

Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

“Abbotsford”, Fairley and Abbotsford Road, Picton

For the rezoning of land located at 1 Abbotsford Road, Picton
Part Lot 1 DP 1086066

September 2015

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Introduction

This Planning Proposal details changes sought to the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011) to rezone approximately 70.87 hectares of rural land to the west of Picton to enable rural residential development and to protect sensitive land and to designate land for public recreation.

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* (2012).

The proposal draws on several specialist studies and provides a strategic planning rationale for the rezoning, as well as an assessment of the potential environmental impacts of development of the site should the rezoning proceed.

Brief Timeline of Planning Process up to present;

- The Planning Proposal was initiated by consultant Rein Warry & Co in August 2011 on behalf of the landowners.
- Council agreed there was strategic planning merit and at its Ordinary Meeting on 12 December 2011 resolved to support the planning proposal and forward it to the (then) Minister for Planning & Infrastructure for a Gateway Determination. A copy of the Report to Council and subsequent Minutes from this meeting are provided at Appendix E.
- On 24 April 2012 a Gateway Determination was issued, which determined that the proposal should proceed subject to conditions. A copy of the Gateway Determination is provided at Appendix D.
- In response to the preparation of specialist studies and consultation with public agencies and internal staff a number of changes were made to the planning proposal and these were supported by Council at its Ordinary Meeting on 17 August 2015. These changes affected the proposed land use zones, lot sizes, heritage provisions and the planning proposal boundary. A copy of the Report to Council and subsequent Minutes on this matter are provided at Appendix F.

A **Planning Proposal** is a document which explains the changes which are proposed to an environmental planning instrument¹, in this case the Wollondilly Local Environmental Plan 2011 (WLEP 2011).

This explanation is provided through text and images (usually plans).

The Wollondilly Local Environmental Plan is the key statutory document at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

Background Studies

A number of studies have been undertaken to inform this planning proposal and these are listed below;

Name of Study	Prepared by	Date	Appendix Location
Wollondilly Transportation Model – Transport Impact	Gabites Porter	Oct 2012	G
Traffic & Transport Study	Thompson Stanbury Associates	Nov 2012	H
Geotechnical Study	Harvest Scientific Services Pty Ltd	Jan 2013	I
Aboriginal Cultural Heritage Assessment	Tharawal Local Aboriginal Land Council	Undated	J
Flood Assessment Report	Berten Pty Ltd	Feb 2013	K
Agricultural Land Capability Study	Harvest Scientific Services Pty Ltd	April 2013	L
Onsite Wastewater Feasibility and Water Quality Study	Harvest Scientific Services Pty Ltd	Apr 2013	M
Site-Specific Urban Salinity Study	Harvest Scientific Services Pty Ltd	April 2013	N
Potential Impacts of Mine Subsidence due to the Future Extraction of Coal Resources	MSEC	May 2013	O

Curtilage Study	NBRS+Partners	June 2013	P
Biodiversity Study	ACS Environmental Pty Ltd	June 2013	Q
Contaminated Land Study	Harvest Scientific Services Pty Ltd	June 2013	R
Bushfire Risk Assessment	ACS Environmental Pty Ltd	July 2013	S
Socio-Economic Assessment Report	Mike George Planning Pty Ltd	July 2013	T
State and Regional Context Assessment Report	Mike George Planning Pty Ltd	July 2013	U
State and Local Infrastructure Assessment Report	Mike George Planning Pty Ltd	July 2013	V
Cumulative Impact Assessment Report	Mike George Planning Pty Ltd	Nov 2013	W
Visual Impact Assessment Report	Mike George Planning Pty Ltd	Nov 2013	X

SITE AND CONTEXT ANALYSIS

The Planning Proposal relates to approximately 66.62ha of land which forms part of Lot 1 DP 1086066. This lot includes three (3) separate parcels of land separated by the intersection of Abbotsford and Fairleys Road. The parcels of land are identified as parcels A, B and C as shown in the Location Plan at Figure 1 below. This Planning Proposal relates to the area identified as Parcel B in Figure 1 below. A Site Identification Map is provided by Map 1 in Part 4 of this document.

The original planning proposal also included parcel A but this has since been removed from the planning proposal.

The site is located within a mostly rural setting with most of the area having been cleared for grazing and with only relatively small patches of remnant trees and shrubs remaining. Grazing by cows and a horse is currently occurring over most sections of the site.

Figure 1 – Location Plan



Parcel A is a 4.42 hectare area to the east of the intersection.

Parcel B is an area of 66.62 hectares to the south west of the intersection. It is bounded by the Equestrian Drive Community Title subdivision to the south and west, Fairleys Road to the east and Abbotsford Road and an approved community title subdivision to the north. The land is cleared of native vegetation with only a few scattered shade trees around the paddocks which contain several farm dams. The most distinct topographical features of the site are:

- flatter lower land, containing the Abbotsford Group heritage Item. This part of the site is around Fairleys Road and Abbotsford Road as well as abutting the Equestrian Drive Community Title development;
- steep slopes that transition the site from the flatter lower land to the plateau. These slopes are mostly devoid of native vegetation and exhibit signs of erosion from past clearing practices;
- the relatively flat plateau in the western section.

Parcel B contains the 'Abbotsford' heritage listed group of items which are of local and state significance. This group consists of a main residence (in dilapidation), a smaller cottage and a demolished gaol positioned around a central courtyard with a deliberate axial relationship to the hill, driveway and selected trees.

Parcel C is the 119.05 hectare area to the north west of the intersection of Abbotsford and Fairleys Road and does not form part of the Planning Proposal site.

The 'Abbotsford' property is located approximately 1 kilometre from Picton town centre, in a direct line, and 1.5km kilometres by road.

Part 1 – Objectives or Intended Outcomes

This Planning Proposal seeks to enable the development of the site at Abbotsford Road, Picton for rural residential style housing, while safeguarding items of historical interest across the site and facilitating the environmental management of sensitive land.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Zoning Map** in accordance with the proposed zoning map shown in Part 4 by **Map 2**; which indicates an E4 Environmental Living land use zone; and
- Amending the Wollondilly LEP 2011 **Lot Size Map** in accordance with the proposed lot size map shown in Part 4 by **Map 3**; which indicates a minimum lot size of 4000 sq.m for lower areas and 20ha across the upper area of the site; and
- Amending the Wollondilly LEP 2011 **Height of Buildings Map** in accordance with the proposed height of building map shown in Part 4 by **Map 4**; which indicates a maximum permissible height of 6.8 metres; and
- Amending the Wollondilly LEP 2011 **Heritage Map** in accordance with the proposed heritage map shown in Part 4 by **Map 5**, to include two (2) new heritage items and to amend the curtilage for the existing listed archaeological site for the Abbotsford Homestead (Item No A7).
- Amending **Schedule 5 Environmental heritage; Part 1 Heritage Items** of the Wollondilly LEP 2011 to include the following two (2) new heritage items:

Suburb	Item name	Address	Property description	Significance	Item No
Picton	Byrne's Exhibition Dairy	15 Fairleys Road	Part Lot 1 DP 1086066	Local	TBC
Picton	Silos (Abbotsford)	15 Fairleys Road	Part Lot 1 DP 1086066	Local	TBC

The proposed map amendments are included at *Part 4 – Mapping*.

It is intended to also incorporate site specific development controls within the Wollondilly Development Control Plan 2011 (DCP 2011) to guide the future development across this site. Draft controls will be placed on exhibition concurrently with this planning proposal.

Part 3 – Justification

Section A – Need for the planning proposal

A 3.1 Is the planning proposal a result of any strategic study or report?

No this planning proposal is not the result of any strategic study or report.

A 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In terms of developing the site for a rural residential style development for approximately 30-40 lots, this is currently prohibited under the Wollondilly Local Environmental Plan 2011 due to the existing land use zone and minimum lot size.

The site contains a state heritage listed archaeological ruin which could benefit from a clause within the Local Environmental Plan 2011 (WLEP 2011). Clause 5.10(1) of the Wollondilly Local Environmental Plan 2011 is a heritage conservation incentive which provides a mechanism to approve development which would otherwise not be allowed where it facilitates the conservation of a heritage item. Because the site contains a state heritage listed archaeological ruin it could potentially utilise this clause. However, the scale of development which would be enabled by this planning proposal is considered to be beyond the scope of the incentives clause 5.10(1).

Clause 5.10 Heritage Conservation provides controls to protect heritage. However it only applies to items listed within *Schedule 5 Environmental Heritage*. Subsequently it is considered fundamental to list items of heritage significance within Schedule 5 of the WLEP 2011.

It is considered that amending the Wollondilly LEP 2011 is the best means of achieving the objectives of the planning proposal.

Section B – Relationship to strategic planning framework

B 3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following regional and sub-regional strategies are relevant:

- A Plan for Growing Sydney

A Plan for Growing Sydney (December 2014)

A Plan for Growing Sydney was released on 14 December 2014 and is an action plan which will guide land use planning decisions for the next 20 years for the Sydney Metropolitan Area. It seeks to influence how people move about, where they live, growing the economy and safeguarding the environment.

It consists of a number of directions and actions focussed around four (4) goals:

- **ECONOMY**; a competitive economy with world class services and transport;
- **HOUSING**; a city of housing choice with homes that meet our needs and lifestyles;
- **LIVEABILITY**; a great place to live with communities that are strong, healthy and well connected; and
- **ENVIRONMENT**; a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Wollondilly is located on Sydney's metropolitan fringe and falls within the Sydney Metropolitan Rural Area in *A Plan for Growing Sydney*. The focus of the Plan for Sydney's Metropolitan Rural Area is the protection of the environment and economic assets in terms of mining, agriculture and natural vegetation and biodiversity.

The focus of the Plan in terms of housing is very much about accelerating the provision of housing. For the most part this is directed towards infill development and in locations in or near centres on the public transport network. For the south west subregion, Wollondilly is not identified as strategic location to contribute towards Sydney's housing supply with the exception of investigating the suitability of the Macarthur South Investigation Area.

However, this planning proposal is not strategically significant in scale and seeks to enable modest local growth in housing. Given its scale and location on the perimeter of the existing township of Picton it is not considered to be incompatible with *A Plan for Growing Sydney*.

B 3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The following local strategies are relevant to this Planning Proposal:

- Wollondilly Community Strategic Plan 2033
- Growth Management Strategy 2011

Wollondilly Community Strategic Plan 2033

The [Wollondilly Community Strategic Plan 2033](#) (WCSP), adopted by Council 17 June 2013, is the Council's highest level long term plan and sets out the long term strategic aspirations of the community for Wollondilly for a 20 year period up to 2033.

It is based on a vision of rural living for Wollondilly Shire and focusses around five themes:

- Looking after the *Community*
- Accountable and Transparent *Governance*
- Caring for the *Environment*
- Building a strong local *Economy*
- Management and provision of *Infrastructure*

Each theme is supported by identified outcomes and strategies which express in broad terms what is to be achieved and how. These themes are, in part, delivered through a number of key supporting strategies, plans and policies which have been prepared by the Council. Particularly relevant to Planning Proposals are the Council's Local Environmental Plan and Growth Management Strategy.

The following CSP strategies are relevant to the Planning Proposal as described below.

CO4 – Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Preliminary notification and consultation with adjacent landowners was undertaken when the application was submitted to the Council. A further period of statutory community consultation will be undertaken at a later stage in the process.

EN1 – Biodiversity Resilience

Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater ecosystems.

A Biodiversity Study has been prepared to support the Planning Proposal.

EN2 – Growth Management

Apply best environmental best practice environmental principles to the assessment of development and planning proposals.

The sites location does not strictly accord with the Council's Growth Management Strategy as it is not located within an area identified for residential growth. However, securing the stabilisation of the Abbotsford heritage item combined with the site's location adjacent to the Picton urban area are considered to make the Planning Proposal generally acceptable with the GMS.

EN7 – Sustainable Living

Educate, promote and support low consumption, sustainable lifestyles and lowering the Shire's carbon footprint.

The sites location is adjacent to the Picton urban area and would encourage a more sustainable lifestyle.

EC3 – Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

The sites location does not strictly accord with the Council's Growth Management Strategy as it is not located within an area identified for residential growth. However, securing the stabilisation of the Abbotsford heritage item combined with the site's location adjacent to the Picton urban area are considered to make the Planning Proposal generally acceptable with the GMS.

IN1 – Maintain Road Network

Ensure that the road network is maintained to a standard that is achievable within the resources available.

The future development of the site will involve two projects to improve existing road infrastructure which are anticipated to form part of a Voluntary Planning Agreement which will accompany the finalised Planning Proposal. These are:

- the re-alignment and construction of Abbotsford Road leading to Valley View Estate. These works will relocate the road away from an existing water course where there is a risk the road will collapse;
- the re-alignment and reconstruction of a section of road which lies between Abbotsford Road between Equestrian Drive and Fairleys Road to provide a safer road layout.

IN3 – Provision of Facilities

Provide a range of recreation facilities to meet the needs of the community.

The Planning Proposal seeks to rezone a portion of the site to RE1 Public Recreation and dedicate it to Council to complement the existing recreation facilities recently established at the Picton Sportsground on Fairleys Road.

The approval and subsequent construction of any future residential development of the site will involve a contribution towards the provision of facilities in accordance with the Wollondilly Development Contributions Plan 2011.

Growth Management Strategy 2011 (GMS)

A key land use planning issue for Wollondilly is to manage pressures for growth against the context of a broad community desire to keep the Shire rural. This is a challenging balancing act and an inevitable consequence of being a rural area on the fringe of a major metropolis.

The Growth Management Strategy 2011 (GMS) was prepared to provide a strategic plan led response to this issue, and does so by providing:

- clear policy directions on growth issues;
- a strategic framework against which to consider Planning Proposals;
- a long-term sound and sustainable approach to how the Shire develops and changes into the future;
- a basis to inform Council decisions and priorities regarding service delivery and infrastructure provisions;
- direction and leadership to the community on growth matters;
- advocating for better infrastructure and services;
- a strategy/response for how the Council sees the State Government's Metropolitan and subregional planning strategies being implemented at the local level.

