



ATTACHMENTS TO REPORTS –
Item 13.7 – Review of Resolution to Amend the
Minimum Lot Size of 15 Gibraltar Road,
Mittagong

ORDINARY COUNCIL MEETING

Wednesday 14 November 2018

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Attachments to Reports

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Item 13.7

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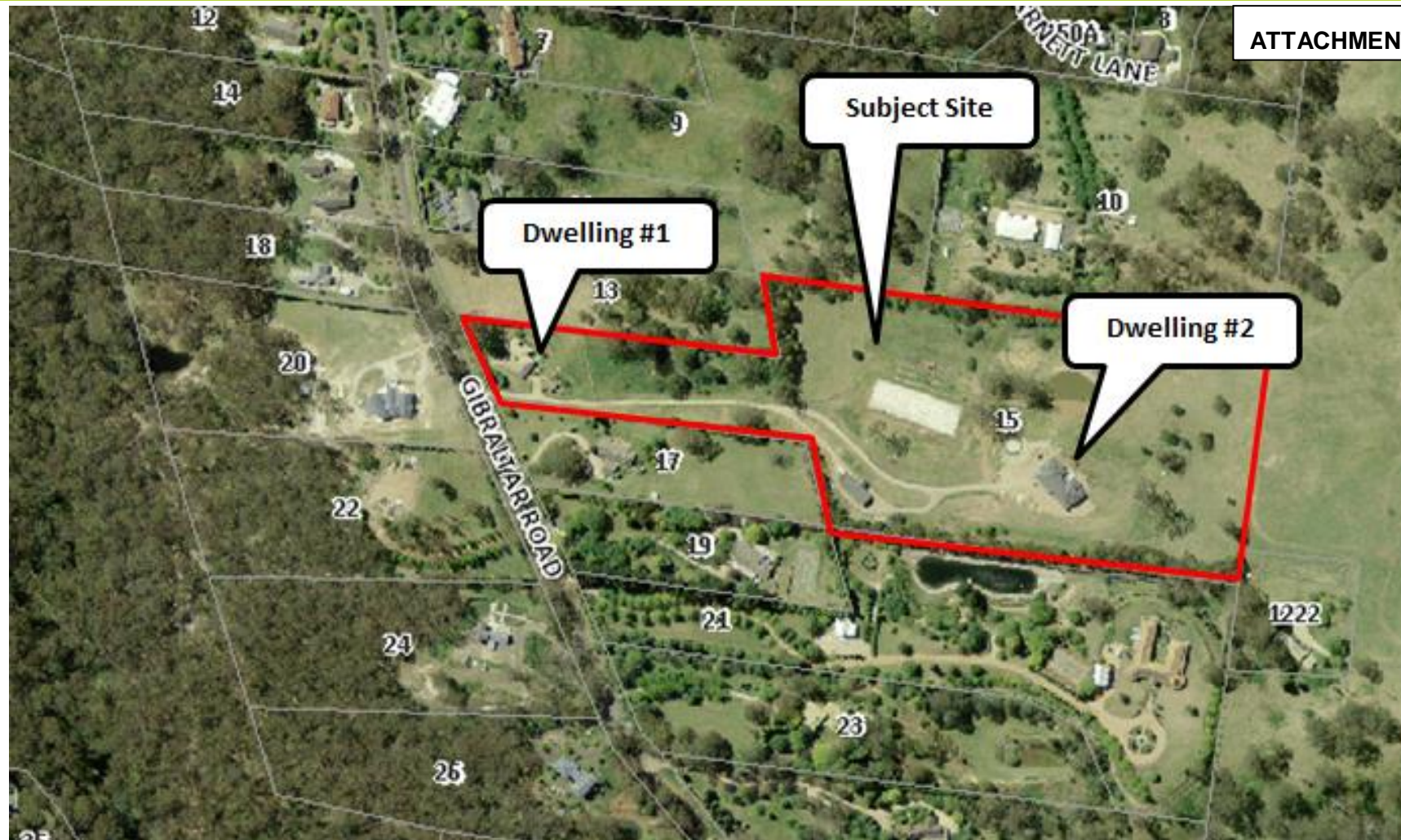


Figure 1 – Location of Subject Land on Gibraltar Road



Planning Proposal Submission

ATTACHMENT 2*Office Use Only*

Date Received	
Receipt of Fees	
Property Number	

Planning Proposal to amend the WLEP
2010 Minimum Lot Size Map from 4
hectares to 1hectare at Lot 107 DP 15496
No. 15 Gibraltar Road, Mittagong

Version 1 – For Council Assessment & Determination –
October 2016

Submitted by: Bureaucracy Busters Town Planning
Consultants

Please deliver to Wingecarribee Shire Council:

- By hand to Customer Service Centre, Elizabeth Street, Moss Vale NSW 2577,
- By mail to Po Box 141 Moss Vale NSW 2577,
- By email to wscmail@wsc.nsw.gov.au

For further information contact Council's Strategic Planning Branch on 02 4868 0888



www.wsc.nsw.gov.au



PLANNING PROPOSAL TO DESCRIBE

VERSION 1 - FOR COUNCIL ASSESSMENT & DETERMINATION - MONTH 20xx

ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

**13.7 Review of Resolution to Amend the Minimum Lot Size of 15
Gibraltar Road, Mittagong
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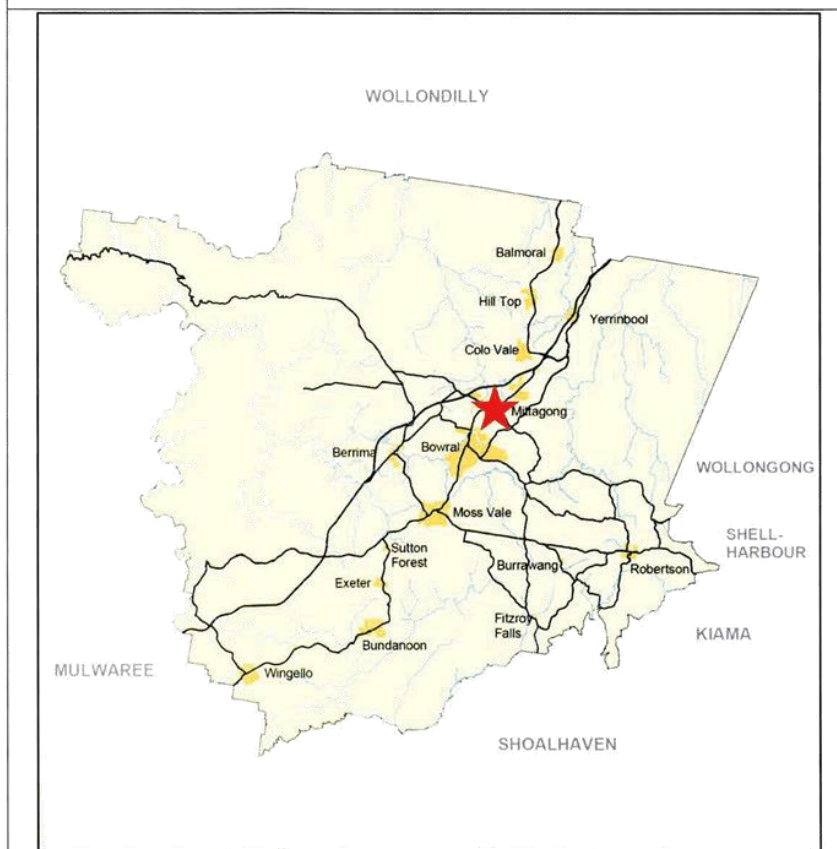
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LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot 107 DP 15496, No. 15 Gibraltar Road, Mittagong

SHIRE WIDE LOCATION



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SITE LOCATION & DESCRIPTION

Lot 107 DP 15496, No. 15 Gibraltar Road, Mittagong is located on the eastern side of Gibraltar Road at approximately 1.6kms south east from the summit of Mount Gibraltar. The area is characterised by lot sizes varying in area from 1 hectare to 6 hectares with the majority of lots in the location varying between 1 and 2 hectares in area. The subject lot in having an area of approximately 6.5 hectares is therefore atypical in being substantially larger than the average lot area characteristic of the location.

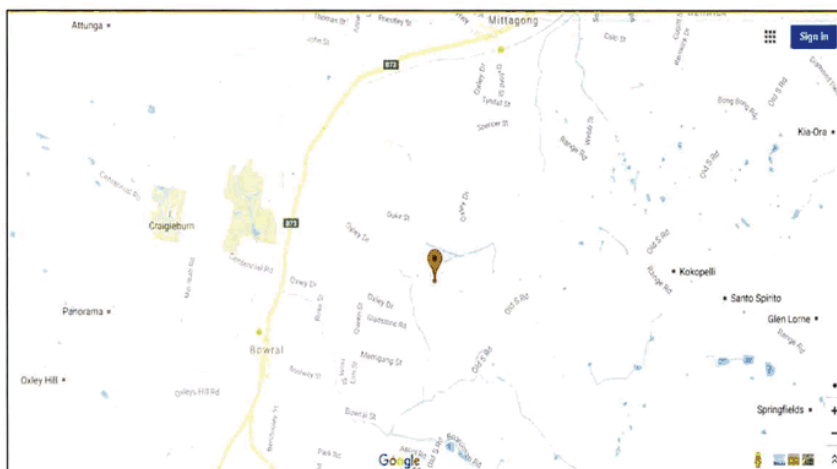


Image 1: Location Map. Source: Google Maps.

Exclusive of the battle axe handle the lot has an area of a little over 5 hectares, with the remaining 1 hectare within the battle axe handle. An area of 1 hectare is typical of existing lot areas for existing lots located to the north and to the south of the subject site with frontages to Gibraltar Road. 3 adjacent and nearby street facing lots to the north of the site each have areas of 1 hectare approx. and 2 adjacent lots to the south of the site also have site areas of 1 hectare approx.

Opposite the subject site on the western side of Gibraltar Road are found 4 adjacent and consecutive lots to the south of the site having areas of approximately 2 hectares each. 4 consecutive lots opposite and to the north of the site each have lot areas of approximately 1 hectare in area. This repetition of lot areas ranging between 1 to 2 hectares is considered to be typical of the character of the local area and is representative of the streetscape rhythm. It is fair to observe that the subject site area of >6 hectares is atypical for the vicinity and a greater site area than the minimum lot size for the E4 zoning of 4 hectares.

