



MINUTES

Wollondilly Shire Local Planning Panel Meeting

29 November 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, 29 NOVEMBER 2018 AT 5.40PM**

PRESENT: Chair Keith Dedden, Community Representative David Smith, Expert - Planning Mark Carlon, Expert - Environment Fiona Gainsford

IN ATTENDANCE: Manager Development Services, Acting Strategic Planning Team Leader, Principal Planner LEP Review, Development Assessment Planner, Senior Development Assessment Planner, two Development Assessment Team Leaders and one Administration Officer.

1 OPENING

2 RECORDING OF THE MEETING

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

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

David Smith declared a potential conflict of interest in relation to Item 7.3 Section 4.55 Assessment – 325 Scroggies Road, Lakesland as he attended a meeting where the original application was discussed. Therefore this is a conflict of duties as defined under the Code of Conduct. David Smith advised he will remove himself from any deliberations on this matter.

David Smith declared a reasonably perceived non-pecuniary but significant conflict of interest in relation to Item 7.5 Draft Planning Proposal in the Metropolitan Rural Area – West Thirlmere, as his son has a friend in the locality, therefore regularly visits a property within the planning proposal area. David Smith advised he will remove himself from any deliberations on this matter.

7 LOCAL PLANNING PANEL REPORTS – SUSTAINABLE AND BALANCED GROWTH

7.1 DEVELOPMENT APPLICATION 010.2018.00000392.001 FOR A DWELLING HOUSE FOR 1 STARGARD CRES, PICTON

DEVELOPMENT INFORMATION

Reason for LPP Referral:	4.6 Variation greater than 10%
DA No:	010.2018.00000392.001
Lot & DP – Subject Site:	Lot 27 DP 1173845
Proposal:	Dwelling
Zoning:	R5 Large Lot Residential
Permissibility:	Permitted with Consent
Cost of Development:	\$560,823.00
Applicant:	Eden Brae Homes
Owner:	Mrs L Froud and Mr S Potter
Notification:	From 11/7/2018 to 26/7/2018
Submissions:	0
Variations:	Variation to LEP Clause 4.2A
Site Inspection:	14 August 2018
Recommendation:	That variation be approved subject to standard conditions for dwelling

EXECUTIVE SUMMARY

- The purpose of this report is to consider a development application for a dwelling at 1 Stargard Crescent, Picton due to a Variation to Clause 4.2A of Wollondilly Local Environmental Plan 2011 that is greater than 10%.
- 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
- It is recommended that this variation be supported and DA 010.2018.00000392.001 proposing the erection of a dwelling house be approved subject to conditions.

PUBLIC SUBMISSIONS

Nil

PANEL CONSIDERATIONS AND REASONS FOR DECISION

On Thursday 29 November 2018, the Panel inspected the subject site, 1 Stargard Crescent, Picton.

The Panel noted that:

1. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.

2. The variation sought by the proponent under Clause 4.6 is justified having regard to the objectives in the relevant planning instrument and compliance with the standard would be unreasonable and unnecessary.

DECISION

The Panel approves Application No. 010.2018.00000392.001 for 1 Stargard Crescent, Picton subject to the conditions and for the reasons outlined in the Council Assessment Report.

VOTING

4/0

7.2 DEVELOPMENT APPLICATION NO. DD010.2018.00000145.001 - TWO LOT SUBDIVISION - GREENBRIDGE DRIVE, WILTON**DEVELOPMENT INFORMATION**

Reason for LPP Referral:	A Voluntary Planning Agreement is applicable for the Bingara Gorge precinct, including the subject site therefore referral to the LPP is required
DA No:	DD010.2018.00000145.001
Lot & DP – Subject Site:	Lot 5 DP 270536, Greenbridge Drive Wilton
Proposal:	Two-lot subdivision
Zoning:	R2 Low Density Residential
Permissibility:	Permissible with consent
Cost of Development:	\$0 (no physical works proposed)
Applicant:	Lendlease Communities
Owner:	Bradcorp Wilton Park Pty Ltd
Notification:	Notified and advertised for a period of for 31 days commencing 10 May 2018
Submissions:	0
Variations:	0
Recommendation:	Approval subject to conditions

