

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2016

PE1 - Draft Planning Proposal - Clearview No 2

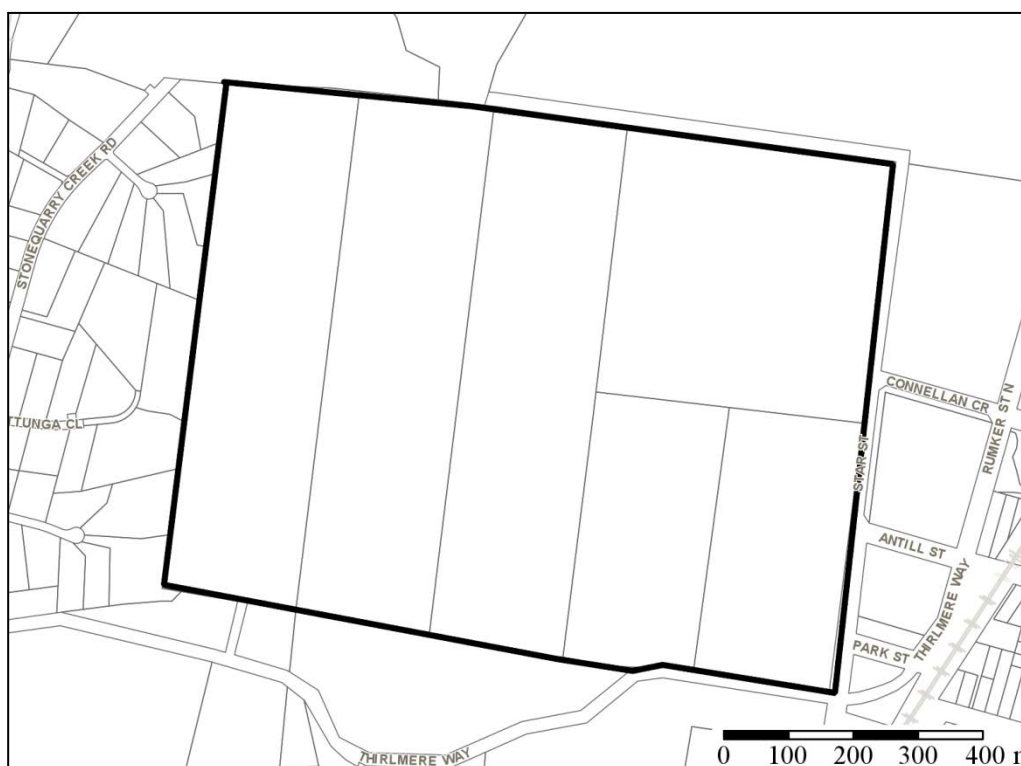
PLANNING AND ECONOMY

PE1 Draft Planning Proposal - Clearview No 2

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TRIM 5875-2

Applicant: Tesrol
Owner: Tesrol Clearview Pty Ltd



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LOCATION MAP N

Stage	Completed
Preliminary notification	Monday 29 August to Friday 16 September 2016
Gateway Determination	
Consultation with Public Agencies	
Specialist Studies	
Public exhibition/community consultation	
Referred to Minister for Publication	

Planning & Economy

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EXECUTIVE SUMMARY

- In August 2015, Council resolved to support a planning proposal in the same form but an objection to the rezoning from NSW Trade & Investment with regard to future undermining and subsidence issues with future development meant that Council could not use its delegation to make the amendment to Wollondilly Local Environmental Plan (WLEP) so it was sent to the NSW Department of Planning & Environment to make a determination.
- In May 2016 a delegate of the Greater Sydney Commission decided not to make the local environmental plan due to an unresolvable objection from a state agency and an inconsistency with a Ministerial Direction related to underground mining operations.
- In early June 2016, Glencore announced that Tahmoor Colliery would be ceasing mining in the area by 2019 which meant that the 'Clearview' site would no longer be subject to mining.
- A new planning proposal application for the 'Clearview' site located on Thirlmere Way, Picton has been submitted.
- 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 defer the preparation of the Clearview No.2 Planning Proposal until mining related issues discussed in this report are resolved through further investigation and stakeholder agreement.
 - The applicant and submitters be advised about Council's resolution.

