



MINUTES

Wollondilly Shire Local Planning Panel Meeting

26 March 2020

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**MINUTES OF WOLLONDILLY SHIRE COUNCIL
WOLLONDILLY SHIRE LOCAL PLANNING PANEL MEETING
HELD VIA LIVE WEBCAST
ON THURSDAY, 26 MARCH 2020 AT 5.44PM**

PRESENT: Chair Ian Reynolds, Expert - Planning Vince Hardy, Expert - Environment Fiona Gainsford, Community Representative Ian Tait

IN ATTENDANCE: Director Planning, Manager Development Services, Manager Sustainable Growth, Development Assessment Team Leader, Acting Strategic Planning Team Leader, Investigation and Design Engineer, Senior Strategic Planner, Assistant Strategic Planner 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.

Video footage collected is of the panel and registered speakers. If you do not wish your image to be recorded a panel member or Council officer will, upon request, read your submission on your behalf. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don't remain in the space provided in the public gallery.

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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

Ian Reynolds advised he previously met registered speaker, Neville Fredericks, in a professional capacity 10-12 years ago during a tour of Tullimbar. Ian noted no further connection has been made since and therefore had no conflict to declare.

7 LOCAL PLANNING PANEL REPORTS – SUSTAINABLE AND BALANCED GROWTH

7.1 CONSTRUCTION OF A STORAGE SHED FOR THE NSW RURAL FIRE SERVICE - 10 AVON DAM ROAD, BARGO, NSW 2574

Reason for LPP Referral: Schedule 1(1)(a) of the Minister's Planning Panel Direction - the subject site is land owned by Council.

DA No: DA/2019/739/1

Lot & DP – Subject Site: Lot 1 DP 1210340, 10 Avon Dam Road BARGO NSW 2574

Proposal: Construction of a Storage Shed for the NSW Rural Fire Service (RFS)

Zoning: R2 Low Density Residential

Permissibility: Permitted with Consent

Cost of Development: \$10,760.00

Applicant: Wollondilly Shire Council

Owner: Wollondilly Shire Council

Notification: Notified from 8 to 22 January 2020

Submissions: Nil

Variations: Nil

Site Inspection: Conducted by council staff on 24 January 2020

Recommendation: Approval 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. The development application was submitted on 24 December 2019 and proposes the construction of a colourbond storage shed for ancillary use to the existing RFS Building.
- The application has been referred to the Local Planning Panel for determination as the subject site is land owned by Council.
- No disclosure of political donation has been made in association with this application.
- It is recommended that the application be approved subject to conditions of consent.

PUBLIC SUBMISSIONS

There were no registered speakers for this item.

PANEL CONSIDERATIONS AND REASONS FOR DECISION

On Thursday 26 March 2020, the Panel discussed subject site 10 Avon Dam Road, Bargo. No site inspection occurred given the minor nature of the proposal, the established uses on site and the absence of public submissions. The panel noted that:

1. No submissions had been lodged in relation to the proposal.
2. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.

3. The building will provide additional facilities for use by the Rural Fire Service to enhance its operations on behalf of the community.
4. Approval is in the public interest.

RECOMMENDATION

That Development Application DA/2019/739/1 for 10 Avon Dam Road, Bargo be approved subject to the conditions set out in, and for the reasons outlined in, the Council Assessment report.

