
5 Part 3 – Justification

5.1 Section A – Need for the Planning Proposal

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

Yes. Wollondilly Shire Council has recently exhibited the *Wollondilly Growth Management Strategy 2010*, which identifies the Picton Tahmoor Thirlmere (PTT) area as a location for additional growth. The site is not specifically identified within the Structure Plan prepared for PTT as part of the GMS, however it is considered that the future development of the site is consistent with the aims and key policy directions of this strategy.

A submission was made on the GMS which clearly set out why the land should be specifically identified within the strategy. This is discussed further in Section 5.2.2. On February 4 2010 Council released its report on the GMS public consultation period, which made specific reference to this submission. In particular, Council said that because this proposal was for rural residential development it was not required to be included in the GMS structure plan, a plan specifically designed for urban development. Council's other comments in relation to the proponent's GMS submission include:

- *There will always be a demand for rural residential properties in Wollondilly due to the on-going "tree change" phenomenon.*
- *There are opportunities for rural residential which need to be maintained across the LGA.*
- *The most appropriate location for rural residential lots is on the fringe of urban development as they act as a suitable transition between small urban lots and the surrounding rural and environmental lands.*
- *This site is identified as an appropriate location for large lot rural residential development.*
- *Rural residential development on the subject site is preferable to other ad-hoc rural residential proposals.*
- *The proposed development has the potential to provide facilities of general community benefit.*
- *The economic/tourism benefits of the proposal are potentially significant.*
- *As the proposal constitutes rural residential it was not deemed necessary to include it in the GMS structure plan.*
- *The proponent is invited to lodge a planning proposal.*

This planning proposal is therefore a response to Council's comments on the proponent's submission to the Wollondilly GMS. The strategy shows that council is open to the type of rural residential opportunities outlined in the development concept accompanying this proposal.

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

The site is zoned RU2 – Rural Landscape under the Wollondilly LEP 2011, with a minimum lot size of 16ha.

As an alternative to rezoning the land to permit the proposed development, an additional permitted use for the land could be included in Schedule 1 of the Wollondilly LEP 2011.

However, given the nature of the proposed development and the need to ensure that, for conveyance purposes, Section 149 Certificates reflect the actual use of the land it is considered that a rezoning as proposed in this Planning Proposal is the most appropriate manner in which to amend the LEP.

Rezoning the part of the site that contains significant natural vegetation to E2 Environmental Conservation will ensure that the environmentally sensitive areas on the site will be rehabilitated and protected for community benefit.

5.1.3 Is there a net community benefit?

Yes. The proposed development provides for a wide range of community facilities that would be utilised by the broader community (see section 2.3).

The Department of Planning Guidelines (July 2009) includes the following advice in relation to the net community benefit assessment:

- The Assessment should only evaluate the external costs and benefits of the proposal (ie. the externalities).
- Consideration must be given to changes that reflect a higher community benefit.
- The proposal should be assessed against the matters specified in the justification. The Assessment should evaluate the proposal against a base case or base cases including retaining the existing zoning on the land.
- The Draft Centres Policy includes guidance on conducting a Net Community Benefit Test that should be followed when assessing the net community benefit of a Planning Proposal. This guidance has been reproduced in the Department of Planning's Guidelines but adapted to suit all types of Planning Proposals.
- Because of the difficulty in assigning values to certain costs and benefits associated with Planning Proposals, the Net Community Benefit Test will not be a purely quantitative test.

As outlined below the overall community benefit from the rezoning would be positive as future development of the land for residential purposes will improve opportunities for housing choice in an attractive rural setting adjacent to the town centre of Tahmoor.

The planning proposal protects bushland within an environmental conservation zone and the development concept for the site includes the rehabilitation, enhancement and protection of riparian and bushland areas on the land. Such an approach is consistent with the Department of Planning's preferred means of dealing with environmentally sensitive land and has a significant overall community and broader public benefit by protecting biodiversity and potentially providing public access to this land.

