



MINUTES

Wollondilly Shire Local Planning Panel Meeting

25 October 2018

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**MINUTES OF WOLLONDILLY SHIRE COUNCIL
WOLLONDILLY SHIRE LOCAL PLANNING PANEL MEETING
HELD AT THE COUNCIL CHAMBER, 62-64 MENANGLE STREET, PICTON NSW 2571
ON THURSDAY, 25 OCTOBER 2018 AT 5.45PM**

PRESENT: Chair, Steve Kennedy; Expert – Planning, Vince Hardy; Expert – Environment, Stella Whittaker; Community Representative, Ian Tait.

IN ATTENDANCE: Manager Development Services, two Development Assessment Team Leaders, Development Assessment Planner and one Administration Officer.

1 OPENING

2 RECORDING OF THE MEETING

The electronic recording of the Wollondilly Shire Local Planning Panel meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

3 WEBCAST NOTICE

Members of the public are advised, that Local Planning Panel meetings are recorded and webcast live in line with provisions under the Environmental Planning & Assessment Act 1979 No. 203. This notice is made as required under Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA). The webcasts are publicly available for viewing on Council's website.

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4 ACKNOWLEDGEMENT OF COUNTRY

The Chair acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present.

5 APOLOGIES AND LEAVE OF ABSENCE REQUESTS

Nil

6 DECLARATION OF INTEREST

Vince Hardy declared a conflict of interest in relation to Item 7.4 Marsh Road, Warradale Road and Government Road, Silverdale, as his client owns a parcel of land which immediately adjoins the subject site. Vince Hardy advised he will remove himself from any deliberations on this matter.

Stella Whittaker declared that because she is carrying out consultancy work for the Office of Environment and Heritage for Wollondilly Shire Council in relation to sustainability at Wilton New Town there was some potential for a reasonably perceived conflict of interest in relation to Item 7.4 Marsh Road, Warradale Road and Government Road, Silverdale. Stella Whittaker advised there was no actual conflict of interest and that she would stay on the panel for and vote on this item.

7 LOCAL PLANNING PANEL REPORTS – SUSTAINABLE AND BALANCED GROWTH

7.1 RURAL FIRE SERVICES STORAGE SHED

DEVELOPMENT INFORMATION

Reason for LPP Referral:	Council Land
DA No:	010.2018.00000379.001
Lot & DP – Subject Site:	Lot 144 DP8982 - 6 Pitt Street TAHMOOR
Proposal:	RFS Storage Shed
Zoning:	R3 Medium Density Residential
Permissibility:	Prohibited (Permissible under SEPP Infrastructure)
Cost of Development:	\$24,000
Applicant:	Wollondilly Shire Council
Owner:	Wollondilly Shire Council
Notification:	4 July 2018 until 19 July 2018 – 15 days notification
Submissions:	No submissions have been received in relation to this proposal.
Variations:	No variations are required in relation to this proposal.
Site Inspection:	20 July 2018
Recommendation:	Approved – subject to conditions of consent

EXECUTIVE SUMMARY

- The purpose of this report is to provide an assessment of a proposed storage shed that is located on Council land.
- 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.
- It is recommended that the application be approved subject to conditions.

PUBLIC SUBMISSIONS

Nil

PANEL COMMENTARY

On Thursday 25 October 2018, the Panel inspected the subject site, 6 Pitt Street, Tahmoor.

The Panel noted that:

1. An inspection of the subject site confirmed that it is suitable for the intended use.
2. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.
3. The comment / General Terms of Approval provided by the relevant State Agencies are noted and will form part of the determination notice.
4. The development is in the public interest.

DECISION

The Panel approves Application No. 010.2018.00000379.001 for 6 Pitt Street, Tahmoor for the reasons outlined in the Council Assessment Report.

VOTING

4/0

7.2 FIVE SHOP TOP HOUSING AND FIVE SHOPS AND STRATA SUBDIVISION

DEVELOPMENT INFORMATION

Reason for LPP Referral:	VPA with Council
DA No:	010.2017.00000578.001
Lot & DP – Subject Site:	Lot 2 DP 1098293 – 1 Picton Avenue PICTON
Proposal:	Five Commercial Premises, comprising five shop top houses, Strata subdivision and works
Zoning:	B2 Local Centre
Permissibility:	Permitted with consent
Cost of Development:	\$1,145,117.84
Applicant:	Precise Planning
Owner:	Colin Swadline
Notification:	18 January 2018 until 15 February 2018 – 28 days advertising
Submissions:	Three submissions have been received in relation to this proposal.
Variations:	Yes variations are sought.
Site Inspection:	4 September 2018
Recommendation:	Deferred Commencement Consent.

EXECUTIVE SUMMARY

- This application was received on the 29 of August 2017 for Five Commercial Premises, comprising of five shop top houses, Strata subdivision and works.
- The purpose of this report is to consider a development application for the above mentioned proposed due to a proposed Voluntary Planning Agreement (VPA).
- It is recommended that this application be supported subject to conditions of consent.
- There has been no reports of any political donations or gifts in relation to this proposal.

