

11.6 PLANNING PROPOSAL - PICTON EAST**File Number: 10619#162**

Applicant: Michael Brown Planning Strategies

Owner: Mr L R Baxter, Reeves Junction Pty Ltd

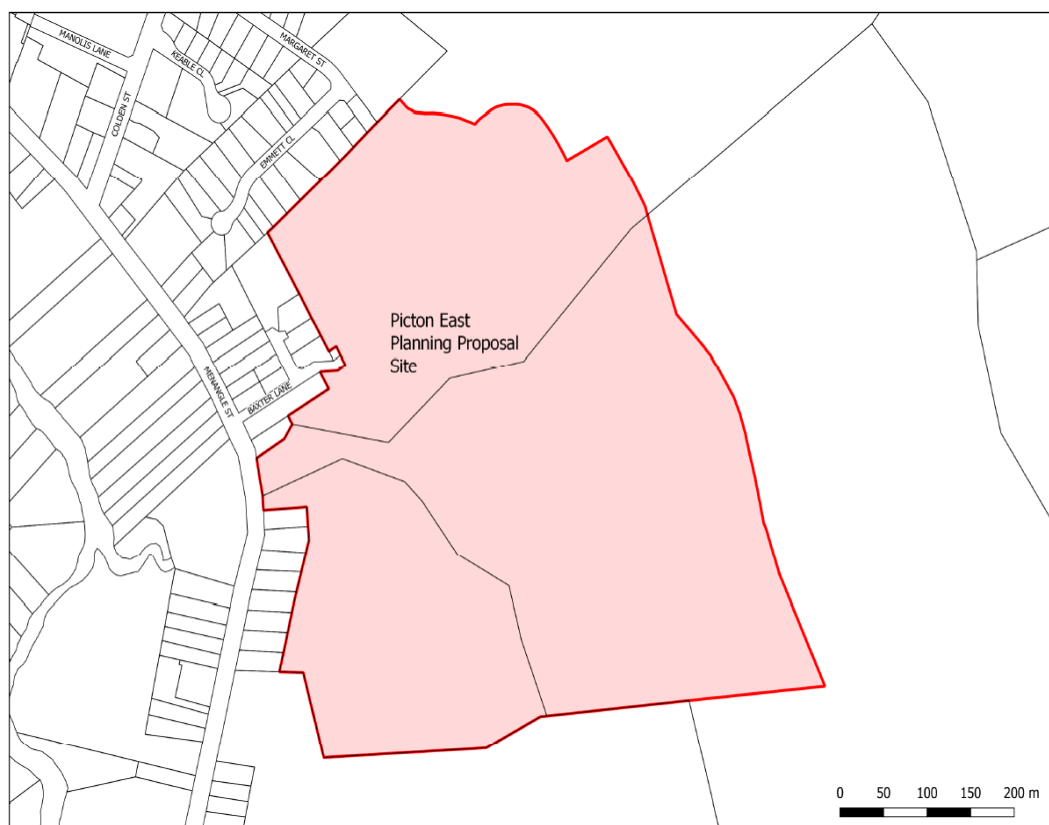
Subject site: Part Lot 106 DP 1111043 (Part 1735 Remembrance Drive, Picton), Part Lot 2 DP 229679 (Part 108-114 Menangle Street, Picton) and Lot 9 DP 233840 (116-118 Menangle Street, Picton)

Current Zoning RU2 Rural Landscape

Proposed Zoning R2 Low Density Residential, E4 Environmental Living, and E2 Environmental Conservation

Exhibition period: 12 September 2018 to 10 October 2018

Submissions 14

**LOCATION MAP**

Stage	Completed
Preliminary notification	16 May to 8 June, 2012
Gateway Determination	28 March, 2013
Gateway Alteration	16 May, 2018
Consultation with Public Agencies	June 2013 and September 2018
Specialist Studies	Submitted and amended
Public exhibition/community consultation	12 September to 10 October, 2018

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council support to finalise the Picton East Planning Proposal.
- This planning proposal has been prepared by Wollondilly Shire Council. It seeks to amend the provisions of *Wollondilly Local Environmental Plan 2011* with the intent of enabling the development of the subject site to create approximately 250 lots.
- Amendments to the Wollondilly Development Control Plan 2016 through the addition of site specific development controls are also proposed to guide future development of the site once rezoned.
- 14 submissions were received in response to community consultation period, of which all objected to the proposal.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the draft amendment to the Wollondilly Local Environmental Plan 2011 be supported in principle for the Planning Proposal as it relates to Part Lot 106 DP 1111043 (Part 1735 Remembrance Drive, Picton), Part Lot 2 DP 229679 (Part 108-114 Menangle Street, Picton) and Lot 9 DP 233840 (116-118 Menangle Street, Picton) subject to a number of matters as outlined in the report.

REPORT

Background

Description of Site and Surrounding Area

The site comprises an area of approximately 30 hectares across three properties (part of two and the whole of the third) located immediately east of Picton Town Centre. The site is bordered by Remembrance Drive/Old Hume Highway to the north and Menangle Street to the west. There are two roads leading into the site, Margaret Street and Baxter Lane. The site is below the southern side of Vault Hill, a dominant landmark near the town centre. Reeves Creek and its tributaries run through the site and connects to Stonequarry Creek through a drainage culvert under Menangle Street.

The planning proposal site comprises cleared land previously used for dairying and is currently used for grazing purposes. Significant stands of vegetation are located, along the banks of Reeves Creek and on some of the steeper slopes of the lower inner hills. There are also a large number of scattered mature trees throughout the site.

The address and cadastre details for the three properties and the site area are outlined in the table below:

Address	Lot and Deposited Plan	Area located within rezoning site (ha)	Total area of each property (ha)
Part 1735 Remembrance Drive, Picton	Part Lot 106 DP 1111043	10.2 (approximate)	41.75
Part 108-114 Menangle Street, Picton	Part Lot 2 DP 229679	12 (approximate)	72.6
116-118 Menangle Street, Picton	Lot 9 DP 233840	6.42	6.42
Total		29.62	120.77

Description of Proposal

This planning proposal seeks to:

- Enable the development of the site for the purposes of housing for around 250 dwellings;
- Enable the conservation of environmentally sensitive land;
- Restrict residential development on areas that are potentially geotechnically unstable; and
- Limit impact on the rural landscape, scenic hills and nearby heritage character.

It seeks to do this through the following amendments to the *Wollondilly Local Environmental Plan (WLEP) 2011*:

- Amend the Land Zoning Map from RU2 Rural Landscape (RU2) to R2 Low Density Residential (R2), E4 Environmental Living (E4) and E2 Environmental Conservation (E2).
- Amend the Lot Size Map from no minimum lot size to a minimum lot size of:
 - 400sqm, 450sqm, 700sqm and 1500sqm for R2 land,
 - 1500sqm for E4 land,
 - 5 ha for E2 land and 20 ha for the residual RU2 land on Lot 106 DP111043, and
 - 40 ha for the residual RU2 land on Lot 2 DP 229679 outside the rezoning site.
- Amend the Height of Buildings Map to a maximum building height of 9 metres.
- Amend the Natural Resources Water Map to provide riparian buffers of 10m, 20m and 30m along Reeves Creek and its tributaries.
- Identify the land on the Urban Release Area maps under WLEP 2011.
- Amend Part 7 Additional Local Provisions to include a clause entitled "Landslide Risk" and with an accompanying map detailing areas of landslide risk on the site that would require further investigation at the development application stage.

7.7 Landslide risk

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

appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and that:

- (a) the development is designed, sited and will be managed to avoid any landslide risk or significant adverse impact on the development and the land surrounding the development, or*
- (b) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
- (c) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

Gateway Determination

Gateway Determination was issued on 28 March 2013 granted that the inconsistencies with Section 9.1 Direction 1.2 Rural Zones were of minor significance and no further approval on this matter was required for the project to proceed.

The Gateway Determination was amended on 16 May 2018. The conditions of the Gateway Determinations are summarised in the following table with comments as to how these have been addressed in the planning proposal process.

It is noted that the Department of Planning & Environment also clearly advised Council that the proposal was to be returned to it by the 30 November 2018 and that no further extensions would be provided.

Gateway Condition	Addressed by:
<p>1. Prior to undertaking public exhibition, the maps are to be updated to consistently identify the subject land, consistent with Council's resolution.</p> <p>The 'subject land' is to only include land which is proposed to be rezoned and the proposal is to be clear on whether it applies to land currently zoned RE1 Public Recreation.</p> <p>Council is to consider including land to the immediate west of the subject land, which is zoned RU2 Rural Landscape as part of this rezoning.</p>	<p>The maps have been updated to clearly identify the subject land.</p> <p>The subject land includes land currently zoned RE1 Public Recreation.</p> <p>The current format of the planning proposal does not link to the rural land identified to the west of the subject land. The planning proposal is not considered to result in the fragmentation of rural land. In addition the VPA offer includes the construction of a walking path connecting the existing town and the proposed development to Vault Hill Lookout and heritage area. The VPA offer has yet to be finalised.</p>
<p>2. Council is to update the Planning Proposal to address acquisition arrangements for land proposed to be zoned RE1 Public Recreation, including identifying any necessary changes to be made to the Land Reservation Acquisition Map.</p>	<p>As part of the request for a Gateway Alteration, the proposed RE1 Public Recreation land is now proposed to be zoned E2 Environmental Conservation and R2 Low Density Residential.</p> <p>As such, Gateway condition 2 was deleted as part of the Alteration of Gateway determination issued on the 16 May 2018.</p>
<p>3. Council is to address the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate the site is suitable for rezoning to the</p>	<p>As further discussed in Section 2.11 of this report, a Preliminary Site Investigation was undertaken and is considered to address the requirements of SEPP 55.</p>

