

PE5

Draft Planning Proposal – ‘J. R. Stud’, 165-185 River Road, Tahmoor
55MCOO

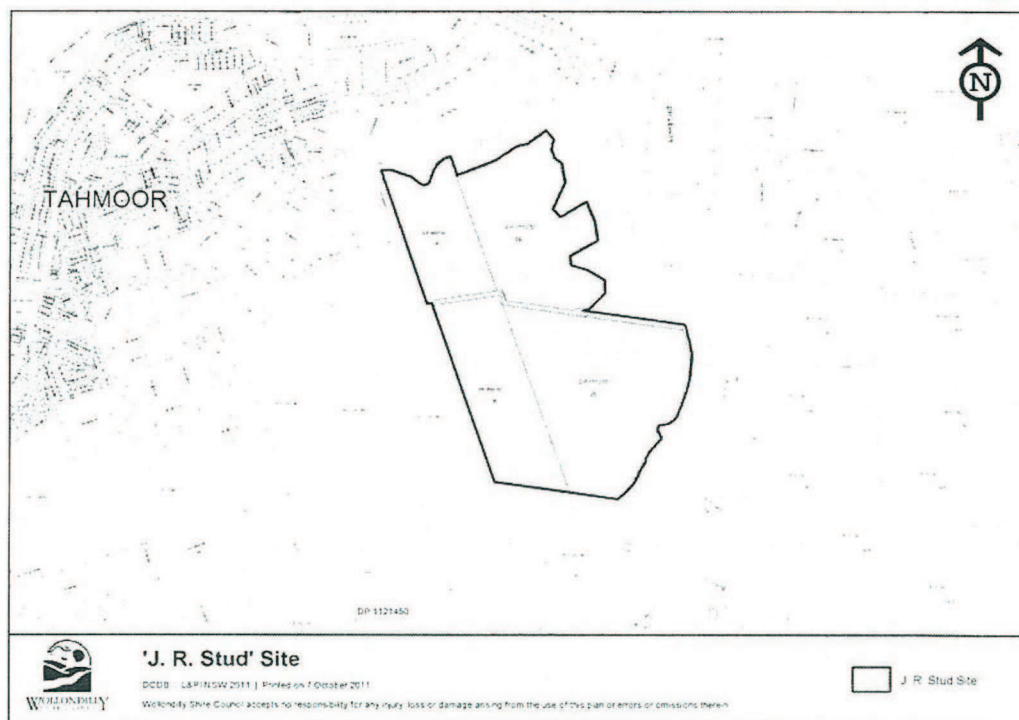
TRIM 6267

APPLICANT:

EG Property Group

OWNER:

Mary Camilleri



REPORT

EXECUTIVE SUMMARY

- Council has received a draft Planning Proposal from EG Property Group on behalf of the landowner to rezone the ‘J. R. Stud’ site at 165-185 River Road, Tahmoor (Lots 85 and 86 DP 751270 & Lots A and B DP 369710).
- The proposal seeks to rezone the site to part Zone R5 - Large Lot Residential and part Zone E2 - Environmental Conservation purposes to enable rural residential and recreational uses and to conserve key areas of ecologically significant land.
- Although the subject land was not identified on the Structure Plan for Tahmoor & Thirlmere within the Wollondilly Growth Management Strategy (GMS) for future residential use, the site is within the general direction identified for potential residential growth east of Tahmoor. A preliminary assessment of the draft Planning Proposal against the GMS indicates that it is consistent with aims and key policy directions of the strategy.

- Accordingly this report recommends:
 - That Council support the draft Planning Proposal for 165-185 River Road, Tahmoor (Lots 85 and 86 DP 751270 & Lots A and B DP 369710).
 - That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination; and
 - That the persons who made submissions regarding the draft Planning Proposal be notified of Council's decision.

BACKGROUND

Site Description

The site is located approximately 2km east of the Tahmoor town centre, on River Road (Figure 2-1). It is bound by a parcel of Crown land to the north east, the Nepean River to the east, the Bargo River to the south east, River Road to the west and other private landholdings to the north and south.