REPORT

BACKGROUND

The following chronology is provided with respect to this matter:

April 2010 - The original Clearview Planning Proposal was submitted to Council and sought a rezoning to accommodate approximately 550 dwellings comprising a mix of private residences, a nursing home, and a retirement village with around 50 residential lots. After issues were raised with the size and impact of the planning proposal it was revised to provide for approximately 300 residential lots.

August 2011 – The revised proposal was supported by Council and received a Gateway Determination from the NSW Department of Planning to proceed.

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July-August 2014 – The formal community consultation and public exhibition of the Planning Proposal was undertaken.

August 2015 - Council resolved to request the Department of Planning & Environment to make and publish the local environmental plan for the Clearview planning proposal. Council's resolution is included as Attachment 1.

Council was granted delegation to make the local environmental plan for the Clearview planning proposal but was unable to use its delegation due to an unresolved agency objection. The NSW Trade and Investment - Minerals and Resources office objected to the planning proposal because of the likely undermining of the site by Tahmoor Colliery in the short to medium term.

September 2015 – The planning proposal was forwarded to the Department of Planning & Environment to make the local environmental plan amendment.

4 May 2016 - The Greater Sydney Commission decided not to make the proposed local environmental plan based on the objection from the State agency in relation to underground mining operations and subsidence risk. The letter from NSW Planning & Environment is provided as Attachment 2.

June 2016 - Glencore announced that Tahmoor Colliery would cease longwall mining in 2019. As mining operations at that point would not reach the Clearview site, undermining of the site was no longer considered an issue. The proponents requested the Department of Planning & Environment to reconsider the planning proposal and were advised that as it was refused, a new planning proposal would need to be submitted to Council. This new planning proposal Clearview No.2 is the same as the previous planning proposal supported by Council.

15 September 2016 – A letter from Subsidence Advisory NSW addressed to the proponent and circulated to Wollondilly Council advised that consideration is being given to including the Clearview site within the Picton Mine Subsidence District. Inclusion in the Mine Subsidence District is aimed at minimising potential subsidence damage by regulating development to ensure buildings and other structures are constructed appropriately.

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19 September 2016 - A second letter from Subsidence Advisory NSW addressed to the Department of Planning & Environment and circulated to Council advised that Tahmoor Colliery holds development consent to extract coal beneath the area to be rezoned until 2020 and that mining may recommence if the market outlook for coal improves. They recommend that the proponent work with them and Tahmoor Colliery to agree on a co-existence framework. Subsidence Advisory NSW also considers that rezoning should not occur until Government has a better understanding of the potential subsidence impacts of the development.

19 September 2016 – A submission from Tahmoor Colliery advised that the company has development consent and a mining lease over the Clearview site for the full extraction of coal and the concurrent subsidence of the surface. Tahmoor Coal objects to this proposal as the Clearview site is not in a Mine Subsidence District.

17 October 2016 - the Department of Planning and Environment advised Council that the Mine Subsidence Board has announced significant reforms to the mine subsidence compensation framework under the *Mine Subsidence Compensation Act 1961*.

The proposed changes will require mining operators to directly compensate property owners for subsidence damage that they cause. The Mine Subsidence Board (MSB) will no longer process claims for subsidence damage arising from active mines, but will provide case managers to oversee claims and ensure property owners are treated fairly.

Mining operators will pay a reduced levy to compensate for the impacts of subsidence damage from abandoned mines. The MSB will continue to process claims for damage to property arising from 'abandoned mines'.

The MSB will be repositioned as Subsidence Advisory NSW tasked with providing advocacy and support to local communities affected by subsidence, and case managers will be on hand to guide claimants through the new process.

