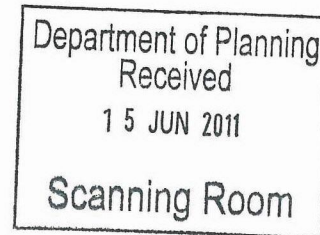


Our Ref: 5875

Mr Peter Goth
Regional Director Sydney West
Department of Planning
Locked Bag 5020
PARRAMATTA NSW 2124



14 June 2011

PLANNING PROPOSAL: REZONING OF CLEARVIEW SITE, THIRLMERE WAY, PICTON TO RESIDENTIAL

Dear Mr Goth,

At the Ordinary Council meeting held on 18 April 2011 Wollondilly Shire Council resolved to forward a planning proposal to the Department of Planning to rezone land on the western side of Picton from RU2 Rural Landscape to partly R2 Low Density Residential and partly R5 Large Lot Residential to allow for approximately 300 allotments.

Wollondilly Shire Council requests the Minister for Planning's Gateway Determination on the Planning Proposal in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*. Please find attached a copy of the Planning Proposal (as reformatted/rewritten by Wollondilly Shire Council), planning proposal report to Council and Council's resolution.

In relation to your email correspondence dated 23 May 2011 regarding our initial planning proposal submission for a Gateway Determination, the following information is provided:

1. The proposed map amendments for zoning, lot size and the indicative subdivision layout have been amended to reflect the resolution of Council and the subject land.
2. All references to the Draft LEP have been removed and replaced with Wollondilly LEP 2011.
3. Council only intends to apply the two residential zones referred to and does not intend to apply environmental or open space zones.
4. The applicant has advised that their preferred method for delivery of sewer utilities to the site is via Sydney Water Corporation. Until such time that Sydney Water are able to provide a commitment, the alternative solution is the inclusion of a Sirex Private STP on the Clearview site. This is proposed to be located within the watercourse reserve area. However if a commitment to pursue the Sydney Water Corporation sewer plant is made prior to the commencement of development on the Clearview site, then this would be pursued as the preferred means of servicing the development.
The applicant will be required to provide details on both options including the proposed location, size and impacts of the STP (private Sirex model) for exhibition of the Planning Proposal.

Council will need to be satisfied that both options are acceptable prior to adoption of the Planning Proposal if both are still going to be an option at the Development Application stage.

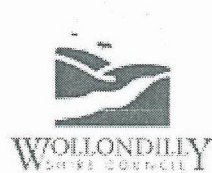
The attached planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning's 'A guide to preparing a planning proposal' and 'A guide to preparing local environmental plans'.

For further enquiries in relation to this matter, please contact Leanne Stevens on (02) 4677 8260.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Peter Wright', with a long horizontal stroke extending to the right.

Peter Wright
Strategic Planning Manager
Wollondilly Shire Council



**PLANNING PROPOSAL
AMENDMENT X TO WOLLONDILLY LEP 2011**

**RESIDENTIAL REZONING
CLEARVIEW SITE
THIRLMERE WAY, PICTON**

Part 1 – Objectives or Intended Outcomes

This Planning Proposal has been prepared on behalf of Tesrol Clearview Pty Ltd seeking an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval of a residential development and associate infrastructure on the 'Clearview' site, see below.



The key objective of this Planning Proposal is:

To obtain the necessary rezoning of the subject property to facilitate its development for residential dwellings, subdivision and construction including the construction of the dwellings, and all associated infrastructure works including roads, on-site sewerage treatment plant, drains, and open space areas.

The intended outcomes of the Planning Proposal are:

- To amend the Wollondilly LEP 2011 to zone the eastern portion of the site R2 Low Density Residential.

- To amend the Wollondilly LEP 2011 to zone the western portion of the site R5 Large Lot Residential.
- To amend the Wollondilly LEP 2011 to allow for a minimum allotment size of 450sqm in the proposed R2 Low Density Residential zone.
- To amend the Wollondilly LEP 2011 to allow for a minimum allotment size 4000sqm in the proposed R5 Large Lot Residential Zone.

Part 2 – Explanation of the Provisions

The objectives of the Planning Proposal can be achieved through the inclusion of the following amendments to the Wollondilly LEP 2011:

- Amend the Land Use Zoning Map to indicate that the eastern portion of the property is within the R2 Low Density Residential zone in accordance with the Land Use Zoning Map attached.
- Amend the Land Use Zoning Map to indicate that the western portion of the property is within the R5 Large Lot Residential zone in accordance with the Land Use Zoning Map attached.
- Amend the Lot Size Map to allow for a minimum allotment size of 450sqm in the proposed R2 Low Density Residential zone and a minimum allotment size of 4000sqm in the proposed R5 Large Lot Residential zone in accordance with the Lot Size Map attached.

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 result of any strategic study or report.

The Growth Management Strategy (GMS) was adopted in February 2011. Clearview is identified as a part of the '*potential residential growth areas*' within the structure plan for Picton within the GMS. The GMS is discussed later with regard to this planning proposal.

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

It is considered that the Planning Proposal is the best means of achieving the stipulated objective.

The property is currently zone RU2 Rural Landscape under the Wollondilly LEP 2011 and any further subdivision of the site is not permissible under the current zone.

The proposed R2 Low Density Residential zone on the eastern portion of the site will support residential density on the portion of the site closest to the existing Picton township. This is compatible and complementary in scale and density with the existing settlement pattern. The proposed R5 Large Lot Residential in the western portion of the site is compatible with the allotment and density pattern visible across ridgelines that surround Picton to the west, and will also compliment the density of development on the adjacent Stonequarry site.

3. Is there a net community benefit?

Overall, the proposal will provide a net community benefit for the following reasons:

- Complements the new urban growth areas to the east of the site, as well as the Stonequarry rural residential and golf course development to the south-west, west and north-west of the site.
- Fills a niche in the Wollondilly residential property market, as there are few current urban land releases within Wollondilly Shire ready for development.

- Has the potential to provide an on-site sewerage treatment facility, potable water and provide recycled water to the development and potentially assist future development of adjacent uses should Sydney Water not proceed with expanding the local wastewater infrastructure.
- Size of site can accommodate a range of allotment sizes and dwelling types to accommodate various lifestyle opportunities for future residents.
- Natural watercourses and large allotments provide the basis for a well connected open space network across the site.
- Potential to provide both vehicle and pedestrian connectivity to the surrounding existing and future urban area.
- The single ownership of the site provides opportunity for development to take a holistic approach with regards to layout and provision of infrastructure and utility services.

The table in Appendix 3 addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal.

Section B – Relationship to strategic planning framework

4. 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)?

Picton is situated on the rural/ urban interface of the Sydney Metropolitan region, adjoining the Southern Highlands to the south, and is the gateway to the Sydney-Canberra Corridor.

Picton, and the ‘Clearview’ site, are ideally located to meet these emerging growth trends within the Sydney to Canberra corridor. The Wollondilly Council area forms part of the Macarthur Region with Camden and Campbelltown local government areas, which provide a diverse range of rural, semi-rural and low-density residential lifestyle offerings.

Wollondilly is part of the South-West Subregion of Sydney identified in the Metro Strategy, which has a target of accommodating 40,000 new dwellings within the subregion between 2004 and 2031, being a rate of 1,500 new dwellings per annum. The Metro Strategy also identifies a further 15,000 dwellings on Greenfield sites may be accommodated within the South-West Subregion within the same period. It should be noted these dwelling figures are in addition to the 100,000 new dwellings planned for the South-West Growth Centres which are to the north of Picton.

The Planning Proposal is consistent with the regional and subregional strategies in the following ways:

- Proposes approximately 300 dwellings within Greenfield land in Wollondilly Shire, which will contribute to meeting the subregional target of 15,000 new dwellings by 2031 within the Greenfield land in the subregion (SW Subregional Strategy page 74).
- Proposes residential growth around the existing township of Picton, and directly adjacent to recently released residential growth lands (Stonequarry Estate) and identified future urban release lands (SW Subregional Strategy Action C2.1).
- Proposes a diverse range of new housing types that are responsive to local housing demands and regional population trends (SW Subregional Strategy Action C2.2).
- The “Clearview” site offers the opportunity to provide a diverse range of rural, semi-rural and low-density residential lifestyle accommodation to service commuters to Sydney CBD, Canberra, and the Western Sydney Employment Lands (SW Subregional Strategy Action C2.3).
- Will provide a range of housing types and allotments sizes which will increase the housing affordability offer within the Wollondilly Shire (SW Subregional Strategy Action C4).

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

Wollondilly Local Environmental Plan 2011

Wollondilly Local Environmental Plan 2011 'WLEP 2011' was published on 23 February 2011. The proposal aims to rezone the subject site from its current zone of RU2 Rural Landscape to partly R2 Low Density Residential and partly R5 Large Lot Residential.

Wollondilly Council's Community Strategic Plan

The planning proposal is consistent with Council's Community Strategic Plan.

Wollondilly Growth Management Strategy

The Growth Management Strategy was adopted by Council on 21 February 2011 and identifies the Clearview site as being part of the "Potential residential growth areas" on the Structure Plan – Picton.

The identification of Clearview in the GMS as being a "potential residential growth area" is consistent with the subject Planning Proposal and recognises the strategic suitability of the Clearview site for future residential growth. The following key characteristics provide Clearview with a strategic capability to deliver residential growth in line with the key policy directions of the GMS:

- Direct proximity and connectivity to the established Picton township.
- Complements the new urban growth areas to the east of the site, as well as the Stonequarry rural residential to the west of the site.
- Size of site can accommodate a range of allotment sizes and dwelling types to accommodate various lifestyle opportunities for future residents.
- The single ownership of the site provides opportunities for development to take a holistic approach with regard to layout and provision of infrastructure and utility services.

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

The planning proposal is consistent with applicable State Environmental Planning Policies (see Appendix 1).

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

The planning proposal is consistent with applicable Section 117 Directions (see Appendix 2).

Section C - Environmental, social and economic impact.