The site is currently zoned RU2 Rural Landscape under Wollondilly Local Environmental Plan 2011 (WLEP 2011). The total land area of the site is approximately 111 hectares and it comprises four parcels of land (Figure 2-2):

- Lots 85 and 86 DP 751270
- Lots A and B DP 369710

The site is currently utilised as grazing land for cattle and previously as a horse stud. There are three residences located on the land, as well as a number of outbuildings including stables and farm sheds. The site is largely cleared agricultural land, however there are some relatively large stands of mature native vegetation present on the site. In particular, the south-eastern and north-western corners of the site contain largely intact remnant native vegetation.

The land is currently accessed from the north along River Road, which is a sealed all-weather road. A road reserve extends along the western boundary of the site, however River Road is formed only to the southern extent of Lot A. A Crown road reserve also extends between Lots A and B and along the perimeter of Lot 86.

Description of Draft Proposal

The intended outcome of the Planning Proposal is to rezone the site to allow rural residential and recreational uses and environmental conservation of significant bushland on the site, in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. To achieve this outcome, the following land use zones and minimum lot sizes are proposed:

- Zone R5 - Large Lot Residential, with a minimum lot size of 4,000m², and;
- Zone E2 - Environmental Conservation, with no minimum lot size.

The proposed zoning of the site is illustrated in the map which is included as **Attachment 2** to this report.

Proposed R5 Large Lot Residential Zone

The portion of the land to be zoned large lot residential is relatively free from environmental constraints and will provide an attractive location for rural residential development in a rural setting. Vegetation corridors are proposed to be protected and further rehabilitated along the waterways on the site and in the north western corner of the site. The proposed rezoning maintains adequate and distinct separation between residential and agricultural land uses and the site provides a transition from the higher density land uses of the Tahmoor town centre to the north west and the dense bushland of the state forest to the site's east.

The rezoning of the land to enable a minimum lot size of 4,000m² for rural residential uses provides a logical extension of existing urban land associated with the township of Tahmoor. This is illustrated in the Development Concept Plan for the Tahmoor Recreation Precinct which is included as **Attachment 3** to this report.

It should be noted that while significant areas of open space are included in the proposed development concept, it was not considered appropriate to define the exact boundaries of these areas by proposed recreation zones at this stage. They are therefore retained in the proposed R5 zone. The precise boundaries and configuration of these areas would be determined as part of detailed future subdivision designs for the land, should the proposal be supported by Council and receive a favourable Gateway Determination.

Proposed E2 Environmental Conservation Zone

Significant ecological areas have been identified on the site. This planning proposal seeks to rezone approximately 18 hectares of land to E2 Environmental Conservation under the WLEP 2011 providing a 250-330m setback from the Bargo and Nepean River system.

The Development Concept shown in **Attachment 3** illustrates how the environmental qualities of this area of the site could be further enhanced by regenerating the riparian corridors throughout the site.

CONSULTATION

Community Consultation

In accordance with Council's notification policy, initial community consultation has been undertaken. The Planning Proposal was published on Council's website in March 2011 and a letter was sent to residents on 18 March with a written submission period of three weeks ending on 15 April 2011.

A total of twenty four (24) written submissions were received during the initial community consultation period. Sixteen (16) objected to the proposal and eight (8) submissions were neutral.

A summary of the key themes resulting from this preliminary community consultation is outlined in the table below:

Table 2 – Summary of Submissions arising from Community Consultation regarding ‘J. R. Stud’ Planning Proposal as of 31 May 2011

