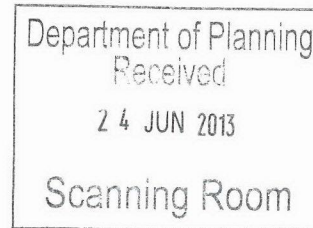


Our Reference: **6895 GR**

Mr Peter Goth
Regional Director Sydney West
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001



21 June 2013

STONEQUARRY COMMERCIAL PLANNING PROPOSAL – EXPANSION OF PICTON COMMERCIAL PRECINCT

Dear Mr Goth,

At its Ordinary Council Meeting held on 18 March 2013 Wollondilly Shire Council resolved to forward the abovementioned planning proposal for a gateway determination.

Wollondilly Shire Council requests the Minister for Planning & Infrastructure's Gateway Determination on the Planning Proposal in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

Please find attached a compact disk containing the planning proposal including relevant attachments in PDF format. Also attached is the department's checklist for a request for delegation of plan making functions to council. Council is requesting this delegation for this planning proposal.

The attached planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's 'A guide to preparing a planning proposal' and 'A guide to preparing local environmental plans'.

For further enquiries in relation to this matter, please contact Grant Rokobauer on (02) 4677 1172.

Yours sincerely,

Peter Wright
Acting Deputy General Manager

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Wollondilly Shire

Name of draft LEP:Wollondilly Local Environmental Plan Amendment No. 36

Address of Land (if applicable):Cliffe and Menangle Streets Picton

Intent of draft LEP: To rezone land to commercial, private recreation and public recreation

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NR		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		NR		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NR		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NR		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		NR		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NR		
Is the planning proposal proposed to rectify an anomaly in a classification?		NR		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NR		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		NR		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NR		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		NR		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NR		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NR		

Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>	N			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.



WOLLONDILLY
SHIRE COUNCIL

**Planning Proposal
to amend
Wollondilly Local
Environmental Plan, 2011**

Stonequarry Commercial

Executive summary

Wollondilly Shire Council (Council), on behalf of Mansour Warda Enterprises Pty Limited, submits this Planning Proposal to the Director-General of the Department of Planning and Infrastructure for land adjoining Stonequarry Creek, Cliffe Street, Picton. The Planning Proposal relates to Lot 7 DP 1072259 and Lot 4 Section 13 DP 939379, and proposes to amend the Wollondilly Local Environmental Plan 2011 (WLEP 2011) as follows:

- Amend the WLEP 2011 Land Zone Map (Sheet LZN_008F) by rezoning the site from B2 Local Centre, R2 Low Density Residential, RU4 Primary Production Small Lots, SP2 Infrastructure (Road) and SP2 Infrastructure (Cemetery) to:
 - B2 Local Centre
 - SP2 Infrastructure (Road)
 - RE1 Public Recreation
 - RE2 Private Recreation.

- Amend the WLEP 2011 Lot Size Map (Sheet LSZ_008F) by removing the current, applicable minimum lot sizes (thereby, no minimum lot size would apply to the subject site).

- Amend Part 2 (Land Use Table) of WLEP 2011 for the B2 Local Centre zone by changing the land use "cemetery" from a prohibited use, to a use that is permissible with consent.

This Planning Proposal is submitted in accordance with the requirements of Section 55 of the *Environmental Planning and Assessment Act 1979* and has been prepared subject to the requirements of the Department of Planning and Infrastructure's (DP&I) "A Guide to Preparing Planning Proposals".

It is requested that the Director-General issues a Gateway Determination for the Planning Proposal and provides recommendations and appropriate conditions to enable the application to progress.

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1. INTRODUCTION

This Planning Proposal has been prepared on behalf of Mansour Warda Enterprises Pty Limited and is forwarded to the Director-General of the Department of Planning and Infrastructure (DP&I) under Section 55 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the DP&I "A Guide to Preparing Planning Proposals". Council seeks to amend WLEP 2011 by extending a business zone fronting Cliffe Street, Picton.

The Planning Proposal intends to amend WLEP 2011 as follows:

- Amend the WLEP 2011 Land Zone Map (Sheet LZN_008F) by rezoning the site from B2 Local Centre, R2 Low Density Residential, RU4 Primary Production Small Lots, SP2 Infrastructure (Road) and SP2 Infrastructure (Cemetery) to:
 - B2 Local Centre
 - SP2 Infrastructure (Road)
 - RE1 Public Recreation
 - RE2 Private Recreation.
- Amend the WLEP 2011 Lot Size Map (Sheet LSZ_008F) by removing the current, applicable minimum lot sizes (thereby, no lot size would apply to the subject site).

The current WLEP 2011 land zone and lot sizes applying to the subject site, are attached as **Appendix 1**. The proposed WLEP 2011 land zone and lot sizes to apply to the subject site, are attached as **Appendix 2**.

1.1 Background

A Planning Proposal submission was prepared by Michael Brown Planning Strategies in April 2012, seeking to amend WLEP 2011 to "ensure that the commercial zoning of the land (B2 Local Centre) would enable the development of the land for a shopping complex" (p13).

At its meeting on 18 February 2013, Council resolved the following:

That Council not support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek until more details of flood and traffic management arrangements are provided (45 – 2013).

At its meeting on 18 March 2013 however, Council rescinded its previous resolution and resolved the following:

That Council support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek. The land includes Cliffe St, Margaret St, Warrington St and part of Menangle St West and allotments legally known as Lot 1 DP 742569, Lot 4 Section 13 DP 939379, Lot A DP 162854, Lot 100 DP 1026533, Lot 3 DP 1089357, Lot 16 DP 1045305, Lot 15 DP 1045305, Lot 14 DP 1045305, Lot 13 DP 1045305, Lot 118 DP 1089524, Lot 117 DP 1089524, Lot 7 DP

1072259, Lot 1 DP 1023210, Lot 1 DP 1023843, Lot 1 DP 602401 and Lot 1 DP 743235.

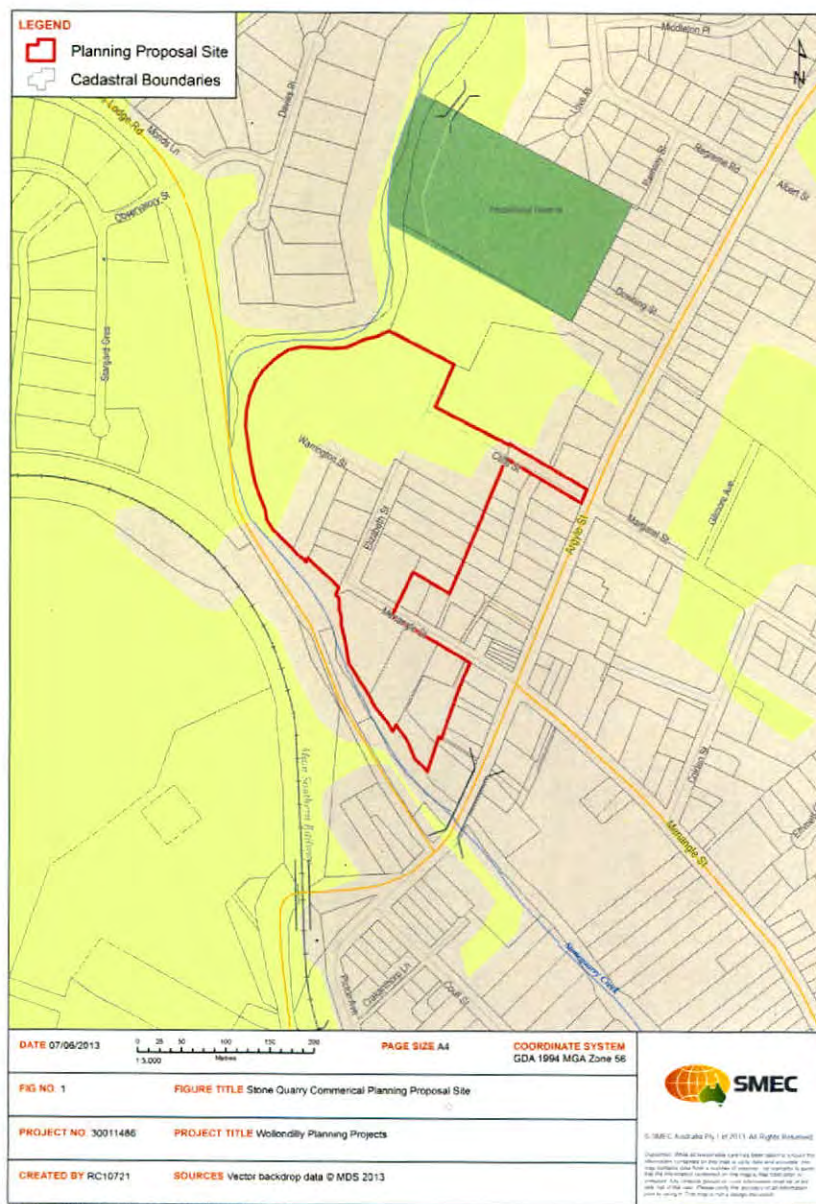
That the issues of traffic and flooding be looked at strongly during this (Planning Proposal) process.

A copy of the business paper and Council resolutions are included in this Planning Proposal as **Appendix 3**.

1.2 The site

The site is approximately 6.5ha in area and comprises 16 allotments located off Argyle Street as well as part of Cliffe Street, Elizabeth Street and the unformed section of Warrington Street, Picton. The site adjoins the Picton Bowling Club and recreational grounds (north), an existing commercial area of Picton (south and east) and a recreational and large lot residential area (west). Stonequarry Creek adjoins the northern, western and southern boundaries of the site.

Figure 1 shows the location of the site and its surrounding context:



In terms of its existing use, the site is predominantly used for low intensity agricultural grazing by horses. The site also contains a number of existing dwellings and small outbuildings.

Collectively, the site is considered to have heritage significance and is contained within the Picton Conservation Area listed on Schedule 5 of WLEP 2011. In addition to a "blanket" conservation area that applies to a large majority of the Picton town centre, there are a number of individual heritage items of local significance including:

- Item No. 172 - Lot 1, DP 742569 "Cottage", located at 1 Elizabeth Street
- Item No. 173 – Lot 100, DP 1026533 "Larkin Cottage and Outbuilding", located at 5 Elizabeth Street
- Item No. 183 - Lot 118, DP 1089524 "Victorian House", located at 2-6 Menangle Street West
- Item No. 184 – Lot 1, DP 1023843 "St Mark's Anglican Church, Cemetery and Gardens" located 7-9 Menangle Street West.

The areas located within each zone are tabulated below:

Table 1 Zone areas

Zone	Area of existing private land (ha)	Area of existing public road (ha)
R2 Low Density Residential	0.8	Nil
RU4 Primary Production Small Lots	4.6	0.4
SP2 Infrastructure (Roads)	Nil	0.4
SP2 Infrastructure (Cemetery)	0.9	Nil
RE1 Public Recreation	0.1	0.025
RE2 Private Recreation	0.07	Nil

2. OBJECTIVES AND INTENDED OUTCOMES

2.1 Key objective

The key objective of this Planning Proposal is to enable the subject site to facilitate a future shopping complex, whilst maintaining opportunities for private recreation and public recreation adjoining Stonequarry Creek, Picton.

2.2 Intended outcomes

The intended outcomes of this Planning Proposal are as follows:

- To provide opportunities for land uses that meet the objectives of the intended B2 Local Centre zoning
- To meet the relevant aims and objectives of Council's *Growth Management Strategy 2011* (the GMS)
- To maintain the heritage values of the subject site
- To ensure that the biodiversity assets of the site, in particular the riparian corridor of Stonequarry Creek are protected
- To plan for expected population growth in the Shire by extending commercial opportunities within the Picton Town Centre
- To provide appropriate integrated access to the subject site commensurate to the proposed zoning
- To minimise any potential impacts on adjoining properties and any sensitive receivers.
- To promote suitable land uses within the Stonequarry Creek Flood Plain.

3. EXPLANATION OF PROVISIONS

This Planning Proposal proposes to amend the provisions of WLEP2011 by implementing the following changes:

- Amend the WLEP 2011 Land Zone Map (Sheet LZN_008F) by rezoning the site from B2 Local Centre, R2 Low Density Residential, RU4 Primary Production Small Lots, SP2 Infrastructure (Road) and SP2 Infrastructure (Cemetery) to:
 - B2 Local Centre
 - SP2 Infrastructure (Road)
 - RE1 Public Recreation
 - RE2 Private Recreation

- Amend the WLEP 2011 Lot Size Map (Sheet LSZ_008F) by removing the current, applicable minimum lot sizes (thereby, no lot size would apply to the subject site).

The proposed zoning allocation is outlined in **Appendix 2**.

It is also proposed to amend Part 2 (Land Use Table) of WLEP 2011 for the B2 Local Centre zone (the B2 zone) by changing the land use "cemetery" from a prohibited use, to a use that is permissible with consent. It is necessary to propose this change as currently the B2 zone prohibits development for the purpose of a cemetery.

Accordingly, the provisions of the B2 zone would be amended as follows:

Zone B2 Local Centre

1 Objectives of zone

- *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.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for appropriate residential development in the form of shop top housing to support the vitality of the local area.*

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Storage premises; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities

4. JUSTIFICATION

This section of the Planning Proposal addresses the relevant components of DP&I's "A Guide to Preparing Planning Proposals" including the key questions under Section 2.3(a) of those guidelines and the relevant Ministerial Directions issued under Section 117 of the EP&A Act.

4.1 Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any strategic study or report?

Yes.

The Planning Proposal is not the result of a "direct" study applying to the site, however it proposes to build upon the strategic direction established under the Structure Plan for Picton, outlined in the GMS. As part of the GMS, each key village and town maintains a relevant Structure Plan which provides a guiding, non-statutory mechanism for growth across the Shire. The site has been earmarked for a potential employment area (commercial). The proposed extension of the B2 zone and its objectives are considered to be consistent with the Structure Plan.

A copy of the Structure Plan for Picton is included as **Appendix 4**.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, it is the best means of achieving the key objectives and intended outcomes of the proposal.

The site currently contains a number of zonings with different land use objectives. Furthermore, the existing zonings which apply to the site do not permit the key core uses that are likely to be required for development of a future shopping complex and achieving the strategic objectives of the Structure Plan and the GMS.

A potential alternate option to the current Planning Proposal would be to permit key commercial or business-related uses within the existing zones that apply to the site. As an example, permitting "shops" or "retail premises" as permissible with development consent for the R2 Low Density Residential, RU4 Primary Production Small Lots, SP2 Infrastructure (Roads) and SP2 Infrastructure (Cemetery). However, this is not considered satisfactory as it could potentially compromise the land use objectives of each of these zones by permitting commercial uses and lead to inappropriate development across the Shire.

Accordingly, the current Planning Proposal is considered the best means of amending the existing land use provisions to enable appropriate future development.

4.2 Relationship to strategic planning framework

4.2.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

Wollondilly Shire is located within the boundaries of the Draft South West Subregional Strategy (along with Liverpool, Campbelltown and Camden LGAs). The key directions for the subregion are as follows:

- Plan for major housing growth
- Plan for major employment growth
- Develop Liverpool as a regional city
- **Intensify existing areas around retail centres and public transport corridors**
- Strengthen centres with public transport.

Picton is identified as a "Town Centre" under the South West Subregion Structure Plan and therefore, the above outlined direction would apply to the Planning Proposal. In addition, the Subregional Strategy identifies a need for an extra 2,000 jobs within Wollondilly Shire (p 24). An expansion of the B2 zone is anticipated to assist in achieving this strategic objective.

Wollondilly Shire is outside the boundaries of the Draft Metropolitan Strategy for Sydney to 2031 as identified on Figure 1 of that Strategy.

4.2.2 Is the Planning Proposal consistent with a council's local strategy or other strategic plan?

Yes.

The consistency of the Planning Proposal with the Structure Plan of the GMS has been considered under Section A of this Planning Proposal. The GMS also contains key policy directions which form the overarching growth strategy for Wollondilly Shire. Planning Proposals are required to be assessed against the GMS to determine whether they should or should not proceed. Accordingly, an assessment of the Planning Proposal under these key (relevant) policy directions is provided in the following table:

Table 2 GMS key policy direction and relationship to Planning Proposal

Key policy direction	Comment
P1 <i>All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.</i>	In its current form the Draft Planning Proposal is considered to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS.
P2 <i>All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).</i>	The Planning Proposal is generally consistent with the concept and vision of 'Rural Living' as it is of a suitable scale, maintains the existing town and landscape character and should be capable of being serviced with minor augmentation of existing infrastructure.
P3 <i>All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	Council has not received any submissions to date on the Planning Proposal.
P4 <i>The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations to date regarding this draft proposal.
P5 <i>Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</i>	The proposal is considered a logical extension of the commercial precinct in Picton and gives due regard to the physical, environmental and social situation of the town. The geophysical constraints of the flood plain are to be considered as part of the post gateway assessment process.
P15 <i>Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</i>	The proposal would increase the available commercial land in an area that is adjacent to the existing Picton Commercial Area. This would facilitate increased employment opportunities through retail, financial and other service industries.
P16 <i>Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</i>	The location is appropriate for commercial development having regard to surrounding uses. This would facilitate a variety of employment opportunities particularly in the light of an increase in industrial land at Maldon that has previously been supported by Council.

Key policy direction	Comment
P17 <i>Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</i>	It is likely that infrastructure would need to be provided. The initial dialogue with the applicant has made this clear and the applicant has indicated in principal that they are willing to provide adequate infrastructure at no cost to Council. The exact details are a matter for future specialist studies.
P20 <i>The focus for population growth will be in two key growth centres, being the Picton / Thirlmere / Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</i>	The proposal would result in additional employment land within Picton which is a designated key growth centre under this policy.

