



Precise Planning

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INTEGRATED DEVELOPMENT APPLICATION

Statement of Environmental Effects

Proposed thirty-five (35) lot subdivision
80 Tahmoor Road TAHMOOR
(Lot 224 DP 10669)

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This Report has been prepared exclusively for submission to Council as an accompaniment to a Development Application, which seeks approval to a subdivision creating thirty (35) residential lots and associated civil works, as well as demolition of all structures currently erected on the subject site.

The information contained in this Report has been compiled from both primary and secondary information sources.

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GLOSSARY AND ABBREVIATIONS

ABBR. / TERM DESCRIPTION

APZ	Asset Protection Zone
BHAR	Bushfire hazard assessment report
CEEC	Critically endangered ecological community
DA	Development application
DCP	Development Control Plan
DPE	Department of Planning and Environment
EEC	Endangered ecological community
EPA Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EPA Reg's	NSW <i>Environmental Planning and Assessment Regulations 2000</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESA	Environmental Site Assessment (Stage 1)
FFA	Flora and fauna assessment
ha	Hectares
LEP	Local Environmental Plan
LGA	Local Government Area
LES	Local environmental study
MSB	Mine Subsidence Board
PBP	Planning for Bushfire Protection 2006
PESA	Preliminary Environmental Site Assessment (Stage 2)
REP	Regional Environmental Plan (Deemed SEPP)
RF Act	NSW <i>Rural Fires Act 1997</i>
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy
TIA	Traffic impact assessment
TSC Act	NSW <i>Threatened Species Conservation Act 1995</i>
VPA	Voluntary planning agreement
WDCP	Wollondilly Development Control Plan 2016
WLEP	Wollondilly Local Environmental Plan 2011

EXECUTIVE SUMMARY

Consideration	Detail	Response
Subject land	Lots 224 DP 10669 – No 80 Tahmoor Road Tahmoor	
Proposal (for which this application seeks consent)	Subdivision of the subject land into 35 residential lots, demolition of all existing structures, construction of a new road, minor filling of an earth dam constructed principally on adjoining land, as shown on the proposed plan of subdivision prepared by Sydney Land Surveyors ('survey plan').	
Type of development	Integrated development pursuant to S91 EPA Act	Requires Council to refer application to MSB for concurrence, as well as referral to RFS
Existing improvements	The subject land contains a brick dwelling and garage.	This application seeks approval to demolish all existing structures on the subject site.
Compliance	EPA Act EPA Reg's TSC Act RF Act WLEP WDCP	Complies
Non-compliance		No non-compliances
Biodiversity	FFA by Ecoplaning	Land is marginally affected by biodiversity layer in WLEP. FFA concludes 'no significant impact'. One (1) biodiversity credit to be purchased and retired to address cl.7.2 WLEP (see section 4.4 of this report)
Contamination	PESA by Martens & Associates	No evidence of significant contaminating activities; no evidence of contamination (see section 4.1 of this report)
Bushfire	Shown as marginally affected by the 100m buffer zone on bushfire prone land maps	Refer to bushfire risk assessment by Sydney Bushfire Consultants
Salinity	Salinity assessment by Martens & Associates	Soils generally non-saline (see section 4.2 of this report)
Traffic	No TIA undertaken for this proposal	Unlikely to be any notable impact on the operation of the overall traffic network (see section 4.3 of this report)
Mine Subsidence	MSB District	MSB concurrence required
Services	See section 4.6 of this report	Electricity, water, sewerage, telecommunications and gas services can be provided to all proposed lots

Consideration	Detail	Response
Stormwater		To be managed generally in accordance with concept stormwater management plan ('CSMP') by Martens & Associates.
Street tree planting	See plan by HLS Pty Ltd	To be installed as part of the civil construction
Aboriginal archaeology	No reference to archaeological sensitivity noted in report prepared for rezoning	No apparent areas of sensitivity (see section 4.9 of this report)
Heritage	Site adjoins "Yeovil" – Totterdell Family Residence	Statement of Heritage Impact ('SHI') prepared by Niche – Environment & Heritage concludes the proposal has an acceptable level of impact on the adjoining heritage item
Odour	The land is affected by the Odour buffer area map in WLEP	An odour report has been prepared by Pacific Environment. The conclusion is that the odour impact from the nearby duck farm and turkey processing plant is acceptable

The proposed subdivision is considered to be efficient and proper management of the land resource, consistent with Council and the community's expectation for the land and with manageable built and natural environmental impacts. The proposal is worthy of Council's support.

1.

