



PLANNING PROPOSAL

Cross Street, Tahmoor

SEPTEMBER 2020

Document Register

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Contents

Contents	3
Introduction	4
Part 1 – Objectives or Intended Outcomes	7
Part 2 – Explanation of Provisions	7
Section A – Need for the Planning Proposal	8
Section B – Relationship to strategic planning framework	9
Section C – Environmental, Social and Economic Impacts	19
Section D – State and Commonwealth Interests	27
Part 4 – Mapping	41
Part 5 – Community Consultation	48
Part 6 – Project Timeline	49
Attachments	50

Introduction

Planning Proposal

A Planning Proposal is a legal process for changing the zoning of land and changing other land-use planning controls in a Local Environmental Plan. The enabling legislation is in the NSW Environmental Planning and Assessment Act 1979 (Part 3 Planning Instruments, Division 3.4 Environmental planning instruments—LEP). The planning proposal process includes consultation with the community, Council staff and the NSW State Government. To find out more information about the planning proposal process follow the link below to the Wollondilly Shire Council web site:

<https://www.wollondilly.nsw.gov.au/assets/Documents/Planning-and-Development/Guidelines-Controls/Fact-Sheets/Fact-Sheet-Planning-Proposals-The-process-for-changing-the-WLEP.pdf>

Cross Street Planning Proposal

This Planning Proposal details changes sought to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rezone approximately 155 ha of rural land at East Tahmoor to enable low density and large lot residential development and the conservation of environmentally sensitive land. A total of 240 lots are proposed with access from Cross Street, River Road and Progress Street.

A resolution to support the Planning Proposal was moved by Council at its Ordinary Meeting held on 22 April 2014 and the report and minutes are attached at Attachment 1. Further studies and technical information were requested at subsequent Council meetings on 17 November 2014 and 18 July 2016 to address the proposed buffer arrangements to the Bargo River Gorge and to prepare a Biocertification Strategy for the site. The requested studies and technical information have since been provided by the proponent.

Following formal public exhibition, the Proposal was again supported by Council at an Ordinary Meeting held 18 February 2019, where Council resolved to support the proposal and prepare it for submission to the Parliamentary Counsel Office and the Department of Planning, Industry & Environment. Meeting minutes are attached at Attachment 5.

This document has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the NSW Department of Planning, Industry and Environment's A Guide to Preparing Planning Proposals (2012).

Gateway Determination

A Gateway Determination for the Planning Proposal to proceed was approved in July 2014 and is attached at Attachment 6. The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

GATEWAY CONDITIONS	ASSESSMENT
1. Community consultation is required under sections 56 (2)(c) and 57 of the EP&A Act, for a period of 28 days.	The Planning Proposal was placed on public exhibition for a period 28 days between 11 April and 14 May 2018.

<p>2. The timeframe for completing the Local Environmental Plan is to be 15 months from the week following the date of the Gateway determination.</p>	<p>The timeframe has been extended a number of times due to the complex nature of the Planning Proposal and the current finalisation deadline is 30 September 2019.</p>
<p>3. Delegation is to be given for Council to exercise the Minister’s plan making powers.</p>	<p>Noted.</p>
<p>4. The Acting Secretary’s delegate approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy. The matters listed in conditions 5 to 8 below are to be addressed prior to undertaking community consultation.</p>	<p>Noted. Conditions 5 to 8 have been addressed as below.</p>
<p>5. Council is to consult with the following public authorities to determine whether regional contributions towards the provision of designated public infrastructure are likely to be required:</p> <ul style="list-style-type: none"> a. Department of Health b. Transport for NSW c. Roads and Maritime Services d. Department of Education & Communities 	<p>Consultation has been undertaken with the listed public authorities. All have provided a submission. A summary of their submissions and Council response is included in Section D of this report.</p>
<p>6. If the site is to be identified as an Urban Release Area, Council is to amend the proposal document accordingly.</p>	<p>As the site would result in the need for additional state infrastructure, it has been identified as an Urban Release Area and the plan has been amended accordingly.</p>
<p>7. Council is to consult with the Department of Trade & Investment – Resources & Energy (DTR&E) and subsequently demonstrate consistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries.</p>	<p>The DTR&E Mineral Resources Branch indicated that the site has been mined and further coal extraction is considered unviable. No other resource issues were raised.</p>
<p>8. In addition to existing and proposed studies, Council is to undertake an assessment of potential flooding on site and identification of land likely to be flood prone. Council is to subsequently demonstrate consistency with Direction 4.3 Flood Prone Land.</p>	<p>An assessment of potential flooding was undertaken and a series of stormwater detention basins (5) are proposed to alleviate any potential issues. Refer to Section C-7 for further discussion.</p>
<p>9. Council is to consult with nominated public authorities and where indicated demonstrate consistency with relevant section 117 (now Section 9.1) Ministerial directions.</p>	<p>The public authorities were consulted and there are considered to be no inconsistencies with relevant Section 9.1 Ministerial directions as detailed in Section B-6 of this report.</p>

Table 1 - Assessment against Gateway Conditions

Site and Context

The planning proposal includes the following properties:

ADDRESS	LOT/DP
85 Progress Street	Lot C DP 374621
Cross Street/Tahmoor Road	Lot 1 DP 1128745
Cross Street	Lot 2 DP 1128745
River Road	Lot 3 DP 1128745
River Road	Lot 4 DP 1128745
River Road	Lot 5 DP 1128745
River Road/Myrtle Creek Road	Lot 6 DP 1128745

Table 2 – Property details

The site comprises eight lots with a surveyed area of approximately 155ha. The property is a rural landholding located 600m–2.5 kilometres south east of Tahmoor Town Centre. Until recently the site was used for duck farming and contains a number of poultry sheds and dams. The site is currently being used for cattle grazing.

The site adjoins two Planning Proposal sites that have recently been rezoned for residential use. These include the East Tahmoor Revised Precinct Planning Proposal to the north-west which allows for low-density residential development and the JR Stud Planning Proposal to the north-east which enables large lot residential development. The western end of the site adjoins a Turkey Processing Plant and rural residential land. To the south, the site is bounded by the Bargo River and Bargo Gorge.

The site is traversed by four watercourses which are tributaries to the Bargo and Nepean Rivers. Approximately half of the site is cleared comprising pasture grasslands with dense riparian vegetation located along the four creek lines.

Most of the site is currently zoned RU4 Primary Production Small Lots with a minimum lot size of 2ha and no maximum building height. Portions of Lots 2-4 around the Bargo River include land zoned E2 Environmental Protection.

