



MINUTES

Wollondilly Shire Local Planning Panel Meeting

28 May 2020

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**MINUTES OF WOLLONDILLY SHIRE COUNCIL
WOLLONDILLY SHIRE LOCAL PLANNING PANEL MEETING
HELD ONLINE VIA WEBCAST
ON THURSDAY, 28 MAY 2020 AT 5.32PM**

PRESENT: Chair Ian Reynolds, Expert - Planning Vince Hardy, Expert - Planning Elaine Treglown, Community Representative David Smith

IN ATTENDANCE: Director Planning, Manager Development Services, Development Assessment Team Leader, Senior Development Assessment Planner, Engineering Development Team Leader, Senior Environmental Health Officer and two Administration Officers.

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

David Smith declared a non-pecuniary non-significant conflict of interest in regards to agenda item 7.1 as he had previously worked for the same organisation as a person who had made a submission in regards to the application and also declared a non-pecuniary non-significant conflict of interest as he has had dealings in his role in another Local Government Area with the applicant's representative who is also involved in a development matter in that area. The Chair noted the declaration and advised that, in his opinion, Mr Smith can deliberate and vote on this item.

David Smith declared a non-pecuniary non-significant conflict of interest with the applicant of item 7.2 arising from his previous employment at Wollondilly Shire Council. The Chair noted the declaration and advised that, in his opinion, Mr Smith can deliberate and vote on this item.

Vince Hardy declared a professional connection with the project architect of Item 7.1. He advised that they share a client on a different project that has no cross over with the subject project of Item 7.1. The Chair noted the declaration and advised that, in his opinion, Mr Hardy can deliberate and vote on this item.

7 LOCAL PLANNING PANEL REPORTS – SUSTAINABLE AND BALANCED GROWTH

7.1 SUPPLEMENTARY REPORT - CONCEPT DEVELOPMENT APPROVAL FOR A CEMETERY, COMPRISING OF 27,784 PLOTS, EARTHWORKS, LANDSCAPING, WATER STORAGE, ROADS AND CAR PARKING AND APPROVAL FOR BUILDING ENVELOPES

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| Reason for LPP Referral: | Ministerial Direction under section 9.1 of the Environmental Planning and Assessment Act 1979 - Local Planning Panels Direction – Development Applications schedule 1(2)(b) DA No: DA/2018/780/1 |
| Lot & DP – Subject Site: | Lot 2, DP 2503559 – 430-490 Douglas Park Drive, Douglas Park |
| Proposal: | Concept development approval for a Cemetery, comprising 27,784 plots, earthworks, landscaping, water storage, roads and car parking, and approval for building envelopes. |
| Zoning: | RU2 Rural Landscape |
| Permissibility: | Permitted with consent |
| Cost of Development: | \$20,284,000.00 |
| Applicant: | Benima Pty Ltd |
| Notification: | Advertised for 28 Days from the 24 January to the 22 February 2019 and re-notified with amended plans on the 4 to the 19 September to adjoining owners and previous submitters. |
| Submissions: | 53 unique submissions |
| Variations: | Nil |
| Site Inspection: | 23 January 2019 |
| Recommendation: | Approval subject to conditions of consent. |

EXECUTIVE SUMMARY

Approval is sought for concept development approval for a cemetery including earthworks, landscaping, water storage, roads, car parking and approval for building envelopes.

On 13 February 2020 the Wollondilly Local Planning Panel deferred consideration of the application pending submission of additional information. The purpose of this report is to provide an assessment of the submitted information.

It is recommended that the concept development application be approved subject to conditions.

PUBLIC SUBMISSIONS

There were four registered speakers.

PANEL CONSIDERATIONS AND REASONS FOR DECISION

On Thursday 21 May 2020, the Panel inspected subject site 430-490 Douglas Park Drive, Douglas Park. The Panel noted that:

1. That there were concerns from residents about the lack of notification of the amended application. Given there was no increase in impact from the additional information provided, there was no requirement to renotify the application. This is in accordance with the Wollondilly Community Participation Plan which states that: *If a development application is amended prior to being determined, the application will only be re-notified if the environmental impact is deemed by Council to be greater than that of the original*

development proposal.

2. There were concerns from residents regarding the notice given of the Panel meeting. Notice of the meeting was given to submitters in accordance with the adopted Wollondilly Local Planning Panel Charter and Code of Meeting Practice.
3. The proposed land use is a permissible use with development consent in the zone.
4. The issues raised by the previous Panel in its decision to defer consideration of the application have not been adequately addressed, with the exception of the Panel's previous concerns in regards to bushfire safety.
5. Although there may be potential for the site to accommodate the proposed use, the Panel remains to be satisfied with:
 - a. the accuracy and comprehensiveness of traffic information enabling the Panel to be satisfied that the site is appropriate to accommodate the proposed use, including but not limited to traffic capacity issues, traffic safety issues on the surrounding road network and a clear explanation of how traffic through the gorge will be discouraged;
 - b. the nature and extent of works proposed in each stage and how the internal road network, parking, facilities and stormwater controls will work at each stage of the development; and
 - c. the areal extent and acoustic impact of progressive rock ripping of each stage and management measures proposed to ameliorate any adverse impacts of that ripping, including potential acoustic impacts on neighbouring residents.