INTRODUCTION

1.1 General

This planning report has been prepared to accompany a development application, which seeks approval to a subdivision creating thirty-five (35) residential lots (see survey plan), including the construction of new roads, as well as the demolition of all structures on the subject site, as shown on the level and detail plan ('detail plan') prepared by Sydney Land Surveyors and partial filling of the dam that encroaches the western boundary of the subject land.

The proposal is lodged as **integrated development**, requiring Council to seek concurrence from MSB, as the land is located in a Mine Subsidence District and NSW Rural Fire Service ('RFS'), as the subject land is marginally affected by the 100m buffer on the bushfire prone land maps. Council is required to refer this application to Mine Subsidence Board.

1.2 Site identification

This application involves a single lot, which are described as follows:

Street Address	Existing lot / DP	Area of existing lots	Improvements
80 Tahmoor Road Tahmoor	Lot 224 DP 10669	2.195ha	Dwelling and garage

TABLE 1
Land particulars

1.3 Supporting documentation

The application is supported by the following documents:

Document	Author	Reference
Detail survey	Sydney Land Surveyors	160912 Rev A dated 20 December 2016

Document	Author	Reference
<i>Plan of proposed subdivision</i>	Sydney Land Surveyors	160912 - DP Rev B(1) dated 1 March 2017
<i>Preliminary site contamination investigation (stage 1 contamination)</i>	Martens & Associates	P1605662JR01V01 dated March 2017
<i>Salinity investigation</i>	Martens & Associates	P1505662JR02V01 dated March 2017
<i>Flora and fauna assessment</i>	Ecoplanning	2016-069 dated 27 April 2017
<i>Bushfire report</i>	Sydney Bushfire Consultants	100B – 171 dated 27 March 2017
<i>Statement of Heritage Impact</i>	Niche – Environment & Heritage	3281 Revision D03 dated 11 April 2017
<i>Concept Stormwater Management Plan ('CSMP')</i>	Martens & Associates	P1605662JR03V01 dated May 2017
<i>Planning report</i>	Precise Planning	1434 dated May 2017
<i>Street tree planting and landscape plan</i>	HLS Landscape Architects	L 01 and L 02 dated 27 May 2017
<i>Waste Management Plan (Demolition and subdivision)</i>	Precise Planning	Unreferenced and undated
<i>Odour report</i>	Pacific Environment	Unreferenced dated 28 October 2016
<i>Heritage Impact Assessment</i>	Niche – Environment & Heritage	Project No 3281 dated 11 April 2017

TABLE 2

List of supporting documentation

1.4 Zone and permissibility

The land is zoned R2 Low Density Residential pursuant to WLEP. Subdivision is enabled pursuant to cl.2.6 of WLEP.

1.5 Planning considerations

Consideration	Response
Zone	R2 Low Density Residential
<i>Compliance with aims of WLEP and regard to zone objectives</i>	Refer to s.5.3 of this report
<i>Compliance with DCP provisions</i>	Refer to s.5.5 of this report
<i>Bushfire prone land</i>	Yes. Refer to s.4.5 of this report
<i>Contamination</i>	Refer to PSI
<i>Mine Subsidence District</i>	MSB concurrence will be required

Consideration	Response
WLEP lot size map	450sqm minimum - all proposed lots comply
Additional permitted uses map	No
Height of buildings map	9 metres
Land Reservation Acquisition map	No
Heritage map	Adjoins land containing an item (I 290) "Yeovil", Toterdell family residence
Natural resources - biodiversity map	Yes
Natural resources - water map	No
Original holdings map	No
Urban release areas map	Yes
Water catchment area	No
Odour buffer area map	Yes
Endangered ecological communities	Refer to FFA

TABLE 3
Planning considerations

1.6 Site-specific constraints

Based on the conclusions of the various specialist reports, the site has no major constraints that would hinder or prevent the development of the site as proposed.

2.

SITE ANALYSIS (existing)

Characteristic	Analysis
Property description	80 Tahmoor Road Tahmoor (Lot 224 DP 10669)
Location, dimensions, shape, area, orientation	South side of Tahmoor Road, irregularly shaped comprising a total of approximately 2.195ha;
Access	Tahmoor Road, a bitumen-sealed, typical rural road
Contours and levels	Shown on detail plan
Existing vegetation	Existing vegetation is a mixture of native and introduced vegetation
Existing improvements	Dwellings and garage
Significant views to / from site	The site enjoys limited district views
Stormwater	Surface water generally flows northeast, toward Tahmoor Road
Electricity	Overhead supply in Tahmoor Road
Water	Reticulated water supply in Tahmoor Road
Sewer	Sewerage connection can be extended to the land
Gas	Natural gas can be extended to the development
Microclimate	The location and topography does not create a microclimate
Fences, easements	Generally rural-type fencing where in existence; no easements
Natural features	There are no noteworthy natural features
Surrounding development	Rural residential; the land adjoins a local heritage item
Street frontage features	There are no noteworthy street frontage features
Heights - subject and adjoining land	No significant changes
Significant noise sources	No significant noise sources affecting the land
Bushfire risk	Land is affected by the 100m buffer on the bushfire prone land maps
Contamination	Refer to PSI
Salinity	Non saline soils
Acid sulphate soil	No testing undertaken on this occasion
Flooding	Not considered flood-prone

TABLE 4
Site analysis

3.