EXECUTIVE SUMMARY

- Consent is sought for a two-lot subdivision in Bingara Gorge. Assessment of the proposal against the relevant provisions of the *Environmental Planning and Assessment Act 1979* (NSW) has concluded that it is consistent with the aims and objectives of the relevant EPIs, the minimum lot size requirement of the Wollondilly Local Environmental Plan 2011 and the relevant provisions of the Wollondilly Development Control Plan 2016.
- The DA is referred to the Local Planning Panel as it is a sensitive development as identified in Schedule 1 of the Ministerial direction dated 23 February 2018. Wollondilly Shire Council, DLL Wilton Pty Ltd and Lendlease Corporation Ltd entered into a Planning Agreement on 3 November 2007 for a staged development of 1165 residential lots and the use of the land for associated open space, recreation and community purposes, a mixed use village centre, a sewage treatment plant, landscaping and utility services. The Agreement provides for monetary and works contributions for open space, sporting and recreation facilities, library, information and community facilities and transport and traffic management.
- 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 this application be approved subject to conditions.

PUBLIC SUBMISSIONS

Nil

PANEL CONSIDERATIONS AND REASONS FOR DECISION

On Thursday 29 November 2018, the Panel inspected the subject site, Lot 5 DP 270536, Greenbridge Drive Wilton.

The Panel noted that:

1. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.
2. The proposal will facilitate the ongoing management and maintenance of the additional conservation lands without impeding other land uses compatible with residential land uses and will provide a major social benefit to the wider community.

DECISION

The Panel approves Application No. 010.2018.00000145.001 for Lot 5 DP 270536, Greenbridge Drive Wilton subject to the conditions and for the reasons outlined in the Council Assessment Report.

VOTING

4/0

7.3 SECTION 4.55 ASSESSMENT - 325 SCROGGIES ROAD LAKESLAND DEVELOPMENT INFORMATION

Reason for LPP Referral:	Previous submissions are not reaffirmed by modification
DA No:	010.2015.00000292.002
Lot & DP – Subject Site:	Lot 201 DP 809884 - 325 Scroggies Road, Lakesland
Proposal:	Modify Condition 5(3), Delete Condition 5(6) and grant operational consent
Zoning:	RU1 Primary Production
Permissibility:	Permissible with Council Consent
Cost of Development:	Not relevant
Applicant:	Precise Planning
Owner:	Mrs M Buttigieg & Mr FC Buttigieg
Notification:	20 April 2018 to 8 May 2018
Submissions:	3 submissions
Variations:	None
Site Inspection:	September 2017
Recommendation:	The operational consent be granted.

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

EXECUTIVE SUMMARY

- The purpose of this report is to consider a modification of the approval involving alternate truck routes and traffic assessment to and from the subject site.
- Under Section 10.4 Disclosure of political donations and gifts of the Environmental Planning & Assessment Act 1979 (EP&A Act), 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 modification application be approved and operational consent be granted.

PUBLIC SUBMISSIONS

The Panel was addressed by three registered speakers.

PANEL CONSIDERATIONS AND REASONS FOR DECISION

On Thursday 29 November 2018, the Panel inspected the subject site, 325 Scroggies Road, Lakesland.

The Panel noted that:

1. The application sought to modify the development consent to remove any ambiguity associated with approved truck routes and submissions were heard and considered in terms of traffic management and required road improvements. And it was noted that improvements had been completed on Ruddocks Road.

2. The community had concerns regarding the proposed modification requiring left turn from Barkers Lodge Road into Argyle Street which would lead to additional traffic through the main street of Picton returning the same way via the roundabout at Regreme Road. It was agreed that whilst that movement would improve safety at the intersection, it would direct additional heavy vehicle traffic through the main street of Picton. However it was noted that the applicant advised the panel that the majority of truck movements would be overnight. Further, that undesirable traffic movement would be removed in the future when intersection improvements would be undertaken.