Council envisions this development will add to enjoyment of the natural environment by allowing the building of pathways, lookouts and parks for families to gather and enjoy the majesty of Bargo Gorge whilst simultaneously providing a range of housing options. Detailed site studies have been undertaken, and have informed the development of a Biobanking agreement to ensure the natural beauty of the site is preserved in perpetuity.

Voluntary Planning Agreement

At the 18 February 2019 Ordinary Council Meeting, Council resolved to support the finalisation of the Cross Street Planning Proposal on the basis that a VPA and DCP be prepared and finalised prior to the rezoning of land at Cross Street.

Council and the landowner (Ingham Property Development) are currently negotiating a Voluntary Planning Agreement (VPA) for the site and it is anticipated that this will be reported to Council in the second half of 2020 alongside the Draft Development Control Plan (DCP).

At this stage, the agreement includes provision of local infrastructure such as road upgrades, a shared pathway along Progress Street, stormwater detention basins, a local park, pathways through the biobanked land, viewing platforms for Bargo Gorge and a carpark.

The current draft Voluntary Planning Agreement letter of offer (as at Feb 2020) is attached at Attachment 8. For further details on the VPA see Section D-10.



Figure 1 – Aerial View of Site and Surrounds

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the provisions of Wollondilly Local Environmental Plan (WLEP) 2011 as they apply to the subject site to enable low density and large lot residential development and allow for the conservation of ecologically valuable land.

Part 2 – Explanation of Provisions

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

- Amend the Land Zoning Map from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, E3 Environmental Management and E2 Environmental Conservation;
- Amend the Lot Size Map from a minimum lot size category of 2 ha to a minimum lot size of:
 - 700m² for land zoned R2
 - 975m², 1500m² and 4,000m² for land zoned R5;
 - 1 ha and 1.5 ha for land zoned E3; and
 - 60 ha for land zoned E2.
- Amend the Height of Building Map from no maximum building height to a maximum building height of 9m, and a maximum building height in the south east lobe of the site of 6.8m;
- Amend the Natural Resources Water Map to provide a riparian buffer of 10 metres along the four minor watercourses which traverse the site; and
- Amend the Urban Release Area Map to include the subject site to ensure adequate provision for State and Local Infrastructure.

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

Part 3 – Justification

Section A – Need for the Planning Proposal

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

The Planning Proposal was initially submitted to Council by a firm acting on behalf of the landowner. The Planning Proposal is therefore not the result of any strategic study or report.

However, the Planning Proposal is largely consistent with Council's Growth Management Strategy 2011 (GMS) which was Wollondilly's guiding document for growth at the time the proposal was first submitted in 2013. The GMS generally identifies the site as a potential residential growth area in the structure plan for Tahmoor & Thirlmere (refer to Figure 2).

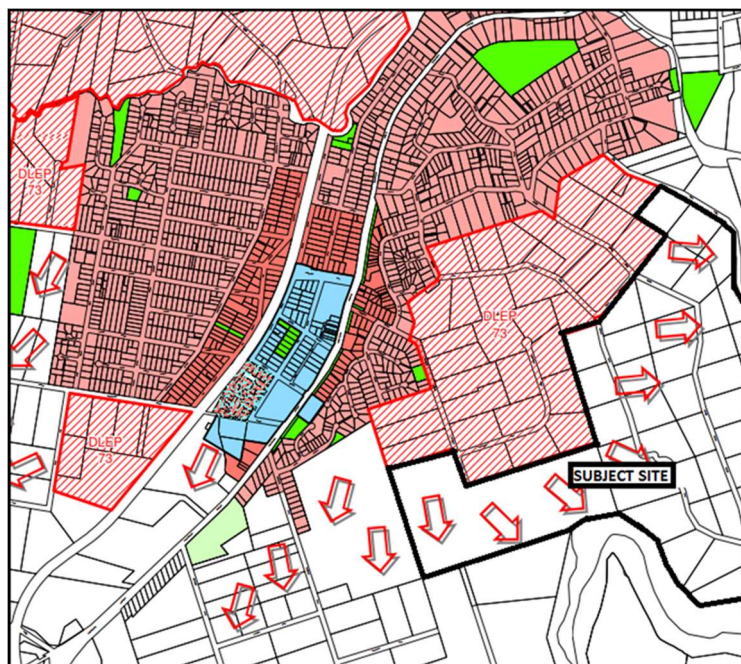


Figure 2 - Extract from Wollondilly GMS Structure Plan - Tahmoor and Thirlmere

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

It is considered that a Planning Proposal is the best means of achieving the objectives and intended outcomes. The current land use provisions applicable to the site under the Wollondilly Local Environmental Plan 2011 prohibit further development at the scale proposed in this proposal.

The proposed R5 Large Lot Residential area would provide a transition between the urban and rural zones on the south-eastern edge of Tahmoor, while sensitive riparian and remnant vegetation would be protected through the application of an environmental conservation zone.

Section B – Relationship to strategic planning framework

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)?

A Plan for Growing Sydney

A Plan for Growing Sydney was released in December 2014 and was an action plan that guided land use planning decisions up to 2034. This plan, although superseded by the Greater Sydney Region Plan, was applicable at the time the planning proposal received a gateway determination in 2014. It consists of a number of directions and actions that focus around the following 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.

The proposal is consistent with the policy objectives of A Plan for Growing Sydney as it presents an opportunity to increase housing supply at a moderate scale in close proximity to an existing residential area as well as ensuring that future residential development takes appropriate measures to minimise impacts on the environment.

Regional and District Plans

The Greater Sydney Commission (GSC) released the Greater Sydney Region Plan, called a Vision of a Metropolis of Three Cities in March 2018 which outlines how Greater Sydney will manage growth and guide infrastructure delivery. The Regional Plan refers to three cities within the Sydney region, namely:

- Eastern Harbour City
- Central River City
- Western Parkland City

Wollondilly Shire is within the Western Parkland City. The Greater Sydney Commission also released the Western City District Plan in March 2018 which gives effect to objectives and strategies of the Greater Sydney Region Plan. The Planning Proposal is consistent with the planning priorities and directions of both plans as detailed below:

- Infrastructure Priorities: The Planning Proposal has demonstrated that the site is capable of being appropriately serviced by public infrastructure. It is nearby to local bus services and a railway station with connections to employment centres within Western Sydney and the Sydney CBD;
- Liveability priorities: The Planning Proposal will encourage a more diverse/affordable housing mix in a well serviced location and contribute to increasing housing supply in the Shire;
- Sustainability priorities: The Planning Proposal has been supported by a number of site specific studies to address and minimise potential impacts on cultural landscapes, bushland and biodiversity. A large part of the site will be maintained in a natural state providing

important corridors and habitat to ensure the survival of endangered native animals. This is consistent with the sustainability priorities under the Regional and District Plans;

- Productivity priorities: The Planning Proposal will bring jobs into the region via the construction of homes and will bring families who will sustain local employment needs. The site will be connected to adjoining developments and town centres via new roads.

