

PE3 – Planning Proposal – Cross Street, Tahmoor

PE3

Planning Proposal – Cross Street, Tahmoor

41KCAR

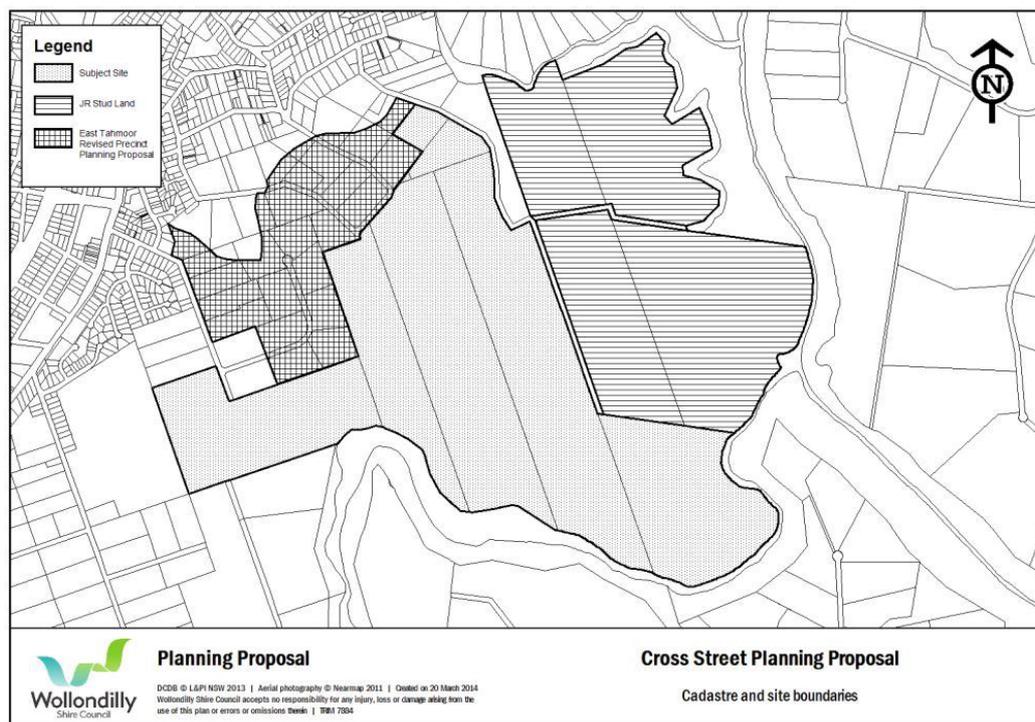
TRIM 7884

APPLICANT:

Urbis Pty Ltd

OWNER:

Ingham Property Development Pty Ltd



Planning & Economy

Stage	Completed
Preliminary notification	12 March 2014
Gateway Determination	Not completed
Consultation with Public Agencies	Not completed
Specialist studies	Not completed
Public exhibition / community consultation	Not completed
Referred to Minister for Publication	Not completed

REPORT

EXECUTIVE SUMMARY

- An application for a Planning Proposal has been received for Lot C DP 374621, Lots 1-6 DP 1128745 and Lot 255 DP 10669 located between River Road, Cross Street, Tahmoor Road and Progress Street, East Tahmoor.

PE3 – Planning Proposal – Cross Street, Tahmoor

- The application proposes changes to the Wollondilly Local Environmental Plan, 2011 to amend the Land Zoning from Zone RU4 Primary Production Small Lots to Zones R5 Large Lot Residential, R2 Low Density Residential, E2 Environmental Conservation, E3 Environmental Management and RE1 Public Recreation
- The application has been subject to initial notification. There were 6 submissions in response objecting to the proposal.
- There have not been any disclosures of political donations made in regard to this application
- It is recommended:
 - That Council support the planning proposal as amended
 - That the Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a Gateway Determination
 - That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979
 - That the applicant and submitters be notified of Council's Resolution.

BACKGROUND

1.1 Site Description

The site comprises 8 lots with a total area of 165ha and is located between 600m – 2.5 kilometres south east of Tahmoor Town Centre. To the north the site adjoins land within the South Tahmoor and East Tahmoor Revised Precincts Planning Proposal which is currently being considered by NSW Planning and Infrastructure (P & I) for rezoning for low density residential purposes (which was supported by Council at its meeting in November 2013). The recently rezoned land for large lot residential within the JR Stud Planning Proposal adjoins to the east. The western end of the site adjoins the Ingham's Enterprises Turkey Processing Plant. Bargo River and rural residential land borders the southern parts of the site.

