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

Date:	**Monday, 15 October 2018**
Time:	**6.30pm**
Location:	**Council Chamber**
	62-64 Menangle Street
	Picton NSW 2571

AGENDA

Ordinary Council Meeting

15 October 2018

Luke Johnson
Chief Executive Officer

COMMUNITY STRATEGIC PLAN **SNAPSHOT**

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

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1 OPENING

2 RECORDING OF THE MEETING

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

3 WEBCAST NOTICE

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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 September 2018

9 ITEMS TO BE TABLED

10 MAYORAL MINUTE

Nil

11 SUSTAINABLE AND BALANCED GROWTH

11.1 DRAFT PLANNING PROPOSAL - HERITAGE HOUSEKEEPING AMENDMENTS

File Number: **10619#41**

Applicant: **Wollondilly Shire Council**

Owner: **Various**

Proposal: **Draft Planning Proposal to make heritage related 'housekeeping' amendments to the Wollondilly Local Environment Plan 2011 in relation to various properties**

Location: **Various**

EXECUTIVE SUMMARY

- This report seeks Council's support to initiate a planning proposal for housekeeping amendments to Wollondilly Local Environment Plan 2011 to correct and/or update provisions as they apply to various heritage items.
- The changes are necessary to ensure adequate protection of heritage items and landscapes and also to remove unnecessary statutory burdens where there are no heritage items.
- This report recommends that:
  1. Council support the Heritage Housekeeping Planning Proposal for various sites to amend Wollondilly Local Environment Plan 2011 as follows;
     (a) Amend Schedule 5 (various changes),
     (b) Amend the Heritage Map (various changes), and
     (c) Amend the Land Zoning Map to identify an additional land use annotation for 'place of public worship' to the SP2 Infrastructure zone as it applied to St Mark's Church, Picton (Lots 1 and 2 DP 1225820) and St Luke's Church, Wilton (Lot 1 DP 1236516)).
  2. The Planning Proposal be forwarded to the Greater Sydney Commission for a Gateway determination.
  3. If it is determined that any component of the Planning Proposal requires the preparation of a specialist study then that component is removed from this housekeeping amendment prior to exhibition and considered for inclusion within the comprehensive Local Environmental Plan Review process.
  4. Landowners and persons who made submissions regarding the planning proposal be notified of Council's Resolution.

REPORT

Background

Schedule 5 of the Wollondilly Local Environment Plan 2011 (WLEP) provides a comprehensive list of Heritage items (Part 1), Heritage Conservation Areas (Part 2) and Archaeological sites (Part 3) that have been identified for their heritage value across the Shire. This list provides a description of the item, the item number and the item's property identifiers which include street address, relevant lot and deposited plan number and heritage significance.

The WLEP is accompanied by a series of maps. These include a set of Heritage Map's that identify the location of heritage items listed in Schedule 5 and a set of Land Zoning Map's which nominate the location of land zones listed in the Land Use Table.

Description of Proposal

The draft planning proposal seeks to make a number of housekeeping amendments to the WLEP.

The amendments have been identified from a review of heritage provisions within the WLEP as they apply to specific land holdings. This review has included:

- A desktop review of the information included in Schedule 5. For example, to check property information and heritage significance listed for each heritage item is correct.
- Reviewing individual properties where notification has been received from Development Management that a change is required in response to an issued development consent; For example, where land containing a heritage item will be subdivided and a boundary needs to be amended.
- A comparison of Schedule 5 against the State Heritage Register.
- Consideration of landowner feedback.

The housekeeping amendment has been limited to minor corrections or changes where no specialist studies are considered necessary to inform the changes. No new heritage items are proposed as part of these amendments.

No changes are proposed to Part 2 of Schedule 5 which lists Heritage Conservation Areas. However, it is proposed to amend the Heritage Map to increase the Menangle Landscape Conservation Area to include all land originally identified for protection.

Background to Menangle Landscape Conservation Area Boundary

In 2011 MUSEcape Pty Ltd were engaged by Council to undertake a heritage assessment of the significance of the landscape around the Menangle Village Conservation Area.

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 area currently included within the Menangle Landscape Conservation Area is slightly smaller than the boundary recommended by the study. This is because during the statutory process to establish the landscape conservation area Council was required to remove land identified for employment purposes under the planning proposal for land in Moreton Park Road, Menangle. That planning proposal was refused by the Joint Regional Planning Panel in 2014 and never proceeded. There are no planning proposals that currently apply to this land.

A report to Council in February 2018 on proposed planning controls for the Menangle Landscape Conservation Area identified a need to consider implementing the full boundary as originally intended. It is proposed to include approximately 50 hectares of new land within the Menangle Landscape Conservation Area. The additional land proposed to be included is shown in the Attachment titled Map identifying proposed extension of Menangle Landscape Conservation Area.

Need for Amendments

It is acknowledged that Council is commencing a review of the WLEP in response to the recent release of the Greater Sydney Region Plan and Western City District Plan by the Greater Sydney Commission.

However, a significant number of minor corrections and updates are considered necessary to Schedule 5 as soon as possible as the current planning controls have a number of implications for land owners;

- In some case landowners are unnecessarily burdened because their land is affected by heritage provisions where there are no heritage items;

- In some cases heritage is not currently being adequately protected and there is an immediate risk to conserving heritage items and landscapes, and
- In a couple of cases, the current land zoning presents barriers to the orderly development of land containing a heritage item.

Consultation

Formal consultation with Council staff that provide specialist comment

Council's Heritage Advisor has been consulted regarding the proposed amendments to Schedule 5 (Parts 1 and 3) of the WLEP and associated mapping and has supported all changes.

Planning staff have been encouraged to identify and provide advice on heritage items requiring an update in Schedule 5 or the associated Heritage Map series.

Given the Planning Proposal relates to administrative corrections and maintenance of planning instruments only, there is not considered to be a need to consult more broadly at this stage.

Consultation with Public Agencies

Consultation with public agencies usually occurs after a Gateway Determination is issued and it has been established that a proposal has strategic planning merit.

Should the proposal be supported by Council, any subsequent Gateway Determination will outline the consultation requirements with government agencies.

Community Consultation

An open community consultation period has not been held as part of the preparation of the proposed amendments. However, a letter has been sent to the owner(s) of each affected property for proposed changes to Part 1 Heritage items and Part 3 Archaeological sites to inform them of the proposed changes that will affect their property and inviting them to provide feedback. The letters were sent in June 2017 and February 2018. Council staff received a number of phone enquiries in response. In general, land owners were seeking to better understand the process, implications, and in some cases questioned the merit of the heritage listing. The scope of this heritage review has been to identify corrections and not to reassess the merit of heritage listing except where the heritage item has been legally demolished.

Only one written submission has been received in response to landowner consultation. This submission was received on behalf of Anglican Church Property Trust.

The submission raises no objections to the proposed amendment to apply the correct property address for the heritage item associated with St Mark's Anglican Church in Picton.

However, the submission has requested consideration to include an additional change within the housekeeping amendment to make corrections to the Land Zoning Map as it applies to St Mark's Anglican Church in Picton and also St Luke's Anglican Church in Wilton. Both of which, are heritage items under the local environmental plan.

At present, both of these land holdings are zoned SP2 Infrastructure with "Cemetery" as the annotated land use on the Land Zoning Map. However, both of these sites are currently being used as a Place of Public Worship as well as a cemetery.

It is not clear why the annotated land use for these sites has been restricted to a cemetery. From a quick review of other active churches around the shire with cemeteries there does not appear to have been a consistent approach applied in moving to the Standard Instrument format back in 2011.

The use of the infrastructure zone is appropriate given the presence of a cemetery. However, both of these locations now rely on existing use rights for the church component of the land use which is

not ideal, particularly as it limits flexibility. This issue could be rectified by including an additional land use annotation for 'Place of Public Worship' on the Land Zoning Map for these two sites.

It is considered reasonable to incorporate the submitter's request into this planning proposal given the sites are both heritage items and the change would reflect the current use of these heritage items.

In a second separate consultation, landowners within the area of the proposed extension to the Menangle Landscape Conservation Area were notified and invited to provide feedback during September 2018. One submission was received in objection to the proposed changes.

The submitter provided the following comments:

- There has not been enough justification provided has to why the proposed boundary relates to their property; and
- Their property is not of visual value or importance due to a hilltop and road visually separating it from the Menangle village.

According to the MUSEcape Pty Ltd report published in 2012, the northern section of the property in question is located within a rural landscape view corridor and can be seen from various points in the Menangle village and surrounding areas. It is important that the recommendations of the report are followed to ensure that the historic vista and hills of Menangle are preserved under one consistent boundary.

It is anticipated that consultation with the broader public will be undertaken if a Gateway Determination is issued for the Planning Proposal to proceed. It is considered that as part of any broader community consultation the following stakeholders should also be invited to provide comments:

- Tourism and Heritage Community Advisory Committee(s),
- Appin Historical Society,
- The Oaks Historical Society, and
- Picton & District Historical and Family History Society.

Preparation of a Planning Proposal

Should Council resolve to support the outlined changes, a planning proposal will be prepared in accordance with Section 3.33 (formerly Section 55) of the *Environmental Planning & Assessment Act 1979* and guidelines published by the Department of Planning & Environment. The planning proposal is then forwarded to the Greater Sydney Commission for a Gateway Determination.

Council's options are:

1. Resolve to support the changes and prepare a Planning Proposal accordingly, or
2. Resolve not to support a Planning Proposal for these changes.

Option ***1*** is the recommendation of this report.

Final form of planning proposal

Wollondilly Local Environment Plan, 2011

Following consideration of responses from initial consultation and notification and preliminary investigation of all items listed in Schedule 5, it is considered that the planning proposal should take the form detailed below.

The planning proposal seeks the following amendments to WLEP:

- Amend Schedule 5 Environmental Heritage to update information under Part 1 Heritage Items and Part 3 Archaeological sites as outlined in Attachment 1,
- Amend the relevant Heritage Maps as outlined in Attachment 1 of this report to correctly identify individual heritage items and archaeological sites.
- Amend the Heritage Map for the Menangle Landscape Conservation Area to include all the area shown at Attachment 2.
- Amend the Land Zoning Map to include an additional land use annotation for 'place of public worship' to the SP2 Infrastructure land use zone for land associated with St Marks Church Picton (Lots 1 and 2 in DP 1225820) and St Luke's Church Wilton (Lot 1 in DP 1236516).

Some of the proposed changes apply to land either in Council's ownership or at least under Council maintenance. For this reason it is not considered appropriate for Council to request delegation to make the amendments.

Wollondilly Local Planning Panel advice

The Draft planning proposal was reported to the Local Planning Panel meeting held on 26 July 2018. A copy of the Panel's advice is attached to this report. The Panel's recommendations are listed below along with the steps taken to address them:

1. *That the landowners in the Menangle Landscape Conservation Area (MLCA) extension area be advised of the preparation of the planning proposal prior to the reporting of the matter to Council, to ensure that all landowners are given the same opportunity to comment.*

The relevant landowners have been contacted.

2. *That all landowners of land proposed to be included in the Draft Planning Proposal be notified and invited to attend when this item is listed at a Council Community Forum prior to being reported to Council.*

The relevant landowners of all properties affected by these changes were notified of the Council Community Forum to be held on 8 October 2018.

3. *That the Table of Changes to Schedule 5 (Attachment 1 in report) be reviewed to ensure:*

   (a) *Where the places of public worship listed in this table have a special use zone, the correct land use description has been used.*

   (b) *The reference to curtilage in Item 187 be removed and replaced with a more descriptive reference.*

The table listing changes to Schedule 5 has been updated based on the advice provided above. The updated table is provided at Attachment 1.

The Panel also provided an Advisory Note related to the protection of Aboriginal Cultural Heritage. However, it was directed to the Local Environmental Plan review and not this draft planning proposal specifically.

Financial Implications

Funding for the maintenance of Planning Instruments is part of the ongoing operational budget for Strategic Planning and no additional funding source.

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

ATTACHMENTS

1. **Table Summarising Proposed changes to Schedule 5 of Wollondilly Locla Environmental Plan 2011**
2. **Map identifying proposed extension of Menangle Landscape Conservation Area**
3. **Local Planning Panel Minutes from 26 July 2018 for Heritage Housekeeping Amendments Draft Planning Proposal**

RECOMMENDATION

1. That Council support the Heritage Housekeeping Planning Proposal for various sites to amend Wollondilly Local Environment Plan 2011 as follows:

   (a) Amend Schedule 5 (various changes),

   (b) Amend the Heritage Map (various changes), and

   (c) Amend the Land Zoning Map to identify an additional land use annotation for 'place of public worship' to the SP2 Infrastructure zone as it applied to St Mark's Church, Picton (Lots 1 and 2 DP 1225820) and St Luke's Church, Wilton (Lot 1 DP 1236516)).

2. That the Planning Proposal be forwarded to the Greater Sydney Commission for a Gateway Determination.

3. That if it is determined that any component of the Planning Proposal requires the preparation of a specialist study then that component is removed from this housekeeping amendment prior to exhibition and considered for inclusion within the comprehensive Local Environmental Plan Review instead.

4. That landowners and persons who made submissions regarding the Planning Proposal be notified of Council's Resolution.

11.2 ADOPTION OF PLANNING AGREEMENT FOR 1-41 MARSH ROAD SILVERDALE

File Number: 10619#78

EXECUTIVE SUMMARY

- The purpose of this report is to advise Council of the outcome of public exhibition of a Draft Voluntary Planning Agreement for land at 1-41 Marsh Road Silverdale.
- Council resolved at its Ordinary meeting of 16 April 2018 to place the Draft Planning Agreement on public notification.
- There are two development applications currently under consideration proposed development of the site being:
  - DD010.2015.00000935.001; and
  - DD010.2017.00000854.001.
- Both development applications are almost identical, except that the draft Voluntary Planning Agreement is only proposed to apply to DD2015.00000935.001.
- The Sydney Western Planning Panel is the determination authority for both applications.
- It is noted that on 25 July 2018, Council was served with a Class 1 Appeal for development application DD010.2017.00000854.001.
- The Draft Voluntary Planning Agreement and Explanatory Note were publically exhibited in accordance with the Environmental Planning & Assessment Act 1979. No submissions were received during the exhibition period.
- It is recommended that Council:
  - adopt the Voluntary Planning Agreement attached to this report;
  - authorise the Chief Executive Officer to execute the Voluntary Planning Agreement on behalf of Council;
  - accept the dedication of the land as provided for in the Voluntary Planning Agreement, and
  - agree for the proposed land dedication to be classified as Community Land under the Local Government Act, 1993.

REPORT

<u>Assessment of Draft Voluntary Planning Agreement</u>

The Draft Voluntary Planning Agreement (draft VPA) has been prepared to accompany Development Application DD2015.00000935.001 (the original DA), for 425 residential lots which was granted Deferred Commencement Consent on 17 September 2018 by the Sydney Western Planning Panel.

The draft VPA represents a material public benefit in the order of $12.5 million, which can be described as follows:

- Dedication to Council of 3 hectares of land (being 1.7 hectares of open space and 1.3 hectares for drainage infrastructure) with a value of $1.8 million;
- The carrying out of works including open space embellishment, 1.5 km of on-site cycleways and 4 drainage basins, with a value of $2.2 million;

- Provision of monetary contributions of $4.9 million, to be applied towards the public purposes of local roadworks including upgrades to Marsh Road, an all abilities regional playground, bus shelters, off-site footpaths;
- Provision of monetary contributions in the order of $3.3 million to provide for 30 years maintenance of drainage works and managed parkland areas on the site;
- Dedication to Council of 4 hectares of land being protected under an existing executed Biobanking Agreement and a maintenance contribution in the order of $314,017 paid into the Biodiversity Stewardship Trust Fund; and
- Deregistration off title of a former executed ALSP Planning Agreement over the site.

The draft VPA has been reviewed by a panel legal firm engaged by Council.

There are two development applications currently under consideration for the site being:

- DD010.2015.00000935.001; and
- DD010.2017.00000854.001.

The current development applications for the site propose 425 residential lots, with a further 22 lots to be subject to a future DA, which would result in an expected development of the site of 447 residential lots. The draft VPA provides development contributions for a development yield of 447 residential lots.

Should the development exceed the number of residential lots expected for each stage, the draft VPA contains provisions requiring the developer to pay Council $20,000 per additional residential lot, prior to the release of each subdivision certificate.

Consistency with Planning Agreements Policy

The Environmental Planning & Assessment Act 1979 (the Act) requires that Voluntary Planning Agreements must include suitable means for enforcement in the event of a breach of the agreement by the developer. In accordance with Council's Policy, the draft VPA contains a suite of security that ensures timely development contributions whilst protecting Council interests. This includes:

- The draft VPA being registered on title, binding current and future owners of the development land;
- Withholding of Subdivision Certificate prior to monetary contributions being made;
- Financial security in favour of Council to ensure works are completed in accordance with the draft VPA;
- Council having the ability to acquire land to be dedicated under the terms of the draft VPA for $1 if the land is not dedicated; and
- Council having the ability to take action under the Act to remedy any breach of the agreement.

This package of security gives Council certainty that the agreed undertakings will be completed and reflect the scope of the land and works contributions being offered and the length of time the agreement will operate.

This draft VPA provides legal mechanism to receive a monetary contribution and dedication of land outside Council's adopted Development Contributions Plan. Without the draft VPA, there are no alternative means for Council to receive land being dedicated or a maintenance contribution for that land for a public benefit. The benefits offered by this Agreement have been calculated in accordance with Council's Policy, and it is considered that they represent acceptable value to the public. It is considered that the draft VPA is consistent with Council's Planning Agreements Policy.

Consistency with Dedication of Lands Policy

The draft VPA proposes to dedicate 7 hectares of land to Council, as follows:

- 1.7 hectares of community land;
- 1.3 hectares of infrastructure land; and
- 4 hectares of environmental land.

The draft VPA has been reviewed against the relevant clauses of the Dedication of Land Policy, including the criteria for ensuring that only appropriate lands are dedicated to Council. The review did not identify any matters that would prevent land dedication from occurring, although any development consent that is issued should ensure that some of the matters included in this clause are addressed. This includes matters such as confirming that the site is free from contamination, landscaping, construction of the basins, access arrangements and the like. These are matters that Council staff typically consider through the use of appropriate conditions of consent.

The developer has agreed through the draft VPA to undertake five years maintenance of the land to be dedicated to Council. The developer will also make a monetary contribution of $3.3 million to be applied towards maintenance costs to Council, based on a period of 30 years.

The 4 hectares of environmental land proposed to be dedicated to Council includes land subject to executed Biobanking Agreement No. 328. Management actions required under the Biobanking Agreement will be undertake by the developer for a period of five years. $314,017 is required to be paid into the Biodiversity Stewardship Trust Fund prior to the land being dedicated to Council. These funds will be available to Council for long term maintenance of this land.

Consultation

On 19 July 2018, Council resolved to notify the draft VPA. Public Notice of the draft VPA in accordance with the Environmental Planning & Assessment Act 1979 occurred between 23 July 2018 and 20 August 2018. No written submissions were received during the notification period. It should be noted that one submission was received after the close of the exhibition period.

The submission raised the issue of new development in the Warragamba/Silverdale area and the prospects of increased participation rates in local sporting clubs, and sought whether there was opportunity as part of this planning agreement to fund a carpark upgrade. As stated earlier in the report, the draft VPA will be making monetary contributions of $4.9 million, to be applied towards the public purposes of local roadworks including upgrades to Marsh Road, an all abilities regional playground, bus shelters, off-site footpaths. It is considered the matter raised in this late submission could be considered in future agreements that have not progressed as far as this draft VPA.

Financial Implications

The draft VPA will provide an overall material public benefit of $12.5 million (or the equivalent of $28,000 per lot). The draft VPA includes $8.94 million (or $20,000 per lot) in works, land dedication and monetary contributions, which would be the amount payable in Section 7.11 development contributions if collected. However the draft VPA represents a good outcome for the Council as it allows contributions to reflect Council current priorities and provides certainty on when local infrastructure will be provided.

In addition, the draft VPA provides $3.3 million in maintenance contributions towards 30 years of maintenance of OSD Basins and public reserves dedicated to Council and a further $314,017 paid into the Biodiversity Stewardship Trust Fund, for the maintenance of the Biobanking land. These contributions can only be secured by way of a Planning Agreement, meaning that Council and the community will not be burdened by these expense in the future.

ATTACHMENTS

1. Draft VPA

RECOMMENDATION

The, in relation to the Planning Agreement for 1-41 Marsh Road, Silverdale, Council:

1. Endorse the Voluntary Planning Agreement attached to this report.
2. Authorise the Chief Executive Officer to execute the Voluntary Planning Agreement on behalf of Council.
3. Accept the dedication of the land as provided for in the Voluntary Planning Agreement.
4. Agree for the proposed land dedication to be classified as Community Land under the Local Government Act, 1993.