8. 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?

Due to the site's agricultural history and extensive grazing, natural vegetation across the site has been substantially cleared. There are small pockets of scattered trees in the south-western and north-western parts of the site. The balance of the site is covered by low grazing turf.

A flora and fauna investigation of the site has been prepared by Cumberland Ecology, which identifies that the small pocket of trees on the western part of the site are Cumberland Plain Woodlands which are an Ecologically Endanger Community under the *NSW Threatened Species Conservation Act 1995* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*. Accordingly, the indicative subdivision plan has been designed to accommodate the long-term preservation of this

ecological corridor, and any future development application for residential subdivision of the site will include requirements for the long-term preservation of these trees. It is also anticipated that a Site Specific DCP will be prepared which will include dwelling pad locations for future residential developments on these allotments.

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

The key additional environmental impacts of the proposal are:

(a) Road and traffic generation

Construction of all on-site roads will form part of any future development application for residential subdivision and development of the site.

An evaluation of the off-site road network has been undertaken by Halcrow as part of the preparation of this revised Planning Proposal and concludes that the surrounding road network and intersections have sufficient excess capacity to support the traffic generated from a residential development generally consistent with the indicative subdivision layout. For further details on the traffic assessment refer to the Traffic Assessment Report attached in **Appendix H** of the Planning Proposal submitted by Urbis attached.

(b) Sewer and water demand

The site is outside the catchment of the Picton Development Servicing Area for the existing sewerage treatment plan, however in recent discussions with Council it has been indicated that Sydney Water are investigating expanding the existing infrastructure within the catchment to support future development growth within the region. While Sydney Water have not committed to undertaking this investment, Tesrol propose a 'back-up' private water utility system which they will commit to construct to service development of the Clearview site. This system will operate under the Water Industry Competition Act 2006. Expert advice has been obtained to ensure that sewerage servicing infrastructure for the site can be accommodated and integrated as part of the Planning Proposal.

The back-up water utility proposal includes the construction and operation of a Sirex Water Utility for sewerage, water recycling and portable water services. Sirex is a private water utility provider and will manage the design, construction, commissioning, and operation of the plant, equipment and infrastructure. The private water utility will provide Class A+ dual reticulated recycled water scheme for irrigation, washing machine use and toilet flushing etc. reducing potable water demand by 55%. The use of a Class A+ scheme can reduce water use by 57% compared to a business as usual scheme, and therefore minimise the water demand of the proposal and its overall environmental impacts.

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

The proposal will have a positive social and economic benefit through:

- Providing a range of residential allotments to support a diverse range of residential lifestyles.
- The properties proximity to the established town centre of Picton will generate additional demand for existing businesses and services.

The principle industries of employment in Wollondilly Shire are schools and education, road freight transport, and cafes, restaurants and takeaway food services. The new residential population will have a positive impact on these key employment industries (aside from the road freight transport industry), as will generate increased demand for these services.

Section D - State and Commonwealth interests.

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

The property is adequately supported by the following public infrastructure:

- Connections and Access, including:
 - Access from Thirlmere Way from the south.
 - Access from Star Street, a semi formed road, from the east.
 - Local and bus services running between Picton, Camden, Campbelltown and Mittagong.
- Retail and Business Facilities, including:
 - Local facilities at Picton including a post office.
 - Regional facilities at Campbelltown and Wollongong including civic, educational and health related services.
- Community facilities at Picton, including:
 - Preschools, Primary schools, and a High school.
 - Sport and recreational facilities.
 - Police station.
 - Visitors centre.
 - Community hall.
 - Medical practices.

Sewerage

The property falls outside the catchment of the Picton Development Servicing Area for the existing sewerage treatment plant. During consultation with Council it was indicated that Sydney Water are considering expanding the existing water utilities servicing Picton and surrounding land releases, however a decision to invest in this infrastructure has not yet been made. Accordingly, if additional water utilities are made available to the site, the future development of Clearview will connect into this infrastructure. However, should Sydney Water resolve not to proceed with this infrastructure, or if its delivery is substantially delayed, the subsequent development of the site would include the construction and operation of a Sirex Water Utility to provide on-site sewerage treatment, potable water and recycled water facility. This facility will provide for long-term sewerage and water servicing for the site without additional pressure on the restricted Sydney Water system already operating within Wollondilly Shire.

The Sirex system can operate as a water utility provider, taking on the role of Sydney Water for the Water Utility's operating catchment, which may have potential to extend beyond the Clearview site. Details of the water servicing strategy have been prepared by Sirex for the Clearview residential development site as part of the planning approvals process. Sirex have advised they are currently operating a number of water utilities in Victoria similar to the system proposed for the Clearview site.

The applicant will be required to provide details on both options including the proposed location, size and impacts of the STP (private Sirex model) for exhibition of the Planning Proposal. Council will need to be satisfied that both options are acceptable prior to adoption of the Planning Proposal if both are still going to be an option at the Development Application stage.

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

A gateway determination has not yet been issued. No State agency has been consulted on the Planning Proposal to date.

Part 4 – Community Consultation

Public Exhibition

This Planning Proposal requires consideration of key infrastructure servicing for the Clearview property, particularly with regards to sewerage and water utility servicing, and the creation of new estate road network. On this basis and the site context, the Planning Proposal does not fall within the definition of *low impact Planning Proposals*, and therefore be a type of proposal requiring exhibition for a minimum of 28 days. The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on the Wollondilly Shire Council website

The written notice will:

- Give a brief description of the objectives or intended outcomes of the Planning Proposal;
- Indicate the land affected by the Planning Proposal;
- State where and when the Planning Proposal can be inspected;
- Give the name and address of the RPA for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The Planning Proposal, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the Planning Proposal.

It is noted that the previously submitted Planning Proposal for the Clearview site was notified to surrounding land owners with 15 submissions being received from the public. A summary of these submissions are included in the report to Council held on 18 April 2011.

Wollondilly Shire Council Consultation

This Planning Proposal is a revised scheme based on discussions with Wollondilly Council on the initial Planning Proposal submitted in April 2010. The post-lodgement meeting was held with: Peter Wright, Manager Strategic Planning; Sophie Perry, Senior Strategic Planner; and Leanne Stevens, Strategic Planner on 28 September 2010.

The key areas of discussion at the meetings relate to:

- Compatibility and possible integration of surrounding properties.
- Potential for sewerage treatment to be provided by Sydney Water.
- Visual impact of the development on the Picton setting.
- Stormwater detention
- Ecological preservation and integration into open space.
- Under mining and the possibility for mine subsidence.

Department of Planning Consultation

Tesrol met with the Director-General of the Department of Planning in late 2009 to discuss the proposal. It was suggested that the proposal be considered as a Major Project to which Part 3A of the *Environmental Planning and Assessment Act 1979* apply. A request for a Clause 6 declaration was submitted to the Department of Planning in December 2009, however it was determined that the proposal did not constitute a development to which Part 3A of the *EP&A Act* applied. Accordingly, the Planning Proposal has been prepared requesting for the rezoning process to be considered and approved through the gateway process.

Additional criteria under ‘A guide to preparing local environmental plans’

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The planning proposal does not include the extinguishment of any interests in the land.

The concurrence of the landowner, where the land is not owned by the relevant planning authority

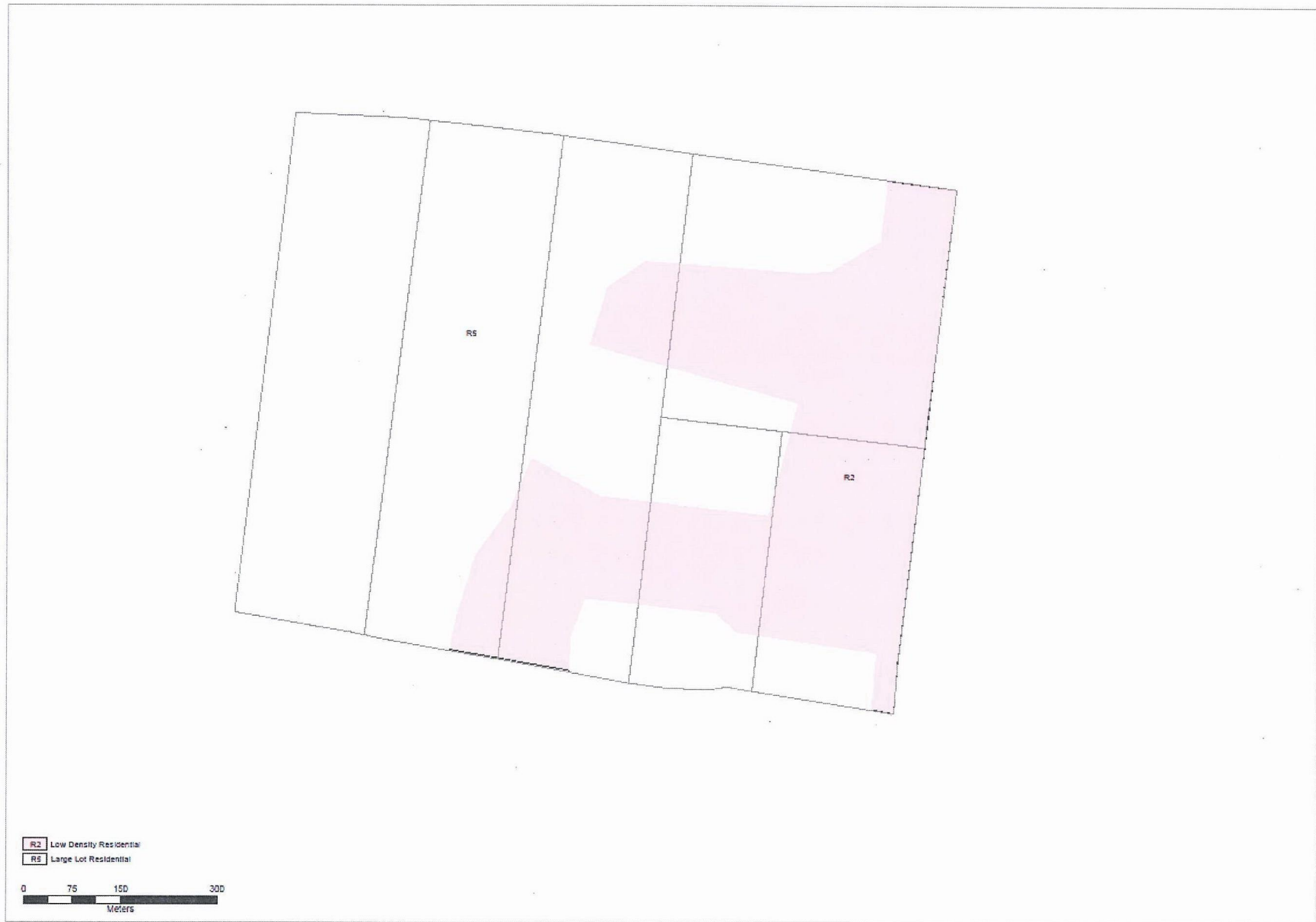
The land is owned by Tesrol Clearview Pty Ltd who submitted the draft planning proposal to Council.

