

Ordinary Meeting Of Council



Wollondilly Shire Council

Notice of Meeting & Agenda Monday 16 July 2018

You are invited to attend the next Ordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 16 July 2018 commencing at 6.30pm.

Ally Dench
Acting General Manager

Councillors

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Business Papers will be available from Council's Foyer or alternatively on Council's website.

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OPENING

RECORDING OF THE MEETING

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NATIONAL ANTHEM

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APOLOGIES AND LEAVE OF ABSENCE REQUESTS

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Sustainable and Balanced Growth

Sustainable and Balanced Growth
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Relevance to Community Strategic Plan
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SUSTAINABLE AND BALANCED GROWTH

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in Create Wollondilly Community Strategic Plan 2033.

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GR1 – Voluntary Planning Agreement 55-57 Menangle Street, Picton

GR1

Voluntary Planning Agreement – 55-57 Menangle Street, Picton

263081

TRIM 9613

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's endorsement to execute a draft Voluntary Planning Agreement for 55-57 Menangle Street, Picton.
- The draft Voluntary Planning Agreement was recently re-exhibited due to changes that were made to previously exhibited versions.
- The draft Voluntary Planning Agreement was prepared in accordance with a condition of consent imposed by the Land & Environment Court in November 2016 for re-development of the site.
- 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 Council endorse the draft Voluntary Planning Agreement and that the General Manager be authorised to execute the Agreement on behalf of Council.

REPORT

BACKGROUND

The development consent for re-development of the site granted by the Land & Environment Court ('Court') involves the alteration of an existing building to create:

- 5 ground level shops,
- 6 shop-top housing dwellings, and
- 7 car parking spaces.

The Applicant offered to enter into a Voluntary Planning Agreement ('VPA') to offset the shortfall of 19 car parking spaces required to serve the development. In lieu of full satisfaction of the car parking requirement, the draft VPA requires the developer to provide the following public benefits:

- Landscaping of the southern area of the site near Argyle Street;
- A covenant providing for right of public use and access of the landscaped area in perpetuity; and

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- Road works to St Mary McKillop Lane beyond those required to enable the development, including:
 - Pavement reconstruction,
 - Re-grading of road at the entrance to Menangle Street,
 - A concrete dish drain in Menangle Street, and
 - Line marking and signage.

The value of the benefits to be provided has been estimated at \$346,350 consisting of:

- Open space covenant = \$103,106
- Landscaping of open space area and road works = \$193,244, and
- Road works = \$50,000.

These benefits are not given as an offset for the development contributions estimated at approximately \$68,000 plus CPI.

An earlier version of the draft VPA was prepared and exhibited in November 2014.

It became necessary to review the earlier version given Council staff undertook some urgent works in St Mary Mackillop Lane to address public safety issues. Completion of these works by Council meant the applicant would not be able to fulfil its obligations under the draft VPA.

The developer has now agreed to pay a cash contribution in the amount of \$50,000 in satisfaction of the works undertaken by Council.

In addition to providing this money, other minor changes were made to the original version of the draft VPA including amendments to the Road Works Schedule. The \$50,000 referred to above will to be used for traffic and road safety improvements in the Picton town centre.

The draft VPA still requires the developer to carry out some road works in St Mary Mackillop Lane, and to provide in perpetuity access to the southern area of the site fronting Argyle St for public open space purposes.

EXHIBITION OF THE DRAFT PLANNING AGREEMENT

Under Council's Planning Agreements Policy re-exhibition of a Draft Agreement is required if "*any change is made to it after exhibition, other than a minor change which does not affect the operation of the agreement, or the contributions provided under the agreement (subject to legal advice in any particular case if considered necessary).*"

The changes referred to above were considered significant enough to warrant re-exhibition, and the draft VPA was re-exhibited in March 2018.

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REVIEW OF SUBMISSIONS FROM THE EXHIBITION PROCESS

As noted above, the draft VPA was exhibited firstly between 9 August and 8 September 2017, and was re-exhibited (as a result of the changes that were made) between 21 March and the 20 April 2018. A total of 3 submissions were received to both exhibition periods. One of the submitters from the first exhibition sent a duplicate submission for the second exhibition period, and this has been included in the total number of (three) submissions.

The matters raised in the submissions related to the development application (DA) rather than the draft VPA. As has been noted the DA has already been approved by the Land & Environment Court and as a result Council is not able to consider these matters any further.

The matters raised in the submissions are summarised below.

Issue Raised	Comments
Lack of any proper new drainage or flood mitigation in response to the July 2016 flood. The dish drain seems to be a token effort.	These comments relate to the DA. The development of the former National Australia Bank was approved by the Land & Environment Court in November 2016.
Concerns about the impact of the contemporary style of building approved within the Picton Heritage Conservation Area.	Same as above

In summary whilst the matters raised in the submissions may have been relevant if Council had an approval role for the DA, they are not matters which are relevant to Councils consideration of the draft VPA.

FINANCIAL IMPLICATIONS

The draft VPA is considered to have positive financial implications for the community. Council will still receive development contribution of approximately \$68,000. This contribution is not offset by the draft VPA. The provision of \$50,000 to fund traffic and safety improvements is a positive financial outcome as is the provision of some usable open space in the Picton town centre.

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CONCLUSION

The draft VPA has completed its statutory processes and is now in a form that can be decided on by Council. In considering the Agreement it is important to note that the condition of consent imposed by Court required that the Draft Agreement be prepared in accordance with the letter of offer submitted by the applicant (letter dated 17 October 2016) and as it is an outcome of the Court process there is little room to require further changes to the Agreement.

Nevertheless, the Draft Agreement is considered to represent a good outcome for Council and the community through the provision of an area of open space in the Picton town centre, some road works and a monetary contribution to help fund additional road and traffic safety improvements.

As a result it is being recommended that the Agreement be executed by Council.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Re-exhibited Draft Planning Agreement and Explanatory Note
2. Letter of offer dated 17 October 2016

RECOMMENDATION

That Council endorse the draft Voluntary Planning Agreement for 55-57 Menangle Street, Picton to be executed by the General Manager under delegated authority on behalf of Council.

GR2 – Draft Amendments to Wollondilly Development Control Plan 2016 – Vegetation Removal

GR2

Draft Amendments to Wollondilly Development Control Plan 2016 – Vegetation Removal

260803

TRIM 3615-8

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council support to exhibit proposed amendments to the Wollondilly Development Control Plan 2016. The proposed amendments will update the development control plan to align with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) introduced on 25 August 2017.
- It is recommended that:
 - Council exhibit the draft amendments to Wollondilly Development Control Plan 2016 in accordance with the Community Engagement Strategy referred to in this report.
 - A further report be provided to Council following the public exhibition on the outcomes of the consultation and the final controls for adoption.

REPORT

OVERVIEW OF THE LEGISLATIVE REFORMS

The NSW Government introduced a new legislative and policy framework for biodiversity conservation and native vegetation management on 25 August 2017. The reforms involve the introduction of a new Biodiversity Conservation Act 2016 and Local Land Services Amendment Act, 2016.

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ('Vegetation SEPP'), was also introduced on 25 August 2017 as part of the reforms. The Vegetation SEPP does not apply to any clearance of vegetation that is directly related or ancillary to an activity that requires development consent.

An overview of each part of the new legislation is provided below:

Biodiversity Conservation Act, 2016

The Biodiversity Conservation Act, 2016 ('BC Act') replaces the former Threatened Species Conservation Act 1995 in providing a legislative framework for the protection of biodiversity in NSW. It introduces a new biodiversity offsetting scheme and threshold criteria which trigger offsetting of biodiversity losses (through measures such as biobanking).

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**GR2 – Draft Amendments to Wollondilly Development Control Plan 2016
– Vegetation Removal**

The BC Act also regulates any development proposal that requires development consent under the Environmental Planning & Assessment Act 1979. However, this component has been deferred in Wollondilly and a number of other local government areas until 26 November 2018.

Biodiversity Conservation Regulation 2017

The Biodiversity Conservation Regulation 2017 provide additional detail and inform the implementation of the BC Act. Importantly, the Regulation include criteria within the Biodiversity Offset Scheme ('BOS') relevant to the minimum lot size of the land under Wollondilly Local Environmental Plan 2011 (WLEP 2011).

The thresholds for clearing that require biodiversity offsets are provided in the table below:

Minimum Lot Size for subdivision of the Land under WLEP 2011	Area of clearing that exceeds the BOS threshold
Less than 1 hectare	0.25 hectares or more
Less than 40 hectares but not less than 1 hectare	0.5 hectares or more
Less than 1000 hectares but not less than 40 hectares	1 hectare or more
1000 hectares or more	2 hectares or more

The clearing of native vegetation is also taken to exceed the BOS thresholds if the clearing is carried out on land identified within the Biodiversity Values map that is prepared and published under the BC Act by the relevant authority.

Local Land Services Amendment Act, 2016

The Local Land Services Amendment Act, 2016 replaces the Native Vegetation Act 2003. It details what clearing to native vegetation does not require development consent on land where the native vegetation regulatory map applies. These maps will apply to rural zoned land, not for land zoned urban or for environmental protection/management.

Clearing that is authorised under the Local Land Services Act, 2013 ('LLS Act') will be regulated by the Local Land Services Authority. The recent amendments also saw the introduction of the Land Management (Native Vegetation) Code 2017 which aims to support landholders by providing certain exemptions for vegetation removal and controls on rural land.

**GR2 – Draft Amendments to Wollondilly Development Control Plan 2016
– Vegetation Removal**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP deals with clearing native vegetation that does not require development consent under the Environmental Planning & Assessment Act, 1979 on non-rural zoned land. The Vegetation SEPP enables Council to regulate any clearing below the BOS threshold through a permit system. Any clearing above the BOS requires approval from the Native Vegetation Panel established under the LLS Act.

The Native Vegetation Panel is an independent body and will consist of three members as follows:

1. The Chairperson, who will be a person with expertise in planning, public administration or social assessment;
2. A person with expertise in economics, agricultural economics or agricultural production systems;
3. A person with expertise in ecology or the protection and conservation of biodiversity.

The table below outlines the extent of the vegetation removal by which Council can issue a permit and the thresholds where approval from the Native Vegetation Panel is required for vegetation clearing in non-rural areas:

Minimum Lot Size of the land (refer to the minimum lot size map within WLEP 2011 to determine the minimum lot size)	Maximum area of clearing for which Council can issue a Permit for removal	Area of vegetation removal that requires approval from the native vegetation panel
Less than 1 hectare	Less than 0.25 hectares	0.25 hectares or more
Less than 40 hectares but not less than 1 hectare	Less than 0.5 hectares	0.5 hectares or more
Less than 1000 hectares but not less than 40 hectares	Less than 1 hectare	1 hectare or more
1000 hectares or more	Less than 2 hectares	2 hectares or more

**GR2 – Draft Amendments to Wollondilly Development Control Plan 2016
– Vegetation Removal**

The Vegetation SEPP gives Council the ability, through its development control plan to prescribe vegetation that can be removed with and without a permit based upon:

- The species of vegetation
- The size of the vegetation
- The location of the vegetation
- The presence of vegetation in an ecological community or in the habitat of threatened species.

Under the Vegetation SEPP, a Council can approve or refuse to issue a permit application. If the permit application is refused the applicant can exercise Appeal rights with the NSW Land & Environment Court.

APPROVAL PATHWAYS UNDER THE VEGETATION SEPP

The BC Act, LLS Act and Vegetation SEPP work together to create a framework for the regulation of clearing of native vegetation. The framework establishes different regulatory pathways for clearing depending on whether the clearing requires consent.

Development consent for clearing of native vegetation is required where the purpose of the clearing is to enable a use of land for other development which also requires development consent.

If the clearing of the vegetation does not require development consent, then one of the following approval pathways must be used:

- Clearing within a non-rural zone which does not exceed the BOS threshold must be undertaken in accordance with a permit issued by Council (unless the removal of that vegetation meets an exemption listed under the Vegetation SEPP or Council's DCP)
- Clearing within a non-rural zone which exceeds the BOS threshold must be approved by the Native Vegetation Panel and potentially include a Biodiversity Assessment Method under the BC Act to offset vegetation losses
- Clearing within a rural zone must be approved by Local Land Services (unless the clearing meets an exemption under the LLS Act or the Land Management Code) and include a BAM under the BC Act.

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The approval pathways are summarised in the table below:

	Approval Pathway		
	Council (via issue of a permit or an exemption under Council's DCP)	Local Land Services (via approval or exemption)	Native vegetation Panel
Non-Rural zone (Clearing is less than the BOS threshold)	✓		
Non-Rural Zone (clearing exceeds BOS threshold)			✓
Rural Zone (clearing is less than BOS threshold)		✓	
Non-Rural zone (clearing exceeds BOS threshold)		✓	

REVIEW OF WOLLONDILLY DEVELOPMENT CONTROL PLAN 2016

Approval requirements for the removal of vegetation are set out in WLEP 2011 by clauses 5.9 and 5.9AA. These clauses gave Council the ability to prescribe one of the following types of approval pathways for vegetation removal:

- Exempt (i.e. no approval being required);
- Vegetation that could be removed subject to the granting of a permit by Council; or
- Vegetation that could only be removed subject to granting of a development consent by Council (i.e. subject to a development application).

Clause 5.9 and 5.9AA in 2011 WLEP were repealed by the State Government when the Vegetation SEPP came into place.

**GR2 – Draft Amendments to Wollondilly Development Control Plan 2016
– Vegetation Removal**

Amendments to the current Wollondilly Development Control Plan 2016 ('WDCP 2016') controls for tree removal are now required, particularly to remove the inconsistencies between the development control plan and the Vegetation SEPP. These include:

- The tree removal controls within the WDCP 2016 currently apply to all land use zones. Once the Vegetation SEPP takes effect, Council will only have control over vegetation removal in the urban and environmental zones
- WDCP 2016 currently require development consent for some forms of tree removal. Under the Vegetation SEPP a Council's DCP controls can no longer require development consent for the removal of vegetation
- WDCP 2016 needs to be updated to reflect the requirement in the Vegetation SEPP that any vegetation removal that exceeds the BOS threshold in the urban and environmental zones requires approval from the Native Vegetation Panel established under the LLS Act.

The review also presents an opportunity to amend other aspects of the WDCP 2016 relating to approval requirements for vegetation removal to ensure that overall improvements to Council's processing of tree removal requests are made.

KEY CHANGES TO VEGETATION REMOVAL CONTROLS IN WDCP 2016

The draft amendments to WDCP 2016 are provided in Attachment 3 in this report. The key changes are provided as follows:

- The controls have been updated to only apply to residential and environmental zones where clearing is below the BOS threshold
- Any requirements to obtain development consent for tree removal have been removed from the WDCP 2016 (except for those situations where the tree removal is to facilitate another use which requires development consent)
- Flow charts outlining the approval pathways and process for vegetation removal have been updated to reflect the amendments
- Amend the exempt provisions for the removal of certain types of weeds declared under the now repealed Noxious Weeds Act, 1993. It is proposed to update the list of noxious weeds in WDCP 2016 that can be removed/controlled without approval in accordance with the Greater Sydney Region Weed Management Plan, or those weed types subject to an approved Biosecurity undertaking or direction under the Biosecurity Act, 2015 or listed in a Council approved Local Weed Management Plan
- The current exemption for removal of a tree within 3 metres of a 'building' has been amended to state within 3m of a 'dwelling'

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**GR2 – Draft Amendments to Wollondilly Development Control Plan 2016
– Vegetation Removal**

- A table of exemptions will be added to provide further clarity of what types of vegetation removal require a permit across the various non-rural zones
- A requirement will be added where a permit must be obtained for any vegetation removal within 10 metres of a watercourse
- Amend the exempt provisions for tree removal within 3 metres of an access driveways. These controls will be amended so that the exemption only applies within 3 metres of an access driveway between the road and the property boundary
- A multi - tier fee system will be introduced as follows:
 - A Tier 1 fee payment and permit is required for vegetation removal involving up to 100 m² or up to 5 trees
 - A Tier 2 fee payment and permit is required for vegetation removal involving more than 100 m² or more than 5 trees which would deal with more complex requests and likely require the submission of supporting information such as a Flora and Fauna Assessment
 - A Tier 3 fee payment will be required for the removal of any vegetation planted or protected under a development consent condition, remediation order, 88B instrument or conservation agreement
- Specific requirements for removing vegetation that is, or forms part of a heritage item or is within a heritage conservation area has been added and are outlined in Attachment 4 of this report
- Requirements for conservation licenses have been added
- The definition of what constitutes a tree will be amended.

CONSULTATION

In accordance with Schedule 1 of the Environmental Planning and Assessment Act, 1979, the proposed amendments to WDCP 2016 will be publically exhibited for a minimum period of 28 days.

A Community Engagement Strategy will be developed to ensure a wide and varied approach to community consultation through various modes including the local newspaper, Council's website and social media sites.

Local Land Services, NSW Office of Environment & Heritage and Council's Environment & Heritage Committee, will also be invited to provide feedback during the consultation period.

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**GR2 – Draft Amendments to Wollondilly Development Control Plan 2016
– Vegetation Removal**

FINANCIAL IMPLICATIONS

Council's 2018/19 Fees and Charges has been amended to include the new multi-tier fee system.