Council also maintains a Community Strategic Plan (the CSP). A preliminary assessment of the Planning Proposal against the priorities of the CSP has been undertaken and the findings are presented in the following table:

Table 3 CSP key priority and relationship to Planning Proposal

Key priority	Comment
Environment <i>Protect and preserve a diverse range of native flora and fauna, sensitive natural environments, aboriginal cultural sites and valued rural landscapes, while allowing appropriate public engagement with those environmental resources.</i>	The potential development of the site for commercial purposes provides an opportunity for positive environmental outcomes for Stonequarry Creek as Council may seek to have this land zoned for public recreation or environmental protection. This would also increase public access to this natural resource which would increase the value placed on it by the wider community.
Economy <i>Strengthen and stabilise Wollondilly's employment base, economic life and communities by supporting environmentally friendly agriculture, leisure and tourism enterprises and other Shire-based enterprises and industries.</i>	The potential development of the site for commercial purposes is, in principle, an appropriate land use given its location adjacent to the existing commercial area. It is also suitable for the proposed use as it adjoins a natural watercourse and is flood-affected (which both have potential implications for residential development).

Key priority	Comment
<p>Governance <i>Build stronger partnerships between the community, private businesses, organised labour and all levels of government to achieve the best outcomes for Wollondilly as a whole.</i></p>	<p>The potential development of the site for commercial purposes is considered in the best interests of the Shire. The potential rezoning of land would enable an extension of the town centre and its existing uses.</p>
<p>Community <i>Foster healthy and appropriate activities and services that address all stages of life.</i></p>	<p>The potential development of parts of the site for commercial purposes would provide an opportunity for a range of land uses that could foster healthy and appropriate activities for residents of the Shire.</p>
<p>Infrastructure <i>Develop and sustain a transport network relevant to users' needs, which promotes public transport, less fuel thirsty transport and alternatives to road freight.</i></p>	<p>Should the land be rezoned for commercial purposes, it could provide an opportunity for further public transport facilitation to the site.</p>

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

Yes.

There are two key state environmental planning policies (SEPPs) and deemed-SEPPs applicable to the proposal:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (SREP 20).

SEPP 55

SEPP 55 is an environmental planning instrument (EPI) that provides a statutory mechanism for determining whether development consent may be required for remediation activities. Furthermore, it provides guidance on the consideration and management of potential contamination issues for the purposes of preparing an EPI.

Clause 6 (Contamination and remediation to be considered in zoning or rezoning proposal) states the following:

(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Table 1 of the "Managing Land Contamination Planning Guidelines SEPP 55—Remediation of Land" (the contaminated land planning guidelines) states that "agricultural/horticultural activities" is a use that may cause contamination. Given the current use of a large part of the site as grazing land, as well as the existing zoning, the provisions of Clause 6(1) above would apply. Accordingly, it is likely

that a Preliminary Investigation (or "Stage 1 Investigation" under the contaminated land planning guidelines) would be required prior to rezoning.

SREP 20

SREP 20 is a deemed SEPP that applies to several LGAs in the Hawkesbury-Nepean catchment including Wollondilly. The key aim of SREP 20 is to protect the environment of the Hawkesbury-Nepean river system by ensuring that the impacts of future land uses are considered in a regional context.

Clause 4 of SREP 20 requires assessment of the general planning considerations established in Clause 5 and the specific planning policies and recommended strategies established in Clause 6. Consideration of these matters is provided in the following table.

Table 4 Clauses 5 and 6 matters

SREP 20 matter	Comment
5 General Planning Considerations	
<i>(a) the aim of this plan</i>	<p>The sole aim of SREP 20 is to "protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context" (Cl.3).</p> <p>The Planning Proposal to expand the commercial area of Picton is considered to be consistent with this aim, as appropriate measures to assist in the protection the Hawkesbury-Nepean River system are likely to be established as part of the Gateway Determination, including determination of potential impacts on Stonequarry Creek and provision of appropriate mitigation measures to manage these potential impacts.</p>
<i>(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy</i>	<p>The relevant actions relating to the Hawkesbury-Nepean River system are outlined in the <i>Hawkesbury-Nepean Catchment Action Plan 2013 – 2033</i> and include the following:</p> <ul style="list-style-type: none"> • Facilitate planning to address impacts of land use change and climate change. • Ensure effective legislative protection of assets and consistent implementation and compliance with this legislation. <p>The proposal would assist in achieving these actions by:</p> <ul style="list-style-type: none"> • Proposing to rezone the land in a manner that is consistent with the direction of Section 55 of the EP&A Act and DP&I's "A Guide to Preparing Planning Proposals". • Consideration of the potential

SREP 20 matter	Comment
	environmental impacts of the Planning Proposal on the surrounding areas.
<i>(c) whether there are any feasible alternatives to the development or other proposal concerned</i>	<p>There are no alternatives that are considered feasible to achieve the intended outcomes of the Planning Proposal.</p> <p>A possible alternative would be to amend the relevant land use tables for each of the existing zones that apply to the site, by permitting additional uses in those zones. However, this is considered inappropriate as it could potentially compromise the objectives of each of the relevant zones that could result in inappropriate land uses in other parts of the Shire.</p>
<i>(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.</i>	<p>The potential impacts of the proposed rezoning are subject to appropriate assessment and consideration once a Gateway Determination has been received by the Minister for Planning.</p> <p>Preliminary environmental assessments have indicated that potential impacts could be satisfactorily managed subject to additional investigation, and development and implementation of appropriate mitigation measures.</p>
6 Specific planning policies and recommended strategies	
<p><i>(1) Total catchment management</i></p> <p><i>Policy: Total catchment management is to be integrated with environmental planning for the catchment.</i></p>	<p>It is possible that a requirement of the Gateway Determination would be to liaise with adjoining councils to advise and outline of the potential impacts of the Planning Proposal.</p>
<p><i>(2) Environmentally sensitive areas</i></p> <p><i>Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.</i></p>	<p>The site adjoins Stonequarry Creek which is recognised as having key riparian functions as identified in Clause 7.3 of the WLEP 2011 for a buffer of 50 m. The management of this riparian corridor would be a key requirement for specific development applications.</p> <p>In terms of the 50m buffer for the riparian corridor of Stonequarry Creek, it is considered that the application of the RE1 zone would prevent any adverse land uses being located in this key sensitive area.</p>
<p><i>(3) Water quality</i></p> <p><i>Policy: Future development must not prejudice the</i></p>	<p>Stonequarry Creek is not considered to be a suitable river body to promote primary water-based contact recreation, despite the proposed zoning.</p>

SREP 20 matter	Comment
<p><i>achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.</i></p>	<p>The Planning Proposal could potentially facilitate improvement in water quality by rezoning the riparian corridor from a rural use, to a recreational one prohibiting certain forms of development.</p>
<p><i>(4) Water quantity</i></p> <p><i>Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.</i></p>	<p>It is not anticipated that the Planning Proposal would give rise to significant water quantity impacts. As a result of future development applications that may be submitted on the site, there could potentially be an increase in the extent of impermeable surfaces leading to increased runoff. However, this is viewed as a consideration for the development application assessment process that would also give consideration to any mitigation measures proposed. The management of storm and flood waters will be a key area of investigation in the detailed assessment of the proposal.</p>
<p><i>(5) Cultural heritage</i></p> <p><i>Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.</i></p>	<p>The component of Stonequarry Creek that adjoins the site does not have recognised heritage significance under the WLEP 2011. There are items of heritage significance in close proximity to the parts of the creek that adjoin the site however, it is unlikely that the creek contributes to the significance of these items.</p>
<p><i>(6) Flora and fauna</i></p> <p><i>Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.</i></p>	<p>A detailed ecological assessment for the site has not been carried out at this preliminary stage. However, should any potentially adverse impacts on the ecological characteristics of the site and the creek be identified, appropriate mitigation measures would be developed to effectively manage these.</p>

SREP 20 matter	Comment
<p><i>(7) Riverine scenic quality</i></p> <p><i>Policy: The scenic quality of the riverine corridor must be protected.</i></p>	<p>It is not anticipated that the scenic quality of Stonequarry Creek would be impacted upon by the Planning Proposal. Indeed, the embellishment of the river corridor as public recreational land is likely to result in improved visual outcomes.</p>
<p><i>(8) Agriculture/aquaculture and fishing</i></p> <p><i>Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.</i></p>	<p>The Planning Proposal does not propose any additional agricultural/rural land for the site. The component of Stonequarry Creek that adjoins the site is considered unlikely to have any aquaculture/fishing value given potential water quality issues and the low flow volumes that are experienced at most times.</p>
<p><i>(9) Rural residential development</i></p> <p><i>Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).</i></p>	<p>The Planning Proposal does not propose any additional rural residential zoning or land uses within the site.</p>
<p><i>(10) Urban development</i></p> <p><i>Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.</i></p>	<p>The proposal to rezone land for an urban development (business) purpose would be assessed through the planning proposal process and at the subsequent development application stage. Should any potentially adverse environmental impacts be identified during these stages, suitable mitigation measures would be implemented to effectively manage these potential impacts.</p>
<p><i>(11) Recreation and tourism</i></p> <p><i>Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.</i></p>	<p>The riparian corridor of Stonequarry Creek that is within the site is recognised as a recreational asset. This has been addressed by the proposed application of a recreational zoning.</p>
<p><i>(12) Metropolitan strategy</i></p> <p><i>Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.</i></p>	<p>The Planning Proposal would contribute to the following high-level objectives of the Draft Metropolitan Strategy for Sydney to 2031 (the Metropolitan Strategy):</p> <ul style="list-style-type: none"> • Objective 7 - Deliver well-designed and

SREP 20 matter	Comment
	<p>active centres that attract investment and growth</p> <ul style="list-style-type: none"> Objective 8 - Create socially inclusive places that promote social, cultural and recreational opportunities Objective 9 - Deliver accessible and adaptable recreation and open space Objective 10 - Provide capacity for jobs growth and diversity across Sydney

Other SEPPs and their applicability to the Planning Proposal are presented in Table 5.

Table 5 SEPPs and relationship to Planning Proposal

SEPP No.	SEPP name	Consistency	Comment
1	Development Standards	N/A	N/A
4	Development Without Consent and Miscellaneous Complying Development	N/A	N/A
6	Number of Storeys in a Building	Yes	The Planning Proposal will use the WLEP 2011 to control building height.
14	Coastal Wetlands	N/A	Not applicable to the Shire.
15	Rural Land-sharing Communities	N/A	Not applicable to the Shire.
19	Bushland in Urban Areas	N/A	Not applicable to the Shire.
21	Caravan Parks	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
22	Shops and Commercial Premises	Yes	The Planning Proposal will comply with the aims and objectives of the SEPP.
26	Littoral Rainforests	N/A	Not applicable to the Shire.
29	Western Sydney Recreation Area	N/A	Not applicable to the Shire.
30	Intensive Agriculture	N/A	N/A
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	N/A
36	Manufactured Home Estates	N/A	Not applicable to the Shire.
39	Spit Island Bird Habitat	N/A	Not applicable to the Shire.
41	Casino/Entertainment	N/A	Not applicable to the Shire.

SEPP No.	SEPP name	Consistency	Comment
	Complex		
44	Koala Habitat Protection	Unknown	To be determined as part of a detailed investigation.
47	Moore Park Showground	N/A	Not applicable to the Shire.
50	Canal Estates	N/A	Not applicable to the Shire.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable to the Shire.
53	Metropolitan Residential Development	N/A	Not applicable to the Shire.
55	Remediation of Land	Yes	See commentary above.
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable to the Shire.
60	Exempt and Complying Development	N/A	Not applicable to the Shire.
62	Sustainable Aquaculture	Yes	Not relevant to the Planning Proposal.
64	Advertising and Signage	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
65	Design Quality of Residential Flat Development	Yes	Not relevant to the Planning Proposal.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable to the Shire.
71	Coastal Protection	N/A	Not applicable to the Shire.
	Affordable Rental Housing		Not relevant to the Planning Proposal.
	Housing for Seniors or People with a Disability		Not relevant to the Planning Proposal.
	Building Sustainability Index		Not relevant to the Planning Proposal.
	Kurnell Peninsula	N/A	Not applicable to the Shire.
	Major Development	N/A	Not relevant to the Planning Proposal.
	Sydney Region Growth Centres	N/A	Not applicable to the Shire.
	Mining, Petroleum Production and Extractive Industries	N/A	Not relevant to the Planning Proposal.
	Temporary Structures	N/A	Not relevant to the Planning Proposal.
	Infrastructure	N/A	Not relevant to the Planning Proposal.
	Kosciusko National Park – Alpine Resorts	N/A	Not applicable to the Shire.
	Rural Lands	N/A	Not applicable to the Shire.
	Exempt and Complying Development Codes		Not relevant to the Planning Proposal.

SEPP No.	SEPP name	Consistency	Comment
	Western Sydney Parklands	N/A	Not applicable to the Shire.
	Western Sydney Employment Area	N/A	Not applicable to the Shire.
Deemed State Environmental Planning Policies (formerly Regional Environmental Plans)			
1	Drinking Water Catchments	N/A	The site is not located within the boundary of the Sydney Drinking Water Catchment.
9	Extractive Industry	N/A	
20	Hawkesbury-Nepean River	Yes	Refer to Section 4.2.3 above
27	Wollondilly Regional Open Space	N/A	Deemed SEPP has been repealed.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

Mostly.

Table 6 provides consideration of the relationship of the Planning Proposal to Ministerial Directions.

Table 6 Ministerial Directions and relationship to Planning Proposal

Ministerial Direction	Applicable to this Planning Proposal	Draft LEP consistent with the Direction?	Assessment/Comment
1. Employment and resources			
<i>1.1 Business and industrial zones</i>	No	N/A	The site does not include any existing land zoned for business or industrial purposes.
1.2 Rural zones	Yes	No	The Planning Proposal includes converting an existing rural zone to a business zone. However, the land is not considered productive given the current use and its zoning as RU4 (i.e. small lot/rural holdings). Accordingly, any change to this land is considered to be of minor significance and would not detract from the overall rural value of the town and the Shire.
<i>1.3 Mining, petroleum and extractive</i>	No	N/A	N/A

Ministerial Direction	Applicable to this Planning Proposal	Draft LEP consistent with the Direction?	Assessment/Comment
<i>industries</i>			
<i>1.4 Oyster production</i>	No	N/A	N/A
<i>1.5 Rural lands</i>	No	N/A	This Ministerial Direction does not apply to the Wollondilly LGA.
2. Environment and heritage			
<i>2.1 Environmental protection zones</i>	Yes	Yes	The site contains a riparian corridor of Stonequarry Creek that is recognised in the local provisions of WLEP 2011 (Clause 7.3 – water protection). The Planning Proposal considers the key environmental qualities of this corridor by proposing a recreational zone for this part of the site, which would serve to limit urban development and protect its environmental qualities.
<i>2.2 Coastal protection</i>	No	N/A	N/A
<i>2.3 Heritage conservation</i>	Yes	N/A	A number of items of heritage significance exist on the site. These items are recognised under the provisions of the WLEP 2011. At this preliminary stage, it is uncertain whether the Planning Proposal would have a detrimental impact on the heritage significance of the site. Accordingly, it is recommended that provision is made for an Aboriginal and European heritage assessment as a result of the Gateway Determination.
<i>2.4 Recreation vehicle areas</i>	No	N/A	No environmental protection zones are proposed as part of the Planning Proposal.
3. Housing, infrastructure and urban development			
<i>3.1 Residential zones</i>	Yes	No	As part of the Planning Proposal, the existing R2 zone shall be removed from the site and not replaced with any other residential zone. Accordingly, the direction applies however its

Ministerial Direction	Applicable to this Planning Proposal	Draft LEP consistent with the Direction?	Assessment/Comment
			intended purpose to promote aspects of housing supply, is irrelevant given there will be no additional residential zone applied to the site. The use of the land for housing supply is considered inappropriate on account of the hazard of flooding on site.
<i>3.2 Caravan parks and manufactured home estates</i>	Yes	Yes	The inclusion of recreational zones into the Planning Proposal would not prohibit the use of the site for this purpose. To the contrary, it would promote the use as it is not a permissible use within the existing zones.
<i>3.3 Home occupations</i>	No	N/A	No dwellings would be permissible in the proposed zones under the Planning Proposal.
<i>3.4 Integrating land use and transport</i>	Yes	Yes	The site is within close proximity to Argyle Street, which contains a number of commercial uses and bus stops. The site is approximately 700 metres (by foot) to Picton Station.
<i>3.5 Development near licensed aerodromes</i>	No	N/A	N/A
<i>3.6 Shooting ranges</i>	No	N/A	N/A
4. Hazard and risk			
<i>4.1 Acid sulphate soils</i>	Yes	N/A	Given the location of Stonequarry Creek in close proximity to the site, it is possible that acid sulphate soils (ASS) may be present on the site. The potential for ASS occurring on the site and consistency with this Direction can be determined by way of specialist investigation as part of the latter stages of the process.
<i>4.2 Mine subsidence and unstable land</i>	No	N/A	N/A
<i>4.3 Flood prone land</i>	Yes	Yes	It is known that parts of the site are flood-affected. A Flood Study

Ministerial Direction	Applicable to this Planning Proposal	Draft LEP consistent with the Direction?	Assessment/Comment
			<p>undertaken as part of the Planning Proposal has identified that the site could support a future shopping centre subject to the following:</p> <ul style="list-style-type: none"> • the existing high riverbank around the east side of the site will need to be lowered by 2 to 3m over a width of approximately 30m to provide sufficient additional flow conveyance in the main channel as compensation for blocking of the floodplain flow path, and • a low point or saddle in the natural levee along the left bank immediately upstream of the site would need to be raised by about 1m at its lowest point. <p>A copy of the flood study has been included in the Planning Proposal prepared by the applicant and is attached as Appendix 5.</p>
4.4 Planning for bushfire protection	Yes	Yes	The site is located within a bushfire prone area. The bushfire hazard is proposed to be considered in detail as part of the post-gateway assessment process.
5. Regional planning			
5.1 Implementation of regional strategies	No	N/A	N/A
5.2 Sydney drinking water catchments	No	N/A	The direction applies to the Wollondilly LGA however the site is not located within the Sydney Drinking Water Catchment.
5.3 Farmland of state and regional significance on the NSW Far North Coast	No	N/A	N/A
5.4 Commercial and retail	No	N/A	N/A

Ministerial Direction	Applicable to this Planning Proposal	Draft LEP consistent with the Direction?	Assessment/Comment
<i>development along the Pacific Highway, North Coast</i>			
<i>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	No	N/A	N/A
<i>5.8 Second Sydney airport: Badgerys Creek</i>	No	N/A	N/A
6. Local plan making			
<i>6.1 Approval and referral requirements</i>	No	N/A	The Planning Proposal does not propose to amend any provision in the WLEP 2011 that relates to referral of applications to the Minister or any other public authority.
<i>6.2 Reserving land for public purposes</i>	No	N/A	It is anticipated that the land proposed to be zoned RE1 would be "local open space" and accordingly, Council would be the relevant acquisition authority.
<i>6.3 Site specific provisions</i>	No	N/A	N/A
7. Metropolitan planning			
<i>7.1 Implementation of the Metropolitan Plan for Sydney 2036</i>	Yes	Yes	The Planning Proposal is consistent with the key objectives of the Metropolitan Strategy as outlined in this section.