A copy of the [Growth Management Strategy](http://www.wollondilly.nsw.gov.au/images/documents/wollondilly/mig/258727-GrowthManagementStrategy2011adopted.pdf) is available on the Council's Website at <http://www.wollondilly.nsw.gov.au/images/documents/wollondilly/mig/258727-GrowthManagementStrategy2011adopted.pdf>.

The GMS was prepared in consultation with and was partially funded by the Department of Planning and Infrastructure. However the finalised document has not been endorsed by the Director-General.

Notwithstanding this, the GMS was adopted by the Council on 21 February 2011 and is consistently applied in the assessment of Planning Proposals for new growth throughout the Shire.

All Planning Proposals within Wollondilly must be assessed against the Key Policy Directions within the GMS. A table showing the Planning Proposals consideration against these directions is included at Appendix C to this Planning Proposal.

The GMS also contains a series of structure plans (maps) to identify possible growth locations within Wollondilly. The structure plan for Picton does not identify the site as a potential residential growth area. Notwithstanding this the Council's preliminary assessment of the proposal against the GMS key policy directions concluded that the Planning Proposal was generally consistent with the strategy's aims.

In reaching this conclusion significant consideration and weight has been given to the public benefit proposed by the stabilisation of the state heritage listed Abbotsford group of structures and grounds and the fact that the Abbotsford site is located in close proximity to Picton and is not a dispersed site.

It is also worth mentioning that, in planning terms, development of this site provides a robust defensible western boundary to the Picton settlement in the form of the steep terrain which will prevent further development to the west of the site. The historic context of the site is considered to tip the balance of merit on the side of development and should not predispose the development of adjacent land to the north for similar purposes.

B 3.5 Is the planning proposal consistent with applicable state environmental planning policies?

An assessment against all applicable State Environmental Planning Policies is provided at Appendix A. Specific consideration is given to the following SEPP's which are relevant to this Planning Proposal:

- SEPP 44 – Koala Habitat Protection
- SEPP 55 – Remediation of Land
- Sydney REP No. 20 – Hawkesbury – Nepean River

SEPP 44 – Koala Habitat Protection

This SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas and to ensure permanent free-living populations will be maintained over their present range and reverse the current trend of Koala population decline.

A *Biodiversity Study* dated June 2013 has been prepared by ACS Environmental Pty Ltd to inform the Planning Proposal and is included at Attachment Q. The provisions of SEPP 44 were consulted as part of the study

The study indicates that Koalas are unlikely to occur on the site as the habitat is not optimal. There are no preferred food trees species present and the open pasture would be unsuitable for this species.

SEPP 55 – Remediation of Land

SEPP 55 provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. Subsequently, SEPP 55 requires consideration of contamination issues as part of the preparation or making of an environmental planning instrument (rezoning) land.

A *Contamination Land Study* has been prepared on behalf of the proponent by Harvest Scientific Services Pty Ltd (dated 18 June 2013) to support the Planning Proposal and is included at Appendix R. Historically the land has been used for activities which have the potential to contaminant parts of the site. These include a dairy, low level industrial activity and grazing.

The study identifies a number of Areas of Environmental Concern (AEC) which are the result of activities associated with current and past agricultural activities. Further details as to the location and nature of potential contaminants are included within the *Contamination Land Study*. The study concludes that there is *some potential that contamination may have occurred and that such contamination remains to the present day*. The study identifies the likely sources of contamination to be:

- *The application of pesticides, herbicides and fertilizers used to increase the agricultural productivity of land; and*

- *Construction and application of infrastructure and other like activities in support of agricultural enterprises.*

The implication of these findings is that the AEC's will be subject to further detailed investigation (in the form of a Phase 2 Contamination Assessment) at a later stage in the planning process when a development application is lodged. This further assessment will determine the extent of contamination, if any, that may potentially present a risk to human health and/or the environment. If contamination is identified a Remedial Action Plan will be prepared to identify the measures required to remediate the site affected.

However subject to the need for further detailed investigation and potential remediation, the study concludes that there are no contamination related issues which prevent the rezoning of the subject site for residential use. Subsequently, for the purposes of SEPP 55, consideration has been given to whether the land is contaminated and the Council is satisfied that subject site will be suitable for the uses permitted under the proposed rezoning subject to the outcomes of the required further investigations.

Sydney REP No.20 – Hawkesbury-Nepean River (deemed SEPP)

The aim of Sydney REP No. 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that future land uses are considered in a regional context. It covers environmentally sensitive areas, water quality and quantity, riverine scenic quality, agriculture, and urban and rural residential development, and controls development that has the potential to impact on the river environment.

The site is located within the catchment area covered by Sydney REP No. 20 (deemed SEPP).

Sydney REP No.20 sets out general planning considerations (Clause 5), specific planning policies and strategies (Clause 6) that need to be taken into consideration by the consent authority in the preparation of environmental planning instruments.

Clause 5 outlines general planning considerations including aims, strategies, feasible alternatives, and impacts of the proposal. Clause 6 outlines specific planning policies and recommended strategies. These must be taken into consideration and are addressed in the context of the Abbotsford Planning Proposal below.

Consideration of the 'Clause 5' matters is set out below:

General Planning Considerations to be considered	Comment
(a) Aim of the SEPP	The aim of the plan is to <i>protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.</i> The proposed rezoning will not result in adverse water quality impacts to Stonequarry Creek and more generally the Hawkesbury Nepean River System.
(b) Strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	This document is no longer in use. The Planning Proposal is not inconsistent with the Strategy priorities and actions contained within the <i>Hawkesbury-Nepean Catchment Action Plan 2013 – 2023</i>.
(c) Any feasible alternatives to the development	There are no feasible alternatives.
(d) Relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be	An Integrated Water Quality Management Plan (IWQMP) has been prepared which aims to ensure that the re-zoning and subsequent development of

addressed and monitored.

the site will not result in adverse water quality impacts.

Consideration of the 'Clause 6' matters is set out below:

Planning policy/ recommended strategy	Comment
1. Total catchment management	The proposed rezoning will not result in adverse water quality impacts to Stonequarry Creek and more generally the Hawkesbury Nepean River System. No downstream local government area is likely to suffer a 'significant adverse environmental effect' and so no referral is required in this regard.
2. Environmentally sensitive areas	A <i>Site-Specific Urban Salinity Study</i> has been prepared by Harvest Scientific Services Pty Ltd and is included at Appendix M. Within this study salinity mitigation strategies have been identified to manage the risks of future development on saline soils.
3. Water quality	An <i>Onsite Waste Water Feasibility Study and Water Quality Study</i> (OWWFS & WQS) has been prepared by Harvest Scientific Services Pty Ltd and is included at Appendix L. No water would be removed from Stonequarry Creek to service the proposed development. The Study concludes that the rezoning of the site for rural/residential land-use will not result adversely on stormwater quality within Stonequarry Creek and/or more generally the broader Hawkesbury-Nepean river system. The Study also recommends that all future subdivision development applications should be subject to water quality modelling to demonstrate a neutral or beneficial effect on the water quality in the receiving waters of Stonequarry Creek. Water quality is addressed in section C 3.8 of this Planning Proposal.
4. Water quantity	Stormwater quality impacts will be considered at the development application stage for any future subdivision of the site. The OWWFS & WQS includes recommended actions and strategies to ameliorate potential impacts on Stonequarry Creek and the broader Hawkesbury-Nepean catchment.

5. Cultural heritage

'Abbotsford' is a heritage listed archaeological site of state significance. It's siting and driveway avenue plantings were influenced by an earlier Abbotsford bridge crossing over Stonequarry Creek. The Planning Proposal will be accompanied by a Voluntary Planning Agreement so that if the land is rezoned stabilisation works will be undertaken to prevent further deterioration to this ruin. The stabilisation works will not affect its orientation to or relationship with the Creek.

An *Aboriginal Cultural Heritage* Assessment has been prepared by Tharawal Aboriginal Land Council and is included at Appendix J. The assessment has found the site has low Aboriginal archaeological significance.

6. Flora and fauna

A *Biodiversity Study* has been prepared by ACS Environmental Pty Ltd and is included at Appendix Q.

The historical use of the site for agricultural purposes has resulted in the site being cleared, grazed, disturbed and otherwise degraded, such that there are no longer any patches of relatively weed-free, full-structured vegetation.

No threatened fauna or flora species were identified on the site.

Small areas of highly modified Endangered Ecological Communities have been identified on the site and these are recommended for retention.

Flora & Fauna is addressed further in section C 3.7.

7. Riverine scenic quality

The Planning Proposal would not have a significant impact on the scenic quality of the riverine corridor. It is well buffered by existing development from scenic areas shown on the SREP 20 maps.

While the anticipated future subdivision would present a more dense form of development than what currently exists, the size of the lots would still maintain the open character of the flood plain adjacent to Stonequarry Creek.

8. Agriculture/aquaculture and fishing

The Planning Proposal seeks to rezone from a rural zone to an environmental protection zone.

An *Agricultural Land Capability Study* has been prepared by Harvest Scientific Services Pty Ltd to support the Planning Proposal and is included at Appendix L.

This study concludes that the agricultural

development potential of the land is limited and that rezoning will have little impact on the future agricultural capacity of the land.

9. Rural residential development

The Planning Proposal seeks to rezone from a rural zone to an environmental protection zone.

An *Agricultural Land Capability Study* has been prepared by Harvest Scientific Services Pty Ltd to support the Planning Proposal and is included at Appendix L.

This study concludes that the agricultural development potential of the land is limited and that rezoning will have little impact on the future agricultural capacity of the land.

10. Development

The planning proposal seeks to enable a rural residential style of development and will not involve urban development at the intensity inferred by this strategy.

11. Recreation and tourism

Land adjacent to Ousedale Creek is proposed to be rezoned to RE1 Public Recreation which would enable access to the river for recreational purposes in the future where this was considered appropriate.

12. Metropolitan strategy

The planning proposal seeks to enable modest local growth in housing and is not incompatible with the Metropolitan strategy.

A number of studies have been prepared to inform the planning proposal which address the sites capability for rural residential style development without significant harm to the environment.

B 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act issues directions that relevant planning authorities, in this case Wollondilly Shire Council, must follow when preparing planning proposals for new Local Environmental plans. The directions cover the following broad categories:

- employment and resources;
- environment and heritage;
- housing, infrastructure and urban development;
- hazard and risk;
- regional planning;
- local planning making; and
- Metropolitan Planning.

The following Ministerial Directions (s.117 directions) are relevant to the Planning Proposal:

- Direction 1.2 Rural Zones
- Direction 1.3 Mining, Petroleum Production and Extractive Industries

- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 4.3 Flood Prone Land
- Direction 4.4 Planning for Bushfire Protection

A complete assessment of the Planning Proposals consistency against all s.117 directions is provided at Appendix B. The Planning Proposal is either consistent with Ministerial Directions or any inconsistency is of minor significance.

Further discussion is provided below, where necessary, of the Planning Proposal's consistency with relevant Ministerial Directions.

Direction 1.2 Rural Zones

The objective of Direction 1.2 is to *protect the agricultural production value of rural land*. This Directive applies as the Planning Proposal affects land within an existing rural zone. The proponent's original submission sought to rezone a large portion of the site to R5 Large Lot Residential and the specialist studies have been prepared on this basis.

However, it is considered that the sites characteristics make it more suited to an environmental protection zone with this Planning Proposal seeking to rezone the site to E4 Environmental Living.

Subsequently, the Planning Proposal is inconsistent with Direction 1.2 as it will increase the permissible density of land within an existing rural zone which is not contained within the boundary of an existing town or village.

To justify this inconsistency an *Agricultural Land Capability Study* dated April 2013 has been prepared by Harvest Scientific Services Pty Ltd and is included at Appendix L. This study identifies land to be 'Class 4' (approximately 45 hectares) and 'Class 3' (approximately 25 hectares) under the NSW Agriculture land classification system. Class 4 land is suitable for grazing but not for cultivation while Class 3 land for grazing or land well suited to pasture improvement. For the purposes of land use planning highly productive land (Classes 1,2, 3 and Specialist Class) should be protected from competing land uses.

The Agricultural Land Capability Study concluded that the potential for future agricultural development of the site is considered to be limited and that re-zoning the land to a non-agricultural zone will have little impact on the future agricultural capacity of the land. This is largely due to the site being constrained by soil, groundwater, water supply, slope and land use conflict.

One of the report's recommendations was that land which is unsuitable for residential land use should be retained in a land use zone which would allow the continued use of this land for grazing purposes. This relates to those areas of the site constrained by slope.

Subsequently the inconsistency with Direction 2.1 is considered to be justified by the Agricultural Land Capability Study prepared in support of the Planning Proposal.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of Direction 1.3 is to *ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development*. This Directive applies as the Planning Proposal affects land which is underlain by mineral resources.

The Mineral Resources Branch within the NSW Department of Trade & Investment has advised that the subject site is underlain by the Bulli Seam which has the potential as a future high quality coking coal resource. The site is currently located outside of a current coal title or Mine Subsidence District but has prime coking coal beneath the surface and so it is likely that the area will be undermined in the future.

A study into the *Potential Impacts of Mine Subsidence due to the Future Extraction of Coal Resources* dated May 2013 was prepared by MSEC (Mine Subsidence Engineering Consultants Pty Ltd) to support the Planning Proposal and is included at Appendix O. The study considers the likely subsidence impacts which are likely to occur when/if future coal mining is undertaken beneath the development site.

The study identifies relevant subsidence parameters and recommends these for adoption for domestic construction across the development site. So long as infrastructure and houses are built to allow for these mine subsidence movements the report concludes that, from an engineering design perspective, it would be acceptable for development to occur prior to the mining of coal in the Bulli Seam, beneath the development site.

