



PLANNING PROPOSAL FOR 'ABBOTSFORD' PROPERTY
FAIRLEYS AND ABBOTSFORD ROAD PICTON
PART LOT 1 DP 1086066

Prepared by Rein Warry and Co.

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Introduction

Property: Part Lot 1 DP 1086066 (66.56 ha part)
Location: No.1 Abbotsford Road, Picton
Proposal: Planning Proposal for Rural Residential Development
Owner: Ziems, Arber and Thompson
Zone: Currently RU2 under Wollondilly LEP 2011

This Planning Proposal is for the rezoning of Part 1 Lot 1 DP1086066 and has been produced in accordance with the adopted Wollondilly Growth Management Strategy 2011, as well as in accordance with those other relevant state and regional strategies, policies, directions and certificates. It is considered that this document addresses all of the required components of a Planning Proposal as detailed on the NSW Department of Planning and Infrastructure Website, and that the success of this proposal will have beneficial effect upon the local area and surrounding region. The following sections of this report will state the aims and objectives of the proposal, explain its provisions, provide a justification for the objectives and outcomes of this proposal, as well as information relating to mapping and details of the land in focus, as well as for the community consultation that will be undertaken as a required component of the proposal. This proposal is regarded as being a positive and necessary opportunity for growth in the area that will allow for a designed and controlled approach for accommodating future increases in population, whilst still maintaining the rural character of the Wollondilly.

The Site

The site is part of Lot 1 DP 1086066 as detailed on the accompanying Plan ref 7042PP1 dated the 12/8/2011. It contains an area of 66.56 ha. The subject part of Lot 1 is bounded by the Equestrian Drive Community title subdivision on the south and west, Fairleys Road on the east, Abbotsford Road on the part of the north and an approved Community Title Subdivision on the remainder of the north.

The land is cleared of native vegetation with only a few scattered shade trees around the paddocks which contain several farm dams. There are three (3) distinct topographical features for the site. These are:

- the flatter lower land. This contains all of the building improvements including 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;
- the 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 of the subject land;

The land also contains the Abbotsford Group which is on the State Heritage Register. 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. (details from the Heritage Register Report)

The site is located approximately 1 kilometre from the centre of Picton in a direct line and about 1.5 kilometres by road.