The site is within the Metropolitan Rural Area and therefore Planning Priority W17 (Better managing rural areas) is relevant. This priority seeks to protect Sydney's rural areas for their contribution to agriculture, resource provision and natural environment. The Western District Plan also identifies the role of rural areas to sustain the local rural towns and villages.

Urban development within rural areas is identified as acceptable within investigation areas outlined in the District Plan and the subject site is not identified as an investigation area in the plan. However, it is considered that the Planning Proposal would meet local demand for growth which is a consideration in the District Plan and will provide biodiversity offsets to compensate for future development. As required under the District Plan, the planning proposal has considered the surrounding landscape and rural activities, in the context of the Bargo River and Gorge and adjoining rural uses.

Although the site is not within an investigation area and therefore is not entirely consistent with the District Plan, the Planning Proposal should progress because of the following reasons:

- a Gateway Determination was received in July 2014, a substantial period of time prior to the release of the Western City District Plan. The progression of the proposal thus far has been generally consistent with the preceding regional and sub-regional strategies;
- the site is located in close proximity to the Tahmoor town centre and adjoins two recent Planning Proposal sites with land rezoned for low density residential purposes and large lot residential purposes. These land uses conflicts with the current use of the site for duck farming and therefore a residential use would eliminate this conflict;
- the proposal will contribute to the dwelling targets for Tahmoor contained within Council's Growth Management Strategy; and
- the proposal is consistent with all other aspects of the Western City District Plan.

4. Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

Wollondilly Growth Management Strategy 2011

The Wollondilly Growth Management Strategy (GMS) is a policy document containing key directions and principles to guide planning proposals and Council decisions on growth.

With the introduction of the Western City District Plan and Council's Local Strategic Planning Statement (LSPS), the GMS has far less relevance in decision making than when it initially took effect in 2011. Until such time as the GMS is repealed, it is intended that the GMS will provide general guidance for the assessment of planning proposals in the Shire. Notwithstanding this, as the GMS was the primary local strategic document at the time this proposal was submitted, a detailed assessment against the relevant assessment criteria in the GMS is provided below.

Overall, the Planning Proposal is considered to be consistent with the Key Policy Directions.

POLICY DIRECTION	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
<p>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.</p>	<p>Yes</p>	<p>The Planning Proposal satisfies this Key Policy Direction.</p>
<p>P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS)</p>	<p>Yes</p>	<p>The proposal is generally consistent with the concept and vision of ‘Rural Living’. It proposes to develop land which is located near an urban centre and maintains a significant proportion of the site in its natural state to provide a separation between rural lands and to ensure that important ecological conservation values are maintained.</p>
<p>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</p>	<p>Yes</p>	<p>A total of nine submissions were received during the public exhibition of the planning proposal in April and May 2018. The issues raised in these submissions were addressed in the report to Council on 16 July 2018 (Attachment 4).</p>
<p>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>Yes</p>	<p>There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.</p>
<p>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.).</p>	<p>Yes</p>	<p>The proposal will contribute to the urbanised area east of Tahmoor town centre down to the Bargo River environs. Within the constraints of the site the proposal is considered appropriate as it will facilitate the orderly development of housing along with the conservation and enhancement of remnant vegetation and riparian areas on the site.</p>
<p>P6 Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.</p>	<p>Yes</p>	<p>The proposal contributes toward Council’s dwelling target for Tahmoor & Thirlmere outlined in the GMS. The Structure Plan for Tahmoor & Thirlmere includes the subject land as a “potential residential growth area.”</p>
<p>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.</p>	<p>Yes</p>	<p>The proposal aims to provide for a range of housing options including low density and large lot residential land. These housing options will assist in providing housing choice within the community.</p>
<p>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”).</p>	<p>Yes</p>	<p>The proposed density varies across the site. The proposed development footprint protects most of the existing vegetation on the site and maintains connectivity between vegetated areas and along the Bargo Gorge.</p>
<p>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</p>	<p>Yes</p>	<p>The land is located to the east of the existing urbanised area of Tahmoor and adjacent to land rezoned for low density residential purposes.</p>
<p>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	<p>Yes</p>	<p>Although there is no employment lands proposed, there will be short-term employment opportunities through the constructions jobs associated with the civil and building works. The</p>

		proposal will also provide stimulus to the local economy by boosting population.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	N/A	The site is not proposed to be zoned to facilitate further employment opportunities.
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.	Yes	It is anticipated that the site will be able to be serviced with the extension or augmentation of existing infrastructure. There may be a need for upgrades to local roads and transport infrastructure. A Voluntary Planning Agreement (VPA) has been prepared in conjunction with this planning proposal and will be agreed to prior to rezoning.
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.	Yes	The western portion of the site is located around 600m from community facilities and services in the Tahmoor town centre. The site will be accessible via the local road system and through extensions to the cycleway/pedestrian network.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	Yes	The proposal does not contribute toward dispersed population growth as it proposes urban growth in close proximity to the Tahmoor 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.	Yes	This is an area identified as being a potential residential growth area on the Tahmoor & Thirlmere Structure Plan in the GMS. The draft proposal contributes toward Council's dwelling target for Picton, Tahmoor and Thirlmere identified in the GMS.
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.	Yes	The Planning Proposal seeks to protect the special economic, environmental and cultural values of the site, as discussed in Section C of this report.
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.	N/A	Key Policy Direction P22 is not applicable to the proposal.

Create Wollondilly Community Strategic Plan 2033

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

The planning proposal is deemed to be consistent with the CSP.