Currently the site contains a duck farm operation with a number of poultry sheds and is also used for cattle grazing. Previously this area was used for free range turkey farming. Significant areas of the site are covered in native vegetation and denser vegetated areas are located in two north-south corridors and around the Bargo River.

1.2 Description of Application

The planning proposal application is seeking to rezone rural land for mainly large lot residential purposes to provide for around 240 lots. Residential land would also comprise a small amount of low density land. Environmental conservation is an important aspect of the proposal with significant portions of the site proposed to be zoned environmental conservation to augment existing environmental conservation zoned land around the Bargo River. Areas for public recreation are also proposed.

PE3 – Planning Proposal – Cross Street, Tahmoor

A small 2ha area with lower conservation values but still important environmentally is proposed to be zoned for environmental management purposes. A range of lot sizes are proposed with mainly 1500m²-4000m² large residential lots and approximately thirty (30) 700m² lots.

CONSULTATION

2.1 Consultation with Council Managers and Staff

A number of preliminary studies in relation to odour, noise, bushfire, traffic, ecology and riparian assessment, stormwater, wastewater management, aboriginal archaeology and a utilities and servicing strategy were submitted with the planning proposal. A meeting was held with Council staff to discuss the proposal and preliminary comments received are that the proposal is generally supported but would require more detailed investigation post Gateway. The main concerns that would need to be addressed are outlined as follows;

Public Recreation Land

Three areas are proposed to be zoned RE1 Public Recreation. The planning proposal states that this is for the lands ecological value and for the enjoyment of residents and to provide a connected open space network with JR Stud land and to Tahmoor town centre. The three proposed areas of land are not linked and include a heavily vegetated area along River Road which is separated from JR Stud land by an intervening allotment, and two narrow portions of land off Cross Street along a creekline and another portion further west containing a dam. The topography, shape and potential developable land on these sites do not appear to be suitable for a range of sporting facilities and therefore would seem to have limited serviceability in terms of meeting potential public recreation needs in this area.

Preliminary comments from Council's Recreation staff indicate that there would not be a need for additional public recreation land in this area. As the proposed RE1 Public Recreation land is not considered beneficial it would be advisable not to include it in the planning proposal at this stage. Further investigation and assessment in relation to adopted recreation and open space policies and the need for public recreation land would be undertaken should the planning proposal receive a positive Gateway Determination.

Given the site's poultry farming history it would be essential to ensure that any land including dams which may be rezoned for public recreation purposes or for other recreational uses such as cycleways is free from contamination prior to being dedicated to Council.

The planning proposal will also be assessed in relation to the Draft Environmental Zones Policy and Draft Dedication of Lands Policy after the Gateway Determination.

PE3 – Planning Proposal – Cross Street, Tahmoor

Wastewater Management

A significant proportion of the site is proposed to be zoned for large lot residential purposes. The majority of lots (approximately 170) are 1500m² with approximately 40 lots being 4000m² in the south-eastern corner near the JR Stud planning proposal land. A Preliminary Wastewater Assessment has been undertaken which indicates that the soil is suitable for wastewater disposal although the number of soil samples across the site was relatively limited and confined to particular areas.

The 1500m² lots are too small for effective on-site wastewater management using the calculations required by the Department of Local Government *On-site Sewerage Management for Single Households Guidelines*. The 4000m² lots are considered to be the minimum lot size which would allow for effective on-site wastewater and adequate setbacks from effluent disposal area. Given the proximity of the Bargo River Gorge and maintaining water quality, it is essential that lots closer to the Gorge are either of sufficient area to provide effective on-site wastewater management or are connected to a reticulated sewerage service.

The planning proposal suggests that the 1500m² lots may be serviced by reticulated sewer but these lots are significantly larger than the average low density residential lot and would be less cost effective to sewer and therefore sewerage of these lots may not be supported by Sydney Water. Approximately 30 lots of low density residential land with a minimum lot size of 700m² is proposed which should be able to be connected to sewer. This land is adjacent to land proposed to be zoned low density residential under the South Tahmoor and East Tahmoor Revised Precincts with a proposed minimum lot size of 450m².

