



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Picton East Planning Proposal

for the rezoning of land located at Picton – 1735 Remembrance Drive (Lot 106 DP 1111043) 108-114 Menangle Street (Lot 2 DP 229679) and 116-118 Menangle Street (Lot 9 DP 233840) to Zone R2 Low Density Residential, Zone E2 Environmental Conservation and Zone E4 Environmental Living.

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Document Register

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1	20/2/2013	Pre-Gateway Picton East Planning Proposal	6842#562
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4	11/4/18	Draft Public Exhibition Picton East Planning Proposal	6842#825
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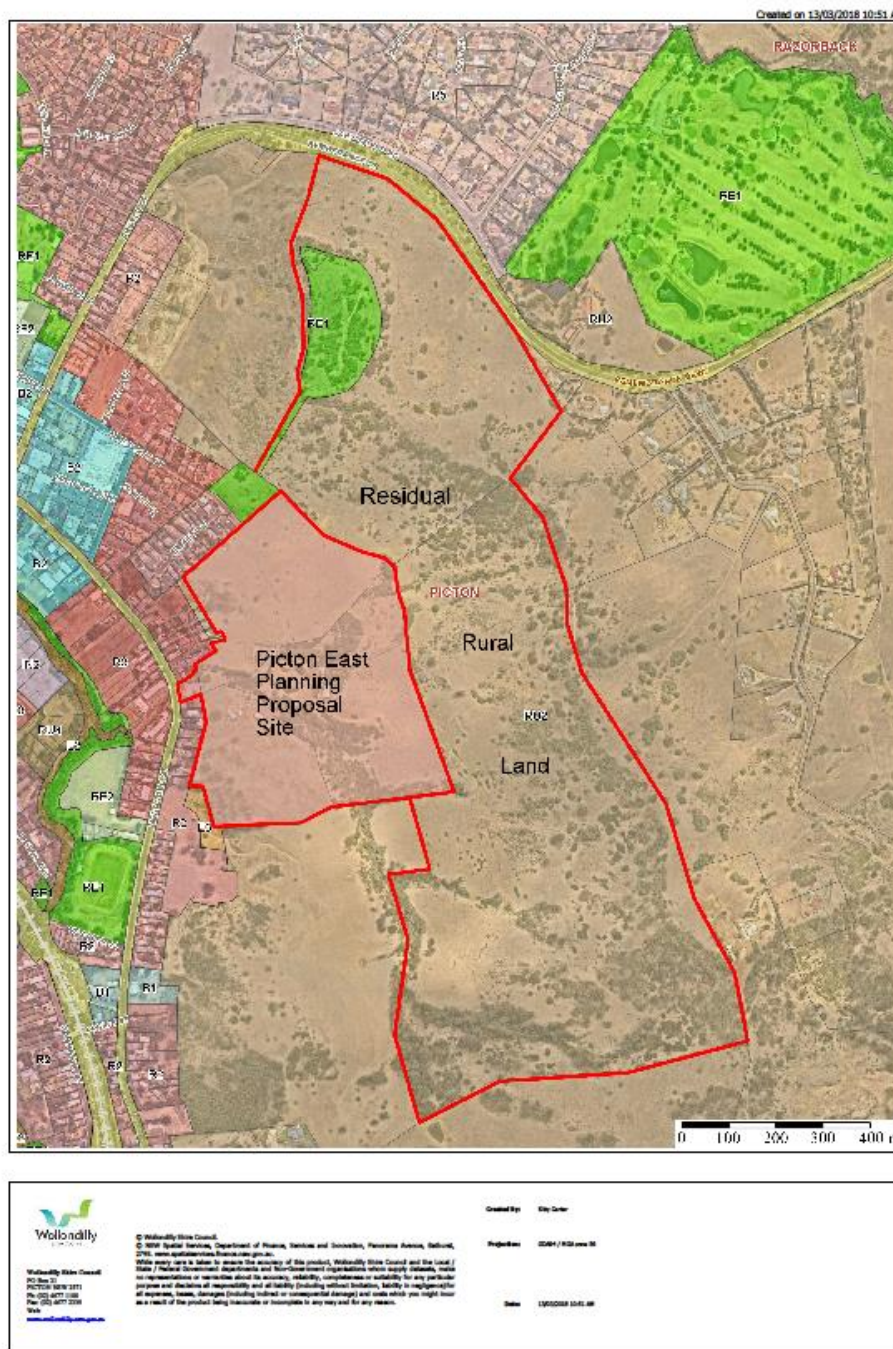
Introduction

Background

A planning proposal was submitted in May 2012 by the Michael Brown planning consultancy and sought an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval for residential development.

The Planning Proposal was reported to the Ordinary meeting of Council on Monday 17 December 2012 and was supported to proceed to a Gateway Determination. A Gateway Determination was received in March 2013 and is attached as **Appendix 1**. Figure 1 indicates the area of the Planning Proposal site that was approved under the Gateway Determination.

Figure 1 – Planning Proposal site approved under the Gateway Determination

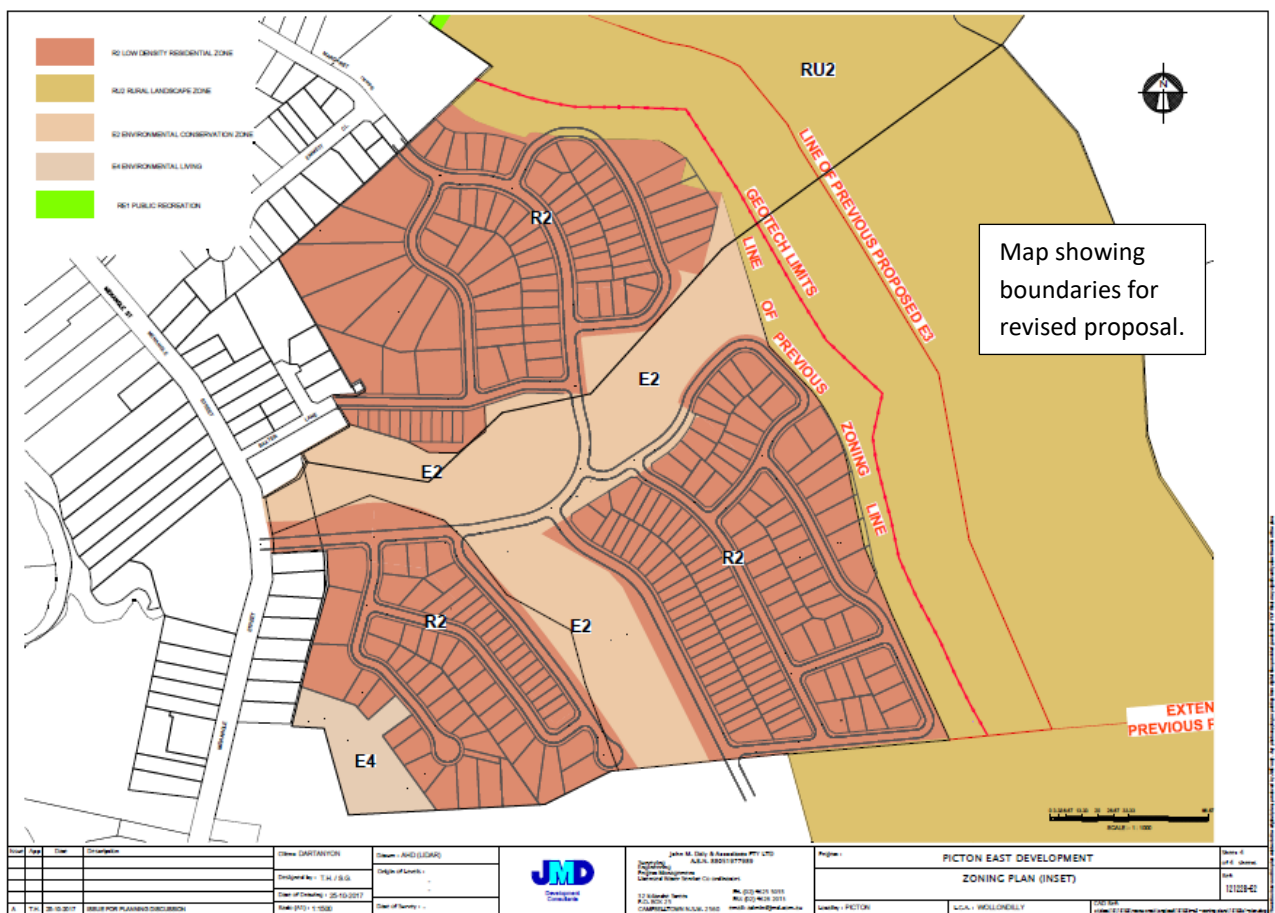


Council at its meeting held on 21 September 2015 resolved to request an alteration to the Gateway Determination for this Planning Proposal. The NSW Department of Planning & Environment (NSW DP&E) responded in a letter dated the 8th September 2016 which is attached as **Appendix 2**. The NSW DP&E determined that the revised Planning Proposal departed significantly from the original proposal and would constitute a new Planning Proposal. Discussions were held with the DP&E and the applicant to determine the approach required to enable the Planning Proposal to proceed. The applicant has since revised the Planning Proposal in line with the original Planning Proposal and to conform to the DP&E's requirements.

Request for a Further Gateway Alteration

The request for a further Gateway alteration was made to the Ordinary meeting of Council held on Monday 19th February 2018. The Council report and resolution is attached as **Appendix 3**. The changes requested for the current Planning Proposal are detailed below:

- Minor changes to the site boundary beneath the geotechnical constraints line to exclude land designated as "steep slope drainage & slumping constraints" as detailed in the Slope Stability Report by Douglas Partners. The map below details the revised boundaries for the site which includes minor variations and excludes parts of the site that are geotechnically constrained.



- Public Recreation Land to be rezoned to E2 Environmental Conservation (E2) land and R2 Low Density Residential (R2) land. The ecological study found that the riparian corridor along Reeves Creek included areas of significant ecological value and that E2 is the appropriate zone to ensure this land is conserved.
- Land at Menangle Street along the creek line which is currently zoned R2 Low Density Residential is proposed to be partially rezoned to E2 Environmental Conservation for the same reasons as outlined above.
- E3 Environmental Management is proposed to be rezoned to E4 Environmental Living. This change is based on feedback from the DP&E with regard to the previous request for a Gateway alteration as detailed in their letter at **Appendix 2**.
- Proposed R3 Medium Density (R3) land is proposed to be rezoned to R2 Low Density Residential. The land originally proposed to be rezoned for R3 is slip prone and most of that area has been excluded from the site. It is considered that overall the site is more suited to single dwellings given its topography and potential stability issues. The amount of medium density land proposed originally was around 1 hectare in a single location but as

the proposed minimum lot sizes are relatively small over the whole site when compared to the average for the Picton urban area, it is considered that the objectives of medium density in providing diverse and affordable housing would be met.

- Introduction of a Landslide Risk map and clause in Wollondilly LEP to ensure areas of the site that may be prone to instability are engineered satisfactorily for new residential development.

The NSW DP&E approved a Gateway alteration for the modified proposal and a request for an extension of time in correspondence dated 16th May 2018 which is attached as **Appendix 4**.

Planning Proposal Site Details

The land proposed to be rezoned comprises an area of approximately 30 hectares in three properties (part of two and the whole of the third) located immediately east of Picton Town Centre. The site is located on the lower hills to the north and west and is bordered on the eastern side partially by Menangle Street and by the rear of properties fronting Menangle Street. There are two roads leading into the site, Margaret Street and Baxter Lane. The site is below the southern side of Vault Hill, a dominant landmark near the town centre and is largely vacant except for a disused dairy and two houses with ancillary buildings. Reeves Creek and its tributaries run through the site and connects to Stonequarry Creek through a drainage culvert under Menangle Street. The Planning Proposal site comprises cleared land previously used for dairying and currently used for grazing purposes. Significant stands of vegetation are located, along the banks of Reeves Creek and on some of the steeper slopes of the lower inner hills. There are also a large number of scattered mature trees throughout the site.

The address and cadastre details for the three properties and the site area are outlined in Table 1.

Address	Lot and Deposited Plan	Area located within rezoning site (ha)	Total Area of each property (ha)
Part 1735 Remembrance Drive, Picton	Part Lot 106 DP 1111043	10.2 (approximate)	41.75
Part 108-114 Menangle Street, Picton	Part Lot 2 DP 229679	13 (approximate)	72.6
116-118 Menangle Street, Picton	Lot 9 DP 233840	6.42	6.42
Total		29.62 ha	120.77 ha

Part 1 – Objectives or Intended Outcomes

The intended outcomes of the Planning Proposal are to:-

- enable the development of the site for the purposes of housing for around 250 dwellings
- ensure that environmentally sensitive land is conserved
- ensure that residential development is restricted on areas that are potentially geotechnically unstable
- limit impact on the rural landscape, scenic hills and nearby heritage character

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending Wollondilly LEP 2011 as follows:

- Amend the Land Zoning Map from RU2 Rural Landscape (RU2) to R2 Low Density Residential (R2), E4 Environmental Living (E4) and E2 Environmental Conservation (E2).
- Amend the Lot Size Map from no minimum lot size to a minimum lot size of 400sqm, 450sqm, 700sqm and 1500sqm for R2 land, 1500sqm for E4 land and 5 ha for E2 land and 20 ha for the residual RU2 on Lot 106 DP111043 and 40 ha for the residual RU2 land on Lot 2 DP 229679 outside the rezoning site.

- Amend the Height of Buildings Map to a maximum building height of 9 metres.
- Amend the Natural Resources Water Map to provide riparian buffers of 10m, 20m and 30m along Reeves Creek and its tributaries.
- Amend Part 7 Additional Local Provisions to include a clause entitled "Landslide Risk" and with an accompanying map detailing areas of landslide risk on the site that would require further investigation at the development application stage.

7.7 Landslide risk

- (1) The objectives of this clause are to ensure that development on land susceptible to landslide:
 - (a) matches the underlying geotechnical conditions of the land, and
 - (b) is restricted on unsuitable land, and
 - (c) does not endanger life or property.
- (2) This clause applies to land identified as "Landslide risk" on the Landslide Risk Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account the risk of landslide:
 - (a) site layout, including access,
 - (b) the development's design and construction methods,
 - (c) the amount of cut and fill that will be required for the development,
 - (d) waste water management, stormwater and drainage across the land,
 - (e) the geotechnical constraints of the site,
 - (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and that:
 - (a) the development is designed, sited and will be managed to avoid any landslide risk or significant adverse impact on the development and the land surrounding the development, or
 - (b) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or
 - (c) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.

Maps detailing proposed changes are included in Part 4.

*Note a 5ha minimum lot size was chosen for the proposed E2 Environmental Conservation Zone land rather than the 7 ha resolved by Council at its meeting held on 19th February 2018 as more exact mapping since undertaken by Council's GIS team indicated the area was less than 7 ha. The aim is to ensure the area within the E2 zone is maintained in one portion and cannot be subdivided further.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the direct result of any strategic study or report although the site area is generally identified in the Wollondilly Growth Management Strategy 2011 (GMS) structure plan for Picton as a potential extension of the residential zone because the site adjoins land currently zoned for residential purposes.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The majority of the site is zoned RU2 Rural Landscape with a minimum lot size of 100 ha which does not allow for further subdivision and residential development at the density proposed. A small part of the site along Menangle Street is zoned R2 Low Density Residential with a minimum lot size of 700sqm. The Planning Proposal is considered the best means for achieving the intended outcomes.

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)?

