You are invited to attend the next Ordinary Meeting of Council:

Date: Monday, 15 July 2019
Time: 6.30 pm
Location: Council Chamber
62-64 Menangle Street
Picton NSW 2571

AGENDA

Ordinary Council Meeting

15 July 2019

Michael Malone
Acting Chief Executive Officer
<table>
<thead>
<tr>
<th>CSP Theme</th>
<th>Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sustainable and Balanced Growth</td>
<td>Strategy GR1 – Growth</td>
</tr>
<tr>
<td></td>
<td>Strategy GR2 – Built Environment</td>
</tr>
<tr>
<td></td>
<td>Strategy GR3 – Economic Development and Tourism</td>
</tr>
<tr>
<td></td>
<td>Strategy GR4 – Liveable Communities</td>
</tr>
<tr>
<td></td>
<td>Strategy GR5 – Wilton New Town</td>
</tr>
<tr>
<td></td>
<td>Strategy GR6 – Peri-Urban Areas</td>
</tr>
<tr>
<td></td>
<td>Strategy GR7 – Agriculture Strategy</td>
</tr>
<tr>
<td></td>
<td>Strategy GR8 – Advocacy</td>
</tr>
<tr>
<td>Management and Provision of Infrastructure</td>
<td>Strategy IN1 – Improve the condition of our Road Network</td>
</tr>
<tr>
<td></td>
<td>Strategy IN2 – Provision of Infrastructure and Facilities</td>
</tr>
<tr>
<td></td>
<td>Strategy IN3 – Manage Infrastructure and Facilities</td>
</tr>
<tr>
<td></td>
<td>Strategy IN4 – Emergency Management</td>
</tr>
<tr>
<td>Caring for the Environment</td>
<td>Strategy EN1 – Protect and Enhance Biodiversity, Waterways and Groundwaters</td>
</tr>
<tr>
<td></td>
<td>Strategy EN2 – Protect the Environment from Development Pressures</td>
</tr>
<tr>
<td></td>
<td>Strategy EN3 – Vegetation Management</td>
</tr>
<tr>
<td></td>
<td>Strategy EN4 – Community Involvement</td>
</tr>
<tr>
<td></td>
<td>Strategy EN5 – Environmental Awareness</td>
</tr>
<tr>
<td></td>
<td>Strategy EN6 – Sustainable Practices</td>
</tr>
<tr>
<td></td>
<td>Strategy EN7 – Agricultural Land and Capability</td>
</tr>
<tr>
<td></td>
<td>Strategy EN8 – Auditing, Monitoring and Enforcement</td>
</tr>
<tr>
<td></td>
<td>Strategy EN9 – Waste Management</td>
</tr>
<tr>
<td></td>
<td>Strategy EN10 – Advocacy</td>
</tr>
<tr>
<td>Looking after the Community</td>
<td>Strategy CO1 – Strong Community</td>
</tr>
<tr>
<td></td>
<td>Strategy CO2 – Health and Wellbeing</td>
</tr>
<tr>
<td></td>
<td>Strategy CO3 – Social Planning</td>
</tr>
<tr>
<td></td>
<td>Strategy CO4 – Engagement and Communication</td>
</tr>
<tr>
<td></td>
<td>Strategy CO5 – Advocacy</td>
</tr>
<tr>
<td>Efficient and Effective Council</td>
<td>Strategy EC1 – Employee Relations</td>
</tr>
<tr>
<td></td>
<td>Strategy EC2 – Risk Governance</td>
</tr>
<tr>
<td></td>
<td>Strategy EC3 – Customer Service</td>
</tr>
<tr>
<td></td>
<td>Strategy EC4 – Financial Sustainability</td>
</tr>
<tr>
<td></td>
<td>Strategy EC5 – Resource Efficiency</td>
</tr>
<tr>
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<td>Strategy EC6 – Information Management</td>
</tr>
<tr>
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<td>Strategy EC7 – Participation Strategy</td>
</tr>
<tr>
<td></td>
<td>Strategy EC8 – Accountability and Transparency</td>
</tr>
<tr>
<td></td>
<td>Strategy EC9 – Advocacy</td>
</tr>
</tbody>
</table>
Order Of Business

1 Opening ........................................................................................................................................................................... 5
2 Recording of the Meeting .......................................................................................................................................................... 5
3 Webcast Notice ........................................................................................................................................................................... 5
4 National Anthem ....................................................................................................................................................................... 5
5 Acknowledgement of Country ....................................................................................................................................................... 5
6 Apologies and Leave of Absence Requests .................................................................................................................................. 5
7 Declaration of Interest ................................................................................................................................................................. 5
8 Confirmation of Minutes ............................................................................................................................................................... 5
9 Items to be Tabled ........................................................................................................................................................................ 5
10 Mayoral Minute ............................................................................................................................................................................ 6
10.1 Mayoral Minute ........................................................................................................................................................................ 6
11 Sustainable and Balanced Growth .................................................................................................................................................. 7
11.1 Proposed Amendments to Wollondilly Development Control Plan 2016 - Menangle Landscape Conservation Area and the Station Street, Menangle Site ........................................................................................................... 7
11.2 Proposed Amendments to Wollondilly Development Control Plan 2016 - Abbotsford Road Planning Proposal Site - Outcome of public Exhibition ........................................................................................................ 28
11.3 Planning Proposal - Argyle Street Business Lands .................................................................................................................. 45
11.4 Planning Proposal to introduce a minimum lot size for the construction of Dual Occupancies in R2, R3 and B4 zoned land ....................................................................................................................................... 51
11.5 Wilton Priority Growth Area (PGA) Development Control Plan .......................................................................................... 58
11.6 Outcomes of Public Exhibition of Amendment to Wollondilly Development Contributions Plan 2011 ........................................................................................................................................... 61
12 Management and Provision of Infrastructure .......................................................................................................................... 66
12.1 Appin Park Master Plan .......................................................................................................................................................... 66
12.2 Traffic Management Upgrades ................................................................................................................................................. 69
13 Caring for the Environment ......................................................................................................................................................... 70
No reports this meeting
14 Looking after the Community ....................................................................................................................................................... 71
14.1 2019 Community Grants ..................................................................................................................................................... 71
15 Efficient and Effective Council ...................................................................................................................................................... 74
15.1 Ward Boundary Changes ....................................................................................................................................................... 74
15.2 Investment of Funds as at 31 May 2019 ..................................................................................................................................... 76
15.3 Information Guide Review 2019 ........................................................................................................................................ 79
16 Notice of Motion/Rescissions ..................................................................................................................................................... 81
16.1 Notice of Motion - Mobile Provisional Licence Tests .................................................................................................................. 81
16.2 Notice of Motion - Modern Adventure Play Equipment in Play Strategy ................................................................................ 82
16.3 Notice of Motion - Underpasses or Overpasses on Appin Road .......................................................................................... 83
17 **Closed Reports** .................................................................................................................. 84
   No reports this meeting

18 **Questions for Next Meeting** ............................................................................................... 84
   No reports this meeting
1 **OPENING**

2 **RECORDEING 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.

3 **WEBCAST NOTICE**

Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that Wollondilly Shire Council records and webcasts live all Ordinary and Extraordinary Meetings of Council held in open session for the purpose of facilitating community access. The webcasts are publicly available for viewing on Council’s website.

Video footage collected is of the decision making body only, if you do not wish your image to be recorded please remain in the public gallery. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don’t remain in the space provided. Those in attendance are advised to refrain from making any defamatory statements.

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Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena by any other legislation.

4 **NATIONAL ANTHEM**

5 **ACKNOWLEDGEMENT OF COUNTRY**

The Mayor will acknowledge the traditional Custodians of the Land.

6 **APOLOGIES AND LEAVE OF ABSENCE REQUESTS**

7 **DECLARATION OF INTEREST**

8 **CONFIRMATION OF MINUTES**

Ordinary Council Meeting - 17 June 2019
Closed Council Meeting - 17 June 2019
Extraordinary Council Meeting - 28 June 2019

9 **ITEMS TO BE TABLED**

Disclosure of Interest Register 2018/19
10 MAYORAL MINUTE

10.1 MAYORAL MINUTE

File Number: 10619#671

The Mayor may put to a meeting (without notice) any matter the Council is allowed to deal with or which the Council officially knows about.

ATTACHMENTS

Nil

RECOMMENDATION

That the Mayoral Minute be accepted.
EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's support to adopt proposed amendments to Wollondilly Development Control Plan 2016 (WDCP) to guide future development within the Menangle Landscape Conservation Area and land within the rezoned Station Street, Menangle site.

- The proposed amendments were publicly exhibited for a period of 28 days and a total of seven submissions were received. The majority of the submissions were neutral but raised general comments with the proposed changes.

- This matter was reported to Council at its Ordinary meeting on 17 September 2018. The proponent and the community member raised several concerns around the proposed controls. The matter was deferred by the Council to enable further consideration of the matters raised and to determine whether a greater balance could be achieved between differing views.

- A further submission has been received from the proponent and one from the previous submitter since the September 2018 Ordinary Council Meeting. These submissions have been considered in finalising the Draft WDCP. The amendments are not considered substantive in nature and do not require the re-exhibition of the Draft WDCP.

- This report recommends that:
  1. Council adopt the proposed amendments to Wollondilly Development Control Plan 2016 to introduce planning controls for the Menangle Landscape Conservation Area and the Station Street, Menangle site subject to the proposed amendments outlined in the report.
  2. The necessary public notice required under the Environmental Planning & Assessment Regulation 2000 is advertised as soon as practicable to ensure the new provisions commence as soon as possible.
  3. The proponent and persons who made submissions regarding the amendments to Wollondilly Development Control Plan 2016 be notified of Council’s decision.

REPORT
Background

The proposed amendments to Wollondilly Development Control Plan 2016 (WDCP 2016) can be divided into three categories:

1. Planning controls for the entire Menangle Landscape Conservation Area to be included in Volume 1 (general controls);
2. Site specific planning controls for the Station Street site in Menangle to be included in Volume 3 (Subdivision of Land); and
3. Site specific planning controls for the Station Street site in Menangle to be included in Volume 4 (Residential Development).

The planning controls for the Menangle Landscape Conservation Areas were developed in-house based on the outcome of a previous study and advice from Council's Heritage Advisor. The site specific planning controls were originally developed by Mirvac who intends to develop the Station Street site and amendments are proposed to these controls in response to the outcome of consultation.
Chronological History

An overview of the chronological history of Menangle Landscape Conservation Area, Station Street Planning Proposal and Draft WDCP is provided in table below:

<table>
<thead>
<tr>
<th>Timeline</th>
<th>Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 June 2012</td>
<td>MUSEcape Pty Ltd completed a study regarding the visual and cultural significance of the land around Menangle Village and provided following recommendations:</td>
</tr>
<tr>
<td></td>
<td>• Identify the land around Menangle Village as Landscape Conservation Area in Wollondilly Local Environmental Plan 2011 (WLEP)</td>
</tr>
<tr>
<td></td>
<td>• Prepared development control plans for Menangle Conservation Area to protect its heritage and landscape character.</td>
</tr>
<tr>
<td>19 April 2012</td>
<td>Council received Station Street Planning Proposal.</td>
</tr>
<tr>
<td>3 October 2013</td>
<td>Sydney Western City Planning Panel was appointed as Planning Proposal Authority for Station Street Planning Proposal.</td>
</tr>
<tr>
<td>16 May 2014</td>
<td>Menangle Landscape Conservation Area was included in Wollondilly Local Environmental Plan 2011 (WLEP) through Amendment No 5.</td>
</tr>
<tr>
<td>11 June 2015</td>
<td>Gateway determination was issued for Station Street Planning Proposal by Department of Planning &amp; Environment.</td>
</tr>
<tr>
<td>1 July 2015 to 28 July 2015</td>
<td>Station Street Planning Proposal was exhibited.</td>
</tr>
<tr>
<td>21 December 2015</td>
<td>Council resolved to undertake a review of the controls and objectives applicable to the Menangle Landscape Conservation Area.</td>
</tr>
<tr>
<td>30 November 2017</td>
<td>Sydney Western City Planning Panel as Planning Proposal Authority determined to rezone the land identified in Station Street Planning Proposal.</td>
</tr>
<tr>
<td>19 February 2018</td>
<td>Council supported the public exhibition of the draft planning controls for Menangle Landscape Conservation Area and for Station Street site for inclusion in the Wollondilly Development Control Plan 2016 (WDCP).</td>
</tr>
<tr>
<td>11 April 2018 to 16 May 2018</td>
<td>Draft Wollondilly Development Controls 2016 (WDCP) were exhibited.</td>
</tr>
<tr>
<td>10 September 2018</td>
<td>Community Forum – Several concerns were raised by the Mirvac and community member regarding draft WDCP.</td>
</tr>
<tr>
<td>17 September 2018</td>
<td>Ordinary Council Meeting – Council resolved to defer the matter to enable further consideration to determine whether a greater balance could be achieved between differing views.</td>
</tr>
<tr>
<td>26 November 2018</td>
<td>Councillor Workshop was held to address the matters raised in Community Forum.</td>
</tr>
<tr>
<td>21 December 2018</td>
<td>Station Street Planning Proposal was finalised by Department of Planning and Environment.</td>
</tr>
<tr>
<td>24 April 2019</td>
<td>Meeting with Mirvac to address the raised concerns in Community Forum on 10 September 2019 and through letter.</td>
</tr>
<tr>
<td>Timeline</td>
<td>Events</td>
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<tr>
<td>dated 16 November 2018.</td>
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<tr>
<td>17 June 2019</td>
<td>Meeting with community member who raised concerns in Community Forum on 10 September 2019.</td>
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**Background to Menangle Landscape Conservation Area**

The Menangle Landscape Conservation Area is a designated Heritage Conservation Area under the *Wollondilly Local Environmental Plan 2011 (WLEP 2011)* and has statutory protection.

The Landscape Conservation Area is listed in Part 2 of Schedule 5 - Environmental Heritage in *WLEP 2011* along with Wollondilly’s five conservation areas and is shown on the Heritage Map which forms part of the *WLEP 2011*.

The listing took effect in May 2014 through Amendment No. 5 and, at present, is Wollondilly’s only landscape conservation area.

The Menangle Landscape Conservation Area provides protection of the land surrounding the Menangle village for the conservation of the natural and cultural heritage values, particularly the valued rural landscape associated with the Macarthur family's Camden Park Estate.

**Background to Station Street, Menangle Planning Proposal Site**

In April 2012, a planning proposal, known as the “Station Street Menangle Planning Proposal”, commenced which sought to rezone land to enable residential development for 350 dwellings, a neighbourhood centre and associated infrastructure. On 30 November 2017, the Sydney Western City Planning Panel, as the relevant planning authority (RPA), determined that the land be rezoned under the *WLEP 2011*.

On 21 December 2018 the (then) Department of Planning & Environment amended *WLEP 2011* and rezoned the land to R2 – Low Density Residential Zone and B1 – Neighbourhood Centre.

As significant portions of the planning proposal site adjoin, or are located within either the Menangle Conservation Area or the Menangle Landscape Conservation Area, it is considered absolutely critical that planning controls are in place to guide future development at this sensitive location. An absence of planning controls presents a risk that future development would not be adequately controlled and may be unsympathetic to the surrounding landscape.

**Planning Controls for the Menangle Landscape Conservation Area**

In 2011, MUSEcape Pty Ltd was engaged by Council to undertake a heritage assessment of the significance of the landscape around the Menangle Village Conservation Area. The request to prepare this Heritage Impact Assessment was in response to two earlier planning proposals in Menangle and a view that the heritage value of Menangle needed to be conserved.

The report called ‘Menangle Landscape Conservation Area Assessment of Significance & Proposed Boundaries’ was finalised in 2012 and recommended the creation of a Landscape Conservation Area to protect the historical, associational, aesthetic and other heritage values of the wider cultural landscape setting of Menangle Village.

The report also recommended a number of measures to conserve the natural and cultural heritage values of the Menangle Landscape Conservation Area. A number of these related to the inclusion of controls within the WDCP 2016.
The proposed controls for the Landscape Conservation Area have been prepared based on the recommendations within the MUSEcape Pty Ltd heritage assessment, a review of approaches used in other locations and consultation with Council’s Consultant Heritage Advisor. The proposed planning controls seek to manage the following matters for new development in the Menangle Landscape Conservation Area:

- Rural urban interface (particularly for new subdivisions)
- Visual impact
- Requirements for development applications.

**Planning Controls for the Station Street Planning Proposal Site**

It is proposed to amend the *Wollondilly Development Control Plan 2016* (WDCP) to provide site specific planning controls to guide future development on the Planning Proposal site.

The site specific planning controls were originally prepared by Mirvac (who are the developer for the site) with a view to ensuring a high-quality building design outcome that reflects a range of dwelling types and a streetscape that incorporates pedestrian access and aesthetic landscaping elements.

Amendments are proposed to “Volume 3 - Subdivision of Land” and “Volume 4 - Residential Development” by including site specific planning controls to inform the future development of the site. These would effectively control development at the initial subdivision stage through to construction of dwellings on individual lots.

Mirvac are proposing controls to guide future development in terms of:

- Lot Size and shape
- Pedestrian and cycle access
- Laneways
- Street tree planting
- Additional controls for dwelling design
- Parking, access and vehicular safety.

**Councillor Workshop**

A Councillor workshop was held on 26 November 2018 to discuss the proposed DCP controls. The key changes discussed at the Councillor Workshop included:

- Consensus that two storey houses be designed to single storey appearance throughout the Menangle Landscape Conservation Area is a reasonable measure to protect the heritage values of the area
- The application of controls that currently apply to the Menangle Conservation Area (i.e. the existing village) across the entire Menangle Landscape Conservation Area
- The priority for any acoustic treatments along the freeway corridor to retain the views through to the landscape conservation area when considering how to blend with the natural landscape
- The heritage trees along Stephens Road should be retained wherever possible
- Fencing treatments should be reconsidered in terms of the privacy for future residents. This is discussed further below.

It was also discussed that the controls allow for timber or powder coated aluminium vertical picket style fencing with minimum gaps between the pickets of 10mm for fencing adjoining public land or internal boundary fences.
Fencing adjoining public land

Further heritage advice has been and it is considered that fencing from the Station Street site has the potential to have a significant impact on the landscape character of the area, particularly as it is Wollondilly’s only Landscape Conservation Area.

In particular, it will have a significant impact on the view of the landscape from the highest point in Menangle near the St James Anglican Church and adjoining public recreation area. For this reason it is recommended that the original approach is maintained.

The controls proposed for adoption include a requirement for any fencing adjoining public land to be see-through rural style fencing with a high ratio of voids to solids (e.g. post and rail fence with chicken wire mesh or similar) to a maximum height 1400mm.

However, future residents can ensure additional privacy by planting hedges and this is not restricted by the proposed controls.

Internal boundary fences

A desire to increase privacy by increasing fence heights from 1.4 metres to 1.8 metres was also put forward by Mirvac. This is considered reasonable and the proposed controls have been amended to reflect this.

Internal boundary fences are to be lapped and capped timber fencing with a maximum height of 1.8m, other than forward of the front building line of the dwelling where such fencing shall taper down to reach a height of 1.2m at the front boundary in order to protect privacy of residents, particularly given the small lot sizes that are likely to result across the site.

Consultation

The original site specific draft planning controls prepared by the proponent and the planning controls prepared by Council staff for the Menangle Landscape Conservation Area for inclusion within the WDCP 2016 were exhibited concurrently from 11 April 2018 to 16 May 2018. During this period a total of seven submission were received. Assessment of these submissions is provided in Attachment 7. The key issues raised in submissions can be summarised as:

- Suitability of lot sizes
- Adequacy of controls to guide design and appearance of new dwellings
- Adequacy and timing of service infrastructure (wastewater & drinking water)
- Adequacy of traffic & transportation infrastructure
- Suitability for development in flood prone area
- Workability of planning controls
- Maintaining water quality
- General concerns.