Clarification is required in relation to the future use of proposed E2 environmental conservation land for wastewater management from the turkey processing plant. Consultation would be required post-Gateway with Sydney Water to determine whether there is sufficient capacity to service the site with reticulated sewer. Further assessment of the proposed lot sizes is necessary to ensure they are compatible with the aim of maintaining ecologically important habitat and protecting Bargo River Gorge.

Environmental Conservation

An Ecology and Riparian report was undertaken and included the use of a Biocertification Assessment Methodology to ascertain the impact on ecosystems. This assessment found that there would be some impact on one of four ecosystems identified and impact on endangered ecological communities although overall in terms of the biocertification methodology there would be a positive conservation outcome.

Planning & Economy

PE3 – Planning Proposal – Cross Street, Tahmoor

Environmental Conservation E2 zoned (E2) land is proposed in a north south direction to provide habitat corridors between land proposed to be zoned residential; on land within the 500m buffer from the turkey processing plant and; on land around the Bargo River. As there would be some impact on endangered ecological communities, further assessment of the proposed development footprint should be investigated post-Gateway.

The report also indicates that it is proposed to secure the ongoing management of the proposed E2 land through a vegetation management plan and long term security via either a legal agreement on title or transfer of the E2 land to a public authority if appropriate. Council is unlikely to consider managing this land due to the potential financial burden on its limited resources. Council would only consider managing this land with financial support for ongoing maintenance from the landowners through a voluntary planning agreement. Other alternatives include biocertification and biobanking of the site or the continued management of the site by the landowner. In the longer term it is hoped that the Bargo River Gorge and environs will be included in a National Park but at this point in time it is considered unlikely that the Office of Environment and Heritage would be interested in including the land within a national park particularly given their lack of interest in considering the E2 land within the JR Stud planning proposal for this purpose. Options for the ongoing management of environmental conservation land will require further investigation post-Gateway.

Bargo River Gorge

The site is bounded by the Bargo River and the spectacular Bargo River Gorge. Protection of the Bargo River Gorge which is a significant natural attribute should be a key aim of the planning proposal. The Bargo River corridor forms part of a link between the Greater Blue Mountains World Heritage Area and the Upper Nepean to Illawarra water catchment wilderness areas. There is currently E2 zoned land around the Bargo River some of which is located on the subject land and this was not identified in the Ecological and Riparian report. Clarification will be required to determine the amount of additional E2 land proposed. At one location the report states that the proposed width of the E2 zone would be only 50m from the top of the bank of the Bargo River to the proposed development. Consideration should be given to the impact of additional residential development this close to the Bargo River Gorge and the 'edge' effect of urban development on the Gorge with its steep cliffs and impacts in relation to bushfire hazard, bushfire management, weed management, abandoned vehicles, keeping of domestic animals, thinning of vegetation, wastewater management as well as the visual impact on the Gorge. All these matters will require further consideration and assessment post Gateway. (Also refer to Section 4.6 of this report.)

PE3 – Planning Proposal – Cross Street, Tahmoor

Traffic and transport

A Traffic Impact Assessment was undertaken which indicated that the existing local road network would have the capacity to cater for additional traffic generated from the site although the upgrading of sections of River Road was identified. The analysis included consideration with regard to the cumulative impact in the longer term when considering the other planning proposals in the East Tahmoor area. Traffic modelling using Council's TRACKS model is considered essential to clearly demonstrate the potential impact on the whole road network. Consultation with Roads and Maritime Services would be required with regard to the additional traffic along Remembrance Drive.

The proposed development in its entirety will be some distance from Tahmoor town centre and therefore effective pedestrian and cycleway links and public transport will be important. The report indicates that there is currently a 'cycleway/shared pathway' route along Progress Street which is incorrect but there is a cycleway route on Remembrance Drive which crosses Progress Street.

According to Council's Property section the deposited plan for the site is for identification purposes only and does not indicate a road running south from Cross Street which was previously identified on Deposited Plan 10669. There has been no application to Council to close this road but this would be a matter for a future development application should the site be rezoned and then subdivided. The impact of the additional traffic generated from the site in relation to the local road network and transport and infrastructure requirements will be examined further post Gateway determination.

Stormwater

A Preliminary Stormwater Management Strategy was undertaken which provided an assessment of the catchment stormwater run-off and music modelling. A strategy to provide for detention requirements and to achieve water quality is proposed. No flooding investigation was undertaken. Further assessment of the proposed strategy and infrastructure requirements and provision and potential flooding impacts would be required post-Gateway.