Direction 2.3 Heritage Conservation

The objective of Direction 2.3 is to '*conserve items, areas, objects and places of environmental heritage significance and indigenous significance*'. The Direction indicates that a planning proposal must contain provisions that facilitate the conservation of items of historical significance to an area.

The site is rich in European heritage and includes the state heritage listed Abbotsford Homestead Archaeological site (Item A7 in list of heritage items included at Schedule 5 Environmental heritage of the Wollondilly Local Environmental Plan 2011) along with a number of farm buildings associated with the Byrne's Exhibition Dairy in the late 1930s and further dairy related buildings from the mid nineteenth century.

In terms of heritage, the Planning Proposal seeks to do three (3) things;

1. Amend the site boundary or curtilage for the existing Abbotsford heritage item; the proposed amended curtilage is smaller than the current curtilage identified within the WLEP but is still larger than the curtilage associated with the state listing of this item.
2. Heritage list historically significant buildings associated with the Byrne's Exhibition Dairy by including them within *Schedule 5 Environmental Heritage* of the WLEP 2011.
3. Heritage list the silo structures by including them within *Schedule 5 Environmental Heritage* of the WLEP 2011 to encourage their adaptive reuse.

A *Curtilage Study* dated June 2013 has been prepared by NBRS+Partners to inform the Planning Proposal and is included at Appendix O. The Curtilage Study was prepared to consider the state heritage listed Abbotsford Homestead archaeological site and considers the historical development of the site.

A more detailed discussion on the heritage conservation is provided later in this proposal at Section C 3.9. The amendments sought by this Planning Proposal are considered to be consistent with the objectives of Direction 2.3.

Direction 3.1 Residential Zones

The objectives of Direction 3.1 are:

- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) *to minimise the impact of residential development on the environment and resource lands.*

This directive applies because, although this Planning Proposal does not propose a residential zone, the objective of the proposal is to enable rural residential and so the intent is similar to that of a residential zone. In addition the proposal represents a significant residential development in the context of the site (in that there will be approximately 40 dwellings where there is currently 1).

The proposal is consistent with this strategy to the extent that it involves the creation of a residential zone (as distinct from rural residential). It will contribute to housing choice and an increase in residential density, and development would be subject to existing LEP requirements relating to the provision of adequate services. It will involve the use of existing infrastructure, and as addressed elsewhere, does not require public investment in infrastructure.

The proposal is consistent with the objectives of the Direction. However, it is nominally inconsistent with paragraph 4(c) of the direction in that it involves the consumption of land on the urban fringe. In part this is an

issue in that the Directions do not specifically address rural residential development, which is appropriately located on the urban fringe so that it can make efficient use of existing services, and minimise the loss of prime crop and pasture land for urban related purposes. The inconsistency is justifiable on these grounds, and the minor nature of the Proposal.

Direction 3.4 Integrating Land Use and Transport

The objectives of this direction in relation to the Planning Proposal at Abbotsford are to ensure that land use locations achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

This Direction applies because, although this Planning Proposal does not include any residential zones, the objective of the proposal is to enable rural residential and so the intent is similar to that of a residential zone.

A *Traffic & Transport Study* dated November 2012 has been prepared by Thompson Stanbury Associates to inform the Planning Proposal and is included at Appendix G.

The subject site is located approximately 1.3km to the north-west of Picton Town Centre and is located adjacent to large lot residential style development which forms the outer boundary to the Picton urban area.

There is no existing public transport provision which passes by the site but from Picton there is access to train and bus services.

Picton Train Station is part of the Southern Highlands Line which provides services between Goulburn and Sydney (Town Hall). Services are generally provided with a frequency of approximately one hour. Connections to other major lines are provided at Campbelltown, Liverpool, Strathfield and the City Stations.

Picton Buses operates a number of services which link to destinations such as Campbelltown, Camden, Thirlmere, Tahmoor, Bargo, Wilton and Douglas Park. Routes to some of these destinations run approximately six services per day. The Traffic study indicates that services could reasonably be extended/alterd to directly provide efficient connectivity between the study area and Picton Railway Station, the surrounding Town Centre and beyond.

The site is outside the potential walking catchment of Picton town centre (i.e. 800m) but is within cycling distance of Picton (approximately a five minute ride is around 1.5km).

The site is relatively well located for a rural residential type development. It is located adjacent to the Picton urban area and within cycling distance of Picton town centre which provides wider public transport links.

Direction 4.2 Mine Subsidence and Unstable Land

The objective of Direction 4.2 is to *prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence*. This direction applies as areas within the site have been identified as unstable land. The site is not located within an existing Mine Subsidence District, though it may be in the future if the underlying coal seam is mined in the future.

A *Geotechnical Study* dated January 2013 has been prepared by Harvest Scientific Services Pty Ltd to inform the Planning Proposal and is included at Appendix H. The Geotechnical Study identifies areas of unstable land which are not suitable for residential development. These are located in areas where there is evidence of active instability, slopes greater than 20% or narrow ridge tops. Residential development will not be permitted within the identified areas of unstable land.

Refer to section C3.8 of this Planning Proposal for further discussion on soil stability. The Planning Proposal is consistent with Direction 4.2 as it does not permit development on unstable land.

Direction 4.3 Flood Prone Land

The objectives of Direction 4.3 are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005,*
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with the flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Direction 4.3 applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

A *Flood Assessment Report* has been prepared on behalf of the proponent by Berten Pty Ltd (dated February 2013) and is included at Appendix J. Areas of the subject site have the potential to be affected by floodwater in Stonequarry Creek and an unnamed tributary of Stonequarry Creek.

Clause 5 of Direction 4.3 specifies that a planning proposal shall not rezone land within the flood planning areas from Special Area, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. Only a small portion of the total site (3.4%) is located within the flood planning level. This is considered to be a relatively minor area which could be appropriately treated by either filling the land above the flood planning level, or appropriately conditioning new development in this part of the site.

Clause 6 specifies that a planning proposal must not contain provisions within the flood planning area which:

- a) permit development in floodway areas* – No part of the site has been identified to be within a floodway area. The site would be more appropriately categorised as flood fringe or flood storage.
- b) permit development that will result in significant flood impacts to other properties* – The area of the site that is below the flood planning level could be appropriately treated by either filling the land above the flood planning level, or appropriately conditioning new development in this part of the site. Should the site be filled, compensatory excavation from the nearby floodplain could ensure that there is no loss in flood storage and hence no impact on flood behaviour. The impact of increased catchment runoff due to new development could be mitigated by appropriate onsite detention requirements on individual properties, or by larger detention basins within the subject site.
- c) permit a significant increase in the development of that land* – It is understood that the proposed rezoning will result in approximately 30 to 40 new rural residential lots, having a minimum lot size of 4,000sq.m. The maximum number of properties that could be located within the flood planning area (2.28Ha), assuming no filling to reduce this extent, would be 5 to 6 properties. This is not considered to represent a significant increase in development.
- d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services* – The Planning Proposal is not anticipated to require increased government spending on flood mitigation measures.
- e) Permit development to be carried out without development consent except for the purposes of agriculture, roads or exempt development* – Any development below Council's flood planning level will require development consent.

The Planning Proposal is considered to be substantially in accordance with this Direction.

Direction 4.4 Planning for Bushfire Protection

The objectives of Direction 4.4 are:

- a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- b) to encourage sound management of bush fire prime areas.*

Direction 4.4 applies when a planning proposal affects or is in proximity to land mapped as bushfire prone. The subject site is partially bush fire prone as identified on the bush fire prone land map.

Consultation was undertaken with the NSW Rural Fire Service in May 2012. The NSW Rural Fire Service raised no concerns with Parcel A and advised that Parcel B *'contains areas that warrant consideration of bush fire protection measures, in relation to future development within buffer zones of the classified vegetation on the west and south western aspects'*.

A *Bushfire Risk Assessment* has been prepared on behalf of the proponent by ACS Environmental Pty Ltd (dated July 2013) and is included at Appendix R. The Bushfire Assessment considered potential constraints on future residential land use and concluded that site *'could readily be used for R5 Large Lot Residential whilst minimising impacts and preserving environmentally sensitive locations'*.

This Bushfire Assessment will form the basis of future consultation with the NSW Rural Fire Service on the suitability of this Planning Proposal.

Section C – Environmental, social and economic impact

C 3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is located within a rural setting with most of the area having been cleared for grazing with only relatively small patches of remnant trees and shrubs remaining. The site is unoccupied, in terms of human occupation, but grazing is occurring over most sections of the site.

The site is characterised by relatively flat foot-slopes in the eastern section adjacent to Stonequarry Creek and Fairleys Road rising gradually into steep side-slopes and hill crests.

A *Biodiversity Study* dated June 2013 has been prepared by ACS Environmental Pty Ltd to support the Planning Proposal and is included at Appendix P.

The Study identifies a pattern of remnant vegetation across the site which includes small areas of highly modified Endangered Ecological Communities identified as Cumberland Moist Shale Woodland and Cumberland Shale Hills Woodland.

The study identifies patches of woodland vegetation which are considered to have a high conservation value and patches of Blackthorn-dominated scrub which are considered to have a moderate conservation value. These areas are identified within Figure 22 and 25 of the Biodiversity Study included at Appendix P.

The Study recommends that these areas are conserved to enhance their ecological and biodiversity features. It is noted that all areas identified as having moderate or high conservation value are located on land which is considered unsuitable for the construction of dwellings within the Geotechnical Study which is later referred to within this document.

C 3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is considered that potential environmental effects arising from a future development allowed by the requested planning proposal may include:

- Flooding
- Land Contamination
- Stormwater Management
- Water Quality
- Soil Stability
- Bushfire Hazard
- Local Traffic and Transport

Flooding

A *Flood Assessment Report* has been prepared on behalf of the proponent by Berten Pty Ltd (dated February 2013) and is included at Appendix J. Areas of the subject site have the potential to be affected by floodwater in Stonequarry Creek and an unnamed tributary of Stonequarry Creek.

A small portion of the site, approximately 2.28ha is located within the Council's flood planning level which is land below the 1:100 year ARI (Average Recurrence Interval) flood level plus 0.5m freeboard. Under the Wollondilly Development Control Plan 2011; Volume 1 – General the affected area would be considered as a Medium Flood Risk Precinct such that while there would still be a significant risk of flood damage, damage can be minimised by the application of appropriate development controls.

A discussion of flooding has been provided previously under the discussion of Direction 4.3 Flood Prone Land, however three (3) options have been identified within the Flood Assessment Report for the future development of flood affected land which range from leaving this portion of the site undeveloped, including the area within a larger lot which allows for development above the flood planning level or filling/ partial filling this area to allow for development.

The relevant option can be determined as part of a future subdivision application should the land be rezoned.

The Flood Assessment Report concludes that the proposed rezoning, and associated residential development, *can occur in compliance with the relevant flood policies.*

Land Contamination

A *Contamination Land Study* has been prepared on behalf of the proponent by Harvest Scientific Services Pty Ltd (dated 18 June 2013) and is included at Appendix Q. The study concludes, subject to recommendations, that land contamination issues are unlikely to render the subject site unsuitable for the proposed rezoning and subsequent subdivision.

Consideration has been given to land contamination earlier in this report under the relevant state environmental planning policy (SEPP 55) discussed within B 3.5.

Stormwater Management

An *Onsite Wastewater Feasibility and Water Quality Study* dated April 2013 has been prepared by Harvest Scientific Services Pty Ltd to support the Planning Proposal and is included at Appendix L.

This study considers the potential impacts of stormwater that may result from the proposed rezoning and recommends actions and strategies to ameliorate the potential impacts of stormwater on the receiving water of Stonequarry Creek and the broader Hawkesbury-Nepean catchment.

The Study concludes that proposed rezoning will not result adversely on stormwater quality within Stonequarry Creek and/or the broader Hawkesbury-Nepean river system.

Water Quality

An *Onsite Wastewater Feasibility and Water Quality Study* dated April 2013 has been prepared by Harvest Scientific Services Pty Ltd to support the Planning Proposal and is included at Appendix L.

This study includes an Integrated Water Quality Management Plan (IWQMP) to ensure that the rezoning and subsequent development will not result in adverse water quality impacts on the Stonequarry Creek and more generally the Hawkesbury Nepean River system. The IWQMP recommends development controls to manage onsite domestic wastewater treatment and disposal and stormwater runoff within the site.