Any costs associated with the engagement strategy to be funded from the existing budget.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Flow chart outlining process and approval pathways for vegetation removal under the proposed reforms.
2. Wollondilly Development Control Plan Volume 1 Part 10 - Tree Removal (current version).
3. Draft amended version of Wollondilly Development Control Plan Volume 1 Part 10 - Tree Removal (version for public exhibition).
4. Specific requirements for clearing of vegetation on a site containing a heritage item or within a heritage conservation area.

RECOMMENDATION

1. That Council exhibit the draft amendments to Wollondilly Development Control Plan 2016 in accordance with the Community Engagement Strategy referred to in this report.
2. That a further report be provided to Council following the public exhibition on the outcomes of the consultation and the final controls for adoption.

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GR3 – Local Environmental Plan Review Program and Funding Agreement

GR3

Local Environmental Plan Review Program and Funding Agreement

278265

TRIM 10491-2 & 10491-3

EXECUTIVE SUMMARY

- The purpose of this report is to secure Council support to participate in the Accelerated Local Environmental Plan Review Program.
- The Review Program seeks to update the Wollondilly Local Environmental Plan 2011 to give effect to the Western City District Plan recently released by the Greater Sydney Commission.
- It is recommended that:
 - Council participate in the Accelerated Local Environmental Plan Review Program.
 - Council agree to commence a review of Wollondilly Local Environmental Plan 2011.
 - The authority to sign the Accelerated Review Program Funding Agreement on Council's behalf be delegated to the General Manager.
 - Council be kept updated throughout the LEP Review process in relation to review actions and project milestones.

REPORT

1.1 BACKGROUND

A number of planning related announcements and legislative changes have been introduced by the State Government in recent times, including:

- Amendments to the Environmental Planning and Assessment Act 1979,
- Housing Affordability Strategy,
- Western City District Plan, and
- Western Sydney City Deal.

Amendments to the Environmental Planning and Assessment Act 1979

The Environmental Planning & Assessment Act 1979 ('Planning Act') was updated on 1 March 2018.

The changes introduced new requirements for community participation, strategic planning, probity in decision making and various other changes.

The changes also embed a statutory requirement for Councils to review and amend their local environmental plan as soon as practicable after a District Plan is made. Together with the introduction of local strategic planning statements, these initiatives put into practice the NSW Government's policy shift towards upfront strategic planning.

GR3 – Local Environmental Plan Review Program and Funding Agreement

Housing Affordability Strategy

In June 2017 the NSW Government released 'A Plan to improve Housing Affordability', a comprehensive package of measures designed to improve housing affordability with an emphasis on Greater Sydney, where the affordability challenge has been identified as the greatest.

A key part of the strategy is to streamline and simplify the planning system to increase housing supply by fast tracking approvals and through the rezoning of more land. A number of the Strategy measures have already been actioned, some of which have been separately reported to Council, including:

- Release of the Low Rise Medium Density Housing Code to allow development of dual occupancies, town houses, manor homes and terraces as complying development. A report on the implications of this Code for Wollondilly was considered by Council at the June 2018 meeting,
- Development of a draft Greenfield Housing Code,
- The final District Plans prepared by the Greater Sydney Commission with housing supply targets for each local government area,
- A specialist team has been established with the Department of Planning & Environment ('Department') to accelerate rezoning applications. This team has provided assistance on planning proposals for Wollondilly recently,
- Identifies that the Local Environmental Plans (LEP) of ten priority councils in Greater Sydney will be updated to reflect the final District Plans within two years of their release. Up to \$2.5 million will be available to each priority council to assist them to update their LEP, through the Western Sydney City Deal.

Western City District Plan

In March 2018, the Greater Sydney Commission released 'The Greater Sydney Region Plan - A Metropolis of Three Cities' and District Plans for each of Greater Sydney's five districts. The Western City District Plan ('District Plan') is the relevant District Plan for Wollondilly.

The Western City District Plan provides a 20-year plan to manage growth and achieve the 40-year vision, while enhancing Greater Sydney's liveability, productivity and sustainability into the future.

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GR3 – Local Environmental Plan Review Program and Funding Agreement

The District Plan states that Councils are to complete the review and update of their local environmental plan against the relevant district plan within 3 years of the district plan being finalised.

This review will require the preparation of a number of studies and strategies, including a housing strategy, commercial and centres strategy and a strategic review of industrial land.

Western Sydney City Deal

On 4 March 2018, the Federal and NSW Governments, together with 8 local governments of Western Sydney, including Wollondilly, signed the Western Sydney City Deal ('City Deal').

The City Deal is a 20 year agreement between the 3 levels of government to transform Sydney's outer west to create the 'Western Parkland City'.

From a policy context, the City Deal seeks to deliver State and Federal plans for managing growth and delivering infrastructure in Australia's cities. Specifically the Smart Cities Plan and the Western City District Plan.

Under the Western Sydney City Deal, funding is available to 6 high growth areas to assist Councils with their strategic planning review. These are Camden, Campbelltown, Fairfield, Liverpool, Penrith and Wollondilly.

1.2 ACCELERATED LEP REVIEW PROGRAM FUNDING AGREEMENT

Overview of the Funding Agreement

Council has been offered funding up to \$2.5 million, subject to contractual conditions, to assist with updating our LEP. A copy of the cover letter from the NSW Government and Funding Agreement are provided at Attachments 1 and 2.

The objective of the Agreement is to document the agreed outcomes for the Project including milestones and timing for the payment of the funding.

The Agreement does not stipulate what the funding can be used for other than that it can only be used for the project. It is anticipated that the funding will be mostly used to cover the costs of preparing a number of specialist studies to inform the LEP review, for example, a housing strategy, and will also be used to cover some staff resourcing costs.

Once the Agreement has been signed, Council will be required to prepare a Project Plan for the Department to review and approve.

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GR3 – Local Environmental Plan Review Program and Funding Agreement

The Project Plan is likely to seek an allocation of funding for the temporary appointment of a Project Co-Ordinator and Health Planning position. The latter position possibly being joint-funded by the South West Sydney Local Health District (Population Health).

The LEP review is a requirement of the District Plan. Even if Wollondilly wasn't a priority Council, the LEP would need to be updated within three (3) years of the finalisation of the District Plan, and potentially without any funding assistance.

In May 2018, the Department released the *LEP Roadmap; Guidelines for updating Local Environmental Plans to give effect to the District Plans in the Greater Sydney Region*. The document specifies timeframes for councils who have been selected to accelerate a review of their LEP. A copy of this document is provided at Attachment 4.

Timeframe and Milestones

The indicative timeframe is provided at Attachment 3 and identifies the review period commencing in June 2018 and completion in June 2020 with 'Phase 6' being the submission of the final planning proposal to the Department for finalisation and gazettal.

At the first Technical Working Group meeting run by the Department was held 7 June 2018, Council were advised that most milestones were non-negotiable in terms of timing in order to achieve the overall outcomes. This reinforces the importance of the funding to assist in putting the right resources in place to carry out the review.

The first project deliverable required is a 'LEP Review Report' to identify how closely aligned the existing local environmental plan is against the District Plan. The report is required to be submitted to the Department for approval by February 2019.

CONSULTATION

The Funding Agreement has been reviewed by Council's General Counsel who has advised that the Agreement is a 'plain English document couched in clear and unambiguous terms'. The terms and conditions are considered fair and reasonable when referenced against similar documents. There are not considered to be any unacceptable risks for Council in the document and it has been recommended to Council for execution.

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GR3 – Local Environmental Plan Review Program and Funding Agreement

FINANCIAL IMPLICATIONS

Funding of up to \$2.5 million for the LEP Review is available for this project through the City Deal initiative subject to contractual conditions.

Any additional costs for this project are to be covered through Council's adopted budget or forward estimates. No additional costs have been identified at this early stage.

The requirement to undertake a LEP Review, along with new requirements generated from recent changes to the Environmental Planning & Assessment Act 1979, will have a significant impact on Strategic Planning resources.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Letter from NSW Government dated 22 May 2018
2. Accelerated LEP Review Program Funding Agreement
3. Accelerated LEP Review and Update Indicative timeline
4. LEP Roadmap; Guidelines for updating Local Environmental Plans to give effect to the District Plans in the Greater Sydney Region

RECOMMENDATION

1. That Council participate in the Accelerated Local Environmental Plan Review Program.
2. That Council agree to commence a review of Wollondilly Local Environmental Plan 2011.
3. That the authority to sign the Accelerated Review Program Funding Agreement on Council's behalf be delegated to the General Manager.
4. That Council be kept updated throughout the LEP Review process in relation to review actions and project milestones.

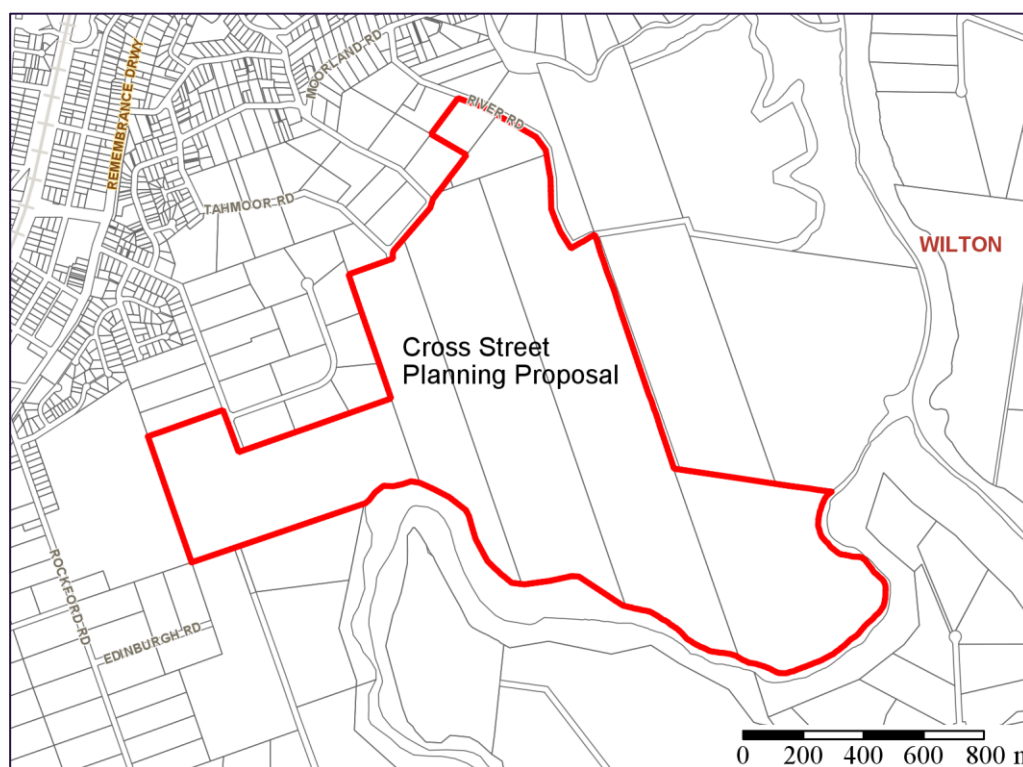
GR4 – Draft Application for Conferral of Biodiversity Certification for the Cross Street Planning Proposal site

GR4

Draft Application for Conferral of Biodiversity Certification for the Cross Street Planning Proposal Site

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TRIM 7884



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Applicant:
Owner:

LOCATION MAP
Urbis
Ingham Property Development Pty Ltd



GR4 – Draft Application for Conferral of Biodiversity Certification for the Cross Street Planning Proposal site

EXECUTIVE SUMMARY

- The purpose of this report is to inform Council about the Application for Conferral of Biodiversity Certification (Application) for the Cross Street Planning Proposal.
- The Application was placed on public exhibition with the Cross Street Planning Proposal and consultation was undertaken in accordance with Clause 126N of the now repealed Threatened Species Conservation Act 1995.
- The Application and a report on the public consultation will be submitted for approval to the Minister for the Department of Planning & Environment.
- 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:
 - Council support the Application for conferral of Biodiversity Certification for the Cross Street Planning Proposal site with the amendments detailed in this report
 - The Application and a report on the public consultation be submitted to the Minister for Planning & Environment for approval
 - Negotiations commence with the Proponent to enter into a Voluntary Planning Agreement for dedication of the biobanked land to Council subject to satisfactory funding arrangements and works schedule attached to the Biobanking Agreement. A further report regarding these negotiations be provided to Council for consideration.
 - That Council delegate authority to the General Manager to sign the submission to the Minister for Planning & Environment.

REPORT

BACKGROUND

The Cross Street Planning Proposal proposes to rezone 155 ha of land to allow residential development for approximately 240 dwellings on land located between Cross Street, River Road, Bargo River Gorge and the end of Progress Street, East Tahmoor. The proposal also includes the rezoning of land for environmental conservation and environmental management purposes. The site contains a significant amount of remnant bushland with important biodiversity value that would be impacted from the proposal to rezone the land.

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A resolution to support the Planning Proposal was moved by Council at its Ordinary Meeting held 22 April 2014. Further studies and technical information were requested at subsequent Council Meetings on 17 November 2014 and 18 July 2016 to address the proposed buffer arrangements to the Bargo River Gorge and in relation to a Biocertification Strategy for the site. Council resolved the following at the meeting in July 2016:

- 1. That the Proponent be asked to amend the Cross Street Planning Proposal, Report on Interface with the Bargo River Gorge, dated April 2016 to exclude any future road reserve forming part of the 100m buffer to Bargo River Gorge.*
- 2. That Council request the Proponent provide a Biocertification Strategy that would result in permanently funded and managed conservation measures for the land proposed to be conserved.*
- 3. That Council delegate to the General Manager authority to sign the Biodiversity Certification Application for submission to the Minister for the Environment.*
- 4. That subject to the above change the amended Cross Street Planning Proposal, Report on Interface with the Bargo River Gorge and Biodiversity Certification Application with supporting document be placed on public exhibition during community consultation for the Planning Proposal.*

Only a "planning authority" as defined by Section 126G of the *Threatened Species Conservation Act 1995* ('TSC Act') may apply to the Minister for biodiversity certification which includes local councils.

The Draft Application for Conferral of Biocertification was sent to the NSW Office of Environment and Heritage on the 19th February 2018. Approval to exhibit the Draft Application which included the Biodiversity Assessment Report and Biocertification Strategy was received on the 27th March 2018. These documents were placed on public exhibition with the Cross Street Planning Proposal from Wednesday 11th April until Monday 14th May 2018.

DRAFT APPLICATION FOR CONFERRAL OF BIODIVERSITY CERTIFICATION

The Biodiversity Conservation Act 2016 commenced on the 25 August 2018 but the Biocertification assessment and strategy and Application for the site was prepared under the provisions of the now repealed TSC Act. Under the provisions of the Biodiversity Conservation (Savings and Transition) Regulation 2017 the Draft Application will therefore be assessed in accordance with Part 7AA of the TSC Act. The report placed on public exhibition included all three stages of the Biodiversity Certification process namely the:

GR4 – Draft Application for Conferral of Biodiversity Certification for the Cross Street Planning Proposal site

- Biodiversity Assessment Report (BAR)
- Biodiversity Credit Assessment Report
- Biodiversity Certification Strategy.

The Draft Application is proposing the following:

To protect and manage in perpetuity for conservation 75.45 ha of land of which 68.01 ha is existing native vegetation and 7.25 ha of cleared areas. The cleared areas will be revegetated as part of the proposed conservation measures. The conservation measures for this area include a combination of 100% conservation measures for E2 areas through the establishment of a Biobank site under Part 7A of the TSC Act 1995 and 25% conservation measures for E3 zoned land.

The lands proposed for E2 zoning and BioBanking at the top of the Bargo Gorge will enable continued wildlife movement near the gorge. To facilitate passive recreation in the BioBank site, indicative locations for walking trails have been identified. The exact locations of walking trails will be confirmed during preparation of the Biobank Agreement and may differ from those shown, but will not exceed the level of impact. Whilst the impact associated with the trails have been calculated, the trails themselves are not proposed to be biodiversity certified.

Conservation Measures

Under the Draft Application the conservation measures proposed are as follows:

- E2 areas will be transferred to Council as 'Permanently Managed and Funded Conservation Measures' (100% credits generated) in the form of a Biobank site
- E3 areas will be conserved under 'Planning Instrument Conservation Measures' as outlined in section 8.1.3 of the BCAM, which would generate 25% of the credits for offsets.

The landowner proposes to transfer the conservation E2 land to Council following the establishment of the proposed Biobank site. A section relating to the Biobanked land is provided elsewhere in this report.

GR4 – Draft Application for Conferral of Biodiversity Certification for the Cross Street Planning Proposal site

Statement of Commitments

The landowner will prepare and implement a Construction Environment Management Plan for vegetation clearing within the residential areas including a Fauna Pre-clearance protocol, to guide the development outlined in the Biocertification assessment and ensure that all direct and indirect impacts (e.g. Asset Protection Zones, utilities, access, stormwater run-off) are contained within the development footprint and appropriate mitigation measures are put in place to minimise indirect impacts to threatened vegetation and fauna habitats in the adjacent offset areas.