Tahmoor is well serviced as discussed in Section 5.4.1. As demonstrated on the development concept at **Appendix B** the proposal would enable the site to be subdivided into approximately 102 residential lots. This is not considered to be of a scale that is likely to place unreasonable demand on existing services and would assist in accommodating the growth demands of the locality. An increase in residents would strengthen the role of Tahmoor as a town centre, as identified in the South West Sub Regional Strategy.

The construction and building works associated with a residential development will provide temporary employment opportunities. Rezoning of the land will facilitate an orderly extension of Tahmoor and the proposal will address a genuine need for additional housing as identified in the South West Sub Regional Strategy and the Wollondilly Growth Management Strategy.

Overall the proposal will result in numerous community benefits and external costs are expected to be minor or negligible.

5.2 Section B – Relationship to strategic planning framework

5.2.1 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)?

The South West Sub Regional Strategy forms part of the State government's metropolitan planning and covers the local government areas of Campbelltown, Liverpool, Camden and Wollondilly. The strategy identifies eight strategic directions for the subregion, including:

- Plan for major housing growth
- Plan for major employment growth
- Develop Liverpool as a Regional city
- Intensify existing areas around retail centres and public transport corridors
- Strengthen centres with public transport
- Extend transport networks to connect the south west growth centre to existing centres
- Recognise and support the rural character of the subregion
- Protect resource lands

The strategy has a target of 155,000 new dwellings within the subregion between 2004 and 2031. Tahmoor has been identified in the strategy as a "Town Centre", which is defined as a larger group of shops and services that are the focus for a large residential population. The strategy states that Tahmoor is developing as the retail centre for Wollondilly and that there is potential to physically expand the retail centre. It is identified as not having the topographical and flooding constraints of Picton, or its cultural and heritage values.

The Planning Proposal is consistent with the subregional strategy, as follows:

- Would assist in achieving the target of 155,000 new dwellings in the subregion by 2031
- Would focus residential development around town centres (Action C2.1 of the SW Strategy): Tahmoor is on a railway line that links the town with Sydney and other larger centres such as Goulburn and Canberra. It also provides a range of local services. The site is located in close proximity to the town centre.
- Would provide for a mix of housing (Action C2.3 of SW Strategy): the proposal would provide for large lot residential development in proximity to an existing centre, which would complement higher density forms of development located within the town.
- Provides for a large lot residential development which is consistent with the rural character of the local area. The site provides for an appropriate transition between the more urban outskirts of Tahmoor and the state forest.
- Would assist in maintaining the vitality of the Tahmoor town centre (Action C3.1 of SW Strategy).

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

Wollondilly Council has recently exhibited the *Draft Wollondilly Growth Management Strategy 2010 (GMS)*. The subject land was not identified within the GMS, however a submission was made on the GMS during the exhibition period which proposed the inclusion of the subject land within the GMS. This submission outlined how the inclusion of the site was consistent with the aims, objectives and key policy directions of the GMS and demonstrated that the site could make a valuable contribution towards housing provision in the region in the near future.

As mentioned previously, Council responded to this submission in its report on the GMS exhibition period (discussed in Section 5.5) highlighting that this proposal was consistent with its vision for rural residential in Wollondilly. Furthermore, Council stated that as the GMS structure plan was in response to urban development this site did not have to specifically be included in that plan. The GMS includes a comprehensive Assessment Criteria for planning proposals which seek to develop land for residential uses. Part 1 of the Assessment Criteria contain general criteria which have been addressed throughout this report. The relevant criteria from Appendix 1 of the GMS are assessed in the table below.