1.1 SITE DESCRIPTION

The planning proposal site known as 'Clearview' has a total area of approximately 82 hectares and is situated around 2 kilometres south-west from the Picton Town Centre on the western side of the Main Southern Railway. The site contains 6 allotments being Lots 21, 37 & 36 DP 751287 (640 Thirlmere Way) and Lots 1 & 2 DP 1079669 (740 & 760 Thirlmere Way) and Lot 1 DP 1058734 (25 Star Street), Picton.

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The site is characterised by flatter land to the east and rising up relatively steeply along two ridgelines towards the west. Two waterways run east-west along the two gullies formed below the ridges.

Historically the site was used for dairy farming and currently is used for grazing cattle. Most of the site is cleared except on the western end which contains a number of large remnant native trees.

The site is partially bounded on two sides, the north and east by an unformed road (Star Street) and by Thirlmere Way to the south. Access to the eastern end of the site from Argyle Street is via Thirlmere Way under the Main Southern Railway bridge. 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 PROPOSAL

It is proposed to amend Wollondilly LEP 2011 to rezone rural land to residential to allow for approximately 300 residential lots for future housing. The proposal aims to make the following changes to the site:

- Rezone the eastern end to Zone R2 Low Density Residential and provide for a minimum allotment size of 450 sqm and;
- Rezone the western end to R5 Large Lot Residential and provide for a minimum allotment size of 4,000 sqm and;
- Provide a maximum building height of 9m to where currently there is no maximum building height and;
- Include the land on the Urban Release Area Map which would potentially allow State agencies to require contributions towards provision of infrastructure such as state roads.

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

Consultation with Council staff was undertaken for the previous Clearview Planning Proposal supported by Council. The main issues of concern identified relate to access, traffic impacts, stormwater management and retention of native vegetation. These concerns have been addressed through specialist studies and liaison with Council officers and government agencies.

Access and Traffic Concerns

The main access into the site will be through a roundabout on Thirlmere Way at the eastern end of the site and then along Antill Street which is currently an unformed road. Secondary access will be provided along Star Street which is currently unformed and would need to be constructed as a road.

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Access to seven (7) proposed large lots at the western end of the site would be via Thirlmere Way from the existing unnamed road at the western end. There are concerns with potential dangerous access at this point along Thirlmere Way as it is known by local residents as a 'blind spot'. As only 7 lots will be able to access this part of the site, there should not be a major increase in potential traffic conflict but this will be examined in detail as part of any future development application for subdivision to determine what traffic management infrastructure would be required to alleviate the potentially dangerous access.

Concerns with potential for increased traffic from the Clearview site along Connellan Crescent and the narrow bridge would be mitigated by a proposal to have a left turn access and egress only from Argyle Street thereby improving safety for existing local residents while discouraging use by future residents.

A pedestrian bridge along Connellan Crescent is not recommended for safety reasons as it would be dangerous for pedestrians to cross to the path on the opposite side at this point. Instead a pedestrian pathway along Thirlmere Way will be provided by lowering the road under the railway bridge to a depth that provides sufficient clearance to allow trucks to pass beneath the bridge. This pathway would then link to the existing pathway on Thirlmere Way and Argyle Street.

Picton Town Centre Transport Master Plan

There have been concerns with the cumulative impact on local roads from the significant number of planning proposals for rezoning additional residential and commercial development around Picton. A Picton Town Centre Transport Master Plan is currently being investigated with the aim of providing options for improving management of traffic and transport in and around the Picton Town Centre. This investigation was funded by proponents of four planning proposals around Picton.

The proponents for Clearview were not asked to contribute as their proposal was already with the Department for finalisation when the traffic study was commissioned.

The Clearview site is located further from the Picton Town Centre than the 4 planning proposals but its development would have an impact on traffic levels in and around the town centre. The findings of the transport master plan will assist future deliberations with regard to the need for additional infrastructure to improve traffic and transport management and provide the basis for future negotiations with developers in regard to contributions and provision of such infrastructure. For the Clearview site this would need to occur at Development Application stage.

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Stormwater Management

An assessment of stormwater management throughout the site has indicated that drainage of the site through the use of on-site detention and culverts will ensure that development of the Clearview site will not result in adverse impact on downstream properties.