PROPOSED SUBDIVISION

3.1 Layout and yield

The layout depicted on the survey plan is a logical division of the land and does not hinder the future development of the remainder of the precinct. A yield of 35 lots achieves a dwelling density of 15.9 dwellings/ha.

The road layout is generally in accordance with the structure plan shown in WDCP 2016. Proposed Road 3 has been shown as a 'through road' in order to be consistent with WDCP 2016 structure plan. It has been nominated as an 18 metre wide road reserve with a 10 metre carriageway. Proposed Road 1 is 15 wide with a 8 metre carriageway. Proposed road 2 has been nominated a slightly off-centre with the existing boundary, so that in the event the adjoining lot 4 DP 263172 does not develop straightaway, a 6m carriageway can be provided, allowing 2 vehicles to safely pass.

3.2 Proposed lot analysis

All lots are regularly shaped and will accommodate a variety of dwelling types and sizes. All lots will have frontage to a public road and will comply with the minimum dimensional and area controls contained in Wollondilly DCP 2016.

3.3 Proposed civil and other works

The proposed subdivision will require civil construction works for the road and stormwater. A separate construction certificate application for the civil and stormwater works will be sought. Relevant service providers will be consulted in relation to the provision of services. A concrete footpath is proposed along one side of the proposed roads and along the Tahmoor Road frontage. Stormwater will be conveyed either through interallotment drainage lines, or direct to new roads, and discharge as detailed in the CSMP. A farm dam located mostly on the adjoining land will require partial filling (to the boundary).

The demolition of the dwelling and sheds will be undertaken in accordance with the provisions of AS 2601 – 2001 The Demolition of Structures.

3.4 Waste management

During construction

Minimal waste will be produced during construction of the subdivision:

- All worker's rubbish will be collected in a site skip bin for disposal to landfill
- All displaced soil will be used in regrading on the site
- All vegetation will be taken to Bargo Waste Management Centre for processing and re-use
- All excess road construction material will be taken back by the suppliers
- All offcuts (eg concrete pipes etc) will be taken to Bargo Waste Management Centre for landfill or transported to a location for crushing and re-use
- Demolition waste will be sorted for potential reuse / recycling and transported to Bargo Waste Management Centre

Ongoing waste management

Future dwellings will be supplied with standard-issue collection bins for general waste, recycling and greenwaste. These bins will be collected by Council's kerbside waste collection trucks and transported to Jack's Gully at Narellan.

4.

IMPACTS AND MITIGATION - Specialist studies

4.1 Contamination

A preliminary (stage 1) site contamination investigation ('PSI') was undertaken by Martens & Associates. The report is attached to and forms part of this development application.

The objectives of the Stage 1 PSI include:

- Identification of historic and current potentially contaminating site activities
- Evaluation of potential areas of environmental concern and associated contaminants of primary concern
- Provide comment on suitability of the site for future development use and provide recommendations for a detailed site investigation including intrusive soil investigations where required.

To achieve the above objectives, the following tasks were undertaken:

- A walkover inspection to review current landuse, potential contaminating activities and neighbouring land uses
- Review available Council consents
- Review aerial photographs
- Review OEH notices under Contaminated Land Management Act 1997
- Preparation of a report

The report recommends as follows:

From review of site historical information and site investigation, the site is considered to be acceptable for its current rural residential land use. In the case that the site is to be subdivided for the purpose of low density residential housing, it is recommended that a preliminary screening assessment of potential AEC and associated COPC, as listed in Table 6, be undertaken to determine what, if any remediation is required to render the site fit for use. If structures are to be demolished, it is recommended that screening take place following demolition and prior to CC.

An intrusive soil sampling regime, post demolition, under the dwelling, container and shed footprints (plus 1 m curtilage) should be conducted to assess presence of contaminants as identified in Table 6 and any residual impacts from previous use. Sampling of dam sediment should also take place to assess any potential contamination.

It is anticipated that the screening assessment and hazardous materials assessment be required as conditions of development consent.