Aboriginal Heritage

The site contains a number of features that increase the probability that Aboriginal artifacts and sites will be found on the land. While the sites with the greatest change of containing artifacts and sites are proposed to be zoned for conservation, an assessment of the entire site should be required as a part of the detailed assessment of this planning proposal post gateway.

2.2 Consultation with Public Agencies

The applicant provided a Utilities and Servicing report which outlined their consultation with infrastructure agencies.

Planning & Economy

PE3 – Planning Proposal – Cross Street, Tahmoor

Sydney Water

There is currently no potable water services to the site but there are a number of suitable connection points. Sydney Water has indicated that no upgrades are currently planned in the area.

The site is not currently serviced by sewer. A portion of the site (40 lots) can be gravity drained to an existing sewer pumping station with a new connection line. There are a number of options identified for servicing the remaining lots with reticulated sewer but these options will need to be confirmed with Sydney Water. Sydney Water has indicated that no sewer upgrades are currently planned in the area. Further consultation with Sydney Water will be required post-Gateway.

Endeavour Energy

There is a zone substation near the site and preliminary discussions with Endeavour Energy indicate that there is capacity to service the site with additional infrastructure to be installed at the cost of the developer.

Telecommunications

Telstra services are available for connection in the area. The site is outside the NBN Co. footprint but an application for reticulation has been submitted to Telstra Smart Communities by the applicant.

Natural Gas

Jemena have indicated that there is natural gas in the area but availability is subject to commercial viability.

Mine Subsidence Board

The whole site lies within the Bargo Mine Subsidence District. A letter from the Mine Subsidence Board indicates that part of the site was directly undermined recently and the remainder of the site has not been mined under and will not be mined under in the near future. Mining was undertaken approximately 4 years ago in this area but as a result of community representations it was restricted to around 500 m from the centre of the Bargo River to limit potential impact on the Gorge.

It is considered that the following public agencies should be consulted in relation to this proposal post-Gateway.

- Sydney Water
- Office of Environment and Heritage
- Department of Primary Industries – Agriculture
- Office of Water
- Transport for NSW
- Roads and Maritime Services
- Rural Fire Service
- Greater Sydney Local Land Services
- Department of Education and Communities
- Ministry of Health.

PE3 – Planning Proposal – Cross Street, Tahmoor

2.3 Community Consultation

In accordance with Council's policy, initial community consultation has been undertaken. The application was made available on Council's website, an advertisement was placed in local newspapers and letters were sent to owners and occupiers of adjoining and potentially affected properties.

A total of 6 submissions were received and all of these submissions objected to the proposal.

The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

Issue Raised	Assessment Comment
<p>Odour and Noise Part of the site is within the 500m buffer from the turkey processing plant.</p> <p>If Inghams care about the <i>"conservation and management of environmentally significant land"</i> why has the turkey processing plant continued to use on-site ponds to dispose of their waste water which has created odour issues over many years?</p> <p>Council should take positive action to require the landowners to address the current odour issues with modern facilities prior to evaluating the planning proposal.</p> <p>Properties excluded from the East Tahmoor planning proposals should not be used as a noise and odour buffer for Inghams. Noise monitoring should account for the buffering effect of heavy tree coverage.</p>	<p>Land in Progress Street within the 500m buffer is proposed to be zoned E2 Environmental Conservation which does not permit residential development under the land use table provisions of Wollondilly LEP 2011 and therefore odour and noise are not considered an issue on this land.</p> <p>Council has granted development consent to a proposed wastewater treatment facility for the turkey processing plant which when constructed will significantly improve the odour issue particularly around Progress Street.</p> <p>The 500m noise and odour buffer around the turkey processing plant is to assist in both protecting future increased numbers of new residents from noise and odour while also protecting the viability of the existing poultry operation from an increased number of complaints.</p> <p>Noise monitoring accounted for existing conditions including tree coverage.</p>