DECISION

The Panel approves Application No. 010.2015.00000292.002 for 325 Scroggies Road, Lakesland subject to the conditions and for the reasons outlined in the Council Assessment Report.

VOTING

3/0

7.4 DRAFT PLANNING PROPOSAL IN THE METROPOLITAN RURAL AREA - TAHMOOR TOWN CENTRE

DEVELOPMENT INFORMATION

Reason for LPP	The Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018, requires all planning proposals to be referred to the LPP for advice before Council considers whether or not to forward it to the Minister or GSC under s3.34.
Lot & DP – Subject Site:	Land bound by Thirlmere Way, York Street, Larkin Street and George Street in Tahmoor
Proposal:	Draft Planning Proposal to amend the Wollondilly Local Environment Plan 2011 Maximum Height Limit map as it applies to the site from 11 to 30 metres
Applicant:	Rein & Warry Co
Owner:	Baldek Pty Ltd
Notification:	28 February 2018 to 28 March 2018
Submissions:	84
Recommendation:	Referred for advice

EXECUTIVE SUMMARY

- This report seeks the Panel's advice on the Tahmoor Town Centre draft planning proposal received for land located at central Tahmoor.
- This matter has been referred to the Panel for advice in accordance with Section 2.19 of the Environmental Planning & Assessment Act 1979.
- The application proposes to change the *Wollondilly Local Environmental Plan, 2011* (WLEP 2011) to amend the Height of Buildings Map for the site to increase the maximum building height from 11 metres to 30 metres to enable the construction of shop top apartments (consisting of the approved extension to Tahmoor Town Centre Shopping complex, and 432 units (estimated) within six storeys).
- The application has been subject to initial notification and there were 84 submissions in response. 71 were in objection, 11 were in support and two (2) were neutral.
- 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.
- It is recommended that the Panel:
 1. Note the Assessment Report.
 2. Note the recommendation that the proposal not proceed.
 3. Provide advice in accordance with the Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018 which will be attached to a future report to Council.

PUBLIC SUBMISSIONS

The Panel was addressed by four registered speakers.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

On Thursday 29 November 2018, the Panel inspected the subject site - land bound by Thirlmere Way, York Street, Larkin Street and George Street in Tahmoor.

The Panel noted that:

1. Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly Shire. 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.
2. Submissions from objectors to the proposal related to the loss of the village atmosphere, unacceptable height of the proposed development, increased densities in a rural locality and likely increase in traffic resulting from occupation of high density residential.

ADVICE TO COUNCIL

The Wollondilly Shire Local Planning Panel advises Council that the draft planning proposal does not have strategic merit for the following reasons:

1. It is not considered appropriate for the surrounding context in terms of density, height and scale
2. There are outstanding mine subsidence and coexistence issues
3. There are sewer and road infrastructure constraints
4. This development is unnecessary to meet local growth considering the level of development that has occurred in surrounding areas as part of the Picton Tahmoor Thirlmere rezoning and also in Wilton
5. The height and density of the proposal is incompatible with the concept of a rural village
6. The proposal is beyond what could be considered to be local growth and is not consistent with the Western City District Plan and the direction for the Metropolitan Rural Area

VOTING

4/0

7.5 DRAFT PLANNING PROPOSAL IN THE METROPOLITAN RURAL AREA - WEST THIRLMERE

DEVELOPMENT INFORMATION

Reason for LPP	The Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018, requires all planning proposals to be referred to the LPP for advice before Council considers whether or not to forward it to the Minister or GSC under s3.34.
Lot & DP – Subject Site:	Various sites in West Thirlmere
Proposal:	Draft Planning Proposal to amend the Wollondilly Local Environmental Plan 2011 Lot Size and Land Zoning map as it applies to the site in a manner which is yet to be determined
Applicant:	Rein & Warry Co
Owner:	Various
Notification	Preliminary consultation not yet carried out.
Submissions	12
Recommendation	Referred for advice