VOTING

4/0

7.2 CONSTRUCTION OF A PRINCIPAL DWELLING - 31 TORULOSA ROAD, THE OAKS

Reason for LPP Referral:	Schedule 1(1)(c) of the Minister's Local Planning Panel Direction -The applicant is a member of council staff who is involved in the exercise of council's functions under the Environmental Planning and Assessment Act, 1979.
DA No:	DA/2020/12/1
Lot & DP – Subject Site:	31 Torulosa Road The Oaks, Lot 5 DP 1238060
Proposal:	Principal Dwelling
Zoning:	R2 Low Density Residential
Permissibility:	Permitted with Consent
Cost of Development:	\$746,600.00
Applicant:	Elizabeth Searle
Notification:	Notified from 20 January to 5 February 2020
Submissions:	No submissions have been received
Variations:	No variations are proposed
Site Inspection:	Conducted by council staff on 28 January 2020
Recommendation:	Approval subject to conditions

EXECUTIVE SUMMARY

- This development application is reported to the Wollondilly Local Planning Panel as the applicant is a member of council staff who is involved in the exercise of council's functions under the Environmental Planning and Assessment Act, 1979, in accordance with the Minister's Local Planning Panels Direction.
- The application was lodged on 9 January 2020 and no disclosure of political donation was made.
- The report provides an assessment of a proposed principal dwelling against the relevant provisions of Wollondilly Local Environmental Plan 2011 and DCP 2016 and recommends that the application be approved subject to conditions of consent.

PUBLIC SUBMISSIONS

There were no registered speakers for this item.

PANEL CONSIDERATIONS AND REASONS FOR DECISION

On Thursday 26 March 2020, the Panel discussed subject site 31 Torulosa Road, The Oaks. No site inspection occurred due to the nature of the proposal, the context of the site and the absence of any public submissions. The panel noted that:

1. No submissions had been made in relation to the proposal.
2. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.
3. The proposal will help meet the demand for housing in the locality.
4. The development proposal is supported subject to appropriate conditions of consent.

DECISION

That Development Application DA/2020/12/1 for 31 Torulosa Road, The Oaks be approved subject to the conditions set out in, and for the reasons outlined in, the Council Assessment report, with the amendment of:

Condition 6 (2)

“Prior to the issue of an Occupation/Construction Certificate the Applicant shall install a Water tank/tanks with a minimum capacity of 10,000 litres.”

VOTING

4/0

7.3 STONEQUARRY COMMERCIAL PLANNING PROPOSAL

Reason for LPP Referral: 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.

Lodgement Date: 27 April 2012

Proposal: Rezone the land to enable development of the site for commercial, residential and private recreation purposes.

Applicant: SLR Consulting

Current zoning: R2 Low Density Residential, RU4 Primary Production Small Lots and SP2 Cemetery

Subject Site: 16 lots adjoining Picton Commercial Land

EXECUTIVE SUMMARY

- The purpose of this report is to seek the Wollondilly Local Planning Panel's (the Panel) advice regarding the Stonequarry Commercial Planning Proposal located on land in Picton.
- The planning proposal seeks to amend the Wollondilly Local Environmental Plan 2011 (WLEP 2011) by rezoning the land for commercial and public and private recreation purposes.
- The planning proposal received a Gateway determination on 9 August, 2013 allowing it to proceed.
- There are a number of outstanding unresolved planning matters and consequently, Council staff recommend that the proposal should no longer proceed. Under the Local Planning Panel Direction, Planning Proposals, issued on 27 September 2018, advice of the Panel is sought before seeking an altered Gateway determination.
- It is recommended that the Panel:
 1. Notes this Assessment Report.
 2. Notes the recommendation by Council officers that the planning proposal should no longer proceed.
 3. Provides any other advice on this proposal that will be attached to a future report to Council.

PUBLIC SUBMISSIONS

The panel were addressed by three speakers.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

On Thursday 26 March 2020, the Panel discussed Stonequarry Commercial planning proposal. No site inspection occurred given the nature of the proposal, the familiarity of the Picton locality to the Panel, and the documentation available to support an assessment. The panel noted that:

1. The proposal is not consistent with Council's land use vision as detailed in the endorsed Local Strategic Planning Statement.
2. The proposal is not consistent with the Western City District Plan.
3. The proposal would require the delivery of public infrastructure and services that are currently not forecast or funded to be provided.