Planning & Economy

PE3 – Planning Proposal – Cross Street, Tahmoor

Issue Raised	Assessment Comment
<p>Planning</p> <p>Some of the proposed lots are too small in relation to current properties.</p> <p>Increasing density closer to Tahmoor will allow for a lower density and more protection for the Gorge.</p> <p>Future development is likely to be unsustainable with large houses and lawns and residents reliant on private cars for transport. Residents need to telecommute, practise permaculture, live in very energy-efficient houses and drive cars powered by renewable energy.</p> <p>The Growth Management Strategy considers the site should only be rezoned after areas closer to Tahmoor town centre</p> <p>“Edge effects” when rural land is urbanised include predatory cats, invasive garden plants, regular controlled burning for bushfire management and nutrient rich wastewater resulting in a reduced variety of native plant species.</p>	<p>The smallest minimum lot size proposed is 700m² which is considered reasonable. A 450m² minimum lot size was recently gazetted for rezoned land in the East Tahmoor precinct.</p> <p>Further consideration will be given to achieving an optimum balance between development goals and environmental goals including the potential for altering the density of development across the site.</p> <p>There is a relatively small area in comparison to the whole site proposed for larger 4000m² lots and policies are in place aimed at achieving energy efficiencies but it is agreed that more sustainable lifestyles should be encouraged.</p> <p>The land is indicated on the GMS Structure Plan for Tahmoor and is relatively close in part to the town centre. It is anticipated that land closer to Tahmoor will be developed prior to this land.</p> <p>“Edge effects” are an important consideration when determining buffer requirements between urban and rural land.</p>
<p>Traffic</p> <p>Additional traffic on River Road will add to the existing traffic burden.</p> <p>The assertion that no adverse traffic impacts will result is questioned.</p>	<p>The preliminary traffic assessment has indicated that upgrading of River Road will be required. There are also provisions within a planning agreement for the recently rezoned JR Stud planning proposal lands which require the upgrading of sections of River Road.</p>

Planning & Economy

PE3 – Planning Proposal – Cross Street, Tahmoor

Issue Raised	Assessment Comment
<p>The traffic count was grossly understated for Progress Street which is a major street in the local network and also very busy at school closure times in particular.</p> <p>Approval of a large seniors living development in Progress Street will also increase traffic levels.</p> <p>Progress Street needs to be restructured, widened and drained adequately to cope with the additional traffic.</p>	<p>The traffic report has examined the cumulative impact of the additional traffic generated by this development and it indicates that overall the local road network should be able to cater for the additional traffic generated. However more detailed examination of traffic impacts will be undertaken post Gateway.</p>
<p>Bargo River Gorge</p> <p>A buffer zone of 100 m from the cliff top to urban development is required to protect the Gorge from the associated impacts of urban development and to maintain its wild scenic quality.</p> <p>A 50m wide movement corridor for fauna along the top of the escarpment is considered inadequate.</p> <p>There are 5 exceptional places in the Gorge and the draft plan indicates that development is proposed close to 2 of these places which is considered unacceptable.</p> <p>Office of Water guidelines recommend a 40m wide riparian corridor or greater on each side of a 4th order stream and a 10m wide vegetated buffer.</p>	<p>Further assessment of the appropriate width of the buffer E2 zone and potential impact on the Bargo River Gorge and the requirements for habitat corridors will be undertaken post-Gateway.</p> <p>A 40m riparian corridor is recommended by Office of Water on 4th order or greater streams with a vegetated corridor within this. The Bargo River currently has a 100m riparian buffer on Council's Natural Resources Water map.</p> <p>It is agreed that it would be beneficial if the Gorge becomes part of a National Park although it is recognised that this is unlikely to occur in the immediate future. Improving access to the Gorge for recreation purposes should be assessed further post-Gateway.</p> <p>It is agreed that the Bargo River Gorge is an ecologically significant area with habitat links to other important environmental areas and should be protected from the impact of urban development and made accessible for local residents to appreciate.</p>

