

CUMULATIVE IMPACT ASSESSMENT REPORT

‘ABBOTSFORD’ PROPERTY, FAIRLEYS ROAD & ABBOTSFORD ROAD, PICTON PLANNING PROPOSAL

PREPARED FOR BERTEN PTY LTD

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APPENDIX – Study Brief Appendix – Current Planning Proposals

ACCOMPANYING REPORTS

Agricultural Land Capability Study – Harvest Scientific Services Pty Ltd, 27 February 2013

Curtilage Study – NBRS + Partners, June 2013

Flood Assessment Report – Floodmit Pty Ltd, February 2013

Biodiversity Study – ACS Environmental Pty Ltd, June 2013

Bushfire Risk Assessment – ACS Environmental Pty Ltd, June 2013

Geotechnical Study – Harvest Scientific Services Pty Ltd, 23 January 2013

Aboriginal Cultural Heritage Assessment – Tharawal Local Aboriginal Land Council,

Onsite Wastewater Feasibility and Water Quality Study – Harvest Scientific Services Pty Ltd, 14 February 2013

Contaminated Land Study – Harvest Scientific Services Pty Ltd, 18 June 2013

Site Specific Urban Salinity Study – Harvest Scientific Services Pty Ltd, 8 March 2013

Potential Impacts of Mine Subsidence – MSEC, 1 May 2013

Traffic & Transport Study – Thompson Stanbury Associates, July 2013

Wollondilly Transportation Model Traffic Impact – Gabites Porter, October 2012

Socio-Economic Assessment Report – Mike George Planning Pty Ltd, July 2013

State & Local Infrastructure Assessment Report – Mike George Planning Pty Ltd June 2013

State & Regional Context Report – Mike George Planning Pty Ltd, July 2013

Visual Impact Assessment Report – Mike George Planning Pty Ltd, November 2013

1.0 EXECUTIVE SUMMARY

This report forms part of a suite of studies required to support a Planning Proposal to rezone part of Lot 1, DP 1086066 situated adjacent to the intersection of Fairleys Road and Abbotsford Road, Picton, to enable up to 40 rural residential allotments. The planning proposal also involves rezoning a section of the site that is proposed to be dedicated to Council, to RE1 Public Recreation.

The site also contains the “Abbotsford Group” of buildings, which is included on the State Heritage Register. It is intended that a Conservation Management Plan be prepared for this group, and that adaptive re-use options be explored. This outcome is not contingent on the Planning Proposal, although a study has been undertaken to determine a suitable curtilage, and accompanies the Planning Proposal.

The site study area comprises approximately 66.56 ha of land currently zoned RU2 Rural Landscape, and subject to a minimum lot size of 40 ha. (Wollondilly LEP 2011 – the “LEP”). The LEP contains a series of provisions which require the consent authority to be satisfied that essential infrastructure that is required for development is either available or subject to adequate arrangements, before development consent can be granted.

The Planning Proposal is the product of the set of site attributes, in the context of an identified latent demand for rural living opportunities. The site has limited agricultural potential, notwithstanding its history; is adjacent to Picton Township and readily accessible to town facilities, and is flanked by existing small holdings developments. It is able to be developed without impact on any agricultural use in the vicinity, or on those parts of the site with environmental values. The pattern of settlements adjoined by large lot residential/rural small holdings land use is a distinctive characteristic of the wider locality, and underpins the Council’s vision of “Rural Living”.

The Planning Proposal is concurrent with a number of other Proposals in an around Picton, Tahmoor and Thirlmere. These proposals collectively represent 2540

potential residual lots (or 2580 including the subject site) and a potential population of 7366 (or 7482 with the subject site). This has prompted a requirement to examine the cumulative effect of these proposals, particularly on the rural setting and infrastructure, and in relation to Councils Growth Management Strategy.

Up to a point the question is a *non sequitur* given that each planning proposal is required to be assessed in terms of the adequacy of infrastructure and services, potential environmental impacts, implications for rural land generally, land suitability and potential demand. If the potential development, cumulatively or individually can occur without public costs for infrastructure and services, without uncontrolled natural environmental impacts, and without material impact on prime crop and pasture land or agricultural productivity, then there is no cumulative impact from a public perspective. To the extent that supply could potentially outstrip demand, the implications are private rather than public, and are able to be addressed, by staging, marketing, pricing or other means. The fragmented ownership within planning proposal areas, will act to lengthen development periods and preclude full redevelopment.

The proposals individually and collectively would change the rural landscape setting in which they sit. There is no articulated public policy that says land should be sterilized because of a sectional opinion that it provides a nice setting for an urban area. Moreover, the townships have a diverse range of settings, typically broken into small units by the topography, and frequently featuring large lot residential rather than commercial farmland. Any impacts tend to be localised, and the cumulative impact is discernible on a map rather than on the ground.