These measures will include, but not be limited to:

1. The proposed Biobank site will be assessed and submitted for registration within 6 months of Biocertification being conferred by the Minister and prior to any clearing. The BioBank Area will be actively managed from the commencement of construction.
2. All credits required for land to be certified will be purchased and retired from the on-site Biobank site prior to construction.
3. A Management Plan, including a Bushfire Management Plan that meets ecological burning regimes, will be prepared and implemented for the Biobank site on an annual basis in perpetuity.
4. Temporary and permanent protective fencing will be erected around all areas identified for conservation prior to clearing activities to minimise any inadvertent damage.
5. Pre-clearance surveys of threatened fauna will be undertaken in accordance with a Fauna pre-clearance protocol prior to any clearing of vegetation.
6. Protocols for clearing vegetation and adaptive reuse of vegetative material for restoration and habitat augmentation in areas indicated for restoration activity will be prepared and implemented

Access to Bargo Gorge and proposed public reserves

The Biocertification Strategy proposes walking trails from the end of Progress Street and from two other proposed streets within the site. Viewing platforms to Bargo Gorge are proposed with access from each of these trails. A picnic area is proposed on the western end of the site with access from the Progress Street walking trail.

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Biobanked land

A Biocertification Strategy for Cross Street Planning Proposal proposes to biobank land on the site. The landowner will enter into a Biobanking Agreement with the Office of Environment in the Department of Planning & Environment ('Department').

The Biobanked land is proposed to be dedicated to Council but this will be subject to a satisfactory Biobanking Agreement and costings and the landowner entering into a planning agreement which is satisfactory to Council.

It is proposed that the construction of walking trails, viewing platforms and safety fencing and provision of picnic facilities indicated in the Biocertification Strategy be provided by the proponent prior to the land being dedicated to Council. The land would also not be dedicated until after the biobanking credits are retired and all other management actions commenced and completed to the satisfaction of Council and sufficient funds are made available for maintenance of the biobanked land in perpetuity.

CONSULTATION

The Application for Conferral of Biodiversity Certification (Draft Application) was placed on public exhibition and community consultation undertaken in accordance with Clause 126N of the now repealed TSC Act.

In accordance with Clause 126N a notice was published in the Sydney Morning Herald on Tuesday 10 April 2018 and on Council's website on Wednesday 11 April 2018 and remained on the website for the whole consultation period. A hard copy of the application was available in the Council office and a notice was also published in a local newspaper. The Application which included a Biodiversity Assessment Report and Biocertification Strategy was placed on public exhibition from 11 April until 14 May 2018, a total period of 33 days.

A total of nine community submissions were received for both the Application for Conferral of Biodiversity Certification and the Planning Proposal. Only one submission made direct reference to the Biocertification application and other submissions indirectly referenced the Application in general comments about concerns related to the environment. Concerns raised in the community consultation are detailed below:

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Concerns	Comments
The Biodiversity Certification should be done by an independent body.	The Biodiversity Certification process has been undertaken by an independent accredited ecologist.
Need to ensure adequate funding for bush regeneration.	The E2 land along the Bargo River and across the site is proposed to be conserved through Biobanking. The Biobanking Agreement will include provisions for ongoing management, maintenance and bush regeneration.
Concern about possible future regular burning of E2 land.	An ecologically sensitive bushfire management plan would be included in Biobanking provisions.
Support for a regenerated 100m vegetation buffer along the Bargo Gorge zoned E2 to protect critically endangered communities.	Re-generation of critically endangered bushland including Shale Sandstone Transition Forest under a future Biobanking Agreement would include land within the 100 metre buffer.
Hope that the E2 land will eventually form part of a National Park.	Conserving ecologically significant land within an environmental conservation zone and a biobanking site would support progress towards a future National Park.
A vegetated buffer around the watercourses.	A vegetated riparian buffer is proposed around watercourses within the biobanked land.
The environmental land is supported but there is a concern that it will be abandoned similar to The Acres development adjoining.	The proposed Biocertification Strategy and biobanking will ensure that the environmental land is maintained and improved.

Infrastructure Planning - Environmental Services

The Environmental Services section has reviewed the Application on exhibition and recommended that the Biocertification Strategy be updated to make specific reference to the identified importance of the Bargo Gorge as a koala habitat corridor and in brief dot points specify the intended approach for the achievement of the Improve and Maintain Biodiversity Outcome as defined by the Biodiversity Certification Assessment Methodology for the future biobanking agreement applying to the E2 lands. Otherwise the Strategy has addressed previous comments provided by Environmental Services and by the Office of Environment & Heritage.

GR4 – Draft Application for Conferral of Biodiversity Certification for the Cross Street Planning Proposal site

FORM OF APPLICATION FOR CONFERRAL OF BIOCERTIFICATION POST EXHIBITION

It is considered that no changes are necessary to the Application that was exhibited as a result of consultation undertaken. The exhibited version of the Application is supported by Council staff.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates. If a planning agreement is entered into with the landowner a financial assessment would be undertaken to ensure that there is no financial impact from any proposed provisions within the Agreement.

ATTACHMENTS

Nil

RECOMMENDATION

1. That Council support the Application for Conferral of Biodiversity Certification for the Cross Street Planning Proposal site being Lot C DP 374621 (85 Progress Street), Lots 1-6 DP 1128745 (Cross Street) and Lot 255 DP 10669 (100 River Road) Tahmoor.
2. That the Application for Conferral of Biocertification with amendments recommended by Environmental Services and a report on the public exhibition prepared in accordance with clause 126N of the now repealed Threatened Species Act 1995 and under the savings provisions of the Biodiversity Conservation Act 2016 be sent to the Minister for the Department of Planning & Environment for approval.
3. That negotiations commence with the Proponent to enter into a Voluntary Planning Agreement for dedication of the biobanked land to Council subject to satisfactory funding arrangements and works schedule attached to the Biobanking Agreement. A further report regarding these negotiations be provided to Council for consideration.
4. That Council delegate authority to the General Manager to sign the submission to the Minister for Planning & Environment.

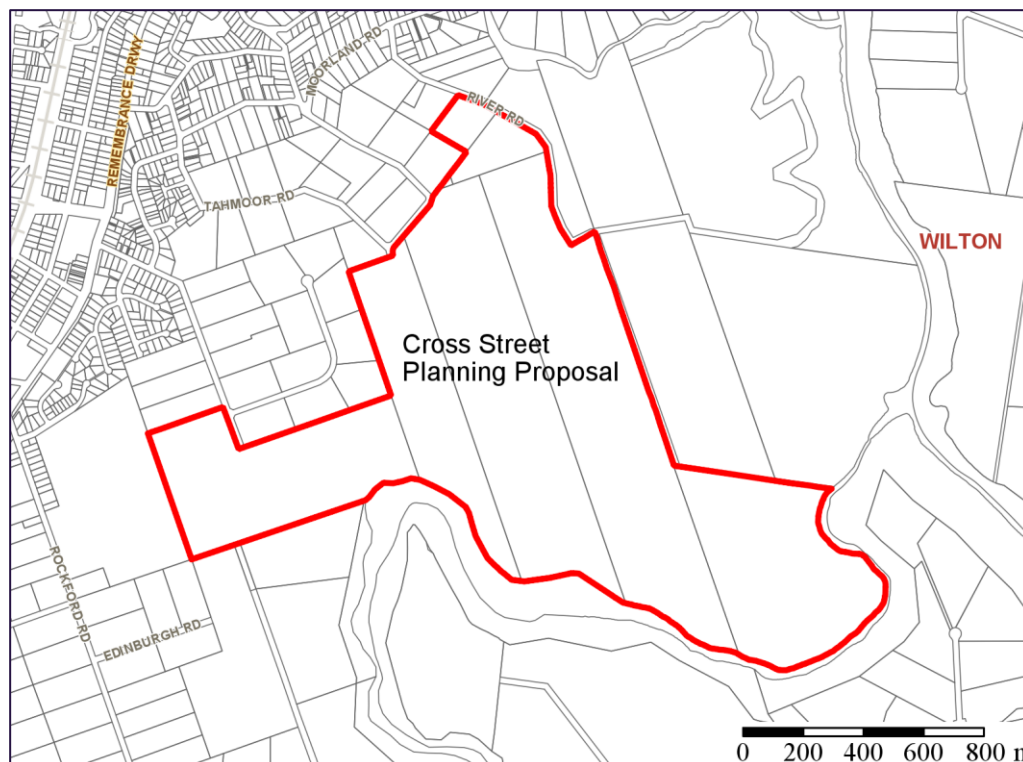
GR5 – Cross Street Planning Proposal Post Exhibition Report

GR5

Cross Street Planning Proposal Post Exhibition Report

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TRIM 7884



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LOCATION MAP



Applicant:

Urbis

Owner:

Ingham Property Development Pty Ltd#

Stage	Completed
Preliminary notification	12 March 2014
Gateway Determination	17 July 2014
Consultation with Public Agencies	July/August 2014
Specialist Studies	March 2018
Public exhibition/community consultation/Biodiversity Certification Strategy	11 April 2018 to 14 May 2018
Referred to Minister for Publication	

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EXECUTIVE SUMMARY

- The purpose of this report is to seek Council agreement to finalise the Cross Street Planning Proposal.
- A separate report is included in this Agenda on the Application for Conferral of Biodiversity Certification and related public consultation.
- The Cross Street Planning Proposal aims to rezone land for housing and to conserve a significant part of the site for environmental purposes along the Bargo Gorge.
- Nine submissions, two by the same person were received in response to Community Consultation. Of these submissions six objected, two were neutral and one was in support.
- 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 subject to Council support for the Application for conferral of Biodiversity Certification, the draft amendment to Wollondilly Local Environmental Plan 2011 shall be made for the Planning Proposal on land being, Lot C DP 374621 (85 Progress Street), Lots 1-6 DP 1128745 (Cross Street) and Lot 255 DP 10669 (100 River Road) Tahmoor as follows:
 - Amend the Land Zoning Map from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, E3 Environmental Management and E2 Environmental Conservation.
 - Amend the Lot Size Map from a minimum lot size category of 2 ha to a minimum lot size of:
 - 700 m² for land zoned R2 Low Density Residential
 - 975 m², 1500 m² and 4,000 m² for land zoned R5 Large Lot Residential
 - 1 ha and 1.5 ha for land zoned E3 Environmental Management
 - a minimum lot size of 40 ha for buffer land zoned E2 Environmental Conservation around the Bargo River and no minimum lot size for the remaining E2 land.
 - Amend the Height of Building Map from no maximum building height to a maximum building height of 9 metres
 - Amend the Natural Resources Water Map to provide a riparian buffer of 10 metres along the four minor watercourses
 - Amend the Urban Release Area Map to include the subject site.
- That in accordance with Section 3.36 to the Environmental Planning & Assessment Act, 1979 the Planning Proposal be forwarded to the Greater Sydney Commission with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Commission make the Plan in the form as detailed in this report and in the Planning Proposal.

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- That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.
- That a report be brought to Council detailing proposed site specific planning controls for inclusion within the Wollondilly Development Control Plan 2016 to guide development on the Cross Street site.

REPORT

1.1 BACKGROUND

A resolution to support the Planning Proposal was moved by Council at its Ordinary Meeting held 22 April 2014. Further studies and technical information were requested at subsequent Council meetings on 17 November 2014 and 18 July 2016 to address the proposed buffer arrangements to the Bargo River Gorge.

A Biocertification Assessment and Strategy was prepared in accordance with the 18 July 2016 Council meeting resolution. A detailed report on the application for Biodiversity Certification is included elsewhere in this Business Paper.

1.2 SITE DESCRIPTION

The Planning Proposal site comprises eight lots with a recently surveyed area of approximately 155 hectares. The property is a rural landholding located 600m – 2.5 kilometres south east of Tahmoor Town Centre. Until recently the site was used for duck farming and contains a number of poultry sheds and dams.

The site adjoins land that has recently been rezoned for residential use in East Tahmoor to the north-west for low-density residential development and the land to the north-east which enables large lot residential development. The western end of the site adjoins a Turkey Processing Plant and rural residential land. To the south, the site is bounded by the Bargo River and Bargo Gorge.

Four watercourses drain into the Bargo and Nepean Rivers. Approximately half of the site comprises pasture grasslands and dense vegetation is located along the four creek lines.

Most of the site is currently zoned RU4 Primary Production Small Lots with a minimum lot size of 2 ha and no maximum building height. Portions of Lots 2-4 around the Bargo River include land zoned E2 Environmental Conservation.

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1.3 DESCRIPTION OF PROPOSAL

The Planning Proposal seeks to rezone 155 ha of land from its current rural zone to residential and environmental zones. The residential zoned land will allow residential development for approximately 240 dwellings. The Planning Proposal aims to maintain an environmental vegetated buffer along the waterways and around the Bargo River and Gorge.

The Planning Proposal site contains a significant amount of remnant bushland with important biodiversity value that would be impacted from the proposal to rezone the land. To enable the site to be developed for residential purposes an application for conferral of Biodiversity Certification was prepared and placed on public exhibition with the planning proposal.

The application is proposing to protect and manage in perpetuity around 75 hectares of land through the establishment of a Biobank site. Most of this land is located alongside the Bargo River and the two main watercourses running north-south through the site. A vegetated buffer of at least 100 metres wide from the top of bank is proposed and as part of a Biobank site will be maintained as one landholding.

The current landholder is proposing that the Biobanking site would ultimately be dedicated to Council to manage and maintain. This proposal will be subject to further scrutiny by Council staff as the biobanking of the site progresses to ensure that there are sufficient funds available for the maintenance and management of the land in-perpetuity.

Walking trails and public reserves

The Biodiversity Certification Strategy proposes:

- walking trails from the end of Progress Street and from two other streets within the site
- access to viewing platforms to Bargo Gorge
- a picnic area on the western end of the site with access from the Progress Street walking trail.

Two areas approximately 5,000m² each are proposed to be used for open space purposes and are located at the end of Progress Street and adjoining Cross Street. This land to be zoned E2 Environmental Conservation is excluded from the Biocertification Strategy. The Progress Street land would provide an entrance and parking for visitors accessing the walking trails/picnic areas and lookouts.

An open space area at Cross Street would provide a passive open space/meeting area for new residents including those from the new residential developments in the East Tahmoor area. It is proposed that these two areas be dedicated as 'public reserves' in a Planning Agreement with associated funding in accordance with Council's Land Dedication Policy.

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1.4 GATEWAY DETERMINATION

A Gateway Determination was issued dated 17 July 2014. The Determination permitted the proposal to proceed. The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

Gateway Condition	Addressed by:
1. Community consultation is required under sections 56 (2)(c) and 57 of the EP&A Act, for a period of 28 days.	The Planning Proposal was placed on public exhibition for community consultation for a period of 33 days.
2. The timeframe for completing the Local Environmental Plan is to be 15 months from the week following the date of the Gateway determination.	The timeframe has been extended a number of times due to the complex nature of the Planning Proposal and the current date of completion is 24 September 2018.
3. Delegation is to be given for Council to exercise the Minister's plan making powers.	Noted
4. The Acting Secretary's delegate approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy. The matters listed in conditions 5 to 8 below are to be addressed prior to undertaking community consultation.	The approval to the inconsistency with Section 117 Direction 1.2 – Rural Zones is noted. Conditions 5 to 8 are addressed below.
5. Council is to consult with the following public authorities to determine whether regional contributions towards the provision of designated public infrastructure are likely to be required: <ul style="list-style-type: none"> • Department of Health • Transport for NSW • Roads and Maritime Services • Department of Education & Communities. 	Consultation has been undertaken with the relevant public authorities in this regard. Refer to heading <u>Consultation with agencies</u> later in this report for further discussion.
6. If the site is to be identified as an Urban Release Area, Council is to amend the proposal document accordingly.	As the site would result in the need for additional state infrastructure it has been identified as an Urban Release Area and the plan has been amended accordingly.

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Gateway Condition	Addressed by:
7. Council is to consult with the Department of Trade & Investment – Resources & Energy (DTR&E) and subsequently demonstrate consistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries.	The DTR&E Mineral Resources Branch indicated that the site has been mined and further coal extraction is considered unviable. No other resource issues were raised.
8. In addition to existing and proposed studies, Council is to undertake an assessment of potential flooding on site and identification of land likely to be flood prone. Council is to subsequently demonstrate consistency with Direction 4.3 Flood Prone Land.	An assessment of potential flooding was undertaken and a series of stormwater detention basins is proposed to alleviate any potential issues.
9. Council is to consult with nominated public authorities and where indicated demonstrate consistency with relevant section 117 directions.	The public authorities were consulted and there are considered to be no inconsistencies with relevant section 117 directions.
10. Council is to consider preparing a separate planning proposal for rural land to the north of the site which will be isolated if the proposal proceeds.	This land is located to the west and northern side of the site on the opposite side of River Road. These properties are not considered to have potential for rezoning to residential as they contain a significant amount of remnant bushland which should be maintained. The properties are also located closer to the Koorana Road poultry farm and abattoir.

Growth

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

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

Infrastructure Strategy & Planning

Stormwater management

Flooding will not be an issue for this site with five (5) detention basins proposed for stormwater management but further detailed assessment will be required at the development application stage for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage any localised flooding.

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Traffic and Transport

While the existing local road network has capacity to cater for additional traffic generated from the site as detailed in the traffic study, developer contributions will assist in improving traffic management onto Remembrance Driveway. The ongoing development application process is an appropriate mechanism to deliver the staged and ultimate intersection layout. Pedestrian and cycleway pathways would be incorporated into the site's road network in accordance with current road design requirements.

Recreation

There are existing recreation facilities in Tahmoor to service the site. There is a need for a local park for new residents and this is proposed at Cross Street. To ensure similar issues do not arise with access and parking for the Bargo Gorge picnic areas and walking trails, a visitor parking area via Progress Street is proposed.