Gateway Condition	Addressed by:
proposed zoned. The report is to be included as part of the public exhibition material.	The Preliminary Site Investigation formed part of the Public Exhibition material.
<p>4. Additional information regarding the below matters is to be placed on public exhibition with the Planning Proposal:</p> <ul style="list-style-type: none"> • Drainage and stormwater; • Flora and fauna; • Flooding; • Bushfire hazard; • Traffic and transport; • Heritage; • Geotechnical; • Open space; • Scenic landscape analysis; • Residue land (protection and management of remaining agricultural land) • Water and wastewater servicing. 	The required studies have been prepared and have informed the planning proposal as outlined in this report.
<p>6. Council is to consult with the following public authorities and, where indicated, demonstrate consistency with relevant 9.1 directions:</p> <ul style="list-style-type: none"> • Office of Environment and Heritage (Direction 2.1 Environment Protection Zones) • Department of Trade and Investment – Mineral Resources and Energy (Direction 1.3 Mining, Petroleum Production and Extractive Industries) • NSW Rural Fire Service (Direction 4.4 Planning for Bushfire Protection) • Fire and Rescue NSW • Transport for NSW – Roads and Maritime Services • Mine Subsidence Board (Direction 4.2 Mine Subsidence and Unstable Land) • Endeavour Energy • Commonwealth Department of Sustainability, Environment, Water, Population and Communities (if required) • Sydney Water • Hawkesbury – Nepean Catchment Management Authority • Department of Primary Industries – Agriculture • Department of Primary Industries – Crown 	Each of the required agencies has been consulted and it is considered that the proposal is consistent with the relevant Section 9.1 directions as outlined in Section 2.6 of this report.

Gateway Condition	Addressed by:
Land (regarding the Vault Hill Cemetery)	
7. A public hearing is not required to be held into the matter by any person or body under Section 3.34(2)(e) of the Act.	A public hearing has not been held.
8. The timeframe for completing the Local Environmental Plan Amendment is to be by 30 November 2018	Noted.
5. and 9. Public Exhibition is required under Section 3.34(2)(c) of the Act	The planning proposal was placed on Public Exhibition from 12 September to 10 October 2018 in accordance with the requirements under Section 3.34(2)(c) of the Act.

Community Strategic Plan

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

An assessment on the suitability against the CSP in terms of Council's position on growth is provided in the table below.

Council's Position on Growth	
Key Principles & Objectives	Assessment
<p>1. Rural Protection</p> <p>Council is committed to managing growth so as to:</p> <ul style="list-style-type: none"> • Protect our rural lands, rural landscapes and their surrounding environments; • Protect the natural resources and systems upon which agriculture depends; • Support and maintain a viable agricultural industry and encourage further agricultural investment in the Shire; • Minimise the fragmentation of rural lands; • Minimise rural land use conflict. 	<p>site is located adjacent to existing residential development and is close to the Picton town centre, community services and facilities.</p> <p>While the proposal seeks to rezone some rural land, it will not fragment remaining rural land surrounding Picton.</p>
<p>2. Growth in and around our existing centres</p> <p>Council will only support appropriately scaled growth within and around its existing towns and villages that:</p> <ul style="list-style-type: none"> • Respects the character, setting and heritage of those towns and villages; • Supports the economic and social sustainability of those towns and villages; 	<p>The site is located adjacent to existing residential development and is close to the Picton town centre, community services and facilities. The site provides an excellent opportunity for well-located land to provide minor housing growth immediately adjoining Picton.</p>

Council's Position on Growth	
<ul style="list-style-type: none"> • Mitigates or minimises adverse environmental impacts; • Retains green space/rural lands separation between towns and villages; • Incorporates appropriate and timely infrastructure provision to meet the needs of the existing and incoming population; • Addresses the cumulative impacts and infrastructure requirements when considered in conjunction with other proposals; • Does not compromise or conflict with the concept and vision of rural living (as defined in the following section of this CSP); • Has incorporated, and has been informed by extensive community engagement. 	
<p>3. Wilton New Town</p> <p>Council's priority focus for growth will be the development of a new town at Wilton and Council will not support the development of new towns or villages in other areas of the Shire. The vision for Wilton is to create a major new town over the next 20-30 years which will incorporate 16,600 homes for a population of approximately 50,000 people.</p>	The proposal will provide local growth adjoining Picton
<p>4. No other major growth areas</p> <p>Council will not be supporting major urban development or the development of new towns or villages within its rural areas including those parts of Wollondilly that are in the 'Greater Macarthur Land Release Investigation Area' (other than its commitment to the development of a major new town at Wilton). Council will therefore not be supporting major urban developments in the West Appin area.</p>	This proposal does not contribute to a major growth area.
Outcome/Strategy; What do we want?	Assessment
<p>Strategy GR1 – Growth</p> <ul style="list-style-type: none"> • Manage growth to ensure it is consistent with Council's Position on Growth and achieves positive social, economic, and environmental outcome for Wollondilly's towns and villages. 	Wollondilly's Growth Management Strategy 2011 outlines how growth should occur throughout the Shire. Consistency with the key policy directions in the GMS are discussed elsewhere in this report.

Wollondilly Growth Management Strategy

Council's Growth Management Strategy 2011 (GMS) sets directions for accommodating growth in the Shire over the next 25 years.

The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. An assessment of the suitability against the GMS is included below:

Key Policy Direction	Comment
General Policies	
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.	The planning proposal is consistent with the assessment criteria and key policy directions within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)	The planning proposal is consistent with the concept of Rural Living. Whilst the proposal would rezone rural land it would accommodate small incremental growth of the existing township.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	The proposal was placed on public exhibition from 12 September to 10 October, 2018 and 12 submissions were received during this period. The submissions received have been considered in attachment 8 of this report
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this proposal and therefore this key policy direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	The proposal represents a logical rezoning of the subject site for residential purposes in keeping with adjoining land uses and the sites location near the Picton town centre. The site is largely contained within a valley and detailed assessment was undertaken to consider sightlines from surrounding residential areas to ensure that views across to the scenic hills are maintained. Conservation and enhancement of environmentally sensitive land is proposed.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The proposal contributes toward Council's dwelling target for Picton outlined in the GMS. The Structure Plan for Picton includes the subject land as a "potential residential growth area."
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The proposal would provide land suitable for a range of housing types and affordability.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	It is proposed to have a small amount of comparatively smaller lots than that traditionally developed in Picton but this is considered appropriate as these smaller lots will best utilise the location near Picton Town Centre.

Key Policy Direction	Comment
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The subject site is located immediately adjacent to the existing Picton Town Centre and is therefore consistent with this direction.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this Planning Proposal. The subject land is not within the Macarthur South area.	N/A
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	N/A
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.	N/A
Integrating Growth and Infrastructure	
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.	<p>It is anticipated that nearby reticulated water and sewer and other services can be readily extended onto the site. The Picton Wastewater Treatment Plant is being upgraded and will have increased capacity to service the site.</p> <p>Access roads and additional drainage would be provided at subdivision stage. The development is not expected to place any undue pressure on existing community facilities and services and future development contributions would assist in meeting any unmet demand. Information from service providers would be sought regarding the capacity of existing infrastructure to service the site.</p>
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.	This proposal will be concentrated around the existing residential areas surrounding the Picton town centre.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal does not contribute toward dispersed population growth as it proposes urban growth adjacent to the Picton urban area.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	This is an area identified as a being a potential residential growth area on the Picton Structure Plan in the GMS. The dwelling target for the Picton/Thirlmere/Tahmoor area have already been met.

Key Policy Direction	Comment
Rural and Resource Lands	
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.	The Planning Proposal achieves this through the application of an E2 zone to protect the riparian corridor and significant vegetation on the site.
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.	The proposed development will continue to connect rural lands and will not result in the fragmentation of rural land.

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

The Greater Sydney Commission's A Metropolis of Three Cities – the Greater Sydney Region Plan and the Western City District Plan were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration;** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability;** social infrastructure, healthy communities, housing supply and affordability, great places,
- **Productivity;** the 30 minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability;** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation;** local strategic planning statements, monitoring and reporting.

While the Plans do not provide strong direction regarding the order of Planning Priorities, a dominant focus for Wollondilly throughout the plan is the Metropolitan Rural Area (MRA).

Metropolitan Rural Area

The concept of the MRA was introduced by A Plan for Growing Sydney which was the region plan for the Greater Sydney area prior to the current A Metropolis of Three Cities.

The MRA is A Plan for Growing Sydney was relatively silent on the issue of housing growth and the MRA. By comparison, the current region plan has taken a much stronger stance. For example, the MRA is a core spatial element now shown on high level mapping throughout the document. That part of Greater Sydney which is generally outside the established and planned urban area. For Wollondilly it takes in the whole Shire with the exception of the Wilton Growth Area and areas in Appin within the draft Greater Macarthur Growth Area. The objective of the MRA is to protect and enhance the wide range of environmental, social and economic values in rural areas across Greater Sydney. The 'values' to be enhanced and protected will vary from Council to Council and

within local government areas depending on the areas characteristics and so the Region and District Plan's focus is on the need for 'place-based planning' so that outcomes can be targeted.

