



# Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

## Cross Street Planning Proposal

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For the rezoning of land previously used for duck farming to allow housing development at Cross Street, Tahmoor

**April 2018**

# Document Register

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1	1/5/2014	Pre-Gateway Cross Street Planning Proposal	7884#544
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# Introduction

## Planning Proposal

A Planning Proposal is a legal process for changing the zoning of land and changing other land-use planning controls in a Local Environmental Plan. The enabling legislation is in the NSW Environmental Planning and Assessment Act 1979 (Part 3 Planning Instruments, Division 3.4 Environmental planning instruments—LEP). The planning proposal process includes consultation with the community, Council staff and the NSW State Government. To find out more information about the planning proposal process follow the link below to the Wollondilly Shire Council web site:

<https://www.wollondilly.nsw.gov.au/assets/Documents/Planning-and-Development/Guidelines-Controls/Fact-Sheets/Fact-Sheet-Planning-Proposals-The-process-for-changing-the-WLEP.pdf>

## Cross Street Planning Proposal

This Planning Proposal details changes sought to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rezone approximately 155 ha of rural land at East Tahmoor to enable large lot residential development and the conservation of environmentally sensitive land. A total of 240 lots are proposed with access from Cross Street and River Road.

A resolution to support the Planning Proposal was moved by Council at its Ordinary meeting held on 22 April 2014 and the report and minutes are attached at **Appendix 1**. Further studies and technical information were requested at subsequent Council meetings on 17 November 2014 and 18 July 2016 to address the proposed buffer arrangements to the Bargo River Gorge and to prepare a Biocertification Strategy for the site. The requested studies and technical information have since been provided by the proponent.

This document has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the NSW Department of Planning and Infrastructure's A Guide to Preparing Planning Proposals (2012).

## Gateway Determination

A Gateway Determination for the Planning Proposal to proceed was approved in July 2014 and is attached at **Appendix 2**. The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

Table 1 – Gateway Conditions

Gateway Condition	Comment
1. Community consultation is required under sections 56 (2)(c) and 57 of the EP&A Act, for a period of 28 days.	The Planning Proposal will be placed on public exhibition for community consultation for a period of at least 28 days.
2. The timeframe for completing the Local Environmental Plan is to be 15 months from the week following the date of the Gateway determination.	The timeframe has been extended a number of times due to the complex nature of the Planning Proposal and the current date of completion is 24 April 2018.
3. Delegation is to be given for Council to exercise the Minister's plan making powers.	Noted.
4. The Acting Secretary's delegate approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy. The matters listed in conditions	Noted. Conditions 5 to 8 have been addressed as below.



5 to 8 below are to be addressed prior to undertaking community consultation.	
5. Council is to consult with the following public authorities to determine whether regional contributions towards the provision of designated public infrastructure are likely to be required: <ul style="list-style-type: none"> <li>- Department of Health</li> <li>- Transport for NSW</li> <li>- Roads and Maritime Services</li> <li>- Department of Education &amp; Communities</li> </ul>	Consultation has been undertaken with the relevant public authorities in this regard. Refer to Section D of this report for further discussion.
6. If the site is to be identified as an Urban Release Area, Council is to amend the proposal document accordingly.	As the site would result in the need for additional state infrastructure it has been identified as an Urban Release Area and the plan has been amended accordingly.
7. Council is to consult with the Department of Trade & Investment – Resources & Energy (DTR&E) and subsequently demonstrate consistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries.	The DTR&E Mineral Resources Branch indicated that the site has been mined and further coal extraction is considered unviable. No other resource issues were raised.
8. In addition to existing and proposed studies, Council is to undertake an assessment of potential flooding on site and identification of land likely to be flood prone. Council is to subsequently demonstrate consistency with Direction 4.3 Flood Prone Land.	An assessment of potential flooding was undertaken and a series of stormwater detention basins is proposed to alleviate any potential issues. Refer to Section C-7 for further discussion.
9. Council is to consult with nominated public authorities and where indicated demonstrate consistency with relevant section 117 directions.	The public authorities were consulted and there are considered to be no inconsistencies with relevant section 117 directions as detailed in Appendix 4.

## Site and Context

The planning proposal site comprises eight lots with a surveyed area of approximately 155 ha as detailed in the Report on the Interface with the Bargo River in Appendix 5. The property is a rural landholding located 600m – 2.5 kilometres south east of Tahmoor Town Centre. Until recently the site was used for duck farming and contains a number of poultry sheds and dams. The site is currently being used for cattle grazing.

The site adjoins two Planning Proposal sites that have recently been rezoned for residential use. These include the East Tahmoor Revised Precinct Planning Proposal to the north-west which allows for low-density residential development and the JR Stud Planning Proposal to the north-east which enables large lot residential development. The western end of the site adjoins a Turkey Processing Plant and rural residential land. To the south, the site is bounded by the Bargo River and Bargo Gorge.

The site is traversed by four watercourses which drain into the Bargo and Nepean Rivers. Approximately half of the site is cleared comprising pasture grasslands with dense riparian vegetation located along the four creek lines.

Most of the site is currently zoned RU4 Primary Production Small Lots with a minimum lot size of 2 ha and no maximum building height. Portions of Lots 2-4 around the Bargo River include land zoned E2 Environmental Protection.

Table 2 – Property details

Address	Cadastre Details – Lot/DP
85 Progress Street	C/374621
Cross Street/Tahmoor Road	1/ 1128745
Cross Street	2/1128745
River Road	3/1128745
River Road	4/1128745
River Road	5/1128745
River Road/Myrtle Creek Road	6/1128745

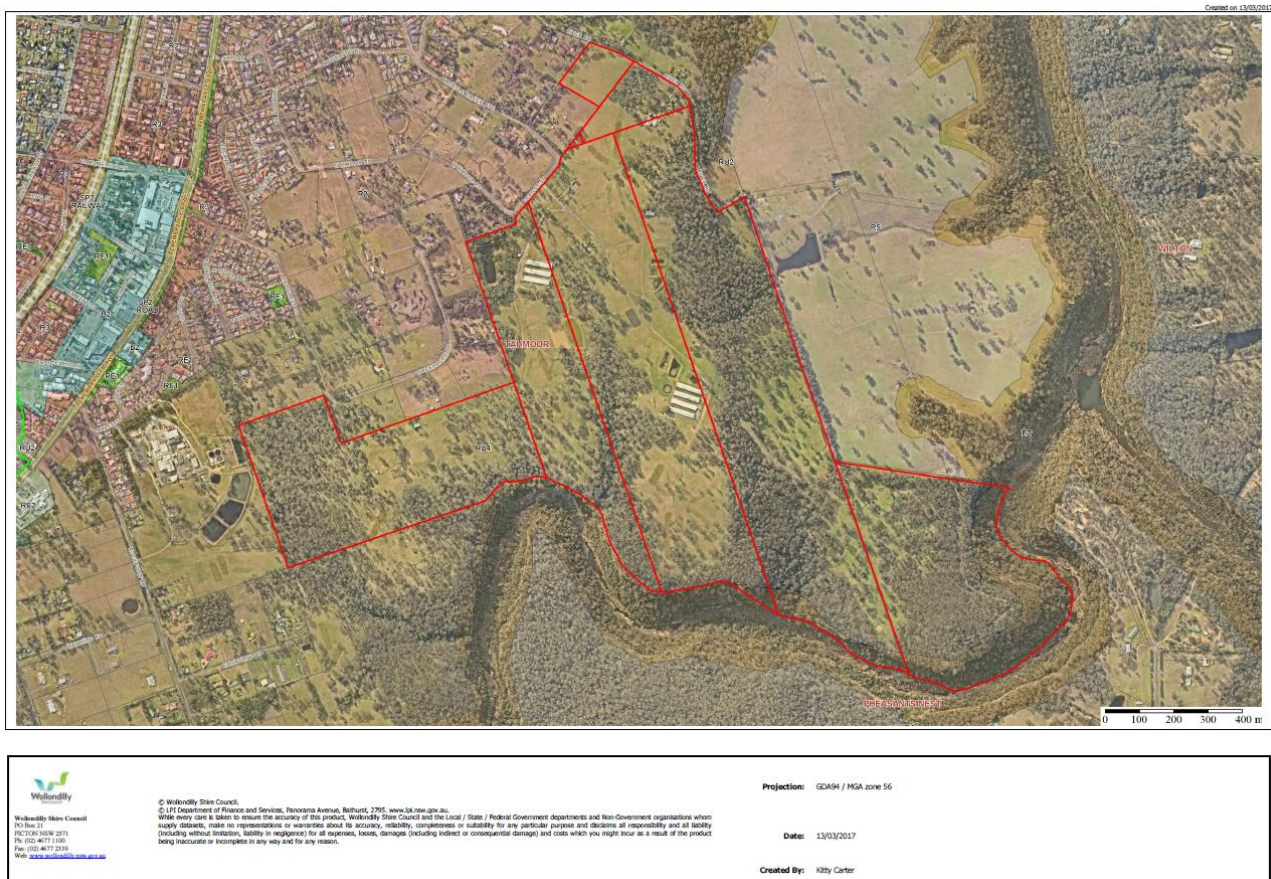


Figure 1 – Aerial View of Site and Surrounds

# Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the provisions of Wollondilly Local Environmental Plan (WLEP) 2011 as they apply to the subject site to enable large lot residential development and allow for the conservation of ecologically valuable land.

## Part 2 – Explanation of Provisions

To achieve the objectives of the Planning Proposal, the following amendments to the Wollondilly Local Environmental Plan (WLEP) 2011 are proposed:

- Amend the Land Zoning Map from RU4 Primary Production Small Lots to R5 Large Lot Residential (R5), E3 Environmental Management (E3) and E2 Environmental Conservation (E2);
- Amend the Lot Size Map from a minimum lot size category of 2 ha to a minimum lot size of:
  - 975 m<sup>2</sup>, 1500 m<sup>2</sup> and 4,000 m<sup>2</sup> for land zoned R5;
  - 1 ha and 1.5 ha for land zoned E3; and
  - no minimum lot size for land zoned E2.
- Amend the Height of Building Map from no maximum building height to a maximum building height of 9m;
- Amend the Natural Resources Water Map to provide a riparian buffer of 10 metres along the four minor watercourses which traverse the site; and
- Amend the Urban Release Area Map to include the subject site to ensure adequate provision for State and Local Infrastructure.

The proposed map amendments are included at Part 5 – Mapping.



# Part 3 – Justification

## Section A – Need for the Planning Proposal

### 1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal was initially submitted to Council by a firm acting on behalf of the landowner. The Planning Proposal is therefore not the result of any strategic study or report.

However, the Planning Proposal is largely consistent with Council's Growth Management Strategy 2011 (GMS) which generally identifies the site as a potential residential growth area in the structure plan for Tahmoor & Thirlmere (refer to Figure 2).

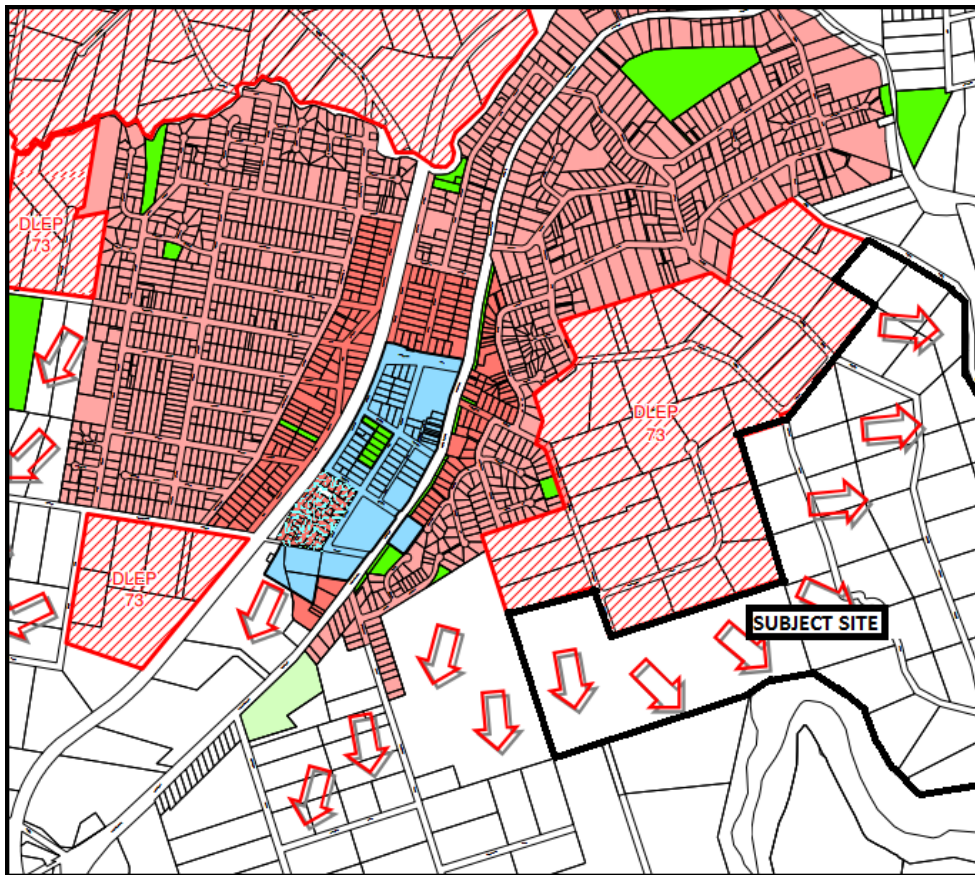


Figure 2: Extract from Wollondilly GMS Structure Plan- Tahmoor and Thirlmere

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

It is considered that a Planning Proposal is the best means of achieving the objective and intended outcomes. The current land use provisions applicable to the site under the Wollondilly Local Environmental Plan 2011 prohibit further development at the scale proposed in this proposal.

The proposed R5 Large Lot Residential area would provide a transition between the urban and rural zones on the south-eastern edge of Tahmoor, while sensitive riparian and remnant vegetation would be protected through the application of an environmental conservation zone.

## Section B – Relationship to strategic planning framework

### 3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

#### A Plan for Growing Sydney

A Plan for Growing Sydney was released in December 2014 and is an action plan that guides land use planning decisions up to 2034. It consists of a number of directions and actions that focus around the following four (4) goals:

- **ECONOMY**; a competitive economy with world class services and transport;
- **HOUSING**; a city of housing choice with homes that meet our needs and lifestyles;
- **LIVEABILITY**; a great place to live with communities that are strong, healthy and well connected; and
- **ENVIRONMENT**; a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The proposal is consistent with the policy objectives of A Plan for Growing Sydney as it presents an opportunity to increase housing supply at a moderate scale in close proximity to an existing residential area as well as ensuring that future residential development takes appropriate measures to minimise impacts on the environment.

#### Regional and District Plans

The Greater Sydney Commission (GSC) released the Greater Sydney Region Plan, called a Vision of a *Metropolis of Three Cities* in March 2018 which outlines how Greater Sydney will manage growth and guide infrastructure delivery. The Regional Plan refers to three cities within the Sydney region, namely:

- Eastern Harbour City
- Central River City
- Western Parkland City

Wollondilly Shire is within the Western Parkland City. The Greater Sydney Commission also released the Western City District Plan in March 2018 which gives effect to objectives and strategies of the Greater Sydney Region Plan. The Planning Proposal is consistent with the planning priorities and directions of both plans as detailed below:

- Infrastructure and Collaboration Priorities: The Planning Proposal has demonstrated that the site is capable of being appropriately serviced by infrastructure. It is in close proximity to bus services and a railway station with connections to employment centres within Western Sydney and the Sydney CBD;
- Liveability priorities: The proposal will encourage a more diverse/affordable housing mix in a well serviced location and contribute to increasing housing supply in the Shire;
- Sustainability priorities: The proposal has been supported by a number of site specific studies to address and minimise potential impacts on cultural landscapes, bushland and biodiversity. A large part of the site will be maintained in a natural state providing important corridors and habitat to ensure the survival of endangered native animals. This is consistent with the sustainability priorities under the Regional and District Plans.

The site is within the Metropolitan Rural Area and therefore Planning Priority W17 (Better managing rural areas) is relevant. This priority seeks to protect Sydney's rural areas for their contribution to agriculture, resource provision and natural environment. The Western District Plan also identifies the role of rural areas to sustain the local rural towns and villages.

Urban development within rural areas is identified as acceptable within investigation areas outlined in the District Plan and the subject site is not identified as an investigation area in the plan. However, it is considered that the planning proposal would meet local demand for growth which is a consideration in the District Plan and will provide biodiversity offsets to compensate for future development. As required under the District Plan, the planning proposal has considered the surrounding landscape and rural activities, in the context of the Bargo River and Gorge and adjoining rural uses.

Although the site is not within an investigation area and therefore is not entirely consistent with the District Plan, the planning proposal should progress because of the following reasons:

- a Gateway Determination was received in July 2014, a substantial period of time prior to the release of the Western City District Plan. The progression of the proposal thus far has been generally consistent with the preceding regional and sub-regional strategies;
- the site is located in close proximity to the Tahmoor town centre and adjoins two recent Planning Proposal sites with land rezoned for low density residential purposes and large lot residential purposes. These land uses conflicts with the current use of the site for duck farming and therefore a residential use would eliminate this conflict;
- the proposal will contribute to the dwelling targets for Tahmoor contained within Council's Growth Management Strategy; and
- the proposal is consistent with all other aspects of the Western City District Plan.