At the community forum on 10 September 2018, ahead of the Council Meeting, Council was addressed by the proponent and a community member who had previously made a submission on the proposed controls. The proponent and the community member raised concerns around the proposed controls. The matter was then deferred by the Council to enable further consideration of the matters raised and to determine whether a greater balance could be achieved between differing views.

A further submission from the proponent and the community member were received following the September 2018 Council Meeting. This report provides an assessment of these further submissions in the following order:

- Public submissions received during exhibition period (Attachment 7)
Resident Submission post September 2018 Council Meeting

The issues raised in the further submission by the community member following the September, 2018 Council Meeting are detailed below.

Table 1 – Issues raised in further resident submission

<table>
<thead>
<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
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<tbody>
<tr>
<td>Dwellings within the 1:100 flood zone.</td>
<td>The capability of land for residential development has been considered in the rezoning process.</td>
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<td></td>
<td>The flood study prepared to inform the Planning Proposal found that part of the site is within the 1:100 Annual Recurrence Interval (ARI) flood level (otherwise known as the 1 in 100 year flood level). The study demonstrated that future development on this part of the site could be accommodated through earthworks which would raise the affected parts of the site above the 1:100 ARI flood level (see attachment 1). On the residential zoned land, it was proposed to overcome the flood constraint by raising the ground level of any residential development on flood prone land to the 1:100 ARI flood planning level plus 500mm freeboard. This was accepted by OEH during the process.</td>
</tr>
<tr>
<td>The amount of earthworks required to lift the houses above the flood zone is too much and significantly alters the landscape.</td>
<td>The proposed Control 19 in Attachment 6 will ensure to minimise the cut and/or fill to protect the existing landscape. The proposed Control states the following:</td>
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<td>'Earthworks including cut and/or fill must be minimised in order to retain the natural contours of the lot, with the exception of any land that is required to be filled for flood control purposes.'</td>
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<tr>
<td></td>
<td>It is acknowledged that this site may require a large amount of fill on the part of the site that it flood affected. It is therefore proposed to add a control requiring 'any filling of land in the northern area of the development site where filling of land is required in order to meet the relevant flood controls shall not be supported by retaining walls, but shall instead be suitably battered to blend with the existing landscape'.</td>
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<td>This will ensure that the entrance of the village</td>
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Ordinary Council Meeting Agenda

15 July 2019

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<th>Item</th>
<th>11.1</th>
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<th>Issue Raised</th>
<th>Assessment Comment</th>
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<tr>
<td>to Menangle from the north is not dominated by large retaining walls and that the natural landscape is retained as much as possible.</td>
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**Suitability of Lot Sizes**

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<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
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<tbody>
<tr>
<td>The proposed lot sizes are inconsistent with the existing village and Provisions of Wollondilly Local Environmental Plan.</td>
<td>The lot sizes were determined as part of the rezoning process where Council was not the Relevant Planning Authority (RPA).</td>
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**Number of proposed lots**

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<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
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<tbody>
<tr>
<td>Is there any assurance the total number of proposed lots will not go above 350 as proposed?</td>
<td>The exact number of proposed lots cannot be confirmed until the proponent prepares a detailed subdivision plan. However, the minimum lot sizes of 250 m², 450 m² and 500 m² for the site have already been determined as part of the rezoning process.). There was no lot yield prescribed in any LEP clause as part of the LEP Amendment. As such, Council has a very limited control on lot yield.</td>
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**Submission from Proponent of Station Street site post September, 2018 Council Meeting**

The proponent for the Station Street Site made a submission dated 16 November 2018, raising several matters regarding the proposed DCP Amendments. The issues raised by the proponent relate to the controls as presented at the September 2018 Ordinary Council Meeting. The submission provided comment on each of the objectives and controls in the September 2018 report. That version also included some amendments to the exhibited version and some additional controls which were included after the exhibition. Further changes have been made to the proposed controls and a marked up version of the proposed controls for the Menangle Landscape Conservation Area is provided at Attachment 6.

In the submission the proponent raised the following issues with the proposed controls for the Menangle Landscape Conservation Area.

**Table 2 - Proponent feedback on proposed controls for Menangle Landscape Conservation Area**

<table>
<thead>
<tr>
<th>Issues raised</th>
<th>Assessment comments</th>
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<tbody>
<tr>
<td><strong>Menangle Landscape Conservation Area – (to be included under Part-6 in Volume-1)</strong></td>
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**Expansion of General Conservation Area Controls**

<table>
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<tr>
<th>Issue Raised</th>
<th>Assessment comments</th>
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</thead>
<tbody>
<tr>
<td>The draft amendments propose to expand the General Conservation Area controls to within the Landscape Conservation Area.</td>
<td>Council maintains its position to extend Part-6.3 General Conservation Area and Landscape Conservation Area Controls - Menangle to the whole Menangle Landscape Conservation Area. It will provide a connection between the existing and future developments within the landscape conservation area and, therefore, will avoid the fragmentation of Menangle Village from the surrounding future developments.</td>
</tr>
<tr>
<td>Biosis on behalf of Mirvac, prepared a Heritage Statement to support Mirvac’s submission dated 16th May 2018 (Mirvac submission) to not expand the General Heritage Area controls to the Landscape Conservation Area.</td>
<td></td>
</tr>
<tr>
<td>Issues raised</td>
<td>Assessment comments</td>
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<tr>
<td>Recommendations from this Heritage Statement found that “currently the controls in section 6.3 of the DCP for proposed development are specific to the Menangle General Conservation Area. These controls can be directly applied to the Menangle General Conservation Area as they are related to the visual heritage characteristics of Menangle village, not the surrounding Landscape”.</td>
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### Objectives

**Objective 1**

Objective 1 in the Draft Plan is to maintain and enhance the existing visual, built and landscape character of the Menangle Landscape Conservation Area.

Imposing more strict objectives within an area of lower external visibility that has been found suitable for residential development is illogical.

Objective 1 is proposed to be amended and now reads as follows:

“To ensure proposed built form and bulk is sympathetic to the heritage character of the Menangle heritage conservation area and Landscape Conservation Area.”

It is considered that the amended objective above is more appropriate for the proposed controls.

**Objectives 2-5**

The proponent agrees with objectives 2-5.

Noted.

### Notes to Proposed Controls

**Note 1**

Note 1 is generally agreed with by the proponent.

However, Note 3 has been incorporated into Note 1 and, therefore, Note 3 is removed.

Proposed Note 1 now reads as follows:

“These controls apply to all new developments requiring approval from Council within the Menangle Landscape Conservation Area identified under Schedule 5 of Wollondilly Local Environmental Plan 2011 and on the associated Heritage Map.”

**Note 2**

The second note to the proposed controls states that “these controls also apply to new development adjacent to or in the vicinity of the Menangle Landscape Conservation Area where Council consider that there is a potential impact”.

This further expands the boundary beyond the proposed landscape conservation area identified in the LEP maps. It is also unreasonable for Council to expand these areas at their discretion.
### Issues raised

| Note 3 |
| Notes 3 is generally agreed with by the proponent. |

| Assessment comments |
| As stated above, Note 3 has been incorporated into revised Note 1. |

### Proposed Controls

#### Control 1

Mirvac’s submission recommended that draft Control 1 be deleted.

| Assessment comments |
| Draft Control 1 has been removed. The requirements of this control is more appropriately reflected in objective 1 of the proposed final amendments in Attachment 6. |

#### Control 2

Proposed Control 2 is generally accepted.

- However, a DCP provides non-statutory planning and design guidelines for specific types of developments or specific localities. A DCP is to be considered as a guideline only, where an application does not comply with DCP provisions, Council is required to be flexible and allow alternate solutions to be explored. Accordingly, wording of controls such as “must be” should be changed to more flexible terms such as “should be” for all proposed controls. Accordingly, control 2 should be amended as follows:

  ‘Significant development, including subdivisions, should be accompanied by a heritage impact statement that includes an analysis of the visual impact the development will have on the landscape conservation area.’

| Assessment comments |
| This control has been amended accordingly. |

#### Control 3

Proposed control 3 is generally accepted. However, objection is raised this control being onerous.

| Assessment comments |
| This control (now identified as Control 2) does not necessitate the submission of a Heritage Impact Statement for minor developments such as single dwellings or alterations and additions to an existing dwelling. Therefore, the proposed control does not over burden minor developments and considered acceptable. |

#### Control 4

As noted within Mirvac’s submission, a review of the ‘Menangle Landscape Conservation Area Assessment of Significance and Proposed Boundaries’ Report 2012 prepared by MUSEcape Pty Ltd identifies the first four view corridors and vistas listed above, which Mirvac generally agree

| Assessment comments |
| In regard to the proponent’s objection to protecting a view corridor ‘into and out of the landscape conservation area’, it is noted that this view corridor was not identified within the previous study for the Menangle Landscape Conservation Area. As such the reference ‘into and out of landscape conservation area’ is removed from this control (now
<table>
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<tr>
<th>Issues raised</th>
<th>Assessment comments</th>
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<td>with. However, the MUSEcape Report does not make reference to general view corridors “into and out of landscape conservation area” (refer to Figure 3 below for an extract), therefore the fourth view should be deleted from the draft DCP amendment. Mirvac maintains its position.</td>
<td>identified as Control 3). Additional text has also been included in the control to ensure that important views must be retained to and from significant features within the landscape conservation area and view corridors should be protected.</td>
</tr>
</tbody>
</table>

**Control 5**

Control 5 is generally agreed with, however, Controls 2 and 3 which require the submission of a Heritage Impact Assessment with any development application on the site negate the need for this control. Although Controls 2 and 3 (now identified as Controls 1 and 2) require a Heritage Impact Statement (HIS) to be provided with any development application, Control 5 (now identified as Control 4) which requires new roads and associated infrastructure to be carefully integrated into the landscape is still considered relevant and should be retained to ensure that future development is sympathetic to the landscape conservation area.

This control (now identified as Control 4) should remain to inform the preparation or assessment of any development application rather than relying on the findings of a Heritage Impact Statement with any future proposal.

**Control 6**

Control 6 is generally agreed with. Noted. This control is now identified as Control 5.

**Control 7**

Control 7 is generally agreed with. Noted. This control is now identified as Control 6.

**Control 8**

Control 8 is generally agreed with. Noted. This control is now identified as Control 7.

**Note provided after Control 8**

Part 5 (in Volume 1 of WDCP) was developed to support the Heritage Conservation Areas and did not take into consideration the site characteristics and built form within the Landscape Conservation Area. Additionally, enforcing similar heritage controls from the General Conservation Area into the Landscape Conservation Area is not consistent with the Heritage Map under the Wollondilly LEP 2011, which clearly identifies the difference between the General Conservation Area and Landscape Conservation Area. Therefore, the note should be deleted due to the above and that its Council supports the application of the Part 5- Colonial Heritage (General) in Volume 1 of Wollondilly Development Control Plan 2016 (WDCP) to the land identified within Menangle Landscape Conservation Area. Part 5 includes general controls for development in Heritage Conservation Areas and includes controls for signage, demolition of heritage items, subdivision and suitable heritage colours. Given that, the application of Part 5 is not considered to have an unacceptable impact on the development potential of the site.

Additionally, as the Menangle Landscape Conservation Area is a heritage conservation area and falls within the provisions of Clause 5.10 - Heritage Conservation of Wollondilly Local Environmental Plan 2011 (WLEP), it is considered appropriate to retain these controls to ensure that new development reflects the broader
<table>
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<tr>
<th>Issues raised</th>
<th>Assessment comments</th>
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<tbody>
<tr>
<td>application to the Menangle Landscape Conservation Area is not supported by a heritage impact statement or study.</td>
<td>heritage requirements of the Wollondilly area.</td>
</tr>
<tr>
<td>Mirvac maintains its position that this note should be deleted and suggests that a workshop be held with Council officers to work through the guidelines that would be suitable for the development to be incorporated into a set of design guidelines that are agreeable by both parties.</td>
<td>This note is now identified as Control 8.</td>
</tr>
</tbody>
</table>

**Control 9**

This control requires new buildings and structures not to be visually intrusive. It is not required due to Controls 2 and 3.

Although Controls 2 and 3 (now identified as Controls 1 and 2) require the submission of a Heritage Impact Assessment with any development application, the requirements of Control 9 (now identified as control 11) are considered of high importance and should be retained to ensure that the scale of future buildings are appropriate on the site. The control should remain to inform the preparation or assessment of any development application rather than relying on the findings of a Heritage Impact Statement with any future proposal.

**Control 10**

Mirvac has objected to this control and approach to control the bulk and scale at several occasions. The following reasons have been provided to delete this control:

As stated above, Council maintains its position to extend Part-6.3 General Conservation Area and Landscape Conservation Area Controls - Menangle to the whole Menangle Landscape Conservation Area. It will provide a connection between the existing and future developments within the landscape conservation area and, therefore, will avoid the fragmentation of Menangle Village from the surrounding future developments.

New buildings and structures including additions and alterations should not be required to meet the controls under section 6.3 of the DCP as the “built heritage within the Landscape Conservation Area is that of large rural industrial buildings, therefore scale of residential houses can be altered from those controls specific to the General Conservation Area”.

Any proposed development in the Menangle Landscape Conservation Area is required to complement the built form of existing dwellings within the Heritage Conservation Area. Part 6.3 does not contain any requirement to follow the built form and bulk of Large rural industrial buildings within Menangle Heritage Conservation Area.
<table>
<thead>
<tr>
<th>Issues raised</th>
<th>Assessment comments</th>
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</thead>
<tbody>
<tr>
<td>Further, as draft Control 10 seeks for new residential development, including additions and alterations to meet Part 6, Section 6.3 of the DCP this includes Control 4 “The height of a new dwelling is not to exceed one storey in height”. Height of Building Map in <em>WLEP</em> identifies a maximum height of 9.0m for the site which stipulates two storey developments. As such, Section 6.3 of WDCP is inconsistent with the provision of <em>WLEP</em>. Any controls in a DCP need to be consistent, not conflicting, with the <em>WLEP</em> and this has not been demonstrated by Council with this proposed amendment to the DCP.</td>
<td>The proposed controls do not seek to impose a lower building height limit to what is allowed under the local environmental plan (LEP). Rather, the proposed controls seek to encourage a specific built form which is more in keeping with the prevailing heritage character of the Menangle village.</td>
</tr>
<tr>
<td>The proposed controls will result a repetitive and monotonous streetscape. Functionality of habitable space under roof pitch will be limited and landowners will be forced to use architects making it less affordable.</td>
<td>Council does not agree with the viewpoint of limited functionality of spaces under roof pitch. However, to ensure flexibility and better streetscape two options have been provided for all developments exceeding single storey (ie, only in the eastern part of the Station Street Site). Any development need to comply with one option and these options are as follows:</td>
</tr>
<tr>
<td><strong>Option A – One and A Half Storey</strong> Under this option maximum external wall height should not exceed 4.2m from the finished ground floor level.</td>
<td></td>
</tr>
<tr>
<td>A 4.2m high external wall will ensure that the entire ground floor and approximately half of the first floor is wrapped behind the walls and remaining component of the first floor can be achieved under the roof pitch with dormer windows.</td>
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<tr>
<td>‘Half storey’ structures are defined as follows:</td>
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<td>‘An uppermost story which is usually lighted by dormer windows and in which a sloping roof replaces the upper part of the front wall’</td>
<td></td>
</tr>
<tr>
<td><strong>Option B – Varied Setbacks on First Floor</strong></td>
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</tr>
<tr>
<td>This option solely relies on greater setbacks to first floor option to control the possible bulk and scale. Proposed first floor is to be setback between 2m to 3m behind the front building line to provide for front elevation relief and a break in the dominate street frontage and therefore assisting to provide a sympathetic and visual relief and to maintain the more open landscape character of the Menangle Area.</td>
<td></td>
</tr>
</tbody>
</table>
## Issues raised | Assessment comments
--- | ---
The intent of these two option is not restrict the ability to achieve 9m height. It should be noted that scenario at hand involves a landscape conservation area adjoining the Menangle Village – a heritage conservation area with several local heritage items. Any standard two storey dwelling could result in a landscape of straight walls as high as 7 metres and hipped roofs and will fragmentise the existing built form from future developments.

Note: MUSEcape Report identified the part of site listed as Menangle Heritage Conservation areas as being highly visually sensitive area and therefore the existing controls regarding under Part 6.3 of Volume 1 will continue to apply in this area without any exception.

### Control 11 to 14
The proponent objected on these controls and requested these be deleted.

Controls 11 to 14 are related to ‘Height and Scale’, ‘View Corridors’, ‘Architectural style and form’ and ‘Siting’.

*Section 5.2 of Volume 1 already contains similar controls. Given that Section 5.2 in Volume 1 will apply to the entire Menangle Landscape Conservation Area under these controls, inclusion of Control 11 to 14 in the proposed development controls is considered unnecessary and have been removed.*

### Control 15
The proponent generally agrees with this control.

Noted.

### Control 16
The proponent generally agrees with this control.

Noted.

### Control 17
The proponent generally agrees with this control.

Noted.

### Control 18
Should be deleted, as they conflict with basic engineering and traffic principles for example drainage and site lines. The design of roads should be guided by Council's Design Specifications for roads.

This control should be retained. Council’s Development Engineers have advised that roads and driveways could be located to follow existing contours on the site and thus minimise fill.

### Control 19
Mirvac agrees that Control 19 can remain, subject to it being amended as follows:

*Earthworks including cut and/or fill should be minimised in order to retain*

Council maintain its position and this control to remain unchanged.

It is considered that cut/fill must be minimised in order
<table>
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<tr>
<th>Issues raised</th>
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<tbody>
<tr>
<td>the natural contours of the lot where possible.</td>
<td>to retain the natural landscape character of the site. It is however acknowledged that filling of land will be required to ensure that future dwellings can be constructed above the flood planning level on the flood affected areas of the site, therefore this aspect of the control has been retained.</td>
</tr>
</tbody>
</table>

**Control 20**

The proponent’s submission suggests to amend the Control 20 as follows:

‘20. For rural zoned land fencing visible from public areas should be see-through rural style fencing (post and rail, wire) to a maximum height of 1200mm along street frontages.

This control has been amended accordingly.

**Control 21**

The proponent’s submission suggests to amend the Control 20 as follows:

‘For residential zoned land, front fences should be see-through (minimum 50% transparent) and maximum height of 1200mm. New and replacement front fences must not obscure building facades. High solid fences are not permitted.’

This control has been amended accordingly.

**Control 22**

Draft Control 22 will result in no privacy being provided into rear yards from public areas and therefore should be amended. Mirvac offers the below suggested wording which is consistent with a restriction Mirvac imposes for residential fencing facing public spaces in many Mirvac master planned communities:

‘For residential zoned land, side or rear fences adjoining public land or visible from public areas should be constructed of timber or powder coated aluminium vertical picket style fencing with min. gaps between the pickets of 10mm to a maximum height of 1800mm. Hedges may be used for additional privacy.’

The reason behind the open style and low height fencing is to protect the views across the Landscape Conservation Area. However, the control does not restrict the use of hedges for additional privacy.

Control 22 (now identified as Control 23) to be remain predominantly, however, a minor amendment is proposed as follows:

‘For residential zoned land, side or rear fences adjoining public land or visible from public areas should be see-through rural style fencing with a high ratio of voids to solids (post and rail with chicken wire mesh or similar) to a maximum height 1400mm. Hedges may be used for additional privacy.’