4.3 Environmental, social and economic impact

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is proposed that this is determined at a later date.

From a preliminary perspective, the applicant has identified that the site does not have any present elements of endangered ecological communities (EECs) and is not within a bio subregion of known threatened fauna species.

The site appears to have been cleared at some stage in the past for grazing and urban purposes. However, the ecological significance of the site and the Planning Proposal is yet to be determined. It is expected that a condition of the Gateway Determination would be to assess the potential flora and fauna impacts as a result of rezoning the land.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes.

The key issue identified and addressed by the applicant at this preliminary stage is flooding. Two flood studies have been undertaken for the site by Robinson Water Consultants (2008) and Worley Parsons (2010). The key findings of these reports indicate the following:

- The subject site is partially flood-affected from the adjoining section of Stonequarry Creek and the area has a history of flooding.
- Council is responsible for implementing the *Picton Local Flood Policy* which sets out a required freeboard above the 100 year average recurrence interval (ARI) flood level.
- At the intersection of the alignment of Cliffe and Elizabeth Streets, the ground level is approximately 158m AHD (Australian height datum) while the designated flood level (100 year ARI event) is 158.8m AHD.
- Any proposed development in this area would need to have a floor level at least at 159.3m AHD. This would have implications for the structural components of any future development on the site.

The key finding of the latest flood study for the site (Worley Parsons 2010) indicates that that the site could support a future shopping centre subject to the requirements outlined in Table 6 above.

In addition to flooding, the main matters raised by Council staff requiring further investigation include:

- Drainage and stormwater
- Traffic and transport issues including:
 - Cumulative impacts on Argyle Street
 - Impacts on the Argyle Street and Margaret Street intersection
 - Impacts on access during times of flood.
- Heritage
- The interface between commercial and public recreation land
- The interface between commercial land and the creek
- Needs analysis for further commercial land in Picton.

4.3.3 Has the planning proposal adequately addressed any social and economic effects?

Yes.

It is considered that the Planning Proposal adequately addresses social and economic effects as previously outlined in Tables 2 and 3.

4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

There will be a need for the applicant to address the adequacy of public infrastructure to support the Planning Proposal at a later date, specifically, in relation to:

- Water and sewer
- Electricity
- Telecommunications
- Gas

Given that the site would adjoin an existing B2 zone, it is anticipated that the site would be connected to reticulated sewer and water in the area, and that there would be a requirement to do this. Consultation will need to be undertaken with the relevant authorities to address this requirement.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

In terms of State and Commonwealth public authorities, Council believes consultation would be required with:

- NSW Office of Environment and Heritage
- Hawkesbury Nepean Catchment Management Authority
- NSW Roads and Maritime Services
- Sydney Water Corporation

5. COMMUNITY CONSULTATION

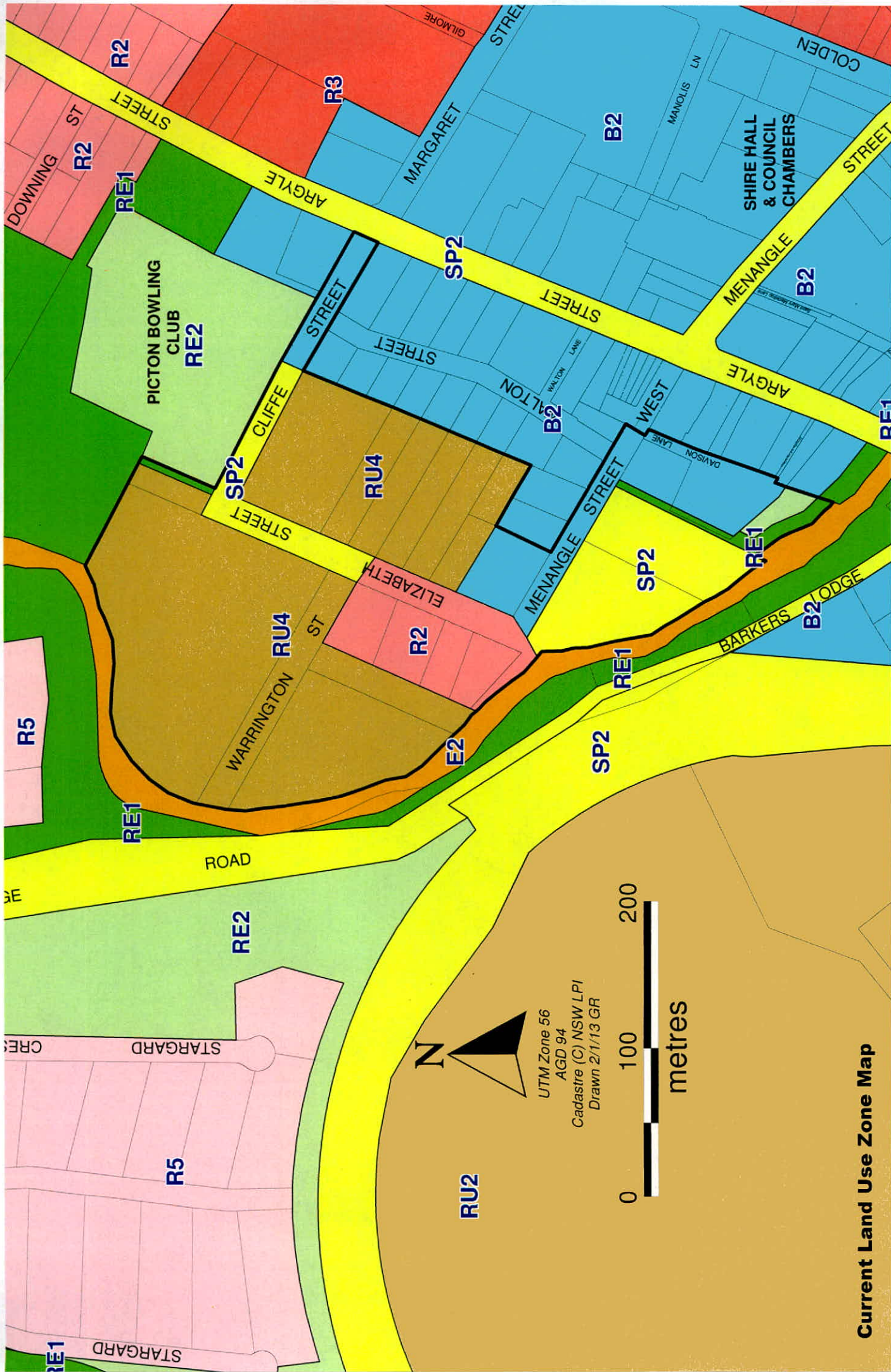
Internal comments on the initial application were sought from the following managers and specialist staff within Council:

- Manager Infrastructure Planning
- Manager Development Assessment and Strategic Planning
- Manager Facilities and Recreation.

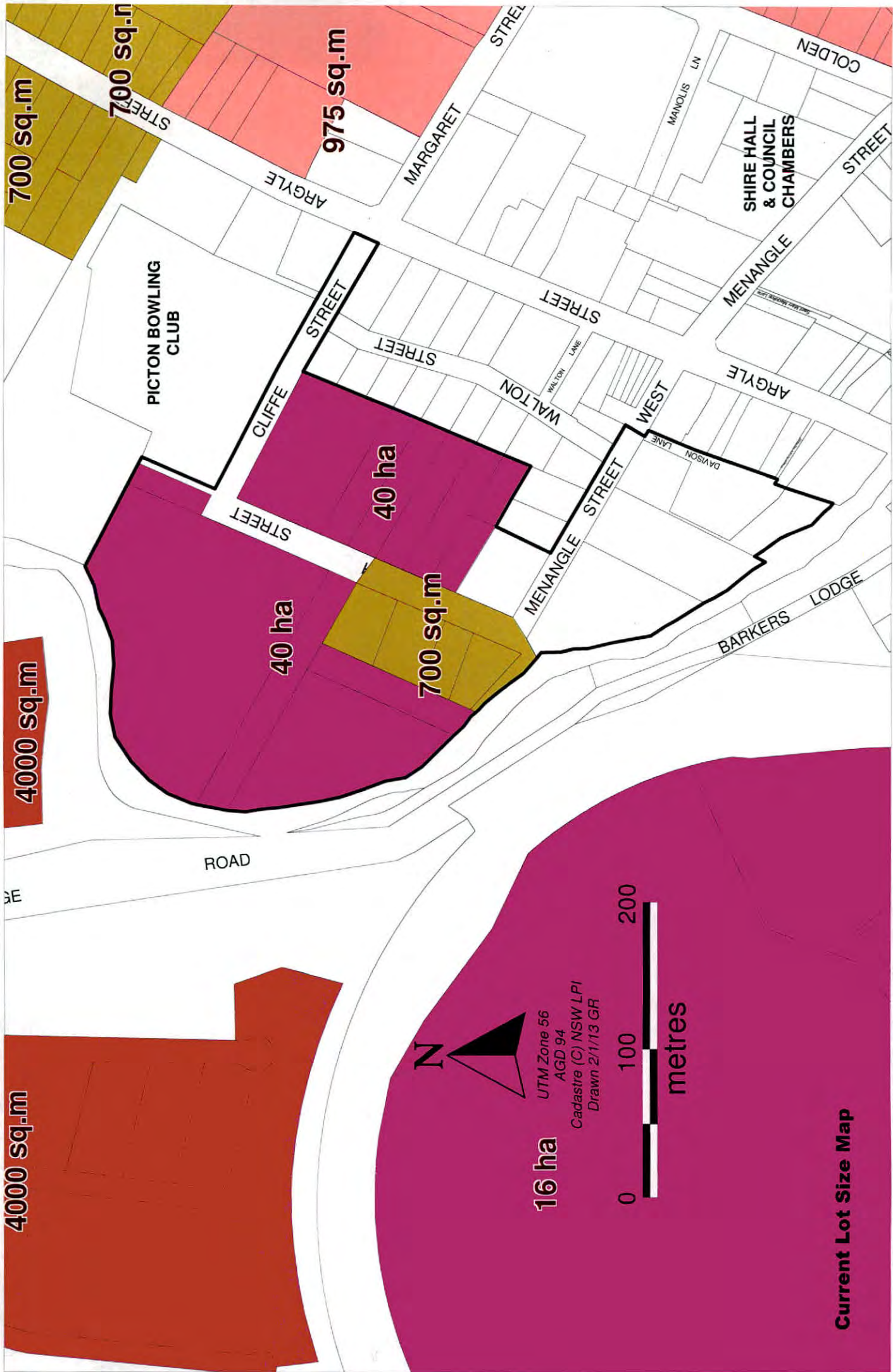
In accordance with Council's notification policy, initial community consultation has been undertaken. No submissions have been received.

Council proposes to exhibit the Planning Proposal and Draft LEP amendments and consult with the community for a period of 28 days in accordance with the requirements for community consultation outlined in "A Guide to Preparing Local Environmental Plans".