Environmental Services

Environmental Services is satisfied with the Bushfire Assessment and the proposed buffer within an E2 zone along the Bargo River as detailed in the Bargo River Interface Report. However the planning proposal should make specific reference to the identified importance of the Bargo Gorge as a koala habitat corridor to ensure that any future biobanking agreement achieves the Improve and Maintain Biodiversity Outcome required.

Biocertification Application and Strategy

The exhibited document has addressed previous comments provided by Environmental Services and Office of Environment & Heritage and no amendments are provided at this stage subject to the feedback from the public exhibition.

Stormwater Management and Water Quality

The conclusions of the modelling within the Stormwater Study that the proposal can satisfy the pollution reduction targets utilised by Council is supported in principle from an environmental perspective. Environmental Services agree that detailed water sensitive urban design strategies will be developed at the sub-division stage but collection of baseline data should be undertaken prior to construction/vegetation clearance and if possible sooner. Ongoing regular monitoring of phosphorus and nitrogen levels is recommended. Details of the proposed locations of monitoring points are provided by Environmental Services. The requirement for water quality monitoring prior to any development proceeding and location of monitoring points can be included in site-specific controls for the planning proposal site.

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The E2 land is recognised as being managed in accordance with Management Plans associated with a future Biobanking Agreement. The collected water quality monitoring data will assist in identifying the likely funding required for the on-going management of this land within and adjacent to the creek lines.

Environmental Health

Environmental Health staff has raised concerns regarding the cumulative impact of surrounding odour sources on the proposed development being from a poultry operation and abattoir at Koorana Road Tahmoor. The nearest poultry shed is located around 300 metres from the northern part of the site at 100 River Road.

The proponent has undertaken an odour assessment report on the poultry sheds based on a review of existing recent odour reports in the vicinity. Based on guidelines on typical stocking rates from the Department of Primary Industry the assessment indicates that the 2 odour unit impact criteria is not expected to be realised at the Cross Street site and the prevailing south to south westerly winds would also lessen any potential odour impact.

In relation to the abattoir an odour assessment found that readings were low at nearby properties and should the obligations of the Wollondilly Abattoir Environmental Protection License be met, then there should be no significant risk of odour nuisance on development in this vicinity.

Environmental Health staff have indicated that they are satisfied with the odour assessments and have no objection the planning proposal proceeding.

Most of the Cross Street Planning Proposal site is more than 500 metres distance to the south-west. The existing vegetation, undulating topography and prevailing winds would assist in mitigating the impact of odour over the major part of the site.

Property

A property investigation indicates that River Road may extend into Lot 4 DP 1128745 requiring a legal search to determine the official status of this land which can be done prior to a development application being lodged.

The Preliminary Contaminated Site assessment found possible contamination of land and water on the site. Council should ensure that the land and water is contamination free prior to accepting any land for recreation or any other purpose.

Any proposed future dedication of land should be considered by the Land & Property Panel of Council.

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2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with the following Public Agencies:

The following agencies were consulted in accordance with the Gateway Determination regarding the need for provision of designated public infrastructure:

- Ministry of Health – South Western Sydney Health District
- Transport for NSW
- Roads and Maritime Services
- NSW Education Department.

Other agencies contacted were as follows:

- Office of Environment and Heritage
- NSW Police Force
- NSW Department of Primary Industries – Office of Water, Agriculture and Fisheries
- Sydney Water Corporation
- NSW Department of Trade and Investment – Mineral Resources Branch
- Mine Subsidence Board (now Subsidence Advisory NSW)
- Greater Sydney Local Land Services (replaced Hawkesbury-Nepean Catchment Management Authority)
- NSW Fire and Rescue
- NSW Rural Fire Service
- State Emergency Service
- Environmental Protection Agency.

The following is a summary of comments provided by agencies:

- The Department of Education identified the need for additional classrooms to service additional demand. The Roads & Maritime Services indicated that improvements to the regional road network are required. The site is mapped on the Urban Release Area Map and any requirements for State contributions to address any shortfall in State infrastructure can be imposed on the developer of the site.
- The South Western Sydney Local Health District supports the early provision of infrastructure for pedestrians and cyclists, provision of community facilities and open space.
- Sydney Water indicated that the site should be able to be serviced with sewerage subject to the upgrade of Picton Sewerage Treatment Plant in the near future.
- NSW Subsidence Advisory indicated that the site has been undermined and further undermining is unlikely.
- The Rural Fire Service has no objections provided the site complies with requirements under Planning for Bushfire Protection Guidelines.

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- The Department of Industry – Lands & Water Natural Resources Access Regulator support the planning proposal strategies in terms of the servicing arrangements and proposed buffer around Bargo Gorge.
- Fire & Rescue NSW recommend ensuring that future the road network of residential subdivisions are designed to comply with emergency vehicle access requirements and with a fire hydrant system.
- Environmental Protection Authority recommend ensuring odour and noise impacts are assessed adequately, that water quality is maintained and contaminated land is remediated.
- Department of Primary Industries – Agriculture supported maintaining rural land and not increasing development around the turkey processing facility.
- Department of Primary Industries – Fisheries indicated that water quality needs to be maintained to protect the endangered Macquarie Perch.

The table provided at Attachment 1 summarises the feedback provided from public agencies in more detail, Councils response and whether any changes are proposed to the Planning Proposal. Feedback has not been received from all authorities invited to provide comment and this is indicated in the attachment where relevant.

2.3 COMMUNITY CONSULTATION

The Gateway Determination specified a 28 day period of community consultation and public exhibition. The Planning Proposal and Application for conferral of Biodiversity Certification were exhibited from 11 April 2018 until 14 May 2018. The Planning Proposal and specialist studies were made available for public viewing on Council's website and at Council's Administration Building and in Picton Library. Letters were sent to residents and occupiers within a 2 km radius of the site advising about the public exhibition.

Nine submissions were sent to Council as part of community consultation. Of these submissions six objected, two were neutral and 1 was in support. The main issues raised can be summarised as follows:

Overcrowding – raised in 5 submissions

- Lots are too small
- Too many people crammed into the site
- Larger lots to reduce impact on biodiversity.

Roads and Transport – raised in 4 submissions

- Cumulative impact of traffic
- Poor and damaged roads
- Better access to the freeway.

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Environmental – raised in 3 submissions

- Runoff (nitrogen and phosphorus) from fertilisers will pollute watercourses
- Vegetated buffer needs to be managed well
- Ensure environmental land is maintained in one landholding.

Provision of facilities – raised in 2 submissions

- No parks or schools proposed
- Need tourist facilities and walking trails.

Mining

- No objection is raised to the planning proposal subject to future development adhering to mining subsidence guidelines.

Other – raised in 1 submission

- Rezone land around Progress Street to residential as odour no longer a problem.

A table is provided at Attachment 2 with more detail on all the issues raised during the consultation and should be referred to for a better understanding of the community views about this proposal.

The planning proposal currently has no minimum lot size for E2 land. To ensure the land around Bargo Gorge is not split up it is considered that a 40 ha minimum lot size should apply to that land.

Where relevant, the matters raised in submissions can be dealt with through inclusion of site specific planning controls within the Wollondilly Development Control Plan 2016 or can be dealt with as part of the assessment of future development applications.

2.4 PLANNING PROPOSAL

The Planning Proposal has been prepared in accordance with Section 3.33 to the Environmental Planning & Assessment Act, 1979 and the guidelines published by the Department of Planning & Environment. The Planning Proposal has been revised from the publicly exhibited version in response to matters raised through consultation.

Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section 4.1 to this report.
2. Resolve to support the Planning Proposal in another form. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.

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3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, submitters and the DP&I that the Planning Proposal has been terminated. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council's refusal to support the Planning Proposal at this stage of the process.

Option 2 is the recommendation of this report.

3.0 METROPOLITAN PLAN FOR SYDNEY TO 2036 (2010) & DRAFT SOUTH WEST SUBREGIONAL STRATEGY (2007)

At the time the Cross Street Planning Proposal was initially submitted in 2014, the relevant regional plan and strategy was the *Metropolitan Plan for Sydney 2036* and the Draft South West Subregional Strategy.

The Metropolitan Plan & Subregional Strategy acknowledged the need for additional housing and also the need to undertake development with consideration of the physical environment. This Planning Proposal is considered to provide local growth adjoining the existing Tahmoor town.

Both of these policies have now been superseded.

3.1 SECTION 117 MINISTERIAL DIRECTIONS

All relevant Ministerial Directions have been considered and are addressed satisfactorily in the planning proposal.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES

All relevant State Environmental Planning Policies have been considered and are addressed satisfactorily in the planning proposal.

3.3 SYDNEY REGION PLAN (2018) AND WESTERN CITY DISTRICT PLAN (2018)

The Greater Sydney Region Plan "A Metropolis of Three Cities" and the Western City District Plan were released in March 2018.

It is considered that limited weight should be given to the Region and District Plan in the assessment of the Cross Street Planning Proposal as it is at an advanced stage in the Gateway process.

Notwithstanding, the Cross Street Planning Proposal site, along with most of Wollondilly is located within the Metropolitan Area (MRA). Limited local growth is able to be considered in the MRA. The Cross Street Planning Proposal proposes housing on a site located within an urban context with ready access to existing services and facilities. It is able to be satisfactorily serviced with urban infrastructure and accordingly fulfils the requirements for limited local growth.

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The Planning Proposal is considered to be generally consistent with the Region and District Plans in all other respects.

3.4 WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011 (GMS)

The Cross Street Planning Proposal site is identified on the Structure Plan for Tahmoor in the GMS. The site is conveniently located to access services and facilities within Tahmoor Town Centre and the wider Tahmoor area. The site is bounded to the south by the Bargo River which provides a limit to urban expansion around Tahmoor.

4.0 FINAL FORM OF PLANNING PROPOSAL

Outlined below is the final form of the planning proposal.

4.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Based on the specialist studies and consultation and engagement the Planning Proposal should be amended to include the following:

- A 40 ha minimum lot size for E2 land around the Bargo Gorge area

Amendments to WLEP 2011 are sought as described below:

- Amend the Land Zoning Map from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, E3 Environmental Management and E2 Environmental Conservation as shown on the comparison map at Attachment 3
- Amend the Lot Size Map from a minimum lot size category of 2 ha to a minimum lot size of:
 - 700 m² for land zoned R2
 - 975 m², 1500 m² and 4,000 m² for land zoned R5
 - 1 ha and 1.5 ha for land zoned E3
 - 40 ha for land zoned E2 around the Bargo Gorge and no minimum lot size for other E2 land as shown on the comparison map at Attachment 4
- Amend the Height of Building Map from no maximum building height to a maximum building height of 9m as shown on the comparison map at Attachment 5
- Amend the Natural Resources Water Map to provide a riparian buffer of 10 metres along the four minor watercourses which traverse the site as shown at Attachment 6
- Amend the Urban Release Area Map to include the subject site as shown on the comparison map at Attachment 7.

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4.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

It is proposed to include site specific planning controls within Volume 2 – Urban Release Areas and Volume 3 – Subdivision of Land in the WDCP 2011 to guide future development on the site. However, these are not at a stage ready for reporting to Council at this time.

The planning controls will include requirements to address matters such as staging of infrastructure, transport movement, landscaping, recreation, stormwater and water quality management and remediation of contaminated land.

The draft planning controls will be reported to Council in the near future to seek support and to commence consultation with the local community and key stakeholders.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through Council's adopted Fees and Charges.

Council has experienced a record increase in the number of Planning Proposals submitted. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Table summarising Public Agency feedback on the Cross Street Planning Proposal
2. Table summarising community submission to Cross Street Planning Proposal
3. Land Use Zoning Comparison Map
4. Lot Size Comparison Map
5. Height of Building Comparison Map
6. Natural Resources Water Comparison Map
7. Urban Release Area Comparison Map

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RECOMMENDATION

1. That subject to Council support for the Application for conferral of Biodiversity Certification, the draft amendment to Wollondilly Local Environmental Plan 2011 shall be made for the Planning Proposal on land being, Lot C DP 374621 (85 Progress Street), Lots 1-6 DP 1128745 (Cross Street) and Lot 255 DP 10669 (100 River Road) Tahmoor as follows:
 - Amend the Land Zoning Map from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, E3 Environmental Management and E2 Environmental Conservation.
 - Amend the Lot Size Map from a minimum lot size category of 2 ha to a minimum lot size of:
 - 700 m2 for land zoned R2 Low Density Residential
 - 975 m2, 1500 m2 and 4,000 m2 for land zoned R5 Large Lot Residential
 - 1 ha and 1.5 ha for land zoned E3 Environmental Management
 - a minimum lot size of 40 ha for buffer land zoned E2 Environmental Conservation around the Bargo River and no minimum lot size for the remaining E2 land.
 - Amend the Height of Building Map from no maximum building height to a maximum building height of 9 metres
 - Amend the Natural Resources Water Map to provide a riparian buffer of 10 metres along the four minor watercourses
 - Amend the Urban Release Area Map to include the subject site.
2. That in accordance with Section 3.36 to the Environmental Planning & Assessment Act, 1979 the Planning Proposal be forwarded to the Greater Sydney Commission with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Commission make the Plan in the form as detailed in this report and in the Planning Proposal.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.
4. That a report be brought to Council detailing proposed site specific planning controls for inclusion within the Wollondilly Development Control Plan 2016 to guide development on the Cross Street site.

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GR6

Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

276906

TRIM 7856, 9435, 6116, 10276, 10359 & 8154-3

EXECUTIVE SUMMARY

- The purpose of this report is to brief Council on the ongoing assessment of current Planning Proposals that have not received Gateway Determination.
- The Proponents of these Planning Proposals were asked to provide further justification for their proposal in response to the Metropolitan Rural Area provisions contained in the Greater Sydney Region Plan: A Metropolis of Three Cities, the Western City District Plan released in March 2018 and subsequent advice received from the Greater Sydney Commission regarding application of these provisions.
- This report recommends that:
 - Council invite the Proponents for Eltondale Release Area, West Thirlmere, and Tahmoor Town Centre to withdraw their planning proposals.
 - Council continue to assess the planning proposal for Barkers Lodge Road, Picton. In terms of the ongoing assessment, Council request further justification for the proposal, particularly in terms of its ability to enhance the environmental, social and economic values of the Metropolitan Rural Area. As an alternative the Proponent may wish to withdraw the proposal.
 - Council continue to assess the planning proposals for West Tahmoor and Ironbark Road. Further reports be brought to Council with a detailed assessment for each proposal.

REPORT

BACKGROUND

At its Ordinary Meeting held 19 March 2018, Council considered Item GR5 relating to dwelling statistics across the Shire. The report provided raw statistical data on population and dwelling numbers and current planning proposals under assessment. Council resolved to note and discuss the information at a Councillor Workshop.

Since that time, a number of related strategic planning reports have been considered by Council including:

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- 16 April 2018: GR2 – Environmental Planning and Assessment Act Amendments and Local Planning Statements
- 18 June 2018: GR4 - Reviewing the Wollondilly Growth Management Strategy 2011
- 18 June 2018: GR1 – Proposed Commencement of Low Rise Medium Density Housing Code and Greenfield Housing Code.

At the Councillor Workshop held 4 June 2018, it was considered necessary to require the Proponents for those planning proposals which have not reached Gateway Determination stage to address the Metropolitan Rural Area ('MRA') provisions in the Greater Sydney Region Plan: A Metropolis of Three Cities ('Regional Plan') and Western City District Plan ('District Plan').

Consequently Council staff wrote to the relevant Proponents, seeking further justification for their proposal in response to the MRA provisions.

On 14 May 2018, the Greater Sydney Commission ('GSC') provided advice about the application of the MRA provisions. This advice was forwarded to the Proponents requesting that the contents of the letter be considered in their response to Council due 4 June 2018.

A copy of the submission for each proposal is included in the Attachments booklet. A brief summary of those responses is provided as follows:

ELTONDALE RELEASE AREA, SILVERDALE

Proposal

To rezone approximately 1,595 hectares of land for purposes including a range of housing types, employment lands, town and neighbourhood centres, local schooling opportunities, open space and environmental conservation.

The current proposal estimates 8,944 residential lots housing an estimated population of 25,937.

A large proportion of this site is within the protected airspace known as the Obstacle Limitation Surface ('OLS') for the Western Sydney Airport. The site is also subject to the Australian Noise Exposure Concept Contours ('ANEC') and likely to be subject to Australian Noise Exposure Forecast ('ANEF') Contours of above 20. A location map, and an OLS map for the site are provided at Attachment 1.

Applicant's Response Summary

Correspondence from the Proponent dated 1 June 2018 included the following points:

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- Council's determination of the proposal has been put on hold pending the review of its Growth Management Strategy.
- A Stage 1 Planning Proposal relating to part of the broader Eltondale site will shortly be lodged with Council. It relates primarily to the residential and tourism development of a central portion of land.
- Other stages will follow the lodgement following the Stage 1 Proposal.
- It is intended that the Stage 1 proposal will be submitted with full documentation that addresses the policy framework that is contained within the recent Region Plan and the District Plan.

BARKERS LODGE ROAD, PICTON

Proposal

The proposal would seek to rezone a portion of the site to a SP3 Tourist Zone and a separate portion on the eastern side of the site to R5 Large Lot Residential.