Table 5-1 GMS Assessment Criteria (as outlined in Appendix 1)

CRITERIA	RESPONSE
PART 1 General	
Project Objectives	Refer Section 3 and 5.1.2.
Project Justification	
- is the proposal the result of a strategic study or report endorsed by the Department of Planning and/or Wollondilly Council - Is the proposal the most appropriate means of achieving the Key Policy Directions of the GMS? - Will the proposal place expectations/ requirements on Council and/or other government agencies to change existing strategies/procedures and/or implement new strategies and procedures to integrate the proposal with existing operations? - Net community benefit - Summary of likely impacts to the environment, the community & the economy - Infrastructure & services – type capacity & quality/reliability	Refer Section 5.
- Efficient & timely use of infrastructure resources	The site can adequately utilise the existing infrastructure associated with the Tahmoor township, with any required augmentation undertaken at the cost of the developer.
PRESERVING RURAL LAND & CHARACTER	
Character & Setting	The subject land is located almost on the contiguous edge of existing residential housing associated with the Tahmoor township. It is therefore a logical and appropriate location for urban expansion as it is constrained geographically at the eastern edge by the Nepean River, which would form a physical barrier to urban sprawl. The development of the land for large lot residential would provide a transition between the higher density development of the existing town and the Nepean River.
Visual Attributes	Development of the site as proposed will assist in providing

CRITERIA	RESPONSE
	for a mix of housing within the LGA; offering high-quality lifestyle within a rural setting, together with good access to infrastructure and services associated with the Tahmoor township.
Rural & Resource Lands	The subject land is not of sufficient size to operate as a viable agricultural holding. There is limited opportunity to expand the current holding given the nature of surrounding properties and landforms.
ENVIRONMENTAL SUSTAINABILITY MAINTAINING BIODIVERSITY	
Protection & conservation	Significant bushland and environmental features proposed to be protected in an environmental conservation zone.
Water Quality	
Flood Hazard	
Geotechnical/Contamination/Resources/Subsidence	
Buffers & Spatial Separation	
Bushfire Hazard	
Heritage Significance	Refer Section 5.3.2.
Resources Sustainability	
Large lot residential is considered a sustainable use for the subject land, given the locational attributes of the site (periphery of existing Tahmoor township) and fact that agriculture is not viable on the site.	
INFRASTRUCTURE AVAILABILITY	
Efficient Use of Infrastructure & Resources	Refer Section 5.4.1
Access & Transport	Refer Section 5.3.2
ECONOMIC & SOCIAL CONSIDERATIONS	
Economic opportunities & Impacts	Refer Section 5.3.3
Open Space	Areas of informal open space and environmental conservation areas are proposed as part of the development concept (Appendix B). These areas of open space include spine parks, walking trails, tennis courts, riding parks and look outs. The exact boundaries and design of these would be determined as part of future detailed planning for the site.
Community Services & Access	The future development of the land for residential purposes will place some additional demand on community services, however population increases within the region have been anticipated (as per the GMS). The proposed development concept would not place an unreasonable level of demand on existing facilities.
RESIDENTIAL LAND SUPPLY	
Location/Area/Type	The subject land is located almost on the contiguous edge of existing residential housing associated with the Tahmoor township. It is a logical and appropriate location for urban expansion. The development of the land for large lot residential would provide a transition between the higher density development of the existing town and the Nepean River.

CRITERIA	RESPONSE
PART 3 Residential Land Use Categories	
Supply & Demand Analysis	Council have acknowledged that there is a constant demand for rural residential development in the LGA and that the site provides a logical location for this type of development.
Location/Area/Type	Refer above.
Transport/Roads/Access	Refer Section 5.3.2.
Social Integration	Development of the site as proposed will assist in providing for a mix of housing within the LGA; offering high-quality lifestyle within a rural setting, together with good access to infrastructure and services associated with the Tahmoor township.
Rural Residential Specific Criteria	
- Minimum 4,000m ² lot size, contiguous with the town edge	- minimum 4,000m ² proposed
- Within ~2km of town or village centre	- located in relatively close proximity to Tahmoor town centre
- Evidence of demand and supply	- development of the land for large lot residential would provide a transition between the higher density development of the existing town and the Nepean River
- Infrastructure & service availability & provision	- water sensitive urban design report prepared for site and provided in Appendix I .
- Create/maintain a distinct town edge setting and an effective interface between urban and rural land	- land is not agriculturally viable land
- Total water cycle management plan	- proposal maintains separation between towns and rural areas and maintains character
- Should not result in fragmentation of valuable agricultural land	- detailed controls would be considered as part of any future application
- Preserve separation between town and rural areas	- natural features proposed to be protected in conservation zone
- Preserve future urban and rural character	- infrastructure available to site, with any minor augmentation required to be provided by developer
- Retain, protect, manage natural features	- Tahmoor has access to railway station and an increase in population will assist in improving public transport
- Controls to ensure landowners maintain land so as not to jeopardise agricultural land	- Proposal would provide a transition between existing residential development in Tahmoor and surrounding natural/agricultural areas.
- Infrastructure Cost Benefit Analysis	
- Alternatives to private vehicle use	
- Mixed with urban on town edge development to broaden housing mix and affordability.	

