



Local Planning Panel

MINUTES

Thursday 22 March 2018

The meeting commenced at 5.42pm and was held in the Council Chamber
62-64 Menangle Street, Picton NSW 2571.

Minutes of the Wollondilly Local Planning Panel held in the
Council Chamber, 62-64 Menangle Street, Picton, on Thursday 22 March 2018

RECORDING OF MEETING.....	3
WEBCAST NOTICE	3
PRESENT	3
ALSO PRESENT WERE	3
ACKNOWLEDGEMENT OF COUNTRY	4
APOLOGIES AND LEAVE OF ABSENCE REQUESTS.....	4
DECLARATION OF INTEREST	4
LOCAL PLANNING PANEL REPORTS - SUSTAINABLE AND BALANCED GROWTH	5
1. Development Application No. 010.2017.00000407.001 24 and 28 Menangle Street, Picton.....	5
CLOSING.....	11

RECORDING OF MEETING

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

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PRESENT

Panel Members: Keith Dedden, Chair; Stella Whittaker, Environmental Expert; Vince Hardy, Planning Expert; David Eden, Community Representative.

ALSO PRESENT WERE

Director Planning, Manager Governance, Team Leader Development Assessment, Senior Planner Contractor - Development Assessment and two Administration Officers.

ACKNOWLEDGEMENT OF COUNTRY

The Chair acknowledged the traditional Custodians of the Land:

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

APOLOGIES AND LEAVE OF ABSENCE REQUESTS

There were no apologies noted for this meeting.

DECLARATION OF INTEREST

TRIM 10495

There were no declarations of interest.

LOCAL PLANNING PANEL REPORTS - SUSTAINABLE AND BALANCED GROWTH

1. Development Application No. 010.2017.00000407.001 24 and 28 Menangle Street, Picton

DEVELOPMENT INFORMATION

Development Application No:	010. 2017.00000407.001.
Property Details:	24 & 28 Menangle Street Picton.
Applicant:	Mr P L Digger
Owner – 24 Menangle St:	Wollondilly Shire Council
Owner – 28 Menangle St:	Diggers Nest Pty Limited
Proposal Details:	Commercial Development with Shop Top Housing (7 dwellings)
Zone:	B2 Local Centre

EXECUTIVE SUMMARY

- On 5 June 2016, the Picton Furniture Store sustained substantial storm damage caused by the East Coast Low event.
- Consent is sought to demolish part of the existing heritage listed building while retaining the façade and construction of a new retail / commercial building at ground floor level with one level of shop top housing containing 7 dwellings.
- The proposal is referred to the Local Planning Panel for determination given:
 - Council has an interest in the matter as the adjoining land owner. A lease option has been extended to the applicant over part of Council's land,
 - The applicant seeks to demolish part of a local heritage item,
 - The applicant seeks to enter into a Voluntary Planning Agreement with Council for monetary contribution in lieu of the provision of on-site parking.
- There have not been any disclosures of political donations made in regard to this application.
- The following key assessment issues are highlighted for the Panel's consideration:
 - The proposal is non-compliant with Council's DCP in terms of the provision of car parking and vehicle access.
 - The ground floor will have a floor level below the flood planning level.
 - The proposed wall openings in the western elevation to access the future alfresco dining area require an alternate fire engineering solution due to non-compliance with the deemed to comply provisions of the Building Code of Australia.

Sustainable and Balanced GROWTH Reports

- The existing building provides a 3.6m wide access to the rear car park along the eastern boundary. Current engineering standards require a 2 way, 6m wide access to be provided. Retention of the heritage façade prevents the widening of the access, at the street frontage. The applicant has submitted a traffic impact assessment in support of the proposal, with specialised signalisation and signage of the access driveway to justify the non-compliant width. Council's engineers do not support the development proposal due to the sub-standard access to the site. The RMS have provided advice indicating they do not support the proposal due to the sub-standard access. An independent peer review of the proposed access arrangements was obtained from a consulting traffic engineer. This review supports the proposed access arrangements, having regard to the desire to retain the heritage façade.
- Council's Heritage Advisor has supported, in principle, the demolition of the flood damaged building, but has required further details to be provided in respect to the retention of the front façade, and detailing of the below awning level. He has also verbally expressed the view that retention of the façade may be problematic when demolishing the building and suggested to the applicant that it may be preferable to consider reconstruction. The applicant has submitted advice from a structural engineer indicating retention of the façade is feasible. The applicant has a strong desire to retain the existing façade if possible, and has requested Council to accept the special arrangements to justify the sub-standard access width. A design modification was suggested to the applicant involving widening of the access driveway to 6m immediately behind the heritage façade, so as to limit the narrow access to a single point at the boundary. However, this suggestion was not pursued by the applicant. The development is able to be supported on the basis that an independent assessment of the access and parking arrangements has supported the proposal as a means to retain the heritage façade, although it is considered that the proposal is not the preferred development option for the site.
- Council's engineers have recommended a road safety audit be undertaken to address traffic safety issues in the immediate locality and recognising other approved developments on nearby land.
- The applicant has submitted a Letter of Offer to contribute towards the cost of provision of car parking in the Picton Town Centre and towards works identified in the road safety audit.
- The original submitted plans were stamped as approved by Subsidence Advisory NSW. The amended plans will need to be approved by Subsidence Advisory NSW.