The Plans do, however, provide clear direction on the role of the MRA in terms of urban development. This is illustrated by statements within these documents shown in the table below:

Greater Sydney Region Plan	Western City District Plan
<p><i>"Urban development is not consistent with the values of the metropolitan rural area."</i></p> <p><i>"This Plan identifies that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban Area.... This eliminates the need for the Urban Area to expand into the Metropolitan Rural Area."</i></p> <p><i>"Restricting urban development in the Metropolitan rural area will help manage its environmental, social and economic benefits."</i></p> <p><i>"Maintaining the distinctive character of each rural and bushland town and village is a high priority."</i></p>	<p><i>"Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas."</i></p> <p><i>"Rural residential development is not an economic value of rural areas and further rural residential development is generally not supported."</i></p> <p><i>"Limited growth of rural residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the MRA"</i></p> <p><i>"Ongoing planning and management of rural towns and villages will need to respond to local demand for growth".</i></p> <p><i>"Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth".</i></p>

Rural Lands Technical Working Group

In response to the release of the District Plan councils are now required to complete a review and update of their Local Environmental Plan against the relevant district plan. Wollondilly has been identified as a high growth area and is required to complete this review within an accelerated timeframe of two years.

To assist Councils with this work the NSW Department of Planning & Environment along with the Greater Sydney Commission have facilitated a series of Technical Working Groups on key themes. On 20 July 2018 a Technical Working Group dedicated to rural lands was held.

In terms of 'local growth' and taking a 'place-based planning' approach the following points from the technical working group are considered relevant in providing direction:

- Local growth is about meeting the needs of the local community and achieving economic, social and environmental sustainability through identifying specific targeted outcomes (for example a need to accommodate demographic shift, supporting or sustaining infrastructure or achieving a specific environmental outcome). This should be set out in a vision.
- Local growth needs to be defined in the context of the local area because it's different for each community. Subsequently, there is no consistent approach that can be applied across Council areas.
- Communities generally tend to grow at 1-2% per year in terms of population.
- Forward planning needs to be evidence based and needs to rely on a solid understanding of the current and future demographic direction.
- The Metropolitan Rural Area boundary is fixed in the short term and can only be changed by a decision of government.

- Housing delivery in the short term (i.e. 0-5 years) will be delivered from land already zoned and serviced. i.e. decisions already made about land use.

Planning Proposals with Council currently being progressed (i.e. land not yet rezoned) generally deliver housing for the mid to long term (i.e. 6 years +). Housing delivery in the short term is typically delivered through land that is already zoned and serviced.

Earlier this year Council wrote to the Greater Sydney Commission seeking guidance on the application of the MRA for existing planning proposals at an advanced stage. Greater Sydney Commission's response in May 2018 provides some additional direction to the points noted above.

- Towns and villages in the MRA will not play a role in meeting regional or district scale demand for residential growth. This is a fundamental consideration for any planning proposal in the Metropolitan Rural Area.
- Growth and infrastructure should be aligned. This is particularly relevant given the capacity of growth centres in Wollondilly and other nearby local government areas.

Where are we at now?

Further work is required to determine appropriate 'local growth' for villages and towns across Wollondilly. Given the direction in the Region and District Plan and the outcome of the Rural Lands Technical Working Group it is clear that this work involves a coordinated and holistic approach to establish what 'local growth' is in the Wollondilly context. It cannot be determined on an ad hoc basis through consideration of individual landowner or developer led proposals for rezoning land to enable residential development.

This view is consistent with Council's resolution to agenda item GR4 on 19 June 2018 that 'local growth' should be defined *through the preparation of a housing strategy and Local Strategic Planning Statements (LSPS) that will outline sustainable local growth for our villages.*

Recent amendments to the *Environmental Planning & Assessment Act 1979* embed a statutory requirement for Councils to review their Local Environmental Plans as soon as practicable after a District Plan is made. The recent amendments also introduced new requirements for councils to prepare and make Local Strategic Planning Statements (LSPS). Both the review of the WLEP and the LSPS need to be informed by a housing strategy.

The NSW Department of Planning & Environment have published an indicative timeframe for this review which includes the preparation of studies (including a housing study) and the preparation and exhibition of the draft LSPS by May/June 2019. Council is in the preliminary stages of this work at present.

Subsequently, given the significance of the MRA in determining the suitability of growth throughout Wollondilly and the difficulties in determining local growth, it is considered that draft planning proposals seeking to enable residential housing growth are premature and cannot be supported.

For planning proposals that have already received a Gateway determination, a different approach needs to be taken. These proposals have been considered by Gateway to have some broad strategic merit and been allowed to proceed for further assessment. On this basis, it is important for the values of the MRA to be upheld and considered in each case.

It must be noted that the Gateway Determination for Picton East was issued prior to the release of the Greater Sydney Regional Plan and the Metropolitan Rural Area mapping. The Gateway determination represents the proposals broader strategic merit. The proposal is considered to be generally consistent with the key policy directions of the GMS and the Community Strategic Plan. The proposal is considered to maintain the character and amenity of Picton, as described in the Greater Sydney Region Plan and Western City District Plan. The proposal include the inclusion and expansion of 'sensitive land' as per the Natural Resources – Biodiversity Map which will protect the watercourses through the site and aid in maintaining the environmental value of the land. Further to this the proposal is located close to the existing amenity and services provided by Picton.

Section 9.1 Ministerial Directions

The Planning Proposal is generally consistent with the relevant Ministerial Directions as follows:

Ministerial Direction 1.2 Rural Zones

This Ministerial Direction states that a Planning Proposal must:

Not rezone land from a rural zone to a residential, business, industrial. And village or tourist zone.

Not contain provisions that will increase the permissible density of the land within a rural zone (other than within an existing town or village).

The planning proposal would allow for the rezoning of land from a rural zone to an urban zone which would also enable an increase in density of the land which is inconsistent with the Ministerial Direction. The Gateway determination issued by the Minister advised that the inconsistencies were of minor significance.

Ministerial Direction 2.1 Environmental Protection

The site contains environmentally significant native vegetation which is proposed to be conserved within environmental zones. The planning proposal is not inconsistent with Direction 2.1.

Ministerial Direction 2.3 Heritage Conservation

The site contains no listed European built heritage items of local, state or national heritage significance. An Aboriginal site is registered on the property but this land is not included within the part of the site that will be rezoned to permit residential development. It is considered that the planning proposal is consistent with Direction 2.3.

Ministerial Direction 3.1 Residential Zones

The planning proposal aims to increase the amount of residential land. The site is located adjacent to existing residential development and is close to the Picton town centre, community services and facilities. The site is serviced with the appropriate perimeter road and utility infrastructure which can be readily amplified to enable residential development.

The subject land will be included as an Urban Release Area under the WLEP 2011. This will ensure that any arrangements for State public infrastructure and public utility infrastructure are provided as well as a site specific DCP before development consent is granted for subdivision.

The rezoning will permit the development of a range of housing types, while ensuring the protection of environmentally sensitive land through the provision of E2 zones. The planning proposal is not inconsistent with Direction 3.1.

Ministerial Direction 3.4 Integrating Land Use and Transport

The site is accessible to public bus services along Menangle Street and to rail services from Picton railway station. A new planned road shall be integrated into the existing road network. The planning proposal is not inconsistent with Direction 3.4.

Ministerial Direction 4.2 Mine Subsidence and Unstable Land

The subject land is within the Wilton Mine Subsidence District. The Mine Subsidence Board has no objection to the proposal. The planning proposal is not inconsistent with Direction 4.2

Ministerial Direction 4.3 Flood Prone Land

The planning proposal site is located along Reeves Creek and its tributaries, beginning on the hillside above Picton and then flowing into Stonequarry Creek which has a history of flooding. Reeves Creek experiences a low magnitude and frequency of severe flooding. The Flood Impact Assessment and Hydrology Report evaluated the concept design of a future development

incorporating detention basins has found that there would be no impact on the peak flood levels downstream using these basins. Risks in terms of flooding for future residents may include isolation, low flood warning times and flooding of riparian areas but not properties during the PMF event. The report recommends an emergency plan in consultation with Wollondilly Council and the State Emergency Service to ensure future residents are made aware of potential flooding extents and risks associated with the riparian corridor and flood detention basins. Evacuation for the majority of the planning proposal site future residents is not required as access should be possible from proposed routes, north and south of the site. The report recommends multiple safe routes for events above the PMF events.

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

The planning proposal is not inconsistent with Direction 4.3

Ministerial Direction 4.4 Planning for Bushfire Protection

Consultation has been undertaken with the Commissioner of the Rural Fire Service following receipt of a Gateway determination. The land to which the planning proposal applies includes bushfire prone land and an assessment of requirements to limit bushfire hazard in accordance with Planning for Bushfire Protection 2006 has been undertaken. It is considered that the Planning Proposal is not inconsistent with Direction 4.4.

Ministerial Direction 6.1 Approval and Referral Requirements

The planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority. The planning proposal is not inconsistent with Direction 6.1.

Ministerial Direction 6.2 Rezoning Land for Public Purposes

The planning proposal will not create, alter or reduce existing zones or reservations of land for public purposes. It is considered that the planning proposal is not inconsistent with Direction 6.2. Walking trails to Vault Hill are likely to be dedicated to Council in a separate VPA process.

Ministerial Direction 7.1 Implementation of the Metropolitan Strategy for Sydney 2036.

The planning proposal is not inconsistent with the metropolitan strategy and is consistent with the Plan for Growing Sydney December 2014

State Environmental Planning Policies

State Environmental Planning Policy No.55 – Remediation of Land

A Preliminary Site Investigation was prepared to address the requirements of SEPP 55. Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) requires a consideration of the possibility that the land may be contaminated.

The land was used for farming activities since at least 1901 and is currently used for grazing. Agriculture is identified as a potentially contaminating activity and accordingly a Preliminary Site Investigation was undertaken.

This investigation identified six potential areas of environmental concern (AEC). For the site overall contamination is considered to be of low potential and the AEC are localised and pose little or no current risk to human health or the environment. To determine whether any of the AEC's require remediation, a Detailed Site Investigation (DSI) would be required as part of a future development application for the site. This could be included in part of a site specific DCP control for the site, however, is also captured by the SEPP.