The below table provides an assessment of the planning proposal against Sustainable and Balanced Growth objectives in the CSP:

STRATEGY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
<p>GR1 – Growth Manage growth to ensure that it is consistent with Council’s Position on Growth and achieves positive social, economic and environmental outcomes for Wollondilly’s towns and villages.</p>	Yes	The planning proposal is considered to be consistent with Council’s GMS 2011, which was Wollondilly’s principal planning document when the proposal was first submitted and when it received a gateway determination. The proposal includes a large amount of land proposed to be revegetated and future DCP controls will ensure that faunal movements are considered during and after construction. As such, the proposal will lead to positive environmental outcomes for the site and is consistent with this direction.
<p>GR2 – Built Environment Manage land use and development to achieve a high quality built environment and innovative planning outcomes, while protecting our agricultural and rural landscape.</p>	Yes	This planning proposal will be supported by a VPA, Biobanking agreement and DCP which will ensure positive outcomes for biodiversity, the built environment and local infrastructure as a result of the development.
<p>GR3 – Economic Development and Tourism Enhance economic development and tourism in Wollondilly Shire through the implementation of the Economic Development Strategy and the development of a Tourism Strategy and an Employment Strategy</p>	Yes	The proposal will promote tourism by providing publicly accessible lookouts and pathways to the Bargo River Gorges. The development site is also close to Tahmoor town centre.
<p>GR4 – Liveable Communities Plan for and enhance Wollondilly’s liveability by encouraging great places to live with communities that are resilient, safe, affordable, healthy, well connected and retain their unique characters.</p>	Yes	The planning proposal and accompanying VPA includes the provision of a local park, pathways and viewing platforms so the public can access and enjoy the Bargo River Gorges.
<p>GR5 – Wilton New Town Create a new walkable and connected community supported by integrated public transport and matched by sustainable long-term local employment growth.</p>	N/A	Planning proposal is located outside the Wilton Growth Area
<p>GR6 – Peri-urban Lands Manage, promote and adequately protect peri-urban lands and their values.</p>	Yes	The proposal is consistent with Council’s GMS and would not be detrimental to the viability of other rural uses in the area. The proposal would allow for a moderate increase in housing on land located in close proximity of the Tahmoor shopping precinct in a location adjacent to existing and recently approved residential zoned land
<p>GR7 - Agriculture Encourage and support agriculture and associated industries so that they continue to be a productive, sustainable and integral part of our economy, community, landscape and environment.</p>	N/A	
<p>GR8 - Advocacy Advocate strongly for the interests of Wollondilly and its community in relation to planning and economic development</p>	N/A	

outcomes and improved public transport services.		
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The below table provides an assessment of the planning proposal against other relevant objectives outlined in the CSP:

STRATEGY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
EN2 - Protect the environment from development pressures Contribute to development to achieve positive environmental, social and economic outcomes.	Yes	The proposed biobanked area and E2 Environmental Conservation zoning for vegetated areas of the site will ensure the re-introduction and retention of various ecologically significant habitats.
EN3 – Vegetation management Achieve a balance between risk-based management and conserving biodiversity and maintaining public and private assets.	Yes	An appropriate asset protection zone (APZ) has been integrated into the proposed masterplan for the site, with perimeter roads acting as the main buffer between vegetation and housing. Further DCP controls and a vegetation management plan will also need to be prepared as part of the DA to ensure appropriate management and measures for the proposed revegetation area.

5. Is the Planning Proposal consistent with applicable state environmental planning policies?

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs). These documents deal with matters of state or regional planning significance.

The proposal is deemed to be **consistent** with all applicable policies.

An assessment of the planning proposal against all applicable SEPPs and SREPs is provided below:

SEPP/SREP	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
SEPP 55 – Remediation of Land	Yes	The land has been used for poultry farming and cattle grazing which as agricultural uses are potentially contaminating activities. A preliminary contaminated land investigation was undertaken in 2010 and was updated in 2013. The assessment found that that the majority of the site in its current condition is suitable for the intended residential land use, however a few localised areas onsite pose a potential limited risk to the environment and human health. Recommendations to alleviate this risk are proposed to be implemented prior to or during the development phase to return these areas to a condition suitable for residential land use. A Stage 2 contamination investigation is recommended to be undertaken prior to any approval for subdivision on particular areas of the site that are potentially contaminated. This requirement would be included in site-specific controls within Wollondilly Development Control Plan 2016.

<p>SEPP 44 (Koala Habitat Protection) 2019</p>	<p>Yes</p>	<p>An assessment of the site's suitability as koala habitat was undertaken in 2014, with additional surveys completed in 2017. Targeted surveys using spot-lighting, call play-back, motion-activated cameras and searches for koala scat were undertaken, however there was no confirmation of koalas using the site. As such, koalas were removed from the list of candidate species.</p> <p>Whilst the studies identified that the subject site contains potential koala habitat, the greater proportion of trees within the site are to be included in the E2 conservation zone and it is considered that areas of Core Koala Habitat, if present, would be conserved.</p> <p>The assessment recommends that a detailed flora and fauna survey be undertaken at the detailed design and development application stage to identify and locate any areas of core koala habitat which may be present within the study site. If core koala habitat is present, a Comprehensive Koala Plan of Management is to be prepared.</p>
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Detailed assessment against SREP 20 – Hawkesbury Nepean River

Clause 4 of SREP 20 requires assessment of the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 in the preparation of an environmental planning instrument.

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

MATTER	COMMENT
<p>The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Potential impacts of any significance relate to water quality impacts.</p>	<p>In this regard:</p> <ul style="list-style-type: none"> ▪ It is intended to connect all lots to the reticulated sewer network (subject to further discussion with Sydney Water) ▪ Music modelling of the site indicated that with suitable detention measures, water quality would be able to be maintained
<p>strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy</p>	<p>Subject to appropriate management of water quality impacts, the scale of the proposal is likely to be acceptable in terms of the Action Plan strategy.</p>
<p>any feasible alternatives to the development</p>	<p>The development of the site for housing is considered to be the best use of the site with regard to its location adjoining residential land.</p>
<p>relationship between the different impacts of the development or other proposal and the environment, and how those</p>	<p>A significant proportion of the site will be zoned for environmental conservation and maintained in perpetuity as a biobanking site. Four watercourses that traverse the site will be within the biobanking site and mapped on the Natural Resources Water Map which</p>

impacts will be addressed and monitored	details protective measures for water quality under WLEP 2011 Clause 7.3 Water Protection.
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Consideration of the 'clause 6' matters is set out below:

MATTER	COMMENT
1.Total catchment management	The residential land is proposed to be serviced by reticulated sewer and water to ensure there is limited impact on the Bargo River, which forms the southern boundary of the site.
3.Water quality	Water Sensitive Urban Design (WSUD) measures would be implemented at development application stage and provision of on-site detention basins will also reduce stormwater run-off.
5.Cultural heritage	An Aboriginal Archaeological Assessment found that there are Aboriginal sites on this land; all sites will be located within the environmental conservation land and protected.
6.Flora & Fauna	There are significant amounts of remnant native vegetation throughout the site. To enable the residential development to proceed the site is proposed to be bio certified with the major portion of highly sensitive ecological communities being maintained within BioBanked land on the site.
10.Urban Development Strategy	Development of the site would aim to achieve high standards of water quality for individual lots through on-site detention. Parts of the site will be revegetated in accordance with biobanking requirements.
12.Metropolitan Strategy Impacts	Waste disposal, air quality and predicted climate change are considered negligible when taking into account the relatively small scale of the proposal.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions)?