4.2 Salinity

A preliminary salinity assessment ('**salinity report**') was prepared by Martens & Associates. The objective of the assessment was to assess the risk of soil salinity so that consideration can be given to local prevailing salinity conditions and the impacts of, and on, the proposed development.

The scope of work for the salinity assessment was as follows:

- Walkover survey.
- Drilling of seven boreholes (BH101 to BH107).
- Collection of soil samples for laboratory chemical testing and for future reference.

No obvious signs of saline conditions were observed at the site.

- Vegetation growth appeared healthy and uninhibited
- No water marks or salt crystals were observed on the ground surface
- Site surface drainage appeared generally good
- No evidence of concentrated surface erosion was observed

Results indicate sub-surface materials at the site can generally be categorised as non-saline, and therefore no specific saline soil management strategies are required.

4.3 Traffic

Given the scope of this proposal, and work previously completed for the rezoning of the land, a traffic impact assessment was considered unnecessary.

All traffic generated by this proposal will utilise the new intersections onto Tahmoor Road. Sight distances are satisfactory in either direction from the proposed intersection point.

The RMS Guide to Traffic Generating Developments anticipates about 9 – 10 vehicle movements per day, which equates to a range of about 306 – 340 additional vehicle movements per day, over and above the current potential. The road width and sight distances are adequate to accommodate the additional traffic.

The proposal, in relation to traffic generation, is unlikely to have any notable impact upon the operation of overall road network.

4.4 Flora and fauna

Part of the subject site is identified as “sensitive land” on the Natural Resources – Biodiversity map attached to WLEP 2011. Consequently, a flora and fauna assessment (FFA) has been prepared by Ecoplaning.

The report in Section 1.2.1 describes the flora on the site as follows:

The subject consists of modified vegetation, including cleared land, exotic pasture and non- indigenous native species. The cleared areas of the site are managed by regular mowing. A small area of native vegetation is present in 80 Tahmoor Road (Lot 224 // DP 10669), defined by several mature Eucalyptus tereticornis (Forest Red Gum).*

The FFA (Figure 3.7) indicates the existence of a small patch of Shale Plain Woodland on the subject land, the balance being planted natives/exotics and exotic pasture.

The FFA found that, subject to the avoidance and mitigation measures outlined in Section 4.3 (FFA) there will be no significant impact to the Shale Plain Woodland CEEC and there is therefore no need to consider impacts further through the preparation of a Species Impact Statement.

Biodiversity offset strategy

Despite the conclusion of the FFA that the proposed development will not incur significant impacts on threatened species, populations or ecological communities, it is acknowledged that the subject land is affected by a biodiversity layer on the Natural Resources – Biodiversity map attached to the WLEP. Therefore, the FFA at Section 5 proposes a Biodiversity Offset Strategy (BOS) in order to appropriately address the requirements of cl 7.2 WLEP. The strategy proposes the purchase and retirement of one (1) biodiversity credit.

The offset modelling undertaken by Ecoplaning has been based on the Biodiversity Certification Assessment Manual (**‘BCAM’**) tool, to be consistent with the methodology requested by Council in its letter dated 2 July 2015 to Precise Planning, relating to DA 10.2015.197.1. In support of the use of the BCAM methodology to determine credit requirements in this instance, in preference to the BioBanking Assessment Methodology (**‘BBAM’**), it is noted that Council has previously indicated its support for BCAM in relation to the land covered by the Picton Tahmoor Thirlmere (**‘PTT’**) rezoning, despite BCAM being mainly intended for rezoning applications.

4.5 Bushfire

The land is marginally affected by the 100m buffer on the bushfire-prone land maps, thereby requiring referral to RFS. A report prepared by Sydney Bushfire Consultants has been prepared for this purpose.



In section 2.1 of the report, the following is noted:

The subject property has been mapped as bush fire prone land within the Wollondilly Shire Council Bush Fire Prone Land Map. The property is constrained by bush fire vegetation, within the study area, classified as 'Vegetation Category 2'.

There is no persistent bushfire vegetation located within the subject site. The site presents as 'managed grazing lands', with a very limited number of individual trees.

The above extract does not accurately reflect the extent of bushfire vegetation within the study area. The adjacent site to the West, Lot 223 DP 10669 (No. 50 Tahmoor Road), was recently included within the 2014 version of the Wollondilly BFPLM. Prior to this, neither the subject site, the adjacent site nor any surrounding sites were considered to be bushfire prone land.

This inclusion, as only 'Category 2 Vegetation', has only occurred due to minimal regrowth of exotic vegetation within the adjacent site. Probably due to the drawn out planning processes associated with the rezoning as the allotment laid dormant. As such the subject site has been captured due to the minor incursion of part of the '30m Vegetation Buffer Zone'.