Key Issue	Summary of Comments
Roads & Traffic	• River Road will need upgrading • Impact to local road network • Intersection of River Road and Remembrance Drive is dangerous and will need upgrading • Increased quantity of traffic utilising River Road • River Road is utilised as the main bus route out of Tahmoor • River Road is used as a bypass for residents living in East Tahmoor • Traffic predictions and pedestrian numbers for River Road in the consultants report are underestimated • Traffic movements will traverse within and along the boundary of the Ingham's site
Biodiversity / Environment	• Loss of / impact to: biodiversity; habitat for native fauna and threatened species • Concern of the cumulative affect of onsite sewerage disposal to the Nepean Rive • Consideration needs to be given to the potential impact to the environment that the development proposes • The property has been affected by mine subsidence • The proposed access track to the Nepean River will require significant alteration and destruction of the cliff face • Increased pollutants from the development will negatively impact the river • Increased public access to the gorge will negatively impact on the environmental features of the river corridor • The proposed bridle track along the top of bank will cause erosion and proliferation of weeds, impacting upon the environmentally sensitive land • All land zoned for environmental conservation should not be included on individual rural residential lots. The development should allow for ongoing management and maintenance of this land. • Property has shallow soil underlain by sandstone which increases risk of stormwater / effluent pollution of the river.

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2011

Key Issue	Summary of Comments
Rural Character	- Noise from proposed function centre will travel across gorge - Rural amenity of River Road / East Tahmoor residents be negatively impacted - Proposed lot sizes are large enough to accommodate trucks being stored on the property - Noise from increased traffic will impact on the rural character - Increased number of visitors to the gorge will impact upon neighbouring properties - The siting of the Royal Tahmoor Country Club at the top of the gorge is out of character with the landscape. - Light pollution will impact upon rural amenity, particularly properties across the gorge
Infrastructure & Services	- There is no direct access to the river and Junction Pool from the property - Proposed development will generate an unreasonable demand for public services and facilities - The Shire already has a number of established bar / café / function centres with greater access to public transport and existing infrastructure - The planning proposal has no business case to support the need to the 'country club' - The proposal is designed for private use and patronage and not for the broader community - The provision of public pedestrian access to the proposed development site is unclear - No provision for public transport
Planning	- Loss of another significant local farming property - Master Plan difficult to read, missing key local assets and street names - Mermaid Pool is incorrectly identified on the Master Plan - the correct name is Junction Pool - Cumulative effect of future development in East Tahmoor needs to be taken into consideration - Potential bushfire threat/risk posed by single point of access - Proposal is inconsistent with the Growth Management Strategy position of rural residential development - Number of lots needs to be reduced - Conference centre & tennis court component should be deleted due to their irreversible effects on surrounding rural amenity of the environment - Move the location of the proposed conference facility to the north eastern side of the site - Proposed E2 zone should be extended to cover all areas of remnant vegetation and all land setback 50 - 100 metres from the top of bank for the Bargo and Nepean Rivers - Proposed RE2 Private Recreation zone is inconsistent with legislation requirements for the protection of endangered ecological communities, in particular shale sandstone transitional forest, present on the site - If supported, a precedent will be set for further subdivision adjacent to the gorge at Tahmoor, Wilton Park and Pheasants Nest - Adjoining poultry farms will impact on future residential amenity and potential for land use conflict

Key Issue	Summary of Comments
	- Ingham's landholding, existing and future operations is a key consideration in the assessment of the proposal and further adjoining rural residential development proposals - Ingham's is an operational rural industry with attendant rural industry characteristics including odour and noise impacts, arising from existing poultry operations, anaerobic ponds and truck movements - The rezoning of the 'J. R. Stud' site should be considered and zoned with consideration to Ingham's landholding, the East Tahmoor new urban precinct, which links the site to Tahmoor.

A matrix of the issues summarised in **Table 1** above is included as **Attachment 4** to this report.

Amendments to Planning Proposal post Community Consultation

The applicants were requested to make amendments to the planning proposal to address the key issues raised during the preliminary community consultation period prior to reporting the proposal to Council. Key amendments to the planning proposal include:

- Removal of the proposed RE2 Private Recreation Zone and conference centre to alleviate potential noise and visual impacts on the surrounding landscape;
- The need to establish odour setbacks to adjoining intensive agricultural land uses (abattoir & poultry operations);
- Creation of a contiguous ecological corridor in the south eastern portion of the site that provides a suitable buffer to the Bargo and Nepean River; and
- Provision of a 2hectare horse riding park in the north-western corner of the site accessible to the proposed horse riding trails through the proposal site.

