

Statement of Environmental Effects

No.15 Fairleys Road,
Picton

Lot 100
DP1086066



REIN, WARRY & CO

CONSULTING LAND &
ENGINEERING SURVEYORS,
& PROJECT MANAGERS

Suite 3, 67 Menangle Street

PO Box 662 Picton NSW 2571

Phone: (02) 46773144

Fax: (02) 46773155

reinwarry@bigpond.com

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1.0 INTRODUCTION

Property: Lot 1 DP1086066

Location: No.15 Fairleys Road, Picton (Primary)
No.200 Abbotsford Road, Picton (Alternative)
No.110 Fairleys Road, Picton (Alternative)

Proposal: This DA seeks approval for the following:

- Three (3) lot Torrens Title subdivision creating two (2) additional allotments;
- Removal of non-heritage structures and concrete areas;
- Removal/Replacement of asbestos roofing of heritage items;
- Site Remediation Works;
- Stabilisation works for the Abbotsford Ruins (State Archaeological Site Item No.A7).

Owner: R&F Ziems Pty Ltd
Glynis Thompson
Neil Leonard Arber
Bertoli Building Pty Limited

Zone: The subject land is contained within both the E4 Environmental Living zone and RU2 Rural Landscapes zone pursuant to Wollondilly LEP 2011.

This Statement of Environmental Effects ('SEE') has been prepared by Rein Warry & Co. to support a Development Application ('DA') to Wollondilly Shire Council (WSC) in respect to No.15 Fairleys Road, Picton being Lot 1 in DP1086066 (the 'subject site'). This application seeks approval for a three (3) lot Torrens Title subdivision of the subject site to create two (2) additional allotments, as well as for works involving the removal of non-heritage structures and concrete areas, the removal and replacement of asbestos roofing of some existing heritage items, site remediation works, and stabilisation works for the Abbotsford Ruins (State Archaeological Site Item No.A7) which exist at the subject site.

This Statement of Environmental Effects seeks to demonstrate due consideration of environmental issues and addresses those matters considered to be of relevance to this proposal under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). The report details the statutory requirements relevant to this proposal, along with the general merits and impacts of the proposal.

Any environmental concerns not directly covered in this document or which arise during proposed works will be handled in an appropriate fashion, so as to minimise environmental concerns.

This report should be read in conjunction with the following documents submitted with the DA:

- Plans of the Proposed Development prepared by Rein Warry & Co. (ref. 7042 dated 15th May 2019 – in 8 sheets);
- Aboriginal Cultural Heritage Assessment prepared by Tharawal Local Aboriginal Land Council for the Abbotsford Group (ref.no.1086066);
- Biodiversity Study for the Abbotsford Road Planning Proposal prepared by ACS Environmental Pty Ltd. (dated June 2013);
- Letter of Amendment to the Biodiversity Study for the Abbotsford Road Planning Proposal prepared by ACS Environmental Pty Ltd.;
- Bushfire Risk Assessment for the Abbotsford Road Planning Proposal prepared by ACS Environmental Pty Ltd. (dated July 2013);
- Flood Assessment Report prepared by FloodMit (ref.no.J1814_R2.doc – dated April 2019);
- Geotechnical Study for the Abbotsford Road Planning Proposal prepared by Harvest Scientific Services Pty Ltd. (ref.no.201368_Geotech – dated 23rd January 2013);
- Contaminated Land Study (Phase 1) by Harvest Scientific Services dated 29th April 2013 together with NSW Site Auditors Comments prepared by ZOIC Environmental on a proposed Phase 2 Sampling Analysis and Quality Plan (SAQP);
- Copy of approval for “Stabilisation Works” to the Abbotsford Homestead Ruins granted under Section 60 of the NSW Heritage Act 1977 by the NSW Office of Environment and Heritage (Application No.2015/s60/106 dated 7th May 2015), along with stamped approval plans;
- Curtilage Study prepared by NBRS+Partners (dated June 2013);
- Heritage Impact Statement prepared by NBRS+Partners (dated August 2015).
- *On-site Wastewater Feasibility and Water Quality Study* (ref.no.201368 dated 16th April 2013) prepared by Harvest Scientific Services Pty Ltd
- Current Certificates of Property Title for Lot 1 DP1086066 (1/1086066A, 1/1086066B, 1/1086066C).

2.0 DESCRIPTION OF SITE, LOCALITY & DEVELOPMENT

2.1 The Site

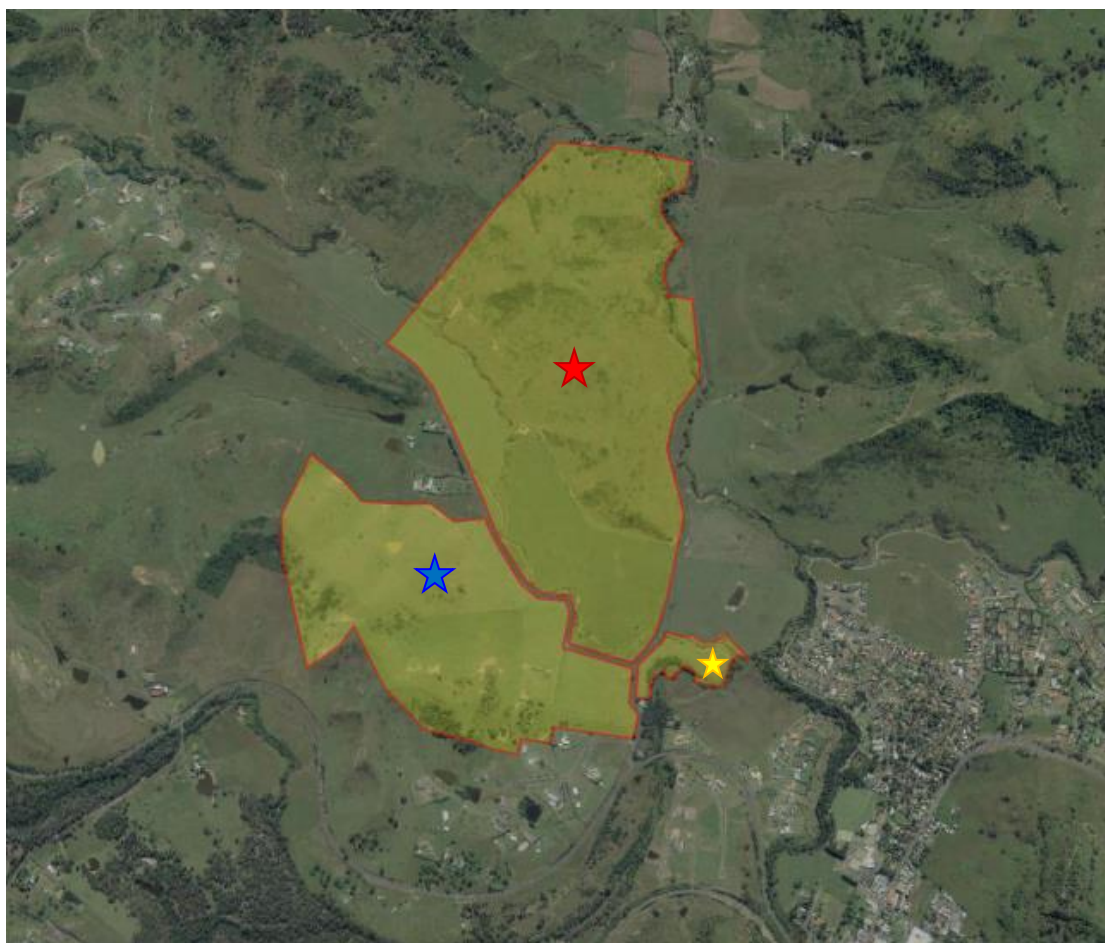


Figure 1: Aerial image of the subject site being Lot 1 in DP1086066 (highlighted in yellow/red outline) with the three (3) separate parts which comprise the site individually identified (red, blue and yellow stars). Taken from Six Viewer online 2019 – edited VWarry 2019.

The subject site is known as No.15 Fairleys Road, Picton being Lot 1 in DP1086066. The site also has two alternate street addresses being No.200 Abbotsford Road and No.110 Fairleys Road, Picton according to NSW Spatial Services (SIX Viewer online 2019). Lot 1 DP1086066 has total area of 190ha, which is divided across three (3) separate parcels of land as shown in Figure 1 above.

The subject site comprises the location of the Abbotsford Planning Proposal (2013) which was subject to a rezoning application to Wollondilly Shire Council to amend WLEP2011. The site prior to this rezoning application was entirely contained within the *RU2 Rural Landscape* zone under WLEP2011. However as a result of *Amendment 32* (December 2018) to WLEP2011, that part of the site located on the southern side of Abbotsford Road (see Blue Star in Figure 1 above) is now contained in the *E4 Environmental Living* zone (see Figure 3 below). *Amendment 32* to WLEP2011 also resulted in the now E4 zoned part of the subject site having amended minimum allotment size requirements. The now E4 zoned part of the site was previously included within the 'AB5' (40ha) minimum allotment size category under WLEP2011, however is now divided across both the 'AB2' (20ha) and 'W' (4000m²) categories under WLEP2011 (see Figure 30 on page 39 of this SEE).

The remaining two (2) parts of the site (see red and yellow stars in Figure 1) were not subject to changes in land use zoning or minimum allotment size category as a result of *Amendment 32* to WLEP2011. These matters are further discussed in the following sections of this SEE.

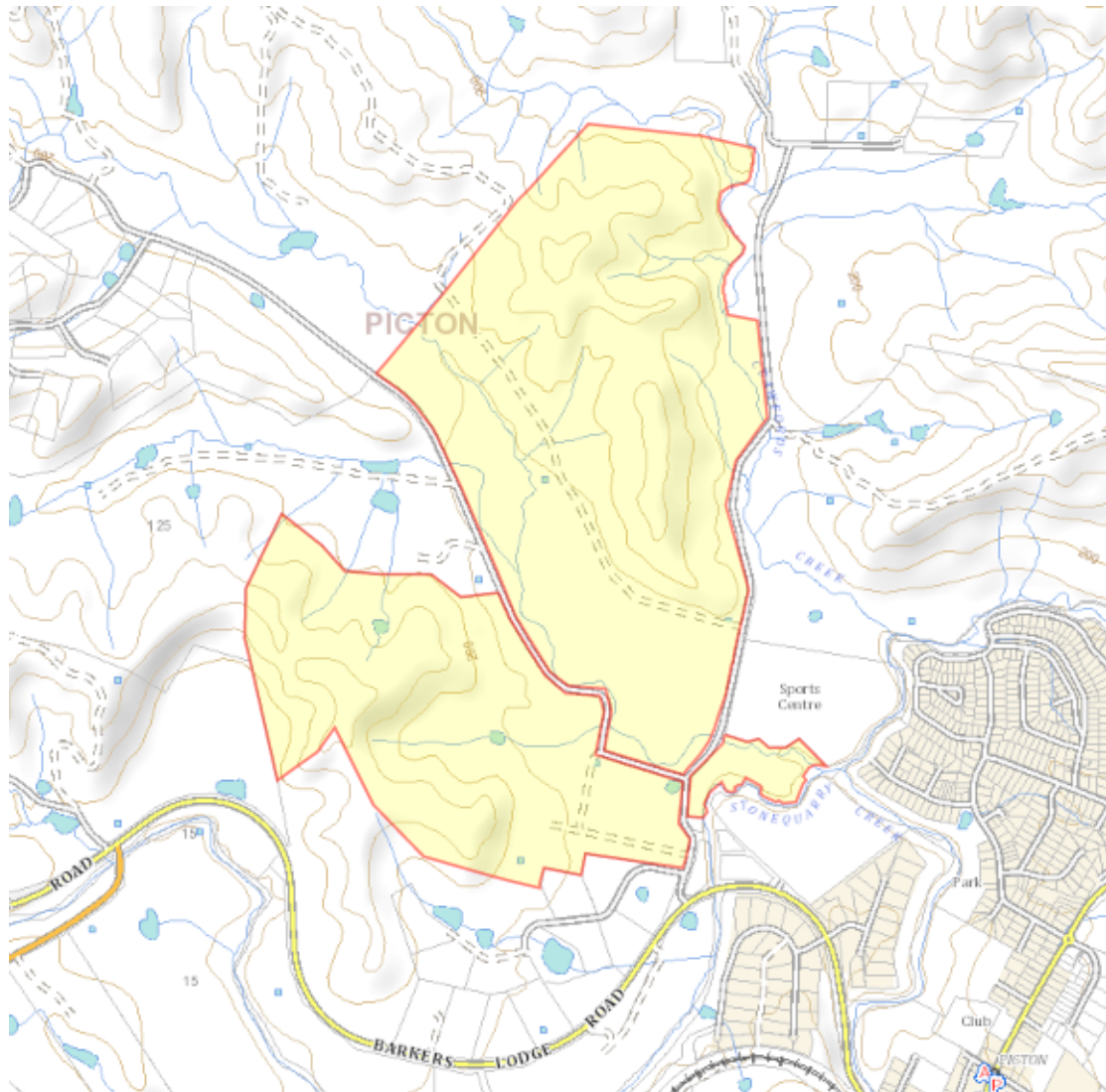


Figure 2: Topographic image of the subject site being Lot 1 in DP1086066 (highlighted in yellow/red outline). Taken from Six Viewer online 2019.

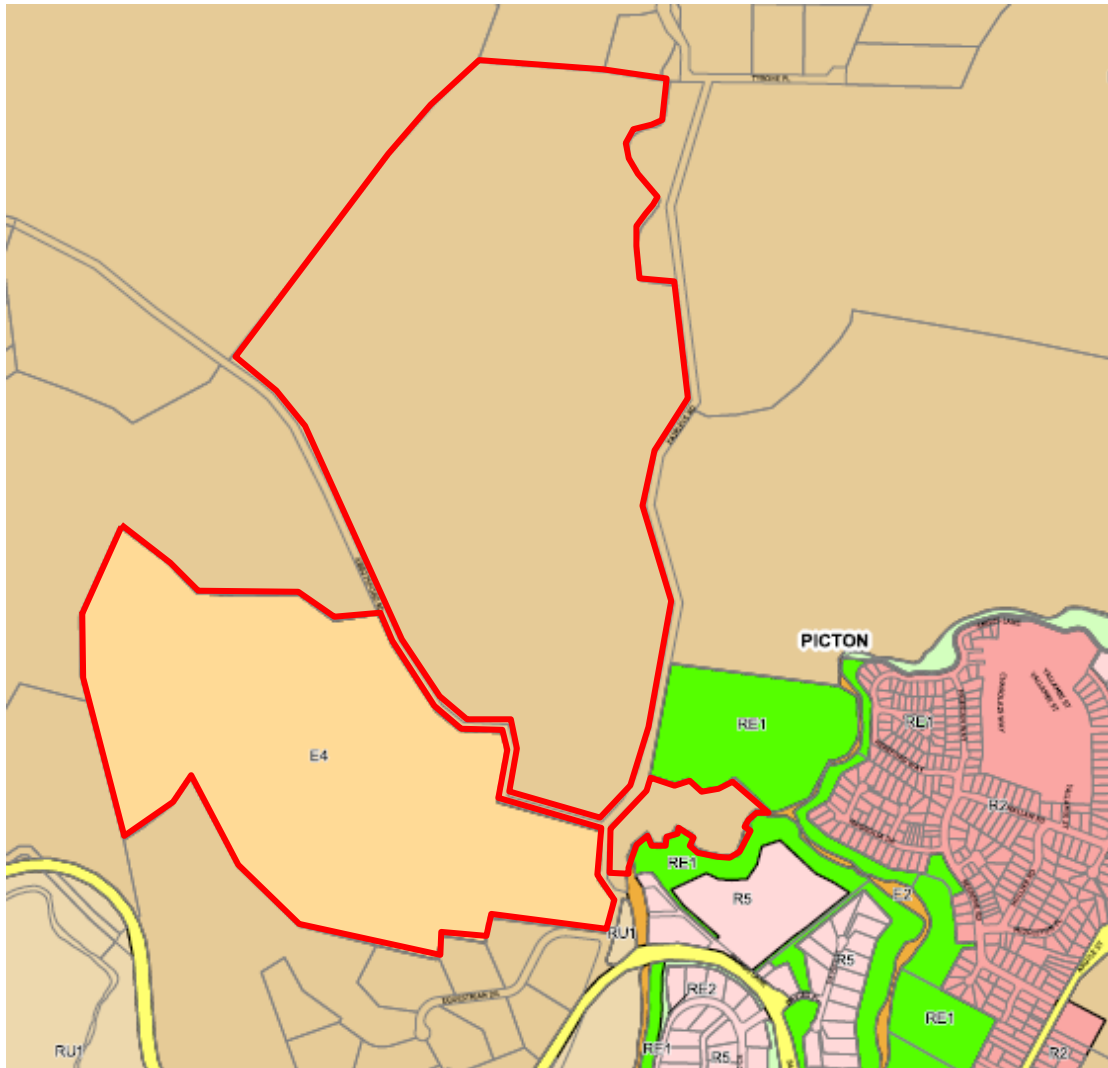


Figure 3: Excerpt from *Land Zoning* mapping under WLEP2011 showing the subject site (all parts outlined red) as being included within both the RU2 Rural Landscapes zone (shaded brown) and E4 Environmental Living zone. Taken from WLEP2011 online, edited by VWarry 2019.

The E4 zoned part of the subject site located on the southern side of Abbotsford Road (see Blue star in Figure 1) contains a total area of 64.4ha and is an irregular-shaped parcel of land. It comprises the south-western parcel of land to the intersection in Abbotsford Road (see Figures 5 and 6 below), and has two frontages to the southern and western sides of this road on the northern and eastern boundaries respectively. This part of the subject site also comprises the north-western corner allotment to the intersection of Abbotsford Road and Equestrian Drive, to which the subject has a partial frontage of approximately 91m on the southern boundary. The E4 zoned part of the subject site is identified under Schedule 5 of WLEP2011 as containing two (2) local Heritage Items and one (1) Archaeological Site. The local Heritage items comprise Item No.1297 “*Abbotsford Silos*”, and Item No.1298 “*Byrnes Exhibition Dairy*” (comprising two brick shed structures). The Archaeological Site comprises Item No.A7 “*Abbotsford - house ruins, trees, gardens, underground tank, cottage, outbuildings, tree on hill summit*”. It is noted that an approval for “Stabilisation Works” to the Abbotsford Homestead ruins, including the re-instatement of fallen brickwork, propping of sagging roofs in the maid’s quarters and steel framing has been granted under Section 60 of the NSW Heritage Act 1977 by the Office of Environment and Heritage in 2015. This matter is further discussed under Section 4.2 of this SEE.

