

Local Planning Panel

MINUTES

Thursday 31 May 2018

The meeting commenced at 5.33pm and was held in the Council Chamber
62-64 Menangle Street, Picton NSW 2571.

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. 010.2014.00000287.002 - 99 Thirlmere Way, Tahmoor – Relocate Driveway Access Point	5
2. Development Application No. 010.2005.00059605.007 - 83 Menangle Street, Picton – Rewording of Conditions - Clarification.....	7
3. Development Application No. 010.2015.00000823.001 - 195 Thirlmere Way, Thirlmere – 4 Lot Subdivision	9
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.

WEBCAST NOTICE

Members of the public are advised, that Local Planning Panel meetings are recorded and webcast live in line with provisions under the Environmental Planning & Assessment Act 1979 No. 203. This notice is made as required under Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA). The webcasts are publicly available for viewing on Council's website.

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PRESENT

Panel Members: Steve Kennedy, Chair; Vince Hardy, Planning Expert; Mark Carlon, Planning Expert; David Smith, Community Representative.

ALSO PRESENT WERE

Director Planning, Manager Development Services, two Development Assessment Team Leaders, Development Assessment Planner and one Administration Officer.

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

David Smith declared a Non-Pecuniary Conflict of Interest in relation to Report 2 – Development Application 010.2005.00059605.007 – 83 Menangle Street, Picton. The reason being that his previous role with Wollondilly Shire Council included signing the consent and involvement on previous applications to modify this consent. David will remove himself from any deliberations on this matter.

CONFIRMATION OF MINUTES

That the Minutes of the Local Planning Panel held on Thursday 19 April 2018, as circulated, be adopted as true and correct.

Minutes of the Wollondilly Local Planning Panel held in the
Council Chamber, 62-64 Menangle Street, Picton, on Thursday 31 May 2018

Sustainable and Balanced GROWTH Reports

LOCAL PLANNING PANEL REPORTS - SUSTAINABLE AND BALANCED GROWTH

**1. Application to Modify Development Consent No. 010.2014.00000287.002
- 99 Thirlmere Way Tahmoor - Relocate Driveway Access Point**

DEVELOPMENT INFORMATION

Reason for LPP referral	Satisfactory Arrangement Certificate (VPA)
DA No:	010.2014.00000287.002
Subject Site	Lot 18 DP 1215452, 99 Thirlmere Way, Tahmoor
Proposal	Modification to consent to lift restriction on position of layback
Zoning	R2
Permissibility	Permitted with consent
Cost of development	N/A
Applicant:	Frances Bartolo
Owner:	Frances Bartolo
Notification	Yes
Submissions	0
Variations	Nil
Site Inspection	11 April 2018
Recommendation	Approval

EXECUTIVE SUMMARY

- Consent is sought to modify Conditions 9 and 26 of Development Consent 010.2014.00000287.001. The modification, if approved effectively removes an 88B Restriction and allow alternate access to Lot 18, No. 99 Thirlmere Way, Tahmoor.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the modification of consent be approved.

Public Submissions

There were no submitters for this item.

Minutes of the Wollondilly Local Planning Panel held in the
Council Chamber, 62-64 Menangle Street, Picton, on Thursday 31 May 2018

Sustainable and Balanced GROWTH Reports

Panel Commentary

On Thursday 31 May 2018, the Panel inspected the subject site 99 Thirlmere Way, Tahmoor.

The Panel agreed the modification to consent complies with Australian Standards.

Decision

The Panel determined Application No. 010.2014.00000287.002 for 99 Thirlmere Way, Tahmoor by way of approval for the following reasons:

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

Voting

The Panel voted 4/0

Minutes of the Wollondilly Local Planning Panel held in the
Council Chamber, 62-64 Menangle Street, Picton, on Thursday 31 May 2018

Sustainable and Balanced GROWTH Reports

2. Development Application No. 010.2005.00059605.007 - 83 Menangle Street Picton – Rewording of Conditions - Clarification

DEVELOPMENT INFORMATION

Reason for LPP referral	Original Development Application involved a Voluntary Planning Agreement
DA No:	010.2005.00059605.007
Subject Site	83 Menangle Street, Picton
Proposal	Rewording of conditions – Clarification
Zoning	Part R3 Medium Density Residential/ Part RE1 Public Recreation
Permissibility	Permissible with consent
Cost of development	Not applicable
Applicant:	Mr J Kavanagh
Owner:	Deemkies Pty Ltd
Notification	Not required
Submissions	-
Variations	-
Site Inspection	-
Recommendation	Modify consent in accordance with the attached draft notice of determination.