5.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The following *state environmental planning policies* (SEPPs) apply to the site:

- *State Environmental Planning Policy* (Rural Lands)
- *State Environmental Planning Policy 19* – Bushland in Urban Areas
- *State Environmental Planning Policy 44* – Koala Habitat
- *State Environmental Planning Policy 55* – Remediation of Land
- *State Environmental Planning Policy (Infrastructure) 2007*

The proposal's relevance to and consistency with these SEPPs is discussed below.

State Environmental Planning Policy (Rural Lands) 2008

The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. It applies mainly to rural subdivision and the development of dwellings on rural land.

The SEPP requires that the preparation of LEPs must be consistent with the rural planning principles and, where a change in minimum lot size is involved, the rural subdivision principles. These are as follows:

Clause 7 Rural Planning Principles

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- In planning for rural lands, to balance the social, economic and environmental interests of the community,
- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Comment

There are no classifications to indicate that the subject land is agriculturally significant. The existing holding is of an insufficient size to continue as a commercially viable agricultural property.

The part of the site that contains environmentally sensitive land is proposed to be zoned for environmental conservation (E2) (**Appendix A**).

Future rural living lots can be located on the remainder of the site which is relatively unconstrained and highly disturbed agricultural land. This is demonstrated in the development proposal in **Appendix B**.

The proposal will provide additional opportunities for housing within a rural setting which is part of the fabric of the Wollondilly LGA. The proposed rezoning is a logical extension to the existing urban area associated with the township of Tahmoor.

The site has access to infrastructure and other services. Further investigations will be required to determine the level of augmentation that these services may require to cater for future residential uses.

The proposal is consistent with and supports the Draft South West Subregional Strategy as discussed in previously in Section 5.2.1.

Clause 8 Rural Subdivision Principles

- the minimisation of rural land fragmentation,

- the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- the consideration of the natural and physical constraints and opportunities of land,
- ensuring that planning for dwelling opportunities takes account of those constraints.

Comment

Existing residential land associated with the Tahmoor township is located to the north west of the site. The site is physically bound to the east and south by the Nepean and Bargo Rivers. Rezoning the site to allow rural living subdivision would provide a logical extension to the existing township without fragmenting agricultural land which is located west of the site.

The location and setting of the site means that its future development for residential purposes could be undertaken without impacting on adjacent rural landholdings. The parcel of land is physically constrained by the adjoining rivers and is visually separated from other landholdings by a ridgeline to the west.

The studies carried out to date have investigated the heritage, ecology, contamination, bushfire, traffic, drainage and flooding constraints that affect the site. Findings of these studies indicate that a majority of the site is relatively unconstrained and suitable for development. Portions of the site, particularly in the north and south east, have been identified as environmentally sensitive and may not be suited for residential development. This is reflected in the proposed zoning plan which includes the majority of this land as Zone E2 – Environmental Conservation (**Appendix A**).

State Environmental Planning Policy 19 – Bushland in Urban Areas

This policy aims to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

The general aim of this Policy is to protect and preserve bushland within urban areas because of:

- its value to the community as part of the natural heritage,
- its aesthetic value, and
- its value as a recreational, educational and scientific resource.

Comment

The proposal supports the aims of this SEPP by proposing the protection and enhancement of significant areas of vegetation within environmental conservation zones. The protection and enhancement of important natural areas on the site is further reinforced in the potential development concept.