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

Clause 6 of the Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (REP) identifies the Planning Policies and recommended strategies for development in the area. Consideration of these matters is set out below:

Environmentally Sensitive Areas:

An E2 Environmental Conservation Zone is proposed to be applied to the watercourse and associated riparian area which runs through the central area of the site. This would provide a significant buffer to the watercourses and Reeves Creek. The E2 zone would also assist in protecting aquatic habitat, riverine vegetation and bank stability in accordance with the requirements of the Plan.

Water Quality:

Significant measures are proposed to ensure that impacts of any future development of the site would not adversely impact on water quality. The Stormwater Management Report identifies that a variety of treatment measures such as bioretention basins and filtration devices may be used to achieve the water quality goals on the site. The application of the E2 zone to the riparian corridors on the site would also ensure that aquatic vegetation and bank stability is preserved in the area to the maximum extent in accordance with the requirements of the Plan.

Water Quantity:

The Stormwater Management Report undertaken with the proposal includes sufficient measures to ensure that the amount of stormwater run-off from the site and the rate at which it leaves the site would not significantly increase as a result of future development. Five onsite detention basins are proposed in order to limit the post development stormwater run-off to match existing peak flows for all storm events up to and including 1% AEP events.

Cultural Heritage:

As previously mentioned the site contains no listed European built heritage items of local, state or national heritage significance.

Flora and Fauna:

Strategy (a) in the REP is to conserve and where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors. Reeves Creek is the main watercourse within the site and the vegetation within the associated riparian corridor on the site has been identified as endangered ecological community. This area would be suitably conserved through an E2 Environmental Conservation zone and there may be an opportunity to enhance this area in the future through restriction on the use of land on this part of the site which requires a vegetation management plan to form part of a future subdivision application.

Draft Amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

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

Wollondilly Local Environmental Plan, 2011 (WLEP 2011)

Based on the specialist studies and consultation and engagement there are no changes to the planning proposal as exhibited.

The planning proposal seeks amendments to WLEP 2011 as described below:

- Amend the Land Zoning Map from RU2 Rural Landscape (RU2) to R2 Low Density Residential (R2), E4 Environmental Living (E4) and E2 Environmental Conservation (E2).

- Amend the Lot Size Map from no minimum lot size to a minimum lot size of:
 - 400sqm, 450sqm, 700sqm and 1500sqm for R2 land,
 - 1500sqm for E4 land,
 - 5 ha for E2 land and 20 ha for the residual RU2 land on Lot 106 DP111043 and,
 - 40 ha for the residual RU2 land on Lot 2 DP 229679 outside the rezoning site.
- Amend the Height of Buildings Map to a maximum building height of 9 metres.
- Amend the Natural Resources Water Map to provide riparian buffers of 10m, 20m and 30m along Reeves Creek and its tributaries.
- Identify the land on the Urban Release Area maps under WLEP 2011.
- Amend Part 7 Additional Local Provisions to include a clause entitled "Landslide Risk" and with an accompanying map detailing areas of landslide risk on the site that would require further investigation at the development application stage.

7.7 Landslide risk

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

Wollondilly Development Control Plan, 2011 (WDCP 2011)

Site specific DCP controls will apply to any future development on the subject land. These will be the subject of a later report.

Consultation

Formal Consultation with Council Staff that Provide Specialist Comment

The following comments on the planning proposal were received from Council staff:

Environment

- There is concern with protection of remnant native vegetation and ensuring that environmental weeds are removed and managed. The proposed E2 land requires significant improvement, revegetation and soil stabilisation. These matters should be addressed prior to any dedication of the land to Council. Potential salinity issues should be addressed.
- The ability of a number of allotments to support the necessary Asset Protection Zones to comply with the Planning for Bushfire Protection Guidelines with dwelling and other ancillary items is questioned. A specific control is therefore needed to ensure *that Asset Protection Zones must not under any circumstances, encroach into any E2 zoned land*;
- Recommended that the Natural Resource Biodiversity Layer be applied to all areas mapped as Good and Moderate Condition on the attached Map from the Biodiversity and Riparian Land Map to ensure that adequate avoidance and minimisation measures and possibly offsetting can be applied at the sub-division application stage. The Area to be applied to the Natural Resources Biodiversity Layer is provided in attachment 9.

Comment: The creek line and associated E2 Land has been identified for revegetation, including the integration of bioretention basins and APZ's. Controls can be contained within the site specific DCP that will restrict any APZ encroaching into the E2 Land.

Infrastructure and Planning

- The Picton Traffic Management Plan 2026 has not yet been finalised.
- The decrease in lots will extend the lifespan of any proposed traffic upgrades rather than negate the need for it.

Comment: In conjunction with RMS response, the proponent is providing additional information to ensure any road upgrades are appropriate and practical. A VPA agreement is still being negotiated which will ensure a suitable contribution to the scope of works outlined in the Draft Picton Traffic Management Plan 2026

Engineering

Consultation with Council's Engineering Department raised the following concerns:

- Road width needs to be assessed to ensure bus route capabilities.
- Onsite detention should be implemented to reduce the post-development peak flow rate to a level below the pre-development peak flow rate for all storms up to 100 year ARI. Further detail can be addressed at the development application stage.
- Concerns raised regarding the steep lots up to 33% and some road excavations, for achieving satisfactory access from the road to the lots. Garages with not setbacks could provide access to steep lots if the access is ideally from a one way rear lane such as roads 4 and 5, however for access to lots such as those fronting road 3 a no setback garage could be considered from a minor two way local street.
- In relation to lots sizes it is considered that to improve accessibility to lots, allow for cut/fills & retaining walls that the proposed minimum lots sizes should be increased. In addition the typical cross sections provided for 2m & 4m falls do not include sections for the side slopes which would indicate cut/fill & retaining walls to achieve a building platform.

Comment: Further detail regard onsite detention can be addressed at the Development Application stage.

Consultation with Public Agencies

The Gateway Determination required consultation with the following Public Agencies:

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

The following is a summary of the matters raised by public authorities and assessment comments.

Office of Environment and Heritage – Environment Division

The comments raised from 2013 and 2018 by Office of Environment and Heritage are summarised in detail below:

Biodiversity

- The site supports remnants of Cumberland Plain Woodland which listed as critically endangered under the Threatened Species Conservation Act, 1995 and Moist Shale Woodland, Shale Sandstone Transition Forest and Riverflat Eucalypt Forest which are listed as endangered under the Threatened Species Conservation Act, 1995. Cumberland Plain Woodland and Shale Sandstone Transition Forest are also listed as critically endangered at the Commonwealth level in the Environment Protection and Biodiversity Conservation Act.
- OEH notes that the proposed E2 Environmental Conservation, E3 Environmental Management and RE1 Public Recreation zones should afford some protection to the threatened species.
- OEH considers that protection is required for threatened species within the residue RU2 Rural Landscape zone. OEH recommends any ecological constraints identified should be mapped and included in a biodiversity overlay that can be used in combination with environmental protection zones to avoid development in areas which support important biodiversity values.
- Recommends to expand the E2 zoned land to better protect the vegetation mapped as Alluvial Woodland (AW) or Shale Hills Woodland (SHW).
- Agrees that the E2 zone land should not be subdivided further and should remain in one portion
- Supports the protection of riparian corridors by an E2 zoning.

- Supporting of revegetating the headwaters of streams B, C and D so as to improve habitat linkages to the ridge top.
- Seeks clarification on who will be responsible for managing/maintaining the E2 zoned land, and notes preference for E2 zoned land be in public ownership.
- OEH recommends that detention basin locations should avoid disturbing remnant native vegetation. OEH does not support locating detention basins in E2 zoned land or adding drainage as a permissible use within the E2 zone.
- OEH has preference that remnant Shale Hills Woodland (SHW) to be zoned E3 rather than E4 as currently proposed.
- Two separate patches of SHW on the western boundary of the site are identified as having high recovery potential. OEH recommends this remnant area is zoned E3 rather than R2.

Comment: Most of the site is cleared and contains exotic and weedy growth and patches of degraded remnant native vegetation throughout the site and along Reeves Creek. The original Biodiversity and Riparian Land Assessment included a larger site and native vegetation communities mapped at the study area included Shale Hills Woodland and Alluvial Woodland.

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

Aboriginal Cultural Heritage

- OEH recommends the Aboriginal Cultural Heritage Assessment and Archaeological Technical Report submitted to Council are updated. OEH considers there are other Aboriginal land use factors that need to be assessed;
- OEH recommends that the ceremonial/dreaming site is zoned E2 rather than RE1 to ensure the site is adequately protected.

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

Floodplain Risk Management

- Original concerns raised by OEH include:
 - Council should ensure the proposal includes sufficient additional information on flooding, drainage and stormwater to determine whether the proposal adequately addresses Section 9.1 Direction 4.3 Flood Prone Land.

- The steep nature of the site and overland flow paths may pose significant flooding risk within the site and may exacerbate flooding problems downstream.
- A hydrological and hydraulic flood risk assessment for both existing and proposed developed conditions is recommended. This assessment should include Reeves Creek and all watercourses within the site.
- The most recent advice from OEH considers that the Flood Impact Assessment prepared is fit for the rezoning purpose, noting that any future development should utilise Councils up-to-date flood studies.

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

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

Site specific provisions of Wollondilly DCP

- OEH most recent response outlines a range of site specific controls to be included in the Wollondilly Development Control Plan. These will be considered in a future report to Council regarding the site specific controls for Picton East.