Soil Stability

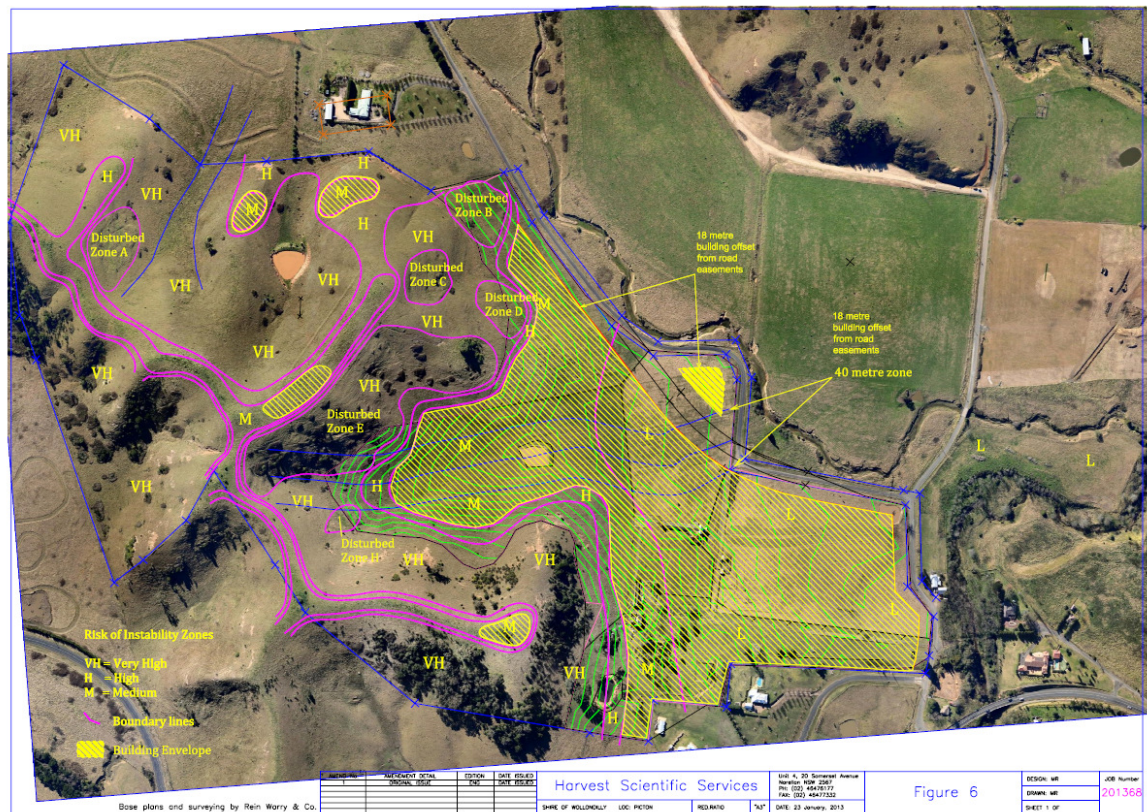
A *Geotechnical Study* has been prepared by Harvest Scientific Services Pty Ltd (dated January 2013) to inform the Planning Proposal and is included at Appendix H.

The study considers the geotechnical features (soil and rock, slope) of the property to ascertain the geotechnical instability of the property and its suitability for residential development. The study identifies a number of areas within the subject site which are unsuitable for urban development due to either; evidence of active instability, slopes greater than 20% or narrow ridge tops.

The study identifies building envelopes where construction of residential and associated development is considered possible. The building envelopes are identified in yellow in Figure 6 from the Geotechnical Study which is included below. Construction of residential development within the building envelope would still be

subject to some geotechnical risk and so the Geotechnical study identifies a number of guidelines which should be applied to the building envelopes to mitigate geotechnical risk.

Figure 2 - Figure 6 from the Geotechnical Study



Bushfire Hazard

A *Bushfire Risk Assessment* has been prepared on behalf of the proponent by ACS Environmental Pty Ltd (dated July 2013) and is included at Appendix R.

Consideration has been given to bushfire hazards earlier within this report under Direction 4.4 Planning for Bushfire Protection.

Local Traffic and Transport

Traffic studies undertaken by proponent:

A *Traffic & Transportation Study* dated November 2012 has been prepared by Thompson Stanbury Associates to support the Planning Proposal and is included at Appendix G. This study considered the potential traffic, parking and transport related impacts that would result from the proposed rezoning. The study also investigates whether there is a need for any state and local traffic infrastructure upgrades to support the proposal.

The study concludes that existing road infrastructure is capable of accommodating the proposed rezoning without the requirement for any upgrading works outside what is already projected to be required.

A *Wollondilly Transportation Model; Traffic Impact* report dated October 2012 has been prepared by Gabites Porter to support the Planning Proposal and is included at Appendix F. The report conveys the outcome of updating the Wollondilly TRACKS Transportation Model to include the proposed rezoning at Abbotsford and to assess the impact the proposed rezoning would have on the surrounding traffic network.

The report concludes that there is little difference in the traffic Level of Service with or without the development when it is fully implemented by 2021.

Cumulative Impact:

However, Abbotsford is one of a number of planning proposal currently being progressed in and around the Picton centre which may have a cumulative impact on the local traffic network.

In conjunction with Roads & Maritime Services, Council recently undertook an assessment of the Shire's traffic network deficiencies. The Draft report which was upon the data in Council's Growth Management Strategy was completed in February 2015. The report suggests that the major Picton intersections are not performing to a satisfactory level. The Abbotsford Planning Proposal is one of a number of planning proposals in and around Picton which has been identified as having the potential to exacerbate the performance of Picton intersections.

In response to this issue, Council has resolved to undertake a traffic investigation to identify options to improve traffic safety and capacity within the Picton Town Centre. It is anticipated that the Abbotsford Planning Proposal along with other planning proposals may need to contribute towards the upgrade works to the local traffic network. This may be by way of a planning agreement.

C 3.9 Has the planning proposal adequately addressed any social and economic effects?

It is considered that potential social and economic effects arising from a future development allowed by the requested planning proposal may include:

- Aboriginal archaeology
- Heritage impact
- Landscape Character
- Cumulative Impact

Aboriginal Archaeology

An *Aboriginal Cultural Heritage Assessment* has been prepared on behalf of the proponent by Tharawal Local Aboriginal Land Council (undated) and is included at Appendix I. The Assessment concludes that there are no aboriginal sites and low archaeological potential or significance within the subject site and no further archaeological work is required.

However, there are concerns with the survey methodology used to undertake the report, subsequently the report is considered to be incomplete and further information is required prior to any further assessment of aboriginal archaeology.

Heritage Impact

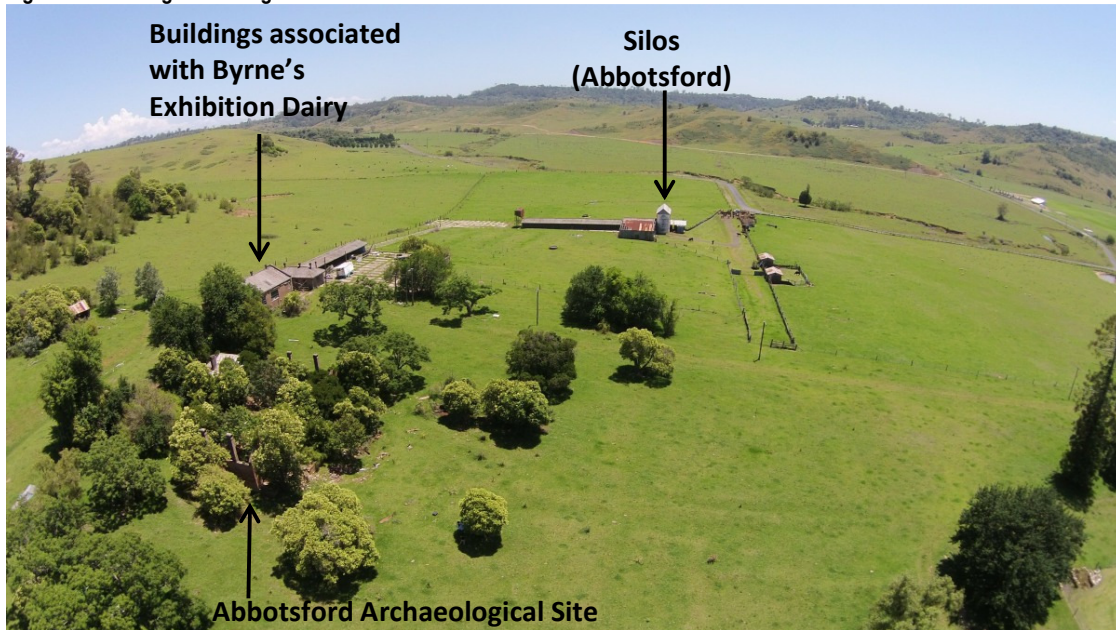
The heritage on the site, particularly the ruins and associated features to the Abbotsford Homestead are central to this planning proposal. In particular, if the land is rezoned this will be associated with the landowner undertaking stabilisation works to the ruins to prevent further damage from the elements and vegetation.

The site is rich in European heritage and includes the state heritage listed Abbotsford Homestead Archaeological site (Item A7 in list of heritage items include at Schedule 5 Environmental heritage of the Wollondilly Local Environmental Plan 2011) along with a number of farm buildings associated with the Byrne's Exhibition Dairy in the late 1930s and further dairy related buildings from the mid nineteenth century.

In terms of heritage, the Planning Proposal includes provisions related to three separate groups of buildings identified in Figure 3 below;

1. *Abbotsford Archaeological Site*; Amend the site boundary or curtilage for the existing Abbotsford heritage item; the proposed amended curtilage is smaller than the current curtilage identified within the WLEP but is still larger than the curtilage associated with the state listing of this item.
2. *Byrne's Exhibition Dairy*; Heritage list historically significant buildings associated with the Byrne's Exhibition Dairy by including them within *Schedule 5 Environmental Heritage* of the WLEP 2011.
3. *Silos (Abbotsford)*; Heritage list the silo structures by including them within *Schedule 5 Environmental Heritage* of the WLEP 2011 to encourage their adaptive reuse.

Figure 3 – Buildings of heritage interest across the site



A *Curtilage Study* dated June 2013 has been prepared by NBRSPartners to inform the Planning Proposal and is included at Appendix O. The Curtilage Study was prepared to consider the state heritage listed Abbotsford Homestead archaeological site and considers the historical development of the site.

Abbotsford

The Abbotsford archaeological item is an existing heritage item listed as Item no. A7 in Schedule 5 Environmental heritage; Part 3 Archaeological sites of the Wollondilly Local Environmental Plan 2011. It is an item of state significance and is also listed on the State Heritage Register being listing number 00073.

The Abbotsford heritage item includes the ruins of the former Abbotsford Homestead and the associated trees, garden and grounds, underground tank, cottage and outbuildings. For the most part, the physical structures and plantings associated with this item are located in and around the site of the homestead located on the southern end of the lot.

The Abbotsford site is significant for its association with the early settlement of the Picton area and its links with prominent colonial figure, George Harper, and later, the Antill family. Its significance includes its historical values as an early homestead, its aesthetic value for the landmark plantings and site works around the ruined homestead, and the archaeological research value of the ruins.

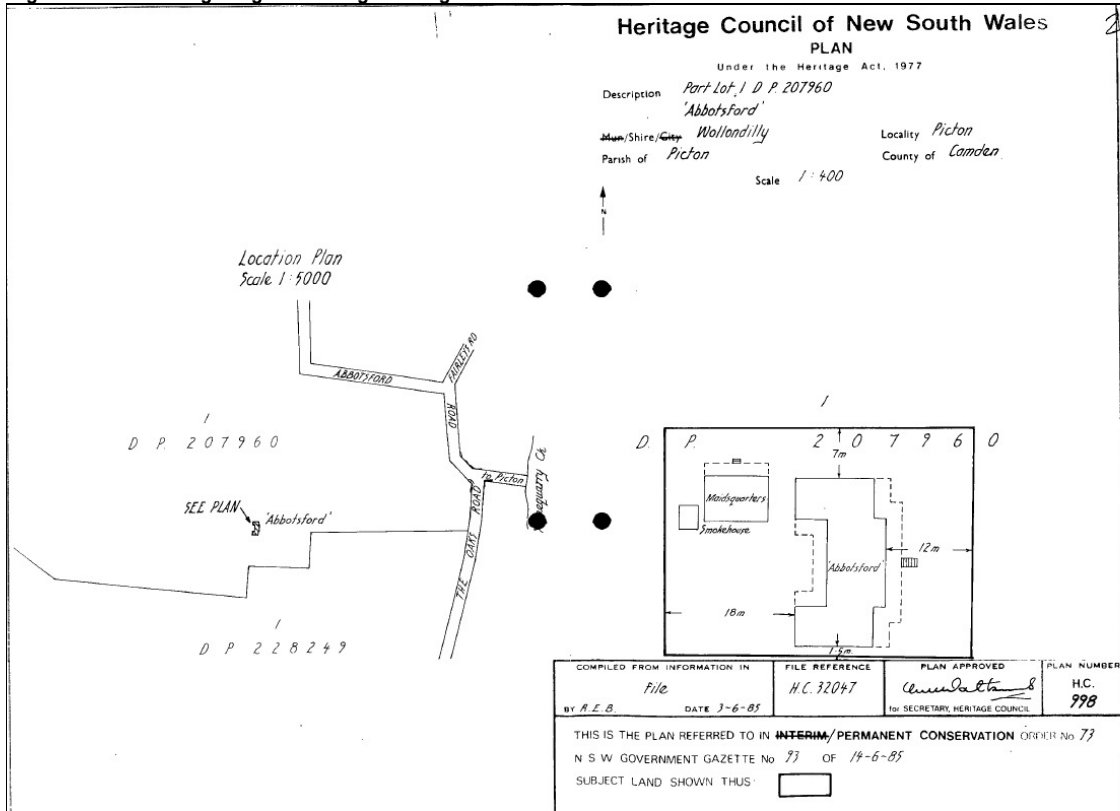
Figure 4 – Photos of Abbotsford Homestead; Then and Now



The Planning Proposal seeks to amend the boundary for this heritage item as shown on the Wollondilly Local Environmental Plan 2011 Heritage Map. The amendment will reduce the area associated with this item on the

Heritage Map and the proposed new boundary is shown in Part 4 by Map 4. This proposal will not amend the heritage curtilage associated with this item on the State Heritage Register which is shown in Figure 5 below.

Figure 5 - State Heritage Register heritage curtilage for Abbotsford



The curtilage on the State Heritage Register takes in a small area surrounding the footprint of the Abbotsford Homestead which at its greatest is 18m. The state heritage curtilage does not include things like the avenue of trees which would still be retained within the proposed heritage curtilage within the Wollondilly Local Environmental Plan 2011.

The proposed curtilage for the Heritage Map identifies the portion of the site which is necessary to maintain the heritage significance of the Abbotsford item. It is understood that if the proposed changes to the WLEP which are detailed in this Planning Proposal then the Abbotsford item would be included within a lot which would share the same boundary as the heritage curtilage. These changes would also enable the remainder of the site to be more readily subdivided in line with the objectives of the proposed land use zone.