There are also a small number of non-heritage structures either attached or located in close proximity to both the Silos and Byrnes Exhibition Dairy buildings, which comprise disused timber-framed farm sheds associated with past rural uses of the subject site (non-heritage structures identified as *Cow Stalls*, *Cow Bales* and *Shed* in Figure 7 below as well as on accompanying plans prepared by Rein Warry & Co. – Sheet 2). The roofs of all heritage and non-heritage structures, with exception of the Abbotsford Ruins, comprise corrugated asbestos roofing. All heritage and non-heritage structures are located in the eastern portion of the E4 zoned part of the subject site (see Figures 5 – 8 below for location details of on-site structures).

The E4 zoned part of the subject site largely comprises cleared rural land, with the exception of limited areas of vegetation located in the southern and western portions. A small area of vegetation located in the southern portion is identified as sensitive vegetation on Council's *Natural Resources – Biodiversity Mapping* under WLEP2011. The E4 zoned part of the subject site also contains three (3) earth dams, as well as a number of watercourses (see Figure 4 below). Two (2) watercourses which traverse along both the northern and eastern boundaries of this part the site are identified on Council's *Natural Resources – Water Mapping* as *sensitive land* under WLEP2011 (this is discussed further in Section 4.2 of this SEE). The north-eastern/eastern portions of the E4 zoned part of the subject site closest to Abbotsford Road are relatively flat, however the land rises away from Abbotsford Road to form steep slopes/hill areas in the southern and western portions (see Figure 5 below and accompanying plans by Rein Warry & Co. – Sheet 1). These steep sloping areas coincide with the location of abovementioned vegetation in this part of the subject site (see Figures 4 and 5 below).

It is noted that this section of the site has been identified as being affected by contamination concerns (see comments provided regarding contamination and proposed site remediation works under Section 3.0 of this SEE for further details).

Access to the E4 zoned part of the subject site is via an existing driveway located on the western side of Abbotsford Road. It is noted that this section of the site has been identified as being affected by contamination concerns.



Figure 4: Image looking west towards/across the E4 zoned part of the subject site taken from Abbotsford Road to which this part of the site has a frontage on the eastern boundary. The existing access driveway to this part of the site is also visible (see gate entry). The Silos comprising Local Heritage Item No.1297

“Abbotsford Silos” can be identified from this location (red arrow). Taken from Google Street online 2019 – edited by VWarry.

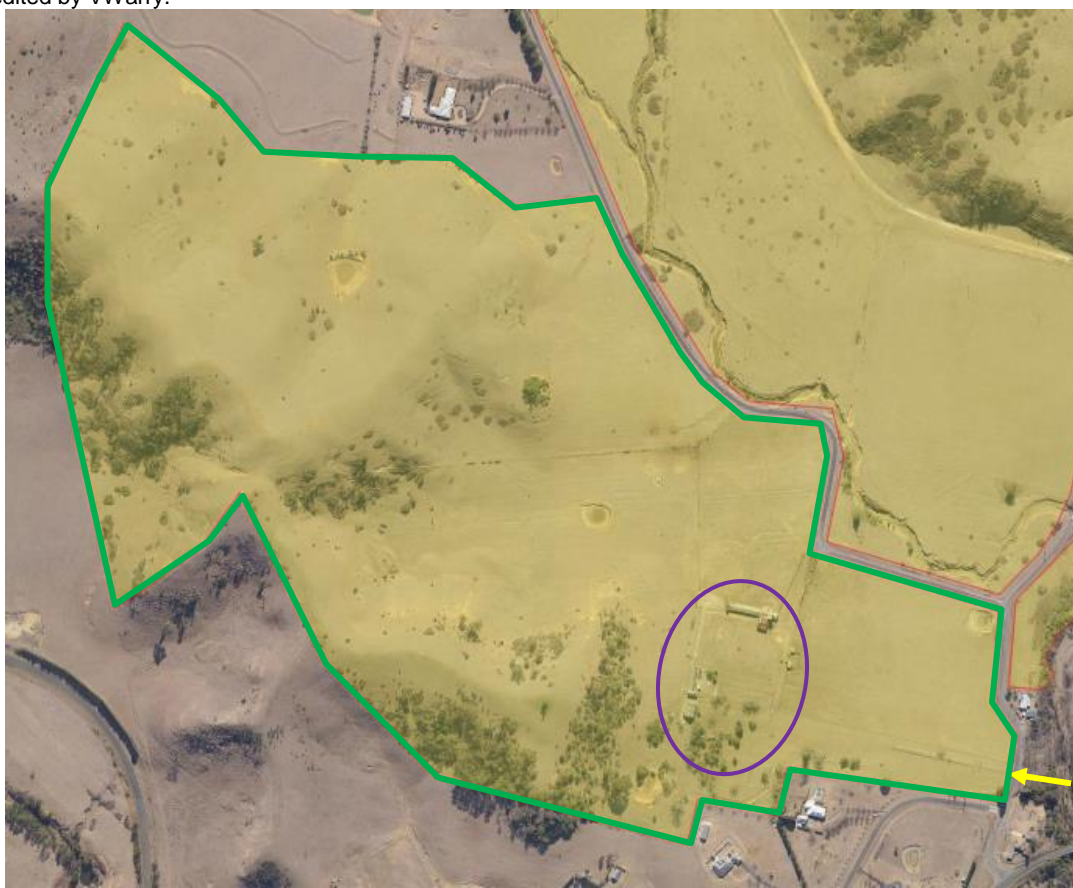


Figure 5: Aerial image of the E4 zoned part of the subject site located on the southern side of Abbotsford Road (boundary outlined green) with the area containing both heritage and non-heritage structures also shown (circled purple). The access point to this part of the site from Abbotsford Road is also identified (yellow arrow). Taken from Six Viewer online 2019 – edited by VWarry.

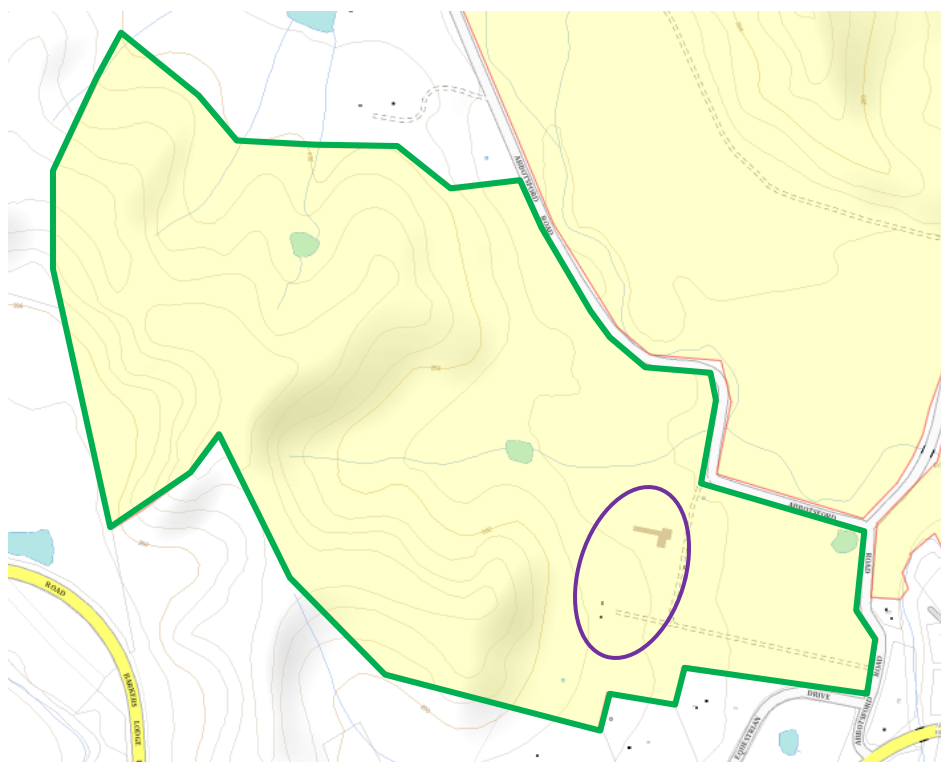


Figure 6: Topographic image of the E4 zoned part of the subject site located on the southern side of Abbotsford Road (outlined green) with the area containing both heritage and non-heritage structures also shown (circled purple). Taken from Six Viewer online 2019 – edited by VWarry.

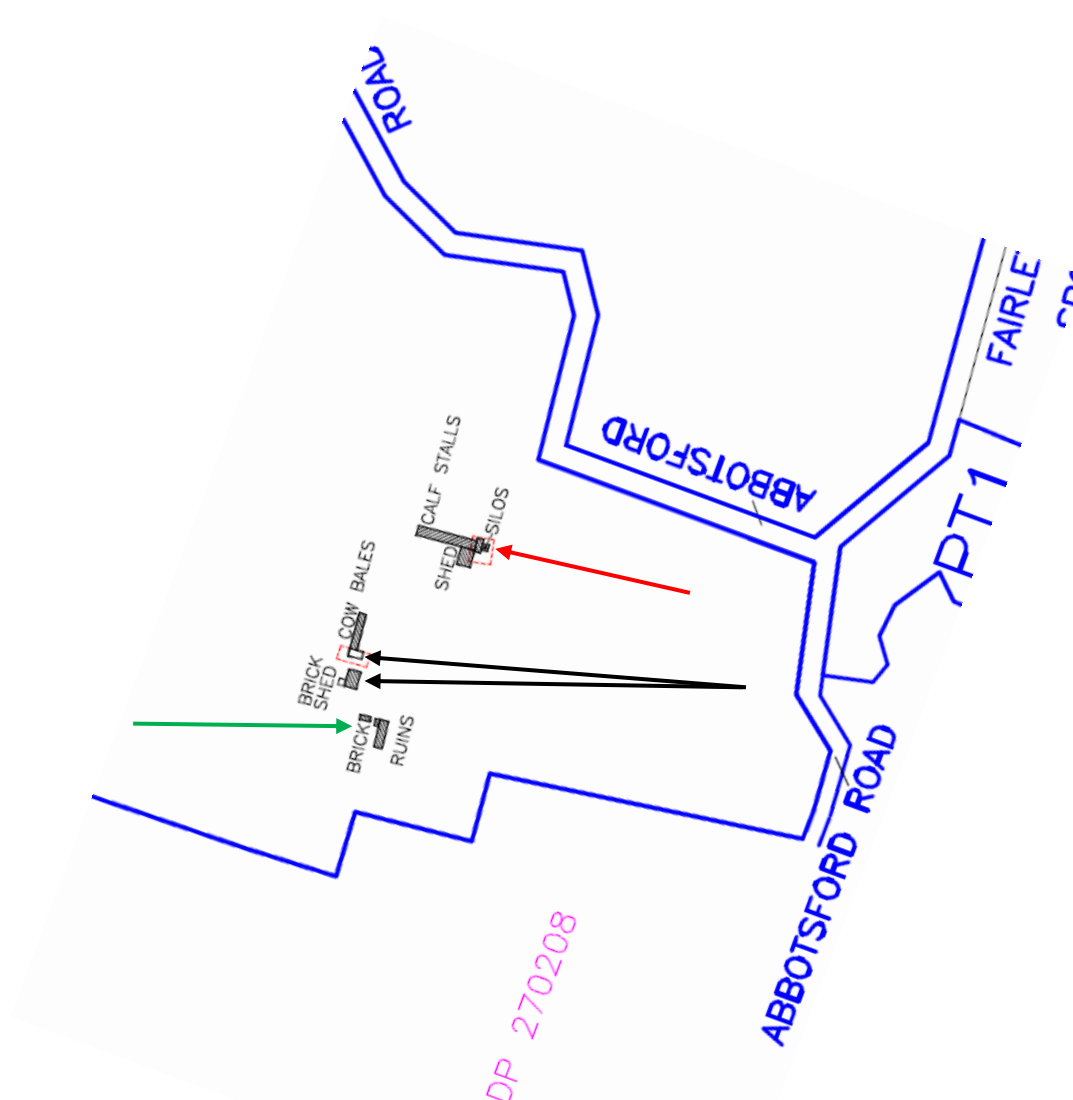


Figure 7: Excerpt from Sheet 2 in accompanying plans prepared by Rein Warry & Co. (ref.no.7042) which identifies the existing structures in the E4 zoned part of the subject site. These structures comprise local Heritage Items No.I297 “*Abbotsford Silos*” (red arrow) and No.I298 “*Byrnes Exhibition Dairy*” (black arrows), as well as Archaeological Site No.A7 “*Abbotsford - house ruins, trees, gardens, underground tank, cottage, outbuildings, tree on hill summit*” (green arrow) – all of which are identified under Schedule 5 of WLEP2011. Non-heritage structures in this part of the site are identified as Cow Stalls, Cow Bales and Shed. Edited by VWarry 2019.



Figure 8: Aerial image of the existing structures (identified in Figure 6 above) which are contained within the E4 zoned part of the subject site. Taken from SIX Viewer online 2019.

The part of the subject site located on the northern side of Abbotsford Road (see Red Star in Figure 1) is contained within the RU2 Rural Landscapes Zone under WLEP2011 (see Figure 3). It comprises the northern-corner parcel of land to the intersection of Abbotsford Road and Fairley Road, and has frontages to these roads on the southern and eastern boundaries respectively. This part of the subject site contains a total area of 121.3ha and is an irregular-shaped parcel of vacant rural land with no existing improvements or structures. The southern portion comprises cleared relatively flat land, however the remaining portions of this part of the subject site comprise steep slopes/hill areas with scattered patches of vegetation. This part of the subject site is traversed by a number of watercourses (see Figure 11), some of which are identified on WLEP2011 *Natural Resources – Water Mapping* as sensitive land (this is discussed further in Section 4.2 of this SEE). Access to this part of the site is via an existing driveway located on the western side of Fairleys Road (see Figure 10 below).



Figure 9: Image looking north-west towards/across the part of the subject site located on the northern side of Abbotsford Road (described above). This image is taken from Fairleys Road along to the eastern frontage of this part of the subject site to this road (see location indicated in Figure 10 below). Taken from Google Street online 2019 – edited by VWarry.

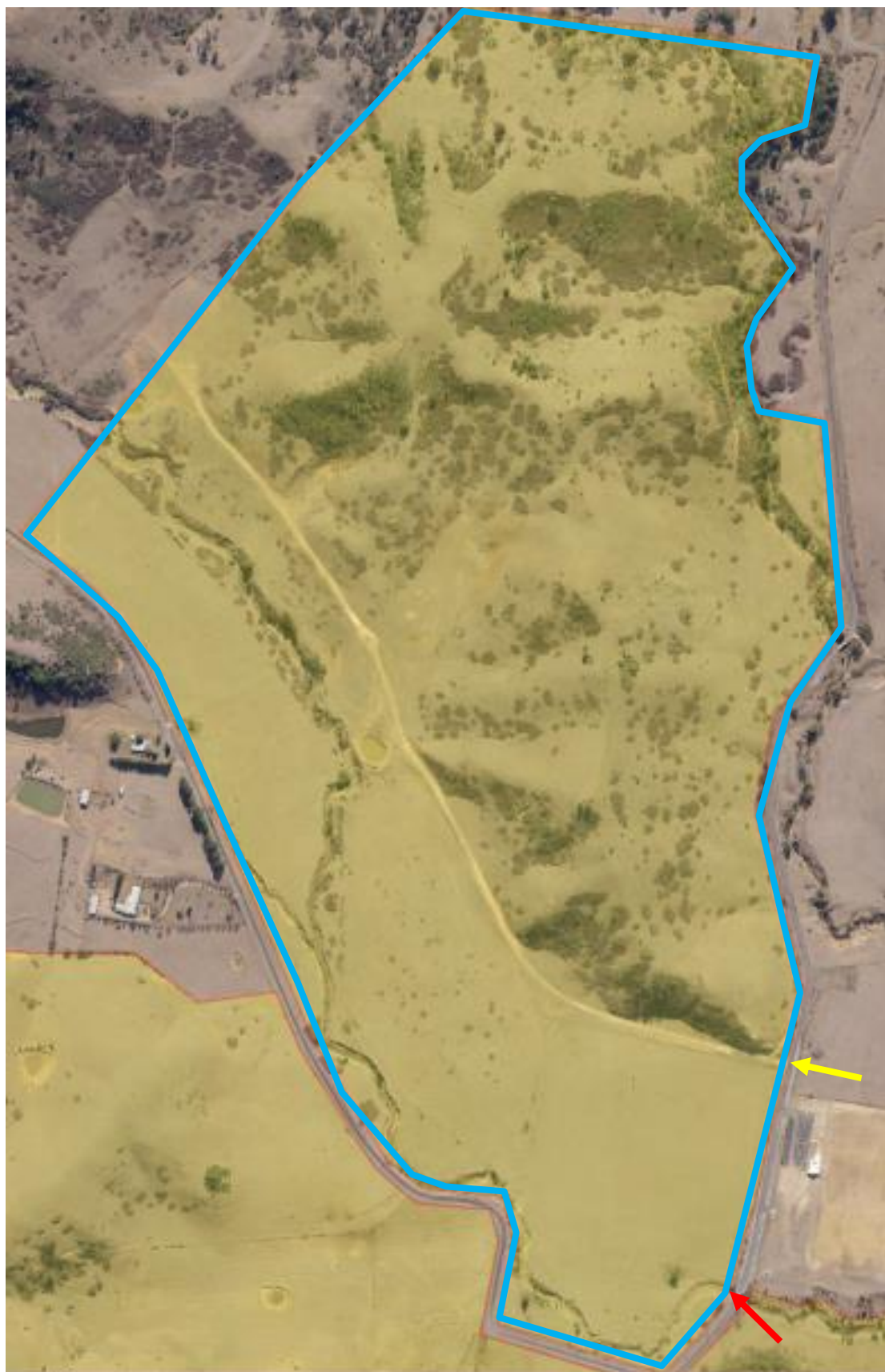


Figure 10: Aerial image of the RU2 zoned part of the subject site located on the northern side of Abbotsford Road (boundary outlined blue). The access point to this part of the site is located on the eastern frontage to Fairleys Road (see yellow arrow). The location/approximate direction from which the image in Figure 9 above has been taken is also shown (red arrow). Taken from Six Viewer online 2019 – edited by VWarry.