Planning & Economy

PE3 – Planning Proposal – Cross Street, Tahmoor

Issue Raised	Assessment Comment
<p>It is considered that the Gorge should be part of a National Park and often National Parks are declared decades after they are first proposed.</p> <p>Improved access to the Gorge for recreation purposes with links to the JR Stud land should be considered.</p> <p>Bargo River Gorge contains a diversity of plant and animal species and many endangered species and is a part of the main link between the Greater Blue Mountains World Heritage Area and the Upper Nepean/Illawarra wild area between Wilton and Albion Park and is considered to be of State significance. It should be protected, maintained and made very accessible.</p>	
<p>Wastewater management</p> <p>Measures to ensure wastewater does not enter the Gorge are required particularly to protect the rockpools.</p> <p>The level of borehole sampling for the wastewater report particularly in locations close to the Gorge is considered inadequate.</p> <p>Council's Wastewater Management guidelines indicate waste water should be 100m or more from permanent waterways but the Gorge area is very</p>	<p>Further consideration will be given to the proposed wastewater management solutions which will best protect the local environment and water quality in the Bargo River.</p> <p>The sampling undertaken indicated that the soils would be capable of sustaining long term wastewater management but maintaining an adequate buffer around the Gorge would best ensure water quality is maintained in the river.</p> <p>Council's <i>On-site Sewage Management and Greywater Re-use Policy</i> requires that all wastewater management schemes are located a minimum of 100 metres from permanent surface waters and that consideration should also be given to</p>

Planning & Economy

PE3 – Planning Proposal – Cross Street, Tahmoor

Issue Raised	Assessment Comment
steep and wastewater would directly flow from the top of the Gorge into the River below.	potential impact on environmentally sensitive areas such as the Gorge.
Wastewater could be used for irrigating a rainforest area to avoid it impacting on the water quality of the Bargo River.	Potential wastewater re-use schemes would not be suitable within an environmental conservation area which would aim to maintain and improve indigenous vegetation rather than create a rainforest area containing non-indigenous plant species.

Planning & Economy

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All applications for Planning Proposals are assessed in accordance with the strategies of the Wollondilly Community Strategic Plan (CSP). The following CSP strategies have significance for the application as described below.

CO4 - Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Comment:

The preliminary notification community engagement process has raised a number of issues which will need to be addressed should the planning proposal receive a positive Gateway Determination. Further opportunities for community engagement will be provided during a potential future public exhibition of the proposal.

GO5 - Financial Sustainability

Maintain Council in a strong and sustainable financial position.

Comment:

Further investigation will be required into the proposed public recreation land and need for infrastructure upgrades and the management of environmental conservation land to ensure Council is not burdened financially.

EN1 - Biodiversity Resilience

Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems.

Comment:

An important aspect of this proposal is to ensure that the Bargo River Gorge area and endangered ecological communities are not impacted and further assessment of the proposal in this regard will be undertaken post Gateway assuming a positive determination is received.

PE3 – Planning Proposal – Cross Street, Tahmoor

EN2 - Growth Management

Apply best practice environmental principles to the management of future growth.

Comment:

The planning proposal is considered to be consistent with the assessment criteria within Council's Growth Management Strategy.

EN3 - Development Assessment

Apply best practice environmental principles to the assessment of development and planning proposals.

Comment:

Further assessment of this planning proposal will ensure that best practice environmental principles are applied to achieve optimum future development of the site.

IN2 - Manage Road Network

Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

Comment:

Consideration of the potential impact on the road network of future development on this site is required to ensure traffic and transport infrastructure has the capacity to meet future demand.

POLICIES & LEGISLATION

- *Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979)*
- *Environmental Planning and Assessment Regulation, 2000 (EP&A Regs, 2000)*
- *Local Government Act, 1993*
- *Standard Instrument (Local Environmental Plan) Order, 2006 (SI Order, 2006)*
- *State Environmental Planning Policies (SEPPs)*
- *Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)*
- *Wollondilly Development Control Plan, 2011*
- *Wollondilly Contributions Plan 2011*
- *Draft Metropolitan Strategy for Sydney to 2031 (Draft Metro 2031)*
- *Draft South West Sydney Subregional Strategy to 2031*
- *Draft Planning Proposal Policy (Draft PP Policy)*
- *Draft Environmental Zones Policy*
- *Draft Dedication of Land Policy.*

PE3 – Planning Proposal – Cross Street, Tahmoor

3.1 Preparation of a Planning Proposal

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Infrastructure. The Planning Proposal is then forwarded to the Minister for Planning and Infrastructure for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be *Council's* Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 4.9 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

Note that the application has been with Council for more than 90 days. The applicant can apply for a pre-Gateway review in accordance with the EP&A Regs, 2000 if Council fails to indicate support for the application within 90 days of receiving the application.

Option 2 is the recommendation of this report.

3.2 Gateway Determination

When a Planning Proposal has been endorsed by Council, it is then forwarded to the Minister for Planning and Infrastructure for a Gateway Determination. The Gateway process is a checkpoint for Planning Proposals before significant resources are committed to carrying out specialist studies and before extensive consultation with public agencies.