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Access to the subject site is via a broad battle axe handle lot configuration with a frontage to Gibraltar Road of 63m approx. in width. The battle axe handle has an east to west length of approximately 200m. The irregular lot configuration and broad battle axe handle dimensions with resultant wide street frontage of 63m has provided an opportunity for development within the lot handle and a dwelling is to be found located to the Gibraltar Road street frontage.

Upon entering the site from the driveway access to Gibraltar Road and travelling eastwards the internal access road leads to a second dwelling located centrally and in the vicinity of the southern side property boundary line. A circular access driveway sweeps past this second dwelling to re-join the internal access road at the easternmost extent of the battle axe handle.

The environment near to the summit of Mount Gibraltar is one of an established area consisting of low density residential developments within mature gardens. Landscaping generally comprises a mixture of exotic deciduous and evergreen tree species. Remnant and cultivated native trees are dominated by Eucalyptus species. Gardens typically offer a good level of seclusion from the street as a result of the maturity and density of trees.



Image 2: Street view of 15 Gibraltar Road, Mittagong showing dwelling located within battle axe handle of the subject lot. Source: Google Maps.

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The subject site exemplifies this with a sweeping driveway leading past the dwelling with mature evergreen and deciduous trees fronting Gibraltar Road (Refer to Image 2 'Street View'). Within the site itself scattered Eucalyptus trees are situated within a maintained lawn setting and a small dam is located centrally and within the northern part of the lot. A second small dam is located centrally and adjacent to the northern side boundary line of the battle axe handle.

The lot has a generally level presentation to the street with a general fall from a southerly to a northerly direction within the remainder of the site. The two dams within the site are not associated with any watercourses that may be identified as a blue line on a topographic map.

To the north west of the subject lot the landform rises and undulates as the summit of Mount Gibraltar is approached. The rear, eastern parts of the subject site have aspects over the eastern slopes of Mount Gibraltar towards Old South Road and Range Road, Mittagong.

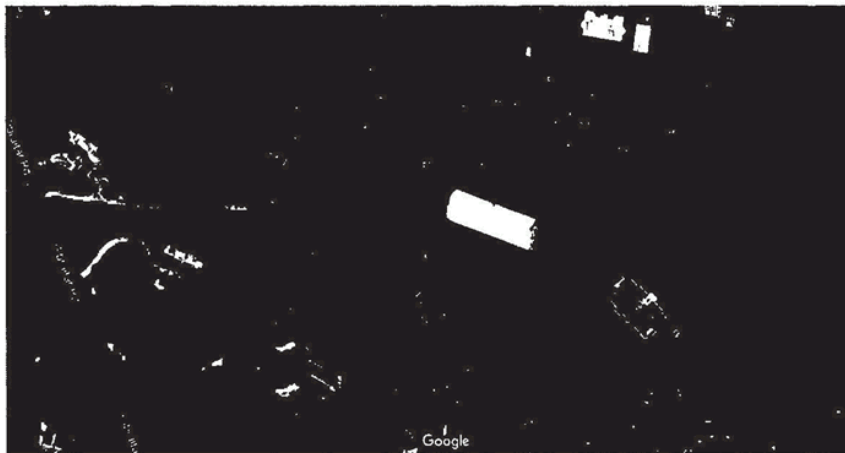


Image 3: The subject site, No. 15 Gibraltar Road, Mittagong. Source: Google Maps.

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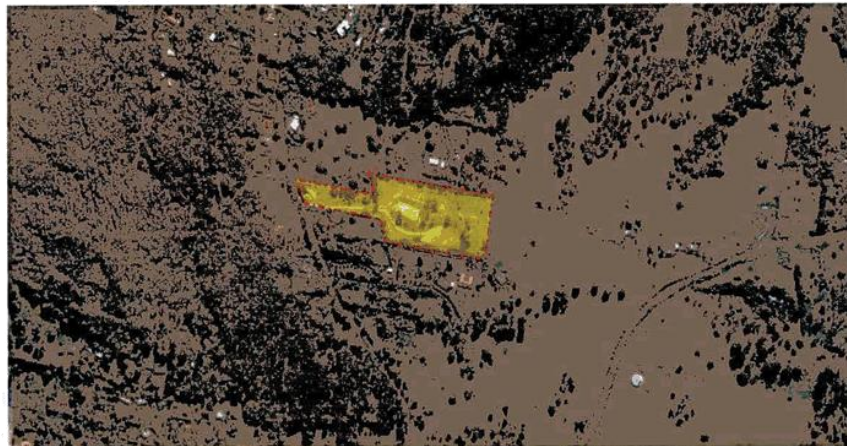


Image 4: Aerial image of the 6.5 hectare subject site, No. 15 Gibraltar Road, Mittagong. Source: Six Maps.



Image 5: Aerial image of the 6.5 hectare subject site, No. 15 Gibraltar Road, Mittagong. Source: Six Maps.

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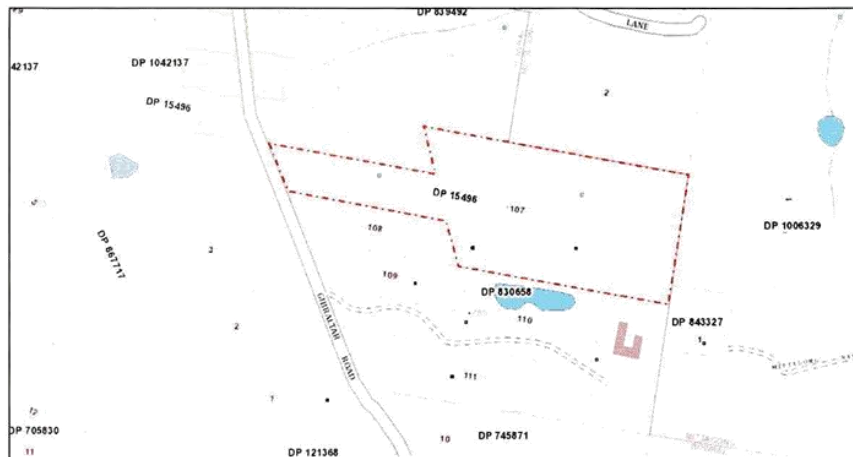


Image 6: Cadastral image of the subject site, No. 15 Gibraltar Road, Mittagong. Source: Google Maps.

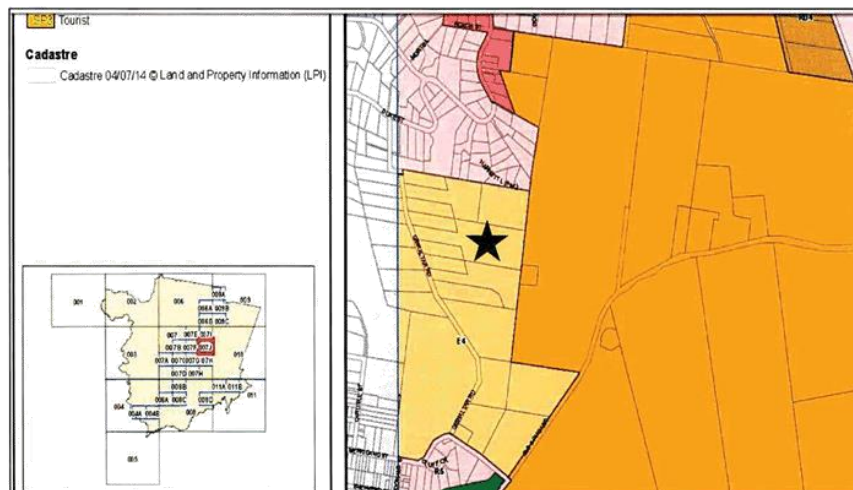


Image 7: WLEP 2010 Land Zoning Map LZN_007J with Star identifying No. 15 Gibraltar Road, Mittagong as E4 Environmental Living. Source: WSC Website.

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Image 8: WLEP 2010 Minimum Lot Size Map LSZ_007J with Z2 purple overlay identifying the subject site as having a MLS of 4 hectares. Source: WSC Website.

The subject property is zoned E4 Environmental Living wherein a minimum lot size of 4 hectares applies under Clause 4.1 'Minimum subdivision lot size' of the *Wingecarribee Local Environmental Plan 2010 (WLEP 2010)*. The subject property has an overall site area of 6.5 hectares and under the current LEP controls has no subdivision potential. The Planning Proposal seeks Council endorsement to have the MLS changed from the existing 4 hectares to 1 hectare, thereby allowing for subdivision potential subject to a merit assessment via the Development Application process.

Part 1 Section 8.2.1.1 of the *Wingecarribee Local Planning Strategy 2015–2031* identifies the subject site in the following terms:

Round 1 Assessment Resolutions of 24 June 2015:

40. The reduction in minimum lot size to 1ha of Lot 107 DP 15496, 15 Gibraltar Road, Mittagong, be supported for inclusion in the Mittagong Precinct Plan prior to public exhibition of the draft Local Planning Strategy 2015-2031 AND THAT as part of any subsequent Planning Proposal additional lots in the vicinity of the subject site also be considered for a reduction in minimum lot size to 1ha.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

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The objective of this Planning Proposal is to permit a reduction in the minimum lot size from the existing 4 hectares to a minimum of 1 hectare for the subject Lot 107 DP 15496, No. 15 Gibraltar Road, Mittagong.

The proposal would trigger a WLEP 2010 Minimum Lot Size Map change from the existing 4 hectares to the proposed 1 hectare for Map Reference LSZ_007J specific to subject Lot 107 DP 15496.

The intended outcome is to permit subdivision of the subject site to allow for lot areas of a minimum of 1 hectare with each newly created lot to have individual dwelling entitlement.

PART 2: EXPLANATION OF THE PROVISIONS

This Part will be completed by Council.

PART 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

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Section A – Need for the Planning Proposal**1. Is the Planning Proposal a result of any strategic study or report?**

The Council has made a Recommendation via Council Resolution of 23 March 2016 for inclusion of the subject lot into the *Mittagong Precinct Plan* of the Draft *Wingecarribee Local Planning Strategy 2015-2031* for favourable consideration:

'THAT the request to reduce the minimum lot size of Lot 107 DP 15496 15 Gibraltar Road, Mittagong, to 1 hectare be supported for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015 – 2031 AND THAT as part of any subsequent Planning Proposal additional lots in the vicinity of the subject site also be considered for a reduction in minimum lot size to 1 hectare.'

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

There is one option to achieve the proposed desired outcome. The alternative is no action, which does not achieve the desired outcome.

Option 1: Notation on the minimum lot size map:

This option would notate a minimum lot size of 1 hectare on the minimum lot size map (LSZ_007J) of WLEP 2010 for the subject site, Lot 107 DP 15496. This method of achieving the desired outcome calls for a Planning Proposal, in order that the existing minimum lot size map may be amended. Council's Resolution calls for consideration for additional lots within the vicinity of the subject site to also be considered for the change to minimum lot size from 4 hectares to 1 hectare.