The Minister for Planning has issued a number of Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979 which apply to the assessment of planning proposals.

The proposal is deemed to be **consistent** with all applicable directions.

The below table provides an assessment of the planning proposal against relevant Section 9.1 Ministerial Directions:

MINISTERIAL DIRECTION	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
1.2 Rural Zones	No (Justified)	The Planning Proposal would allow for the rezoning of land from a rural zone to residential/environmental zoning which is inconsistent with the Ministerial Direction. However, the Gateway Determination issued

		by the Minister advised that the Acting Secretary's delegate approves the inconsistency on the basis that the proposal is generally consistent with the Draft South West Subregional Strategy.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	This direction applies as the proposal area overlies mining lease ML1376, and consolidated coal lease CCL716, held by Tahmoor Coal Pty Ltd. Consultation was undertaken with the NSW Department of Trade and Investment – Mineral Resources Branch (MRB) who indicated that the site has been mined and further coal extraction is considered unviable. Future subdivision and development applications will be referred to NSW Subsidence Board for approval. The Planning Proposal is considered to be consistent with the broader intent of Direction 1.3.
1.5 Rural Lands	Yes	The planning proposal is considered consistent with relevant state and local plans (see above assessments in this document). It will lead to positive outcomes for the environment as it will revegetate and protect critically endangered habitat.
2.1 Environment Protection Zones	Yes	This Direction applies to the Planning Proposal as the specialist studies have identified two Threatened Ecological Communities (TECs), both of which are listed as critically endangered ecological communities (CEEC) under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999 (EPBC Act) and the NSW Biodiversity Conservation Act 2016 (BCA). These include Shale Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW). Most of this land is proposed to be designated for conservation measures (E2 Environmental Conservation) and managed as a Biobanking site, with a small portion of land to be zoned E3 Environmental Management. The Planning Proposal is consistent with Direction 2.1.
2.3 Heritage Conservation	Yes	The site does not contain and is not adjacent to any local or state heritage items. It is considered that the Planning Proposal is consistent with Direction 2.3.
2.4 Recreation Vehicle Area	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 the proposal is consistent with Direction 2.4.
2.6 Remediation of Contaminated Land	Yes	The land has been used for poultry farming and cattle grazing, which as agricultural uses are potentially contaminating activities. A preliminary contaminated land investigation was undertaken in 2010 and was updated in 2013. The assessment found that the majority of the site in its current condition is suitable for the intended residential land use, however a few

		<p>localised areas onsite pose a potential limited risk to the environment and human health.</p> <p>A Stage 2 contamination investigation is recommended to be undertaken prior to any approval for subdivision on particular areas of the site that are potentially contaminated. This requirement would be included in site-specific controls within Wollondilly Development Control Plan 2016.</p>
3.1 Residential Zones	Yes	<p>The Planning Proposal presents an opportunity to increase housing supply in close proximity to an existing residential area as well as ensuring that future residential development takes appropriate measures to minimise impacts on the environment. It has been demonstrated that the land can be adequately serviced with appropriate infrastructure. Therefore it is considered that the Planning Proposal is consistent with Direction 3.1.</p>
3.4 Integrating Land Use and Transport	Yes	<p>The site is located in close proximity to the Tahmoor town centre. The site will have access to the town centre through proposed pedestrian/cycleway links along Progress Street. Cross Street will also be upgraded to be bus-capable, enabling the possibility of a future bus service. The Draft LEP is considered to be consistent with Direction 3.4.</p>
4.2 Mine Subsidence and Unstable Land	Yes	<p>The subject land is within the Bargo Mine Subsidence District and the Mine Subsidence Board has advised that the site is well outside the influence of current mining impacts. The Mine Subsidence Board advised that the site will not be undermined in the near future. The Planning Proposal is therefore consistent with Direction 4.2.</p>
4.3 Flood Prone Land	Yes	<p>Council has undertaken an assessment of potential flooding on the site and identification of land likely to be flood prone in accordance with condition 8 of the Gateway Determination. Council's Design Engineer confirmed that the extent of flood prone land has been identified in the Preliminary Stormwater Management Strategy and considered that flooding will not be an issue for this site. It is advised that further detailed assessment will be required to be undertaken in any development application for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage flooding. Therefore, the proposal is consistent with Direction 4.3.</p>
4.4 Bush Fire Prone Land	Yes	<p>This direction applies to the proposal as the subject site contains bushfire prone land. A Bushfire Assessment was undertaken which demonstrates that the site is capable of accommodating future subdivision and associated land uses with the appropriate bushfire protection measures.</p>

		NSW Rural Fire Service (RFS) were consulted and recommended a number of changes in order to improve road layout and the provision of Asset Protection Zones (Refer to Section D-10 for further discussion). This can be addressed through site-specific controls in WDCP 2016 to ensure that future residents are provided with both safe and practical housing lots and will be subject to comply with the provisions of Planning for Bush Fire Protection 2019. Therefore, the proposal is consistent with Direction 4.4.
5.2 Sydney Drinking Water Catchment	Yes	The proposal is consistent with this direction. It is expected that any residential development on the subject site would have a neutral or beneficial effect on water quality.
5.10 Implementation of Regional Plans	Yes	The proposal is consistent with this direction as the Planning Proposal is consistent with Regional Plan - A Plan for Growing Sydney.
6.1 Approval and Referral Requirements	Yes	The proposal is consistent with this direction as it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	This Planning Proposal is consistent with this direction as it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	The proposal is consistent with this direction as it will rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone.

Section C – Environmental, Social and Economic Impacts

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?

Flora and Fauna

A Biodiversity Certification Assessment was prepared in December 2017 (revised in March 2018) to address the potential impacts of the proposal on flora and fauna within and adjoining the subject site. Based on the results of the study, the site contains a mixture of cleared land comprising exotic pasture and stands of remnant native vegetation within gullies and around the Bargo River. Native vegetation covers approximately 113.56 ha of the assessment area and comprises four vegetation types, including two Threatened Ecological Communities (TECs), both of which are listed as critically endangered ecological community (CEEC) under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999 (EPBC Act) and the

NSW Biodiversity Conservation Act 2016 (BCA). These include Shale Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW).

Most of this land is proposed to be designated for conservation measures (E2 Environmental Conservation) and managed as a Biobanking site, with a small portion of land to be zoned E3 Environmental Management (Refer to Figure 3 below).