The aim of the proposal would be to develop a tourism facility for Picton that would include:

- a reception/convention facility
- restaurant
- short-term tourist accommodation (to be subdivided by a community scheme or strata)
- on-site package sewerage treatment plant.

The proposal also includes a standalone large lot residential precinct. Potentially 31 lots would be created housing an estimated population of 90.

Applicant's Response Summary

Regional Plan Objectives:

Objective 22: Investment and business activity in centres

- a tourist facility such as the one proposed is most appropriately located in a rural area
- the proposal is not "expanding rural towns and villages beyond their current boundaries", rather proposing a tourist facility in a rural area

Objective 24: Economic sectors are targeted for success

- a significant number of smaller rural residential lifestyle lots have already been created to the west and east (and to a lesser degree to the south) of the subject land, to the extent that the creation of the lots proposed by this application could almost be considered "infill development"

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- proposed lots would not create land use conflict with any agricultural, mining or extractive use into the future, certainly to no greater degree than the small lots already created
- the proponent is prepared to examine bio-banking opportunities
- the proponent would be agreeable to increase the minimum lot size from 4,000m² to 1 ha.

Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced

- redevelopment areas of the site would not impact on any significant biodiversity areas, urban bushland or remnant vegetation.

Objective 28: Scenic and rural landscapes are protected

- historic clearing of the land has occurred and it has been used for light, low-impact grazing over many years
- the tourist facility will be architecturally designed to be sensitive to the environment and the character of the area, particularly in relation to height and use of materials.

Objective 29: Environmental, social and economic values in rural areas are protected and enhanced

- the predominant purpose of the planning proposal relates to the tourist facility but in order to ensure that the tourist facility continues to be sustainable, the small lot rural residential component would be a hedge for the risk involved in the project
- in terms of place-based planning it is argued that Picton requires an economic stimulus and this may be partly achieved by tourism
- both the tourist facility and the small lot development is meeting a demonstrated demand within the local area.

Regional Plan Strategies:

Strategy 29.1: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes

- see Objective 29 above.

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Strategy 29.2: Limit urban development to within the Urban Areas of Wollondilly

- there are no existing urban areas in Wollondilly that are providing 1ha lots as a lifestyle choice
- whilst urban development in its truest sense may be confined to urban areas, the tourist facility is not urban in character and the 1ha subdivision, being sufficient land for small scale rural pursuits is also not “urban” in character.

District Plan - Planning Priorities:

Liveability: A place-based and collaborative approach is required to maintain and enhance the liveability of the Western City District (Priorities W3-W6)

- the tourist facility provides a function centre for hire and its ambition to provide a platform for local produce growers to showcase their fresh fruit and vegetables
- a dynamic meeting place is envisaged for locals, through the restaurant and the fresh produce fair
- opportunity for a popular form of housing (1ha lots) to meet local demand is created.

Sustainability: For the District, an integrated approach to improving sustainability can be achieved through a number of planning priorities (Priorities W12-20)

- local waterways would be protected
- the location of the development generally coincides with cleared pasture paddocks and bio-banking is feasible on some areas of the site
- avoidance of development on the ridgelines would protect the scenic landscape
- the proposal is a productive and efficient use of rural land
- investigation of utilising alternate forms of delivering energy to the development would be undertaken by the proponent
- the rural residential component of this proposal should be included in the “limited growth of rural residential development could be considered” category, as the proposal offers areas for bio-banking and provides a platform for increased economic activity for local fresh produce growers.

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District Plan Actions:

Action 35: Protect and support agricultural production and mineral resources (in particular, construction materials) by preventing inappropriately dispersed urban activities in rural areas

- it is argued the Proponent's contention that the proposal has the potential to support agricultural production.

Action 41: Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation

- it is espoused that proposal actively satisfied this Action.

Action 78: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes

- see Objective 29 and Planning Priorities Liveability above.

Action 79: Limit urban development to within the Urban Areas of Wollondilly (including the Wilton Growth Area)

- the proposal is based on furthering the interests of the Picton area through a place based planning approach, delivering tourism facilities and a small-scale, low-impact subdivision to meet the aspirational demands of locals in the second, third and fourth home buyer market.

Action 88: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards

- the subject site is not subject to flooding
- geotechnical stability assessments can be undertaken as the proposal progresses
- bushfire risks may be mitigated by maintaining Asset Protection Zones.

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WEST THIRLMERE

Proposal

The application seeks to rezone the southern portion of the subject lands directly west of residential Thirlmere to Low Density Residential (Zone R2) to permit residential development and a small Neighbourhood Centre (Zone B1). The application seeks to rezone the mid portion of the subject lands to Large Lot Residential (Zone R5), and the northern portion of the subject lands to Rural Small Holdings (Zone RU4).

Potentially 1,800 lots would be created housing an estimated population of 4,200.

It is noted that the submission from the Proponent now describes the proposal as:

'This Planning Proposal is not intended to accommodate new business activity. It is for rural urban fringe development equivalent to the R5 Zone in WLEP 2011.'

The application covers some 172 existing allotments of land.

Applicant's Response Summary

Regional Plan Objectives:

Objective 24: Economic sectors are targeted for success

- a number of rural/agricultural industries that have the potential to generate odour, noise and other pollutants including several poultry farms and a large orchard are included within the land area
- the rezoning to RU1 was intended to protect existing agricultural enterprises and promote new ones
- despite the RU1 zoning there are only two (2) commercial poultry farms, the Thirlmere Duck farm which has been forced to close or reduce operations and Silm's orchard operating in that zone
- the area has some considerable vegetation and watercourse constraints that will be impediments on future development, but the greatest problem for agricultural production is the current fragmentation
- whilst protection is required to maintain the existing poultry farms it is unlikely that any new ones will be established in the study area due to public objection
- low intensity R5 zoned allotments in appropriate areas can still achieve Objective 24.

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Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced

- if Council supports the proposal to the Gateway determination, specialist studies would be carried out to identify the biodiversity corridors and environmental values
- rezoning to R5 would provide an incentive to land owners to protect and enhance the environmental values

Objective 28: Scenic and rural landscapes are protected

- Thirlmere has changed in the last 20 years from an agricultural area to a rural lifestyle area.
- intensive poultry farms are more akin to industrial than agricultural use
- the proposed R5 rezone would protect and enhance the remaining natural landscapes.

Objective 29: Environmental, social and economic values in rural areas are protected and enhanced

- Thirlmere has almost all its development east of Matthews Creek and thus Thirlmere has struggled for commercial viability and has not competed well with Picton or Tahmoor
- expansion to the West Thirlmere area with R5 style development is an enhancement of the existing village of Thirlmere without the urban sprawl
- future specialist studies would include an Aboriginal Cultural Impact Assessment so any sites of concern could be identified and protected
- the number and type of allotments in the Wilton Growth area would do nothing to enhance Thirlmere village
- the PP provides an opportunity for the expansion of Thirlmere to meet the growing demand for larger allotments that is not being catered for within the urban growth areas.

Regional Plan Strategies:

Strategy 29.1: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes

- this proposal is based on Thirlmere's characteristics and the future development for lifestyle allotments would achieve the targeted outcomes
- from an environmental outcome, the sensitive areas and corridors can be identified and mapped so as to enhance and protect them from future development

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- this proposal presents an opportunity for significant flood water detention (through the use of rainwater tanks) having a potentially positive effect on flooding as a substantial proportion of flood waters enter Stonequarry Creek via the Cedar Creek catchment.

Strategy 29.2: Limit urban development to within the Urban Areas of Wollondilly

- the West Thirlmere PP is not seen as urban development as it would be quite diverse with the environmental constraints but it is around the existing urban area and enhances the existing village of Thirlmere.

District Plan - Planning Priorities:

Liveability: A place-based and collaborative approach is required to maintain and enhance the liveability of the Western City District (Priorities W3-W6)

- Thirlmere has well-formed social infrastructure thus opportunity for a popular form of housing (1ha lots) to meet local demand is created
- development in West Thirlmere will enhance the strong social and community values that exist in Thirlmere
the overall number of allotments and rate of delivery of allotments has not kept pace with the demand for larger lifestyle allotments especially as there are an increasing number of people coming from the Badgerys Creek, Leppington, Rossmore areas looking for larger allotments as they are squeezed out
- when people move from smaller allotments to larger allotments they leave behind second hand dwellings that are suitable for the affordable housing market thus West Thirlmere will provide for a range of affordability and housing types
- Thirlmere village has the heritage precincts and buildings as well as the historical cadastral framework and the development of West Thirlmere would assist in making this local centre more viable without impacting on other business centres.

Sustainability: For the District, an integrated approach to improving sustainability can be achieved through a number of planning priorities (Priorities W12-20)

- the West Thirlmere Planning Proposal study would provide the opportunity for studies of waterways to take place and this would lead to better identification of strategies to protect and enhance the local waterways
- R5 type of development envisaged would by necessity put a greater emphasis on enhancing the bushland and biodiversity and critical areas could be given an E2 zone

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- agricultural land has been historically fragmented and a large section of the West Thirlmere study area is already zoned RU4 (not identified as prime agricultural land) for rural lifestyle lots of 2 ha size
- it would be necessary for private landowners to provide shared cycle ways and pedestrian routes throughout the West Thirlmere area and this will not occur without the incentive of development
- it is quite clear that Wollondilly Shire Council's intention for the past 20 years has been to have some form of rural/residential development in this locality
- it is espoused that the PP involves limited growth with positive outcomes for the management of natural hazards.

District Plan Actions:

Action 35: Protect and support agricultural production and mineral resources (in particular, construction materials) by preventing inappropriately dispersed urban activities in rural areas

- support for agricultural production is no longer economically sustainable or practical in the West Thirlmere Area because the cost of purchasing land in the West Thirlmere study area is also prohibitive for agricultural production as it is valued as residential lifestyle land.

Action 41: Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation

- Thirlmere would only have strong local businesses and tourism undertakings if they are supported by additional residents and additional patronage.

Action 78: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes

- the West Thirlmere PP area is place-based that provides for housing, large allotment sizes, protection of its unique landscapes, greater protection from bushfire hazards and countless other outcomes which not apply to anywhere else.

Action 79: Limit urban development to within the Urban Areas of Wollondilly (including the Wilton Growth Area)

- it is suggested that the West Thirlmere PP area is not considered to be urban in nature but it does augment an existing village and is not a green fields site.

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Action 88: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards

- see 'Strategy 29.1' above
- geotechnical stability assessments can be undertaken as the PP progresses
- bushfire risks may be mitigated by maintaining Asset Protection Zones.

Issues raised in correspondence received from the Greater Sydney Commission dated the 10th May 2018:

Maintaining and enhancing the distinctive character of each rural and bushland town and village is a high priority

- low-density R5 development would enhance the bushland areas and distinctive character of Thirlmere by providing development that is consistent with its history whilst restoring its position as a viable rural village.

Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the surrounding landscape and rural activities

- see the section under 'Liveability' earlier in this part of the report.

Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth

- it is submitted that the West Thirlmere PP area will not play a role at all in meeting regional and district scale growth as regional growth is extremely large scale and district growth includes new suburbs or towns.

65-95 IRONBARK ROAD, BARGO

Proposal

The Planning Proposal is seeking to rezone the land from RU4 Primary Production Small Lots to a mix of R2 Low Density Residential and R3 Medium Density Residential. It also entails amending the minimum lot size map from 2ha to a mix of 700m² and 975m² and introducing a maximum building height of 9 metres.

Potentially 60 lots would be created housing an estimated population of 174.

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Applicant's Response Summary

A response was received on 6 June 2018 and the following general points were made:

- The planning proposal is consistent with both Council's and the community's expectations for growth in Bargo, as set out in the Growth Management Strategy 2011 ('GMS')
- It is not proposed to extend residential development beyond the confines of the existing village, because the edge of the village to the north is now 95 Great Southern Road
- It is understood Council does not favour the introduction of R3 zoned land at this locality. The R3 proposal was introduced to encourage some housing diversity. The proponent is agreeable to enter into discussions with Council in relation to zone and minimum lot sizes, provided it is generally supportive of the proposal
- The Proponent is open to approaching the landowners up to Hawthorne Road to be included and notes that Council could unilaterally include them in the planning proposal in any case. If this were to occur, the proposal would adjoin existing residential zoned land and address Council's concern regarding this land "leapfrogging" other land
- No unfunded demands for infrastructure for any tier of government would arise from the proposal
- In terms of GMS targets Bargo would have a shortfall of 1,627 houses.

Regional Plan Objectives:

Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced

- the vegetation on the site has been assessed by Ecoplanning and it is considered too small an area for preservation under bio-banking. There is no opportunity to reconnect fragmented bushland due to the imminent rezoning of 95 Great Southern Road and 55 Government Road.

Objective 28: Scenic and rural landscapes are protected

- this area is not a rural area in the common understanding of the term because it is at the edge of existing urban development constituting a holding pattern awaiting a rezoning so that it can become productive again.

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Objective 29: Environmental, social and economic values in rural areas are protected and enhanced

- this proposal is consistent with the GMS, which is in essence a place-based planning document
- the proposed development will result in manageable environmental, social and economic impacts
- there is a demonstrable local demand for lots in Bargo, as recently demonstrated by the marketing activity that has occurred on 95 Great Southern Road
- the proposal will enhance the distinctive character of Bargo, through the creation of residential lots at the edge of the existing village.

Regional Plan Strategies:

Strategy 29.1: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes

- see response to 'Objective 29' immediately above.

Strategy 29.2: Limit urban development to within the Urban Areas of Wollondilly

- it is contended this strategy relates to developments that are intended to play a role in helping to achieve regional and district housing targets for the whole of Sydney rather than local development.

District Plan - Planning Priorities:

Liveability: A place-based and collaborative approach is required to maintain and enhance the liveability of the Western City District (Priorities W3-W6)

- the proposal would assist in the provision of some social infrastructure assets through developer contributions
- an opportunity for a popular and affordable form of housing to meet local demand would be created
- the proposal provides housing supply, choice and affordability, with access to jobs because of easy access to the Bargo village, southern highlands, Tahmoor/Picton and the motorway to Sydney. It is expected that public transport services will expand in the area in line with demand
- scale of the development and the built form would respect the District's heritage.

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GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

Sustainability: For the District, an integrated approach to improving sustainability can be achieved through a number of planning priorities (Priorities W12-20)

- no detrimental impact on waterways is anticipated
- removed vegetation will be offset with credits
- street tree planting would be undertaken
- the site is not on a ridgeline or other scenic landscape
- proximity to the existing residential area means the site is not used for any intensive rural use
- whilst this proposal will not directly create public open space, it will contribute to the provision of open space through developer contributions
- site-specific hazards would be investigated as the Planning Proposal is advanced.

District Plan Actions:

Action 35: Protect and support agricultural production and mineral resources (in particular, construction materials) by preventing inappropriately dispersed urban activities in rural areas

- an infill subdivision is proposed on land already identified for potential residential growth.

Action 78: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes

- see response to 'Objective 29' above.

Action 79: Limit urban development to within the Urban Areas of Wollondilly (including the Wilton Growth Area)

- see 'Strategy 29.2' above.

Action 88: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards

- see 'Sustainability' above
- the subject site is not subject to flooding, geotechnical stability assessments can be undertaken as the Planning Proposal progresses and Bushfire risks may be mitigated by maintaining Asset Protection Zones.

GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

Issues raised in correspondence received from the Greater Sydney Commission dated the 10th May 2018:

Matters included in the abovementioned correspondence were not separately addressed in the submission. It is considered that the information provided above provides relevant information in any event.

TAHMOOR TOWN CENTRE

Proposal

The key objective of this proposal is to allow for an increase in the maximum building height limit currently applicable to the subject site, being the land bounded by Thirlmere Way, York Street, Larkin Street and George Street in Tahmoor. This would facilitate a future vertical extension to the already approved expansion of Tahmoor Town Centre, to allow for medium density residential development in the form of apartment style housing above ground floor retail use.

The maximum building height sought would be an increase from the current limit of 11 metres to a maximum of 30 metres for the subject site equating to a six storey building height.

Potentially 432 dwellings would be created housing an estimated population of 1,253.

Applicant's Response Summary

Regional Plan Objectives:

Objective 24: Economic sectors are targeted for success

- vertical expansion of Tahmoor Town Centre sought in the subject proposal allows the increased provision of more diverse and affordable housing within an established local centre whilst avoiding the need for additional release of rural, environmental, landscape or otherwise valued land for urban purposes.

Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced

- the proposal is located on an already developed site and seeks a vertical extension of Tahmoor Town Centre so the proposal would not impact upon any environmental values or sensitive land.

GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

Objective 28: Scenic and rural landscapes are protected

- Tahmoor Town Centre as it stands would not comprise a regionally significant scenic or cultural landscape.
- given the location of the subject site within the centre of Tahmoor Township and the nature of proposed building height increase within only a very limited area affecting only Tahmoor Town Centre there is little scope for the subject proposal to pose any risk to any important scenic or cultural landscapes

Objective 29: Environmental, social and economic values in rural areas are protected and enhanced

- there is no need to alter the boundaries of the urban area or seek the release of additional non-urban areas within the Metropolitan Rural Area for urban development
- local population growth would be accommodated within Tahmoor in what is deemed to be a suitable location in terms of social, economic and environmental benefit
- the subject site has been selected for its highly suitable location in terms of economic, commercial, social, transport, health, educational, community and other essential considerations and criteria, with the location and subject site itself already destined for significant change into the future regardless of the success of this proposal
- it is acknowledged this proposal seeks a noticeable change in the nature of development scale and density within the subject site and Tahmoor Township, it is considered to be a change which can still achieve an appropriate balance between future growth and maintaining the “rural living” identity of the Shire
- this proposal is not anticipated to result in any concerns regarding aboriginal cultural heritage or the Local Aboriginal Land Council.