Protection of Native Vegetation

At the western part of the site are a number of large native trees and vegetation identified as Cumberland Plain Woodland (CPW), a critically endangered ecological community. The Cumberland Plain Woodland trees are unique in their age and their elevated location in the landscape and add to the visual attributes of the site. These trees are intended to be retained and protected along with the remnant CPW in larger lots and with a positive covenant on the land title. A Vegetation Management Plan should also be prepared to provide an ongoing maintenance regime for those lots containing this vegetation. The Wollondilly Development Control Plan 2016 includes site-specific controls aimed at protecting the mature trees and CPW.

Land Contamination (SEPPSS)

Potential contaminants were identified on the Clearview site during the process for the first (refused) planning proposal. The report submitted identified measurements to be undertaken at development assessment stage. These measures equally apply to this new proposal Clearview No.2.

2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination for the first Clearview Planning Proposal required consultation with public agencies and their comments are outlined in the attached report to Council tabled at its Ordinary meeting held on Monday 17 August 2015. This Council report is included as Attachment 3.

Mine subsidence

As detailed in the background timeline above, a letter has been received from Subsidence Advisory NSW with regard to the Clearview No. 2 Planning Proposal which recommends that it work with the proponent and Tahmoor Colliery to agree on a co-existence framework prior to any rezoning proceeding. A submission has been received from Tahmoor Colliery indicating that they object to the proposal as the site is not within a mine subsidence district.

Subsidence Advisory NSW considers that rezoning should not occur until Government has a better understanding of the potential subsidence impacts of the development. The letter also indicates that Subsidence Advisory NSW is proposing to proclaim the area including the Clearview site as an extension to the Picton Mine Subsidence District.

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Proposed changes to the *Mine Subsidence Compensation Act 1961* transfer the cost of subsidence damage to mine operators. Subsidence Advisory NSW has provided guidelines to the Department for a co-existence framework which would require proponents to work with the MSB and mining operators to determine the economic feasibility of development with regard to potential subsidence risks and costs.

Key Infrastructure

In terms of provision of water and sewage services, initially Sydney Water was unable to service the site. More recently Sydney Water has advised that there would be sufficient capacity in existing infrastructure to provide both water and sewerage although extension and amplification of the networks would be required. Sydney Water has delivered trunk wastewater main amplification to West Picton and advised that this would provide a point of connection from which the Clearview development can extend reticulation mains.

2.3 COMMUNITY CONSULTATION

In accordance with Council's notification policy, initial community consultation has been undertaken. The application was made available on Council's website and letters were sent to owners and occupiers of adjoining and potentially affected properties and 9 submissions were received all objecting to the proposal.

The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

Issue Raised	Assessment Comment
<p><u>Stormwater and Flooding</u></p> <p>1. Drainage issues in storms and heavy rains and current blockage of drains near the site.</p>	<p>1. The issue of stormwater impact from the Clearview site was addressed by specialist studies and found that on-site detention would ensure that there would be no unreasonable impact from future development on drainage systems around the site.</p> <p>Blockage of drains is an ongoing maintenance matter and this matter has been forwarded to the relevant Council staff for action.</p>
<p><u>Landscape Impacts</u></p> <p>1. Impact on the rural character and visual appeal.</p>	<p>1. A detailed visual analysis was undertaken to determine the key visual elements of the site. Denser development is proposed on lower parts of the site and</p>