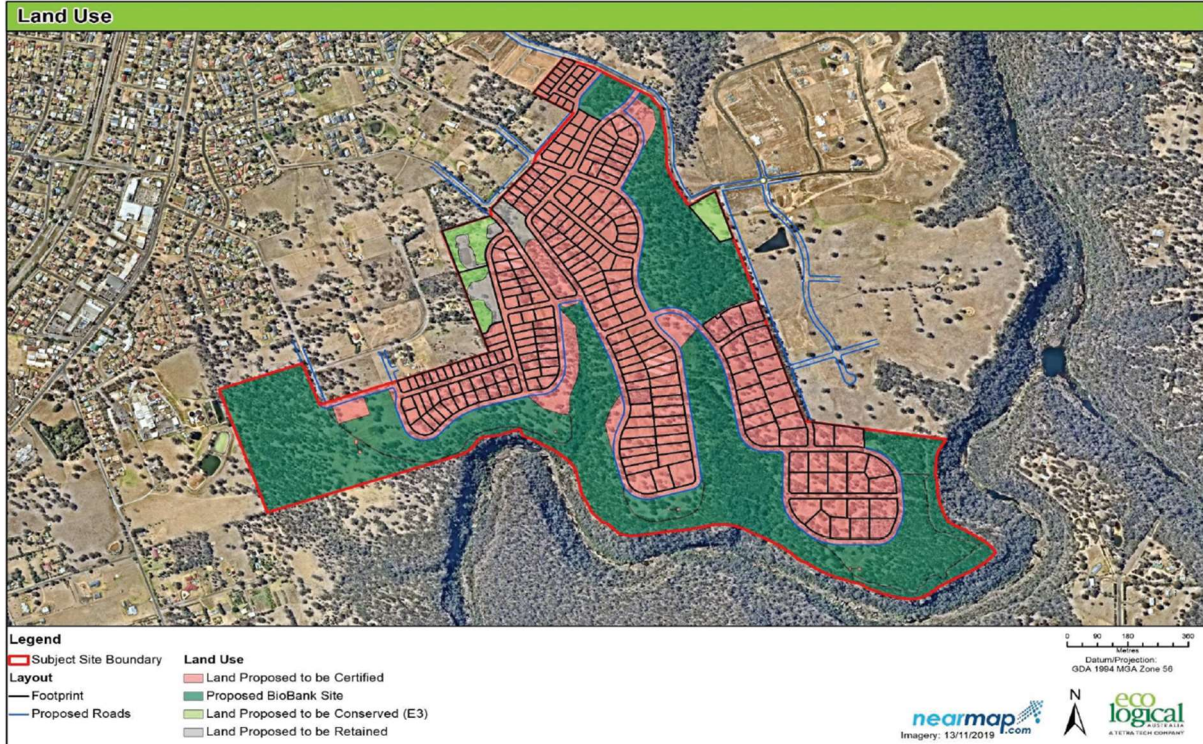


Figure 3: Indicative proposed land use (Source: Eco Logical, 2020)

A number of threatened fauna species were also recorded in the subject site during surveys, including the Southern Myotis; Large-eared Pied Bat; Little Bent-wing Bat; Grey-headed Flying-fox; and Cumberland Plain Land Snail. However, it was determined that breeding habitat is not present within the site for the Large-eared Pied Bat, Little Bent-wing Bat nor Grey-headed Flying-fox and targeted surveys confirmed that that no Southern Myotis are breeding in any of the hollow-bearing trees likely to occur within the impact areas of the proposal. All areas with confirmed records of Cumberland Plain Land Snail will be conserved.

Biocertification Strategy

The Cross Street biodiversity certification proposal is a ‘proposed application’ for the purposes of clause 37 of the Biodiversity Conservation (Savings and Transition) Regulation 2017 and will therefore be assessed in accordance with Part 7AA the (now repealed) Threatened Species Conservation (TSC) Act 1995. A Biocertification Strategy is a policy or strategy for the implementation of conservation measures to improve or maintain biodiversity values. A Biocertification Strategy has been prepared in accordance with the 18 July 2016 Council meeting resolution which required the proponent “...provide a Biocertification Strategy that would result in permanently funded and managed conservation measures for the land proposed to be conserved”. Council received approval from the NSW Office of Environment and Heritage to exhibit the Biodiversity Assessment Report and Biocertification Strategy on 27 March 2018.

The areas proposed for certification (development) under the submitted strategy have been strategically placed in areas of low condition/fragmented vegetation, while vegetation mapped as

moderate to good condition has been protected within conservation areas (see Figure 3). Bushfire Asset Protection Zones (APZ) are proposed to be located within the outer perimeter of the land proposed for development and therefore will not result in additional clearing of the conservation lands.

The Draft Biocertification Application was considered concurrently with the Planning proposal by Council at its 16 July 2018 meeting. At this meeting, the Biocertification Application was supported by Council subject to amendments to ensure specific reference to the site as a koala habitat corridor and to detail how the 'Improve and Maintain Biodiversity Outcome' will be achieved for the E2 lands as defined by the Biodiversity Certification Assessment Methodology.

The Application for Conferral of Biodiversity Certification proposes to certify 77.71ha of the site so that it can be developed upon. The remainder of the site, 75.45ha, is proposed to be protected and managed for conservation. 68.01ha of this land is existing native vegetation and 7.25ha is cleared land which will be revegetated as part of conservation measures.

Of the 75.45ha of protected land, 72.22ha will be zoned E2 Environmental Conservation and is intended to be established as a Biobank site. An additional 3.23 ha will be zoned under the E3 Environmental Management zone and this includes 2.67 ha of native vegetation. The two small E3 areas will be conserved under 'Planning Instrument Conservation Measures' which would generate 25% of the credits for offsets.

A Biobanking Application has been submitted to NSW Environment, Energy and Science (EES) by the landowner and an outcome will be reached prior to rezoning of the land. The applicant has also provided a Letter of Offer proposing to dedicate the biobanked E2 land to Council. At the Council Property Group meeting held on 5 February 2019, Council voted to support dedication of this land to Council.

E2 Environmental conservation areas will be subject to management and revegetation activities and be transferred to council as 'Permanently Managed and Funded Conservation Measures' (100% credits generated) in the form of a Biobank site. The Biobank site will be subject to the terms of a Biobank Agreement which includes annual conservation management in perpetuity, submission of an annual report to OEHL regarding these management obligations and audit by OEHL.