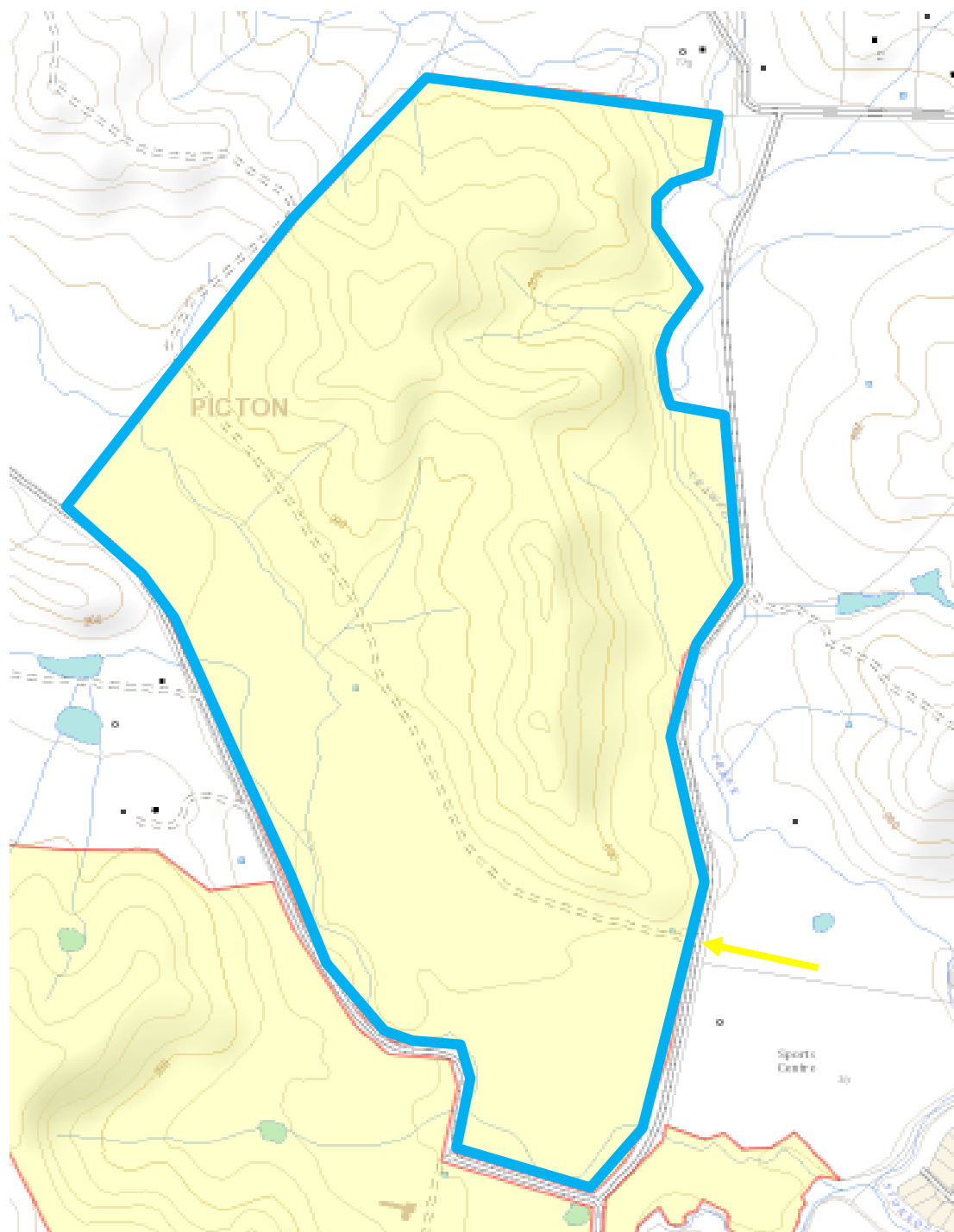


Figure 11: Topographic image of the RU2 zoned part of the subject site located on the northern side of Abbotsford Road (outlined blue). The access point to this part of the site located on the eastern frontage to Fairleys Road is again identified (yellow arrow). The multiple identified watercourses which traverse this part of the subject site can be observed in this image (see blue lines). Taken from Six Viewer online 2019 – edited by VWarry.

The smallest part of the subject site is located on the eastern side of Abbotsford Road and Fairleys Road (Yellow Star in Figure 1), and is positioned opposite the intersection between these two roads. It is also contained within the RU2 Rural Landscapes Zone under WLEP2011. This part comprises an area of 4.42ha and is irregular in shape. It has a frontage of approximately 265m to the eastern side of Abbotsford Road on the western boundary, from which vehicle access is made (see Figure 13). It is a vacant parcel of rural land, with some scattered vegetation located on the banks of two watercourses which largely form the northern and southern property boundaries. Both of these watercourses are identified on WLEP2011 *Natural Resources – Water Mapping* as sensitive land. Those areas not comprising the banks of surrounding watercourses are relatively flat with some minor variation in topography.



Figure 12: Image looking south-east towards/across the part of the subject site located on the eastern side of Abbotsford Road (described above). This image is taken from Abbotsford Road at the approximate location where the northern boundary of this part of the subject site meets the road corridor (see location indicated in Figure 10 below). Taken from Google Street online 2019 – edited by VWarry.

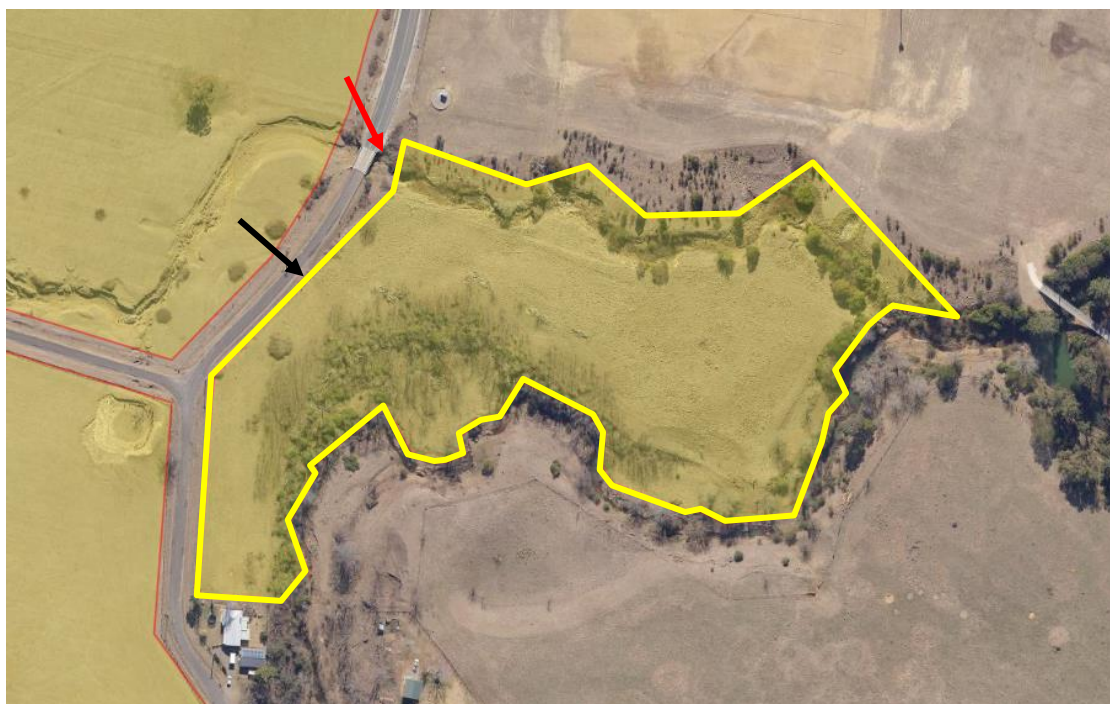


Figure 13: Aerial image of the RU2 zoned part of the subject site located on the eastern side of Abbotsford Road (boundary outlined yellow). The access point to this part of the site is located on the western frontage to Abbotsford Road (see black arrow for location). The location/approximate direction from which the image in Figure 12 above has been taken is also shown (red arrow). Taken from Six Viewer online 2019 – edited by VWarry 2019.

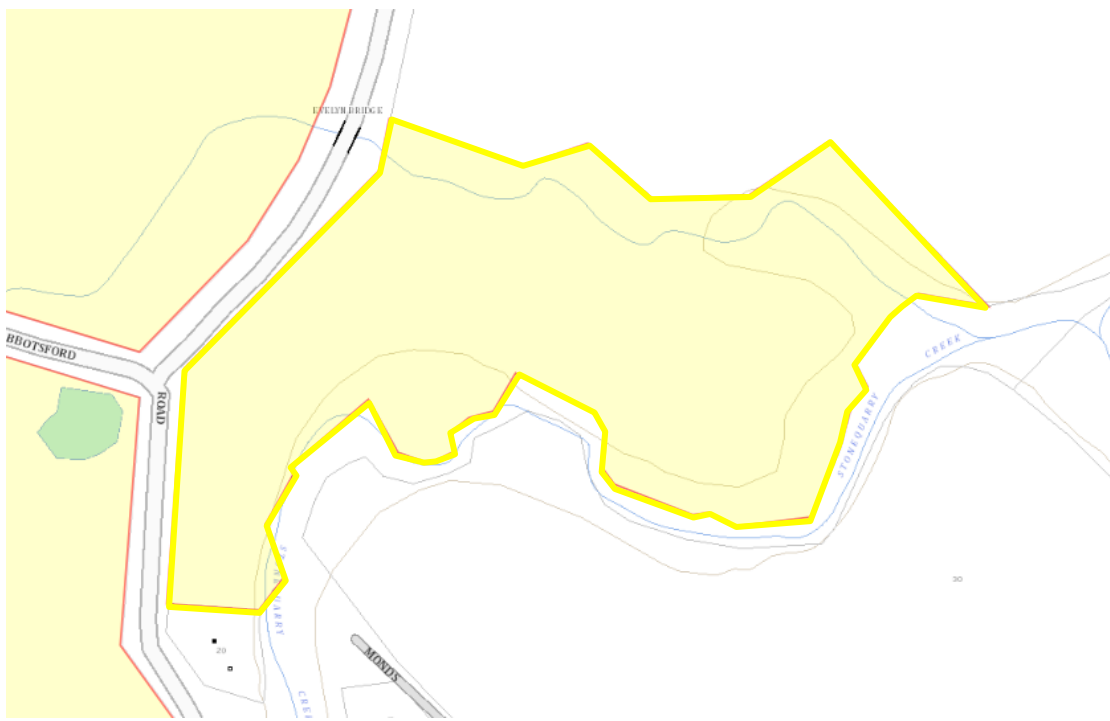


Figure 14: Topographic image of the RU2 zoned part of the subject site located on the eastern side of Abbotsford Road (outlined yellow). The two (2) identified watercourses which largely form the northern and southern boundaries can be observed in this image (see blue lines). Taken from Six Viewer online 2019 – edited by VWarry 2019.

The subject site is currently used for minor livestock grazing (cows, horses, sheep). The site was previously used for dairying purposes, hence existing remnant of dairy industry infrastructure within the E4 zoned part of the subject site.

The sections of Abbotsford Road to which the three (3) different parts of the site have frontage/gain access comprises a two-way bitumen-sealed rural road with no constructed kerb and gutter and low traffic volume. The site is contained in an 80km/h speed zone. All access points to the three (3) parts of the subject site are considered to have adequate sight access, with all exceeding 80m in either direction with views available around the intersection in Abbotsford Road as well as the intersection of Abbotsford Road and Equestrian Drive.

The site is partially identified as Bushfire Prone Land, being affected by *Vegetation Category 2* and *Vegetation Buffer* bushfire hazard categories (see Section 4.1 of this SEE for further details).

The site is partially contained within Picton Mine Subsidence District (see Section 4.1 of this SEE for further details).

2.2 Locality & Surrounding Development

The site is located within a rural area of Picton in Wollondilly Shire, on the western fringe of existing residential areas in the north of Picton Township. Due to its large size and layout, there is a significant number of adjoining allotments to the boundaries of the subject site. These adjoining allotments range in land use, and include land zoned for public recreation (RE1 zone under WLEP2011), land zoned for environmental conservation (E2 zone under WLEP2011), vacant rural land, rural residential development and low density residential development. Land adjoining to the west and east of the part of the subject site north of Abbotsford Road are also identified as No.15 Fairleys Road, Picton and comprise vacant rural land (see Figure 15).

The site is currently serviced by town water supply, as well as overhead electricity and underground telephone services which will need to be extended to future development at the subject site. Appropriate arrangements will be made to ensure appropriate connection to these essential services, as would be required to obtain a Subdivision Certificate pending development consent.

The site is not serviced by reticulated sewage, with wastewater management to be undertaken on-site as part of any future residential development. This is supported by an *On-site Wastewater Feasibility and Water Quality Study* (ref.no.201368 dated 16th April 2013) prepared by Harvest Scientific Services Pty Ltd as part of the 'Abbotsford' Planning Proposal over the subject site which also accompanies this DA (see further comments provided in relation to WLEP2011 Clause 7.1 *Essential Services* under Section 4.2 of this SEE).

The surrounding road network is well established and will have the capacity to accommodate anticipated traffic movements resulting from this proposal. Appropriate road widths and traffic management facilities already in place. Necessary Section 7.11 Contributions (formerly Section 94 under the EP&A Act 1979) will be made as part of the subject proposal if approved which may be collected by Council for upgrades to local roads. However given that this proposal only seeks to the creation of two (2) additional allotments, potential impacts would be negligible. The subject

proposal is however acknowledged to be a Staging DA, which will facilitate the further future subdivision of allotments created in this DA. Considerations in this regard can be made during the assessment process by Council of such DA's in future.

The subject site is located approximately 1.6km travelling distance to the north-west of Picton Township which offers a wide range of commercial, social, community and transport services and facilities for local and incoming residents within the Shire.

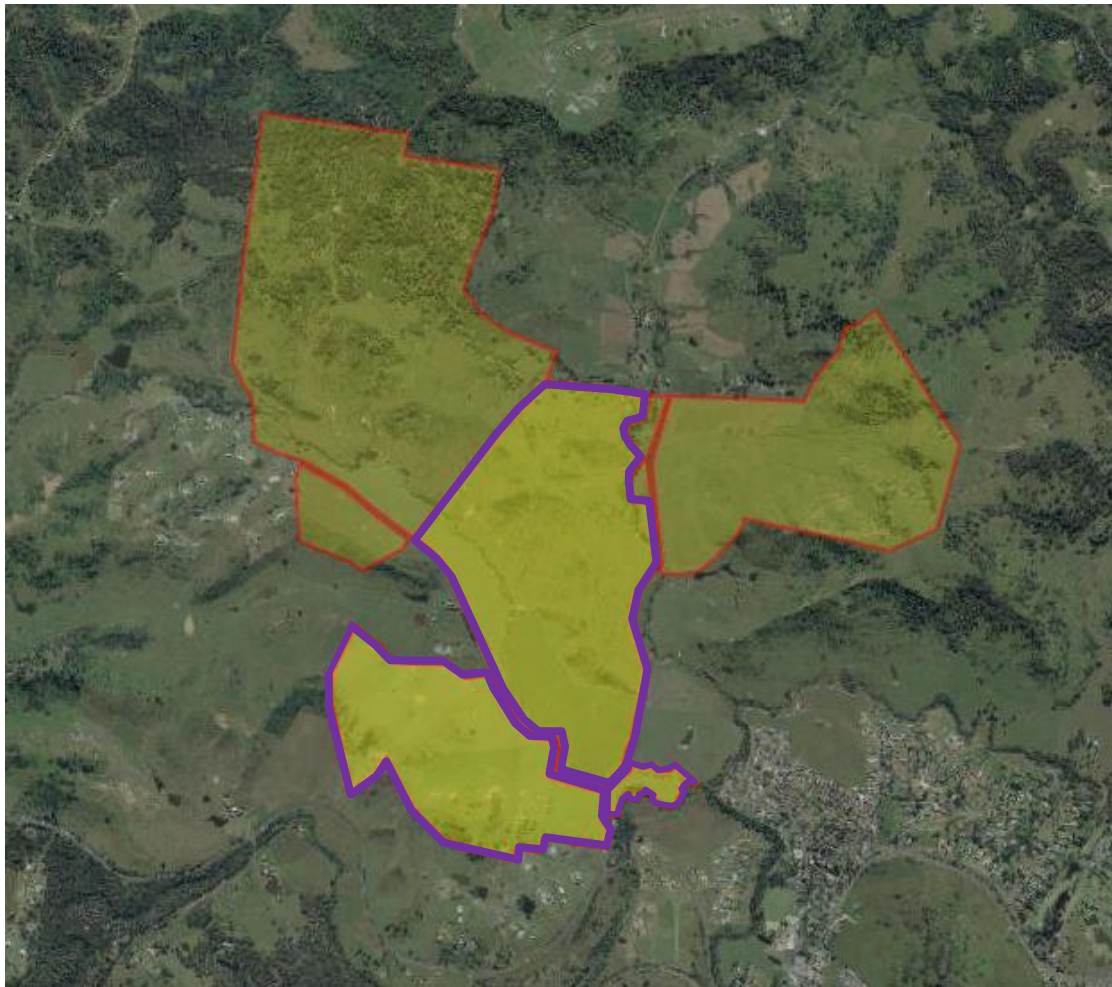


Figure 15: Aerial image showing the subject site being Lot 1 DP1086066 (boundary outlined purple/shaded yellow) being contained within the larger property identified as No.15 Fairleys Road (primary address, also alternatively known as No.200 Abbotsford Road and No.110 Fairleys Road – boundary highlighted red/yellow shading). Taken from Six Viewer online 2019 – edited by VWarry 2019.

3.0 THE DEVELOPMENT

This subject development application seeks approval for the following at the subject site:

- **Three (3) lot Torrens Title subdivision creating two (2) additional allotments**
- **Removal of non-heritage structures and concrete areas**
- **Removal/Replacement of asbestos roofing of heritage items**
- **Site Remediation Works**
- **Stabilisation works for the Abbotsford Ruins**

Details of the proposal are provided below.

- **Three (3) Lot Torrens Title Subdivision creating two (2) additional allotments**

This DA seeks to undertake Torrens Title subdivision of Lot 1 DP1086066 to create two (2) additional allotments. This proposed three (3) lot subdivision comprises a 'Staging Development', which is primarily aimed at separating Lot 1 DP1086066 into three (3) distinct areas of varying future development expectations and potential. This will result in the separation of E4 zoned part of the subject site located on southern side of Abbotsford Road away from the RU2 zoned parts located on the northern and eastern sides of Abbotsford Road. The proposed subdivision design will then also separate areas within the E4 zoned part of the site with significant future subdivision potential away locations of significant heritage value.