Appendix 1: Current WLEP 2011 land zone and lot size maps

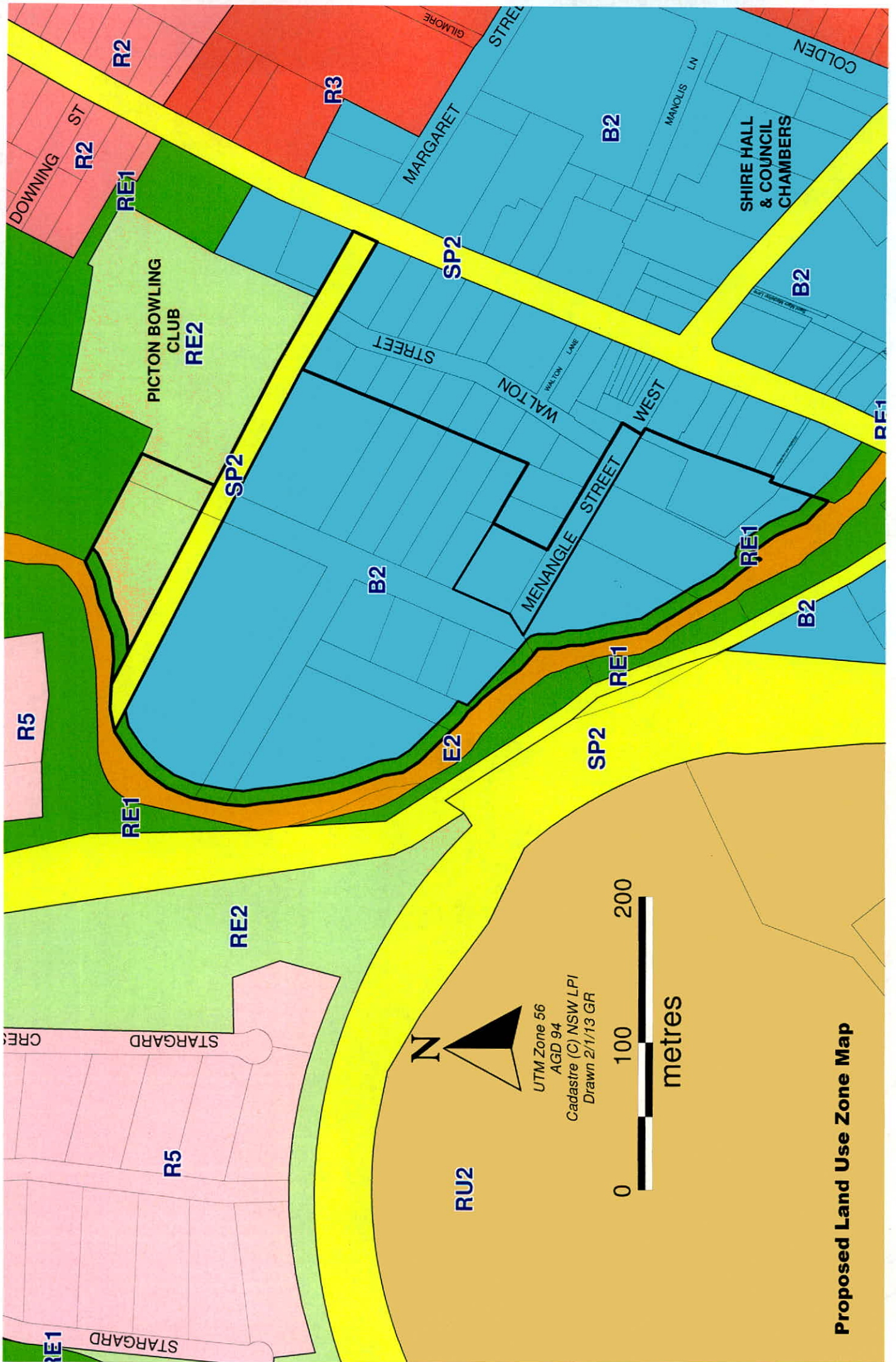


Current Land Use Zone Map

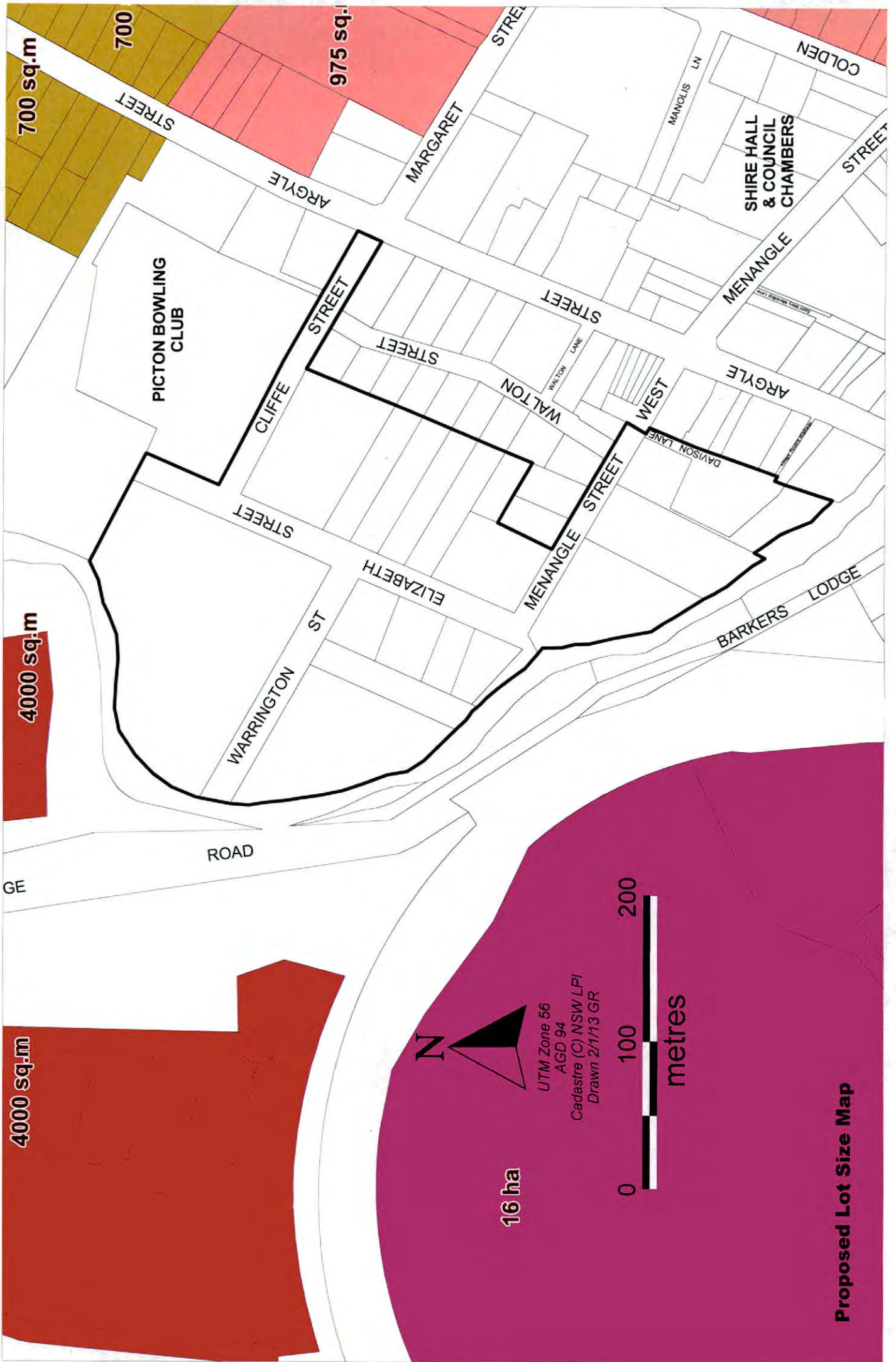


Current Lot Size Map

Appendix 2: Proposed WLEP 2011 land zone and lot size maps



Proposed Land Use Zone Map



4000 sq.m

4000 sq.m

700 sq.m

700

975 sq.m

16 ha

N

UTM Zone 56
AGD 94
Cadastral (C) NSW LPI
Drawn 2/1/13 GR



metres

Proposed Lot Size Map

PICTON BOWLING CLUB

SHIRE HALL & COUNCIL CHAMBERS

GOLDEN

STREET

CLIFFE STREET

STREET

STREET

MARGARET STREET

STREET

WALTON STREET

MENANGLE STREET

ARGYLE STREET

MENANGLE STREET WEST

BARKERS LODGE

ELIZABETH ST

WARRINGTON ST

ROAD

GE

MANOLIS LN

WALTON LANE

DAVISON LANE

Appendix 3: Business paper and Council resolutions

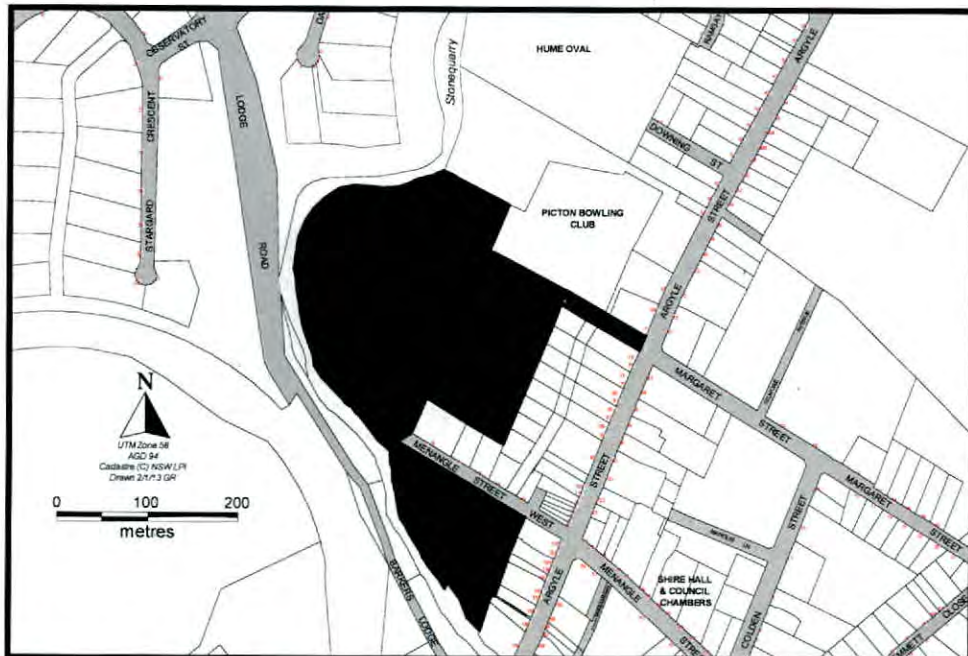
WOLLONDILLY SHIRE AND ITS PLANNING & ECONOMY

PE1

Draft Planning Proposal - Stonequarry Commercial - Cliffe Street, Picton
211GROK TRIM 6895

APPLICANT: Michael Brown Planning Strategies
OWNER: Galgamesh Enterprises Pty Limited, K & V Corbett Pty Limited, Wollondilly Shire Council, Sydney Anglican Church Property Trust, Picton Tavern Pty Ltd, J E Corbett, W Horsburgh, M W Poole and K A Ray

Planning & Economy



REPORT

EXECUTIVE SUMMARY

- Council has received a draft Planning Proposal to rezone land at Picton for commercial purposes. The subject land is legally known as Lot 7 DP 1072259 and Lot 4 Section 13 DP 939379 and is located immediately west of the existing Picton commercial area.
- A preliminary assessment of the proposal was undertaken at which point it was found that the planning proposal would leave a pocket of rural and residential land between two commercial zones. Consequently, the proposed business zone was extended to include nine whole lots and one part lot. This increased the area within the proposal to approximately double its original size. This change was supported by the applicant and no objections were received from the affected land owners when they were notified. The area identified on the map included in this report shows all 16 lots now included in the proposal.

- Initial notification was made to land owners and occupiers within the Picton commercial area and to nearby land owners. No submissions were received from community consultation.
- It is recommended that Council proceed to prepare this planning proposal and that the proposal be submitted to the Minister for Planning and Infrastructure for a Gateway Determination.

BACKGROUND

Site Description

The site includes 16 allotments and part of Cliffe and Elizabeth Streets. The unformed Warrington Street is also included in the site. It is located immediately west of Picton Town Centre and sits between the commercial area and Stonequarry Creek. The site is largely flat with slopes down to the Stonequarry Creek channel.

The land comprises a total area of approximately 6 hectares. It is partially located within zones R2 Low Density Residential, RU4 Primary Production Small Lots, SP1 Special Uses (Cemetery), SP2 Special Uses (Road), RE1 Public Recreation and RE2 Private Recreation. The existing zones are shown in Attachment 1. The areas located within each zone are tabulated below:

Zone	Area of existing public road	Area of existing private land
R2	Nil	0.8 Hectares
RU4	0.4 Hectares	4.6 Hectares
SP2	0.4 Hectares	Nil
RE1	250 m ²	0.1 Hectares
SP1	Nil	0.9 Hectares
RE2	Nil	700 m ²

The site contains St Marks Anglican Church and Cemetery which are heritage items scheduled under the local environmental plan. Two (2) heritage listed cottages are also located within the part of the site zoned R2 Low Density Residential.

There is also a heritage listed Victorian house on Lot 118 DP 1089524 which is mostly on the part of the site that is already within a commercial zone. This planning proposal applies to another part of the site that is within the RU4 Primary Production Small Lots zone. The heritage items are shown in Attachment 2.

The site has vehicular access to Cliffe and Elizabeth Streets and has frontage to Stonequarry Creek. It contains a number of dwellings and small outbuildings. The majority of the site is used for low intensity grazing by horses.

Description of Draft Proposal

The draft proposal seeks to amend the Land Zoning Map to place the majority of the land within zone B2 Local Centre. This is the same zone as the adjoining Picton commercial area. A smaller proportion of the site would be located within Zone RE2 Private recreation, the same zone as the Picton Bowling Club. A strip of land adjoining Stonequarry Creek would also be zoned RE1 Public Recreation. Finally, the SP2 Special Purposes Road zone would be reconfigured to allow for a simpler alignment of Cliffe Street. Existing and proposed Land Use Maps are attached to this report.

CONSULTATION

Consultation with Council Managers and Specialist Staff

Comments on the application were sought from the following Managers and Specialist staff within Council:

- Manager Infrastructure Planning
- Manager Development Assessment and Strategic Planning
- Manager Facilities and Recreation.

The main matters raised by Council staff requiring further investigation are:

- Drainage and stormwater
- Flooding
- Traffic and transport issues including:
 - Cumulative impacts on Argyle Street
 - Impacts on Argyle Street and Margaret Street intersection
 - Impacts on access during times of flood.
- Heritage
- The interface between commercial and public recreation land
- The interface between commercial land and the creek
- Needs analysis for further commercial land in Picton

Community Consultation

In accordance with Council's notification policy, initial community consultation has been undertaken. The draft Planning Proposal was published on Council's website and a letter was sent to owners and occupiers within the Picton commercial area and to owners of other property in the vicinity including the Davies Place and Stargard estates. No submissions have been received.

Assessment of Draft Planning Proposal

A preliminary assessment of the original draft planning proposal was undertaken with reference to the comments from Council staff. It is considered that the proposal warrants further investigation and detailed studies to address the matters raised.

Consultation with Government Departments

If endorsed by Council, consultation will be required with the Department of Planning & Infrastructure (DP&I) and other government agencies on the Planning Proposal. It is considered that should the proposal be supported the Gateway Determination will outline the further consultation requirements with the DP&I and any other relevant government agencies.

Further community consultation

If this draft planning proposal progresses, further community consultation opportunities will occur as part of the preparation and exhibition of a draft local environmental plan in accordance with the new Gateway process. Council has the opportunity to recommend the engagement process and other consultation appropriate for this draft proposal.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All draft planning proposals are assessed against the key themes and directions of Council's Community Strategic Plan. It is considered that the proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

Outcome – Environment – A community that is surrounded by a built and natural environment that is valued and preserved.

The development of this land provides an opportunity for improved environmental outcomes for Stonequarry Creek as Council may seek to have this land zoned for public recreation or environmental protection. This would also increase public access to this natural resource which would increase the value placed on it by the wider community.

Outcome – Economy – A community that is supported through appropriate, sustainable land use.

The use of this land for commercial purposes is, in principal, an appropriate land use because it is located adjacent to the existing commercial area, it bound by a natural watercourse and is flood affected land (which makes it unsuitable for residential use).

POLICIES & LEGISLATION

Planning Proposals

The draft Planning Proposal shall be prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning & Infrastructure guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It shall address the matters required by the Director-General to be addressed in all Planning Proposals.

If Council wishes to proceed with a proposal to rezone the land, Council must resolve to support a draft Planning Proposal and to forward it to the Minister for Planning & Infrastructure for a Gateway Determination.

Council's Options/Role

In deciding whether to forward the Planning Proposal on to the Minister for Planning & Infrastructure for a Gateway Determination, Council is effectively endorsing the Planning Proposal in principle and from that point on the Planning Proposal is deemed to be *Council's* Planning Proposal - no longer the applicant's Planning Proposal. Despite the Planning Proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.

Council's options are:

1. Resolve to support the draft Planning Proposal. This option means that the existing Planning Proposal from then on becomes *Council's* Planning Proposal. Council then sends it to the Minister for a Gateway Determination. Unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
2. Resolve that the Planning Proposal needs to be amended before it can receive Council support and be forwarded to the Minister for a Gateway Determination. As is the case with option 1 above, the Planning Proposal becomes *Council's* and unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
3. Resolve not to support the Planning Proposal. The applicant could choose to revise/amend their proposal and submit a new application. (Note that there are no appeal rights through the Land and Environment Court against Council's refusal to support a Planning Proposal).

Option 1 is the recommendation of this report as the planning proposal has already been amended and the applicant has agreed to the amendments.

Gateway Determination

When a Planning Proposal has been endorsed by Council, it is then forwarded to the Minister for Planning & Infrastructure for a Gateway Determination. The Gateway Determination is a checkpoint for Planning Proposals before significant resources are committed to carrying out technical studies and investigations. It enables Planning Proposals that are not credible or well founded or not in the public interest to be stopped early in the process before resources are committed to detailed studies and investigations, and before government agencies are asked to commit their own resources to carrying out assessments.

At the Gateway Determination, the Minister will decide:

- Whether the proposal is justified on planning grounds
- Whether the Planning Proposal should proceed (with or without variation)
- Whether the Planning Proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal)
- The community consultation required
- Any consultation required with State or Commonwealth agencies
- Whether a public hearing by the Planning Assessment Commission or other specified person or body is required
- The timeframes for the various stages of the procedure to make the draft amendment
- Whether the function of making the LEP is to be exercised by the Minister for Planning & Infrastructure or delegated to Council.

Under the new plan making procedures, the Planning Proposal and supporting studies are placed on public exhibition. The written draft local environmental plan amendment (the draft LEP) is prepared by Parliamentary Counsel when the Planning Proposal is finalised, immediately before it is made by the Minister or delegate. The LEP takes effect when it is published on the NSW legislation website.

The ultimate development of the land would then require further approvals through detailed Development Applications.

Wollondilly Local Environmental Plan 2011

The site is currently located within zones R2 Low Density Residential, RU4 Primary Production Small Lots, SP2 Special Uses (Cemetery), SP2 Special Uses (Road), RE1 Public Recreation and RE2 Private Recreation under Wollondilly LEP 2011. The minimum lot size for this area varies from 40 Hectares to no minimum lot size. All of the allotments within the subject site are less than 40 hectares in area and therefore have no further potential for subdivision.

It is proposed to amend the WLEP 2011 in the following manner:

- Amend the Land Zoning Map as shown in Attachment 3 including the introduction of B1 Local Centre and RE2 Private recreation zones.
- Amend the Lot Size Map to allow for any lot size within the RE2 Private Recreation zone and to not allow any subdivision of the new commercial zone to ensure that it is developed as a single parcel, and
- Amend the Height of Buildings Map to allow for a maximum height of 9 metres for new development in the new B1 Local Centre zone and the new RE2 Private Recreation zone.

Additional amendments to the Natural Resources Water and Biodiversity Maps are also likely to be required depending on the outcome of the specialist studies.

Site Specific Development Control Plan (DCP)

Amendments to the Wollondilly Development Control Plan (DCP) may be prepared for the subject land which may include specific site objectives and development controls for the future development of the site. The range of provisions included in the DCP would be informed by specialist studies undertaken to support the proposal and would be reported to Council when prepared.

RELEVANT CONSIDERATIONS

Wollondilly Growth Management Strategy (GMS)

Planning Proposals are required to be assessed against the GMS to determine whether they should or should not proceed.

The GMS sets directions for accommodating growth in the Shire for 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. The amended draft planning proposal conforms to the main aim of the GMS which is to provide consolidated growth reducing infrastructure and facility requirements and supporting services.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the draft proposal:

Key Policy Direction	Comment
<i>P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.</i>	In its amended form the draft planning proposal is considered to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS.
<i>P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)</i>	The amended draft proposal is generally consistent with the concept and vision of 'Rural Living' as it is of a suitable scale, maintains the existing town and landscape character and should be capable of being serviced with minor augmentation of existing infrastructure.
<i>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	There have been no submissions to date.
<i>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations regarding this draft proposal and therefore this Key Policy Direction has been satisfied.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 18 February 2013

Key Policy Direction	Comment
<i>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</i>	The proposal is a logical extension of the commercial precinct in Picton and has had due regard to the physical, environmental and social situation in this town.
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes</i>	The proposal will increase the available commercial land in an area that is adjacent to the existing Picton Commercial Area. This will allow for increased employment opportunities through retail, financial and other service industries.
<i>P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</i>	The location is appropriate for commercial development having regard to surrounding uses. This will allow for a variety of employment opportunities particularly in the light of the increase in industrial land at Maldon that has previously been supported by Council.
<i>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</i>	It is likely that infrastructure will need to be provided. The initial dialogue with the applicant has made this clear and the applicant has indicated in principal that they are willing to provide adequate infrastructure at no cost to Council. The exact details are a matter for specialist studies.
<i>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</i>	The proposal would result in additional employment land within Picton which is a designated key growth centre under this policy.

FINANCIAL IMPLICATIONS

As noted previously in this report, the draft Planning Proposal is deemed to be Council's Planning Proposal once endorsed by Council and forwarded to the Minister. Despite the Planning Proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant. Council's Fees and Charges apply a further fee for checking final drafts of specialist studies which is aimed at Cost Recovery for anticipated resources.

Planning & Economy

If the Planning Proposal receives a positive Gateway Determination it will proceed to the next stage which involves further investigations into contributions towards infrastructure and facility provision through planning agreements and section 94 contributions.

CONCLUSION

The draft proposal is consistent in principle with Council's adopted Growth Management Strategy and it is therefore recommended that the Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.