PE3 – Planning Proposal – Cross Street, Tahmoor

As part of the Gateway process, the Minister or his delegate will decide:

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

3.3 Delegation of Plan-making to Council

It is recommended that Council requests the Minister to grant Council delegation to make this amendment to WLEP, 2011 in accordance with Section 59 to the EP&A Act, 1979 and *A guide to preparing local environmental plans*.

RELEVANT CONSIDERATIONS

4.1 Draft Sydney Metropolitan Strategy (Draft Metro 2031)

The planning proposal supports recommended strategies to increase the housing supply.

4.2 South Western Sydney Regional Action Plan (2012)

This plan outlines actions broadly across the region aimed at protecting environment and heritage and providing more affordable housing options which are considerations for this planning proposal.

4.3 Metropolitan Plan for Sydney to 2036

The planning proposal supports the need for incremental growth around existing urban centres recommended by this plan.

4.4 Draft South West Subregional Strategy to 2031

New sub regional action delivery plans will be drawn up for Sydney in 2014.

4.5 Section 117 Ministerial Directions

The planning proposal is considered to be generally consistent with these directions.

PE3 – Planning Proposal – Cross Street, Tahmoor

4.6 State Environmental Planning Policies

Deemed SEPP - Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River

The *Hawkesbury-Nepean Scenic Quality Study (c.1996)* was undertaken to support this SEPP and identified the Bargo Gorge as having high scenic quality of State significance. The *Statement of Significance* in the Study provides the following description:

“This gorge is an outstanding landscape of great natural scenic beauty and national significance. The precipitous topography, integrity of natural vegetation, visual isolation, and primeval atmosphere of its lower section are rare and awesome qualities which deserve the highest protection.”

The Study made suggestions for its protection which are outlined as follows:
“To prevent further clearing or construction of buildings close to the plateau edges, and on the plateau to establish a buffer to the gorge to protect its scenic quality and facilitate public access thereto.”

Accordingly the scenic quality of the gorge area as well as water quality in the Bargo River are important considerations which will need to be addressed satisfactorily to meet the requirements of this SEPP.

Amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2014
 The subject site falls within the 2km buffer area around a residential zone and therefore is within the coal seam gas exclusion zone.

4.7 Wollondilly Growth Management Strategy

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The proposal, as noted throughout this table, satisfies this Key Policy Direction.
P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS)	The proposal is generally consistent with the concept and vision of ‘Rural Living’ as it provides for increased density of development adjoining the established urban area which ensures land in rural locations is retained for rural purposes.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	The planning proposal was notified to the local community for a period of 28 days and at the end of that period six (6) submissions were received. The matters raised in their submission will be addressed further post-Gateway.

PE3 – Planning Proposal – Cross Street, Tahmoor

Key Policy Direction	Comment
<i>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.
<i>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</i>	<p>The proposal will add to the urbanised area east of Tahmoor down to the Bargo River environs including the recently rezoned land within the J R Stud Planning Proposal.</p> <p>Within the constraints of the site the proposal is considered appropriate as it will facilitate the orderly development of housing.</p> <p>Conservation and enhancement of remnant vegetation and riparian areas is intended.</p> <p>Existing infrastructure is to be utilised and where necessary embellished.</p>
Housing Policies	
<i>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</i>	<p>The proposal will contribute towards housing growth in the Tahmoor Area in accordance with the growth targets outlined in the GMS.</p> <p>The Structure Plan for Tahmoor & Thirlmere identifies the subject land as a 'potential residential growth area'.</p>
<i>P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</i>	The proposal aims to provide for a range of housing options including low density residential land and large lot residential land. These options will assist in meeting affordable housing needs within the community.
<i>P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").</i>	The proposed density will vary across the site and further consideration will be given to the most appropriate density of residential development to suit the environmental capacity of the site and provide environmental conservation land to assist in protecting the Bargo River Gorge and endangered ecological communities.
<i>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i>	The land is located to the east of the existing urbanised area of Tahmoor and is expected to eventually be adjacent to land which is proposed to be rezoned for low density residential purposes.