11.3 LOCAL ENVIRONMENTAL PLAN REVIEW REPORT

File Number: 10619#88

EXECUTIVE SUMMARY

- The purpose of this report is to provide the Local Environmental Plan (LEP) Review Report and submission to the NSW Department of Planning & Environment for support.
- The LEP Review Report is the first project deliverable for the LEP Review process and will explore how closely aligned the Wollondilly Local Environmental Plan 2011 is to the actions in the Western City District Plan. It will also inform the preparation of the Local Strategic Planning Statement.
- At the time of submitting this report, preparation the LEP Review Report was under preparation and will be provided under separate cover to Council prior to the Ordinary Meeting.
- This report recommends:
    - Council endorse the Draft LEP Review Report for submission to the Department of Planning & Environment, and
    - That Council continue to be updated throughout the LEP Review process in relation to review actions and project milestones.

REPORT

Background

In response to a number of planning related announcements and legislative changes recently introduced by the State Government, Wollondilly along with other Councils within the Greater Sydney Region are required to undertake a review of their local environmental plans.

These triggers were detailed in a report to Council on Monday 16 July 2018 (item GR3 Local Environmental Plan Review Program and Funding Agreement) and include:

- Amendments to the *Environmental Planning and Assessment Act 1979* which introduce local strategic planning statements and embed a statutory requirement for Councils to review and amend their local environmental plan as soon as practicable after a District Plan is made;
-
- Housing Affordability Strategy which includes a number of measures to streamline and simplify the planning system to increase housing supply. In particular it establishes the principle of funding priority Councils to update their local environmental plan in an accelerated timeframe;
-
- The release of the Western City District Plan in March 2018 which requires Councils to complete a review of and update their local environmental plans imminently, and
-
- Western Sydney City Deal which provides funding to Wollondilly to assist with the review.

Local Environmental Plan Review

The purpose of the LEP Review is to update the Wollondilly Local Environmental Plan 2011 (WLEP) to give effect to the Western City District Plan through upfront strategic planning.

It will be undertaken over six phases and will include seven main project deliverables. The project deliverables include:

1. Submission of LEP Review Report,
2. Submission of project plan,
3. Submission of draft Local Strategic Planning Statement (LSPS),
4. Completion of Local Housing Strategy and specialist reports,
5. Submission of final Local Strategic Planning Statement (LSPS),
6. Submission of Planning Proposal to the Department for a Gateway determination,
7. Submission of draft LEP to Department to make plan.

The timeframe for delivering the LEP Review is set by the NSW Department of Planning & Environment (DPE). As a high growth area Wollondilly is required to update the WLEP within an accelerated timeframe of two years. An indicative time line identifying the key steps and timeframes is provided at Attachment 1.

Project Deliverable 1: LEP Review Report

The first project deliverable is to prepare and submit a LEP Review Report to the Department by 31 October 2018. The purpose of the LEP Review Report is to explore and identify how closely aligned the WLEP is to the actions in the Western City District Plan. It also informs the preparation of the Local Strategic Planning Statement (LSPS).

The LEP Review Report will have the following general structure:

Introduction	Sets out the purpose of the review, the current strategic planning context for Wollondilly, the process undertaken for the review and any engagement.
The Health Check	Review of the WLEP against the actions in the Western City District Plan in terms of: • Infrastructure and collaboration, • Liveability, • Productivity, • Sustainability, and • Compliance.
The Context	Identifies the unique and changing context for strategic planning in Wollondilly, identifies the specific barriers to achieving the District Plan actions and key risks.
Conclusions and Recommendations	Outlines the key actions or decisions required to inform the preparation of Council's local strategic planning Statement (LSPS). Includes a gap analysis to identify what specialist studies or other work is required. Prioritises areas requiring more immediate focus and other work required in the longer term beyond the two-year review period.

At the time of this report's preparation this work and the preparation of the LEP Review Report were still underway. Once complete, the Report will be provided under separate cover.

Next Steps

Once finalised, the LEP Review Report needs to be submitted to DPE for an initial appraisal. It will then be reported to the Greater Sydney Commission's (GSC) Strategic Planning Committee as part of the GSC's assurance role to ensure that good outcomes are being delivered.

Following this, a project plan will be developed to identify the key steps and associated timeframes to deliver the LEP review and broader local environmental plan update program.

Consultation

Engagement with stakeholders, including the community will form a key part of the LEP Review. A Stakeholder Engagement Strategy is currently under preparation to guide the delivery of engagement throughout the Review.

Financial Implications

This project will be funded by the State Government who has offered Council up to $2.5 million, subject to contractual conditions, to support undertaking the review. Council signed the Accelerated LEP Review Program Funding Agreement on 18 July 2018. This Agreement places obligations on Council in terms of completion of milestones.

The ongoing budget play a role in determining the extent of studies and work that can be achieved through the review process, and therefore those gaps that will need to be listed for future action post review.

ATTACHMENTS

1. **Indicative time line for Accelerated LEP Review identifying the key steps and timeframes**
2. **Draft LEP Review Report (under separate cover)**

RECOMMENDATION

That Council:

1. Endorse the Draft LEP Review Report for submission to the Department of Planning & Environment.
2. Continue to be updated throughout the LEP Review process in relation to review actions and project milestones.

11.4 DRAFT PLANNING PROPOSAL - ELTONDALE RELEASE AREA

File Number: 10619#91

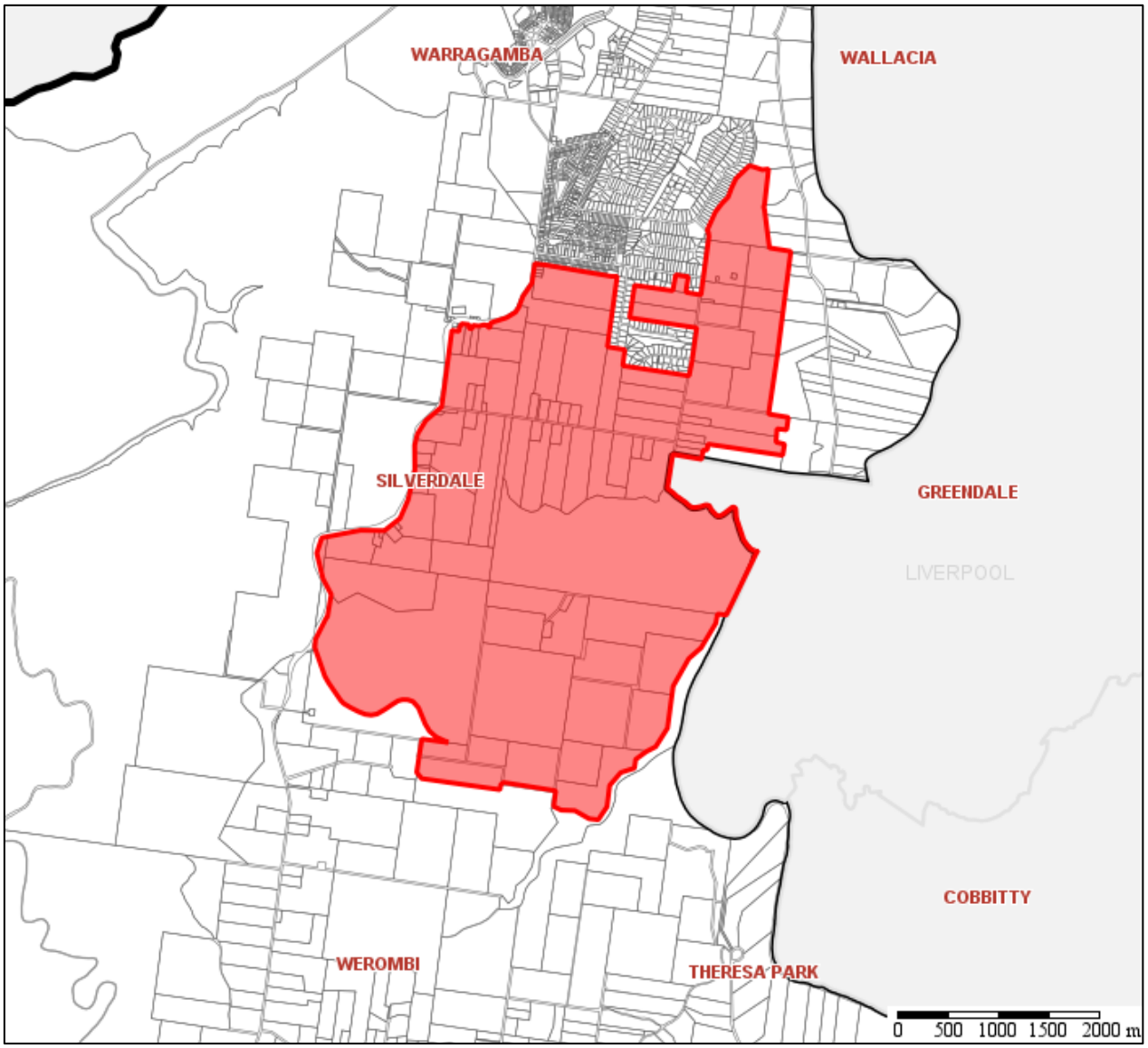
HPE CM No. 7856

Applicant: Martens & Associates

Owner: Various

Notification: Preliminary Notification Completed

Submissions: 232



EXECUTIVE SUMMARY

- The purpose of this report is to obtain Council's position on a Draft Planning Proposal to rezone land referred to as the Eltondale Release Area. The Draft Planning Proposal intends to rezone approximately 1,595 hectares of land for a range of housing types, employment lands, town and neighbourhood centres, schooling opportunities, open space and environmental conservation.

- The proposal has been subject to preliminary notification and a total of 232 written submissions were received. 178 of these submissions objected to the proposal, 16 supported the proposal and 38 submissions were neutral. 342 Pro Forma letters were also received in support of the previous Council Resolution to seek a coordinated masterplan;
- The proposal has not yet been forwarded to the Department of Planning & Environment for a Gateway determination.
- This report recommends that the Draft Planning Proposal known as the Eltondale Release Area Planning Proposal not be supported for the following reasons:
    - The proposal is not consistent with the objectives and actions of the Greater Sydney Regional Plan: A Metropolis of Three Cities and the Western City District Plan, in particular the provisions of the plan which relate to the Metropolitan Rural Area;
    - The proposal is not consistent with the key policy directions and targets contained in Wollondilly Growth Management Strategy 2011;
    - The proposal is of a scale that is not consistent with the character of the area and would detract from the existing rural village character of Silverdale.

REPORT

Background

1.1 Introduction to Pre-Gateway Determination Planning Proposal in the Metropolitan Rural Area

This report seeks a decision from Council on the Eltondale Draft Planning Proposal but it is also part of a broader initiative to establish an interim response to proposals for housing growth in the Metropolitan Rural Area (MRA).

On 16 July 2018, a report was considered by Council seeking broad direction on the assessment of draft planning proposals in the MRA that have not yet received a Gateway Determination.

A secondary objective of that report was to seek support to apply the suggested approach to six draft planning proposals in the MRA.

These six proposals are consultant initiated planning proposals at the initial stage of the Gateway process and Council has not made a decision to date on whether they have strategic planning merit and whether there is support for them to proceed.

At the July 2018 meeting Council resolved not to consider the matter until a decision could be informed by the outcome of Greater Sydney Commission's Metropolitan Rural Area Technical Working Group which was held on 20 July 2018. Council also resolved that when the matter was reported back to Council this was to be undertaken through individual reports for each proposal.

1.2 Background to Draft Planning Proposal

The Eltondale Planning Proposal was submitted to Council in December, 2013 in response to a resolution made by Council at its March 2013, Council Meeting which stated the following:

1. *That Council support the Master Planning of lands in the Silverdale and Warragamba area, consistent with the adopted position at its meeting on 20 February, 2012 that releases should not be on an ad-hoc basis but should be part of a co-ordinated approach for the entire Silverdale Area.*

A full copy of the March 2013, Council Resolution is attached to this report.

In response to the NSW Government Potential Home Site Program, Wollondilly Council began a review of the 2011 Growth Management Strategy (2011 GMS). The review was in part funded by the Department of Planning & Environment (Department).

At its November 2014 Council Meeting, Council supported the Draft Growth Management Strategy 2014 (draft 2014 GMS) and resolved to seek the Department's endorsement to commence public exhibition.

The Department asked Council not to commence a public exhibition of the draft 2014 GMS. Furthermore, the Department advised that they would undertake a review of the draft 2014 GMS once the outcome of the Governments consideration of the following two matters was known:

1. The Wilton Junction threshold issues; and
2. The West Appin Infrastructure Investigation.

The Wilton threshold issues and the West Appin Infrastructure investigation formed part of the Greater Macarthur Land Release Investigation.

The Eltondale Planning Proposal has not progressed for a number of years as the proposal is not consistent with the 2011 GMS.

Although limited further progress has been made on an updated version of Council's 2011 GMS, several policy releases have recently been made which provide a clearer strategic direction to inform the merit of the Eltondale Planning Proposal, including the following:

- Release of the Greater Sydney Regional Plan: A Metropolis of 3 Cities (Regional Plan);
- Release of the Western City District Plan (District Plan);
- Release of the final Environmental Impact Statement by the Department of Infrastructure, Regional Development & Cities into the Western Sydney Airport and the release of a Ministerial Direction in relation to noise exposure associated with the airport, and
- Finalisation of Council's Community Strategic Plan 2033.

The implications of each of the above is provided in further detail throughout this report.

1.3 Site Description

The site consists of approximately 1,595ha land and comprises approximately 83 landowners. It is bound by the existing Silverdale village to the north, Nepean River and Bents Basin Conservation Area to the east, Burragorang State recreation Area to the west, and rural land to the south. The site has varying topography and some areas with dense vegetation. The site includes a mix of uses including lots used for rural residential purposes and agricultural pursuits.

1.4 Form of Proposal to be considered for Advice

The intent of the Planning Proposal is to rezone approximately 1,595 hectares of land for the purposes of providing a range of housing types, town and neighbourhood centres, local schooling opportunities and, open space and environmental conservation. The proposal would enable approximately 8,960 additional dwellings (with a population of up to 25,937) and the provision of approximately 4,560 jobs.

The desired outcomes of the Planning Proposal would be achieved through amending the land use zone of the site to include a mix of the following zones:

- R1 General Residential;
- R2 Low Density Residential;
- R5 Large Lot Residential;
- E2 Environmental Conservation;
- E4 Environmental Living;
- B1 Neighbourhood Centre
- B2 Local Centre;
- B7 Business Park;
- RE1 Public Recreation.

An indicative land use zoning map provided with the Draft Planning Proposal is included within Attachment 2 of this report.

Proposed Minimum Lot Sizes

- The R1 General residential zone proposes an average density of 15 dwellings per hectare with a minimum lot size of 300 square metres. The Draft Planning Proposal states that a minimum lot size of 300 square metres has been provided to ensure that lot types of 300 to 800 square metres can be provided in this zone;
- In the R2 Low Density Residential Zone a minimum lot size of 450 square metres is proposed. The Draft Planning Proposal states that masterplanning undertaken for the site has identified that an average lot size of 600 square metres, with a range of 450 to 1000 square metres would be appropriate for this zone.
- The R5 zoned land across the site proposes a minimum lot size of 1000 square metres.
- The E4 zoned land across the site proposes a minimum lot size of 4000 square metres.
- No minimum lot size is proposed for the commercial zones or environmental conservation land.

An indicative minimum lot size map provided with the draft planning proposal is included within Attachment 3 of this report.

Proposed Building Height

The draft planning proposal nominates a building height limit of 9m for the residential zoned land across the site and 12m for the commercial zoned land. The draft planning proposal states that further investigation into appropriate building heights could be undertaken following the issue of a Gateway determination for the proposal.

Proposed Staging

The development of the site is proposed to occur in six stages. The proposed number of lots relevant to each stage is provided in the table below:

Stage	Residential Lots	Large lot Residential lots	Environmental Living Lots	Total
1	339	30	1	370
2	2480	67	11	2558
3	604	500	39	1143
4	2317	268	0	2585
5	363	262	50	675
6	1305	324	0	1629
Total	**7408**	**1451**	**101**	**8960**

The draft planning proposal would allow 10ha of employment land to be provided at stage 3 and 3ha for the purposes of a public school to be provided at stage 6.

Further details regarding the staging of the proposal are provided in Attachment 4.

Open Space

The proposal also intends to provide open space areas as part of each stage at a rate of 2.83ha of land per 1000 head of population. A total of 69.91ha of open space land is to be provided which would comprise Active and Passive open space areas, land for drainage purposes and land retained for bushland. The open space land that would be provided with each stage of the proposal is provided below:

Stage	Active Open Space	Passive Open Space	Drainage	Bushland	Total
1	0.3	0	0.54	0	0.84
2	0.9	1.5	2.74	0	5.14
3	6	1	2.64	0.91	10.55
4	0.9	1.5	3.91	9.16	15.46
5	6	1	1.44	3.84	12.27
6	5.6	1	2.85	16.20	25.65
Total	**19.7**	**6**	**14.12**	**30.11**	**69.91**

Proposed Service Infrastructure

The Infrastructure Servicing Assessment prepared in relation to the proposal identifies that the current Warragamba Sewerage Treatment Plant (STP) is currently operating at capacity, while the Wallacia STP has an inherent spare capacity to accommodate an additional 200-500 lots. Based on these findings, the construction of a communal sewerage network and on-site STP is proposed as part of the development. This would occur in the following stages:

Stage	Cumulative Lot Yield	Sewer Works
1	370	Wallacia ATP to service lots. Construct a new rising main (approx 3.75km length) along Silverdale Road to service stage 1.
2	2928	Construct on-site STP to a 3,000 lot capacity.
3	4071	Augment STP to service an additional 1,500 lots (total of 4,500 lots).
4	6657	Augment STP to service an additional 2,500 lots (total 7,000 lots).
5	7331	Augment STP to service an additional 1,000 lots (total 8,000 lots).
6	8960	Augment STP to service additional 960 lots (8,960).

Identified Traffic and Transport Infrastructure Improvements

The Traffic, Transport and Parking Assessment undertaken with the proposal found that the current operation of the road system is at an undesirable level, and found that whilst widening the width of Silverdale Road to two lanes in both directions would seem beneficial, the bottleneck at the Nepean River crossing prevents it from achieving any actual traffic improvement. The report therefore recommends that modifications in this area, most likely through a new bridge would be required. The infrastructure upgrade requirements associated with each stage of the development are provided below:

Stage	Cumulative Lots	Proposed Upgrade
1	370	Minor intersection improvement at Eltons Road and Silverdale Road
2	2928	Blaxlands Bridge upgrade Incidental road widening on Silverdale Road for 6km
3	4071	Construction of new link road (approximately 3.5km) Construction of new major intersection at Silverdale Road
4	6657	Hill climb extension and construction of road link New bridge construction Link road extension (2.2km)/upgrade of 3.5km local road to Greendale Road
5	7331	Nil
6	8960	Upgrade intersection at Silverdale Road and Avoca Road Upgrade Avoca Road (2.2km)

Employment Uses

The proposal anticipates that the future development of the site would contribute to a job generation of approximately 0.5 jobs per household within the release area. The other 0.5 jobs would be allocated within the Western Sydney Employment Areas, as well as utilising the existing industrial and employment lands within Warragamba and Silverdale which are currently underutilised. One local centre and supporting neighbourhood centre will be accommodated within the Planning Proposal site would provide a mix of retail, office and service uses, which overtime may include a supermarket.

1.5 Community Strategic Plan

The Create Wollondilly Community Strategic Plan 2033 (CSP) is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations.

An assessment on the suitability against the CSP is included at Attachment 5.

1.6 Growth Management Strategy 2011

The 2011 GMS sets directions for accommodating growth in the Shire over the next 25 years.

The 2011 GMS includes a dwelling target for Silverdale and Warragamba of 1000 additional total dwellings. A large portion of these additional 1000 dwellings will be achieved through other sites which have either been rezoned or have had subdivision applications submitted to Council since the lodgement of this current Planning Proposal. These sites are detailed below:

Proposal	Stage	Number of Lots/Dwellings
Silverdale St Heliers Road	Land rezoned in 2014. A Development Application for 165 residential lots approved in 2015.	165 lots

African Lion Safari Park Site	Land was rezoned in 2005. Development Applications for the subdivision of land currently under consideration. A development application for 1-41 Marsh Street was determined by the Sydney Western City Planning Panel on 17 September 2018	Up to 504
Warradale Road	Land rezoned in 2014. A development application for the subdivision of land is currently under consideration.	93 lots
North Silverdale	Planning Proposal (post exhibition)	500-600 dwellings
Total		**1262-1362 dwellings**

The 2011 GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. An assessment of the suitability against these Directions is included in Attachment 6.

1.7 Greater Sydney Region Plan and Western City District Plan

The Greater Sydney Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration**; supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability**; social infrastructure, healthy communities, housing supply and affordability, great places,
- **Productivity**; the 30 minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability**; green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation**; local strategic planning statements, monitoring and reporting.

While the Plans do not provide strong direction on how to prioritise Planning Priorities against each other, a dominant focus for Wollondilly throughout the plan is the MRA.

Metropolitan Rural Area

The concept of the MRA was introduced by *A Plan for Growing Sydney* which was the region plan for the Greater Sydney area prior to the current *A Metropolis of Three Cities*.