#### **4. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The following local strategies are relevant to this Planning Proposal:

- Wollondilly Growth Management Strategy 2011
- Wollondilly Community Strategic Plan 2033

##### Wollondilly Growth Management Strategy 2011

A key land use planning issue for Wollondilly is to manage pressures for growth against the context of a broad community desire to keep the Shire rural. This is a challenging balancing act and an inevitable consequence of being a rural area on the fringe of a major metropolis.

The Growth Management Strategy 2011 (GMS) was prepared to provide a strategic led response to this issue, and does so by providing:

- clear policy directions on growth issues;
- a strategic framework against which to consider Planning Proposals;
- a long-term sound and sustainable approach to how the Shire develops and changes into the future;
- a basis to inform Council decisions and priorities regarding service delivery and infrastructure provisions;
- direction and leadership of the community on growth matters;
- advocating for better infrastructure and services;
- a strategy/response for how the Council sees the State Government's Metropolitan and subregional planning strategies being implemented at the local level.

The GMS was adopted by Council on 21 February 2011 and is consistently applied to the assessment of Planning Proposals for new growth in the Shire. A table detailing the assessment of the proposal against the relevant assessment criteria is provided in **Appendix 3**.

Overall, the Planning Proposal is considered to be consistent with the Key Policy Directions as follows:

***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.***

Comment

The Planning Proposal 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)***

Comment

The proposal is generally consistent with the concept and vision of ‘Rural Living’. It proposes to develop land which is located near an urban centre and maintains a significant proportion of the site in its natural state to provide a separation between rural lands and to ensure that important ecological conservation values are maintained.

***P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.***

Comment

A total of six submissions were received during the preliminary community consultation period. The issues raised in the objections were addressed in the report to Council on 22 April 2014. Further community consultation will be undertaken during formal exhibition of the proposal.

***P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.***

Comment

There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.

***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.).***

Comment

The proposal will contribute to the urbanised area east of Tahmoor town centre down to the Bargo River environs. Within the constraints of the site the proposal is considered appropriate as it will facilitate the orderly development of housing. Conservation and enhancement of remnant vegetation and riparian areas is proposed.

***P6 Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.***

Comment

The proposal contributes toward Council’s dwelling target for Tahmoor & Thirlmere outlined in the GMS. The Structure Plan for Tahmoor & Thirlmere includes the subject land as a “*potential residential growth area*.”

***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.***

Comment

The proposal aims to provide for a range of housing options including low density and large lot residential land. These housing options will assist in providing housing choice within the community.

**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”).*

Comment

The proposed density varies across the site. The proposed development footprint protects the most consolidated stands of vegetation at the site and maintains connectivity between vegetated areas and along the Bargo Gorge.

**P10** *Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.*

Comment

The land is located to the east of the existing urbanised area of Tahmoor and adjacent to land which is proposed to be rezoned for low density residential purposes.

**P15** *Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.*

Comment

Although there is no employment lands proposed, there will be short-term employment opportunities through the constructions jobs associated with the civil and building works. The proposal will also provide stimulus to the local economy by boosting population.

**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.*

Comment

The site is not proposed to be zoned to facilitate further employment opportunities. Modest economic opportunities may exist for home business and tradesmen.

**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.*

Comment

It is anticipated that the site will be able to be serviced with the extension or augmentation of existing infrastructure. There may be a need for upgrades to local roads and transport infrastructure.

**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.*

Comment

The western part of the site is located around 600m from community facilities and services in the Tahmoor town centre. The site will be accessible via the local road system and through extensions to the cycleway/pedestrian pathways and is able to be connected to most other services.

**P19** *Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.*

Comment

The proposal does not contribute toward dispersed population growth as it proposes urban growth in close proximity to the Tahmoor urban area.



**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.*

Comment

This is an area identified as a being a potential residential growth area on the Tahmoor & Thirlmere Structure Plan in the GMS. The draft proposal contributes toward Council's dwelling target for Picton, Tahmoor and Thirlmere identified in the GMS.

**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.*

Comment

The Planning proposal seeks to protect the special economic, environmental and cultural values of the site, as discussed in Section C of this report. Further consultation will be undertaken with Sydney Water during public exhibition of the Planning Proposal to determine the current situation regarding connection of the site to the reticulated sewer.

**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.*

Comment

Key Policy Direction P22 is not applicable to the proposal.

Create Wollondilly Community Strategic Plan 2033

The Wollondilly Community Strategic Plan 2033 (WCSP), adopted by Council 17 June 2013, is Council's overarching plan that sets out the long term strategic aspirations of the community for Wollondilly over a 20 year period until 2033.

The WCSP is based on a vision of rural living for Wollondilly Shire and focusses around five themes:

- Sustainable and balanced growth: The proposal is consistent with Council's position on growth and would not be detrimental to the viability of other rural uses in the area. The proposal would allow for a moderate increase in housing on land located in close proximity of the Tahmoor shopping precinct and public transport, in a location adjacent to existing and recently approved residential zoned land;
- Management and provision of Infrastructure: Adequate public infrastructure and essential services would be provided as part of the future development of the site;
- Caring for the Environment: It is proposed to apply an E2 Environmental Conservation zone to ecologically valuable land and potentially transfer this land to Council as 'Permanently Managed and Funded Conservation Measures' in the form of a Biobank site. This would achieve the conservation of environmentally sensitive land on the site and allow for a suitable buffer to the Bargo River;
- Looking after the Community: The proposed amendments to the Planning Proposal are considered to be in the best interests of the community. Consultation with the community and other stakeholders is being undertaken as part of the formal public exhibition; and
- Efficient and Effective Council: Council will continue to work to ensure that the proposal is consistent with the planning of long term growth within the Shire.

## 5. Is the Planning Proposal consistent with applicable state environmental planning policies?

A preliminary assessment of the Planning Proposal's consistency with all State Environmental Planning Policies (SEPP's) is provided in **Appendix 4**.

The following SEPPs have particular relevance to the Planning Proposal site:

- SEPP No. 44 - Koala Habitat Protection
- SEPP No. 55 - Remediation of Land
- REP No.20 - Hawkesbury–Nepean River (No 2 - 1997)

### SEPP No. 44 – Koala Habitat Protection

An assessment of the site's suitability as koala habitat was undertaken in 2014, with additional surveys completed in 2017. Targeted surveys using spot-lighting, call play-back, motion-activated cameras and searches for koala scat were undertaken, however there was no confirmation of koala using the site. As such, the Koala was removed from the list of candidate species.

Whilst the studies identified that the subject site contains potential koala habitat, the greater proportion of trees within the site are to be included in the E2 conservation zone and it is considered that areas of Core Koala Habitat, if present, would be conserved.

The assessment recommends that a detailed flora and fauna survey be undertaken at the detailed design and development application stage to identify and locate any areas of core koala habitat which may be present within the study site. If core koala habitat is present, a Comprehensive Koala Plan of Management is to be prepared.

### SEPP No. 55 – Remediation of Land

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) provides:

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
  - (a) *The planning authority has considered whether the land is contaminated, and*
  - (b) *If the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
  - (c) *If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note: *In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*

- (2) *Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) *If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) *The following classes of land are identified for the purposes of this clause:*

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
  - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The land has been used for poultry farming and cattle grazing which as agricultural uses, are potentially contaminating activities. A preliminary contaminated land investigation was undertaken in 2010 and was updated in 2013. The assessment found that the majority of the site in its current condition is suitable for the intended residential land use, however a few localised areas onsite pose a potential limited risk to the environment and human health.

Recommendations to alleviate this risk are proposed to be implemented prior to or during the development phase to return these areas to a condition suitable for residential land use. A Stage 2 contamination investigation is recommended to be undertaken prior to any approval for subdivision on particular areas of the site that are potentially contaminated. This requirement would be included in site-specific controls within Wollondilly Development Control Plan 2016.

#### Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River

Clause 4 of SREP 20 requires assessment of the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 in the preparation of an environmental planning instrument.

Consideration of the 'clause 5' matters is set out below:

Matter	Comment
The aim of the 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. Potential impacts of any significance relate to water quality impacts.	In this regard: <ul style="list-style-type: none"> <li>▪ It is intended to connect all lots to the reticulated sewer network (subject to further discussion with Sydney Water)</li> <li>▪ Music modelling of the site indicated that with suitable detention measures, water quality would be able to be maintained</li> </ul>
<ul style="list-style-type: none"> <li>• strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy</li> </ul>	Subject to appropriate management of water quality impacts the scale of the proposal is likely to be acceptable in terms of the Action Plan strategy.
<ul style="list-style-type: none"> <li>• any feasible alternatives to the development</li> </ul>	The development of the site for housing is considered to be the best use of the site with regard to its location adjoining residential land.
<ul style="list-style-type: none"> <li>• relationship between the different impacts of the development or other proposal and the environment, and how</li> </ul>	A significant proportion of the site will be zoned for environmental conservation and maintained in perpetuity as a biobanking site. Four watercourses that traverse the site will be within the biobanking site and mapped on the Natural Resources Water Map which details protective measures for water

those impacts will be addressed and monitored	quality under WLEP 2011 Clause 7.3 Water Protection.
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Consideration of the 'clause 6' matters is set out below:

Matter	Comment
1.Total catchment management	The residential land is proposed to be serviced by reticulated sewer and water to ensure there is limited impact on the Bargo River which forms the southern boundary of the site.
3.Water quality	Water Sensitive Urban Design (WSUD) measures would be implemented at development application stage and in this regard on-site detention is proposed to reduce stormwater run-off.
5.Cultural heritage	An Aboriginal Archaeological Assessment found that there are Aboriginal sites on this land but they will all be located within the environmental conservation land.
6.Flora & Fauna	There are significant stands of remnant native vegetation throughout the site. To enable the residential development to proceed the site is proposed to be bio certified with the major portion of highly sensitive ecological communities being maintained within BioBanked land on the site.
10.Urban Development Strategy	Development of the site would aim to achieve high standards of water quality for individual lots through on-site detention. Parts of the site will be revegetated in accordance with biobanking requirements.
12.Metropolitan Strategy Impacts	Waste disposal, air quality and predicted climate change are considered negligible when taking into account the relatively small scale of the proposal.

## 6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act issues directions that relevant planning authorities, in this case Wollondilly Shire Council, must follow when preparing Planning Proposals for amendments to Local Environmental Plans.

It is considered that the site is consistent or has only minor inconsistencies with all relevant Section 117 Directions. An assessment of the Planning Proposal's consistency against all s.117 Directions is provided in **Appendix 5**.



## Section C – Environmental, social and economic impact.

### 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

#### Flora and Fauna

A Biodiversity Certification Assessment was prepared in December 2017 (revised in March 2018) to address the potential impacts of the proposal on flora and fauna within and adjoining the subject site. Based on the results of the study, the site contains a mixture of cleared land comprising exotic pasture and stands of remnant native vegetation within gullies and around the Bargo River. Native vegetation covers approximately 113.56 ha of the assessment area and comprises four vegetation types, including two Threatened Ecological Communities (TECs), both of which are listed as critically endangered ecological community (CEEC) under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999 (EPBC Act) and the NSW Biodiversity Conservation Act 2016 (BCA). These include Shale Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW).

Most of this land is proposed to be designated for conservation measures (E2 Environmental Conservation) and managed as a Biobanking site, with a small portion of land to be zoned E3 Environmental Management (Refer to Figure 3 below).

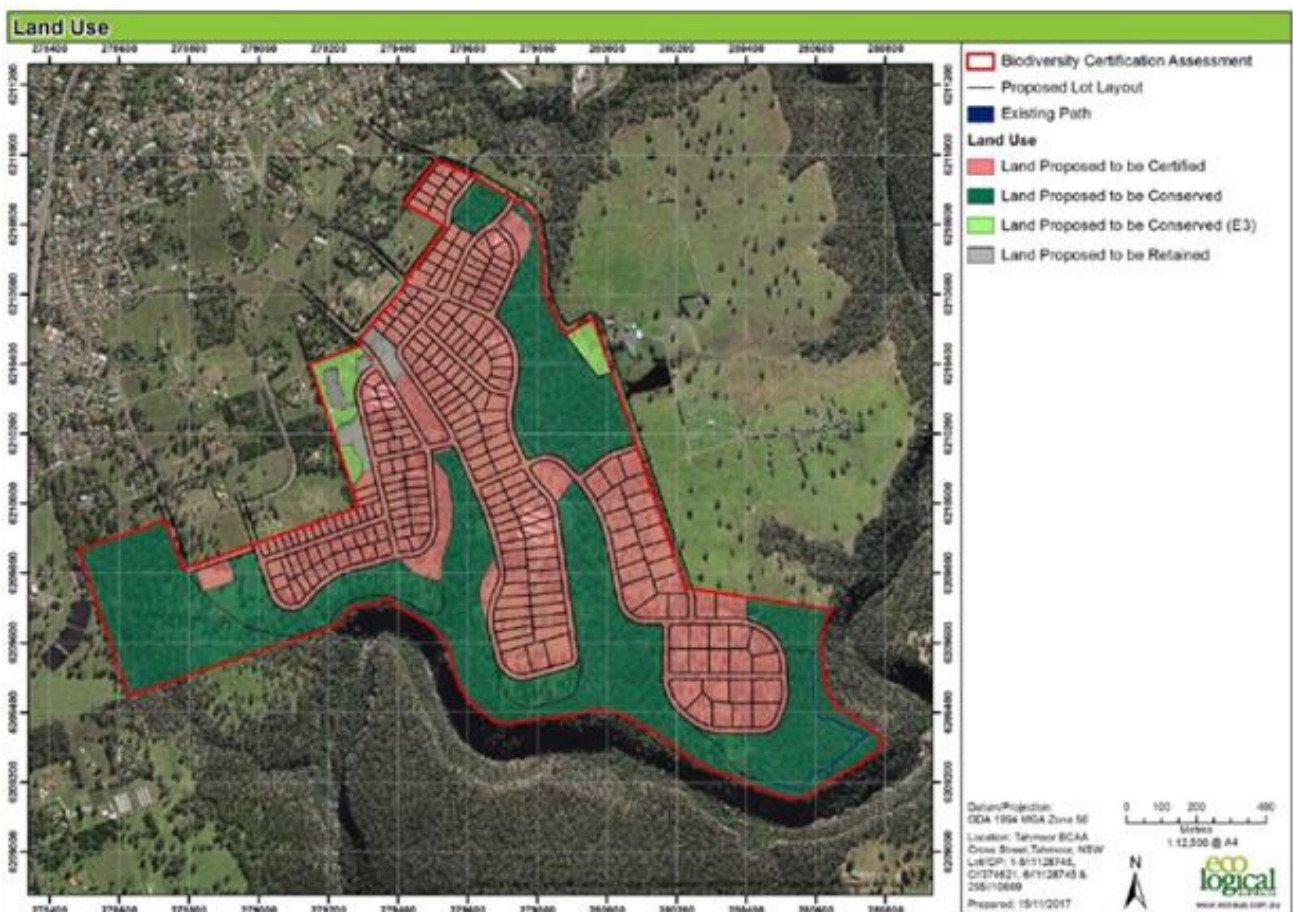


Figure 3: Indicative proposed land use (Source: Eco Logical, 2017)

A number of threatened fauna species were also recorded in the subject site during surveys, including the Southern Myotis; Large-eared Pied Bat; Little Bent-wing Bat; Grey-headed Flying-fox; and Cumberland Plain Land Snail. However, it was determined that breeding habitat is not present within the site for the Large-eared Pied Bat, Little Bent-wing Bat nor Grey-headed Flying-fox and targeted surveys confirmed that that no Southern Myotis are breeding in any of the hollow-bearing

trees likely to occur within the impact areas of the proposal. All areas with confirmed records of Cumberland Plain Land Snail will be conserved.

### Biocertification Strategy

The Cross Street biodiversity certification proposal is a 'proposed application' for the purposes of clause 37 of the *Biodiversity Conservation (Savings and Transition) Regulation 2017* and will therefore be assessed in accordance with Part 7AA the (now repealed) *Threatened Species Conservation (TSC) Act 1995*. Council received approval from the NSW Office of Environment and Heritage to exhibit the Biodiversity Assessment Report and Biocertification Strategy on 27 March 2018. A Biocertification Strategy is a policy or strategy for the implementation of conservation measures to ensure that the overall effect of biodiversity certification is to improve or maintain biodiversity values. A Biocertification Strategy has been prepared in accordance with the 18 July 2016 Council meeting resolution which required the proponent "...provide a Biocertification Strategy that would result in permanently funded and managed conservation measures for the land proposed to be conserved".

The areas proposed for certification (development) under the submitted strategy have been strategically placed in areas of low condition/fragmented vegetation, while vegetation mapped as moderate to good condition has been protected within conservation areas (see Figure 3). Bushfire Asset Protection Zones (APZ) are proposed to be located within the outer perimeter of the land proposed for development and therefore will not result in additional clearing of the conservation lands.