Section B – Relationship to strategic planning framework**3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?**

Sydney-Canberra Corridor Regional Strategy

The Planning Proposal is considered to be consistent with the *Sydney Canberra Corridor Regional Strategy* (SCCRS) that applies to the Wingecarribee Shire Local Government Area for the following reason:

Part 6 of the SCCRCS 'Housing and Settlement, Northern – Wingecarribee Shire' refers to the desirable outcome of infill development within the principle towns of Bowral and

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Mittagong to accommodate for future residential growth. The proposed amendment to the minimum lot size map is considered to be consistent with this objective.

The Regional Strategy is, in turn, predicated on *State Environmental Planning Policies* (SEPPs) and Local Directions under section 117 of the *Environmental Planning & Assessment Act*. Key SEPPs and Directions are referenced in more detail under Parts 5 and 6 below.

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

The Planning Proposal is not in contradiction with any of the following Strategic Plans:

- Wingecarribee Our Future 2002
- Wingecarribee Community Strategic Plan 2031+
- Northern Gateway Strategy

Wingecarribee Local Planning Strategy 2015 - 2031

The Planning Proposal is consistent with the *Wingecarribee Local Planning Strategy 2015 -2031, Part 2 Mittagong Precinct which states as follows:*

Support for any proposed amendment to the Wingecarribee LEP 2010 would be subject to a detailed Planning Proposal being submitted to Council and consideration of the impacts of the amendment to the WLEP 2010 assessed by way of the Gateway process.

CONCLUSION:

Although the site is zoned RU4 and Council would normally not support further subdivision in this zone, the fact that the frontage reflects the existing street pattern and two dwellings already exist on the site, in this case the request is considered to have merit.

RESOLUTION OF COUNCIL 24 JUNE 2015:

THAT the request to reduce the minimum lot size of Lot 107 DP 15496 15 Gibraltar Road, Mittagong, to 1 Hectare be supported for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031 AND THAT as part of any subsequent Planning Proposal additional lots in the vicinity of the subject site also be considered for a reduction in minimum lot size to 1ha.

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ESSENTIAL ASSESSMENT CRITERIA	ASSESSMENT
Proposed use is consistent with current State Government Policy or practice	No
Proposed use is consistent with current Local Policy or practice: <ul style="list-style-type: none"> Location within an existing town or village boundary 	No
Proposed use is consistent with most relevant Precinct Plan	No
Site is outside of any zone or infrastructure boundary	Yes
Site is free of any Endangered Ecological Community	Yes
Site is free of any significant flood or bushfire affectation	Yes
Site has access to reticulated water and sewer	Yes
Site has no other constraints relevant to the proposed development	Yes

The subject site has an existing Minimum Lot Size of Z2 (4 Ha). The separation by subdivision of the two existing dwellings on the property would have minimal impact on the locality or surrounds because there would be no physical works associated with the change in lot size. The delineation of any fencing required for the physical separation would also have minimal impact on the locality or surrounds.

POST EXHIBITION ASSESSMENT:

No submissions were received for this property during the exhibition of the draft Local Planning Strategy, therefore it is RECOMMENDED:

THAT the request to reduce the minimum lot size of Lot 107 DP 15496 15 Gibraltar Road, Mittagong, to 1 Hectare be supported for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031 AND THAT as part of any subsequent Planning Proposal additional lots in the vicinity of the subject site also be considered for a reduction in minimum lot size to 1ha.

RESOLUTION OF COUNCIL 23 MARCH 2016:

THAT the request to reduce the minimum lot size of Lot 107 DP 15496 15 Gibraltar Road, Mittagong, to 1 Hectare be supported for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031 AND THAT as part of any subsequent Planning Proposal additional lots in the vicinity of the subject site also be considered for a reduction in minimum lot size to 1ha.

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5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP 44 applies to all land within the Wingecarribee Local Government Area and the site contains isolated Eucalypt trees and is situated in close proximity to vegetation identified as *Mount Gibraltar Forest*, and Endangered Ecological Community (EEC). The subject Planning Proposal will not have an impact upon the integrity of nearby EEC listed vegetation. The Planning Proposal is therefore considered to be satisfactory in this regard.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The subject lot falls within the Catchment of the *Sydney Drinking Water Catchment State Environmental Planning Policy (2011)*. The Planning Proposal is required to be referred to Water NSW to seek an approval in having a neutral or beneficial impact upon water quality consistent with the following objectives of the SEPP:

- (a) To provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and;
- (b) To provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and;
- (c) To support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

In addition, reference must also be made to the implications for the proposed development on Sydney's Drinking Water Catchments under Direction 5.2 of Ministerial Directions to Councils under section 117(2) of the Environmental Planning and assessment Act. This Direction requires that a Planning Proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:

- (d) New development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and;

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(e) Future land use in the Sydney drinking water catchment should be matched to land and water capability, and;

(f) The ecological values of land within a Special Area that is:

(i) Reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or;

(ii) Declared as a wilderness area under the Wilderness Act 1987, or;

(iii) Owned or under the care control and management of the Sydney Catchment Authority,

6. Is the Planning Proposal consistent with applicable Section 117 Directions?

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	NA
1.2 Rural Zones	NA
1.3 Mining, Petroleum Production and Extractive Industries	The site is not identified under the Minerals and Extractive Resources Land Map
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	The PP meets the following objective of the SEPP Rural Lands (2008) in providing for housing that contribute(s) to the social and economic welfare of rural Communities.
2. Environment and Heritage	
2.1 Environment Protection Zones	The subject site is zoned E4 Environmental Living. No impact upon existing native vegetation will result from support for the Planning Proposal.
2.2 Coastal Protection	NA
2.3 Heritage Conservation	NA
2.4 Recreation Vehicle Areas	NA
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	NA
3.2 Caravan Parks and Manufactured Home Estates	NA
3.3 Home Occupations	NA
3.4 Integrating Land Use and Transport	NA
3.5 Development Near Licensed Aerodromes	NA
3.6 Shooting Ranges	NA
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The site is not mapped as being associated with Acid Sulphate Soils.
4.2 Mine Subsidence and Unstable Land	The site is not identified within Council's Mine Subsidence mapping records. A geotechnical assessment of site stability would be a

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	requirement for any future Development Application received by Council.
4.3 Flood Prone Land	The subject site is not identified by Council as Flood Liable Land.
4.4 Planning for Bushfire Protection	The subject site is identified as Bushfire Prone Land (Buffer) and a BFRA Report is to accompany any future Development Application for subdivision in accordance with Section 100B of the Rural Fires Act 1997
5. Regional Planning	
5.1 Implementation of Regional Strategies NB: This Direction has been revised to include previous Directions 5.6 and 5.7.	The Planning Proposal is consistent with Regional Strategies as demonstrated within Part 3 of this report.
5.2 Sydney Drinking Water Catchments	The Planning Proposal requires the concurrence of WaterNSW is being identified under the SEPP Sydney Drinking Water Catchment (2011).
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA
5.8 Second Sydney Airport: Badgerys Creek	NA
5.9 North West Rail Link Corridor Strategy	NA
6. Local Plan Making	
6.1 Approval and Referral Requirements	Water NSW approval required.
6.2 Reserving Land for Public Purposes	NA
6.3 Site Specific Provisions	An amendment to the MLS of 4 hectares to 1 hectare is required for Lot 107 DP 15496 under WLEP 2010 Lot Size Map Ref: LSZ_007J in order to support the Planning Proposal.

Section C – Environmental, Social & Economic Impacts

7. 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 Planning Proposal?

The subject property is not identified by Council as containing an Endangered Ecological Community (EEC) and is not identified under Council's Natural Resources Sensitivity mapping (NRS 007) as containing any watercourses. No removal of existing native vegetation is required in order to support the Planning Proposal.

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8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no likely environmental effects that would result from the Planning Proposal as water quality and bushfire protection measures would become part of the assessment criteria for any future Development Application for subdivision received by Council.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The impacts of amending the minimum lot size map to permit the future subdivision of Lot 107 DP 15496 would better reflect the prevailing land use pattern and minimum lot sizes of adjacent and nearby lots. The amendment is considered to represent the orderly use of land within and existing environmental living / low density residential context.

Section D – State and Commonwealth Interests**10. Is there adequate public infrastructure for the Planning Proposal?**

The subject site has existing sealed road frontage to Gibraltar Road and has access to existing services.

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

Support for the Planning Proposal is to be subject to Water NSW and RFS concurrences.

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ATTACHMENT 3 Figure 2 - Location of Gibraltar Road