A Plan for Growing Sydney was relatively silent on the issue of housing growth and the Metropolitan Rural Area. By comparison, the current region plan has taken a much stronger stance. For example, the MRA is a core spatial element now shown on high level mapping throughout the document.

The MRA is that part of Greater Sydney which is generally outside the established and planned urban area. For Wollondilly it takes in the whole Shire with the exception of the Wilton Growth Area and areas in Appin within the draft Greater Macarthur Growth Area. The objective of the MRA is to protect and enhance the wide range of environmental, social and economic values in rural areas

across Greater Sydney. The 'values' to be enhanced and protected will vary from Council to Council and within local government areas depending on the areas characteristics and so the Region and District Plan's focus is on the need for 'place-based planning' so that outcomes can be targeted.

The Plans do, however, provide clear direction on the role of the MRA in terms of urban development. This is illustrated by statements within these documents shown in the table below.

Region Plan	District Plan
"Urban development is not consistent with the values of the metropolitan rural area."	*"Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas."*
"This Plan identifies that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban Area…. This eliminates the need for the Urban Area to expand into the Metropolitan Rural Area.	*"Rural residential development is not an economic value of rural areas and further rural residential development is generally not supported."*
"Restricting urban development in the Metropolitan rural area will help manage its environmental, social and economic benefits."	*"Limited growth of rural residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the MRA"*
"Maintaining the distinctive character of each rural and bushland town and village is a high priority."	*"Ongoing planning and management of rural towns and villages will need to respond to local demand for growth".*
	"Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth".

Rural Lands Technical Working Group;

In response to the release of the District Plan councils are now required to complete a review and update of their Local Environmental Plan against the relevant district plan. Wollondilly has been identified as a high growth area and is required to complete this review within an accelerated timeframe of two years.

To assist Councils with this work the NSW Department of Planning & Environment along with the Greater Sydney Commission have facilitated a series of Technical Working Groups on key themes. On 20 July 2018 a Technical Working Group dedicated to rural lands was held.

In terms of 'local growth' and taking a 'place-based planning' approach the following points from the technical working group are considered relevant in providing direction:

- Local growth is about meeting the needs of the local community and achieving economic, social and environmental sustainability through identifying specific targeted outcomes (for example a need to accommodate demographic shift, supporting or sustaining infrastructure or achieving a specific environmental outcome). This should be set out in a vision.
- Local growth needs to be defined in the context of the local area because it's different for each community. Subsequently, there is no consistent approach that can be applied across Council areas.
- Communities generally tend to grow at 1-2% per year in terms of population.

- Forward planning needs to be evidence based and needs to rely on a solid understanding of the current and future demographic direction.
- The Metropolitan Rural Area boundary is fixed in the short term and can only be changed by a decision of government.
- Housing delivery in the short term (i.e. 0-5 years) will be delivered from land already zoned and serviced. i.e. decisions already made about land use.

Planning Proposals with Council currently being progressed (i.e. land not yet rezoned) generally deliver housing for the mid to long term (i.e. 6 years +). Housing delivery in the short term is typically delivered through land that is already zoned and serviced.

Earlier this year Council wrote to the Greater Sydney Commission seeking guidance on the application of the MRA for existing planning proposals at an advanced stage. Greater Sydney Commission's response in May 2018 provides some additional direction to the points noted above.

- Towns and villages in the MRA will not play a role in meeting regional or district scale demand for residential growth. This is a fundamental consideration for any planning proposal in the Metropolitan Rural Area.
- Growth and infrastructure should be aligned. This is particularly relevant given the capacity of growth centres in Wollondilly and other nearby local government areas.

Where are we at now?

Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly. Given the direction in the Region and District Plan and the outcome of the Rural Lands Technical Working Group it is clear that this work involves a coordinated and holistic approach to establish what 'local growth' is in the Wollondilly context. It cannot be determined on an ad hoc basis through consideration of individual landowner or developer led proposals for rezoning land to enable residential development.

This view is consistent with Council's resolution to agenda item GR4 on 19 June 2018 that 'local growth' should be defined *through the preparation of a housing strategy and Local Strategic Planning Statements* (LSPS) *that will outline sustainable local growth for our villages*.

Recent amendments to the *Environmental Planning & Assessment Act 1979* embed a statutory requirement for Councils to review their Local Environmental Plans as soon as practicable after a District Plan is made. The recent amendments also introduced new requirements for councils to prepare and make Local Strategic Planning Statements (LSPS). Both the review of the WLEP and the LSPS need to be informed by a housing strategy.

The NSW Department of Planning & Environment have published an indicative timeframe for this review which includes the preparation of studies (including a housing study) and the preparation and exhibition of the draft LSPS by May/June 2019. Council is in the preliminary stages of this work at present.

Subsequently, given the significance of the MRA in determining the suitability of growth throughout Wollondilly and the difficulties in determining local growth, it is considered that draft planning proposals seeking to enable residential housing growth are premature and cannot be supported.

Relevance of Eltondale Planning Proposal to Regional and District Plan and MRA provisions

The Eltondale Planning Proposal is not consistent with the intention of the District Plan in relation to the MRA. The Eltondale site is not within an area that has been identified as an Urban Investigation Area in the Region Plan.

The proposal could not be considered local growth. The 2011 GMS which is Council's key document identifies suitable locations for local growth and nominates a total additional dwelling target of 1000 dwellings for the Silverdale/Warragamba area. These additional dwellings will be

recognised through current subdivision applications and a Planning Proposal to rezone land at North Silverdale which is significantly advanced in the planning process.

It is noted that the Rural Lands Technical Working Group have determined that local growth is to be considered in the context of the local area. In terms of land area the Planning Proposal site would be substantially larger than the entire existing Silverdale Village. Also, the current estimated resident population of Silverdale/Warragamba/Wallacia as of the end of 2017 is 5,395 (ID Profile Data). The proposal would result in an increase of 8,960 dwellings and a population of close to 26,000 people. This equates to a population growth of approximately 480 per cent and when considered in context is essentially a new town and not local growth as required by the District Plan. Such extensive growth would also be contrary to the principle in the District Plan which states that *"maintaining the distinctive character of each rural and bushland town and village is a high priority".*

The Agricultural Land Classification Atlas Map identifies much of the site as Class 3 Agricultural Land which is suitable for grazing, pasture improvement and cultivation. The urban development proposed would therefore lead to a significant loss of land suitable for agricultural production in the MRA which is contrary to the provisions of the District Plan.

Consultation

1.8 Consultation with Public Agencies

A summary of the comments provided by each agency is provided as follows:

NSW Office of Environment and Heritage

Aboriginal Cultural Heritage

- The likelihood of Aboriginal objects being present is high;
- The preparation of an Aboriginal Archaeological Assessment is strongly recommended in the early stages of proposal;
- The preparation of a Cultural Heritage Assessment is strongly recommended in the early stages of proposal.

Flood Risk Management

- An Environmental Constraints Analysis has been included in original Planning Proposal (Dec 2013).
- An Additional flood assessment should be undertaken including Hydrological and Hydraulic modeling for current and post development conditions

Water Quality

- Significant concerns raised regarding the impact of runoff from the proposal and its impact on both Bents Basin State Conservation Area and Gulguer Nature Reserve;
- Sewage Treatment Plant (STP) discharges into the existing creek system will severely impact upon water quality for swimming at Bents Basin as well as native flora and fauna.

Biodiversity

- The site contains significant conservation values including a large number of threatened Ecological communities and Endangered Fauna species.
- More recent reports exist for vegetation mapping. It is recommended that these be used for desktop audit perspectives.
- Recommended that any offsetting for unavoidable direct or indirect impacts be assessed in accordance with the OEH's Principles for the use of Biodiversity Offsets and that the Biocertification Assessment Method (BCAM) be used to develop any proposed offset measures.

- Strongly recommended that the preparation of a Flora and Fauna assessment be based on survey work suitably qualified ecologist to determine areas of high, medium and low biodiversity value and inform which parts of the site have more capability for development and those which require protection.
- Proposed location of Town Centre and associated higher densities are likely to have a compounding effect on vegetation and habitat due to illegal dumping, predation of domestic and feral animals, and informal tracks.
- Recommended that much greater consideration be given to more appropriate zonings (increased lot sizes) that are compatible with conservation values and OEH Lands.
- E2 zones should be made continuous from the East to West to ensure wildlife corridors and eliminate fragmentation of vegetation corridors from Bents Basin to Gilguer Nature Reserve.

Gulguer Nature Reserve, Bents Basin and Burragorang State Conservation Areas

- Given the high significance and importance of nature reserves and State Conservation Area, OEH require that Council ensure any future planning proposal and development has no adverse effect on the natural and cultural values of the reserve.

Infrastructure

- Council is advised that OEH does not support or agree to any infrastructure being located within the Bents Basin State Conservation Area or Gulguer Nature Reserve.

NSW Rural Fire Service

- Any interface with the Bushfire Hazard should be minimised;
- Future development for any Special Fire Protection Purpose should ensure that radiant heat level of 10kW/m2 can be achieved.
- Provide mechanisms for future residential subdivisions to achieve APZ's within property boundaries and achieve a radiant heat level of not greater then 29kW/m2.
- Strategic Access in accordance with PBS 2006 be given consideration as part of overall assessment of suitability for bush fire protection measures.
- A reticulated water supply should be provided where appropriate as per PBP 2006
- Ensure adequate separation between the zone boundaries residential and Environmental lands
- Any land zoned for Environmental management or public reserve should provide for the ongoing management of any bush fire hazard on that land.
- Consideration must be given to the imposition of APZ's during the staging process of the development.
- Further consultation with the relevant Bush Fire Management Committee should be undertaken at the appropriate stage to ensure a satisfactory bush fire management regime is applied at a strategic level.

Fisheries NSW

- No Objections
- Commends use of Water Sensitive Urban Design measures and re-vegetation of riparian buffers.

NSW Office of Water

- Generally supportive of the approach to managing riparian corridors

- Recommends that the applicant engage with the Office for Water directly in the detailed planning phase

Transport for NSW (TfNSW)

- There is in principle support from TfNSW and RMS, however it needs to be sustainable from a traffic and transport perspective.
- It should be recognised that the existing State Road network may not have the capacity to cater for the level of traffic generated by the proposal requiring significant and costly road infrastructure upgrades which are not in TfNSW's current 10year working plan.
- The development would be very difficult to service from a public transport perspective
- Further traffic and transport analysis is required to adequately identify the full extent of road and transport infrastructure requirements.
- TfNSW and RMS willing to assist the proponent and Council to undertake the required work.

Sydney Water

- The report incorrectly refers to the Warragamba Waste Water Treatment Plant which was decommissioned in 2003.
- The report refers to spare capacity at the Wallacia Waste Water Treatment Plant however with the growth projected within the Silverdale area there is no spare capacity to accommodate the Eltondale development. There is however capacity within the system to service Stage 1.
- The cost of proposed Wastewater infrastructure appears low.
- 3.7km of Raising main costed at $937K whereas Sydney Water estimate is approximately $4M
- No cost assumption provided for scope contingencies, indirect costs etc.
- Only treatment plant extensions for stages 2-6 have been costed, while sewer infrastructure (reticulated sewer, potential pumps, etc.) not included.

Water NSW

- The key issue is the potential impact of increased urban development in the vicinity of the Warragamba Dam and Special Area, and on the water quality within the drinking water catchment.

Zoning and Lot Sizes

- R5 Large Lot Residential zone along Silverdale Road opposite the Special Area should have lot sizes of between 2,000 & 4,000 m2 not 1,000 as shown in maps.
- B7 Business Park zone within Drinking Water Catchment would need to comply with Drinking Water SEPP which requires development to have neutral or beneficial effect (NORBE) on water quality.

Silverdale Road

- Any expansion of Silverdale Rd would need to remain outside of the Warragamba Special Area so expansion would only be feasible on the eastern side of Silverdale Rd.
- Vegetation in the Warragamba Special Area is Category 1 which is Highly Bushfire Prone. Water NSW would expect sufficient buffers be put in place on the Eltondale site to protect it against any bushfire threat from the west. Water NSW would NOT agree to any increased or intensified Bushfire Hazard Reduction program within the Special Areas.

Drinking Water Catchment

- Site specific investigations would be needed to determine the risk to water quality from different land uses as set out in Section 117 Direction 5.2 of the EP&A Act.

Protection of Special Area

- It is important that the planning proposal addresses up front the need to prevent any incursion into the Special Area at both the construction and operational phase

Trade and Investment - Resources and Energy

- The site is subject to Coal Authorisation 6 held by the Department of Trade and Investment and title PEL 2 held by AGL Upstream Investments;
- There is no mine subsidence district over this site.
- The Coal Advice Unit has provided comments to Council's Draft GMS stating that a coal resource had been identified in the Bulli Seam in this area and the area had a high probability of future underground mining.

Coal and Petroleum Issues

- The Department of Trade and Investment has commented previously to the Department of Planning's review of Potential Housing Sites that Silverdale are was noted to contain coal resources in the Bulli Seam. It was stated that residential development of this area would impact on the ability to fully utilise these coal resources. The Minerals Resource Branch stated a strong preference that any significant development did not occur in this area prior to future mining.

Extractive Minerals Issues

- MRB notes the subject site is approximately 200m from Maxwell's Soil Wallacia. A north-east portion of the subject site is located within a 500m transition area for this operation.

1.9 Consultation with Community

Preliminary consultation was carried out for a total of 28 days from 5 February to 5 March 2014.

A total of ***232 written*** submissions were received and of these submissions; ***178*** objected, ***16*** supported and ***38*** submissions were neutral. 342 pro forma letters in support of Council's previous resolution to seek a co-ordinated masterplan for the Warragamba Silverdale area was also provided.

The key points raised in the objections to the proposal are as follows:

- Concerns around traffic volumes and congestion;
- Environmental concerns (including flora and fauna);
- The need for additional access points for emergency purposes;
- Minimum lot sizes and density of development;
- Loss of village feel and rural setting;
- General infrastructure provision and timing of delivery;
- Guarantee of delivery of infrastructure through staged development;
- Employment opportunities;
- Continuing operation of rifle range and rural land use conflict.

1.10 Conclusion

The Eltondale Planning Proposal applies to approximately 1,595 hectares of land immediately south and east of the existing village of Silverdale and intends to rezone land for housing, employment lands, town and neighbourhood centres, schooling opportunities, open space and environmental conservation, including approximately 8960 additional dwellings. The proposal is considered to be inconsistent with the provisions of the Western City District Plan (particularly in respect of the MRA provisions) and Council's 2011 GMS.

If the planning proposal proceeds, there is significant financial implications including, but not limited to:

- Staff resourcing
- Infrastructure costs and delivery
- Ongoing maintenance costs for essential infrastructure.

Financial Implications

If the planning proposal proceeds, there is significant financial implications including, but not limited to:

- Staff resourcing
- Infrastructure costs and delivery
- Ongoing maintenance costs for essential infrastructure.

ATTACHMENTS

1. **GSC letter dated 10 May 2018**
2. **Copy of Notice of Motion No. 1 submitted by Cr Mitchell on 12 February 2013 regarding the master planning of lands in the Silverdale and Warragamba area**
3. **Indicative Zoning Map provided with Planning Proposal**
4. **Indicative Minimum Lot Size Map provided with Draft Planning Proposal**
5. **Full Staging Plan**
6. **Assessment against CSP - Eltondale LPP Report**
7. **Assessment against GMS - Eltondale LPP Report**

RECOMMENDATION

1. That the Draft Planning Proposal known as the Eltondale Release Area Planning Proposal not be supported for the following reasons:

   (a) The proposal is not consistent with the objectives and actions of the Greater Sydney Regional Plan: A Metropolis of Three Cities and the Western City District Plan, in particular the provisions of the plan which relate to the Metropolitan Rural Area;

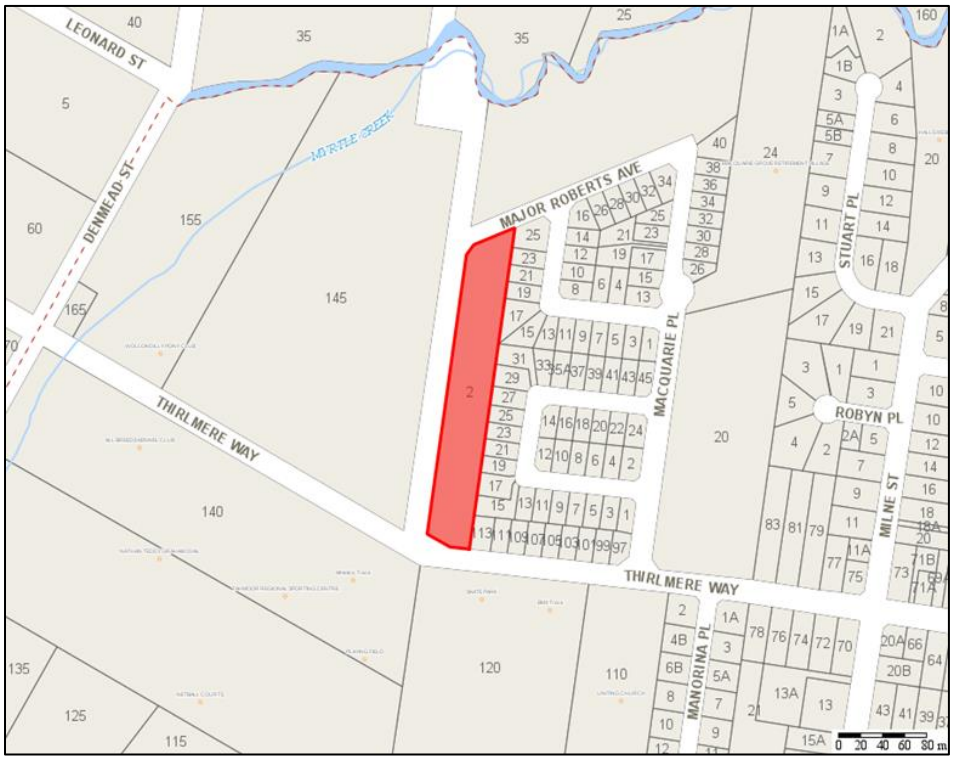
   (b) The proposal is not consistent with the key policy directions and targets contained in Wollondilly Growth Management Strategy 2011;

   (c) The proposal is of a scale that is not consistent with the character of the area and would detract from the existing rural village character of Silverdale.

11.5 PRE-GATEWAY DETERMINATION PLANNING PROPOSAL IN THE METROPOLITAN RURAL AREA; WEST TAHMOOR MINIMUM LOT SIZE AMENDMENT NO.3 DRAFT PLANNING PROPOSAL

File Number: **10619#92**

CM Number:	**8154-3**
Location:	**Lot 112 DP 1229771 (No.2 Major Roberts Avenue), Tahmoor**
Proposal:	**Draft Planning Proposal to amend the Wollondilly Local Environment Plan 2011 Lot Size Map as it applies to the site**
Applicant:	**Precise Planning**
Owner:	**Mr J E Baxter and Mrs M H Baxter and ABAX Contracting Pty Ltd**



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LOCATION MAP ↑ **N**

EXECUTIVE SUMMARY

- This report seeks Council's position on the West Tahmoor Lot Size Amendment No.3 Draft Planning Proposal received for land at Lot 112 DP 1229771 (No.2 Major Roberts Avenue), Tahmoor
- The application proposes to amend the Wollondilly Local Environment Plan, 2011 (WLEP) to increase the density of residential development on a small section of land by reducing the minimum lot size for subdivision from 2000m^2 to 450m^2 to enable the delivery of 20 lots.
- Proposals to reduce the minimum lot size for subdivision for this site have been considered in the past and have not been supported.
- The proposal has been subject to initial notification and 17 submissions were received all objecting to the proposal.

- This report recommends:
  - Council not support the planning proposal;
  - Council agree to not sponsor the planning proposal as a relevant planning authority;
  - the planning proposal not be forwarded to the Greater Sydney Commission for Gateway determination;
  - that the proponent and landowner be notified of Councils decision;
  - that persons who made submissions regarding the Planning Proposal be notified of Council's Resolution; and
  - that a copy of the Council resolution be provided to the Department of Planning & Environment in response to recent application for a Rezoning Review.

REPORT

Background

1.1 Introduction to Pre-gateway determination Planning Proposals in the Metropolitan Rural Area

This report seeks advice on the West Tahmoor Minimum Lot Size No.3 Draft Planning Proposal but is part of a broader initiative to establish an interim response to proposals for housing growth in the Metropolitan Rural Area (MRA).

On 16 July a report was considered by Council seeking broad direction on the assessment of draft planning proposals in the MRA that have not yet received a Gateway Determination.

A secondary objective of that report was to seek support to apply the suggested approach in light to 6 draft planning proposals in the MRA.

These six proposals are consultant initiated planning proposals at the initial stage of the Gateway process and Council has not made a decision to date on whether they have strategic planning merit and whether there is support for them to proceed.

At the July 2018 meeting Council resolved not to consider the matter until a decision could be informed by the outcome of Greater Sydney Commission's Metropolitan Rural Area Technical Working Group which was held on 20 July 2018. Council also resolved that when the matter was reported back to Council this was to be achieved through individual reports for each proposal.