The proposed curtilage does not take in the western-most araucaria tree on the hill top, nor the remains of apparent thorn hedging on the northern side of the existing main driveway. These landscape elements would need to be protected by a covenant on the future allotments.

The proposed new curtilage has been based on the recommendations contained within the *Curtilage Study* prepared by NBRS + Partners. This study also provides design guidance for future residential development within the vicinity of Abbotsford. The design guidance will be incorporated into site specific development controls to be included within the Wollondilly Development Control Plan 2011 (or possibly the WDCP 2014 depending on the timing of the planning proposal) to guide the future development of the site. The controls will guide the future subdivision and development across the site with the objective of protecting the setting and cultural landscape associated with the Abbotsford heritage item.

Public consultation on the draft site specific controls will be undertaken at the same time as the consultation for this planning proposal.

This planning proposal also includes amending the Height of Buildings Map so that the maximum height for development is 6.8 metres, effectively limiting the height of new dwellings to single storey which is not unreasonable for rural development.

Central to the strategic planning merit in rezoning the land is to secure a better heritage outcome for the Abbotsford site. The Abbotsford ruins have become neglected and overgrown by broad-leafed privet, cats' claw creeper and wisteria with the roots damaging sections of the wall which still remain. What still remains of the homestead are at risk of further damage.

If the land is rezoned this is expected to be accompanied by a voluntary planning agreement between the landowner and the Council to tie the future development of the site with stabilisation works to prevent further damage to the significant ruins. A copy of the draft *Schedule of Required Stabilisation Works* is provided at Appendix Y.

Byrnes Exhibition Dairy & Silos (Abbotsford)

In addition to the already listed Abbotsford site, there are two other structures on the site that are considered to be of local heritage significance and worthy of protection under the Wollondilly Local Environmental Plan. These are summarised in the table below:

Potential heritage item	Reason for listing
Byrnes Exhibition Dairy (two brick buildings)	Byrne's Exhibition Dairy has moderate historical significance as one of a small number of local dairies. It provides tangible evidence of early town development and early 20 th century building techniques. It also has research potential in the study of the history of the local dairy industry. This can be linked to other local dairy relics such as the Rotolactor and Menangle Creamer. While dairies were not uncommon in NSW, it is unusual to find a dairy building in such a good state of preservation externally. Byrne's Exhibition Dairy is a good representative example of infrastructure built for the local dairy industry.
Rural silo structures	The silos are a good representative example of the type of rural silo structure built in the local area in the 1930s to 1940s period. While the silos do contribute to the rural landscape, the overriding reason for listing the silos is to proactively encourage their adaptive reuse. If heritage listed, <i>Clause 5.10(10) – Conservation incentives</i> of the Wollondilly Local Environmental Plan 2011 (WLEP) provides a planning incentive whereby variations to the WLEP could be permitted where the conservation of the heritage item is facilitated by the development.

Landscape Character

The site occurs largely within a rural setting with properties having been cleared of vegetation through their historical use for agricultural purposes. There are pockets of

The site is located at the mouth of a valley that extends to the northwest followed by Abbotsford Road. This valley ranges from 400m width at the mouth near Evelyn bridge to 200 metres width in the upper reaches of the valley. The side slopes in this valley abruptly change to gentle valley floors.

This landscape contributes to the setting of Picton as a town surrounded by lightly vegetated and undeveloped hills. This setting is considered to be significant and should be retained. Growth of the Picton urban area has tended to be throughout the valley floor with little or no development on these characteristic slopes.

The Planning Proposal limits housing to the lower areas on the site with no development proposed on slopes greater than 20%. This will have the effect of retaining the undeveloped hilly terrain of the site which is interconnected to the landscape setting of Picton.

In terms of the relationship between the landscape and the heritage Listed Abbotsford group of buildings a *Curtilage Study* has been prepared to identify a suitable curtilage around the concentration of nineteenth-century works at Abbotsford.

The study identifies a number of elements within the landscape that provide a cultural context to the landscape. Some of these are recommended for retention in the future subdivision of the site.

A *Visual Impact Assessment Report* dated November 2013 has been prepared by Mike George Planning Pty Ltd to support the Planning Proposal and is included at Appendix W.

The Visual Impact Assessment concludes that there are no apparent visual impact issues that affect the rezoning proposal.

Cumulative Impact

A number of planning proposals have been submitted to Wollondilly Shire Council to rezone rural land for residential purposes in areas associated with Picton, Tahmoor and Thirlmere. Most of these relate to land identified within the Wollondilly GMS Structure Plan for these areas.

The Abbotsford site is not identified within the Structure Plan for Picton as a 'Potential residential growth area' and is therefore not strictly in accordance with the Wollondilly GMS. Concern has been raised by Environment and Heritage that the Abbotsford site along with other sites has the *potential to significantly change the rural nature of this part of Wollondilly Local Government Area....*

Subsequently a need was identified for the proposal to be supported by a study that considered the cumulative impacts of the Abbotsford site along with other rezoning proposals in the area.

A *Cumulative Impact Assessment Report* has been prepared dated November 2013 has been prepared by Mike George Planning Pty Ltd to support the Planning Proposal and is included at Appendix V. The Report largely questions, what the author suggests is a misplaced, justification for a cumulative impact assessment.

The Report concludes that so long as the potential development represented in *current planning proposals cumulatively or individually can occur without public costs for infrastructure and services, without uncontrolled natural environmental impacts, and without material impact on prime crop and pasture land or agricultural productivity, then there is no cumulative impact from a public perspective.*

It is considered that the Abbotsford Planning Proposal is relatively small in terms of new dwellings proposed (approximately 40 new dwellings). Although it will have a localised impact on the rural nature of the area in the sense that it seeks to allow development where there is currently none, future development in the manner proposed in the Planning Proposal would be rural residential in nature and not dissimilar to that which already exists adjacent to the site by development at Equestrian Drive.

Although the site is not identified in the Structure Plan for Picton contained within the Wollondilly GMS, the Planning Proposal is considered to be generally consistent with the strategy's aims. The stabilisation of the Abbotsford ruins and potential protection afforded to other historical buildings within the site is considered to merit a change in the current rural nature of the immediate area.

The Council is currently formally reviewing the Wollondilly GMS and this process will consider the capacity for the Picton/Tahmoor/Thirlmere area to absorb more development at a strategic level. The suitability for rezoning land adjacent to the site will be considered as part of that process.

Section D – State and Commonwealth interests

D3.10 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal seeks to rezone land for approximately 40 rural residential style lots and is not considered to be of a scale that would place significant strain on existing public infrastructure provision.

A *State and Local Infrastructure Assessment Report* and a *Socio-Economic Assessment Report* both dated July 2013 have been prepared by Mike George Planning Pty Ltd to support the Planning Proposal and are included at Appendix U and Appendix S respectively.

These reports conclude that the proposed rezoning is unlikely to require any public infrastructure expenditure and will have no material infrastructure implications beyond that addressed by existing development controls and charges.

Utilities

The site has the potential to be serviced by all utilities other than a town reticulated sewerage scheme.

Sewer & Wastewater

An onsite reticulated wastewater system is to be provided for each individual allotment. This is likely to be an Aerated Wastewater Treatment System with onsite disposal via either surface spray or sub-surface effluent irrigation.

Water

The site is serviced by a reticulated water source.

Roads

Development of the land as proposed will require the construction and ultimate dedication to Council of new roads.

Community infrastructure

Both of the above mentioned reports prepared by Mike George Planning Pty Ltd conclude that the proposed rezoning will not generate or burden the provision of community infrastructure significantly.

Development Contributions

The approval and subsequent construction of any future residential development of the site will involve a contribution towards the provision of facilities in accordance with the Wollondilly Development Contributions Plan (DCP) 2011.

Development Contributions will go towards the provision of;

- Transport and Traffic Management;
- Open Space, Sporting and Recreation;
- Library Information and Community; and
- Bushfire Protection.

The proponent has indicated an intention to undertake road realignment and construction works and dedicate land to the Council for public recreation purposes in lieu of or as an offset against monetary contributions. Formal consideration under the Wollondilly DCP will be given to such a variation when a formal offer has been received.

D 3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

A Gateway Determination was issued for this Planning Proposal on 24 April 2012 (Department Ref: PP_2011_WOLLY_017_00). Condition 6 of the Gateway Determination sets out which public authorities are to be consulted under section 56(2)(d) of the *EP&A Act*. Consultation was undertaken in May 2012 and the responses are summarised in the *Summary of Consultation With Public authorities* table below.

Public agencies will be consulted again prior to the public exhibition period once the studies have been received where this was requested, otherwise a further opportunity to provide comments will be available as part of the public exhibition process.

Table - Summary of Consultation with Public Authorities

Agency	Outcome of Consultation
Department of Education and Communities	No comments received
Office of Environment and Heritage (Environment Branch)	Provided comment on the requirements for supporting studies and advised that detailed comments would be provided on receipt of the studies.
Office of Environment and Heritage (Heritage Branch)	No objection.

Department of Primary Industries (Agriculture)	Does not Support rezoning unless specific shortcomings in the GMS are identified. Requests the preparation of a strategic design.
Integral Energy	No objection – Confirmed electricity supply capacity is available for the proposed rezoning.
Mine Subsidence Board	No Objection – Advised that the subject land was not in a proclaimed Mine Subsidence District and is not subject to any building restrictions.
Transport for NSW	No Objection
NSW Health	No comments received
NSW Rural Fire Service	Suggests undertaking bushfire protection measures including an assessment of the level of hazard posed by the proposal and how it will change, the provision of asset protection zones, the provision of access and the provision of water supply for fighting purposes.
Roads and Maritime Authority	No Objection – Provided policy comment on content to be included within the Traffic and Transportation Study and general policy guidance.
Sydney Water	No objection – Advised that there is a water network near to the subject site but water extension may be required to connect to the water network. Site is not included within boundary modifications being considered for existing sewer serviceable areas but will assess the possibility of Abbotsford connecting to the scheme.
Adjoining LGAs	To be consulted.
Department of Trade and Investment , Regional Infrastructure and Services (Mineral Resources Branch)	Expressed a preference for new development to be undertaken on land identified within the Wollondilly GMS before areas such as the subject site. Advised no objection if: 1. Any development to adopt Mine Subsidence Board development/building guidelines. 2. A subsidence study is prepared to inform appropriate building guidelines.

Part 4 – Mapping

Map 1 – Site Identification (SIM)

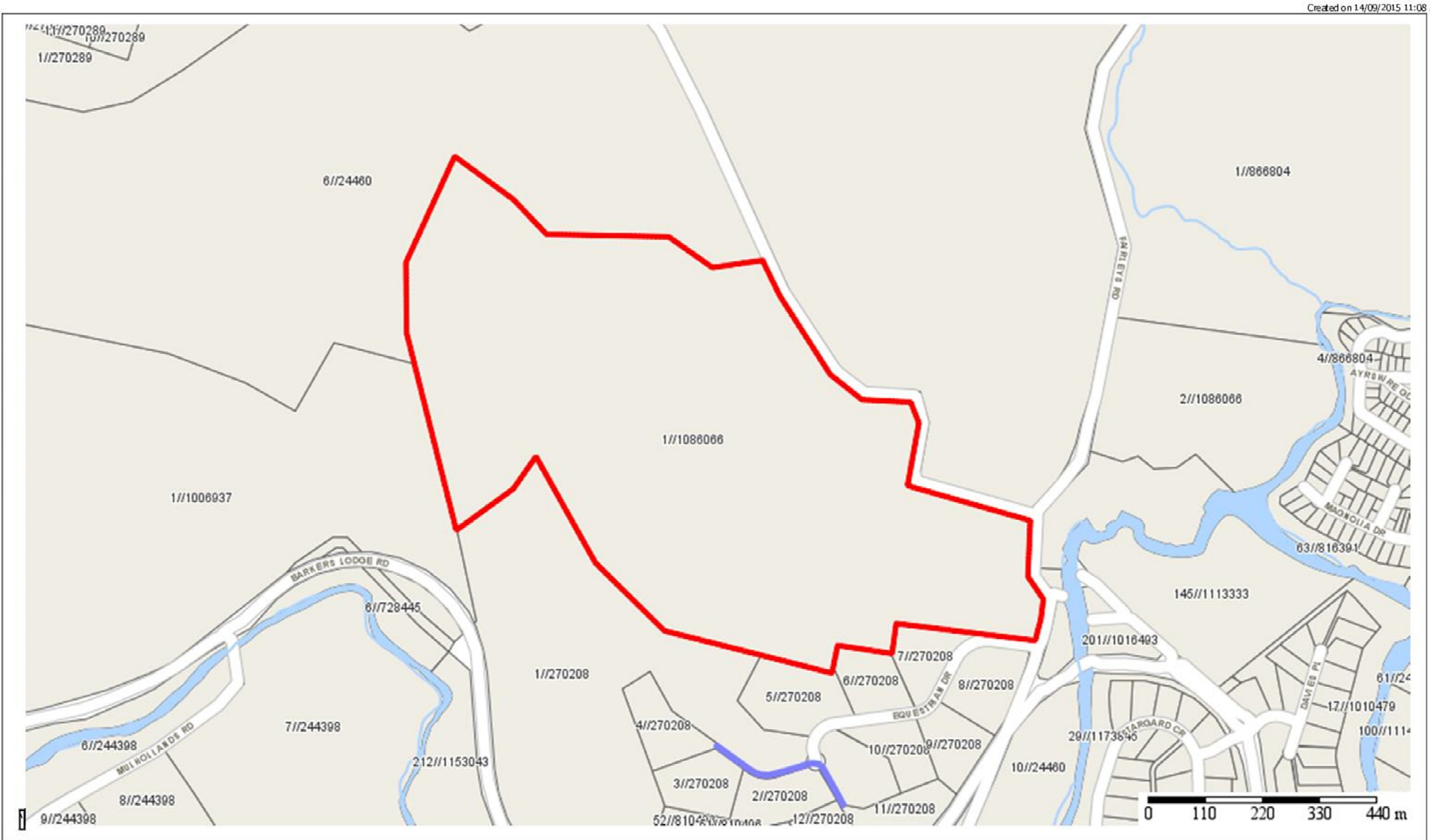
Map 2 – New Land Zoning (LZN)