ATTACHMENT 3



Figure 2 – Location of Gibraltar Road

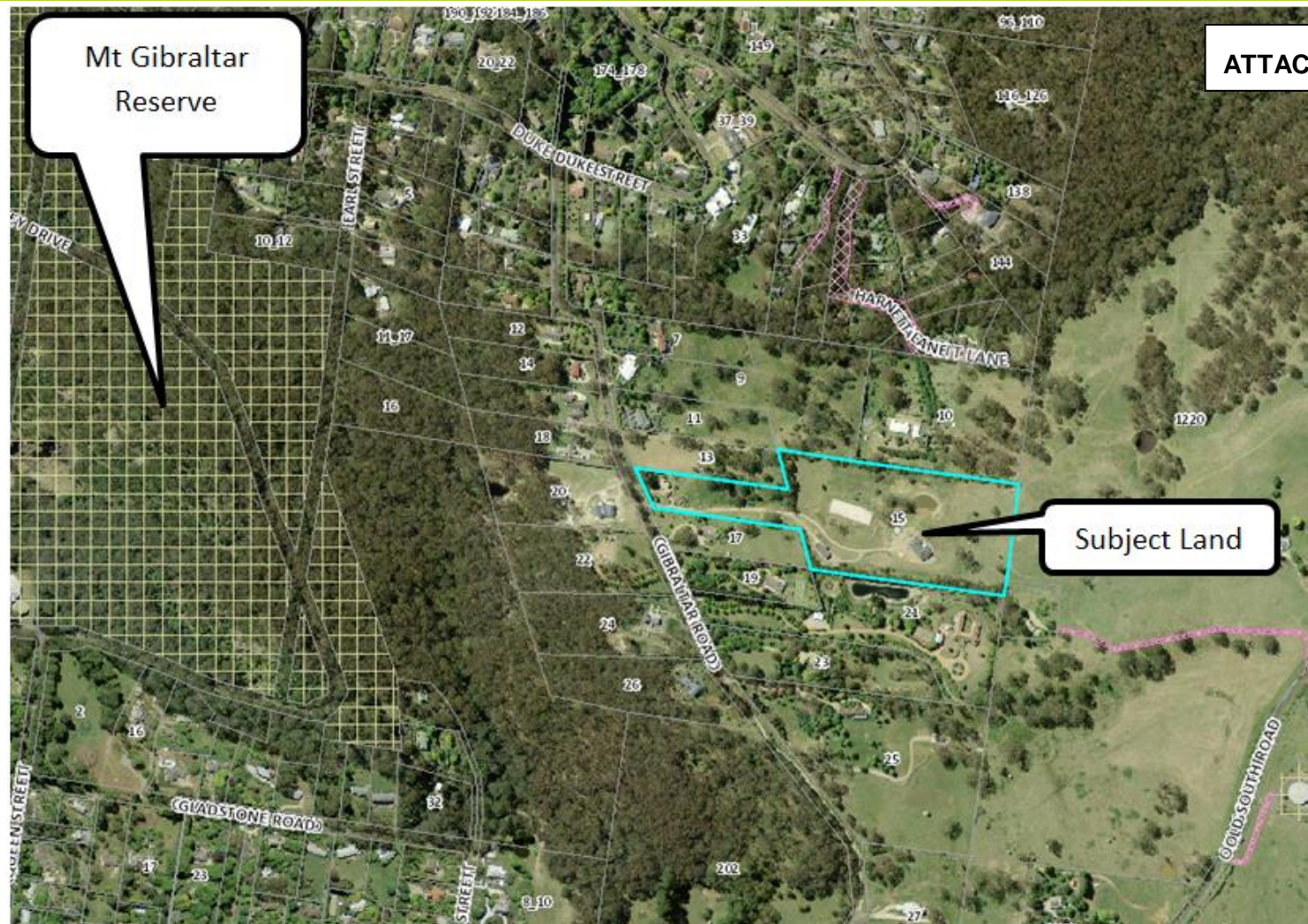


Figure 3 – Location of the subject site



ATTACHMENT 5

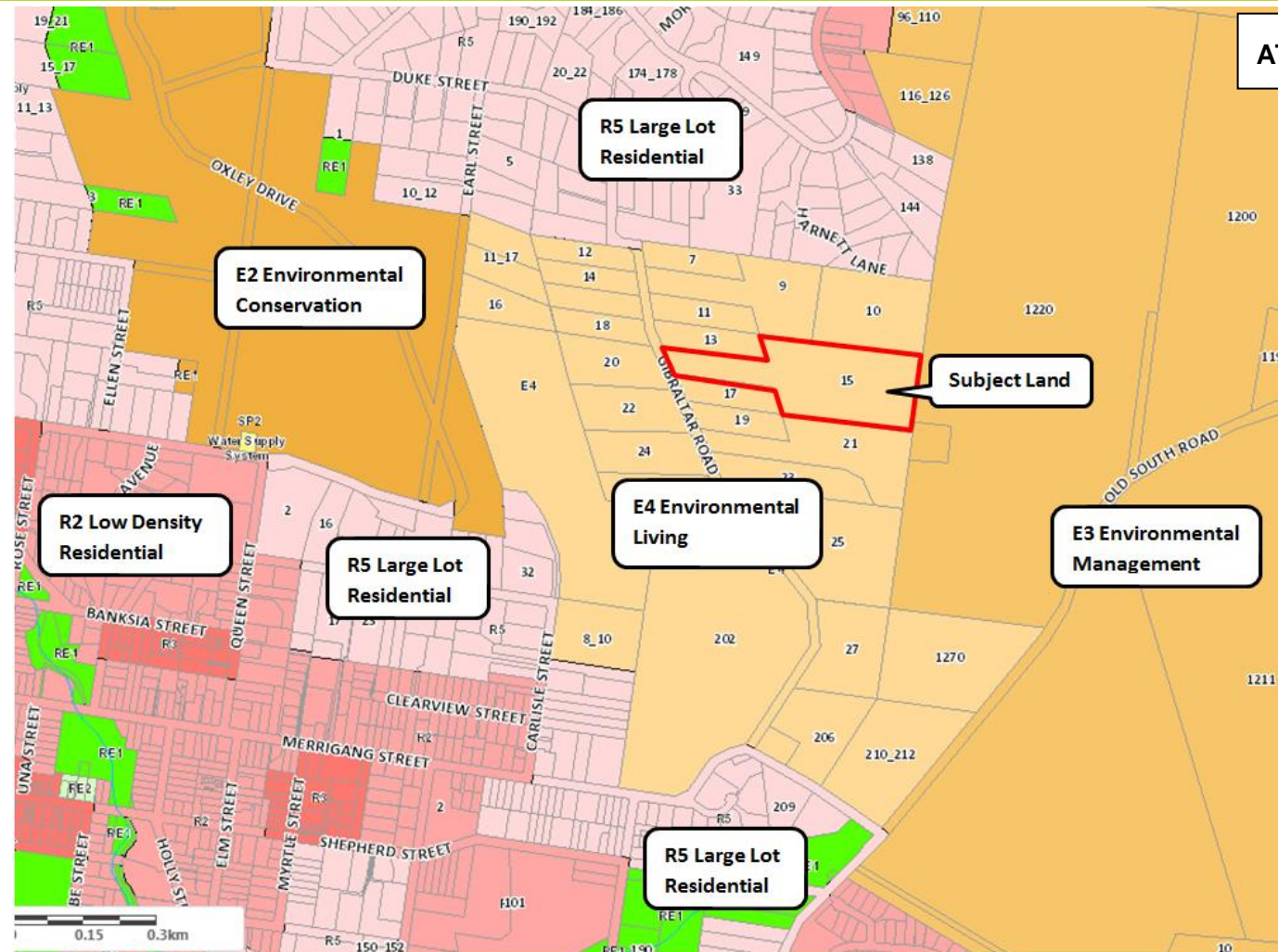


Figure 4 – Zoning Context

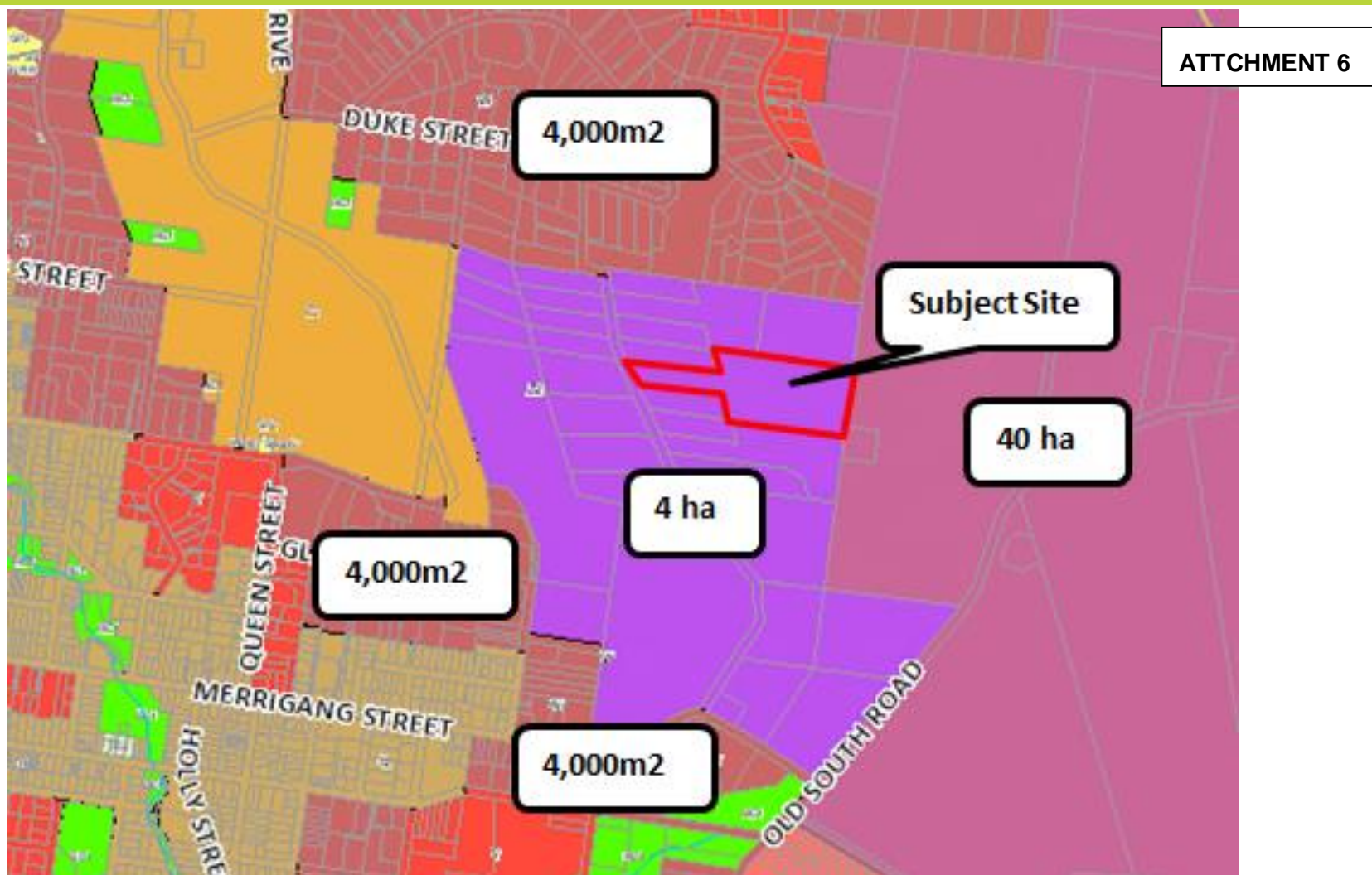


Figure 5 – Minimum Lot Size context

13.7 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong

ATTACHMENT 7 Figure 6 - Extent of the Mt Gibraltar and Trachyte Quarries Context



ATTACHMENT 7