Regional Plan Strategies:

Strategy 29.1: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes

- it is not considered that this proposal relating only to increasing building height limits within the same building footprint would have an adverse environmental impact

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- from a social point of view the proposal site has been chosen for its highly suitable location which presents a unique opportunity given its ready access to main road transport corridors and linkages to essentially all corners of the Shire, available utility infrastructure, immediate access to public transport options including rail, commercial and recreational services and facilities, as well as being within walking distance of further community, educational, medical, religious, and other necessary and important services and facilities required to support a local residential population
- potential future urban sprawl is reduced
- proposed increased residential density will lead to a significant growth in the local consumer population base right in the centre of Tahmoor that would support the economic stability of the local centre
- production of housing at a higher density within an urban footprint as facilitated by this proposal would result in reduced development costs thus contributing to the availability of more affordable housing.

Strategy 29.2: Limit urban development to within the Urban Areas of Wollondilly

- the proposal does not seek to expand the physical boundaries of urban development areas in Tahmoor.

District Plan - Planning Priorities:

Liveability: A place-based and collaborative approach is required to maintain and enhance the liveability of the Western City District (Priorities W3-W6)

- see Objectives 28 and 29 and 'Strategy 29.1' above
- the built environment can encourage healthy communities by creating mixed-use centres that provide a convenient focus for daily activities, which is achieved by the subject proposal
- within the Wollondilly Shire the number of households in higher density forms of housing (residential flat buildings) is statistically insignificant despite being an increasingly sought-after form of residential accommodation for various sectors of the community.

Sustainability: For the District, an integrated approach to improving sustainability can be achieved through a number of planning priorities (Priorities W12-20)

- no detrimental impact on waterways is anticipated
- see Objectives 28 and 29 and 'Strategy 29.1' above
- the relatively small site is within the urban centre of Tahmoor where there is little scope for increasing urban tree canopy cover or delivering green corridor connections

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- given the very limited site-specific nature of this proposal, there is little scope for the provision of open space but the subject proposal would likely result in significant developer contributions which would be financially beneficial for the provision of local services and facilities by Council, including in relation to the provision and improvement of public open spaces within the Shire
- options for improved energy efficiency can be considered as part of the future design process of any development facilitated by this proposal
- the site is located within Bargo Mine Subsidence District and so appropriate consultation would need to be undertaken with Subsidence Advisory NSW as part of any future development of the land.

District Plan Actions:

Action 35: Protect and support agricultural production and mineral resources (in particular, construction materials) by preventing inappropriately dispersed urban activities in rural areas

- agricultural or mineral resources production would not be impacted upon.

Action 41: Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation

- Tahmoor township is not known as a tourist/visitor centre of the Shire and so this action is not considered highly applicable to the subject proposal which is only for a vertical extension of Tahmoor Town Centre.

Action 78: Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes

- see 'Strategy 29.1' above.

Action 79: Limit urban development to within the Urban Areas of Wollondilly (including the Wilton Growth Area)

- see 'Strategy 29.2' above.

Action 88: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards

- see 'Sustainability' above
- the subject site is not affected by any natural constraints or natural hazards such as bushfire or flooding.

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GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

Issues raised in correspondence received from the Greater Sydney Commission dated the 10th May 2018:

Maintaining and enhancing the distinctive character of each rural and bushland town and village is a high priority

- it is acknowledged that the subject proposal will result in a change in visual character of Tahmoor township however the proposal is located on top of an already approved horizontal expansion of Tahmoor Town Centre with the height limit proposed considered one which can achieve the desired nature of medium-density “shoptop” style housing without being an overwhelming or an adverse transformation of the current character of Tahmoor.

Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the surrounding landscape and rural activities

- see the sections under 'Liveability' and 'Sustainability' earlier in this part of the report.

Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth

- it is submitted that the Tahmoor Town Centre proposal area will not play a role at all in meeting regional and district scale growth as regional growth is extremely large scale and district growth includes new suburbs or towns.

WEST TAHMOOR

Proposal

The proposal seeks to increase the potential density of residential development on the site by reducing the minimum lot size for subdivision from 2,000 m² to 450 m².

The subject site is 1.06 hectares and is part of the Picton Tahmoor Thirlmere (PTT) West Tahmoor Precinct. The site has current potential for 5 lots without any further rezoning.

The subject planning proposal would increase the potential yield to 20 lots housing an estimated population of 58.

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GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

Applicant's Response Summary

A response from the Proponent dated 12 June 2018 is included in the Attachment booklet. Due to the reporting deadlines a summary of the response has not been provided in the body of this report.

IMPLEMENTATION OF THE METROPOLITAN RURAL AREA PROVISIONS

Greater Sydney Commission Correspondence

Correspondence from the Greater Sydney Commission dated 10 May 2018 regarding expansion of rural towns and villages offered the following guidance:

'.... planning proposals that seek to facilitate growth in rural towns and villages, such as Silverdale, will need to consider how the proposal responds to local demand for growth, maintains and enhances the character of the town or village, the surrounding landscape and rural activities. In line with Action 78 of the Western City District Plan, council is to consider these issues having regard to a place-based planning approach that examines the environmental, social and economic values of the rural area. Council is also to consider the role of towns and villages in the Metropolitan Rural Area and in the context of supporting local growth.'

.... The Western City District Plan is clear that towns and villages in the Metropolitan Rural Area 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.

The alignment of growth with infrastructure is a major theme on the Region and District Plans. Allowing only local growth of towns and villages in the Metropolitan Rural Area is a key part of this approach. This is particularly relevant in Wollondilly, given the capacity to accommodate growth within the Growth Areas in Wollondilly and in other nearby local government areas.'

Wollondilly Community Strategic Plan

Growth is addressed in the Wollondilly Community Strategic Plan 2033 (CSP) adopted in June 2017. In respect of growth the CSP states:

'The current estimated population of Wollondilly Shire is approximately 48,000 and Council is predicting that this number could head towards 100,000 or beyond over the next 20 to 30 years. Council will be planning for this growth to occur in accordance with the following four key principles and objectives:

GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

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.*

2. *Growth in and around our existing towns*

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 cumulative impacts and infrastructure requirements when considered in conjunction with other growth 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.*

3. *Wilton New Town*

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.

GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

The Western Sydney District Plan

In addition to the principles and actions identified above, it is noted that the District Plan provides the following clear advice in relation to the MRA:

"Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in A Metropolis of Three Cities. This approach complements Action 30 of this plan to protect and support agricultural production and mineral resources by preventing inappropriately dispersed urban activities in rural areas..."

The rural towns and villages of the District contain some of Greater Sydney's best examples of early colonial buildings and heritage...

Maintaining and enhancing 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, the character of the town or village and the surrounding landscape and rural activities.

...Rural-residential development is not an economic value of the District's 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 Metropolitan Rural Area. This could include the creation of protected biodiversity corridors, buffers to support investment in rural industries and protection of scenic landscapes."

Conclusion

Based upon the MRA provisions, it is unlikely that staff will recommend the Planning Proposals for Eltondale Release Area, West Thirlmere and Tahmoor Town Centre proceed to Gateway Determination due to:

- scale (they are too large to be considered local development; it is premature to proceed as a demand analysis has not been undertaken; and GMS dwelling targets appear to have been exceeded)
- impacts upon existing urban character (in the case of Tahmoor Town Centre an increase in height from 11m to 30m for one relatively small site in advance of a comprehensive urban design analysis for the commercial area would unreasonably impact upon existing character)
- alienation of rural land and potential conflict with agricultural industries (in the instance of West Thirlmere).

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GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

Accordingly it is recommended that Council write to these Proponents and strongly recommend that they withdraw their Planning Proposal.

With respect to Barkers Lodge Road it is acknowledged that the Proponent has amended the minimum lot size proposed for the rural – residential component of the proposal. Despite the modification Council staff have concerns about the appropriateness of the proposal given:

- proximity to the existing urban zones of Picton (the site is surrounded by RU1 Primary Production and RU2 Rural Landscape zones)
- rural residential development is generally not supported by the Greater Sydney Commission
- the large lot component is not considered to maintain and enhance the environmental, social and economic values of the MRA whereas the proposed tourist component would achieve that.

Accordingly it is recommended that Council write to the Proponent expressing the above concerns and outline the need for strong justification for the proposal, particularly in terms of its ability to enhance the environmental, social and economic values of the MRA. As an alternative the Proponent may wish to withdraw the proposal.

It is also recommended that the assessment continue for the planning proposals for West Tahmoor and Ironbark Road and that detailed assessment reports on each be presented to Council at a future date.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Obstacle Limitation Surface (OLS) Map and Location Maps
2. Letter to Proponents of Draft Planning Proposals
3. Correspondence 1/6/2018 Eltondale Planning Proposal
4. Correspondence 31/5/2018 Rezoning proposal – Tourist facilities and small lot development 350 Barkers Lodge Road Picton
5. Submission 31/5/2018 Rezoning Application West Thirlmere
6. Correspondence 4/6/2018 Planning proposal – 65 – 95 Ironbark Road Bargo
7. Submission 3/6/2018 Draft Planning Proposal – Tahmoor Town Centre Height Limit – Response to Request for Additional Information
8. Submission 12/6/2018 West Tahmoor Minimum Lot Size (not mentioned in report)

Sustainable and Balanced Growth
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GR6 – Pre-Gateway Determination Planning Proposals within the Metropolitan Rural Area

RECOMMENDATION

1. That Council invite the Proponents for Eltondale Release Area, West Thirlmere, and Tahmoor Town Centre to withdraw their planning proposals.
2. That Council continue to assess the planning proposal for Barkers Lodge Road, Picton. In terms of the ongoing assessment, Council request further justification for the proposal, particularly in terms of its ability to enhance the environmental, social and economic values of the Metropolitan Rural Area. As an alternative the Proponent may wish to withdraw the proposal.
3. That Council continue to assess the planning proposals for West Tahmoor and Ironbark Road. Further reports be brought to Council with a detailed assessment for each proposal.

Sustainable and Balanced Growth
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GR7 – Wilton New Town Update on NSW Government Response to Outstanding Planning, Environment and Infrastructure Issues

GR7

Wilton New Town Update on NSW Government Response to Outstanding Planning, Environment and Infrastructure Issues

272723

TRIM 6930-8

EXECUTIVE SUMMARY

- The purpose of this report is to update Council on the lack of response from the NSW Government to Council's concerns relating to Wilton Priority Growth Area.
- 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 an urgent meeting with the Minister for Planning & Environment be sought.

REPORT

BACKGROUND

Following the rezoning of the South West Precinct within the Wilton Priority Growth Area by the NSW Department of Planning & Environment ('Department'), Council held an Extraordinary Meeting on 30 April 2018.

The purpose of the Extraordinary Meeting was for Council to appraise the recent rezoning in light of earlier resolutions made in February 2018 calling for various planning matters to be resolved.

Overall, the outstanding matters considered to be "threshold issues" for Council are as follows:

- Lack of public transport including electrified passenger rail services to Wilton and the Shire
- Lack of an integrated health precinct established in the strategic planning framework
- Lack of a demonstrated strategy to deliver 1 local job per dwelling
- Lack of adequate protection of our local disease free Koala community
- Lack of a draft Special Infrastructure Contributions Framework and local Voluntary Planning Agreements.

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

GR7 – Wilton New Town Update on NSW Government Response to Outstanding Planning, Environment and Infrastructure Issues

At the Extraordinary Meeting, Council resolved (in part):

"That a further report be referred to an Ordinary Meeting of Council in June outlining any responses from the NSW Government to the above matters."

And;

"As part of the June Ordinary Meeting of Council, that Council reconsiders its position."

Letters were sent to the NSW Premier (see Attachment 1) and Minister for Planning & Environment (see Attachment 2) advising that Council had resolved to withdraw its in principle support if outstanding matters are not resolved.

CURRENT STATUS

At the time of this report being prepared, Council has not received a formal response from the NSW Government.

The NSW Premier's Office, NSW Planning Minister and the Department have been contacted directly for an update as to whether a response will be forthcoming. No response has been received to those enquires.

A Development Application has now been lodged by Walker Corporation for the first stage of development at the South West Precinct comprising 700 lots.

The Department has held two workshops with developers with landholdings within the Greater Macarthur Growth Area ('GMRA') which includes land at west Appin earmarked for a further 18,000 houses.

The Department in correspondence to Council and developers dated 8 June 2018 sought comments on principles for the release of land within the GMRA (see Attachment 3).

Council has sent correspondence to the Department (see Attachment 4) outlining that further land release at West Appin is not supported, particularly while numerous planning issues related to Wilton New Town remain unresolved.

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

GR7 – Wilton New Town Update on NSW Government Response to Outstanding Planning, Environment and Infrastructure Issues

FINANCIAL IMPLICATIONS

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

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Letter to NSW Premier
2. Letter to NSW Planning Minister
3. E-mail from NSW Department of Planning & Environment regarding West Appin
4. Letter to Department of Planning & Environment outlining that Council does not support further land release at Appin

RECOMMENDATION

1. That Council notes the information.
2. That Council writes to the Minister for Planning & Environment requesting an urgent meeting to discuss these matters.

Management and Provision of Infrastructure

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

Relevance to the Community Strategic Plan
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MANAGEMENT AND PROVISION OF INFRASTRUCTURE

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in Create Wollondilly Community Strategic Plan 2033.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN1 – Increase to the Capital Budget Program 2018/19

IN1

Increase to the Capital Budget Program 2018/19

274044

TRIM 3311

EXECUTIVE SUMMARY

- The purpose of this report is to update Council and revise a number of programs within the 2018/19 Major Works Program, particularly in relation to grant funding for specific projects and project management resourcing.
- It is recommended that the 2018/19 Major Works Program be revised in line with confirmed funding offers and project management allocations to the total program amounts:

Road Renewal Program:	\$9,632,148
Road Upgrade Program:	\$ 450,000
Footpath New Program:	\$ 558,640
Buildings Renew:	\$ 775,000
Open Space Renew:	\$ 375,000
Open Space New:	\$2,300,000

REPORT

A number of funding agreements have been confirmed for 2018/19 since the development of the Draft 2018/19 Annual Capital Works Program that informed the Budget adopted by Council on 18 June 2018. These include:

Road Renewal Program

Moreton Park Road Disaster Relief Grant

Sections of the embankment leading to the freeway overbridge on Moreton Park Road failed during the June 2016 storm event, and funding applied for under the Natural Disaster Relief and Recovery Arrangements (NDRRA).

However, the severity of the damage was not immediately apparent until detailed site investigations were carried out and design options explored. This was carried out during 2017/18 with an extension of time and confirmation of amount. This was approved in May 2018 with a total project allocation of \$587,076.

Expenditure relating to site investigations, design and documentation was claimed in 2017/18 and the remaining allocation of \$476,648 requires inclusion in the 2018/19 road renewal program.

We note that the tender process for the project is near complete with works expected to commence in Q1 of the financial year.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN1 – Increase to the Capital Budget Program 2018/19

Blaxland Crossing Bridge Bearing Replacement

The bridge bearing replacement works will continue into July with completion and site clean-up in August. With expenditure to date and claimed in 2017/18 for works completed; a total of \$280,000 needs to be included in the 2018/19 Road Renewal Program, using restricted funds brought forward from the unexpended 2017/18 allocation. It is noted that the budget is on a 50/50 share with Penrith City Council and as such the Penrith City Council's share for the 2018/19 budget will be \$140,000 and the contribution income budget will be increased accordingly.

Road Renewal Program: $\$8,800,500 + \$476,648 + \$280,000 = \$9,557,148$

Road Upgrade Program

Silverdale Road, Wallacia

It is proposed to introduce funding to commence a route feasibility investigation for the upgrade of Silverdale Road between Blaxland Crossing Bridge and Farnsworth Avenue to inform the revision of the Development Contributions Plan as well as potential grant opportunities such as rounds 3 & 4 of the Western Sydney Infrastructure Program.

Prince Street, Picton

It is also proposed to introduce funding towards pursuing detailed design of intersection upgrades at each end of Prince Street, Picton. Upgrades to these intersections has been identified as critical as part of the overall draft Picton CBD Masterplan, which is being finalised, and pursuing detailed investigations and design will assist in early delivery of these projects once the masterplan is finalised and adopted.

Both these projects are in line with the adopted Development Contributions Plan (2011), and it is proposed to introduce \$100,000 for each project with further adjustments carried out at subsequent quarterly reviews if required.

Road Renewal Program: $\$250,000 + \$100,000 + \$100,000 = \$450,000$.

Footpath New Program

Walton Street Safer Communities Grant

Council have been successful in securing a grant under the Federal Government's Department of Industry, Innovation & Science's Safer Communities Program for street lighting for Walton Street, Picton.

The funding totals at \$223,300; however, it is to be administered in stages with \$178,640 to be claimed in 2018/19 and the remaining \$44,660 to be claimed in 2019/20.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN1 – Increase to the Capital Budget Program 2018/19

The Walton Street street lighting project has been identified as a high priority program and, as it is predominately to improve pedestrian safety, has been listed under the Footpath New Program.