**Control 23**

Draft Control 23 will also result in no privacy being provided between rear yards of properties and therefore

Council acknowledges the privacy concern raised by the proponent and Control 23 (now identified as Control 24) will be amended as follows:
Proponent feedback on draft development control plan post exhibition for Menangle Landscape Conservation Area

When the matter was reported to Council in September, 2018, it was proposed to adopt the controls for the Menangle Landscape Conservation Area with some additional controls to those that were part of the controls that were placed on public exhibition. The proponent for the Station Street Planning Proposal site raised concerns with these additional controls for the Menangle Landscape Conservation Area as outlined below.

<table>
<thead>
<tr>
<th>Additional proposed control and proponents concerns</th>
<th>Council Assessment Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Additional Control 1</strong></td>
<td>This control has been amended and notion regarding one and a half storey has been amended. However, Council maintains its position on steep pitched roofs, traditional roof forms and vertically proportioned windows. This Control is numbered 11 in the post exhibition version of Draft DCP for Menangle Landscape Conservation Area and can be found under Attachment 6.</td>
</tr>
<tr>
<td>The proposed additional control is as follows:</td>
<td></td>
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<tr>
<td>‘Buildings to be designed with steep pitched roofs, traditional roof forms, one-and-half-storey height limit and vertically proportioned windows in order to be compatible with historic buildings in Menangle village.’</td>
<td></td>
</tr>
<tr>
<td>Mirvac objects to the general requirement of “steep pitched roofs” as the DCP needs to ensure that a 2 storey dwelling is achievable and the roof forms do not dominate the building envelope. Mirvac suggests the roof pitch control be excluded from the DCP and instead referenced in the proposed design guidelines.</td>
<td></td>
</tr>
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</table>

| **Additional Control 2**                            | Given the heritage value associated with the trees along the Stephens Avenue, Council maintains its position and this control to remain. The established row of trees play a significant role in the landscape character of the site, particularly on the approach to the heritage items on the site being the rotolactor and creamery precinct. |
| The proposed additional control is as follows:      |                             |
| ‘The row of established vegetation that runs along Stephens Avenue shall be retained wherever possible during any future development.’ |                             |
| Services and footpaths required by |                             |
Council need to be accommodated down this corridor. As individual approval is required from Council for each tree to be removed, the control is not required to be included within the DCP and therefore should be deleted.

This Control is numbered 12 in the post exhibition version of Draft DCP for Menangle Landscape Conservation Area and can be found under Attachment MUSEcape 6.

Additional Control 3

The proposed additional control is as follows:

‘Any acoustic barriers to the Hume Highway that are required on the eastern side of the Landscape Conservation Area as part of any future development shall consist of earthbanks planted with native vegetation so as to blend into the natural landscape wherever possible.’

The type of acoustic barrier (if required) should be determined based on investigations and recommendations by an acoustic consultant as a requirement of the development approval process. Accordingly, additional control 3 should be deleted.’

Earthbanks may not achieve the best outcomes in terms of acoustic amenity and may block views into the Landscape Conservation Area. Council acknowledges that any acoustic treatments along the freeway corridor should retain the views through to the landscape conservation area. The word ‘acoustic barrier’ has, therefore, been removed.

The additional control 3 has been amended as follows:

‘Any acoustic treatments to the Hume Highway that are required on the eastern side of the Landscape Conservation Area as part of any future development must retain the views through to the landscape conservation area.’

Examples of such treatments are provided in Figure 1 and 2 below.

| Figure 1 – Example of see through acoustic treatment |
| Figure 2 – Example of see through acoustic treatment |

This Control is numbered 13 in the post exhibition version of Draft DCP for Menangle Landscape Conservation Area and can be found under Attachment 6.
Ordinary Council Meeting Agenda 15 July 2019

Additional Control 4
The proposed additional control is as follows:

‘Side boundary fences on corner lots must be picket style fencing with minimum gaps between the pickets of 10mm with a maximum 1800mm height.’

This control is proposed to ensure privacy for the corner lots.

This Control is numbered 22 in the post exhibition version of Draft DCP for Menangle Landscape Conservation Area and can be found under Attachment 6.

Additional Control 5
The proposed additional control is as follows:

‘Details of restrictions regarding fencing 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 affected lots.’

This control is proposed to ensure compliance with the proposed controls regarding fences and gates.

This Control is numbered 25 in the post exhibition version of Draft DCP for Menangle Landscape Conservation Area and can be found under Attachment 6.

Proposed Amendments for Finalisation

Draft development controls for Menangle Landscape Conservation Area

These draft development controls will included in Part-6 Volume 1 – General of Wollondilly Development Control Plan 2016 (WDCP).

The final proposed version of these controls is included in Attachment 6 of this report.

Draft development controls for Station Street Site

It is proposed to adopt the site specific controls for subdivision and residential dwellings on the Station Street site as exhibited (see Attachments 4 and 5) subject to the following amendments:

Station Street Development Site (Subdivision Controls)

These controls are prepared by Mirvac to be included under ‘Part 3 – Controls for Specific Locations’ in Volume 3 – Subdivision of Land’ of the Development Control Plan. Following additions and amendments are proposed to these controls prior to adoption:

<table>
<thead>
<tr>
<th>Proposed Additional/Amended Controls</th>
<th>Lot size and shape</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed Control 3 is to be amended as follows:</td>
<td>Mirvac initially proposed a minimum chord length of 5 metres. Advice was sought from Council engineering team in this regard and it was suggested to extend the minimum chord length to 10m to ensure 3 metres separation can be achieved between two driveways.</td>
</tr>
<tr>
<td>‘Proposed lots which face onto a cul-de-sac head shall achieve a minimum chord width of 10m so that the separation between driveways within the cul-de-sac is 3m. A chord length of</td>
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Item 11.1 Page 23
<table>
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<th>Item 11.1</th>
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<td><strong>Ordinary Council Meeting Agenda</strong></td>
<td>15 July 2019</td>
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<td><strong>Agenda</strong></td>
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<td><strong>15 July 2019</strong></td>
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<td><strong>Item</strong> 11.1 <strong>Page 24</strong></td>
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</tr>
<tr>
<td>less than 10m can be considered if it is demonstrated that the driveway separation can be achieved in accordance with Wollondilly Shire Council Design Specification</td>
<td>However, a chord width lesser than 10m can be considered if 3.0m separation between the driveways can be achieved.</td>
</tr>
<tr>
<td>The following controls are to be added:</td>
<td>Mirvac did not raise any objection to this proposed control.</td>
</tr>
<tr>
<td>- ‘Zero Boundary Setbacks are permissible for lots with area less than 300m².’</td>
<td></td>
</tr>
<tr>
<td>- ‘Zero lot lines to be nominated at subdivision stage subject to provision of satisfactory easements have been provided over the adjoining allotment.’</td>
<td></td>
</tr>
<tr>
<td>The following control to be added:</td>
<td>In a meeting with Council Staff on 24 April 2019, Mirvac confirmed that fill up to 6-7 metres will be required at some parts of the Station Street site for flood control purposes. Given such a large volume of fill, only battering will have a significant impact on the existing landscape character of the adjoining land. Therefore, a combination of battering and retaining walls is considered as an appropriate solution to support the fill.</td>
</tr>
<tr>
<td>‘Any filling of land in the northern area of the development site where filling of land is required in order to meet the relevant flood controls shall be supported by combination of retaining walls and battering to blend with the existing landscape.’</td>
<td></td>
</tr>
<tr>
<td>The following control to be added:</td>
<td>Mirvac did not raise any objection to this proposed control.</td>
</tr>
<tr>
<td>Retaining walls between two adjoining lots should not exceed 0.5m height.</td>
<td></td>
</tr>
<tr>
<td><strong>Pedestrian and Cycle Access</strong></td>
<td>The development application for residential development along the Station Street has not been commenced yet and Council is not aware of any expected commencement timeframe.</td>
</tr>
<tr>
<td>The following control to be added:</td>
<td>Should the pathway be constructed as part of other development, then this control can be taken to be satisfied, however, it is necessary to retain this control in the event that the adjoining development does not proceed.</td>
</tr>
<tr>
<td>‘A pathway is to be provided in Station St. to Menangle Road to complete the path network’.</td>
<td>A pathway in Station Street to Menangle Street is critical in provision of pedestrian access to and from Menangle Road. As such, Council maintains its position and this control to remain.</td>
</tr>
<tr>
<td><strong>Laneways</strong></td>
<td>Council does not support the configuration of the laneways as proposed by Mirvac. Mirvac’s laneway configuration is part of development control plans prepared by Department of Planning and Environment (DPE) for growth centre precincts.</td>
</tr>
<tr>
<td>‘Figure 3 – Laneway principles’ is to be replaced by the following laneway configuration.</td>
<td>Such laneways have been developed in Blacktown Local Government Area and the Council is currently experiencing waste</td>
</tr>
</tbody>
</table>
collection problems from 8m wide laneways. Therefore, an altered laneway configuration is inevitable to ensure any new development can be adequately serviced by waste collection vehicles.

A laneway configuration has been prepared after discussion with Council engineering team and waste management team as shown in Figure 3 in this table. Council's preferred laneway is one-way only, with a width of 10m allowing better truck movement for waste collection.

| The following control is to be added after above Control: | Mirvac agreed with this proposed control. |
| 'Right angle bends are not supported in the laneways.' |  |

| The following control to be added after above Control: | Mirvac agreed with this proposed control. |
| 'Install footpaths, pedestrian and cycle paths as required in Council’s Design Specifications.' |  |

| The proposed Control 5 is to be replaced by the following control: | This control is proposed to provide further explanation on preferred laneway configuration. |
| 'Any laneway is to be: (a) a minimum width of 5 metres carriageway, 10m shareway reserve, 13m separation between garages (b) no longer than 50 metres (c) parking be prohibited to allow for vehicle movements (d) No ‘T’ or “C” configurations’ |  |

| The proposed Control 9 is to be amended as: | The existing Control 9 is in contradiction with preferred laneway configuration on the matter of rear setback (setback to laneway). An amendment to this control is proposed to rectify such contradiction and to ensure consistency. |
| 'All lot boundaries adjoining the lane are to be provided with 1.5m rear setback with not fencing forward of the built form.' |  |

**Street Tree Plan**

| Council proposed the following amendment: | Common names of the proposed trees are considered essential to provide a greater degree of clarity and to avoid any possible misinterpretation. |
| ‘The Street Tree Plan at Figure 5 is to be amended to include the ‘common name’ as well as the ‘botanic name’ for the proposed street trees.’ | Mirvac did not raise any objection to this amendment. |

| Council proposed the following control to be included: | This control is proposed as part of Smart Shire Initiatives. Mirvac agreed with this control and requested for additional information about |
Smart Shire Initiatives

‘The development should incorporate a street and public lighting network with the objectives being to deliver:

(a) A safe & connected community,
(b) energy efficient public lighting,
(c) public lighting with low light pollution and light nuisance,
(d) low maintenance public lighting,
(e) the lowest public lighting costs over the asset life cycle;
(f) Allow for the use of a Central Management Systems (CMS) with networked controls for future additional services that enhance city and town safety, functionality and quality of life. This will likely require the installation of multiple luminaire extension modules that can support light point controllers and other smart city devices.
(g) The ability to connect the street light circuit with fibre optic in the future (via dedicated conduit installed during the subdivision construction).’

Point (f).

These controls are limited to ensure the provisions for any future infrastructure. After completion Council will own, operate and maintain such infrastructure.

Station Street Development Site (Residential Development Controls)

These controls are under ‘Part 3 – Controls for Specific Locations’ in ‘Volume 4 – Residential Development’ of the Development Control Plan.

Council generally agreed with these proposed development controls.

Financial Implications

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

ATTACHMENTS

1. Maps showing 1 in 100 year flood layer and proposed fill for future development
2. Recommendations from Muscape Report 2012
3. Draft WDCP 2016 - Menangle Landscape Conservation Area (Exhibited Version)
4. Draft WDCP 2016 - Station Street Planning proposal Site - Subdivision of Land (Exhibition Version)
5. Draft WDCP 2016 - Station Street Planning proposal Site - Residential Dwellings (Exhibition Version)
6. Draft WDCP 2016 - Menangle Landscape Conservation Area (for Adoption)
7. Draft WDCP 2016 - Menangle Landscape Conservation Area - Assessment of public submissions
RECOMMENDATION

1. That Council adopt the proposed amendments to Wollondilly Development Control Plan 2016 to introduce planning controls for the Menangle Landscape Conservation Area and the Station Street, Menangle site subject to the proposed amendments outlined in the report.

2. That the necessary public notice required under the *Environmental Planning & Assessment Regulation 2000* is advertised as soon as practicable to ensure the new provisions commence as soon as possible.

3. That the proponent and persons who made submissions regarding the amendments to Wollondilly Development Control Plan 2016 be notified of Council’s decision.
EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's support to adopt proposed amendments to Wollondilly Development Control Plan 2016 (WDCP) to guide future development within the recently rezoned Abbotsford Planning Proposal site.

- Site specific planning controls are required to guide future development and ensure that it is suitable in terms of heritage on the site and also to implement the outcomes of specialist studies, public agency consultation and previous Council decisions.

- The proposed controls were publicly exhibited for an extended period from 28 November 2018 to 30 January 2019. One public submission was received which is considered neutral. In addition, one submission was received from the Office of Environment & Heritage, one internal Council submission and a submission from the proponent.

- It is recommended that:
  1. Council adopts the amendments to Wollondilly Development Control Plan 2016 as outlined in the report.
  2. The necessary public notice required under the Environmental Planning & Assessment Regulation 2000 is advertised as soon as practicable to ensure the new provisions commence as soon as possible.
  3. The proponent and persons who made submissions regarding the amendments to Wollondilly Development Control Plan 2016 be notified of Council's decision.

REPORT

Background
This report relates to land within the Abbotsford Planning Proposal site (the Abbotsford proposal site) that was rezoned on 21 December 2018 by Amendment No. 32 to the Wollondilly Local Environmental Plan 2011 (WLEP). The amendment enables rural residential style development across the site. The site is anticipated to accommodate approximately 40 residential lots in an E4 Environmental Living zone.

The assessment of the planning proposal identified a need to prepare site specific planning controls for inclusion within Council’s Development Control Plan.

Site specific controls are required in response to the outcomes of the specialist studies, public agency consultation undertaken for the planning proposal and to reflect Council’s resolution relating to heritage signage.

At its Ordinary meeting of 18 June 2018, Council resolved to support the rezoning on the basis that: a report be brought to Council detailing proposed site specific planning controls for inclusion within the Wollondilly Development Control Plan 2016 to guide development on the Abbotsford site. The Development Control Plan should include a requirement for heritage signs.

It is therefore proposed to amend the Wollondilly Development Control Plan 2016 (WDCP) to provide site specific controls within Volume 3 – Subdivision of Land and Volume 4 - Residential Development to guide the future development of the site at the development application stage.

The need for site specific controls relates to the following matters identified during the planning proposal process:
• To ensure the orderly development of the site
• To protect heritage and rural character
• To ensure development is sympathetic to the existing landscape and desired future character
• To improve walking and cycling.

**Site Context**
The Abbotsford proposal site has an approximate area of 67 hectares and forms part of Lot 1 DP1086066 (the site). It is located about 1.0 km from Picton Town Centre, in a direct line, and 1.5 km by road. Abbotsford planning Proposal site is shown in Figure 1 below.

![Figure 1 – Abbotsford Planning Proposal site (shown in red line)](image)

The recent Local Environmental Plan amendment to rezone the land will enable subdivision on the eastern lower half of the site with a minimum subdivision lot size of 4000sqm. The remaining western portion includes the sloped areas within the site and has a minimum lot size for subdivision of 20 hectares.

**Heritage Context**
The site contains the ‘Abbotsford’ archaeological site which is listed on the State Heritage Register and is significant for its association with the early settlement of the Picton area and its links with the prominent colonial figure George Harper and later, the Antill family. This item is listed as item No. A7 under Part 3 of Schedule 5 - Environmental Heritage of *WLEP 2011*. The archaeological item includes house ruins, trees, garden and grounds, underground tank, cottage, outbuildings and tree on hill summit. The site also includes two local heritage items which were added to Schedule 5 of WLEP 2011 as part of the recent Planning Proposal. These items are mentioned as Item No. I297 (Abbotsford Silos) and Item No. I298 (Byrne’s Exhibition Dairy - 2 buildings) under Part 1 of Schedule 5 - Environmental Heritage of *WLEP*. In part, these new items have been listed to allow adaptive reuse of heritage items by providing access to Clause 5.10(10) – Conservation incentives under *WLEP*.

A maximum permissible building height of 6.8 metres applies to the site, effectively limiting the height of new dwellings to single storey to manage the conservation of the natural and cultural landscape values and heritage character of the area.
A Draft Voluntary Planning Agreement also applies to the site which accompanied the planning proposal which includes a schedule of required stabilisation works to the Abbotsford archaeological site. It is anticipated that the Voluntary Planning Agreement, which also includes works to improve road infrastructure, will be executed before granting any consent for further development of the site. The Draft agreement will be subject to a separate Council Report at a later date.

Consultation

The site specific draft planning controls were exhibited from 28 November 2018 to 30 January 2019. An extended exhibition period was provided for the proposed controls beyond the normal 28 day exhibition period for DCP as the exhibition period occurred partly over the Christmas holiday period. The exhibition documents were available at Council’s Customer Service Centre, Wollondilly Public Library and online. During the exhibition period one submission from the community and one submission from the proponent were received. Advice was also sought from government agencies and Council staff.

Submissions received from the community, the proponent, State government agencies and Council staff are as follows:

Community Submissions

One community submission was received during the exhibition period and the matters raised are addressed as follows:

<table>
<thead>
<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Control 10</strong></td>
<td>Draft DCP should be extended to allow for Colorbond roofs in addition to slate tile roof.</td>
</tr>
<tr>
<td><strong>Control 15</strong></td>
<td>Draft DCP should be extended to allow for bagged and painted brick work if falling within the specified site permitted colours.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Draft Controls to be included under “Part 4” in “Volume 4 – Residential Developments”</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Control 10</strong></td>
<td>This control (now identified as Control 8) has been amended and permits colorbond roofs with light earth colours.</td>
</tr>
<tr>
<td><strong>Control 15</strong></td>
<td>The proposed development controls intend to safeguard items of historical interest across the site and to facilitate the environmental management of sensitive land. The future character of the site is envisaged as single story face brick dwellings with pitched/gable roofs in a heritage and landscape setting. Bagged or painted brick work is not considered as character of Wollondilly Shire. As such, bagged or painted brick work is not considered being consistent with the desired future character of the area.</td>
</tr>
</tbody>
</table>
Proponent’s Submission

Two points were raised in a submission by the proponent, which related to the proposed controls in ‘Volume 3 – Subdivision of Land’ and are addressed as follows:

<table>
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<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
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<tbody>
<tr>
<td>Only a very small part of the development area is flood affected. The report states that the &quot;site&quot; is considered flood affected.</td>
<td>This control has been amended to remove this reference. However, it is to be noted that controls regarding flooding will only be applicable on the lots falling within flood prone land.</td>
</tr>
<tr>
<td>The requirement for flood free access all the way to Barkers Lodge may well be a significant cost that should not be the entire responsibility of this development. A more appropriate wording would be to Equestrian Drive as that is a fully developed adjoining site.</td>
<td>Flood free access to Barkers Lodge Road is essential to provide a safe exit for residents in any event of flooding. Such flood free access can be achieved in multiple ways and through Equestrian Drive can be one of these possibilities. Control 15 has been amended to clarify flood free access and now reads as follows: ‘Flood free access is to be provided from all new lots to Barkers Lodge Road. In this control, flood free access means any access with level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.’</td>
</tr>
</tbody>
</table>

Formal Consultation with Public Agencies

Office of Environment and Heritage (OEH) raised several concerns around possible adverse impacts on the heritage and landscape character of the site from any future development. Comments from OEH have been addressed as follows:

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>The Heritage Impact Statement (HIS) prepared by NBRS + Partners (dated October 2017) be amended to include the following:</td>
<td>Proposed Control 7 under ‘Volume 3 – Subdivision of Land’ requires provision of a Heritage Impact Statement which includes a requirement for graphical representations of the visual impacts of any new development on existing significant sight lines and views. Figure 3.13.1 in ‘Volume 3 – Subdivision of Land’ identifies the significant sight lines and view corridors. There are multiple approaches to demonstrate compliance with this control including photomontage so it is unnecessary to specify any particular option. This comment provided by OEH is considered vague as it does not provide any criteria or detail on how to assess the compliance with the ability to interpret an early pastoral property and its rural setting.</td>
</tr>
<tr>
<td>• Graphical representations of visual impacts such as, photomontages to show that the proposed development in relation to ‘Abbotsford’, including the visual connections of ‘Abbotsford’ to the Vault Hill. The HIS should demonstrate that the former homestead and views from, will remain unencumbered by potential inappropriate development in its proximity.</td>
<td>This comment provided by OEH is considered vague as it does not provide any criteria or detail on how to assess the compliance with the ability to interpret an early pastoral property and its rural setting. In order to provide more clarity, the proposed control 7(c) in ‘Volume 3 – Subdivision of Land’ states as follows:</td>
</tr>
<tr>
<td>• An assessment of any impact the rezoning and the resulting development will have on the ability to interpret an early pastoral property and its rural setting.</td>
<td>'An assessment of any impact the rezoning and the resulting development will have on the ability to interpret an early pastoral property and its rural setting.'</td>
</tr>
</tbody>
</table>
A detailed discussion of other options for the subject site and why they were not viable.