Until recently, the vegetation located within the adjacent site presented as a sparse/scattered canopy of native trees, with a large amount of exotic influence (trees and undergrowth etc.).

Recently, the adjacent site has been subject to a detailed vegetation management regime, which has seen the removal of most exotic vegetation (see below), and re-established the site as a 'non hazard' – from a bushfire perspective. Any previously mapped bushfire vegetation or bushfire hazard (only recently captured in the local map) has now been reduced to a level where the site could no longer be considered as a sufficient risk to warrant specific setbacks within the subject development site.

Section 18.0 of the report concludes as follows:

Provided that the proposed residential building development, APZ areas, access and water supply facilities within the subject development site are constructed / designed / maintained in accordance with the recommendations as described by this report, it is a considered opinion that the subject development can satisfy the aims, objectives and performance requirements of Planning for Bushfire Protection 2006 that are considered relevant to the development under Section 100B of the NSW Rural Fires Act and Section 79BA of the EP&A Act.

4.6 Services

Electricity

The subdivision will be supplied with electricity from the existing supply in Tahmoor Road. Consultations will be made with Endeavour Energy following development approval to determine the need, if any, for amplification of the existing network.

Water

The existing water main in Tahmoor Road will be extended to service the new lots in the proposed subdivision.

Sewerage

The existing sewer main will require extension to service the new lots in the proposed subdivision.

Telecommunications

Telecommunications services are available in Tahmoor Road. The developer will liaise with telecommunications providers to extend services to each proposed lot.

Gas

Gas will be extended to the subdivision from its current location to service the new lots in the proposed subdivision.

4.7 Stormwater

General description

It is proposed to manage stormwater generally in accordance with the CSMP prepared by Martens & Associates.

The CSMP depicts a concept pit and pipe layout with preliminary sizing of pipes. Modelling has been undertaken to ensure the system has been designed to cater for a minor storm event (1 in 10 year) and overland flows for a major storm event (1 in 100 year).

Lots which cannot discharge collected run-off directly into proposed street drainage will be serviced by an interallotment drainage line.

A bioretention pond is proposed on lot 32, which will provide OSD and achieve water quality objectives (refer to CSMP). This pond will be constructed as part of the civil works and will be covered by an appropriate legal instrument in relation to ongoing maintenance. The pond will not result in a financial burden for Council.

4.8 Street tree planting

Street tree planting is proposed for the new road verge, generally in accordance with the plan prepared by HLS Pty Ltd, Landscape Architects.

4.9 Aboriginal Archaeology

The Local Environmental Study undertaken for the rezoning did not identify any potential Aboriginal archaeological sites on the subject land. Therefore, no further investigations have been carried out.

4.10 Heritage

The subject site adjoins an item of local heritage significance – “Yeovil” – Totterdell family residence.

Clause 5.10(5)(c) WLEP notes that where development is proposed in the vicinity of land on which a heritage item is located, the consent authority may 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.

Consequently, a Statement of Heritage Impact ('SHI') has been prepared by Niche – Environment & Heritage.

The SHI concludes that the proposal is considered to be sympathetic overall to the heritage values of Yeovil as it does not adversely impact the fabric, curtilage, immediate setting and important views to and from the place.

4.11 Odour

The subject site is shown as being affected by the Odour Buffer Area map in WLEP 2011, thereby triggering cl.7.6 of the WLEP. Consequently, an odour impact assessment ('Odour report') has been undertaken by Pacific Environment.

The Odour report identifies various recommendation / mitigation measures in section 4.

The Odour report (section 5) concludes as follows:

In 2011 Pacific Environment (then PAEHolmes) completed an odour impact assessment for the area which includes the land on which the proposed development is located. The study included emissions estimation and dispersion modelling of three poultry operations and their predicted impact on the East Tahmoor urban release area. The odour contours for that study have been analysed in relation to the location of the proposed development site.

The predicted odour contours from the turkey processing plant are below the adopted odour criterion of 2 OU at the proposed development site.

The model results from the two duck farms located to the east of the proposed development, showed that odour was predicted between 2 and 4 OU at the proposed development site.

Recent discussions with the Proponent and Wollondilly Shire Council has revealed that the duck farms to the southeast of the proposed development site are in the process of being re-zoned for residential land uses and therefore are not anticipated to exist once the proposed development is complete.

Windroses produced in the original 2011 study showed that the dominant wind directions would advect odour from the duck farms away from the proposed development site.

Based on the discussion above, the risk of odour impacts on the proposed development are considered to be negligible should the duck farms not be operating concurrently with the proposed development. It should also be noted that given the distance and nature of the development (i.e. residential), the proposed development is not likely to adversely affect the environment of the poultry farm in any way.