Maps

1. Proposed Amendment to Land Use Zoning Map
2. Proposed Amendment to the Lot Size Zoning Map
3. Indicative Subdivision Layout

Appendices

1. Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)
2. Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act
3. Net Community Benefit Test



Map 1 - Proposed Amendment to Land Use Zoning Map



Map 2 - Proposed Amendment to the Lot Size Zoning Map



PICTOR CLEARVIEW



Map 3 - Indicative Subdivision Layout

APPENDIX 1

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

	STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)	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	NA	
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	NA	
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	NA	The potential contamination of the site has been previously assessed. In accordance with the previous assessment, the site is suitable for the intended residential use, and no remediation works are required.
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		
	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.
	SEPP (Western Sydney Employment Area) 2009	NA	Not applicable in the Shire of Wollondilly.
DEEMED STATE ENVIRONMENTAL PLANNING POLICIES (FORMERLY REGIONAL ENVIRONMENTAL PLANS)		CONSISTENCY	COMMENTS
9	Extractive Industry (No 2)	NA	
20	Hawkesbury–Nepean River (No 2 - 1997)	YES	This proposal is consistent with this SREP.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.
1	Drinking Water Catchments Regional Environmental Plan No 1	NA	Subject lands are not located within the jurisdiction of REP No. 1.

APPENDIX 2

Assessment against Section 117(2) Ministerial Directions Issued under the Environmental Planning and Assessment Act, 1979

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	NA	NA	Direction does not apply.
1.2 Rural Zones	YES	YES	The rezoning of the rural land to the proposed residential zones will facilitate the delivery of approximately 300 dwellings to meet the Metro Strategy's housing growth target of 15,000 new dwellings within Greenfield sites within the South-West subregion of Sydney (Direction 1.2.5(a)). Demand, servicing capacity and site suitability to support the residential development of the land will be demonstrated through expert investigations to support the detailed Planning Proposal (Direction 1.2.5(a)).
1.3 Mining, Petroleum Production and Extractive Industries	NA	NA	Direction does not apply.
1.4 Oyster Production	NA	NA	Direction does not apply.
2. Environment and Heritage			
2.1 Environmental Protection Zones	NA	NA	Direction does not apply.
2.2 Coastal Protection	NA	NA	Direction does not apply.
2.3 Heritage Conservation	NA	NA	Direction does not apply.
2.4 Recreation Vehicle Area	NA	NA	Direction does not apply.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	The proposal does not seek to reduce the amount of residential land but rather contribute to additional lands that may assist Wollondilly Shire and the wider South-West Subregion in reaching its housing targets. The proposal will support a variety of housing types responsive to the current and projected housing demand within the local and subregional context (Direction 3.1.1(a)). Proposes utility infrastructure that compliments the existing surrounding infrastructure in addition to providing an expansion to the restricted sewer and water servicing for the Picton township (Direction 3.1.1(b)). The indicative layout responds to the natural topography and key environmental features of the property, including protecting the on-site water courses and including open space areas which can support flora and fauna corridors through the site (Direction 3.1.1)).
3.2 Caravan Parks and Manufactured Home Estates	NA	NA	Direction does not apply.
3.3 Home Occupations	NA	NA	Direction does not apply.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
3.4 Integrating Land Use and Transport	Yes	Yes	The proposal is consistent with this direction because it is able to utilise existing public and private transport services which include: • Regular bus services to/from Tahmoor, Buxton, Thirlmere, Bargo, Yanderra, Narellan and Campbelltown with connections to other Southern Highland/Metropolitan destinations. • Bowral-Picton Loop bus • Southern Highlands rail line service from Picton to Goulburn, Campbelltown and Sydney CBD. • Efficient vehicle access via Picton Road to the South Western Freeway to Campbelltown (35km), Leppington (45km), Sydney (90km) and Canberra (215km) The final subdivision layout would provide efficient road and footpath connectivity to Star Street and on to the existing road network. This would facilitate opportunities for walking and cycling as well as augmentation of the existing bus routes to service the new residential community. It should be noted that the additional population is anticipated to have a positive effect on the existing public transport system, as it will increase demand for the service and in turn improve its viability.
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	NA	NA	Direction does not apply. The subject land is not within a proclaimed mine subsidence district.
4.3 Flood Prone Land	NA	NA	Direction does not apply. The subject land is not identified by Council as being flood prone.
4.4 Planning for Bushfire Protection	Yes	Yes	The proposal is consistent with this direction because appropriate mitigation measures and hazard controls can be implemented as part of the detailed development proposal to ensure bushfire hazard has been adequately considered and designed for in accordance with the relevant policies.
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	Revoked.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
5.6 Sydney to Canberra Corridor	NA	NA	Revoked.
5.7 Central Coast	NA	NA	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	NA	NA	Direction does not apply.
6. Local Plan Making			
6.1 Approval and Referral Requirements	YES	YES	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	NA	NA	Direction does not apply.
6.3 Site Specific Provisions	NA	NA	Direction does not apply.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Strategy	YES	YES	This planning proposal is consistent with the Metropolitan Strategy.

APPENDIX 3

The following table addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal:

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The proposed rezoning is compatible with the Metropolitan Strategy and Draft South West Subregional Strategy for the following reasons: ▪ Picton is situated on the rural / urban interface of the Sydney Metropolitan region and is the gateway to the Sydney-Canberra Corridor. ▪ Is consistent with the strategic residential objectives of the South-West Subregional Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes	The subject site is situated on the rural / urban interface of the Sydney Metropolitan region, and is the gateway to the Sydney-Canberra Corridor, however is not situated within a strategic centre or corridor. Whilst the site is not currently situated immediately within or adjacent to the Picton town centre, the site is situated directly adjacent to the future eastern urban release area of Picton. The site offers an opportunity to provide for additional residential development to support the centre's role and function and avoid isolating development that is distanced from existing infrastructure and services. Additionally, the proposal includes infrastructure and servicing which will support the expansion of the Picton township, and enhancing the housing and infrastructure offer within the Picton township catchment. The Wollondilly Growth Management Strategy (GMS) seeks to ensure future development occurs on appropriately located sites which can be adequately serviced. The GMS specifically identifies the Clearview site as an area for potential residential development, and this proposal indicates that the site does not have any environmental constraints which would prevent residential development being supported on the site.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations of the site as its location provides a unique opportunity to deliver housing in line with strategic subregional targets directly adjacent to existing residential zoned land and land identified for future urban growth. This proposal will see the development of the property to a residential development intensity that transitions between the surrounding existing and proposed residential uses, and its current rural land use.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	The site is directly adjacent to a site which is the subject of a spot rezoning for residential development, identified in the GMS the 'draft residential zone'. The outcome and status of this proposed rezoning will provide a direct link between the Clearview site and the existing residential area of Picton to the east. The cumulative impacts of this Planning Proposal in the context of this future land release have been considered, and the proposal is considered to result in a positive contribution to this urban expansion context in the following ways: ▪ Increase density and diversity of housing close to the existing urban centre ▪ Improve the economies of scale to deliver infrastructure and utility services to the residential expansion of the Picton township.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	The site is not zoned to facilitate employment, nor will it result in a loss of employment land. The proposal will create employment through the construction jobs to install the infrastructure and build the homes therefore delivering an economic benefit to the community. The new residential population of the rezoned property will positively

Evaluation Criteria	Y/N	Comment
		impact on the key employment industries of the area, as will increase demand for these services.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes	The proposal will have a positive impact on the residential supply by adding to the amount of available residential land. The variety of allotment sizes will improve the sites ability to provide a range of housing affordability options. The proposal will increase the housing choice and type of housing within the township of Picton, and will provide housing diversity to the subregion including rural residential dwellings.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	No	The existing road, rail and bus infrastructure surrounding the property is adequate to support the development, however sewer and water infrastructure and internal road infrastructure is part of the proposal. A Sirex water cycle strategy including a sewerage, wastewater treatment, recycled water and potable water system will be constructed as part of the concept strategy for the rezoning of the property. However should Sydney Water resolve to expand the public water utilities which service Picton and its surrounds, then the future residential development of the site will connect into the new public water utility.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N/A	N/A
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	The proposal does not require further government investment in public infrastructure, it will utilise the existing infrastructure and services beyond the property boundaries. The existing surrounding road network and intersections have sufficient capacity to support future residential development on the Clearview site. Refer to the Traffic Assessment Report prepared by Halcrow attached in Appendix H of the Planning Proposal prepared by Urbis attached. An on-site water utility system including a sewerage treatment plant, onsite reservoir and water recycling system will be part of any future development of the property, if the Sydney Water investigations into expanding the existing public sewerage treatment system do not result in additional capacity being made available to support the development on the Clearview site.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	A flora and fauna investigation of the site has been undertaken, and identified that Cumberland Plain Woodlands existing in the western portion of the site. The indicative layout of the site demonstrates these trees can be preserved as part of the future residential development of the site, and can continue to provide an ecological corridor across the site. The property has two water courses running through the eastern portion of the site which will be protected and enhanced through the detailed site investigations and development of the subdivision layout of the development. These water courses will also provide opportunity for the creation of wildlife corridors to support flora and fauna across the site.
Will the LEP be compatible/ complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The proposal is compatible with adjoining land uses including the 140ha "Stonequarry" Golf Course Estate development immediately adjoining to the north and north-west of the Clearview site which incorporates a residential development around a golf course and the western extension of Picton between the existing urban area and the Clearview site to create additional residential development leveraging off the existing Picton infrastructure. The site is not an isolated residential development and is well serviced and proximate to the existing Picton town centre. The indicative allotment layout illustrates a Planning Proposal

Evaluation Criteria	Y/N	Comment
		responsive to the site conditions, and its surrounding land use context and servicing and will accommodate additional housing within the economic catchment of Picton, and can be further expanded onto surrounding adjacent properties to the east.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	-	The proposal will provide additional housing in a variety of forms to assist in the delivery of meeting the housing growth and dwelling mix actions from the Subregional strategy. If the rezoning was not supported, the site would remain underdeveloped and its strategic potential to deliver housing in response to the strong growth in demand for residential housing in Wollondilly would not be realised.