Consultation with Government Agencies

Should the proposal be supported the Council and forwarded to the Department of Planning and Infrastructure (DoPI), the Gateway Determination will outline further consultation requirements with government agencies.

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 & Infrastructure 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 & Infrastructure for a Gateway Determination.

Council's Options/Role

In deciding whether to forward the Planning Proposal on to the Minister for Planning & Infrastructure 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 costs of any required studies are to be borne by the applicant.

Council's options are:

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 that the Planning Proposal needs to be amended before it can receive Council support and be forwarded to the Minister 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 one (1) 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 & Infrastructure 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 & Infrastructure or delegated 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 as part RU2 Rural Landscape (with a minimum lot size of 16 hectares) and part E2 Environmental Conservation (with a minimum lot size of 0 hectares) under WLEP 2011. The site currently consists of four parcels of land:

- Lots 85 and 86 DP 751270; and
- Lots A and B DP 369710

As can be seen in the Proposed Zoning Plan (**Attachment 2**) it is intended that the site be rezoned in the following manner:

- Part R5 Large Lot Residential, with a minimum lot size of 4000m² and;
- Part E2 Environmental Conservation, with a minimum lot size of 0m²

Site Specific Development Control Plan (DCP)

A Site Specific Development Control Plan (DCP) may be prepared for the subject land which would include specific site objectives and development controls for the future development of the site. A Site Specific DCP would be expected to include a range of design and built form controls, including (but not limited to):

- Building envelopes
- Building setbacks based on the environmental features of the site
- Site landscaping
- Public domain treatments
- Bushfire asset protection zones
- Treatment of the rural residential / environmental protection interface
- Urban sensitive water design

The range of provisions included in the Site Specific DCP would be informed by specialist studies undertaken to support the proposal. A draft Site Specific DCP would be reported to Council when it is prepared.

Alternatively, Council may choose to apply the controls contained within Wollondilly Development Control Plan 2010, Volume 3 – Residential and Tourist Uses.

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 or should not proceed.

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. A report to council published on 4 February 2011 stated that the site was a logical location for large lot residential development.

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

Table 2 – Assessment of ‘J. R. Stud’ Planning Proposal against GMS Key Policy Directions

Key Policy Direction	Comment
General Policies	
<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 proposal, as noted throughout this table, satisfies this Key Policy Direction.
<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 is generally consistent with the concept and vision of 'Rural Living'. Although the proposal seeks to rezone agricultural land for rural residential purposes this is considered to be a logical expansion of the East Tahmoor residential precinct in a manner which is environmentally sensitive.
<i>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	Council undertook preliminary community consultation on the proposal, receiving twenty four (24) submissions from community, businesses and environmental organisations. The majority of submissions objected to the proposal with a minority of submissions being neutral. The planning proposal has been amended to address key concerns raised during the preliminary consultation period. A summary of the comments raised in the submissions can be found above in Table 1.
<i>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations regarding this draft proposal and therefore this Key Policy Direction has been satisfied.
<i>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</i>	The draft proposal represents a logical rezoning of the subject site for rural residential purposes through R5 Large Lot Residential zoning. Within the constraints of the site the proposal is considered appropriate as it will facilitate residential expansion in keeping with the Tahmoor East precinct whilst addressing adjoining rural land uses Conservation and enhancement of natural systems through E2 Environmental Conservation zoning is intended. Existing infrastructure systems are to be utilised and embellished.

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2011

Key Policy Direction	Comment
Housing Policies	
<i>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</i>	The draft proposal contributes toward Council's dwelling target for the Picton Tahmoor Thirlmere area outlined in the GMS. The JR stud site is located on the periphery of land identified as a 'potential residential growth area' on the Structure Plan for Tahmoor & Thirlmere contained in the GMS.
<i>P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</i>	The Development Concept Plan included as Attachment 3 to this report shows the proposed subdivision of the land and indicates a mix of lot sizes and housing types. A site specific DCP could be used to further control the mix of lots sizes.
<i>P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").</i>	As can be seen in Attachment 3 the lot sizes and density of the proposed housing is higher closest to the existing Tahmoor area and lower across the site further away from this area.
<i>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i>	The development is adjacent and south east of the existing East Tahmoor precinct.
Macarthur South Policies	
<i>Key Policy Directions P11, P12, P13 and P14 are not applicable to this Planning Proposal. The subject land is not with the Macarthur South area</i>	This policy is not applicable to this proposal.
Employment Policies	
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes</i>	Although it does not provide for the creation of employment lands, the proposal will create short-term employment associated with construction, civil and building works, and will provide stimulus to the local economy by boosting the population.
<i>P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</i>	The site is not zoned to facilitate further employment opportunities. The loss of employment as a result of displacement of the agricultural industry is unfortunate but the business is not in a long term sustainable location given its proximity to residential lands. Modest opportunities exist for home business and tradesman residency.