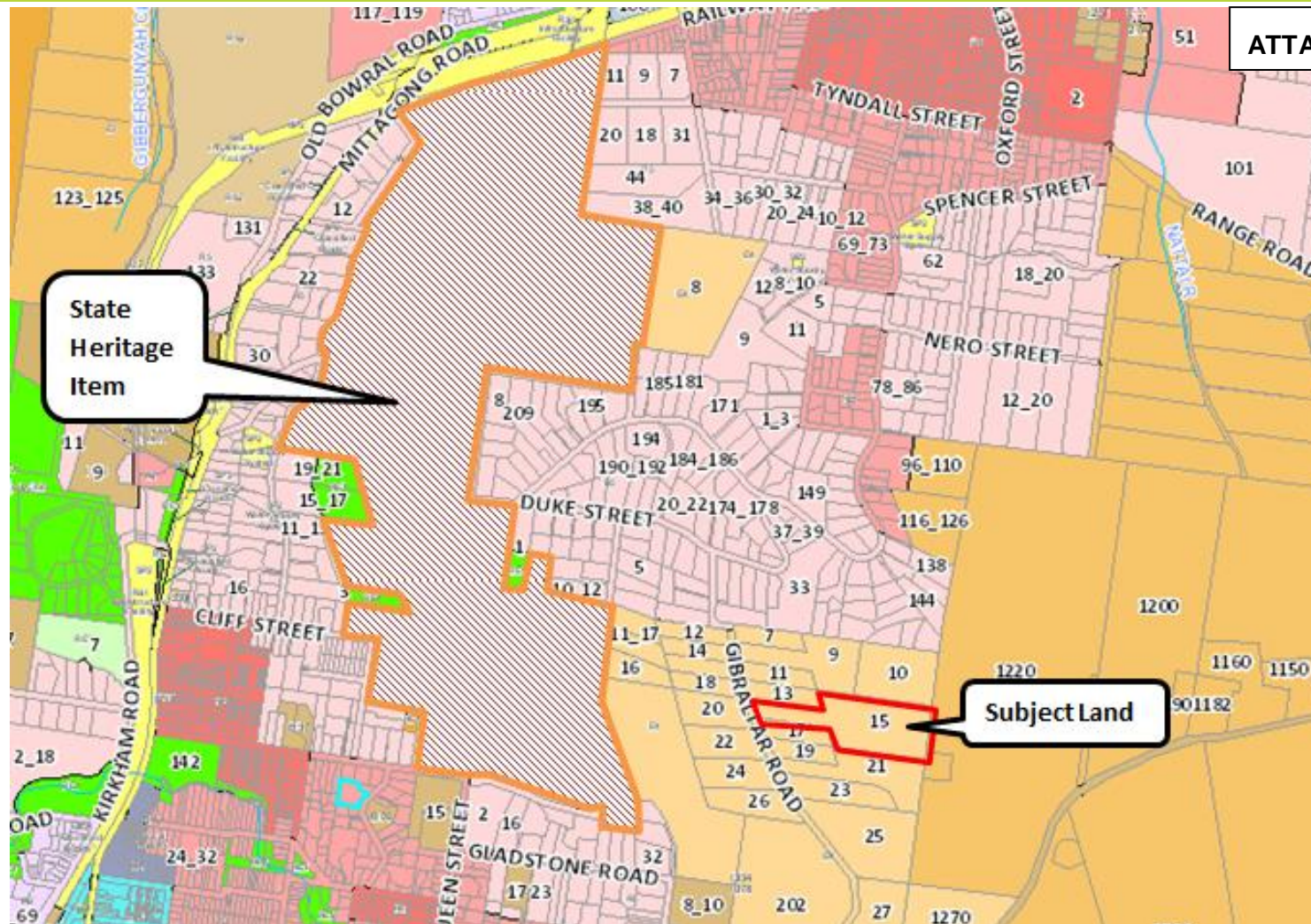


Figure 6 – Extent of the Mt Gibraltar & Trachyte Quarries Complex

ATTACHMENT 8

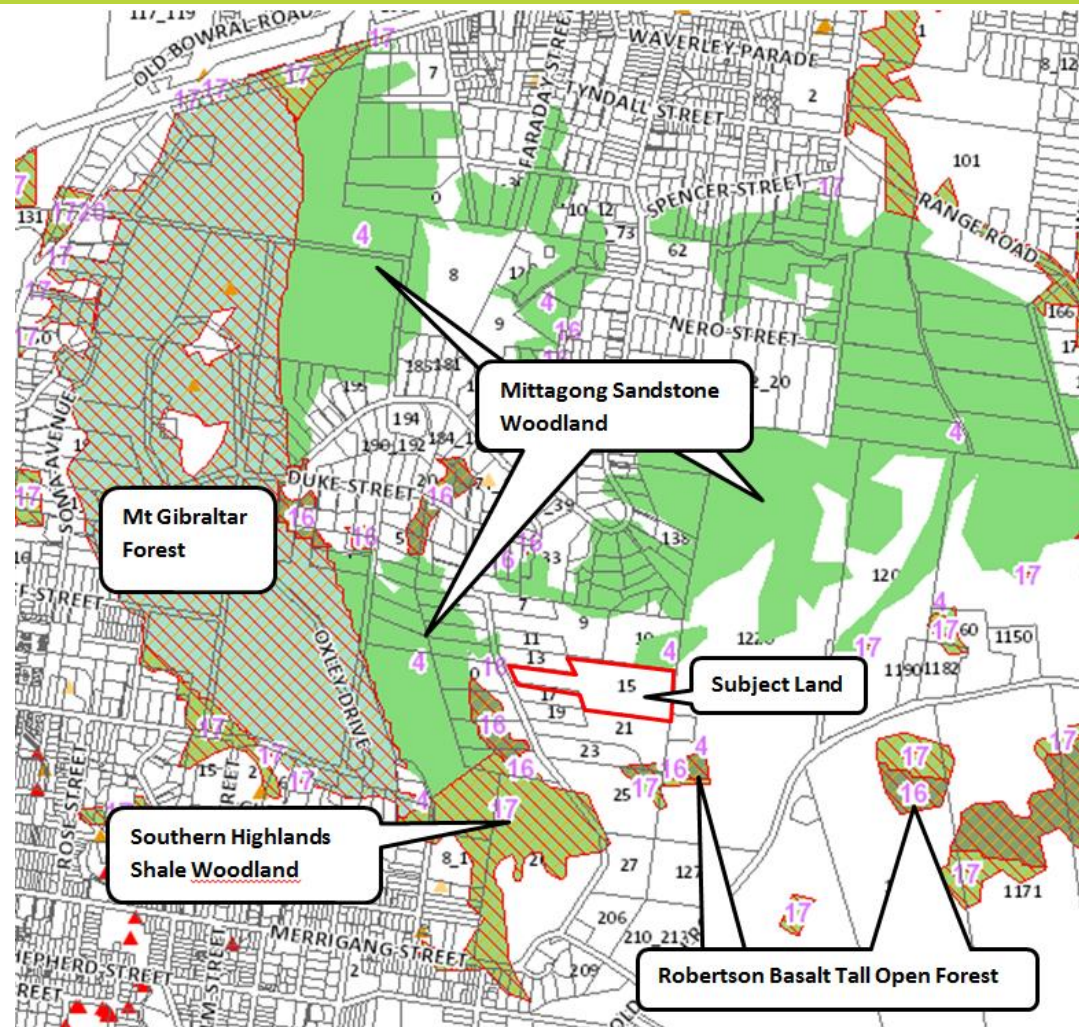


Figure 7 – Ecological Communities Context

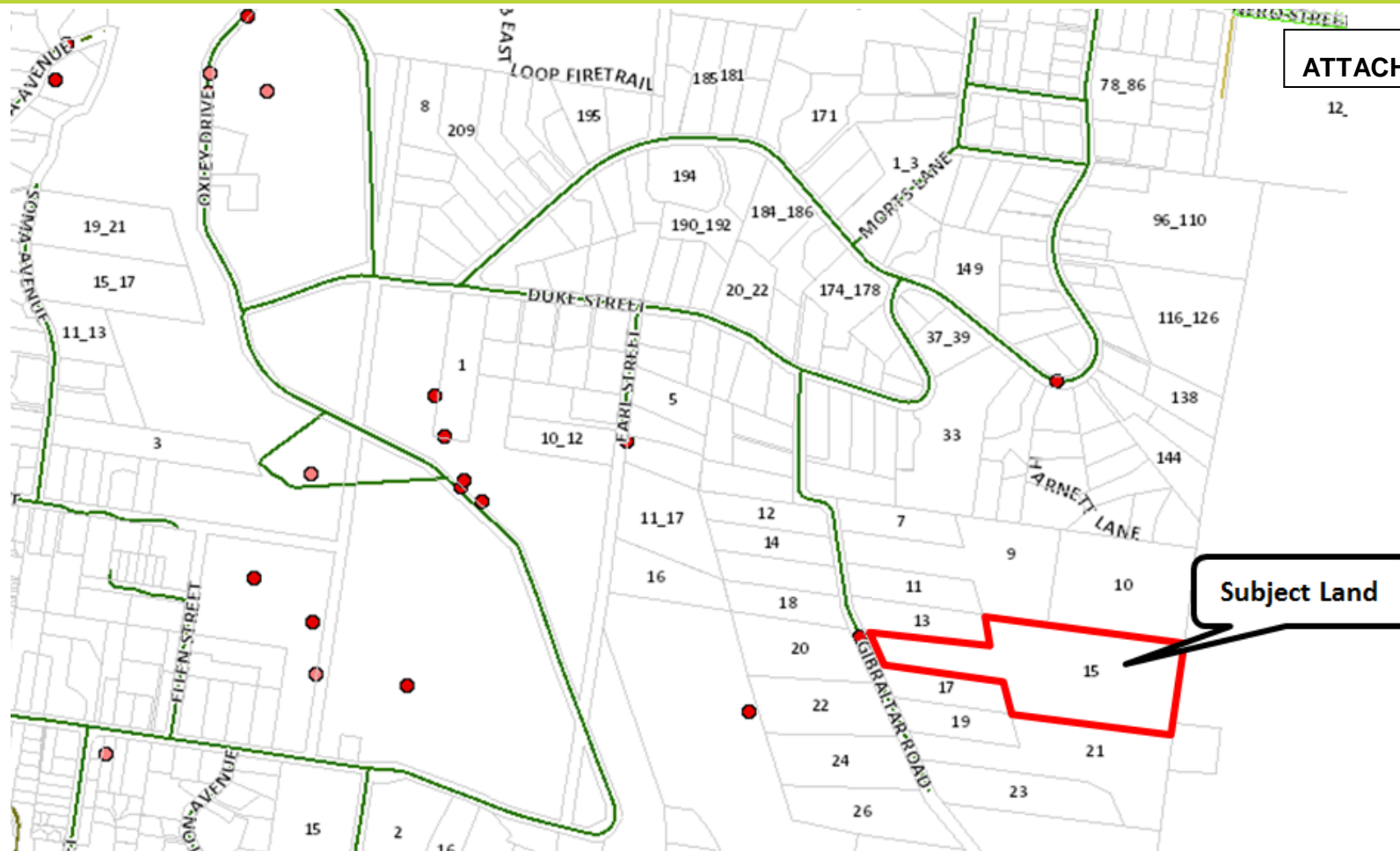


Figure 8 – Koala Sightings

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13.7 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong
ATTACHMENT 10 Figure 9 - Lot Pattern Fronting Gibraltar Road