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PE3

Draft Planning Proposal - Clearview Site, Thirlmere Way, Picton

247LSTEV

TRIM 5875

REPORT

EXECUTIVE SUMMARY

- Council has received a draft Planning Proposal that proposes to rezone land to allow for residential development on the western side of Picton (see Attachment 1) for approximately 300 dwellings. The site is identified in Council's adopted Growth Management Strategy as a potential residential growth location.
- A range of issues have been identified but are considered capable of being resolved through further studies and analysis subsequent to the Gateway determination process.
- The adjoining properties to the east (see Attachment 1) have been considered for inclusion into this draft planning proposal. Council can decide to include these properties as part of the draft planning proposal that is forwarded to the Minister for Planning for a Gateway determination subject to consultation with the landowners.
- Accordingly this report recommends:
 - That Council support the draft planning proposal for approximately 300 dwellings (for Lot 21 DP 751287, Lot 36 DP 751287, Lot 37 DP 751287, Lot 1 DP 1058734, Lot 1 DP 1079669 and Lot 2 DP 1079669) with the additional adjoining properties (Lot 1 DP 86284, Lot 1 DP 500116 and Lot 6 DP 751287) to be included in the draft planning proposal subject to consultation with the landowners;
 - That the draft planning proposal be forwarded to the Minister for Planning for a Gateway determination; and
 - That the persons who made submissions regarding this matter be notified of Council's decision.

BACKGROUND

The site

The site is known as 'Clearview' and is situated on the western edge of the township of Picton (see Attachment 1). The site has historically been used for agricultural purposes, with its most recent use being for dairy and cattle grazing. Clearview is currently wholly owned by Tesrol Clearview Pty Limited, who have been in ownership of the site since 2003.

The site has a total area of approximately 81.5 hectares and is made of the following six allotments:

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- Lot 21 DP 751287,
- Lot 36 DP 751287,
- Lot 37 DP 751287,
- Lot 1 DP 1058734,
- Lot 1 DP 1079669 and
- Lot 2 DP 1079669

Vehicle access to Clearview is currently obtained via Thirlmere Way to the south, however the site also has a street frontage to Star Street along its eastern boundary.

The site is currently zoned RU2 Rural Landscape under Wollondilly Local Environmental Plan (LEP) 2011. The minimum lot size for this area is currently 16 hectares. No further subdivision would be permissible under the current zone.

History of Proposal

The applicant met with the Director-General, NSW Department of Planning in late 2009 to discuss whether the proposal could be considered as a Major Project to which Part 3A of the *EP&A Act 1979* apply. It was determined that the proposal did not constitute a development to which Part 3A of the *EP&A Act* applied.

A draft planning proposal was then prepared and submitted in April 2010, requesting the rezoning process be considered and approved through the Gateway process.

Issues were identified with the initial proposal by Council staff and through public submissions. These issues were brought to the attention of the applicant and addressed through a revised draft planning proposal.

The revised draft planning proposal which is the subject of this report was submitted in February 2011. The revised draft planning proposal addresses most of the issues raised and it is considered that any unresolved issues could potentially be resolved through the Gateway process and subsequent studies.

Description of Revised Draft Proposal

The revised draft planning proposal proposes to amend the Wollondilly LEP 2011 to allow for residential development on the 'Clearview' site. The proposal is to:

- rezone the eastern portion of the site to R2 Low Density Residential and allow for a minimum allotment size of 450sqm, and
- rezone the western portion of the site to R5 Large Lot Residential and allow for a minimum allotments size of 4000sqm (see Attachments 3 and 4)

The proposal will enable subsequent development applications to be lodged for subdivision of the site and construction of approximately 300 dwellings

A site specific Development Control Plan will be written to control future development of the site, particularly to ensure a variety of allotment sizes across the proposed R2 zoned land.

An on site sewerage and water system is proposed if necessary, if Sydney Water has not expanded the Picton STP at the time of development. Roads, parks and drains are also part of the proposal and shown on the indicative subdivision layout (Attachment 2).

CONSULTATION

Preliminary Community Consultation

In accordance with Council's notification policy, preliminary consultation with adjoining and potentially affected residents in the vicinity of the proposal was undertaken for the initial draft planning proposal to ascertain the views and opinions of the community. A total of 15 written submissions were received from the community on the initial draft proposal.

The major concerns raised in the submissions relating to the initial draft proposal included:

- The rural atmosphere and character will be destroyed
- Traffic problems will be created, particularly with access to the site
- Lack of infrastructure to support the development
- Loss of privacy
- Overdevelopment
- Increased flooding
- Lack of details of the sewerage treatment facility
- Loss of views
- Depreciate property values
- Fertile farmland will be destroyed
- Stormwater runoff will be a problem
- Landslip may be a problem
- Undermining is proposed for the site
- Stonequarry and Bingara Gorge developments have not been completed, why should more be considered?
- Wildlife corridor will be destroyed

General comments in support of the draft proposal include:

- Will make the town more self sufficient
- There is a need for aged care facilities in Wollondilly (an aged care facility was proposed in the initial proposal, however it was removed as part of the revised proposal)

A summary table of all submissions received is provided in attachment number 5. A number of these concerns have been addressed through the revised draft planning proposal.

As the revised draft planning proposal is downsizing the original draft proposal, it was not re-notified to residents at this stage. As noted below however, if the draft proposal does proceed further community consultation will occur.

Advice from other departments within Council

Some of the issues raised from departments within Council for the initial draft proposal related to:

- Stormwater
- Open space
- Community Title subdivision
- Flood study
- Remnant trees
- Sewerage treatment plant
- Steeper lands/ ridge tops
- Traffic
- Distance from/availability of services

The revised draft proposal was referred back to these departments with the following issues raised:

- Post development stormwater runoff will need careful consideration
- A flood study may be required
- A salinity study may be required
- Further traffic and intersection analysis will be required for the site, particularly with regard to Connellan Crescent.
- Pedestrian access to and from the site needs to be considered
- Information is required on the location and design of the Sewerage Treatment Plant
- Asset liability needs to be considered with regards to ownership of new assets e.g. roads, drains, water quality structures and parks.

These unresolved issues will need further assessment through the Gateway process and through subsequent studies.

Consultation with Government Departments

If this draft proposal progresses, the Gateway determination will outline requirements for consultation with other Government Departments.

Further community consultation

If this draft proposal progresses, further community consultation opportunities will occur as part of the preparation and exhibition of a draft local environmental plan. In accordance with the new Gateway process, Council has the opportunity to recommend the engagement process and other consultation appropriate for this draft proposal.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All planning proposals are assessed against the key themes and directions of Council's Community Strategic Plan. It is considered that this proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

The natural environment is protected and conserved and Wollondilly has a healthy, sustainable, and resilient environment with a rural character (EO-1).

The impact of existing and new development on the environment is reduced in turn reducing the Shire's ecological footprint (EO-2).

POLICIES & LEGISLATION

Planning Proposals

The draft planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. The draft planning proposal addresses the matters required by the Director-General to be addressed in all planning proposals.

The draft planning proposal that has been submitted is requesting the rezoning of the subject land. If Council wishes to proceed with the proposal to rezone the land, Council must resolve to support the draft planning proposal and to forward it to the Minister for Planning for a Gateway determination.

Council's Options/Role

In deciding whether to forward the planning proposal on to the Minister for Planning for a gateway determination, Council is effectively endorsing the planning proposal in principle and from that point on the planning proposal is deemed to be *Council's* planning proposal - no longer the applicant's planning proposal. Despite the planning proposal becoming Council's at that point, the legislation nevertheless enables Council to recoup from the applicant the costs of progressing the planning proposal (i.e. study costs etc).

Council's options are therefore:

1. Resolve to support the draft planning proposal as submitted. This option means that the existing planning proposal from then on becomes *Council's* planning proposal. Council then sends it to the Minister for a "Gateway determination". Unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.

2. Resolve to support the planning proposal with the inclusion of the additional adjoining properties to the east, subject to consultation with the landowners. (Council can include the additional lots as part of the planning proposal that is forwarded to the Minister for Planning for a Gateway determination). As is the case with option 1 above, the planning proposal becomes *Council's* and unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
3. Resolve not to support the planning proposal. The applicant could choose to revise/amend their proposal and submit a new application. (Note that there are no appeal rights through the Land and Environment Court against Council's refusal to support a planning proposal).

Option two is the recommendation of this report

Gateway Determination

- When a planning proposal has been endorsed by Council, it is then forwarded to the Minister for Planning for a Gateway determination. The Gateway determination is a checkpoint for planning proposals before significant resources are committed to carrying out technical studies and investigations. It enables planning proposals that are not credible or well founded or not in the public interest to be stopped early in the process before resources are committed to detailed studies and investigations, and before government agencies are asked to commit their own resources to carrying out assessments.