Office of Environment and Heritage – Heritage Council

Comments received from the Office of Environment and Heritage – Heritage Council are summarised as follows:

- The subject site is not a listed item of heritage significance.
- The site is located partially within the Picton Heritage Conservation Area and incorporates Vault Hill which includes an old cemetery and a dairy – both of which have been identified as being of potential heritage significance within the Planning Proposal report.
- A heritage assessment should consider the general suitability of the rezoning, the cultural values and significance of the cemetery atop of Vault Hill and adjacent dairy, and the potential for visual and physical impacts resulting from the future envisaged development of the subject site.
- The Heritage Branch recommends that the Planning Proposal be informed by the findings and recommendations of a heritage assessment.

Comment: The site has a long European history associated with early settlement and farming in NSW. No heritage items are listed on the State Heritage Register or in Schedule 5 of WLEP 2011

on the site. One heritage item, located adjacent to the site is the culvert under Menangle Street. A small portion of the site zoned R2 Low Density Residential fronting Menangle Street is within the Picton Conservation Area which is listed in the WLEP 2011. The Built Heritage Assessment has not identified any additional items on the site that should be heritage listed. It has recommended that consideration should be given to ensuring that any potential impacts on the culvert should be minimised and may require a Heritage Impact Assessment. It also recommends that future development should respect the heritage values of the Picton Conservation Area.

Department of Primary Industry – Agriculture

The Department of Primary Industry – Agriculture raised the following matters:

- The locality has Agricultural Land Class 4 (suitable for grazing not cultivation). There appears to be some land that has been irrigated or cropped within 108 Menangle Street.
- Most of the land is suitable for low stocking rate grazing.
- The location is not near an intensive animal establishment and would appear to have merit to provide the highest residential density potential to reduce pressure on the better quality agriculture land to the West of Picton.
- Recommend that the report includes a section on the impact on agriculture if removed from current production potential and that any suitable lands that could continue to be used for fodder production considered for water recycling.

Comment: The current agriculture land use represents the highest and best use of the land. The GMS 2011 identified the Reeves Creek locality as an area for future investigation for residential purposes. The Planning Proposal does not preclude the use of the residual lands for agricultural purposes.

Department of Trade and Investment – Mineral Resources and Energy

The comments provided from the Department of Trade and Investment – Mineral Resources and Energy are summarised as follows:

- The site overlies the Illawarra Coal Measures with the highly valuable Bulli Seam at a depth of approximately 500 to 600 metres. The site lies within the Wilton Mine Subsidence District and the nearest coal titles are held by Tahmoor Coal Pty Ltd approximately 600m to the west and Endeavour Coal Pty Ltd approximately 770m to the east.
- The location of the residential zoning is in accordance with the adopted Wollondilly Growth Management Strategy which adjoin existing residential zones.
- The Department of Trade and Investment – Mineral Resources and Energy does not oppose the rezoning with the Mine Subsidence Board providing building guidelines and densities.

Comment: The Department of Trade and Investment – Mineral Resources and Energy did not raise any objection to the planning proposal.

Mine Subsidence Board

The Mine Subsidence Board (MSB) now known as Subsidence Advisory NSW have provided the following comments:

- The MSB has not indicated any concerns with the planning proposal.
- The applicant should be advised to seek the Board's approval for any proposed subdivision or the erection of improvements at the appropriate time.

Comment: No issues of concern were raised by MSB. As such, no further action is required.

Sydney Water

Sydney Water have provided the following comments:

Water

- The current water supply system does not have adequate capacity to service the proposed 200 lot residential development. Significant amplification of the existing water supply system will be required to service any additional development in this area.
- Sydney Water is currently undertaking a detailed review of the water supply servicing strategy for this area. The investigation will be based on forecast development information being provided by Wollondilly Council.
- Detailed comments regarding capacity and connection points will be provided at the Section 73 application stage for each development.

Wastewater

- The proposed development is not in the 2010/11 Metropolitan Development Plan. The Picton wastewater amplification detailed planning project did not consider this development in the planning proposal.
- Servicing of the proposed development will be dependent on compliance with Sydney Water connection requirements, a planning approval and a capacity assessment to ensure that flows from future connections are:
 - Less than the approved Scheme capacity of the plant and farm and
 - The Scheme's Environmental Protection Licence conditions can be met when considering connection requests.

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

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

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

- The proponent's willingness to comply with Sydney Water's connection requirements.
- The proponent must have an existing relevant planning approval obtained under the Environmental Planning and Assessment Act 1979.
- The proponent is to submit a capacity assessment report to Sydney Water to ensure that flows from future connections are:
 - Less than the approved Scheme capacity of the plant and farm and

- The Scheme's Environmental Protection Licence conditions can be met when considering connection requests.

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

NSW Transport – Roads and Maritime Services

The issues raised by the RMS during the formal public exhibition of the Planning Proposal are summarised below:

- *RMS requests that the finalisation of the PP be placed on hold until additional information that adequately addresses the issues above has been provided. This ensuring that the PP, if approved, has minimal impacts on the state classified road network and correctly reflects the works required to be provided by the developer as part of any future development applications lodged.*
- *The sites access via Menangle Street (identified as the primary site access) will require an upgrade to a priority controlled access with auxiliary /deceleration left turn lane and channelised right turn, RMS requires a greater level of detail in relation to the design of the proposed intersection upgrade works. This information is required so as to demonstrate that a compliant design can be constructed within land available/within the legally defined road reserve boundaries noting the location of the proposed intersection appears to have a number of constraints (i.e. existing infrastructure such as power poles, culverts, guardrail, etc) and to allow RMS to undertake a preliminary assessment of the works proposed*
 - *Detailed strategic/concept design plans are required to be submitted for the proposed intersection upgrade works at the sites access to Menangle Street, which is a state classified road. These details are required to allow RMS to undertake a preliminary assessment of the works proposed.*
 - *Details regarding connectivity within and through the site for vehicles (cars, buses, etc), pedestrians and cyclists is required in order to minimise trips on the classified road network.*

Comment: RMS comments have been forwarded to the proponent for action, as such these comments have to yet been satisfied. The RMS information request is attached to this report. Concerns regard the availability of land within the legally define road reserve for the construction of the intersection upgrades which will need to be resolved prior to the finalisation of the Planning Proposal. Proponent is to submit detailed plans to Council to be forward to RMS for final comment.

NSW Rural Fire Service

The RFS has advised that they have no objection to the proposal in principle and notes that part of the site has been mapped as bush fire prone land.

The future subdivision development of the site:

- *Must comply with the requirements of Planning for Bushfire Protection 2006.*
- *Construction of dwellings shall be subject to the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979.*
- *Design of the subdivision should enable the appropriate asset protection zones commensurate with the hazard to be achieved within the boundary of those lots which interface with a potential bush fire hazard including grasslands as a category of hazardous vegetation within the Australian Standard AS3953-2009 Construction of buildings in bushfire-prone areas.*

- *Consideration also should be given to ensuring that suitable access, water and utilities is made available to the lots.*
- *APZs extend into the Riparian Corridor proposed to be rezoned to E2 Environmental Conservation. A Vegetation Management Plan or suitable legal instrument will be required at subdivision stage that acknowledges the APZs and introduces controls to ensure management of the APZs in perpetuity.*

Comment: The Bushfire Assessment found that the bushfire hazard is low across the site and that the land is capable of accommodating future residential subdivision. The primary bushfire hazard is the woodland areas to the east of the site and the riparian corridors along Reeves Creek and tributaries. Potential hazards are areas of unmanaged grasslands on adjoining rural land. Asset protection zones are proposed on the boundaries of the site (10m width) where it adjoins rural or vegetated land. Asset protection zones along the watercourse range from 15 to 25m in width. A vegetation management plan or other legal mechanism for the protection of APZs that extend in the riparian corridor are to be considered for inclusion in the future site specific development control plan and will be subject to a future report. The provision of access and perimeter roads to provide safe access and egress for fire fighters and future residents has been assessed as satisfactory.

Endeavour Energy

No response to the Planning Proposal has been provided by Endeavour Energy.

NSW Department of Primary Industry – Crown Lands

No response to the Planning Proposal has been provided by NSW Department of Primary Industry – Crown Lands

Fire and Rescue

No response to the Planning Proposal has been provided by Fire and Rescue NSW.

Community Consultation

The Gateway determination specified a 28-day period of community consultation and public exhibition. During this time the Planning Proposal, specialist studies and other documents as required by the Gateway determination were made available for public viewing on Council's website, at Council's Administration Building and Library. A public notice was placed in the local newspaper. Letters were sent to those who made previous submissions and those considered affected by the proposal.

The issues raised in the 14 submissions that are relevant to the assessment of the planning proposal are summarised in an attachment to this report.

A late submission was received raising concerns about flooding and storm water impacts. This issue was raised by other submissions, and is addressed in this report.

Tharawal Aboriginal Land Council










Concerns were raised about the impact of the proposal on an identified Aboriginal Site located within the broader land area. The location of this heritage item is not within the proposed re-zoning and is located on the residual rural land. The Tharawal Aboriginal Land Council recommends further studies to confirm the site will not be impacted by any future development.

In summary, the matters raised in submissions have been addressed through the specialist studies or can be dealt with as part of the assessment of future development applications.