Proposed allotment details are provided as follows:

Proposed Lot	Area
101	6.654ha
102	57.75ha
PT103	125.7ha (Total) (Small Portion 4.42ha) (Large Portion 121.3ha)

Specific allotment descriptions are provided below.

Proposed Lot 101 will be the smallest of the three (3) allotments. It will be located on the western side of Abbotsford Road and will have a frontage of approximately 34m to this road on the eastern boundary. It will become the north-western corner allotment to the intersection of Abbotsford Road and Equestrian Drive and so also have a partial frontage of 98m to the northern side of Equestrian Drive on the southern boundary. Proposed Lot 101 will become a heritage allotment and will contain one (1) of the two (2) brick shed structures which comprise Local Heritage Item No.1298 *“Byrnes Exhibition Dairy”*, and will fully contain State Archaeological Site Item No.A7 *“Abbotsford - house ruins, trees, gardens, underground tank, cottage, outbuildings, tree on hill summit”*. The proposed design of Lot 101 provides the Abbotsford ruins appropriate curtilage as supported in the accompanying Curtilage Study (dated June 2013) prepared by NBRSP+Partners.

Proposed Lot 101 will be largely clear of vegetation with exception of some scattered trees and shrubs around Abbotsford House ruins, as well as a patch of vegetation located in the western portion which is noted to be identified on Council's Biodiversity Mapping under WLEP2011. This area of sensitive vegetation is also identified as bushfire prone land (Category 2 and Bushfire Buffer). Proposed Lot 101 will have a general slope rising east to west, with the location of the sensitive vegetation coinciding with a steep rise in topography in the western portion of this allotment.

Future access to proposed Lot 101 will be available from the western side Abbotsford Road via the frontage to this road. Works in this DA will include the construction of a new driveway for proposed Lot 101 comprising crushed concrete from proposed on-site demolition works (described below). Details regarding this are provided in accompanying plans prepared by Rein Warry & Co. (ref.no.7042 dated 15th May 2019 – Sheet 8). Available sight distance from the proposed location of the driveway for Lot 101 will exceed 80m in either direction which, given the low traffic volume of the surrounding road network, is considered sufficient to allow for safe vehicle ingress/egress.

Proposed Lot 101 will be contained in the E4 Environmental Living Zone under WLEP2011. The majority of proposed Lot 101 will be contained in the ‘W’ (4000m²) minimum allotment size category, however a small area in the western portion will be contained in the ‘AB2’ (20ha) category under WLEP2011, which corresponds with the rising vegetated area mentioned above.



Figure 16: Image looking north along Abbotsford Road from the approximate location of the new driveway for proposed Lot 101. Sight distance in this direction will exceed 80m. Image taken from Google Street Viewer online 2019.



Figure 17: Image looking south along Abbotsford Road from the approximate location of the new driveway for proposed Lot 101. Sight distance in this direction will exceed 100m. Image taken from Google Street Viewer online 2019.

Proposed Lot 102 will comprise the remainder of the E4 zoned part of the subject site located on the southern side of Abbotsford Road. It will become the south-western corner allotment to the intersection of Abbotsford Road and Fairleys Road, and will have frontages of approximately 221m and 858m to the western and southern sides of these roads respectively. Proposed Lot 102 will be created for the intended purpose of future subdivision development to create 4000m² allotments. This development potential for proposed Lot 102 has been made possible by Amendment 32 to WLEP2011, which resulted in that part of the subject site comprising proposed Lot 102 having a significant area of land contained within the 'W' (4000sqm) minimum allotment size category under WLEP2011. This area within the 'W' (4000sqm) minimum allotment size category generally coincides with the flatter areas of proposed Lot 102 in proximity to Abbotsford Road. The western portion of proposed Lot 102 comprises steep sloping hill areas with significant variation in topography, which will be largely contained within the AB2' (20ha) minimum allotment size category under WLEP2011.

Proposed Lot 102 will be a vacant parcel of land with exception of one (1) of the (2) brick shed structures which form Local Heritage Item No.1298 "Byrnes Exhibition Dairy" (with the other located on proposed Lot 101 as mentioned above), as well as local Heritage Item No.1297 "Abbotsford Silos". There are a small number of non-heritage shed structures either attached or located in close proximity to both the Silos and Byrnes Exhibition Dairy building (non-heritage structures identified as Cow Stalls, Cow Bales and Shed in Figure 22 below as well as on accompanying plans prepared by Rein Warry & Co. – Sheet 2). These will be removed as part of proposed works in this DA as described below in this SEE. All heritage and non-heritage structures will be located in the eastern portion of proposed Lot 102.

Proposed Lot 102 will comprise cleared rural land with exception of some small dense clusters of vegetation in the southern and western portions. A small area of vegetation in the southern portion is identified on Biodiversity Mapping under

WLEP2011, with this area also comprising Bushfire Prone Land (Category 2 and Bushfire Buffer). Proposed Lot 102 will also contain three (3) earth dams and will be traversed by three (3) watercourses, none of which are identified as sensitive land on mapping under WLEP2011. The northern frontage of proposed Lot 102 will however be affected by a required 30m buffer for development provided under WLEP2011 for a watercourse contained in proposed Lot 103.

Vehicle access to proposed Lot 102 will be available from the southern side Abbotsford Road via an existing rural driveway (see Figure 18). This existing access has sight distance exceeding 100m in either directions which, given the low traffic volume of the surrounding road network, is considered sufficient to allow for safe vehicle ingress/egress. It is however again noted that proposed Lot 102 will be subject to future subdivision development pending Council approval of this DA, which will result in changes to future access arrangements to this part of the subject site.



Figure 18: Aerial image showing the proposed access point (yellow circle) for proposed Lot 102 located on the southern side of Abbotsford Road. Sight distance will exceed 100m in either direction from this access point. Image taken from SIX Viewer online 2019 – edited by VWarry 2019.

Proposed Lot 103 will comprise the two (2) RU2 zoned parts of the subject site located on the northern and eastern sides Abbotsford Road. (see plans prepared by Rein Warry & Co. – Sheet 3).

The larger part of proposed Lot 103 located on the northern side of Abbotsford Road will comprise the northern-corner parcel of land to the intersection of Abbotsford Road and Fairleys Road. It will have two long frontages to the northern and western sides of these roads respectively. Vehicle access will be made via an existing access driveway located on the eastern frontage to western side of Fairleys Road. Sight distance will exceed 140m in either direction from this access point which is considered sufficient given the relevant traffic volume of the surrounding road network. It will be a vacant parcel of land, with some scattered vegetation across the central and the northern portions. Areas closest to Abbotsford Road will be relatively flat, with the land then rising away from Abbotsford Road to form hill areas in the central and northern portions. These hill areas coincide with the location of scattered vegetation. The central and northern portions are traversed by a number of watercourses, some of which are identified on as sensitive land on Council's *Natural Resources – Water Mapping* under WLEP2011. The flatter area proposed Lot 103 in proximity to Abbotsford Road is also transected by a two (2) watercourses, one of which largely runs along the southern boundary frontage to Abbotsford Road. Both of these watercourses are also identified on WLEP2011 Natural Resources – Water Mapping as sensitive land.

The smaller part of proposed Lot 103 located on the eastern side of Abbotsford Road will also comprise a vacant parcel of rural land. It will have a frontage of approximately 265m to the eastern side of Abbotsford Road/Fairleys Road, from which vehicle access will be made via an existing gate access. Sight distance will exceed 100m in either direction from this access point which is considered sufficient given the relevant traffic volume of the surrounding road network. This part of Lot 102 will contain some scattered vegetation located on the banks of two watercourses which largely form the northern and southern property boundaries. Both of these watercourses are identified as sensitive land on Council's *Natural Resources – Water Mapping* under WLEP2011. Those areas not comprising the banks of surrounding watercourses are relatively flat with some minor variation in topography.

Proposed Lot 103 will be contained within the 'AB5' (40ha) minimum allotment size category under WLEP2011. Proposed Lot 103 will become a rural allotment, with the potential to be subdivided in future to create allotments with a minimum area of 40ha.



Figure 19: Image of the access point located on the western side of Abbotsford for the larger part of proposed Lot 103. Image taken from Google Street Viewer online 2019.



Figure 20: Image looking north along Abbotsford Road from the approximate location of the access point for the larger part of proposed Lot 103. Sight distance in this direction will exceed 140m. Image taken from Google Street Viewer online 2019.



Figure 21: Image looking south along Abbotsford Road from the approximate location of the future access point for the larger part of proposed Lot 103. Sight distance in this direction will exceed 140m. Image taken from Google Street Viewer online 2019.



Figure 22: Image of the access point located on the eastern side of Abbotsford for the smaller part of proposed Lot 103. Image taken from Google Street Viewer online 2019.



Figure 23: Image looking north along Abbotsford Road from the approximate location of the access point for the smaller part of proposed Lot 103. Sight distance in this direction will exceed 140m. Image taken from Google Street Viewer online 2019.



Figure 24: Image looking south along Abbotsford Road from the approximate location of the access point for the smaller part of proposed Lot 103. Sight distance in this direction will exceed 140m. Image taken from Google Street Viewer online 2019.

For further details regarding the proposed subdivision please see plans prepared by Rein Warry & Co. (ref. 7042 dated 15th May 2019 – in 8 sheets) which accompany this proposal.

- **Removal of non-heritage structures and concrete areas**

This DA also seeks to undertake demolition activities at the subject site in order to remove existing non-heritage structures from the subject site, as well as surrounding concrete areas. Structures to be removed comprise old farm sheds associated with previous uses of the subject site for dairy and animal grazing purposes and are located within the E4 zoned part of the subject site on the southern side of Abbotsford Road (which will become proposed Lots 101 and 102). Structures to be removed are attached to one of buildings which form part of Local Heritage Item No.1298 “Byrnes Exhibition Dairy” (which comprises two brick shed buildings), as well as to the silos which comprise local Heritage Item No.1297. Non-heritage structures to be removed are identified as *Cow Stalls*, *Cow Bales* and *Shed* in Figure 25 below as well as on accompanying plans prepared by Rein Warry & Co. (see Sheet 2). The shed structures to be removed are not identified under Schedule 5 of WLEP2011 as having heritage significance. No heritage structure will be removed as part of these proposed works.

Structures to be removed are timber framed with corrugated asbestos roofing and concrete floors. Given the existence of asbestos fibres, careful and appropriate measures regarding asbestos management, dust suppression and demolished material disposal will be required to be implemented throughout all stages of proposed demolition works. All materials will be moved off-site for appropriate disposal. Specific management measures for these proposed works to avoid impacts regarding asbestos material, including an Asbestos Management Plan, will be further detailed at a later stage of the development process. An initial waste management plan for the subject proposal is also provided at Annexure A to this SEE..

There are also existing concrete surfaced areas within proximity to the structures to be removed (see Figure 25 below). These concrete areas will also be removed as part of works in this DA. This will involve these concrete areas being cleared, washed, removed and then crushed to be re-used to make aggregate for the proposed new driveway for proposed heritage Lot 101. This process will also apply to the concrete floors of the buildings to be removed (if deemed appropriate for use).

Further details regarding proposed demolition activities in this DA are provided in accompanying plans prepared by Rein Warry & Co. (ref.no.7042 dated 15th May 2019 – sheets 5, 6, 7, 8).



Figure 25: Aerial image showing the sheds (outlined red/shaded red) and concrete areas (indicated by black arrows) which are proposed for removal in this DA. The two (2) brick buildings comprising Local Heritage Item No.1298 “Byrnes Exhibition Dairy” (indicated by blue arrows) and the Silos forming Local Heritage Item No.1298 (indicated by yellow arrows) will not be removed as part of these proposed works. Image taken from SIX Viewer online 2019 – edited by VWarry 2019.

Removal/Replacement of Abestos Rooving

The two (2) brick shed buildings comprising Local Heritage Item No.1298 “Byrnes Exhibition Dairy” as well as the silos which comprise Local Heritage Item No.1297 under WLEP2011 located within the E4 zoned part of the subject site currently have corrugated asbestos roofing. This DA includes proposed works to remove this existing asbestos roofing from all of these structures and replace it with colorbond steel roofing. These works will contribute to the removal of hazardous asbestos material from the subject site and so the potential impacts upon the future use of the subject site as well as the general environmental health of the site and its surrounds. In doing so, these works will also aid to preserving and maintaining those heritage structures which will remain on-site beyond this proposal and into the future. Chimneys located on the roof of the brick shed buildings will not be removed as part of proposed roof replacement works. These works only relate to roof replacement, and will not alter or impact the remaining parts of the heritage structures subject to these proposed works. Appropriate management of these works will be undertaken to ensure the quality and integrity of these heritage structures will not be adversely impacted. These works will not affect the Abbotsford ruins.

As will be required for proposed structure removal works described above in this SEE, given the existence of asbestos fibres, careful and appropriate measures regarding asbestos management, dust suppression and demolished material disposal will again be required to be implemented throughout all stages of proposed roof replacement works. All materials will be moved off-site for appropriate disposal. Specific management measures for these proposed works to avoid impacts regarding asbestos material, including an Asbestos Management Plan, will be further detailed at a later stage of the development process. An initial waste management plan for the subject proposal is also provided at Annexure A to this SEE.



Figure 26: Aerial image showing the two (2) buildings which form Local Heritage Item No.1298 “Byrnes Exhibition Dairy” (indicated by black arrows) which will have their current asbestos roofing replaced as part of proposed works in this DA. Part of one of the non-heritage structures to be removed as part of proposed work in this DA is again also indicated (outlined red/shaded red) Image taken from SIX Viewer online – edited by VWarry 2019.



Figure 27: Aerial image showing the Silos which form Local Heritage Item No.1297 (indicated by black arrows) which will have their current asbestos roofing replaced as part of proposed works in this DA. Part of one of the non-heritage structures to be removed as part of proposed work in this DA is again also indicated (outlined red/shaded red). Image taken from SIX Viewer online – edited by VWarry 2019.

Site Remediation Works

It is noted that a Contaminated Land Study (Phase 1) was prepared by Harvest Scientific Services (ref.no.2013678_Geotech – dated 29th April 2013) over the subject site as part of the Abbotsford Planning Proposal, which assessed contamination potential at the site. This Contaminated Land Study (Phase 1) identifies a number of areas of potential contamination concern (AEC's) within the E4 zoned part of the subject site which will become proposed Lots 101 and 102. As such, site remediation works will be required as part of this proposal to remove contamination hazards from the site. The exact scope and extent of remediation works has not yet been determined. However subject to approval of this DA, the intended process for proposed site remediation will be that upon completion of proposed structure removal and roof replacement works described above, Phase 2 contamination sampling of site soil will be undertaken. Once analytical data from this sampling is available, a site specific Remediation Action Plan (RAP) will be prepared, which will also address works involving the removal of structures and roof replacement also proposed in this DA. The RAP will then be submitted to an appropriately qualified NSW Site Auditor for approval, and if successful, the physical process of site remediation will be undertaken. Upon completion of physical site remediation works, all areas affected by these remediation activities will be subject to validation testing to ensure that contamination hazards have been adequately removed. This testing will continue until such time that all sampling results demonstrate compliance with the appropriate applicable standards. The NSW Site Auditor will then assess all data generated by this validation testing and provide appropriate clearances for future development to take place.

In addition to the abovementioned Contaminated Land Study (Phase 1), it is noted Harvest Scientific Services has also prepared a Sampling Analysis Quality Plan (SAQP) for a Detailed Site Investigation (Phase 2 Environmental Assessment). This has been submitted to Zoic Environmental Pty Ltd who have been appointed by Berten Pty Ltd as the Site Auditors for the subject site. Subject to the approval of this development application, the general process describe above will be enacted.

Both the Contaminated Land Study (Phase 1) and Sampling Analysis Quality Plan (SAQP) for a Detailed Site Investigation (Phase 2 Environmental Assessment) prepared by Harvest Scientific Services accompany this DA. A *Letter of Interim Advice 1 (IA1) – Review of Existing Information & Proposed Phase 2 Sampling Analysis and Quality Plan* prepared by Zoic Environmental Pty Ltd (dated 29th March 2019) is also provided. Please see these accompanying documents regarding proposed site remediation works in this DA.

Stabilisation Works for the Abbotsford Ruins

It is noted that an approval for “Stabilisation Works” to the Abbotsford Homestead Ruins (State Archaeological Site No.A7 under WLEP2011 Schedule 5) has been granted under Section 60 of the NSW Heritage Act 1977 by the NSW Office of Environment and Heritage (Application No.2015/s60/106 dated 7th May 2015). These works will include the re-instatement of fallen brickwork, propping of sagging roofs in the maid’s quarters, steel framing and other works as detailed in the accompanying approval documents. These “Stabilisation Works” to the Abbotsford Homestead Ruins will form part of this development application. A copy of this approval from the NSW Department of Environment and Heritage (as Delegate of the Heritage Council of NSW) accompanies this DA (Document No.DOC15/148455), along with approved plans detailing stabilisation works stamped by the NSW Department of Environment and Heritage, a Curtilage Study prepared by NBRSPartners (dated June 2013) and Heritage Impact Statement prepared by NBRSPartners (dated August 2015). Please refer to this accompanying documentation for further details of stabilisation works to the Abbotsford Ruins included in this DA.

Encumbrances on Title

The encumbrances, if any, are shown on the Titles, copies of which are attached to this application.

Proposed Title

Torrens Title.

4.0 RELEVANT PLANNING CONTROLS & POLICIES

4.1 Integrated Development Provisions of EP&A Act 1979

BUSHFIRE

The subject site is partially affected by bushfire prone land and so this proposal comprises integrated development under the integrated development provisions of the EP&A Act 1979. This requires approval from the NSW Rural Bushfire Service (RFS). The subject site comprises the Abbotsford Planning Proposal site which was subject to a rezoning application to Wollondilly Shire Council. A Bushfire Risk Assessment was prepared by ACS Environmental Pty Ltd (dated July 2013) for this rezoning application which provides an assessment of potential constraints on the future residential land use for the subject site, the nature of which will be facilitated by this Staging DA (it is however acknowledged that the Bushfire Risk Assessment makes reference to the subject site being rezoned for R5 Large Lot Residential purposes which is a different outcome to that achieved under Amendment 32 to WLEP2011). This Staging DA seeks to subdivide the subject site into three (3) separate allotments, which will then facilitate the future subdivision of proposed Lot 102 into allotments with a minimum area of 4000m² for large lot residential purposes within the E4 zone. Given the higher degree of subdivision density at the subject site assessed in the accompanying Bushfire Risk Assessment, it is considered that the Bushfire Risk Assessment adequately addresses bushfire hazard considerations with regards to this three (3) lot subdivision DA which largely seeks to separate those parts of the site with differing future development potential.