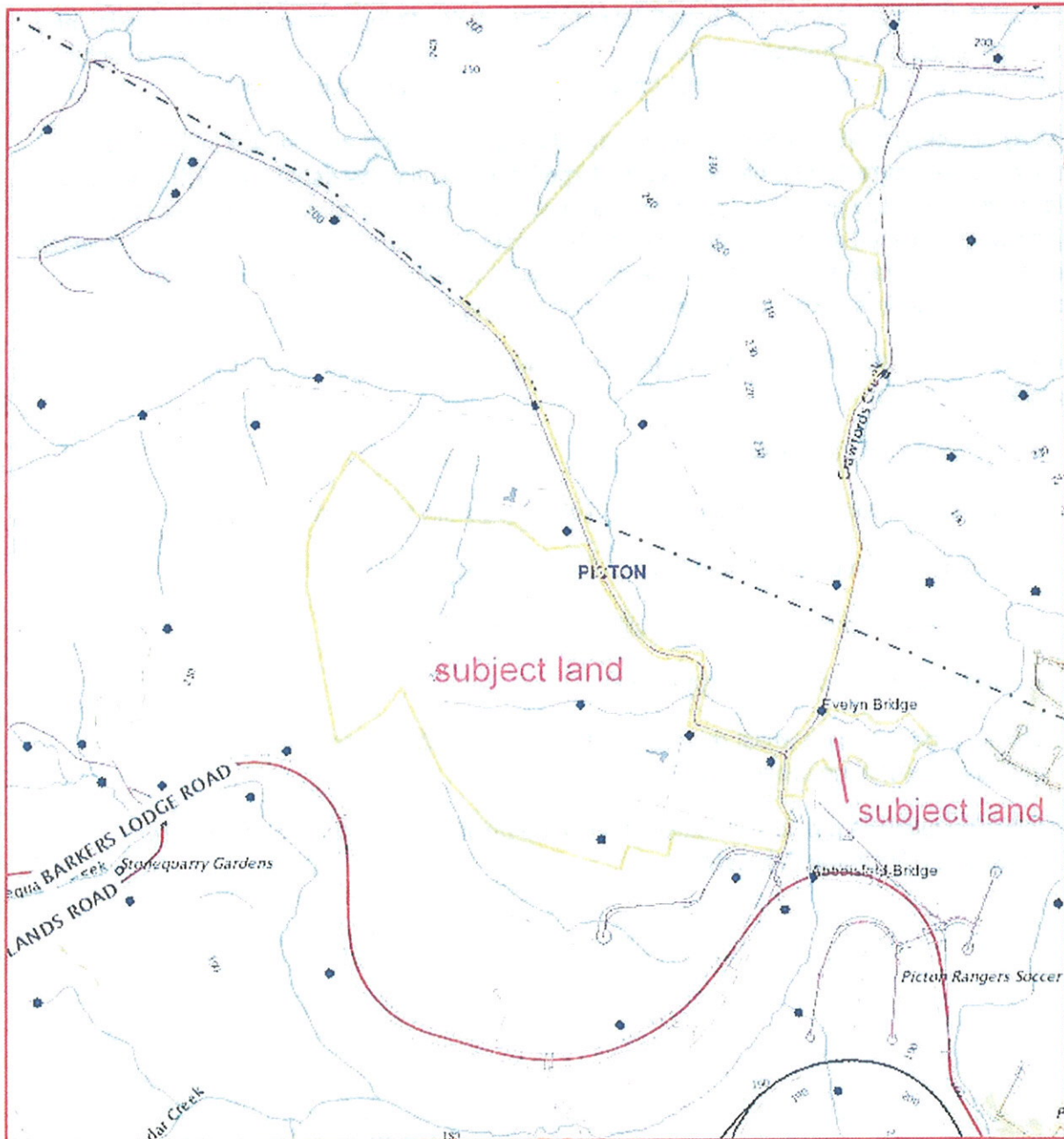


Figure 1 Topographic plan of the site

Part 1: Statement of Objectives and Intended Outcomes

The growing population of the Wollondilly Shire is an issue of increasing importance, and one that has the potential to have a great impact on the area. These impacts can be positive or negative, depending on how this growth is managed, and on how the area can facilitate this growth. The Planning Proposal looks to provide an avenue for controlled and sustainable growth within the shire that can be pursued in order to accommodate this growing population. This proposal is considered to be of a beneficial nature in relation to the surrounding community, and in relation to the rural character of the area, as it pursues a style of development that is highly suitable to the area, and which will not have an intensive environmental impact.

The key objective of this proposal is to achieve the rezoning of the area shown in the maps provided (refer figure 1), in order to create a large lot residential development which will aid in catering for the future growth of the shire and region. This proposal aims to satisfy all relevant objectives as outlined in the Wollondilly Growth Management Strategy, as well as those detailed in other relevant state and regional strategies, policies, directions and certificates that are required to be addressed as part of the local plan making process.

This proposal will be beneficial for the local community in many ways. Those benefits are expected to include:

- improvements in infrastructure;
- increased variety of housing styles in close proximity to Picton town centre;
- economic benefits resulting from an increased population;
- additional land adjacent to Council's reserve land;
- the restoration of the heritage item;

This is to be achieved whilst maintaining the existing rural character of the area and avoiding unwelcome urban sprawl.

The following sections provide an explanation of the provisions required to achieve the objectives of the Planning Proposal.

Part 2: Explanation of Provisions

The proposed amendment to the Wollondilly LEP 2011 will ensure that appropriate development standards apply to the land zoned for large lot residential purposes in light of studies which will determine land capability. The manner of large lot residential development will also seek to minimise conflict between land uses within the zone and land uses within adjoining zones and other mining activities.

To achieve the objectives of the Planning Proposal, the following amendments to the Wollondilly Local Environmental Plan (WLEP) 2011 are proposed:

1. Amend the Wollondilly LEP 2011 Land Use Zoning Map to part Zone R5 Large Lot Residential, part Zone E3 Environmental Management, and part Zone RE1 Public Recreation.
2. Amend the Wollondilly LEP 2011 Lot Size Map to facilitate R5 Large Lot Residential development of the site, with appropriate lot sizes determined through a range of specialist studies.
3. Amend the Wollondilly LEP 2011 Height of Buildings Map to 9 metres for the proposed R5 Large Lot Residential and E3 Environmental Management Zones.

Part 3: Justification

1) Is the Planning Proposal the result of any strategic study or report?

Project Objectives and Justification

Strategic Context

Is the Proposal the result of a strategic study or report endorsed by the Department of Planning and / or Wollondilly Council?

If so, identify the study / strategy and explain how the Planning Proposal is in accordance with that study / strategy.

Comment: This proposal is not the result of a specific strategic study or report endorsed by either the Department of Planning and Infrastructure or Wollondilly Shire Council.

2) Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Comment: : It is considered that the Planning Proposal is the most appropriate means available to facilitate large lot residential development of the site, which is generally consistent with the Key Policy Directions of the Wollondilly Growth Management Strategy 2011.

The site is currently zoned RU2 Rural Landscape, with a minimum lot size of 40 hectares under the provisions of the Wollondilly LEP 2011. Therefore a Planning Proposal is required to achieve the intended outcomes of the proposal.

3) Is there a net community benefit?

Net Community Benefit?

Demonstrate the potential for net community benefit (see Department of Planning Guidelines for a Net Community Benefit Test in the Draft Centres Policy)

Comment: There are several Net Community Benefits anticipated to result from this proposal. These include:

- The provision of improved road infrastructure with the replacement of a section of Abbotsford Road in order to realign the road away from the nearby creek, which will help avoid further erosion of the road side and to improve safety for vehicles who use/will be using this road.
- The provision of a package sewage scheme to the estate, the recycled water being used to irrigate silviculture and re-vegetate the bare hills that were cleared in historic times.

- Economic benefits to the commercial zones of the Wollondilly, especially that which exists in the Picton Township. This development of up to 40 additional new homes will help to increase the population of consumers within the shire, and will allow for the population growth to take place in a concentrated area located in close proximity to the Picton commercial zone.
- It will help promote and reinforce the current large lot residential allotments that are within less than 5 minutes travel from town;
- It will help prevent the sprawl of residential development into those areas which have a high agricultural resource value.
- Reduce the incidence of rural land use conflict from the surrounding rural residential allotments if the subject parcel was to propose more intensive forms of agriculture such as poultry farms, piggeries, cattle feed lots etc.
- There will be the dedication of an additional reserve to Council land with the adjoining of a current section of the subject site to the adjacent football field owned by Council. This will provide council with land to be used for recreational purposes in an area which currently does not include such community features, and which can be utilised by those residents of the proposed development.
- The restoration of state registered heritage group, that being of the Abbotsford Group, which currently exists on the site.
- There will also be the payment of Section 94 contributions made to council which can utilized by council in order to better provide for the local community.
- Upgrading of the existing intersection with Barkers Lodge Road and Fairleys Road alignment

The community will benefit from the proposal by providing a variety of rural residential housing opportunities. Providing additional housing on the site also increases the demand for commercial services and retailing which will assist in generating additional economic activity in the Wollondilly Region.

4) Is the Planning Proposal consistent with the Objectives and Actions contained within the applicable Regional and Sub regional Strategy (including the Sydney Metropolitan Strategy)?

The primary policy documents and strategies within the State, regional and local context are the *Metropolitan Plan for Sydney 2036*, the *Draft South West Subregional Strategy* and the *Wollondilly Growth Management Strategy* respectively.

Planning strategies in these documents acknowledge the need for additional housing and also the need to undertake development with consideration of the physical environment, heritage and natural resources. It is considered that the draft amendment to LEP 2011 is generally consistent with these principles and strategies, depending on the outcomes of the specialist studies.

The Metropolitan Strategy also acknowledges the need for future rural settlement to focus on infill in towns and villages where adequate infrastructure and services exist. The strategy also recommends that further subdivision of rural and resource land for additional dwelling should also be avoided unless in the form of minor incremental expansion of existing villages to accommodate local growth. In this regard, it is considered that the Planning Proposal is not inconsistent with the Metropolitan Strategy as the proposed rezoning is positioned on the fringe of Picton where intensive agriculture has been significantly diminished with smaller lot subdivisions. See Figure 2 and 3 below.



Figure 2 Showing part of the site and the existing town edge



Figure 3 Aerial photograph of the site showing small lot development on adjacent land

The Draft South West Subregional Strategy indicates that there are plans for an additional 5,230 new dwellings to be built within the Wollondilly region by 2031. The Planning Proposal is considered to contribute toward the Greenfield housing targets identified in the Strategy for the Wollondilly local government area, by providing additional growth in the Picton area.

5) Is the Planning Proposal consistent with the Local Community Strategic Plan or other Local Strategic Plan?

Wollondilly Community Strategic Plan 2030

The subject proposal in no way looks to undermine or contradict the policies and objectives outlined in the Wollondilly Community Strategic Plan 2030. Those aims and visions for the Wollondilly stated within the plan have been given due consideration in the design and planning process of this Planning Proposal, and this development in many ways addresses these aspirations of the shire. An important component of the Community Strategic Plan 2030, just as in the Growth Management Strategy 2011, is that of the shire's vision for "Rural Living", with this relating to the lifestyle of the area, the rural character and setting, the local environment and heritage, as well as other factors such as sustainable land development and open space. The proposed development again recognises this vision of "Rural Living" and its inherent features, and looks to make an inclusion of these into the design and construction of the proposal, to ensure that this subject development is beneficial to the surrounding community and shire, and that there is no harm caused to the local environment, heritage or character of the area.