The Proposal has been assessed against Council's Growth Management Strategy in the State and Regional Context Report. That report concludes that it is not inconsistent with the relevant provisions and principles of the Strategy. Given its necessarily broad nature, the Strategy is open to a number of interpretations. However, it does not say that rezoning will not be considered if it changes the existing rural setting or if there is more than 1 rezoning proposal.

In summary, each current planning proposal needs to be considered in its own context. Provided the public sector is shielded from infrastructure costs and environmental impacts are able to be controlled, there is no apparent public interest that would be affected by the current number of planning proposals. If they are all approved, (on the basis they are sound and impacts are controlled) the consequence is that the timing of development may be affected. That should not affect a zoning change.

Approval of all or any of the current planning proposals will change the existing rural setting of the townships. However, the change is of a type that is consistent with a substantial part of the existing rural setting, which is not rural in the sense of comprising expansive commercial farmland. Because of the physical characteristics of the area, the effects of changes to existing town settings will tend to be localised.

This study was not part of the Gateway Determination and has been added by Council. Ultimately the question of cumulative impact can only be addressed by Council and it is not materially assisted by a report on behalf of an individual proponent of rezoning. The subject planning proposal has been advanced on the basis that it is justifiable in its own set of circumstances, and other planning proposals in the locality are only relevant to the extent they are likely to influence timing. That has been acknowledged in other reports.

2.0 STUDY BRIEF

The study brief is set out below -

Output

- *A report considering the cumulative impacts of proposed rezonings around Picton, Tahmoor and Thirlmere on the rural setting of the area (see Appendix); and*
- *Justification of why the rezoning and subsequent development of the site for R5 Large Lot Residential housing is appropriate, given that it could be considered not to be in accordance with Council's Growth Management Strategy (GMS).*

Objectives

- *Examine the cumulative impact of residential rezonings in the Picton, Tahmoor and Thirlmere area on the rural setting of the locality*

Tasks/Methodology

- *Examination of the current planning proposals in the Picton, Tahmoor and Thirlmere area, against the growth forecasting in the GMS, considering:*
 - *The potential lot yield of all the planning proposals in the area*
 - *The associated increase in population if these lots were realised*
 - *The impact of this increase in population on infrastructure and services, roads and traffic*
 - *The potential for these rezonings to change the rural setting of the area.*
 - *The report should consider the future of Part C of the site (the northern parcel of land), currently proposed to remain zoned RU2 Rural Landscape. Feedback from the OEH highlighted concerns that should this planning proposal proceed that a similar proposal to rezone the remainder of the site would be made at some point in the future.*

3.0 POTENTIAL SITE DEVELOPMENT

3.1 Planning Proposal

The Planning proposal would create the potential for up to 40 large residential allotments on the site as well as expand the area of public open space being developed for sporting facilities, and funding improvements to Fairleys Road.

This would involve applying an R5 Large Lot Residential zone to that part of the site proposed to be developed, and an RE1 Public Recreation Zone to the land to be dedicated. The Lot Size map is proposed to be amended to provide for a minimum area of 4000m² over the land to be zoned R5. The heritage precinct curtilage supplements and refines the current heritage listing, but does not require any statutory planning amendment.

The studies carried out for this Proposal have identified parts of the site that might warrant consideration for inclusion in an Environment Protection zone (e.g. E2), but that is not essential at this time. That land is unaffected by the zoning change sought in the Planning Proposal.

3.2 Potential Development Characteristics

Implementation of the Planning Proposal would lead to the opportunity for an additional 40 or so allotments that represent a variation on the theme established by the existing planning controls in areas surrounding Picton and other townships. That is, dwellings on allotments which are substantially larger than suburban lots and which cater for a variety of particular market needs. Dwellings will tend to be separated from others and the locality would have a semi-rural character. That outcome is assisted by the context provided by the site topography, with the area of proposed change being below and framed by an undeveloped ridgeline, and bordering an open space precinct along the creek-line to the east.

It is intended to re-align Fairleys Road, which will have the benefit of reducing erosion risk, and to service the potential subdivision from existing and realigned roads as well as relatively short lengths of new road. The single land ownership will be conducive to the staged development of the land in accordance with the market..

40 allotments would potentially house around 100-110 people, at the typical occupancy rate for the locality of 2.8.

4.0 CUMULATIVE IMPACT

4.1 Current Rezoning Proposals

The appendix to this report is from the study brief, and lists the current rezoning proposals in the area in and around Picton, Tahmoor and Thirlmere, in addition to the subject proposal. Those that involve the potential for residential allotments would generate in the order of 2540 allotments that would potentially house 7366 people at an assumed occupancy of 2.9 people per dwelling. These potential allotments are of different types and contexts.