Plan for Growing Sydney

The proposal is broadly consistent with the goals and directions in the *Plan for Growing Sydney* and particularly with regard to the following:

Goal 2: A city of housing choice, with homes that meet our needs and lifestyle

Direction 2.1: Improve housing supply across Sydney

Direction 2.2: Ensure more homes closer to jobs

Direction 2.3: Improve housing choice to suit different needs and lifestyles

Direction 2.4: Deliver well planned new areas of housing.

Comment: The Planning Proposal will increase the supply of housing close to employment within Picton Town Centre. Housing choice will be improved through provision of smaller lots that are more affordable. The site has been well planned to ensure it is connected to the existing urban area.

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

Direction 4.1: Protect Sydney's natural environment and distinct biodiversity

Direction 4.2: Plan for natural hazards like fires and floods

Direction 4.3: Manage the impact of development on the environment

Comment: The Planning Proposal aims to conserve a significant proportion of land which contains important biodiversity. Potential natural constraints and hazards are able to be addressed in particular flooding and geotechnical. Site-specific development controls will aim to maintain remnant vegetation in areas zoned for residential purposes.

Greater Sydney Region Plan - A Metropolis of Three Cities and Western City District Plan

In March 2018 the *Greater Sydney Region Plan - A Metropolis of Three Cities* by the Greater Sydney Commission was released and published on the NSW planning portal. The Plan refers to three cities within the Sydney region, namely the:

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

Wollondilly Shire is within the Western Parkland City.

It is considered that limited weight should be given to the Region and District Plan in the assessment of the Picton East Planning Proposal as it is at an advanced stage in the Gateway process.

The Greater Sydney Commission also released the *Western City District Plan* in March 2018 and this plan aligns with the objectives and strategies in the *Greater Sydney Region Plan - A Metropolis of Three Cities*. The Planning Proposal is generally consistent with planning priorities and actions in both these plans. Important relevant priorities in the *Western City District Plan* are detailed below:

Liveability

Planning Priority W5 – Providing housing supply, choice and affordability, with access to jobs and services.

Comment: The Planning Proposal contributes to housing choice in providing a range of residential lots with smaller lots which will be more affordable. The site is located near the Picton Town Centre which provides jobs and services.

Sustainability

Planning Priority W14 – Protecting and enhancing bushland and biodiversity

Planning Priority W16 – Protecting and enhancing scenic and cultural landscapes

Comment: The site's remnant native vegetation along Redbank Creek is proposed to be conserved under an environmental zone which will improve biodiversity and also assist in protecting the health of the waterway. The site is located amongst scenic hills and near heritage conservation areas and is below the main view sightlines from the surrounding areas. Larger

lot sizes and protection of mature trees is proposed for land adjacent to the heritage conservation area to limit potential impact on the heritage character.

Planning Priority W17 – Better managing rural areas

Comment: Ongoing planning and management of rural towns and villages such as Picton need to respond to local demand for growth, the character of the town or village and the surrounding landscape and rural activities. Rural and bushland towns and villages do not play a role in meeting regional or district scale demand for residential growth.

It is recognised that the proposed rezoning immediately adjoins the existing Picton urban area. There are about 14 larger lots (1,500m²) proposed in the R2 Low Density Residential and E4 Environmental Living zones. These larger lots are on land immediately adjoining the existing urban area. Picton's urban and heritage character including the surrounding landscape would not be detrimentally impacted to the extent that the Planning Proposal could not be supported. In this regard also see comments immediately above.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Create Wollondilly Community Strategic Plan 2033

The *Create Community Strategic Plan 2033* (WCSP), adopted by Council 19 June, 2017 is the Council's highest level long term plan and sets out the long term strategic directions for Wollondilly up to the year 2033. It is considered that the Planning Proposal is consistent with WSCP strategies and in particular the following:

Sustainable and Balanced Growth

Strategy GR1 – Growth

Manage growth to ensure that it is consistent with Council's position on growth and achieves positive social, economic and environmental outcomes for Wollondilly's towns and villages.

Comment: The Planning Proposal will consolidate growth around existing residential areas and close to Picton Town Centre. Reeves Creek and its associated ecology will be enhanced.

Strategy GR2 – Built Environment

Manage land use and development to achieve a high quality built environment and innovative planning outcomes while protecting our agriculture and rural landscape.

Comment: Future development and site-specific development controls will aim to achieve a high quality built environment and minimise impact on the rural landscape.

Management and Provision of Infrastructure

Strategy IN2 – Provision of Infrastructure and Facilities

Provide a range of infrastructure and community facilities to provide for and respond to community needs, improve safety and improve choice.

Comment: The applicant has contributed towards the undertaking of a transport management plan that will assist in determining transport infrastructure requirements for the Picton Town Centre and its surrounds. They have also indicated their willingness to assist in the provision of better public access to Vault Hill.

Caring for the Environment

Strategy EN1 – Protect and enhance biodiversity, waterways and groundwaters

Maintain and enhance the condition of biodiversity including the condition of water sources (both surface and groundwater)

Comment: The riparian corridors along Reeves Creek will be protected through the use of the E2 Environmental Conservation zone and a vegetation management plan to improve the bushland which is currently degraded and impacted by weeds.

Strategy EN2 – Protect the environment from development pressures

Contribute to development to achieve positive environmental, social and economic outcomes.

Comment: The Flora and Fauna study identified areas of ecologically significant land mainly along Reeves Creek that is proposed to be conserved and improved. There are small areas of remnant vegetation and scattered mature trees throughout the site which are proposed to be maintained in larger lots.

Looking after the Community

Strategy CO3 – Social Planning

Undertake strategic social planning approaches regarding community needs and issues, particularly in relation to future population growth.

Comment: The increase in population will place some pressure on local schools although Picton High School is currently being upgraded to increase its capacity. Council is currently pursuing the introduction of a Memorandum of Understanding for the joint use of facilities with the Department of Education. This will potentially assist in improving classroom capacity in other local schools which are currently experiencing pressure in this regard.

Wollondilly Growth Management Strategy

The Growth Management Strategy was adopted by Council on 21 February 2011 and is a policy document with associated mapping which contains key directions and principles to guide proposals and Council decisions on growth. It identifies this site as being part of the “*Potential residential growth areas*” on the Structure Plan – Picton. The *Growth Management Strategy’s Appendix 1* to the GMS, provides Assessment criteria which are required to be met to satisfy the Key Policy Directions. The GMS states that the Assessment Criteria will apply to any planning proposal which seeks to develop land for residential and employment uses as outlined in the GMS. All planning proposals will need to address and be consistent with these criteria.

Appendix 5 to this submission sets out the relevant Assessment Criteria to this proposal and comments on its consistency with the criteria.

In addition to the Assessment Criteria, the GMS outlines a number of Key Policy Directions. The relevant directions are set out below:

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’ as the land adjoins existing residential land and would assist to consolidate future urban growth while ensuring productive rural land is maintained.

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

Comment: As part of the preliminary notification twenty submissions were received with the majority objecting to the Planning Proposal. As a consequence of their concerns and the preliminary assessment, the draft proposal was amended to significantly reduce the area proposed for residential development and the current site is in accordance with that area.

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 represents a logical rezoning of the subject site for residential purposes in keeping with adjoining land uses and the sites location near the Picton town centre. The site is largely contained within a valley and detailed assessment was undertaken to consider sightlines from surrounding residential areas to ensure that views across to the scenic hills are maintained. Conservation and enhancement of environmentally sensitive land is proposed. Additional infrastructure to ensure safe vehicle and pedestrian/cycleway access 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 Picton outlined in the GMS. The Structure Plan for Picton 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 would provide land suitable for a range of housing types and affordability.

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: It is proposed to have a small amount of comparatively smaller lots than that traditionally developed in Picton but this is considered appropriate as these smaller lots will best utilise the location near Picton Town Centre.

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

Comment: This draft Planning Proposal complies with this policy direction as it is contiguous to existing residential development fronting Margaret Street near the centre of Picton.

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

Comment: The proposal will create short-term employment opportunities through construction jobs associated with civil and building works required for the site's development and will 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 zoned to facilitate further employment opportunities.

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 nearby reticulated water and sewer and other services can be readily extended onto the site. The Picton Wastewater Treatment Plant is being upgraded and will have increased capacity to service the site. Access roads and additional drainage would be provided at subdivision stage. The development is not expected to place any undue pressure on existing community facilities and services and future development contributions would assist in meeting any unmet demand. Information from service providers would be sought regarding the capacity of existing infrastructure to service the site.

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: This proposal will be concentrated around the existing residential areas surrounding the Picton town centre.

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 adjacent to the Picton 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 Picton Structure Plan in the GMS. The draft proposal contributes toward Council's dwelling target for Picton, Tahmoor and Thirlmere identified in the GMS.

5. Is the planning proposal consistent with applicable state environmental planning policies?

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken and the Planning Proposal is consistent with all of the relevant policies (see **Appendix 6**). A number of policies would be

applicable at the development application stage and those applicable at the strategic planning stage and relevant to this Planning Proposal are:

State Environmental Planning Policy no. 55 – Remediation of Land (“SEPP 55”);
Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River 1997 (“SREP 20”)

SEPP 55

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) requires a consideration of the possibility that the land may be contaminated.

The land was used for farming activities since at least 1901 and is currently used for grazing. Agriculture is identified as a potentially contaminating activity and accordingly a Preliminary Site Investigation was undertaken (see **Appendix 8**). This investigation identified six potential areas of environmental concern (AEC). For the site overall contamination is considered to be of low potential and the AEC are localised and pose little or no current risk to human health or the environment. Further investigations and potentially remediation (if required) will be undertaken prior to any approval for residential development.

SREP 20

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
Aim of the Plan	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
<ul style="list-style-type: none"> strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy 	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"> any feasible alternatives to the development 	There are no feasible alternatives.
<ul style="list-style-type: none"> relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored 	A Biodiversity assessment identified some remnant Cumberland Plain Woodland which will be retained in larger lots and within an environmental living zone and environmental conservation buffers are proposed along the watercourse. There is some land instability on the hillside which is able to be managed effectively again through larger environmental management lots.

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. A Flood Study has been undertaken of the catchment to identify any potential issues.
3.Water quality	Water Sensitive Urban Design (WSUD) measures would be implemented at development application stage.
5.Cultural heritage	An Aboriginal and Cultural Archaeological Assessment found that there are no aboriginal sites on this land.
6.Flora & Fauna	The site is largely cleared but contains some Cumberland Plain Woodland which is proposed to be retained within environmental

	zones. The land is not included within the priority conservation lands detailed in the State Government's <i>Cumberland Plain Recovery Plan</i> .
10.Urban Development Strategy	It is proposed to provide relatively small lots with single dwellings to achieve moderately higher density in this location close to the Picton town centre. Consideration has been given to the potential impact on the landscape character.
12.Metropolitan Strategy Impacts	Waste disposal, air quality and predicted climate change are considered negligible when taking into account the small scale of the proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is considered to be consistent with all relevant directions. (See **Appendix 7**).

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?

Biodiversity & Riparian Land Assessment - Appendix 9

Most of the site is cleared and contains exotic and weedy growths and patches of degraded remnant native vegetation throughout the site and along Reeves Creek. The original *Biodiversity and Riparian Land Assessment* included a larger site and native vegetation communities mapped at the study area included Shale Hills Woodland and Alluvial Woodland. An addendum to this report which relates to the current site indicates there will be minor impact on Shale Hills Woodland which is a sub-community of Cumberland Plain Woodland, a critically endangered ecological community under both the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the NSW *Biodiversity Conservation Act 2016*. It is proposed to retain most of the remnant native vegetation within E2 Environmental Conservation and E4 Environmental Living zones. Native vegetation along Reeves Creek is currently degraded and impacted by weeds and it is proposed to revegetate this land with indigenous species. Requirements for a Vegetation Management Plan will be included within site-specific provisions of Wollondilly DCP. Riparian buffers based on findings from the riparian assessment are also proposed to be mapped on the Natural Resources Water Map.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire Assessment - Appendix 10

Slope Stability assessment - Appendix 11

Flood Impact Assessment & Additional Information- Appendix 12

Stormwater Management Report – Appendix 13

Bushfire Hazard

The *Bushfire Assessment* found that the bushfire hazard is low across the site and that the land is capable of accommodating future residential subdivision. The primary bushfire hazard is the woodland areas to the east of the study area and the riparian corridors along Reeves Creek and tributaries. Potential hazards are areas of unmanaged grasslands on adjoining rural land. Asset Protection Zones are proposed on the boundaries of the site (10m width) where it adjoins rural or vegetated land. APZs along the watercourse range from 15 to 25m in width. The provision of access and perimeter roads to provide safe access and egress for fire fighters and future residents has been assessed as satisfactory.

Geotechnical

A geotechnical assessment identified a number of slope stability issues across the site. In order to properly review the *Report on Slope Stability Assessment*, Council undertook a peer review to ensure the report was satisfactory. The peer review found that the correct methodology was used and suggested further investigation in some parts of the site and this has been completed. The current site boundary on the northern side is below the areas of significant slope instability. The applicant has provided plans detailing the level of cut and fill and provided a concept subdivision layout which has

been assessed by Council engineers and is considered satisfactory. It is proposed to include a clause in the Local Provisions of the WLEP entitled "Landslide Risk" and with an accompanying map detailing areas of landslide risk on the site that would require further investigation at the development application stage.

An updated review of amended plans was undertaken by Douglas Partners and the results included in correspondence dated 25 May 2018. The report notes that further assessment of geotechnical constraints in some parts of the site will need to be addressed. The findings outlined in the 'Summary' of that review are endorsed by Council's Development Engineer. (See **Appendix 11**).

Flooding

The planning proposal site is located along Reeves Creek and its tributaries, beginning on the hillside above Picton and then flowing into Stonequarry Creek which has a history of flooding. Reeves Creek experiences a low magnitude and frequency of severe flooding. The *Flood Impact Assessment and Hydrology Report* evaluated the concept design of a future development incorporating detention basins has found that there would be no impact on the peak flood levels downstream using these basins. Risks in terms of flooding for future residents may include isolation, low flood warning times and flooding of riparian areas but not properties during the PMF event. The report recommends an emergency plan in consultation with Wollondilly Council and the State Emergency Service to ensure future residents are made aware of potential flooding extents and risks associated with the riparian corridor and flood detention basins. Evacuation for the majority of the planning proposal site future residents is not required as access should be possible from proposed routes, north and south of the site. The report recommends multiple safe routes for events above the PMF events.

Additional information on flooding was provided to satisfy concerns raised by a drainage engineering consultant for Council and the response from the applicant is considered satisfactory. An emergency plan and subdivision layout which enables safe evacuation during flooding episodes would be required as part of any future development application and site-specific provisions to be included within Wollondilly DCP.

Stormwater

The *Stormwater Management Report* using the Strahler stream system ranking found that the majority of Reeves Creek is a second order watercourse and approximately 200m of the watercourse flowing to Menangle Street being ranked as third order. These findings confirm the existing riparian buffers of 10m and 30m respectively on the Natural Resources Water Map (NRW Map) under the WLEP 2011 for these watercourses. The study also mapped three first order watercourses further upstream within the site and these shall be included on the NRW map. The consultant has discussed the proposed development with the Office of Water (now Department of Industry - Lands and Water – Natural Access Resource Regulator) who advised the appropriate treatment and stream order for the existing watercourses. A stormwater management strategy proposes the use of on-site detention basins, gross pollutant traps and bio-retention basins to treat stormwater run-off.