The specialist reports prepared for the site have identified significant natural and historical features on the site. Apart from these areas the site is predominately unconstrained having being used previously for agricultural pastoral land. The development concept locates the majority of these significant elements, including bushland, within an environmental protection zone. Further investigations will be required in the future prior to development. These investigations will include management measures to protect and promote the important environmental elements of the site. It should be noted that the proposed development concept (**Appendix B**) has been designed to ensure the DECCW's maintain and enhance outcome is achieved at the site and includes a 250-330m setback from the Bargo and Nepean Rivers.

State Environmental Planning Policy 44 – Koala Habitat

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.

The Ecological Constraints Assessment, dated February 2011 and prepared by Travers identifies potential koala habitat on the site.

One Koala food tree species Grey Gum (*Eucalyptus punctata*) was recorded within the subject site. These trees comprise greater than 15% of the total number of trees within the Grey Gum / Ironbark Open Forest, Grey Gum / Ironbark / Peppermint Gully Forest and Pasture with Scattered Trees vegetation communities and therefore are classified under SEPP 44 as 'Potential Koala Habitat'.

Koalas are typically described to inhabit forest and woodland communities within literature reviewed; this combined with the lack of connectivity throughout the majority of the Pasture with Scattered Trees community suggest that suitable habitat is essentially restricted to the northern and eastern forested portions of the subject site.

A search of the Atlas of NSW Wildlife (DECCW 2010) database found 36 records of Koala habitation within a 10 km radius from the subject site since 1989. The closest 4 records are located approximately 3km to the south-east, south & north-east in 1999, 2004 & 2006. Records do not suggest a strong local presence which likely extends into the subject area however field fauna surveys will be required to determine if the subject site comprises of 'Core Koala Habitat' as defined under SEPP 44.

If the site is found to provide evidence of a resident koala population then a Koala Plan of Management will be required under SEPP 44 as part of any future development application. Given that suitable areas and connectivity between Open Forest communities is retained as part of the planning proposal then this species will not likely offer a constraint to development. The 18Ha corridor of high quality vegetation will also assist in the preservation of the Koala population in the area.

State Environmental Planning Policy 55 – Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

A preliminary contamination assessment did not identify any areas of contamination on the site and concluded that the site is suitable for residential development.

State Environmental Planning Policy (Infrastructure) 2007

This SEPP assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure in areas such as education, hospitals, roads, railways, emergency services, water supply and electricity delivery.

This SEPP applies to the subdivision of land into 200 or more lots where the site has access to any road. As demonstrated in the indicative subdivision at **Appendix B**, the proposal would result in approximately 102 residential lots. Therefore this SEPP does not apply to the proposal.

5.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

Relevant s117 direction	Response
1.1 Business and Industrial Zones	This direction is not applicable to the Planning Proposal.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. The proposal is consistent with this

Relevant s117 direction	Response
	Direction.
1.4 Oyster Aquaculture	This direction is not applicable to the Planning Proposal.
1.5 Rural Lands	This direction is not applicable to the Planning Proposal.
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas. The site has been predominately cleared of vegetation and there are no environmental protection zones on the site.
2.2 Coastal Protection	This direction is not applicable.
2.3 Heritage Conservation	This direction is not applicable.
2.4 Recreation Vehicle Areas	This direction is not applicable.
3.1 Residential Zones	The proposal is consistent with the objectives of this direction and would permit a range of lot sizes on relatively unconstrained land. The site is adjacent to existing infrastructure and services and will provide an efficient use of the land.
3.2 Caravan Parks and Manufactured Home Estates	This direction is not applicable.
3.3 Home Occupations	This direction is not applicable.
3.4 Integrating Land Use and Transport	Adequate services exist within the locality. In particular, Tahmoor and Picton provide a wide range of complementary services including education, health, recreational and community services which would be sufficient to service the site.
3.5 Development Near Licensed Aerodromes	This direction is not applicable.
4.1 Acid Sulfate Soils	This direction is not applicable.
4.2 Mine Subsidence and Unstable Land	This direction is not applicable to the Planning Proposal.
4.3 Flood Prone Land	This Direction states that Council should consider the NSW Government Flood Prone Land Policy and Floodplain Development Manual in assessing proposals. Flooding has not been identified as a constraint for the site.
4.4 Planning for Bushfire Protection	The proposal contains some areas of land identified as being Bushfire Prone. Future development would be able to comply with the PBP Guidelines 2006.
5.1 Implementation of Regional Strategies	The proposal is consistent with the strategic direction set by the South West Subregional Strategy.
5.2 Sydney Drinking Water Catchments	Future development of the site will need to demonstrate that there is no impact on the quality of water leaving the site. This has been addressed in the WSUD Report prepared for the site which has demonstrated that this is possible.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction is not applicable.
5.4 Commercial and Retail Development along the New England Highway, North Coast	This direction is not applicable.
5.5 Development in the vicinity of	This direction is not applicable.