PUBLIC SUBMISSIONS

Nil

PANEL COMMENTARY

On Thursday 25 October 2018, the Panel inspected the subject site, 1 Picton Avenue, Picton.

The Panel were concerned that the heritage and archaeological significance of the site had not been fully acknowledged and addressed in the application. The Panel noted that the site had previously been the location of the rectory for St Mark's Church. The Panel considered that the development should acknowledge this history through the placement of a suitable plaque and suggested that the owner of the consent may choose to recognise this history in their naming of the development.

The Panel were also concerned about the suitability of the site with respect to meeting Australian Standards for accessibility.

The Panel noted the comments made by Council's Heritage Consultant.

The Panel noted that:

1. An inspection of the subject site confirmed that it is suitable for the intended use.
2. The concerns raised in submissions have been adequately addressed in the Assessing Officer's report.
3. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.
4. The comment / General Terms of Approval provided by the relevant State Agencies are noted and will form part of the determination notice.
5. The variation sought by the proponent is justified having regard to the objectives in the relevant planning instrument.

DECISION

The Panel approves Application No. 010.2017.00000578.001 for 1 Picton Avenue, Picton for the reasons outlined in the Council Assessment Report, subject to the following:

1. Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
2. A new Access Compliance report shall be provided prior to the issuing of the Construction Certificate. This report shall demonstrate compliance with relevant Australian Standards.
3. Prior to the issuing of the Occupation Certificate, the owner of the consent will provide and install a plaque acknowledging the historic use of the site. The design and location of the plaque to be to the satisfaction of Council with details provided prior to issuing the Construction Certificate.

VOTING

4/0

7.3 PROPOSED INTENSIVE LIVESTOCK AGRICULTURE (POULTRY FARM) INCLUDING THE CONSTRUCTION OF 8 POULTRY SHEDS AND ASSOCIATED WORKS

DEVELOPMENT INFORMATION

Reason for LPP Referral:	Designated Development and more than 10 unique submissions
DA No:	010.2016.00000852.001
Lot & DP – Subject Site:	Lot 22 & DP 751250 – 290 Arina Road, Bargo
Proposal:	Designated, Integrated Development – Proposed Intensive Livestock Agriculture (Poultry farm) including the construction of 8 poultry sheds and associated works
Zoning:	RU1 – Primary Production
Permissibility:	Permissible with Council Consent
Cost of Development:	\$5.4 million
Applicant:	Tattersall Lander
Owner:	Jamie & Josette Grech
Notification:	30 days notification from 27 April 2017.
Submissions:	Total 58 submissions comprising 40 letters plus a petition with 48 signatures objecting to the development and 18 letters in support.
Variations:	None
Site Inspection:	July 2017 & February 2018
Recommendation:	That Development Application DD010.2016.00000852.001 be refused

EXECUTIVE SUMMARY

- The purpose of this report is to consider a Development Application to construct sheds and ancillary structures to establish a new poultry farm.
- The development application is referred to the Local Planning Panel (Panel) due to objections exceeding 10 submissions. The application is also deemed to be designated development. In accordance with the Ministerial Direction the development proposal must be determined by the Panel.
- Under Section 10.4 Disclosure of political donations and gifts of the *Environmental Planning & Assessment Act 1979*, 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 the application be refused.

PUBLIC SUBMISSIONS

The Panel were addressed by eight objectors.

PANEL COMMENTARY

On Thursday 25 October 2018, the Panel inspected the subject site, 290 Arina Road, Bargo.

The Panel notes the zoning for the site is RU1 Primary Production, the objectives of which is to enable uses including intensive livestock agriculture.

The Panel also noted the close proximity of a number of residences to the subject site and the potential inconsistency this may cause with the relevant zone objectives.

The people who addressed the Panel expressed a number of consistent concerns with regard to the application including the scale of the development and its environmental, traffic and general amenity impacts. The Panel notes that these concerns were also raised by a number of State agencies.

The Panel also notes the matters raised in the Officer's report with respect to the lack of detailed information provided in the application and the failure of the Applicant to provide that information despite several requests from Council.

The Panel was concerned that:

- the lack of detailed information made assessment of the environmental impacts of the application impossible.
- given the above, the site was not suitable for a development of this scale, comprising of eight poultry sheds capable of housing 480,000 birds.

Accordingly, the Panel supports the recommendation in the report.

DECISION

The Panel refuses Application No. 010.2016.00000852.001 for 290 Arina Road, Bargo for the reasons outlined in the Council Assessment Report.