1.2 Background to Draft Planning Proposal

There have been a number of past planning proposals which have sought to reduce the minimum lot size for subdivision of the land. Since the original rezoning of the land as part of the Picton Tahmoor Thirlmere LEP Amendment No.3 in 2013, two previous draft planning proposals have been received:

- West Tahmoor Minimum Lot Size Amendment submitted in July 2014
- West Tahmoor Minimum Lot Size Amendment No.2 submitted in August 2016

Proposal	Land Use Zone	Minimum Lot Size	Comments
Current LEP Provisions	R2 Low Density Residential	2,000m^2	
West Tahmoor Minimum Lot Size Amendment	R2 Low Density Residential	700m^2	The report prepared for the Ordinary Council Meeting of Council on 18 May 2015

			recommended Council not support the proposal. The draft planning proposal was subsequently withdrawn by the proponent
West Tahmoor Minimum Lot Size Amendment No.2	R2 Low Density Residential	450m^2	At Council's Ordinary Meeting on 20 February 2017 it was resolved to remove the site from the planning proposal. This proposal is currently being considered by Council in its amended form.
West Tahmoor Minimum Lot Size Amendment No.3	*R2 Low Density Residential*	*450m2*	*This proposal is the subject of this report.*

The initial West Tahmoor Minimum Lot Size Amendment Planning Proposal was withdrawn by the proponent prior to the preliminary Council meeting.

The West Tahmoor Minimum Lot Size Amendment No.2 planning proposal was supported by Council in an amended form which resulted in the removal of this site from the Proposal.

This decision was made at Council's Ordinary Meeting on 20 February 2017, where the following resolution was made:

'4. That Council does not support reducing the minimum lot size of 2000m2 for land at Lot 2 DP 243776, located along the western boundary (with Lot 380 in DP 751270) as proposed in the draft Planning Proposal submitted by Precise Planning. Any future Development Application for subdivision of the land must incorporate vegetative screening along the western boundary of Lot 2 or any proposed local road to reduce impacts upon the adjoining recreational facility.'

This decision was made to minimise impacts on the adjoining recreational facilities. Aside from the forming of Major Roberts Avenue and the removal of several trees from the site, there have been no changes in the circumstances of this site since Council made the abovementioned resolution.

The construction of Major Roberts Avenue was originally taken into account in Council's resolution.

An aerial map showing the extent of the current and previous planning proposals for this site is provided at Attachment 1.

1.3 Site Description

The current lot size of 2000m^2 at this location has been identified in Volume 3 of the Wollondilly Development Control Plan 2016 (DCP 2016) 3.4 Tahmoor West as providing a transition between urban and rural lands.

This site forms part of the West Tahmoor Precinct which was included in the Picton Thirlmere Tahmoor (PTT) Urban Lands rezoning published on 31 January 2014. This proposal rezoned land on the site and in the West Tahmoor Precinct from RU2 Rural Landscape to R2 Low Density Residential. Larger minimum lot sizes were also applied to areas within the PTT precincts containing riparian land, land of biodiversity value and land on the rural-urban interface. For land on the site, a 2000m2 minimum lot size was chosen to provide a "transition between urban and

rural lands". This larger lot size is also necessary to ensure that the Asset Protection Zone along Major Roberts Avenue provides adequate bush fire protection.

The site is in close proximity to the town centre and Tahmoor railway station and is also supported by a sealed walkway running along Thirlmere Way which directly links to the town centre. The site also has good access to various adjacent recreational spaces. Sparse vegetation is located on the site following the removal of trees and the construction of Major Roberts Avenue.

Surrounding area

North of the site is the location of a current planning proposal 'West Tahmoor Minimum Lot Size Amendment No.2'.

West of the site is bound by a recently formed road and RE1 recreational zoned land currently used as an equestrian facility.

Land to the south consists of RE1 recreational lands currently used for sporting fields and the Wollondilly Pony Club.

To the immediate east includes 450m2 lots forming a development application (DA) submitted to council subsequent to the PTT Urban Lands rezoning Planning Proposal.

1.4 Rezoning Review

The proponent of this planning proposal has submitted a rezoning review request that has been accepted by the Department of Planning & Environment.

The Rezoning Review mechanism allows proponents to request that an independent body review a planning proposal prior to a Gateway Determination being issued. The Sydney Western City Planning Panel (Panel) considers review applications for proposals located in the Wollondilly Shire Council area and will be reviewing this request.

The applicant was able to submit the review request because Council did not to indicate its support or otherwise for the proposal within 90 days of it being submitted to Council.

A submission to the Panel by Council is required by 25 September 2018. Council has applied for an extension to this deadline in order to consider the outcome of this Council meeting.

It is in Council's view that the proposal has not got strategic merit due to:

- The proposal being inconsistent with the Greater Sydney Region Plan and Western City District Plan, as outlined in section 1.7 of this report;
- The proposal being inconsistent with Council's Community Strategic Plan and Growth Management Strategy 2011, as outlined in section 1.5 and 1.6 of this report;
- The conditions of the site having not changed since previous Council resolutions were made regarding the site;
- The impacts of the proposal on the natural environment and also on the rural outlook currently enjoyed in Thirlmere; and
- The high likelihood of future land use conflict between recreational land to the west of the site and the proposed higher density of residential development on the site.

1.5 Community Strategic Plan

Council's Position on Growth	
Key Principles & Objectives	**Assessment**

1. Rural Protection Council is committed to managing growth so as to: • Protect our rural lands, rural landscapes and their surrounding environments; • Protect the natural resources and systems upon which agriculture depends; • Support and maintain a viable agricultural industry and encourage further agricultural investment in the Shire; • Minimise the fragmentation of rural lands; • Minimise rural land use conflict.	This proposal would enable development on land that is considered to complement the rural landscape and outlook of the residential fringe of Tahmoor. This proposal holds the possibility of causing rural land use conflict in the future due to being adjacent to recreational land and the fact that there have been previous conflicts. In view of this, the proposal is considered inconsistent.
2. Growth in and around our existing centres Council will only support appropriately scaled growth within and around its existing towns and villages that: • Respects the character, setting and heritage of those towns and villages; • Supports the economic and social sustainability of those towns and villages; • Mitigates or minimises adverse environmental impacts; • Retains green space/rural lands separation between towns and villages; • Incorporates appropriate and timely infrastructure provision to meet the needs of the existing and incoming population; • Addresses the cumulative impacts and infrastructure requirements when considered in conjunction with other proposals; • Does not compromise or conflict with the concept and vision of rural living (as defined in the following section of this CSP); • Has incorporated, and has been informed by extensive community engagement.	This development will affect the rural outlook and green space separation between Tahmoor and Thirlmere. It is inconsistent in this regard. The proposal will only minimally support the economic sustainability of nearby Tahmoor due its proximity to the centre and the number of possible new lots proposed. It is consistent in this regard.
3. Wilton New Town	The proposal is not necessary for the area due to surrounding and recent developments

Council's priority focus for growth will be the development of a new town at Wilton and Council will not support the development of new towns or villages in other areas of the Shire. The vision for Wilton is to create a major new town over the next 20-30 years which will incorporate 16,600 homes for a population of approximately 50,000 people.	satisfying the housing targets outlined in the Wollondilly Growth Management Strategy 2011.
4. No other major growth areas Council will not be supporting major urban development or the development of new towns or villages within its rural areas including those parts of Wollondilly that are in the 'Greater Macarthur Land Release Investigation Area" (other than its commitment to the development of a major new town at Wilton). Council will therefore not be supporting major urban developments in the West Appin area.	Development is proposed next to existing residential land in Tahmoor and is considered consistent with this policy direction.

Council's Position on Growth	
Outcome/Strategy; What do we want?	**Assessment**
Strategy GR1 – Growth • Manage growth to ensure it is consistent with Council's Position on Growth and achieves positive social, economic, and environmental outcome for Wollondilly's towns and villages.	Wollondilly's Growth Management Strategy 2011 (GMS 2011) outlines how growth should occur throughout the shire's towns and villages. According to the GMS2011 this proposal is mostly inconsistent.

1.6 Wollondilly Growth Management Strategy 2011 (GMS)

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The proposal is considered to be inconsistent with key policy directions P2, P5, P8 and P9.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	The existing lot size is considered to be more consistent with the rural living requirements of the GMS as a larger lot size on the site would act as a suitable buffer between rural and recreational lands. It would also lessen the visual impact of development when travelling into Tahmoor.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	17 submissions were received during the exhibition of the proposal and have been given due consideration within this report.
P4 The personal financial	There have been no such representations regarding

circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	this proposal and therefore this key policy direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	The proposal relates to land in an existing residential precinct and earmarked residential development precinct, however a previous Council decision resolved that the site should remain as a buffer between new R2 residential development to the east and RE1 recreational land to the west. Using the site as a buffer would allow for the retaining of Tahmoor's character on the township boundary when travelling into Tahmoor using Thirlmere Way. RE1 recreational land to the west is not suitable to be used as a buffer due to uncertainty in its future use. The Planning Proposal is considered to be inconsistent.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The proposal is located within the West Tahmoor PTT Precinct, which is one of a number of precincts earmarked for residential development in Wollondilly. This proposal is considered to be consistent in this regard.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The current lot size of 2000m^2 provides diversity in housing types when compared to surrounding blocks which are 450m^2 and 700m^2. A 450m^2 lot size for this site would reduce housing diversity in the vicinity and is thus considered inconsistent with this policy.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The current lot size of 2000m^2 would ensure a larger lot size on the perimeter of Tahmoor township. A 450m^2 lot size is therefore considered to be inconsistent with this policy.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The Planning Proposal is within an existing residential precinct and is consistent in this regard.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	Not applicable.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	Not applicable.
P16 Council will plan for different types of employment lands to be in different	Not applicable.

locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	Should the planning proposal be supported, the relevant agencies who are responsible for the provision of services and infrastructure would be formally consulted to ensure that the service provision is adequate.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The planning proposal relates to residential land within the existing village boundaries of the township of Tahmoor and is subsequently considered to be consistent with this policy direction.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The planning proposal is within an existing precinct and complies with this policy.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The Planning Proposal relates to land within the West Tahmoor PTT precinct and is consistent with this policy.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	As only minimal vegetation remains on the site, the proposal is considered consistent with this policy.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The lot size amendment is located on lands currently zoned R2 Low Density Residential and the requirements of this policy are achieved.

1.7 Greater Sydney Region Plan and Western City District Plan 2018

The Greater Sydney Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration**; supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability**; social infrastructure, healthy communities, housing supply and affordability, great places,
- **Productivity**; the 30 minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability**; green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation**; local strategic planning statements, monitoring and reporting.

While the Plans do not provide strong direction on how to prioritise Planning Priorities against each other, a dominant focus for Wollondilly throughout the plan is the MRA.

Metropolitan Rural Area

The concept of the MRA was introduced by *A Plan for Growing Sydney* which was the region plan for the Greater Sydney area prior to the current *A Metropolis of Three Cities*.

A Plan for Growing Sydney was relatively silent on the issue of housing growth and the MRA. By comparison, the current region plan has taken a much stronger stance. For example, the MRA is a core spatial element now shown on high level mapping throughout the document.

The MRA is that part of Greater Sydney which is generally outside the established and planned urban area. For Wollondilly it takes in the whole Shire with the exception of the Wilton Growth Area and areas in Appin within the draft Greater Macarthur Growth Area. The objective of the MRA is to protect and enhance the wide range of environmental, social and economic values in rural areas across Greater Sydney. The 'values' to be enhanced and protected will vary from Council to Council and within local government areas depending on the areas characteristics and so the Region and District Plan's focus is on the need for 'place-based planning' so that outcomes can be targeted.

The Plans do, however, provide clear direction on the role of the MRA in terms of urban development. This is illustrated by statements within these documents shown in the table below:

Greater Sydney Region Plan	Western City District Plan
"Urban development is not consistent with the values of the metropolitan rural area." *"This Plan identifies that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban Area…. This eliminates the need for the Urban Area to expand into the Metropolitan Rural Area.* *"Restricting urban development in the*	*"Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas."* *"Rural residential development is not an economic value of rural areas and further rural residential development is generally not supported."* *"Limited growth of rural residential development could be considered where there*

Metropolitan rural area will help manage its environmental, social and economic benefits." *"Maintaining the distinctive character of each rural and bushland town and village is a high priority."*	*are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the MRA"* *"Ongoing planning and management of rural towns and villages will need to respond to local demand for growth".* *"Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth".*

Rural Lands Technical Working Group;

In response to the release of the District Plan councils are now required to complete a review and update of their Local Environmental Plan against the relevant district plan. Wollondilly has been identified as a high growth area and is required to complete this review within an accelerated timeframe of two years.

To assist Councils with this work the NSW Department of Planning & Environment along with the Greater Sydney Commission have facilitated a series of Technical Working Groups on key themes. On 20 July 2018 a Technical Working Group dedicated to rural lands was held.

In terms of 'local growth' and taking a 'place-based planning' approach the following points from the technical working group are considered relevant in providing direction:

- Local growth is about meeting the needs of the local community and achieving economic, social and environmental sustainability through identifying specific targeted outcomes (for example a need to accommodate demographic shift, supporting or sustaining infrastructure or achieving a specific environmental outcome). This should be set out in a vision.
- Local growth needs to be defined in the context of the local area because it's different for each community. Subsequently, there is no consistent approach that can be applied across Council areas.
- Communities generally tend to grow at 1-2% per year in terms of population.
- Forward planning needs to be evidence based and needs to rely on a solid understanding of the current and future demographic direction.
- The Metropolitan Rural Area boundary is fixed in the short term and can only be changed by a decision of government.
- Housing delivery in the short term (i.e. 0-5 years) will be delivered from land already zoned and serviced. i.e. decisions already made about land use.

Planning Proposals with Council currently being progressed (i.e. land not yet rezoned) generally deliver housing for the mid to long term (i.e. 6 years +). Housing delivery in the short term is typically delivered through land that is already zoned and serviced.

Earlier this year Council wrote to the Greater Sydney Commission seeking guidance on the application of the MRA for existing planning proposals at an advanced stage. Greater Sydney Commission's response in May 2018 provides some additional direction to the points noted above.

- Towns and villages in the MRA will not play a role in meeting regional or district scale demand for residential growth. This is a fundamental consideration for any planning proposal in the Metropolitan Rural Area.

Growth and infrastructure should be aligned. This is particularly relevant given the capacity of growth centres in Wollondilly and other nearby local government areas.

Where are we at now?

Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly. Given the direction in the Region and District Plan and the outcome of the Rural Lands Technical Working Group it is clear that this work involves a coordinated and holistic approach to establish what 'local growth' is in the Wollondilly context. It cannot be determined on an ad hoc basis through consideration of individual landowner or developer led proposals for rezoning land to enable residential development.

This view is consistent with Council's resolution to agenda item GR4 on 19 June 2018 that 'local growth' should be defined *through the preparation of a housing strategy and Local Strategic Planning Statements* (LSPS) *that will outline sustainable local growth for our villages*.

Recent amendments to the *Environmental Planning & Assessment Act 1979* embed a statutory requirement for Councils to review their Local Environmental Plans as soon as practicable after a District Plan is made. The recent amendments also introduced new requirements for councils to prepare and make Local Strategic Planning Statements (LSPS). Both the review of the WLEP and the LSPS need to be informed by a housing strategy.

The NSW Department of Planning & Environment have published an indicative timeframe for this review which includes the preparation of studies (including a housing study) and the preparation and exhibition of the draft LSPS by May/June 2019. Council is in the preliminary stages of this work at present.

Subsequently, given the significance of the MRA in determining the suitability of growth throughout Wollondilly and the difficulties in determining local growth, it is considered that draft planning proposals seeking to enable residential housing growth are premature and cannot be supported.

Relevance of West Tahmoor Minimum Lot Size Amendment No.3 Draft Planning Proposal to the Regional and District Plan and MRA provisions

This planning proposal is not considered to be consistent with the intentions of the Greater Sydney Region Plan or the Western City District Plan. This is due to incompatibility with the MRA guidelines and also guidelines protecting the scenic landscape of rural towns and villages.

Although the proposed level of development is not substantial in comparison to the other planning proposals reported on, the development forms part of the West Tahmoor PTT Precinct, the majority of which has already been rezoned or is in the process of being rezoned. It has been deemed by Council in a number of previous resolutions and reports that further rezoning of the precinct is unnecessary and will lead to land use conflict and also affect the scenic landscape of Tahmoor.

The scenic landscape and character of land located along the rural fringe of Tahmoor presents a rural outlook for future houses located in the surrounding area and is worth retaining for its conservation, buffering and aesthetic value.

Further to the above, the GMS targets for Tahmoor have already been met by surrounding developments. The targets outlined in the GMS are considered to represent the level of appropriate 'local growth' required in the shire and development outside of these targets are considered to be inconsistent with the MRA provisions and the Region and District Plan.

Consultation

2.1 Formal Consultation with Council Staff that Provide Specialist Comments

A preliminary meeting was held with council staff and the comments received recommended that the proposal either not be supported or be supported in an amended form.

The following comments on the planning proposal were received from Council staff:

Topic	Summary of Comments

Biodiversity and vegetation	Council's Environment Officer raised concerns regarding changes to the number of trees located on the property subsequent to the construction of Major Roberts Avenue. In order for further clearing to occur on the site, a bio certification report would need to be submitted.
Adjoining recreational land uses	Council's Facilities and Recreation Planner outlined that the Pony Club would not be able to provide a consistent and reliable buffer between residential and rural uses in the future. This is due to the possibility that the site's use could change depending on the capacity of nearby recreational facilities. A history of land use conflicts in the area was also acknowledged. Conflicts have arisen between new residential development to the east of the site and recreational land located south of the site in the past. As such, it was recommended that this site retain its current larger lot size in order to minimise possible future land use conflicts.

2.2 Consultation with Public Agencies

Preliminary advice was received from Endeavour Energy and Tahmoor Coal.

Endeavour energy outlined that an easement is present over the site and connects to a nearby padmount substation. A low voltage underground cable is also present connecting to the Thirlmere Way verge roadway.

Tahmoor Coal's submission outlined that the site was located within the Tahmoor North Mining Lease boundary. The site is located within a long term mining area, with Tahmoor Coal having extracted the Bulli Seam beneath the property. Further consultation with the Subsidence Advisory Board will need to occur if this proposal proceeds.

If the planning proposal is supported by Council and forwarded to the Greater Sydney Commission, any subsequent Gateway determination will outline the consultation requirements for further advice from government agencies.

2.3 Community Consultation

In accordance with Council’s notification policy, initial community consultation has been undertaken. The application was made available on Council’s website and letters were sent to the landowners and occupiers of adjoining and potentially affected properties.

Community consultation was undertaken from 2 May to 30 May, 2018.

A total of 17 submissions were received and all objected to the proposal.

There have been five previous submissions for planning proposals which have included this site. Of these: four objected, zero supported and one was neutral.

These previous submissions presented issues similar to those expressed in community consultation for this proposal.

The reason for more submissions being received for this planning proposal may relate to a change in Council consultation procedure. People within a 2km radius are now contacted regarding planning proposals which is more than previously.

The issues raised in submissions that are relevant to the assessment of this planning proposal are provided in Attachment 2.

3.1 Conclusion

The planning proposal seeks to amend the Lot Size map located in the WLEP by reducing the minimum lot size of the site from 2000m^2 to 450m^2.

This site has been included in two previous planning proposals, with the first withdrawn by the proponent and the second amended at a Council meeting in order to remove this site.

Previous resolutions and planning decisions have been made to ensure that the site remains a suitable buffer between residential and recreational land.

This approach takes into consideration that RE1 recreational land to the west of the site could have a different use in the future, dependent upon the capacity of nearby Council recreational facilities.

There have been no changes in the circumstances of the site since these decisions were made.

The site is located on the western residential border and rural fringe of Tahmoor. The GMS advocates for lower densities on the edge of towns and villages.

The Greater Sydney Region Plan and Draft Western City District Plan 2018 and the policy directions outlined for MRAs have implications for this proposal. Both plans advocate for the limiting of development to within the MRA and the protection of the character of rural towns and villages.

The character of land along this rural fringe presents a rural outlook for future houses located in the surrounding area and is worth retaining for its conservation, buffering and aesthetic value.

3.2 Form of Planning Proposal to be considered by Council

The proposed amendments to WLEP 2011 are described below:

- Amend the Lot Size Map from a minimum lot size category of (V) to (G) as shown in Attachment 3.

Financial Implications

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

ATTACHMENTS

1. **Map showing current and previously proposed amendments**
2. **Submissions summary and matrix - West Tahmoor 3**
3. **Amended lot size map (submitted by Precise Planning)**

RECOMMENDATION

That, in relation to the Tahmoor Minimum Lot Size Amendment No. 3 Draft Planning Proposal:

1. Council not support the planning proposal;
2. Council agree to not sponsor the planning proposal as a relevant planning authority;
3. the planning proposal not be forwarded to the Greater Sydney Commission for Gateway determination;
4. the proponent and landowner be notified of Councils decision;
5. Persons who made submissions regarding the Planning Proposal be notified of Council's Resolution; and
6. A copy of the Council resolution be provided to the Department of Planning & Environment in response to recent application for a Rezoning Review.