Based on the results of the strategy, the footprint proposed for biodiversity certification is 77.71 ha (34.77 ha of which comprises native vegetation). A total of 72.22 ha of land will be conserved in the E2 Environmental Conservation zone, of which 65.93 ha is mapped as native vegetation and 7.68 ha to be revegetated.

E2 Environmental conservation areas will be subject to management and revegetation activities and be transferred to council as 'Permanently Managed and Funded Conservation Measures' (100% credits generated) in the form of a Biobank site. The Biobank site will be subject to the terms of a Biobank Agreement which includes annual conservation management in perpetuity, submission of an annual report to OEH regarding these management obligations and audit by OEH.

An additional 3.23 ha will be subject to conservation measures as part of the E3 Environmental Management zone and this includes 2.67 ha of native vegetation. The two small E3 areas will be conserved under 'Planning Instrument Conservation Measures' which would generate 25% of the credits for offsets.

The land subject to 100% and 25% conservation measure will generate 759 ecosystem credits, which is more than 100% of the credits required for impacts on vegetation. There is one vegetation type (Cumberland Plain Woodland) that will have a credit deficit. However, the assessment includes a variation of the offset rules to use alternate credits from Shale Sandstone Transition Forest to offset this shortfall on site. Therefore, an offsite Biobank site or other conservation measure is not required (subject to the variation request).

### Bargo River Gorge Buffer

The majority of the southern boundary adjoins the Bargo River Gorge, which descends into the Bargo River. 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.

At their meeting held on 22 April 2014 Council resolved as follows:

*"That the future development of the land within the Cross Street Planning Proposal incorporate a buffer of at least 100 metres from the top of the bank of the Bargo River Gorge to any residential building. That the applicant be advised that the studies prepared and submitted during the rezoning process will need to demonstrate how this will be achieved and what*

*mechanisms (eg zoning, restrictions on title) will be used to provide certainty of this outcome. To enable the public to understand what is proposed in respect of this buffer the proponent shall also submit a typical cross section drawn to an appropriate scale showing the gorge, the proposed E2 zone, the asset protection zone required for bushfire protection, the area required for waste water disposal (if the lots are not connected to a reticulated sewerage system) and the location of residential buildings).*

*Additionally a management plan shall be prepared to outline how the buffer area will be maintained and managed. Both the cross section and the management plan shall be placed on exhibition with the proposal should it receive a positive gateway determination."*

The proponent has since undertaken a survey and an informed assessment which details the proposed buffer arrangements between the edge of future residential development and the top of the Bargo River Gorge as detailed in the *Report on the Interface with the Bargo River Gorge*. Typical cross sections showing the gorge, the proposed E2 zone, the asset protection zone required for bushfire protection, internal roads and the location of residential dwellings have also been provided. It should be noted that the area required for wastewater has not been detailed in the cross section as it is proposed to connect the lots to the reticulated sewerage system.

The submitted buffer analysis identified the following key features:

- *"The development footprint (including all roads, basins and residential lots) will be located a minimum of 100 metres from the top of bank;*
- *Asset Protection Zones (APZs) do not encroach into the proposed E2 Environmental Conservation zone, which includes the Bargo River Gorge buffer;*
- *The consolidation of the proposed detention basin zones (inclusive of associated batters) will ensure that a buffer of at least 100 metres from the top of bank (for the Bargo River Gorge) is achieved;*
- *The proposed buffer 'zone' offers significant opportunity for public access to the Bargo River Gorge, in particular access to key vantage points".*

It is proposed that the Bargo River Gorge buffer will be integrated within the E2 Environmental Conservation zone lands and be maintained in perpetuity as a Biobanking site, as outlined in the Biocertification Strategy.

The proposed buffer arrangements have been reviewed by the proponent's environmental consultant who advised that the current proposed development footprint *"protects the most consolidated stands of vegetation at the site, maintains connectivity between vegetated areas and along the Bargo Gorge and in Eco Logical Australia's opinion would not compromise the function of the current vegetation along the Bargo Gorge as a corridor for flora and fauna."*

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

### **Bushfire Hazard**

The site has been identified as containing bushfire prone land. A *Bushfire Assessment* was undertaken which demonstrates that the site is capable of accommodating future subdivision and associated land use with the appropriate bushfire protection measures.

NSW Rural Fire Service (RFS) were consulted and recommended a number of changes in order to improve road layout and the provision of Asset Protection Zones (Refer to Section D-10 for further details). The matters raised can be addressed through site-specific controls in the Wollondilly Development Control Plan (WDGP) 2016 to ensure that future residents are provided with both safe and practical housing lots. Future development will also be subject to comply with the provisions of *Planning for Bush Fire Protection 2006*.

Further consultation with the RFS will be undertaken during public exhibition of the Planning Proposal.

### Stormwater

A *Preliminary Stormwater Management Strategy* was undertaken which provided an assessment of the catchment stormwater run-off. The report identified that the site drains into two major rivers, with 80% of the site draining into the Bargo River and 20% of the site draining into the Nepean River. Music modelling of the site indicated that with suitable detention measures, water quality would be able to be maintained.

The Office of Environment and Heritage (OEH) reviewed the Preliminary Stormwater Management Strategy and raised a number of concerns regarding mainstream flooding, overland flow paths and the proposed mitigation strategy (Refer to Section D-10 for further details). The submission was reviewed by Councils Design Engineer who advised that flooding will not be an issue for this site and considers that further detailed assessment will be required at the development application stage for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage any localised flooding.

### Traffic and Transport

A Traffic Impact Assessment was prepared to investigate likely traffic load implications, impacts and management options for the Planning Proposal. The analysis included consideration of the cumulative long-term impacts of other Planning Proposals in the East Tahmoor area and concluded that there are no traffic related impediments that would prevent the subject land being rezoned for residential land use. The assessment demonstrates that the existing local road network has capacity to cater for additional traffic generated from the site and considers that the ongoing development application process is an appropriate mechanism to deliver the staged and ultimate intersection layouts.

### Noise

A noise assessment was undertaken in relation to the operation of the turkey processing facility and irrigation ponds adjoining the site to the west. The assessment indicates that sensitive receivers in the proposed development area would not be impacted by operational noise during the day, evening and night time periods as the 37 dB(A)  $L_{eq, 15-minute}$  criterion would not be exceeded. The night time sleep disturbance criterion of 47 dB(A)  $L_{1, 1-minute}$  also would not be exceeded at any of the receivers. The assessment concludes that the proposed E2 Conservation zoned land will provide a suitable noise buffer to the proposed development area.

In terms of traffic noise, the site is not traversed by any major roads and is located around one kilometre from Remembrance Driveway the main north-south connecting route. The site is bounded by the Bargo River Gorge which restricts any potential through roads from adjoining areas. Accordingly local road noise from new residential development is likely to be that of a normal suburban area. Noise from additional road traffic through new adjoining residential areas will be dispersed along three main routes, River Road, Tahmoor Road and Progress Street which will ensure that it is not a major concern. Accordingly, noise impacts overall are not considered to be an issue in relation to this Planning Proposal.

### Odour

An Odour Impact Assessment was also undertaken to determine if the operation of the turkey processing facility is likely to result in adverse odour impacts for the new residents and if the proposed 500 metre buffer zone for the existing site is appropriate.

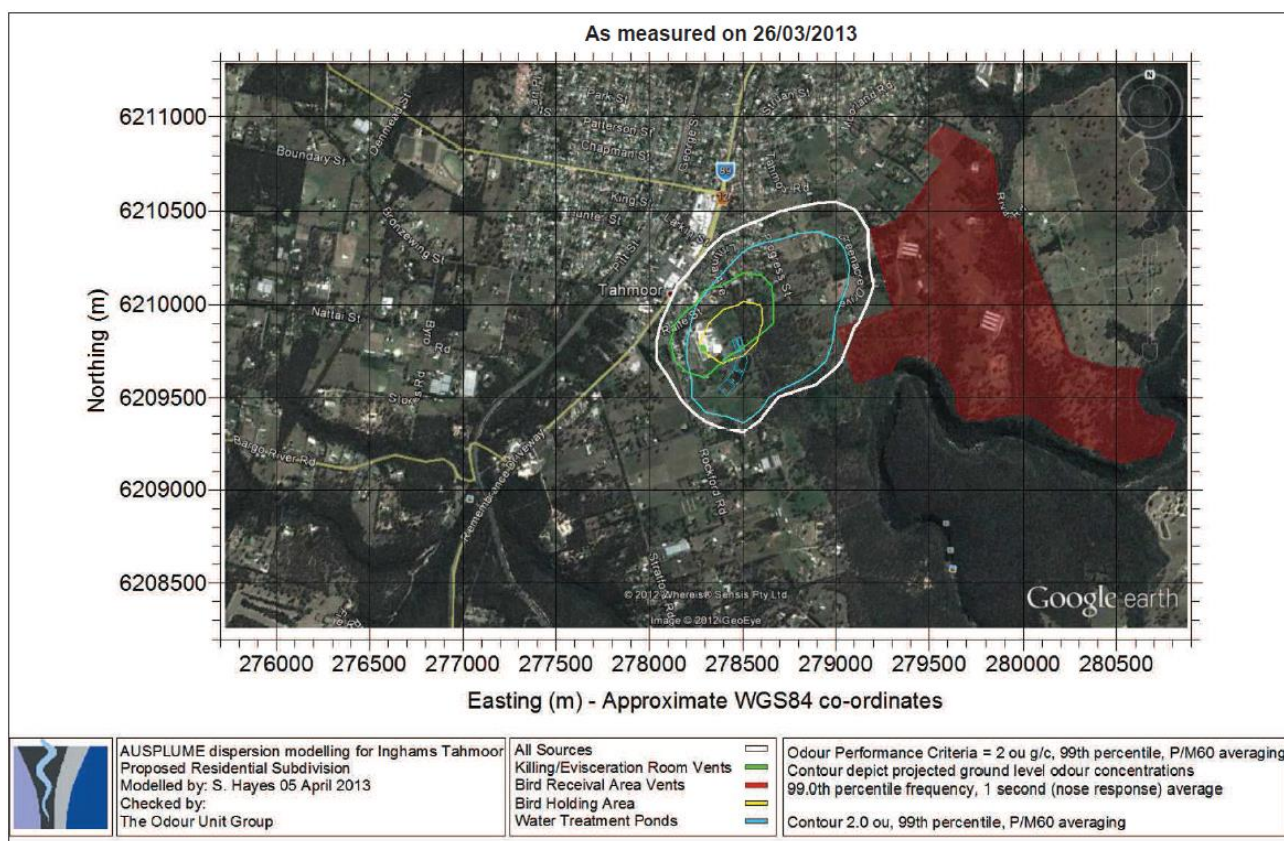


Based on the NSW Environmental Protection Authority classification of population densities, an odour performance criterion of “2 odour units” was adopted by the assessment for the dispersion modelling. When accounting for all odour sources from the turkey processing facility, the modelling results indicate that small sections of the subject site (predominantly E2 Environmental Conservation zoned land) lie within the 2 odour unit contour and are therefore susceptible to odour impacts from the operation of the facility (see Figure 4 below). The bulk of this exceedance is due to the waste water treatment plant system with the anaerobic ponds being the primary contributors. However, it should be noted that advice from the Environmental Protection Authority (EPA) indicates that the waste water treatment plant has recently been upgraded and has not been considered in the odour impact assessment.

Irrespective of this, in the context of an appropriate buffer area around the facility, the assessment determines that two approaches to the setting of the odour buffer could be considered:

*“The first would be entirely based upon the 2 ou contour derived from this modelling study and be consistent with buffer zone determination for ‘greenfield’ developments. The second approach would be to follow the existing 500m buffer distance that is currently proposed for the site. The modelling finds no justification for a buffer distance of less than 500m.”*

Therefore, the proposed 500 metre minimum buffer distance would result in all land proposed for residential rezoning being outside the buffer and therefore unlikely to be impacted by odour.



**Figure 4: Ingham Tahmoor Turkey Processing Facility: Modelling Plot Results (Source: The Odour Unit, 2013)**

## Wastewater

Consultation has been undertaken with Sydney Water who advised that the site has been included in future planning for the area and may be able to connect to the Picton Wastewater Recycle Plant (WRP) after it is upgraded. It is anticipated that the upgrade will occur in May 2018.

Accordingly, further consultation will be undertaken with Sydney Water during public exhibition of the Planning Proposal to determine the current situation regarding servicing of the site. Refer to Section D-11 for further discussion in this regard.

## **9. How has the Planning Proposal adequately addressed any social and economic effects?**

The proposal will provide additional residential land and contribute to growth in the Tahmoor Township. Tahmoor has established shopping, health and community services and facilities such as the Tahmoor Community Centre which will be available to potential new residents should the site be considered suitable for accommodating new dwellings. There will be access to environmental lands for recreation and pedestrian/cycleway routes which will lead to improved health for the new and existing community. The proposal will also have a positive economic impact upon the development / construction industry, inclusive of the prospects of local employment (both in design and construction). The local businesses at Tahmoor and other nearby centres such as Bargo and Picton are likely to benefit through enhanced trade. As such, no adverse social and / or economic impacts are foreshadowed under the proposal.

### Archaeological and Cultural Heritage

The study area has previously been subject to archaeological investigations in 1993, 2006 and 2012. A further investigation was provided in April 2016 to supplement the three existing archaeological investigations, as well as to address the concerns raised by Office of Environment and Heritage (OEH) detailed in Section D-11 of this report. Based on the results of the revised study, the consultant concludes the following:

- *“Of the six rock shelters with Potential Archaeological Deposit (PAD) sites previously identified within the 1993 site investigation, three were able to be re-located as part of the current assessment;*
- *On the basis of input from the Aboriginal community, as well as direction received from OEH directly, these three rock shelters with PAD have been identified as sites. Site recording forms will be prepared for each of the sites and submitted to AHIMS for registration on the database;*
- *No other Aboriginal sites or objects were identified within the Study Area, and the potential or as yet unidentified sites to be present has been assessed as very low to negligible;*
- *Following on from the above, it has further been assessed that there is very little to negligible potential for intact archaeological deposits to be impacted by the proposed rezoning and associated development, based on an assessment of the topography, the extent to which the area has been disturbed, and the relative scarcity of open artefact sites in the local area generally;*
- *Through this assessment, as well as through consultation with representatives of the local Aboriginal community, no other cultural heritage constraints to the Planning Proposal and proposed rezoning have been identified; and*
- *No historic heritage sites have been recorded as being located within the Study Area, and none were identified as part of this investigation.”*

The assessment considers that the Planning Proposal does not present any identified risk or harm to the three identified sites (or associated drainage channel) as the areas will be wholly located within the proposed E2 Environmental Conservation zone. The E2 zone will be conserved and will not be subject to any physical works or disturbance as part of the future redevelopment of the site.

The assessment provides recommendations for future excavation works to avoid and/or minimise any potential impact or harm to identified sites within the Study Area which will be implemented at



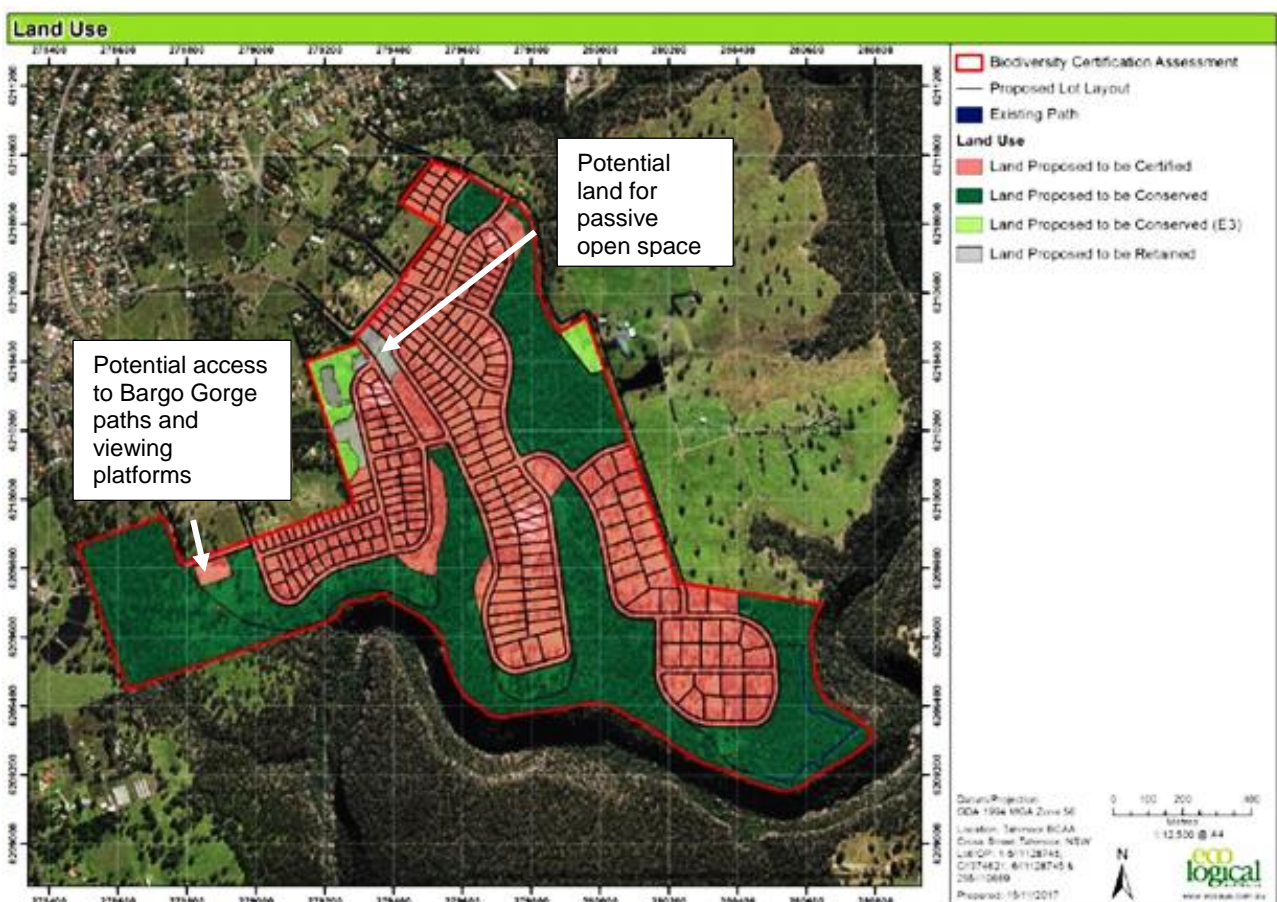
the subdivision stage. Further consultation with OEH and local Aboriginal communities will be undertaken during the public exhibition of the Planning Proposal.