At the Gateway determination, the Minister will decide:

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

If the Gateway determination recommends that the planning proposal has merit and should proceed, the proposal will be publically exhibited to obtain the views of the community and referred to State or Commonwealth Public Authorities (as specified by the Gateway determination). All submissions received during the public exhibition shall be reported to Council.

Under the new plan making procedures, the planning proposal and supporting studies are placed on public exhibition. The written draft local environmental plan amendment (the draft LEP) is prepared by Parliamentary Counsel when the planning proposal is finalised, immediately before it is made by the Minister or delegate. The LEP takes effect when it is published on the NSW legislation website.

The ultimate development of the land would then require further approvals through detailed development applications.

Wollondilly Local Environmental Plan 2011

The site is currently zoned RU2 Rural Landscape under WLEP 2011. The minimum lot size for this area is currently 16 hectares. The site is made up of 6 existing lots, none of which would have subdivision potential under the current LEP provisions.

It is proposed to rezone the site to partly R2 Low Density Residential on the eastern portion of the site (below the 250m AHD contour) with a minimum lot size of 450sqm (limited) and partly R5 Large Lot Residential on the western portion of the site with a minimum lot size of 4000sqm.

Site Specific Development Control Plan (DCP)

The proponent has agreed to prepare a Site Specific Development Control Plan which will include specific site objectives and development controls for the future development of the site. The Site Specific DCP would be expected to include a range of design and built form controls, including (but not limited to):

- Minimum Allotment Size – a development control will be included to ensure a variety of allotments sizes across the R2 zone. This will guarantee that not all lots will be near the minimum proposed size of 450sqm, only a proportion of them.
- Building heights
- Building pad locations
- Building setbacks
- Site Landscaping
- Public domain treatments
- Adoption of the 'Surface Development Guidelines' for single detached dwellings which apply to the adjacent mine subsidence district.

The draft Site Specific DCP will be reported to Council when it is prepared. These issues will be assessed in greater detail at that time.

RELEVANT CONSIDERATIONS

Wollondilly Growth Management Strategy (GMS)

Council's GMS has recently been adopted by Council. Planning Proposals are required to be assessed against the GMS to determine whether they should proceed or not.

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The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. The general location of this site was included as a potential residential growth area on the structure plan for Picton.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the draft proposal:

Key Policy Direction	Comment
<i>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.</i>	The draft proposal appears to be consistent with Key Policy Directions and Assessment Criteria. It is recommended that the draft proposal be supported.
<i>P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)</i>	The draft proposal appears to be consistent with the concept and vision of 'Rural Living'. The loss of rural character was a major issue raised in submissions from the initial public consultation. The characteristics of rural living, as defined in the GMS, are listed below with relevant comments relating to the draft proposal:
<i>P2-1. Rural Living: Rural Setting and Character The rural setting is obvious, with farmland and natural areas located between separate towns and villages connected by rural-type roads.</i>	The revised draft proposal has addressed concerns relating to this through the reduction of the number of lots and the removal of development from the ridge tops.
<i>P2-2 Rural Living: Viable Agriculture Agriculture and associated industries continue to be productive, sustainable and visible part of our economy, our community and our landscape.</i>	The site currently has cattle grazing on in it and was once used as a small dairy. An agricultural feasibility review was undertaken as part of the revised draft planning proposal. This review concluded that the rezoning of the site for residential subdivision and development can be justified because: ▪ The topography of the land is relatively steep and uneven and could be classified as Land Capability classes 4 and 5. As such, it is not considered to be prime agricultural land for cropping purposes and development of non-soil dependent enterprises (eg greenhouses) is limited. ▪ The economic viability of the site is marginal at best and consideration of more intensive activities (eg fruit trees) to improve viability would need further analysis. ▪ Development of more intensive agricultural activities is constrained by its proximity to residential areas.

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Key Policy Direction	Comment
P2-3 Rural Living: Lifestyle <i>Residents experience and value living within a rural setting irrespective of where and how they live – i.e. whether or not they live in a town, a village, on a rural-residential holding or on a farm for example.</i>	It is important to maintain the rural setting for all residents in Picton, not just the adjoining properties to the subject site. This site is visually prominent and can be seen from many areas of Picton. Care needs to be taken when determining where development should be placed on the site particularly with regard to the higher areas of the site. This issue has been addressed through the visual analysis and revised draft planning proposal with development being kept off the ridge tops and visually prominent areas.
P2-4 Rural Living: Community Spirit <i>Community spirit and involvement thrive in the towns and villages with separate but interrelated identities.</i>	The towns of Picton and Tahmoor will still have separate but interrelated identities as there will still be a significant distance between the towns.
P2-5 Rural Living: Environment and Heritage <i>The Shire's natural and man-made settings have environmental and cultural heritage significance for our communities – these elements include its waterways and catchments, natural areas, aboriginal heritage, agricultural landscapes, rural heritage, and its towns and villages.</i>	The agricultural/rural landscape is significant to the community. The draft proposal will remove an area of Picton's rural landscape, however the impact of this has been minimised through the revised draft proposal. Development has been removed from the ridge tops to retain the rural landscape when viewed from various vantage points from around Picton.
P2-6 Rural Living: Towns and Villages <i>Separate towns and villages (and particularly their centres) are focal points which provide opportunities – working, shopping, business, leisure, civic events, community facilities, education, and social interactions.</i>	If this subject site is developed as is proposed, the town of Picton and Thirlmere will still retain a rural landscape area separating them.
P2-7 Rural Living: Buildings and Development <i>New development aims to be sympathetic to the existing form and traditional character of our built environment which is an integral part of our townscapes, rural landscapes and cultural heritage.</i>	All of the existing urban development in Picton is limited to the valleys and does not encroach on the ridgelines apart from a few isolated rural houses. The revised draft proposal has removed development on the ridgelines and upper slopes to retain the existing landscape and character of Picton.
P2-8 Rural Living: Roads and Transport <i>Residents understand the factors which contribute to the Shire's overall high car-dependence but nevertheless seek opportunities to reduce car reliance and to use alternative modes of transport.</i>	This draft proposal may encourage high car dependence from new residents. Pedestrian access to and from the site needs to be further investigated.

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Key Policy Direction	Comment
P2-9 Rural Living: Infrastructure and Services <i>Residents understand that despite the benefits of rural living, it can also mean having to deal with lower levels of service and infrastructure.</i>	Some concerns were raised through public submissions regarding the reduction in the level of services and infrastructure for existing residents by increasing the population to overcrowd schools, medical services, roads etc. The revised proposal has reduced the number of potential residential dwellings from 550 to 300.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	An important issue raised in the initial community consultation was the potential loss of rural character. This is addressed in the policy direction comments above. Other issues raised are listed in Attachment 3 – Summary table of submissions.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	No such representations have been made regarding this draft 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.)	The revised draft planning proposal has included a detailed visual analysis which has investigated the context of the Clearview site, and the site's contribution to the character of Picton. The proposed zoning and minimum allotment size boundaries have had regard to the key visual impact of development across the site, and proposes denser development within lower-set areas which are less visible, while providing for larger and more 'rural' character allotments on the higher and more prominent parts of the site.
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.	The draft proposal does provide a range of housing types through the variety of lot sizes proposed. The lot sizes will be defined in greater detail through a site specific DCP.
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").	The site is on the western edge of Picton and would be considered the "rural fringe". The density is higher on the eastern side as it is closer to Picton, with the larger residential allotments located on the western edge as they move further away from the town centre.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The site adjoins the existing residential development of Picton by a site that has previously been identified for future residential land through a draft LEP. There are three other allotments of land adjoining the proposed site to the east that could potentially be included in the draft planning proposal to obtain a better planning outcome for the precinct. These landowners will be contacted and the properties may be included

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Key Policy Direction	Comment
	in the planning proposal.
<i>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</i>	If the proposal is supported at the Gateway determination, more information is required from the applicant with regard to infrastructure provisions and impacts on the existing services particularly with regard to the proposed sewerage and water system, and increased population impacts on public transport, roads, schools and medical services.
<i>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</i>	The draft proposal is located approximately 2 – 3.5km drive from Picton centre. It adjoins a future urban precinct which adjoins the existing urban development of Picton. It is relatively close to the population centre of Picton by car. Residential development on the site for approximately 300 new dwellings may stimulate demand for services within the existing Picton centre and strengthen the local economy.
<i>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	Due to the scale of the single holding of Clearview, the site can accommodate approximately 300 new dwellings within a single precinct and provides a major contribution to the housing targets for the subregion. If the additional adjoining properties to the east are included, they could potentially accommodate approximately 70 additional residential allotments.
<i>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</i>	This is an area identified as a focus for population growth. It is acknowledge that growth is needed and is identified for this general location on the Picton Structure Plan within the GMS.
<i>P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</i>	The European rural landscape of Picton should be protected. The revised proposal limits development to the lower slopes to protect the rural landscape of the area. The loss of biodiversity on the site was raised in a public submission. A preliminary Flora and Fauna investigation was undertaken which identified Cumberland Plan Woodlands along the western ridgeline. The revised draft planning proposal has been designed to ensure that this stand of trees is preserved and creates a corridor across the site.

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Eastern Adjoining Lands (see Attachment 1)

The Clearview site adjoins a strip of land to the east currently zoned RU2, which separates it from the existing residential land of Picton. These properties to the east should be considered when assessing this draft planning proposal. The properties create a link between existing residential development in Picton and the Clearview site. Any potential development proposed on the Clearview site will impact on these lots with regard to issues such as traffic, stormwater and rural views. It would be beneficial to include these properties in any further studies to minimise any impacts and determine the appropriate zoning for these sites.