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

EXECUTIVE SUMMARY

- This report seeks the Panel's advice on a draft planning proposal for land at West Thirlmere.
- This matter has been referred to the Panel for advice in accordance with Section 2.19 of the Environmental Planning & Assessment Act 1979.
- The draft planning proposal seeks to amend *Wollondilly Local Environmental Plan 2011* (WLEP 2011) to increase the density of development on the site by reducing the minimum lot size in various forms and by rezoning the site to allow for a mix of residential, rural residential and commercial development.
- The draft planning proposal has not been subject to initial notification however, 12 informal submissions were received in support of the proposal following notification that it would be reported on at a Council Meeting.
- 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.
- It is recommended that the Panel:
 1. Note the Assessment Report.
 2. Note the recommendation that the proposal not proceed.
 3. Provide advice in accordance with the Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018 which will be attached to a future report to Council.

PUBLIC SUBMISSIONS

The Panel was addressed by six registered speakers.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

On Thursday 29 November 2018, the Panel inspected the subject site, West Thirlmere.

The Panel noted that:

1. This is a superficial application to rezone the land that is not supported by any preliminary environmental studies or detailed documentation.
2. The draft planning proposal has not been subjected to any community consultation process and so the views of the wider community are not known.
3. The matter was determined as it was presented in the Agenda. The applicant has revised the submission to 4000sqm lots by submission of an email only. The applicant should be advised that the direction contained in the Western City District Plan states that rural residential development is not an economic value of rural areas and further rural residential development is generally not supported.
4. Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly. 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.
5. The outcomes that would be facilitated by the planning proposal would be detrimental to the rural and natural character of the locality.

ADVICE TO COUNCIL

The Wollondilly Shire Local Planning Panel advises Council that the draft planning proposal does not have strategic merit for the following reasons:

1. Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly Shire. This work involves a coordinated and holistic approach to establish what 'local growth' is in the Wollondilly context and cannot be determined on an ad hoc basis.
2. The proposal is not supported by adequate analysis and documentation to give confidence that the planning proposal has strategic merit.
3. There are unknown environmental impacts and servicing constraints.
4. The outcomes that would be facilitated by this planning proposal could compromise the scenic and natural qualities of the locality.
5. The Western City District Plan is clear in its direction that rural residential development is generally not an appropriate use of land in the Metropolitan Rural Area.
6. The residents should note the Western City District Plan makes it clear that there will be no land release required in the Metropolitan Rural Area in the next 20 years to meet the housing needs of Greater Sydney.

VOTING

3/0

7.6 DRAFT PLANNING PROPOSAL IN THE METROPOLITAN RURAL AREA; 65-95 IRONBARK ROAD, BARGO DRAFT PLANNING PROPOSAL

DEVELOPMENT INFORMATION

Reason for LPP:	The Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018, requires all planning proposals to be referred to the LPP for advice before Council considers whether or not to forward it to the Minister or GSC under s3.34.
Lot & DP – Subject Sire:	Lots 125, 126, 127 & 128 DP 10336 Ironbark Road, Bargo
Proposal:	Draft Planning Proposal to amend the Wollondilly Local Environment Plan 2011
Applicant:	Precise Planning
Owner:	Mr R Singh, Mrs H Manouras, M & D Barnett, Mr M Basanovic
Notification:	February 2018
Submissions:	Two
Recommendation:	Referred for advice

EXECUTIVE SUMMARY

- This report seeks the Panel's advice on a draft planning proposal for Lots 125, 126, 127 & 128 DP 10336 (No. 65-95) Ironbark Road, Bargo.
- This matter has been referred to the Panel for advice in accordance with Section 2.19 of the Environmental Planning & Assessment Act 1979.
- The draft 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 draft planning proposal has been subject to initial notification receiving two submissions in response, zero in objection, zero in support and two neutral.
- 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.
- It is recommended that the Panel:
 1. Note the Assessment Report
 2. Note the recommendation that the proposal not proceed
 3. Provide advice in accordance with the Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018 which will be attached to a future report to Council

PUBLIC SUBMISSIONS

The Panel was addressed by three registered speakers.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

On Thursday 29 November 2018, the Panel inspected the subject site, Lots 125, 126, 127 & 128 DP 10336 Ironbark Road, Bargo.