The Bushfire Risk Assessment indicates that a reasonable and satisfactory level of bushfire protection can be achieved for the future large lot residential use of the site. It concludes on page 16:

...this current study has found that the subject site could readily be used for R5 Large Lot Residential whilst minimising impacts and preserving environmentally sensitive locations. Only a comparatively small area contains vegetation classified as a bushfire hazard which being a listed Endangered Ecological Community will require special consideration and preservation. As such it is considered that should the area be rezoned for R5 living, subdivision would be possible meeting the requirements and objectives of the Wollondilly Bushfire Risk Management Plan (2010) and the document, Planning for Bushfire Protection (2006).

The subject proposal does not seek to undertake additional dwelling construction, does not propose any form of new development within the area of the site affected by bushfire prone land and does not seek to impact any area of significant vegetation at the site. Further considerations regarding bushfire hazard for future subdivision development at the site facilitated by this Staging DA will be dealt with as appropriate and necessary as part of any such future development applications to Council. It is noted however that a significant area within the E4 zoned part of the subject site, which has the potential to accommodate future 4000m² allotments, is not affected by bushfire hazard.

Given the above, it is not considered that bushfire hazard existing at the subject site should not be an impediment to the subject proposal.

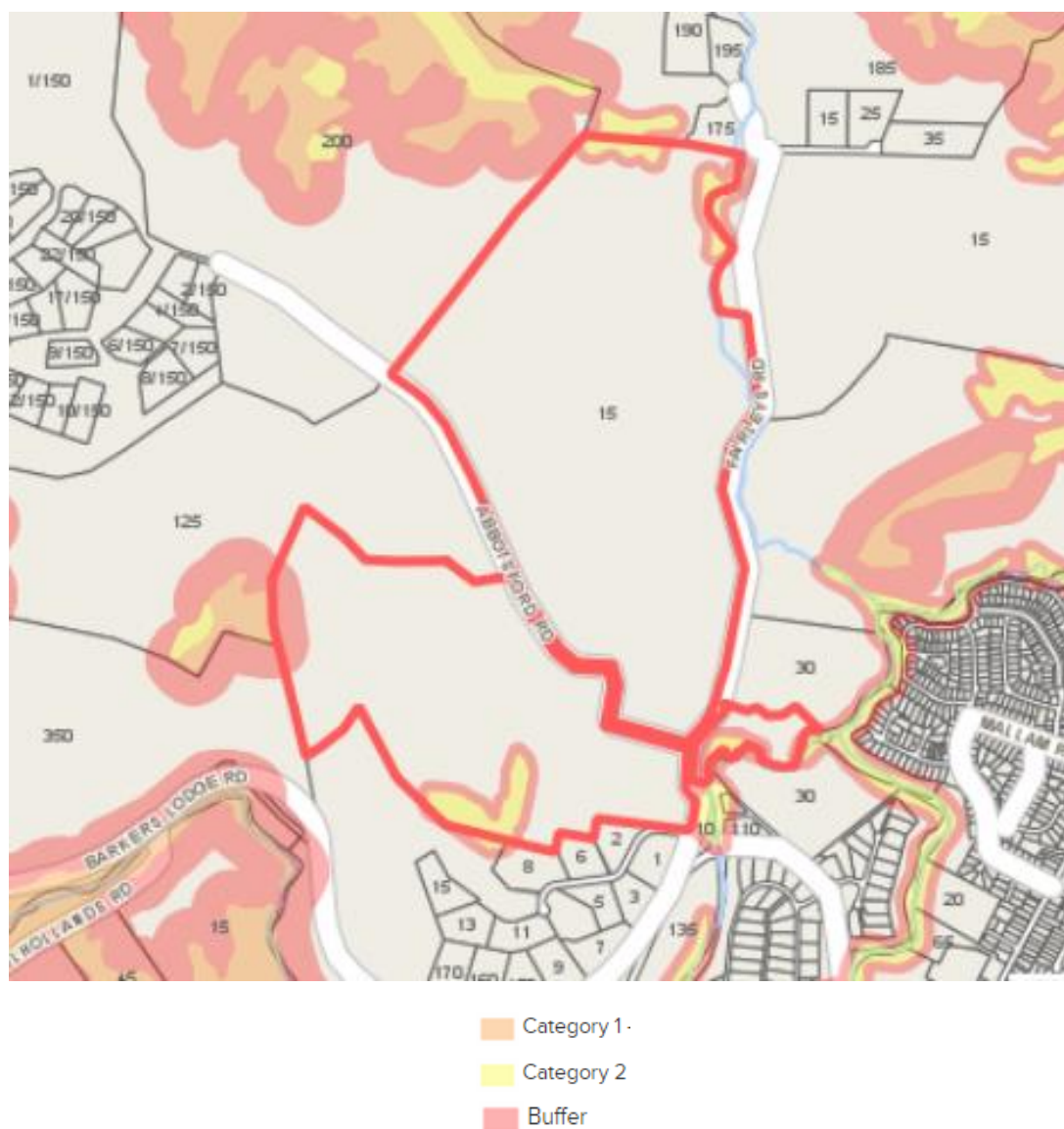


Figure 28: Excerpt from Bushfire Prone Land Maps available on the WSC website (Wollondilly Council online 2019) with the subject site at Lot 1 DP1086066 (outlined red) shown being affected by Bushfire Prone Land (Category 2 and Bushfire Buffer).

MINE SUBSIDENCE

The subject site is identified as being partially included within Picton Mine Subsidence district. An application for subdivision approval has been lodged with the Subsidence Advisory NSW. The application has not yet been determined, however any such future determination will be provided as part of this DA.

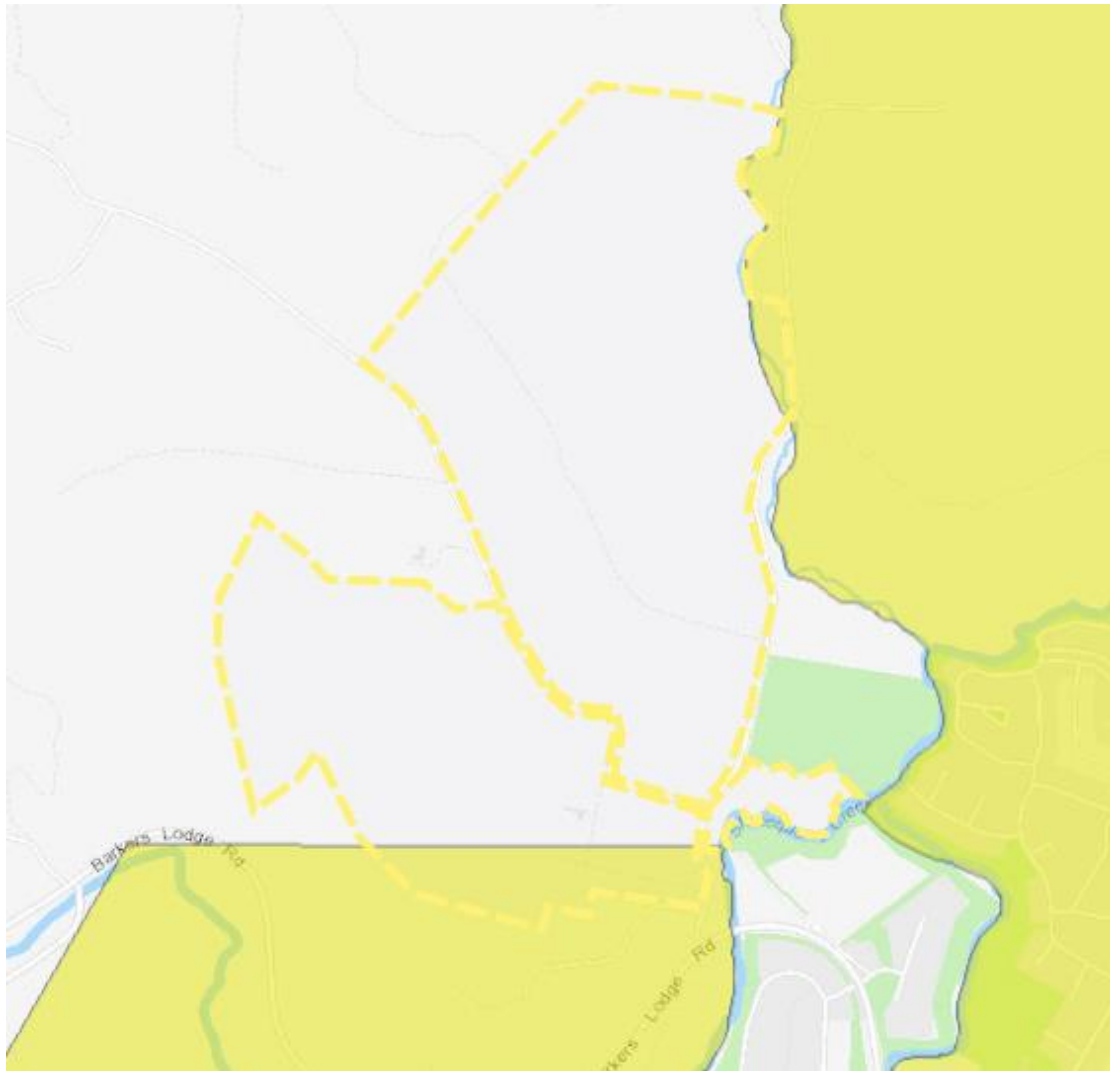


Figure 29: Excerpt from Mine Subsidence District Maps available on the NSW Government ePlanning Spatial Viewer online (2019) with the subject site at Lot 1 DP1086066 (outlined broken yellow line) shown as being partially included within Picton Mine Subsidence District (yellow shaded area).

4.2 Wollondilly Local Environmental Plan 2011 (WLEP 2011)

The relevant aims and objectives of WLEP2011 to the subject proposal are provided under Clause 1.2 of this plan, and are as follows:

1.2 Aims of Plan

(2) *The particular aims of this Plan are as follows:*

- a) to provide for the management of natural resources and the protection of the natural landscape character,*
- b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage,*
- c) to protect water quality in land that is situated within water supply catchments,*
- e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices*
- f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings*

It is considered that the subject proposal is consistent with the above aims of WLEP2011. It will create two (2) additional allotments in a manner deemed both compatible and consistent with the surrounding nature of development and area generally, and is the form of development expected to take place at the subject site due to recent changes to Wollondilly LEP2011 under Amendment 32 which specifically address the future development potential of the subject site.

The subject proposal largely relates to subdivision development, along with some demolition works, replacement of roofing of a small number of heritage structures, stabilising works to the Abbotsford Ruins, and site remediation. No new structures are proposed, with all physical works affect already disturbed areas of the subject site. This proposal does not seek a change of use of the subject site. As such, this proposal will not impede on the management of natural resources and will not significantly or adversely impact the natural landscape character of the site or surrounding area.

The site is acknowledged to contain European built heritage identified under WLEP2011. Proposed works involving heritage values will make a significant contribution to the maintenance and future preservation of these values.

The site does include areas of vegetation, watercourses and associated riparian land, however these areas will not be impacted by the subject proposal with the proposed subdivision design and proposed works taking into consideration the location of such existing environmental values. This proposal does not seek the removal of vegetation, and does not propose works which will affect any of the existing watercourses inside or within the surrounds of the subject site. The site is not known to contain aboriginal cultural heritage, which has been confirmed by an Aboriginal Cultural Heritage assessment prepared by Tharawal Local Aboriginal Land Council. The site is acknowledged to contain European built heritage identified under WLEP2011. Proposed works will seek to remove existing hazardous/contaminated materials currently existing at the site will also contribute to improving the overall environmental health and sustainability of the subject site and benefit its intended future use.

The site is not located within a physical catchment for any water supply dam operated by Sydney Water.

The proposed subdivision is considered compatible with the desired recognition, management and protection of rural lands. It will only create two (2) additional allotments, with all land contained in the RU2 Rural Landscapes zone within the subject site to remain undisturbed as a result of this proposal. The proposed two (2) allotments within the E4 Environmental Living zone, being proposed Lots 101 and 102, have been designed in a manner which respects environmental, rural and scenic values of the subject site. This proposal however comprises a Staging DA to facilitate future subdivision over the subject site, which has been designated for such future development with changes made under Amendment 32 to WLEP2011. Specific considerations regarding the recognition, management and protection of rural lands will be further dealt with as part of future applications over allotments created in this proposal. However it is considered that Council will have already taken these matters into account when implementing changes to the development potential of the subject site under Amendment 32 to WLEP2011. It is also noted that the E4 zone does not support or encourage agricultural activities.

The subject site is identified as being partially located in Picton Mine Subsidence District and this subdivision will not be an impediment to future resource extraction activities if undertaken. No additional structures are proposed in this DA and so such considerations can be further dealt with as part of future DA's over the subject land as appropriate and necessary.

The subject development is located in a rural area of Picton however will not expand this rural area, and comprises an infill development which maintains a rural-style of land use. Therefore the separation to nearby towns and villages will not be reduced as a direct result of this proposal. Further considerations in this regard will need to be applied to future applications for subdivision development over allotments created in this DA. However given that the subject site has been made available for future subdivision development as a result of Amendment 32 to WLEP2011, it is considered that these matters have already been previously considered by Council.

Considering the above, we therefore submit that subject proposal is generally consistent with, and in no way hinders the attainment of, the aims and objectives of Wollondilly LEP 2011.

Zone Objectives

The subject land is contained within the both the *RU2 Rural Landscape* zone and *E4 Environmental Living* zone pursuant to WLEP2011.

The relevant objectives of these two (2) applicable land use zone to the subject proposal are as follows:

- ***RU2 Rural Landscape***
 - *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Comment: This proposal does not relate to primary industry production. The nature of this proposal is not one which poses a significant impact with regards to the natural resource base.

- *To maintain the rural landscape character of the land.*

Comment: Only proposed Lot 103 will be contained within the RU2 Rural Landscape zone as a result of this subdivision proposal. No residential or other form of significant physical development works will be undertaken on proposed Lot 103 as part of the subject proposal, and so the rural landscape character of the RU2 zoned part of the subject site will be maintained as per current site conditions.

- *To provide for a range of compatible land uses, including extensive agriculture.*

Comment: See above comments. This DA does not seek for a change in use of the subject site, or in particular proposed Lot 103 given it is the only part of the subject site located in the RU2 zone. This DA only seeks to subdivide the subject site as proposed, and is considered to be the appropriate and expected form of development to take place given recent amendments to WLEP2011 (Amendment 32) which specifically address the subject site. This DA does not relate to extensive agriculture or compatible rural land uses.

- *To provide areas where the density of development is limited in order to maintain a separation between urban areas.*

Comment: This proposal only seeks to create two (2) additional allotments in accordance with the minimum allotment size requirements applied to the subject site under WLEP2011, and only one (1) allotment within the RU2 zone being proposed Lot 103. This proposal largely seeks to separate the various sections of the subject site with differing future development potential, which has resulted from recent site specific changes to WLEP2011 (Amendment 32). This proposal is not considered to be an overdevelopment of the subject site, and comprises infill development within a location designated for future rural/rural-residential subdivision based upon previous in-depth investigation and assessment by Council as part of the Abbotsford Planning Proposal. This form of development, and the anticipated future development of allotments created in this Staging DA, will help to manage the appropriate expansion of the rural-residential area around Picton local centre whilst maintaining appropriate separation between different urban areas within the Shire.

Given the above, it is considered that the subject development complies with the objectives of the RU2 Rural Landscapes zone pursuant to WLEP2011.

- **E4 Environmental Living**

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment: The subject proposed subdivision will create two (2) allotments within the E4 zone, being proposed Lot 101 and Lot 102. Both of these allotments will be created to divide that section of the site located within the E4 zone into two (2) separate parts which have differing future development potential. The part of the subject site included in the E4 zone contains identified areas of environmental sensitivity and the proposed subdivision design, as well as other physical works in this DA, have been designed/will be undertaken in a manner which appropriately takes such environmentally sensitive areas into consideration. Allotments created in

the E4 zone in this DA are considered to be of sufficient size and dimensions to allow future development in locations with appropriate separation to existing development as well as environmental values contained within the site and surrounding area. The design of this Staging DA has taken into account the previous in-depth investigation and assessment of the subject site regarding its future potential for rural residential subdivision which was undertaken as part of the Abbotsford Planning Proposal. This DA follows the recommendations and advice provided in the numerous environmental and other associated studies which were prepared as part of the Abbotsford Planning Proposal rezoning application process to ensure future subdivision development avoids significant adverse impacts from an ecological, scientific and aesthetic perspective. No new dwelling or building envelope will be placed within an area containing ecological, scientific or aesthetic values as part of this DA, and no works are proposed to take place within areas of such values. It is acknowledged that allotments created within the E4 zone in this proposal, namely proposed Lot 102, will likely be subject to future subdivision DA's. Considerations regarding the managing and mitigating of potential impacts on environmental values from such future development can be dealt with further as part of these future applications to Council.

- *To ensure that residential development does not have an adverse effect on those values.*

Comment: See above comment. This DA does not propose any new dwelling construction and no new building envelope will be located within an areas of such values. This DA relates to subdivision, demolition of existing non-heritage structures, replacement of asbestos roofing, and site remediation works. It is acknowledged that the nature of these works necessitate appropriate measures to ensure that any potential adverse environmental impacts are avoided. Such appropriate measures will be adopted as part of any works proposed in this DA. The proposed subdivision has been designed to ensure future development facilitated by this Staging takes place in appropriate locations within the E4 zone that avoid areas of environmental, scientific or aesthetic values. Proposed allotments in this Staging DA, and those facilitated by this Staging DA in future, will also be of a sufficient size to accommodate necessary measures relating to wastewater, stormwater drainage, bushfire protection, etc. without impacting on such values. This view is supported by site-specific specialist studies which accompany this DA.

- *To provide for a limited range of rural land uses that do not have an adverse effect on surrounding land uses.*

Comment: This proposal only relates to subdivision development with associated physical works as described in this SEE, and does not seek development for rural uses. Future land use and development of allotments created in this proposal will be subject to the desire of future owners.