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Issue Raised	Assessment Comment
<p>2. Would a proposed buffer on the northern side be paddock or landscaped?</p>	<p>larger allotments are proposed on the higher and more prominent parts of the site.</p> <p>To minimise visual impact, a significant proportion of the site would include larger lots and aim to retain large trees and vegetation.</p> <p>Building envelopes are proposed to contain buildings and ensure ridgelines are not impacted by development. No buildings will be allowed above the 250m AHD contour line.</p> <p>Landscaping of the site along riparian corridors and throughout the site should also reduce future impact from development of the site.</p> <p>2. A 50m buffer area to the northern side for rural properties is included on the Indicative Concept Plan and would be landscaped. An additional provision to detail this can be included within the site specific provisions of Wollondilly Development Control Plan 2016.</p>
<p><u>Traffic and Transport</u></p> <p>1. The traffic survey is inadequate and congestion is an issue in terms of existing infrastructure and future emergencies.</p> <p>Major issues with current Thirlmere Way/Argyle Street roundabout and backing-up of the additional traffic and proposed roundabout will result in gridlock at peak</p>	<p>1. NSW Roads and Maritime Services and Council staff were satisfied with the traffic analysis undertaken and traffic modelling found that the critical intersection of Argyle Street and Thirlmere Way and the proposed roundabout on Rumker Street would operate satisfactorily with the additional traffic from the Clearview site.</p> <p>In the longer term a Picton by-pass is likely to be required to provide alternative routes for future development.</p>

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Issue Raised	Assessment Comment
<p>hour as traffic will be 3+ cars/household not 1/household as in traffic survey. Traffic lights would be a better solution.</p>	<p>Council is preparing a Transport Management Plan centred on the Picton Town Centre which will also inform this planning proposal.</p>
<p>2. Concern with increased traffic on Connellan Crescent and the proposal to block Connellan Crescent at Rumker Street.</p>	<p>2. It is not proposed to block Connellan Crescent at Rumker Street but a safer access and egress is proposed to and from Argyle Street by allowing left turn access only to and from Connellan Crescent. This proposal would also limit residents from the Clearview site using Connellan Street bridge. A pedestrian bridge was considered but the lack of connecting pathways would result in safety issues for pedestrians.</p>
<p>3. Need for signage to ensure Clearview residents do not use the narrow Connellan Crescent bridge route.</p>	<p>3. Signage and traffic management devices for local traffic may also be considered should Clearview development proceed.</p>
<p>4. Safety concerns for pedestrians require a footbridge utilising the existing railway tunnel infrastructure to separate pedestrians from traffic.</p>	<p>4. A crossing over Argyle Street to the pedestrian pathway on the eastern side would be necessary in future and consideration could be given to a footbridge. It is proposed to provide a footpath under the railway bridge in Thirlmere Way.</p>
<p>5. Difficulty for large semi-trailers using the new roundabout.</p>	<p>5. The main access into Clearview would be via a roundabout at the corner of Thirlmere Way and Antill Street. This roundabout and the intersection would need to be large enough and designed to ensure semi-trailers can traverse easily.</p>
<p>6. Will Star Street which is a dirt track be constructed</p>	<p>6. Star Street will provide secondary access to the site and will need to be</p>

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Issue Raised	Assessment Comment
<p>as a road.</p> <p>7. Thirlmere Way is a steep and winding road with many blindspots and the access proposed from Thirlmere Way at the western end of the site will be dangerous.</p>	<p>formed and constructed as a road.</p> <p>7. The existing access on the western end of the site on Thirlmere Way would provide for around 7 large lots only and further detailed design with regards to safety for this access and Thirlmere Way in general would be undertaken as part of any future subdivision application.</p>
<p><u>Sewerage</u></p> <p>1. It is not clear that Sydney Water has agreed to the connection of the Clearview site to the sewerage system.</p> <p>2. Existing residential properties should be able to connect to the sewer.</p>	<p>1. Sydney Water have advised that there would be capacity to service Clearview and in 2015 provided a sewerage main to Rumker Street North which would be the connection point for the Clearview site.</p> <p>2. Sydney Water has provided a sewer connection for recently rezoned land at West Picton and any further augmentation of sewerage to service existing residential properties can be discussed with them as part of regular liaison.</p>
<p><u>Flora and Fauna</u></p> <p>1. Concern over potential loss of 'common wallaroo'</p> <p>2. Protection of Cumberland Plain Woodland.</p>	<p>1. A Flora and Fauna Assessment noted a number of species using the site but limited fauna habitat. One threatened species was recorded as using the site for foraging but not as habitat. It is likely that there will be less use of the site for foraging by species such as the 'common wallaroo' and this is an unfortunate result of urban growth.</p> <p>2. Cumberland Plain Woodland will be protected by a covenant on affected lots which will ensure that remnant vegetation is not cleared for asset protection zones or driveways for example.</p>