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- It is recommended that a deferred commencement consent be granted subject to the following matters being submitted and approved by Council:
 - Structural bracing details for the retention of the front façade during the demolition process, certified by a structural engineer, and
 - Submitted Plans are to be stamped approved by Subsidence Advisory NSW, and
 - A Heritage Management Report, prepared by a qualified heritage consultant/architect that provides accurate detailing of the existing façade, the proposed verandah posts and associated details, joinery, materials, profiles, colour selection and shopfront detailing, and the provision of double glazing of first floor windows. The Heritage Management Report shall also review the structural bracing details and provide recommendations for the proper management of the demolition, keying into the new structure, and the restoration of, the façade following removal of the bracing.
- If, for any reason, the developer decides not to retain the façade, the development is to be redesigned to cater for a 6m wide access.

Public Submissions

The Local Planning Panel (the Panel) was addressed by one submitter opposing the application and the proponent.

Key issues raised by the submitter included possible contamination and heritage significance of the timber building at the rear of the site.

The proponents' response indicated the stables had been modified. He believed the building was shortened in length and the barn doors added in recent times. He was not aware of any previous use of the site which would give rise to potential site contamination.

Panel Commentary

On Thursday 22 March 2018, the Panel inspected the subject site, 24 & 28 Menangle Street, Picton.

Following the public meeting, the Panel considered matters relating to:

- Traffic, heritage, possible site contamination, sustainable development provisions, stormwater disposal, flooding, developer contributions, timing for preparation of the VPA and the variations sought by the application.
- the addendum to the assessment report addressing the zone objectives as shown overleaf.

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Objective	Comment
Zone B2	
<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. 	The development will provide opportunities for retail and business uses that will serve the local area.
<ul style="list-style-type: none"> To encourage employment opportunities in accessible locations. 	The development will contribute to employment opportunities in the Picton Town Centre.
<ul style="list-style-type: none"> To maximise public transport patronage and encourage walking and cycling. 	The provision of residential accommodation within the Picton Town Centre will increase population density in the locality and provide support for increased public transport patronage. Residents will be able to access services in the Town Centre without the need for car use.
<ul style="list-style-type: none"> To provide for appropriate residential development in the form of shop top housing to support the vitality of the local area. 	The development proposes shop top housing.

In reaching its decision, the Panel noted that the timber structure at the rear of the site was not a locally listed item. Nor is it referenced in the Statement of Heritage Significance for the site. The concern raised regarding potential site contamination was addressed by the inclusion of a pre-cautionary condition of operational consent.

The Panel suggested a number of amendments to the draft consent prepared by staff including deferred commencement requirements for detailed architectural plans and a Heritage Management Plan. The amended consent requires the deferred commencement conditions to be approved by the Local Planning Panel prior to release of the operational consent. Further report to the Panel is to include a peer review of the Heritage Management Plan provided by the proponent.

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Decision

The Panel approved Deferred Commencement Consent to Development Application No. 010. 2017.00000407.001 for 24 & 28 Menangle Street Picton subject to the conditions set out in the report recommendation and the following amendments to those conditions as shown in italics:

- 1) Submission of and approval by the *Local Planning Panel* of:
 - a) Structural bracing details for the retention of the front façade during the demolition process, certified by a structural engineer, and
 - b) A copy of the approval under Section 15 of the Mines Subsidence Compensation Act 1961 from Subsidence Advisory NSW that relates to the approved plans, and
 - c) *A Heritage Management Report, prepared by a qualified heritage consultant/architect that:*
 - i) *Assesses the extent to which the carrying out of the development will affect the heritage significance of the heritage item and the conservation area,*
 - ii) *Assesses the heritage significance of the detached timber building at the rear of the Furniture Store, and makes recommendations, if necessary, for appropriate documentation to be completed prior to its demolition,*
 - iii) *Provides recommendations in respect to the side and rear elevations that ensure the development respects the heritage context, provides an appropriate built form, and provides details of how the construction materials will be integrated into the façade, including size, location and jointing,*
 - iv) *Provides detailed elevations, cross sections and plans that respond to iii) above,*
 - v) *Provides accurate detailing of the existing façade to be retained and new works proposed at the facade, including the proposed verandah profile and posts, associated details of joinery, materials, profiles, colour selection and shopfront detailing, and the provision of double glazing of first floor windows,*
 - vi) *Reviews the structural bracing details and provides recommendations for the proper management of the demolition, keying into the new structure, and the restoration of, the façade following removal of the bracing, and*
 - d) A Stormwater Management Concept Plan.

Sustainable and Balanced GROWTH Reports

Additions to clause 1 and clause 10 of Condition 6 - Demolition:

- (1) Demolition shall not commence until:
- a. *Submission and approval by Council of a Demolition and Construction Site Management Plan, and where any works are required within the road reserve, a section 138 approval under the Roads Act shall be obtained, and*
 - b. Any preparatory works required by the approved Heritage Management Report are completed, and
 - c. The structural bracing of the front façade has been installed in accordance with the approved structural bracing details and the approved Heritage Management Report.
- ...
- (10) *Site excavation* and demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:

Voting

The Panel voted 4/0

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Closing

CLOSING

There being no further business, the Chair declared the Local Planning Panel Meeting closed at 6.04pm.

This and the preceding 10 pages are the Minutes of the Local Planning Panel Meeting held on Thursday 22 March 2018 and were confirmed in the subsequent meeting held on 19 April 2018.

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Chair