ATTACHMENTS

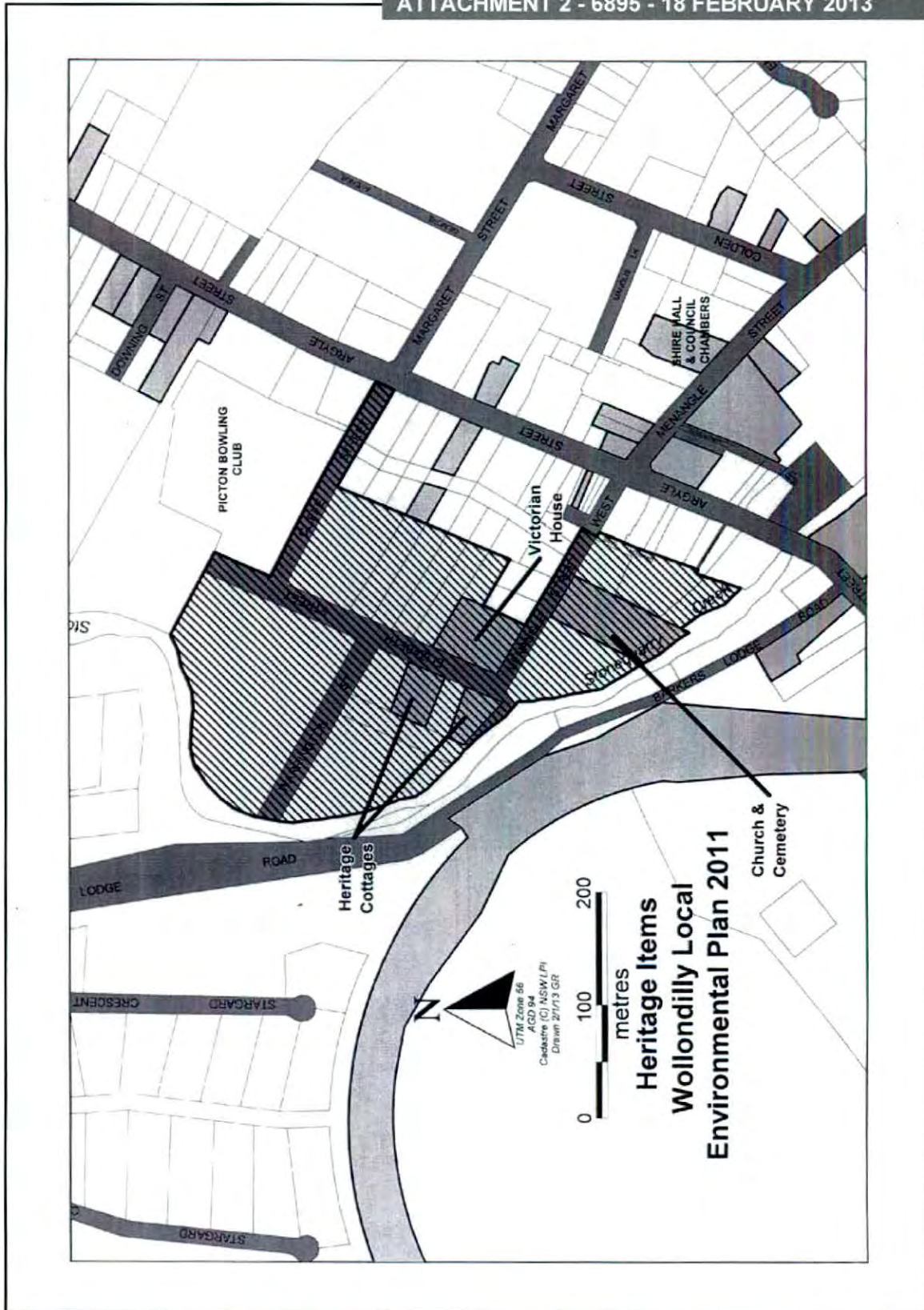
1. Current zoning map.
2. Heritage items.
3. Concept Zoning Map for amended Draft Planning Proposal.

RECOMMENDATION

1. That Council support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek. The land includes Cliffe St, Margaret St, Warrington St and part of Menangle St West and allotments legally known as Lot 1 DP 742569, Lot 4 Section 13 DP 939379, Lot A DP 162854, Lot 100 DP 1026533, Lot 3 DP 1089357, Lot 16 DP 1045305, Lot 15 DP 1045305, Lot 14 DP 1045305, Lot 13 DP 1045305, Lot 118 DP 1089524, Lot 117 DP 1089524, Lot 7 DP 1072259, Lot 1 DP 1023210, Lot 1 DP 1023843, Lot 1 DP 602401 and Lot 1 DP 743235.
2. That the Chamber of Commerce be invited to a meeting with staff to discuss the proposal and any other land use and traffic issues for business in Picton during the exhibition period.
3. That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.
4. That the applicant be advised of Council's resolution.

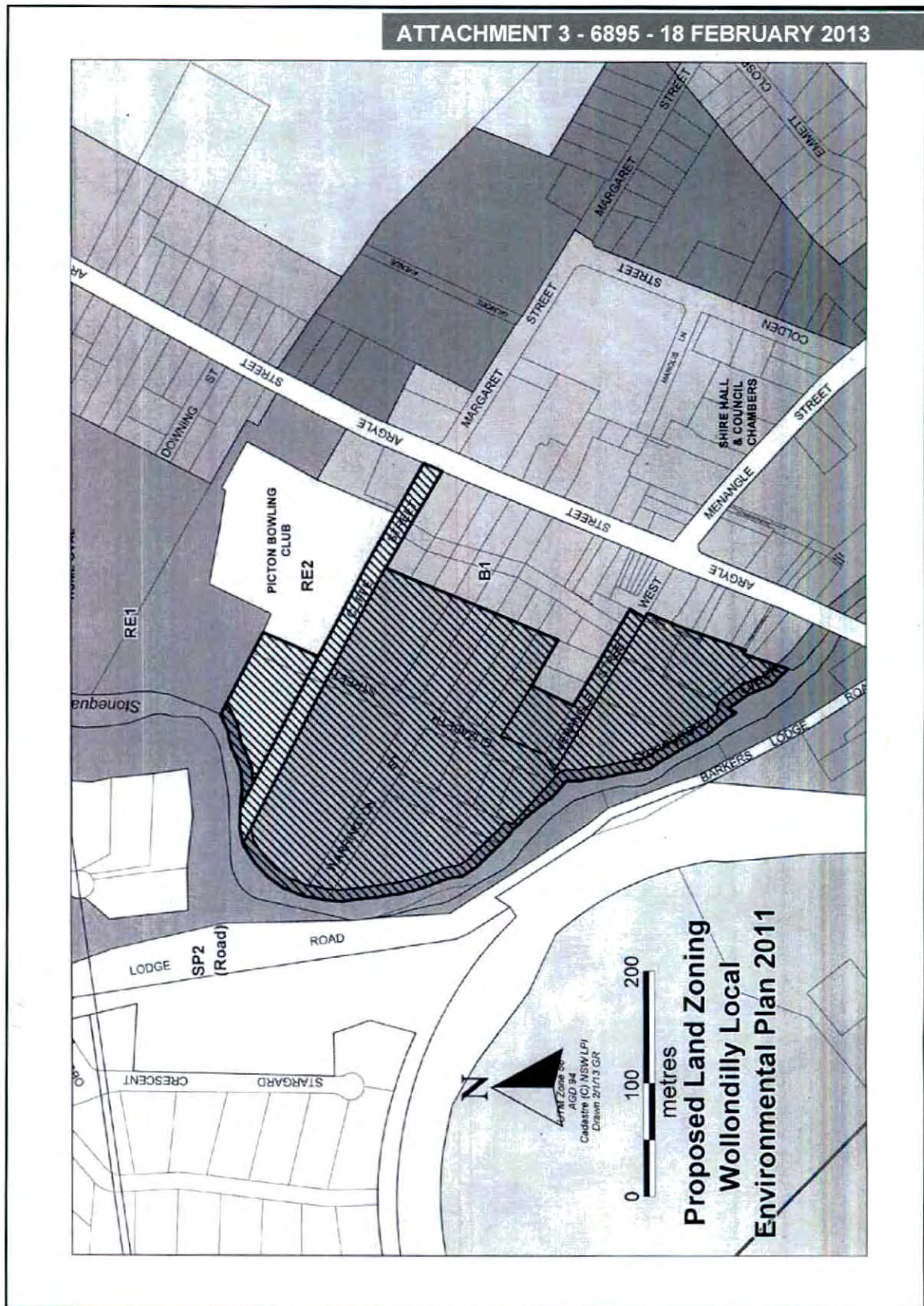


Planning & Economy



Planning & Economy

ATTACHMENT 3 - 6895 - 18 FEBRUARY 2013



Planning & Economy

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Shire Hall, 60 Menangle Street, Picton, on Monday 18 February 2013, commencing at 6.33pm

Wollondilly Shire and Its Planning and Economy

PE2
was PE1

Draft Planning Proposal - Stonequarry Commercial - Cliffe Street, Picton
211GROK TRIM 6895

Planning and
Economy

The Manager Development Assessment and Strategic Planning left the meeting at 7.23pm due to a previously declared Conflict of Interest in this item.

Moved on the motion of Crs Hannan and Law:

That Council not support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek until more details of flood and traffic management arrangements are provided.

Cr M Banasik foreshadowed a motion as per the original recommendation in the business paper with a couple of amendments.

7/2013

Resolved on the motion of Crs Hannan and Law:

That Council not support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek until more details of flood and traffic management arrangements are provided.

On being put to the meeting the motion was declared CARRIED.

Vote For: Crs Law, Hannan, Landow, Terry and Gibbs
Vote Against: Crs M Banasik, B Banasik and Amato

The Manager Development Assessment and Strategic Planning returned to the meeting at 7.34pm

NOTICE OF RESCISSION

TRIM 6416-3

RES1 **Notice of Rescission Motion No. 1 submitted by Cr M Banasik on 18 February 2013 in relation to Item PE1 of the Ordinary Meeting of Council held on 18 February 2013 – Draft Planning Proposal – Stonequarry Commercial – Cliffe Street, Picton**

RESCISSION MOTION

That Council rescind the resolution of the Ordinary Meeting held on 18 February 2013 as listed below.

RESOLUTION

7/2013 **That Council not support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek until more details of flood and traffic management arrangements are provided.**

ALTERNATIVE MOTION

1. That Council support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek. The land includes Cliffe St, Margaret St, Warrington St and part of Menangle St West and allotments legally known as Lot 1 DP 742569, Lot 4 Section 13 DP 939379, Lot A DP 162854, Lot 100 DP 1026533, Lot 3 DP 1089357, Lot 16 DP 1045305, Lot 15 DP 1045305, Lot 14 DP 1045305, Lot 13 DP 1045305, Lot 118 DP 1089524, Lot 117 DP 1089524, Lot 7 DP 1072259, Lot 1 DP 1023210, Lot 1 DP 1023843, Lot 1 DP 602401 and Lot 1 DP 743235.
2. That the Chamber of Commerce be invited to a meeting with staff to discuss the proposal and any other land use and traffic issues for business in Picton during the exhibition period.
3. That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.
4. That the applicant be advised of Council's resolution.

Notices of Motion/Rescissions to the Ordinary Meeting of Council held on Monday 18 March 2013



Notice of Rescission Motion / Notice of Alternative Motion

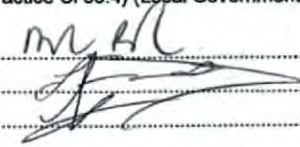
I / We the undersigned give notice that at the Ordinary Meeting of Council to be held on 18/3/2013 the following Rescission Motion will be moved:

Rescission Motion

That Minute No PE 1 or the decision in respect of Item number of the Ordinary Meeting of Council held on 17/3/2013 be rescinded.

The Rescission Motion relates to the following subject matter:
Pector Commercial Meeting

Signed by: (minimum three Councillors if rescinded item is less than three months old) (Code of Meeting Practice CI 38.4) (Local Government Act S 372).

1		Dated: <u>18/2/2013</u>
2		Dated: <u>18/2/2013</u>
3		Dated: <u>18/2/13</u>
4		Dated:
5		Dated:
6		Dated:
7		Dated:
8		Dated:
9		Dated:

NOTE: In the event of this Rescission being carried, an alternative motion should be provided. Notice must be with the General Manager by noon on the sixth calendar day prior to the day of the meeting (Code of Meeting Practice CI 29).

Notice of Alternative Motion

Moved by Cllr: Michael Boman
THAT: Support as per council motion

TRIM 827#106

Notices of Motion/
Rescissions



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 March 2013, commencing at 6.29pm

Notice of Rescissions

NOTICE OF RESCISSIONS

TRIM 6416-3

RES1 Notice of Rescission Motion No. 1 submitted by Cr M Banasik on 18 February 2013 in relation to Item PE1 of the Ordinary Meeting of Council held on 18 February 2013 – Draft Planning Proposal – Stonequarry Commercial – Cliffe Street, Picton

Notice of
Rescissions

The Manager Development Assessment and Strategic Planning left the meeting due to a previously declared Conflict of Interest in this Item.

45/2013 Resolved on the motion of Crs M Banasik and Hannan:

That Council rescind the resolution of the Ordinary Meeting held on 18 February 2013 as listed below.

7/2013 That Council not support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek until more details of flood and traffic management arrangements are provided.

On being put to the meeting the motion was declared CARRIED.

Vote For: Crs Mitchell, M Banasik, Amato, Terry, B Banasik, Landow, Gibbs and Hannan

Vote Against: Cr Law

TRIM 6895

46/2013 Resolved on the motion of Crs M Banasik and Hannan:

1. That Council support the preparation of a draft Planning Proposal to rezoning of land between the Picton commercial area and Stonequarry Creek. The land includes Cliffe St, Margaret St, Warrington St and part of Menangle St West and allotments legally known as Lot 1 DP 742569, Lot 4 Section 13 DP 939379, Lot A DP 162854, Lot 100 DP 1026533, Lot 3 DP 1089357, Lot 16 DP 1045305, Lot 15 DP 1045305, Lot 14 DP 1045305, Lot 13 DP 1045305, Lot 118 DP 1089524, Lot 117 DP 1089524, Lot 7 DP 1072259, Lot 1 DP 1023210, Lot 1 DP 1023843, Lot 1 DP 602401 and Lot 1 DP 743235.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber,
62-64 Menangle Street, Picton, on Monday 18 March 2013, commencing at 6.29pm

Notice of Rescissions

2. That the Chamber of Commerce, *shop keepers and neighbouring effected residents* be invited to a meeting with staff to discuss the proposal and any other land use and traffic issues for business in Picton during the exhibition period.
3. That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.
4. That the applicant be advised of Council's resolution.
5. *That the issues of traffic and flooding be looked at strongly during this process.*

Notice of
Rescissions

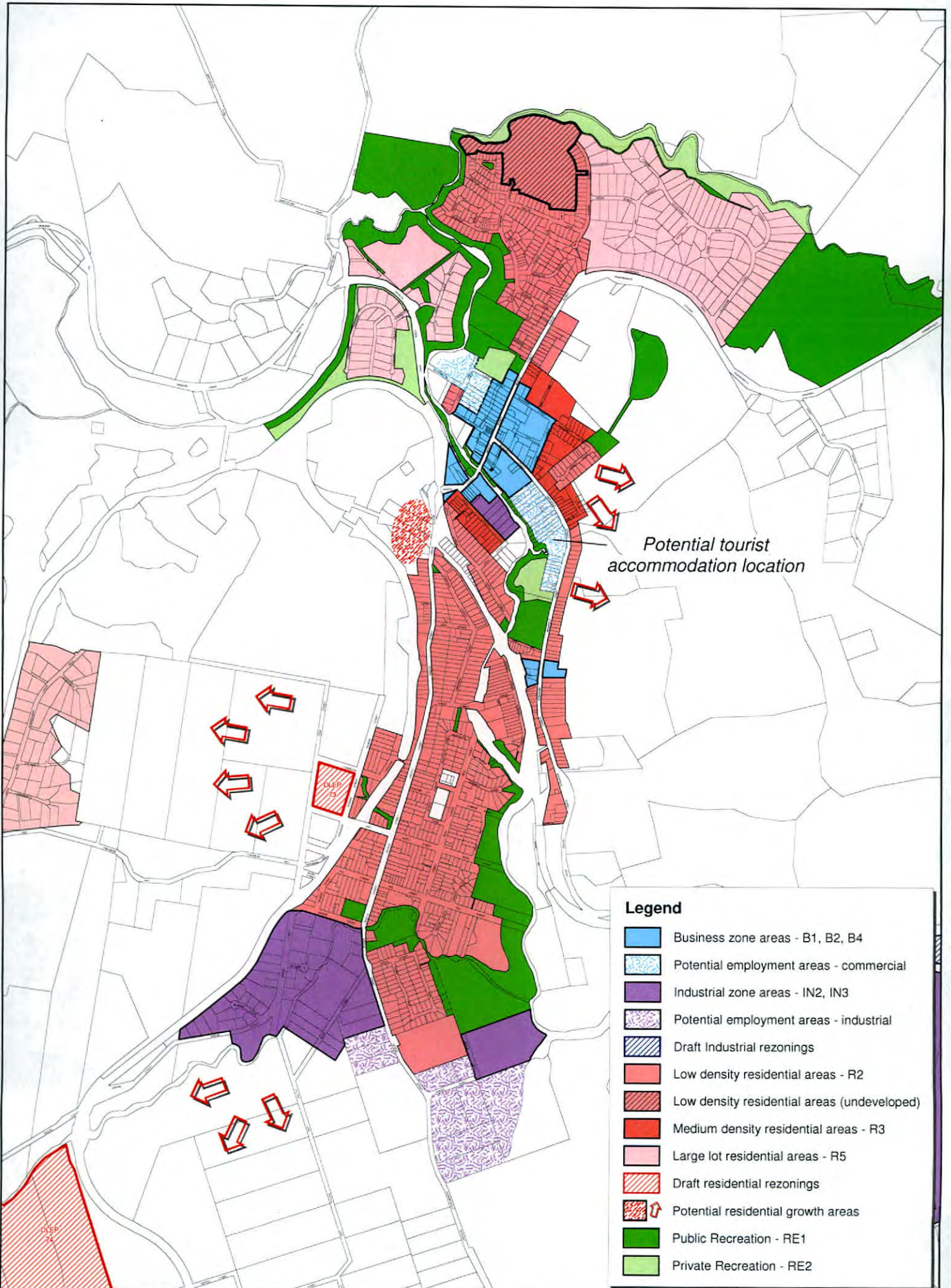
On being put to the meeting the motion was declared CARRIED.

Vote For: Crs Mitchell, M Banasik, Amato, Terry, B Banasik, Landow,
Gibbs and Hannan

Vote Against: Cr Law

The Manager Development Assessment and Strategic Planning rejoined the meeting.