Key Policy Direction	Comment
Integrating Growth and Infrastructure	
<i>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</i>	It is considered that the additional rural residential allotments proposed in the locality are not likely to adversely burden Council. Developer contributions payable at the development application stage will fund the necessary local infrastructure required to support any future development. Likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway Determination.
<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 site is located approximately 2km east of Tahmoor town centre and would accommodate some of the areas residential growth demands whilst providing additional recreational areas. Upgrades to the local road network are needed to support the proposed development; these upgrades would be undertaken by the developer. The site would also require construction of on-site waste disposal systems for each lot.
<i>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The draft proposal does not contribute toward dispersed population growth; it proposes urban growth adjacent to the Tahmoor residential area.
<i>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</i>	This is an area identified as a being a potential residential growth area on the Tahmoor & Thirlmere Structure Plan in the GMS. The draft proposal contributes toward Council's dwelling target for the Picton Tahmoor Thirlmere area as identified in the GMS.
Rural and Resource Lands	
<i>P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</i>	The development concept for the site is proposed to be of an environmental sustainable nature and is intended to have a significant positive impact on the area. The proposal intends to enhance the natural resources of the site and locality and should not result in any adverse environmental impacts.
<i>P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</i>	Key Policy Direction P22 is not applicable to the draft proposal.

Buffer to Bargo and Nepean Rivers

The proposal seeks to rezone 18 hectares of ecologically sensitive land located in the south eastern portion of the site for environmental conservation providing a variable buffer of 250-330m to the Bargo and Nepean River systems. The proposed environmental conservation zone will provide formal protection of significant ecological sensitive land on the site linking to remnant vegetation located to the north and south of the subject site.

Following preliminary community consultation, the applicant amended the Development Concept Plan (as shown in **Attachment 3**) accompanying the planning proposal to ensure that land proposed to be zoned for environmental conservation is maintained as one contiguous lot and to maintain an appropriate development setback to the river systems.

Ultimately, the delineation of the proposed environmental conservation zone and setback to the river systems will be determined in consultation with the NSW Office of Environment and Heritage (OEH) should the proposal be supported by Council and receive a favourable Gateway Determination.

Removal of proposed Conference Centre facility and RE2 Private Recreation Zone

Following the preliminary community consultation period, the applicant removed the proposed conference centre facility and private recreation zone from the planning proposal. A considerable number of submissions received during the preliminary community consultation period raised concern over the level of noise and amenity impacts a conference centre and increased public access in the locality would generate in the location.

Relationship to the Picton Tahmoor Thirlmere (PTT) New Urban Lands

In the assessment of the proposal, consideration has been given to the sites relationship to the PTT New Urban Lands, particularly the East Tahmoor new urban precinct. The rezoning of the new urban precincts is anticipated to be finalised in early 2012 following public exhibition of the draft local environmental study proposed for November – December 2011.

The planning proposal site is located to the east of the East Tahmoor new urban precinct, separated by Ingham's landholdings. The objective of the planning proposal is to rezone the site to accommodate rural residential development which is distinctly different to the residential rezoning of the new urban precincts.

Considering the impending finalisation of the PTT new urban precincts, future development of these lands will occur ahead of any development of the JR Stud site. Future development of the JR Stud site, should the proposal be supported by Council and receive a favourable Gateway Determination, will compliment the development of the East Tahmoor new urban precinct through siting rural residential development on the periphery of the Tahmoor urban area.