Relevant s117 direction	Response
Ellalong, Paxton and Millfield (Cessnock LGA)	
5.8 Second Sydney Airport: Badgerys Creek	This direction is not applicable.
6.1 Approval and Referral Requirements	This direction is not applicable.
6.2 Reserving Land for Public Purposes	This direction is not applicable.
6.3 Site Specific Provisions	This direction is not applicable.

5.3 Section C – Environmental, Social & Economic Impact

5.3.1 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?

Travers Bushfire & Ecology undertook an ecological assessment of the site to identify whether there were any endangered ecological communities or endangered species on the site. The assessment has identified the following:

- No threatened flora species are located on the site. One specimen has been sent to Royal Botanic Gardens for identification however, and may comprise *Persoonia bargoensis*.
- One endangered ecological community (EEC), *Shale Sandstone Transition Forest*, was recorded within the site.
- One threatened fauna species, Glossy Black Cockatoo, was recorded foraging during the recent botanical survey carried out at the site.
- One migratory species listed under the EPBC Act 1999 (Cattle Egret) was recorded within the subject site.
- One state-listed threatened species (Macquarie Perch) has the potential to utilise the Nepean River and Bargo River, along the lower eastern limits of the subject site.
- No endangered populations were recorded on site, nor considered likely to occur.

The key ecological issues associated with the site, include:

- A large portion of the site (approximately 85ha) is unconstrained and suitable for development.
- The large farm dam on the western boundary of the site provides important bird habitat.
- The EEC comprised approximately 4.87ha, the majority of which should be retained on-site. Three small remnants which total less than 0.25ha could be removed, if necessary.
- Riparian buffers would be required for existing watercourses on the site.
- Potential exists for hollow-dependant threatened species to reside within hollows located along the fringes of the mapped pasture land.
- The native open forest along the eastern boundary of the site is a valuable fauna corridor.

The report concludes that large portions of the site are ecologically unconstrained and therefore suitable for development. Those areas identified as significant have been largely included in an environmental conservation zone. The proposed development concept prepared for this site has taken into account all the environmental constraints highlighted in the Travers Report.

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

The following additional reports have been undertaken as part of a detailed site constraints analysis for the site.

- Bushfire Assessment by Travers Bushfire & Ecology
- Cultural Heritage Impact Assessment by RPS
- Transport Impact Assessment by Arup
- Riparian Corridor and Site Flood Assessment by WorleyParsons
- Preliminary Contamination Assessment by JBS Environmental
- Odour Impact Assessment by Benbow Environmental

These reports can be summarised as follows.

Bushfire

Bushfire and ecology experts Travers were commissioned to assess the bushfire threat associated with a large lot residential development and recreational facilities on the site. The report concludes that, the planned concept does not pose an unacceptable bushfire threat.

The bushfire assessment has identified potential bushfire threats from both the forest vegetation associated with the adjoining riparian area and the steep escarpments to the east and north of the site. Any future revegetation of riparian corridors within the site would also pose a potential bushfire threat.

The assessment has identified appropriate asset protection zones (APZs) for the site, in accordance with the *Planning for Bushfire Protection Guidelines 2006*. The required APZs are relatively large in many areas due to the steep, vegetated slopes in the north, east and south. The assessment suggests that the type of large lot housing planned for the site is appropriate and that APZs could be adequately accommodated as part of the future site plan.