As such \$178,640 needs to be included in the 2018/19 Footpath New Program (and \$44,660 included in considerations for the 2019/20 program).

Footpath New Program: $\$380,000 + \$178,640 = \$558,640$.

Project Management Internal Costs

Currently, internal project management/administration resources are funded under operational salary budget. However, if a project was to be managed using external resources, these resources would be charged directly against the relevant projects leading to a disparity in project costs.

To correct this disparity, it is proposed to charge internal project management costs against relevant projects and it has been estimated that a total of 75% of the salary allocation for these resources could be allocated across the capital works program (equates to \$75,000 per employee).

Council currently employs two Project Management Officers. The first works on Transport Assets and predominately against the Road Renewal Program (i.e. 100% road renew).

The second resource works with the Open Space and Buildings programs (i.e. 33% open space new, 33% open space renew and 33% buildings renew).

Road Renewal Program:	$\$9,557,148^* + \$75,000 = \$9,632,148$
Open Space New:	$\$2,275,000 + \$25,000 = \$2,300,000$
Open Space Renew:	$\$350,000 + \$25,000 = \$375,000$
Buildings Renew:	$\$750,000 + \$25,000 = \$775,000$

* This figure includes the changes proposed under the section *Road Renewal Program (Moreton Park Road Disaster Relief Grant and Blaxland Crossing Bridge Bearing Replacement)*.

CONSULTATION

Nil.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN1 – Increase to the Capital Budget Program 2018/19

FINANCIAL IMPLICATIONS

The 2018/19 Capital Works Program budget allocations are to be amended as follows:

Program	Original Budget	Variation	Proposed Budget
Road Renewal	\$8,800,500	\$831,648	\$9,632,148
Road Upgrade	\$ 250,000	\$200,000	\$ 450,000
Bridge Program	\$ 883,500	-	\$ 883,500
Kerb & Gutter (new)	\$ 300,000	-	\$ 300,000
Kerb & Gutter (renew)	\$ 365,000	-	\$ 365,000
Footpaths (new)	\$ 380,000	\$178,640	\$ 558,640
Footpaths (renew)	\$ 300,000	-	\$ 300,000
Public Transport Fac (renew)	\$ 53,000	-	\$ 53,000
Traffic Facilities (new)	\$ 50,000	-	\$ 50,000
Traffic Facilities (renew)	\$ 210,000	-	\$ 210,000
Open Space (new)	\$2,275,000	\$ 25,000	\$2,300,000
Open Space (renew)	\$ 350,000	\$ 25,000	\$ 375,000
Buildings (new)	\$ 750,000	\$ 25,000	\$ 775,000
Plant Fleet	\$ 500,000	-	\$ 500,000
Car Fleet	\$ 110,000	-	\$ 110,000
Stormwater Drainage	\$ 204,000	-	\$ 204,000
Other Projects	\$ 50,000	-	\$ 50,000
	\$ 15,831,000	\$ 1,285,288	\$ 17,116,288

The additional capital works program expenditure will be funded as follows:

Additional developer contributions funding	\$ 200,000
Additional grant funding	\$ 178,640
Contribution from Penrith City Council	\$ 140,000
Reintroduce prior year unexpended reserve funding	\$ 616,648
Reduction in operating budget (project mgmt salaries)	\$ 150,000
	\$ 1,285,288

ATTACHMENTS

Nil.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN1 – Increase to the Capital Budget Program 2018/19

RECOMMENDATION

That the 2018/19 Major Works Program be revised in line with confirmed funding offers and project management allocations to the total program amounts:

▪ Road Renewal Program:	\$9,632,148
▪ Road Upgrade Program:	\$ 450,000
▪ Footpath New Program:	\$ 558,640
▪ Open Space New:	\$2,300,000
▪ Open Space Renew:	\$ 375,000
▪ Buildings Renew:	\$ 775,000

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN2 - Update on the Wollondilly Open Space, Recreation & Community Facilities Strategy

REPORT

BACKGROUND

Adopted by Council in May 2014, the Wollondilly Open Space, Recreation & Community Facilities Strategy (the Strategy) has helped to guide the planning, delivery and management of public open space, recreation and community facilities across the Wollondilly Shire.

The Strategy provides a strategic framework to ensure the provision of open space, recreation and community facilities reflects the current needs of the community and meet the future growth expectations, having been prepared based on a review of the Shire's current and predicted demographics and the Wollondilly setting.

In summary, the Strategy identifies ten best practice Guiding Principles that principally focus on accessibility, quality, multi-functionality, co-location, visibility and sustainability. It also provides an Implementation Plan which is underpinned by four Strategic Themes of:

- Making More of What We've Got
- Ensuring That All Members of the Community Benefit
- Achieving Value for Money
- Matching Provision to People.

The Implementation Plan that is contained within the Strategy focuses on the upgrade, extension or creation of high level open space, recreation and community facilities.

While Council continues its work towards the high level recommendations (which often require larger capital project budgets), it should be noted that many on-the-ground works that have occurred since the Strategy adoption, led by the Guiding Principles and Strategic Themes, are at the lower neighbourhood and local level. Projects that sit at these local levels are not explicitly identified in the Strategy and, therefore, cannot be a clear measurement of the Strategy's implementation.

Large scale implementation of the Strategy has been tempered since its introduction in 2014 with Council undertaking a major campaign of asset maintenance and renewal, structuring its capital works programs around asset renewal, particularly in the Transport related assets.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN2 - Update on the Wollondilly Open Space, Recreation & Community Facilities Strategy

However, the allocations for both Open Space and Buildings has grown so that more significant renewal works can be undertaken plus major development growth within the Shire is leading to challenges and opportunities with development and funding of new infrastructure and embellishment of existing facilities. Recent examples include the roll out of the first of the public amenity replacements as well as the construction of a multi-use facility at Willis Park, Oakdale and an Inclusive Play Space at Warragamba (keeping to the themes set out in the Strategy).

Although the life of the Strategy was developed with the intent of it being a 10-15 year Strategy, these influencing factors mean it is timely to undertake a preliminary review the Strategy to maintain its relevancy and to continue tracking its implementation.

At its meeting on 16 April 2018, Council resolved:

'That a report come to Council in relation to the 2014 Wollondilly Open Space, Recreation & Community Facilities Strategy by the 16 July 2018 Ordinary Council Meeting that addresses the following:

1. *Status update on the overall strategy and any changes that need to be addressed and the progress on implementation against the recommendations in the Implementation Plan.*
2. *Recommendations for opportunities to prioritise delivery of the recommendations in the Implementation Plan including:*
 - a. *Early priorities for delivery within the Implementation Plan.*
 - b. *Acquisitions, consolidation and rationalisation and method for undertaking this process (as outlined in the strategy).*
 - c. *Identified opportunities for funding.*
3. *A reporting process for progress of implementation, including an action plan with timeframes, that can be considered for inclusion in the Quarterly Report process'.*

The following section of this report is provided in response to this Council resolution.

PRELIMINARY REVIEW OF STRATEGY

A preliminary review of the Strategy has been undertaken and the ten Guiding Principles and four Strategic Themes remain relevant and most appropriate for guiding Council's planning, delivery and management of open space, recreation and community facilities.

IN2 - Update on the Wollondilly Open Space, Recreation & Community Facilities Strategy

Attachment 1 identifies a number of recommended amendments to the Strategy which do not propose to significantly alter the direction or intent of the Strategy. It is proposed that these recommended amendments be addressed as part of the work that GLN Planning is currently undertaking for Council in their preparation of draft development contributions plans for both the Wilton Priority Growth Area (WPGA) and the wider Wollondilly Local Government Area.

STATUS UPDATE AND PROGRESS ON THE IMPLEMENTATION PLAN

The Guiding Principles and Strategic Themes identified within the Strategy continue to be integral to all of the planning, delivery and management of open space, recreation and community facilities that Council undertakes.

As noted previously in this report, Council has undertaken a number of projects since the adoption of the Strategy that are not at the higher level (e.g. regional and district) and, therefore, are not identified in the Strategy's Implementation Plan. These projects have been planned and delivered in accordance with the Strategy's Guiding Principles and Strategic Themes and include the:

- renewal of public amenities
- installation of outdoor exercise equipment
- installation of public water stations
- renewal of local playgrounds
- construction of a BMX pump track
- establishment of a RV Friendly trial site
- development and adoption of master plans at Picton Sportsground, Wilton Recreation Reserve and Douglas Park Sportsground.

The Strategy supports the development of master plans to ensure that the provision of open space, recreation and community facilities involves a comprehensive and holistic planned approach rather than a series of isolated, one-off decisions. As such, a total of 22 master plans have been identified and a priority program aligned to funding the top six priorities has recently been identified and incorporated into the 2018/19 Operational Plan.

The Strategy also provides an Implementation Plan for the major high level regional and district facilities proposed for open space. A status update on the items listed within the Implementation Plan is provided as Attachment 2 to this report.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN2 - Update on the Wollondilly Open Space, Recreation & Community Facilities Strategy

In addition to the Implementation Plan, the Strategy recommends that Council pursue the following nine broad scale strategic actions:

- A Landscape Character Study
- Tree Replacement Strategy
- Corridors and Trails Strategy
- Open Space Planning and Design Guidelines
- A Shire-wide Sports Strategy
- An Acquisition and Rationalisation Strategy
- Update of the Section 94 Open Space Contributions Plan
- A Play and Youth Strategy
- Integration of Open Space with Council's Tourism Strategy.

Attachment 3 provides an update on these strategic actions and a proposed delivery program for developing the strategies. Those identified as high priorities are currently being undertaken; however, it should be noted that many of these recommended strategies are not currently identified in Council's Delivery Program and are hence currently not funded.

It is recommended that consideration be given to identifying these strategic actions including resourcing and funding within the 2019/20 Operational Plan.

The final section of the Strategy suggests a means for delivering the Implementation Plan and is summarised as:

- Early Priorities in Delivery
- Acquisition, Consolidation and Rationalisation
- Funding the Plan.

In response to 'Early Priorities', it is recommended that Council:

- Undertake the recommended Strategy updates (which includes updating the asset inventory list) in accordance with Attachment 1.
- Pursue the development of master plans in accordance with a master plan priority list. This will result in a total of six high priority master plans being funded and undertaken in 2018/19. The resulting master plans will enhance Council's chances of obtaining external grant funding for their implementation and provide a documented plan to direct future capital works budget through the annual planning process.
- Continue to pursue the strategic actions that are identified in Attachment 3 and include in future Operational Plans (noting the top three high priorities are currently underway).

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN2 - Update on the Wollondilly Open Space, Recreation & Community Facilities Strategy

In response to 'Acquisition, Consolidation and Rationalisation', it is proposed that the preparation of a Consolidation Strategy be undertaken as per the estimated timeframe in Attachment 3 and that the approach follow the 'Checklist for Acquisition and Consolidation' contained within the Wollondilly Open Space, Recreation & Community Facilities Strategy.

In response to 'Funding the Plan', the implementation of the Strategy will continue to be undertaken in accordance with the following funding mechanisms (as recommended in the Strategy):

- Section 94 contributions
- Council rates/loans/revenue
- State and Federal government programs and funding
- Levies and special charges
- Joint venture arrangements with private organisations and other authorities
- Sponsorship.

Lastly, the final aspect of the 16 April 2018 Council resolution requests that a reporting process be proposed for 'inclusion in the Quarterly Report process'. To address this, it is recommended that the tables provided as Attachments 2 and 3 be updated and reported annually.

CONSULTATION

This report has been prepared in consultation with the Infrastructure Strategy & Planning team.

The Wollondilly Open Space, Recreation & Community Facilities Strategy was developed in conjunction with an extensive community consultation program.

FINANCIAL IMPLICATIONS

The proposal to undertake minor amendments to the Wollondilly Open Space, Recreation & Community Facilities Strategy, via incorporating this into the project scope for the current work that GLN Planning is undertaking on the draft development contributions plans for both the Wilton Priority Growth Area (WPGA) and the wider Wollondilly Local Government Area, may result in a financial variation to the existing contract. This is considered to be of minimal financial impact.

Should Council wish to progress any of the strategic actions that are not currently already being undertaken by Council staff, to a timeframe that is ahead of the 2019/20 Operational Plan, consideration will need to be given to funding an external consultant to undertake the work.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN2 - Update on the Wollondilly Open Space, Recreation & Community Facilities Strategy

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Proposed amendments to the Wollondilly Open Space, Recreation & Community Facilities Strategy
2. Status Update on the Wollondilly Open Space, Recreation & Community Facilities Strategy Implementation Plan
3. Strategic Actions Status Update.

RECOMMENDATIONS

1. That Council endorse the amendments to the Open Space, Recreation & Community Facilities Strategy (refer Attachment 1) for appending to the Strategy and that these amendments be addressed as part of the work that GLN Planning is currently undertaking for Council in their preparation of draft development contributions plans for both the Wilton Priority Growth Area (WPGA) and the wider Wollondilly local government area.
2. That Council adopt the proposed minor amendments to the Open Space, Recreation & Community Facilities Strategy (as per recommendation 1) through its future adoption of the development contributions plans for both the Wilton Priority Growth Area (WPGA) and the wider Wollondilly Local Government Area.
3. That Council note the Implementation Plan and Strategic Actions Status Update (as per Attachment 2 & 3) and that these tables be appended to the Open Space Strategy to enable annual status updates.
4. That Council consider the outstanding Strategic Actions during the development of the 2019/20 Operational Plan.
5. That a status review of the Implementation Plan and Strategic Actions be undertaken on an annual basis and reported to Council.
6. That Council note the efforts of the organisation to deliver on the Implementation Plan and Strategic Actions in the midst of competing priorities.

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN3 - Recommendations Local Traffic Committee – 20 June 2018

IN3

Recommendations Local Traffic Committee – 20 June 2018

80

TRIM 1087

EXECUTIVE SUMMARY

- The Local Traffic Committee Agenda was issued electronically on 13 June 2018 to consider a number of reports for traffic management in the Wollondilly Local Government Area. The agenda papers were also distributed to all Councillors.
- Responses from Committee Members were collated and are reported in the Minutes.
- This report recommends the adoption of the recommendations of the Local Traffic Committee meeting of 20 June 2018.

REPORT

BACKGROUND

The Local Traffic Committee is a Technical Committee of Roads & Maritime Services (RMS). The Committee operates under the authority conferred to Council by the RMS under the *Transport Administration Act 1988*.

Council has been delegated certain powers from the RMS with regard to traffic matters upon its local roads. A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

There are four permanent members of the Traffic Committee each of whom has a single vote only. The members are representatives of the NSW Police Force, the RMS, the Local State Member of Parliament (for the location of the issue to be voted upon) and a representative of Council.

CONSULTATION

Refer to Local Traffic Committee Agenda details included in the Minutes.

FINANCIAL IMPLICATIONS

The proposals for Council projects contained within the Traffic Committee Agenda are able to be funded from Council's current budget allocations.

ATTACHMENTS

The Minutes of the Local Traffic Committee meeting of 20 June 2018 have been distributed and are available on the Council website:

<https://www.wollondilly.nsw.gov.au/assets/Uploads/Minutes-of-Local-Traffic-Committee-Electronic-Meeting-June-2018.pdf>

Management and Provision of Infrastructure
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

IN3 - Recommendations Local Traffic Committee – 20 June 2018

RECOMMENDATION

That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 20 June 2018 as follows:

1. **Camden Park – Proposed “No Stopping” Zone (R5-400) at the Roundabout Intersection of Bridgewater Boulevard, Hindmarsh Avenue and Jackey Drive**
52 TRIM 1093

That Council approve the installation of “No Stopping” zone (R5-400) on approaches and departures of the roundabout intersection at Bridgewater Boulevard, Hindmarsh Avenue and Jackey Drive, Camden Park as shown in the Minutes.

2. **Tahmoor – Proposed “No Stopping” Zone (R5-400) in Progress Street at the Junction with Remembrance Driveway**
52 TRIM 1093

That Council approve the installation of about 22m of “No Stopping” zone (R5-400) in Progress Street, Tahmoor from the junction with Remembrance Driveway as shown in the Minutes.

3. **Civic Park, Warragamba – New Accessible Parking and Signage for Inclusive Play Space Project**
52 TRIM 1598

That Council endorse the construction of the accessible parking on Weir Road, Warragamba to facilitate access to the upgraded Warragamba Civic Park to an inclusive play space.

4. **Macarthur Collegians Cycling Club (MCCC) – Cycling Races – “Razorback Mountain Hill Climb” – Old Razorback Road, Cawdor 2018**
52 TRIM 1598

That permission is granted to use Old Razorback Road, Cawdor from the junctions of Cawdor Road to Mount Hercules Road for Individual Time Trial (ITT) events; “Razorback Mountain Hill Climb”; and the necessary road closures on Sunday 14 October 2018 commencing 8.00am and finishing by 11.00am subject to the requirements for the issue of a permit for “Road Event – Road Closure”.

Looking after the Community

Looking after the Community
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

Relevance to Community Strategic Plan
--

LOOKING AFTER THE COMMUNITY

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in Create Wollondilly Community Strategic Plan 2033.