11.6 BARKERS LODGE ROAD, PICTON - DRAFT PLANNING PROPOSAL (TOURISM FACILITIES & RESIDENTIAL)

File Number: 10619#94

Applicant: Precise Planning

Owner: Mr D H Vincent & Mrs L Vincent

Location: 350 Barkers Lodge Road, Picton – Lot 1 DP 1006937

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council support for the Barkers Lodge Road, Picton Draft Planning Proposal (Tourist Facilities & Residential) in an amended form.
- The principle of enabling tourism development on the site is supported, however the residential component is not considered to have strategic planning merit. A need has also been identified to strengthen the protection of environmentally significant land on a portion of the site.
- The proposal has been subject to preliminary notification and a total of five written submissions were received.
- This report recommends:
    - Council support the preparation of a Planning Proposal for Lot 1 DP 1006937 (No. 350 Barkers Lodge Road, Picton) to amend Wollondilly Local Environmental Plan 2011 in an amended form, as follows:
        - (a) Amend Schedule 1 – additional Permitted Uses to permit the following additional land uses on the site; hotel or motel accommodation, restaurants or cafes and functions centres.
        - (b) Amend the Height of Buildings Map to introduce a maximum building height of 9 metres, and

(c) Amend the Land Zoning Map by rezoning the relevant area on the southern side of Barkers Lodge Road to E2 Environment Conservation.

- the rural residential component of the draft planning proposal is not supported either as R5 Large Lot Residential or E4 Environmental Living.
- the Planning Proposal be forwarded to the Greater Sydney Commission for a Gateway Determination.
- Council request to be granted delegation to make the amendments to the Wollondilly Local Environmental Plan 2011 in accordance with Section 3.36 of the Environmental Planning & Assessment Act 1979.
- the applicant and submitters be notified of Councils decision.

REPORT

Background

1.1 Introduction – Pre-Gateway determination Planning Proposals in the Metropolitan Rural Area

This report seeks decision from Council on the Barkers Lodge Road, Picton Draft Planning Proposal (Tourist Facilities & Residential) but it is part of a broader initiative to establish an interim response to proposals for housing growth in the Metropolitan Rural Area (MRA)

On 16 July a report was considered by Council seeking broad direction on the assessment of draft planning proposals in the MRA that have not yet received a Gateway determination.

A secondary objective of that report was to seek support to apply the suggested approach to 6 draft planning proposals in the MRA.

These 6 proposals are consultant initiated planning proposals at the initial stage of the Gateway process and Council has not made a decision to date on whether they have strategic planning merit and whether there is support for them to proceed.

At the July 2018 meeting Council resolved not to consider the matter until a decision could be informed by the outcome of Greater Sydney Commission's Metropolitan Rural Area Technical Working Group which was held on 20 July 2018. Council also resolved that when the matter was reported back to Council this was to be achieved through individual reports for each proposal.

1.2 Background to Draft Planning Proposal

The draft planning proposal as originally submitted by the proponent in October 2016 proposed to rezone a portion of the western side of the site for tourism (8.166 ha) and the eastern part of the site for large lot residential (18.67 ha) for around 20-30 dwellings on 4,000 sqm lots.

The draft planning proposal document indicates that the proposal aims to facilitate the development of tourist facilities and rural-residential style housing development as detailed below:

1. *A tourism facility on the site comprising the following elements:*

   An exhibition pavilion

   Guest accommodation

   Guest friendly "working farms"

   "Paddock to Plate" restaurants

   Education facilities for cooking classes

   A package wastewater treatment plant

2. *A rural residential development to provide the base load to the wastewater treatment plant and to mitigate the financial risks of developing the tourism facility.*

Outcomes

In delivering the foregoing objective, it is intended that the following outcomes be realised:

1. *An integrated and coordinated tourism destination will be developed to provide visitors with an agricultural and fine dining experience.*
2. *A hub will be provided for the marketing of Wollondilly's produces as a distinct regional brand.*
3. *Employment will be created both on the subject site and through value adding to existing agricultural enterprises in the area.*
4. *A small rural residential development will be delivered to provide base load to the required sewage treatment plant and to mitigate the financial risks to the developer of building the tourism facility.*
5. *The development will respect the natural and built environments and will be designed to mitigate the risk of natural hazards including bushfire and downstream flooding.*

The proposed tourist facilities are detailed in Table 1.

Table 1 – Tourist facilities proposed

	Stage 1	Stage 2	Stage 3	Total Development
Visitor Accommodation	20 rooms (400sqm)	30 rooms (600sqm)	30 rooms (600sqm)	80 rooms (1600sqm)
Function Rooms	1 x 200 person (300sqm)	1 x 100 person (200sqm)	2 x 50 person (140sqm)	4 function rooms (640sqm)
Food and Drink Premises	60 seat restaurant (150sqm)	-	30 seat café (100sqm)	2 premises (250sqm)
Utility (kitchens, cleaning, garbage storage etc) @ 20%	190 sqm	160sqm	170sqm	520sqm
Total Floor Area	**1040sqm**	**960sqm**	**1100sqm**	**3100sqm**

Historically, this site has been granted development approvals for a recreation centre in 2002 comprising a carpark, gymnasium hall, restaurant, swimming pool and two tennis courts (D1152-02) and for a restaurant and recreation centre (D55-05) in 2005. Earthworks were undertaken to construct large building platforms for the recreation centre and the proponent indicated that these would be used for the proposed tourist facilities development.

1.3 Changes to the Draft Planning Proposal

Based on a preliminary assessment of the proposal Council staff have raised concerns regarding the potential loss of agricultural land, servicing the site in terms of wastewater, and the validity of justifying the residential component to finance the tourism facilities.

In response, the proponent proposed a number of changes to the draft planning proposal which are outlined in Table 2. Additional detail about the proposal as outlined in the proponent's letter provided at Attachment 1.

Table 2 – Comparison of proposed changes to Draft Planning Proposal

Amendments sought by the original Draft Planning Proposal	Changes proposed to draft Planning Proposal to address Concerns	Comment on suitability of amended approach
Rezone part of the land from RU2 Rural Landscape to: • part SP3 Tourist, • part R5 Large Lot Residential. Rezone part of the land from RU1 Primary Production to: • part RU2 Rural Landscape; for the portion of land on the southern side of Barkers Lodge Road	• Remove component to rezone part of the site to SP3 Tourist. In its place include additional tourist uses in Schedule 1 - Additional Permitted Uses in WLEP. Further information provided below. • Rezone part of the site to E4 Environmental Living instead of R5 Large Lot Residential, and • Retain the proposal to rezone part of the site from RU1 (Primary Production to part RU2 (Rural Landscape) as it applies to land on the southern side of Barkers Lodge Road.	The proposed additional permitted use has the potential to provide economic diversification opportunities to maximise the sites natural assets without removing the possibility for agricultural development on the site. It is considered appropriate to apply the additional permitted use to all of the site located on the northern side of Barkers Lodge Road. The proposed change to an E4 zone is still considered to enable rural residential style development, albeit at a lower density, and is not supported. The portion of the site south of Barkers Lodge Road has biodiversity value and an E2 Environmental Conservation Zone is considered more appropriate.
Include a new land use zone, "SP3 Tourist" to the Land Use Table.	Add the following Schedule 1 uses namely: *function centre, hotel or motel accommodation, recreation facility (indoor), recreation facility (outdoor), restaurant or café, serviced apartments.* *The schedule would also need to include the strata subdivision of the facility to enable a common model whereby individual accommodation units may be sold to individual purchasers, but the facility management rights are retained by a specialist management company.*	The uses outlined in Table 1 do not include all of those uses detailed and should be limited to *hotel and motel accommodation*, *restaurants or cafes*, and *function centres*. The sale of individual accommodation units is not supported. Consideration should also be given to site-specific DCP controls to ensure any future tourist facilities are suitable in scale and character for the area.
Reduce the minimum lot size for subdivision from 40ha to: • 4000m2 for the proposed R5 Large Lot Residential	Reduce the minimum lot size for subdivision from 40ha to: • 1ha for the proposed E4	The proposed E4 rural-residential zone and minimum lot size is not supported as it would result in fragmentation

Amendments sought by the original Draft Planning Proposal	Changes proposed to draft Planning Proposal to address Concerns	Comment on suitability of amended approach
zone, • unrestricted for the proposed SP3 Tourist zone, and A minimum lot size for subdivision of 40ha would be retained for those parts of the site not being rezoned and also for the land on the southern side Barkers Lodge Road.	Environmental Living zone, A minimum lot size for subdivision of 40ha would be retained for the rest of the site.	of rural land. There would be no need to change the minimum lot size for the site which is currently 40 ha.
Apply a maximum building height limit of 12m over the portion of the site to be zoned SP3 (Tourist) and 9m over the portion of the site to be zoned R5 (Large Lot Residential).	No changes were proposed by the proponent. However building height limits do not apply in rural or environmental living zones but there are height limits in the WDCP for dwellings and sheds but not for commercial buildings.	To limit impact on the rural character, it is considered that a 9m height limit would be appropriate across the site.

1.4 Site Description

The Draft Planning Proposal site is located at 350 Barkers Lodge Road, Picton being Lot 1 DP 1006937 and comprises a total of 90.87 hectares within an irregularly shaped allotment in two portions severed by Barkers Lodge Road. The rezoning proposal is on the larger northern portion of the site. This part of the site is largely cleared and has an area of approximately 75 hectares. It contains a dwelling and ancillary buildings, orchards, landscaped areas and 3 dams. Building platforms have been constructed by remodelling of the land to provide large flattened areas.

The southern part of the allotment comprises an area of approximately 16 hectares and is not proposed to be rezoned. This area is heavily vegetated and the preliminary Flora and Fauna report indicates the vegetation is likely to comprise Cumberland Plain Woodland which is classified as a critically endangered ecological community. The draft planning proposal site is located approximately 2.7 kilometres distance by road from Picton Town Centre.

1.5 Community Strategic Plan

Council's Create Wollondilly, Community Strategic Plan 2033 (CSP) is the highest level long term plan which expresses the communities aspirations and sets strategies for achieving those aspirations.

An assessment of the Draft Planning Proposal was undertaken in regard to the strategies outlined in the CSP. The assessment indicated that

- the tourism component would have merit provided the rural character is maintained;
- the rural-residential component is relatively isolated from Picton town centres and services and does not align with the CSP concepts of liveability and sustainable growth strategies.

More detailed assessment of the CSP strategies is provided at Attachment 2.

1.6 Growth Management Strategy

The Wollondilly *Growth Management Strategy* 2011 (GMS) adopted by Council in February 2011 includes a number of key policy directions that are relevant when assessing the suitability of new planning proposals.

In general:

- The tourism component of the draft planning proposal if economically feasible would provide for additional tourism opportunities for the Shire providing the agricultural potential of the site is maintained.
- The proposed rural-residential development would result in fragmentation of agricultural land and is not required to meet housing growth targets.

A detailed assessment of the draft planning proposal against the GMS is provided at Attachment 3.

1.7 Greater Sydney Region Plan and Western City District Plan

The Greater Sydney Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration:** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability**: social infrastructure, healthy communities, housing supply and affordability, great places,
- **Productivity:** the 30 minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability:** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation:** local strategic planning statements, monitoring and reporting.

While the Plans do not provide strong direction on how to prioritise Planning Priorities against each other, a dominant focus for Wollondilly throughout the plan is the MRA.

Metropolitan Rural Area

The concept of the MRA was introduced by *A Plan for Growing Sydney* which was the region plan for the Greater Sydney area prior to the current *A Metropolis of Three Cities*.

A Plan for Growing Sydney was relatively silent on the issue of housing growth and the MRA. By comparison, the current region plan has taken a much stronger stance. For example, the MRA is a core spatial element now shown on high level mapping throughout the document.

The MRA is that part of Greater Sydney which is generally outside the established and planned urban area. For Wollondilly it takes in the whole Shire with the exception of the Wilton Growth Area and areas in Appin within the draft Greater Macarthur Growth Area. The objective of the MRA is to protect and enhance the wide range of environmental, social and economic values in rural areas across Greater Sydney. The 'values' to be enhanced and protected will vary from Council to Council and within local government areas depending on the areas characteristics and so the Region and District Plan's focus is on the need for 'place-based planning' so that outcomes can be targeted.

The Plans do, however, provide clear direction on the role of the MRA in terms of urban and rural residential development. This is illustrated by statements within these documents shown in the table below.

Region Plan	District Plan
"Urban development is not consistent with the values of the metropolitan rural area." *"This Plan identifies that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban Area…. This eliminates the need for the Urban Area to expand into the Metropolitan Rural Area.* *"Restricting urban development in the Metropolitan rural area will help manage its environmental, social and economic benefits."* *"Maintaining the distinctive character of each rural and bushland town and village is a high priority."*	*"Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas."* *"Rural residential development is not an economic value of rural areas and further rural residential development is generally not supported."* *"Limited growth of rural residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the MRA"* *"Ongoing planning and management of rural towns and villages will need to respond to local demand for growth".* *"Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth".*

Rural Lands Technical Working Group;

In response to the release of the District Plan councils are now required to complete a review and update of their Local Environmental Plan against the relevant district plan. Wollondilly has been identified as a high growth area and is required to complete this review within an accelerated timeframe of two years.

To assist Councils with this work the NSW Department of Planning & Environment along with the Greater Sydney Commission have facilitated a series of Technical Working Groups on key themes. On 20 July 2018 a Technical Working Group dedicated to rural lands was held.

In terms of 'local growth' and taking a 'place-based planning' approach the following points from the technical working group are considered relevant in providing direction:

- Local growth is about meeting the needs of the local community and achieving economic, social and environmental sustainability through identifying specific targeted outcomes (for example a need to accommodate demographic shift, supporting or sustaining infrastructure or achieving a specific environmental outcome). This should be set out in a vision.
- Local growth needs to be defined in the context of the local area because it's different for each community. Subsequently, there is no consistent approach that can be applied across Council areas.
- Communities generally tend to grow at 1-2% per year in terms of population.
- Forward planning needs to be evidence based and needs to rely on a solid understanding of the current and future demographic direction.
- The MRA boundary is fixed in the short term and can only be changed by a decision of government.
- Housing delivery in the short term (i.e. 0-5 years) will be delivered from land already zoned and serviced. i.e. decisions already made about land use.

Planning Proposals with Council currently being progressed (i.e. land not yet rezoned) generally deliver housing for the mid to long term (i.e. 6 years +). Housing delivery in the short term is typically delivered through land that is already zoned and serviced.

Earlier this year Council wrote to the Greater Sydney Commission seeking guidance on the application of the MRA for existing planning proposals at an advanced stage. Greater Sydney Commission's response in May 2018 provides some additional direction to the points noted above.

- Towns and villages in the MRA will not play a role in meeting regional or district scale demand for residential growth. This is a fundamental consideration for any planning proposal in the Metropolitan Rural Area.
- Growth and infrastructure should be aligned. This is particularly relevant given the capacity of growth centres in Wollondilly and other nearby local government areas.

Where are we at now?

Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly. Given the direction in the Region and District Plan and the outcome of the Rural Lands Technical Working Group it is clear that this work involves a coordinated and holistic approach to establish what 'local growth' is in the Wollondilly context. It cannot be determined on an ad hoc basis through consideration of individual landowner or developer led proposals for rezoning land to enable residential development.

This view is consistent with Council's resolution to agenda item GR4 on 19 June 2018 that 'local growth' should be defined *through the preparation of a housing strategy and Local Strategic Planning Statements* (LSPS) *that will outline sustainable local growth for our villages*.

Recent amendments to the *Environmental Planning & Assessment Act 1979* embed a statutory requirement for Councils to review their Local Environmental Plans as soon as practicable after a District Plan is made. The recent amendments also introduced new requirements for councils to prepare and make Local Strategic Planning Statements (LSPS). Both the review of the WLEP and the LSPS need to be informed by a housing strategy.

The NSW Department of Planning & Environment have published an indicative timeframe for this review which includes the preparation of studies (including a housing study) and the preparation and exhibition of the draft LSPS by May/June 2019. Council is in the preliminary stages of this work at present.

Subsequently, given the significance of the MRA in determining the suitability of growth throughout Wollondilly and the difficulties in determining local growth, it is considered that draft planning proposals seeking to enable residential housing growth are premature and cannot be supported.

Council wrote to the proponent in May this year to provide them with an opportunity to submit further information that addressed how the draft planning proposal met the principles, priorities, objectives, strategies and actions applicable to the MRA identified in the Region and District Plans. The proponent's response is provided at Attachment 1. It is not considered that the information provided enables an assessment in terms of local growth.

Consideration of the tourism component against the Region & District Plans

Under the 'Productivity' theme, action 41 of the District Plan states:

> *Consider opportunities to enhance the tourist and visitor economy in the District including a coordinated approach to tourism activities and accommodation.*

The tourist component of the draft planning proposal is considered to be generally consistent with the District Plan's desire to grow the visitor economy.

The draft planning proposal seeks to justify the housing component of the development to support the tourist component. It is not considered that a satisfactory link has been established, and in any case this is not considered to be a planning matter.

Consultation

1.8 Consultation with Community

Preliminary community consultation was undertaken from 3 May to 20 June 2017. The draft planning proposal document was made available on Council's website and letters were sent to owners and occupiers of adjoining and potentially affected properties within a 2 km radius of the site

A total of five submissions were received and of these submissions; three objected, one supported and one submission was neutral. A summary of the main issues raised include:

- Increased flooding risk - along Stonequarry Creek -potential impacts on Picton Town Centre
- Traffic impacts - intersection of Barkers Lodge Road and Argyle Street.
- Poor infrastructure – lack of services
- Density of development - incompatible with rural setting
- Noise and light pollution – from proposed tourist uses
- Does not meet Strategic Plans – CSP and GMS
- Viability of tourism – concern that residential component
- Increase in non-rural uses – effect on rural character
- Increase in social problems – examples given for nearby developments.

A more detailed assessment and comments are provided at Attachment 4.

1.9 Consultation with Council Staff

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

Environmental Health

- Comprehensive wastewater and geo-technical reports are required to be lodged with the application to demonstrate that all wastewater generated from all aspects of the development are adequately managed.
- Details of the type and scale of the wastewater treatment plant are to be provided for the tourist facility ensuring that all buffer distances are complied with as per Council's On-site Sewage Management and Greywater Re-use Policy PLA0033.
- Details shall be provided to demonstrate how downstream dams and watercourses will be protected from any run off from the sewage treatment plant, how the plant will be managed on an ongoing basis and whether water is intended to be reused on site once treated.
- It is advisable that residential lots are provided with a minimum 1500 sqm of suitable effluent application area for each lot.
- Sydney Water should be contacted to see if the development can be connected to the main supply. Where the tourist facility cannot be connected to the reticulated drinking water supply, then the applicant will need to supply drinking water in accordance with the Australian Drinking Water Guidelines and the Private Water Supply Guidelines. The supply will need to be treated to meet specific requirements and a Quality Assurance Program provided to NSW Health for assessment. Noise impacts in this quiet rural environment would need to be assessed.

Environmental Services

- There is a need to assess vegetation distribution and review the preliminary ecological report to ensure there is adequate zoning for areas of identified high conservation value.

Infrastructure Planning

- Potential flooding downstream requires assessment as the site drains to Stonequarry Creek.
- In particular note the impact from the recent storm event in Picton Town Centre.
- Development of the site would increase traffic impacting on the intersection of Barkers Lodge Road and Argyle Street.

Economic Development

- The planning proposal would provide an important tourism facility for local economic development and addresses key gaps in Wollondilly's Tourism offering, primarily accommodation, conference facilities and integrated agriculture activities.
- The Tourism zone and proposed facility meets the goals of the Economic Development Strategy.
- The proponent has openly engaged with Council and has demonstrated a desire to work collaboratively with council since inception of the project.
- The position of the development has the potential to strengthen nearby tourism assets including Stonequarry Lodge and the original golf course proposal.
- The Tourism development is in close proximity to Picton Town Centre, increasing the viability of any tourism facility while also supporting increased Visitors and business support.
- This investment proposal represents a rare opportunity for Wollondilly and if successful may encourage further tourism infrastructure investment. In turn the rejection of the proposal has the potential to discourage innovative tourism investment.
- Tourism investment holds substantial risk for the investor; the proposed housing development is seen as a practical commercial need to assist in mitigating risk of the investment.

Sustainable Growth

- There is concern about the economic feasibility of the tourism development and the potential for the development of an isolated rural-residential area.
- There is no planning justification for rezoning land for residential development to fund the tourism development.
- There should be an overall benefit to the community through economic development and employment to justify the residential component.
- If the tourism component is so financially perilous then it is probable that only houses and no tourism facilities will result in the longer term.
- The site is considered suitable for some tourist uses (function centre, a restaurant or cafe, hotel or motel accommodation) that could be Additional Permitted Uses in Schedule 1 of the WLEP. Using this approach rather than zoning part of the site for tourism would preserve the underlying primary production purpose of the site within the RU2 Rural Landscape zone and safeguard against incremental urban development.
- It is considered that there is no demonstrated need for rural-residential housing in this locality; the site is not suitable for the proposed rural-residential housing and; rural-residential housing is not supported by our strategic direction.