Financial Implications

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS

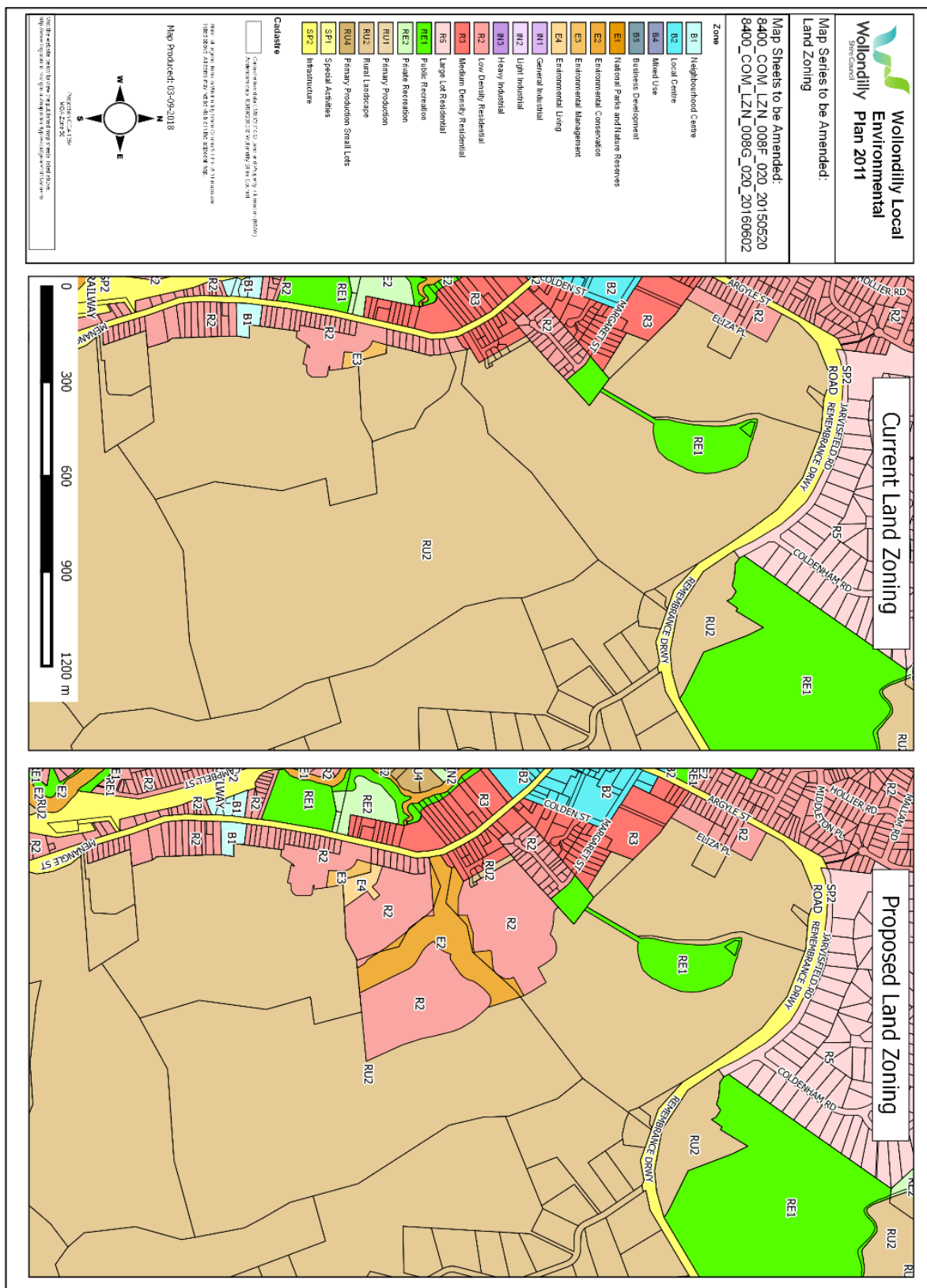
1. Land Zoning Comparison Map 
2. Height of Building Comparison Map 
3. Lot Size Comparison Map 
4. Natural Resources - Water Comparison Map 
5. Urban Release Area Comparison Map 
6. Landslide Risk Comparison Map 
7. RMS referral response and information request 
8. Submission Matrix 
9. Conservation Value Map - Land to be included on Natural Resources Biodiversity Layer 

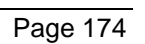
RECOMMENDATION

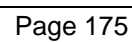
It is recommended that:

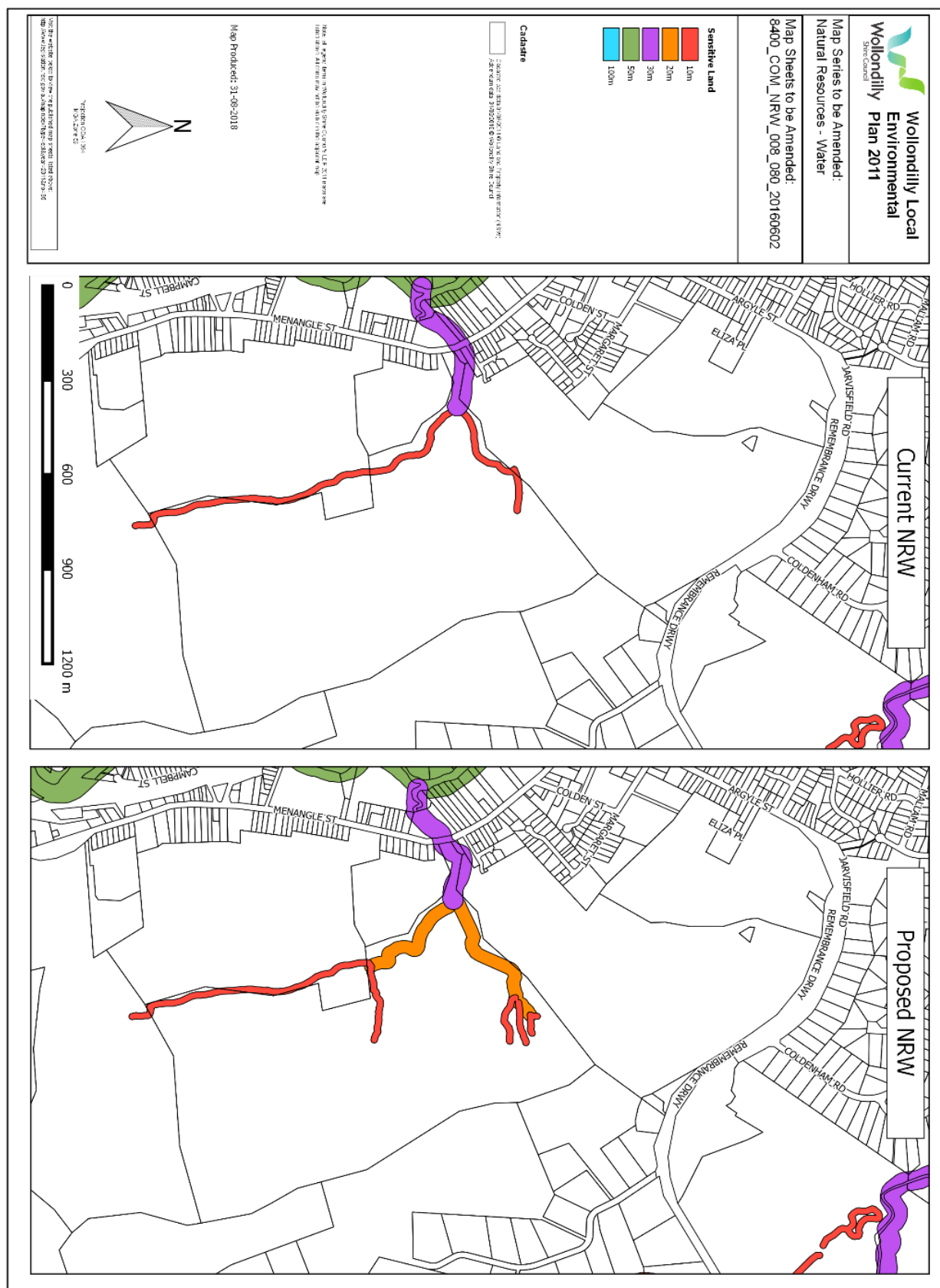
1. The draft amendment to the Wollondilly Local Environmental Plan 2011 be supported in principle for the Planning Proposal as it relates to Part Lot 106 DP 1111043 (Part 1735 Remembrance Drive, Picton), Part Lot 2 DP 229679 (Part 108-114 Menangle Street, Picton) and Lot 9 DP 233840 (116-118 Menangle Street, Picton) subject to:
 - (a) the finalisation of traffic concerns to the satisfaction of Council's Staff and NSW Roads and Maritime Services.
 - (b) satisfactory access arrangements being resolved;
 - (c) Amending the Land Zoning Map from RU2 Rural Landscape to:
 - (i) R2 Low Density Residential
 - (ii) E2 Environmental Conservation
 - (iii) E4 Environmental Living
 - (d) Amending the Lot Size from a minimum lot size category of 100 ha to minimum lot size of:
 - (i) 400 square metres
 - (ii) 450 square metres
 - (iii) 700 square metres
 - (iv) 1500 square metres for land zoned E4 Environmental Living
 - (v) 5ha for land zoned E2 Environmental Conservation
 - (vi) 40ha for the remaining rural land on lot 2 DP 229679
 - (vii) 20 ha for the remaining rural land on lot 106 DP 1111043
 - (e) Amend the Maximum Building Height Map from no maximum building height to a maximum building height of 9m.
 - (f) Amend the Natural Resources Water Map to provide a riparian buffer of 20m along a watercourse and the addition of 10m buffer along four minor watercourse.
 - (g) Amend the Urban Release Area Map to include the subject site.
 - (h) That upon the satisfaction of the requested information the planning proposal be forwarded to the Greater Sydney Commission for finalisation.
 - (i) That Council seek a further four month extension to the Gateway timeframe so that the matters above can be adequately resolved.

2. A report be brought to Council detailing proposed site specific planning controls for inclusion with the Wollondilly Development Control Plan 2016 to guide development on the site.