Appendix 4: Structure Plan for Picton



Appendix 5: Applicant's flood study



WorleyParsons

resources & energy

EcoNomics

MANSOUR WARDA ENTERPRISES

Picton Lands Flood Impact Assessment

301015-01001-00 –

21.12.09

Infrastructure & Environment

Level 12, 141 Walker Street,
North Sydney NSW 2060
Australia

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ABN 61 001 279 812

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MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

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PROJECT 301015-01001-00 - PICTON LANDS FLOOD IMPACT ASSESSMENT

REV	DESCRIPTION	ORIG	REVIEW	WORLEY-PARSONS APPROVAL	DATE	CLIENT APPROVAL	DATE
A	Draft	dmc	dmc	N/A	21.12.09	N/A	
B	Final	dmc	dmc		12.01.10		



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3	INITIAL STAGE MODELLING	4
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MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

1 INTRODUCTION

Mansour Warda Enterprises Pty Ltd is proposing to develop a shopping centre complex on 4.3 to 5.5 ha of primarily vacant land situated on a floodplain terrace inside a large bend in Stonequarry Creek in Picton. The site lies just north of the current business centre of the town and abuts the bowling club and recreational grounds, **Figure 1**.

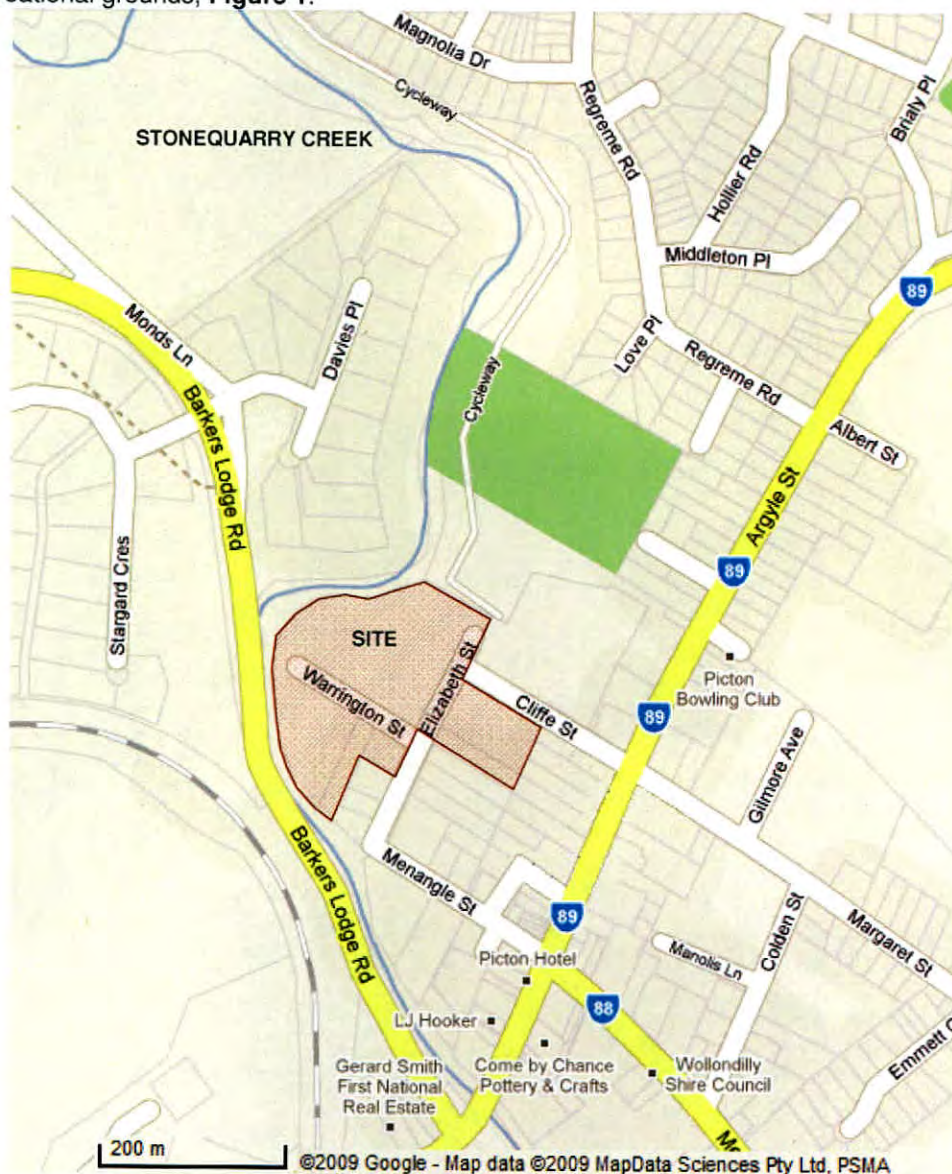


Figure 1 - Site Plan



MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

The objective of the study was to investigate the constraints and opportunities for the site in relation to flooding impacts as a result of the proposed development. The proposal was to allow for the possible extension of Cliffe Street across the creek to join Barkers Lodge Road as a Council initiative to improve flood access and to provide a bypass around the existing town centre.

Consideration was to be given to the impact of the proposed development on surrounding flood behaviour for the 100yr ARI design flood, and the impact that rarer floods, characterised by the PMF, will have on risk to life issues related to the proposed development.

2 FLOOD MODEL

The study utilized the two dimensional RMA hydrodynamic model developed as part of Council's recent Flood Study update.

Surveyed spot elevations covering the site and the adjacent bowling club grounds (*Darryl Warry, Oct 2009*) were used to construct a digital terrain model of the area which was used to update the geometry in the 2D model. The model's terrain surface in the vicinity of the site is shown in **Figure 2**.

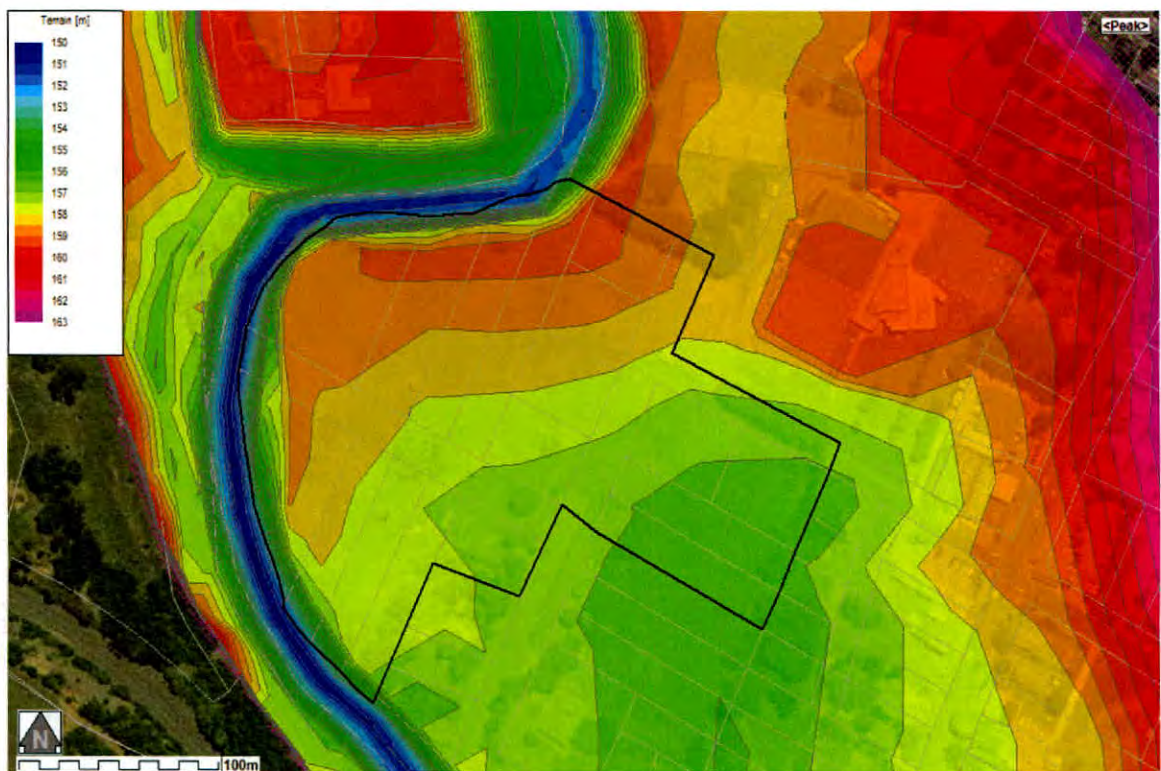


Figure 2 - Flood Model Terrain Detail in Vicinity of the Site



MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

The 100yr ARI (*average recurrence interval*) flow hydrograph was run through the updated model terrain and the results for this existing case are presented in **Figures 3 & 4**.

Just upstream of the site, flows break over the small natural levee creating a distinct flowpath across the rear of the floodplain terrace past the bowling club grounds, **Figure 4**. Flows also break progressively across the natural levee along the north edge of the site as well as along the west edge beyond the bend. These flows coalesce through the southern part of the floodplain terrace before re-entering the channel downstream of the Argyle Street Bridge.

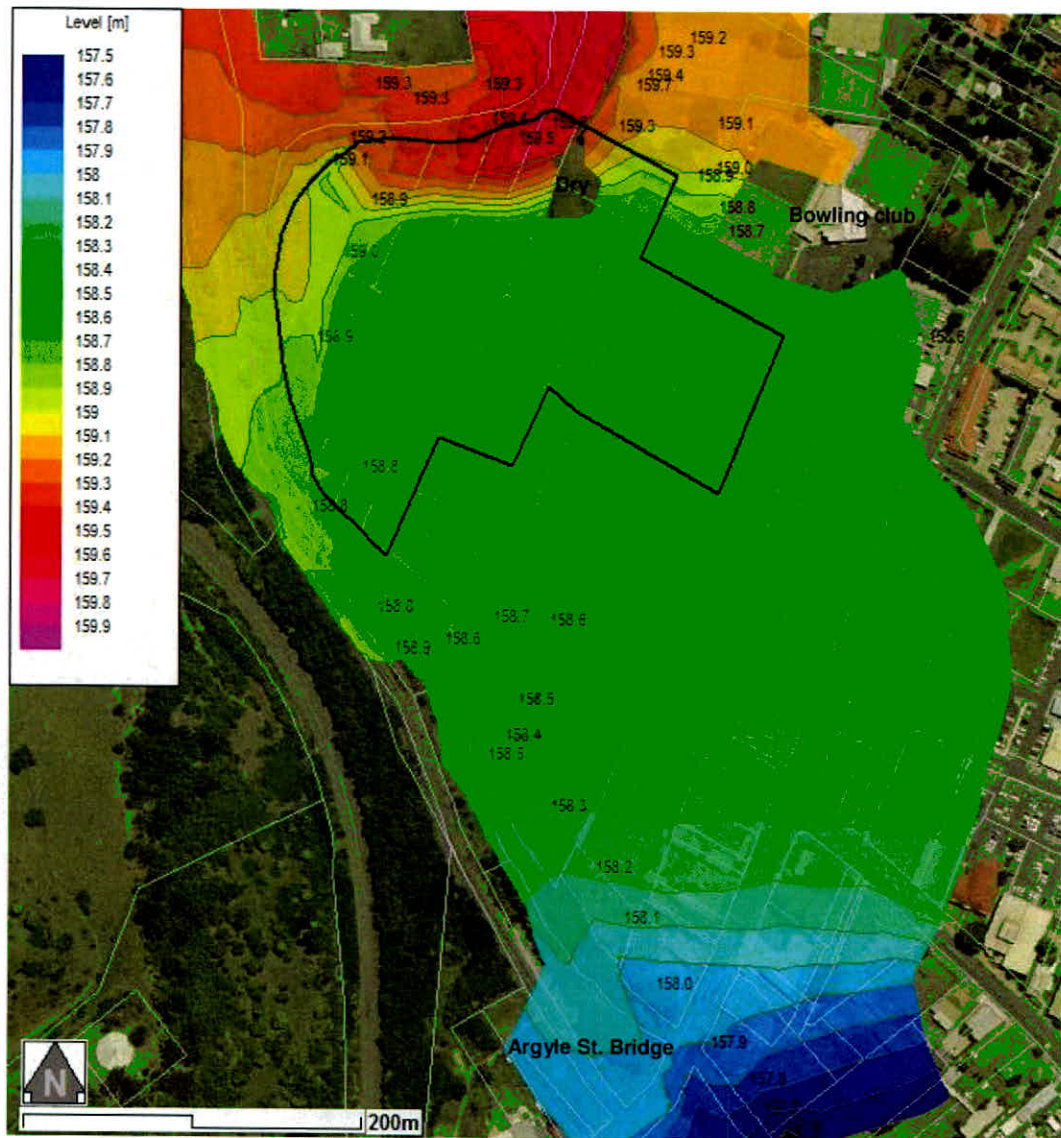


Figure 3 - Existing conditions, peak 100yr ARI flood surface



**MANSOUR WARDA ENTERPRISES
PICTON LANDS FLOOD IMPACT ASSESSMENT**

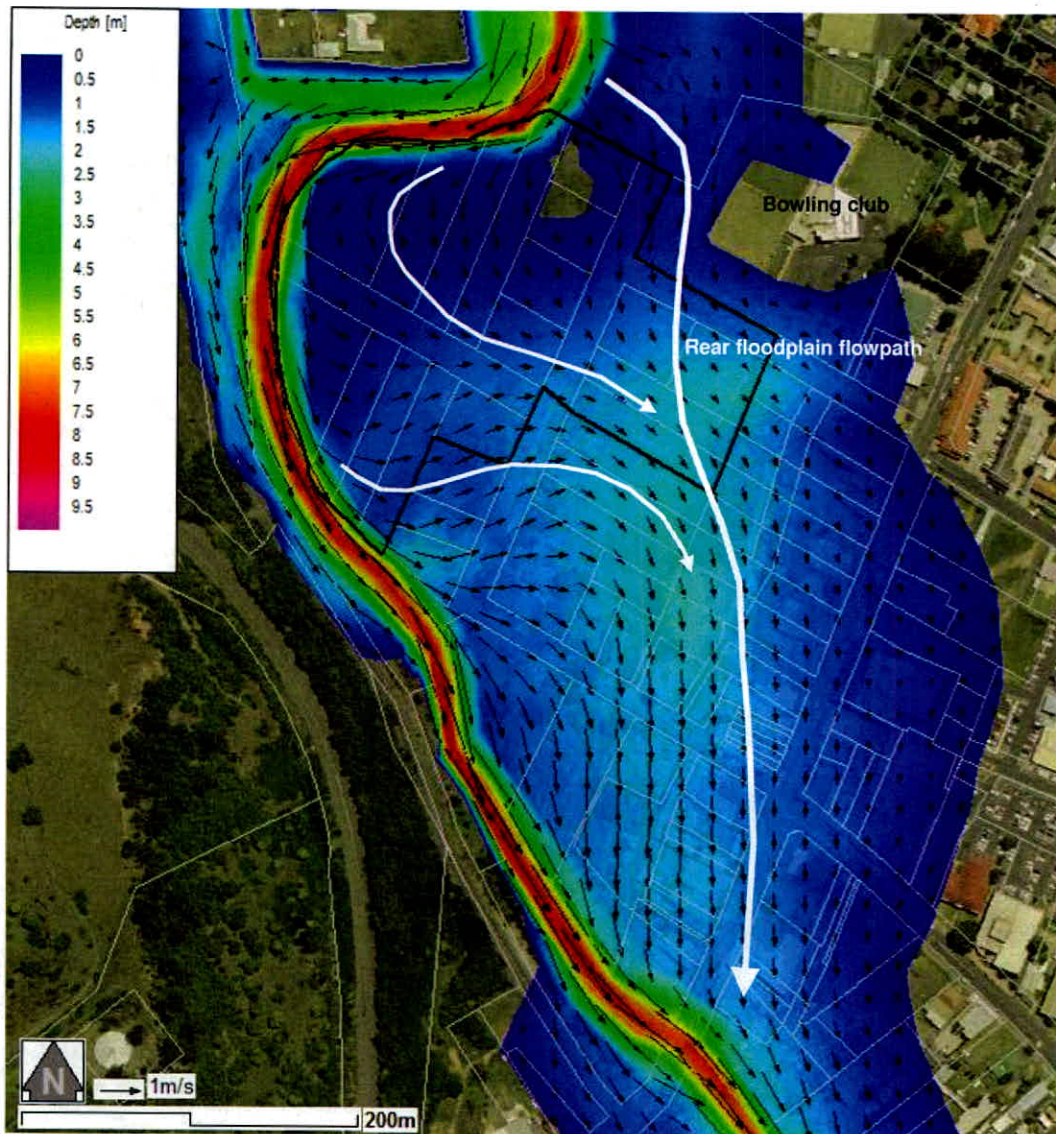


Figure 4 - Existing conditions, peak 100yr ARI flood depths and velocity vectors

3 INITIAL STAGE MODELLING

To characterise the potential flood impacts of any significant development on the site an initial concept involving two building blocks south of Cliffe Street separated by a mall along Elizabeth Street was investigated, **Figure 5**. Cliffe Street would be raised to RL 158.6m AHD and a landscaped riverside park corridor included along the boundary with the creek.



MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

The initial concept was modelled by blocking out the building footprints from the model's mesh and accommodating other elevation changes as appropriate. A number of scenarios were run iteratively, seeking to minimize upstream flooding impacts:

- Run 1. Lowering the proposed riverside park area to increase creek channel conveyance,
- Run 2. Adding a constructed flowpath channel along the east side of the proposed building blocks,
- Run 3. Further lowering the riverside park area so that it would extend under any bridge on Cliffe Street, and
- Run 4. Filling a low section along the crest of the natural levee that extends north from the site, together with the lowered riverside park.