There are four allotments within this area, these are:

- Lot 6 DP 751287
- Lot 1 DP 995172
- Lot 1 DP 500116
- Lot 1 DP 86284

One lot (Lot 1 DP 995172) has been identified as future residential land on the indicative Subdivision layout (see Attachment 2). This lot is part of the PTT Urban LEP and is currently being assessed for potential residential development through a draft LEP. The other three properties within this area could potentially be included in this draft planning proposal to determine whether residential development is appropriate for this location as a greater link between Picton and the Clearview Site.

Two of the landowners from these three properties sent in submissions regarding the initial draft planning proposal. They both objected to the draft proposal, however one of them indicated they wanted to be included in any rezoning for the area. It may be unlikely that the other landowner who submitted an objection would want to be included in the draft planning proposal.

It is not essential to include these three properties in the draft planning proposal, the existing draft planning proposal can be forwarded to the Minister for Planning as it has been submitted. There is already a link between the existing residential development of Picton and the Clearview site via the PTT Urban LEP, therefore if none of the landowners wish to be involved, the draft proposal can still progress. It would also be acceptable if one or two or the three landowners decide to be included in the planning proposal.

Whether these properties are included in this planning proposal may be determined on whether the landowners are willing to contribute financially to any studies that the Department of Planning require. The applicant of the current draft planning proposal has indicated that they are not willing to fund the studies to cover all of these properties, therefore it will be up to the landowners to fund the appropriate proportion (unknown at this stage).

Sewerage Treatment Plant (STP)

The applicant proposes to provide an on-site sewerage treatment plant (if necessary) to service the site. The Picton STP currently has limited capacity and would not be able to service this site in its current state.

The latest indication from Sydney Water is that by the time this development occurs, the Picton STP may have been expended and capacity may be available to service this site. The expansion of the Picton STP would be a significant increase and the servicing of the Clearview site by the Picton STP would not be at the expense of the other PTT precincts.

This issue is still undetermined, however if the applicant is to provide an on-site STP, the location and design would need to be assessed in greater detail to ensure impacts are minimal. Either option would potentially be acceptable subject to further information.

FINANCIAL IMPLICATIONS

As noted previously in this report, the draft planning proposal is deemed to be *Council's* planning proposal once endorsed by Council and forwarded to the Minister. Despite the planning proposal becoming Council's at that point, the legislation nevertheless enables Council to recoup from the applicant the costs of progressing the planning proposal (i.e. study costs etc).

As the planning proposal proceeds further investigations into contributions towards infrastructure provision through planning agreements and section 94 will need to occur.

CONCLUSION

The revised draft planning proposal for the "Clearview" property proposes to rezone land to allow for approximately 300 residential allotments on the western side of Picton, with potential for the eastern adjoining sites to be included in the rezoning process to accommodate approximately 70 additional residential allotments.

The key issues raised by Council staff and through public submission to the initial draft proposal have been investigated in the preparation of the revised draft planning proposal. Any unresolved issues such as traffic, stormwater and effluent disposal will be further assessed throughout the Gateway process and through subsequent studies.

The draft proposal is consistent in principle with Council's recently adopted Growth management Strategy and it is therefore recommended that the planning proposal be (with the inclusion of the adjoining eastern properties, subject to landowner consultation) be forwarded to the Minister for Planning for a Gateway determination.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 18 April 2011

ATTACHMENTS

1. Subject Land
2. Proposed Indicative Subdivision Layout
3. Proposed Zoning Map
4. Proposed Lot Size Map
5. Summary Table of Submissions from Initial Proposal

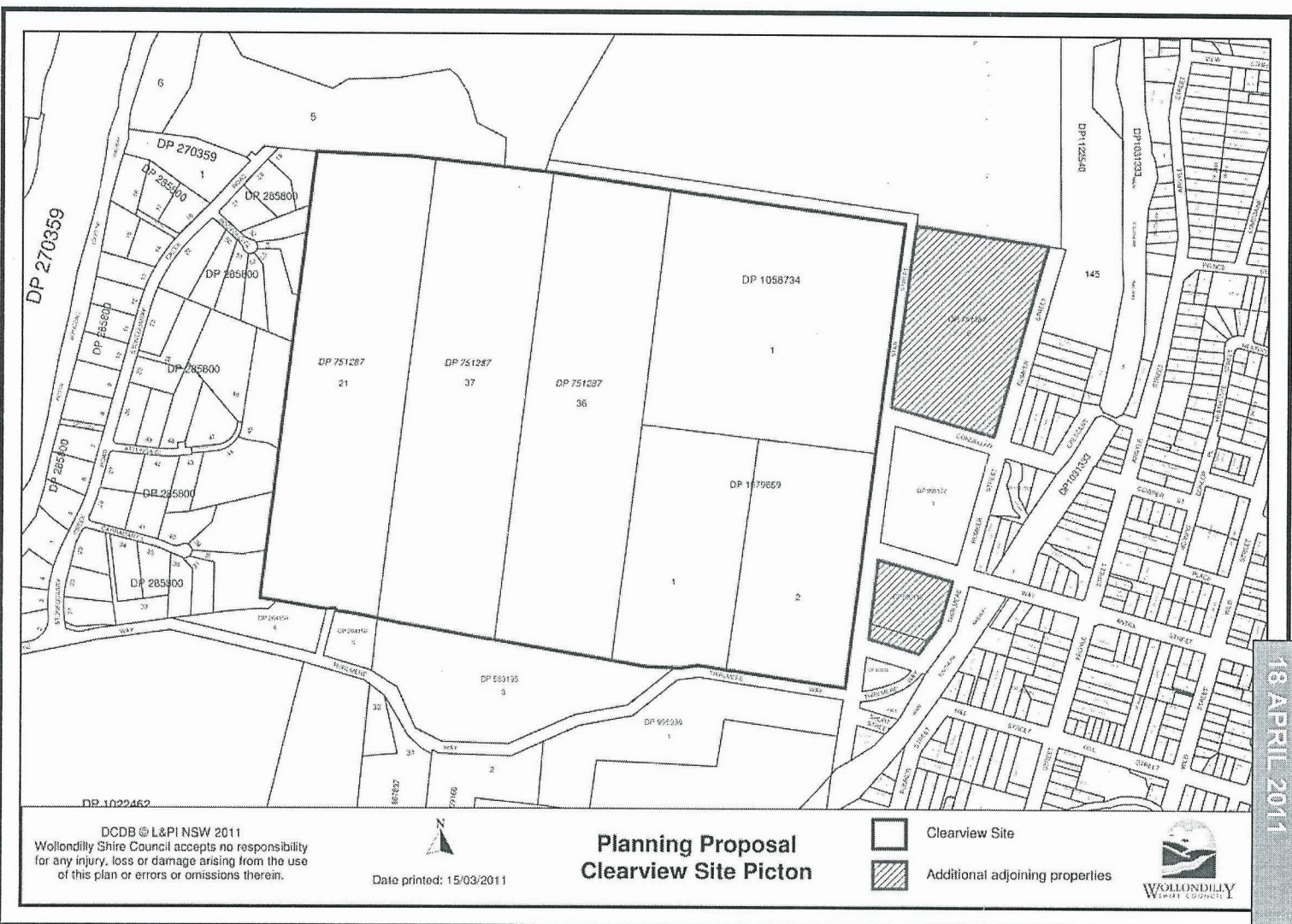
RECOMMENDATION

1. That Council support the draft planning proposal for approximately 300 dwellings (for Lot 21 DP 751287, Lot 36 DP 751287, Lot 37 DP 751287, Lot 1 DP 1058734, Lot 1 DP 1079669 and Lot 2 DP 1079669) with the additional adjoining properties (Lot 1 DP 86284, Lot 1 DP 500116 and Lot 6 DP 751287) to be included in the draft planning proposal subject to consultation with the landowners;
2. That the planning proposal be forwarded to the Minister for Planning for a Gateway determination; and
3. That the persons who made submissions regarding this matter be notified of Council's decision.

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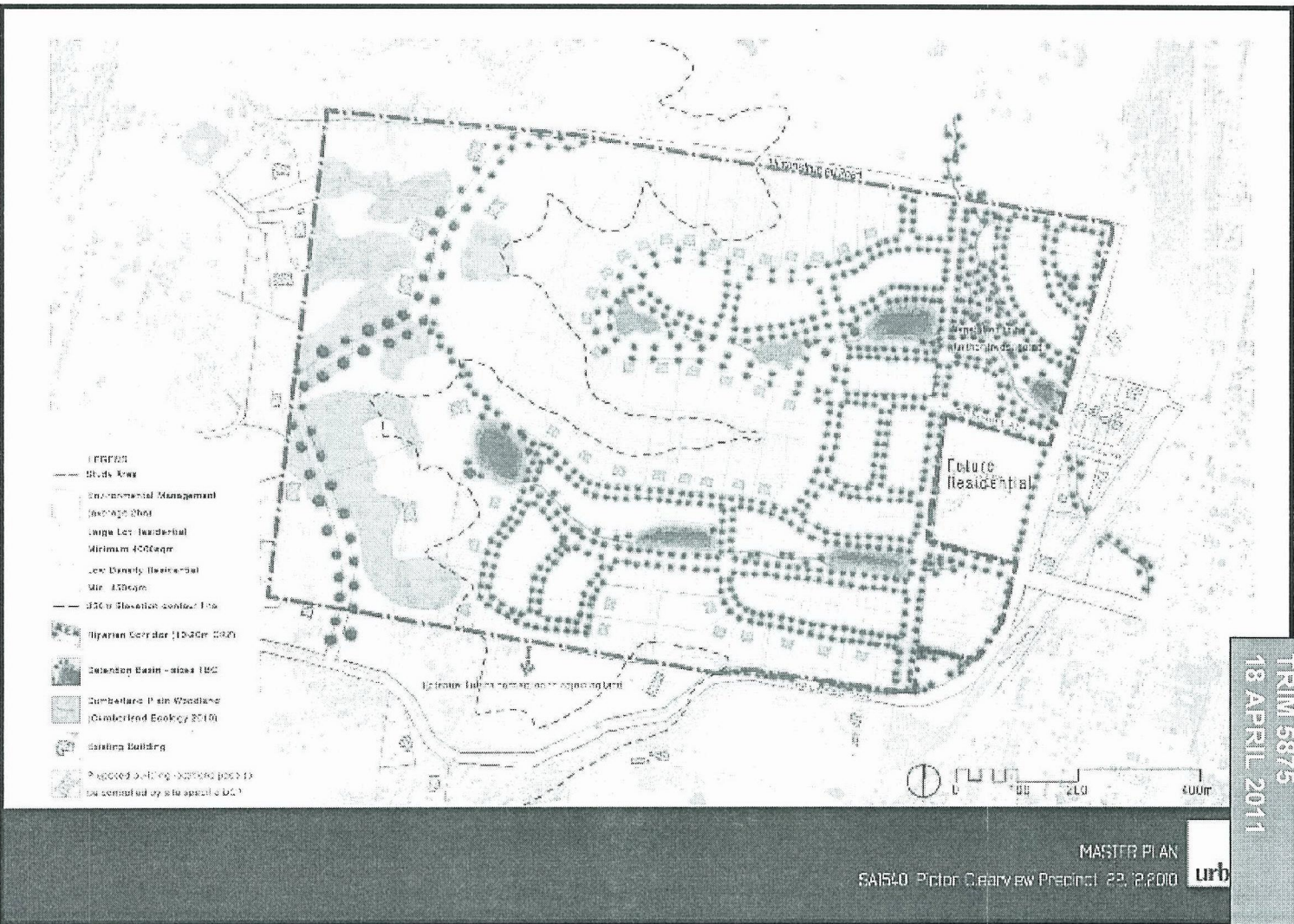
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ATTACHMENT 2
TRIM 5875
18 APRIL 2011