Each proposal would be individually justified in terms of the suitability of the land, the funding of infrastructure improvements, management of environmental and other potential consequences of development, and potential public benefits.

It is generally advisable to zone land to accommodate a greater potential population than may otherwise be estimated. This provides flexibility to deal with issues such as leakage of zoned land for other uses (churches, child care, etc), redevelopment of residential land in existing urban areas for business development associated with growth, lots held for long term development, lot consolidation for large dwellings and the like. In this context the potential for 2540/2580 additional lots does not pose any unmanageable issues for either the public or private sector. It remains within the 4000 lots projected for the locality under the growth strategy.

In general the creation of 40 odd rural residential allotments when viewed against the PTTAG 300-350 new rural residential allotments and the PTT (1500 or so) residential allotments is quite insignificant.

The two major rezoning proposals PTTAG and the PTT cover land in multiple ownership. As was demonstrated under Amendment 11 and 28 to the previous LEP 1991, the land formerly zone 7(c) with multiple land owners produced incremental development spread out over many years. Typically this land is not owned by a commercial enterprise and was not acquired for development purposes. Many

landowners in such areas have indicated if their land is rezoned they have no intention to develop it. In the PTTAG area there are 87 property landowners and only 40 contributors to rezoning costs. Many owners are quite happy to keep living on their land unless there is a change of circumstances that forces a decision to develop. Significant areas of land that was rezoned in 1996 has yet to be developed.

Development of the largest rezoning proposals in the Picton Thirlmere Tahmoor areas will be staggered over a much longer timeframe than would be the case if the land was held in single ownership by a developer. Fragmented ownership provides a natural brake on development, and it is improbable that all the land in the PTTAG or the PTT will be developed.

4.2 Wollondilly Growth Management Strategy 2011

This study brief asserts that the proposal could be considered not to be in accordance with this Strategy. That issue was addressed in the State and Regional Context Study, which concluded-

This strategy specifically recognises rural residential development, and provides that it should be immediately adjacent to existing urban areas. The proposal satisfies this objective. In terms of those policies within the strategy that are relevant to the planning proposal –

- **P2** *The proposal is compatible with the concept and vision of “Rural living”*
- **P5** *The proposal is not inconsistent with the broad policy to provide for appropriate growth for each town, particularly noting the focus for growth on Picton/Tahmoor/Thirlmere set out on page 20*
- **P6** *The proposal assists the intention to plan for adequate housing. It is noted that the strategy provides for a statistical surplus of housing opportunities around Picton, and that the Strategy map does not contemplate mainstream growth in the direction of the subject site. Nonetheless, the strategy also expressly remains open to proposals for rural residential*

development adjacent to existing urban areas, and to that extent, does not preclude favourable determination of the Proposal.

- **P8** *The proposal will contribute to a mix of housing types.*
- **P9** *The proposal is consistent with the strategy for lower residential densities at the edges of urban areas*
- **P10** *The site location is consistent with this policy and the general strategic considerations for rural residential housing set out in Chapter 5.5.1.*
- **P17** *The proposal will not create any unsustainable financial burden on Council related to the funding of infrastructure. It involves the dedication of strategic land to allow extension of Council's adjoining sporting complex, and will fund local road improvements. It will generate increased rate revenue.*
- **P18** *The proposal involves the use of existing infrastructure consistent with this policy*
- **P21** *As separately addressed, the proposal is not inconsistent with the policy to protect agricultural land resources.*

To the extent that the Plan emphasises compact urban growth models, the proposal would be consistent in that it abuts and expands an urban sporting facility, and adjoins existing large lot uses. It is close to the urban centre of Picton and would support business and services in the centre.

To the extent that the plan seeks to protect agricultural resources, there is no material conflict, as addressed in the report by Harvest Scientific Services Pty Ltd forming part of the planning proposal.

The strategy has been further reviewed in the light of the study brief's assertion that the Proposal may not be in accordance with it. While it might be argued that it is not expressly indicated on the Strategic Plan for Picton, it otherwise remains consistent with the intent and policies of the strategy, and the assessment framework for rezoning proposals.

4.3 Impacts on Rural Setting

This Growth Management Strategy is based on an objective to maintain the rural setting of the Shire. It does this by focussing new growth in or adjoining existing urban areas, supporting the retention of prime crop and pastureland capable of being used for commercial agriculture, discouraging dispersed growth, and requiring large lot residential to adopt a rural “look and feel”. That is reflected in planning controls in particular addressing set-backs and building height.