The assessment also specifies requirements in relation to access and the level of construction required and for any future proposal on the site.

Heritage

RPS undertook a Cultural Heritage Impact Assessment across the subject land in order to identify any constraints to development. In terms of Aboriginal cultural heritage, field surveys identified one rock shelter with a potential archaeological deposit (PAD) on the upper banks of the Nepean River, in the south-eastern portion of the study area. This site is proposed to be included within the E2 zone and will therefore not be impacted by future development.

No European cultural heritage sites were found during the surveys.

There are, therefore, no heritage constraints impacting the proposed rezoning. The proposed development concept for the site also reflects the findings of the heritage report.

Riparian Corridor and Flooding

Worley Parsons conducted a stream classification and flood review of the site. Their report shows that the site drains to the Nepean River, which forms the eastern boundary of the site. The Bargo River is also located to the south of the land and Myrtle Creek to the north. The site does not fall within a Sydney drinking water catchment, being located between the Nepean and Warragamba catchments.

There are no significant watercourses which occur within the site. In fact the report demonstrates that a number of watercourses that appear on Council's stream classification mapping do not actually exist. A number of drainage lines, however, traverse the site in an easterly direction. A farm dam has been constructed along one of the drainage lines on the western boundary of the site, within Lot B (refer Concept Design in **Appendix B**). This dam is proposed to be retained as part of the development concept.

The Riparian Corridor and Site Flood Assessment recommended appropriate riparian corridors for each of the watercourses identified on, or adjacent to, the site. These include a 100m buffer from the Nepean and Bargo Rivers, 30m from Myrtle Creek and 10m from the watercourse located on the site. It should be noted that a 250-330m buffer to the Nepean and Bargo Rivers is proposed as part of the revised development concept. A large proportion of these riparian buffers will be protected in the proposed E2 zone on the site.

The report concludes that neither flooding nor riparian setbacks are a barrier to this site being rezoned for a recreation- themed large lot rural residential subdivision. These set backs have also been incorporated into the proposed concept design

Access & Traffic

The site is currently accessed from River Road, which is a two-lane, sealed road providing access from Remembrance Drive. The road reserve continues all the way to the site's southern boundary.

Arup have prepared a transport impact assessment for the site based on the proposed development of the land.

The transport impact assessment prepared for the proposed development found that:

- the forecast traffic generated by the site development can be accommodated by the surrounding road network with only minimal impact;
- the section of River Road to the immediate north of the site requires upgrading to cater for future site traffic,
- all three intersections in the vicinity of the site would not be affected by the proposed development and the surrounding road network can adequately cater for any resulting increase in traffic;
- impacts on parking within the town centre should be monitored following development; and
- Only one entry point to the estate is required provided River Road is appropriately upgraded.

Contamination

JBS Environmental performed a preliminary contamination assessment at the site and did not identify the presence of any contaminants. The assessment concluded that while there are some areas which have not been sampled, the likelihood of contamination is considered low and that the site would be appropriate for residential development.

Water Sensitive Urban Design

A Water Sensitive Urban Design Report has been prepared by GCA for the site. The report analyses the local site features and the proposed development concept and identified a potential concept stormwater management plan for the future development.

Several opportunities for WSUD measures have been identified for the site, including:

- Vegetated swales within the road reserve
- On-site stormwater harvesting measures
- Enhancement of existing farm dam to provide increased aquatic biodiversity and stormwater treatment

The report concludes that the proposed development concept would be a low impact development in terms of surface water hydrology and water quality. The site's surface water hydrology and quality considerations are not considered constraints that would preclude the development of the site. The preliminary stormwater management concept presented in the report could be further refined in the future following further detailed investigations.