In the proposed control, the site should continue to reflect its historic farming and dairy uses which will lead to the ability to interpret an early pastoral property.

With regard to the comments requiring an assessment of the impact of the rezoning, and to consider other options for development of the subject site, it is noted that the land has already been rezoned, and therefore the opportunity for this type of consideration has already occurred. Instead, what has occurred, is an assessment of appropriate controls to ensure the heritage of the site is protected and that any development of the site is sympathetic.

It is also noted that two heritage items are included in Schedule 5 – Environmental Heritage under WLEP and, therefore, an adaptive re-use for these items can be sought pursuant to Clause 5.10 (10) - Conservation incentives. Viability of any future adaptive re-use can be discussed under any future application.

Provision of an Archaeological Management Plan (AMP) to enable a thorough understanding of the archaeology and any impacts.

Proposed Control 9 under ‘Volume 3 – Subdivision of Land’ requires an Archaeological Management Plan (AMP) prepared by a suitably qualified and experienced professional to accompany any future application.

This information will form part of AMP submitted with any application as mentioned in proposed Control 10 under ‘Volume 3 – Subdivision of Land’.

A Voluntary Planning Agreement has already been prepared and includes works regarding conservation of the homestead as advised by Council’s Heritage Adviser.

It is anticipated that the Voluntary Planning Agreement will be signed before any consent being granted for further development of the site.

Draft Planning Controls for Abbotsford ‘Volume 3 - Subdivision of Land’

An additional objective is recommended as follows:

“To ensure the ability to interpret the site as an early pastoral property is retained.”

Objective 6 in the exhibited version of the controls has been amended to read as follows (now identified as objective 5):

‘To protect scenic landscapes and ability to interpret the site as an early pastoral property.’

Objective 3 should be amended to read “To

Objective 3 has been amended as follows:
<table>
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<tr>
<td>ensure that new development is designed and located so it does not have an adverse impact on heritage items, the cultural landscape of the early pastoral property, historical archaeology and significant views and vistas.”</td>
<td>‘To ensure that new developments are designed and located so they do not have an adverse impact on heritage items, the cultural landscape of the early pastoral property, historical archaeology and significant views and vistas.’</td>
</tr>
<tr>
<td>Control 1C of the ‘General’ controls should include the identification of soft and hard landscape features and works associated with significant historical phases of the site’s history. Identification of these items may require a specialist report undertaken by an appropriately qualified and experienced professional.</td>
<td>Control 1C of the ‘General’ controls is amended as follows: ‘The identification of soft and hard landscape features and location of any trees and vegetation.’ The requirement from OEH to identify works associated with significant historical phases of the site’s history is considered onerous. Controls regarding provision of Heritage Impact Statement and Archaeological Management Plan have already been included and considered appropriate to steer any future development in a manner to protect heritage and landscape significance of the site.</td>
</tr>
<tr>
<td>It is recommended that a horticulturist report be required. The report should identify the location, significance and condition of remnant historical plantings and provide protection measures in the event of the proposed lots being developed.</td>
<td>Proposed Control 1(C) ensures that any development application is to be accompanied by a Site Analysis Plan identifying the location, significance and condition of remnant historical plantings. Proposed Control 10 provides protection measures for significant landscape features within the site and reads as follows: ‘All landscape elements are to be protected within future lots created as part of any future subdivision including the following: a) The western-most araucaria tree on the hill top and hedge of Osage trees; and b) Apparent thorn hedging on the northern side of the existing main driveway for the Abbotsford Homestead. 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 affected lots.’ We believe the intent of the comment by OEH has been achieved through proposed above controls and any additional control is not required in this instance.</td>
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<td>Issue Raised</td>
<td>Assessment Comment</td>
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<tr>
<td>The ‘General Controls’ should include the need for an interpretation plan for the site prior to the granting of development consent.</td>
<td>Control 1 requires the provision of a Site Analysis Plan containing information for the interpretation of significant heritage and landscape features within the site including important views and vistas. As such, the requirement for an additional Interpretation Plan is not considered necessary and it is considered that the Site Analysis Plan achieves the intent of the interpretation plan.</td>
</tr>
<tr>
<td>The preamble to ‘Building Envelopes’ should include a requirement for graphical representations, including photomontages of concept plans. The representations should show the impact of new development on significant views and vistas and the ability to interpret the site as an early pastoral property. Control 2C of ‘Building Envelopes’ should be amended to include consideration of key views to “and from Abbotsford Homestead.”</td>
<td>Control 2 has been amended and the control requires building envelopes to be marked on a Subdivision Plan demonstrating that all key views to and from Abbotsford Homestead, Byrnes Exhibition Dairy, Abbotsford Silos, tree on hill summit and Vault Hill have been protected and not obstructed. The site contains a height limit of 6.8m which essentially creates a landscape of single story dwellings with the possibility of attic rooms underneath the roof pitch. Given the height limit, and other controls regarding the protection of views to and from the key heritage items on the site, it is not considered necessary to require photomontages to be provided in support of the building envelope locations. It is also noted that proposed control 7 requires the submission of a Heritage Impact Statement which must include graphical representations demonstrating that views to and from key features of the site will be retained which should satisfy this requirement. As such, Control 2 is proposed to read as follows: ‘Council will not grant consent to carry out a development unless the development application is accompanied by a subdivision plan showing the location of building envelopes and indicative dwelling locations to demonstrate that: a) Development is within a landscaped setting; b) The scale and footprint of the built form is secondary to the Abbotsford Homestead; c) Key views to and from Abbotsford Homestead, Byrnes Exhibition Dairy, Abbotsford Homestead and Abbotsford Silos are not obstructed as identified in</td>
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<tr>
<td><strong>Figure 3.13.1; and</strong></td>
<td><strong>d) No development to be located on visually prominent ridgelines.’</strong></td>
</tr>
<tr>
<td>However, the proposed control does not restrict requesting the photomontages at the development assessment stage if it is considered necessary as an addition assessment tool.</td>
<td></td>
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<tr>
<td>The preamble of Control 5 ‘Heritage’ should be amended to include a Heritage Impact Statement (HIS) prepared by a “suitably qualified and experienced professional. Development should generally be in accordance to the recommendations of the HIS.”</td>
<td>The proposed control (now identified as Control 7) has been amended to address these matters and now reads as follows: ‘Council will not grant consent to carry out a development unless the development application is accompanied by a Heritage Impact Statement prepared by a suitably qualified and experienced professional. The Heritage Impact Statement must address the following matters:</td>
</tr>
<tr>
<td>a) Graphical representations of visual impacts to show that the views to ‘Vault Hill’ which is an historic cemetery linked to previous owners, the Antill Family.</td>
<td>b) The impacts to the curtilage of the State Heritage Register (SHR) item and on archaeological relics associated with ‘Abbotsford.’</td>
</tr>
<tr>
<td>c) Ability to identify historic uses of the site as an early colonial farm.</td>
<td>Control 6 under ‘Heritage’ should be amended to include AMP “prepared by a suitably experienced and qualified professional. Development should generally be in accordance to the recommendations of the AMP.”</td>
</tr>
<tr>
<td>The requirements regarding the Archaeological Management Plan (AMP) have been included in this control.</td>
<td><strong>The control (now identified as Control 9) has been amended to include such provisions.</strong></td>
</tr>
<tr>
<td>Issue Raised</td>
<td>Assessment Comment</td>
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<tr>
<td>Subdivision allotments shall include significant archaeology in one lot, and these lots shall be zoned for low impact activities. This development shall not include residential development. The lots shall not be used to contain infrastructure such as sewerage, water, gas or electricity.</td>
<td>In this regard, a requirement has been added to the proposed controls requiring any significant archaeology to be retained in one lot 'where possible'. A DCP also does not contain any ability to zone land for a particular purpose so this has not been included in the controls.</td>
</tr>
<tr>
<td>Areas with significant historical archaeology identified in the AMP and confirmed through archaeological test excavation shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of the affected lot.</td>
<td>It is also not appropriate for a DCP to exclude infrastructure from certain lots and the revised control therefore states as follows: 'Significant views and heritage character of the site must not be compromised by any proposed infrastructure such as sewerage, water, gas or electricity'.</td>
</tr>
<tr>
<td>Control 7 under ‘Heritage’ should be amended to include the hedge of Osage trees.</td>
<td>These matters have been addressed under an amended Control (now Control 10).</td>
</tr>
<tr>
<td>Control 8 under ‘Heritage’ should be amended to state that the subdivision shall be designed to retain and enhance “significant view lines.” The view analysis diagram should include the view line between ‘Abbotsford’ and ‘Vault Hill.’</td>
<td>Such considerations have been included under proposed Control 2.</td>
</tr>
<tr>
<td>Control 9 under ‘Heritage’ should include general controls for new roads, access paths/shared pathway and works such as storm drainage associated with the proposed lots. Hard surfaces/landscaping should be avoided assist in retaining the rural setting.</td>
<td>Requirements for new roads, access paths/shared pathway and works such as stormwater drainage are already included in Volume 1 - General of Wollondilly Development Control Plan 2016 (WDCP) and any development on the site would not be excluded from the application of this volume of WDCP. Additionally, considerations around rural character and landscape setting have been included in proposed Control 2. As such, inclusion of any additional control is not required.</td>
</tr>
<tr>
<td>If not already undertaken, consideration should be given to a requirement for an archival photographic survey of the site prior to subdivision taking place.</td>
<td>Such provision is already part of Standard Conditions (11DM15) for development applications and reads as follows: ‘Prior to the demolition of any heritage item, a photographic record shall be prepared in accordance with the guideline “Photographic Recording of Heritage Items Using Film or Digital Capture” published by the NSW Heritage Office, 2006. This record shall be submitted to Council in accordance with the requirements of these guidelines. Demolition shall not commence prior to the Demolition Contractor receiving written confirmation from Council that this condition has been complied with.’</td>
</tr>
<tr>
<td>Issue Raised</td>
<td>Assessment Comment</td>
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<tr>
<td>As such, any further controls in this regard are not considered necessary.</td>
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<tr>
<td><strong>Draft Planning Controls for Abbotsford</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Volume 4 - Residential Development</strong></td>
<td></td>
</tr>
<tr>
<td>Objective 2 should be amended to ensure any “significant” views and vistas are protected.</td>
<td>Objective 2 has been amended accordingly.</td>
</tr>
<tr>
<td>Objective 3 should be amended to state so that it does not have an adverse impact on “heritage items, the cultural landscape of the early pastoral property, historical archaeology and significant views and vistas.”</td>
<td>Objective 3 has been amended accordingly.</td>
</tr>
<tr>
<td>An additional objective is recommended. “To manage new development to ensure the ability to interpret the subject site as an early pastoral property is retained.”</td>
<td>The suggestion has been incorporated into proposed Objective 5 and which now reads as follows: ‘To protect scenic landscapes and ability to interpret the site as an early pastoral property’</td>
</tr>
<tr>
<td>Control 2 of ‘Views and Vistas’ should be amended to “significant view lines” This includes ‘Vault Hill.’</td>
<td>Control 2 has been amended accordingly.</td>
</tr>
<tr>
<td>Control 4 ‘Views and Vistas’ should ensure the view line between ‘Abbotsford Homestead’ and ‘Vault Hill’ is protected.</td>
<td>Preservation of the view to Vault Hill has already been identified in proposed Control 2.</td>
</tr>
<tr>
<td>Control 6 ‘Landscape and Planting’ - an additional control should be added to state that in areas of archaeological sensitivity, new plantings should be selected with a view to avoiding impact to significant historical archaeology.</td>
<td>These provisions have been included in proposed (now identified as Control 5).</td>
</tr>
<tr>
<td>Consideration also should be given to including in Control 6 a reference to that fact that no significant landscape features or works associated with significant phases of the site’s history should be removed.</td>
<td>All the significant landscape features are identified under proposed Control 10 in ‘Volume 3 – Subdivision of Land’ and these will be identified and protected within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all lots.</td>
</tr>
<tr>
<td>Council should consider discussing the use of vegetation to mitigate/screen (where appropriate) the impact of new development in Control 6.</td>
<td>Neither any existing nor any proposed control restricts the use of vegetation to mitigate the impact of any new development. It is considered that this is adequately addressed through other proposed controls requiring the retention of views and sightlines etc.</td>
</tr>
<tr>
<td>Architectural style and form - New development should be sympathetic to existing heritage but should not seek to replicate the architectural style, form or decorative elements of heritage items.</td>
<td>Such provisions have been included in proposed Control 6.</td>
</tr>
<tr>
<td>Consideration should be given to retitling ‘Boundary Treatments, Fences and Gates’ to New Landscaping and expanding the text to include:</td>
<td></td>
</tr>
</tbody>
</table>
### Issue Raised

- A requirement that hard surfaces/landscaping be avoided to assist in retaining the rural setting.
- The location of new trees will need to consider view lines.
- Some lots may have archaeological constraints in relation to excavation (including for planting of trees and scrubs). Raised garden beds may be required.

### Assessment Comment

- The site is provided with split minimum lot sizes being 4000m² (eastern half of the site) and 20 ha (western half of the site). Therefore, the site will only be developed for Rural Lifestyle Lots and Rural Lots as identified under ‘Volume 4 – Residential Development’. Such large lot sizes are devised to retain the rural/landscape setting and to provide adequate opportunities for tree planting.

- Additionally, provisions regarding preservation of views and vistas have already been included in proposed Control 1, 2, 3 and 4.

- Provisions of ‘Volume 4 - Residential Development’ will be applicable in regard to any proposed cut and fill.

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**Adaptive re-use - Before granting consent for adaptive re-use of heritage items, consideration should be given to whether archaeological relics associated with the item will be impacted by development.**

### Assessment Comment

- These matters have been addressed under proposed Control 17, 18 and 19.

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**Adaptive re-use controls should also highlight that any new use of heritage items will need to ensure that the original function of the item can still be interpreted.**

### Assessment Comment

- Controls regarding requirements for a Heritage Impact Statement and Archaeological Management Plan have already been proposed within the site specific controls to be included in 'Volume 3 – Subdivision of Land'. This will enable critical heritage matters to be resolved during the planning of the subdivision stage rather than burdening any future purchasers. Any additional requirements can be determined by the recommendations provided by any submitted AMP.

- Additionally, a decision regarding any further requirements or a referral as part of any future development application is to be made by development assessment team once any development application is received.

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**It is recommended that an additional control titled ‘Historical Archaeology’ be included in the draft controls with the following text:**

*In the event the AMP prepared for the draft planning controls for subdivision identify an archaeological resource associated with ‘Abbotsford,’ Council must take into consideration the following before granting consent for development:*

- A HIS and baseline historical archaeological assessment (HAA) prepared by a suitably qualified and experienced historical archaeologist. The HAA should outline how the development will affect the archaeological resource and whether an approval under the Heritage Act 1977 is required.

- The HIS shall advise whether Local or State significant archaeology would be affected by this development, justify why this is proposed and explain what alternatives have been considered to avoid and retain significant archaeology.