Notwithstanding the above, this letter has provided some odour mitigation measures which are considered good practice development controls to manage the potential for odour impacts on the proposed development area in the event that the proposed development and the duck farms may

coexist.

Subject to reasonable mitigation measures, the proposed development will not be adversely affected by the duck farm, even if it resumes operations.



5.

STATUTORY PROVISIONS

5.1 Environmental Planning & Assessment Act 1979

Element	Component	Specifics	Response
Objects of the Act			<i>This proposal is either consistent with, or else does not hinder the attainment of, the relevant objects of the Act, specifically objects (a)(i), (ii) and (vi).</i>
S.79C assessment	<i>EPIs</i>	<i>SEPPs</i>	<i>SEPP 44 – No core habitat (see FFA) SEPP 55 – See contamination report</i>
		<i>REPs</i>	<i>Sydney REP 20 – see s.5.2 of this report</i>
		<i>LEPs</i>	<i>WLEP 2011 – see s.5.3 of this report</i>
	<i>Draft EPIs</i>	<i>None of relevance</i>	
	<i>DCPs</i>	<i>WDCP 2016</i>	<i>See s.5.5 of this report</i>
	<i>Planning agreements</i>	<i>VPA with DPE</i>	<i>Negotiations are underway with DPE to put in place a VPA for the payment of State Infrastructure Contributions (SIC)</i>
	<i>EPA Regs</i>		<i>The proposal is capable of compliance with the relevant requirements of the Regulations</i>
	<i>Coastal Zone Management Plan</i>	<i>Not applicable</i>	
	<i>Likely impacts</i>		<i>See s.4 of this report</i>
	<i>Suitability of the site</i>		<i>See s.5.9 of this report</i>
	<i>Submissions</i>		<i>A matter for Council's consideration</i>
	<i>Public interest</i>		<i>See s.5.11 of this report</i>

TABLE 5
EPA Act 1979

5.2 Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)

The *general planning considerations* (cl.5) and *specific planning policies and recommended strategies* (cl.6) have been considered in the design of this proposal.

In relation to cl.5, there are no feasible alternatives to the proposal, given the objective of providing for residential housing stock in the local area.

In relation to cl.6:

(1) Total Catchment Management – All lots will be connected to Sydney Water's reticulated sewerage system. Stormwater will be managed in accordance with Council's engineering standards and the CSMP.

(3) Water Quality – Water quality will be managed in accordance with the strategy set out in the CSMP.

(4) Water Quantity – Water quantity will be managed in accordance with the strategy set out in the CSMP.

(5) Flora and fauna – refer to the FFA, which concludes that the proposal will not result in a significant impact on threatened species or their habitats.

(10) Urban development – This part mainly relates to the rezoning stage. Variable lot sizes have been achieved with this proposal.

(12) Metropolitan strategy – These matters have been considered in the rezoning process.

5.3 Wollondilly Local Environmental Plan 2011 (WLEP 2011)

5.3.1 Aims / objectives of the Plan

The particular aims of WLEP 2011 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,*
- (d) *to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,*
- (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.*

The proposal is generally consistent with, or else does not hinder the attainment of, the relevant aims of the Plan.

5.3.2 Zone and zone objectives

Cl.2.3(2) of WLEP 2011 requires the consent authority to have regard to the objectives for development in the zone. The following table is included to assist Council with this task.

R2 Low Density Residential zone

Zone objective	Response
<i>To provide for the housing needs of the community within a low density residential environment</i>	<i>The proposal achieves this objective by providing additional, fully serviced residential lots suitable for future housing</i>
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i>	<i>Not applicable</i>

TABLE 6
R2 zone objectives

5.3.3 Land Use permissibility

Subdivision is permissible pursuant to cl.2.6(1) of WLEP.

5.3.4 Other Relevant Clauses

Clause 4.1 – Minimum subdivision lot size

The LEP map specifies a minimum lot size of 450sqm. All lots comply with this control.

Clause 5.10 – Heritage Conservation

A Heritage Impact Assessment is provided as the land adjoins an item of local heritage significance - *Item (I 290) "Yeovil", Toterdell family residence.*

Clause 6.1 – Arrangements for designated State public infrastructure

The land is located in an URA, according to the WLEP URA map. Therefore, the provision of Part 6 WLEP apply.



The proponent is negotiating with DPE in relation to a contribution for the purposes of a State Infrastructure Contribution (SIC). It is anticipated that the DPE will shortly be in a position to provide Council with the certification required to satisfy this clause.