Studies Required

If the Planning Proposal progressed the following studies are considered necessary to inform the planning proposal:

- Flora and Fauna Report
- Aboriginal Archaeological and Cultural Heritage Report

- Geotechnical Assessment
- Flooding and Stormwater Management
- Bushfire Hazard Assessment
- Noise Impact Assessment
- Land-use Conflict
- Preliminary Contamination Assessment
- Transport Assessment

1.10 Consultation with Public Agencies

Consultation would be undertaken with a range of government agencies if the draft planning proposal progresses and a positive Gateway determination is received.

However, the proponent has consulted with Sydney Water who has advised that as the calculation for water demand is undetermined, a private service line could be run from the existing water supply through to a holding tank on the site, where it would supply the entire facility.

1.11 Ministerial Directions

The rural residential and tourism components of the draft planning proposal are considered inconsistent with Ministerial Direction 1.2 Rural Zones which aims to protect the agricultural production value of rural land. This Direction indicates that rural land must not be rezoned to a tourist zone and must '*not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village)*'.

The Direction provides that a planning proposal may be inconsistent if it can satisfy one of a list of criteria. As there are no studies prepared that consider this Direction and the proposal would need to be considered of minor significance.

It also noted that although Council's *Economic Development Strategy* (June 2015) does not meet the criteria to be considered under Ministerial Direction 2,1 it does, nevertheless, identify an opportunity for '*the development of more accommodation in the area with the ability to host conferences and events for groups from around the Metropolitan Sydney Region'*.

This report recommends that instead of rezoning the land for tourist purposes that an additional permitted use is established for the site. It is considered that such an approach would also make the proposal more consistent with Ministerial Direction 1.2.

1.12 Conclusion

It is considered that the site is suitable for tourist facilities but the underlying rural land zone objectives and should be maintained. This can be achieved by allowing Additional Permitted Uses within Schedule 1 of WLEP. These uses would be limited to *motel and hotel accommodation*, *restaurants and cafes* and *function centres*.

Due to the site's location within the MRA, the proposed rural-residential component, either in the form of an R5 Large Lot Residential land use zone or an E4 Environmental Living land use zone, is not supported by Regional and District plans or by Council's strategic direction for growth.

Subsequently, it is considered the draft planning proposal has strategic merit and could be supported in an amended form by supporting the tourism component as an additional permitted use and introducing an environmental protection zone for environmentally sensitive land located to the south of barkers Lodge Road.

1.13 Form of Planning Proposal

This report recommends supporting the draft planning proposal in an amended form. It is proposed to support the following amendments to the *Wollondilly Local Environmental Plan 2011*:

- Amend Schedule 1 – Additional Permitted Uses to permit the following additional land uses for Lot 1 DP 1006937, *hotel or motel accommodation*, *restaurants or cafes* and *function centres* for land to the north of Barkers Lodge Road.
- Amend the Height of Buildings Map to a maximum building height of 9 metres.
- Amend the Land Zoning Map to rezone the southern portion of the site on the southern side of Barkers Lodge Road to E2 Environmental Conservation..

Financial Implications

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

ATTACHMENTS

1. **Proponent Letter to Council detailing proposed amendments to draft planning proposal for consideration**
2. **Assessment of Draft Planning Proposal against Wollondilly Community Strategic Strategic Plan**
3. **Assessment of Draft Planning Proposal against Growth Management Strategy 2011**
4. **Summary of Community Submissions I**

RECOMMENDATION

1. That Council support the preparation of a Planning Proposal for Lot 1 DP 1006937 (No. 350 Barkers Lodge Road, Picton) to amend Wollondilly Local Environmental Plan 2011 in an amended form, as follows:
   (a) Amend Schedule 1 – additional Permitted Uses to permit the following additional land uses on the site; hotel or motel accommodation, restaurants or cafes and functions centres.
   (b) Amend the Height of Buildings Map to introduce a maximum building height of 9 metres, and
   (c) Amend the Land Zoning Map by rezoning the relevant area on the southern side of Barkers Lodge Road to E2 Environment Conservation.
2. That the rural residential component of the draft planning proposal is not supported either as R5 Large Lot Residential or E4 Environmental Living.
3. That the Planning Proposal be forwarded to the Greater Sydney Commission for a Gateway Determination.
4. That Council request to be granted delegation to make the amendments to the Wollondilly Local Environmental Plan 2011 in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.
5. That the applicant and submitters be notified of Councils decision.

11.7 PRE-GATEWAY DETERMINATION PLANNING PROPOSAL IN THE METROPOLITAN RURAL AREA; 65-95 IRONBARK ROAD, BARGO DRAFT PLANNING PROPOSAL

File Number: 10619#95

HPE CM No:	**10276**
Lot & DP – Subject Site:	**Lots 125, 126, 127 & 128 DP 10336 (No. 65-95) Ironbark Road, Bargo**
Proposal:	**Draft Planning Proposal to amend the Wollondilly Local Environment Plan 2011**
Zoning:	**RU4 – Primary Production Small Lots**
Applicant:	**Precise Planning**
Owner:	**Mr R Singh, Mrs H Manouras, M & D Barnett, Mr M Basanovic**
Notification:	**February 2018**
Submissions:	**2**

LOCATION MAP N ↑

EXECUTIVE SUMMARY

- This report seeks Council's decision on the draft planning proposal for Lots 125, 126, 127 & 128 DP 10336 (No. 65-95) Ironbark Road, Bargo.
- The proposal seeks to alter the Wollondilly Local Environmental Plan 2011 (WLEP) as follows;
    - Amend the Land Zoning map from RU4 Primary Production Small Lots to a mix of R2 Low Density Residential and R3 Medium Density Residential;
    - Amend the Minimum Lot Size map from 2 hectares to a mix of 700 and 975 square metres; and
    - Introduce a maximum building height of 9 metres.
- The application has been subject to initial notification and there were two submissions in response, zero in objection, zero in support and two neutral.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- This report recommends that Council not support the draft planning proposal at No. 65-95 Ironbark Road, Bargo for the following reasons:
    (a) The proposal is not consistent with the objectives and actions of the Greater Sydney Region Plan: A Metropolis of Three Cities and the Western City District Plan, in particular the provisions of the plan which relate to the Metropolitan Rural Area; and
    (b) The proposal is not consistent with the key policy directions and targets contained within the Wollondilly Growth Management Strategy.

REPORT

Background

1 This report seeks to establish an interim response to proposals for housing growth in the Metropolitan Rural Area (MRA).

2 On 16 July a report was considered by Council seeking broad direction on the assessment of draft planning proposals in the MRA that have not yet received a Gateway Determination.

3 A secondary objective of that report was to seek support to apply the suggested approach to 6 draft planning proposals in the MRA.

4 These 6 proposals are consultant initiated planning proposals at the initial stage of the Gateway process and Council has not made a decision to date on whether they have strategic planning merit and whether there is support for them to proceed.

5 At the July 2018 meeting Council resolved not to consider the matter until a decision could be informed by the outcome of Greater Sydney Commission's Metropolitan Rural Area Technical Working Group which was held on 20 July 2018. Council also resolved that when the matter was reported back to Council this was to be achieved through individual reports for each proposal

1.1 Site Description

The Planning Proposal site consists a total of four lots, located at Lots 125, 126, 127 & 128 DP 10336 (No. 65-95) Ironbark Road, Bargo, approximately one kilometre north-east of the Bargo B2 Local Centre zone. The site is rectangular consisting of approximately 8.79 Ha currently zoned as

RU4 Primary Production Small Lots with a minimum lot size of two hectares and no maximum building height limit.

The site does not contain any mapped watercourse, however, there are two water bodies located towards the centre and north-western section of the site. The site contains numerous rural dwellings with associated structures (shed, swimming pool etc.).

The site is partially affected by the bushfire protection zone as both the eastern corners of the site are identified within the Bushfire Buffer zone in addition to the north-western corner being affected by the Bushfire Protection zone. The site is somewhat clear but contains an amount of Shale Sandstone Transition Forest vegetation. The site is not identified as a flood prone area.

The waste water is addressed through the implementation of a new Waste Water Treatment Plant proposed to be located at 25 Government Road, Bargo.

The site has a maximum slope of approximately 3% and consists of generally flat land. The site is bound by Government Road to the east, Ironbark road to the South, 95 Great Southern Road to the north and 55 Ironbark Road to the west.

This planning proposal adjoins two separate proposals located at 95 Great Southern Road to the north and 55 Government Road to the east (see Attachment 2).

1.2 Community Strategic Plan 2033

The Create Wollondilly Community Strategic Plan 2033 (CSP) is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations.

An assessment on the suitability against the CSP is included as Attachment 4.

1.3 Growth Management Strategy 2011

Council's Growth Management Strategy 2011 (GMS) was adopted by Council in 2011. The GMS sets directions for accommodating growth in the Shire over the next 25 years.

The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. An assessment of the suitability against the GMS is included in Attachment 5.

1.4 Greater Sydney Region Plan & Western City District Plan

The Greater Sydney Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration:** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability:** social infrastructure, healthy communities, housing supply and affordability, great places,
- **Productivity:** the 30 minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability:** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid.
- **Implementation:** local strategic planning statements, monitoring and reporting.

While the Plans do not provide strong direction on how to prioritise Planning Priorities against each other, a dominant focus for Wollondilly throughout the plan is the MRA.

Metropolitan Rural Area

The concept of the MRA was introduced by *A Plan for Growing Sydney* which was the region plan for the Greater Sydney area prior to the current *A Metropolis of Three Cities*.

A Plan for Growing Sydney was relatively silent on the issue of housing growth and the MRA. By comparison, the current region plan has taken a much stronger stance. For example, the MRA is a core spatial element now shown on high level mapping throughout the document.

The MRA is that part of Greater Sydney which is generally outside the established and planned urban area. For Wollondilly, it takes in the whole Shire with the exception of the Wilton Growth Area and areas in Appin within the draft Greater Macarthur Growth Area. The objective of the MRA is to protect and enhance the wide range of environmental, social and economic values in rural areas across Greater Sydney. The 'values' to be enhanced and protected will vary from Council to Council and within local government areas depending on the areas characteristics and so the Region and District Plan's focus is on the need for 'place-based planning' so that outcomes can be targeted.

The Plans do, however, provide clear direction on the role of the MRA in terms of urban development. This is illustrated by statements within these documents shown in the table below.

Greater Sydney Region Plan	Western City District Plan
"Urban development is not consistent with the values of the metropolitan rural area." *"This Plan identifies that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban Area…. This eliminates the need for the Urban Area to expand into the Metropolitan Rural Area.* *"Restricting urban development in the Metropolitan rural area will help manage its environmental, social and economic benefits."* *"Maintaining the distinctive character of each rural and bushland town and village is a high priority."*	*"Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas."* *"Rural residential development is not an economic value of rural areas and further rural residential development is generally not supported."* *"Limited growth of rural residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the MRA"* *"Ongoing planning and management of rural towns and villages will need to respond to local demand for growth".* *"Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth".*

Rural Lands Technical Working Group;

In response to the release of the District Plan councils are now required to complete a review and update of their Local Environmental Plan against the relevant district plan. Wollondilly has been identified as a high growth area and is required to complete this review within an accelerated timeframe of two years.

To assist Councils with this work the NSW Department of Planning & Environment along with the Greater Sydney Commission have facilitated a series of Technical Working Groups on key themes. On 20 July 2018 a Technical Working Group dedicated to rural lands was held.

In terms of 'local growth' and taking a 'place-based planning' approach the following points from the technical working group are considered relevant in providing direction:

- Local growth is about meeting the needs of the local community and achieving economic, social and environmental sustainability through identifying specific targeted outcomes (for example a need to accommodate demographic shift, supporting or sustaining infrastructure or achieving a specific environmental outcome). This should be set out in a vision.
- Local growth needs to be defined in the context of the local area because it's different for each community. Subsequently, there is no consistent approach that can be applied across Council areas.
- Communities generally tend to grow at 1-2% per year in terms of population.
- Forward planning needs to be evidence based and needs to rely on a solid understanding of the current and future demographic direction.
- The Metropolitan Rural Area boundary is fixed in the short term and can only be changed by a decision of government.
- Housing delivery in the short term (i.e. 0-5 years) will be delivered from land already zoned and serviced. i.e. decisions already made about land use.

Planning Proposals with Council currently being progressed (i.e. land not yet rezoned) generally deliver housing for the mid to long term (i.e. 6 years +). Housing delivery in the short term is typically delivered through land that is already zoned and serviced.

Earlier this year Council wrote to the Greater Sydney Commission seeking guidance on the application of the MRA for existing planning proposals at an advanced stage. Greater Sydney Commission's response in May 2018 provides some additional direction to the points noted above.

- Towns and villages in the MRA will not play a role in meeting regional or district scale demand for residential growth. This is a fundamental consideration for any planning proposal in the Metropolitan Rural Area.
- Growth and infrastructure should be aligned. This is particularly relevant given the capacity of growth centres in Wollondilly and other nearby local government areas.

Where are we at now?

Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly. Given the direction in the Region and District Plan and the outcome of the Rural Lands Technical Working Group it is clear that this work involves a coordinated and holistic approach to establish what 'local growth' is in the Wollondilly context. It cannot be determined on an ad hoc basis through consideration of individual landowner or developer led proposals for rezoning land to enable residential development.

This view is consistent with Council's resolution to agenda item GR4 on 19 June 2018 that 'local growth' should be defined *through the preparation of a housing strategy and Local Strategic Planning Statements* (LSPS) *that will outline sustainable local growth for our villages*.

Recent amendments to the *Environmental Planning & Assessment Act 1979* embed a statutory requirement for Councils to review their Local Environmental Plans as soon as practicable after a District Plan is made. The recent amendments also introduced new requirements for councils to prepare and make Local Strategic Planning Statements (LSPS). Both the review of the WLEP and the LSPS need to be informed by a housing strategy.

The NSW Department of Planning & Environment have published an indicative timeframe for this review which includes the preparation of studies (including a housing study) and the preparation and exhibition of the draft LSPS by May/June 2019. Council is in the preliminary stages of this work at present.

Subsequently, given the significance of the MRA in determining the suitability of growth throughout Wollondilly and the difficulties in determining local growth, it is considered that draft planning proposals seeking to enable residential housing growth are premature and cannot be supported.

Relevance of Ironbark Road Draft Planning Proposal to Region and District MRA provisions

The Ironbark Road Draft Planning Proposal is not consistent with the intention of the District plan in in relation to the MRA. The Region Plan has identified sufficient land within the current Urban Areas of the Greater Sydney region to deliver its housing needs without the need to expand into the MRA. It is acknowledged that Bargo has not yet met the dwelling targets identified within the GMS, however this is largely due to constraints regarding the lack of infrastructure to support such growth, and mid-term mining subsidence concerns. The intentions of the MRA is to restrict urban development to enable the timely delivery of local infrastructure needed to support future local growth needs, this will ensure that positive social, economic and environmental outcomes will result.

This proposal is not located within an urban investigation area and is seeking to provide rural residential development opportunities. This form of development is not supported in the District Plan although limited growth can be considered where no adverse local amenity impacts of the area occurs. This proposal is considered likely to create adverse impacts on the local amenity of the area by increasing the urban development potential within a predominantly rural area that will see the fragmentation of rural lands between the proposal site and the Bargo Township.

This proposal is not considered to be 'local growth' for Bargo under the MRA as the existing infrastructure and community considerations need to be properly considered and planned for. The type of development this proposal is seeking to achieve is pre-mature in nature as the site is not a uniform approach to growth from the existing township and does not currently have the infrastructure to support the proposed and future potential growth.

Consultation

1.5 Consultation with Council Staff

An initial consultation with Council staff has been conducted although no formal consultation has been conducted at this time. The comments received by staff were raised as a general consideration matters including:

- Suitability of zoning, more suited to R5 or E3 rather than R2 & R3;
- Spot rezoning, if Council were to support, should include all land to the west to not create rural separation;
- Mining and associated subsidence concerns;
- Vegetation clearing possibly triggering bio-banking and further flora & fauna study;
- Drainage concerns from Ironbark Road and the properties to the west of the site that may present issues should the proposal site be extended west;
- Waste Recycling Facility proposed at 25 Government road is relied on for this proposal, unknown issues could result (i.e. odour impacts).

These concerns will be further addressed should the proposal progress.

1.6 Consultation with Public Agencies

Pre-consultation with two public agencies has been undertaken. Tahmoor Colliery and Subsidence Advisory NSW (SA NSW) were contacted to provide feedback on the proposal with regards to potential subsidence concerns. Both agencies raised the concern that the site is located within a mid-term mining area already under lease by Tahmoor Colliery.

Tahmoor Colliery recommended that urban development within affected future mining areas be postponed until after mining operations cease in 2035. This is to ensure that subsidence risks to future development is minimised.

Subsidence Advisory NSW has provided initial comments recommending consultation with Tahmoor Colliery. Since then, further comments and informal clarification has been received stating that they do not support this draft rezoning planning proposal and would be unlikely to approve any subsequent land subdivision.

Consultation with the Division of Resources and Geosciences will occur should this proposal progress to seek early feedback in light of Subsidence Advisory NSW and Tahmoor Colliery's advice.

1.7 Consultation with Community

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

A total of two submissions were received and of these submissions; zero objected, zero supported and two submissions were neutral.

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

Issue Raised	Assessment Comment
Currently a stand-alone Proposal creating fragmented rural land that is more appropriate to further extend towards the Bargo township as a more holistic approach.	It is acknowledged that the four lots affected by this proposal will create a separation in rural land towards the town centre. This is an undesirable result and will be considered further should the proposal progress.
The Waste Recycling Facility (currently being assessed by Council) requires more houses to service in order to be viable, this suggests further intent to rezone east of Bargo.	The future growth of housing within the Bargo area will be the result of careful and considerate strategic planning. The development of the proposed Waste Recycling Facility does not provide certainty that more houses will be developed.
Accumulative impacts of future development on Bargo should be considered as the public facilities of Bargo need to be upgraded.	It is acknowledged that the public facilities will require upgrading to accommodate the growing population. This will be a future consideration of this proposal.
A footpath should be constructed in conjunction with the Planning Proposal at 95 great Southern Road to compliment increased housing opportunities from the proposals in the area.	Should this Proposal progress, various studies and assessments will be required to determine the need of a footpath in addition to other public infrastructure requirements.

1.8 Conclusion

This draft planning proposal is seeking to rezone land from rural to residential with reduced lot sizes to allow a potential of up to (approximately) 60 lots. The current form of this proposal is seeking to introduce medium and low density lots within an area currently surrounded by rural lands (subject to existing proposals). The location of this site to the existing township of Bargo will create segregated rural land not creating a logical and uniform approach to future development.

With considerations to the Region & District Plans, CSP, GMS 2011 and consultation with Subsidence Advisory NSW and Tahmoor Colliery, this proposal is premature for the natural growth of the Bargo Township.

The planning proposal is seeking to amend the WLEP by;

- Amending the Land Zoning map from RU4 Primary Production Small Lots to a mix of R2 Low Density Residential and R3 Medium Density Residential;
- Amending the Minimum Lot Size map from 2 Ha to a mix of 700 square metres and 975 square metres;
- Introducing a maximum building height of 9 metres.

Justification in support of this proposal is derived from the now repealed Metropolitan Plan for Sydney 2036 which identifies the need for future growth in the housing supply within the Sydney Metro area (including Wollondilly). The also now repealed draft South West Subregional Strategy identifies the need to increase a variety of housing and job opportunities within the south-west region.

The site is located in the vicinity of growth areas identified in the Bargo Structure Plan within the GMS. The map demonstrates areas to the west and south of the proposed site that are identified as potential future growth areas. This provides an interpretation by the proponent that land between the identified potential growth areas should also be considered for potential future growth areas as to not encourage rural land fragmentation.

Financial Implications

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

ATTACHMENTS

1. **Proposed Zoning & Lot Size map**
2. **Surrounding Planning Proposals map**
3. **Location of Proposal with Current Zoning**
4. **Assessment against CSP**
5. **Assessment against GMS**
6. **Proponent Submission against MRA**

RECOMMENDATION

That Council not support the Draft Planning Proposal at 65-95 Ironbark Road, Bargo for the following reasons:

(a) The proposal is not consistent with the objectives and actions of the Greater Sydney Region Plan: A Metropolis of Three Cities and the Western City District Plan, in particular the provisions of the plan which relate to the Metropolitan Rural Area,

(b) The proposal is not consistent with the key policy directions and targets contained within the Wollondilly Growth Management Strategy 2011.

11.8 WESTERN SYDNEY AIRPORT LAND USE AND INFRASTRUCTURE IMPLEMENTATION PLAN

File Number: 10619#97

EXECUTIVE SUMMARY

- The purpose of this report is to inform Council of the public exhibition of the Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan and overview the issues upon which Council should make a formal submission.
- This report recommends that Council notes the report and resolves to make a formal submission to the public exhibition of the Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan.