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ATTACHMENT 10

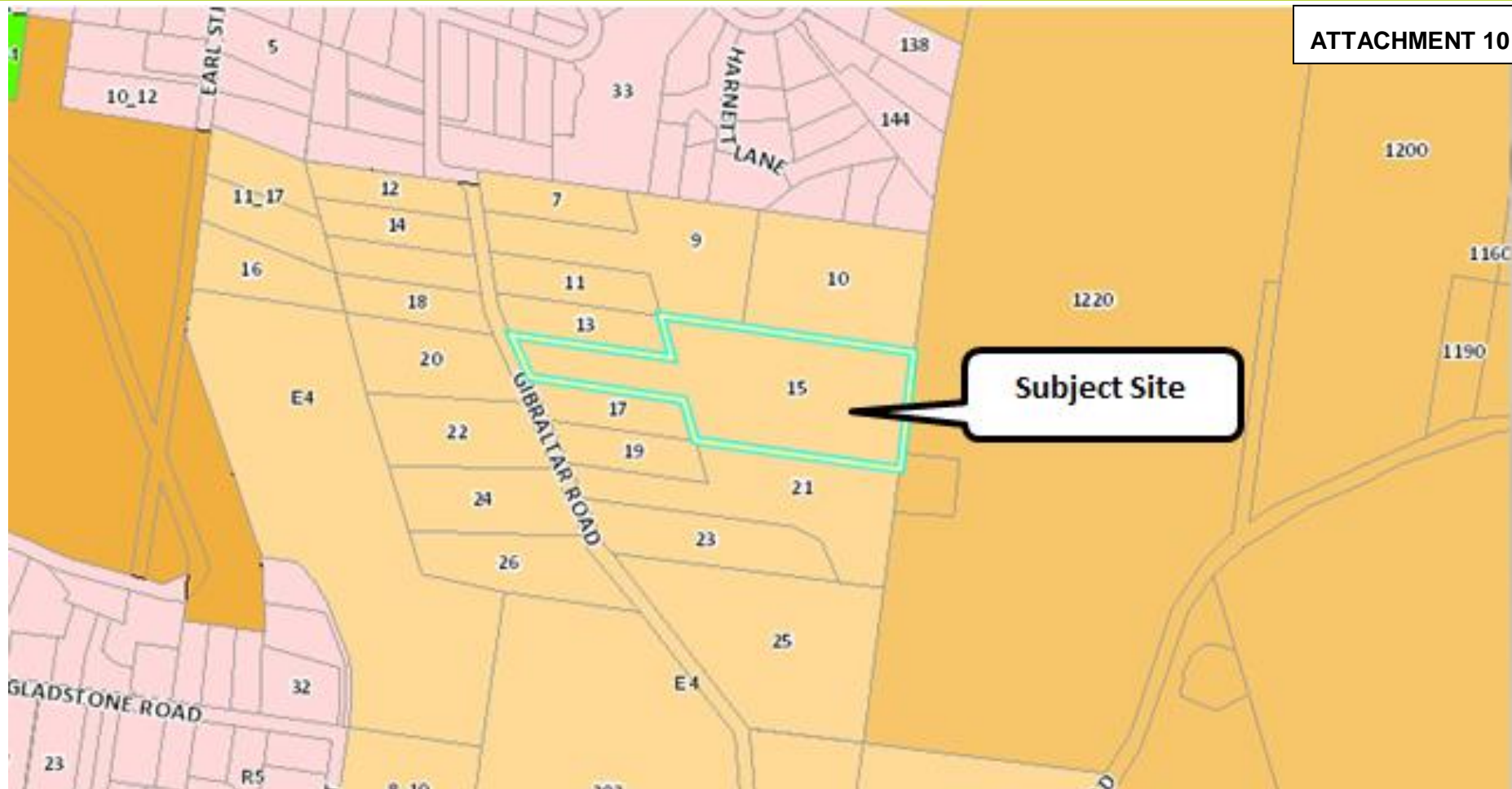


Figure 9 - Lot pattern fronting Gibraltar Road

13.7 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong
ATTACHMENT 11 Figure 10 - Portion of Registered Subdivision Plan for Whinstone Park, 1928



ATTACHMENT 11

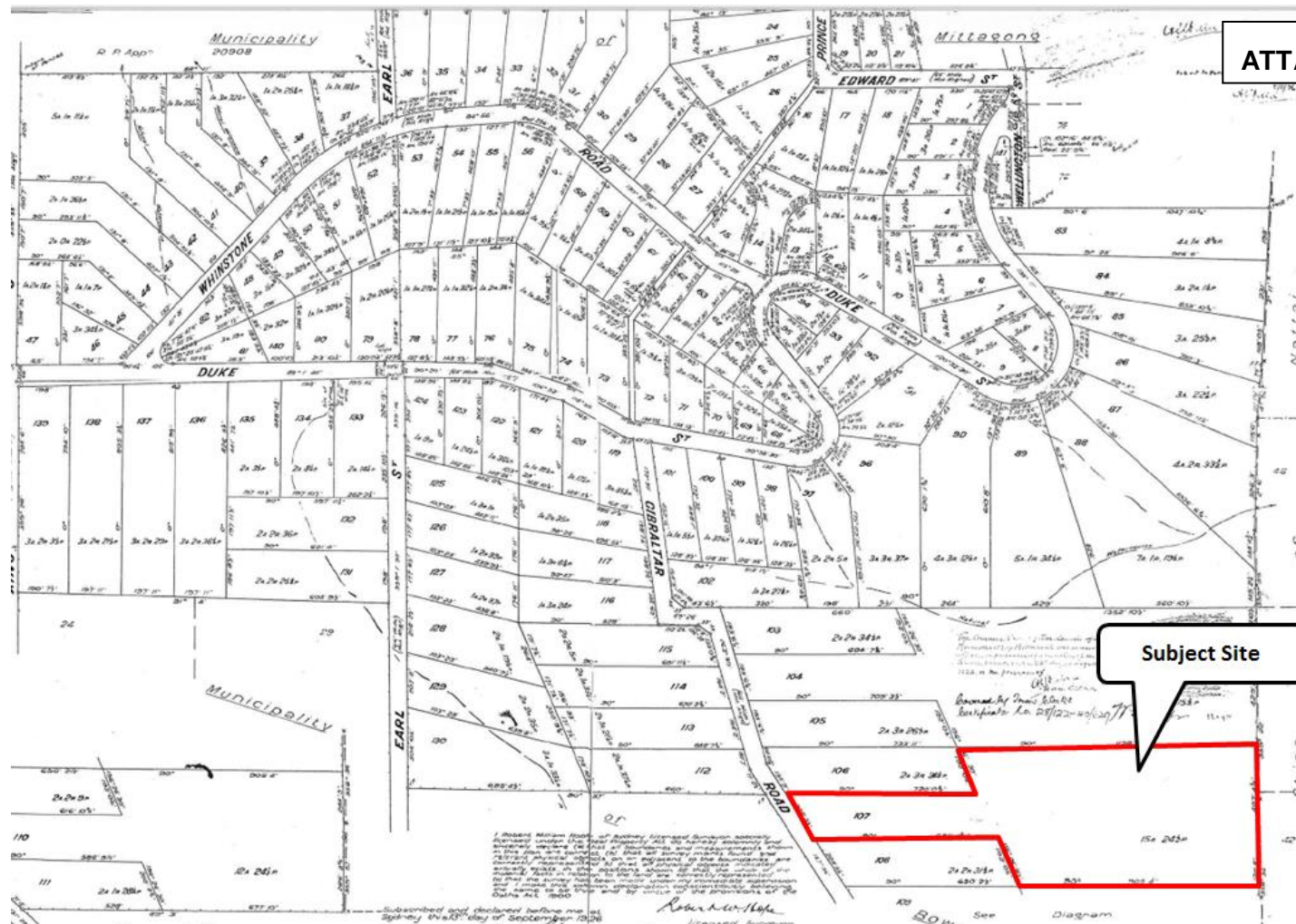


Figure 10 – Portion of registered subdivision plan for Whinstone Park, 1928

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13.7 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong
ATTACHMENT 11 Figure 10 - Portion of Registered Subdivision Plan for Whinstone Park, 1928

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Figure 11 – Location of Dwellings on Subject Land

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ATTACHMENT 13 Figure 12 - Proposed 2 Lot Subdivision