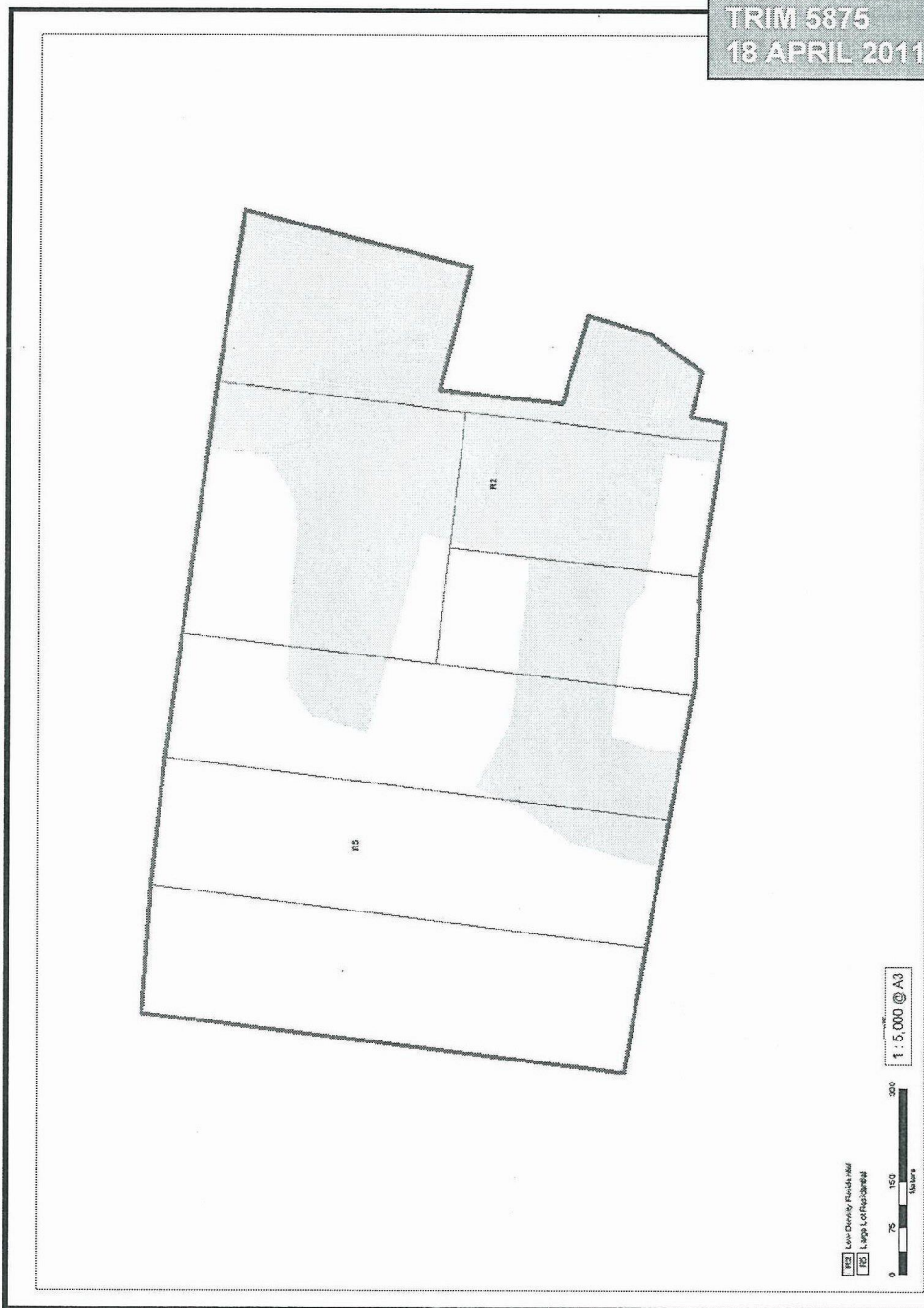
Planning & Economy

WOLLONDILLY SHIRE COUNCIL

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ATTACHMENT 3
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Planning &
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Proposed Zoning Key

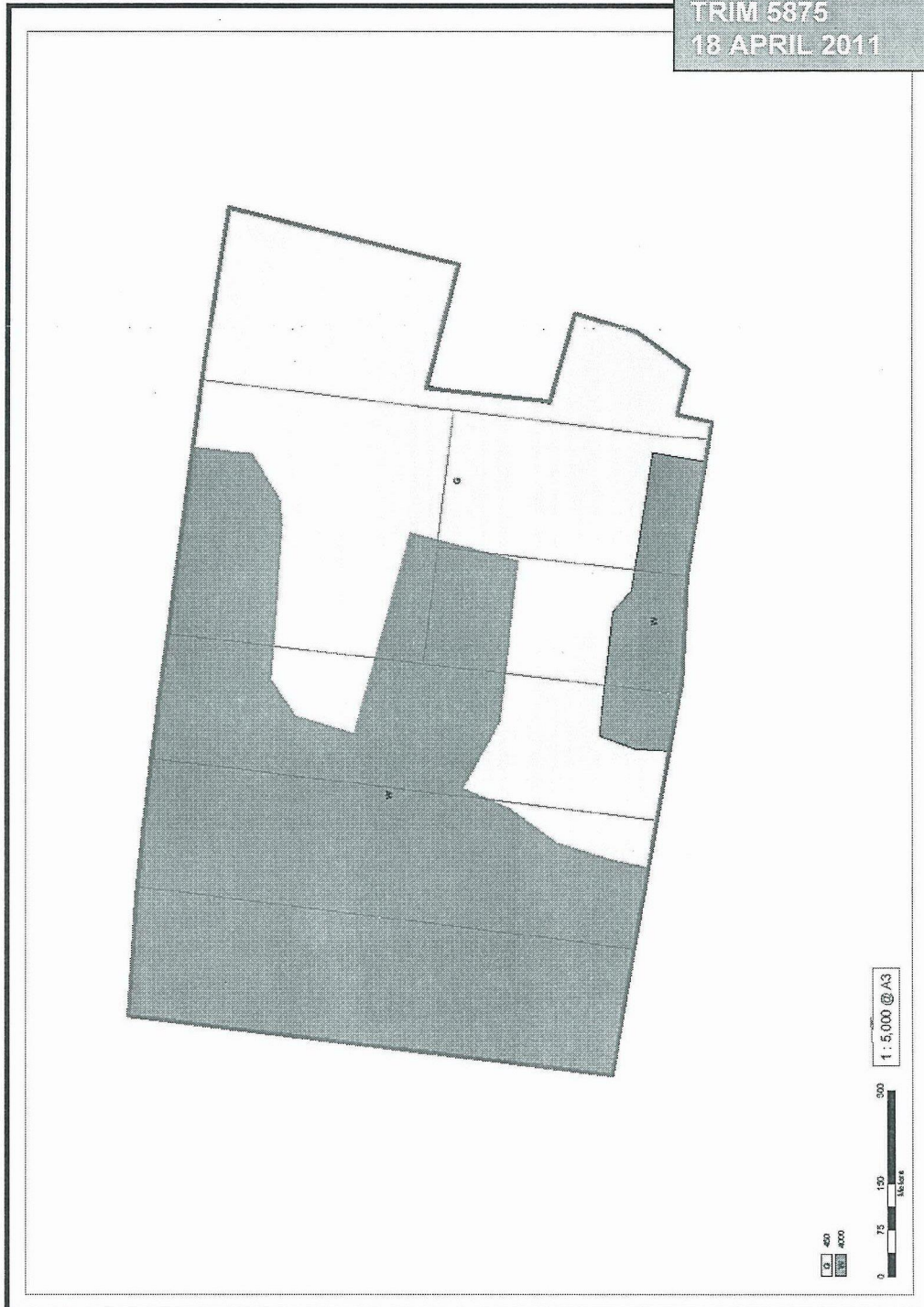
Darker Shading – R2 Low Density Residential
Lighter Shading – R5 Large Lot Residential

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ATTACHMENT 4
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Proposed Lot Size Key
Lighter Shading – 450 sqm
Darker Shading – 4000 sqm

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ATTACHMENT 5
TRIM 5875
18 APRIL 2011

**Planning &
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Attachment 5: Summary Table of Submissions for the Initial Clearview Planning Proposal