Wollondilly Growth Management Strategy 2011

The proposed development is seen as being of a beneficial nature to both the community and Shire of Wollondilly. The site nominated for this proposal is considered to be highly-suitable for this form of residential development, and that this is the best use of this land resource. This development in no way hinders the vision of "Rural Living" being pursued by the shire and its community, and in actual fact this development promotes this form of living and the inherent features and qualities associated with it. This proposal recognizes and takes into consideration those aims and objectives stated in the Wollondilly Growth Management Strategy 2011, and are consistent with the generic assessment criteria outlined below.

General Policies

P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained in this GMS in order to be supported by Council.

P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2)

P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.

P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.

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.).

Housing Policies

P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.

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.

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").

P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.

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.

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 on new housing in and around our existing population centres.

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.

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 and practicable, existing dwelling and subdivision entitlements in rural areas.

6) Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

Yes, except for the following which will be determined as part of investigations to be undertaken:

- SEPP No 30 Intensive Agriculture
- SEPP No 44 Koala Habitat Protection
- SEPP No 55 Remediation of Land
- SEPP (Housing for Seniors or People with a disability)
- SEPP (Mining, Petroleum and Extractive Industries) 2007
- SREP No 20 Hawkesbury-Nepean River (No 2 1997)

7) Is the Planning Proposal consistent with the applicable Ministerial Directions (S117 Directions)

Those S117 (2) local planning directions that require consideration in the preparation of the Planning Proposal include the following:

- 1.2 Rural Zones;
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environmental Protection Zones;
- 3.1 Residential Zones;
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land;
- 4.3 Flood Prone Land;
- 4.4 Planning for Bushfire Protection;
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

The proposed rezoning and future large lot residential subdivision of the site, subject to the outcomes of any specialist studies, will be required to be justified against the relevant provisions of the directions. Subject to the completion of studies, the proposal generally is considered to be either consistent with, or justifiably inconsistent with the 117(2) directions. The RPA seeks these to be endorsed by the Gateway following completion of studies and prior to exhibition.

8) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of this Planning Proposal?

- The development proposed to take place on the subject land will not take place near areas of environmental significance, nor in close proximity to any threatened/native species and/or their habitats. Infrastructure improvements to the relevant section of Abbotsford Road for the development site will help to remedy the effects of erosion on the roadway.
- Those sections of the subject site considered to be of Environmental Significance, or those areas expected to hold threatened/endangered species, populations and ecological communities, are mostly located in the northern section of the land. The development to take place as part of this proposal will only take place in the southern, flatter areas of the site, and will not have any adverse impacts upon the surrounding natural environment. The section designated for physical works is not situated in close proximity to any areas containing threatened/endangered species or habitat, and adequate environmental buffer zones are already in existence.

- An environmental constraints report has been previously conducted for the subject land, with this Planning Proposal is consistent with the findings and recommendations detailed in this report.
- The subject land is free of any significant stands of vegetation. However, there will still be the retention of any environmentally significant land that may exist within the site, as these sections have been found to be located in the northern section of the land, with development only taking place within the flatter southern section.
- The dedication to council of a reserve adjacent to Council's proposed football field will enhance the recreational amenity of the surrounding area.
- Development will be linked to maintaining protection of environmentally significant and riparian land as well as its management in ways that will not negatively impact the ownership, care, control and management responsibilities of council in both the short and long-term.

9) Are there any likely environmental effects as a result of the Planning Proposal and how are the proposed to be managed?

The impacts of this development that may have an effect on the environment are as follows:

- The new road alignment will allow for the creek banks to be restored. This will help prevent future erosion and aid in silt control.
- Improvements made to the road infrastructure, as well as other development taking place as part of this proposal, will also help prevent livestock from going near the creek located on the land, which will help to prevent or at least reduce the amount of animal waste entering and polluting the waterways relevant to the subject land.
- No development on the site will take place in close proximity to or beyond designated buffer zones in relation to native vegetation on the site, and no flora or fauna species are anticipated to be affected by any works to take place as part of this development.
- The use of an on-site sewage scheme for the proposal will help with the regeneration of vegetation in and around the development.

10) Has the Planning Proposal adequately addressed any social or economic effects?