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 costs of any required studies are to be borne by the applicant.

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

CONCLUSION

A draft Planning Proposal has been submitted to Council for the rezoning of the 'J. R. Stud' site at 165-185 River Road, Tahmoor (Lots 85 and 86 DP 751270 & Lots A and B DP 369710) for R5 Large Lot Residential and E2 Environmental Conservation purposes.

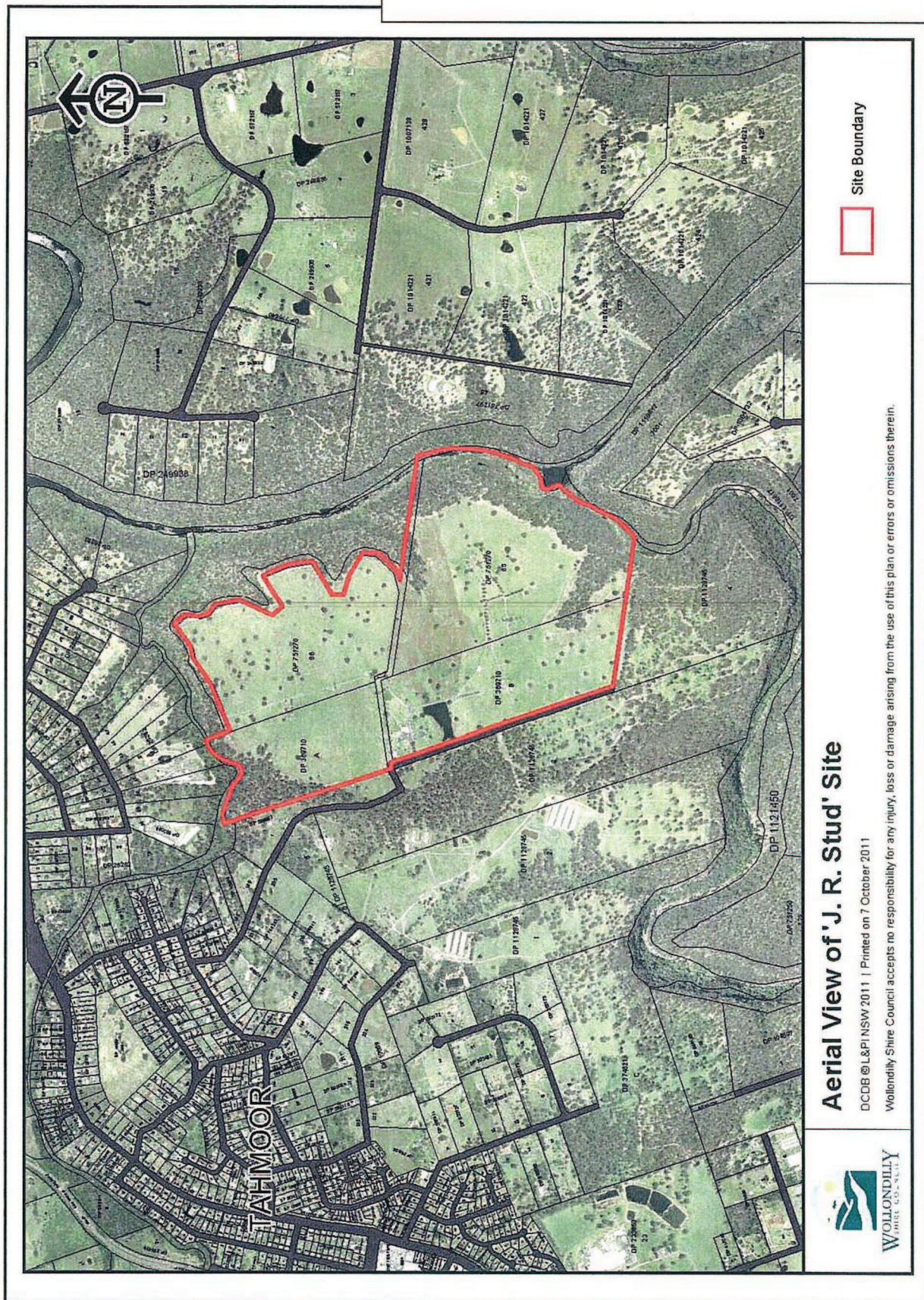
A preliminary assessment of the draft proposal indicates that it is generally consistent in with Council's recently adopted Growth Management Strategy. It is therefore recommended that the Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.