- A referral should be made to the Heritage Council of NSW seeking comment on any
**Ordinary Council Meeting Agenda**

**Agenda**

15 July 2019

<table>
<thead>
<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
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<tbody>
<tr>
<td>Development Application (DA) and whether an approval to disturb relics under section 139 of the Heritage Act 1977 is required. Advise should be sought as to what conditions should be included in any DA approval.</td>
<td></td>
</tr>
</tbody>
</table>

**Formal consultation with council staff**

Comments from Council staff have been addressed as follows:

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<tr>
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<tbody>
<tr>
<td>Draft Controls to be included under “Part 3” in “Volume 3 – Subdivision of Land”</td>
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</tr>
<tr>
<td><strong>Objective 1</strong></td>
<td>Built form is largely determined by underlying subdivision pattern. Given that, Objective 1 is considered appropriate to guide any subdivision application to ensure a high quality built form.</td>
</tr>
<tr>
<td>It is in relation to buildings and should not be part of a subdivision volume of the DCP.</td>
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</tr>
<tr>
<td><strong>Control 1</strong></td>
<td>Requirement of a site analysis plan is considered essential (and supported in the submission from OEH) to ensure compliance with the objectives of this section and is therefore retained. The proposed Control 1 is amended to address the concerns raised as follows:</td>
</tr>
<tr>
<td>Requirement of a Site Analysis Plan with any future application. Two different comments were received regrading this control.</td>
<td>‘Council will not grant consent to carry out a development unless the development application is accompanied by a site analysis addressing the following matters to Council’s satisfaction:</td>
</tr>
<tr>
<td>The first comment was to remove this control as it was considered outside the basic submission requirements for any application.</td>
<td>a) The spot levels and contours of the land,</td>
</tr>
<tr>
<td>The second comment was to further strengthen this control by inserting ‘a written statement by appropriately qualified planning or design expert’.</td>
<td>b) The location of any watercourses and associated flooding or drainage characteristics;</td>
</tr>
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<td></td>
<td>c) The identification of soft and hard landscape features and location of any trees and vegetation;</td>
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<tr>
<td></td>
<td>d) The location and key views associated with any heritage items;</td>
</tr>
<tr>
<td></td>
<td>e) The location of visually prominent ridgelines and landscapes; and</td>
</tr>
<tr>
<td></td>
<td>f) A written statement and/or drawings explaining how the design of the proposed subdivision has taken the site analysis into account.</td>
</tr>
<tr>
<td><strong>Control 2</strong></td>
<td>The control has been amended accordingly.</td>
</tr>
<tr>
<td>A subdivision plan prepared by a surveyor</td>
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<tr>
<td>Issue Raised</td>
<td>Assessment Comment</td>
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<tr>
<td>should be required showing the location of building envelopes and indicative dwelling locations.</td>
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<tr>
<td><strong>Control 3</strong></td>
<td>The proposed Control 3 has been amended to provide further clarification.</td>
</tr>
<tr>
<td>Control 3 is addressed in the most part under Control 2 as both of these controls are relating to building envelopes and indicative dwelling locations.</td>
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</tr>
</tbody>
</table>
| **Control 5**                                                              | The site contains several structures listed as State and local heritage items. Given the heritage significance of the site, provision of any Heritage Impact Statement (HIS) with any application is considered essential.  
The requirement of a HIS is not extended to low impact development applications such as minor alterations and additions. However, Council has the ability to require a heritage impact study. Control 5 (now identified as Control 7 in the proposed final version) is proposed to be retained with some amendments following advice from OEH. |
| Requirement of Heritage Impact Statement is onerous and beyond the minimum requirements for a Development Application. |                                                                                                                                                                                                                       |
| **Control 9-10**                                                           | Given the heritage significance and rural character of the site, boundary treatments including fences and gates are considered critical to maintain the historic context of the site dating back to 1850's. As such, controls regarding fences and gates are to remain (Now identified as Control 11). |
| Requirements regarding boundary treatments, fences and gates may be onerous. |                                                                                                                                                                                                                       |
| **Control 12**                                                             | Stage 1 Contamination Report was provided with the planning proposal for the site and recommended a Stage 2 Contamination Report as part of any future development application. Therefore, this control is to remain (Now identified as Control 13). |
| Requirement for a Stage 2 Contamination Report cannot be imposed without the provision of Stage 1 Contamination Report. |                                                                                                                                                                                                                       |
| **Control 14**                                                             | This Control (now identified as Control 15) has been amended as follows:                                                                                                                                               |
| The control needs be explained to help assessing any future application. | 'Flood free access is to be provided from all new lots to Barkers Lodge Road. In this control, flood free access means any access provided via a Public Road at or above the Flood Planning Level and The Flood Planning Level is defined as the 1 in 100 AEP (Annual Exceedance Probability) Flood Level plus 0.5 metre freeboard.' |

*Draft Controls to be included under “Part 4” in “Volume 4 – Residential Developments”*
<table>
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<tr>
<td>Control 8-9</td>
<td>This control (now identified as Control 7) has been amended to provide flexibility in roof pitch angle and reads as:</td>
</tr>
<tr>
<td>Requirement for a 40 degree roof pitch may be onerous.</td>
<td>'New dwellings and outbuildings must have a 30 to 40 degree roof pitch and incorporate gable elements to provide facade articulation. Verandas are excluded from this control.'</td>
</tr>
<tr>
<td></td>
<td>Higher roof pitch is proposed to keep any future development within the site consistent with the Shire wide heritage character. Additionally, it also provides an opportunity to achieve habitable space under the roof pitch by providing dormer windows and gable elements. Such articulations assist in achieving rich streetscape which can be observed across old rural settlements.</td>
</tr>
<tr>
<td></td>
<td>Further investigations post exhibition established that a 40 degree roof pitch may be difficult to achieve on a 6.8 metre high dwelling and the control has been amended to enable dwellings to apply a 30 to 40 degree roof pitch.</td>
</tr>
<tr>
<td>Control 10</td>
<td>This Control (now identified as Control 8) has been amended to allow for a broader range of roof colours e.g. natural terracotta and light earth colours.</td>
</tr>
<tr>
<td>Permission to use only one type of roof colour is considered unreasonable.</td>
<td></td>
</tr>
<tr>
<td>Control 15</td>
<td>Control refers to sandstock bricks rather sandstone bricks.</td>
</tr>
<tr>
<td>Requirement for sandstone bricks is considered being onerous and unreasonable.</td>
<td></td>
</tr>
<tr>
<td>Control 16</td>
<td>A 6.8m height limit has been identified for the site under Wollondilly Local Environmental Plan 2011 which intends to restrict any development to a single storey structure. However, this control does not restrict achieving additional habitable space under the roof pitch.</td>
</tr>
<tr>
<td>Council generally permits 2 storey structures across Shire with 9m maximum height limit.</td>
<td></td>
</tr>
</tbody>
</table>

**Comments from Building Approval and Certification Staff**

_Draft Controls to be included under “Part 4” in “Volume 4 – Residential Developments”_

**Control 1-5**

These controls are not clear in describing how the impact on the views will be assessed.  
A Site Analysis Plan and Subdivision Plan will be required with any application pursuant to proposed Control 1 and 2 in ‘Volume 3 – Subdivision of Land’. These documents will contain information such as significant view corridors, contours and prominent ridgelines for assessment of views and vistas.
<table>
<thead>
<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control 7</td>
<td>This control is too vague.</td>
</tr>
<tr>
<td>Control 8</td>
<td>These controls are considered essential in protecting the heritage and landscape character of the site and surrounding area. Therefore, these controls are to remain.</td>
</tr>
<tr>
<td>Control 9</td>
<td>This control is too onerous.</td>
</tr>
<tr>
<td>Control 11</td>
<td>Control does not restrict maximum floor to ceiling height. The control only stipulates a ‘minimum’ 3m floor to ceiling height.</td>
</tr>
<tr>
<td>Control 13</td>
<td>This control should allow for any timber like window frame.</td>
</tr>
<tr>
<td>Control 14</td>
<td>Control has been amended permitting use of any timber like trimming.</td>
</tr>
<tr>
<td>Control 15</td>
<td>This control is too onerous. Weatherboard cladding or bricks should also be permitted.</td>
</tr>
<tr>
<td>Control 17</td>
<td>This control allows the use of weatherboard along with sandstock bricks to provide relief and articulation.</td>
</tr>
<tr>
<td>Control 18</td>
<td>Metal gates should be allowed.</td>
</tr>
<tr>
<td>Control 20</td>
<td>Any proposal involving adaptive re-use of a heritage item would need to be accompanied by a Statement of Heritage Impacts considering all the possible impacts on heritage fabric and adequacy of proposed use. Advice can also be sought from Council’s Heritage Adviser. Given that, the proposed control is considered appropriate.</td>
</tr>
</tbody>
</table>
Ordinary Council Meeting Agenda
15 July 2019

<table>
<thead>
<tr>
<th>Issue Raised</th>
<th>Assessment Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council’s Engineering Team recommended to amend Control 2(d) in the Subdivision Volume by replacing ‘PMF’ (probable maximum flooding) with ‘1 in 100 AEP (Annual Exceedance Probability) Flood Level plus 0.5 metre freeboard’. Such a control is already included in Volume 1 – General in Wollondilly Development Control Plan 2016 (WDCP). Therefore, this control has been removed.</td>
<td></td>
</tr>
<tr>
<td>Council’s Engineering Team also suggested amending Control 14 (now identified as control 15) in the Subdivision Volume and as such it has been revised as follows:</td>
<td>‘Flood free access is to be provided from all new lots to Barkers Lodge Road. In this control, flood free access means any access provided via a Public Road at or above the Flood Planning Level and The Flood Planning Level is defined as the 1 in 100 AEP (Annual Exceedance Probability) Flood Level plus 0.5 metre freeboard.’</td>
</tr>
</tbody>
</table>

Follow Up Meeting with Development Assessment Team

A follow up meeting was held with development assessment team leaders on 6 May 2019 to further discuss the amended controls. Two main points were raised in this meeting and are as follows:

Clarification on sight lines

It was recommended to identify all the important view corridors graphically to avoid any misinterpretation. A diagram showing all the important views is prepared and included in Volume 3 – Subdivision of Land as Figure 3.13.1.

Clarification on proposed controls regarding gates and fencing

It was recommended to include the restrictions regarding fencing and gates to be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all affected lots. These requirements are included in proposed Control 11.

Final Form of Development Control Plan

Several housekeeping amendments are proposed throughout the Draft WDCP following exhibition to resolve typing errors, improve the legibility of the document and keep it consistent with the enforced version of WDCP. Some new phrases has been introduced in the exhibited version of Draft WDCP to ensure that it can positively influence and guide any future development in a manner to keep it sympathetic to the heritage and landscape character of the site. The proposed housekeeping amendments are not of a nature that would require re-exhibition of the Draft WDCP. It is proposed that the exhibited version of Draft WDCP be adopted with amendments as outlined in this report.

Financial Implications

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

ATTACHMENTS

1. Consultation Draft WDCP 2016 - Abbotsford Planning Proposal - Subdivision of Land (Exhibited Version)
2. Consultation Draft WDCP 2016 - Abbotsford Planning Proposal - Residential Development (Exhibited Version)
3. Draft WDCP 2016 - Abbotsford Planning Proposal Site - Subdivision of Land
4. Draft WDCP 2016 - Abbotsford Planning Proposal Site - Residential Developments
5. Final Draft WDCP 2016 - Abbotsford Planning Proposal Site - Residential Developments (for Adoption)
6. Final Draft WDCP 2016 - Abbotsford Planning Proposal Site - Subdivision of Land (for Adoption)
RECOMMENDATION

1. That Council adopt the amendments to Wollondilly Development Control Plan 2016 as outlined in the report.

2. That the necessary public notice required under the Environmental Planning & Assessment Regulation 2000 is advertised as soon as practicable to ensure the new provisions for the Abbotsford Planning Proposal site commence as soon as possible.

3. That the proponent and persons who made submissions regarding the amendments to Wollondilly Development Control Plan 2016 be notified of Council's decision.
11.3 PLANNING PROPOSAL - ARGYLE STREET BUSINESS LANDS

Lot & DP – Subject Site: Lot 212 DP1094898, Lot 141 DP997490, Lot 1 DP 537245, Lot 15 DP 1105675, Lot 16 DP 979250 - DPP - Argyle Street Business Lands

Proposal: Rezone the land to enable the development of the site for business purposes

Applicant: Precise Planning – Jeff Bulfin

Owners: JJM & T Arcuri Pty Ltd, Khoury Bare Co Pty Ltd, Amanda Michelle Dench, Frank Romeo, Irene Khoury

Notification: Preliminary notification completed

Submissions: Four community and three public agencies responses received

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council support to no longer proceed with the Argyle Street Business Lands Planning Proposal as there is insufficient information for the proposal to proceed.

- To facilitate this position a request to the NSW Department of Planning and Environment (DPE) is required for an alteration to the gateway determination to specify that the planning proposal should not proceed.

- The Planning Proposal relates to No. 459-475 Argyle Street, Picton (Lot 212 DP 1094898, Lot 141 DP 997490, Lot 1 DP 537245, Lot 15 DP 1105675 and Lot 16 DP 979250) and seeks to rezone the land to enable the development of the site for business purposes.
• Council originally supported the proposal in March 2013 and a Gateway determination was issued by DPE on 20 June 2013. A number of specialist studies are required to inform the planning proposal but have not been provided by the proponent to date. Further, there has been no formal correspondence from the proponent since 2016.

• This report recommends that:

1. Council no longer support the Argyle Street Business Lands Planning Proposal;

2. Council request the NSW Department of Planning & Environment for an alteration the Gateway determination to specify that the planning proposal should no longer proceed;

3. the applicant and submitters be notified of Council’s decision.

REPORT

Background

This Proposal was initially submitted to Council in November 2012. Council originally supported the proposal at its Ordinary Meeting in March 2013 and resolved to forward the proposal to the NSW Department of Planning & Environment (DPE) for a Gateway determination.

A Gateway determination for the Planning Proposal was issued by DPE on 20 June 2013 which supported the Proposal and indicated a number of specialist studies that needed to be undertaken. The initial Gateway Determination specified a finalisation timeframe of 18 months from the week following the date of the Gateway Determination (being 27 December 2014). A copy of the Gateway determination is provided at Attachment 1.

Since the initial Gateway determination was issued, four timeframe extensions requests have been granted by DPE. The most recent timeframe extension expired on 31 May, 2019.

The purpose of the four previous extensions to the Determination timeframe were to allow time for the required specialist studies to be undertaken and for the Proposal to progress accordingly. Unfortunately, Council has not received any of the required specialist studies and therefore has not been able to progress the Proposal.

Throughout 2016 correspondence was made with the proponent advising them of the steps that they needed to take in order to progress the Planning Proposal. The advice was provided in February and August 2016 and advised that briefs detailing the scope of works for the preparation of the necessary specialist studies were required in order to progress the proposal. Council has not received any correspondence from the proponent on this proposal since this time.

The proponent was requested to provide an update on the status of the preparation of these studies on 3 January 2019 and 31 January 2019. No response was received.

Council then wrote to the proponent on 26 March 2019 outlining concerns with the lack of progress on this proposal and stated the following:

Our records show that the most recent correspondence with you regarding this proposal and the preparation of the specialist studies was in August 2016. It is also noted that Council requested an update from you on the status of the specialist studies by email on 3 January 2019 and 31 January 2019. Unfortunately, Council has not yet received a response to these emails and the status of the preparation of these studies remains unclear.

Given that the most recent gateway determination deadline has expired, and Council has not yet received any of the required studies, Council will seek a final gateway extension from DPE of three (3) months so that the matter can be reported to Council with a recommendation to not proceed with this Planning Proposal.
If you would like to withdraw your Planning Proposal, please advise us within seven (7) days of the date of this letter. If the planning proposal is not withdrawn then the matter will be considered at the May Ordinary Meeting of Council.

No response was provided by the proponent indicating that they wish to withdraw the proposal and accordingly, it is considered that Council should now request a Gateway Alteration from DPE so that the proposal does not proceed, as Council has now requested four separate extensions to the Gateway determination timeframe and there has been little progress on the matter since the initial Gateway Determination was issued. DPE have indicated verbally that an extension to the gateway determination timeframe beyond current request to 31 May 2019 is unlikely to be granted due to the inability to demonstrate progression of this proposal.

This report was originally presented to Council at the May Ordinary Meeting held 21 May 2019, but was deferred to allow appropriate time for Council staff to meet with the owners of 469 Argyle Street, who had some concerns around the processes associated with this Planning Proposal. Council staff met with the owners of 469 Argyle St on 22 May 2019 and explained Council’s process, along with providing details around the history of the proposal and current timeframe constraints. At the end of this meeting, Council staff were reasonably satisfied that the owners of 469 Argyle St had an understanding of the Council’s processes and concerns around the lack of progress of this Planning Proposal.

It is also of note that Council is coming under increasing pressure from DPE to complete its longstanding Planning Proposals within a reasonable timeframe and it is unclear at this point as to when the studies will be provided and the proposal will be able to progress.

It is therefore more appropriate for Council not to proceed with this proposal at this time and for the proponent to resubmit the proposal with the required studies upfront should they wish to pursue the matter in the future. The provision of upfront studies would be consistent with the approach in Council’s recently adopted Planning Proposal Policy which requires studies to be provided at the time of lodgement of the proposal in order to reduce determination times and enable a more comprehensive assessment earlier in the process.

**Description of Site and Surrounding Area**

The Planning Proposal comprises five lots with a total area of approximately 5 hectares as detailed in the table below:

<table>
<thead>
<tr>
<th>Address</th>
<th>Lot/DP</th>
<th>Size (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>459 Argyle Street</td>
<td>212/1094898</td>
<td>1.277</td>
</tr>
<tr>
<td>465 Argyle Street</td>
<td>141/997490</td>
<td>1.085</td>
</tr>
<tr>
<td>467 Argyle Street</td>
<td>1/537245</td>
<td>0.198</td>
</tr>
<tr>
<td>469 Argyle Street</td>
<td>15/1105675</td>
<td>1.230</td>
</tr>
<tr>
<td>475 Argyle Street</td>
<td>16/979250</td>
<td>1.275</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>5.065</strong></td>
</tr>
</tbody>
</table>

The land at 459 Argyle Street is zoned IN2 Light Industrial while the remainder of the site is zoned RU2 Rural Landscape under WLEP 2011. This site sits across the road from Picton High School and abuts the Stilton Road Planning Proposal site.

**Description of Proposal**

The Planning Proposal seeks to amend the provisions of Wollondilly Local Environmental Plan 2011 (WLEP 2011) to enable the site to be developed for business purposes.
The proposal intends to achieve this by amending WLEP 2011 in the following manner:

- Amending the Land Zoning Map from Zone RU2 Rural Landscape to Zone B5 Business Development for Lots 141 DP 997490, Lot 1 DP 537245, Lot 15 DP 1105675 and Lot 16 DP 979250
- Amend the Land Zoning Map from Zone IN2 Light Industrial to Zone B5 Business Development for Lot 212 DP 1094898
- Amend the Height of Building Map to impose a height limit of 12 metres
- Amend the Lot Size Map by removing the 16 ha minimum lot size and having no minimum lot size.

**Consultation**

**Community Consultation**

In December of 2012 and January of 2013 preliminary community consultation was undertaken with adjoining and potentially affected properties.

In response four submissions were received objecting to the proposed LEP amendment:

- Local European Heritage – nearby “Tyrone House” has significant heritage value that could be impacted on by the proposed change in local environment
- Increased risk to local students from a larger volume of more diverse traffic
- An increase in noise and lighting impacting on local residents
- A decrease in local air quality
- Loss of privacy to nearby residents
- The area not being appropriate for industrial zoning given its proximity to residential housing
- Loss of value of local residential properties.

A comprehensive assessment of the planning proposal, including consideration of the matters raised during the preliminary consultation, is not possible in the absence of the specialist studies.

**Consultation with public agencies**

In accordance with the Gateway Determination issued by the Department of Planning on the 20 June 2013, Council was required to consult with a number of public agencies including the Department of Trade and Investment and the Mine Subsidence Board. Although this typically occurs during the formal public exhibition of the proposal, Council undertook an initial consultation with government agencies on this proposal where there could be threshold issues.

**Department of Trade and Investment (DTI)**

The Resources and Energy Division of the Department of Trade and Investment (DT&I) provided two submissions on this Proposal. The initial submission from 2013 stated that as the site is located above an approved long wall mining project area and there is potential for future subsidence in this location the DTI did not support the Planning Proposal until mining in this area has been completed. The second, revised in 2015, submission provided by the now named Geological Survey NSW indicated support for the Proposal.

**Mine Subsidence Authority**

In July 2013, the Mine Subsidence Authority (MSA) advised that the site had not been undermined in the past and would be undermined by Tahmoor Colliery in approximately five years time. The MSA advised that as mining is to occur in the near future and due to possible subsidence and associated risk to the Mine Compensation Fund then surface development should be staged
around mining. In terms of compensation, the MSA is financially responsible for compensating for any structural problems that may arise in buildings due to subsidence. They are concerned both about the scale of building and type of business use that may be developed in the business development zone which would allow for both light industrial and other types of warehouse and commercial development. The alternative should development proceed in advance of mining would be for the MSA to consider the application design and engineering details based on a set of predicted subsidence parameters. In discussions held with MSA they indicated that this is not their preferred option because the undermining will be occurring in the near future. However, in consultation with Tahmoor Colliery, they concluded that their operations in the area were anticipated to be completed by 2019.

**Sydney Water**

Council undertook consultation with Sydney Water immediately following the receipt of the Gateway Determination for this Planning Proposal. The following advice was received by Sydney Water on 23 July 2013 which advised the following:

- The proposed development can be serviced only if the current Picton Sewerage Scheme boundary modification submission is approved by the Department of Planning and Environment. The developer would need to carry out capacity assessment to ensure that flows from future connections would be less than the approved scheme capacity of the plant and farm and that the schemes environmental protection license conditions can be met.
- Council recently received correspondence from Sydney Water in regards to the Picton East Planning Proposal. This advice stated that there is currently not enough capacity to support the proposal and the development would need to provide for its own wastewater system if the rezoning and development are to proceed.
- At meetings held with Sydney Water on 13 December 2018 and on 6 February 2019, it was confirmed that the Sydney Water wastewater treatment plant has no spare capacity and is currently breaching its EPA licensing conditions. This is expected to have implications for other Planning Proposals in the Picton Area including this site and updated advice has been sought from Sydney Water to confirm the impacts for the overall Picton Area.