Comment:

- This Planning Proposal does not permanently displace or change other land uses within or beyond the site.
- The subject site is neither suitable nor zoned for commercial or retail development, with residential uses being considered to be the most appropriate.
- This proposal will not unreasonably impact on other planned development within the same submarket.
- The subject site is not suitable for use as employment lands as that would be out of character with the rest of the surrounding area.
- This site has been chosen for its high suitability for large lot residential development.
- Alternative sites within Wollondilly may be available but development of this site has considerable social benefits as detailed above.
- This Planning Proposal does not incorporate employment generating land.

The Community: The impacts of this development on the community which may be anticipated include:

Additional opportunities for recreational activity with the dedication of an additional reserve to council which will adjoin a proposed public football field adjacent to the proposed development site.

- Section 94 contributions as part of this development will go towards council spending and provision in relation to community facilities and services.
- Improvements made to the road infrastructure with the alignment of Abbotsford Road will allow for better and safer use of roads within the shire.
- It will facilitate the growth of both the Wollondilly Shire and more specifically the Picton community and helps provide additional attraction for government investment and spending within the area.
- It will provide a wider range of housing types with varying levels of affordability which will allow for further opportunities for the desired accommodation of shire residents, as well as new additional residents from other areas.
- This development will help to prevent the sprawl of residential development into those areas of high agricultural or rural uses value, whilst still maintaining distinction between the urban and rural zones of Picton.
- This development will facilitate the provision of all required services, utilities and facilities to an area which currently features a limited availability of these.
- This Planning Proposal provides for the restoration of the "Abbotsford" group, which is located on the subject site. This is an archaeological site of state significance identified as item A7 in the Heritage Schedule of Wollondilly LEP 2011. The proposed restoration of "Abbotsford" will assist to enhance and maintain these important pieces of European heritage and the history of Wollondilly shire.

11) Is there adequate infrastructure for the Planning Proposal?

Infrastructure
Efficient Use and Provision of Infrastructure Proposals for urban land uses (industrial, commercial, residential) shall demonstrate a commitment to the minimum provisions (where appropriate) of: - electricity - reticulated water - reticulated sewer - telephone services - optic fibre - public roads integrated with the existing public road network - kerb and gutter and stormwater management infrastructure - footpaths suitable for pedestrian use - shared pathways compatible with an adopted Council strategy - street lighting to Australian Standards - public open space in accordance with best practice design guidelines and adopted strategies - bus stops - street trees - contributions towards community services and facilities as may be required by an adopted strategy and works schedules

Comment:

- This proposal will commit to the provision of the above listed features as part of the development undertaken.
- The site has the potential to be serviced by all utilities other than a town reticulated sewerage scheme. Individual future allotments will be of suitable area for onsite effluent management;
- The proponent will pay for any required infrastructure contribution necessary to support this proposed development
- This Planning Proposal does not require any specialised or specific infrastructure other than that provided by the development itself.
- Council will not be required to be a license holder nor an interested party to any license held in accordance with Water Industry Competition Act 2006 for a waste water treatment facility.

12) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Relevant State and Commonwealth public authorities would be consulted as outlined by the Department of Planning and Infrastructure in their Gateway determination. Council would be responsible for this consultation in accordance with Section 57 of the EP&A Act 1979.

Authorities which are likely to be consulted include:

NSW Department of Family and Community Services

NSW Department of Health

NSW Department of Primary Industries

NSW Department of Transport

NSW Office of Communities

NSW Office of Environment and Heritage

NSW Office of Water

Roads and Traffic Authority

Sydney Water

Integral Energy

Telstra

AGL

Part 4: Community Consultation

Community consultation with the residents of Thirlmere, Tahmoor and Picton, particularly residents surrounding the site, will occur for 28 days.

All such consideration and notification shall be in accordance with council's standard procedures for notification and public exhibition, the *Environmental Planning and Assessment Regulation 2000* and, where appropriate, specifically tailored in accordance with Section 117(2) Directions to the *Environmental Planning and Assessment Act, 1979*.

Conclusion

It is considered that this proposal complies with the aims, objectives and requirements of Wollondilly Growth Management Strategy 2011, as well as with those other relevant and necessary state and regional strategies, policies, directions and certificates. This proposal has been designed with a focus benefiting the local community and Wollondilly Shire, and aims to facilitate the controlled and desired growth of the area. The site chosen for this development is one of a highly suitable nature, and this proposal is considered to be an efficient use of an existing and under utilised land resource. With due consideration given to all issues and factors of influence in relation to this development, it has been concluded that this proposal is an opportunity for ensuring desired growth patterns in the Wollondilly Shire, and one that will have a positive effect on the wider community. It is therefore considered that this proposal should be approved by the NSW Department of Planning and Infrastructure.

Yours faithfully
REIN, WARRY AND CO

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