The aim of the stormwater management strategy is to:

- Meet the water quality objectives of Wollondilly Shire Council Design Specification
- Incorporate Water Sensitive Urban Design principles and manage urban stormwater as outlined in the Office of Environment and Heritage General Guidelines for Strategic Planning
- Control the post development peak runoff to match the pre development condition
- Identify the order of the existing watercourses and the associated requirements to protect and maintain them

Council employed a consultant engineer to review the stormwater management strategy and was advised that Council should impose the following conditions on a future development application(s) to address potential drainage issues arising from the proposed discharge of drainage to an existing drainage line that runs south-west into Emmett Street.

- The applicant must provide on-site detention (OSD) within the site to reduce the post-development peak flow rate to a level below the pre-development peak flow rate for all storms up to 100 year ARI.
- Flow diversion measures must be provided to reduce the contributing catchment flows to the existing drainage line.
- Stormwater treatment measures must be provided within the OSD to treat the stormwater prior to discharge into the existing drainage line in accordance with Council Standards.
- Evidence of drainage easement through the adjoining downstream property must be provided to Council at the time of lodgement of future development application(s).

Drainage reserves and detention basins are likely to be dedicated to Council and are a long term cost in terms of maintenance. The proponent has offered to enter into a voluntary planning agreement to dedicate the detention basins to Council.

Concept plans submitted with the Planning Proposal indicate that four (4) detention basins may be located in the E2 Environmental Conservation zone (E2 zone). There is a question as to whether detention basins are permissible in the E2 zone and the 'Dictionary' definitions in WLEP are not clear in this regard. Dams are permissible and two of the proposed detention basins are currently used as dams and the concept detention basins were supported in principle by the Office of Water.

The proponent has suggested the following in the *Reeves Creek Study Area Planning Report* dated August 2018 (see Appendix 21) to ensure detention basins are permitted in the E2 zone:

"It is recommended that the 'permitted with consent column' of the E2 Environmental Conservation zone be amended as follows:

Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Recreation areas; Roads; Sewage reticulation systems; Water recycling facilities; Water supply systems; Waterbodies (natural)

These uses are consistent with the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 list of uses permitted in the E2 Environmental Conservation zone"

The approach suggested has been utilised in the *Oran Park and Turner Road Precinct Plan* included as Appendix 1 in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

It is not proposed to amend the E2 Environmental Conservation zone as part of this Planning Proposal. Further consideration in relation to the location and permissibility of the detention basins in the E2 zone will be undertaken as part of any future detailed stormwater management design in a development application for subdivision of the site and in consultation with the Department of Industry - Lands and Water – Natural Access Resource Regulator (previously Office of Water).

9. How has the planning proposal adequately addressed any social and economic effects?

Built Heritage Assessment – Appendix 14

Aboriginal Cultural Heritage Assessment – Appendix 15

Social Planning Study – Appendix 16

Reeves Creek Village Concept Master Plan – Appendix 17

European Heritage

The planning proposal site has a long European history associated with early settlement and farming in NSW. No heritage items are listed on the State Heritage Register or in Schedule 5 of Wollondilly Local Environmental Plan on the site. One heritage item, located adjacent to the site is the culvert under Menangle Street. A small portion of the site zoned R2 Low Density Residential fronting Menangle Street is within the Picton Conservation Area which is listed in the WLEP. The Built Heritage Assessment has not identified any additional items on the site that should be heritage listed. It has recommended that consideration should be given to ensuring that any potential impacts on the culvert should be minimised and may require a Heritage Impact Assessment. It also recommends that future development should respect the heritage values of the Picton Conservation Area.

Aboriginal Cultural Heritage Assessment

The results of the AHIMS search and visual inspection both indicate that there are no registered Aboriginal sites in or within 300 metres of the Project Area. Based on the observed disturbance within the Project Area, the absence of lithic material suitable for the production of stone tools, and the absence of rock outcrops and trees suitable for cultural modification or scarring, the archaeological potential of the Project Area has been assessed as low to nil. It has therefore been assessed that there is no identified risk of harm to any known Aboriginal objects or sites. However aboriginal archaeological controls in Volume 1 of Wollondilly DCP would be included in a development application for subdivision to ensure the appropriate action is undertaken should heritage items be uncovered during the construction of any future subdivision.

Community Facilities and Services

A Social Planning Study has identified a number of inadequacies in the current provision of educational, health, recreation and cultural services within the Picton Township and more generally across the Shire. An estimated population of around 700-900 residents may be expected from development of this site. This number of residents is not large enough to require the provision of its own community facilities. However this size population will contribute towards a need for augmentation and upgrading of a range of facilities in the wider Picton area.

- Development of the site will potentially generate additional contributions under the Wollondilly Development Contributions Plan to assist in expanding local facilities library, cultural, sporting and indoor recreation.
- Local primary and high schools have reached capacity in terms of classroom space for additional students. The study advises that the Department of Education will need to develop a strategy which takes account of cumulative impacts from the increase in population generated through recent and anticipated growth. The Department of Education will be consulted during public exhibition to provide information on the current situation with regard to local school infrastructure.
- Private sector services including child care centres, medical facilities, entertainment and leisure are currently limited in the Picton area and the additional population growth would likely improve the commercial viability for provision of these services.
- A range of district and regional facilities and services in health and welfare are likely to be marginally impacted by a future population of around 800 residents.

Landscape and Visual Analysis

Concern was raised by the local community about the potential visual impact from development along the hillsides. The site comprises varied topography including lower hillsides around a small valley and steeper land rising to the ridgeline incorporating Vault Hill. Reeves Creek Master Plan incorporates a landscape and visual assessment using cross sections to determine the extent and potential impact from various locations within Picton although this plan is based on the site for the previous Gateway alteration. The four cross sections were based on the future proposed street layout with two storey housing indicating the highest potential building forms.

Lot 9 is located to the western boundary of the site and includes a hill which faces Menangle Street. Any future development on the northern face would have a visual impact on the streetscape which is within the Picton Landscape Conservation Area. This hill includes a number of large mature native trees which form an important focus in the landscape. The revised planning proposal provides for lots with a larger minimum lot size which would enable these trees to be maintained. Controls shall be provided in the Development Control Plan to ensure this landscape character is maintained and does not detract from the general streetscape, heritage aspects and landscape character.

Vault Hill Access and Community Walk

Council at its meeting held in February 2018 resolved that access to Vault Hill should be provided as part of this planning proposal through a Voluntary Planning Agreement negotiated with the landowners prior to finalisation of any land rezoning. Vault Hill is located within one of the properties (108-116 Menangle Street) but is not part of the site proposed for rezoning.

Vault Hill is a significant landmark in Picton and while it is zoned RE1 Public Recreation at the moment it is not used for recreation purposes and houses two transmission towers. Vault Hill RE1 Public Recreation land is classed as Regional Open Space on the Land Acquisition Reservation Map with the Planning Ministerial Corporation being the relevant acquisition authority. To enable this land to be developed for open space and managed by Council it will be necessary for the landowner to request acquisition of the land from this Corporation. The proponent has offered to enter into a planning agreement to provide a community walk with access to Vault Hill.

Section D – State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

The property is generally well serviced by existing infrastructure as detailed in the following reports:

Services Assessment – Appendix 18

Traffic and Transport – Appendix 19

Water and Wastewater

Water

An assessment of water servicing indicates that an amplification from the existing 150mm diameter main to a 300mm diameter trunk main would be required from the existing 300 mm main in Remembrance Drive (near York Street in Tahmoor) to service the site – a distance of approximately 3.7 kilometres. Alternatively the consultant has proposed an option to extend the existing 250mm main from Menangle Street along Argyle and Margaret Streets – a distance of around 720 metres.

Sydney Water has advised that the current water supply system does not have adequate capacity to service the proposed residential development. Sydney Water is currently undertaking a detailed review of the water supply servicing strategy for this area which will be based on forecast development information being provided by Council.

Wastewater

The assessment of wastewater servicing has indicated that the existing 150mm diameter sewer mains in Menangle, Margaret and Argyle Streets have sufficient capacity to service the proposed development.

Sydney Water has advised that the proposed development is not in the 2010/11 Metropolitan Development Plan and was not considered in the Picton wastewater amplification planning study. Servicing of the proposed development will be dependent on the following criteria:

1. The proponent's willingness to comply with Sydney Water's connection requirements
2. Property proponent must have an existing relevant planning approval obtained under the Environmental Planning and Assessment Act 1979.
3. The proponent is to submit a capacity assessment report to Sydney Water to ensure that flows from future connections are:
 - Less than the approved Scheme capacity of the plant and farm and
 - The Scheme's Environmental Protection Licence conditions can be met when considering connection requests.

Sydney Water has advised that the developer must fund any adjustments needed to Sydney Water infrastructure as a result of the development.

Electricity, Gas and Telecommunication

Electricity

There are existing 11kv overhead power lines running along the streets around the site and there may be sufficient capacity to service the site from the existing infrastructure. Two substations are located near the site and it is likely that one substation on Menangle Street will need to be relocated to enable access into the site. Further discussions are required with Endeavour Energy in this regard.

Gas

There are no existing gas assets within or around the site. There are currently no known plans to provide gas infrastructure to this area.

Telecommunication

Telstra infrastructure extends to the site boundaries and at both Menangle Street and Margaret Street and it is anticipated that this infrastructure will be sufficient to provide telecommunication services to the site.

Traffic and Transport

The site is proposed to be accessed via Margaret Street a local road and a new access point is proposed from Menangle Street which is a classified road. A Traffic Impact Assessment used Council's TRACKS model to review the impact of the

proposal on the road network and assessed the proposed intersections at Menangle Street, the Argyle Street/Menangle Street and Argyle Street/Margaret Street/Cliffe Street.

The site access from Menangle Street is proposed to be a priority controlled access with auxiliary/deceleration left turn lane and channelized right turn land. The assessment found that there would be an adequate sight distance to allow traffic to turn safely at this point. The Argyle Street/Cliffe Street/Margaret Street intersection will perform satisfactorily with the proposed signalisation.

Margaret Street is not wide enough to be used for buses and cannot be widened further. A future road layout would need to ensure that only local traffic is able to use Margaret Street and that a bus route can be provided through the site which would access and egress via Menangle Street. These matters should be included in future site-specific provisions in Wollondilly DCP.

Concern has been raised about the cumulative impact on the road network of a number of local planning proposals centred on the Picton Town Centre and current issues with traffic management. Council at its meeting in July 2015 resolved to commence a traffic investigation of the Picton Town Centre with a number of local planning proposals including the Picton East proposal being assessed in terms of their impact on the road network with a view to ensuring that upgrades to roads and traffic management infrastructure would be able to cater satisfactorily for all of the planning proposals in the short and longer term. The Planning Proposal will not be finalised until it is clear that the findings from the Picton Town Centre Transport Management Plan indicate that local transport impacts from future development of the site are able to be met satisfactorily with adequate infrastructure. The landowner has offered to enter into a planning agreement and contributions towards transport infrastructure would be a major consideration.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The following agencies and departments were consulted during June 2013

- Hawkesbury Nepean Catchment Management Authority
- Mine Subsidence Board
- Department of Primary Industry – Agriculture
- NSW Office of Environment and Heritage – Heritage Council
- NSW Office of Environment and Heritage - Environment
- NSW Rural Fire Service
- NSW Transport - Roads and Maritime Services
- Department of Trade, Investment, Resources & Energy – Mineral Resources Branch
- NSW Department of Primary Industries – Office of Water
- Sydney Water Corporation
- Endeavour Energy
- NSW Department of Primary Industry – Crown Lands
- NSW Fire and Rescue

Government Agency	Comment
Hawkesbury-Nepean Catchment Management Authority (HNCMA) (now Greater Sydney Local Land Services)	<ul style="list-style-type: none"> ▪ HNCMA P5MA Vegetation mapping - Lot 2 DP 229679 Cumberland Plain SSTF listed EEC under <i>NSW Threatened Species Conservation Act 1995</i>. Site contains native vegetation of high conservation value warranting implementation of protection or conservation measures. Vegetation appears to be included within RE1 or E2 zoning –supports the vegetation’s conservation and require consent under the NV Act for any future clearing. ▪ HNCMA support a Flora and Fauna Study to further assess the condition and significance of the native vegetation, habitat components present and to enable the design of conservation strategies.

	<ul style="list-style-type: none"> ▪ The residue area within Lot 106 DP 1111043 and Lot 2 DP 229679 contains steep and potentially erodible land known as 'Vulnerable Land'. Clearing of any native vegetation in these areas requires approval and includes regrowth native vegetation. ▪ The HNCMA support the inclusion of environmental management and conservation zones around riparian areas to allow for the protection and conservation of the native vegetation and water quality present within the proposed area. ▪ CMAs support activities that achieve the objectives of the NV Act to minimise impacts on native vegetation. Any clearing associated with this proposal should be mitigated by establishing appropriate offset areas (either through Bio-banking or other suitable means.)
Mine Subsidence Board (MSB) (now Subsidence Advisory NSW)	<ul style="list-style-type: none"> ▪ The MSB has not indicated any concerns with the planning proposal. ▪ The applicant should be advised to seek the Board's approval for any proposed subdivision or the erection of improvements at the appropriate time.
Department of Primary Industry - Agriculture	<ul style="list-style-type: none"> ▪ The locality has Agricultural Land Class 4 (suitable for grazing not cultivation). There appears to be some land that has been irrigated or cropped within 108 Menangle Street. ▪ Most of the land is suitable for low stocking rate grazing. ▪ The location is not near an intensive animal establishment and would appear to have merit to provide the highest residential density potential to reduce pressure on the better quality agriculture land to the West of Picton. ▪ Recommend that the report includes a section on the impact on agriculture if removed from current production potential and that any suitable lands that could continue to be used for fodder production considered for water recycling.
NSW Office of Environment and Heritage (Heritage Council)	<ul style="list-style-type: none"> ▪ The subject site is not a listed item of heritage significance. ▪ The site is located partially within the Picton Heritage Conservation Area and incorporates Vault Hill which includes an old cemetery and a dairy – both of which have been identified as being of potential heritage significance within the Planning Proposal report. ▪ A heritage assessment should consider the general suitability of the rezoning, the cultural values and significance of the cemetery atop of Vault Hill and adjacent dairy, and the potential for visual and physical impacts resulting from the future envisaged development of the subject site. ▪ The Heritage Branch recommends that the Planning Proposal be informed by the findings and recommendations of a heritage assessment.
NSW Office of Environment and Heritage (Environment) (OEH)	<p><u>Biodiversity</u></p> <ul style="list-style-type: none"> ▪ The site supports mapped (Tozer 2002) remnants of Cumberland Plain Woodland (CPW) listed as critically endangered under the <i>Threatened Species Conservation Act, 1995</i> (TSC ACT) and Moist Shale Woodland (MSW), Shale Sandstone Transition Forest (SSTF) and Riverflat Eucalypt Forest (RFEF) which are listed as endangered under the TSC Act. CPW and SSTF are also listed as critically endangered at the Commonwealth level in the <i>Environment Protection and Biodiversity Conservation Act</i>.