Odour

An Odour Impact Assessment was conducted by Benbow Environmental to assess the odour impacts of the existing operations of the Wollondilly Abattoir located at 48-70 Koorana Rd, Picton NSW north of the proposed site. The report demonstrates that only a small portion (approximately 4Ha) of the 111Ha site was affected by Odour above the 3 OU threshold imposed by OEH Guidelines (and thus unsuitable for residential uses). These affected residential areas were then redesigned into a 2Ha riding park that links the site's many riding trails. The park is large enough to provide sufficient space for show-jumping and dressage and provides a suitable odour buffer between the abattoir and the residential subdivision.

According to the report, no further odour affectation measures are required. The proponent and the owners of the abattoir may consider planting vegetated earth berms for visual amenity purposes, however, the report views these measures to be purely optional.

5.3.3 How has the planning proposal adequately addressed any economic effects?

Economic impacts associated with the planning proposal would be positive.

The planning proposal will enable the future development of a large part of the site for residential purposes. The future development of the site for these purposes will strengthen the local economy through the creation of additional jobs and provision of housing in the region.

There would be no adverse economic impacts associated with the planning proposal.

5.4 Section D – State & Commonwealth Interests

5.4.1 Is there adequate public infrastructure for the planning proposal?

Specialist advice was sought to assess whether the site could be adequately serviced in order to accommodate a large lot residential subdivision. Feedback received identified that the site currently has access to electricity and telecommunications and is situated in close proximity to water, which is located to the immediate north of the property.

The road network would need to be upgraded in order to support the future development of the land, however this would be undertaken by the developer as part of any future development proposal.

The proposal will also not put any strain on existing sewer services as each lot will have its own on-site disposal system.

The Tahmoor town centre offers a range of services which would support a future community on the subject land.

Therefore the provision of local infrastructure provides no barrier to this site being rezoned as outlined in the planning proposal.

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

This will be determined following consultation with the State and Commonwealth Public Authorities identified in a Gateway Determination.

Any issues raised by these Authorities will be summarised and addressed as appropriate.

6 Part 4 – Community Consultation

A Gateway Determination will specify the community consultation that must be undertaken in relation to this Planning Proposal. Consultation is tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact Planning Proposals and a 28 day exhibition period for all other Planning Proposals.

Community consultation will be commenced by the placing of a public notice in the local newspapers and on the website of Wollondilly City Council and/or the Department of Planning. In addition, adjoining landowners will be notified in writing.

Normal exhibition material will be made available by the relevant planning authority during the exhibition period. The community consultation process will be completed when the relevant planning authority has considered any submissions received concerning the proposed Local Environmental Plan and has forwarded those reports to the Department of Planning for final consideration by the Minister.

It should be noted that the proponent has also committed to undertaking community consultation as part of any future development of the subject land. A non-statutory consultation session to discuss concerns of residents has already taken place in the local area. The feedback from this session has been taken into account in this proposal.

7 Conclusion

This planning proposal is seeking an amendment to the Wollondilly Local Environmental Plan 2011 to rezone the subject land from RU2 Rural Landscape to a combination of R5 Large Lot Residential and E2 Environmental Conservation. The planning proposal is also seeking a minimum lot size of 4,000m² for the R5 zoned land.

The planning proposal will facilitate the future development of the land for residential purposes. Significant ecological areas will be protected through the proposed E2 zone.

The planning proposal and rezoning are supported by various technical investigations which have confirmed that the site is suitable for its future intended purpose and that there are no inhibitors to the proposed rezoning. As outlined in this proposal, the rezoning is entirely consistent and supportive of local and sub regional planning strategies, Section 117 directions and State Environmental Planning Policies.

A submission on the Wollondilly Growth Management Strategy has been made previously in relation to the site. This submission outlined a case for the inclusion of the land within the GMS and why the site was considered appropriate for residential development. This submission was acknowledged by Council Officers in their report published on 4 February 2011, and they have agreed that the site forms a logical location for large lot residential development.

The development concept for the site, which has been outlined in this planning proposal, will have significant positive impacts for the area. It represents a precedent in environmentally sustainable development in the area and would further the economic, social and environmental potential of the local area. The planning proposal and proposed rezoning is necessary to facilitate this development.

The planning proposal and associated development concept represent a logical and orderly use of the subject land.