Clause 6.2 – Public Utility Infrastructure

Based on the attached infrastructure reports, it is contended that essential services will be available to the subject land when required.

Clause 6.3 – Development Control Plan

Refer to Table 8, section 5.5 of this report

Clause 7.1 – Essential Services

Each lot will be serviced with reticulated water, sewerage, electrical, gas and telecommunications services (refer to s.4.6 of this report).

Clause 7.2 – Biodiversity Protection

- Subclause 2 – Part of the land is identified as “sensitive land” on the Biodiversity map
- Subclauses 3 and 4 – Refer to section 4.4 of this report and also the report by Eco Planning.
- The biodiversity offset strategy contained in the FFA required the purchase and retirement of one (11) credits

Clause 7.6 – Development within a designated buffer area

The land is contained within the Odour buffer area map, due to its proximity to a nearby duck farm and turkey processing plant.

Consequently, an Odour report has been prepared by Pacific Environment (refer to section 4.11 of this report for a discussion of the contents of the Odour report).

The requirements contained in cl.7.6 WLEP have been satisfied.

5.4 Relevant Draft Environmental Planning Instruments

We are not aware of any draft local environmental plans that would impact on this proposal.

5.5 Relevant Development Control Plans

Wollondilly Development Control Plan 2016

Volumes 1, 2 and 3 of WDCP are relevant to this proposal.

VOLUME 1 – General; PART 2 – General considerations for all development

DCP reference	Response
Part 1 - Preliminary	<i>The proposed subdivision is categorised as a "medium subdivision"</i>
Part 2 – General considerations for all development	<ol style="list-style-type: none"> 1. The relevant safety and human health risks listed have been considered in the various specialist reports accompanying the application 2. The road layout provides a high level of permeability and is generally consistent with the connections shown on the precinct structure plan 3. Council will refer this application to MSB for concurrence 4. The future lots will be connected to a reticulated sewerage system 5. The land is not located within a drinking water catchment
Part 3 – Variations to this plan	<i>Noted</i>
Part 4 – Community engagement	<i>Noted</i>
Part 5 – Colonial Heritage (General)	<i>Noted. Refer to Section 5.11 of this report and the SHI</i>
Part 6 – Heritage (Specific locations)	<i>N/A</i>
Part 7 – Aboriginal Heritage	<i>No sensitive area identified in due diligence report undertaken for the rezoning</i>
Part 8 – Flooding	<i>The land is not subject to flooding, as far as we are aware</i>
Part 9 – Environmental Protection	<i>Refer to FFA. The Biodiversity offset strategy requires the purchase and retirement of one (1) credit</i>
Part 10 – Tree removal	<i>Trees will be removed during the course of construction of the subdivision, as envisaged by the FFA</i>
Part 11 – Landscaping	<i>Refer to the street tree planting plan prepared by HLS Pty Ltd</i>
Part 12 – Signage	<i>N/A</i>

TABLE 7

General considerations for all development
Volume 1, WDCP 2016

VOLUME 2 – Urban Release Areas

Requirements of WLEP	Response
(a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing	<i>The proposal involves a single stage. The development of this land will not prejudice the development of other lots in the precinct</i>



Precise Planning

Requirements of WLEP	Response
(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists	The proposed road layout provides a high level of permeability and generally achieves the underlying objectives of the precinct structure plan
(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain	Refer to the street tree planting plan
(d) a network of passive and active recreational areas	Utilise existing facilities in Tahmoor, Thirlmere and Picton
(e) stormwater and water quality management controls	Refer to CSMP
(f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected	Refer to bushfire report; The land is not flood prone; Refer to contamination report
(g) detailed urban design controls for significant development sites	The subject land is not a significant site
(h) measures to encourage higher density living around transport, open space and service nodes	The land is not specifically desirable for higher density living
(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses	N/A
(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking	Utilise existing facilities in Tahmoor, Thirlmere and Picton

TABLE 8
Urban Release Areas
Volume 2, WDCP 2016

VOLUME 3 – Subdivision of land

PART 2 – General Requirements for All Development

Element	Objective	Control	Response
2.1 Traffic and Transport	Various		The proposal has regard to the relevant objectives because it is compliant with the controls
		1. Compliance with Council's Design Specifications	Complies
		2. Access handles	Access handle widths comply
		3. Access handles	Not applicable
		4. Access handles	Noted, lots 29-31 comply
		5. Road infrastructure enhancement	Will comply
		6. Safe intersection sight distance	Complies