Looking after the Community
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

CO1 – 2018 Community Grants

CO1

2018 Community Grants

249738

TRIM 6300-8

EXECUTIVE SUMMARY

- The purpose of this report is to provide recommendation to Council for funding allocation of the 2018 Community Grants, Annual Mayoral School Citizenship Awards and Annual Community Hall Rate Subsidies.
- It is recommended that:
 - Council fund 36 Community Grant Applications for a total value of \$40,245.00 as detailed in this report.
 - Council fund 18 local schools at \$200.00 each for the Mayoral School Citizenship Award at a total of \$3,600.00 as detailed in this report.
 - Council fund 4 Community Hall Rates Subsidies for a total of \$11,203.31 as detailed in this report.
 - Council approve Annual Assistance of \$3,000.00 to The Oaks Community Chamber of Commerce for the Light Up The Oaks Christmas event and \$1,000.00 to Community Links Wollondilly for International Women's Day Celebrations commencing in 2019/20 financial year.

REPORT

Applications for the 2018 Community Grants opened Tuesday 1 May 2018, closing Thursday 31 May 2018. This report provides an overview of the Community Grants Program and of the grant applications received.

Council received \$67,503.00 worth of funding applications with a pool of \$40,314.00 available.

Looking after the Community
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

CO1 – 2018 Community Grants

There are 5 grant categories in this round of funding:

2018 Community Grants Assistance Summary of Applications Received					
CATEGORIES	2018 Funding Round				
	Applications Received	Funding Requested	Applications Recommended	Funding Recommended	Budget Allocation
Community Projects	21	\$ 55,758	17	\$ 29,500	\$ 30,390
Cultural Events	4	\$ 3,880	2	\$ 2,880	\$ 3,000
Capital Equipment	13	\$ 5,895	13	\$ 5,895	\$ 5,000
Sustainability	1	\$ 500	1	\$ 500	\$ 500
Leisure / Recreation	3	\$ 1,470	3	\$ 1,470	\$ 1,500
Total Applications	42	\$ 67,503	36	\$ 40,245	\$ 40,314
FUNDS AVAILABLE					
Management Plan 2018 / 19					\$ 40,314
Funds in Reserve					\$0
Total Funds available					\$ 40,314
Funding Recommended					\$ 40,245
Balance of funds to be held in reserve					\$ 69
Annual Assistance funds (Rates Subsidy)					11,203.31
Annual Assistance (School Citizenship)					3,600.00

Recommended Community Projects - maximum grant \$3,000.00

Projects that help local communities to build skills, identify opportunities and/or undertake actions for the social benefit of community members.

Organisation	Project	Funding Recommended
Community Links Wollondilly	Project Grow Mud Stomp	1,000.00
Warragamba Silverdale Neighbourhood Centre	Bush Tucker Garden	3,000.00
The Oaks Community Chamber of Commerce	Light Up The Oaks Christmas	3,000.00
Checkyourtackle	Nuts and Bolts of Male Cancer	3,000.00

Looking after the Community
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

CO1 – 2018 Community Grants

Organisation	Project	Funding Recommended
PCYC Southern Highlands	Vacation Care Program	3,000.00
Wollondilly Women in Business	Business Hub Bargo Office equipment	500.00
Camden Wollondilly Domestic Violence Committee	Domestic Violence Bus Campaign	3,000.00
Sector Connect Paint the Town Read	Pilot Project in Warragamba Silverdale	1,000.00
Macarthur Sunrise Rotary Club	Dolly Parton Imagination Library	1,000.00
Community Links Wollondilly	Multicultural Resource Service	1,000.00
Picton Thirlmere Bargo RSL Sub Branch	Armistice Centenary Commemoration Service Equipment	500.00
STADS The Youth Initiative	What About Us Film Clip for Young People	3,000.00
Whole Heart Communities	Our Community Pantry Equipment	500.00
Warragamba Silverdale Neighbourhood Centre	Bold Jack Country Music Festival	1,500.00
NSW RFS Southern Highlands	Emergency Services Expo/Open Day	3,000.00
Wollondilly Arts Group	Affordable Art Workshops	1,000.00
WACCares Wollondilly Anglican Community Cares	Equipment purchase of freezer	500.00
Total		\$29,500.00

Recommended Art & Culture Events maximum grant \$1,000.00

Events that foster the Shire's cultural identity or that provide an accessible, diverse range of community art and cultural opportunities.

Organisation	Project	Funding Recommended
Buxton Community Association	Mosaic Workshop	1,000.00
Community Links Wollondilly	International Women's Day	1,000.00
Wollondilly Arts Group	Annual Members Exhibition	880.00
Total		\$2,880.00

Looking after the Community
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

CO1 – 2018 Community Grants
Recommended Sustainability Projects - maximum grant \$500.00

Projects that support the local environment and assist in making Wollondilly a more sustainable place to live.

Organisation	Project	Funding Recommended
Buxton Community Association	Hoselink purchase and installation	500.00
Total		\$500.00

Recommended Leisure & Recreation - maximum grant \$500.00

Activities that provide access to physical and social pursuits to support a healthy and active community.

Organisation	Project	Funding Recommended
Buxton Community Association	Play Equipment for playgroup and gardening group	500.00
Picton District Country Women's Association	Crocheting Class	470.00
PCYC Southern Highlands	Right Start Cross Fit program polo shirts	500.00
Total		\$1,470.00

Recommended Capital Equipment - maximum grant \$500.00

Purchases of small capital equipment items to support community organisation activities.

Organisation	Project	Funding Recommended
Teddy Bear Cottage	Little Monkeys Outdoor Climbing Equipment	500.00
Paws Pet Therapy	Marquee Cover	500.00
Appin Men's Shed	AEG Portable Power Tool Combo	500.00
Buxton Community Association	Microwave Kettle and Toaster	500.00
David G Stead Memorial Wildlife Research Foundation of Australia (Wirrimbirra)	Fire Pump	500.00
Appin Men's Shed	Directional Signage	500.00
Tahmoor Uniting Men's Shed	Directional Signage	500.00

Looking after the Community
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

CO1 – 2018 Community Grants

Organisation	Project	Funding Recommended
Picton District Country Women's Association	Kitchen Equipment	495.00
Wollondilly RFS Support Brigade	Contribution to portable generator	500.00
Wollondilly Tourism Association	Contribution to marquee, banners and flooring	500.00
Bargo Volunteer Rural Fire Brigade	STIHL BG 86CE Blower	400.00
Warradale Football Club	Mini Field Goals	500.00
Total		\$5,895.00
	TOTAL GRANTS	\$40,245.00

2018 Mayoral School Citizenship Awards

School Citizenship Award	Amount
Appin Public School	\$200.00
Bargo Public School	\$200.00
Buxton Public School	\$200.00
Cawdor Public School	\$200.00
Douglas Park Public School	\$200.00
Mount Hunter Public School	\$200.00
Oakdale Public School	\$200.00
Picton Public School	\$200.00
Picton High School	\$200.00
St Anthony's Primary School	\$200.00
Tahmoor Public School	\$200.00
The Oaks Public School	\$200.00
Thirlmere Public School	\$200.00
Warragamba Public School	\$200.00
Wilton Public School	\$200.00
Wollondilly Anglican College Primary	\$200.00
Wollondilly Anglican College Secondary	\$200.00
Yanderra Public School	\$200.00
Total	\$3,600.00

Looking after the Community
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

CO1 – 2018 Community Grants

2018 Community Hall Rates Subsidy

Community Hall Rates Subsidy	Amount
1 Mason St, Thirlmere – Thirlmere Returned Serviceman's League	\$2,842.08
1984 Silverdale Rd, Silverdale – Warragamba Silverdale Neighbourhood Centre Inc.	\$2,905.23
4 Station St, Menangle – Menangle Community Associate Inc.	\$1,469.20
22 West Parade, Buxton – Buxton School of Arts Hall	\$3,986.80
Total	\$11,203.31

All applications have been assessed against the eligibility criteria as adopted by Council in November 2013 under the Financial Assistance Framework.

Council's Community Grants Program is provided by Council under Section 356 of the NSW Local Government Act.

CONSULTATION

The Community Grants were widely promoted through print media, radio, Social Media and Internet/Website.

Two Community Grant Information Sessions were held on 3 May 2018 at 10.00am and 5.30pm for potential applicants to gain information about eligibility, process, requirements and timeframes.

The Team Leader Community Projects and Events was contactable during the opening of the funding round to respond to enquiries.

All applications were either submitted electronically or hard copy.

Applications were assessed by a panel of staff with recommendations circulated to Councillors via email and final recommendations contained in this report.

FINANCIAL IMPLICATIONS

Funding has been allocated and is available under the 2018/19 Operational Budget, Financial Assistance Program.

ATTACHMENTS

Nil

Looking after the Community
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

CO1 – 2018 Community Grants

RECOMMENDATION

1. That Council fund 36 Community Grant applications for a total value of \$40,245.00.
2. That Council fund 18 local schools at \$200 each for the Mayoral School Citizenship Award at a total of \$3,600.00.
3. That Council fund 4 Community Hall Rates Subsidies for a total of \$11,203.31.
4. That Council approve Annual Assistance of \$3,000.00 to The Oaks Community Chamber of Commerce for the Light Up The Oaks Christmas event and \$1,000.00 to Community Links Wollondilly for International Women's Day Celebrations commencing in the 2019/20 financial year.

Efficient and Effective Council

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

Relevance to Community Strategic Plan
--

EFFICIENT AND EFFECTIVE COUNCIL

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in Create Wollondilly Community Strategic Plan 2033.

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

EC1 – Audit, Risk & Improvement Committee Independent Membership

EC1

Audit, Risk & Improvement Committee Independent Membership

238

TRIM 9731

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's endorsement of an independent member for the Audit, Risk & Improvement Committee Panel (ARIC).
- It is recommended that Council approve the appointment of Ms Margot Rushton to the Audit, Risk & Improvement Committee.

REPORT

The appointment of external independent members to the ARIC is important in the ongoing culture of policy compliance, business improvement practices and good governance.

Following the recent expression of interest to fill a vacancy, Council endorsed the appointment of Mr Christopher Davies. Mr Davies has declined the offer and we have moved to the next candidate, Ms Margot Rushton.

Ms Rushton's experience includes:

- International Monetary Fund - Short Term Expert - Taxation Compliance.
- Senior Assistant Commissioner, ATO - compliance, interpretative advice on legislation, stakeholder relationships, risk identification and strategy development of customer service.
- Department of Aboriginal Affairs - Internal Auditor.
- ATO - Internal Audit Committee member.
- Assistant Deputy Commissioner, Indirect Tax - administration of the Goods and Services Tax Australia wide - with all State and Territory Governments and agencies.

Ms Rushton will bring her knowledge of Audit, Risk and Compliance practices to support and enhance the functions of the current Audit, Risk & Improvement Committee.

CONSULTATION

Assessment by a panel of Executive and Management.

FINANCIAL IMPLICATIONS

Funding adopted within the Audit, Risk & Improvement Committee budget allocation is available.

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

EC1 – Audit, Risk & Improvement Committee Independent Membership

ATTACHMENTS

Nil

RECOMMENDATION

That Ms Margot Rushton be appointed to the Audit, Risk & Improvement Committee for a four (4) year term.

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

EC2 – Investment of Funds as at 31 May 2018

EC2

Investment of Funds as at 31 May 2018

112

TRIM 1022-5

EXECUTIVE SUMMARY

- This report provides details of Council's invested funds as at 31 May 2018.
- That the information and certification in relation to the investment of Council funds as at 31 May 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:

"The recent data on the Australian economy have been consistent with the Bank's central forecast for GDP growth to pick up, to average a bit above 3 per cent in 2018 and 2019. Business conditions are positive and non-mining business investment is increasing. Higher levels of public infrastructure investment are also supporting the economy. Stronger growth in exports is expected. One continuing source of uncertainty is the outlook for household consumption. Household income has been growing slowly and debt levels are high.

Employment has grown strongly over the past year, although growth has slowed over recent months. The strong growth in employment has been accompanied by a significant rise in labour force participation, particularly by women and older Australians. The unemployment rate has been little changed at around 5½ per cent for much of the past year. The various forward-looking indicators continue to point to solid growth in employment in the period ahead, with a gradual reduction in the unemployment rate expected. Wages growth remains low. This is likely to continue for a while yet, although the stronger economy should see some lift in wages growth over time. Consistent with this, the rate of wages growth appears to have troughed and there are reports that some employers are finding it more difficult to hire workers with the necessary skills.

Inflation is low and is likely to remain so for some time, reflecting low growth in labour costs and strong competition in retailing. A gradual pick-up in inflation is, however, expected as the economy strengthens. The central forecast is for CPI inflation to be a bit above 2 per cent in 2018.

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

EC2 – Investment of Funds as at 31 May 2018

The Australian dollar remains within the range that it has been in over the past two years. An appreciating exchange rate would be expected to result in a slower pick-up in economic activity and inflation than currently forecast.

The housing markets in Sydney and Melbourne have slowed. Nationwide measures of housing prices are little changed over the past six months, with prices having recorded falls in some areas. Housing credit growth has slowed over the past year, especially to investors. APRA's supervisory measures and tighter credit standards have been helpful in containing the build-up of risk in household balance sheets, although the level of household debt remains high. While there may be some further tightening of lending standards, the average mortgage interest rate on outstanding loans is continuing to decline.

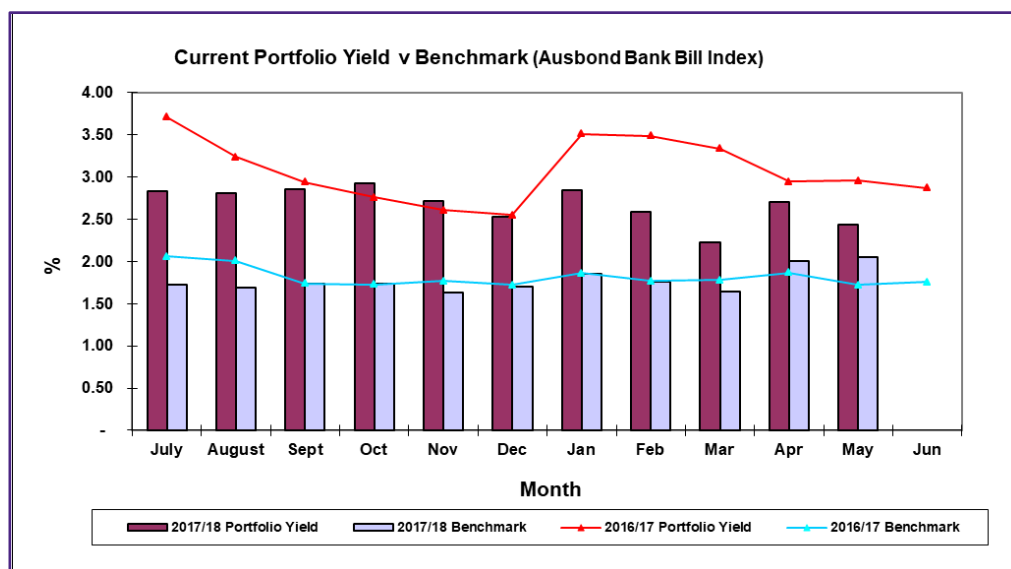
The low level of interest rates is continuing to support the Australian economy. Further progress in reducing unemployment and having inflation return to target is expected, although this progress is likely to be gradual. Taking account of the available information, the Board judged that holding the stance of monetary policy unchanged at this meeting would be consistent with sustainable growth in the economy and achieving the inflation target over time."

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.

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

EC2 – Investment of Funds as at 31 May 2018



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 May 2018 is summarised below.

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	5,046,000.00	5,046,000.00	1.5500
Floating Rate Note	16,200,000.00	16,370,020.13	3.1065
Mortgage Backed Security	1,596,815.94	1,074,707.53	2.5287
Term Deposit	35,000,000.00	35,440,802.82	2.7187
	57,842,815.94	57,931,530.48	2.7268

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

CONSULTATION

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

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

EC2 – Investment of Funds as at 31 May 2018

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 INCLUDED IN SEPARATE BOOKLET

1. Investment Summary Report as at 31 May 2018.

RECOMMENDATION

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

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 16 July 2018

EC3 – Information Guide Review – 2018

EC3

Information Guide Review – 2018

283597

TRIM 6346

EXECUTIVE SUMMARY

- The Annual Review of Council's Information Guide has been undertaken in line with the requirements of the *Government Information (Public Access) Act 2009*.
- Minor amendments to reflect the current structure and functions within Council have been made.
- It is recommended that Council adopt the Draft Wollondilly Shire Council - Information Guide 2018.

REPORT

The *Government Information (Public Access) Act 2009* (GIPAA) requires the Council to have an Information Guide, which will undergo a review annually.

The guide describes the structure and functions of Council and ways those functions affect members of the public.

The guide also shows how members of the public can participate in the forming of Council's policy; how they may access information; and what information is available free of charge or for a fee.

Once adopted, the Information Guide will be placed on Council's website.

CONSULTATION

Consultation was undertaken with the Management Group of Council.

FINANCIAL IMPLICATIONS

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

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Summary of Changes - Draft Wollondilly Shire Council - Information Guide 2018.
2. Draft Wollondilly Shire Council - Information Guide 2018.

RECOMMENDATION

That the Draft Wollondilly Shire Council Information Guide 2018 be adopted.

NOTICE OF MOTION

Notice of Motion to the Ordinary Meeting of Council held on Monday 16 July 2018

NOTICE OF MOTION

Nil at time of publication.

QUESTIONS FOR NEXT MEETING

Questions for Next Meeting to the Ordinary Meeting of Council held on Monday
16 July 2018

QUESTIONS FOR NEXT MEETING