	<ul style="list-style-type: none"> ▪ The Riverflat Eucalypt Forest EEC occurs along the creek lines and is the largest and probably the most intact, remnant on the site. OEH considers that these remnants should be ground-truthed to confirm their identity, extent and condition. ▪ OEH supports the proposal outlined in the Council report in terms of amending zones and other provisions subject to further studies. ▪ OEH recommends that the specialist studies include the preparation of a Flora and Fauna (F&F) assessment to identify the biodiversity values. ▪ OEH notes that the proposed E2 Environmental Conservation, E3 Environmental Management and RE1 Public Recreation zones should afford some protection to the threatened species. ▪ OEH considers that protection is required for threatened species within the residue RU2 Rural Landscape zone. OEH recommends any ecological constraints identified should be mapped and included in a biodiversity overlay that can be used in combination with environmental protection zones to avoid development in areas which support important biodiversity values. <p><u>Aboriginal Heritage</u></p> <p>OEH would like 2 assessments undertaken:</p> <ul style="list-style-type: none"> ▪ An archaeological assessment – identifying and assessing Aboriginal objects and their management ▪ A cultural heritage assessment – consulting with Aboriginal groups and individuals and including oral and historical assessment and broader values eg landscape and spiritual. <p>Outcomes of both assessments should be mapped showing areas of high, moderate or low Aboriginal cultural values. Options for conserving areas of Aboriginal heritage significance should be fully explored with the Aboriginal community.</p> <p><u>Floodplain risk management</u></p> <ul style="list-style-type: none"> ▪ Council should ensure the proposal includes sufficient additional information on flooding, drainage and stormwater to determine whether the proposal adequately addresses Section 117 Direction 4.3 Flood Prone Land. ▪ The steep nature of the site and overland flow paths may pose significant flooding risk within the site and may exacerbate flooding problem downstream. ▪ A hydrological and hydraulic flood risk assessment for both existing and proposed developed conditions is recommended. This assessment should include Reeves Creek and all watercourses within the site.
NSW Rural Fire Service (RFS)	<p>The RFS has advised that they have no objection to the proposal in principle and notes that part of the site has been mapped as bush fire prone land.</p> <p>The future subdivision development of the site:</p> <ul style="list-style-type: none"> ▪ Must comply with the requirements of <i>Planning for Bushfire Protection 2006</i>. ▪ Construction of dwellings shall be subject to the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979. ▪ Design of the subdivision should enable the appropriate asset protection zones commensurate with the hazard to be achieved within the

	<p>boundary of those lots which interface with a potential bush fire hazard including grasslands as a category of hazardous vegetation within the Australian Standard AS3953-2009 Construction of buildings in bushfire-prone areas.</p> <ul style="list-style-type: none"> ▪ Consideration also should be given to ensuring that suitable access, water and utilities is made available to the lots.
<p>NSW Transport – Roads and Maritime Services (RMS)</p>	<p><u>Car Parking and Traffic Impact Study</u></p> <ul style="list-style-type: none"> ▪ A Traffic Impact Study should be provided in accordance with Table 2.1 of the RTA Guide to Traffic Generating Developments. ▪ Intersection modelling should be undertaken including those required for any proposed access road junction with a classified road. ▪ The treatment type for the proposed subdivision access road junction with the classified road network - based on the intersection modelling and other constraints – speed environment and road safety, and the land available within the road reserve to create the junction. ▪ Electronic copies of all modelling undertaken provided to Council and RMS for review. <p><u>Site Access Road and Junction Type</u></p> <ul style="list-style-type: none"> ▪ RMS's specific requirements for treatment type of the proposed access road junction with Menangle Street will be provided following its assessment of the Traffic Impact Study ▪ Sight distances for the proposed junction are constrained and should be in accordance with AUSTRROADS Guide to Road Design –Part 4a Unsignalised and Signalised Intersections Table 3.2 in both directions. ▪ In terms of Remembrance Driveway RMS is unlikely to consider any proposed reduction of the 100km/h road environment. ▪ Consideration should be given to the largest size of vehicle likely to enter the site. ▪ Consideration should be given to any loss of on-street parking and on adjoining private access points on Menangle Street <p><u>Development Principles</u></p> <ul style="list-style-type: none"> ▪ RMS preferred strategy to deny access to the classified road where alternative local road access is available. Where this is not feasible RMS is likely to restrict right turning movements. ▪ Internal road networks should be rational. ▪ Number of access points to classified road network should be reduced and lots consolidated. Lots along Menangle Street should have access to an internal road network. ▪ RMS would not support child care centres or schools with a direct frontage and access to Menangle Street or Remembrance Driveway and propose a clause in the LEP to prohibit this. ▪ Promoting increased use of sustainable modes of travel ▪ RMS strongly supports reduced car dependency and sustainable modes of travel and this planning proposal should ensure that this State Government objective is supported. ▪ Consideration to identifying appropriate pedestrian and cycle links and safe well located infrastructure.

	<p><u>NSW Government – Premiers Council for Active Living (PCAL)</u></p> <ul style="list-style-type: none"> ▪ To facilitate the NSW Government PCAL promoting individual and community health and well-being. Key PCAL design considerations for any new planning proposal should be followed. <p><u>Developer Contribution for Road/Transport Improvements</u></p> <ul style="list-style-type: none"> ▪ An appropriate mechanism for developer contributions to any future road infrastructure required as a result of future development and for any future upgrades due to the cumulative impact of development, and pedestrian/cyclist safety facility improvements. <p>RMS will provide a detailed assessment of the Planning Proposal when the final Traffic Impact Study and associated intersection analysis is exhibited for review and comment.</p>
<p>NSW Trade & Investment – Resources & Energy - Mineral Resources Branch (MRB)</p> <p>(Now Department of Planning – Division of Resources and Energy)</p>	<ul style="list-style-type: none"> ▪ The site overlies the Illawarra Coal Measures with the highly valuable Bulli Seam at a depth of approximately 500 to 600 metres. The site lies within the Wilton Mine Subsidence District and the nearest coal titles are held by Tahmoor Coal Pty Ltd approximately 600m to the west and Endeavour Coal Pty Ltd (BHP) approximately 770m to the east. ▪ The location of the residential zoning is in accordance with the adopted Wollondilly Growth Management Strategy which adjoin existing residential zones. ▪ The MRB does not oppose the rezoning with the Mine Subsidence Board providing building guidelines and densities.
<p>Department of Primary Industries – Office of Water (OOW)</p> <p>(Now Department of Industry – Lands and Water – Natural Access Resource Regulator)</p>	<p><u>Watercourses and Riparian Land</u></p> <ul style="list-style-type: none"> ▪ The OOW prefers riparian corridors to be zoned E2 and to be under Council ownership and management to ensure land is protected and managed in a consistent manner. ▪ Private ownership of the riparian corridor generally results in riparian vegetation being cleared. ▪ Matters to be considered in relation to public ownership of riparian land are biodiversity, cultural heritage values, food risk hazard etc. ▪ Methodology used for amendments to the Natural Resources Water map. ▪ Conservation of watercourses and riparian areas should be outlined in the Flora and Fauna report. ▪ Development of the site should ensure that watercourses mimic the natural hydrology and geomorphology. ▪ Riparian land should be rehabilitated with fully structured riparian vegetation (trees, shrubs and groundcover from the local vegetation community). ▪ Detailed assessment on the watercourses - scaled plans, photographs, hydrologic and geomorphic information, environmental impacts design features and measures. <p><u>Surface Water and Groundwater</u></p> <ul style="list-style-type: none"> ▪ Information on surface water and groundwater licenses ▪ Basic Landholder Rights – no lots with direct frontage to watercourses to limit creation of rights to access water.

Sydney Water	<p><u>Water</u></p> <ul style="list-style-type: none"> ▪ The current water supply system does not have adequate capacity to service the proposed 200 lot residential development. Significant amplification of the existing water supply system will be required to service any additional development in this area. ▪ Sydney Water is currently undertaking a detailed review of the water supply servicing strategy for this area. The investigation will be based on forecast development information being provided by Wollondilly Council. ▪ Detailed comments regarding capacity and connection points will be provided at the Section 73 application stage for each development. <p><u>Wastewater</u></p> <ul style="list-style-type: none"> ▪ The proposed development is not in the 2010/11 MDP. The Picton wastewater amplification detailed planning project did not consider this development in the planning proposal. ▪ Servicing of the proposed development will be dependent on compliance with Sydney Water connection requirements, a planning approval and a capacity assessment to ensure that flows from future connections are: <ul style="list-style-type: none"> ▪ Less than the approved Scheme capacity of the plant and farm and ▪ The Scheme's Environmental Protection Licence (EPL) conditions can be met when considering connection requests.
Endeavour Energy	No response
NSW Department of Primary Industry – Crown Lands	No response
Fire & Rescue	No response

Part 4 – Mapping

Site Identification Map

Proposed Land Zoning Map

Proposed Minimum Lot Size Map

Proposed Height of Building Map

Proposed Landslide Risk Map

Proposed Natural Resources Water Map

Proposed Urban Release Area Map

Site Identification Map

Site Identification Map

Map Sheet to be Amended:

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Proposed Zone

-  Subject Land
-  Road

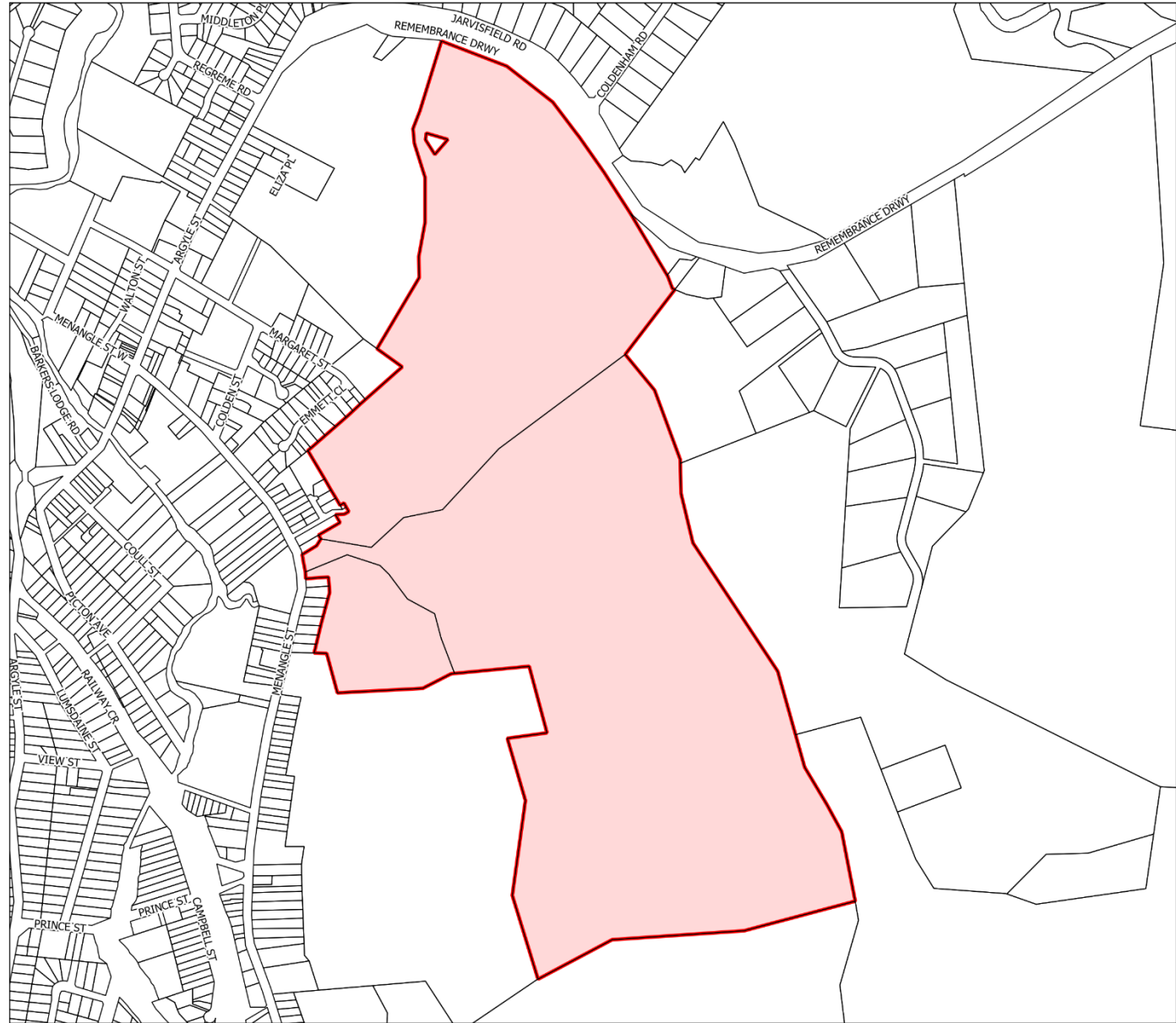
Cadastral

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



Projection GDA 1984
 MGA zone 56
 Map Produced: 21-08-2018

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



Proposed Land Zoning Map


Map Series to be Amended:
Land Zoning

Map Sheets to be Amended:
8400_COM_LZN_008F_020_20150520
8400_COM_LZN_008G_020_20160602

Zone

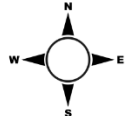
- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density 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 data (1/1/2014) © Land and Property Information (NSW)
Accession data: 02/09/2010 © Wollondilly Shire Council