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ATTACHMENT 13

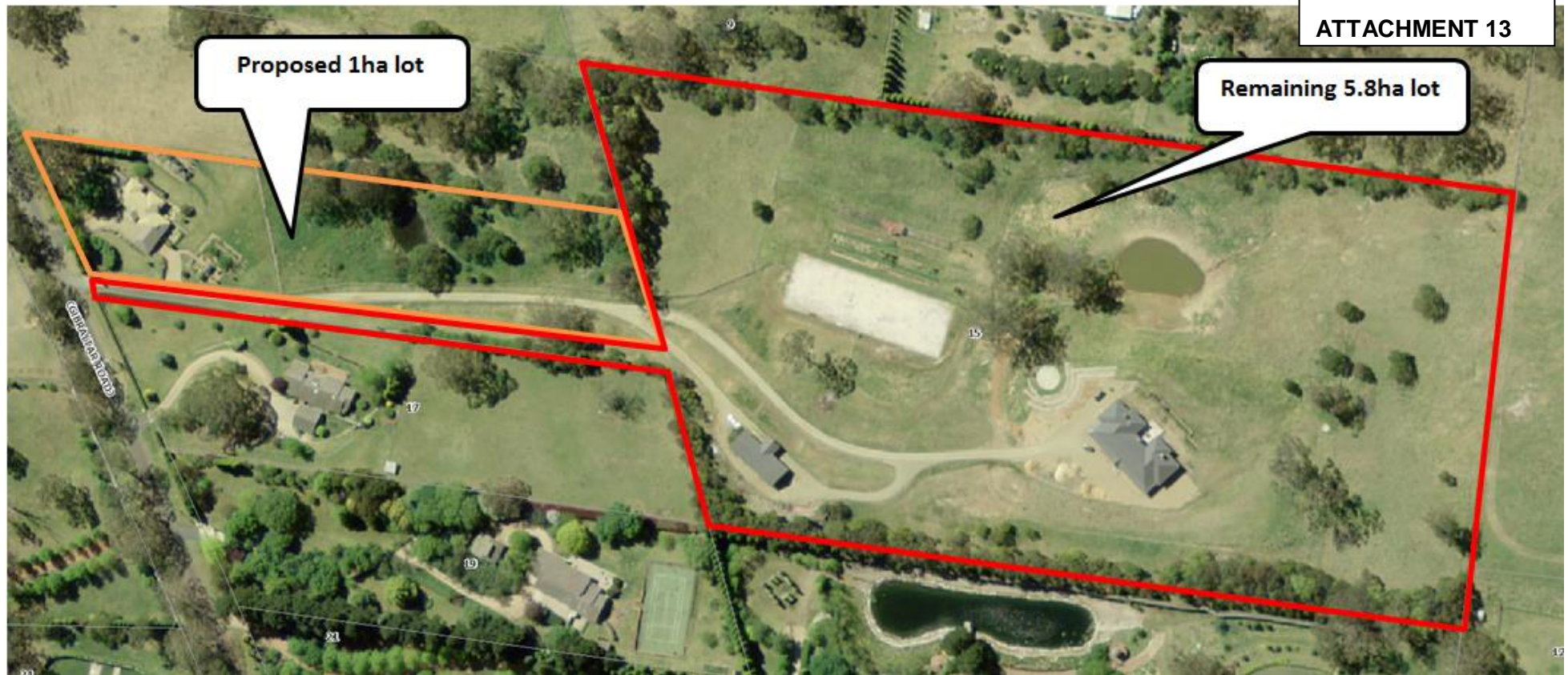
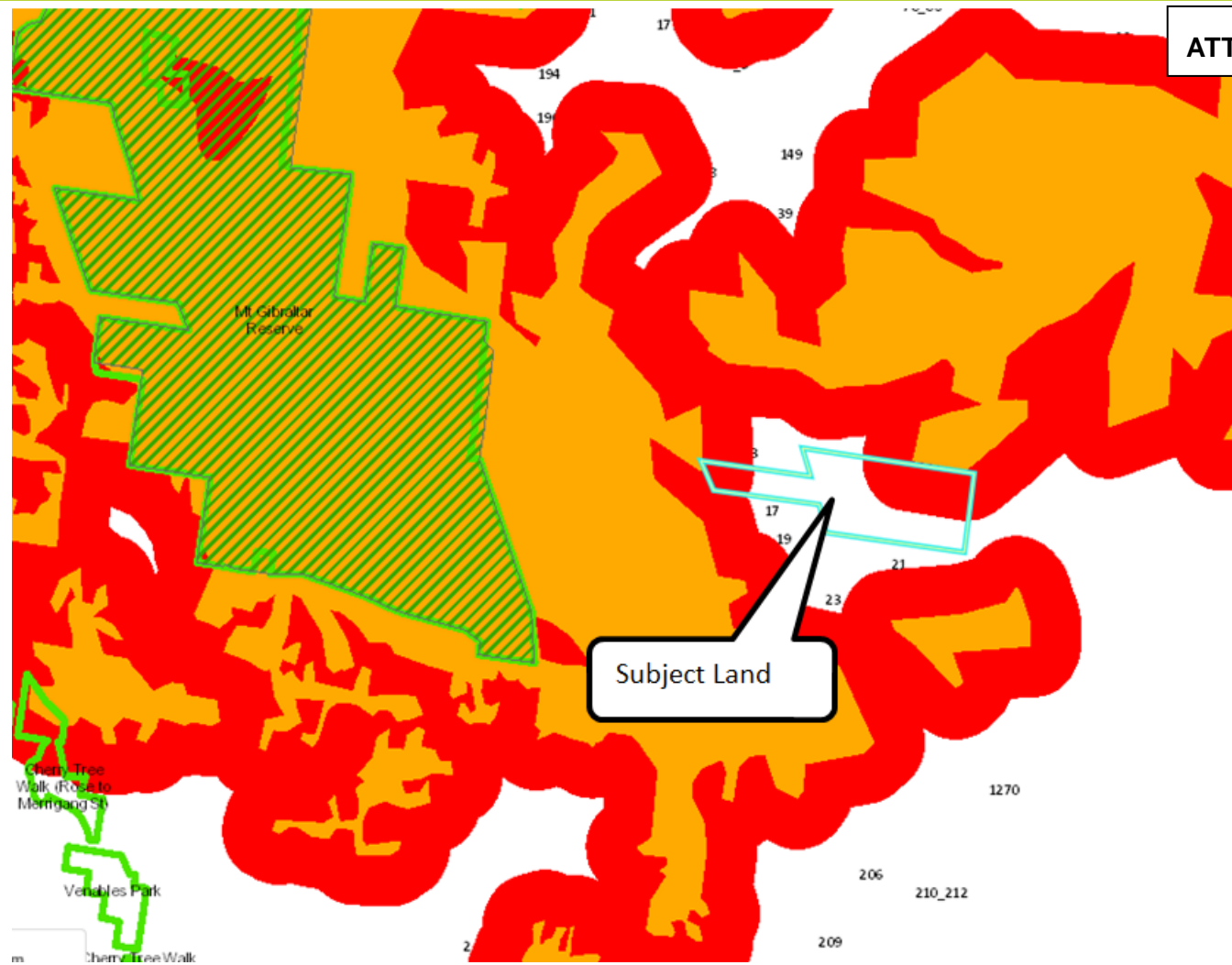


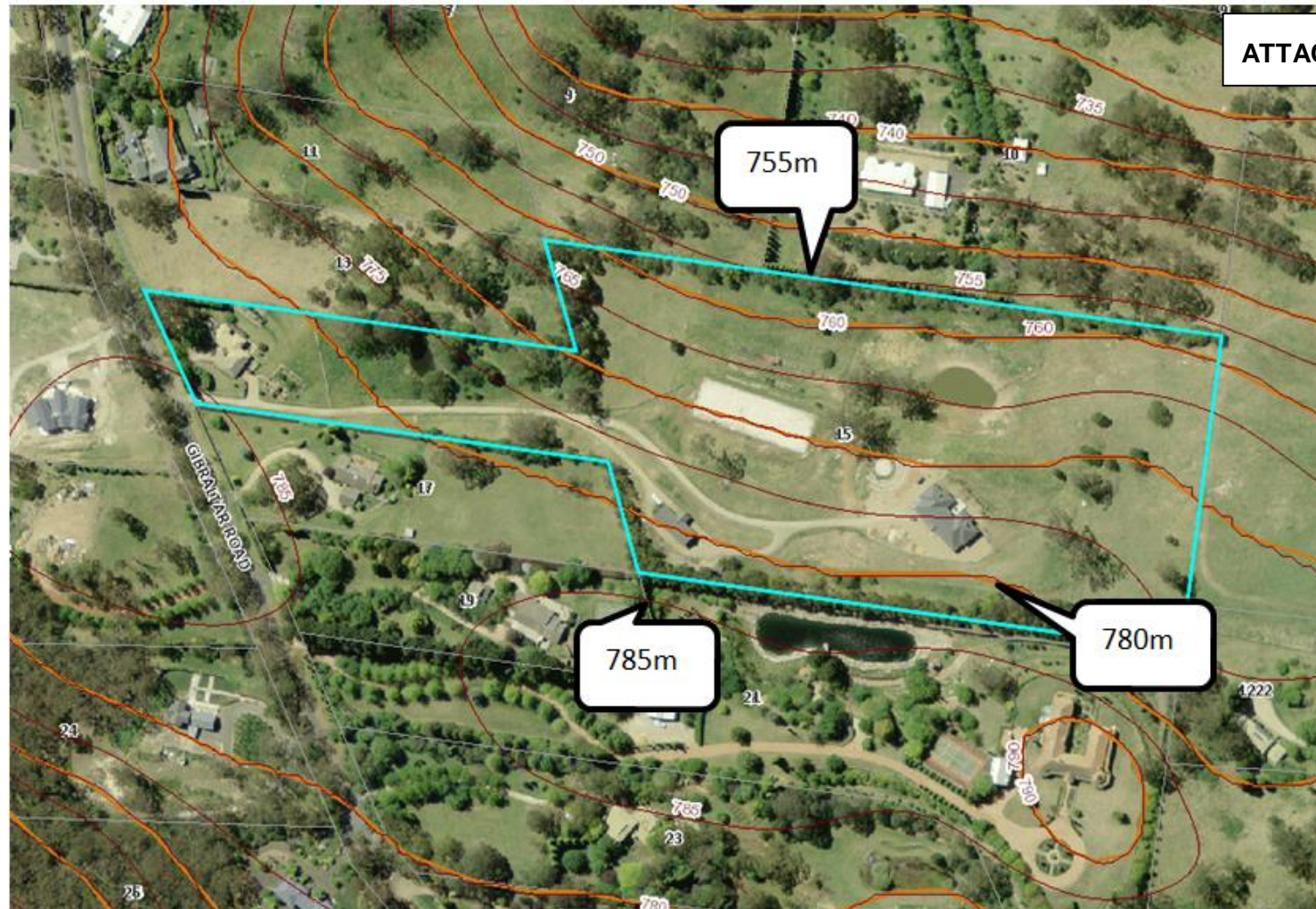
Figure 12 Proposed 2 lot Subdivision

13.7 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong
ATTACHMENT 14 Figure 13 - Bushfire Prone Land Context



ATTACHMENT 14

Figure 13 – Bushfire Prone Land Context



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13.7 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong ATTACHMENT 16 Figure 15 - Extract from WLEP 1989 Map