The land subject to 100% and 25% conservation measure will generate 759 ecosystem credits, which is more than 100% of the credits required for impacts on vegetation. There is one vegetation type (Cumberland Plain Woodland) that will have a credit deficit. However, the assessment includes a variation of the offset rules to use alternate credits from Shale Sandstone Transition Forest to offset this shortfall on site. Therefore, an offsite Biobank site or other conservation measure is not required (subject to the variation request).

Bargo River Gorge Buffer

The majority of the southern boundary adjoins the Bargo River Gorge, which descends into the Bargo River. The Bargo River corridor forms part of a link between the Greater Blue Mountains World Heritage Area and the Upper Nepean to Illawarra water catchment wilderness areas.

At their meeting held on 22 April 2014 Council resolved as follows:

"That the future development of the land within the Cross Street Planning Proposal incorporate a buffer of at least 100 metres from the top of the bank of the Bargo River Gorge to any residential building. That the applicant be advised that the studies prepared and submitted during the rezoning process will need to demonstrate how this

will be achieved and what mechanisms (eg zoning, restrictions on title) will be used to provide certainty of this outcome. To enable the public to understand what is proposed in respect of this buffer the proponent shall also submit a typical cross section drawn to an appropriate scale showing the gorge, the proposed E2 zone, the asset protection zone required for bushfire protection, the area required for waste water disposal (if the lots are not connected to a reticulated sewerage system) and the location of residential buildings).

Additionally a management plan shall be prepared to outline how the buffer area will be maintained and managed. Both the cross section and the management plan shall be placed on exhibition with the proposal should it receive a positive gateway determination."

The proponent has since undertaken a survey and an informed assessment which details the proposed buffer arrangements between the edge of future residential development and the top of the Bargo River Gorge as detailed in the Report on the Interface with the Bargo River Gorge. Typical cross sections showing the gorge, the proposed E2 zone, the asset protection zone required for bushfire protection, internal roads and the location of residential dwellings have also been provided. It should be noted that the area required for wastewater has not been detailed in the cross section as it is proposed to connect the lots to the reticulated sewerage system.

The submitted buffer analysis identified the following key features:

- "The development footprint (including all roads, basins and residential lots) will be located a minimum of 100 metres from the top of bank;
- Asset Protection Zones (APZs) do not encroach into the proposed E2 Environmental Conservation zone, which includes the Bargo River Gorge buffer;
- The consolidation of the proposed detention basin zones (inclusive of associated batters) will ensure that a buffer of at least 100 metres from the top of bank (for the Bargo River Gorge) is achieved;
- The proposed buffer 'zone' offers significant opportunity for public access to the Bargo River Gorge, in particular access to key vantage points".

It is proposed that the Bargo River Gorge buffer will be integrated within the E2 Environmental Conservation zone lands and be maintained in perpetuity as a Biobanking site, as outlined in the Biocertification Strategy.

The proposed buffer arrangements have been reviewed by the proponent's environmental consultant who advised that the current proposed development footprint "protects the most consolidated stands of vegetation at the site, maintains connectivity between vegetated areas and along the Bargo Gorge and in Eco Logical Australia's opinion would not compromise the function of the current vegetation along the Bargo Gorge as a corridor for flora and fauna."

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

Bushfire Hazard

The site has been identified as containing bushfire prone land. A Bushfire Assessment was undertaken which demonstrates that the site is capable of accommodating future subdivision and associated land use with the appropriate bushfire protection measures.

NSW Rural Fire Service (RFS) were consulted and recommended a number of changes in order to improve road layout and the provision of Asset Protection Zones (Refer to Section D-10 for further details). The matters raised can be addressed through site-specific controls in the Wollondilly

Development Control Plan (WDPC) 2016 to ensure that future residents are provided with both safe and practical housing lots. Future development will also be subject to comply with the provisions of Planning for Bush Fire Protection 2019.

Stormwater

A Preliminary Stormwater Management Strategy was undertaken which provided an assessment of the catchment stormwater run-off. The report identified that the site drains into two major rivers, with 80% of the site draining into the Bargo River and 20% of the site draining into the Nepean River. Music modelling of the site indicated that with suitable detention measures (a minimum of 5 basins), water quality would be able to be maintained. This will help protect populations of local endangered Macquarie Perch.

The Office of Environment and Heritage (OEH) reviewed the Preliminary Stormwater Management Strategy and raised a number of concerns regarding mainstream flooding, overland flow paths and the proposed mitigation strategy (Refer to Section D-10 for further details). The submission was reviewed by Council's Design Engineer who advised that flooding will not be an issue for this site and considers that further detailed assessment will be required at the development application stage for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage any localised flooding.

Traffic and Transport

A Traffic Impact Assessment was prepared to investigate likely traffic load implications, impacts and management options for the Planning Proposal. The analysis included consideration of the cumulative long-term impacts of other Planning Proposals in the East Tahmoor area and concluded that there are no traffic related impediments that would prevent the subject land being rezoned for residential land use. The assessment demonstrates that the existing local road network has capacity to cater for additional traffic generated from the site and considers that the ongoing development application process is an appropriate mechanism to deliver the staged and ultimate intersection layouts. The proponent has committed, in their pending VPA offer, to build a connecting road from this development to the JR Stud development to the east of this site and the multiple connections to the East Tahmoor development sites to the north.

Noise

A noise assessment was undertaken in relation to the operation of the turkey processing facility and irrigation ponds adjoining the site to the west. The assessment indicates that sensitive receivers in the proposed development area would not be impacted by operational noise during the day, evening and night time periods as the 37 dB(A) Leq 15-minute criterion would not be exceeded. The night time sleep disturbance criterion of 47 dB(A) L1, 1-minute also would not be exceeded at any of the receivers.

The assessment concluded that the proposed E2 Conservation zoned land will provide a suitable noise buffer to the proposed development area.

In terms of traffic noise, the site is not traversed by any major roads and is located around one kilometre from Remembrance Driveway, the main north-south connecting route. The site is bounded by the Bargo River Gorge which restricts any potential through roads from adjoining areas. Local road noise from new residential development is likely to be that of a normal suburban area. Noise from additional road traffic through new adjoining residential areas will be dispersed along three main routes, River Road, Tahmoor Road and Progress Street which will ensure that it is not a major concern. Accordingly, noise impacts overall are not considered to be an issue in relation to this Planning Proposal.

Odour

An Odour Impact Assessment was also undertaken to determine if the operation of the turkey processing facility is likely to result in adverse odour impacts for the new residents and if the proposed 500 metre buffer zone for the existing site is appropriate.