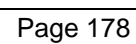














Our ref: STH12/00085/60
Contact: Andrew Lissenden 4221 2769
Your ref: TRIM 6482

28 September 2018

Mark Ruddiman
Wollondilly Shire Council
BY EMAIL: council@wollondilly.nsw.gov.au

PICTON EAST PLANNING PROPOSAL – PUBLIC EXHIBITION OF PLANNING DOCUMENTS

Dear Mark

Roads and Maritime Services (RMS) refers to Council's letter dated 11 September 2018 regarding the public exhibition of the above planning documents.

RMS has reviewed the information provided focusing on the impact to the state/classified road network. RMS as a result of its assessment notes the following:

- For this planning proposal (PP) the key classified roads are Menangle Street which is identified as a state classified road and Argyle Street/Remembrance Drive which are identified as a regional classified road managed by Wollondilly Council; and
- Since previously providing comments the PP has been amended. The amended proposal allowing the subdivision of land to enable a yield of approximately 250 dwellings (a reduction from 400 dwellings as originally proposed).

Having regard for the above RMS advises that it has concerns with the PP as currently provided for comment. Specifically these concerns relate to the need for:

- A strategic/concept design for the new intersection at the Menangle Street access point; and
- Connectivity within/through the land affected by the PP and when it will be provided.

Attachment 1 to this letter provides further details on the above as well as some other general comments on the PP.

RMS requests that the finalisation of the PP be placed on hold until additional information that adequately addresses the issues above has been provided. This ensuring that the PP, if approved, has minimal impacts on the state classified road network and correctly reflects the works required to be provided by the developer as part of any future development applications lodged.

If you have any questions please contact Andrew Lissenden on 4221 2769.

rms.nsw.gov.au

1

Please ensure that any further email correspondence is sent to 'development.southern@rms.nsw.gov.au'.

Yours faithfully



Chris Millet
Manager Land Use
Southern Region

Cc: *mark.ruddiman@wollondilly.nsw.gov.au*

Attachment 1

- **Intersection Strategic/Concept Design:** RMS from reviewing the traffic reports submitted (Traffic Impact Assessment (TIA) prepared by Cardno - Job Ref: NA50613047 R01 Ver C, dated 19/05/2015 and Addendum Technical Memorandum prepared by Cardno - Ref: NA50613407:CA, dated 26 July 2018) notes that minimal detail has been provided as part of the PP on the proposed intersection upgrade works at the sites access to Menangle Street/the state classified road. While RMS notes that both the above documents detail that the sites access via Menangle Street (identified as the primary site access) will require an upgrade to a priority controlled access with auxiliary /deceleration left turn lane and channelised right turn, RMS requires a greater level of detail in relation to the design of the proposed intersection upgrade works. This information is required so as to demonstrate that a compliant design can be constructed within land available/within the legally defined road reserve boundaries noting the location of the proposed intersection appears to have a number of constraints (i.e. existing infrastructure such as power poles, culverts, guardrail, etc) and to allow RMS to undertake a preliminary assessment of the works proposed. As such the strategic/concept design plans provided must address the following:

- **Level of Detail:** The concept design plans provided must be to scale and should include, but not be limited to, legal property boundaries (including the existing road reserve boundaries), existing and proposed lane configurations, existing and proposed lane widths at a number of locations along the length of the proposed works, lane lengths for the new works, details on new signage and line marking, identification of existing infrastructure (e.g. power poles), measures to ensure pedestrian connectivity along and across Menangle Street, etc.

The concept design provided must demonstrate:

- compliance with the applicable requirements in the *Austroads Guide to Road Design* and its associated supplements/technical directions; and
- that the works can be contained within the legally defined road reserve boundaries. The designs provided must be for a design speed of 70km/h (i.e. the posted speed limit + 10km/h). If the concept design shows works are required in adjoining land under separate ownership (excluding land within the legally defined road reserve), then owners consent from that property owner will be required;
- **Sight Distance:** Details are required that clearly demonstrate, that based on the concept design above, any new access to/from the Menangle Street would have safe intersection sight distance in accordance with *Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersection* for both cars and trucks. To demonstrate that appropriate sight distance is available, RMS requires a scaled concept plan showing the sight distance at the access. The plan needs to identify the proposed location of the access and the extent of any works proposed/required to achieve the required sight distance (i.e. 151m for cars based on a reaction time of 2.0 seconds and a design speed of 70km/h); and
- **Swept Path Analysis:** A Swept Path Analysis in accordance with Austroads turning templates to demonstrate that the largest vehicle likely to utilise the access can enter and exit in a forward direction without crossing the centre line of the road/impacting upon any proposed infrastructure into which it is accessing.
- **Connectivity:** RMS notes that the indicative road layout displayed in the PP documentation shows an internal road hierarchy that provides connectivity through the development site and ensures that all vehicles can enter and exit either through the Margret Street access or the Menangle Street access

Attachment 1

(refer to Figure 3.2 of the Cardno TIA dated 19/05/2015). Limited details have however been provided as part of the PP on when the connectivity within/through the development site will be provided.

RMS believes, from a network perspective, that this connectivity for vehicles (cars, buses, etc) as well as for pedestrians and cyclists as part of any future development is important and must be provided as part of the first stage of any future land subdivision. Without this link/connectivity RMS has concerns that a number of local trips will need to be made via the Menangle Street and its associated intersections with Argyle Street which is considered inappropriate. The provision of internal connectivity also providing for a connected neighbourhood which is desirable and which it is noted the PP seeks to provide. As such, given that the submitted PP has not at this time provided any details on how the future subdivision of land will be staged, RMS believes that the internal collector road connection between Menangle Street and Margret Street is vital to minimise trips on the classified road network and as such must be provided as part of the first stage of future development.

- Other General Comments: RMS notes that that the PP seeks to identify the area to which it applies as an Urban Release Area (URA) under the *Wollondilly Local Environmental Plan 2011* (WLEP 2011). RMS supports the inclusion of the land as a URA and the need for any future development to address the provisions of Clause 6.1 (Arrangements for designated State Public infrastructure) of WLEP 2011.

Matrix & Table Summarising Stakeholder submissions to the Picton East Planning Proposal

MATRIX OF KEY ISSUES RAISED IN SUBMISSION

Submission No.	Does the submission support the development?	Traffic and transportation	Rural living and local character	Lot Size and density	Storm water and flooding	Inadequate infrastructure and services	Landslide risk	Flora and Fauna	Employment, business and tourism	other
1	No					•				
2	No	•	•	•	•	•		•		•
3	No	•	•				•	•		
4	No		•	•			•		•	
5	No		•	•						
6	No	•		•	•	•				
7	No	•	•	•	•	•		•		
8	Neutral				•					
9	No	•			•					
10	No		•	•		•	•		•	•
11	Yes								•	•
12	Yes	•	•						•	
13	No	•	•					•		
		7	8	6	5	5	3	4	4	3

TABLE SUMMARISING SUBMISSIONS AND COUNCIL'S RESPONSE

Issue Raised	Council Assessment Response
Traffic, roads and public transport	
<ul style="list-style-type: none"> Roads are inadequate at present; <ul style="list-style-type: none"> Local roads are often not maintained very well at present The proposed development will lead to more congestion in surrounding streets and the local area The streets in the vicinity of the proposal are too narrow for the number of extra car movements proposed Intersection of Margaret and Argyle Street will be significantly impacted Upgrades to local roads will need to occur first in order to fix current traffic issues Streets surrounding the proposal site are often congested in the peak period No space for propose road upgrades for entry/exit onto Menangle street. Picton Bypass needs to be built Margaret street inappropriate for site access during construction phase Site will provide an alternate route through Picton, avoiding the main street 	<p>The Planning Proposal is expected to generate approximately 250 additional dwellings, which is considered to have a significant impact on the road network.</p> <p>It is noted that the development will lead to more congestion and subsequently impact the condition of surrounding roads.</p> <p>A Transport Plan known as The Picton Town Centre Transport Plan 2026 is currently in draft format. The Transport Plan assumed that the Picton East Planning Proposal consisted of 400 dwellings. The Transport Plan includes recommendations for upgrading the infrastructure at existing intersections to help maintain and improve safe traffic movements.</p> <p>The Picton East Planning Proposal has been reduced to approximately 250 dwellings, and therefore extends the life of the upgrades recommended in the Transport Plan. As such, the local road network, subject to the upgrading of existing intersections, can accommodate the traffic movements generated by future development.</p>

Attachment 2; Matrix & Table Summarising Stakeholder submissions to the Picton East Planning Proposal