DECISION

The Panel defers Application No. DA/2018/780/1 for 430-490 Douglas Park Drive, Douglas Park for the reasons outlined above, and the applicant is required to address the following issues to enable further consideration of the proposal:

1. A comprehensive traffic report which contains accurate data and which addresses both traffic capacity and safety issues for traffic utilising the site relative to the immediate and surrounding road network. This traffic report shall also provide a Traffic Management Plan that includes detailed explanation of what measures will be taken to discourage the use of the Douglas Park Gorge for access to and from the site, particularly for funeral corteges, and examples of the types of communication and signage etc. that would be used to assist this.
2. An appropriately detailed Staging Plan setting out on separate plans the nature and extent of works proposed in each stage, including a plan showing the works and facilities completed prior to the commencement of the use of the site, the areal extent and acoustic impact of progressive rock ripping of each stage and management measures proposed to ameliorate any adverse impacts of that ripping, traffic access, internal road network and parking, facility construction staging, management principles relating to stormwater and waste water management and indicative landscaping proposals, including management of Shale Sandstone Transition Forest elements on site. Further the staging plan shall detail the items to be included in the Development Application for each stage of the development. It is acknowledged that in providing this information there may be a need to change the location of the stages previously provided or change the number of stages.
3. Further clarification of the proposed rock ripping including the expected noise levels, ability to comply with the relevant noise guidelines, acoustic impact on adjacent residents, extent and regularity of rock ripping and any mitigation measures.

VOTING

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7.2 CONTINUED USE OF A PARTIALLY CONSTRUCTED ANCILLARY STRUCTURE (SHED)

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| Reason for LPP Referral: | Ministerial Direction under section 9.1 of the Environmental Planning and Assessment Act 1979 - Local Planning Panels Direction – Development Applications’ schedule 1(1)(b) DA No: DA/2020/38/1 |
| Lot & DP – Subject Site: | Lot 731 DP 811421 240 Montpelier Drive THE OAKS |
| Proposal: | For the continued use of a partially constructed ancillary structure (shed) and approval for the remaining works to completion |
| Zoning: | RU2 Rural Landscape |
| Permissibility: | Permitted with consent |
| Cost of Development: | \$23,840.00 |
| Applicant: | Mr Simon Landow |
| Notification: | 10 February to 24 February 2020 |
| Submissions: | No submissions have been received in relation to this proposal |
| Variations: | Yes – Variation required to DCP controls |
| Site Inspection: | 18 February 2020 |
| Recommendation: | Approval, subject to conditions of consent |

EXECUTIVE SUMMARY

The purpose of this report is to provide an assessment of a development application for the continued use of a partially built shed and approval for the remaining works to enable completion of the structure. The application is generally in accordance with the provisions of Wollondilly Local Environmental Plan 2011 and DCP 2016. It is recommended that the application be approved subject to conditions.

The structure comprises a slab on ground, with brick and timber walls and a zincalume roof and is designed to match the existing dwelling on the property.

RECOMMENDATION

That development application DA/2020/38/1 for the continued use of a partially constructed ancillary structure (shed) and approval for the remaining works to completion at 240 Montpelier Drive, The Oaks be approved subject to conditions.

PUBLIC SUBMISSIONS

There was one registered speaker.

PANEL CONSIDERATIONS AND REASONS FOR DECISION

On Thursday 21 May 2020, the Panel inspected subject site 240 Montpelier Drive, The Oaks. 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 is justified having regard to the objectives in the relevant planning instrument.
3. The development proposal is supported subject to the amendment of Condition 7(5) to clarify the extent and location of landscaping screening required for the shed structure.

DECISION

The Panel approves Application No. DA/2020/38/1 for 240 Montpelier Drive, The Oaks for the reasons outlined above, subject to the following amendment(s):

Amend Condition 7(5):

- *To minimise the impact on the streetscape and screen the shed from the street, a continuous row of shrubs shall be installed along the western elevation of the shed. The selected species shall be capable of attaining a height of at least 3 metres at maturity to effectively screen the garage wall. Shrubs with a pot size of at least 50cm/52L shall be used adjacent to the western elevation of the building. This landscaping shall be in accordance with the Wollondilly Development Control Plan Volume 1, Part 11 Landscaping, 11.2 Recommended Species, Table 2: Recommended Shrub Species (1 to 5 Metres) for the Shire. This landscaping shall be installed prior to the issue of any Occupation Certificate and shall be maintained in perpetuity.*

VOTING

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The public part of the meeting closed at 7.03pm.

The full meeting closed at 8.35pm.

The minutes of this meeting were confirmed by the Chair.

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CHAIRPERSON