The Panel also noted that:

1. The consultants for the proponents did not challenge the technical outcomes of the flood studies recently exhibited by Council (insofar as they affected the subject site), nor had they lodge submissions in relation to the exhibition of those studies.
2. The proposal is not compatible with the flood hazard of the land.
3. The extent of earthworks required to render the site flood compatible are excessive in terms of its impact on the riparian environment, public amenity, flood storage and the potential cultural and archaeological heritage values of the site.
4. Given the advanced nature of Council's flood studies and the advice by Council staff that there is a strong likelihood the studies will be recommended for endorsement by Council in a similar form to that which was exhibited. The Panel did not consider it necessary to wait for formal adoption of the flood studies before proceeding with a decision in relation to the planning proposal, particularly as the consultants for the proponent apparently did not lodge any comment on, or objection to, the studies.
5. There are a number of strategic studies underway (including Rural Lands Strategy, Local Housing Strategy, Employment Lands Study and Centres Study) which could have an impact on the desired development of the site in its setting close to the Picton Town Centre / affect the nature 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 reasons outlined in the Council Assessment report and outlined above.

VOTING

4/0

7.4 STILTON LANE PLANNING PROPOSAL

Reason for LPP Referral: 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.

Lodgement Date: August 2013

Proposal: Stilton Lane Planning Proposal

Applicant: Cardno NSW/ACT Pty Ltd (Wollongong Office)

Current zoning: RU2 Rural Landscape

Subject Site: No.'s 5, 10,10A, 15, 20, 30, 40, 50, 60 Stilton Lane & 2420, 2430, 2440, 2440A Remembrance Drive

EXECUTIVE SUMMARY

- The purpose of this report is to seek the Wollondilly Local Planning Panel's (the Panel) advice regarding a planning proposal known as the Stilton Lane Planning Proposal.
- The proposal seeks to amend the Wollondilly Local Environment Plan 2011 (Wollondilly LEP 2011) by rezoning several adjoining lots on Stilton Lane, Picton from RU2 (Rural Landscape) to a range of zones to facilitate housing, tourism, commercial uses and a medical precinct.
- This proposal in an altered form received a Gateway determination in May 2018 with an 18 month timeframe for completion, however there has been little progress on the proposal or the required supporting studies.
- The proposal has not adequately advanced and there have been significant changes and clarity in Council's forward strategic planning vision through *Wollondilly 2040*, Council's endorsed Local Strategic Planning Statement. The proposal is also inconsistent with the Greater Sydney Commission's Western City District Plan.
- It is not possible to assess this proposal without the outstanding studies and full knowledge of plans for this site.
- It is recommended that the Panel:
 - Notes this Assessment Report;
 - Notes the recommendation by Council officers that the planning proposal should no longer proceed.
 - Provides any other advice on this proposal that will be attached to a future report to Council.

PUBLIC SUBMISSIONS

The panel were addressed by two registered speakers. Material which had been provided by the speakers to Council earlier in the day was reviewed by the Panel.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

On Thursday 26 March 2020, the Panel discussed the planning proposal for Stilton Lane. No site inspection occurred given the nature of the proposal, the familiarity of the Picton locality to the Panel, and the documentation available to support an assessment. The panel noted that:

1. The proposal is not consistent with Council's land use vision as detailed in the endorsed Local Strategic Planning Statement.
2. The proposal is not consistent with the Western City District Plan.

3. The proposal would require the delivery of public infrastructure and services that are currently not forecast or funded.
4. Existing and future plans for zoned land in Wollondilly Shire is more than sufficient to meet housing demand without the need to rezone land in this location.

ADVICE TO COUNCIL

The Wollondilly Shire Local Planning Panel advises Council that the draft planning proposal does not have strategic merit for the reasons outlined in the Council Assessment report and as outlined above.

VOTING

4/0

The public part of the meeting closed at 6.48pm.

The full meeting closed at 8.27pm.

The minutes of this meeting were confirmed by the Chair.

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CHAIRPERSON