### European Heritage

There are no items of European Heritage located within the subject site and no such items located in the vicinity which would likely be impacted by the Planning Proposal.

### Community Development and Open Space

Facilities including walking tracks, seats and picnic shelters and viewing platforms to the Bargo Gorge have been identified for the site as detailed in the Biocertification Strategy and Report on the Interface with the Bargo River. Land adjacent to Cross Street has potential to provide an opportunity for passive open space and a meeting point for new local residents with suitable embellishments such as seating. This land is within a riparian area and could also be landscaped/vegetated in accordance with water sensitive urban design. Land at the end of Progress Street would provide a suitable entrance for visitors to the Bargo Gorge. A planning agreement will be considered with inclusion of these provisions and for future management of the BioBanked land. The residential areas are proposed to include shared pathways for pedestrian and cycle movement through the site. A concept plan for the site will be developed to incorporate these provisions as part of a site-specific development control plan.



## Section D – State and Commonwealth interests.

### 10. Is there adequate public infrastructure for the Planning Proposal?

#### Water

There is currently no potable water services to the site but there are a number of suitable connection points. Preliminary advice from Sydney Water indicates that the subject site can be serviced from the Thirlmere water supply zone, requiring amplification of the existing mains in Progress Street and Rockford Road to 200mm mains to service the future growth in the area. Further consultation will be undertaken with Sydney Water during public exhibition of the Planning Proposal to confirm servicing requirements.

### Sewer

As previously outlined, consultation has been undertaken with Sydney Water who advised that the site has been included in future planning of the area and may be able to connect to the Picton Wastewater Recycle Plant (WRP) after it is upgraded. It is anticipated that the upgrade will occur in May 2018.

Further consultation will be undertaken with Sydney Water during public exhibition of the Planning Proposal to determine the current situation regarding servicing of the site. Refer to Section D-11 for further discussion in this regard.

### Electricity

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. Further consultation will be undertaken with Endeavour Energy during public exhibition of the proposal to confirm capacity of the existing substation.

### Telecommunications

Telstra services are available for connection in the area. The site is located outside the NBN Co. footprint, however, the proponent has submitted an application for connection to Telstra Smart Communities.

### Natural Gas

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

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

The following agencies were consulted in accordance with the Gateway Determination regarding the need for provision of designated public infrastructure:

- Ministry of Health – South Western Sydney Health District
- Transport for NSW
- Roads and Maritime Services
- NSW Education Department

Other agencies contacted were as follows:

- Office of Environment and Heritage
- NSW Police Force
- NSW Department of Primary Industries – Office of Water
- Sydney Water Corporation
- NSW Department of Trade and Investment – Mineral Resources Branch
- Mine Subsidence Board (now Subsidence Advisory NSW)

- Greater Sydney Local Land Services (replaced Hawkesbury-Nepean Catchment Management Authority)
- NSW Fire and Rescue
- NSW Rural Fire Service
- State Emergency Service
- Environmental Protection Agency

The Planning Proposal will be subject to further consultation with public authorities.

Agency response	Comment
<p><b>South Western Sydney Local Health District (SWSLHD)</b> The SWSLHD made a number of recommendations as follows:</p> <ul style="list-style-type: none"> <li>▪ Early provision of infrastructure such as safe footpaths and cycleways to encourage healthy walking habits and promote social connectivity;</li> <li>▪ Active negotiation to support an expanded bus service to promote active travel behavior;</li> <li>▪ Ensure that the land is free from contamination by undertaking a Phase 2 Contaminated Site Investigation and remediation;</li> <li>▪ Ensuring that there are adequate, accessible and affordable community facilities to support the growing population;</li> <li>▪ Wollondilly Community Health Centre has capacity to meet demands from future residents but monitoring will be needed to ensure growing demand is met;</li> <li>▪ Need for assessment of additional open space within the site to improve physical and psychological health; and</li> <li>▪ Access to fresh foods or provision of space and support for community gardens.</li> </ul>	<p>In response to the recommendations of SWSLHD:</p> <ul style="list-style-type: none"> <li>▪ Footpaths and cycleways would be constructed during subdivision of the site in accordance with engineering guidelines;</li> <li>▪ Bus transport would be required for school students. Consultation will be undertaken with local bus service providers during public exhibition;</li> <li>▪ A Phase 2 Contaminated Site Investigation will be required and remediation undertaken prior to any approval for subdivision of the site;</li> <li>▪ Council has a strong focus on ensuring adequate, accessible and affordable community facilities are provided and it is considered that the existing facilities are adequate to meet the projected growth from this Planning Proposal;</li> <li>▪ Future proposals for increased density in the area will be referred to SWSLHD to ensure that the Wollondilly Community Health Centre can meet increased demand;</li> <li>▪ A significant proportion of the site is proposed to remain in its natural state with provision of walking tracks, lookouts and picnic tables. Open space and a playground areas will be determined as part of a future Voluntary Planning Agreement; and</li> <li>▪ The site is located in close proximity to the Tahmoor town centre which provides access to a variety of supermarkets. The concept of fresh food provision and community gardens is supported and would be encouraged for future residents.</li> </ul>
<p><b>Transport for NSW (TfNSW)</b> TfNSW has advised that there are no issues with the Planning Proposal.</p>	<p>The TfNSW comments are noted.</p>
<p><b>Roads and Maritime Services (RMS)</b> RMS recommends that Wollondilly Shire Council identify the land associated with this Planning Proposal as an urban release area and thereby, subject to the satisfactory arrangements clause in the local</p>	<p>It is proposed to include the site on the Urban Release Area Maps in accordance with the RMS advice. A State Infrastructure Contribution determined by the State Government would apply to each future proposed lot to assist in improving the regional State road network. This</p>

<p>environmental plan. RMS is satisfied that the implications of the rezoning on the State road network are covered by the broader assessment and resultant interim State contribution rate.</p> <p>RMS entrusts Council to assess the traffic implications of this Planning Proposal on classified regional roads (Remembrance Drive).</p>	<p>would ensure that contributions towards any regional infrastructure upgrades are provided at the subdivision stage.</p> <p>The assessment of the impact of the Planning Proposal on the local road network in relation to Remembrance Drive, classified as a regional road is now a matter for Council to determine. Council staff have determined that traffic lights are urgently required on the intersection of Progress Street and Remembrance Drive to cater for the additional impact of traffic from both this and the development of recently rezoned and subdivided land in East Tahmoor.</p>
<p><b>Department of Education and Communities NSW</b></p> <p>The Department note that new classrooms may need to be provided to service the additional demand generated by the proposal. Furthermore, the cumulative impact of a number of other urban developments in the Wollondilly area significantly increase education demand in the future, potentially requiring significant investment in new education infrastructure.</p> <p>To assist with the delivery of future education infrastructure, the Department request a new developer contribution system as part of new planning system, which included contributions for 'education establishments'.</p>	<p>Council is aware of the cumulative impact of Planning Proposals and the subsequent increase in demand on education infrastructure. Information is regularly provided to NSW Education on Planning Proposals, population projections and residential development to assist in their planning of new schools and additional classrooms.</p> <p>Co-sharing of facilities has been considered and at its meeting held in October 2017 Council resolved to enter into a Memorandum of Understanding with NSW Education as a basis for ongoing cooperation regarding joint use of facilities and land.</p> <p>The Planning Proposal will be mapped as an Urban Release Area which would provide an opportunity for a State Infrastructure Contribution to be imposed by the NSW Government. Any such contributions potentially could be used towards the provision of additional educational facilities or land for new schools.</p>
<p><b>Office of Environment (OEH)</b> OEH provided comment on the proposal in September 2014 and June 2016.</p> <p><i>Biodiversity</i> OEH provided a summary of the process involved regarding the proposed Biodiversity Certification of the land as part of the Planning Proposal. OEH also recommended that the exhibition of the Biodiversity Certification application should ideally coincide with the exhibition of the Planning Proposal.</p> <p><i>Aboriginal Cultural Heritage</i> OEH reviewed the amended Aboriginal Cultural Heritage Assessment Report (ACHAR) and found that it has adequately</p>	<p><i>Biodiversity</i> The details of the Biodiversity Certification application are outlined in Section C-6 above. The Biodiversity Certification will be subject to further consultation with OEH during public exhibition of the Planning Proposal. The Biodiversity Certification application and Planning Proposal will be exhibited concurrently.</p> <p><i>Aboriginal Cultural Heritage</i> The recommendations of OEH would be undertaken as part of any future development application for subdivision of the site.</p>



<p>addressed the recommendations from September 2014 consultation.</p> <p>OEH provide further recommendations for:</p> <ul style="list-style-type: none"> <li>▪ the development of a Plan of Management to protect Aboriginal sites and drainage channel exclusion zones;</li> <li>▪ obtain an Aboriginal Heritage Impact Permit for any objects that may need to be harmed prior to commencement of works;</li> <li>▪ ongoing consultation with the Aboriginal community; and</li> <li>▪ ensuring that the three identified Aboriginal sites are registered on Aboriginal Heritage Information Management System (AHIMS);</li> </ul> <p><i>Flooding</i> OEH reviewed the Preliminary Stormwater Management Strategy and raised the following concerns:</p> <ul style="list-style-type: none"> <li>▪ Mainstream flooding – the report lacks discussion of smaller waterways in the proposed condition.</li> <li>▪ Overland Flow Paths – the report should assess major overland flow paths within the site.</li> <li>▪ Mitigation Strategy – design, ownership and maintenance of proposed basins should be addressed. Basins should also be assessed in accordance with the NSW Dam Safety Committee guidelines.</li> </ul>	<p>The three recorded sites have been submitted to AHIMS for registration on the database.</p> <p><i>Flooding</i> OEH comments have been reviewed by the proponents hydrology consultant and Council's Design Engineer. It is considered that further detailed assessment will be required to be undertaken in any development application for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage flooding.</p>
<p><b>NSW Police Force</b> A Safer by Design Evaluation was completed on 29 September 2014 . The outcome of this evaluation is Police have no issues with this Planning Application.</p>	<p>The NSW Police Force comments are noted.</p>
<p><b>Sydney Water</b> <i>Water</i></p> <ul style="list-style-type: none"> <li>• The subject site will be serviced from the Thirlmere water supply zone. Preliminary investigation shows that the existing mains in Progress Street and Rockford Road will require amplification to 200mm mains to service the future growth in the area</li> </ul> <p><i>Wastewater</i></p> <ul style="list-style-type: none"> <li>• Currently the Picton Wastewater Recycle Plant (WRP) and effluent management system does not have sufficient capacity to service the proposed 240 residential lots. However, Sydney Water is aware of this proposed development and included it in their planning for the upgrade of the WRP.</li> </ul>	<p>On-going discussions have been held with Sydney Water and the latest advice indicates that the Picton Wastewater Recycle Plant upgrade is likely to occur in May 2018 and once this is completed, the WRP will have sufficient capacity to service the proposed development.</p> <p>However, Sydney Water also advised that there are still ongoing negotiations with the Environment Protection Authority (EPA) regarding effluent management (eg discharge volumes to the Nepean River and Stonequarry Creek). The EPA rejected Sydney Waters application and they are currently working on a licence variation. Until then, only the committed MDP Picton Tahmoor Thirlmere precincts can be serviced. The Cross Street proposal is</p>

<ul style="list-style-type: none"> <li>• Connection to the Sydney Water Wastewater system will not be permitted until the Picton WRP and effluent management system are upgraded (including change to the current Environmental Protection Licence).</li> </ul>	<p>outside of these precincts so the site will not be able to be serviced until the WRP is upgraded and terms with the EPA are agreed.</p> <p>Further consultation will be undertaken during public exhibition of the proposal to determine the current situation with regard to servicing of the Planning Proposal site.</p>
<p><b>NSW Department of Trade &amp; Investment (DTIRIS) – Mineral Resources Branch</b>  <i>Coal Resources</i>  The proposal area overlies a mining lease and consolidated mining lease held by Tahmoor Coal Pty Ltd. Tahmoor are currently extracting coal through longwall mining methods within the mining lease north-west of the site. Further coal extraction from this location is not considered viable.</p> <p><i>Mine Subsidence</i>  The entire subject area falls within the Bargo Mine Subsidence District (MSD). Accordingly, any proposed future development in the subject area would require consultation with the Mine Subsidence Board (now Subsidence Advisory NSW).</p> <p><i>General Information</i>  Petroleum Exploration License (PEL) 2 held by AGL Upstream Investments Pty Ltd exists over a broad regional area that includes the subject site.</p> <p><i>Recommendation</i>  MRB have no resource issues to raise concerning the proposed rezoning of the Cross Street site.</p>	<p>The NSW DTIRIS comments that there are no current or likely future mining issues related to this site are noted.</p> <p>Further consultation will be undertaken with Subsidence Advisory NSW during public exhibition of the proposal.</p>
<p><b>Mine Subsidence Board (now NSW Subsidence Advisory)</b>  The MSB letter from December 2012 indicated that Lot 23 DP 233658 was undermined in 2008 and Lot C DP 374621 in 2009. The remainder of the site proposed for rezoning and subdivision has not been mined and will not be mined in the near future.</p> <p>Approval will be required from MSB for any subdivision or building development as the total area of the site lies in the Bargo Mine Subsidence district.</p>	<p>The advice from the MSB is noted. Future subdivision and development applications will be referred to NSW Subsidence Advisory for approval.</p>
<p><b>Greater Sydney Local Land Services (GS LLS)</b>  The GS LLS provided a response in relation to the recently repealed Native Vegetation Act 2003 and Threatened Species Conservation Act 1995.</p>	<p>As previously outlined, a significant proportion of the site will be retained and conserved in its natural state to protect important biodiversity values. The land to be conserved includes the 100m buffer to the Bargo River Gorge.</p>



<p>The GS LLS supported:</p> <ul style="list-style-type: none"> <li>▪ further Flora and Fauna investigations,</li> <li>▪ conservation of Cumberland Plain Woodland and Shale Sandstone Transition Forest</li> <li>▪ a 100m buffer to the Bargo River Gorge</li> <li>▪ Minimising impacts on native vegetation</li> </ul> <p>GS LLS also recommended that Asset Protection Zone provisions be taken into account when placing building envelopes on site to reduce further impact on significant remnant vegetation.</p>	<p>The site is subject to bushfire hazard and future residential development will need to incorporate Asset Protection Zones within each property. These APZs will mainly be located in land that is already cleared or that is able to be cleared under Biocertification provisions.</p>
<p><b>Fire and Rescue NSW (FRNSW)</b></p> <p>The following recommendations were made:</p> <ul style="list-style-type: none"> <li>▪ Any future residential subdivisions be served by a road way system which complies with FRNSW Policy No. 4 - Guidelines For Emergency Vehicle Access;</li> <li>▪ Traffic management devices be designed so as not to hinder or impede FRNSW emergency vehicle access,</li> <li>▪ Any future residential sub-division associated with the proposed LEP Amendment be served by a fire hydrant system which is connected to a reticulated potable water supply. In addition, that fire hydrants be provided and located in accordance with the requirements of Appendix B of Australian Standard (AS) 2419.1 —2005</li> <li>▪ All roadways be prominently identified by reflective street signs.</li> </ul>	<p>The recommendations from FRNSW would be incorporated into the conditions of consent for any future development approval for subdivision.</p>
<p><b>NSW Rural Fire Service (RFS)</b></p> <p>NSW RFS raise no objections subject to a requirement that the future subdivision of the land complies with <i>Planning for Bush Fire Protection 2006</i>. With regard to these requirements, the following comments were made in relation to the submitted concept plan:</p> <ul style="list-style-type: none"> <li>▪ Several proposed residential areas are shown to extend outside of the proposed perimeter road network. This is not the preferred solution and it is recommended that the plan be revised to place all proposed residential areas within the perimeter road network.</li> <li>▪ The indicative APZ plan shows most of the abovementioned residential areas entirely within the required APZs. This would prevent development of these areas and lends further support to the need to locate residential areas within the perimeter road network.</li> </ul>	<p>The applicant has prepared a revised Bushfire Assessment to address RFS concerns regarding the proposed road layout, Asset Protection Zones and to ensure all residential lots are within the road network. The assessment indicates that that the subject land is capable of accommodating future residential subdivision and associated land use with the appropriate bushfire protection measures and bushfire planning requirements prescribed by <i>Planning for Bushfire Protection 2006</i>.</p> <p>Controls to ensure that the design of the subdivision will provide future residents with safe and practical housing lots shall be included in site-specific provisions in the Wollondilly DCP.</p>