**Moving Forward**

Council’s options are:

1. Resolve to no longer support the planning proposal. With this option a request will be made to the NSW Department of Planning and Environment for an alteration to the Gateway determination to specify that the planning proposal should not proceed. Although the Gateway timeframe extension has expired, if Council resolve not to proceed with the Planning Proposal it is unlikely that further extensions will be required.

2. Resolve to request a further extension to the Gateway determination timeframe. However, with this option Council will need to satisfactorily demonstrate how the planning proposal will be progressed. This would be difficult given the proponent is not responding to correspondence and funding is not available to fund the preparation of the necessary studies.

Option 1 is the recommendation of this report.

**Financial Implications**

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

1. Gateway Determination - Argyle Street Planning Proposal

RECOMMENDATION

1. That Council no longer support the Argyle Street Business Lands Planning Proposal.
2. That a request is made to the NSW Department of Planning & Environment for an alteration to the Gateway determination to specify that the planning proposal should no longer proceed.
3. That the applicant and submitters be notified of Council’s decision.
11.4 PLANNING PROPOSAL TO INTRODUCE A MINIMUM LOT SIZE FOR THE CONSTRUCTION OF DUAL OCCUPANCIES IN R2, R3 AND B4 ZONED LAND

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council’s support to finalise the planning proposal in the manner described in this report.
- The planning proposal seeks to amend Wollondilly Local Environmental Plan 2011 to include minimum lot size requirements for the construction of dual occupancies in R2 Low Density Residential, R3 Medium Density Residential, and B4 Mixed use zones and also proposes to include a maximum lot size for the construction of a dual occupancy in the same zones.
- This matter was reported to Council at its Ordinary Meeting of the 20 May 2019. Council resolved to defer this matter due to uncertainty around the proposed maximum lot size.
- Following the May meeting, Council officers have identified, that the Low Rise Medium Density Code only prescribes a minimum lot size for a dual occupancy, and not a maximum lot size and therefore a dual occupancy can be approved as Complying development on land greater than 1400 square metres, despite any provision in Council’s LEP.
- It is recommended that Council:
  1. Finalises the dual occupancy minimum lot size planning proposal and the amendment of Wollondilly Local Environmental Plan 2011.
  2. Forwards the planning proposal to the Department of Planning & Environment in accordance with Section 3.36 of the Environmental Planning and Assessment Act, 1979.
  3. Notifies persons who made submissions of Council’s decision.
  4. Writes to the Department of Planning & Environment expressing concern with the Low Rise Medium Density Housing Code and advocating for the inclusion of the following:
     - A maximum lot size requirement for the construction of a Dual Occupancy under the SEPP
     - Appropriate land based exclusions for developments on land without reticulated sewer or not supported by the appropriate infrastructure
     - The construction of kerb and guttering for Dual Occupancy development or within a resultant subdivision.

REPORT

1. Background

On 6 July 2018, the NSW Department of Planning & Environment introduced the Low Rise Medium Density Housing Code in NSW (‘Medium Density Code’). The Medium Density Code was added to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which is a state wide policy that enables certain types of development to be undertaken as either exempt or complying development. The Medium Density Code allows certain development types including Manor Housing, Terrace Housing and Dual Occupancy Development to be undertaken as Complying Development in zones where they are permitted under Council’s Local Environmental Plan.

Council has identified the ability for landowners to undertake a Dual Occupancy as Complying Development under the new Code as being an area of particular concern.
In order to be carried out as a Complying Development application, the development must meet a list of pre-determined development standards contained in the Code. Clause 3B.8 (1) of the Medium Density Code includes the minimum area that a lot must satisfy in order for a Dual Occupancy to be undertaken as Complying Development and states the following:

(1) The area of the lot must not be less than whichever is the greater of the following:

   (a) \(400 \text{m}^2\),
   (b) the minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned.

Wollondilly Local Environmental Plan 2011 (WLEP 2011) does not currently include a minimum lot area that is required to construct a dual occupancy. The new Code would therefore allow Dual Occupancies (attached or detached) to be undertaken as Complying Development on a lot as small as 400 square metres in the Shire. WLEP 2011 sets a minimum lot area that is required for the subdivision of an existing Dual Occupancy but does not set a minimum lot area for the construction of a new Dual Occupancy.

Council's Development Control Plan currently includes controls that require a lot to be a minimum area of 800 square metres to construct an attached dual occupancy, and an area of at least 975 square metres to support a detached dual occupancy, however this will not carry any weight under the new Code and the minimum 400 square metre lot area would prevail.

Accordingly, the Medium Density Code would allow dual occupancies on R2, R3 and B4 zoned lots which are far smaller in size than what Council’s current controls allow. The report to Council in June, 2018 (Attachment 1) identifies the possible increase in dwelling yield that could result in each town and village in the Shire from the Code compared with the yield that could be generated if Council's current planning controls were applied. In summary the results show that overall the Code could result in approximately 2,368 additional dwellings under the minimum lot size prescribed by the Code, compared to the current minimum lot size applied in Council’s planning controls.

2. Proposed changes to the Wollondilly Local Environmental Plan 2011

Council has current controls for both the minimum and maximum lot size for dual occupancy developments contained within the Wollondilly Development Control Plan 2016. It is proposed to include the existing controls within the Development Control Plan in Wollondilly Local Environment Plan 2011.

These provisions are found within control 2 clause 3.16 of Volume 4 of the Wollondilly Development Control Plan 2016 and state:

(2) Dual occupancy development shall only be permitted on lots which:

   • Have an area no less than 975\(\text{m}^2\) and no greater than 1400\(\text{m}^2\) where a detached dual occupancy is proposed.
   • Have an area no less than 800\(\text{m}^2\) and no greater than 1400\(\text{m}^2\) where an attached dual occupancy is proposed.

It is proposed to include these requirements in the LEP. The planning proposal includes adding the following clause into the LEP:

"(1) This clause applies to land within Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone B4 Mixed Use.

(2) Dual occupancy development shall only be permitted on lots which:

   (a) in the case of an attached dual occupancy - have an area no less than 800 square metres and no greater than 1400 square metres, or
(b) in the case of a detached dual occupancy - have an area no less than 975 square metres and no greater than 1400 square metres.

(3) If a development application has been made before the commencement of this Clause in relation to land to which this clause applies and the application has not been finally determined before that commencement, the application must be determined as if this Clause had not commenced.”

Wollondilly Council was one of a number of Council’s who received a deferral from the operation of the Low Rise Medium Density Code until 1 July, 2019. On 30 August 2018 and 24 May 2019, Council requested a further deferral of 12 months from the operation of the Code to enable this planning proposal to be finalised before the commencement of the Code and also to ensure that the commencement of the Code aligns with the LEP review currently being undertaken by Council. At the time of writing this report a decision from DPE on whether to extend the deferral period was still pending.

If Council adopts the minimum lot sizes for the construction of a dual occupancy described above, but decides not to adopt a maximum lot size, then the current maximum lot size will remain in the DCP. The control regarding the maximum lot size could only be removed through a formal amendment to the DCP. There is also likely to be an increased ability for an applicant to vary the control if it is only contained in the DCP and not included in the LEP as a DCP cannot contain more onerous controls than what an LEP provides.

3. Distinction between a Dual Occupancy and a Secondary Dwelling

In considering the subject planning proposal, it is important to distinguish between a dual occupancy (commonly known as a duplex) and a secondary dwelling (commonly known as a granny flat). A dual occupancy refers to two dwellings, either attached or detached, built on one parcel of land. A dual occupancy is commonly referred to as a duplex and under clause 4.1A(2) of the Wollondilly Local Environmental Plan 2011, once built, a dual occupancy is able to be subdivided with the result being each dwelling on its own parcel of land.

A secondary dwelling is a self-contained dwelling that is secondary to the principal dwelling and can also be either attached to the main dwelling or detached. A secondary dwelling is what is commonly referred to as a granny flat. Secondary dwellings have planning restrictions in relation to their floor space, and can be either 60m² or 25% of the size of the principal dwelling in accordance with the provisions of the Wollondilly Local Environmental Plan 2011. Unlike a Dual Occupancy, a secondary dwelling and a principal dwelling are NOT able to be subdivided onto individual titles.

The key differences between a Secondary Dwelling and a Dual Occupancy are provided in the table below:

<table>
<thead>
<tr>
<th>Dual Occupancy</th>
<th>Secondary Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is commonly referred to as a Duplex.</td>
<td>Is commonly referred to as a Granny Flat.</td>
</tr>
<tr>
<td>Refers to two dwellings on one lot.</td>
<td>Refers to two dwellings on one lot, however, the Secondary Dwelling must be the lesser size.</td>
</tr>
<tr>
<td>A dual occupancy is not bound by any maximum floor area controls under Council’s LEP.</td>
<td>A Secondary Dwelling is limited in floor area. The total floor area of the Secondary Dwelling is required to be no greater than 60 square metres of 25% of the total floor area of the main dwelling (whichever is greater).</td>
</tr>
<tr>
<td>Each dwelling is able to be subdivided onto its own title after construction.</td>
<td>A Secondary Dwelling is not able to be subdivided onto its own title after construction and must remain on the same lot as the Principal Dwelling in perpetuity.</td>
</tr>
<tr>
<td>Item</td>
<td>11.5</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td><strong>Page</strong></td>
<td>54</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Each dwelling requires its own access and services.</th>
<th>A Secondary Dwelling does not require its own access and services.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A dual occupancy development is required to pay Developer Contributions to Council under Council’s current Contributions Plan.</td>
<td>A Secondary Dwelling currently is not charged Developer Contributions under Council’s Contributions Plan.</td>
</tr>
<tr>
<td>Until now, there has been no ability to undertake a Dual Occupancy as Complying Development. A Dual Occupancy in any zone has required a development application to obtain approval. The Low Rise Medium Density Housing Code which was introduced in July, 2018 enables a Dual Occupancy to be undertaken as Complying Development provided that the development is permitted in the relevant zone under a Council’s LEP.</td>
<td>A Secondary Dwelling can be undertaken as Complying Development in zones R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, and R4 under State Environmental Planning Policy (Affordable Rental Housing) 2009 subject to meeting the specific development standards in that policy. The ability to undertake a secondary dwelling as a Complying Development under the SEPP in the relevant zones has existed since the introduction of the SEPP in 2009.</td>
</tr>
<tr>
<td>A Dual Occupancy is typically used to increase the landowners return on the land.</td>
<td>A secondary dwelling is typically used to provide accommodation for a relative or small family.</td>
</tr>
</tbody>
</table>

A secondary dwelling is permitted in all residential and rural zones in the Shire, as well as the B4 Mixed Use Zone and certain environmental zones. The subject proposal will not impact on any landowner’s ability to undertake a secondary dwelling on their land. The planning proposal does not propose any changes to the current requirements in Council’s LEP or DCP for secondary dwellings and will not change the ability of any landowners to undertake a Secondary Dwelling as Complying Development under the Affordable Rental Housing SEPP. The planning proposal only proposes to introduce a minimum and maximum lot size for the construction of Dual Occupancies in R2, R3 and B4 zones in the Shire and will reflect the current controls in Council’s DCP.

### 4. Proposed maximum lot size for a dual occupancy development

It is proposed to include the existing controls relating to the minimum and maximum lot sizes for dual occupancy development that are currently contained in Council’s Development Control Plan into the Wollondilly Local Environmental Plan 2011 as described above. This includes the current requirement that no dual occupancy development would be permitted on land greater than 1400 square metres in R2, R3 and B4 zoned land. At the May Council meeting, discussion occurred surrounding the maximum lot area, and further detail is provided below.

#### 4.1 History of the 1400 square metre maximum lot size

The current maximum lot size of 1400 square metres for dual occupancy developments in the R2 and R3 zones was first included in DCP No. 50 (Residential Development) in 2002. DCP No. 50 supported WLEP 1991 and was repealed on 23 February 2011, when WLEP 1991 was replaced by WLEP 2011.

Under WLEP 1991, the minimum lot size for the subdivision of land within the residential towns and villages in the Shire was not determined by a minimum lot size map. Rather, a minimum lot size for residential zones was provided in DCP 50 and prescribed a minimum lot size of 700 square metres (provided that reticulated sewer was available) across all residential villages in the Shire.

It is understood that the reason for imposing a 1400 square metre minimum lot size for the construction of a dual occupancy was to ensure that larger lots in the residential villages were dealt with via a conventional subdivision application where Council has a greater control over the lot layout and to ensure that the subdivision patterns of existing towns is retained. It was also considered that battle-axe subdivisions of large lots sterilises them for development in the future. The control has been retained in Council’s DCP since DCP 50 was repealed.
The reasons for retaining the maximum lot size as part of the current planning proposal are detailed below:

- The planning proposal involves replicating the current controls in Council’s DCP (which have applied since 2002) relating to both the minimum and maximum lot size for the construction of a dual occupancy and inserting them in the LEP so that they have more statutory weight and can reduce the impacts of the State Government’s new Low Rise Medium Density Housing Code by preventing unplanned housing growth. Given that Council only received a one year deferral from the commencement of the Code, the short timeframe in which this planning proposal has had to be finalised has meant that a comprehensive review of an alternate maximum lot size has not been able to be undertaken, however, if the maximum lot size is removed altogether or it is significantly increased there will be several negative impacts as detailed below.

- Council’s data shows that there are currently 1685 lots in the Shire in R2 and R3 zoned areas which are greater than 1400 square metres (including 1582 in the R2 zone and 103 in the R3 zones). Of these 1685 lots, 1607 (including 1551 R2 zoned lots and 56 R3 zoned lots) can be subdivided based on the current minimum lot size provisions for the relevant lots under the LEP. This equates to approximately 95% of lots.

The figures show that the high majority of lots zoned R2 and R3 that are over 1400 square metres are able to be subdivided under the existing controls and the development of these lots would not be sterilised if the maximum lot size were applied in Council’s LEP given that the opportunity to subdivide under existing controls already exists and will remain upon completion of the planning proposal. Of the small number of lots in the residential zones above 1400 square metres which are not able to subdivide may be able to rely on a clause 4.6 variation in Council’s LEP to undertake a dual occupancy on a larger lot if sufficient planning merit exists for the development.

**NOTE:** It is important to note that these figures are estimates only, as the results were obtained by taking the central point of each lot to identify the land zone and minimum lot size. Lots that have multiple land zones or multiple lot size restrictions will only be counted on the zone that is located at the central point. However, the approach is considered sufficient to demonstrate the likely number of lots affected by the proposal.

- As noted above, 1607 lots would still be capable of lodging a conventional subdivision application if the 1400 square metre maximum lot size for a Dual Occupancy were adopted. It would be far more favourable if landowners are able to apply for a conventional subdivision of land rather than construct a dual occupancy on larger lots, so that Council is able to negotiate the orderly subdivision pattern of existing towns and villages.

It is noted however, that the Low Rise Medium Density Code only prescribes a minimum lot size for a dual occupancy, and not a maximum lot size. On that basis, a landowner may be able to construct a dual occupancy as a Complying Development Application under the Code on land which is greater than 1400 square metres, despite any provision in Council’s LEP. It is therefore recommended that Council writes to DPE Codes team requesting that the controls in the Low Rise Medium Density Housing Code be amended so that the development standards for dual occupancies under the Code also reflect the maximum lot area for the construction of a dual occupancy under any Environmental Planning Instrument.

This would ensure that any landowners on larger lots undertake a conventional subdivision rather than a dual occupancy. If a dual occupancy were constructed on larger lots as a Complying Development Application under the Code, then Council has no ability to impose any requirements regarding the provision of kerb and gutter, footpaths, street lighting, or connection to appropriate services. Alternatively, if a dual occupancy could not be undertaken...
on these larger sites and the site were required to be developed through a conventional subdivision application, then Council would have the ability to impose these requirements through consent conditions.

It is also acknowledged that there are lots within the 800 to 1400 square metre range in the R2 and R3 zones which have insufficient infrastructure to support medium density development via a Code based approval process. In this regard it is recommended that Council write to DPE requesting that the Codes require the construction of kerb and guttering for dual occupancy development or within a resultant subdivision.

- More recently, Council have determined planning proposals which involve rezoning land on the edge of existing villages should retain larger lot sizes on the edge of the development to act as a buffer between higher density residential development and rural zones, and to maintain the distinction between villages. An example of this can be found over the page at the West Tahmoor site which was rezoned as part of the Picton Tahmoor Thirlmere Urban Lands Planning Proposal.

Legend (min. lot size)
Red (V) = 2000m²
Light green (G) = 450m²

Figure 1: Major Roberts Avenue Tahmoor

The West Tahmoor No. 3 Planning Proposal sought to reduce the minimum lot size of the western portion of the above site (in red) to a 450 square metre minimum lot size in line with the rest of the site (identified in light green and marked G in figure 1). This proposal was refused by Council, and the existing 2000 square metre minimum lot size remained (identified in red and marked V in figure 1). This decision was made to provide a buffer between the RE1 zoned recreation land and the smaller lots to the east. It also assisted in providing a transition between the village of Tahmoor, and the village of Thirlmere immediately to the west of this site.

If Council did not impose a maximum lot size for dual occupancy developments to accompany the minimum lot size within the LEP, areas with larger minimum lot sizes that act as transitions between higher density residential areas and lower density rural zones, and between villages could potentially be lost to dual occupancy developments.
Unsewered Land

The New Code does not exclude one and two storey Dual Occupancy development and medium density housing from being undertaken on unsewered land. There are some residential zoned areas in the Shire such as Yanderra where reticulated sewer has not yet been made available to the residential area of the township.

For areas such as Yanderra, which contains land zoned R2 but does not have reticulated sewer available, a person may obtain a Complying Development Certificate for a one or two storey Dual Occupancy on this land without appropriate sewerage services being available. WLEP 2011 currently prohibits Dual Occupancy development on unsewered land, however, this will have no weight upon commencement of the SEPP. It is therefore a recommendation of this report that Council write to the Department of Planning and Environment requesting appropriate land based exclusions for development on land which does not have reticulated sewer available.

5. Conclusion

It is considered that the maximum lot size for dual occupancy developments as currently contained in Council's Development Control Plan has achieved good outcomes for Wollondilly Shire since its introduction in 2002 in DCP 50. The maximum lot size is considered necessary given its operation in restricting the subdivision of areas containing larger minimum lot sizes, which act as crucial buffers between higher density residential land and lower density rural land, and as buffers in development between the existing villages.

Options Moving Forward

Council’s options are:
1. Resolve to support the planning proposal as outlined in this report
2. Resolve to support the planning proposal in a form different to what is outlined in this report
3. Resolve not to support the planning proposal.

Option 1 is the recommendation of this report.

ATTACHMENTS

1. June 2018 Report to Council - Pre gateway Determination
2. May 2019 Report to Council - Post Exhibition

RECOMMENDATION

That Council:
1. Finalises the dual occupancy minimum lot size planning proposal and the amendment of Wollondilly Local Environmental Plan 2011.
2. Forwards the planning proposal to the Department of Planning & Environment in accordance with Section 3.36 of the Environmental Planning and Assessment Act, 1979.
3. Notifies persons who made submissions of Council’s decision.
4. Writes to the Department of Planning & Environment expressing concern with the Low Rise Medium Density Housing Code and advocating for the inclusion of the following:
   (a) A maximum lot size requirement for the construction of a Dual Occupancy under the SEPP;
   (b) Appropriate land based exclusions for developments on land without reticulated sewer or not supported by the appropriate infrastructure; and
   (c) The construction of kerb and guttering for Dual Occupancy development or within a resultant subdivision.
11.5 WILTON PRIORITY GROWTH AREA (PGA) DEVELOPMENT CONTROL PLAN

File Number: 10619#625

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on and establish a way forward for the continued development of the Wilton Priority Growth Area Development Control Plan.