PE3 – Planning Proposal – Cross Street, Tahmoor

Key Policy Direction	Comment
Macarthur South Policies	
<i>Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area</i>	Not applicable.
Employment Policies	
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes</i>	Although there are no employment lands proposed, there will be short-term employment opportunities through the construction jobs associated with the civil and building works. The proposal will also provide stimulus to the local economy by boosting population.
<i>P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</i>	The site is not proposed to be zoned to facilitate further employment opportunities. Modest opportunities may exist for home business and tradesman residency.
Integrating Growth and Infrastructure	
<i>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</i>	It is anticipated that the site will be able to be serviced with the extension or augmentation of existing infrastructure although further consultation with service providers particularly Sydney Water should be undertaken. There may be a need for upgrades to local roads and transport infrastructure and this will require further assessment post Gateway.
<i>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</i>	The western part of the site is located around 600m from community facilities and services in Tahmoor town centre. The site is accessible via the local road system and through extensions to the cycleway/pedestrian pathways and is able to be connected to most other services.
<i>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The proposal does not contribute toward dispersed population growth as it proposes urban growth in close proximity to the east of the Tahmoor urban area.

Planning & Economy

PE3 – Planning Proposal – Cross Street, Tahmoor

Key Policy Direction	Comment
<i>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</i>	This is an area identified as a being a potential residential growth area on the Tahmoor Structure Plan in the GMS. The proposal contributes toward Council's dwelling target for Tahmoor identified in the GMS.
Rural and Resource Lands	
<i>P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</i>	The capacity of the existing sewerage system to service the proposed development land will require further consultation with Sydney Water. Ensuring wastewater is managed to limit environmental impact on the Bargo River and environs will require further consideration post Gateway.
<i>P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</i>	This planning proposal would result in the loss of viable agricultural land currently used for a rural industry (poultry farming) which provides significant local economic benefit. However, this land is in close proximity to a growing urban area and it is considered that there would be more local benefit from residential development of the land in the longer term. The Rural Industry Liaison Committee has indicated their support for this planning proposal.

4.9 Recommended form of Planning Proposal

Following consideration of responses from initial consultation and notification and preliminary assessment of the application, it is considered that the Planning Proposal should take the preliminary form as detailed below with further consideration to amending the proposal subject to further assessment and consultation post Gateway.

4.9.1 Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Zoning Map from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation and Zone E3 Environmental Management as shown in Attachment 1 (but excluding RE1 Public Recreation land)

PE3 – Planning Proposal – Cross Street, Tahmoor

- Amend the Lot Size Map from a minimum lot size category of 2ha to a range of lot sizes yet to be determined
- Amend the Height of Buildings Map from a Maximum Building Height Category of no maximum height metres to a Maximum Building Height Category of 9 metres.

Amendments are anticipated for the Natural Resources – Biodiversity and Natural Resources – Water maps. However, the details of the changes will not be known until specialist studies are completed.

4.9.2 Wollondilly Development Control Plan, 2011 (WDCP, 2011)

No amendments are proposed to WDCP 2011 but may be required subject to the results of further consultation and the specialist studies.

VOLUNTARY PLANNING AGREEMENT

Council may need to enter into a Voluntary Planning Agreement for the Planning Proposal site depending on the outcome of further assessment. This agreement would provide for public works and benefits specific to the Planning Proposal and would if necessary require further investigation.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

A Voluntary Planning Agreement may need to be investigated to address matters specific to the Planning Proposal.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

CONCLUSION

The proposal in the form as described in Section 4.9 to this report is consistent with relevant State, Regional and Local planning strategies to the extent that can be determined at this time. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Infrastructure for a Gateway Determination.

PE3 – Planning Proposal – Cross Street, Tahmoor

ATTACHMENTS

1. Indicative Land Zoning Map (excluding proposed RE1 Public Recreation land).

RECOMMENDATION

1. That Council support the preparation of a Planning Proposal for land being:

Lot C DP 374621, Lots 1-6 DP 1128745 and Lot 255 DP 10669 located between River Road, Cross Street, Tahmoor Road and Progress Street, East Tahmoor.

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- amend the Land Zoning Map from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation and Zone E3 Environmental Management
 - amend the Lot Size Map from a minimum lot size category of 2ha to a range of lot sizes yet to be determined
 - amend the Height of Buildings Map from a Maximum Building Height Category of no maximum height metres to a Maximum Building Height Category of 9 metres
 - amendments are anticipated for the Natural Resources – Biodiversity and Natural Resources – Water maps. However, the details of the changes will not be known until specialist studies are completed.
2. That the Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a Gateway Determination.
 3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
 4. That the applicant and submitters be notified of Council's Resolution.