Map 3 – New Height of Buildings (HOB)

Map 4 – New Lot Size (LSZ)

Map 5 – New Heritage (HER)

Map 1 – Site Identification (SIM)



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PO Box 21
PICTON NSW 2571
Ph: (02) 4677 1100
Fax: (02) 4677 2339
Web: www.wollondilly.nsw.gov.au

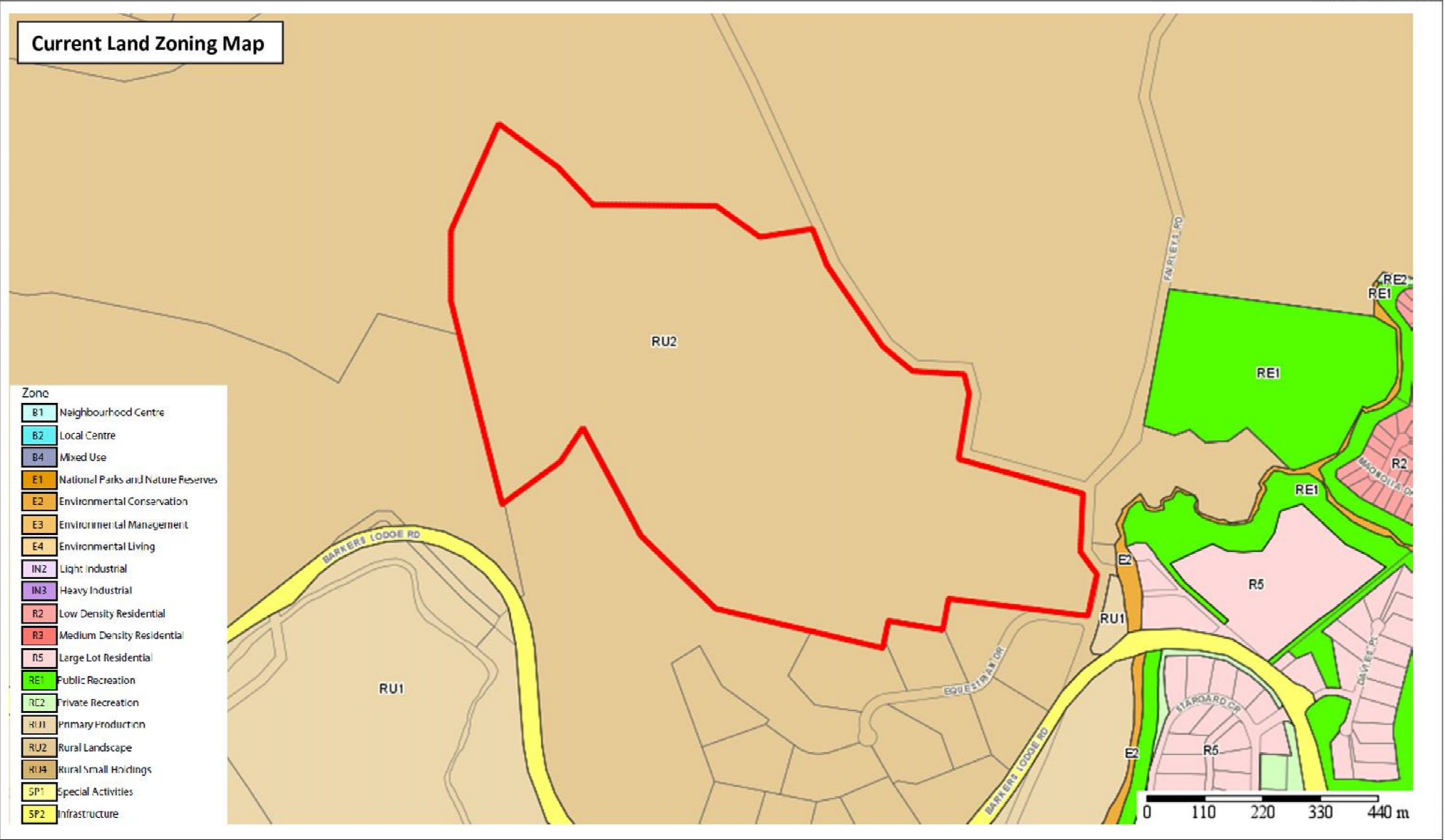
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Projection: GDA94 / MGA zone 56

Date: 14/09/2015

Created By: Carolyn Whitten

Site Identification Map (SIM)





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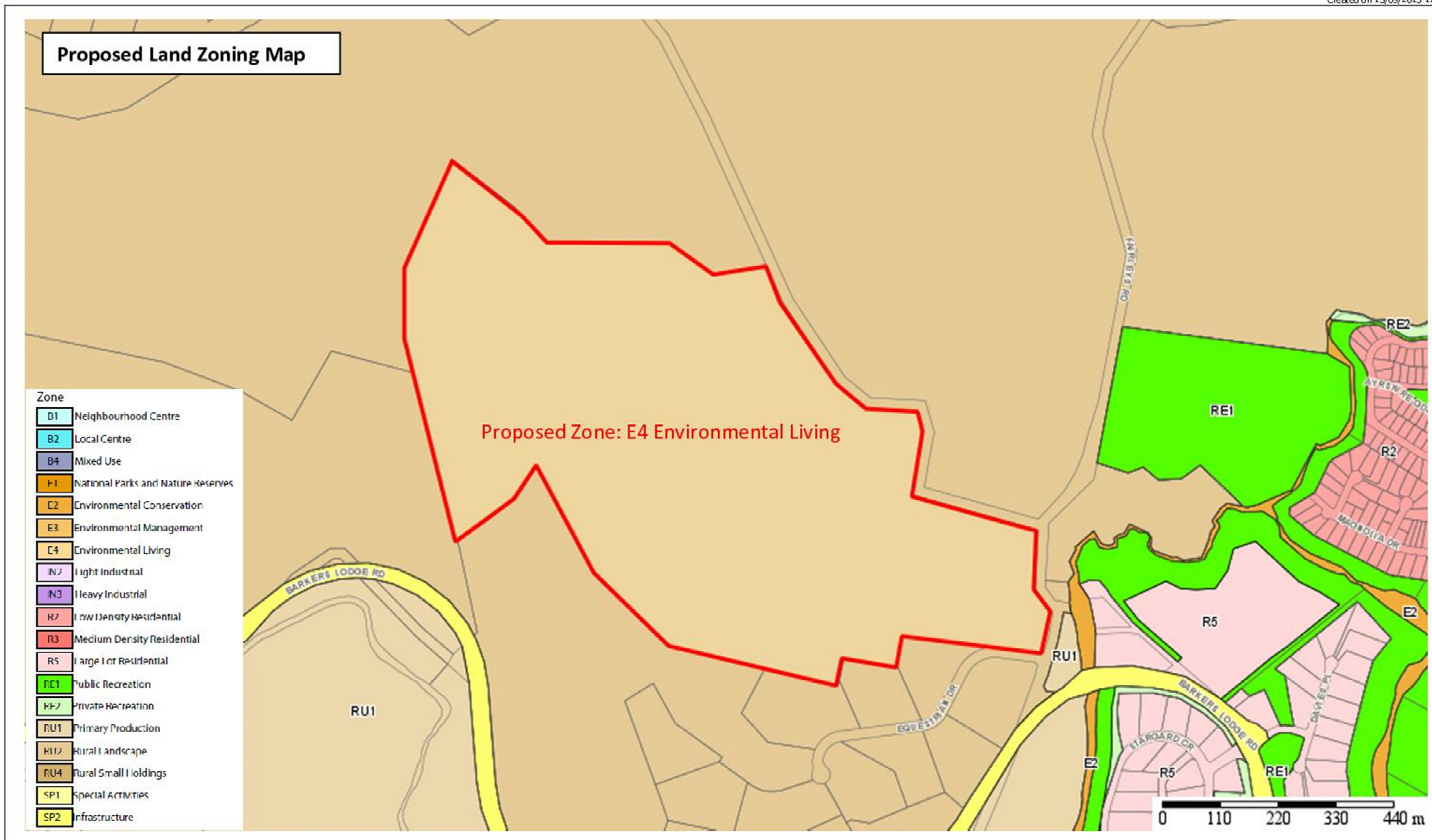
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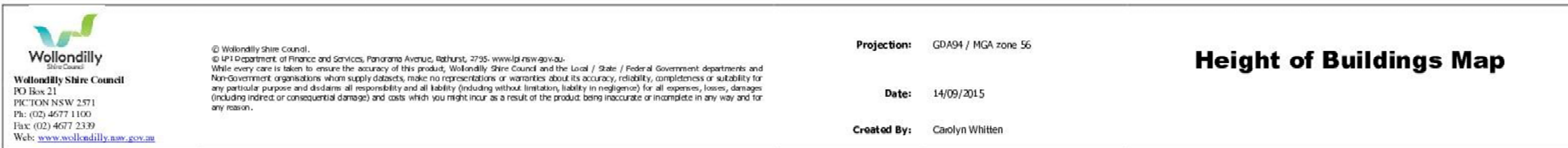
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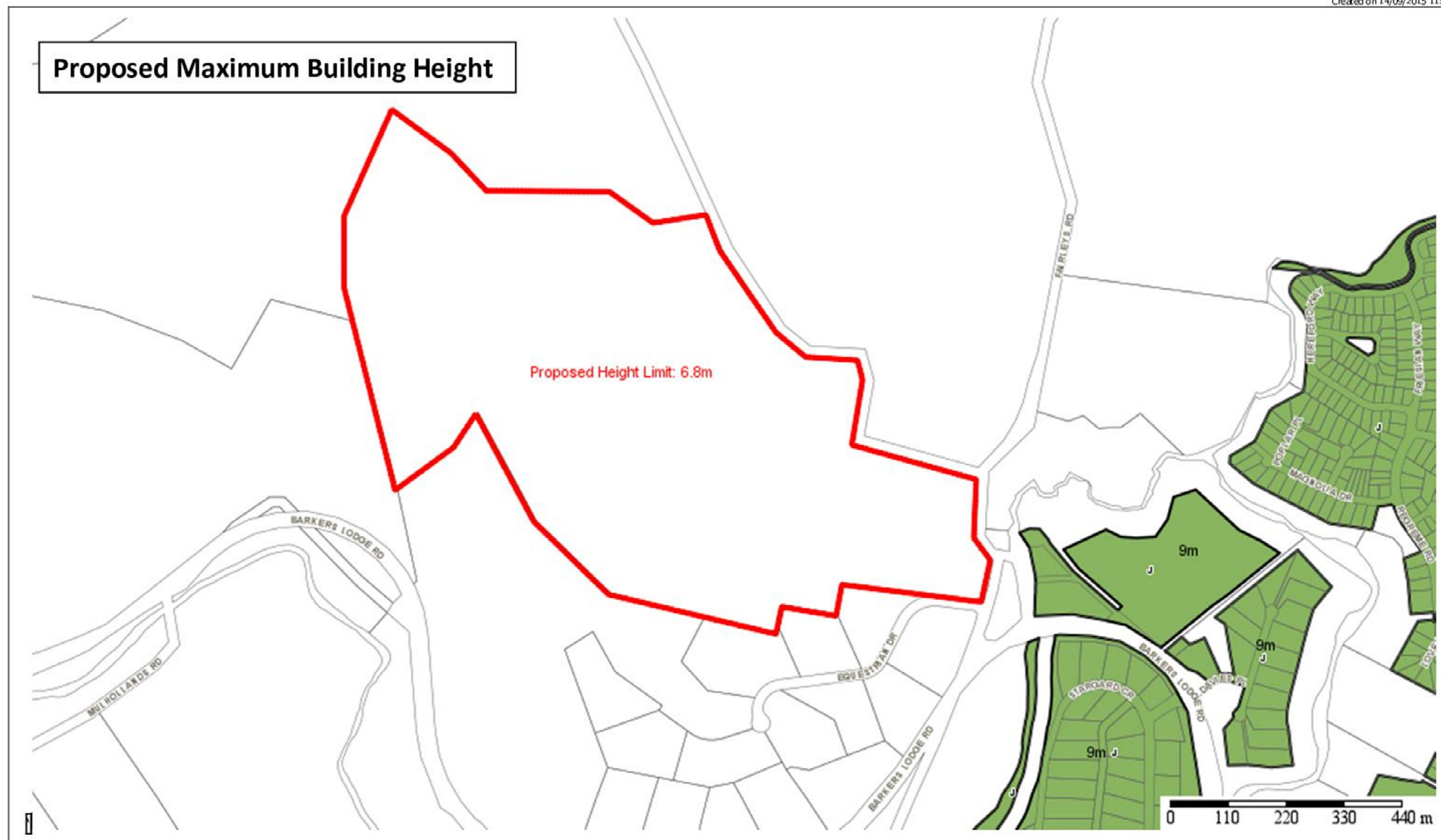
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Land Zoning Map