The Panel noted that:

1. Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly Shire. 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.
2. The location of site relative to the existing township of Bargo will create segregated rural zoned land not creating a logical and uniform approach to future development.
3. The disposal of sewage was unresolved and no evidence was provided that the proposed adjoining treatment plant could be relied upon.
4. The matter was determined as it was presented in the Agenda.

ADVICE TO COUNCIL

The Wollondilly Shire Local Planning Panel advises Council that the draft planning proposal does not have strategic merit for the following reasons:

1. The application is not considered appropriate given its remoteness from Bargo village
2. Given that unresolved issues relating to mine subsidence and coexistence issues remain there is no certainty that the land to the North will ultimately be rezoned
3. There are outstanding mine subsidence and coexistence issues for the subject site
4. There are sewer and road infrastructure constraints
5. The planning proposal before the panel includes R3 Medium Density Residential which is inappropriate in this isolated rural location
6. The proposal is beyond what could be considered to be local growth and is not consistent with the Western City District Plan and the direction for the Metropolitan Rural Area

VOTING

4/0

7.7 DEVELOPMENT APPLICATION NO. 010.2018.00000535.001 - 27 ANTHONY ROAD, BARGO - ADDITION TO EXISTING WASTE DISPOSAL FACILITY (WEIGHBRIDGE)**DEVELOPMENT INFORMATION**

Reason for LPP Referral:	Council is the applicant
DA No:	010.2018.00000535.001
Lot & DP – Subject Site:	Lot 242 DP 751250, No. 27 Anthony Road, Bargo
Proposal:	Construct Weighbridge at Bargo Waste Management Centre
Zoning:	RU1 – Primary Production
Permissibility:	Permissible with Consent
Cost of Development:	\$500,000
Applicant:	Wollondilly Shire Council
Owner:	Department of Industry, NSW Trade & Investment (Crown Lands)
Notification:	Advertised & Notified to adjoining owners 27 September to 12 October 2018
Submissions:	Nil
Variations:	Nil
Site Inspection:	29 October 2018
Recommendation:	Approve subject to conditions

EXECUTIVE SUMMARY

- The purpose of this report is to provide an assessment of the submitted development application for the consideration and determination of the Wollondilly Shire Local Planning Panel (WSLPP).
- The Panel should note that at this stage, owner's consent from the Crown has not been received. Council sought this requirement early on in the process, however this has been an administrative obstacle for Council. Council is pursuing the paperwork from the Crown and envisage a positive reply for consent prior to the WSLPP meeting on Thursday 29 November 2018. Should the owner's consent not be forthcoming, this matter will be deferred for consideration at a later WSLPP meeting.
- It is recommended that the application be approved subject to conditions of consent.

PUBLIC SUBMISSIONS

Nil

PANEL CONSIDERATIONS AND REASONS FOR DECISION

On Thursday 29 November 2018, the Panel inspected the subject site, 27 Anthony Road, Bargo.

A copy of the owner's consent for the application was provided to panel members prior to the meeting.

The Panel noted that:

1. Based on a review of Clauses 35 and 36 of Schedule 3 of the Environmental Planning & Assessment Regulation 2000, the Panel considers that the proposed weighbridge facility works would not be designated development, as the alterations or additions do not significantly increase the environmental impacts of the total development compared with the existing development.

2. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.

DECISION

The Panel approves Application 010.2018.00000535.001 for 27 Anthony Road, Bargo as outlined in the Council Assessment Report, subject to the conditions contained in the report with the deletion of Condition 8 (5) for the reason that the Panel is satisfied the facility is removed from any noise sensitive receptor.

VOTING

4/0

The public part of the meeting closed at 8.00pm.

The full meeting closed at 10.08pm.

The minutes of this meeting were confirmed at the Wollondilly Shire Local Planning Panel Meeting held on 28 February 2019.

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CHAIRPERSON