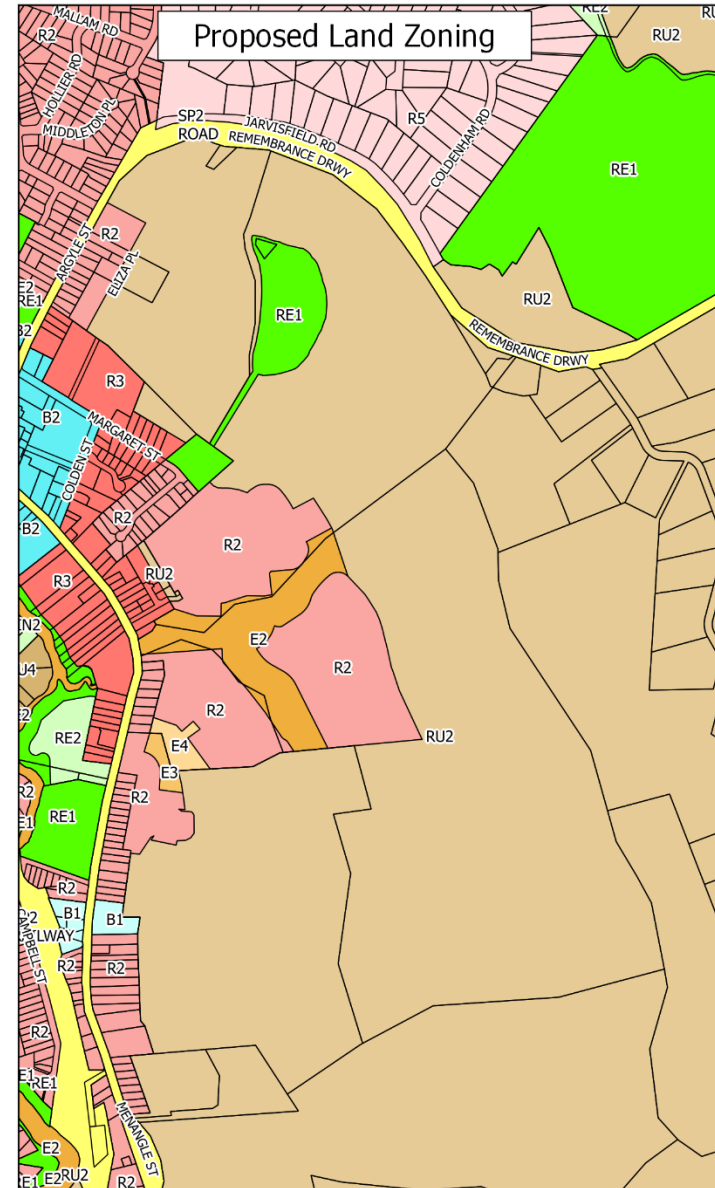
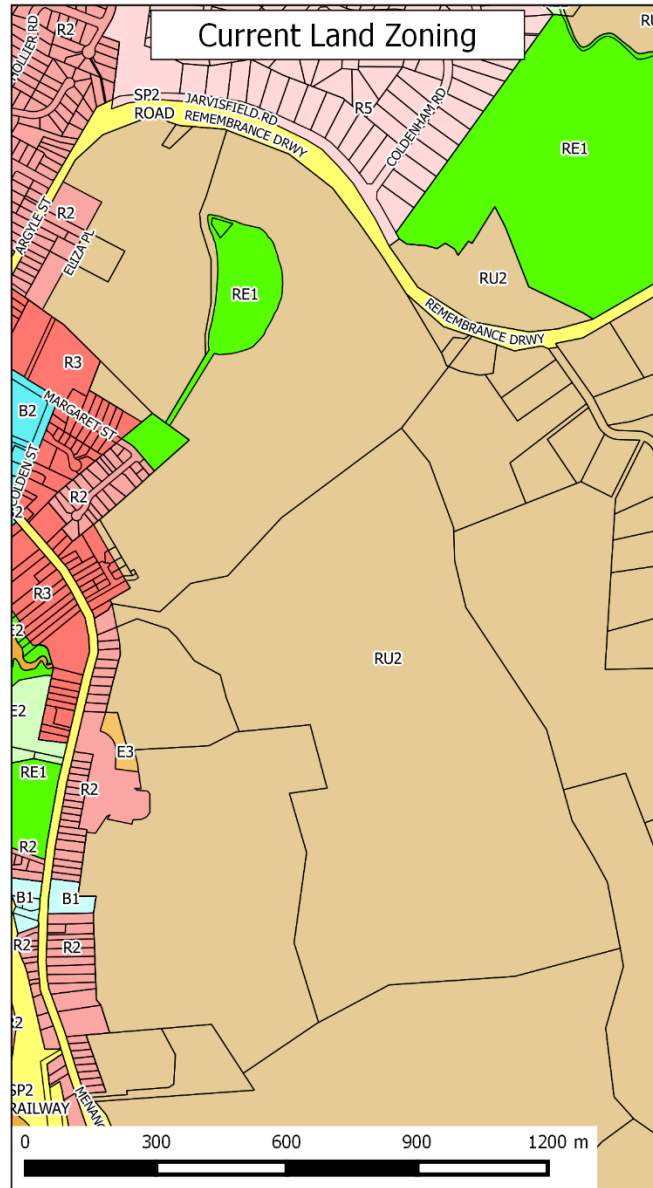
Note: all legend items in Wollondilly Shire Councils LEP 2011 maps are listed above. All items may not be visible in the applicant map.

Map Produced: 03-09-2018



Projection: SGA 1994
#Wollondilly

Visit the website below to view the published map sheets listed above:
<http://www.lgplanning.nsw.gov.au/infocentre?type=ep&year=2011&lc=05>



Proposed Minimum Lot Size Map



Map Series to be Amended:
Lot Size Map

Map Sheets to be Amended:
8400_COM_LSZ_008F_020_20150520
8400_COM_LSZ_008G_020_20160602

Minimum Lot Size (sq m)

B	230
C	250
F	400
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	10ha
AB2	20ha
AB3	30ha
AB4	35ha
AB5	40ha
AC	60ha
AD	100ha

Cadastral

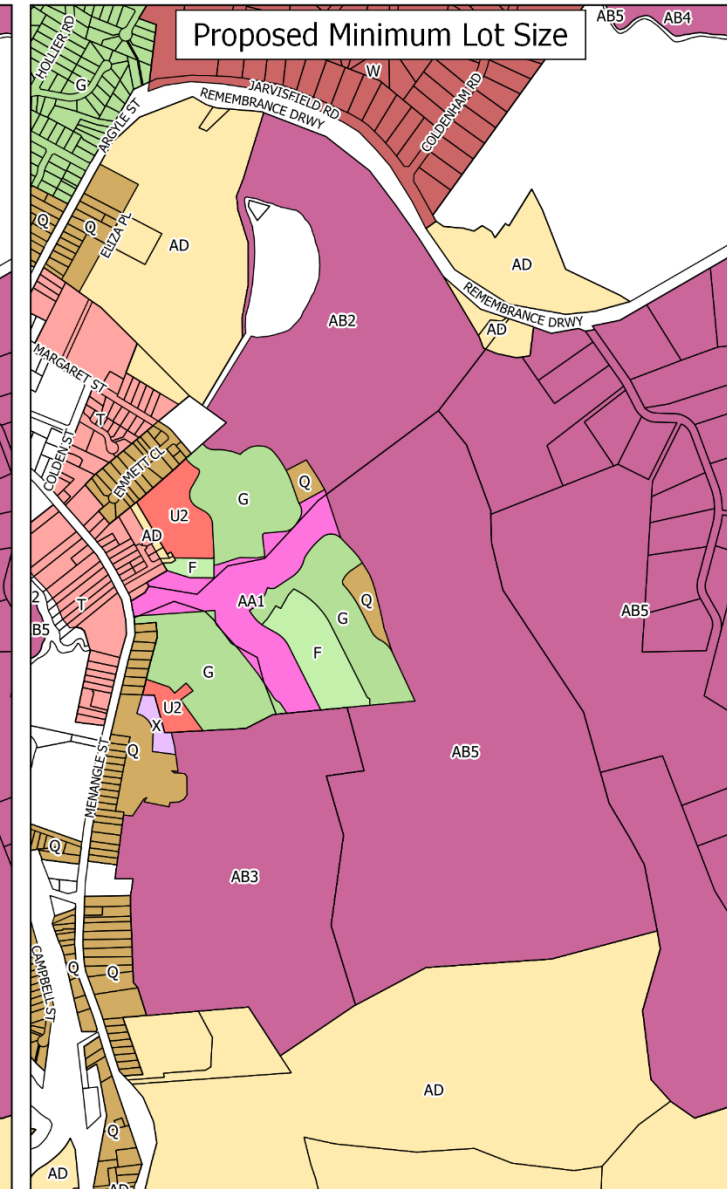
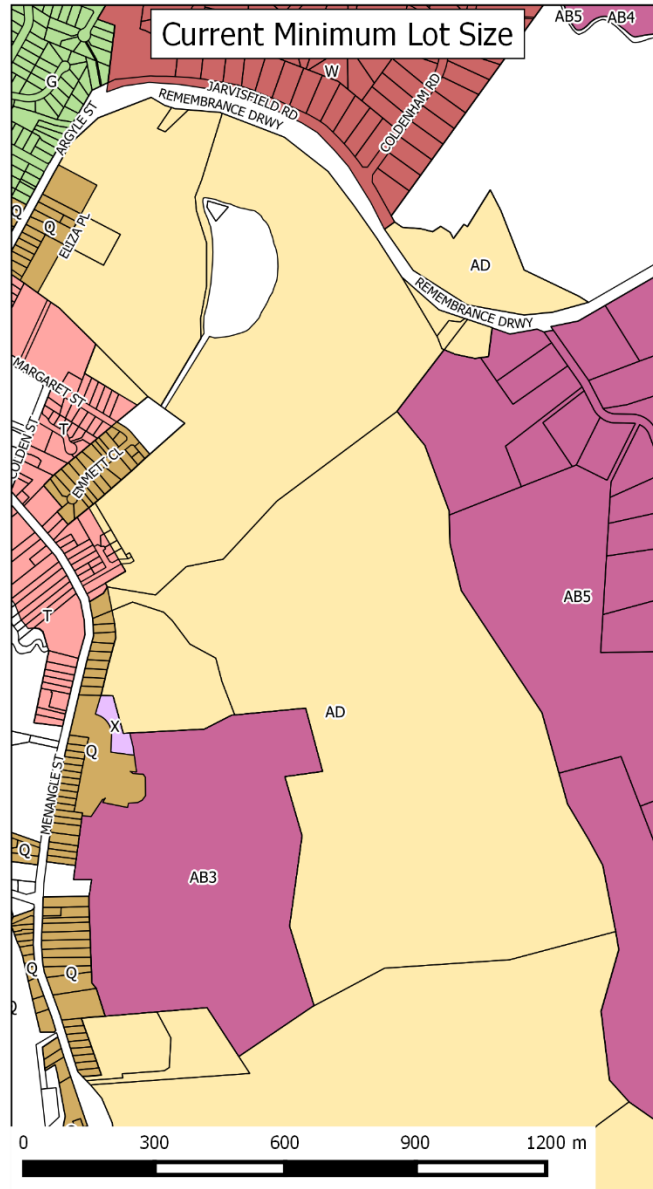
 Cadastral baseline data (1/1/2014) © Department of Finance, Services and Innovation.
 Amendment data 31/03/2018 © Wollondilly Shire Council

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.



Projection: GDA 1994
MGA Zone 55
Map Produced: 31-08-2018

Visit the website below to view the published map sheets listed above:
<http://www.lsg.state.nsw.gov.au/ra/ra.nsf?type=ep&year=2011&lc=05>



Proposed Height of Building Map


Map Series to be Amended:
Height of Buildings

Map Sheets to be Amended:
8400_COM_HOB_008F_020_20150520
8400_COM_HOB_008G_020_20160602

Maximum Building Height (m)

F	6.8
J	9
L	11
M	12
O	15

Cadastral

 Cadastral base data ©1/89/2014 © Land and Property Information (LPI)
 Addendum data 31/08/2018 © Wollondilly Shire Council

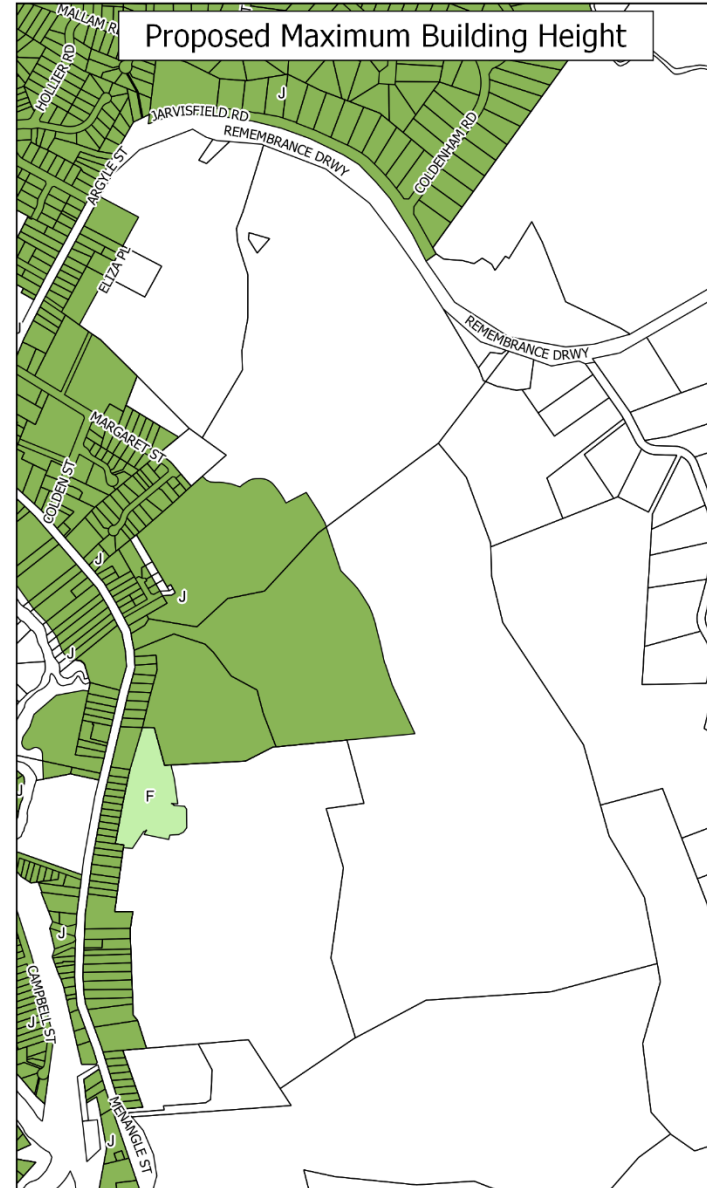
Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 31-08-2018



Projection: GDA 1994
MGA Zone 55

Visit the website below to view the published map sheets listed above:
<http://www.lcis.state.nsw.gov.au/ViewEP/2011/05/maps>



Proposed Landslide Risk Map

Map Series to be Amended:
Landslide Risk Land Map

Map Sheets to be Amended:

Landslide Risk Land

 Landslide Risk

Cadastral

 Cadastral base data 01/08/2014 © Department of Finance, Services and Innovation
 Address data 31/08/2018 © Wollondilly Shire Council

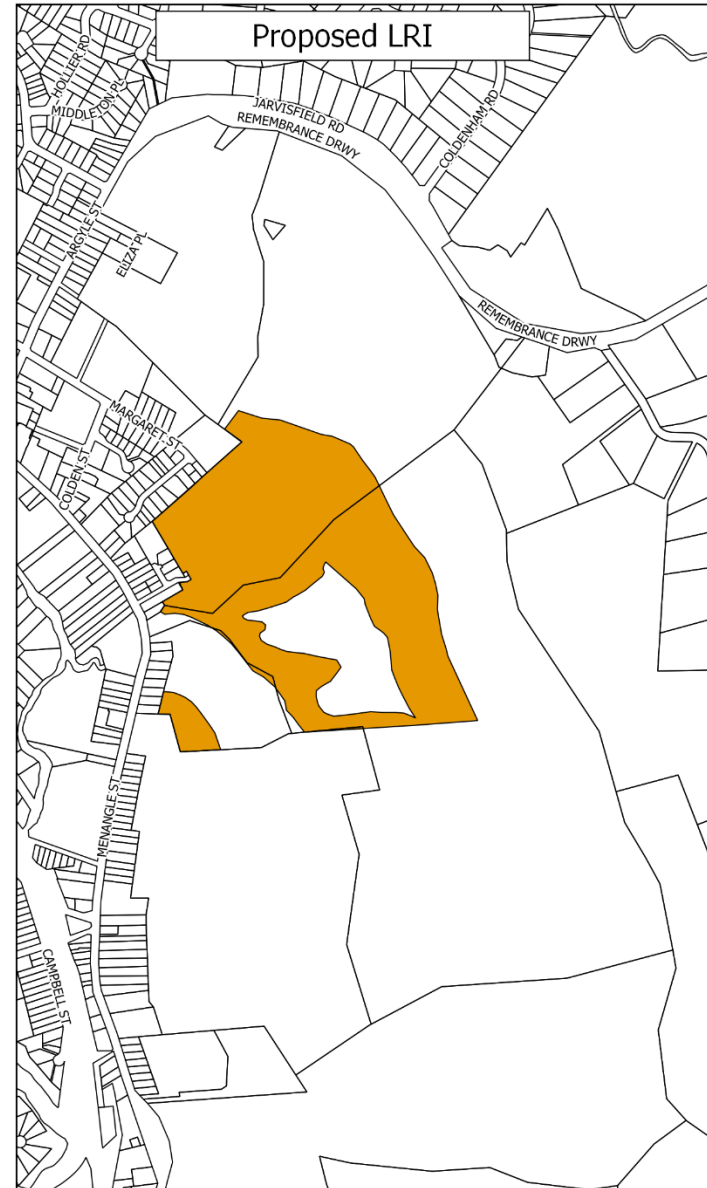
Note: all legend items in Wollondilly Shire Councils LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 31-08-2018



