to Council at a future date. The proponent will be advised that any decision to continue with the assessment should not be misconstrued as support by Council for the proposed LEP amendment.

CONSULTATION

Those residents on Council's database, who have previously expressed concern about development in and around Appin have been advised of this report.

FINANCIAL IMPLICATIONS

Council's standard fees and charges are applicable to these planning proposals and have been paid as relevant to the extent to which each particular planning proposal has progressed.

ATTACHMENTS

1. Letter from NSW Department of Planning & Environment dated 12 June 2015.

RECOMMENDATION

1. That Council re-commence assessment of the Bulli - Appin Rd, Macquariedale Rd and Brooks Point Rd planning proposals in line with the advice contained in the Greater Macarthur Land Release Investigation Area report and Council's 2011 Growth Management Strategy. A further report relating to the relevant merits of each proposal will be presented to Council at a later date.
2. That Council writes to the proponents for the, Appin Vale, Brooks Point and North Appin planning proposals inviting them to withdraw their rezoning applications.
3. That all proponents and the Appin community be notified of Council's decision with regards to the individual planning proposals in Appin.

Report of Planning and Economy to the Ordinary Meeting of Council held on
Monday 16 November 2015

PE8 – Planning Proposals In Appin

ATTACHMENT 1 – 4985, 6585, 6984, 7896, 7966 & 7967 – 16 NOVEMBER 2015



**Planning &
Environment**

Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 2
PICTON NSW 2571

15/08940

Dear Mr Johnson

I refer to the planning proposal for land at Macquariedale Road, Appin (PP_2011_WOLLY_014_00), currently under consideration by Wollondilly Council. The Department of Planning and Environment acknowledges Council's resolution on 16 March 2015 to defer further consideration of this planning proposal until the Department completes its investigation of land release potential at Greater Macarthur.

The Department's investigations at Greater Macarthur are progressing under Action 2.4.2 of *A Plan for Growing Sydney*. The Department will be in a position to present an update of its investigations to the Planning Control Group in June 2015.

I appreciate that Council has been working closely with the proponent to progress this planning proposal over a number of years and that the issues of biodiversity conservation and infrastructure servicing are critically important in considering not just this planning proposal but all land release proposals in the Appin locality. The Department has considered this planning proposal and is of the view that it can progress independently of the Greater Macarthur Land Release Investigation, because:

- the planning proposal is at an advanced staged of the plan-making process; and
- the scale and nature of the planning proposal is unlikely to have a significant influence on the outcomes of investigations for the broader Greater Macarthur area.

The Department's Housing Land Release and Metropolitan branches are willing to meet with Council to discuss Council's consideration of this planning proposal and any issues requiring resolution.

Should you have any further enquiries on the Greater Macarthur Land Release Investigation, I have arranged for Paul Robilliard, Director, Housing Land Release to assist you. Paul can be contacted on (02) 9860 1512.

Yours sincerely

Brendan O'Brien
Executive Director
Infrastructure, Housing and Employment

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	4985
PROP No.	
12 JUN 2015	
AUTH. No.	Tania
ASSIGNED TO:	