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Issue Raised	Assessment Comment
3. Further investigation of endangered species required	3. Additional flora and fauna investigation is likely to be required as part of any future development application for subdivision.
<u>Noise and Lighting</u> 1. Noise will be amplified by the natural amphitheatre and illumination is a concern.	1. The impact of noise and illumination from urban activity would be minimised by location of roads and dwellings below ridgelines and additional landscaping.
<u>Impact on farming</u> 1. Introduction of domestic animals could escape and interfere with livestock.	1. The proposed 50m buffer on the northern side should include domestic animal proof fencing to minimise potential impact on livestock and this could be added to the site-specific provisions of Wollondilly Development Control Plan 2016.
<u>Development Density</u> 1. The reports have differing numbers of dwellings. Is another allotment proposed to add 60 dwellings. 2. The proposed 450sqm lots are not compatible with the scale and density of the existing settlement pattern.	1. Some reports have different numbers of dwellings to model likely worst scenarios. No property has been added and the potential number of lots is around 300-350. The exact number will be determined by detailed design at the development application stage. 2. Council previously supported 450sqm lots for the Clearview site and this is consistent with other sites, eg the West Picton precinct which adjoins. This is a minimum lot size and not all lots will be of this size.

2.4 PREPARATION OF A PLANNING PROPOSAL

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

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

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application. For example, Council could limit the footprint of the development. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.
4. Resolve to defer the Planning Proposal subject to more detailed assessment and resolution of mine subsidence issues.

Note that the application has not yet been with Council for more than 90 days. The applicant can apply for a pre-Gateway review in accordance with the EP&A Regs, 2000 if Council fails to indicate support for the application within 90 days of receiving the application.

Option 4 is the recommendation of this report.

2.5 A PLAN FOR GROWING SYDNEY

The Plan has a vision for a city where there is housing choice with homes that meet our needs and lifestyle and are affordable. It is considered that this planning proposal will provide this housing choice and competition hopefully influencing affordability.

2.6 SYDNEY DISTRICTS - PRIORITIES FOR SOUTH WEST SUB REGION

This planning proposal meets the priorities for accelerating housing supply around established areas and protecting the natural environment.

2.7 SECTION 117 MINISTERIAL DIRECTIONS

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

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2.8 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policies have been satisfactorily addressed in the planning proposal.

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

The 2 km exclusion zone around residential land for coal seam gas mining applies to this land as it is located near existing residential land.

2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

The Growth Management Strategy includes Key Policy Directions that must be addressed by all planning proposals.

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.	It is considered that the planning proposal meets all the relevant Key Policy Directions and Assessment Criteria contained within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	The proposal is generally consistent with the concept and vision of 'Rural Living'.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Council consulted with the community during public exhibition of the Clearview Planning Proposal and more recently during preliminary notification of the current Clearview No. 2 Planning Proposal.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	No such representations have been made regarding this draft proposal and it is considered that this Key Policy Direction has been satisfied.

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Key Policy Direction	Comment
<p>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</p>	<p>The Planning proposal has included a detailed visual analysis examining the landscape character. Proposed zoning and minimum allotment sizes are proposed to reduce visual impact by providing smaller lots on lower areas and larger lots on higher sites. The Clearview site has access to services and facilities for the Picton township, however there are other sites that are better connected, particularly for pedestrians.</p>
Housing Policies	
<p>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</p>	<p>Much of the Clearview site is identified in the Growth Management Strategy as potentially being suitable for residential development.</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 Clearview site will provide smaller allotments than the average around Picton hopefully assisting affordability. Larger allotments at the western end would provide an alternative lifestyle choice.</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 site will include higher dwelling densities closer to the existing urban area and lower densities towards the western end. However the site is removed from the business centre of Picton. 450sqm lots were supported by Council for the previous proposal.</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 Clearview site is located immediately adjacent to the rezoned West Picton Precinct from the Picton, Tahmoor, Thirlmere New Urban Lands Planning Proposal rezoned in January 2014.</p>