ATTACHMENTS

1. Aerial Photo
2. Proposed Zoning Plan
3. Development Concept Plan
4. Key Themes and Issues Matrix

RECOMMENDATION

1. That Council support the draft Planning Proposal for 165-185 River Road, Tahmoor (Lots 85 and 86 DP 751270 & Lots A and B DP 369710).
2. That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination; and
3. That the persons who made submissions regarding the draft Planning Proposal be notified of Council's decision.



Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2011





WOLLONDILLY
SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 November 2011, commencing at 6.31pm

Wollondilly Shire and Its Planning and Economy

PE5 Draft Planning Proposal – 'J. R. Stud', 165-185 River Road, Tahmoor
55MCOO TRIM 6267

265/2011 Resolved on the motion of Crs Mitchell and B Banasik:

1. *That Council resolves to support the draft Planning Proposal in principle only. Council's continuing support for the draft Planning Proposal will be dependent on all of the key issues and potential impacts, particularly those in relation to traffic impacts, being adequately addressed and appropriately mitigated.*
2. That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination; and
3. That the persons who made submissions regarding the draft Planning Proposal be notified of Council's decision.

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

Vote For: Crs Mitchell, B Banasik, Khan and Hannan
Vote Against: Crs M Banasik, Read and Landow

MEMORANDUM



To: All Councillors; All Executive **Date:** 4 November 2011

From: Martin Cooper Acting Manager **File:** 6267
– Strategic Planning

Subject: Report Addendum to Report PE5 - 21 November 2011 Ordinary Meeting of Council

The Report *Draft Planning Proposal – 'JR Stud, 165 – 185 River Road Tahmoor* is listed as item PE5 in the agenda for the 21 November 2011 Ordinary Meeting of Council. Reference is made to the *Relevant Considerations* section of this Report which provides an examination of the relevant considerations for Council in making a decision on whether to support the planning proposal.

The first dot point under the subheading *Amendments to Planning Proposal post Community Consultation* (Page 99 of Business Paper) states that:

- 'Removal of the proposed RE2 Private Recreational Zone and conference centre to alleviate potential noise and visual impacts on the surrounding landscape'.

This statement is factually correct, however an additional line reading '*and to reduce the level of traffic associated with the proposed rezoning*' should be considered in the context of the statement.

The second sentence in the first paragraph under the subheading *Relationship to the Picton Tahmoor Thirlmere (PTT) New Urban Lands* (Page 106 of Business Paper) states that '*The rezoning the new urban precincts is anticipated to be finalised in early 2012 following public exhibition of the draft local environmental study proposed for November – December 2011*'.

Considering the recent Gateway determination received for the PTT New Urban Lands that requires all six precincts to be exhibited concurrently and additional matters to be addressed prior to public exhibition, this statement is now invalid and should be amended to read: '*The rezoning of the new urban precincts is anticipated to be finalised in **mid** 2012 following public exhibition of the draft local environmental study **anticipated for early 2012***'

Furthermore, to provide more detail in regards odour affectation of the JR Stud site from adjoining poultry and abattoir operations, the following statement is provided:

- '*Following the preliminary community consultation period, the proponents were requested to undertake an odour assessment to determine the level of impact of adjoining poultry and abattoir operations on the proposed rezoning. The results of the odour assessment found that the north – western portion of the proposal site was affected by odour. In response the proponents amended the Development Concept Plan (as shown in Attachment 3) by removing large lot residential lots from the odour affected portion of the proposal site*'.

There are no other changes to this report. All other information in the report remains relevant for the consideration of Council.

A handwritten signature in cursive script, appearing to read "M. Cooper".

Martin Cooper
Acting Manager - Strategic Planning