<ul style="list-style-type: none"> <li>▪ The proposed road layout results in a pinch point where the retained forest corridor will encroach onto either side of the road connecting the central and south-easternmost residential areas. Serious consideration should be given to the amendment of the layout, or the provision of additional APZs, to provide a continuous protected route between these two residential areas.</li> </ul>	
<b>State Emergency Service (SES)</b>	No response was received. The SES will be consulted further during public exhibition.
<p><b>Office of Water</b>  <i>Riparian Corridors</i>  The Office of Water is generally supportive of the approach to managing riparian corridors within the site as specified by the Ecological and Riparian Assessment dated October 2013. Wider riparian corridors in excess of 40m may be appropriate for areas of the site adjoining Bargo River Gorge. However, corridor areas outside the limit of 'waterfront land' (40m from the high bank) are not managed or regulated by the Office of Water under the Water Management Act. It is recommended that all riparian corridors be rehabilitated and restored in conjunction with future development within the site.</p> <p><i>Riparian Corridor Ownership</i>  Public ownership of riparian corridors is considered to be the most effective mechanism for ensuring the appropriate long term management of these areas.</p> <p><i>Water Holding Structures</i>  Water holding structures to be retained or constructed as part of the proposal will need to be sized in accordance with the Maximum Harvestable Rights Dam Capacity (MHRDC) for the property area of the final lot layout.</p>	<p>It is proposed to place riparian buffers of 10m along the four minor watercourses which traverse the site in accordance with the recommendations of the Biodiversity Assessment Report and Biocertification Strategy. The riparian buffers will be mapped on Councils Natural Resources - Water Map.</p> <p>The watercourses and riparian buffers would be within land that is proposed to be conserved within an E2 zone. These areas will be transfer to Council as 'Permanently Managed and Funded Conservation Measures' in the form of a Biobank site.</p> <p>The issues associated with water holding structures are noted. It is likely that the current dams will be filled. Five detention basins are proposed to manage stormwater and these are proposed to be dedicated to Council. The detention basin sites will be assessed in relation to the Maximum Harvestable Rights Dam Capacity as part of any future application for subdivision.</p>
<p><b>Environmental Protection Agency</b>  In summary, the EPA provided advice with regard to the following matters:</p> <p><i>Air Quality</i>  The EPA notes that the proposed 500m buffer approach appears to rely only on odour modelling to inform the siting of residential development in the vicinity of activities associated with the Ingham Turkey Processing Facility. While a buffer zone approach may reduce the risk of odour impacts, it will not remove the risk entirely.</p>	<p><i>Air Quality</i>  The main source of odour from the Ingham Turkey processing facility is from the wastewater ponds. Most of this wastewater is now connected to the Sydney Water sewer and the level of odour has decreased significantly. The reduction of odour was a key requirement of Sydney Water in order to secure final consent for the connection. In addition the proposed residential areas will be further than 500 metres from the facility and this is considered an acceptable distance to ensure that odour is not an issue. This is consistent with Council's adopted mitigation measures, and aligns with</p>

<p>EPA recommend that Council consult Chapter 5 of the <i>Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW</i> for guidance on alternative options available for avoiding and mitigating potential or existing odour impacts.</p> <p><i>Noise</i> The EPA considers that the scope of the noise assessment provided is not sufficient to determine the suitability of the site for residential development. The assessment has not considered the cumulative impact of the proposed land rezoning, existing and foreseeable sources of noise (Ingham operation and proposed South and East Tahmoor rezoning), road traffic noise and traffic generating development. The EPA is also unable to assess potential cumulative impacts from this proposal nor the South and East Tahmoor rezoning because the scope of each noise report is limited and compounded by the fact that each has adopted different approaches to the noise modelling with different inputs and assumptions.</p> <p><i>Water Quality</i> Due to the sensitivity of the catchment and current performance of Water Sensitive Urban Design (WSUD), the EPA recommends that pollutant load reduction targets should be derived that support the relevant community's uses environmental values of surrounding waterways.</p> <p>To ensure effective maintenance and monitoring of water conservation and WSUD techniques in the future, Council should consider measures such as the use of Voluntary Planning Agreements (VPAs) to secure these arrangements including financial contributions and accountable parties through the planning process.</p> <p><i>Contaminated Land Management</i> The EPA recommends that a contemporary contamination land assessment should be undertaken as part of any land use change process to inform future land use. If historical information suggests that activities have been undertaken in the past that has caused site contamination, the EPA recommends that Council consider the involvement of an EPA-accredited Site Auditor during the contamination management process, including the provision of a site audit</p>	<p>the adopted approach which was endorsed for the rezoning of the East Tahmoor area. While the level of odour reduction has not been tested since the upgrade has been completed, it is considered likely that it would be within acceptable limits and is not necessary at this time. A requirement for an odour assessment as part of any future subdivision application can be included in site-specific provisions in the Wollondilly DCP.</p> <p><i>Noise</i> The planning proposal site is bounded by the Bargo River Gorge and is not traversed by a major road. Most of the site is located over a kilometer from Remembrance Driveway, the nearest major road. The Cross Street site is not a thoroughfare to anywhere as acknowledged in the traffic report. Traffic generated from the planning proposal site would be dispersed through three routes, River Road, Tahmoor Road and Progress Street and this would limit potential traffic noise impact on adjoining residents.</p> <p>In addition, the existing turkey processing facility is accessed from Rockford Road. The proposed future residential area at Cross Street will not be affected by truck and/or freight movements.</p> <p>Accordingly road noise is not considered to pose any acoustic issues for the planning proposal site or for adjoining areas. Any future development application must have regard to potential noise impacts as outlined in Wollondilly DCP.</p> <p><i>Water Quality</i> Details regarding water quality modelling and outputs will be provided at the subdivision stage to ensure that pollutant load targets can be achieved.</p> <p>WSUD measures will be implemented at the development application stage. Five detention basins are proposed to manage stormwater and these are proposed to be dedicated to Council under a VPA with a financial contribution for ongoing management and maintenance.</p> <p><i>Contaminated Land Management</i> A preliminary contaminated land investigation was undertaken in 2010 and was updated in 2013. The assessment found that that the majority of the site in its current condition is</p>
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<p>statement certifying that the land is suitable for the proposed use.</p> <p><i>Waste Management</i> Council should make sure that existing services have capacity to address any proposal that involve incremental growth in the Council area. In addition, Council should also make sure that Councils Development Control Plan is contemporary in relation to waste management.</p>	<p>suitable for the intended residential land use, however a few localised areas onsite pose a potential limited risk to the environment and human health.</p> <p>Recommendations to alleviate this risk are proposed to be implemented prior to or during the development phase to return these areas to a condition suitable for residential land use. A Stage 2 contamination investigation is recommended to be undertaken prior to any approval for subdivision on particular areas of the site that are potentially contaminated.</p> <p>An EPA accredited Site Auditor would provide assurance that any contamination management needed would be undertaken appropriately to ensure that the land is suitable for residential use. Requirements for a Stage 2 contamination investigation and a site auditor to confirm residential suitability are proposed to be included in site-specific controls within Wollondilly Development Control Plan 2016.</p> <p><i>Waste Management</i> Current waste management services are considered adequate to enable incremental growth resulting from this planning proposal. The Planning Proposal will result in a relatively small increase in population and waste issues are not considered to be significant. Waste management will be addressed in detail at the subdivision stage.</p> <p>However it is important to ensure that waste management is undertaken effectively to prevent urban edge effects such as rubbish dumping in bushland. Appropriate infrastructure such as bollards and fencing to limit vehicular access to bushland should form part of any waste management strategy for the site. These requirements are proposed to be included in site-specific controls within Wollondilly DCP 2016 and also would be a consideration in any biobanking strategy.</p>
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# Part 4 – Mapping

Site Identification Map

Land Zone Map

Lot Size Map

Height of Building Map

Natural Resources Water Map

Urban Release Area Map





# Wollondilly Local Environmental Plan 2011

## Site Identification Map

Map Sheet to be Amended:

8400\_COM\_LZN\_008G\_020\_20160602  
8400\_COM\_LZN\_008H\_020\_20150731  
8400\_COM\_HOB\_008G\_020\_20160602  
8400\_COM\_HOB\_008H\_020\_20150731  
8400\_COM\_LSZ\_008G\_020\_20160602  
8400\_COM\_LSZ\_008H\_020\_20150731

### Proposed Zone

 Subject Land

 Road

### Cadastral

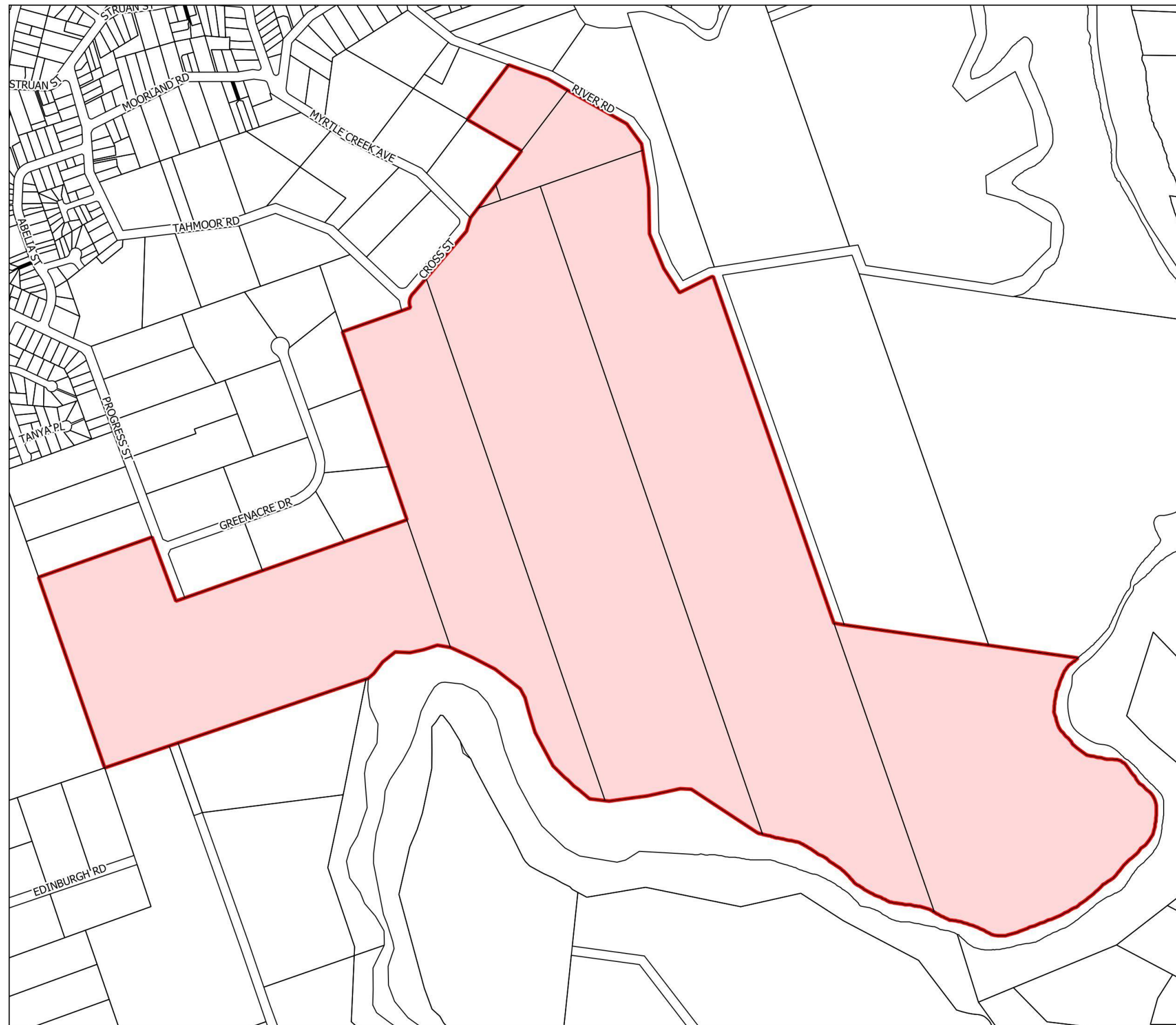
 Cadastral base data 01/08/2014 © Land and Property Information (NSW)  
Addendum data 22/10/2015 © Wollondilly Shire Council



Projection GDA 1994  
MGA Zone 56

Map Produced: 07-11-2017

Visit the website below to view the published map sheets listed above:  
<http://www.legislation.nsw.gov.au/mapindex?type=ep&year=2011&no=85>







Map Series to be Amended:  
Land Zoning

Map Sheets to be Amended:  
8400\_COM\_LZN\_008G\_020\_20160602  
8400\_COM\_LZN\_008H\_020\_20150731

#### Zone

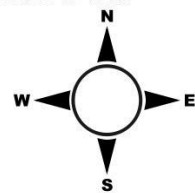
B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B5	Business Development
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
IN3	Heavy Industrial
R2	Low Density Residential
R3	Medium Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU4	Primary Production Small Lots
SP1	Special Activities
SP2	Infrastructure

#### Cadastre

 Cadastre bas data 01/08/2014 © Land and Property Information (NSW)  
 Addendum data 08/11/2017 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