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ATTACHMENT 16

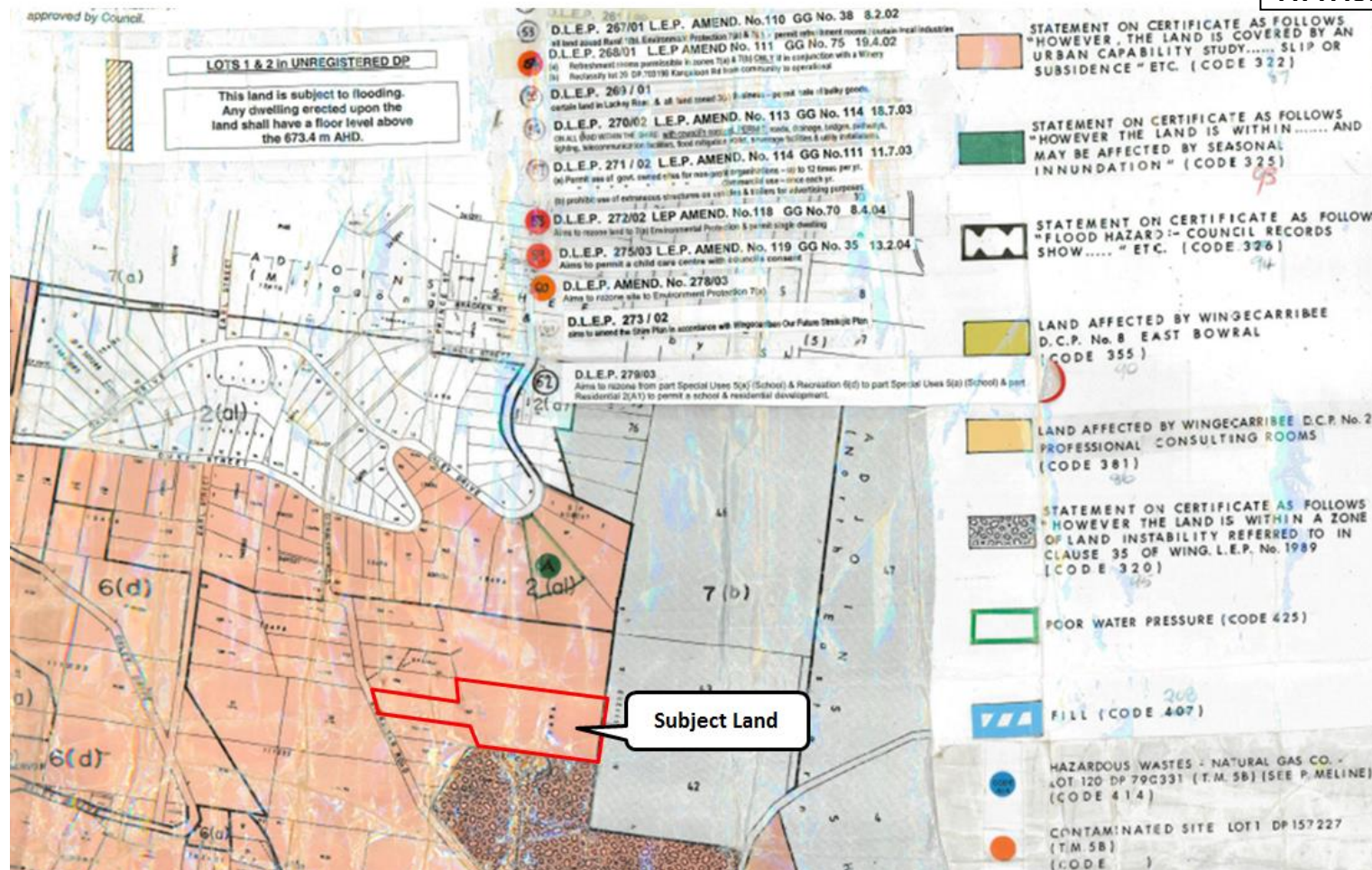


Figure 15 – Extract from WLEP 1989 map

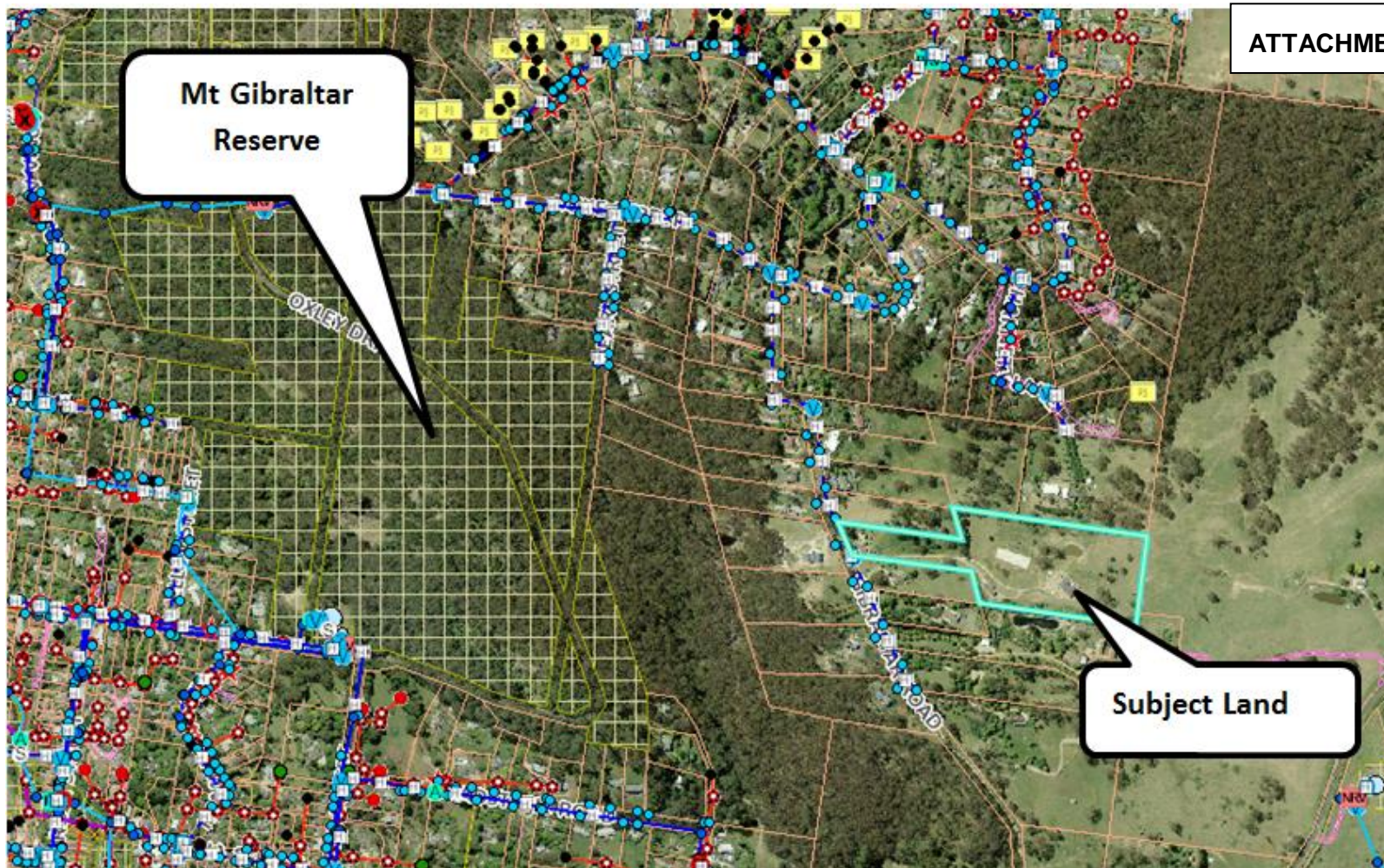


Figure 16 – Water and Sewer Infrastructure

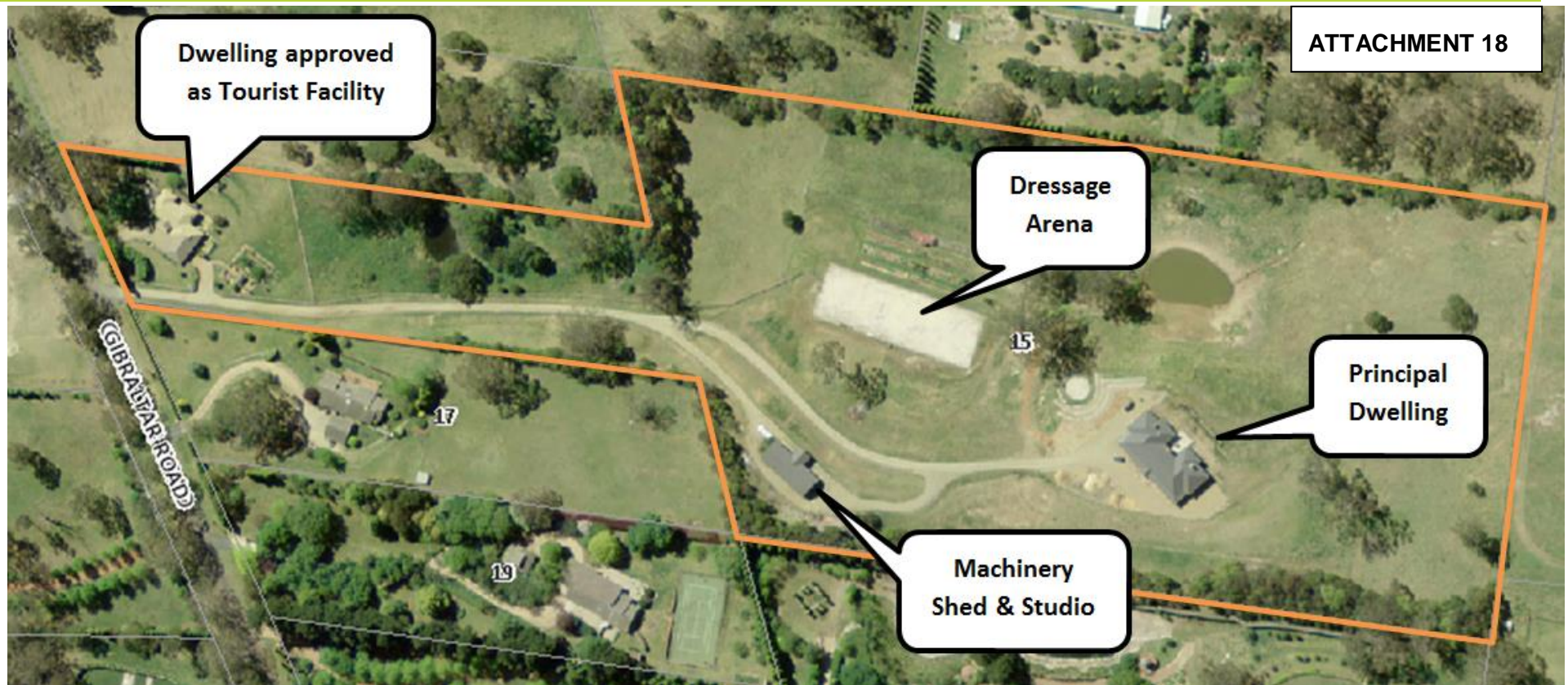


Figure 17 – Location of buildings on the subject site