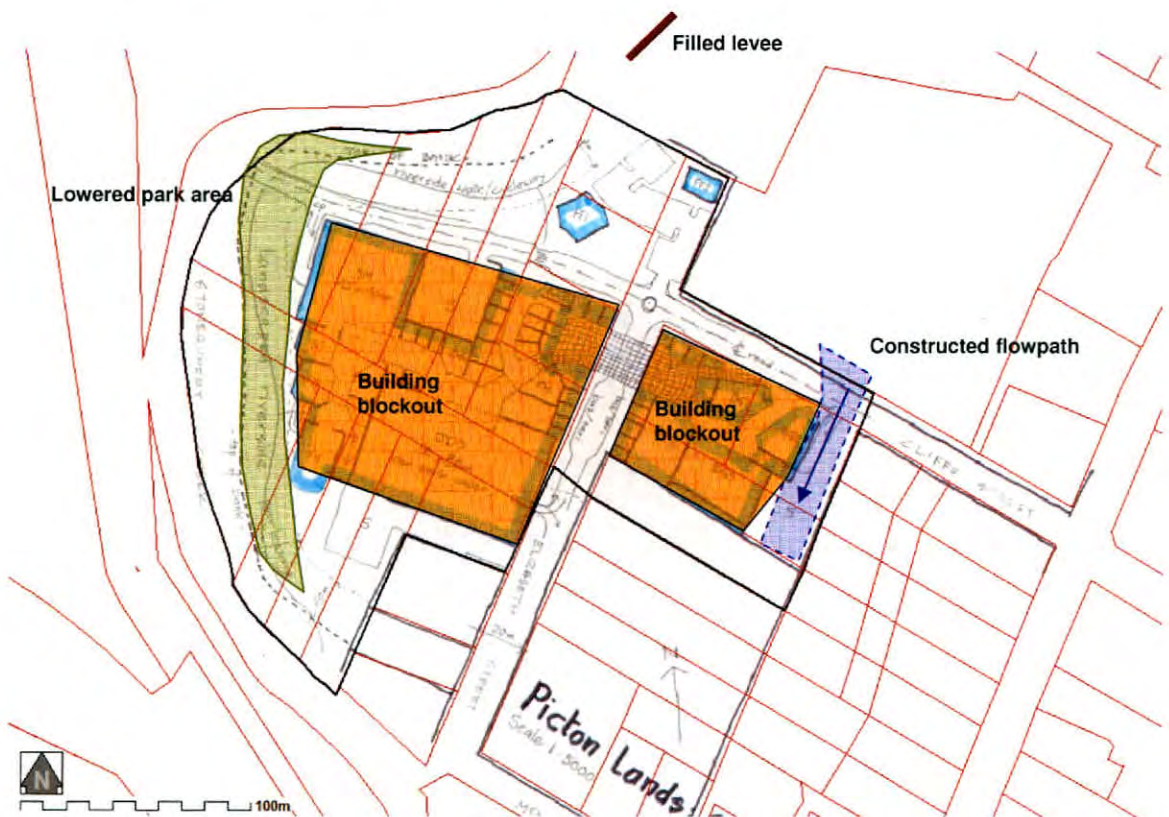


Figure 5 - Initial development concept as modelled

Each of these model runs have, iteratively attempted to mitigate the impacts that the proposed development would have on intersecting flows across the site, especially the rear floodplain flowpath. The peak flood water level difference maps, indicate the increasing benefit with each iteration as upstream flood level impacts are reduced, **Figures 6, 7, 8 & 9.**



MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

These model runs indicate the need for increased conveyance through the riverside park corridor as compensation for reducing the flow conveyance across the site.



Figure 6 - Lowering the riverside park, Flood level difference

Green areas indicate a reduction in flood levels.

Red areas indicate an increase in flood levels.



Figure 7 - Lowered riverside park + constructed channel, Flood level difference

Note reduced upstream impacts



Figure 8 - Further riverside park lowering, Flood level difference

Note further impact reductions upstream and downstream



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PICTON LANDS FLOOD IMPACT ASSESSMENT



**Figure 9 - Further lowered riverside park
+ levee filling,
Flood level difference**

Note general benefits upstream and downstream except surrounding the building area

4 FINAL STAGE MODELLING

To allow for a freer optimization for planning of the site, a second set of runs was undertaken with the model reflecting a modified site plan. The entire site except for the riverside park corridor was blocked out from the model, including the lots east of Elizabeth Street and south of the site to Menangle Street. A flow corridor along the southern edge was however maintained to facilitate flows spreading out from the riverside park corridor and the creek channel as indicated in the first stage modelling, **Figure 10**.



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Figure 10 - Revised building blackout area

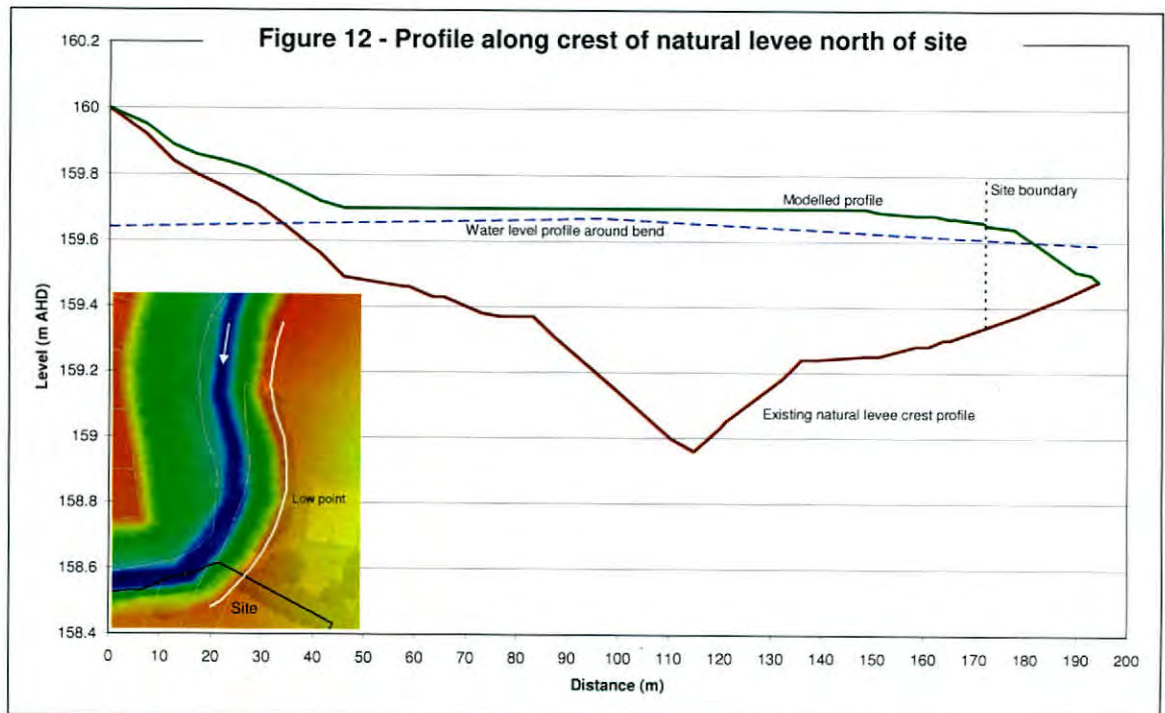
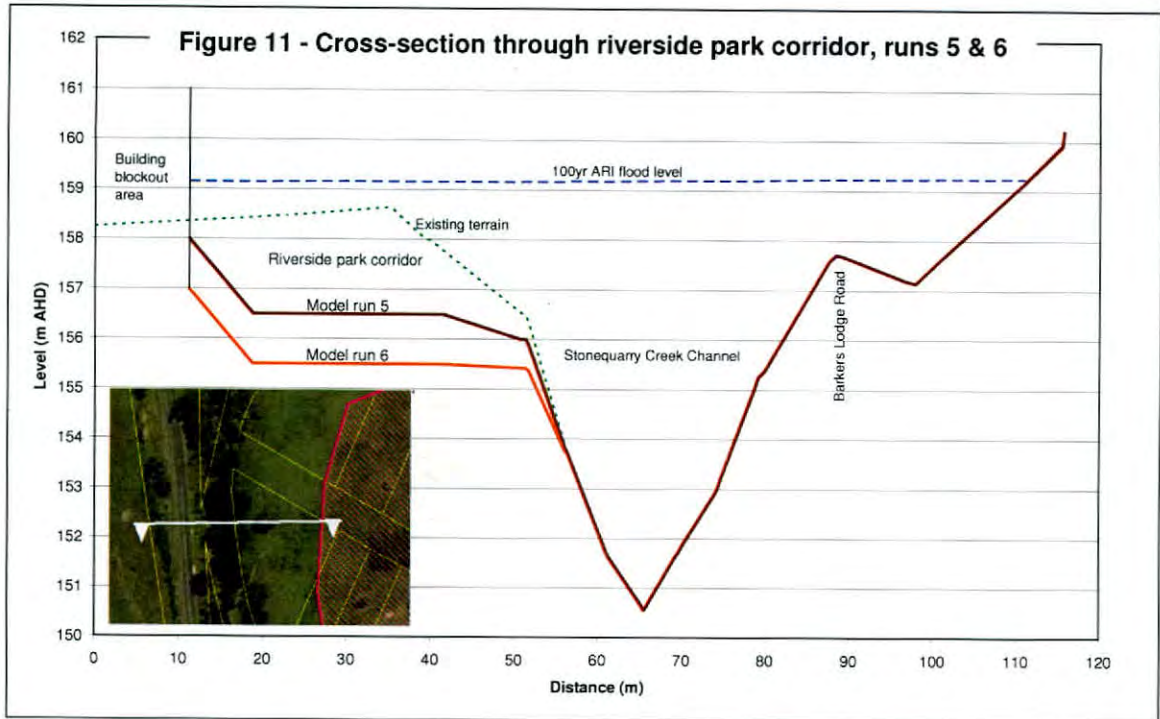
This blocking out arrangement allows for some flexibility in planning building footprints without the need for modeling each building option. It also allows for the possible extension of Cliffe Street to Barkers Lodge Road to be incorporated on any preferred alignment. Should Cliffe Street be extended, the bridge would have to cross the parkway corridor as well as the channel to maintain the necessary flow conveyance area.

Two model scenarios were run for the revised blackout areas:

- Run 5. Filling the low section along the crest of the natural levee that extends north from the site, together with the lowering the parkway with a side slope from RL 158 along the edge of the blackout area to a terrace at RL 156.5, **Figures 11 & 12.**
- Run 6. Filling the low section along the crest of the natural levee that extends north from the site, together with the lowering the parkway with a side slope from RL 157 along the edge of the blackout area to a terrace at RL 155.5, **Figures 11 & 12.**



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The approximate quantities of material to be moved are 18,000 cu.m of excavation plus 8,000 cu.m of fill for run 5 and 23,000 cu.m of excavation plus 8,000 cu.m of fill for run 6.

The results for these two model runs showing the peak 100yr ARI flood surface and peak depths together with velocity vectors are presented in **Figures 13, 14, 15 & 16.**

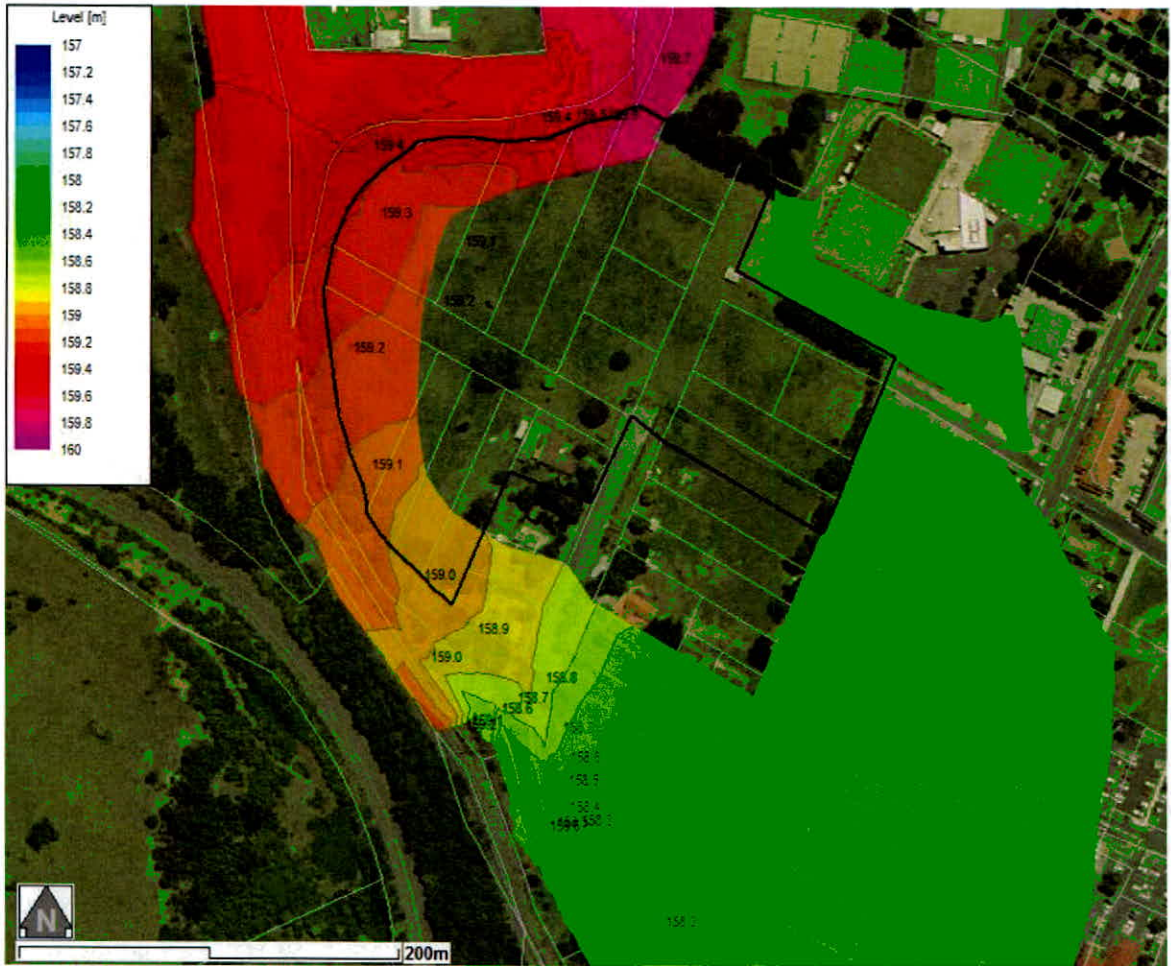


Figure 13 - Run 5, Peak 100yr flood surface



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PICTON LANDS FLOOD IMPACT ASSESSMENT

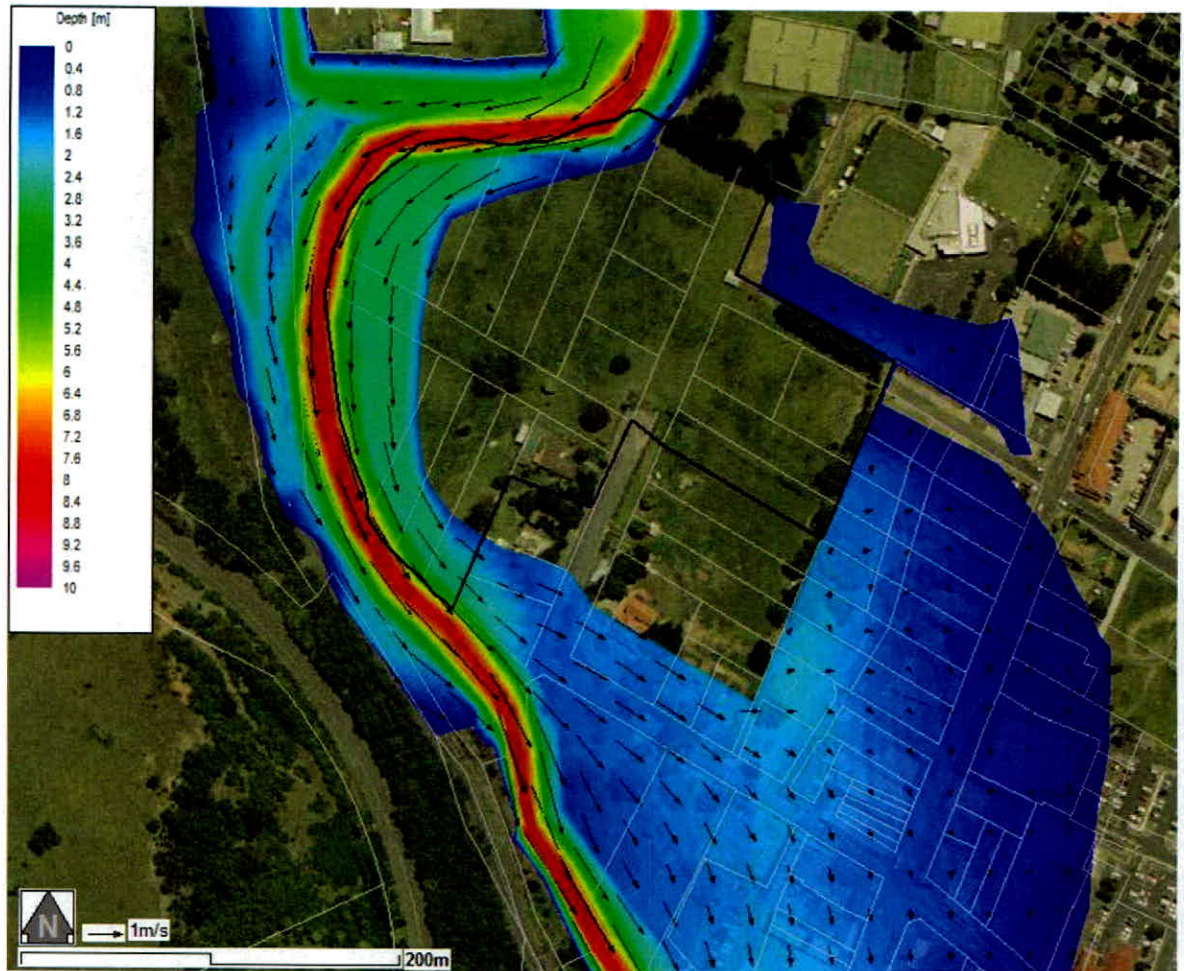


Figure 14 - Run 5, Peak flood depths and velocity vectors



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Figure 15 - Run 6, Peak 100yr flood surface