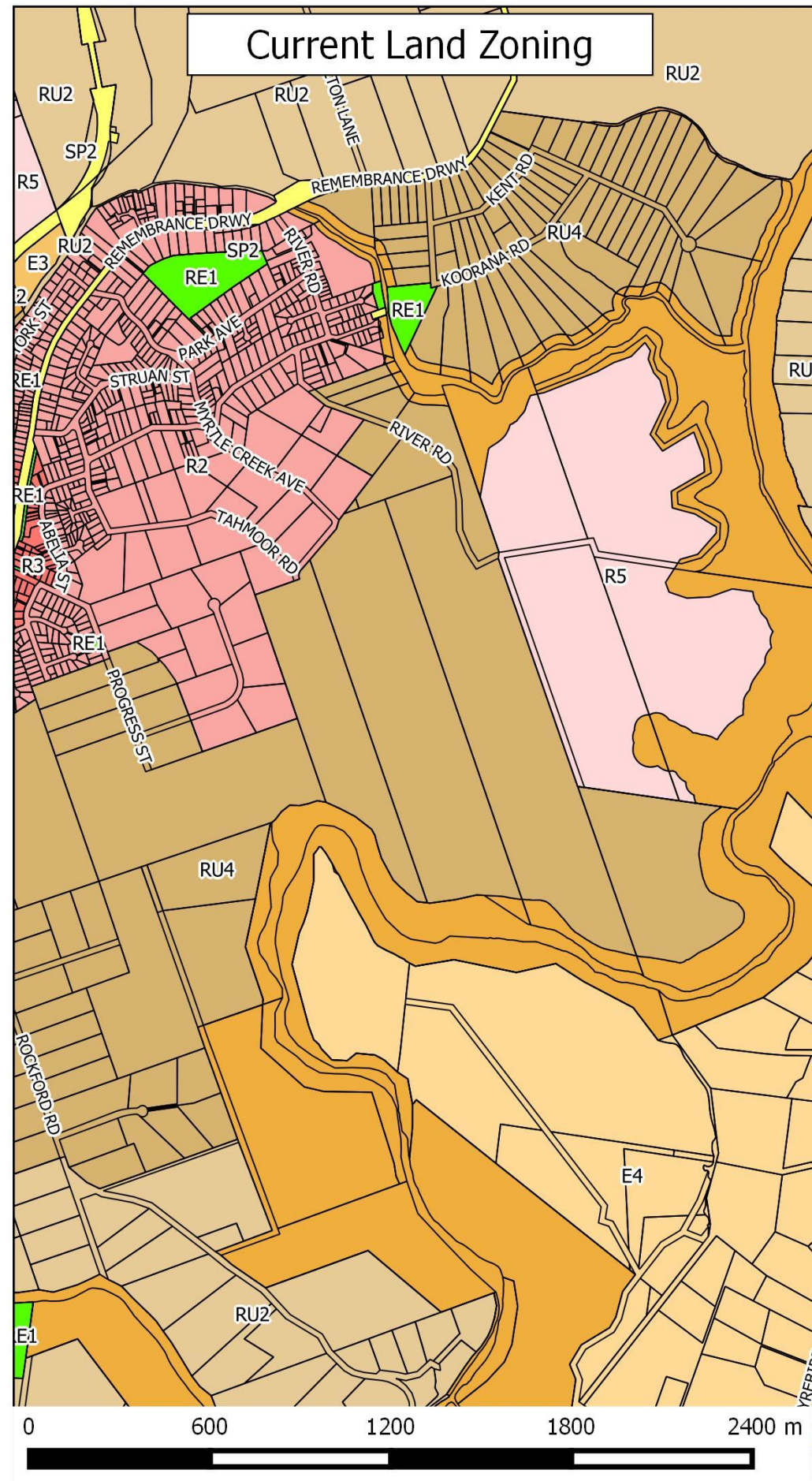
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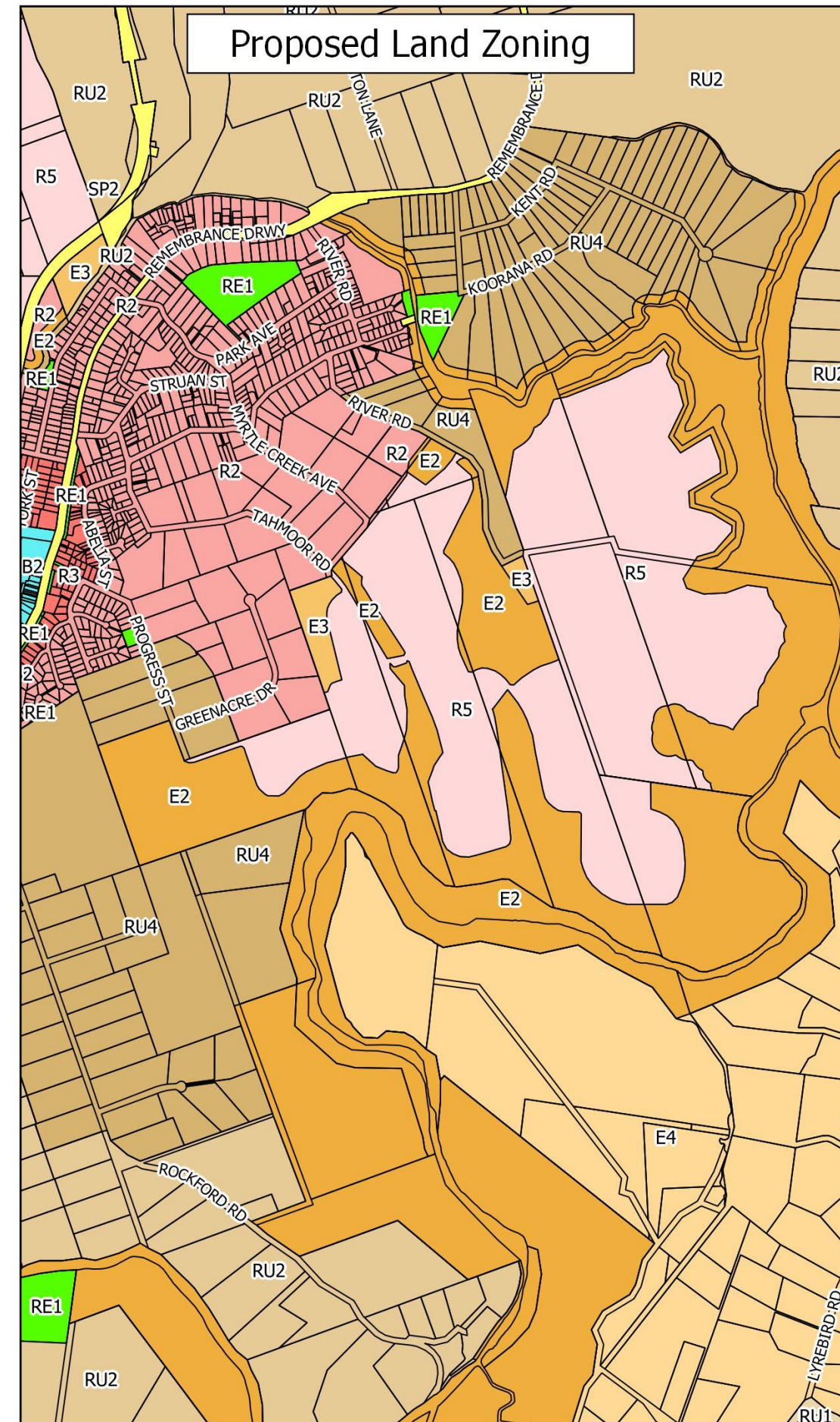
Projection GDA 1994  
MGA Zone 56

Visit the website below to view the published map sheets listed above:  
<http://www.legislation.nsw.gov.au/mapiindex?type=epi&year=2011&no=85>

### Current Land Zoning



### Proposed Land Zoning







# Wollondilly Local Environmental Plan 2011

Map Series to be Amended:  
Lot Size Map

Map Sheets to be Amended:  
8400\_COM\_LSZ\_008G\_020\_20160602  
8400\_COM\_LSZ\_008H\_020\_20150731

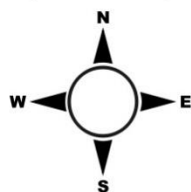
## Minimum Lot Size (sq m)

B	230
C	250
G	450
Q	700
T	975
U1	1250
U2	1500
V	2000
W	4000
X	5000
Y1	1ha
Y2	1.5ha
Z1	2ha
Z2	3ha
Z3	4ha
Z4	4.5ha
AA1	5ha
AA2	7ha
AB1	16ha
AB2	20ha
AB3	30ha
AB4	35ha
AB5	40ha
AC	60ha
AD	100ha

## Cadastral

Cadastral base data 01/08/2014 © Land and Property Information (NSW)  
Addendum data 16/01/2018 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

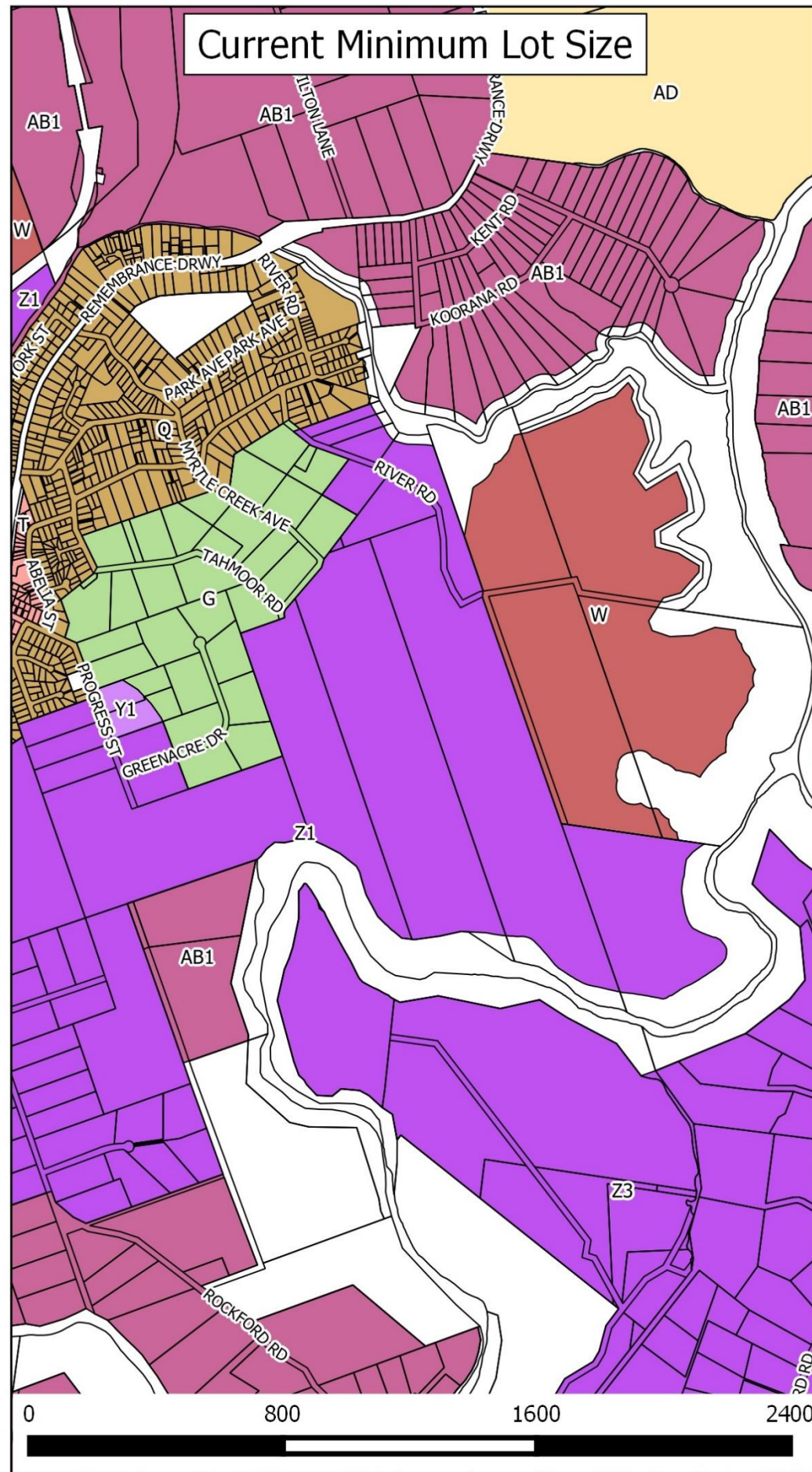


Projection GDA 1994  
MGA Zone 56

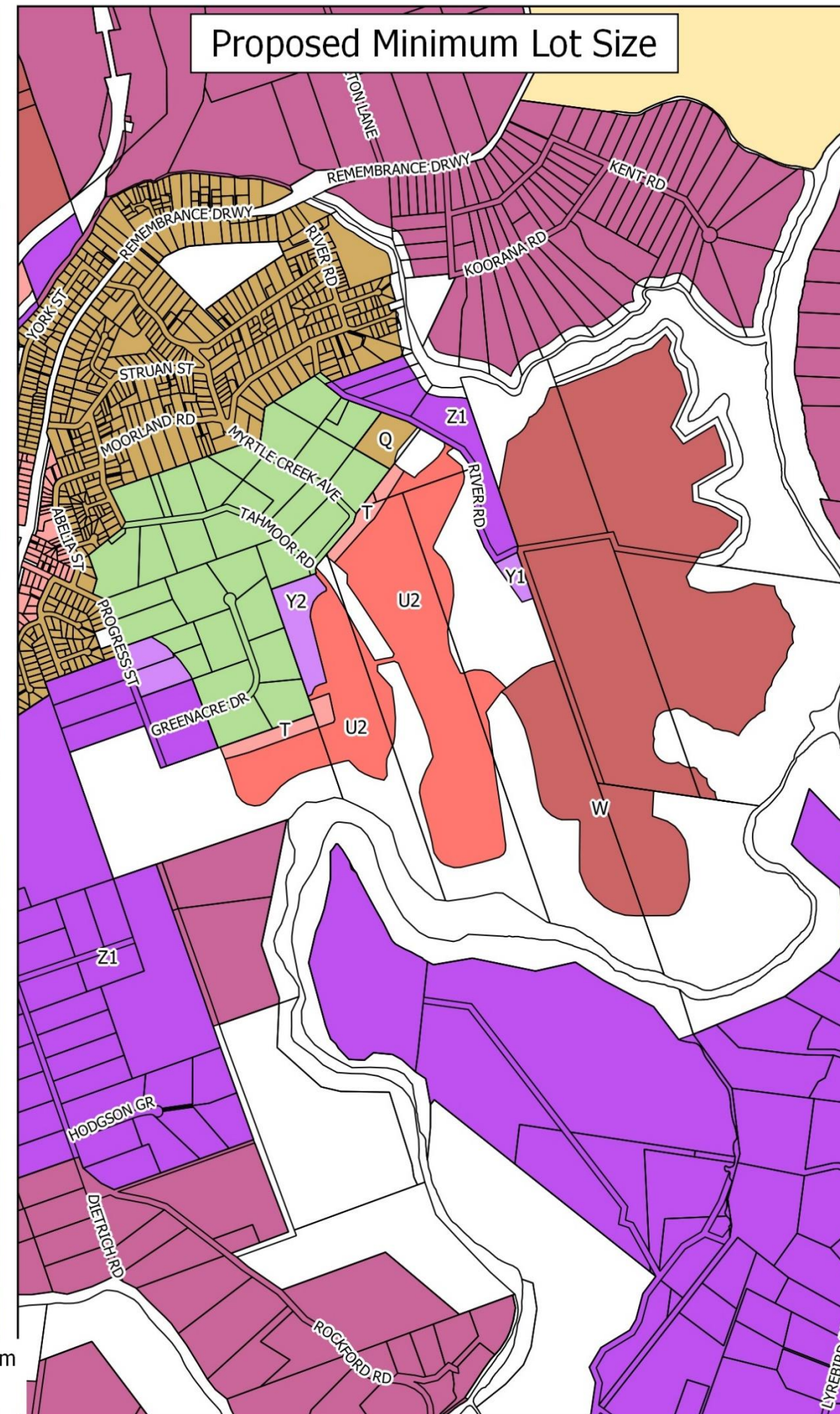
Map Produced: 16-01-2018

Visit the website below to view the published map sheets listed above:  
<http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2011&no=85>

## Current Minimum Lot Size



## Proposed Minimum Lot Size







# Wollondilly Local Environmental Plan 2011

Map Series to be Amended:  
Height of Buildings

Map Sheets to be Amended:  
8400\_COM\_HOB\_008G\_020\_20160602  
8400\_COM\_HOB\_008H\_020\_20150731

## Maximum Building Height (m)

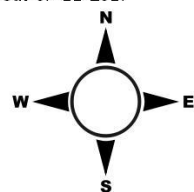
F	6.8
J	9
L	11
M	12
O	15

## Cadastral

Cadastral data as at 01/08/2014 © Land and Property Information (NSW)  
Addendum data 07/11/2017 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 07-11-2017



Projection GDA 1994  
MGA Zone 56

Visit the website below to view the published map sheets listed above:  
<http://www.legislation.nsw.gov.au/#/view/EP/2011/85/maps>

## Current Maximum Building Height



## Proposed Maximum Building Height





Map Series to be Amended:  
Natural Resources - Water

Map Sheets to be Amended:  
8400\_COM\_NRW\_008\_080\_20160602

**Sensitive Land**

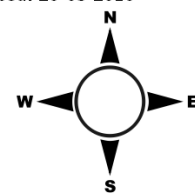


**Cadastre**

Cadastre bas data 01/08/2014 © Land and Property Information (NSW)  
Addendum data 28/03/2018 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