Considering the above, it is considered that the subject development complies with the objectives of the E4 Environmental Living Zone pursuant to WLEP2011.

Other Relevant Clauses:**2.6 Subdivision**

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Comment: The subject proposal seeks development consent to undertake subdivision activities at the subject site.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Comment: The subject proposal seeks development consent to undertake demolition activities at the subject site.

4.1 Minimum subdivision lot size

- 1) *The objectives of this clause are as follows:
 - a) to provide for suitable lot sizes,
 - b) to ensure that the subdivision of land is compatible with the landscape and environmental constraints of the land.*
- 2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- 3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- 4) *This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.*
- 5) *Despite subclause (3), the size of any lot resulting from a subdivision of land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential that is not serviced by a reticulated sewerage scheme must not be less than 975 square metres*

Comment: The subject site was previously wholly contained within the 'AB5' (40ha) minimum allotment size category. However as a result of Amendment 32 to WLEP2011, the E4 zoned part of the site is now contained across both the 'W' (4000m²) and 'AB2' (20ha) minimum allotment size categories. The RU2 zoned part of the site, comprising proposed Lot 103, is still contained within the 'AB5' (40ha) minimum allotment size category under WLEP2011 (see Figure 30).

Proposed Lot 101 is contained within both the 'W' (4000m²) and 'AB2' (20ha) minimum allotment size categories. The majority of proposed Lot 101, which will have a total area of 6.654ha, is contained within the 'W' (4000m²) minimum allotment size category and is in compliance with this applicable category. Only a very small part of proposed Lot 101, corresponding with steep slope areas in the western portion, is contained within the 'AB2' (20ha) category and no new allotment is proposed specifically within this 'AB2' affected area.

Proposed Lot 102 will also be contained within both the 'W' (4000m²) and 'AB2' (20ha) minimum allotment size categories. The part of proposed Lot 102 contained within the 'W' (4000m²) category is larger than 4000m², with the part of this allotment contained within the 'AB2' (20ha) category being larger than 20ha. As such, proposed Lot 102 is in accordance with both applicable minimum allotment size categories under WELP2011.

Proposed Lot 103 is contained within the 'AB5' (40ha) minimum allotment size category and is in accordance with applicable minimum allotment size requirements under WELP2011.

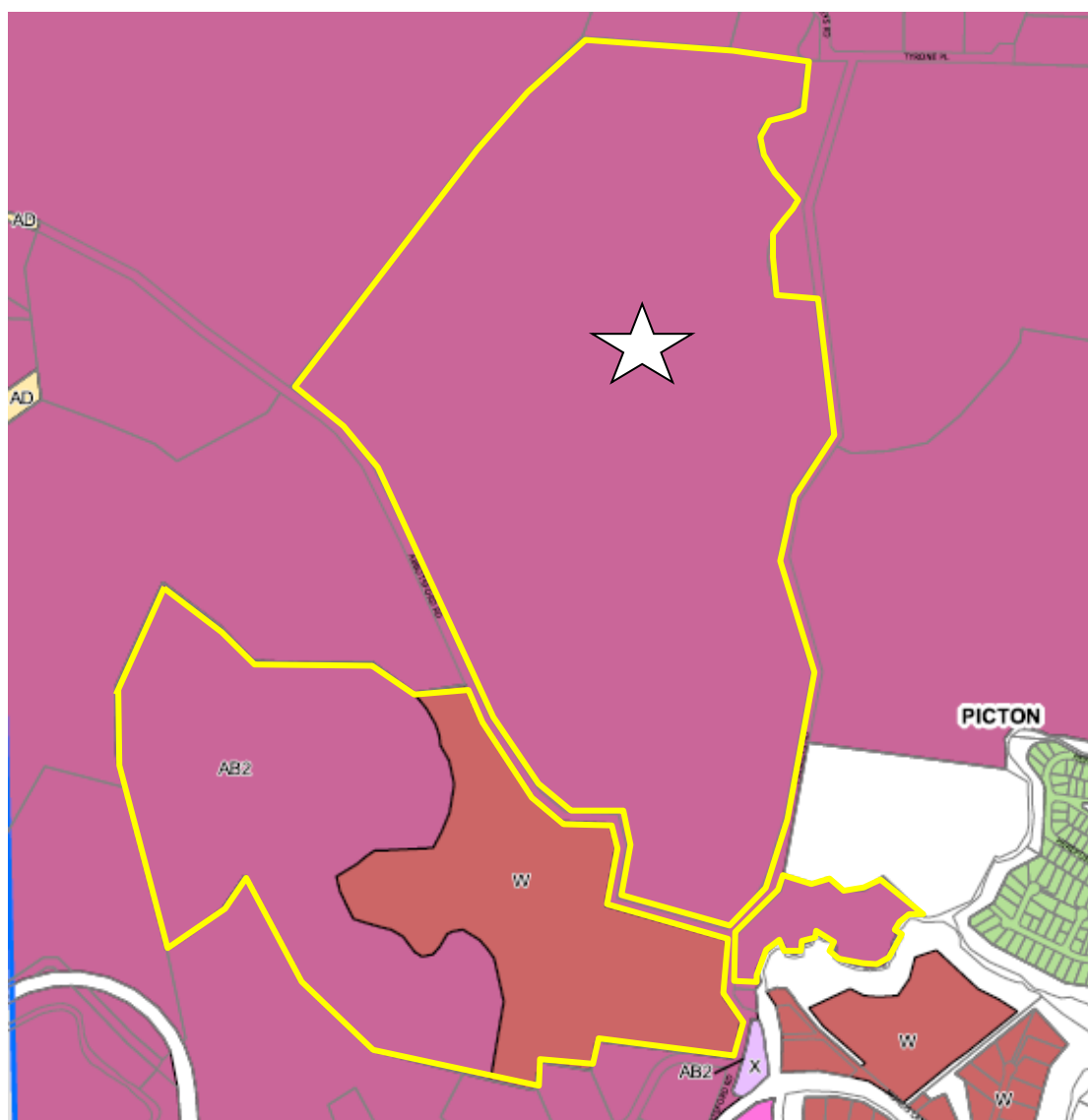


Figure 30: Excerpt from the Lot Size Map under WLEP2011 showing the subject site (outlined yellow) as being included within the 'W' (4000m²), 'AB2' (20ha) and 'AB5' (40ha) (indicated by Star) minimum allotment lot size categories. Taken from WLEP2011 online, edited by VWarry 2019.

4.3 Height of buildings

1) The objectives of this clause are as follows:

- a) to minimise the impact of new development on neighbouring properties and the streetscape with regard to bulk, overshadowing, privacy and views,
- b) to maintain a size and scale of development that is compatible with the existing and emerging character of the locality,
- c) to ensure that the height of buildings is compatible with the landscape and environmental constraints of the land.

2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map

Comment: Proposed Lots 101 and 102 will have an applicable Maximum Building Height of 6.8m (Category 'F') in accordance with the Building Height Map under WLEP2011. This proposal does not seek new dwelling or other type of new structure construction. It does include the removal and replacement of roofing of some heritage items on-site, which will be restored as per the original size, scale and height of these existing structures.

5.10 Heritage conservation

1) Objectives

The objectives of this clause are as follows:

- a) to conserve the environmental heritage of Wollondilly,
- b) (to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- c) to conserve archaeological sites,
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

2) Requirement for consent

Development consent is required for any of the following:

- a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - i. a heritage item,
 - ii. an Aboriginal object,
 - iii. a building, work, relic or tree within a heritage conservation area,
- f) subdividing land:
 - i. on which a heritage item is located or that is within a heritage conservation area, or
 - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

4) *Effect of proposed development on heritage significance*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

5) *Heritage assessment*

The consent authority may, before granting consent to any development:

- a) on land on which a heritage item is located, or*
- b) on land that is within a heritage conservation area, or*
- c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

6) *Heritage conservation management plans*

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

7) *Archaeological sites*

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- a) notify the Heritage Council of its intention to grant consent, and*
- b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

Comment: The subject DA involves proposed works which will alter the exterior of heritage structures within the E4 zoned part of the subject site, comprising the removal/replacement of existing corrugated asbestos roofing of the two (2) brick shed buildings forming Local Heritage Item No.1298 "Byrnes Exhibition Dairy" as well as the silos which form Local Heritage Item No.1297 under WLEP2011. Proposed works will also include the stabilising of the Abbotsford homestead ruins comprising Archaeological Site No.A7 under Schedule 5 of WLEP2011, as well as site remediation works within this identified archaeological site. This DA also proposes subdivision development of the E4 zoned part of the subject site containing the existing heritage values to create Lot 101 and 102 in the proposed lot layout. As such, development consent is required.

It is not considered that the proposed works described above will result in adverse impacts regarding the heritage significance of on-site heritage values. The proposed removal and replacement of roofing of existing heritage structures (with exception of the Abbotsford Ruins) will aid in the removal of hazardous asbestos material from the subject site, and so the potential impacts upon the sites future use and general environmental health which is otherwise posed by this existing asbestos material. In

doing so, these works will also aid in preserving and maintaining those heritage structures into the future and so their associated heritage values and significance within the local area and Shire generally. Chimneys located on the roof of the brick shed buildings forming Local Heritage Item No.1298 "Byrnes Exhibition Dairy" will not be removed as part of proposed roof replacement works. These works only relate to roof replacement, and will not alter or impact the remaining parts of the structures subject to these proposed works. Proposed colorbond roofing to replace existing asbestos roofing is considered to be appropriate and is not anticipated to have a adverse/degrading impact regarding the heritage aesthetics of these heritage structures, or dominate their heritage character. Appropriate management of these works will be undertaken to ensure that the overall quality and integrity of these heritage structures will not be adversely impacted.

Proposed stabilisation works will help to improve the ongoing structural integrity of the Abbotsford ruins comprising Archaeological Site No.A7, and again in doing so make a significant contribution to the maintenance and preservation of these archaeological ruins which have long been neglected and allowed to fall into a state of significant deterioration. These works are aimed at preventing the complete collapse and degradation of these ruins, at which point their improvement, resurrection and/or preservation would be significantly more difficult if at all possible. These works will again make a positive contribution to the ongoing heritage significance of the Abbotsford ruins into the future. It is further noted that these stabilisation works have already been granted approval under Section 60 of the NSW Heritage Act 1977 by the NSW Office of Environment and Heritage (Application No.2015/s60/106 dated 7th May 2015) (as discussed/described under Section 3.0 of this SEE). A Curtilage Study (dated June 2013) and Heritage Impact Statement (dated August 2015) prepared by NBRSPartners have been prepared which address these works and the Abbotsford ruins archaeological site generally. Copies of these documents accompany this DA.

Proposed site remediation works will also contribute to the improvement of the overall environmental health of the subject site by again removing hazardous contamination material from within and around the abovementioned heritage items and archaeological site. This will provide an overall beneficial outcome for the future use of the subject site and the preservation and practical appreciation of existing on-site heritage values. Appropriate measures will be in place during proposed site remediation works to help ensure these works are managed in such a way as to avoid adverse impacts upon on-site heritage values, with appropriate actions to be undertaken in the instance that any archaeological material be discovered during works which disturb the sites surface. Specific details in this regard can be further dealt with at a later stage of the development process pending Council approval of this DA.

The proposed subdivision design of this Staging DA takes existing heritage values at the subject site into account, and provides the Abbotsford ruins appropriate curtilage as supported in the accompanying Curtilage Study (dated June 2013) prepared by NBRSPartners.

The site is not known to contain aboriginal cultural heritage, which has been confirmed by an Aboriginal Cultural Heritage assessment prepared by Tharawal Local Aboriginal Land Council which accompanies this proposal.

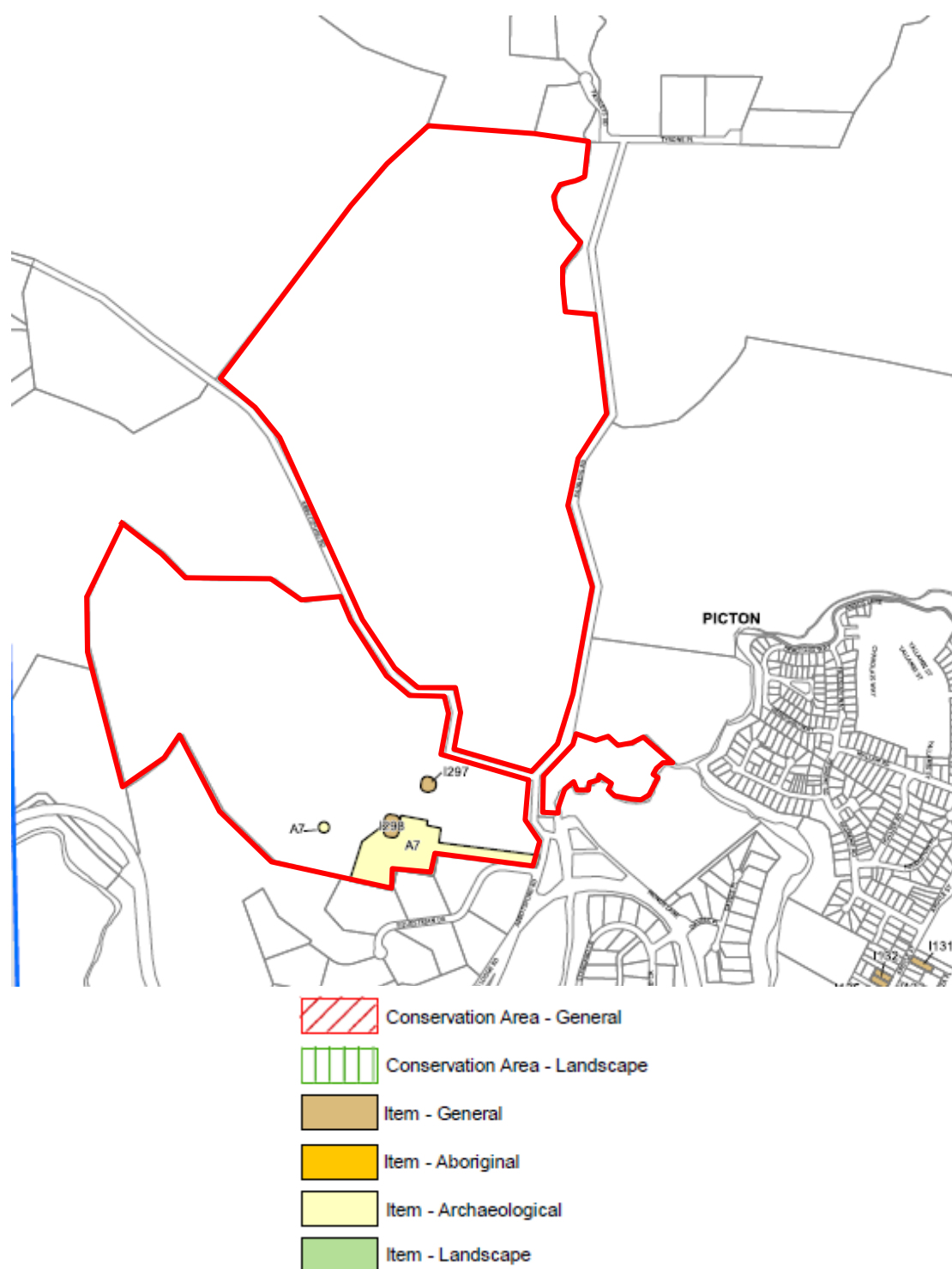


Figure 31: Excerpt from *Heritage Mapping* under WLEP2011 showing the subject land at Lot 1 DP1086066 (outlined red) as containing both Local Heritage Items No.I297 and No.I298, as well as Archaeological Site No.A7 which are all identified under Schedule 5 of WLEP2011. Taken from WLEP2011 online, edited by VWarry 2019.

7.1 Essential services

1) *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- a) the supply of water,*
- b) the supply of electricity,*
- c) the disposal and management of sewage.*

Comment: Reticulated water supply, electricity and telephone services are available for connection at the subject site. The site is not serviced by reticulated sewage, however it is noted that an *On-site Wastewater Feasibility and Water Quality Study* (ref.no.201368 dated 16th April 2013) has been prepared by Harvest Scientific Services Pty Ltd as part of the Abbotsford Planning Proposal which addresses the subject site and accompanies this DA. This accompanying document indicates that appropriate on-site wastewater management can be undertaken for future development on allotments facilitated by this Staging DA. Given that the *On-site Wastewater Feasibility and Water Quality Study* assesses a subdivision development density much higher than proposed in this three (3) lot Staging DA, it is considered to adequately address wastewater management considerations in this proposal. Please refer to the accompanying *On-site Wastewater Feasibility and Water Quality Study* for further details. Specific considerations regarding wastewater management for development over allotments created in this DA can be dealt with as necessary and appropriate as part of such future applications to Council.

7.2 Biodiversity protection

1) *The objective of this clause is to maintain terrestrial and aquatic biodiversity including:*

- a) protecting native fauna and flora, and*
- b) protecting the ecological processes necessary for their continued existence, and*
- c) encouraging the recovery of native fauna and flora and their habitats, and*
- d) protecting water quality within drinking water catchments.*

2) *This clause applies to land identified as “sensitive land” on the Natural Resources—Biodiversity Map.*

3) *Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:*

- a) native ecological communities,*
- b) the habitat of any threatened species, populations or ecological community,*
- c) regionally significant species of fauna and flora or habitat,*
- d) habitat elements providing connectivity,*
- e) water quality within drinking water catchments.*

4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
- b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
- c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The subject site is partially identified as containing “sensitive land” on *Natural Resources – Biodiversity Mapping* under WLEP2011, which refers small patches of existing vegetation located on steep rising slopes in the western portion of proposed Lot 101 and southern portion of proposed Lot 102 (see Figure 32 below). This proposal does not seek the removal of any vegetation located within areas identified as “sensitive land”, and does not any propose physical works within these locations. The proposed subdivision design in this Staging DA takes these environmentally sensitive locations into account, and does not create future development potential within such areas. No new structures will be constructed as part of this proposal, with physical works only relating to the removal of disused structures, replacement of hazardous asbestos roofing with non-hazardous materials, stabilising works to the Abbotsford ruins, as well as site remediation works to remove identified soil contamination. It is considered that these works (minus stabilising works) will benefit environmentally sensitive areas within the site by improving the overall environmental health and status of the site, and by removing materials posing a contamination hazard from locations in relatively close proximity to these identified environmentally sensitive areas.