REPORT

The NSW Department of Planning & Environment ('Department') has announced the public exhibition of the *Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan.*

The exhibition period is from 21 August 2018 to 12 October 2018.

Council has been granted an extension until 19 October 2018 to make a formal submission.

The Draft Land Use and Infrastructure Implementation Plan

The land surrounding the Western Sydney Airport ('Airport') is expected to deliver new jobs and homes supported by key infrastructure in Western Sydney, to deliver the concept of a '30 minute city'.

The broad vision for the Airport is for a new high-skill jobs hub across aerospace and defence, manufacturing, healthcare, freight and logistics, agribusiness, education and research industries.

It is anticipated that Western Sydney will benefit from easy access to strong local and international connections and a 24-hour economy centred around the new Airport.

The Department has been working with all levels of government through the Planning Partnership to draft the Stage 1 Land Use and Infrastructure Implementation Plan (Stage 1 Plan) for the Airport. The Stage 1 Plan provides an overview of proposed land uses and the sequence of development that will deliver Sydney's newest economic hub.

Feedback collected during the exhibition period will help inform more detailed planning work to finalise plans for the Airport precinct.

Council related matters

- **Area to which the Western Sydney Airport Growth Area, State Environmental Planning Policy (SEPP), Land Use and Infrastructure Implementation Plan (LUIIP) and Technical Documents apply**

The new Airport presents significant challenges and opportunities for Wollondilly. In a policy context, consideration needs to be given as to whether the Stage 1 Plan should expand beyond borders of the growth area, and if it does, how is this managed through the suite of other documents prepared by the Department.

There will need to be a clear line of sight for all strategic planning documents, and where these apply. Will the technical documents only apply to the same land as the Stage 1 Plan, and the Growth Area, or do they extend further?

It is assumed that a state environmental planning policy will apply to land within Wollondilly based on the Australian Noise Exposure Concept (ANEC), flight movements, and obstacle height limits. In this regard, the line of site for these documents becomes unclear.

It is noted that there will be impacts on local and regional infrastructure within the Shire, however as Wollondilly is not situated within the growth area boundary, the contributions collected for this area may serve no benefit to Wollondilly.

- **Better Connections and Public Transport (electrified rail) to Wilton**

Council has advocated strongly for improved infrastructure delivery as part of planning for the NSW Government's Wilton Priority Growth Area. This includes electrified rail via the existing Maldon-Dombarton Rail Corridor (MDRL) which would link the Illawarra to Western Sydney via Wilton.

The Stage 1 Plan should highlight the need for a business case for electrified rail to Wilton to be expedited in order to realise the significant opportunity to connect the new Airport to the Illawarra. As a first important stage this would involve providing passenger rail services to service the significant growth planned at Wilton and in the Greater Macarthur Area.

- **Wollondilly role**

Council recently wrote to the Federal Minister seeking more active involvement in the new Airport, including representation on FOWSA given the direct and indirect impacts and the opportunities within the Shire.

- **Proposed Precincts**

The concept of the proposed Agribusiness Precinct which is strongly supported by Council, will assist in achieving key principles outlined in Council's Community Strategic Plan. The Agribusiness Precinct needs to be supported by rational investment in infrastructure, such as a second crossing of the Nepean River and protected from urban encroachment. This includes being considerate of biosecurity, water access and demand, competition and land use conflict.

The document should be clear in its consistency with the Metropolitan Rural Area.

- **Out of Sequence proposals**

Clear protocols for managing out-of-sequence development need to be articulated in the Stage 1 Plan. This includes establishing a process and evaluation criteria for how out-of-sequence proposals may be considered. This needs to manage expectations from landowners and property speculators that land identified within the Agribusiness Precinct is simply urban development land in waiting.

It is unclear, whether this process would only apply to land within the Growth Area, or whether this could extend to land covered by a SEPP (i.e., land in Wollondilly). It needs to be very clear how these proposals will be considered, and by whom, and that clear probity procedures are in place. Based on concerns raised by Council with regard to Greater Macarthur and the Wilton South East Precinct, concern is also raised in regard to out of sequence rezoning of land in this growth area.

Any process that creates uncertainty of the long term strategic value of land for agribusiness will ultimately result in the permanent loss of productive agricultural land. Agricultural and horticultural land within close proximity to the new Airport needs to be considered a precious and finite resource that is important for employment and economic development.

- **Noise impacts**

It is noted that there are no current planning controls within Wollondilly Local Environmental Plan, nor any overarching SEPP to address current land uses within areas subject to ANECs.

These should be developed as part of planning for the new Airport LUIIP.

- **Urban Development Zone**

Wollondilly Shire Council has provided comment previously to the Department on the proposed use of this zone in the Wilton Priority Growth Area. While it has some merit to ensure a robust assessment and approval process, the use of this zone must be supported through strong planning framework as it does in other jurisdictions across Australia. While the Stage 1 Plan acknowledges successful implementation of Urban Development Zones (UDZ) in other jurisdictions, the experience in Wilton Priority Growth Area is that there is a lack of understanding of how an UDZ works and how it delivers flexibility without compromising quality planning outcomes.

The planning framework for how use of this zone is implemented lacks detail and a clear line of sight from proposal, through assessment/consultation and approval by local council and the NSW Government.

There must be a commitment in place to ensure that local councils lead critical precinct planning work in partnership with proponents to achieve the desired land use and built form outcomes. Without a strong overarching framework, the flexible zone will not achieve the desired outcomes.

The Department should be encouraged to pull the UDZ rhetoric from these plans and promote its use through a separate planning reform process. This would involve benchmarking the proposed planning framework against other jurisdictions to show how it will deliver a similar beneficial outcome.

- **Funding of Infrastructure**

At its Ordinary Meeting of 16 April 2018, Council resolved to write to the Minister for Education raising the need for a High School to be built in the North Ward of Wollondilly given the projected growth in the area and the significant distances North Ward students are required to travel to access secondary education and asking for a future high school site to be identified either in The Oaks or Silverdale. This should be factored in to any planning work within the growth area.

- **Health Services (section 6.1.3)**

Council has advocated for an integrated health care precinct at Wilton to support the significant growth planned by the NSW Government. It is noted that the Stage 1 Plan suggests "*that NSW Health is investigating a site for an integrated health facility within the Growth Area in a metropolitan or strategic centre location supported by public transport and that it could serve up to 250,000 people from around the Western Parkland City"*.

Council advocates that appropriate commitments to health services are made at Wilton and that any planning in this growth centre be consistent and collaborative with planning at Wilton.

- **A roadmap to make the Aerotropolis development ready (section 7)**

Concern is raised that the initial precincts appear to have 'precinct planning' and rezoning occurring prior to the infrastructure contributions being finalised. Precinct planning and a contributions scheme should be finalised before landowner proposals are submitted.

Conclusion

The Draft Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan in its present form appears to promote questionable NSW Government policies such as a Code Development and Urban Development Zones.

There needs to be greater emphasis on delivering the catalytic infrastructure required to enable the new Airport to achieve the desired vision as an economic and employment hub. Current transport commitments do not go far enough and a land use planning response to incubating the precinct alone is unlikely to succeed.

Financial Implications

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

ATTACHMENTS

Nil

RECOMMENDATION

1. That Council notes the report and resolves to make a formal submission to the public exhibition of the Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan.

11.9 TEMPORARY FOOD PREMISES POLICY

File Number: 10619#100

EXECUTIVE SUMMARY

- The Temporary Food Premises Policy was previously reported to the 20 August 2018 Ordinary Meeting of Council where it was deferred pending a Councillor Workshop. The Councillor Workshop was held on 2 October 2018.
- The Policy aims to ensure that:
  - Food safety standards are met and maintained to protect public health with regard to food businesses operating from non-fixed premises within the Wollondilly Shire Local Government Act.
  - Meet responsibilities of the Food Regulation Partnership (FRP) with NSW Food Authority and all relevant legislation.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- This report recommends:
  - The Draft Temporary Food Premises Policy be placed on public exhibition for twenty eight days with a submission period of fourteen days following the expiration of the exhibition period.
  - A further report be re-submitted to Council seeking adoption of the Policy incorporating any changes if considered necessary.

REPORT

Many Councils have chosen in the past to carry out inspections of Non-Fixed Food premises (Temporary Food Stalls and Mobile Food Vendors) which operate at temporary events and markets. Much of this inspection work occurs out of hours and on weekends.

As of 1 July 2018, all Councils in NSW are expected to undertake routine inspections of Medium to High Risk Non-Fixed Food Premises which trade at these events. This has come about due to changes to the Food Regulation Partnership Instrument of Appointment issued by the NSW Food Authority which requires all Medium to High Fixed and Non-Fixed Food Premises to be inspected at least once per financial year.

These results are reportable to the NSW Food Authority at the end of each financial year.

A Temporary Food Premises Policy has been developed. It is recommended that this policy be accepted.

Consultation

NSW Food Authority.

Surrounding Local Government Councils.

Financial Implications

Where possible, inspections of temporary events and markets will be carried out in conjunction with other events/markets occurring in the Wollondilly Local Government Area. For instance, where a temporary event runs at the same time as a market.

The 2018/2019 Fees and Charges now include fees for the inspection of Temporary Food Stalls which trade at these events. However, fees are waived for charitable and “not-for-profit” organisations.

It is not clear at this stage how many Non-Fixed Food Premises exist and the resultant workload.

ATTACHMENTS

1. Policy - Temporary Food Premises

RECOMMENDATION

1. That the Draft Temporary Food Premises Policy be placed on public exhibition for twenty eight days with a submission period of fourteen days following the expiration of the exhibition period.
2. That a further report be re-submitted to Council seeking adoption of the Policy incorporating any changes if considered necessary.

12 MANAGEMENT AND PROVISION OF INFRASTRUCTURE

12.1 AMENDMENT OF OPERATIONAL PLAN BUDGET

File Number: 10619#87

EXECUTIVE SUMMARY

- The purpose of this report is to update Council and revise a number of programs within the Delivery Program 2017/18 – 2020/21 and Operational Plan 2018/19, particularly in relation to grant funding for specific projects.
- It is recommended that the Major Works Program and Operational Budget be revised in line with confirmed funding offers.

REPORT

A number of funding agreements and project estimates have been confirmed since the adoption of the Operational Plan 2018/19 adopted by Council on 18 June 2018 and further considered and refined at Council's meeting of 16 July 2018.

These include:

1. <u>2018/19 Major Works Program - Road Upgrade Program - Current Adopted Program Total $450,000</u>

We have been successful in applying for two Black Spot projects that have been offered under the NSW Government Saving Lives on Country Roads Program, including:

- Remembrance Drive, Razorback (just north of Donalds Range Road) - including sealing shoulders and safety barriers (guardrail) - $620,000.
- Silverdale Road, Silverdale (near the Avoca Road intersection) - includes sealed shoulders, road surface improvements and safety barriers - $510,000.

2018/19 Road Upgrade Program $450,000 + $620,000 + $510,000 = $1,580,000 total program

2. <u>2018/19 Major Works Program - Public Transport Facilities Program (Renew) - Current Adopted Program Total $53,000</u>

We have been successful in being offered a grant of $20,000 under the Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) for the upgrade of two bus shelters in the Shire to meet full Disability Discrimination Act compliance.

The funding will be put forward to the top two 2018/19 priority projects under the existing 6 year program; namely Remembrance Drive, Tahmoor (near York Street); and Camden Street, Wilton. The additional funds will allow commencement of the third priority being Thirlmere Way, Tahmoor.

Public Transport Facilities (Renew) Program $53,000 + $20,000 = $73,000 total program

3. <u>2018/19 Major Works Program - Open Space Projects (New) - Current Adopted Program Total $2,300,000</u>

This section confirms the intent for implementing the Masterplan for Wilton Recreation Reserve and works to commence in 2018/19. This includes the new 'Field 3' and, detailed in the next section, the adjacent Amenities Facility.

Field 3

We have commenced the procurement process for the rugby field construction works, including vegetation offsetting, field, irrigation, lights, footpaths and goalposts. The current whole of project cost estimate is $1,220,000 including appropriate contingencies and it is recommended to increase the budget allocation to this amount. The current program has these works being completed within the 2018/19 financial year.

Funding

Field construction at Wilton Recreation Reserve is included in the current Development Contributions Plan (aka 2011 Section 94 Plan) with funding available of $1,004,204.

Works at Wilton Recreation Reserve are a key component of the Bingara Gorge Voluntary Planning Agreement (VPA) with a balance remaining of $1,666,973 being held for embellishment of the Reserve. As such, the remaining $215,796 can be funded from the VPA (leaving a further $1,451,177 available for pursuing the adjacent Amenities Facility).

2018/19 required budget $1,220,000, noting that a $500,000 allowance had already been adopted as part of the Operational Plan 2018/19, an increase of $720,000.

2018/19 Open Space (New) Program - $2,300,000 + $720,000 = $3,020,000 total program

4. 2018/19 Major Works Program - Buildings (New) - Current Adopted Program Total $0
2019/20 Major Works Program - Buildings (New) - Current Adopted Program Total $0

Following on from Wilton recreation reserve new rugby field, this section confirms the intent for pursuing the adjacent new Amenities Facility.

We have completed detailed design and stakeholder engagement for the Amenities Facility adjacent to Field 3. The whole of project estimate for the building with an appropriate contingency is $1,495,000. The intent would be to procure a contractor so that works could commence after Easter 2019, likely to take 6-8 months and, as such, would be completed in the 2019/20 financial year.

Further landscape and paving works around the Amenities Facility would require consideration of funding in future Works Programs.

Funding

Works at the Reserve are a key component of the Bingara Gorge Voluntary Planning Agreement with a balance remaining of $1,451,177 following the rugby field.

We have also been successful in applying for $100,000 in grant funding to pursue the Amenities Facility under the NSW Government Public Reserves Management Fund Program on a 50% funding basis.

Confirming that funds are available to commence the Amenities Facility in 2018/19, with some funds remaining to progress with design works for other elements of the Masterplan and pursue other grant applications.

Staging

Amenities Facility to be constructed over two financial years; 2018/19 required budget $500,000 (including the $100,000 grant), with the remaining $995,000 to follow for 2019/20.

2018/19 Buildings (New) Program - $0 + $500,000 = $500,000 total program

2019/20 Buildings (New) Program - $0 + $995,000 = $995,000 total program

5. Major Works Program – Waste Management - Current Adopted Program Total $0

Design and investigation works continue for the upgrade and eventual rehabilitation of the Bargo Waste Management Centre and $150,000 is required from the Waste Restricted Cash Reserve. Initial works programmed for commencement in the 2018/19 period include the upgrade of the entry facilities and the installation of a weighbridge. Budget adjustments to the capital budget for the construction works will be the subject of a future report to Council when the project estimates are refined.

2018/19 Waste Management $0 + $15,000 = $150,000 total program

6. Major Works Program – Plant Replacement - Current Adopted Program Total $500,000

A number of items of plant were ordered for delivery under the 2017/18 budget and were unable to be delivered before the end of financial year. The unexpended funds were returned to reserve and the recommended increase of $313,821 allows the completion of last year's procurement processes to be completed without requiring this year's replacement program to be reduced.

2018/19 Plant & Fleet – Plant $500,000 + $313,821 = $813,821

7. Operational Budget

a. Plan of Management Grant - Additional $37,500 2018/19

We have been successful in applying for $75,000 in grant funding to pursue a Plan of Management for the Mermaids Pool and Potholes Reserve area from the NSW Government Public Reserves Management Fund Program on a 50% funding basis, which can be expended over two financial years (i.e. $37,500 each year). This coincides well with recent work for Mermaids Pool and the commencement of a Masterplan for Mermaids Pool and Potholes in the 2018/19 financial year.

Acceptance of this Grant would require matching from the existing adopted allocation for the Mermaid Pools and Potholes Reserve Masterplan.

b. Joint-funded Health Planner - Additional $50,000

The Memorandum of Understanding (Wollondilly Shire Council, South West Sydney Local Health District) for the establishment of joint funded position of Senior Health Planner is in the process of being finalised with recruitment about to commence. The estimated cost for 2018/19 is $50,000 which will be funded on a 50% basis by the South West Sydney Local Health District, i.e. $25,000 in 2018/19.

The operational budget is to be increased by $50,000 with $25,000 of income.

Consultation

Nil

Financial Implications

There are sufficient funds available through the nominated reserves in addition to the new grant funds to increase the budget items as follows:

2018/19 Capital Program				
Program	**Current Budget**	**Proposed Variation**	**Proposed Budget**	**Source of funding**
Transport				
Road Renewal Program	$ 9,632,148		$ 9,632,148	
Road Upgrade Program	$ 450,000	$ 1,130,000	$ 1,580,000	Black Spot Grants
Bridge program	$ 883,500		$ 883,500	
Kerb & Gutter - new	$ 300,000		$ 300,000	
Kerb & Gutter - renew	$ 365,000		$ 365,000	
Footpaths & cycleways - new	$ 558,640		$ 558,640	
Footpaths & cycleways - renew	$ 300,000		$ 300,000	
Public Transport Facilities - new	$ -		$ -	
Public Transport Facilities - renew	$ 53,000	$ 20,000	$ 73,000	CPTIG Grant
Traffic Facilities - new	$ 50,000		$ 50,000	
Traffic Facilities - renew	$ 210,000		$ 210,000	
sub-total	$ 12,802,288	$ 1,150,000	$ 13,952,288	
Open Space				
Open space projects - new	$ 2,300,000	$ 720,000	$ 3,020,000	Dev Cont (S7-11) + VPA
Open space projects - renew	$ 375,000		$ 375,000	
sub-total	$ 2,675,000	$ 720,000	$ 3,395,000	
Buildings				
Buildings - new	$ -	$ 500,000	$ 500,000	Grant + Dev Cont (S7-11) + VPA
Building renewal program	$ 775,000		$ 775,000	
sub-total	$ 775,000	$ 500,000	$ 1,275,000	
Plant & Fleet				
Plant fleet	$ 500,000	$ 313,821	$ 813,821	Plant Res
Car fleet	$ 110,000		$ 110,000	
sub-total	$ 610,000	$ 313,821	$ 923,821	
Stormwater Drainage				
Stormwater improvement program	$ 204,000		$ 204,000	
sub-total	$ 204,000	$ -	$ 204,000	
Waste Management				
Waste facilities improvements *	$ -	$ 150,000	$ 150,000	Waste Reserve
sub-total	$ -	$ 150,000	$ 150,000	
Other Projects				
Way-finding signs	$ 50,000	$ -	$ 50,000	
sub-total	$ 50,000	$ -	$ 50,000	
Total	**$ 17,116,288**	**$ 2,833,821**	**$ 19,950,109**	

ATTACHMENTS

Nil

RECOMMENDATION

That the Delivery Program 2017/18 – 2020/21 and Operational Plan 2018/19 be revised as follows:

1. 2018/19 Major Works Program:
    a. Road Upgrade Program - $1,580,000
    b. Public Transport Facilities Program - $73,000
    c. Open Space (New) Program - $3,020,000
    d. Buildings (New) Program - $500,000
    e. Plant - $813,821
    f. Waste Management - $150,000

2. 2018/19 Operational Budget:
    a. The 2018/19 Operational Budget be increased by a total of $87,000 with $62,500 of grants and income.

3. 2019/20 Major Works Program:
    a. Building (New) Program - $995,000

12.2 FACILITIES CONSOLIDATION STRATEGY

File Number: 10619#90

EXECUTIVE SUMMARY

- The purpose of this report is to obtain Council's in principle support to proceed with the Facilities Consolidation Strategy which will ultimately result in the sale of three Council sites, noting that the funds derived from the sale of these properties is expected to be redirected towards the establishment of new community facilities within these precincts.
- This report recommends Council provide in principle support to the commencement of the Thirlmere Hall and Facilities Consolidation Strategy which will result in the sale of Council owned properties at Thirlmere Community Hall, The Oaks Community Hall & Senior's Annex and Oakdale Community Hall.

REPORT

This report is prepared in response to a Notice of Motion submitted at the Council Meeting of 13 February 2018 requesting:

> 'That a report come back to Council (within 3 months) in relation to the Thirlmere Hall which has been closed for around 5 years, with the report to look at the options for rebuilding the hall on the same site or in another location in Thirlmere.'

The Facilities Consolidation Strategy is based on consolidating key ageing community facilities to provide better planned, fit for purpose community infrastructure that meets existing and future community need.

As part of its commitment to financial sustainability, Council has an ongoing program of reviewing services to the community through its Asset Management Strategy.

Some of the Shire's existing aging community facilities are deteriorating and failing to provide the intended service provision or meet changing community needs. The resulting gaps in service provision means that the community is missing out on suitable recreation/community facilities and the services they can offer.

The Thirlmere Community Hall, Oakdale Community Hall, The Oaks Community Hall & Senior's Annex are considered to be those community facilities that are in the poorest condition and having significant impact on their respective communities.