Element	Objective	Control	Response
2.2 Wastewater		7. LED lighting for new street lights	Noted
		8. Streetlight location near intersection	Noted
		9. Splayed corners 4 x 4	Complies
	Various		The proposal has regard to the relevant objectives because it is compliant with the relevant controls
		1. Acceptable options for wastewater management	Site will be connected to reticulated sewerage
2.3 Stormwater		2. Pump out	N/A
		3. Unsewered land	N/A
	Various		The proposal has regard to the relevant objectives because it is compliant with the relevant controls
2.4 Lot Shape		1. Satisfactory stormwater arrangements	Refer to CSMP
		2. Medium and Large subdivisions	Refer to CSMP
	Various		The proposal has regard to the relevant objectives because it is compliant with the relevant controls
		1. Lots in zones other than residential	N/A
		2. Minimum widths and depths	Complies. Lots 29-31 comply subject to the provisions of control 5
2.5 Landscape and character		3. Where the controls do not apply	N/A
		4. Where the controls do not apply	N/A
		5. Exception for irregularly shaped lots	Noted
		6. Calculating minimum lot size	Noted
		7. Lots facing a culdesac	Noted
	Subdivisions designed to enhance landscape character		The proposal has regard to the relevant objective because it is compliant with the relevant controls
		1. Subdivision of land in environmental and rural zones	N/A
		2. Not 2 independent access handles along a boundary	Noted
		3. Landscaping along access handle	Refer to landscape plan
		4. Specifications for landscaping along	Refer to landscape plan



Element	Objective	Control	Response
2.6 Corner allotments		<i>access handle</i>	
		5. Landscaping along access handle not to obscure buildings at end of handle	Noted
		6. Street tree planting	Refer to street tree planting plan
	Safe vehicular access and maximum streetscape amenity		The proposal has regard to the objectives because it is compliant with the relevant controls
		1. Nominate building envelope	The survey plan nominates a potential building envelope on each corner lot
		2. Vehicle access point	Generally, it is envisaged that the narrow frontage of each corner lot will provide the vehicular access point, although this will only be finally nominated at building application stage
2.7 Building envelopes		3. Controls do not apply where there is an existing dwelling	N/A
			The provisions of 2.7 do not apply to this proposal
2.8 Environmental protection			
	Protection of significant native vegetation from establishment of APZs		The proposal has regard to the objective because it is compliant with the relevant controls
		1. Provide APZs outside significant stands of native vegetation	Noted
2.9 Non-residential development Aboriginal heritage		2. Limit impacts on watercourses and vegetation	Noted
			The provisions of 2.9 do not apply to this proposal
	2.10 Agricultural subdivision		The provisions of 2.10 do not apply to this proposal

TABLE 9

Volume 3, Part 2, General requirements for all developments
WDCP 2016

PART 3 – Controls for specific locations

Section 3.6 – Tahmoor East

Objectives

- 1) All roads and pathways have direct links to the road network
- 2) The proposed road network envisages through traffic and Road 3 has been designated as 18 wide to accommodate buses.

- 3) The structure plan does not identify any potentially sensitive archaeological areas on the site
- 4) There are no sensitive natural waterways and vegetation on the subject site

Controls

- 1) N/A to the subject land
- 2) N/A to the subject land
- 3) The proposed layout maintains all the linkages to adjoining lots as identified on the structure plan. It is noted that the control requires the roads to be provided *"generally in accordance with the structure plan and enable direct links to the external road network and area within the site identified on the structure plan"*. It is argued that this proposal is compliant with this control
- 4) The structure plan does not identify any potentially sensitive archaeological areas on the site.

5.6 Planning Agreements

Planning Agreement with DPE

The proponent is offering to enter into a VPA with DPE to satisfy cl.6.1 WLEP (State Infrastructure Contributions ('SIC')).

5.7 Relevant Provisions of the Regulations

This proposal is capable of compliance with the relevant provisions of EPA Regs.

5.8 Impact of the Development

Potential impacts and mitigation measures (where necessary) are discussed in section 4 of this report.

5.9 Suitability of the site

It is considered that the land is generally suitable for the proposed development, based on the conclusions of the various specialist reports.

5.10 Submissions

Public submissions will be a matter for consideration by Council.

5.11 Public Interest

It is considered that the proposal is in the public interest. It proposes a subdivision of the land into thirty-five (35) lots, generally compliant with the WLEP and WDCP provisions, with manageable impact to the natural or built environment and placing manageable increased demands on public infrastructure.

6.

CONCLUSION

On merit it is considered that this application be approved subject to conditions. It does not seek to vary any guidelines or requirements of the planning controls applying to the area. On balance it is considered that this application seeks consent to a reasonable proposal. It is requested that Council officers exercise delegated authority to approve this development.

Yours faithfully

PRECISE PLANNING



Precise Planning