It is noted that a Biodiversity Study (dated June 2013) prepared by ACS Environmental Pty Ltd for the Abbotsford Planning Proposal accompanies this DA. This accompanying document assessed the subject site with regards to its potential for rezoning (as achieved under WLEP2011 Amendment 32) to accommodate future 4000m² allotments in appropriately designated locations (namely proposed Lot 102). The Biodiversity Study concludes in favour of the site being able to be used for such future development purposes, making the following statements:

The natural vegetation of the Study Area has mostly been cleared, grazed, disturbed and otherwise degraded, such that no patches of relatively weed-free, full-structured vegetation remain.

The use of the land for agricultural purposes has resulted in habitat loss and fragmentation of small isolated pockets of fauna habitat with minimal connectivity. Habitat loss and fragmentation have a large negative effect on biodiversity, which is reflected in the low species numbers recorded.

No threatened flora species were recorded.

On the basis of the various assessments of significance of flora, fauna and ecological communities, and on the basis of the current zoning for the Study Area, it was considered that re-zoning of the Study Area is feasible.

Further to this, a *Letter of Amendment* to the abovementioned Abbotsford Planning Proposal Biodiversity Study has also been prepared by ACS Environmental Pty Ltd

which specifically addresses the proposed lot layout in this DA post the implementation of WLEP2011 Amendment 32. This Letter of Amendment makes the following conclusions:

As such, and as circumstances in relation to changed legislation from TSC Act (1995) to BC Act (2016), and with reference to preliminary plans of subdivisions marked as Ref: 7042LIN1 and 7042LIN2 respectively (D Warry 2014), the following plans of subdivisions appear appropriate:

- *The property at Abbotsford Farm, No. 1 Abbotsford Road, Picton, has a total area of 190ha;*
- *The property has been rezoned and can reasonably be subdivided into 3 large lots with developable areas as follows:*

1. Lot 101 - Heritage Lot containing original farmhouse - 6.65ha;

2. Lot 102 - Total area of developable land 39.9ha; future development into 40 - 50 separate 4,000m² allotments; with a remnant allotment of 20ha (high land which cannot reasonably be subdivided);

3. Lot 103 - Total area 123.5ha consisting of 3 x 40ha allotments

This Staging DA only seeks the creation of proposed Lots 101, 102 and 103. Development impacts with regards to existing areas of biodiversity at the subject site are not anticipated be a concern in the subject proposal when considering comments provided in the accompanying Letter of Amendment prepared by ACS Environmental Pty Ltd. The accompanying Letter of Amendment refers to future subdivision development of allotments created in this proposal. Specific considerations and assessment regarding biodiversity impacts can and will be further dealt with as necessary and appropriate as part of such future development applications to Council.

It is not anticipated that this proposal will result in adverse biodiversity impacts.

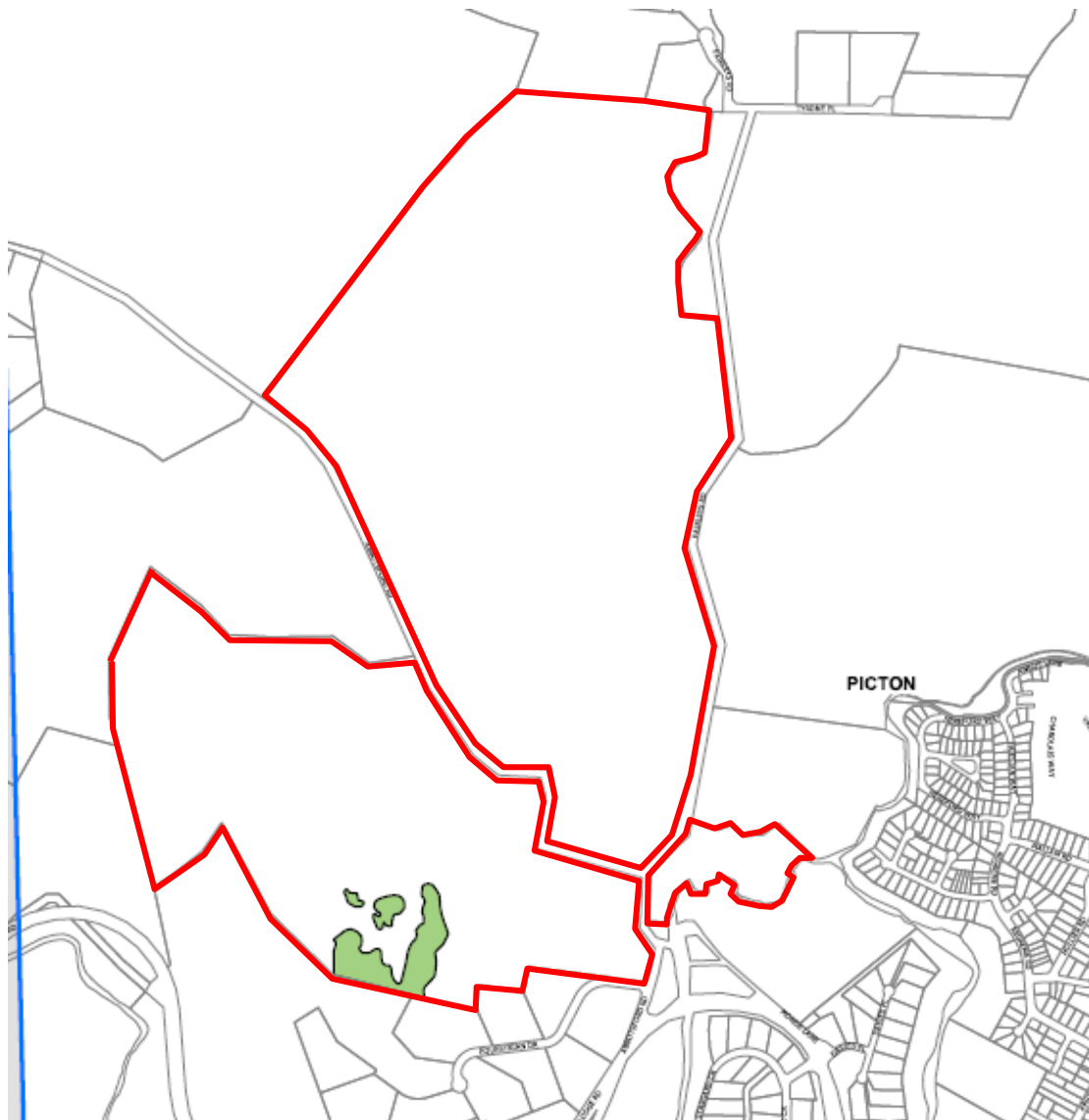


Figure 32: Excerpt from *Natural Resources – Biodiversity* mapping under WLEP2011 showing the subject site (outlined red) being affected by identified sensitive land (shaded green). Taken from WLEP2011 – edited by VWarry 2017.

7.3 Water protection

- 1) *The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers, including protecting the following:*
 - a) *water quality,*
 - b) *natural water flows,*
 - c) *the stability of the bed and banks of waterways,*
 - d) *groundwater systems.*
- 2) *This clause applies to land identified as “sensitive land” on the Natural Resources—Water Map.*
- 3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:*

- a) *the water quality of receiving waters,*
 - b) *the natural flow regime,*
 - c) *the natural flow paths of waterways,*
 - d) *the stability of the bed, shore and banks of waterways,*
 - e) *the flows, capacity and quality of groundwater systems.*
- 4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- a) *the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
 - b) *if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The subject site is identified as containing “sensitive land” on *Natural Resources – Water Mapping* under WLEP2011, which relates to a number of watercourses which traverse across and around the three (3) separate parts of the subject site. These watercourses are identified as having designated buffers to development of 10m, 30m and 50m (see Figure 33 Below).

No development or significant physical works are proposed within the identified buffers for these watercourses under WLEP2011. Identified watercourses largely impact proposed Lot 103, upon which no works are proposed in this DA. Small sections of identified buffer areas for these watercourses also partially impact proposed Lots 101 and 102. However given proposed works on Lot 101 and Lot 102 include the removal and replacement of hazardous asbestos roofing as well as site remediation works to remove existing contamination, it is considered that this DA will benefit identified environmentally sensitive areas by improving the general environmental health and status of the site. These works will not take place within identified environmentally sensitive areas, with appropriate measures to be implemented to ensure unwanted impacts are appropriately avoided.

The accompanying *On-site Wastewater Feasibility and Water Quality Study* (ref.no.201368 dated 16th April 2013) prepared by Harvest Scientific Services Pty Ltd for the Abbotsford Planning Proposal indicates that appropriate on-site wastewater management can be undertaken for future development which will avoid impacts upon natural watercourses within and surrounding the subject site. This study refers to a development density much greater than what is proposed in this Staging DA and so the findings provided are considered to adequately address wastewater considerations relevant to this proposal. Please refer to the accompanying *On-site Wastewater Feasibility and Water Quality Study* for further details.

Considering the above, it is not anticipated that this proposal will have an adverse impact regarding water protection and so these concerns should not be an impediment to this proposal in its current form. Considerations and specific measures regarding protection of identified watercourses can be further dealt with as appropriate and necessary as part of future development applications over allotments created in this Staging DA.

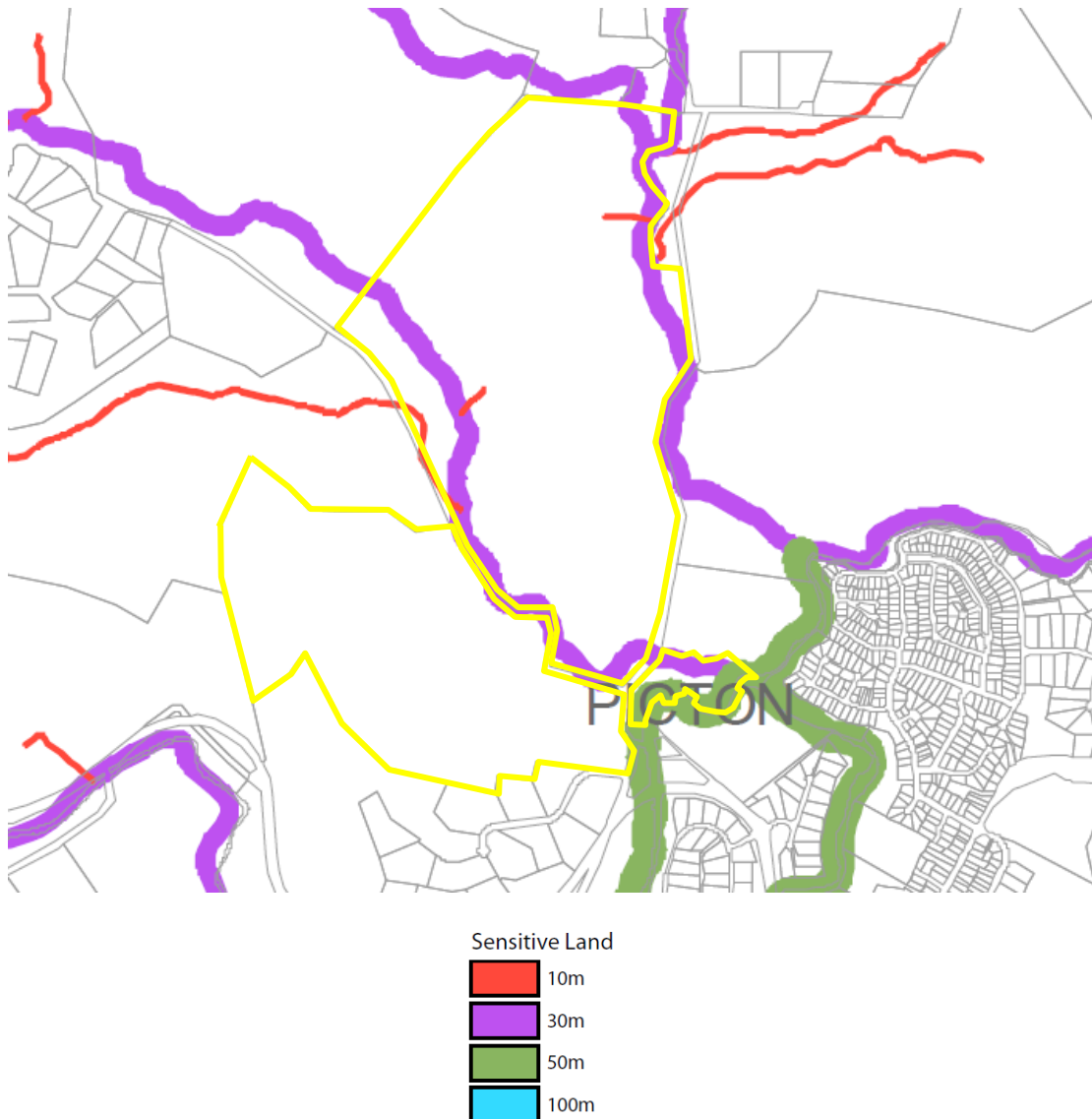


Figure 33: Excerpt from Natural Resources – Water Mapping under WLEP2011 showing the subject site (outlined yellow) being affected by a number of identified watercourse with designated buffers for development. Taken from WLEP2011 – edited by VWarry 2017.

7.4 Flood planning

1) *The objectives of this clause are as follows:*

- a) *to minimise the flood risk to life and property associated with the use of land,*
- b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- c) *to avoid significant adverse impacts on flood behaviour and the environment.*

2) *This clause applies to land that is at or below the flood planning level.*

- 3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- a) *is compatible with the flood hazard of the land, and*
 - b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - c) *incorporates appropriate measures to manage risk to life from flood, and*
 - d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
- 4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7 347 54760) published in 2005 by the NSW Government, unless it is otherwise defined in this clause*
- 5) *In this clause, flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*

Comment: It is noted that the subject site is partially located within Council's flood planning level. A Flood Assessment Report (dated April 2019) has been prepared by in relation to the subject DA by FloodMit Pty Ltd and accompanies this proposal. Please refer to this accompanying document for further comments regarding flood hazard at the subject site and this proposal. This proposal does not seek to place any additional structures within any area affected by potential flood hazard, with the Flood Assessment Report noting it is only a small portion of proposed Lot 102 which is located within Council's flood planning area. The Flood Assessment Report acknowledges the potential for future development in the flood affected area within proposed Lot 102, and notes that such future development will be subject to additional requirements to minimise impacts from potential flood hazard. Given that specific details for such potential future developments are not yet available, the Flood Assessment Report suggests that further consideration of flood design requirements be undertaken when such details do become available.

However given the nature of this proposal and the findings of the accompanying Flood Assessment Report, it is not considered that this proposal will result in adverse impacts regarding flood hazard.

4.3 Regional Environmental Plans

- **SREP N°20 – Hawkesbury-Nepean River (N°2) 1997**

Clause 2 Where this plan applies

- (1) *This plan applies to certain land in the Greater Metropolitan Region that is within the following local government areas:*
Baulkham Hills, Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Gosford, Hawkesbury, Hornsby, Ku-ring-gai, Liverpool, Penrith, Pittwater, Warringah, Wollondilly.

Clause 3 Aim of this plan

The aim of this plan 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 5 General planning considerations

The general planning considerations relevant for this Part are:

- (a) the aim of this plan, and*
- (b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and*
- (c) whether there are any feasible alternatives to the development or other proposal concerned, and*
- (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.*

Clause 6 Specific planning policies and recommended strategies

The specific planning policies and recommended strategies for this plan are as follows:

1) Total catchment management

Policy: Total catchment management is to be integrated with environmental planning for the catchment.

Comment: The nature of development proposed and the total size of the land parcel of the subject site is not likely to make a significant impact on the surrounding catchment area.

2) Environmentally sensitive areas

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.

Comment: It is not considered that this proposal will have a significant impact on the ongoing environmental quality of environmentally sensitive areas associated with the river.

3) Water quality

Policy: Future development must not prejudice the 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.

Comment: The proposed development is not expected to adversely affect the quality of the water in the river for recreation purposes.

4) Water quantity

Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.

Comment: The proposed development is not expected to significantly or adversely affect the flow characteristics of surface or ground water in a manner that would impact the river.

5) Cultural heritage

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.

Comment: The site is not known to contain aboriginal cultural heritage, which has been confirmed by an Aboriginal Cultural Heritage assessment prepared by Tharawal Local Aboriginal Land Council.

7) Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

Comment: The subject proposed subdivision has been designed in a manner which respects the environmental values of the subject site, and does not seek to undertake significant vegetation removal.

8) Riverine scenic quality

Policy: The scenic quality of the riverine corridor must be protected.

Comment: No development is to take place within this riparian buffer. No impact to be made upon the scenic quality of the riverine corridor.

9) Agriculture/aquaculture and fishing

Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.

Comment: This proposal is not for agriculture/aquaculture or fishing and as such this sub-clause is not relevant to this application.

10) Rural residential development

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).

Comment: The subject site is not currently used for intensive or significant agricultural purposes, and under Amendment 32 of WLEP2011 it has been rezoned/subject to changes in applicable minimum allotment size to allow for future rural residential subdivision. This Staging DA only seeks to create two (2) additional allotments which will likely be subject to future subdivision development. The design of the subject proposal takes into account identified environmental values at the site, as will future proposals over allotments created in this DA. The proposed design is based on various in-depth environmental assessment and investigation which has

previously been undertaken at the subject site as part of the Abbotsford Planning Proposal. This proposal will not result in urban sprawl. No surrounding or nearby agricultural use will be impacted by this proposal.

11) Urban development

Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.

Comment: The subject proposal does not relate to urban development.

12) Recreation and tourism

Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.

Comment: This proposal will not adversely affect the riverine corridor for recreational or tourist use.

13) Metropolitan strategy

Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.

Comment: It is not considered that the subject proposal comprises development which is in conflict with the Metropolitan Strategy.

- **Sydney Drinking Water Catchments REP**

The provisions of this REP although they are applicable to Wollondilly Shire area are not considered applicable to this development as the land is not in the physical catchment for any water supply dam operated by Sydney Water.

4.4 Provisions of Wollondilly Development Control Plan 2016 – (DCP 2016)

DCP 2016 applies to development applications for subdivision, demolition, rural, residential, commercial and industrial development. The sections of relevance to this proposal are *Volume 1 – General* and *Volume 3 – Subdivision of Land*. A table of the relevant provisions is included at **Annexure B**. As can be seen the proposal generally complies with the relevant provisions of DCP 2016.