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 PICTON NSW 2571
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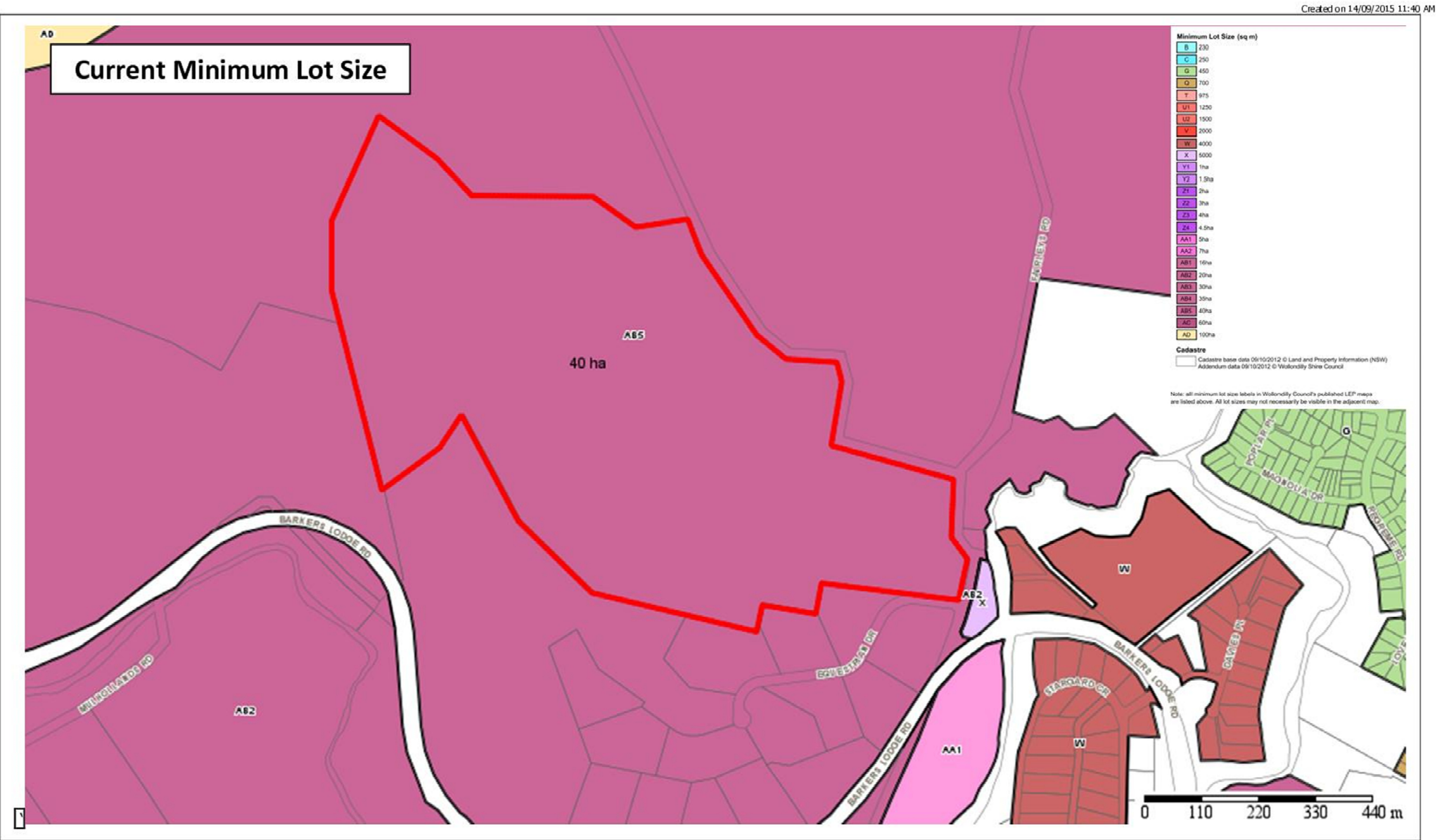
Projection: GDA94 / MGA zone 56

Date: 14/09/2015

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Height of Buildings Map

Map 4 – New Lot Size (LSZ)





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Lot Size Map



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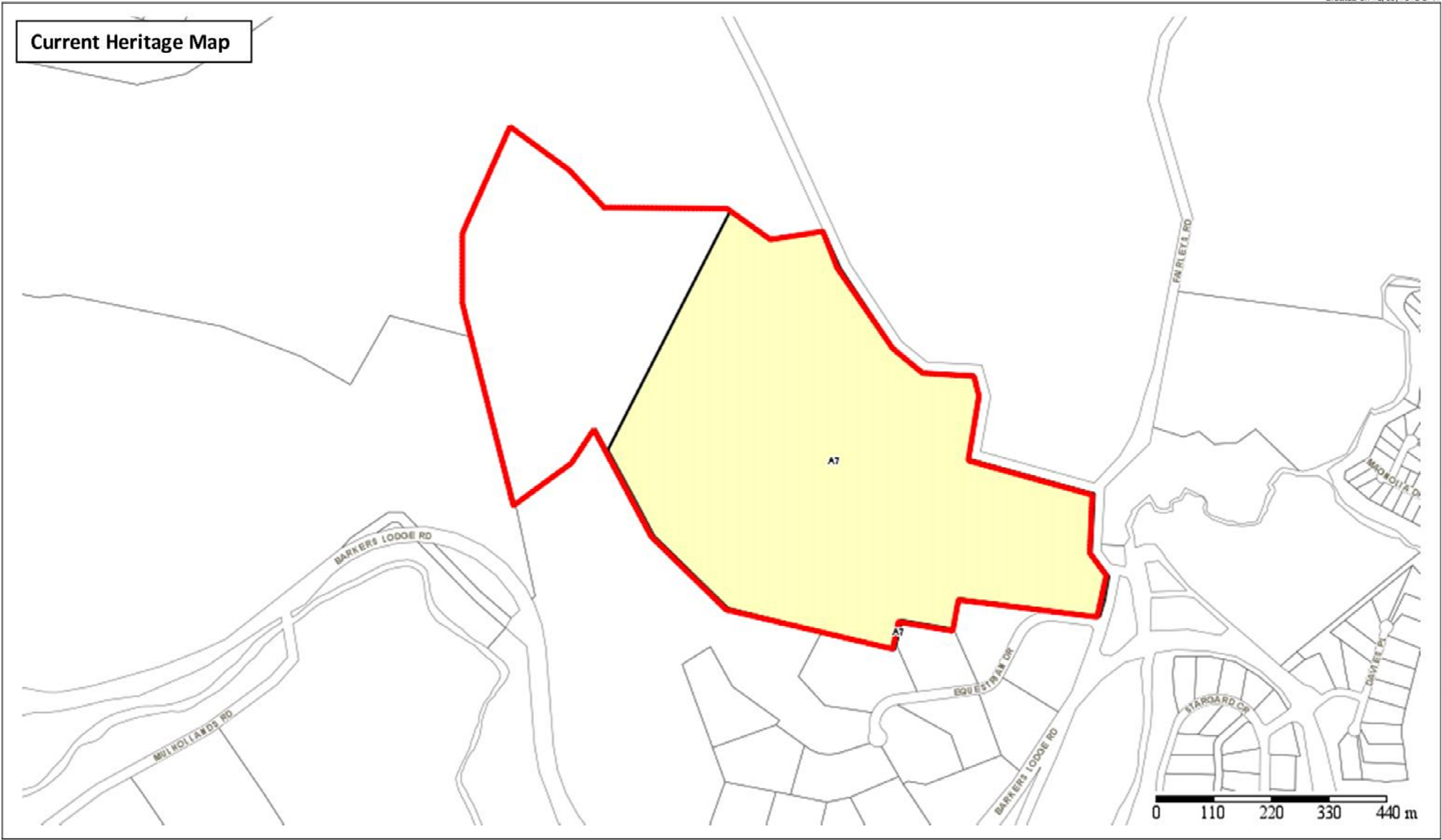
Date: 14/09/2015

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Lot Size Map

Map 5 – New Heritage (HER)

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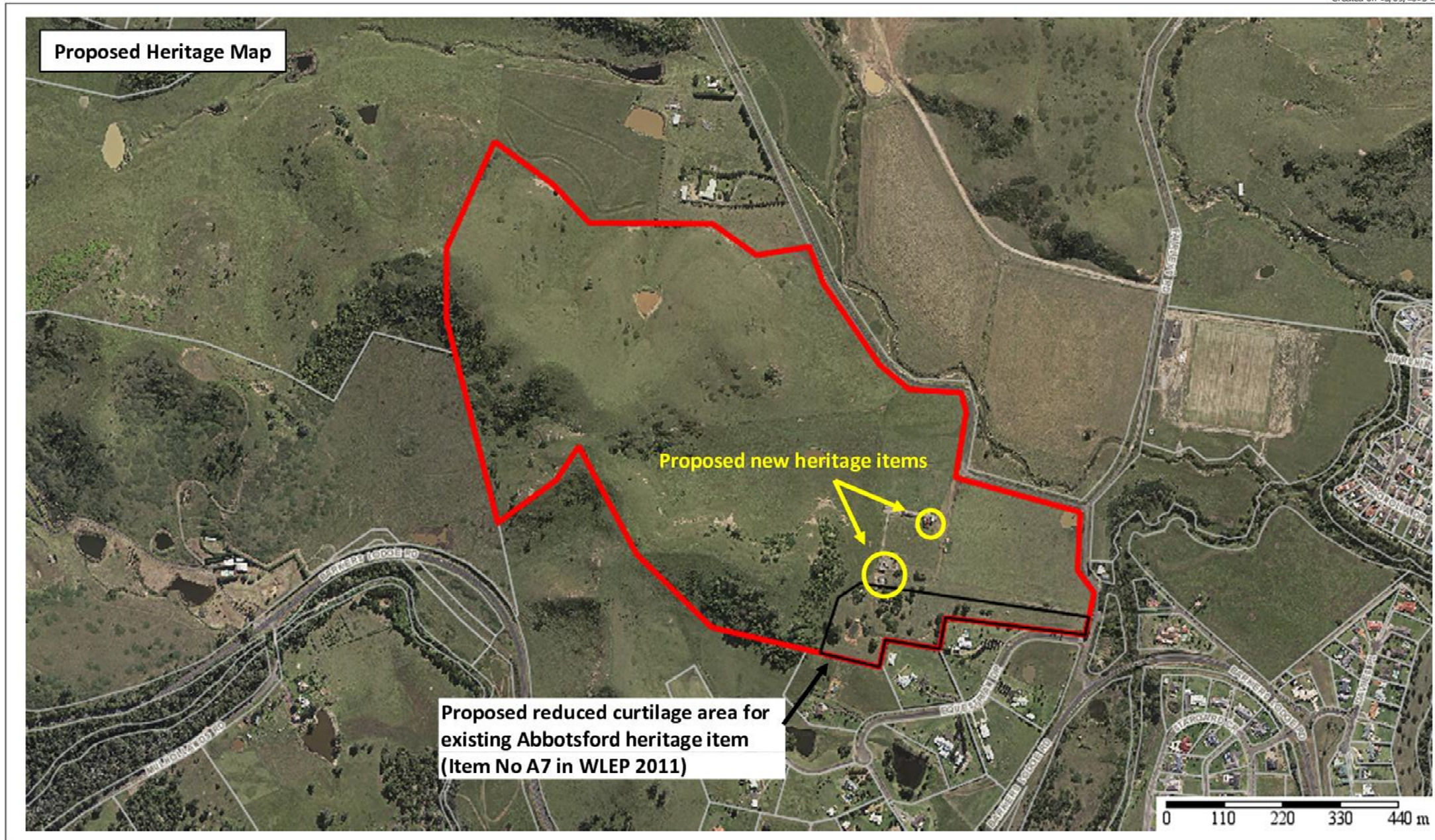
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Projection: GDA94 / MGA zone 56

Date: 15/09/2015

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Heritage Map



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Projection: GDAS4 / MGA zone 56

Date: 15/09/2015

Created By: Carolyn Whitten

Heritage Map

Part 5 – Community Consultation

As part of our commitment to community consultation a number of statutory and non-statutory community consultation opportunities relating to the Abbotsford Planning Proposal will be held to inform the community about the proposal and to provide an opportunity to make their views known.

The table below provides a summary of what opportunities there will be for community consultation as part of the consideration of the Planning proposal for Abbotsford, Picton.

What will happen?	When will it happen?	Has it happened yet?	What was the outcome?
Pre-Gateway Consultation In accordance with Council's notification policy the draft Planning Proposal will be made available on Council's website and notified to adjoining land owners and occupants.	When a draft Planning Proposal is lodged with the Council a period of preliminary community consultation (Pre-Gateway Consultation) is undertaken prior to Council considering whether to support the Planning Proposal.	Yes Oct/Nov 2011	A summary of the Pre-Gateway Consultation submissions is provided within the text located below this table.
Public Exhibition Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&A Act 1979 as follows: - The Planning Proposal will be made publicly available for 28 days; and - The Planning Proposal will be placed on Public Exhibition	After a Gateway Determination has been issued and specialist studies have been prepared.	No	-

Pre-Gateway Consultation

Council's notification policy requires initial consultation to be undertaken when a proposal to rezone land is received by the Council. This requirement is in addition to statutory requirements.

An initial period of consultation was undertaken for a three (3) week period from 20 October until 11 November 2011. A total of fifty-six (56) letters were sent residents with no submissions being received.

Public Exhibition

Once all the specialist studies have been received, reviewed and the Planning Proposal revised as required a further period of community consultation in the form of a public exhibition will be held. The requirement for this consultation is determined by sections 56(2)(c) and 57 of the EP&A Act and the minimum requirements for this consultation are identified in section 4.5 of *A Guide to Preparing Local Environmental Plans* (Department of Planning 2009 & Infrastructure 2013).

The requirements set out in section 4.5 relate to the notification requirements and what material is to be made available for inspection. In accordance with the Gateway Determination the Abbotsford Planning Proposal will have an exhibition period of 28 days.

Part 6 – Project Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. The table below sets out the anticipated project timeline for consideration of the Abbotsford Road, Picton Planning Proposal.

The current Gateway Determination advises that the timeframe for completing the LEP is by **1 August 2015**. A request for an extension to this timeframe was requested in July 2015 for a further 12 months and it is expected that an extension will be issued.