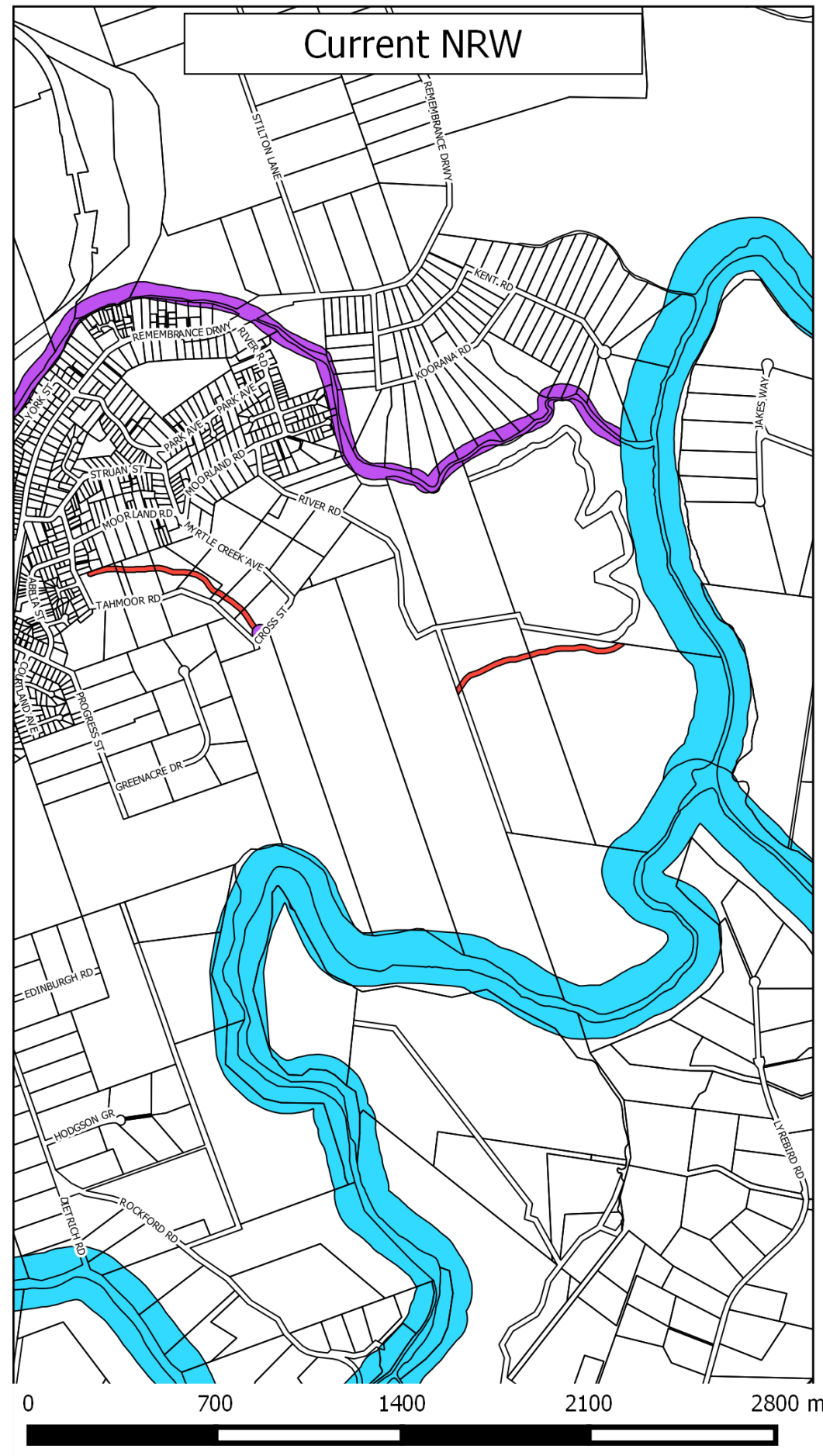
Map Produced: 28-03-2018



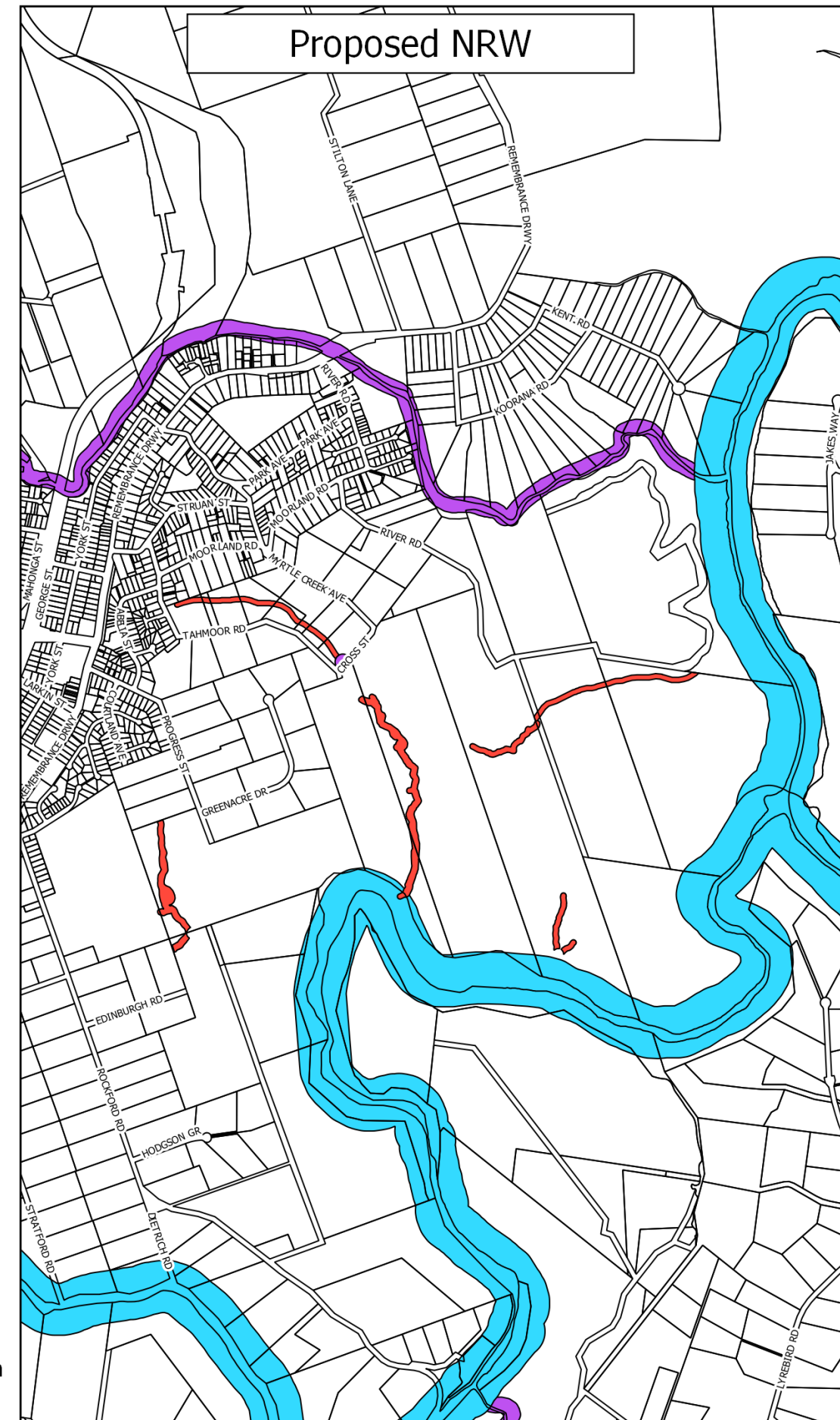
Projection GDA 1994  
MGA Zone 56

Visit the website below to view the published map sheets listed above:  
<http://www.legislation.nsw.gov.au/mapiindex?type=epi&year=2011&no=85>

## Current NRW



## Proposed NRW






Map Series to be Amended:  
Urban Release Area

Map Sheets to be Amended:  
8400\_COM\_URA\_008\_080\_20160210

**Urban Release Areas**

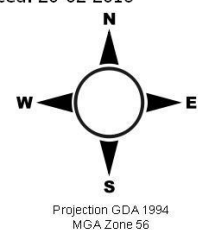
 Urban Release Area

**Cadastre**

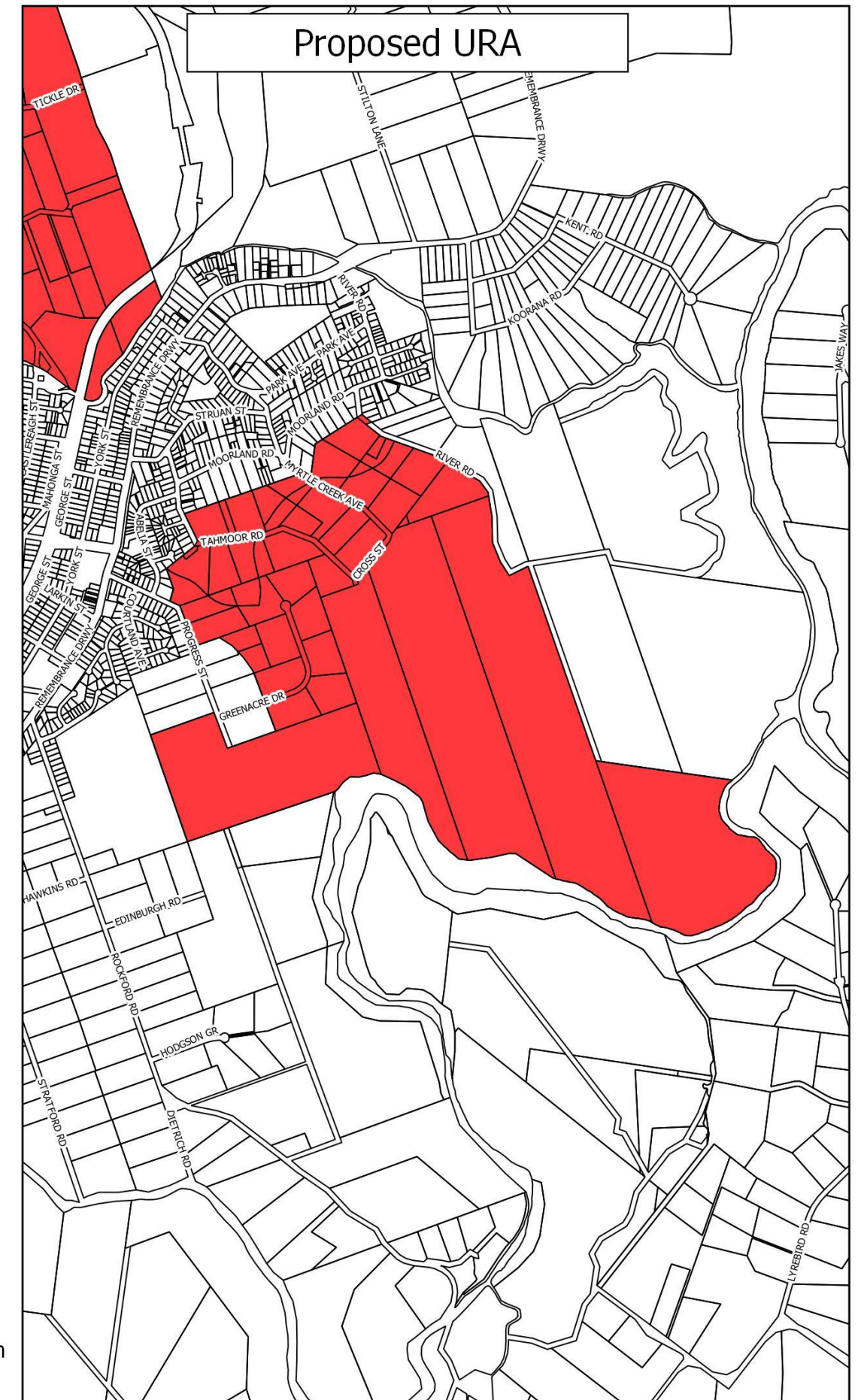
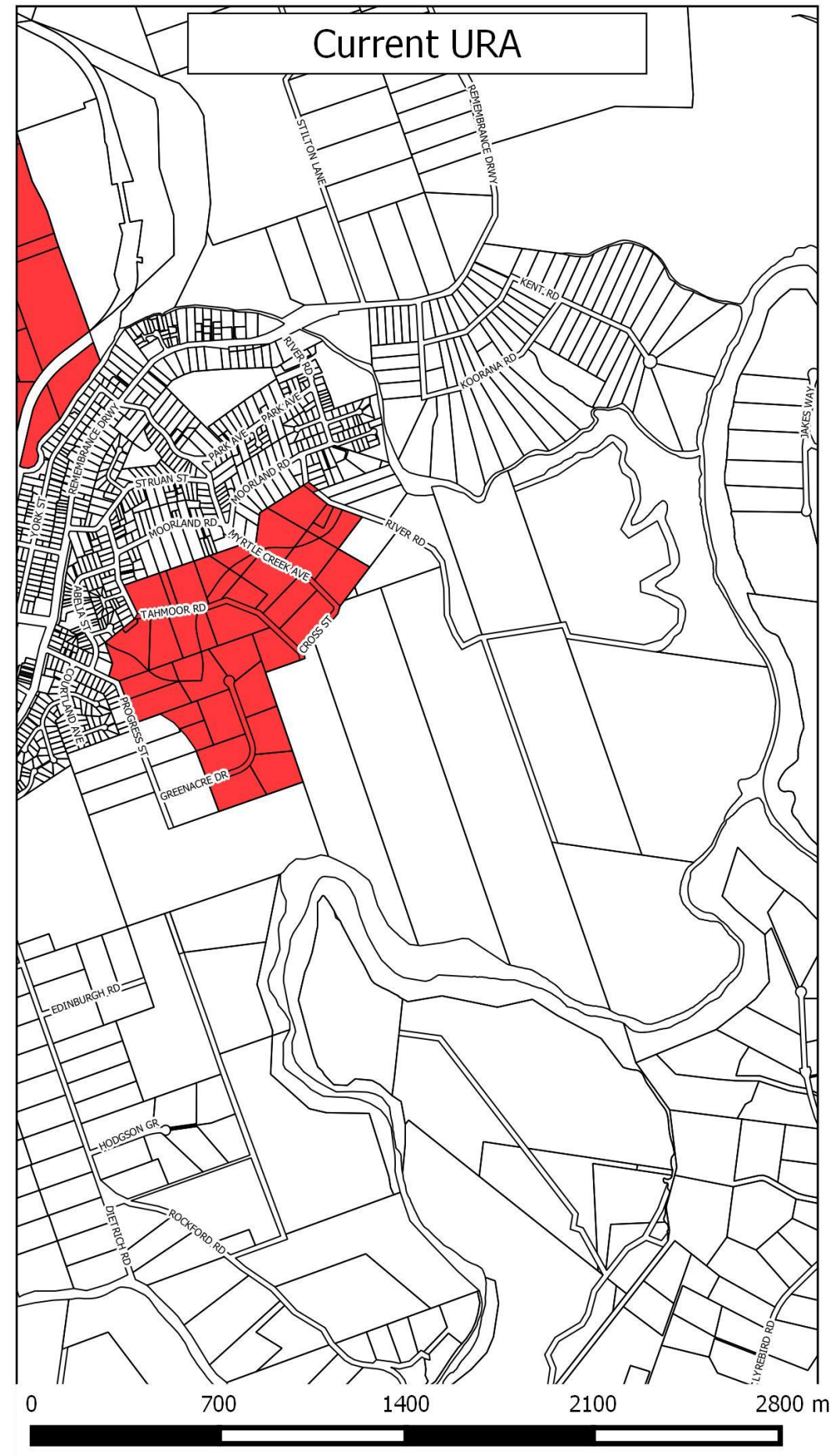
 Cadastre bas data 01/06/2014 © Land and Property Information (NSW)  
Addendum data 20/02/2018 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 20-02-2018



Visit the website below to view the published map sheets listed above:  
<http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2011&no=85>



## Part 5 – Community Consultation

Preliminary community consultation was undertaken in 2014. A total of six (6) submissions against the proposal were received during the notification period. The issues raised in the objections were addressed in the report to Council on 22 April 2014.

The amended Planning Proposal, revised studies and Biodiversity Certification Application will be formally exhibited for a period of 28 days in accordance with Council's notification policy.

## Part 6 – Project Timeline

Project detail	Timeframe	Timeline completed
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&E	August 2014
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	Mid October 2014
Anticipated timeframe for the completion of required technical information - after Specialist Study requirements determined	3 year period	December 2017
Commencement and completion dates for public exhibition period – after amending Planning Proposal if required, preparation of maps and special DCP provisions	2 month period	April – May 2018
Dates for public hearing (if required)	Unlikely to be required	
Timeframe for the consideration of submissions post exhibition and amendments and maps and report to Council.	2 months	July 2018
Finalising the Draft LEP amendment and notification on the NSW Legislation web site	2 months	September 2018



# Appendices

1. Minutes of Ordinary meeting of Council held on Tuesday 22 April 2014
2. Gateway Determination
3. Assessment Criteria under the *Wollondilly Growth Management Strategy 2011*
4. Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)
5. Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act
6. Specialist Studies appended under separate cover



# Appendix 1 – Minutes of Ordinary meeting of Council held on Tuesday 22 April 2014 (Council report appended separately)

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Tuesday 22 April 2014, commencing at 6.32pm

### Planning and Economy

PE3 Planning Proposal – Cross Street, Tahmoor  
41KCAR TRIM 7884

54/2014 Resolved on the motion of Crs M Banasik and Hannan:

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:

- a. 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.
  - b. amend the Lot Size Map from a minimum lot size category of 2ha to a range of lot sizes yet to be determined.
  - c. 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.
  - d. 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 future development of the land within the Cross Street Planning Proposal incorporate a buffer of at least 100 metres from the top of the bank of the Bargo River Gorge to any residential building. That the applicant be advised that the studies prepared and submitted during the rezoning process will need to demonstrate how this will be achieved and what mechanisms (eg zoning, restrictions on title) will be used to provide certainty of this outcome. To enable the public to understand what is proposed in respect of this buffer the proponent shall also submit a typical cross section drawn to an appropriate scale showing the gorge, the proposed E2 zone, the asset protection zone required for bushfire protection, the area required for waste water disposal (if the lots are not connected to a reticulated sewerage system) and the location of residential buildings.*

Planning and  
Economy

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WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Tuesday 22 April 2014, commencing at 6.32pm

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Planning and Economy

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*Additionally a management plan shall be prepared to outline how the buffer area will be maintained and managed. Both the cross section and the management plan shall be placed on exhibition with the proposal should it receive a positive gateway determination.*

3. That the Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a Gateway Determination.
4. 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.
5. That the applicant and submitters be notified of Council's Resolution.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Gibbs, Hannan, Mitchell, Amato and Landow

Planning and  
Economy

## Appendix 2 – Gateway Determination



**Planning &  
Environment**

Contact: Mato Prskalo  
Phone: (02) 9860 1534  
Email: [mato.prskalo@planning.nsw.gov.au](mailto:mato.prskalo@planning.nsw.gov.au)  
Postal: GPO Box 39 Sydney NSW 2001

Cur ref: 14/10611  
Your ref: 7884 KC-KC

Mr J L (Les) McMahon  
General Manager  
Wollondilly Shire Council  
PO Box 21  
PICKTON NSW 2571

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	7884
PROP. No.	
18 JUL 2014	
AUTH. No.	
ASSIGNED TO:	IC19

Attention: Kitty Carter

Dear Mr McMahon

### Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 10 June 2014, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act"), in respect of the planning proposal to rezone land located in the vicinity of Cross Street, Tahmoor, for the purposes of residential development and environmental protection.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council may still need to obtain the Acting Secretary's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 15 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for Parliamentary Counsel to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney  
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

Should you have any queries in regard to this matter, please contact Mato Prskalo of this Office on 02 9860 1534.