MANSOUR WARDA ENTERPRISES
PICTON LANDS FLOOD IMPACT ASSESSMENT

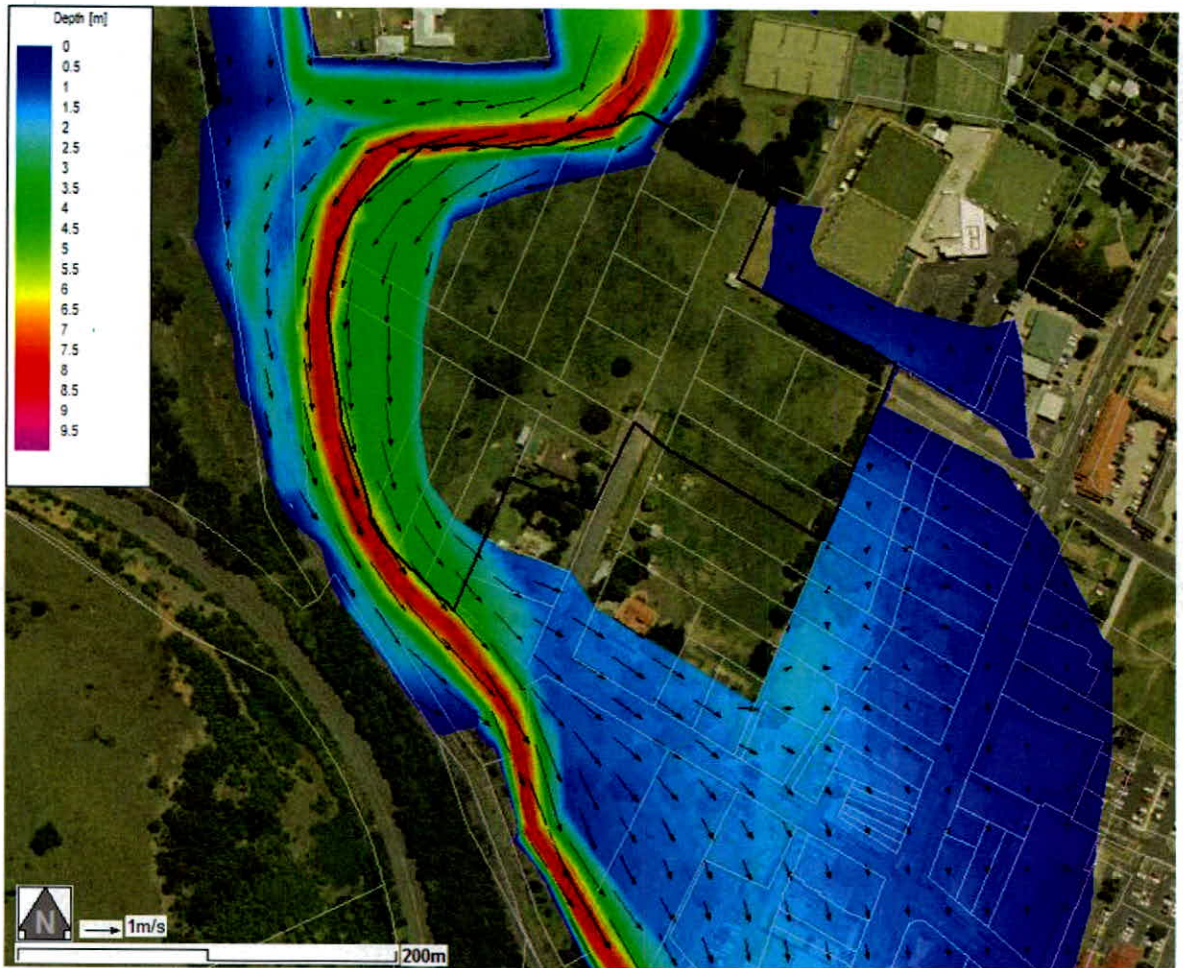


Figure 16 - Run 6, Peak 100yr flood depths and velocity vectors

Peak 100yr ARI flood water level differences compared to the existing are shown for runs 5 & 6 in **Figures 17 & 18** respectively. Whilst the results for run 5 indicate a slight increase in flood levels upstream of the site in the order of 0.08m, the increases are confined to the main channel and the small tributary backchannel to the east, and do not affect any existing properties. Run 6 reduces these upstream impacts effectively to zero.

There are also benefits to the commercial centre where levels reduce by 0.3m east of the site diminishing to zero at the Argyle Street Bridge, and the recreation area upstream of the site would be free of flooding for the 100yr ARI flood.



MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

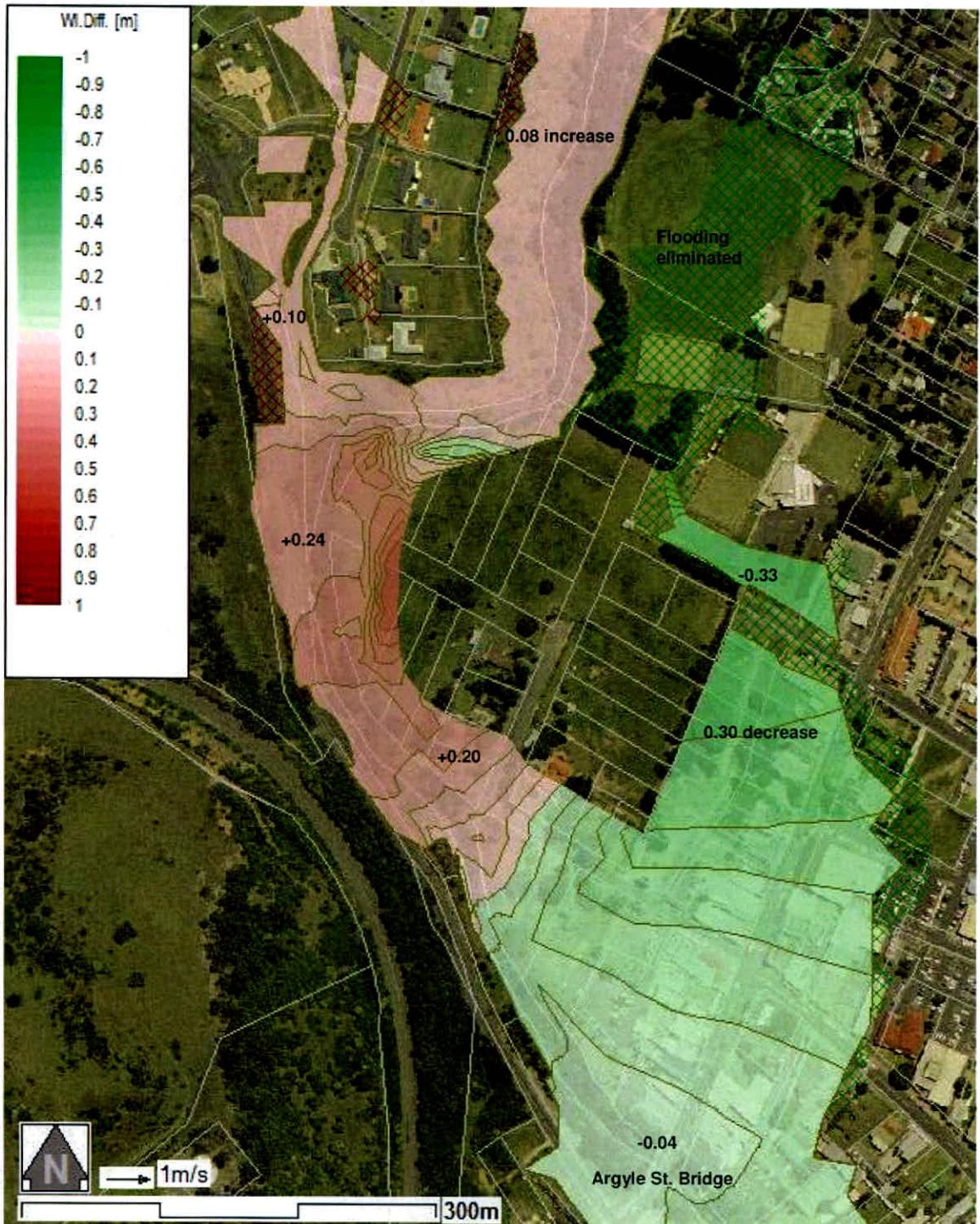


Figure 17 - Run 5, Flood level impacts



MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

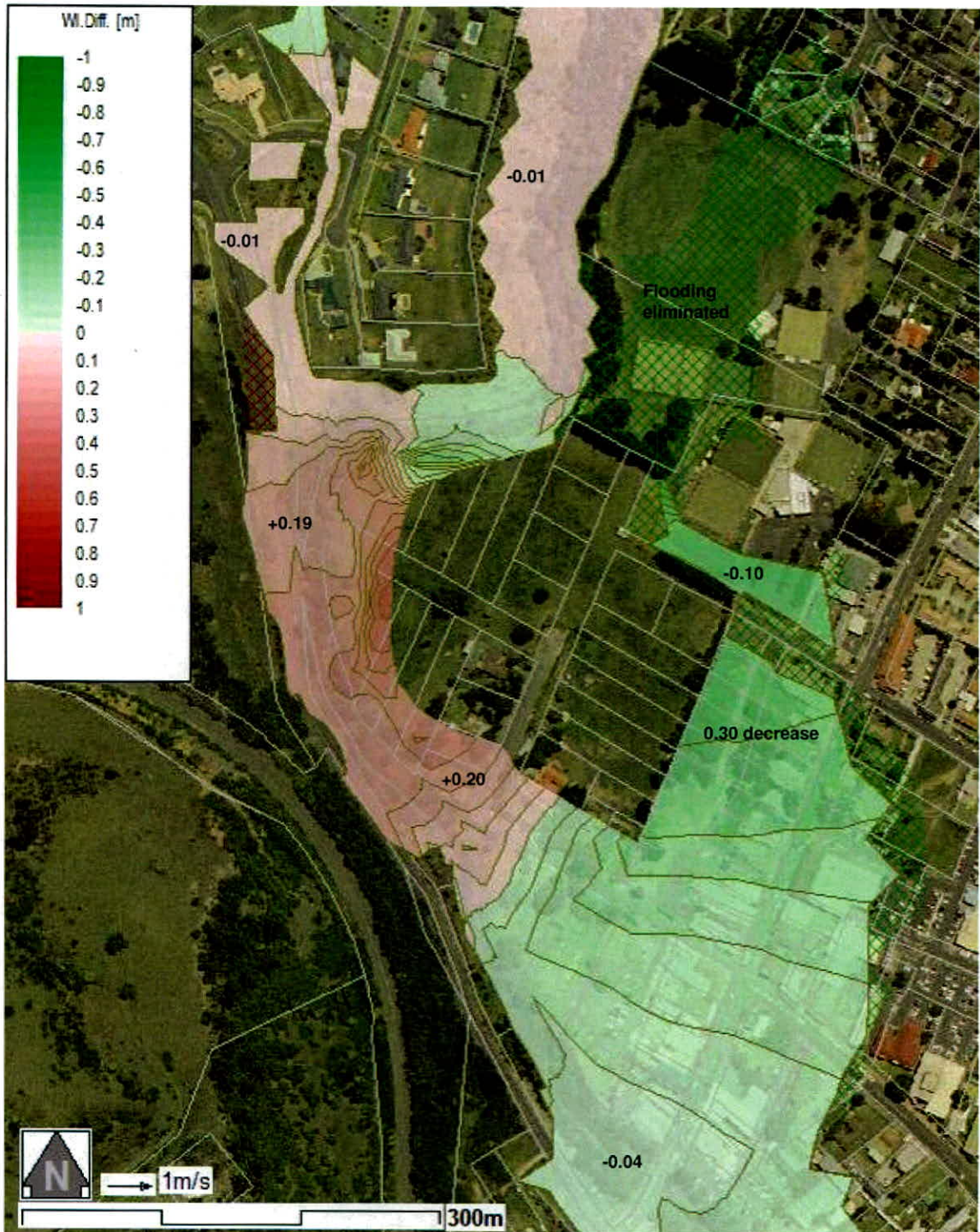


Figure 18 - Run 6, Flood level impacts



5 RISK TO LIFE ISSUES

There is a duty of care required to demonstrate an understanding of the risk to life impacts for all levels of flooding up to the PMF (*probable maximum flood*) so that appropriate measures can be undertaken to minimize the risks and provide for fail safe evacuation where required.

The stage 2 concept model was run with the PMF to ascertain ultimate hydraulic hazards across the floodplain, **Figure 19**. The results indicate that almost the entire floodplain corridor experiences velocity times depth values greater than 3 affecting the site and the existing commercial centre. These conditions will be apparent with or without the proposed development. Such conditions would impose extreme hazards and necessitate early evacuation to adjacent high land. The realisation of the proposed development may provide the impetus for installation of a rain gauge linked flood warning system that would be of benefit to the entire town.



MANSOUR WARDA ENTERPRISES PICTON LANDS FLOOD IMPACT ASSESSMENT

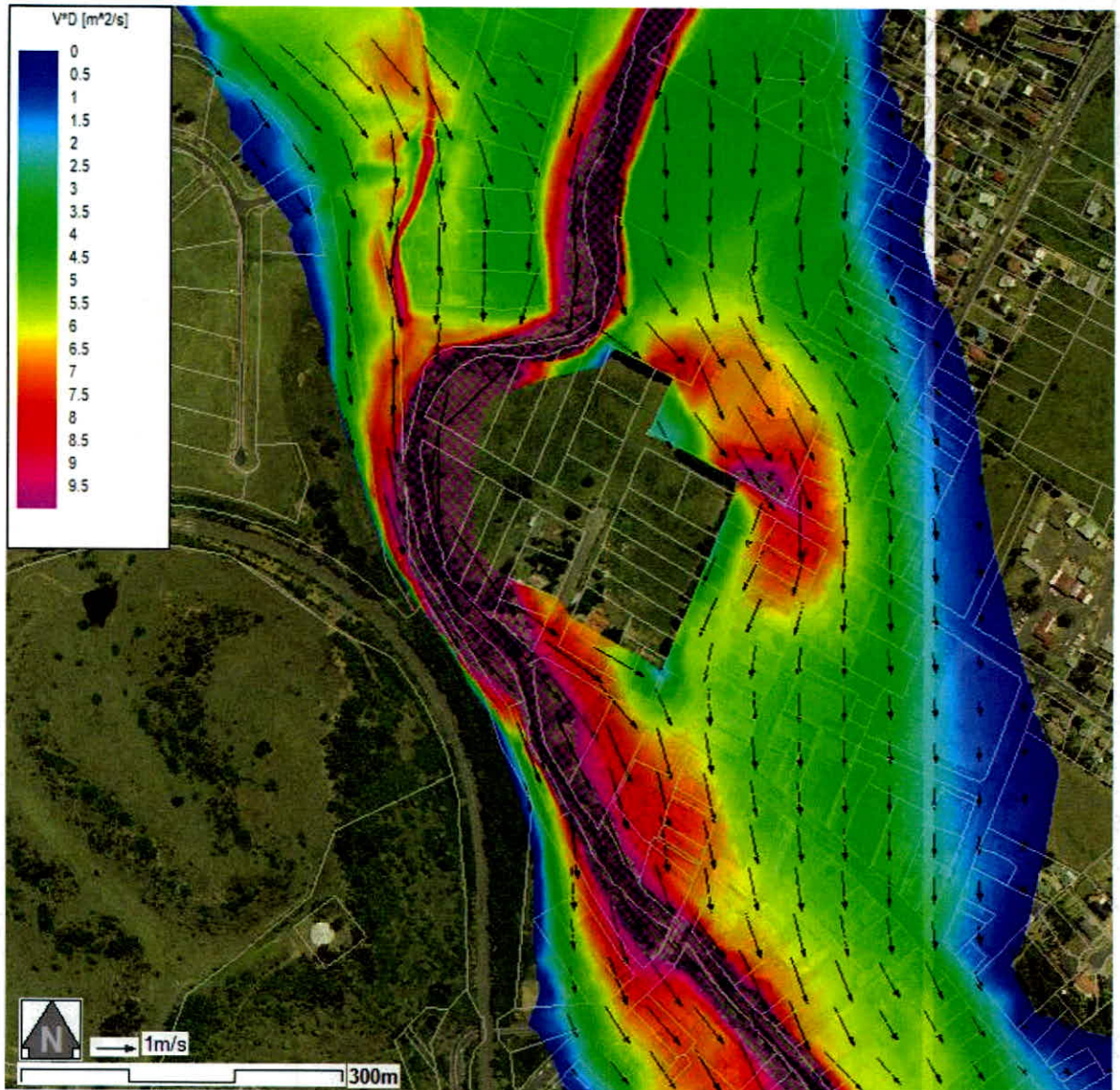


Figure 19 - PMF flood hazard (velocity * depth)



**MANSOUR WARDA ENTERPRISES
PICTON LANDS FLOOD IMPACT ASSESSMENT**

6 CONCLUSIONS

The shopping complex proposed by Mansour Warda Enterprises for Picton can be accommodated on the Stonequarry Creek floodplain with minimal impacts on existing properties for the 100yr ARI flood.

To achieve this outcome:

- the existing high riverbank around the east side of the site will need to be lowered by 2 to 3m over a width of approximately 30m to provide sufficient additional flow conveyance in the main channel as compensation for blocking of the floodplain flowpath, and
- a low point or saddle in the natural levee along the left bank immediately upstream of the site will need to be raised by about 1m at its lowest point.

The existing commercial centre would benefit with reduced flood levels, and the recreation area upstream of the site would be free from flooding in a 100yr ARI flood.