VOTING

4/0

7.4 DEVELOPMENT ASSESSMENT REPORT - MARSH ROAD, WARRADALE ROAD AND GOVERNMENT ROAD, SILVERDALE

DEVELOPMENT INFORMATION

Reason for LPP Referral:	Development application in which the developer has offered to enter into a planning agreement
DA No:	010.2014.00000675.001
Lot & DP – Subject Site:	Lots 100, 101, 102 & 104 in DP 1237882
Proposal:	4-stage subdivision to create 87 residential lots, 1 super lot (proposed Lot 88) for future residential development, 1 super lot (proposed Lot 89) for future industrial development, drainage works on existing Lots 101 & 102, 1 road lot (existing Lot 104), bulk earthworks, removal of vegetation, construction of drainage basins and stormwater drainage works, road construction, street tree planting and landscaping
Zoning:	Wollondilly Local Environmental Plan 2011 - Part zoned R2 Residential Low Density Residential, part E2 Environmental Conservation and part IN2 Light Industrial
Permissibility:	Permissible with consent
Cost of Development:	\$4,923,929.45
Applicant:	Site Plus Pty Ltd
Owner:	TJ + RF Fordham Pty Ltd
Notification:	Notified twice for a period of 30 days commencing 6 November 2014 and 9 March 2016
Submissions:	Two
Variations:	Nil
Site Inspection:	19 June 2017
Recommendation:	That Development Application DD010.2014.00000675.001 for a 4-stage subdivision to create 87 residential lots, 1 super lot (proposed Lot 88) for future residential development, 1 super lot (proposed Lot 89) for future industrial development, drainage works on existing Lots 101 & 102, 1 road lot (existing Lot 104), bulk earthworks, removal of vegetation, construction of drainage basins and stormwater drainage works, road construction, street tree planting and landscaping at Lots 100, 101, 102 & 104 DP 1237882 Marsh Road, Warradale Road & Government Road, Silverdale is approved subject to conditions.

Vince Hardy removed himself from the Panel during deliberations on this matter, due to a previously declared Conflict of Interest.

EXECUTIVE SUMMARY

- Consent is sought for a 4-stage subdivision to create 87 residential lots, 1 super lot (proposed Lot 88) for future residential development, 1 super lot (proposed Lot 89) for future industrial development, drainage works on existing Lots 101 & 102, 1 road lot (existing Lot 104), bulk earthworks, removal of vegetation, construction of drainage basins and stormwater drainage works, road construction, street tree planting and landscaping at Lots 100, 101, 102 & 104 Marsh Road, Warradale Road and Government Road, Silverdale.

- A total of two submissions were received.
- Under Section 10.4 Disclosure of political donations and gifts of the *Environmental Planning & Assessment Act 1979*, 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.
- The Draft Voluntary Planning Agreement (VPA) was exhibited in 2016. It provides for the dedication of land containing the OSD basin and the payment of maintenance contributions. The outcome of the exhibition were reported back to Council on 17 September 2018.
- This report recommends that this application be approved subject to conditions (see Attachment 2 draft conditions of consent).

PUBLIC SUBMISSIONS

The Panel were addressed by Anne Trezise on behalf of the applicant. Anne Trezise supported the recommendation but requested that the reference to the four-stage subdivision be deleted to enable the activation of the application including a single authorisation from Sydney Water and other authorities for the development.

PANEL COMMENTARY

On Thursday 25 October 2018, the Panel inspected the subject site, Marsh Road, Warradale Road and Government Road, Silverdale.

The Panel visited the site and were informed by Council of the history of this application. The Panel were concerned at the potential loss of significant trees on the site, however the Panel were advised of the determination of the Office of Environment and Heritage with regards to the application and Biobanking Statement.

The Panel notes that Condition 8(1)a requires the preparation of an Ecological Management Plan to be provided prior to the issuing of the Subdivision Works Certificate for site clearance.

The Panel noted that:

1. An inspection of the subject site confirmed that it is suitable for the intended use.
2. The concerns raised in submissions have been adequately addressed in the Assessing Officer's report.
3. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.
4. The comment / General Terms of Approval provided by the relevant State Agencies are noted and will form part of the determination notice.

DECISION

The Panel approves Application No. 010.2014.00000675.001 for Marsh Road, Warradale Road and Government Road, Silverdale for the reasons outlined in the Council Assessment Report, subject to the following:

1. Condition 9(1) be amended to read: *the provision of a minimum of one street tree per allotment located in the frontage of each allotment.*
2. The description of the proposal and Condition 1(1) be amended to delete reference to the four-stage subdivision.
3. Condition 1(3) be amended to delete the Proposed Release Plan, Landscape Concept Plan and Landscape Detail Plan.

VOTING

3/0

7.5 CHANGES TO CODE OF CONDUCT FOR LOCAL PLANNING PANELS

EXECUTIVE SUMMARY

- The purpose of this report is to acknowledge the changes made to the Code of Conduct for Local Planning Panels.
- It is the responsibility of Panel members to abide by the principles, obligations and requirements set out in the Code.

PUBLIC SUBMISSIONS

Nil

DECISION

The Panel acknowledged the changes made to the Code of Conduct for Local Planning Panels.

VOTING

4/0

The Meeting closed at 6.29pm.

The minutes of this meeting were confirmed at the Wollondilly Shire Local Planning Panel Meeting held on 29 November 2018.

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CHAIRPERSON