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

EXECUTIVE SUMMARY

- Consent is sought to modify conditions that predominantly clarify the staging of the proposed development.
- The proposed modification is being reported to the Local Planning Panel (LPP) because the original Development Application (DA) involved a Voluntary Planning Agreement (VPA) and therefore is 'Sensitive Development' under 'Schedule 1' of the 'Local Planning Panels Direction-Development Applications'
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the majority of the proposed modifications be approved.

Sustainable and Balanced GROWTH Reports

Public Submissions

The Panel was addressed by one consultant on behalf of the Applicant. Key issues raised related to clarifications and discrepancies between timing of the implementations of the conditions.

Panel Commentary

On Thursday 31 May 2018, the Panel inspected the subject site, 83 Menangle Street, Picton. The Panel agreed to the following –

Condition 10(8) of the original consent shall read:

The applicant shall construct the complete access and associated drainages for all stages of the proposed development *in accordance with Condition 9(4)*

Details are to be shown on the engineering plans for approval by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Condition 20(2) of the original consent shall read:

The applicant is to undertake all landscaping in accordance with the approved staged landscape plan and maintain that landscaping until an Occupation Certificate has been released for the final stage.

Decision

The Panel determined Application No. 010.2005.00059605.007 for 83 Menangle Street, Picton by way of approval for the following reasons:

1. The site is suitable for the proposed use.
2. The concerns raised in submissions have been adequately addressed in the Assessing Officer's report and during the Local Planning Panel meeting.
3. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.
4. The modifications to the conditions of consent are justified because they are of a minor nature, have no environmental impacts and facilitates orderly development of the site.
5. Minor administrative changes including:
 - A staged landscape plan has already been approved by Council to satisfy a deferred commencement condition.
 - To address recent amendments to the Environmental Planning & Assessment Act 1979

Voting

The Panel voted 3/0

Minutes of the Wollondilly Local Planning Panel held in the
Council Chamber, 62-64 Menangle Street, Picton, on Thursday 31 May 2018

Sustainable and Balanced GROWTH Reports

3. **Development Application No. 010.2015.00000823.001 – 195 Thirlmere Way, Thirlmere – 4 Lot Subdivision**

DEVELOPMENT INFORMATION

Reason for LPP referral	Satisfactory Arrangement Certificate (VPA)
DA No:	010.2015.00000823.001
Subject Site	Lot 172 in DP 751270, No 195 Thirlmere Way, Thirlmere
Proposal	Four (4) Lot Torrens Title Subdivision
Zoning	R5 Large Lot Residential
Permissibility	Permitted with Consent
Cost of development	Cost estimate not provided at time of lodgement
Applicant:	K J Byrne
Owner:	K J Byrne
Notification	Notified on the 09.11.15 until the 23.11.15
Submissions	Nil (0)
Variations	No variations are required
Site Inspection	29.01.18
Recommendation	Approval subject to attached conditions

EXECUTIVE SUMMARY

- The purpose of this report is to determine the proposed subdivision of land into four lots.
- 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 the application be approved subject to conditions.

Sustainable and Balanced GROWTH Reports

Public Submissions

There were no submitters for this item.

Panel Commentary

On Thursday 31 May 2018, the Panel inspected the subject site, 195 Thirlmere Way, Thirlmere.

The Panel agreed the application meets the intent of the zoning and is consistent with approved developments on adjoining lots and consistent with Council's Development Control Plan.

Decision

The Panel determined Application No. 010.2015.00000823.001 for 195 Thirlmere Way, Thirlmere by way of approval for the following reasons:

1. The site is suitable for the proposed use.
2. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.
3. The comment / General Terms of Approval provided by the relevant State Agencies are noted and will form part of the determination notice.
4. The development proposal is supported subject to the inclusion of an additional condition to protect and enhance the landscape character of Thirlmere Way.
 - *Locally indigenous trees are to be established along the frontage to Thirlmere Way to reinforce the strong local landscape character. A minimum of four Eucalyptus haemastoma (Scribbly Gum) are to be established on proposed lots 1723 and 1724, and a minimum of six Eucalyptus haemastoma (Scribbly Gum) are to be established on proposed lot 1722. The trees are to be planted no closer than 4m and no further than 8m from the front boundary of the lots.*
5. Minor administrative grammatical changes

Voting

The Panel voted 4/0

WOLLONDILLY SHIRE COUNCIL

Minutes of the Wollondilly Local Planning Panel held in the
Council Chamber, 62-64 Menangle Street, Picton, on Thursday 31 May 2018

Closing

CLOSING

There being no further business, the Chair declared the Local Planning Panel Meeting closed at 6.10 pm.

This and the preceding 10 pages are the Minutes of the Local Planning Panel Meeting held on Thursday 31 May 2018 and were confirmed in the subsequent meeting held on Thursday 28 June 2018.

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Chair

Closing