It is recommended that Council:

- Supports the co-badging of the exhibition of the draft Wilton Growth Area Development Control Plan.
- Notes that Council officers will continue to work collaboratively with the Department of Planning Industry & Environment during the exhibition process, and to refine the Wilton Priority Growth Area Development Control Plan as further planning occurs to ensure the best possible outcomes for Wilton New Town.

REPORT

Context

A number of key actions have occurred since the identification of the Wilton Priority Growth Area (Wilton PGA), summarised as follows:

- Precinct identified under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) in July 2016
- Wilton South East precinct rezoned 13 April 2018
- Wilton Land Use and Implementation Plan - Wilton 2040: A plan for the Wilton Growth Area released 28 September 2018

Wollondilly Development Control Plan

Wollondilly Development Control Plan 2016 currently applies to all land within the Shire land that is covered by Wollondilly LEP 2011.

This means that when land is rezoned within Wilton PGA by the Growth Centres SEPP, the Wollondilly DCP no longer applies to that land.

Value of a draft Development Control Plan

Currently, there is no clear framework in which to assess development applications for land already rezoned within the Wilton PGA. A development control plan (DCP) provides the framework for the assessment of development applications. A development application (DA) was received by Council last year for stage one of the Wilton South East Precinct without a framework for assessment.

In recognition of the policy gap, Council staff have been working with the Department of Planning Industry and Environment (DPIE) on the structure and content of the draft DCP. Currently the draft DCP addresses the requirement for Neighbourhood Plans, and sets out principles and controls for subdivision, residential development, sustainability and biodiversity outcomes. The content of the draft DCP is consistent with advice provided to Council by DPIE in May 2019 and represents a collaborative body of work that will continue to be refined throughout the exhibition process expected to occur in the second half of 2019.

It would be beneficial for a draft DCP to be exhibited as soon as practical to establish the assessment for future development applications. It will be important for Council to continue to engage with DPIE in a positive and proactive manner because ultimately Council will be the custodian of the DCP.
It is noted that the draft DCP cannot be attached to this report because the content is marked draft for discussion only and is not yet government policy. The exhibition process will be led by DPIE and pending Council resolution it will be with the support of the Council staff to assist in drawing out valuable community feedback.

**Neighbourhood Planning Process**

The inclusion of Neighbourhood Plans in the draft DCP is an important element for Council as the Wilton PGA develops. A Neighbourhood Plan is essentially a master plan for a predetermined area and must be consistent with *Wilton 2040*, the relevant precinct structure, the Wilton Green Plan, the Cumberland Plain Conservation Plan, and any other applicable strategic document.

The objective of the Neighbourhood Plan is to ensure development within a Precinct occurs in a coordinated, orderly and timely manner, and provides guidance for the preparation of DAs, and provide opportunity for input from key state agencies.

Key features might include:

- Location of community facilities and open space
- Pedestrian, cycleway, public transport and road networks
- Housing and lot types
- Vegetation retention
- Riparian buffers
- Interface treatments between built and natural environment
- Treatment such as bushfire APZs and noise buffers.

This process provides greater opportunity for Council to influence the final form of the area and has the additional benefit of reducing development application timeframes as expected outcomes will have been established upfront prior to any development application being lodged.

Neighbourhood Plans provide a key opportunity for localised planning outcomes to be negotiated by Council officers and developers within the DCP framework, and will be reported to Council prior to exhibition. During the exhibition process, key agencies will have the opportunity to provide comment on the Neighbourhood Plan. The Neighbourhood Plans will allow Council to establish how development will roll out across the precinct, which will be support infrastructure and contributions planning.

It will allow Council to respond and adapt to changing planning, environmental, market and social contexts as the area develops.

**Consultation**

DPIE have been working collaboratively with the Councillors and staff in creating the current iteration of the draft DCP. Two Councillor Workshops have been held to discuss concerns and opportunities for the Wilton PGA with feedback from Councillors incorporated and investigated further for inclusion within the draft DCP.

Council staff have provided ongoing feedback to DPIE which has been included in the current draft DCP. Workshops were held between Council staff and DPIE to discuss the structure and content of the draft DCP. To date this work has been positive, and Council officers have been able to influence the draft DCP substantially. It is noted that Councillors, staff and DPIE will continue to engage on the matter during and post exhibition.

The DPIE has provided the opportunity for the document to be a co-badged between the two levels of government. The draft DCP will ultimately be carried and implemented by Council once finalised, and thus the co-badging of the document would reinforce the joint effort that was undertaken in the development of the document. It is emphasised that the draft DCP is not stagnant and will require continued work taking into account feedback from the community and other relevant stakeholders outside of Council.
A co-badged exhibition is a positive step forward and highlights the importance of achieving good planning outcome now that land has been rezoned. A joint exhibition will provide the opportunity for both Council and DPIE to seek input from residents and other stakeholders, reinforcing the collaboration that has occurred between parties to date.

It is noted that the exhibition process is most importantly an opportunity for the community to review the draft DCP in its entirety, enabling the community to have a real say in finalising the draft document. This process does not imply approval of the draft document, rather it is a significant step in the evolution of the final document. A further report on the outcomes of the exhibition process will be presented to Council at a future meeting.

Financial Implications

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

ATTACHMENTS

Nil

RECOMMENDATION

That Council:

1. Supports the co-badging of the exhibition of the draft Wilton Growth Area Development Control Plan.

2. Notes that Council officers will continue to work collaboratively with the Department of Planning Industry & Environment during the exhibition process, and to refine the Wilton Priority Growth Area Development Control Plan as further planning occurs to ensure the best possible outcomes for Wilton New Town.
11.6 OUTCOMES OF PUBLIC EXHIBITION OF AMENDMENT TO WOLLONDILLY DEVELOPMENT CONTRIBUTIONS PLAN 2011

EXECUTIVE SUMMARY

- The purpose of this report is to inform Council of the Public Exhibition of an Amendment to Wollondilly Contributions Plan 2011 (The CP), which proposes to exclude any land zoned residential, business or industrial zone, Zone E4 Environmental Living or Zone 1 Urban Development under a Precinct Plan in State Environmental Planning Policy (Sydney Region Growth Centres) 2006 from its application.

- The purpose of the CP amendment to ensure that development for urban purposes does not occur until appropriate arrangements are in place for local infrastructure and development contributions that are commensurate with any proposed development.

- The draft CP amendment was publicly exhibited from 6 February 2019 and 8 March 2019. 4 Submissions were received during the exhibition period and are discussed in this report.

- It is recommended that Council:
  - Adopts the Amendment to Wollondilly Contributions Plan 2011, at attachment 1.
  - Gives notice of its decision in accordance with the Regulations and that the Amended Plan comes into effect on the date of that notice.
  - Applies any contributions received in this area after the amendment comes into effect in accordance with the current works schedule.
  - Notifies those who made a submission.

REPORT

The Environmental Planning and Assessment Amendment (Contributions Plans) Regulation 2019, was made on 25 January 2019, which added Clause 270A to the Environmental Planning and Assessment Regulation 2000. The purpose and intent of Clause 270A is to address the situation where a growth area has been released and zoned for urban purposes but where arrangements were not in place for local infrastructure and development contributions. Clause 270A prevents a development application for urban development from being determined in a growth area until there is either:

i) a Section 7.11 Contributions Plan, or

ii) a Planning Agreement in place with the developer.

Planning Circular PS 19-002 – Contributions Plans for Growth Areas was issued on 25 January 2019 by the Department of Planning and Environment. The circular explains that amendments to the Environmental Planning and Assessment Regulation 2000 (the Regulation) to prevent development applications from being determined until a Section 7.11 contributions plan is in effect for land that is subject to a precinct plan under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP).

The Regulation has been amended (by the Environmental Planning and Assessment Amendment (Contributions Plans) Regulation 2019) to include a provision (clause 270A) that relates to land where there is a precinct plan in place under the Growth Centres SEPP, being land that has been rezoned for urban development purposes.

Greenfield development often requires significant investment in local infrastructure to support the development including local roads, drainage and open space. Councils prepare a contributions plan in accordance with the provisions of the Act and Regulation. Development contributions are currently capped by the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (as amended) (the Direction).
Where a council seeks to impose a contribution at a rate that is higher than that specified in the Direction, the plan must be referred to the Independent Pricing and Regulatory Tribunal (IPART) for review.

The circular also explains that a consent authority can determine a development application where there is no contributions plan but only if the applicant has entered into a planning agreement that addresses the matters that would be addressed by the contributions plan.

![Figure 1](image.png)

**Figure 1** – shows land currently zoned *Urban Development 1 “UD”* under Appendix 14 and Appendix 15 of *State Environmental Planning Policy (Sydney Region Growth Centres)* 2006. Additional areas may be released and zoned under the SEPP in the future.

To date, 427 hectares of land have rezoned for Urban Development by Precinct Plans under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in South East Wilton and North Wilton (shaded orange). This land will provide for 3,600 dwellings in South East Wilton and 5,600 dwellings in North Wilton. A combined total of 9,200 dwellings or an estimated population 28,520 people, not including Bingara Gorge or future releases of Wilton Town Centre and West Wilton.

Wilton 2040 projects the Wilton Priority Growth Area (PGA) will have 15,000 or a population of 45,000, all potentially being released before appropriate arrangements are in place for local infrastructure and development contributions that are commensurate with expected development.

It is therefore proposed to amend Wollondilly Contributions Plan 2011 (the Plan). Specifically Clause 1.6.1 of the Plan be amended to exclude the application of the Plan to land within a residential, business or industrial zone, Zone E4 Environmental Living or Zone 1 Urban Development under a Precinct Plan in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The effect of the amending Plan will mean that development applications on land, currently the land shaded orange in Figure 1, cannot be determined until there is a commensurate Section 7.11 Contributions Plan in place, or a planning agreement has been entered into. Council’s adoption of the proposed amendment will ensure that existing and future community are not disadvantaged as a consequence of new development.
It is recommended that any funds held or received for this area from existing consents be expended without change to the works schedule items to avoid any disadvantage for current consents or the broader community.

Council and its consultants have been working for the last 6-months on a new Section 7.11 Local Infrastructure Contributions Plan which will include the expected development of the Wilton PGA and associated local infrastructure and development contributions. Council staff will continue to work collaboratively with a range of stakeholders to prepare a draft infrastructure list to determine the level of nexus and apportionment for the new contributions plan. Until the new Plan is in place, it is appropriate that Council amends the Wollondilly Contributions Plan 2011 at this time in the best interests of the current community and future residents.

**Consultation**

The Draft Amendment was publicly exhibited between 6 February 2019 and 8 March 2019. Four submissions were received during the exhibition period. The submissions are in Attachment 2. No submissions from residents or community groups were received. Responses to the matters raised in the submissions are detailed below:

<table>
<thead>
<tr>
<th>Matters Raised</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the amendment is adopted, the existing shire wide contributions plan will be numerically inaccurate and procedurally flawed. The Works Schedule will need amending.</td>
<td>Wollondilly Contributions Plan 2011 was drafted to provide infrastructure for natural growth expected at that time. The plan certainly does not expect or respond to the release of a Priority Growth Area and the commensurate infrastructure that a community of the scale will require. No change to the works schedule is required.</td>
</tr>
<tr>
<td>Council is acting opportunistically to the introduction by the NSW Government of Clause 270A.</td>
<td>The proposed amendment demonstrates Council responsiveness to the legislative change and its commitment to act in the interests of current and future residents.</td>
</tr>
<tr>
<td>Wilton landowners are aware Council is currently preparing a new contributions plan to cover the Wilton PGA, but that may take 9 to 18 months, leaving an inappropriate policy vacuum.</td>
<td>Council staff and consultants have been working collaboratively with a range of stakeholders, including the Department of Planning and Environment. Workshops have been conducted with major landowners in Wilton PGA on the preparation of a draft infrastructure list for Wilton. Clause 270A provides for and clarifies the CP process, avoiding any potential policy vacuum. Either a Section 7.11 Contributions Plan, or a Planning Agreement is required to be in place.</td>
</tr>
<tr>
<td>It is difficult to establish the proposed amendment and there is no supporting information as part of the amendment.</td>
<td>The submission received references the Environmental Planning and Assessment Amendment (Contributions Plans) Regulation 2019, which added Clause 270A to the Environmental Planning and Assessment Regulation 2000. This provides that a development application for urban development cannot be determined in a growth area until there is either a Section 7.11 Contributions Plan, or a Planning Agreement in place. The Contributions Plan amendment avoids the risk of residents moving in without arrangements being in place for local infrastructure.</td>
</tr>
<tr>
<td>The proposed amendment seeks to disempower the consent authority from determining a development application.</td>
<td>The Sydney West Regional Panel, as the consent authority, has given weight to Clause 270A and notes that a new contributions plan or a Planning Agreement must be in place before DA 339/2018 in South East Wilton Precinct can be determined. The developer has since entered into a Planning Agreement with Council in the order of $29 Million or $41,000 per lot.</td>
</tr>
<tr>
<td>Matters Raised</td>
<td>Response</td>
</tr>
<tr>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>The amendment was not been made in accordance with the regulations.</td>
<td>The proposed Amendment to Wollondilly Contributions Plan 2011 was publicly exhibited in accordance with the Environmental Planning and Assessment Regulation 2000.</td>
</tr>
<tr>
<td>Bingara Gorge is zoned under Wollondilly Local Environmental Plan 2011. Bingara Gorge has entered into a VPA for the first 1165 lots.</td>
<td>The amendment would not apply to the Bingara Gorge Development, which is zoned under Wollondilly Local Environmental Plan 2011 (WLEP 2011), nor will it apply to DA 339/2018 (South East Wilton) as a planning agreement has been entered into. The Bingara Gorge VPA will remain in effect for the first 1165 lots. In accordance with the Court approval, a new VPA or application of the Contributions Plan enforce will apply the subsequent 635 lots.</td>
</tr>
<tr>
<td>Concern that land in the vicinity of Picton Road and Almond Street is zoned UD1 Urban Development.</td>
<td>Works in the vicinity of Picton Road and Almond Street would be located on land zoned SP2 ‘Road’ under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Therefore the amendment would not apply to these works.</td>
</tr>
</tbody>
</table>

The issues raised in the submissions have been considered and do not require an amendment of the draft CP. Therefore it is recommended that Council approve the contributions plan in the form in which it was publicly exhibited.

**Financial Implications**

The release of land in the Wilton PGA for up to 9,200 dwellings without commensurate local infrastructure or development contributions to support a new town, would have a significant financial impact on Council’s adopted budget and forward estimates.

While further work on a new Section 7.11 Local Infrastructure Contributions Plan is still required, initial work on the draft infrastructure list for Wilton indicates contributions of $36,000 per lot for essential infrastructure and $4,000 per lot for ‘non-essential’ infrastructure. The current Wollondilly Contributions Plan 2011 is only collecting $20,000 per lot.

In accordance with the Local Contributions Practice Note, Council cannot levy more than the applicable contributions cap for non-essential infrastructure in a contributions plan, and cannot levy in excess of the threshold until the plan is reviewed and approved by IPART.

The potential financial impact if development of 9,200 dwellings proceeded in the absence of a contributions plan would be $16,000 per lot foregone and up to $147m of local infrastructure. The financial impact would only increase if more land is released without appropriate arrangements in place before development.

While there is no record of any development contributions owing in this area, it is recommended that Council resolve to apply any contributions received in this area after the amendment comes into effect in accordance with the current works schedule.

**ATTACHMENTS**

1. Amendment of Wollondilly Development Contributions Plan 2011
2. Submissions
RECOMMENDATION

That Council:
1. Adopts the Amendment to Wollondilly Contributions Plan 2011, at attachment 1.
2. Gives notice of its decision in accordance with the Regulations and that the Amended Plan comes into effect on the date of that notice.
3. Applies any contributions received in this area after the amendment comes into effect in accordance with the current works schedule.
12 MANAGEMENT AND PROVISION OF INFRASTRUCTURE

12.1 APPIN PARK MASTER PLAN

EXECUTIVE SUMMARY

- The purpose of this report is to inform Council about the results of the community engagement process undertaken to develop a master plan for Appin Park, Appin.

- It is recommended that;
  - The Masterplan for Appin Park be adopted.
  - That all participants in the engagement process be thanked warmly for their contributions.

REPORT

In September 2018, Council engaged Distinctive Living Design to develop a master plan for Appin Park, Appin. The need for a strategic and consolidated approach towards the future of the park was identified in response to a history of community requests for the provision of new recreational facilities in Appin, including requests dating back to 2011 for a skate park.

Prior to securing a budget for the development of a master plan, Council facilitated a community meeting at Appin AIS Community Hall during September 2017. This meeting focused on identifying the types of recreational opportunities that were most desired by the children and young people of Appin and was attended by 40 local children and 20 adults. The key message from the community feedback provided at this meeting was that there was a strong need for a skate park in Appin.

Around this time, Council was receiving requests by various user groups for items such as additional storage, a history room and a war memorial to be provided at Appin Park.

Further, a number of previous Council resolutions relate to this project including:

- ‘That Council support in principle the establishment of an Anzac War Memorial in Appin and that the appropriate staff liaise with the Appin Historical Society and community to this end (19 June 2017).

- That Council liaise with the Appin Historical Society regarding negotiating with the Crown Lands Department to gain the site of the disused tennis courts in Market St, Appin for a History Room and Visitor Information Centre’ (19 June 2017).

- ‘That a report come to Council that considers the embellishment of Appin Park or Gordon Lewis Oval, particularly catering to facilities and services for the youth’ (17 July 2017).

This history of requests and the related Council resolutions were used in the development of a draft master plan for Appin Park which was taken to the community from 5 November to 10 December 2018.

The feedback received through the community engagement period (Attachment 1 Community Engagement Report Appin Park Draft Master Plan) was reviewed and the draft master plan updated accordingly. A response to how the key items raised through the engagement process were considered, are also provided within Attachment 1.

The proposed final master plan, as per Attachment 2, has been developed with the intent of balancing the various user group’s current and future needs, as well as ensuring the wider community has access to opportunities for unstructured passive recreation.

The key items proposed in the final master plan include:

- A future expansion to the existing football amenities building to include more storage, and space/facilities for community purposes (e.g. Historical Society, community meetings, crochet/crafts groups etc.).
The provision of a new entry point from Market Street to improve vehicular movement through the site.

The development of a skate facility between the existing children’s playground and Appin Road to maximise natural surveillance. The design of such facility to be the subject of further consultation with children and young people.

The renewal and upgrade of the existing children’s playground, including the provision of a learn-to-ride children’s bike track and BMX style track.

The provision of a designated Recreational Vehicle stopover picnic area.

2 x new multi-purpose courts.

Formalised car parking including parking along Market Street.

Upgrades to the existing dog off-leash exercise area with new facilities such as agility equipment.

Landscaping, formal pathways and entry statements.

A new war memorial and a memorial area to recognise the Appin Massacre.

Although some concerns were raised during the community consultation in relation to the development of a skate facility, the concerns can be addressed through the design of the space. Appin Park is considered to be the most appropriate location for the much needed Appin skate facility, noting its close proximity to the local shops and primary school, clear surveillance from Appin Road, and connectivity to surrounding recreational opportunities and amenities. The proposed location for the skate facility best addresses the principles of Crime Prevention Through Environmental Design (CPTED).