Projection: GDA 1984
MGA Zone 55

Visit the website below to view the published map sheets listed above:
<http://www.lieg.stations.gov.au/ajspages/type.asp?year=2011&no=85>



Proposed Natural Resources Water Map





**Wollondilly Local
Environmental
Plan 2011**

Map Series to be Amended:
Natural Resources - Water

Map Sheets to be Amended:
8400_COM_NRW_008_080_20160602

Sensitive Land

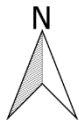
-  10m
-  20m
-  30m
-  50m
-  100m

Cadastra

 Cadastral base data ©198/2014 © Land and Property Information (NSW)
Address data 31/09/2018 © Wollondilly Shire Council

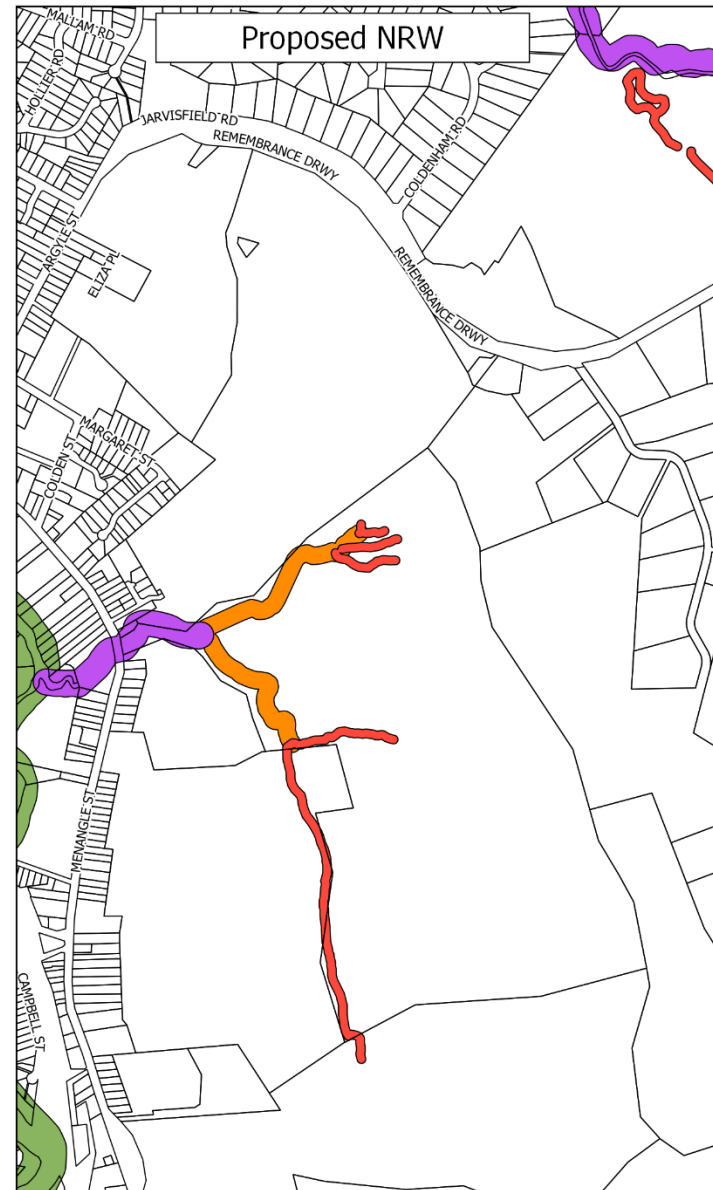
Note: all legends items in Wollondilly Shire Councils LEP 2011 maps are listed below. All items may not be visible on the adjacent map.

Map Produced: 31-08-2018



Projection: GDA 1984
MGA Zone 56

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



Proposed Urban Release Area Map

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

Cadastral
 Cadastral data ©1988/2014 © Land and Property Information (NSW)
 Address data 2008/2010 © Wollondilly Shire Council

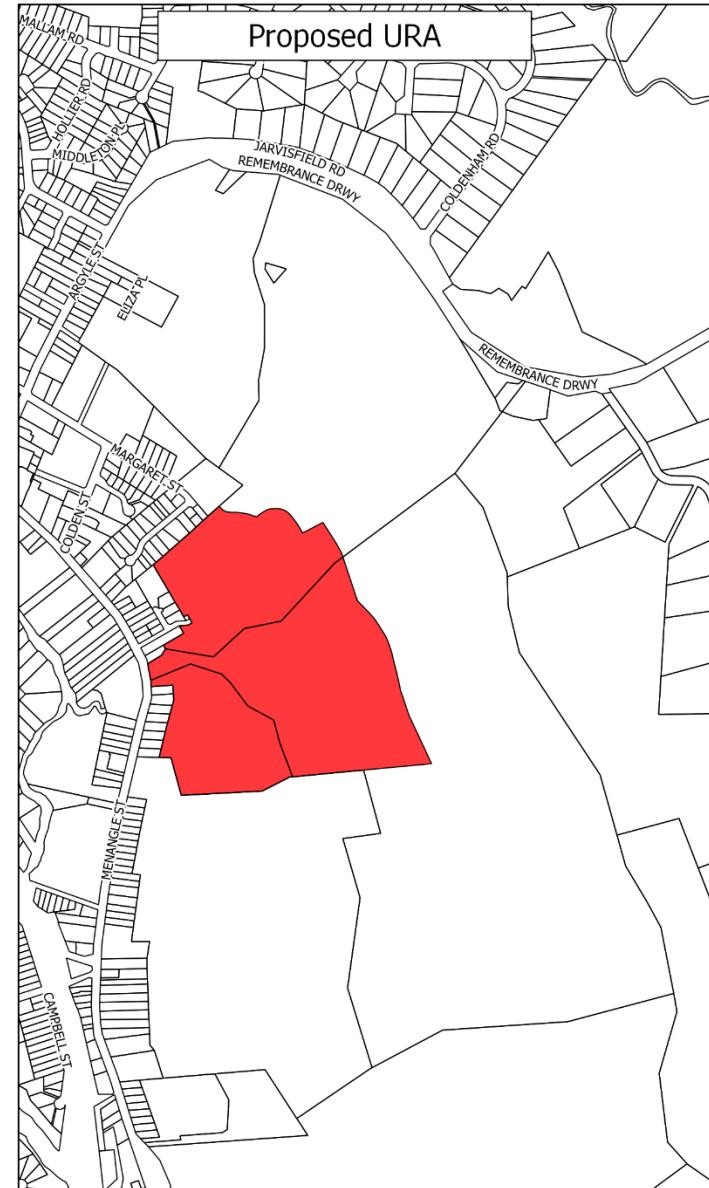
Note: all legend items in Wollondilly Shire Councils LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 30-08-2018



Projection: GDA 1984
MGA Zone 55

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



Part 5 – Community Consultation

Council notified adjoining and nearby residents for a period of 28 days in accordance with its notification policy. As a result of this notification twenty submissions were received and the matters raised were largely addressed by considerably reducing the extent of the original proposal which was over a much larger site.

Council is proposing to exhibit this planning proposal and draft LEP amendments and consult with the community for a 28 day period in accordance with the requirements for community consultation outlined in *'A guide to preparing local environmental plans'*.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Post exhibition reporting and map preparation	2 months	October 2018
Finalising the LEP Amendment	1 Month months	End November 2018

The Gateway Determination provided a time frame of 24 months commencing one week after the determination. An extension has been requested until the end of November 2018.

Appendices

1. Gateway Determination – 28th March 2013
2. Gateway alteration response - 8th September 2016
3. Council Report & Resolution - 19th February 2018
4. Gateway Alteration Response -16th May 2018
5. Assessment Criteria under the *Wollondilly Growth Management Strategy 2011*
6. Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)
7. Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act

Specialist Studies and Planning Report appended under separate cover:

8. Preliminary Site Investigation (Contamination) + 2018 Addendum
9. Biodiversity & Riparian Land Assessment + 2018 Addendum
10. Bushfire Assessment + 2018 Addendum
11. Slope Stability Assessment + 2018 Addendum
12. Flood Impact Assessment
13. Stormwater Management Report + 2018 Addendum
14. Built Heritage Assessment
15. Aboriginal Cultural Heritage Assessment
16. Social Planning Study
17. Reeves Creek Village Concept Master Plan
18. Services Assessment + 2018 Addendum
19. Traffic Impact Assessment + 2018 Addendum
20. Picton East Overview Planning Report

Appendix 1 – Gateway Determination



**Planning &
Infrastructure**

Contact: Mato Prskalo
Phone: (02) 9860 1560
Email: Mato.Prskalo@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Mr Les McMahon
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

WOLLONDBILLY SHIRE COUNCIL	
TRIM No.	6842
PROP. No.	
3 - APR 2013	
AUTH. No.	
ASSIGNED TO:	Kitty

Our ref: PP_2013_WOLLY_002_00 (13/03628)
Your ref: 6842

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 18 January 2013 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 at 1735 Remembrance Drive, 108-114 and 116-118 Menangle Street, Picton from RU2 Rural Landscape to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and for environmental purposes, amend the lot size and building height provisions applicable to the land and amend other associated maps.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

Council may still need to obtain the concurrence of the Director General to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

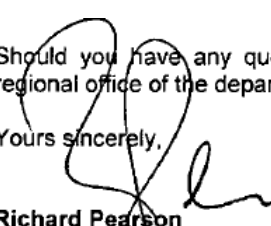
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 24 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The NSW 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mato Prskalo of the regional office of the department on 02 9860 1560.

Yours sincerely,


Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

28/3/13



Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_002_00): to rezone certain land at Remembrance Drive and Menangle Street, Picton.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone land at 1735 Remembrance Drive, 108-114 and 116-118 Menangle Street, Picton from RU2 Rural Landscape to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and for environmental purposes, amend the lot size and building height provisions applicable to the land and amend other associated maps should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the maps are to be updated to consistently identify the subject land, consistent with Council's resolution. The 'subject land' is to only include land which is proposed to be rezoned and the proposal is to be clear on whether it applies to land currently zoned RE1 Public Recreation. Council is to consider including land to the immediate west of the subject land, which is zoned RU2 Rural Landscape as part of this rezoning.
2. Council is to update the planning proposal to address acquisition arrangements for land proposed to be zoned RE1 Public Recreation, including identifying any necessary changes to be made to the Land Reservation Acquisition Map. This will enable consistency with S117 Direction 6.2 Reserving Land for Public Purposes to be determined.
3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - Drainage and stormwater
 - Flora and fauna
 - Flooding
 - Bushfire hazard
 - Traffic and transport
 - Heritage
 - Geotechnical
 - Open space
 - Scenic landscape analysis
 - Residue land (protection and management of remaining agricultural land)
 - Water and wastewater servicing

Once this information is provided and consultation with public authorities is undertaken consistency with S117 Directions 2.3 Heritage Conservation, 3.1 Residential Zones and 4.3 Flood Prone Land can be determined.

WOLLONDILLY PP_2013_WOLLY_002_00 (13/03628)



5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.

6. Consultation is required with the following public authorities or organisations under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
 - Department of Trade and Investment – Mineral Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Fire and Rescue NSW
 - Transport for NSW - Roads and Maritime Services
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - Endeavour Energy
 - Commonwealth Department of Sustainability, Environment, Water, Population and Communities (if required)
 - Sydney Water
 - Hawkesbury – Nepean Catchment Management Authority
 - Department of Primary Industries – Agriculture
 - Department of Primary Industries – Crown Land (regarding the Vault Hill Cemetery)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated - 28 day of

Mascher 2013.

Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure

Appendix 2 – Gateway Alteration Response 8th September 2016



Planning &
Environment

Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

Our ref: 16/03616
Your ref: TRIM 6842 KC:DS

WOLLONDILLY SHIRE COUNCIL	
TRIM NO.	6842
PROP. No.	
13 SEP 2016	
AUTH. No.	
ASSIGNED TO:	K. Carter

Attention: Ms Kitty Carter

Dear Mr Johnson

Planning Proposal PP_2013_WOLLY_002_00 – Alteration of Gateway Determination

I refer to Council's correspondence requesting an Alteration of Gateway determination for the Picton East Planning Proposal (PP_2013_WOLLY_002_00).

The proposed alteration included additional land zoned E3 Environmental Management, proposed minimum lot size for E3 zoned land, changing the R3 Medium Density zone to an R2 Low Density Residential zone and additional land zoned E2 Environmental Conservation.

I have considered Council's request and I am of the opinion that the revised planning proposal departs significantly enough from the original proposal that it constitutes a new proposal.

Additionally, the proposed E3 zone requires further justification with regard to its location and minimum lot size, which is too small and will not achieve the objectives of the zone. An E4 Environmental Living zoning may be a more appropriate zone in this instance.

I have determined, as delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, not to issue an Alteration of Gateway determination for PP_2013_WOLLY_002_00.

Should Council wish to pursue the revised planning proposal scheme for Picton East it should withdraw the original planning proposal and submit a new planning proposal to the Department for a Gateway determination.

If you have any questions in relation to this matter, I have arranged for Mr James Sellwood in the Department's Sydney Region West office to assist you. Mr Sellwood can be contacted on (02) 9860 1559.

Yours sincerely


Dr Oliver Holm
Acting Deputy Secretary
Planning Services

Appendix 3 – Council Report and Resolution Monday 19th February 2018

(Council report and attachments under separate cover)

Resolution

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

Part Lot 106 DP 1111043 (108 Baxter Lane), Part Lot 2 DP 229679 (108-114 Menangle Street), Picton and Lot 9 DP 233840 (116-118 Menangle Street).

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map to R2 Low Density Residential, E4 Environmental Living and E2 Environmental Conservation.
 - Amend the Lot Size Map to a minimum lot size of 400sqm, 450sqm, 700sqm and 1500sqm for R2 land, 1500sqm for E4 land and 7ha minimum lot size for E2 land.
 - Amend the Height of Buildings Map to a maximum building height of 9 metres.
 - Amend Part 7 Additional Local Provisions to include a clause entitled "Landslide Risk" and prepare an accompanying map detailing areas of landslide risk on the site that would require further investigation at the development application stage.
2. That the revised Planning Proposal be forwarded to the Greater Sydney Commission requesting an alteration to
3. That subject to a positive Gateway determination and completion of specialist studies and mapping, the revised planning proposal and planning documents be placed on public exhibition for a period of 28 days.
4. That the applicant and submitters be notified of Council's Resolution.
5. That Council proceed to negotiate a VPA with the landowners to enable the community access to Vault Hill. These negotiations shall be advanced prior to finalisation of any land rezoning.
6. That any future DCP provisions relating to Picton East incorporate a requirement for integrated development applications which detail the proposed subdivision and built form of individual dwellings.
7. That the geotechnical study refer to the entire developable area.
8. That an updated stormwater management report be supplied for public exhibition.