4.4.1 Provisions of Draft Amendments to Development Control Plan 2016 – Site Specific Planning Controls for Abbotsford

It is acknowledged that Wollondilly Shire Council has prepared site specific draft amendments to *Volume 3 – Subdivision of Land* and *Volume 4 – Residential Development* of DCP2016 in order to address the subject site and to provide appropriate controls for its future development. A table of the relevant provisions from these site specific amendments to DCP2016 is included at **Annexure C** (only *Part 3 – Subdivision of Land* relevant to this Staging DA). As can be seen the proposal generally complies with the relevant amendments to DCP2016. It is noted that at the time of preparation of this DA, these site specific amendments were still draft amendments to DCP2016. If and when adopted by Council, with exception of the circumstance that these amendments are changed to what is available in the draft document which may otherwise affect this proposal, all comments and responses

provided in Annexure C in response to these site specific amendments will still be considered applicable.

5.0 ASSESSMENT OF IMPACTS

This development is not designated development pursuant to Schedule 3 Part 1 of EPA Act Regulation 2000 and does not require an Environmental Impact Statement.

5.1 Impacts on the Natural and Built Environment

Context and setting

The proposed development is considered appropriate regarding the existing context and setting of the site, and deemed to be in character with the pattern and scale of future development expected in the surrounding locality.

Under Amendment 32 to WLEP2011 that part of the site located on the southern side of Abbotsford Road, to become proposed Lots 101 and 102, was rezoned from RU2 Rural Landscapes to the E4 Environmental Living zone. Amendment 32 to WLEP2011 also resulted in an amendment to the minimum lot size requirements applying to the subject site. The site was formerly entirely contained within the 'AB5' (40ha) minimum allotment size category under WLEP2011, however proposed Lots 101 and 102 are now divided across the 'W' (4000m²) and 'AB2' (20ha) minimum allotment size categories. Proposed Lot 103 will be entirely contained within the 'AB5' (40ha) minimum allotment size category.

Given the abovementioned amendment to WLEP2011 which addresses the subject site it is considered that this proposal, which largely seeks to separate the subject site into three (3) distinct areas of differing future development potential, is the nature of development anticipated and appropriate take place.

Proposed physical works in this DA will include the removal of disused structures, removal/replacement of hazardous materials from heritage structures and site remediation works to remove contaminated and hazardous material. All of these works are considered to contribute to the improvement of the overall environmental health and sustainability of the site, and will help maintain some of the existing heritage items and their ongoing heritage value and significance into the future. Stabilisation works to the Abbotsford Ruins will also aid in the preservation and maintenance of this State recognised Archaeological site into the future.

The site does contain areas of vegetation and watercourse/associated riparian areas identified on Council mapping under WLEP2011, and these locations have been appropriately taken into consideration in the design of this proposal. No works are proposed to take place within such environmentally sensitive areas and appropriate measures will be in place during all works, particularly works involving the removal of hazardous and contaminated material from the site, to help ensure that this proposal avoids adverse impacts upon any areas of environmental sensitivity within or surrounding the subject site.

The site is located only a short travel distance by vehicle from Picton town centre, which offers a wide range of services and facilities for the local community.

This form of proposal will help facilitate the creation of future allotments at the subject site in those locations which have been deemed appropriate through previous in-depth investigation and assessment by Council. This will further facilitate future contributions to the existing stock of available rural residential land whilst also further establishing the rural/environmental nature of the area. This form of proposal also contributes to ensuring a transition in development density from the low-density residential areas of Picton to more rural and environmental areas on the outskirts of this local centre.

Considering the above, it is anticipated that the proposed development will have an acceptable impact regarding the context and setting of the site and locality.

Access, transport and traffic

The proposed development will not cause a significant impact on traffic conditions in the locality of the site.

Under the RMS's "Guidelines for Traffic Generating Developments", additional vehicle movements per day (vpd) are equated at 7.4vpd per new dwelling in regional areas. With the creation of two (2) additional allotments, this will equate to an additional 14.8vpd using the local road network as a result of this DA. This increase can be accommodated by the surrounding road network.

The travel demand created by this development will likely be met by private car usage of the future owners; as is generally the case for rural areas within the Shire. The subject site is located approximately 1.6km travelling distance to the north-west of Picton Township which is the closest major centre within the Shire and which offers a wide range of necessary services and facilities for local residents, including public transport.

It is acknowledged that allotments created in this Staging DA will likely be subject to further subdivision development in future. Considerations regarding traffic impacts upon the surrounding road network from such future developments can be dealt with as appropriate and necessary by Council during the assessment of these future development applications.

Please refer to Section 3.0 of this SEE for specific details regarding access to proposed allotments in this DA.

It is not anticipated that this proposal will result in adverse impacts regarding access, transport and traffic.

Public Domain

The subject proposal will have an acceptable appearance from all road frontages considering it only relates to subdivision, removal of disused structures, replacement of asbestos roofing of heritage structures and site remediation – with all these works being contained within proposed Lot 101 and 102. No additional structure will be constructed at the site as part of this proposal. No works are proposed to take place on proposed Lot 103 which comprises the majority of the subject site. Further, given the land has been subject of a successful rezoning and minimum allotment size amendment, it is the expectation of the site that future subdivision development will likely take place. Considerations regarding potential impacts on the public domain from development to take place on allotments proposed in this DA can be dealt with

by Council during the assessment process of such future applications as appropriate and necessary.

Section 7.11 Contributions (formerly Section 94 under the EP&A Act 1979) will be levied for two (2) additional allotments

Other land resources

The subject site is not currently used for intensive agricultural or primary industry production. Given the previous successful rezoning and minimum allotment size amendment under Amendment 32 of WLEP2011 which has taken place over the site, the subject Staging DA is considered to be in-line with the expected nature of development to take place. Considering this, as well as that this Staging DA only relates to subdivision development with relatively minor physical works to remove disused structures and hazardous/contaminated material, it is not anticipated that this proposal will result in land use conflicts with surrounding properties. That part of the site included within the *RU2 Rural Landscapes* zone will not be subject to any physical changes as part of this proposal and will still maintain rural landscape value.

The area has underground coal reserves which will be mined in the future. Access to this coal will not be impeded by this development.

The land is not contained within a designated water supply catchment area.

Heritage

Please see details provided under Section 3.0, as well as comments provided in relation to WLEP2011 Clause 5.10 *Heritage Conservation* under Section 4.2 of this SEE for details regarding heritage impact considerations in the subject DA.

It is not anticipated that this proposal will result in adverse impacts regarding existing heritage values at the subject site.

Utilities

Town water, overhead electricity and telephone services are available to the subject site. Reticulated sewer connection is not available, with wastewater management to be undertaken on-site for all proposed allotments (see comments below), as well as for any future allotments created over the subject site as facilitated by this Staging DA. Relevant Section 68 requirements for future development over the site will be dealt with as necessary and appropriate as part of such future development applications.

Wastewater

The subject land does not have connection to reticulated sewer and so wastewater management will be undertaken on-site for future allotments. An *On-site Wastewater Feasibility and Water Quality Study* (ref.no.201368 dated 16th April 2013) is noted to have been prepared by Harvest Scientific Services Pty Ltd as part of the 'Abbotsford' Planning Proposal which addresses the subject site and accompanies this DA. It is considered that given this accompanying *Wastewater Feasibility and Water Quality Study* assesses a higher density subdivision development of the site than this three (3) lot proposal, and this the subject DA largely seeks to facilitate the future subdivision of the site as assessed in the abovementioned accompanying document,

it is considered that the accompanying *Wastewater Feasibility and Water Quality Study* adequately assesses wastewater management considerations for this DA.

This accompanying document indicates that appropriate on-site wastewater management can be undertaken for future rural residential development. Please refer to the accompanying *On-site Wastewater Feasibility and Water Quality Study* for further details.

It is not anticipated that this proposal will result in adverse impacts relating to wastewater management.

Contamination

Please refer to Section 3.0 of this SEE for further details and discussion of contamination issues at the site and the way in which this will be dealt with as part of the subject proposal.

It is not considered that the subject proposal will result in adverse impacts, and will instead improve the overall environmental health of the site by removing potentially hazardous asbestos material as well as contaminated soil which may otherwise potentially adversely impact future use of the site as well as existing environmental values both within and surrounding the subject site.

Waste

This proposal will result in the generation of waste material, particularly in relation to proposed demolition, roof removal/replacement, and site remediation works. Appropriate measures will be in place before, during and after these activities to ensure there are no adverse impacts regarding waste material. This is especially so for asbestos material contained in the roofs of structures to be removed, roofs to be replaced on identified heritage items as well as for contaminated earth material which will be removed as part of proposed site remediation works. An appropriate Asbestos Management Plan will be prepared as necessary and appropriate at a later stage of the development process pending Council approval of this DA. All waste generated from proposed works will be removed from the site and either recycled or disposed of at appropriate waste management facilities. A Waste Management Plan (WMP) has been produced to outline initial waste management procedures for this development, which is provided at Annexure A to this SEE.

Please refer to Section 3.0 of this SEE for details regarding proposed site remediation works and associated.

It is noted that concrete areas to be removed will be cleared of any existing items/material, washed, removed and then crushed to then be re-used to provide the proposed new driveway for heritage Lot 101. These works will therefore not result in waste generation.

All future allotments created in this proposal, and in subsequent future subdivision applications over the site facilitated by this Staging DA, will be serviced by Council's waste collection services.

It is not anticipated that this proposal will result in adverse impacts regarding waste generation or management.

Dust

There is the potential for dust generation during proposed physical works in this DA, particularly in relation to proposed structure and concrete area removal works, roof removal/replacement, and site remediation works. This would only be temporary and only take place during that time which these proposed physical works are undertaken at the site. However, as mentioned above appropriate measures will be in place during these works to ensure adverse impacts do not result in relation to dust, with specific measures to be included to ensure the suppression of any asbestos or otherwise hazardous material to be disturbed. Specific details regarding dust suppression and management, including an Asbestos Management Plan, will be dealt with at a later stage of the development process pending Council approval of this DA.

It is not considered that this proposal will result in adverse impacts regarding dust generation.

Noise

Proposed physical works at the site in this DA will also result in minor noise generation. This will again be temporary in nature and will only take place during the time which these works are undertaken. All physical work will be confined to appropriate daytime hours as is usually outlined in conditions of consent pending Council DA approval.

It is not considered that this proposal will result in adverse impacts regarding noise generation.

Flora and Fauna

Please refer to comments provided in relation to WLEP2011 Clause 7.2 *Biodiversity Protection* in Section 4.2 of this SEE, as well as the accompanying Biodiversity Study (dated June 2013) prepared ACS Environmental Pty Ltd for the Abbotsford Planning Proposal and associated Letter of Amendment to the Abbotsford Planning Proposal Biodiversity Study also prepared by ACS Environmental Pty Ltd which specifically addresses the proposed lot layout in this DA.

Considering the nature of the proposed development and subdivision design, as well as the findings in the abovementioned accompanying documents, it is not anticipated that this proposal will have adverse impacts with regards to flora and fauna.

Soil and Water

A Soil and Water Management Plan has not been prepared for this specific application. However, erosion control measures should be installed before, during and after any future physical works to take place with the potential for soil disturbance in order to reduce the risk of soil erosion and pollution of waterways. Specific details and measures relating to this can be dealt with as part of future stages of the development process.

Natural Hazards

Flooding: The subject site includes a small area located within Council's flood planning area. Please refer to comments provided in Section 4.2 of this SEE with reference to *Clause 7.4 Flooding* under WLEP2011, as well as the accompanying Flood Assessment Report (dated April 2019) prepared by FloodMit Pty Ltd. It is not anticipated that this proposal will result in adverse impacts regarding flooding.

Subsidence: The subject site is identified as being partially included within Picton Mine Subsidence district. An application for subdivision approval has been lodged with the Subsidence Advisory NSW. The application has not yet been determined, however any such future determination will be provided as part of this DA.

Slip: We are not aware of any problems associated with land slip at this property. We are not aware of any problems associated with land slip at the subject site. A Geotechnical Study prepared by Harvest Scientific Services (ref.no.2013678_Geotech – dated 23rd January 2013) accompanies this application. Please refer to this accompanying document for further details regarding geotechnical considerations at the subject site.

Bushfire: The subject land is identified as being affected by bushfire prone land. Please refer to comments provided at Section 4.1 of this SEE and the accompanying Bushfire Risk Assessment (dated July 2013) prepared by ACS Environmental Pty Ltd. It is not anticipated that this proposal will result in adverse impacts with regards to bushfire hazard.

5.2 Social and Economic Impacts

Social and Economic impacts are minor but positive in the local area.

Social impacts in the locality

The subject proposal will create two (2) additional allotments, however it is again acknowledged that allotments created in this Staging DA will likely be subject of future applications for subdivision development. Given the recent successful rezoning and minimum allotment size amendments under Amendment 32 to WLEP2011 which have taken place over the subject site it is considered that this proposal, which largely seeks to separate the subject site into three (3) distinct areas of differing future development potential, is the nature of development anticipated to take place and is in keeping with community expectations for development of the area. This development will help to facilitate the future provision of additional land available for rural residential use within the E4 Environmental Living Zone, whilst maintaining that part of the site included within the RU2 zone and so associated rural values.

This proposal will also include works which seek to remove hazardous and contaminated material from the site, and in doing so improve the environmental health of the subject site and area. Proposed works to replace roofing of existing heritage items as well as stabilisation works to the Abbotsford Ruins will also contribute to the future maintenance and preservation of these local and State

recognised heritage values, which contribute to the historical and cultural fabric of the Picton area and Shire generally.

The development is suitable for people with a high level of mobility, accordingly social equity is maintained (in that people are able to access services and facilities) and social displacement is minimised.

The minor scope of the development would indicate that increased traffic will have little social impact. Considerations regarding the impact of traffic from future developments over allotments created in this proposal can be dealt with by Council during the assessment of any future such development applications.

In the context of the above mentioned, this proposal is expected to have a positive social impact in the locality.

Economic impact in the locality

As previously stated, this proposal will result in an increase of two (2) additional allotments, with the potential to accommodate two (2) additional families. The expenditure of two (2) additional families, taken in isolation, is not likely to have a significant impact on the local economy. However, the cumulative impact of developments such as this will have a direct effect on the commercial areas of the Shire, which will naturally have a flow-on effect to employment generation. This proposal comprises a Staging DA which will facilitate future subdivision development over the subject site, particularly with regards to proposed Lot 102 which has the potential to create a significant number of future rural residential allotments. Such future developments and associated dwelling construction will also make a positive direct and indirect economic benefit within the local area and Shire generally. The intensification of rural residential development in the vicinity, if regulated and managed properly, will also assist in maintaining property values.

This proposal will also help facilitate temporary economic benefits through employment generation during proposed physical works including building demolition, replacement of roofing, site remediation, as well as associated subdivision civil works. This is by way of by way of contractor employment, local tradesmen, materials, equipment/vehicle hire, take-away food shops etc.

In the context of the above mentioned, the proposed development is expected to have a positive economic impact in the locality.

5.3 Site Design

The proposed subdivision layout creates two (2) additional allotments. This design will create lots:-

- ✓ Which provide dimensions which are generally consistent with Wollondilly DCP 2016;
- ✓ With lot areas in accordance with WLEP 2011 Minimum Lot Size requirements;
- ✓ Which are of adequate shape and size to take advantage of innovative solar access for potential future dwelling-house design;
- ✓ Which do not impose on the amenity of any existing dwelling or adjoining property;

- ✓ Which will not adversely affect any of the surrounding land uses to the subject site;
- ✓ That will allow for an adequate and suitable building envelope to be nominated.
- ✓ Which appropriately separate the various parts of the subject site with differing future development potential;
- ✓ That will allow for the future subdivision of the subject site as expected and anticipated with regards to the recent rezoning of the subject site and amendments to applicable minimum allotment size categories under Amendment 32 to WLEP2011.

5.4 S4.15(1)(c) - the suitability of the site for the development

- No area of the subject site to be developed exceeds 20% slope;
- There are no identified constraints which would be considered to prohibit the development as proposed;
- The scope of the development will not lead to unmanageable transport demands;
- Utility services can be made available for future development;
- On-site wastewater management is able to be undertaken with an On-site Wastewater Feasibility and Water Quality Study confirming this.
- The subject site is identified as being partially included within Picton Mine Subsidence district. An application for subdivision approval has been lodged with the Subsidence Advisory NSW. The application has not yet been determined, however any such future determination will be provided as part of this DA.
- The subject site is partially affected by Bushfire Prone Land and a Bushfire Hazard Assessment which addresses the subject site is included in the submission of this development application;
- The subject site does contain heritage values which have been adequately considered in the design of this proposal as detailed in this SEE;
- No part of the subject site affected by flooding will be subject to development works in this proposal, with a Flood Assessment Report accompanying this DA;
- The subject site is not known to be subject to natural hazards including tidal inundation, slip and mass movement;
- There are no hazardous land uses or activities nearby that would impact upon the subject proposal;

5.5 S4.15(1)(d) - any submissions made in accordance with the Act or the Regulations

No submissions are anticipated to be received in relation to the subject proposal. However, if they are we request that we be given an opportunity to address the complainants concerns.

5.6 S4.15(1)(e) - the public interest

The proposed development is seen as one which:

- Generally satisfies the objectives for the *E4 Environmental Living* and *RU2 Rural Landscapes* zones and relevant aims and objectives of WLEP 2011 and REP 2;
- Does not offend the provisions/policy intent of Wollondilly DCP 2016 or Draft DCP2016 Site Specific Planning Controls applicable to the subject site;
- Will help contribute to the maintenance and preservation of existing heritage values within the shire and in the process remove existing hazardous and contaminated material from local land;
- Further contributes to the future accommodation needs of the local community and region whilst avoiding impacts on surrounding rural or environmental land.

These provisions cover a wide spectrum of values and outcomes which relate to the public interest. The proposal is in harmony with both the surrounding rural setting, local area and environment, and with the achievement of the above values and outcomes will be considered to be in the public interest.

6.0 CONCLUSION

The proposed development (addressed in this Statement) complies with the aims, objectives and requirements of Wollondilly LEP 2011, DCP 2016 and Draft Amendments to DCP2016 specific to the subject site. The proposal has been considered having regard to the issues listed under Section 4.15 and various other sections of the EPA&Act 1979 and is considered satisfactory. The specific constraints of this site and its suitability for the proposed development have been examined and are considered satisfactory. It is therefore considered that the proposed development should be approved by Council.

Yours faithfully

REIN, WARRY AND CO



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Vaughan Warry
Town Planner