Yours sincerely,

*R Cumming*  
17/7/2014

Rachel Cumming  
Director  
Metropolitan Delivery (Parramatta)  
Growth Planning

## Gateway Determination

*Planning proposal (Department Ref: PP\_2014\_WOLLY\_003\_00): to rezone land located between River Road, Cross Street, Tahmoor Road and Progress Street, Tahmoor, 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 and amend associated development controls.*

I, the Director, Metropolitan Delivery (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act, that an amendment to the Wollondilly Local Environmental Plan (LEP) 2012 to facilitate the above proposal, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979, for a period of 28 days;
2. The timeframe for completing the Local Environmental Plan is to be 15 months from the week following the date of the Gateway determination;
3. Delegation is to be given for Council to exercise the Minister's plan making powers; and
4. The Acting Secretary's delegate approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy.

The matters in conditions 5 to 8 below are to be addressed prior to undertaking community consultation.

5. Council is to consult with the following public authorities to determine whether regional contributions towards the provision of designated public infrastructure are likely to be required:
  - Department of Health,
  - Transport for NSW,
  - Roads and Maritime Services,
  - Department of Education and Communities;
6. If the site is to be identified as an Urban Release Area, Council is to amend the proposal document accordingly;
7. Council is to consult with the Department of Trade & Investment - Resources & Energy and subsequently demonstrate consistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries;
8. In addition to existing and proposed studies and assessments, Council is to undertake an assessment of potential flooding on site and identification of land likely to be flood prone. Council is to subsequently demonstrate consistency with Direction 4.3 Flood Prone Land;



## Planning & Environment

9. Council is to consult with the following public authorities and, where indicated, demonstrate consistency with relevant section 117 directions:

- Office of Environment and Heritage (Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation),
- Office of Water (Direction 2.1 Environment Protection Zones),
- Hawkesbury-Nepaan Catchment Management Authority (Direction 2.1 Environment Protection Zones),
- Rural Fire Service (Direction 4.4 Planning for Bushfire Protection),
- State Emergency Service,
- Fire and Rescue NSW,
- NSW Police Force,
- Sydney Water; and

10. Council is to consider preparing a separate planning proposal for rural land to the north of the site which will be isolated if the proposal proceeds.

Dated 17th day of July 2014.

A handwritten signature in black ink that reads 'Rachel Cumming'.

**Rachel Cumming**  
Director  
Metropolitan Delivery (Parramatta)  
Growth Planning  
Department of Planning and  
Environment

**Delegate of the Minister for Planning**



## Appendix 3 – Relevant GMS Criteria Assessment

Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with relevant provisions. Refer to Section B of this report for further discussion.
State Planning Policies	Consistent with relevant provisions. Refer to Appendix 3 for further discussion.
Ministerial Directions	Consistent with the relevant provisions, or where not consistent is justified. Refer to Appendix 4 for further discussion.
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.
<b>Local Strategies and Policies</b>	
Criteria	Response
Key Policy Directions on the GMS	Consistent with the relevant provisions.
Precinct Planning	Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	Consistent with the relevant provisions
<b>Project Objectives and Justification</b>	
Criteria	Response
Overall Objective	Consistent with the relevant provisions.
Strategic Context	Consistent with the relevant provisions.
Net Community Benefit?	Consistent with the relevant provisions.
Summary of Likely Impacts	Consistent with the relevant provisions. Refer to Section C of this report for further discussion.
Infrastructure and Services	Consistent with the relevant provisions. Refer to Section D-9 of this report for further discussion.
Supply and Demand Analysis	The proposal presents an opportunity to increase housing supply at a moderate scale in close proximity to an existing residential area.
Site Suitability/Attributes	The subject site is near Tahmoor town centre and most services have capacity to be extended onto the site. Subject to environmentally sensitive design the site is considered capable of being sustainably developed. It is considered likely that traffic generation from the resulting development would be within the environmental capacity of the surrounding road network.
<b>Preserving Rural Land and Character</b>	
Criteria	Response
Character Setting	The land is used for agricultural purposes but is adjacent to future urban land and facilities.

Visual Attributes	The site adjoins Bargo River Gorge which has high scenic value. The land is relatively flat overall with a gentle slope towards the south east and contains gullies surrounded by significant stands of bushland. The proposal intends to protect these values through the application of a 100m buffer between the edge of future residential development and the top of the Bargo River Gorge.
Rural and Resource Lands	The land is currently used for agricultural purposes but the current use has limited commercial viability in this location and is proposed to be relocated.
<b>Environmental Sustainability</b>	
<b>Criteria</b>	<b>Response</b>
Protection and Conservation	<p>Native vegetation covers approximately 113.56 ha of the assessment area and comprises four vegetation types, including two Threatened Ecological Communities (TECs), both of which are listed as critically endangered ecological community (CEEC) under the Commonwealth Environment Protection &amp; Biodiversity Conservation Act 1999 (EPBC Act) and the NSW Biodiversity Conservation Act 2016 (BCA). These include Shale Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW).</p> <p>Most of this land is proposed to be designated for conservation measures (E2 Environmental Conservation) and managed as a Biobanking site, with a small portion of land to be zoned E3 Environmental Management. Refer to Section C-6 for further discussion in this regard.</p>
Water Quality and Quantity	<p>Consultation has been undertaken with Sydney Water who indicated that the site has been included in their future planning and may be able to connect the Picton wastewater recycle plant (WRP) after it is upgraded. It is anticipated that the upgrade will occur in May 2018.</p> <p>Further consultation will be undertaken with Sydney Water during public exhibition of the Planning Proposal to determine the current situation regarding servicing of the site.</p>
Flood Hazard	Councils Design Engineer considers that flooding will not be an issue for this site, and advised that further detailed assessment will be required to be undertaken in any development application for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage flooding.
Geotechnical/Resources/Subsidence	The site is within Bargo Mine Subsidence District. Future development would not impact on the potential for underground mining and any future development would need to meet the guidelines of Subsidence Advisory NSW in terms of construction.
Buffers and Spatial Separation	Buffers are required to the Bargo River Gorge area to protect it from “edge effects” associated with increased urbanisation. Spatial separation is proposed from the turkey processing facility to protect new residents from odour and noise associated with its operation.

Bushfire Hazard	A high proportion of the site is impacted by bushfire hazard and an assessment has defined likely asset protection zone's and road access requirements in accordance with <i>Planning for Bushfire Protection 2006</i> .
Heritage	An archaeological investigation was undertaken which identified three rock shelters with Potential Archaeological Deposit (PAD) sites. The assessment considers that the Planning Proposal does not present any identified risk or harm to the three identified sites (or associated drainage channel) as the areas will be wholly located within the proposed E2 Environmental Conservation zone. The E2 zone will be conserved and will not be subject to any physical works or disturbance as part of the future redevelopment of the site.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development.
<b>Infrastructure</b>	
<b>Criteria</b>	<b>Response</b>
Efficient Use and Provision of Infrastructure	Most utilities and services required for residential development are able to be provided with extension and augmentation. Further consultation will be required with Sydney Water to determine the capacity of sewerage services.
Transport Road and Access	A traffic/transport study has found that the local road network has the capacity to cater for increased residential development although River Road was identified as requiring widening and upgrading. An assessment of the proposal in relation to Council's road network model, TRACKS, would assist in determining whether additional road and traffic management infrastructure is required. Cycleway and pedestrian links will be required to assist in limiting the impacts of climate change and to improve community networks.
Open Space	Further assessment of the need for additional community facilities and services and open space within the site will be undertaken as part of a future Voluntary Planning Agreement.
<b>Residential Lands</b>	
<b>Criteria</b>	<b>Response</b>
Location/Area/Type	The proposal is consistent with the GMS which identifies the site as a potential residential growth area. Furthermore, adjoining land has recently been rezoned for large lot residential and low density residential purposes.
Social Integration	It is anticipated that the development of the site will allow for social integration and this will be assisted by the future provision of pedestrian and cycle links to the Tahmoor Town Centre.

Urban on Town Edge	<p>The site is contiguous with proposed urban land &amp; most of the land is within practical walking/cycling distance of town services. The density of residential development shall be further assessed and is proposed to ;</p> <ul style="list-style-type: none"> <li>▪ Achieve physical and visual integration with the existing edge of town.</li> <li>▪ Allow for a mix of residential lot sizes to cater for a mix of housing types.</li> <li>▪ Achieve a density range which ensures the efficient use of land.</li> </ul>
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## Appendix 4 – Compliance with SEPPs

Table indicating compliance with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)

	STATE ENVIRONMENTAL PLANNING POLICIES	CONSISTENCY	COMMENTS
1	Development Standards	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
4	Development Without Consent and Miscellaneous Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
6	Number of Storeys in a Building	Yes	The Planning Proposal will use the Standard Instrument to control building height.
14	Coastal Wetlands	NA	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	NA	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	NA	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
22	Shops and Commercial Premises	NA	Not applicable to this Planning Proposal.
26	Littoral Rainforests	NA	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	NA	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	NA	Not applicable to this Planning Proposal.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	NA	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	NA	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	NA	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	Refer to discussion under Section B-5 of this report.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NA	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	NA	Wollondilly Shire is exempt from this SEPP.



55	Remediation of Land	Yes	A preliminary contaminated site assessment was undertaken to determine whether the site is contaminated and remediation will be undertaken prior to any future development application for subdivision.
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	NA	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	NA	Residential flat buildings are prohibited on the subject land.
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The Planning Proposal will not contain provisions that will contradict or hinder a future application for housing under this SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	Not applicable to this Planning Proposal.
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The Planning Proposal does not contain provisions that would contradict or hinder the application of this policy.
	SEPP (Temporary Structures) 2007	NA	Not applicable to this Planning Proposal.
	SEPP (Infrastructure) 2007	Yes	The proposal has considered the relevant parts of SEPP (Infrastructure) 2007, namely traffic generating developments and is considered consistent.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	NA	Not applicable in the Shire of Wollondilly.

	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Western Sydney Parklands) 2009	NA	Not applicable in the Shire of Wollondilly.
<b>DEEMED STATE ENVIRONMENTAL PLANNING POLICES (FORMERLY REGIONAL ENVIRONMENTAL PLAN)</b>		<b>CONSISTENCY</b>	<b>COMMENTS</b>
1	Drinking Water Catchments Regional Environmental Plan No 1	NA	Subject lands are not located within the jurisdiction of REP No.1.
9	Extractive Industry (No 2)	NA	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	The Planning Proposal will not contain provisions that would be inconsistent with this SREP.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.

## Appendix 5 - Examination of Draft Plan in accordance with relevant Section 117(2) Directions

Ministerial Direction 117(2)	Applicable	Consistent	Assessment
<b>1. Employment and Resources</b>			
1.1 Business and industrial Zones	YES	YES	The Planning Proposal does not propose any new business or industrial land. Therefore it is considered that the Planning Proposal is consistent with Direction 1.1.
1.2 Rural Zones	YES	NO (BUT JUSTIFIED)	The Planning Proposal would allow for the rezoning of land from a rural zone to residential/environmental zoning which is inconsistent with the Ministerial Direction. However, the Gateway Determination issued by the Minister advised that the Acting Secretary's delegate approves the inconsistency on the basis that the proposal is generally consistent with the Draft South West Subregional Strategy.
1.3 Mining, Petroleum Production and Extractive Industries	YES	YES	<p>This direction applies as the proposal area overlies mining lease ML1376, and consolidated coal lease CCL716, held by Tahmoor Coal Pty Ltd. Consultation was undertaken with the NSW Department of Trade and Investment – Mineral Resources Branch (MRB) who indicated that the site has been mined and further coal extraction is considered unviable. Future subdivision and development applications will be referred to NSW Subsidence Board for approval.</p> <p>The Planning Proposal is considered to be consistent with the broader intent of with Direction 1.3.</p>
1.4 Oyster Production	NA	NA	Direction does not apply
<b>2. Environment and Heritage</b>			
2.1 Environmental Protection Zones	YES	YES	<p>This Direction applies to the Planning Proposal as the specialist studies have identified two Threatened Ecological Communities (TECs), both of which are listed as critically endangered ecological community (CEEC) under the Commonwealth Environment Protection &amp; Biodiversity Conservation Act 1999 (EPBC Act) and the NSW Biodiversity Conservation Act 2016 (BCA). These include Shale Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW).</p> <p>Most of this land is proposed to be designated for conservation measures (E2 Environmental Conservation) and managed as a Biobanking site, with a small portion of land to be zoned E3 Environmental</p>

Ministerial Direction 117(2)	Applicable	Consistent	Assessment
			Management. The Planning Proposal is not inconsistent with Direction 2.1.
2.2 Coastal Protection	NA	NA	Direction does not apply
2.3 Heritage Conservation	YES	YES	The site contains no listed heritage items of local, state or national heritage significance. It is considered that the Planning Proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	YES	YES	The Planning Proposal does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area.  Therefore the proposal is consistent with Direction 2.4.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NA	NA	Direction does not apply
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	YES	YES	The Planning Proposal presents an opportunity to increase housing supply in close proximity to an existing residential area as well as ensuring that future residential development takes appropriate measures to minimise impacts on the environment. It has been demonstrated that the land can be adequately serviced with appropriate infrastructure. Therefore it is considered that the Planning Proposal is consistent with Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	YES	YES	The proposal does not affect LEP provisions for Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations	NA	NA	Direction does not apply.
3.4 Integrating Land Use and Transport	YES	YES	The site is located in close proximity to the Tahmoor town centre. The site is accessible to public bus services along Remembrance Driveway and pedestrian/cycleway links are proposed to connect the site to the town centre. The Draft LEP is considered to be consistent with Direction 3.4.
3.5 Development Near Licensed Aerodromes	YES	YES	The proposal a will not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Yes	Yes	The proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
<b>4. Housing, Infrastructure and Urban Development</b>			
4.1 Acid Sulphate Soils	NA	NA	Direction does not apply
4.2 Mine Subsidence and Unstable Land	YES	YES	The subject land is within the Bargo Mine Subsidence District and the Mine Subsidence Board has advised that the site is well outside the influence of current mining



Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
				impacts. The Mine Subsidence Board advised that the site will not be undermined in the near future. The Planning Proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	YES	YES		Council has undertaken an assessment of potential flooding on the site and identification of land likely to be flood prone in accordance with the condition 8 of the Gateway Determination. Councils Design Engineer confirmed that extent of flood prone land has been identified in the Preliminary Stormwater Management Strategy and considered that flooding will not be an issue for this site. It is advised that further detailed assessment will be required to be undertaken in any development application for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage flooding. Therefore, the proposal is consistent with Direction 4.3.
4.4 Planning for Bushfire Protection	YES	YES		<p>This direction applies to the proposal as the subject site contains bushfire prone land. A Bushfire Assessment was undertaken which demonstrates that the site is capable of accommodating future subdivision and associated land use with the appropriate bushfire protection measures.</p> <p>NSW Rural Fire Service (RFS) were consulted and recommended a number of changes in order to improve road layout and the provision of Asset Protection Zones (Refer to Section D-10 for further discussion). This can be addressed through site-specific controls in WDCP 2016 to ensure that future residents are provided with both safe and practical housing lots and will be subject to comply with the provisions of Planning for Bush Fire Protection 2006. Therefore, the proposal is consistent with Direction 4.4.</p>
<b>5. Regional Planning</b>				
5.1 Implementation of Regional Strategies	NA	NA		Revoked.
5.2 Sydney Drinking Water Catchments	YES	YES		The proposal is consistent with this direction. It is expected that any residential development on the subject site would have a neutral or beneficial effect on water quality.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	NA		Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	NA		Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton	NA	NA		Revoked.

<b>Ministerial Direction 117(2)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Assessment</b>
and Millfield (Cessnock LGA)			
5.6 Sydney to Canberra Corridor	NA	NA	Revoked.
5.7 Central Coast	NA	NA	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	NA	NA	Direction does not apply in this location.
5.9 North West Rail Link Corridor Strategy	N/A	NA	Direction does not apply.
5.10 Implementation of Regional Plans	YES	YES	The proposal is consistent with this direction as the Planning Proposal is consistent with Regional Plan - A Plan for Growing Sydney.
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	YES	YES	The proposal is consistent with this direction as it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	YES	YES	This Planning Proposal is consistent with this direction as it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	NA	NA	The proposal is consistent with this direction as it will rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone.
7.1 Implementation of the Metropolitan Strategy for Sydney 2036	YES	YES	The Planning Proposal is not inconsistent with the metropolitan strategy and therefore Direction 7.1.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	N/A	The subject site is not located within the Greater Macarthur Land Release Investigation Area.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	N/A	Direction does not apply.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	N/A	Direction does not apply.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	N/A	Direction does not apply.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	N/A	The subject site is not located within the Wilton Priority Growth Area.

## Appendix 6 Specialist Studies

- a) Biodiversity Assessment Report and Biocertification Strategy
- b) Ecological and Riparian Assessment
- c) Preliminary Site Investigation
- d) Report on the Interface with the Bargo River Gorge
- e) Bushfire Assessment
- f) Stormwater Management Assessment
- g) Additional Flooding Information
- h) Traffic Assessment
- i) Noise Assessment
- j) Odour Assessment
- k) Aboriginal Cultural Heritage Assessment
- l) Utilities and Servicing Report

Appended under separate cover
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