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Key Policy Direction	Comment
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	The Planning Proposal is able to be serviced with reticulated water and sewer, provide adequate drainage (with retention) and will upgrade the road and pedestrian network. Development contributions would assist in funding local infrastructure.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The Clearview site is well located with access to major transport routes and future residents would stimulate demand for new services which will strengthen the local economy. State government agencies are able to impose requirements for contributions if considered necessary if the site is included on the Urban Release Area Map as recommended.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The Clearview site is located adjacent to the existing zoned urban area.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The Clearview site is within the Picton/Thirlmere/Tahmoor area and is identified as being a suitable location for residential growth.

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Key Policy Direction	Comment
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.	The planning proposal contains measures to ensure that visually and ecologically significant trees and ridgelines are conserved to maintain biodiversity and cultural landscape values.

2.11 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Following consideration of responses from consultation and notification and preliminary assessment of the application, it is considered that the Planning Proposal should take the form as detailed below.

- Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zone R2 Low Density Residential and Zone R5 Large Lot Residential as shown in Attachment 4.
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to a minimum lot size of 450 sqm for Zone R2 Low Density Residential and 4,000 sqm for Zone R5 Large Lot Residential as shown in Attachment 5.
- Amend the Height of Buildings Map from a Maximum Building Height Category of no maximum height to a Maximum Building Height Category of 9 metres as shown in Attachment 6.
- Amend the Urban Release Area Map to include the Clearview site as shown in Attachment 7.

2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDCP, 2016)

WDCP 2016 included controls for the Clearview site in both Volume 2 (urban release area) and Volume 3 (subdivision).

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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 New Town project. Note that the Wilton New Town 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 INCLUDED IN A SEPARATE BOOKLET:

1. Council's resolution to support the Clearview Planning Proposal.
2. Letter of refusal to Clearview Planning Proposal.
3. Final Council report on Clearview Planning Proposal.
4. Proposed Land Zoning Map.
5. Proposed Lot Size Map.
6. Proposed Height of Building Map.
7. Proposed Urban Release Area Map.
8. Letter from Department of Planning and Environment with attachments – requirements for co-existence with mining.

RECOMMENDATION

1. That Council defer the preparation of the Clearview No.2 Planning Proposal until mining related issues discussed in this report are resolved through further investigation and stakeholder agreement.

For clarity, the Clearview No.2 proposal is for:

Lots 21, 37 & 36 DP 751287 (640 Thirlmere Way) and Lots 1 & 2 DP 1079669 (740 & 760 Thirlmere Way) and Lot 1 DP 1058734 (25 Star Street), West Picton and seeks to amend Wollondilly Local Environmental Plan, 2011 as follows:

- amend the Land Zoning Map to Zone R2 Low Density Residential and Zone R5 Large Lot Residential and;
- amend the Lot Size Map to a minimum lot size of 450 sqm for Zone R2 Low Density Residential and 4,000 sqm for Zone R5 Large Lot Residential and;
- amend the Height of Buildings Map from a Maximum Building Height Category of no maximum height to a Maximum Building Height Category of 9 metres and;
- amend the Urban Release Area Map to include the Clearview site.

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2. That the proponent use guidelines from Subsidence Advisory NSW to prepare an economic feasibility for the Clearview site with regards to future undermining and potential subsidence and reach agreement with Subsidence Advisory NSW and Tahmoor Colliery on co-existence principles for allowing the rezoning to proceed.
3. That when this agreement is received that a report be submitted to Council with recommendations for a path forward. If no report is received by 30 September 2017 that this proposal again be reported to Council at the November 2017 Council meeting.
4. That the applicant and submitters be notified of Council's Resolution.