Issue Raised	Council Assessment Response
	Local and State contributions levied by the development will contribute to the maintenance and upgrade to the local and wider road network
<ul style="list-style-type: none"> • Public transport is limited and unreliable; <ul style="list-style-type: none"> - Train services on the Southern Highlands Line are not frequent enough for the existing population let alone further population growth - Train services take too long to arrive at their destinations - Current train services will not be able to accommodate for further growth and are already crowded - Public transport will not provide easy or reliable access to jobs for new residents - Additional parking is required at the station. 	Noted - Council acknowledges the limited public transport options available to residents in the area, particularly in reference to rail links.
Rural living and local character	
<ul style="list-style-type: none"> • Inconsistency with rural living and local character. <ul style="list-style-type: none"> - This proposal does not fit/compliment Wollondilly Shire Council's 'Rural Living' image. - This development does not fit within the rural landscape of Picton and Wollondilly - Inconsistent with the GMS and wider strategic plans 	The location of the proposal is considered to limit impact on the rural character of the area. The proposal is generally consistent with the GMS and wider strategic plans
<ul style="list-style-type: none"> • Impact on scenic and landscape value; <ul style="list-style-type: none"> - This development will have an impact on the scenic and landscape value of Picton and the surrounding areas - Current height limits are attractive to people living in more built up areas who prefer rural lifestyles - This will have an impact on tourism due to its visibility from a large surrounding area 	<p>The proposed height limits are consistent with current height limits in Picton and across Wollondilly more generally.</p> <p>The proposal is located at the base of the hill and is not expected to significantly impact on the scenic value of the area.</p>
Inadequate infrastructure and services	
<ul style="list-style-type: none"> • Educational and Childcare services and infrastructure <ul style="list-style-type: none"> - Already constrained service - Picton schools insufficient for the proposed growth • Medical services and infrastructure <ul style="list-style-type: none"> - Already constrained service • Police and fire brigades <ul style="list-style-type: none"> - Already constrained service • Community services and infrastructure <ul style="list-style-type: none"> - Local social community services would be inadequate for any increase in population in the area at present 	<p>The Planning Proposal was accompanied by a Services Assessment Report which concluded that there are multiple potential connection strategies for the essential utilities (i.e. potable water, waste water, power and telecommunications) to service future development</p> <p>Local and State contributions levied by the development will contribute to the acquiring of land and provision of new offsite infrastructure (such as public transport, medical, police and education services) as well as maintenance and upgrading to the existing services.</p>

Attachment 2; Matrix & Table Summarising Stakeholder submissions to the Picton East Planning Proposal

Issue Raised	Council Assessment Response
Lot size and density	
<ul style="list-style-type: none"> • Lot size and density <ul style="list-style-type: none"> - Ensure it is in keeping with the surround - Inappropriate for Picton, more suited for high density inner city areas. - No need in Wollondilly for the proposed density - Proposal will create more affordable housing • Building design and considerations; <ul style="list-style-type: none"> - Controls to ensure dwelling types are in keeping with the surrounds 	<p>The proposal will provide a variety of lot sizes and densities – this will help diversify Pictons housing stock, and provide more housing options for residents.</p> <p>The layout of the varying lot size is considered appropriate for the location and aligns, with the surrounding housing typologies, access to open space, and the indicative layout.</p> <p>A site specific controls will be applicable to the site, and will be included in the Wollondilly Development Control Plan 2016 – the exact format is subject to future reporting.</p>
Commercial, tourism and local employment	
<ul style="list-style-type: none"> • Impact on tourism due to its visibility from a large surrounding area • Increased population will boost local business and create more local jobs 	Noted.
Flooding and stormwater	
Stormwater <ul style="list-style-type: none"> - Concerns raised about excessive runoff into the lower parts of Picton - Existing infrastructure such as drainage swales to be maintained. - Management of existing and exacerbated overland flow - Water quality concerns 	<p>The Stormwater Management Report undertaken with the Planning Proposal includes sufficient measures to ensure that the amount of stormwater run-off from the site and the rate at which it leaves the site would not significantly increase as a result of future development.</p> <p>Five onsite detention basins are proposed in order to limit the post development stormwater run-off to match existing peak flows for all storm events up to and including 1% AEP events</p>
Flooding <ul style="list-style-type: none"> - Increase risk of inundation of Picton township - Ability of the Bridge (Menangle Street over Reeves Creek) to cope with stormwater or flood events. - Downstream flooding impacts. - Flash flooding concerns along Emmett Close and Colden Street. 	<p>The Planning Proposal was accompanied by a Flood Impact Assessment and Hydrology Report which concluded that future development would not result in a change to the current flood behaviour. Within the site, the main changes to the flood behaviour are the introduction of a series of basins to retard the additional surface runoff from development. The Flood Impact Assessment and Hydrology Report demonstrates the basins are adequately sized and the changes to the flood conditions are minor with the site.</p>
Geotechnical stability / landslip risk	
<ul style="list-style-type: none"> - Stability of the site - Risk of landslip 	<p>The Planning Proposal includes the introduction of a Landslide Risk map and clause in the WLEP 2011 to ensure areas of the site that may be prone to instability are engineered satisfactorily for new residential development.</p>

Attachment 2; Matrix & Table Summarising Stakeholder submissions to the Picton East Planning Proposal

Issue Raised	Council Assessment Response
Flora and Fauna	
<ul style="list-style-type: none"> Advanced trees located on site 	<p>Areas of native vegetation are proposed to be retained through the provision of an E2 Environmental Conservation Zone. This will be applied to the watercourse and associated riparian areas which run through the site.</p>
Access	
<ul style="list-style-type: none"> Access is not to occur through Baxter Lane Legal access from Margaret Street not confirmed. 	<p>An Indicative Layout Plan (ILP) was provided with the Planning Proposal, which indicates that the primary vehicular access points to the site will be from a proposed connection to Menangle Street and a proposed connection to Margaret Street. These roads are identified as collector roads and will accommodate future bus services.</p> <p>Baxter Lane is also intended to facilitate access to the site, however this will be designated as a 'local road', which is not intended to accommodate a significant amount of vehicles.</p> <p>Council has requested from the proponent confirmation of access arrangements from Margaret Street.</p>

Areas of high and low Conservation Value

Reeves Creek Rezoning Investigation – Biodiversity and Riparian Land

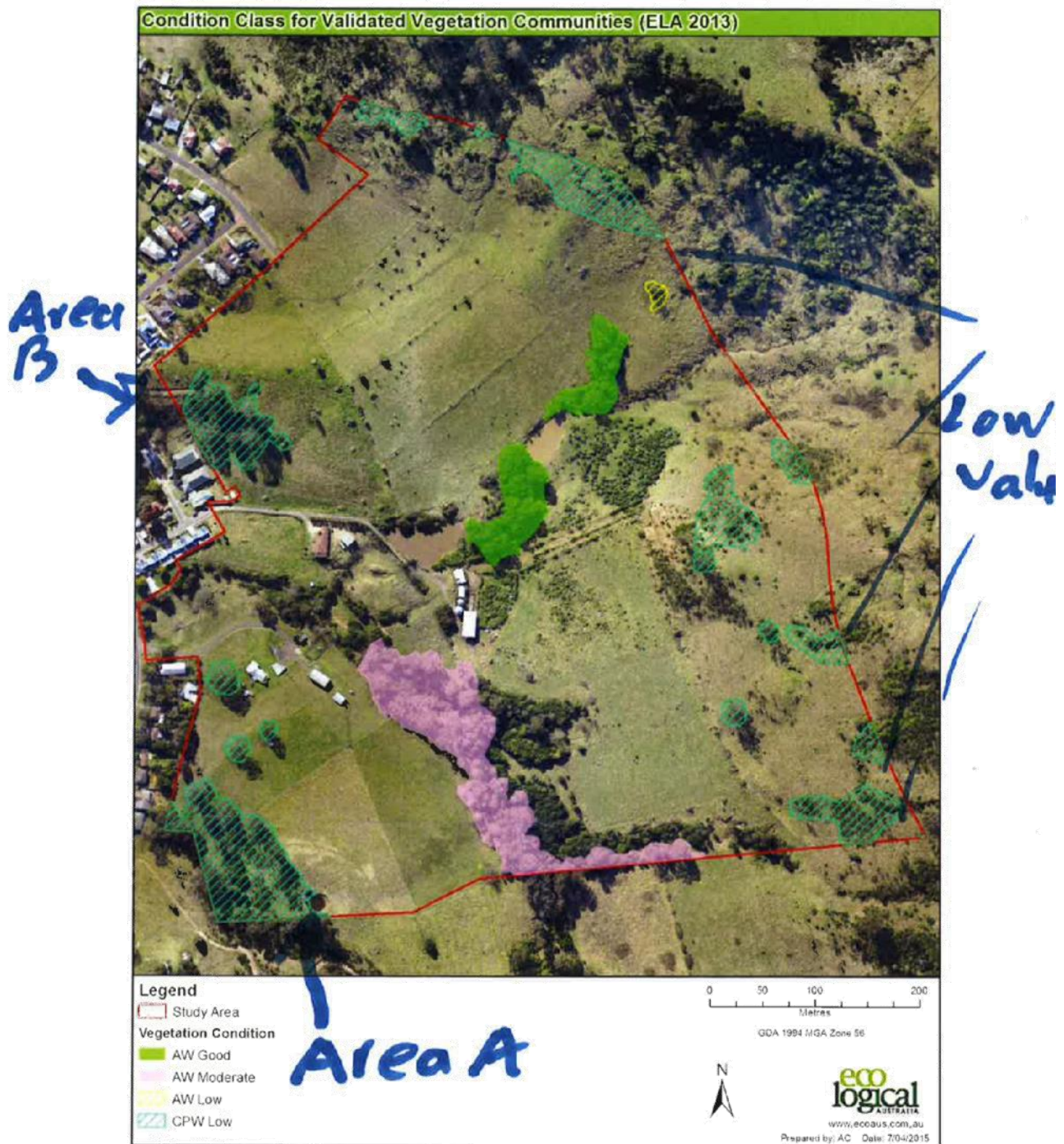


Figure 7: Vegetation condition for validated vegetation communities

11.6 PLANNING PROPOSAL - PICTON EAST

RESOLUTION 71/2018

Moved: Cr Michael Banasik

Seconded: Cr Simon Landow

1. *That the matter be deferred due to the late advice from Sydney Water*
2. *That the applicant provide further information in relation to the blocks on the slope area.*
3. *That Council write to the Greater Sydney Commission seeking an extension of time for this application.*

At 7:40 pm, Cr Matthew Gould left the meeting.

At 7:42 pm, Cr Matthew Gould returned to the meeting.

On being put to the meeting the motion was declared **CARRIED** 5/3

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Simon Landow and Noel Lowry

Against: Crs Matthew Deeth, Matthew Gould and Matt Smith