Submission Number & TRIM Reference	Issues Raised
Submission 1: 5875#7	Objects to the proposal. Will destroy rural atmosphere. Create traffic problems. Sceptical that proposal will provide a range of high quality employment generating uses.
Submission 2: 5875#12	Objects to the proposal. Create traffic problems including: Access points on Thirlmere Way and the single land bridge on Connellan Crescent are not adequate and cause traffic safety issues. Barely adequate roads for existing traffic. Traffic will be a danger to pedestrian safety. The roundabout at Argyle St will be inadequate for increased traffic. Keep development to the north or east of Stonequarry Creek so the traffic problems in Picton do not increase.
Submission 3: 5875#14	In favour of development to make the town more self sufficient. In favour of the proposal, however, the Picton-Tahmoor-Thirlmere areas proposed for rezoning should be completed before this larger development is considered.
Submission 4: 5875#17	Objects to the proposal. Will destroy rural atmosphere. Future mining is planned for under this site, has it been considered as part of the proposal? Create traffic problems. Increase traffic and noise. Access points on Thirlmere Way and Star St could not cope with the increased traffic. Why are the smaller lots and retirement village concentrated near the existing pocket of houses? They would be less of an impact if they were moved toward the rural land on the other side. Where is the infrastructure to support this development? The trains and roads are not adequate, schools are overcrowded. Loss of privacy. Will the proposal affect land rates?
Submission 5: 5875#18	Objects to the proposal. Loss of privacy and quality of life. Want their property rezoned to residential along with any zoning changes in the area. Proposal is an overdevelopment. Will destroy the rural atmosphere. Create traffic problems. Concerned the dam sizes shown on the proposal are a fraction of their current size. Half the proposed area drains to the culverts at the junction of Argyle St and Thirlmere Way via our land and the paddocks to the north. These areas are flood prone now, additional surface runoff will increase the frequency and severity of the flooding. Where is the sewerage treatment site? Is there adequate on site storage of effluent in the event of equipment failure?
Submission 6: 5875#19	The document has not addressed whether existing infrastructure can support this development. The increased traffic will be a problem, there are a number of 'bottle necks' on Argyle St now at different times of the day. Is this part of any future Council plans? Will the following be addressed?: No wheelchair access at Picton train station. Buses are few and far between, not adequate for the proposal. There are no footpaths from the site to Picton. The maps and concept plans were inadequate. Difficult to tell where the site was, no street names etc.
Submission 7: 5875#20	Will destroy rural atmosphere The Council promotes a 'Rural Living' concept and to have such countryside right on the Town's doorstep will maintain these values.

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Submission Number & TRIM Reference	Issues Raised
Submission 8: 5875#21	Concerned about increased traffic on Thirlmere Way. Already difficulties entering property because of traffic. Public transport is not currently adequate. There is a great period of time between services. Not against the proposal, particularly the aged component, there is a need for facilities of this type in Wollondilly.
Submission 9: 5875#23	Objects to the proposal. Poor access along Thirlmere Way or Connellan Cres/Rumker St. Poor access to Picton Train station or out to the freeway. Destroy rural setting which is such a tourist appeal. Picton Primary and High Schools are already filled to capacity. Loss of beautiful views. Safety concerns with traffic (and ambulances) on Thirlmere Way and the one laned bridge on Connellan Cres. Not opposed to a retirement village in Picton but should be closer to the township for all to benefit. Will destroy tourist's experience of a 'trip to the country' A development similar to the Stonequarry development with large blocks (more sensitive to the natural setting) would be preferred. The development will take the very thing that appeals to residents and tourist and reduce it to the "common, standard, ugly, suburban mediocrity that has ruined the rest of the Sydney Basin". Please ensure the development is sensitive to Wollondilly's prized rural setting and that the number of residents are not a burden on the rest of Picton's infrastructure.
Submission 10: 5875#24	Objects to the proposal. Property would depreciate in value. The development would be very obtrusive to my land as the site slopes towards it. The proposal would significantly detract from the rural atmosphere of Picton. The proposal will change Picton's personality, significantly change the demographics promoting the area to the older population. Would require substantial and expensive upgrades to Picton's infrastructure including public transport, road upgrades, community services for the aged, increase in emergency services Significantly worsen traffic congestion due to its position that would be nearly impossible to resolve.
Submission 11: 5875#26	A Right of Carriageway exists over Lot 1 and 2 DP 1079669 in favour of Lot 3 DP 583195 adjoining the site. No new road is shown in this location on the concept plan. Surface rainwater flows from Lot 3 DP 583195 to the large dam in the proposal, provisions should be made for this so proposed allotments are not affected by run off. The proposal appears to be an overdevelopment of the site. The aged care and seniors units are supported. The parkland to the north of Lot 3 DP 583195 would be well received. Does not object to any well planned development on the Clearview site.
Submission 12: 5875#27	Objects to the proposal. Proposal will destroy the farmland on which it is proposed. It is fertile land that should be used for primary production not housing. The proposal would destroy the visual amenity of this agricultural basin. The proposal is an overdevelopment of the site and has not considered the hilly topography of the site. If any development is considered on this site it should be 4000sqm blocks or larger to compliment its position on the fringe of Picton. There is no chance the narrow streets to and from the proposed site will be able to handle the increased traffic flow. Access to and from Thirlmere Way will be dangerous. Stormwater runoff will be almost impossible to contain on site given the steep slopes. There is potential for increased flooding of residents below. Steep slopes might be subject to land slip. The site is scheduled to be undermined in the near future which should be allowed to occur

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Submission Number & TRIM Reference	Issues Raised
	before any development is considered. Undermining of residential lots should be avoided. The area has never been earmarked for development and does not fit into the greenbelt concept that Council has always adopted between villages. Stonequarry and Bingsara Gorge developments have not been completed as proposed. Why should any further development be considered? Increased traffic will be a major problem. Car parking at the train station will be a problem. There is no mention of bushfire safety, the proposal has too many people in too small an area. Current water infrastructure cannot handle this number of dwellings.
Submission 13: 5875#28	The aged care facility is a great idea and is needed in Wollondilly. Access via Thirimer Way for the private dwellings will be a problem as it is on top of a blind hill. Thirimer Way could not cope with the increased traffic. Access via Connellan Cr would be inappropriate due to the single lane bridge and the intersection at Argyle St is not safe with the current volume of traffic. The bus stops are too far away for the elderly and there are not many buses. Trains are few and always full during peak hour. There are not enough doctors to service the increased population. The proposal will take away the rural outlook.
Submission 14: 5875#29	Objects to the proposal. One of the few remaining sections of large property between Picton and Thirimer defining the two as independent villages. Council's catch cry of "Rural Living" is rapidly disappearing. Clearview should remain as it is to retain the rural aspect of Picton. Thirimer Way is a narrow, winding, hilly road and the increased traffic will cause traffic chaos and dangerous driving conditions. The area is a wildlife corridor, inhabited by numerous birds, echidnas, kangaroos and wallabies. With such a development, these animals would disappear.
Submission 15: 1177-2#180	Submission on behalf of landowners of 10 Attunga Close, Picton No objections to the general rezoning or subdivision of the site. Concerns regarding impacts on the amenity and outlook of 10 Attunga Close. Will lose rural outlook. Principal concern is the location of the western most proposed access road from Thirimer Way. Runs within direct proximity to eastern boundary of 10 Attunga Close. The number of lots accessible via this road is considered excessive and an unreasonable impact on 10 Attunga Close. Requested that further consideration be given to an increased buffer of large lots adjoining 10 Attunga Close. Suggested that the access road from Thirimer way be moved east or if topography does not allow this, be restricted to the large lot residential to reduce traffic impacts. Council should have a high level of consideration to the potential impacts of traffic, loss of threatened species of flora and fauna, drainage and geotechnical stability of the site.

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 April 2011, commencing at 6.33pm

Wollondilly Shire and Its Planning and Economy

Cr Mitchell left the meeting at 6.47pm due to a previously declared Conflict of Interest.

PE3

Draft Planning Proposal - Clearview Site, Thirlmere Way, Picton
247LSTEV

TRIM 5875

Moved on the motion of Crs M Banasik and Beshara:

1. That Council support the draft planning proposal for approximately 300 dwellings (for lot 21 DP751287, Lot 36 DP751287, Lot 37 DP751287, Lot 1 DP1058734, Lot 1 DP1079669 and Lot 2 DP1079669).
2. That the planning proposal be forwarded to the Minister for Planning for a Gateway Determination;
3. That the persons who made submissions regarding this matter be notified of Council's decision.
4. *That the applicant is to submit details of the potential location(s) of any on-site sewerage treatment plant, due to uncertainty regarding the potential impacts of an on-site sewerage treatment plant on nearby residential properties.*
5. *That Council's traffic engineering staff will assess the feasibility and traffic access implications of the proposal put forward by the applicant to prevent vehicular access to the site via Connellan Crescent.*

Cr Read foreshadowed the motion:

That Council not support this application at this point in time.

69/2011

Resolved on the motion of Crs M Banasik and Beshara:

1. That Council support the draft planning proposal for approximately 300 dwellings (for lot 21 DP751287, Lot 36 DP751287, Lot 37 DP751287, Lot 1 DP1058734, Lot 1 DP1079669 and Lot 2 DP1079669).
2. That the planning proposal be forwarded to the Minister for Planning for a Gateway Determination;
3. That the persons who made submissions regarding this matter be notified of Council's decision.

WOLLONDILLY SHIRE COUNCIL

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Wollondilly Shire and Its Planning and Economy

- 4 *That the applicant is to submit details of the potential location(s) of a on-site sewerage treatment plant, due to uncertainty regarding the potential impacts of an on-site sewerage treatment plant on nearby residential properties.*
5. *That Council's traffic engineering staff will assess the feasibility of traffic access implications of the proposal put forward by the applicant to prevent vehicular access to the site via Connellan Crescent.*

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

Vote For: Crs M Banasik, B Banasik, Khan and Beshara

Vote Against: Crs Read, Hannan and Landow

Cr Mitchell returned to the Meeting at 7pm.

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