WOLLONDILLY SHIRE COUNCIL

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

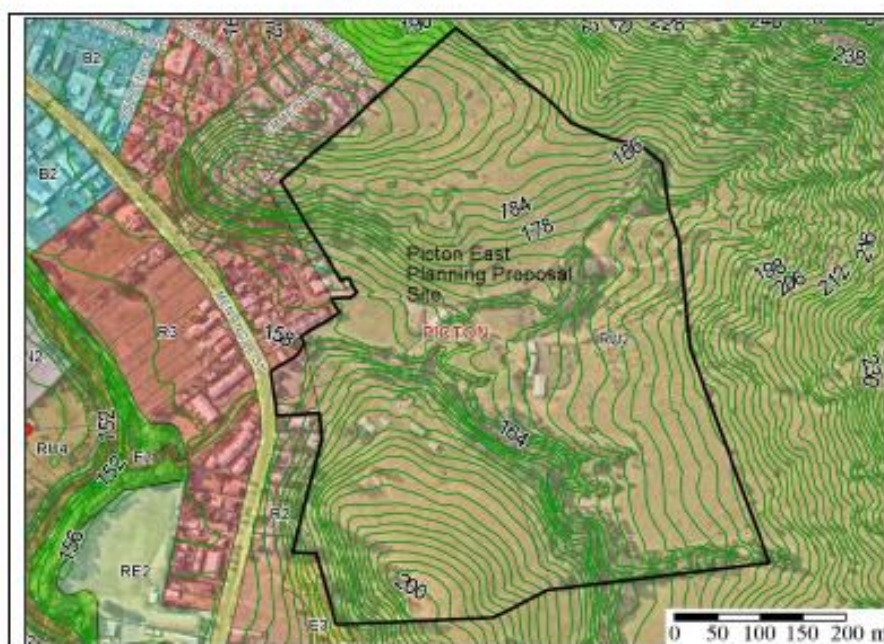
GR6 – Picton East Planning Proposal

GR6

Picton East Planning Proposal
41

TRIM 6842

Applicant: Michael Brown Planning Strategies
Owner: Mr L R Baxter, Reeves Junction Pty Ltd



LOCATION MAP ↑
N

Stage	Completed
Preliminary notification	16 May 2012 to 8 June 2012
Gateway Determination	28 March 2013
Consultation with Public Agencies	9 April 2013 to 3 May 2013
Specialist Studies	Nearing completion
Public exhibition/community consultation	To be completed
Referred to Minister for Publication	Not completed

Growth

WOLLONDILLY SHIRE COUNCIL

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

GR6 – Picton East Planning Proposal

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council support to an amendment to the Picton East Planning Proposal.
- The Planning Proposal site comprises part of Lot 106 DP 1111043 (108 Baxter Lane) and part of Lot 2 DP 229679 (108-114 Menangle Street) and Lot 9 DP 233840 (116-118 Menangle Street), Picton.
- The revised planning proposal proposes changes to the Wollondilly Local Environmental Plan 2011 to allow land to be rezoned for residential and environmental purposes which is the same objective as the current planning proposal.
- A report on this matter was previously considered at the Ordinary Council meeting held on Monday 17 July 2017.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
 - the revised planning proposal be supported
 - the Council request the Greater Sydney Commission for a Gateway alteration
 - The planning proposal be exhibited upon receipt of a Gateway alteration.

REPORT

BACKGROUND

A report on this planning proposal was last considered by Council at its meeting held on 17 July 2017 and this is provided as Attachment 1. At that meeting Council resolved to defer the item to allow further discussion with Council staff. The table below provides responses on each of the matters to be resolved prior to a further report to Council.

Matter	Comment
1. Address the concerns of Council's engineers in regard to geotechnical constraints, road access and flooding/stormwater including the provision of additional reports if required.	The applicant has provided a significant amount of additional information to address these issues. Further reports will be required as the process progresses.
2. There is clarity on appropriate minimum lot sizes for the entire site given the geotechnical and other constraints present.	Appropriate lot sizes have been determined based on site constraints. Further geotechnical information as outlined in this report is required for confirmation.

GR6 – Picton East Planning Proposal

Matter	Comment
3. More details are provided in regard to public access to Vault Hill.	Discussions have been held with the applicant and these are detailed in the report.
4. The Picton CBD Traffic master plan impacts are considered.	Transport management has been considered. The report provides further detail
5. Following resolution of points 1-4 a workshop will be held with Councillors in regard to lot size on the site.	A Councillor workshop was held and the issue of lot size was discussed.

1.1 DESCRIPTION OF SITE AND REVISED PROPOSAL

The current site is in Zone Rural RU2 Rural Landscape and a small section along Menangle Street is zoned R2 Low Density residential. The site comprises an area of 27.8 hectares within three properties with a total area of 120.771 hectares. These three properties are Part Lot 106 DP 1111043 (108 Baxter Lane), Part Lot 2 DP 229679 (108-114 Menangle Street) and Lot 9 DP 233840 (116-118 Menangle Street) Picton. The site is located immediately east of Picton Town Centre between Vault Hill, Margaret and Menangle Streets.

The revised proposal aims to rezone the site for residential and environmental purposes largely within the footprint of the original planning proposal site with minor changes to the boundary reflecting topographical constraints.

Summary of proposed amendments to the planning proposal approved under the Gateway Determination:

- Public Recreation Land to be rezoned to E2 Environmental Conservation Land and R2 Low Density Residential Land as shown on the revised zoning plan.
- Land at Menangle Street along the creek line which is currently zoned R2 Low Density Residential to be partially rezoned to E2 Environmental Conservation.
- E3 Environmental Management to be rezoned to E4 Environmental Living.
- Proposed R3 Medium Density land to be rezoned to R2 Low Density Residential.
- Minor changes to the site boundary beneath the geotechnical constraints line to exclude land designated as "steep slope drainage & slumping constraints" as detailed in the Slope Stability Report by Douglas Partners.
- Introduction of a Landslip Risk map and clause in Wollondilly LEP.

GR6 – Picton East Planning Proposal

Changes to Proposed Zones

The majority of the site is proposed to be zoned R2 Low Density Residential (R2) and E2 Environmental Conservation (E2) along Reeves Creek. One area of E4 Environmental Living (E4) to include steeply sloping land is proposed along Menangle Street. The proposed zones and their location are considered appropriate for the site. The R2 residential zone and proposed lot sizes would be aimed at developing the site with a range of single dwellings. The proposed zone map is provided at Attachment 2.

Changes to Proposed Minimum Lot Sizes

The applicant has undertaken a detailed site analysis with regard to visual aspect and geotechnical constraints to provide a basis for the proposed minimum lot sizes.

Proposed Minimum Lot Sizes

Minimum Lot Size	Number of lots	
	Previous Proposal reported to July 2017 meeting	Current Proposal
250 sqm	75	76
450 sqm	180	149
700 sqm	15	13
1500 sqm	Nil	14
Total number of Lots	270	252

Consideration has been given to minimising the potential visual and environmental impact with larger minimum lot sizes proposed on the knoll and steep slopes along Menangle Street. The larger lots will ensure that large mature trees and other significant vegetation is able to be retained which is important both environmentally and to maintain the landscape character providing the background setting to Picton Heritage Conservation Area. Site-specific controls can be added to WDCP to ensure the site is developed with suitable housing styles. The 1500 sqm minimum lot size would preclude lots from being able to be developed for dual occupancies as there is a 1400 sqm maximum lot size for consideration of dual occupancies under Wollondilly Development Control Plan (WDCP)

Smaller lot sizes (250 sqm) are proposed in less visible areas of the site. Proposed small lots along Baxter Lane would be in keeping with current medium density style housing development. Smaller lot sizes will assist to provide alternative affordable housing conveniently located in relation to Picton Town Centre and Picton Railway Station. There is currently a lack of such housing within Picton and limited opportunities to provide for such housing. It should be noted that the minimum lot size is unlikely to be achieved on the site due to the constraints of slope and drainage and the smallest lot is likely to be around 300 sqm.

GR6 – Picton East Planning Proposal

A copy of the proposed road and lot layout and minimum lot sizes is provided at Attachment 3.

Changes to the site boundary

It is proposed to make minor changes to part of the site in response to geotechnical findings that highlighted potential slip areas. These minor changes will not significantly increase the land area.

Changes to Public Recreation Land

Specialist studies have detailed the importance of the riparian corridor as environmentally sensitive land with a more suitable zoning being E2 Environmental Conservation rather than RE1 Public Recreation (RE1). No other suitably sized land (at least 5,000m² under Council's Land Dedication Policy) has been identified on the site. There is an area of RE1 land of almost 1 ha adjoining the site in Margaret Street owned by the Department of Planning & Environment that would potentially serve the site for passive recreation.

Changes to Medium Density Land

Proposed R3 Medium Density Land is replaced with R2 Low Density Land with a reduced minimum lot size on land that is not subject to significant slope instability. The R2 zone permits a single detached dwelling which would be more in keeping with the current housing type rather than medium density styles of housing. A geotechnical report to confirm the suitability of the smaller lot sizes and to provide a basis for a Landslip Risk map is required.

Changes to Environmental Management Land

The Department of Planning & Environment has indicated that an E4 Environmental Living Zone (E4) is a more suitable zone than the proposed E3 Environmental Management Zone (E3). E3 land to the east is now proposed to be included within the E2 Environmental Conservation (E2) area along Reeves Creek. The E4 zone is proposed on the steepest land facing Menangle Street.

1.2 PROPOSED GATEWAY ALTERATION

The Department of Planning and Environment has advised that the revised planning proposal requires an alteration to the Gateway Determination.

The current Gateway Determination is proposed to be altered from:

“...RU2 Rural Landscape to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and for environmental purposes, amend the lot size and building height provisions applicable to the land and amend other associated maps ...”

GR6 – Picton East Planning Proposal

to read as follows:

"...to rezone and amend development provisions at Picton East for residential and environmental purposes and amend the lot size and building height provisions and include a provision for mapping landslip risk."

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

The following comments on the Planning Proposal were received from Council staff:

Infrastructure and Planning

The applicant has provided detailed site plans showing elevations and proposed cut and fill which indicate that substantial cut and fill would be required to provide roads and suitable sites for building. To ensure that all concerns are addressed satisfactorily the following is considered necessary:

- An updated geotechnical report to confirm the suitability of the proposed minimum lot sizes with particular consideration to two direction slopes on lots.
- A clear indication where garages with no building setback would be located.
- The applicant has provided information to address concerns in relation to stormwater and flood management. Most of these matters have been addressed satisfactorily. There is an issue with the limited capacity of the drainage easement serving Emmett Street. An updated stormwater management report is required to address this issue.
- It is noted that Margaret Street has a width of 7m while the proposed collector road through the site is proposed to have a width of 10m or 13m to allow for a bus route. Details are required to address this incompatibility.
- The Draft Transport Management Plan for Picton Town Centre is nearing completion and would likely require contributions for transport infrastructure other than that required for the development of the site.

Strategic Planning response

The proposed site avoids the most unstable areas of the site although there is still significant cut and fill proposed. A Landslip map which details areas of instability shall be included in the amendment to the local environmental plan. Additional geotechnical information should be provided to provide assurance that the proposed minimum lot sizes can be developed sustainably, economically and without major visual impact. An updated report would also provide input for the landslip map.

GR6 – Picton East Planning Proposal

The proposed small lots (250 sqm) are located on flatter parts of the site. The smaller lots would assist in meeting the need for affordable housing and alternative housing types but should be based on the findings of an updated geotechnical report. The applicant has provided examples where housing has been successfully developed on smaller lots on sloping sites and has proposed to develop the site as an integrated whole to limit cut and fill retaining issues for future landowners of individual sites. The issue of building setbacks need to be considered. A concept plan to address more detailed design and site-specific controls shall be included in Wollondilly Development Control Plan 2016 (WDCP).

The applicant has indicated that they will provide an updated stormwater management report for public exhibition.

It would be difficult to widen Margaret Street so it is likely that the internal road would either become a local road only or an alternative arrangement between the site and Margaret Street and buses may access and egress via Menangle Street. Details on transport options that would also support the Transport Management Plan should be provided for public exhibition.

Environmental Services

There is concern with protection of remnant native vegetation and ensuring that environmental weeds are removed and managed. The proposed E2 land requires significant improvement, revegetation and soil stabilisation. These matters should be addressed prior to any dedication of the land to Council. Potential salinity issues should be addressed. There should be no Asset Protection Zones (APZs) for bushfire protection that encroach on the E2 land.

Strategic Planning response

It is proposed to guide future development of the site through site-specific controls in the development control plan. These controls would include the requirement for a vegetation management plan to be implemented as part of any future development of the site. The applicant has indicated that they would maintain the E2 land. If the land is dedicated to Council it would be required to be in a suitable improved state and a monetary contribution would enable ongoing maintenance and management in accordance with the provisions in the Land Dedication Policy. Site-specific controls are proposed in the WDCP to ensure APZs do not encroach on E2 land and that salinity issues are addressed as part of any future subdivision application.

GR6 – Picton East Planning Proposal

Economic Development and Tourism

Discussions regarding potential future public access to Vault Hill included consideration of the following:

- The need for a lookout with adequate vehicle and bus parking
- Opportunities to enhance the heritage assets that are currently located on Vault Hill
- Integration of walking tracks and access routes to the proposed housing development
- Provision of walking tracks both up and around Vault Hill.

When considering the community/tourism benefit, any development for Vault Hill should be accessible to all and have links with the wider community.

Strategic Planning comment

Vault Hill is not included within the current planning proposal site but is part of the property on which it is located. Land adjoining the site in Margaret Street (Lot 201 DP 1079164) and within the property (Lot 106 DP 1111043) was zoned RE1 Public Recreation by the NSW Government under a since repealed Regional Open Space Plan to provide a possible future walking route to Vault Hill. The proponent has indicated a willingness to engage with Council with regard to the provision of a walking track and further discussion and negotiation could be explored through a planning agreement.

2.2 CONSULTATION WITH PUBLIC AGENCIES

Public agencies were consulted as required under the Gateway Determination but no consultation has been undertaken to date on the intended amendments. Further consultation will be undertaken with public agencies during public exhibition of the planning proposal.

Department of Planning and Environment (DP&E)

The DP&E has raised concerns with Council about the length of time a number of planning proposals including this planning proposal are taking to reach finalisation. There has been a number of extensions to the initial Gateway deadline set in March 2015 and the current deadline is now 31 March 2018. The DP&E is keen to ensure that the planning proposal is finalised within gateway timeframes although a further extension will be required to allow for consideration of the Gateway alteration and revised studies.

2.3 COMMUNITY CONSULTATION

Community views on the planning proposal will be sought during the formal exhibition period. Formal public exhibition in accordance with the Gateway Determination requires that the planning proposal be exhibited for a minimum period of 28 days and planning documents provided in accordance with Department of Planning guidelines.

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2.4 A PLAN FOR GROWING SYDNEY

The revised planning proposal aims to achieve a range of housing lots which is in keeping with the vision for housing choice and affordability.

2.5 DRAFT WESTERN SYDNEY DISTRICT PLAN

The Draft Plan includes:

Planning Priority W5 Providing housing supply choice and affordability with access to jobs and services.

Smaller housing lots close to Picton Town Centre and Picton Railway Station would assist Council in meeting this priority.

Planning Priority W12 Protecting and improving the health and enjoyment of the District's waterways.

Protection of Reeves Creek and its improved health will be achieved through implementation of the E2 Environmental Protection zone and ongoing management and maintenance and these actions would assist in meeting this priority.

Metropolitan Rural Area (MRA)

The planning proposal site is within the MRA which aims to limit urban development. However this planning proposal pre-dates the draft plan and was identified as suitable for residential purposes under the Growth Management Strategy.

2.6 SECTION 117 MINISTERIAL DIRECTIONS

The site is considered to be consistent with relevant Section 117 Ministerial Directions.

2.7 AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013

The 2km exclusion zone around residential land for coal seam gas mining applies to this land.