<i>Project detail</i>	<i>Timeframe</i>	<i>Timeline</i>
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&I	Issued 24 April 2012
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	Undertaken May 2012
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	6 month period	Completed
Anticipated timeframe for the Department to consider Alteration to Gateway Determination Request	6 weeks	Oct 2015
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	Nov-Dec 2015
Dates for public hearing (if required)	Unlikely to be required	N/A
Timeframe for consideration of submissions	1 month	Dec 2015
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	Dec 2015 - Feb 2016
Date of submission to the Department to finalise the Draft LEP amendment	N/A	N/A
Forward Draft LEP Amendment to PC and receive an opinion	2 months	June 2016
Anticipated date the Department will finalise the LEP Amendment and it is notified on the website	2 months	August 2016

Appendices

A. Compliance with SEPPs

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

B. Assessment against Section 117(2) Directions

Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

C. Assessment against Wollondilly GMS

Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011.

D. Gateway Determination PP_2011_WOLLY_017_00

PP_2011_WOLLY_017_00 dated 24 April 2012

Our Reference: TRIM 6497#36

E. Council's Report and Minutes from 12 December 2011

Extract from Agenda containing the Report to Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 12 December 2011

F. Council's Report and Minutes from 17 August 2015

Extract from Minutes of the Ordinary Meeting of Wollondilly Shire Council held on Monday 12 December 2011

Our Reference: TRIM 6497#28 and #29

G. Wollondilly Transportation Model – Transport Impact

Prepared by Gabites Porter

Council Reference: TRIM 6497 #171

H. Traffic and Transportation Study

Prepared by Thompson Stanbury Associates

Council Reference: TRIM 6497 #172

I. Geotechnical Study

Prepared by Harvest Scientific Services Pty Ltd

Council Reference: TRIM 6497 #247

J. Aboriginal Cultural Heritage Assessment

Prepared by Tharawal Land Aboriginal Land Council

Council Reference: TRIM 6497 #146

K. Flood Assessment Report

Prepared by FloodMit

Council Reference: TRIM 6497 #155

L. Agricultural Land Capability Study

Prepared by Harvest Scientific Services Pty Ltd

Council Reference: TRIM 6497 #235

M. Onsite Wastewater Feasibility and Water Quality Study

Prepared by Harvest Scientific Services Pty Ltd

N. Site-Specific Urban Salinity Study

Prepared by Harvest Scientific Services Pty Ltd

Council Reference: TRIM 6497 #233

O. Potential Impacts of Mine Subsidence due to the Future Extraction of Coal Resources

Prepared by msec mine subsidence Engineering Consultants

Council Reference: TRIM 6497 #163

P. Curtilage Study

Prepared by NBRS+Partners

Council Reference: TRIM 6497 #143

Q. Biodiversity Study

Prepared by ACS Environmental Pty Ltd

Council Reference: 6497 #157

R. Contaminated Land Study

Prepared by Harvest Scientific Services Pty Ltd

Council Reference: 6497 #147

S. Bushfire Risk Assessment

Prepared by ACS Environmental Pty Ltd

Council Reference: TRIM 6497 #145

T. Socio-Economic Assessment Report

Prepared by Mike George Planning Pty Ltd

Council Reference: TRIM 6497 #159

U. State and Regional Context Assessment

Prepared by Mike George Planning Pty Ltd

Council Reference: TRIM 6497 #160

V. State and Local Infrastructure Assessment Report

Prepared by Mike George Planning Pty Ltd

Council Reference: TRIM 6497 #156

W. Cumulative Impact Assessment Report

Prepared by Mike George Planning Pty Ltd

Council Reference: TRIM 6497 #177

X. Visual Impact Assessment Report

Prepared by Mike George Planning Pty Ltd

Council Reference: TRIM 6497 #176

Y. Draft Schedule of Required Stabilisation Works

Prepared by Wollondilly Shire Council

Council Reference: TRIM 6497 #690

Appendix A

Compliance with SEPPs

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
4	Development Without Consent and Miscellaneous Complying Development	N/A	
6	Number of Storeys in a Building	Yes	There shall be no change to existing LEP provisions on height of buildings.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	N/A	Not applicable to this Planning Proposal.
22	Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	Consistent – No koala habitat identified.
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
50	Canal Estates	N/A	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	N/A	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	Yes	Consistent – a Phase 2 Contamination Assessment will be required a later stage in the planning process.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
62	Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	N/A	Residential flat buildings are prohibited on the subject land.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
	SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
	SEPP (Infrastructure) 2007	N/A	Not applicable to this Planning Proposal.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable to this Planning Proposal.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	This proposal is consistent with this SREP.

Appendix B

Assessment against Section 117(2) Directions

The table below assesses the planning proposal against Section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	No	N/A	The planning proposal does not propose any new business or industrial land.
1.2 Rural Zones	Yes	No (but justified)	The potential for future agricultural development of the site is limited. The proposed rezoning will have little impact on the future agricultural capacity of the land due to site constraints.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The proposal is consistent with the direction because potential future development can be compatible with the potential development of any resource.
1.4 Oyster Production	No	N/A	Direction does not apply.
1.5 Rural Lands	No	N/A	Not applicable in the Shire of Wollondilly.
2. Environment and Heritage			
2.1 Environmental Protection Zones	No	N/A	The site does not contain any 'environmentally sensitive areas' and no environmental protection zones currently apply to the site.
2.2 Coastal Protection	No	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Yes	The Planning Proposal contains provisions to conserve the items and areas of environmental heritage significance.
2.4 Recreation Vehicle Area	Yes	Yes	The planning proposal does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area. Therefore it is consistent with Direction 2.4.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Inconsistent (but justified)	Inconsistent with clause 4(c) as it is located on the urban fringe. This inconsistency is considered to be of minor significance as this direction does not specifically address rural residential development which is considered to be appropriately located on the urban fringe.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The planning proposal retains all existing zones in which caravan parks are permitted. Therefore the planning proposal is consistent with Direction No. 3.2.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
3.3 Home Occupations	Yes	Yes	The planning proposal does not alter the current exempt development provisions that enables for the development of home occupations. Therefore no further consideration of the matters in relation to Direction 3.3 is necessary.
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal is not inconsistent with Direction No. 3.4.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	No	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	No	N/A	Direction does not apply as the site is not located within a mine subsidence district or contain unstable land.
4.3 Flood Prone Land	Yes	Yes	The Planning Proposal is substantially in accordance with this Direction.
4.4 Planning for Bushfire Protection	Yes	Yes	Adequate arrangements for bushfire protection, having regard to PBP 2006, would be dealt with in accordance with the attached Bushfire Impact Assessment.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	Yes	Yes	It is expected that any residential development on the subject site would have a neutral or beneficial effect on water quality.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	Revoked.
5.6 Sydney to Canberra Corridor	No	N/A	Revoked.
5.7 Central Coast	No	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.

Ministerial Direction		Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
6.2	Reserving Land for Public Purposes	Yes	Yes	This planning proposal is consistent with this direction.
6.3	Site Specific Provisions	No	N/A	Direction does not apply.
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

Appendix C

Assessment against Wollondilly GMS

Wollondilly Growth Management Strategy (GMS) was adopted by Council in February 2011 and sets directions for accommodating growth in the Shire for the next 25 years. All planning proposals which are submitted to Council are required to be assessed against the Key Policy Directions within the GMS to determine whether they should or should not proceed.

The following table sets out the planning proposal's compliance with relevant Key Policy Directions within the GMS:

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 proposal is considered to satisfy this Key Policy Direction.
P2 All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	The draft proposal is generally consistent with the concept and vision of 'Rural Living' as it provides for appropriate scaled large lot residential development in close proximity to the Picton Urban area.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	No submissions were received during the preliminary community consultation period. Further opportunities for public input into the rezoning process will be afforded during a future public exhibition of the planning proposal and supporting studies.
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 draft proposal and therefore this Key Policy Direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The Planning Proposal seeks to rezone land adjacent to the Picton urban area which, along with Thirlmere and Tahmoor, has been identified as a focus for growth within the GMS. Picton is well placed to accommodate additional growth of the small scale proposed by this proposal.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The Planning Proposal would contribute towards Council's dwelling target for the Picton, Tahmoor, Thirlmere area as outlined in the GMS.
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 indicates that there is an intention to provide a mix of housing types and lot sizes on the site. It is noted that the site will consist of large lots only but this is commensurate with the sites peripheral location to Picton. Controls within the Development Control Plan can control the mix of lot sizes.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The Proposal seeks large residential lots for the proposed R5 Large Lot Residential Zone which is considered to be appropriate in the context of adjacent land use patterns and the sites location on the periphery of Picton.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The site is located within one kilometre of the Picton town centre and is adjacent to existing DA approved rural residential subdivisions.

Key Policy Direction	Comment
Macarthur South Policies	
P11 Council does not support major urban release within the Macarthur South area at this stage.	Key Policy Direction P11 is not applicable to this proposal as the site is not located within the Macarthur South region.
P12 Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.	Key Policy Direction P12 is not applicable to this proposal as the site is not located within the Macarthur South region.
P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	Key Policy Direction P13 is not applicable to this proposal as the site is not located within the Macarthur South region.
P14 Council will consider proposals for employment land developments in Macarthur South provided they: ▪ Are environmentally acceptable; ▪ Can provide significant local and/or subregional employment benefits; ▪ Do not potentially compromise the future orderly master planning of the Macarthur South area; ▪ Provide for the timely delivery of necessary infrastructure; ▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas; ▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).	Key Policy Direction P14 is not applicable to this proposal as the site is not located within the Macarthur South region.
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.	The proposal will be a source of short-term employment opportunities by creating construction jobs associated with the civil and building works. The additional population will support the local economy and will provide modest opportunities for home business' and tradesman residency.

Key Policy Direction	Comment
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.	The site is not zoned to facilitate further employment opportunities. There may be some loss of employment associated with the loss of agricultural land but this is considered to be minor as the site is unoccupied and only used for grazing. Modest opportunities will exist for home business and tradesman residency.

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.	It is considered that the addition of new residential allotments in the locality is not likely to adversely burden Council and Development Contributions payable at the development application stage will fund the necessary local infrastructure required to support any future development.
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.	The site is located in adjacent to the Picton urban area. By road, it is approximately 1.5 km by road from Picton town centre which is within cycling distance. The site proposed large lot style rural residential development similar to that which exists on an adjacent site. The use of onsite sewage management systems for future dwellings will not impact upon the servicing capacity of the Picton Tahmoor Thirlmere Sewage Treatment Plant.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The draft proposal does not contribute toward dispersed population growth; it proposes coordinated urban growth on the periphery of 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.	The subject site is not identified as a potential residential growth area on the Growth Management Strategy (GMS) Structure Plan for Picton. It is considered that the site is suited for large lot rural residential and environmental management uses, providing a transition between the existing Picton urban area and rural lands to the north and west of the proposal site.

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 includes measures to protect biodiversity, rural landscapes and significant heritage 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 proposal supports the principle of locating rural residential development on the periphery of towns, rather than in dispersed rural areas.

Appendix D

Gateway Determination

PP_2011_WOLLY_017_00 dated 24 April 2012

Our Reference: TRIM 6497#36

Appendix E

Council's Report and Minutes

Extract from Agenda containing the Report to Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 12 December 2011

Extract from Minutes of the Ordinary Meeting of Wollondilly Shire Council held on Monday 12 December 2011

Our Reference: TRIM 6497#28 and #29

Appendix F

Wollondilly Transportation Model – Transport Impact

Prepared by Gabites Porter

Our Reference: TRIM 6497#171

Appendix G

Traffic and Transportation Study

Prepared by Thompson Stanbury Associates

Our Reference: TRIM 6497#172

Appendix H

Geotechnical Study

Prepared by Harvest Scientific Services Pty Ltd

Our Reference: TRIM 6497#247

Appendix I

Aboriginal Cultural Heritage Assessment

Prepared by Tharawal Local Aboriginal Land Council

Our Reference: TRIM 6497#148

Appendix J

Flood Assessment Report

Prepared by FloodMit

Our Reference: TRIM 6497#155

Appendix K

Agricultural Land Capability Study

Prepared by Harvest Scientific Services Pty Ltd

Our Reference: TRIM 6497#235

Appendix L

Onsite Wastewater Feasibility and Water Quality Study

Prepared by Harvest Scientific Services Pty Ltd

Our Reference: TRIM 6497#222

Appendix M

Site Specific Urban Salinity Study

Prepared by Harvest Scientific Services Pty Ltd

Our Reference: TRIM 6497#233

Appendix N

Potential Impacts of Mine Subsidence due to the Future Extraction of Coal Resources

Prepared by msec mine subsidence Engineering Consultants

Our Reference: TRIM 6497#163

Appendix 0

Curtilage Study

Prepared by NBRS+Partners

Our Reference: TRIM 6497#143

Appendix P

Biodiversity Study

Prepared by ACS Environmental Pty Ltd

Our Reference: TRIM 6497#157

Appendix Q

Contaminated Land Study

Prepared by Harvest Scientific Services Pty Ltd

Our Reference: TRIM 6497#147

Appendix R

Bushfire Risk Assessment

Prepared by ACS Environmental Pty Ltd

Our Reference: TRIM 6497#145

Appendix S

Socio-Economic Assessment Report

Prepared by Mike George Planning Pty Ltd

Our Reference: TRIM 6497#159

Appendix T

State and Regional Context Assessment Report

Prepared by Mike George Planning Pty LTD

Our Reference: TRIM 6497#160

Appendix U

State and Local Infrastructure Assessment Report

Prepared by Mike George Planning Pty LTD

Our Reference: TRIM 6497#158

Appendix V

Cumulative Impact Assessment Report

Prepared by Mike George Planning Pty LTD

Our Reference: TRIM 6497#177

Appendix W

Visual Impact Assessment Report

Prepared by Mike George Planning Pty LTD

Our Reference: TRIM 6497#176

Appendix X

Draft Schedule of Required Stabilisation Works

Our Reference: TRIM 6497 #