In summary, the proposed master plan for Appin Park (Attachment 2) helps to address the long history of various user group and community requests for upgrades and recreational opportunities for the children and young people of Appin. The anticipated population growth for Appin means that Appin Park will continue to play a key role in providing recreational activities and this master plan helps to achieve this.

Consultation

Community engagement on a draft master plan for Appin Park was undertaken from 5 November to 10 December 2018. This included communication about the project through Council’s website and engagement page, Facebook, email to stakeholders, the Appin Public School and the distribution of flyers.

A community engagement drop-in kiosk was also facilitated at Appin Park on Saturday 24 November 2018 and was attended by a total of 31 community members. In addition, Council received 65 submissions from stakeholders in the community through the engagement website and open submission options. Attachment 1 provides a summary on the community engagement process and findings.

Financial Implications

An Opinion of Probable Costs (Attachment 3) estimates the implementation of the master plan at $3,952,767 (excluding GST). The master plan provides a long term (10-15 year) vision for the site and can be implemented in stages according to available budget.

Funding has been allocated through the City Deals Liveability Fund to commence the implementation of the master plan through the design and construction of the proposed skate facility and associated infrastructure (i.e. pathways, lighting, car parking, park furniture etc.). The Skate Park Project is estimated at $915,000 including contingencies and is scheduled to be completed within the 2019/20 FY.
The implementation of the remaining stages of the master plan will be subject to securing future grant funding opportunities, Section 7.11 Developer Contributions and Voluntary Planning Agreements associated with any nearby proposed developments.

ATTACHMENTS

2. Appin Park Master Plan  
3. Appin Park Master Plan Opinion of Probable Costs  

RECOMMENDATION

1. That the Masterplan for Appin Park be adopted.
2. That all participants in the engagement process be thanked warmly for their contributions.
12.2 TRAFFIC MANAGEMENT UPGRADES

File Number: 10619#622

EXECUTIVE SUMMARY

- The Local Traffic Committee Agenda & Notice of Meeting was issued 5 June 2019 to consider a number of reports for traffic management in the Wollondilly Local Government Area and to submit recommendations for Council’s consideration at the Local Traffic Committee Meeting to be held electronically, with comments submitted by 4:00pm 11 June 2019. The agenda papers were also distributed to all Councillors.

- This report recommends that the traffic management proposals as considered by the Local Traffic Committee Meeting of 11 June 2019 be adopted.

REPORT

The Local Traffic Committee is a Technical Committee of Roads & Maritime Services (RMS). The Committee operates under the authority conferred to Council by the RMS under the Transport Administration Act 1988.

Council has been delegated certain powers by the RMS with regard to traffic matters upon its local roads. A condition of this delegation is that Council must take into account the advice of the Local Traffic Committee.

There are four permanent members of the Local Traffic Committee, each of whom has a single vote only. The members are representatives of the NSW Police Force, the RMS, the Local State Member of Parliament (for the location of the issue to be voted upon) and a representative of Council.

The Minutes of the Local Traffic Committee Meeting of 11 June 2019 have been distributed and are available on the Council website.

Only matters requiring a resolution of Council are included in this report, other endorsed upgrades have been approved under delegated authority.

Consultation

Refer to the Local Traffic Committee Agenda details included in the Minutes.

Financial Implications

The proposals for Council projects contained within the Traffic Committee Agenda are able to be funded from Council’s current budget allocations or remain the responsibility of the external applicant.

ATTACHMENTS

1. Local Traffic Committee Meeting Agenda 11 June 2019
2. Local Traffic Committee Minutes 11062019

RECOMMENDATION

That the Minutes of the Traffic Committee Meeting held on 11 June 2019 be received and the following recommendations be adopted:

1. LTC Recommendation 1.2 Dam Fest 2019 at Warragamba on Sunday 20 October 2019 – Request for Road Closure

   That Council approve the road closure of a section of Farnsworth Avenue, West of junction with Warradale Road at Warragamba between the hours of 6:00am to 4:00pm on Sunday, 20 October 2019 subject to the requirements for the issue of a permit for “Road Event – Road Closure”.

   

Page 69
13 CARING FOR THE ENVIRONMENT

No reports this meeting
14 LOOKING AFTER THE COMMUNITY

14.1 2019 COMMUNITY GRANTS

File Number: 10619#635

EXECUTIVE SUMMARY

- The purpose of this report is to provide recommendation to Council for funding allocation of the 2019 Community Grants, Annual Mayoral School Citizenship Awards and Annual Community Hall Rate Subsidies.

- It is recommended that Council:
  1. Fund 37 Community Grant Applications for a total value of $44,802.00 as detailed in Attachment 1.
  2. Fund 18 local schools at $200 each for the Mayoral School Citizenship Award at a total of $3,600.00 as detailed in Attachment 2.
  3. Fund 4 Community Hall Rates Subsidies for a total of $11,224.91 as detailed in Attachment 3 of this report.

REPORT

Applications for the 2019 Community Grants opened Wednesday 1 May 2019, closing Friday 31 May 2018. This report provides an overview of the Community Grants Program and of the grant applications received.

Council received $62,292.00 worth of funding applications with a pool of $45,000.00 available.

There are 5 grant categories in this round of funding:
- Community Projects
- Art & Cultural Events
- Capital Equipment
- Sustainability
- Leisure / Recreation.
All applications have been assessed against the eligibility criteria as adopted by Council in November 2013 under the Financial Assistance Framework.

Council’s Community Grants Program is provided by Council under Section 356 of the NSW Local Government Act.

Consultation
The Community Grants were widely promoted through print media, radio, Social Media and Internet / Website.

Two Community Grant Information Sessions were held on 2 May 2018 at 10am and 5.30pm for potential applicants to gain information about eligibility, process, requirements and timeframes.

The Team Leader Community Projects and Events was contactable during the opening of the funding round to respond to enquiries.

All applications were either submitted electronically or hard copy.
Applications were assessed by a panel of staff with recommendations presented to a Councillor Workshop and final recommendations contained in this report.

**Financial Implications**
Funding has been allocated and is available under the 2019/20 Operational Budget, Financial Assistance Program.

**ATTACHMENTS**
1. Recommended Community Projects
2. 2019 Mayoral School Citizenship Awards
3. 2019 Community Hall Rates Subsidy

**RECOMMENDATION**
That Council:

1. Fund 37 Community Grant Applications for a total value of $44,802.00 as detailed in Attachment 1.
2. Fund 18 local schools at $200 each for the Mayoral School Citizenship Award at a total of $3,600.00 as detailed in Attachment 2.
3. Fund 4 Community Hall Rates Subsidies for a total of $11,224.91 as detailed in Attachment 3 of this report.
15 EFFICIENT AND EFFECTIVE COUNCIL

15.1 WARD BOUNDARY CHANGES

EXECUTIVE SUMMARY

- The purpose of this report is to implement part of the 2016 referendum to change the current ward boundary structure from three wards to two wards.
- It is recommended that Council approve Ward Boundary Plan option 2 and submit the Ward Boundary Plan and Ward Boundary Report to the NSW Electoral Commission and the Australian Statistician for approval. Following approval the Ward Boundary Plan will be placed on public exhibition for 28 days with a 42 day submission period with the outcome of the public exhibition to be reported back to Council for consideration.

REPORT

The 2016 referendum requires council to amend its current ward boundary structure from three wards to two wards for the Local Government Election in September 2020.

To develop ward boundary option plans for consideration the enrolment data was sourced from the Australian Electoral Commission (AEC) and data is provided in the AEC EX35 files which were downloaded and used to complete the necessary data analysis and Ward Boundary report.

The 2016 Australian Bureau of Statistics (ABS) Statistical Area Level 1 (SA1) mapping data are the digital boundary files for SA1s which were imported into council’s Geographic Information Systems (GIS) to create a new two ward boundary structure for Wollondilly Shire with an approach that reflects growth trends ensuring not more than a 10% variation in electors between the wards in accordance with section 210(5) of the Local Government Act 1993.

Councils are required under section 210A of the Local Government Act 1993 to consult the NSW Electoral Commissioner before dividing a Council’s area into wards. This is to ensure that the ward boundaries align with the 2016 SA1 boundaries and the number of electors in the wards do not exceed the 10% variation between the wards.

Initial feedback was sort from the NSW Electoral Commission and the Australian Statistician for the two proposed Ward Boundary options created using the 2016 SA1s and the April 2019 AEC EX35 file that contained elector numbers prior to the Federal Election in May 2019. They advised the major issue with the proposals was that we used the enrolment data from April 2019 for the 2016 SA1s. As reported in the media the AEC received an increase in enrolments in May 2019 prior to the Federal Election.

Therefore the enrolment data did not move to the 2016 SA1s until the extract provided on 23 May 2019 to include the additional enrolments received. From May 2015 until April 2019 the enrolment data uses the 2011 SA1s. This caused issues with matching some of the SA1 areas with its corresponding enrolment numbers and means Council were missing over 2,200 electors in the report and the percentage variation in enrolment numbers were also impacted.

The analysis of the enrolment data was then resubmitted to the NSW Electoral Commission for their consideration using the May 2019 extract in order for the 2016 SA1s to accurately reflect electoral numbers. The advice provided to Council on the percentage variation of the amended figures is as follows:

- The Ward Boundary Plan option 1 proposal does not comply the legislative requirements – the variation is at 11.89% which is greater than 10%
- The Ward Boundary Plan option 2 proposal complies the legislative requirements – the variation is at 1.04% which is less than 10% and aligns with the 2016 SA1 boundaries
- The Ward Boundary Plan option 3 proposal complies the legislative requirements – the variation is at 7.96% which is less than 10% and aligns with the 2016 SA1 boundaries.
In reviewing the above advice, Council cannot proceed with Ward Boundary Plan option 1 as it does not comply with the legislative requirements and does not have support from the NSW Electoral Commission. Ward Boundary Plan option 3 complies with the legislative requirements however poses some issues for elected members regarding traveling around the wards and the boundary passes through the locality of Wilton placing the half of Wilton in each ward which creates an undesirable outcome with future growth in the area. Ward Boundary Plan option 2 complies with the legislative requirements and is the recommended option as it keeps the majority of localities within the same ward and allows for future growth within the Shire.

Council is required to submit the Ward Boundary Report on the recommended new ward boundaries before going to public exhibition. Following the public exhibition and submission period the Electoral Commissioner will to review Council’s Final Ward Boundary Report and accompanying plan files to ensure that the final boundaries meet the requirements under the Local Government Act 1993. Then Council will commence community engagement ensuring electors are made aware of the new ward boundary structure and which ward they fall in.

A deadline for the finalisation of ward boundaries and name changes for the 2020 Local Government elections is expected to be set for early December 2019. A letter will be sent to Council confirming this date by the NSW Electoral Commission.

**Consultation**

Executive Leadership Team
Manager Governance
Has been the subject of Councillor workshops
NSW Electoral Commission
Australian Statistician

**Financial Implications**

Funding is available in the 19/20 operational plan.

**ATTACHMENTS**

1. Draft Ward Boundary Plan 01 - 04/06/2019
2. Draft Ward Boundary Plan 02 - 04/06/2019
3. Draft Ward Boundary Plan 03 - 04/06/2019

**RECOMMENDATION**

2. That Council submit the completed Ward Boundary report and Ward Boundary Plan to the NSW Electoral Commission and the Australian Statistician for approval.
3. That following approval from the NSW Electoral Commission and the Australian Statistician the proposed ward boundary plan will be placed on public exhibition for a period of not less than 28 days with a 42 day submission period.
4. That the outcome of the public exhibition will be reported back to Council for consideration.
EXECUTIVE SUMMARY

- The purpose of this report is to provide details of Council’s invested funds as at 31 May 2019.
- It is recommended that the information and certification in relation to the investment of funds as at 31 May 2019 be noted.

REPORT

At its last meeting, the Reserve Bank reduced the cash rate by 25 basis points to 1.25%. In relation to the domestic market, the Board of the Reserve Bank commented that:

The central scenario remains for the Australian economy to grow by around 2¾ per cent in 2019 and 2020. This outlook is supported by increased investment in infrastructure and a pick-up in activity in the resources sector, partly in response to an increase in the prices of Australia’s exports. The main domestic uncertainty continues to be the outlook for household consumption, which is being affected by a protracted period of low income growth and declining housing prices. Some pick-up in growth in household disposable income is expected and this should support consumption.

Employment growth has been strong over the past year, labour force participation has been increasing, the vacancy rate remains high and there are reports of skills shortages in some areas. Despite these developments, there has been little further inroads into the spare capacity in the labour market of late. The unemployment rate had been steady at around 5 per cent for some months, but ticked up to 5.2 per cent in April. The strong employment growth over the past year or so has led to a pick-up in wages growth in the private sector, although overall wages growth remains low. A further gradual lift in wages growth is expected and this would be a welcome development. Taken together, these labour market outcomes suggest that the Australian economy can sustain a lower rate of unemployment.

The recent inflation outcomes have been lower than expected and suggest subdued inflationary pressures across much of the economy. Inflation is still however anticipated to pick up, and will be boosted in the June quarter by increases in petrol prices. The central scenario remains for underlying inflation to be 1¾ per cent this year, 2 per cent in 2020 and a little higher after that.

The adjustment in established housing markets is continuing, after the earlier large run-up in prices in some cities. Conditions remain soft, although in some markets the rate of price decline has slowed and auction clearance rates have increased. Growth in housing credit has also stabilised recently. Credit conditions have been tightened and the demand for credit by investors has been subdued for some time. Mortgage rates remain low and there is strong competition for borrowers of high credit quality.

Today’s decision to lower the cash rate will help make further inroads into the spare capacity in the economy. It will assist with faster progress in reducing unemployment and achieve more assured progress towards the inflation target. The Board will continue to monitor developments in the labour market closely and adjust monetary policy to support sustainable growth in the economy and the achievement of the inflation target over time.”

The majority of Council’s investment portfolio (97%) is invested in deposits / securities with Australian Authorised Deposit taking Institutions (ADI’s). Council has been taking advantage of term deposit “specials” from various institutions without overexposing the portfolio to any one institution. Note that the marked to market valuations on some of the direct investment products in Council’s portfolio remain at less than the face value of the investment. The marked to market
value of these investments is expected to be equal to or greater than the face value by the time they reach their maturity date. Early exit from these products would realise losses.

The following chart compares Council’s portfolio yield with the benchmark AusBond Bank Bill Index rate in each month for 2017/18 and 2018/19.

As shown in the chart above, Council’s portfolio yield has continually exceeded the benchmark AusBond 3 month Bank Bill Index due to the prudent investment of Council’s portfolio.

Under Reg 212 of the Local Government (General) Regulation 2005, Council’s Responsible Accounting Officer must provide Council each month with a written report setting out details of all money that Council has invested under section 625 of the Act.

Council’s investment portfolio as at 31 May 2019 is summarised below.

<table>
<thead>
<tr>
<th>By Product</th>
<th>Face Value ($)</th>
<th>Current Value ($)</th>
<th>Current Yield (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonds</td>
<td>1,750,000.00</td>
<td>1,842,437.68</td>
<td>3.0429</td>
</tr>
<tr>
<td>Cash</td>
<td>4,461,000.00</td>
<td>4,461,000.00</td>
<td>1.5500</td>
</tr>
<tr>
<td>Floating Rate Note</td>
<td>20,200,000.00</td>
<td>20,378,878.93</td>
<td>2.8313</td>
</tr>
<tr>
<td>Mortgage Backed Security</td>
<td>1,575,894.00</td>
<td>1,057,693.88</td>
<td>2.1523</td>
</tr>
<tr>
<td>Term Deposit</td>
<td>41,000,000.00</td>
<td>41,644,012.75</td>
<td>2.7721</td>
</tr>
</tbody>
</table>

| Total                       | 68,986,894.00  | 69,384,023.24     | 2.7035            |

Details of Council’s investment portfolio as at 31 May 2019 are provided in attachment 1.
Consultation
Independent advice regarding the investment of Council funds was provided by Prudential Investment Services Corp.

Financial Implications
Council continues to invest those funds which, having regard to Council’s Resourcing Strategy 2017/18 – 2020/21 and adopted Operational Plan 2018/19 and 2019/20, are not required to manage Council’s day-to-day cash flow or have been identified as required to fund specific future projects and expenditure or anticipated (budgeted) future commitments.
Interest earned is allocated to restricted cash and income in accordance with Council’s adopted budget, policy and legislative requirements.

The Reserve Bank of Australia has continued to keep interest rates low and the expected investment income will be reviewed and revised as more information becomes available.

Certification
I hereby certify that Council’s investments have been made in accordance with Sec 625 of the Local Government Act 1993, clause 212 of the Local Government (General Regulations) 2005 and Council’s Investment Policy.

Clair Hardy
Acting Chief Financial Officer
WOLLONDILLY SHIRE COUNCIL

ATTACHMENTS
1. Investment Summary Report for May 2019

RECOMMENDATION
That the information and certification in relation to the investment of Council funds as at 31 May 2019 be noted.
15.3 INFORMATION GUIDE REVIEW 2019
File Number: 10619#633

EXECUTIVE SUMMARY

- The purpose of this report is to outline the minor amendments made to reflect the current structure and functions within council as part of the Annual Review of council’s Information Guide undertaken in line with the requirements of the Government Information (Public Access) Act 2009.
- It is recommended that Council adopt the revised Wollondilly Shire Council - Information Guide 2019.

REPORT

The Government Information (Public Access) Act 2009 (GIPAA) requires the Council to have an information guide, which must be reviewed every 12 months.

The guide must describe the structure and functions of Council and ways those functions affect members of the public.

The guide must also show how members of the public can participate in the forming of Council's policy; how they may access information and what information is available free of charge or for a fee.

Once adopted the information guide will be placed on Council's website.

The document was edited to plain english format. Any significant changes made to the document are as follows:

Page 11
Additional dot points were added to reflect changes to functions within business areas.

Pages 14 & 15
The list of Acts were updated to reflect their current status and title.

Page 16
The list of 355 Committees was updated.

Page 17
Updates were made throughout this page to better describe the process of public exhibitions and how the public can become involved.

Reference to the Bush Telegraph was removed as it is no longer published in the local paper.

Page 18
Updated section on Government Information Held by Us to refer to our Access to Information Guidelines.

Updated section on how we manage privacy with reference to the Privacy Management Plan.

Consultation

Consultation was undertaken with the Leadership Team within Council.
Financial Implications
This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS
1. REVISED Wollondilly Shire Council - Information Guide 2019

RECOMMENDATION
16 NOTICE OF MOTION/RESCISSIONS

16.1 NOTICE OF MOTION - MOBILE PROVISIONAL LICENCE TESTS

File Number: 10619#629

I, Councillor Matthew Deeth, intend to move the following motion:

ATTACHMENTS

Nil

MOTION

That Council write to the Customer Service minister requesting that Service NSW conduct mobile provisional licence tests in Wollondilly.
16.2 NOTICE OF MOTION - MODERN ADVENTURE PLAY EQUIPMENT IN PLAY STRATEGY

File Number: 10619#630

I, Councillor Michael Banasik, intend to move the following motion:

**ATTACHMENTS**

Nil

**MOTION**

That as part of Council's implementation of a Play Strategy, Equipment such as Flying Fox items and other modern adventure equipment be considered for parks around the Shire.
16.3 NOTICE OF MOTION - UNDERPASSES OR OVERPASSES ON APPIN ROAD

File Number: 10619#631

I, Councillor Michael Banasik, intend to move the following motion:

ATTACHMENTS
Nil

MOTION

That Council write to the RMS and the Roads Minister requesting that underpasses or overpasses be installed along Appin Road, similar to Picton Road, when the Koala fencing is erected.
17 CLOSED REPORTS

No reports this meeting

18 QUESTIONS FOR NEXT MEETING

No reports this meeting