2.8 CREATE WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033

The Create Wollondilly Community Strategic Plan (CSP) 2033 is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations. The CSP focuses on 5 key themes as follows:

- Sustainable and balanced growth
- Management and provision of infrastructure
- Caring for the environment
- Looking after the community
- Efficient and effective Council.

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Council's priority focus for growth under the CSP will be the development of a new town at Wilton and Council will only support appropriately scaled growth within and around its existing towns and villages that respects the character, setting and heritage of those towns and villages. The Picton East Planning Proposal is consistent with this vision of growth in the CSP.

An assessment of the Planning Proposal against the 5 themes is provided below:

- **Sustainable and balanced Growth**
The Planning Proposal is consistent with Council's position on growth as it will provide incremental growth around an existing township in an area that is identified within Council's current Growth Management Strategy.
- **Management and Provision of Infrastructure**
Appropriate road and drainage infrastructure would be provided as part of the future development of the site.
- **Caring for the Environment**
Remnant vegetation is proposed to be protected and improved along the creek line and through larger minimum lot sizes on certain land. Consideration has been given to ensuring impacts on views, landslip and water quality issues are minimised.
- **Looking after the Community**
The proposal aims to provide diversity in housing supply to provide more affordability and choice. Although the site is relatively hilly its location close to Picton town centre and Picton Railway station would encourage walking which would lead to a healthier community.
- **Efficient and Effective Council**
Council will continue to work to ensure that the planning proposal is consistent with the planning of long term growth within the Shire.

2.9 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

The proposed amendments to the planning proposal are considered to be minor. It is considered that the revised planning proposal remain consistent with the key policy directions of the Growth Management Strategy. It aims to achieve housing choice and diversity. The revised planning proposal would provide for residential development in an area convenient to services, community facilities and public transport. Environmentally sensitive areas are proposed to be protected. The impact of additional traffic generation on the local road network would be able to be addressed through improved contributions to provide additional traffic management infrastructure

2.10 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Following consideration of responses from consultation and notification and detailed assessment of the revised proposal, in addition to advice from the Department of Planning it is considered that the Planning Proposal should take the form as detailed below.

GR6 – Picton East Planning Proposal

2.11 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Zoning Map from Zone RU2 Rural Landscape (and Zone R2 Low Density Residential) to Zones R2 Low Density, E4 Environmental Living and E2 Environmental Conservation, as shown in Attachment 3.
- Amend the Lot Size Map from a minimum lot size category of 100 ha and 700sqm to 7ha minimum lot size for the E2 Environmental Conservation Zone, 250sqm, 450sqm, 700sqm and 1500sqm for the R2 Low Density Residential Zone and 1500sqm for the E4 Environmental Living Zone as shown in Attachment 4.
- Amend the Height of Buildings Map from no Maximum Building Height Category to a Maximum Building Height Category of 9 metres.
- Amend Part 7 Additional Local Provisions to include a clause entitled "Landslip Risk" and prepare an accompanying map detailing areas of landslip risk on the site that would require further investigation at the development application stage.

2.12 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDCP, 2016)

Site-specific amendments are proposed for inclusion in WDCP 2016 and would potentially include

- a concept subdivision - road, pedestrian/cycleway and lot layout
- integrated provisions for construction of a future subdivision
- lot design controls including setbacks on smaller lots
- a vegetation management plan
- salinity controls
- landscape/streetscape controls
- location of APZs outside of E2 land.

These amendments will be reported to Council when prepared and then exhibited and notified in accordance with the environmental planning regulations and will be available for implementation when the planning proposal is published (gazetted).

VOLUNTARY PLANNING AGREEMENT

The cumulative impact of traffic generated from this and other planning proposals near the Picton Town Centre on the local road network is being assessed with the outcome being a Transport Management Plan to provide a basis for the provision of transport infrastructure to service the local road network. The Transport Management Plan will detail the costs for delivery of this infrastructure and would require landowners to provide additional development contributions and this would be implemented through a voluntary planning agreement. The provision of a walking track to Vault Hill is another matter that could be explored through a planning agreement.

GR6 – Picton East Planning Proposal

FINANCIAL IMPLICATIONS

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

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

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

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Previous Report to Council – July 2017
2. Current Zoning Plan approved under Gateway Determination
3. Proposed Land Zoning Plan for alteration to the Gateway Determination
4. Proposed Minimum Lot Size Plan

RECOMMENDATION

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

Part Lot 106 DP 1111043 (108 Baxter Lane), Part Lot 2 DP 229679 (108-114 Menangle Street), Picton and Lot 9 DP 233840 (116-118 Menangle Street).

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map to R2 Low Density Residential, E4 Environmental Living and E2 Environmental Conservation.
- Amend the Lot Size Map to a minimum lot size of 250sqm, 450sqm, 700sqm and 1500sqm for R2 land, 1500sqm for E4 land and 7ha minimum lot size for E2 land.
- Amend the Height of Buildings Map to a maximum building height of 9 metres.
- Amend Part 7 Additional Local Provisions to include a clause entitled "Landslip Risk" and prepare an accompanying map detailing areas of landslip risk on the site that would require further investigation at the development application stage.

WOLLONDILLY SHIRE COUNCIL

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

GR6 – Picton East Planning Proposal

2. That the revised Planning Proposal be forwarded to the Greater Sydney Commission requesting an alteration to the Gateway Determination and an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone and amend development provisions at Picton East for residential and environmental purposes and amend the lot size and building height provisions and include a provision for mapping landslip risk.
3. That subject to a positive Gateway determination and completion of specialist studies and mapping, the revised planning proposal and planning documents be placed on public exhibition for a period of 28 days.
4. That the applicant and submitters be notified of Council's Resolution.

Appendix 4 – Gateway Alteration Response 16th May 2018



PP_2013_WOLLY_002_00
IFR18/1405

Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Dear Mr Johnson

Planning proposal PP_2013_WOLLY_002_00 – Alteration of Gateway determination

I refer to your letter in relation to revisions and extension of time to complete planning proposal PP_2013_WOLLY_002_00 for the rezoning of land located at 1735 Remembrance Drive (Lot 106 DP 1111043), 108-114 Menangle Street (Lot 2 DP 229679) and 116-118 Menangle Street (Lot 9 DP 233840) to zone R2 Low Density Residential, E2 Environmental Conservation and E4 Environmental Living.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 28 March 2013 for PP_2013_WOLLY_002_00 as altered on 23 April 2015. The Alteration of Gateway Determination is enclosed.

The amending Local Environmental Plan (LEP) is to be finalised by 30 November 2018. Council should aim to commence the exhibition of the planning proposal in accordance with Council's nominated milestones. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs. In order to meet these commitments, the Department is unlikely to support any further alterations to the proposal, and the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any questions in relation to this matter, I have arranged for Mr Heath Dennerley to assist you. Mr Dennerley can be contacted on (02) 8289 6775.

Yours sincerely

A handwritten signature in black ink that reads 'Ann-Maree Carruthers'.

Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

16/5/18

Appendix 5 - Relevant GMS Criteria Assessment

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with relevant provisions.
State Planning Policies	Consistent with relevant provisions.
Ministerial Directions	Consistent with the relevant provisions, or where not consistent is justified.
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.
Local Strategies and Policies	
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
Project Objectives and Justification	
Criteria	Response
Overall Objective	To provide additional residential land and meet environmental objectives.
Strategic Context	The proposal is in conformity with current strategies for increasing the supply of housing.
Summary of Likely Impacts	Potential impacts are currently being addressed.
Infrastructure and Services	Infrastructure and services are likely to be available although it is likely that augmentation and extension of some services will be required.
Supply and Demand Analysis	The proposal would add serviced residential land in a convenient location.
Site Suitability/Attributes	The subject site is contiguous with the Picton township so it can be relatively easily serviced with augmentation. Traffic generation from the resulting development should be within the environmental capacity of the surrounding road network with improvement to traffic management infrastructure which will be detailed in the Picton Town Centre Transport Management Plan 2026
Preserving Rural Land and Character	
Criteria	Response
Character Setting	The land is used for low capacity grazing but is adjacent to urban land and facilities.
Visual Attributes	The site has significant visual attributes which will need to be protected through limitation of development on the hillsides.
Rural and Resource Lands	The land is currently used for grazing purposes and has limited potential for other rural purposes particularly given its location adjacent to the Picton township.

Environmental Sustainability	
Criteria	Response
Protection and Conservation	There are a number of threatened ecological communities which are proposed to be protected through application of environmental zones.
Water Quality and Quantity	The principles of BASIX will be observed in respect of each future dwelling. Stormwater management will involve the application of Water Sensitive Urban Design practices. Waste water will be directed to an extended reticulated sewer. There are no impacts on groundwater in the vicinity. Riparian buffers will provide protection for watercourses within the site and detention basins are proposed to assist with maintaining water quality.
Flood Hazard	A flood study to has been undertaken and found that localized flooding can be managed effectively through on-site detention and site earthworks. A flood evacuation plan should be developed as part of any future development application for the site.
Geotechnical/Resources/Subsidence	The site has minor instability and a proposed "Landslide Risk" clause in WLEP and associated mapping will ensure that appropriate engineering and building techniques will be used for construction of any subdivision. The site is within Wilton Mine Subsidence District but future development would not impact on the potential for underground mining and would need to meet Subsidence Advisory NSW guidelines in terms of construction.
Buffers and Spatial Separation	The proposed use is consistent with that of adjoining urban development which would be compatible with future low density residential land use.
Bushfire Hazard	Some of the site is impacted by bushfire hazard that can be readily managed under the provisions of <i>Planning for Bushfire Protection 2006</i> .
Heritage	Vault Hill cemetery is located within Lot 106 but is not part of the site The heritage assessment has not found any other items of heritage. Part of the site is located within and adjoining Picton Conservation Area and will need to consider requirements under Wollondilly DCP for future development.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development.
Infrastructure	
Criteria	Response
Efficient Use and Provision of Infrastructure	Existing infrastructure will be extended and augmented as required by the developer.
Transport Road and Access	The Picton Town Centre Transport Management Plan 2026 assessed road network and investigated the cumulative impact of a number of recent planning proposals around the Picton town centre including this one. The main access to the site will be from Menangle Street with local connections via Margaret Street. The
Open Space	There is considered to be adequate open space in the local area to satisfy the potential demand from new residents. Passive open space will be available within proposed land zoned for environmental conservation.
Residential Lands	
Criteria	Response
Location/Area/Type	The proposal is consistent with land identified under the GMS for Urban on Town Edge development.
Social Integration	A gated community is not proposed and a variety of housing is achievable by a mix of lot sizes. The small scale proposed development will assist social interaction with new residents.

Urban on Town Edge	<p>The site is contiguous with existing urban land & within practical walking/cycling distance of town services. The proposed scale of residential development is suitable to the context and location and;</p> <ul style="list-style-type: none">▪ Achieves physical and visual integration with the existing edge of town.▪ Allows a mix of residential lot sizes to cater for a mix of housing types.▪ The proposed R2 low density zone is in line with suggested density range.▪ The scale of proposal does not warrant the inclusion of community land or facilities.
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Appendix 6 – 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	
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	
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	
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	It is considered that the site is unlikely to support Koala habitat.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	
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 currently exempted from this SEPP.
55	Remediation of Land	Yes	A preliminary contaminated site assessment found small areas of contamination that can be remediated to make the site safe for residential purposes.
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	NA	
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	
65	Design Quality of Residential Flat Development	NA	
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	NA	
	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	
	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	
	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.
DEEMED STATE ENVIRONMENTAL PLANNING POLICES (FORMERLY REGIONAL ENVIRONMENTAL PLAN)		CONSISTENCY	COMMENTS
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 7 - Examination of Draft Plan in accordance with relevant Section 117(2) Directions

Ministerial Direction 117(2)	Applicable	Consistent	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	NA	NA	
1.2 Rural Zones	YES	YES	The proposal will result in the loss of rural land which has limited agricultural potential due to its topography and location adjoining residential land. It is considered that the inconsistencies are of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	YES	YES	The proposal will not adversely impact any future potential subsurface mining program. Compliance with appropriate mine subsidence parameters would facilitate residential development without significantly constraining mining activities, should such occur in the medium to long term future. The planning proposal is not inconsistent with Direction 1.3.
1.4 Oyster Production	NA	NA	Direction does not apply
2. Environment and Heritage			
2.1 Environmental Protection Zones	YES	YES	The site contains environmentally significant native vegetation which is proposed to be conserved within environmental zones. 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 European built heritage items of local, state or national heritage significance. An aboriginal site is registered on the property but this land is not included within the proposed site. It is considered that the planning proposal is consistent with Direction 2.3.
2.4 Recreation Vehicle Area	NA	NA	Direction does not apply
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	YES	YES	The planning proposal aims to increase the amount of residential land. The site is located adjacent to existing residential development and is close to Picton town centre and community services and facilities. The site is serviced with the appropriate perimeter road and utility infrastructure which can be readily amplified to enable residential development. The relevant infrastructure and DCP provisions are contained in Wollondilly LEP 2011. Environmentally sensitive land will be protected within the E2 and E4 zones and on larger lots. The development will be compatible with subsurface mining, if such occurs in the future. The rezoning will permit the development of a range of housing types. The planning proposal is not inconsistent with Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	YES	YES	The proposal does not affect 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 accessible to public bus services along Menangle Street and to rail services from Picton railway station.

Ministerial Direction 117(2)	Applicable	Consistent	Assessment
			A new planned road shall be integrated into the existing road network. The planning proposal is not inconsistent with Direction No. 3.4.
3.5 Development Near Licensed Aerodromes	NA	NA	Direction does not apply
4. Housing, Infrastructure and Urban Development			
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 Wilton Mine Subsidence District. The Mine Subsidence Board has no objection to the proposal. The planning proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	NA	NA	Direction does not apply
4.4 Planning for Bushfire Protection	YES	YES	Consultation has been undertaken with the Commissioner of the Rural Fire Service following receipt of a Gateway determination. The land to which the planning proposal applies includes bushfire prone land and an assessment of requirements to limit bushfire hazard in accordance with <i>Planning for Bushfire Protection 2006</i> has been undertaken. It is considered that the planning proposal is not inconsistent with Direction No. 4.4.
5. Regional Planning			
5.1 Implementation of Regional Strategies	NA	NA	Direction does not apply
5.2 Sydney Drinking Water Catchments	NA	NA	Direction does not apply.
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 and Millfield (Cessnock LGA)	NA	NA	Direction does not apply
5.6 Sydney to Canberra Corridor	NA	NA	Although the Sydney Canberra Corridor Strategy 1995 refers to land within Wollondilly Local Government Area the Strategy has been determined to no longer apply to Wollondilly LGA.
5.7 Central Coast	NA	NA	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	NA	NA	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	YES	YES	The planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority. The planning proposal is not inconsistent with Direction No. 6.1.
6.2 Rezoning Land for Public Purposes	YES	YES	The planning proposal will not create, alter or reduce existing zones or reservations of land for public purposes. It is considered that the planning proposal is not inconsistent with Direction 6.2.
6.3 Site Specific Provisions	NA	NA	Direction does not apply

Ministerial Direction 117(2)	Applicable	Consistent	Assessment
7.1 Implementation of the Metropolitan Strategy for Sydney 2036	YES	YES	The planning proposal is not inconsistent with the metropolitan strategy and is consistent with the <i>Plan for Growing Sydney</i> December 2014..

Specialist Studies and Planning Report appended under separate cover

Appendices 8 - 21