The Strategy proposes to commence a process that will lead to the three properties being sold and the resulting net funds directed towards new facilities within the affected precincts. Specifically, it is proposed to consolidate:

- Thirlmere Community Hall with the proceeds to go towards the development of a new multi-purpose facility at the Thirlmere Sportsground.
- The Oaks Community Hall & Senior's Annex with the proceeds to go towards a new multi-purpose facility at Dudley Chesham Sportsground.
- Oakdale Community Hall with the proceeds to go towards the embellishment of recreation facilities at Willis Park, Oakdale.

The process required prior to being able to sell the properties is lengthy (potentially two years) and involves a number of stages including:

- 'Milestone 1' This Council Report to endorse proposal.
- Updated property valuation reports.
- Building demolition reports.
- Community Exhibition Phase 1 (advice to surrounding residents, user groups, public notices).

- Milestone 2' Council Report to update on the outcomes of the valuations, demolition reports and community engagement and endorse a submission of Planning Proposal for rezoning, intended effect of the proposed changes to the Local Environmental Plan (LEP), background the need for the rezoning, maps, Community Exhibition Phase 2, land sale and facility development.
- Facilitate the sale of Council land (in accordance with Council Policy - Dealings with Council Owned Land GOV0057).

Consultation

The implementation of the Facilities Consolidation Strategy includes community engagement prior to the demolition of the three sites as well as the community consultation for the Planning Proposal for amendments to the Wollondilly Local Environmental Plan as well as the specific engagement processes for the necessary reclassification from Community to Operational for the eventual sale of the lands.

Financial Implications

The investigation phase of the project is estimated to cost $50,000 and this amount will be the subject of consideration at the First Quarter Budget Review.

Implementation costs will be funded from a variety of sources potentially including the Property Reserve; Special Rate Variation funds for the building renewal works; Developer Contributions; and Voluntary Planning Agreements. The introduction of an implementation budget will be the subject of a future report as the project estimates are refined under Phase 1.

ATTACHMENTS

1. Draft Thirlmere Hall and Facilities Consolidation Strategy - October 2018

RECOMMENDATION

1. That in principle support be given to commencing the Facilities Consolidation Strategy with the intent being to offer for sale:
   (a) Thirlmere Community Hall with the proceeds to go towards the development of a new multi-purpose facility at the Thirlmere Sportsground.
   (b) The Oaks Community Hall & Senior's Annex with the proceeds to go towards a new multi-purpose facility at Dudley Chesham Sportsground.
   (c) Oakdale Community Hall with the proceeds to go towards the embellishment of recreation facilities at Willis Park, Oakdale.
2. That Council notes a further report would come to Council at 'Milestone 2' prior to commencing the planning proposal seeking support to continue the process.

13 CARING FOR THE ENVIRONMENT

13.1 ADDITIONAL FEES AND CHARGES BARGO WASTE MANAGEMENT CENTRE 2018/19 FINANCIAL YEAR

File Number: 10619#89

EXECUTIVE SUMMARY

- The purpose of this report is to place the additional Fees & Charges on public exhibition immediately for receipt of two waste types at the Bargo Waster Management Centre.
- This report recommends that the additional Fees & Charges be placed on public exhibition for 28 days and, if no submissions are received, that the Fees are adopted.

REPORT

Following an enquiry from a member of the public regarding the applicable fee for a load of waste being presented at the Bargo Waste Management Centre (BWMC), the 2018/19 Fees & Charges were reviewed.

This review found that the titles and order of placement in the Fees & Charges document could result in customer confusion about the applicability of the charges for Excavated Natural Material (ENM) and Virgin Excavated Natural Material (VENM) with respect to commercially or domestically generated waste material.

The review then looked at the impacts of accepting the potentially higher quantities of commercially generated ENM and VENM currently being experienced, with respect to operational costs and life of the facility, as a result it is also recommended that the Commercial charge be increased to reflect the higher overall cost impacts.

Financial Considerations in Establishing the Proposed Fees

The Fee has been established to move towards full cost recovery including:

- The operating cost of the BWMC.
- The cost of any treatment of the materials that may be reused.
- The Section 88 Levies applied by the EPA.
- Administrative costs incurred by Council.

All the Fees and Charges for the BWMC are currently undergoing a review that will incorporate the remediation and rehabilitation costs for running and eventually closing the Centre.

This revised cost model will inform the establishment of the draft Fees for 2019/20.

Fees and Charges:

The proposed charges are:

Item Description (excluding Council Operations)	**Current General Charge**	**2018/19 Fees & Charges**
Commercial ENM & VNM up to 0.25m^3	$ 64.70	$ 80.00
Commercial ENM & VNM up to 0.50m^3	$129.35	$160.00
Commercial ENM & VNM up to 0.75m^3	$194.10	$240.00
Commercial ENM & VENM over 0.75 m^3	$258.70 per m^3	$320.00 per m^3

Consultation

This report initiates the community consultation process.

Financial Implications

This report seeks to provide an appropriate fee structure for the BWMC and fund the operational, remediation and rehabilitation costs of the Centre.

ATTACHMENTS

Nil

RECOMMENDATION

That Council place the fees and charges on public exhibition for 28 days and, if no significant submissions are received, that the fees be adopted.

14 LOOKING AFTER THE COMMUNITY

Nil

15 EFFICIENT AND EFFECTIVE COUNCIL

15.1 REGISTER OF DISCLOSED INTERESTS - 2017-18

File Number: 10619#43

EXECUTIVE SUMMARY

- The purpose of this report is to table the register of Disclosed Interests. Chapter 14 of the Local Government Act, 1993 requires that all elected members and designated persons complete an initial Pecuniary Interest Return and every year thereafter an Annual return.
- Designated persons include the Chief Executive Officer, other senior staff and staff holding a position identified by the Council as a designated position because it involves the exercise of certain functions such as regulatory or contractual functions.
- It is recommended that the Disclosure of Interests Register be tabled.

REPORT

Section 450A of the Local Government Act subscribes that:

(1) The Chief Executive Officer must keep a register of returns required to be lodged under section 449.

(2) Returns required to be lodged with the Chief Executive Officer under section 449 must be tabled at a meeting of the council, being:

a) in the case of a return lodged in accordance with section 449 (1)- the first meeting held after the last day for lodgement under that subsection, or

b) in the case of a return lodged in accordance with section 449 (3)- the first meeting held after the last day for lodgement under that subsection, or

c) in the case of a return otherwise lodged the first meeting after lodgement.

Section 449 of the Local Government Act subscribes that:

(1) A councillor or designated person must complete and lodge with the Chief Executive Officer, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.

(1A) A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

(2) A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in that year or the previous year or if the person ceases to be a councillor or designated person within the 3-month period.

(3) A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.

(4) A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.

(5) Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.

(6) Nothing in this section or the regulations requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.

In accordance with section 450A(1) of the Act a register of all returns lodged by Councillors and designated persons is currently kept by Council.

Consultation

Nil

Financial Implications

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

ATTACHMENTS

Nil

RECOMMENDATION

That the tabling of the Disclosure of Interests Register for the 2017-18 Financial Year be received by the Chief Executive Officer at this Council Meeting.

15.2 INVESTMENT OF FUNDS AS AT 31 AUGUST 2018

File Number: 10619#80

EXECUTIVE SUMMARY

- The purpose of this report is to provide details of Council's invested funds as at 31 August 2018.
- It is recommended that the information and certification in relation to the investment of funds as at 31 August 2018 be noted.

REPORT

At its last meeting, the Reserve Bank maintained the cash rate at 1.50%. In relation to the domestic market, the Board of the Reserve Bank commented that:

"*Financial conditions remain expansionary, although they are gradually becoming less so in some countries. There has been a broad-based appreciation of the US dollar this year. In Australia, money-market interest rates are higher than they were at the start of the year, although they have declined somewhat since the end of June. These higher money-market rates have not fed through into higher interest rates on retail deposits. Some lenders have increased mortgage rates by small amounts, although the average mortgage rate paid is lower than a year ago.*

The Bank's central forecast is for growth of the Australian economy to average a bit above 3 per cent in 2018 and 2019. In the first half of 2018, the economy is estimated to have grown at an above-trend rate. Business conditions are positive and non-mining business investment is expected to increase. Higher levels of public infrastructure investment are also supporting the economy, as is growth in resource exports. One continuing source of uncertainty is the outlook for household consumption. Household income has been growing slowly and debt levels are high. The drought has led to difficult conditions in parts of the farm sector.

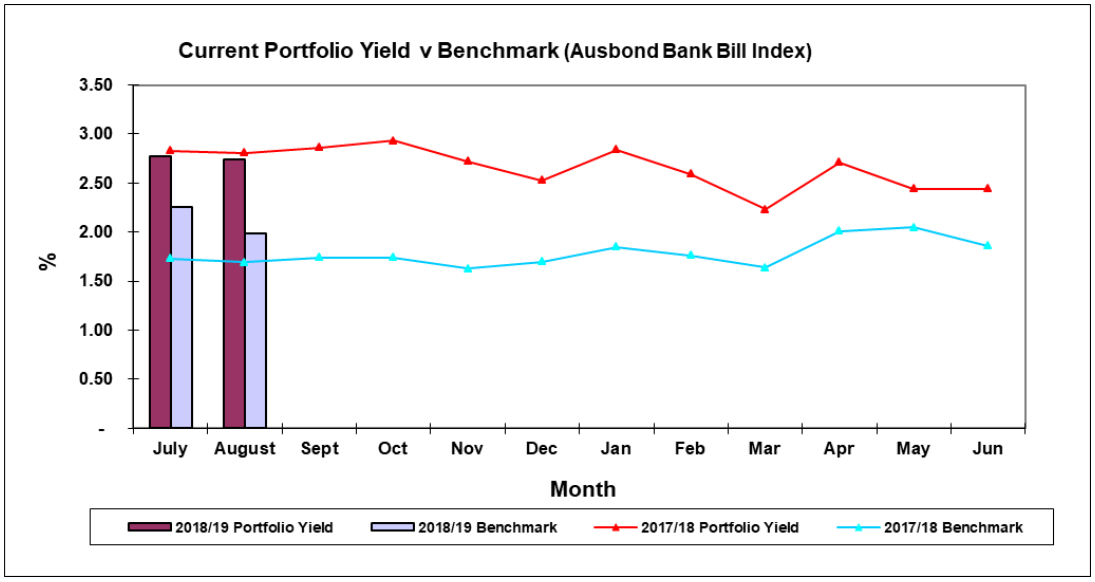
Australia's terms of trade have increased over the past couple of years due to rises in some commodity prices. While the terms of trade are expected to decline over time, they are likely to stay at a relatively high level. The Australian dollar remains within the range that it has been in over the past two years on a trade-weighted basis, but it has depreciated against the US dollar along with most other currencies.

The outlook for the labour market remains positive. The unemployment rate has fallen to 5.3 per cent, the lowest level in almost six years. The vacancy rate is high and there are reports of skills shortages in some areas. A further gradual decline in the unemployment rate is expected over the next couple of years to around 5 per cent. Wages growth remains low, although it has picked up a little recently. The improvement in the economy should see some further lift in wages growth over time, although this is likely to be a gradual process.

Inflation is around 2 per cent. The central forecast is for inflation to be higher in 2019 and 2020 than it is currently. In the interim, once-off declines in some administered prices in the September quarter are expected to result in headline inflation in 2018 being a little lower, at 1¾ per cent."

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 2016/17 and 2017/18.



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 August 2018 is summarised below.

By Product	Face Value ($)	Current Value ($)	Current Yield (%)
Cash	7,426,000.00	7,426,000.00	1.5500
Floating Rate Note	17,700,000.00	17,863,316.38	3.1248
Mortgage Backed Security	1,592,763.49	1,071,491.32	2.4875
Term Deposit	39,000,000.00	39,392,455.96	2.7662
	65,718,763.49	**65,753,263.66**	**2.7240**

Details of Council's investment portfolio as at 31 August 2018 are provided in attachment 1.

Consultation

Independent advice regarding the investment of Council funds was provided by Prudential Investment Services Corp.

Financial Implications

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.

Ashley Christie
Chief Financial Officer
WOLLONDILLY SHIRE COUNCIL

ATTACHMENTS

1. Investment Summary Report as at 31 August 2018

RECOMMENDATION

That the information and certification in relation to the investment of Council funds as at 31 August 2018 be noted.

15.3 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

File Number: 10619#99

EXECUTIVE SUMMARY

- Council officers have prepared the Annual Financial Statements for the year ended 30 June 2018.
- The statements have been reviewed by Prosperity Audit Services Pty Ltd and the NSW Audit Office and were presented to the Audit Committee on 4 October 2018
- The statements are now presented to Council for endorsement and the signing of the "Statement by Councillors and Management"
- It is recommended that the 2017/18 Annual Financial Statements be endorsed and an opinion be formed in the prescribed format on the General Purpose Financial Reports and the audited financial reports, together with the Auditor's reports, be presented to the public at the 19 November 2018 Council meeting.

REPORT

The Local Government Act 1993 requires Council to prepare financial reports for each year and refer them for audit as soon as practicable after the end of that year.

A Council's financial reports must include:

- a general purpose financial report;
- any other matter prescribed by the regulations; and
- a statement in the approved form by the Council as to its opinion on the general purpose financial report.

The Annual Financial Statements are required to be prepared in accordance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards, including the Australian equivalents to International Financial Reporting Standards (AIFRS).

The legislative requirements under the Local Government Act 1993, relevant to the approval and audit process of annual financial statements are as follows:

Section 413(1) - A council must prepare financial reports for each year, and must refer them for audit as soon as practicable.

Section 413(2) - A council's financial reports must include:

(a) a general purpose financial report, and

(b) any other matter prescribed by the regulations, and

(c) a statement in the approved form by the council as to its opinion on the general purpose financial report.

Section 415(1) - Council's auditor must audit financial reports as soon as practicable after receipt.

Section 416(1) - Council's financial reports must be completed and audited within 4 months after year end.

Section 417(1) - A council's auditor must prepare 2 reports:

- a report on the general purpose financial report,
- a report on the conduct of the audit.

Section 417(2) - The report on the council's financial reports must include the following:

(a) a statement as to whether, in the opinion of the auditor, the council's accounting records have been kept in accordance with the requirements of this Division,

(b) a statement as to whether, in the opinion of the auditor, the council's financial reports:

(i) have been prepared in accordance with the requirements of this Division, and

(ii) are consistent with the council's accounting records, and

(iii) present fairly the council's financial position and the results of its operations,

(c) a statement as to whether, in the opinion of the auditor, any information relevant to the conduct of the audit has been unobtainable by the auditor,

(d) a statement setting out particulars of any material deficiency in the accounting records or financial reports that has come to light in the course of the audit.

Section 417(3) - The report on the conduct of the audit may contain such statements, comments and recommendations as to the conduct of the audit of the council's financial reports as the auditor considers appropriate to include in the report.

Section 417(4) - As soon as practicable after completing the audit, the auditor must send a copy of the auditor's reports to the Director-General and to the council.

Section 417(5) - As soon as practicable after receiving the auditor's reports, the council must send a copy of the auditor's report on the council's financial reports, together with a copy of the council's audited financial reports, to the Director-General and to the Australian Bureau of Statistics.

Council's Auditors have completed their audit of the financial reports and those financial reports are now formally presented.

Section 413 of the Local Government Act 1993 requires the Council to form an opinion as to whether Council's annual financial reports have been drawn up in accordance with the Local Government Act and associated Codes and Australian Accounting Standards as prescribed by the Regulations. Statements to this effect have been prepared and are presented to Council for signature. Subsequent to these opinions being signed, Council's Auditors will present their audit reports to Council.

Section 418 of the Local Government Act 1993 (as amended) requires that Council, as soon as practical after receiving a copy of the Auditor's reports, fix a date for a meeting at which it proposes to present its audited financial reports, together with the Auditor's reports to the public. The Council must also give public notice of the date so fixed.

It is proposed that the 19 November 2018 Council meeting be set as the date to present the audited financial statements to the public.

Section 420 of the Local Government Act 1993 provides that any person may make submissions to the Council with respect to the financial reports or the Auditor's reports and those submissions must be made in writing and lodged with the Council within seven days of the public meeting.

Consultation

All members of the Executive and Senior Management have had input into the production of the General Purpose Financial Report, in conjunction with Council's Auditors.

The Audit Manager and staff of Prosperity Audit Services and the NSW Audit Office have been consulted throughout the preparation of the annual financial reports.

Financial Implications

Council is now presented with a set of annual financial reports that have been prepared in accordance with the Local Government Act 1993, Australian Accounting Standards and other professional pronouncements and the Code of Accounting Practice and Financial Reporting. The annual financial reports show Council to be in a sound and stable financial position.

ATTACHMENTS

Nil

(The Draft 2017/18 Annual Financial Statements will be tabled under separate cover.)

RECOMMENDATION

1. The Annual Financial Statements for the year ended 30 June 2018 be endorsed and an opinion be formed in the prescribed format on the General Purpose Financial Reports.
2. The audited financial reports, together with the Auditor's reports, be presented to the public at the 19 November 2018 Council meeting.

15.4 ADOPTION OF THE WOLLONDILLY DESTINATION MANAGEMENT PLAN (DMP)

File Number: 10619#101

EXECUTIVE SUMMARY

- The purpose of this report is to present the Wollondilly Destination Management Plan (DMP) for adoption by Council.
- It is recommended that Council adopts the exhibited Draft Wollondilly DMP.
- That those persons and agencies who made submissions to Council on the Draft Wollondilly DMP be thanked and notified of Council's decision.

REPORT

Stafford Strategy was commissioned by Wollondilly Shire Council to complete a Destination Management Plan (DMP) for the Wollondilly Shire. The purpose of the DMP is to guide sustainable growth and to help ensure the viability and resilience of the tourism industry in the Shire.

Destination management is an ongoing process in which tourism, industry, government and community leaders plan for the future and manage a destination. Best practice Destination Management is a holistic process that ensures tourism adds value to the economy, social fabric and ecology of the community. Tourism is an economic driver, generating jobs and contributing benefits to our community.

The Wollondilly DMP will be effective because it is based on research and the needs of the visitor. The destination management process integrates both demand (the visitor) and supply (the product or experience). Importantly, one of the key outcomes of destination management is a strong resilient tourism industry with good product and experience offerings that adapt to the needs of the visitor and the community as the destination evolves and matures.

The Wollondilly DMP is based on a sound framework. Unlike traditional tourism strategies which tend to be focused on marketing, this destination management plan is much broader and focuses on product development, planning requirements, industry development as well as marketing.

To guide the development of Wollondilly as a destination and to strengthen the visitor economy, a vision was developed along with four activation areas to achieve the vision. The vision states:

> By 2025, Wollondilly's visitor economy will be a key driver of the social, cultural and economic life of Wollondilly, with substantially increased economic benefits for the resident and business community. This will be achieved by further developing Wollondilly's product offering and promoting it as a year-round vibrant destination.

The four activation areas identified in the Draft Wollondilly DMP include:

- Activation Area 1: Product and Infrastructure Development – to diversify Wollondilly's product base and develop / enhance infrastructure to support the visitor economy.
- Activation Area 2: Destination Awareness and Visitor Services – to grow awareness of Wollondilly as a visitor destination and to actively showcase what is on offer.
- Activation Area 3: Events Development – to actively target niche events which Wollondilly has strengths in and to support the development of new events.
- Activation Area 4: Governance & Support – to ensure there is a united approach to growing Wollondilly's economy.

The Draft Wollondilly DMP includes over 30 projects across the four activation areas for Council to consider implementing over the next five years. This includes six 'game changer' projects:

- Destination Holiday Park and Servicing Centre
- Great Walk Experience in collaboration with the Blue Mountains

- High-end Eco-Lodge(s) with Associated Wellness Spa
- Investment Prospectus
- Visitor Economy Awareness Campaign
- Event Development

Council needs to adopt the DMP to provide a framework for growing visitation and the economy of the Wollondilly Shire. Following the adoption of the DMP, the Tourism & Business Investment Department will assess and prioritise each project for delivery over the next five years.

Consultation

Extensive consultation was undertaken by Stafford Strategy including group and on-on-one consultation with Wollondilly businesses, residents, councillors, tourism stakeholders (local and regional), community groups, State Government, other councils and council staff. The Draft Wollondilly DMP was placed on public exhibition from 9 July 2018 to 10 August 2018.

Financial Implications

No funding has been allocated for the implementation of projects under the Wollondilly Destination Management Plan (DMP). Funding will be secured through working with the private sector, public / private partnerships, grant funding, review of tourism operations as well as through the Tourism & Business Investment Department budget for projects in the current and future financial years.

ATTACHMENTS

1. **Wollondilly Destination Management Plan (DMP)**
2. **Wollondilly Destination Management Plan (DMP) Submissions Summary**

RECOMMENDATION

1. That Council adopts the Wollondilly Destination Management Plan.
2. That those persons and agencies who made submissions to Council on the Draft Wollondilly DMP be thanked and notified of Council's decision.

16 NOTICE OF MOTION/RESCISSIONS

Nil

17 CLOSED REPORTS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in *accordance with Section 10 A(2) of the Local Government Act 1993:*

17.1 Legal Status

This matter is considered to be confidential under Section 10A(2) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

This report covers outcomes of litigation matters and associated legal expenditure..

That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2).

That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.

18 QUESTIONS FOR NEXT MEETING

Nil