Existing rural areas are featured by large lot residential development of various types, particularly adjacent to urban areas. That is a widespread characteristic not confined to Wollondilly. Space in and around dwellings, and separation of dwellings contributes to a distinct non-urban character. The subject proposal and the other proposals in the locality, are likely to lead to a type of rural setting for urban areas which is precisely what the Growth Management Strategy calls for, as well as complementing what exists. To the extent there is any cumulative effect it is both characteristic and expected.

The particular visual impacts of the subject planning proposal are separately addressed. To the extent that future individual proposals for dwellings may need modification to better reflect a rural character, that is exclusively a DA matter.

4.4 Infrastructure Implications

The subject Proposal is accompanied by an assessment of infrastructure requirements, which concludes necessary physical infrastructure is available and capable of being extended to the site, with the associated costs being met by the development. The proposal will also fund road realignment and upgrading works and dedicate land to extend Council's holding for recreational use. It was also concluded that the proposal would have no material implications for social infrastructure beyond that capable of being addressed by S94 contributions.

Similar assessments have been undertaken in support of other planning proposals.

It is likely that the cumulative effect of all the proposals may require expansion or new services that any individual proposal would not. This is likely to be tempered by time due to the probability that absorption of all the projected lots would be spread over time. The most notable example is hospital services. It is not an unreasonable proposition that improved hospital services be made available to an area of concentrated growth. Other service issues are likely to have a commercial response with growth (eg retail services).

There is nothing in the assessments to date to suggest that there are any unmanageable infrastructure issues that would reasonably cause all or any proposals to be refused.

This is not an issue that is capable of resolution by an individual rezoning proponent. Established mechanisms such as s94 enable the Council to deal with service authorities to justify charges or levies to go to funding infrastructure upgrading.

4.5 Other Implications

The rezoning of all the land encompassed by the current planning proposals has the potential to allow new development to occur simultaneously on a number of fronts, optimising choice and fostering competition, which in turn may suppress price rises. From the perspective of future residents, this should be positive.

The likely staging of growth provides an opportunity for monitoring and review of development controls and charges. The sum of proposals is no different to one major proposal for development in stages. Given that the projected development potential is well within the strategic target for the locality, there are no cumulative impact issues that would require any restrictions or culling.

4.6 Implications For Balance of the Site

The study brief says “Feedback from the OEH highlighted concerns that should this planning proposal proceed that a similar proposal to rezone the remainder of the site would be made at some point in the future.”

This concern is misplaced. Rezoning of the subject site has no bearing on the balance of the land. There is no proposal to change the zoning of the balance of the site. If there was one in the future it would not be assisted by approval of this proposal. It would need to be considered on its own merits in the circumstances at the time. The costs and cumbersome procedures required for rezoning, as demonstrated in this Proposal act as a filter against inadequately supported proposals. The Land and Environment Court has repeatedly established the principle that approval of one development application has no precedent effect on another. The same principle applies to rezoning.

5.0 CONCLUSIONS

If the potential development represented in current planning proposals cumulatively or individually can occur without public costs for infrastructure and services, without uncontrolled natural environmental impacts, and without material impact on prime crop and pasture land or agricultural productivity, then there is no cumulative impact from a public perspective. To the extent that supply could potentially outstrip demand, the implications are private rather than public, and are able to be addressed, by staging, marketing, pricing or other means. Fragmented land ownership within the planning proposal areas will lengthen development periods and preclude full development.

The proposals individually and collectively would change the rural landscape setting in which they sit. The townships have a diverse range of settings, typically broken into small units by the topography, and frequently featuring large lot residential rather than commercial farmland. Any impacts tend to be localised and are neither uncharacteristic nor unexpected. Any cumulative impact is discernible on a map rather than on the ground.

The subject Proposal has been assessed against Council's Growth Management Strategy in the State and Regional Context Report. That report concludes that it is not inconsistent with the relevant provisions and principles of the Strategy. The collective set of Planning Proposals arguably fits the same parameters, and the collective increase in lot supply is well within that projected for the locality. The small number of allotments involved is minor in the overall context.

In summary, each current planning proposal needs to be considered in its own context. Provided the public sector is shielded from infrastructure costs and environmental impacts are able to be controlled, there is no apparent public interest that would be affected by the current number of planning proposals. If they are all approved, (on the basis they are sound and impacts are controlled) the consequence is that the timing of development may be affected. That should not affect a zoning change.

Approval of all or any of the current planning proposals will change the existing rural setting of the townships. However, the change is of a type that is consistent with a substantial part of the existing rural setting, which is not rural in the sense of comprising expansive commercial farmland. Because of the physical characteristics of the area, the effects of changes to existing town settings will tend to be localised.

APPENDIX

STUDY BRIEF APPENDIX CURRENT PLANNING PROPOSALS