Based on the NSW Environmental Protection Authority classification of population densities, an odour performance criterion of “2 odour units” was adopted by the assessment for the dispersion modelling. When accounting for all odour sources from the turkey processing facility, the modelling results indicate that small sections of the subject site (predominantly E2 Environmental Conservation zoned land) lie within the 2 odour unit contour and are therefore susceptible to odour impacts from the operation of the facility (see Figure 4 below). The bulk of this exceedance is due to the waste water treatment plant system with the anaerobic ponds being the primary contributors. However, it should be noted that advice from the Environmental Protection Authority (EPA) indicates that the waste water treatment plant has recently been upgraded and has not been considered in the odour impact assessment.

Irrespective of this, in the context of an appropriate buffer area around the facility, the assessment determines that two approaches to the setting of the odour buffer could be considered:

“The first would be entirely based upon the 2 ou contour derived from this modelling study and be consistent with buffer zone determination for ‘greenfield’ developments. The second approach would be to follow the existing 500m buffer distance that is currently proposed for the site. The modelling finds no justification for a buffer distance of less than 500m.”

Therefore, the proposed 500 metre minimum buffer distance would result in all land proposed for residential rezoning being outside the buffer and therefore unlikely to be impacted by odour.

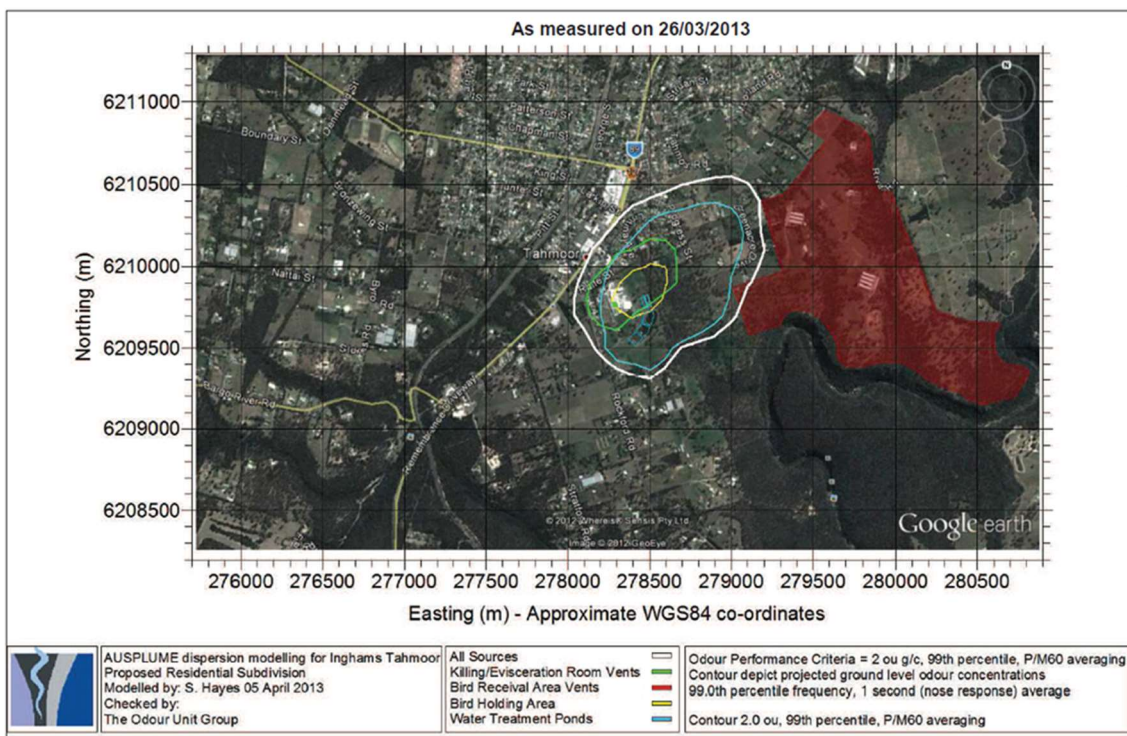


Figure 4: Ingham Tahmoor Turkey Processing Facility: Modelling Plot Results (Source: The Odour Unit, 2013)

Wastewater

Sydney Water are currently undertaking negotiations with the Environment Protection Authority (EPA) and other stakeholders regarding effluent management at the Picton Sewerage Treatment Plant due to existing issues with the level of discharge into Nepean River and Stonequarry Creek. In recent discussions between Council and Sydney Water in August 2020, it was confirmed that they will service 750 lots at East Tahmoor and also the Cross Street development site with reticulated sewer as part of their 'East Tahmoor Wastewater Project'. The full scope and details of this project are yet to be determined as at time of writing. A Sec. 73 Assessment Certificate must be submitted to Sydney Water to establish service capacity prior to development. Refer to Section D-11 for further discussion in this regard.

9. How has the Planning Proposal adequately addressed any social and economic effects?

The proposal will provide additional residential land and contribute to growth in the Tahmoor Township. Tahmoor has established shopping, health and community services and facilities such as the Tahmoor Community Centre which will be available to potential new residents should the site be considered suitable for accommodating new dwellings. There will be access to environmental lands for recreation and pedestrian/cycleway routes which will lead to improved health for the new and existing community. The proposal will also have a positive economic impact upon the development / construction industry, inclusive of the prospects of local employment (both in design and construction). The local businesses at Tahmoor and other nearby centres such as Bargo and Picton are likely to benefit through enhanced trade. As such, no adverse social and / or economic impacts are foreshadowed under the proposal.

Archaeological and Cultural Heritage

The study area has previously been subject to archaeological investigations in 1993, 2006 and 2012. A further investigation was provided in April 2016 to supplement the three existing archaeological investigations, as well as to address the concerns raised by Office of Environment and Heritage (OEH) detailed in Section D-11 of this report. Based on the results of the revised study, the consultant concluded the following:

- “Of the six rock shelters with Potential Archaeological Deposit (PAD) sites previously identified within the 1993 site investigation, three were able to be re-located as part of the current assessment;
- On the basis of input from the Aboriginal community, as well as direction received from OEH directly, these three rock shelters with PAD have been identified as sites. Site recording forms will be prepared for each of the sites and submitted to AHIMS for registration on the database;
- No other Aboriginal sites or objects were identified within the Study Area, and the potential or as yet unidentified sites to be present has been assessed as very low to negligible;
- Following on from the above, it has further been assessed that there is very little to negligible potential for intact archaeological deposits to be impacted by the proposed rezoning and associated development, based on an assessment of the topography, the extent to which the area has been disturbed, and the relative scarcity of open artefact sites in the local area generally;
- Through this assessment, as well as through consultation with representatives of the local Aboriginal community, no other cultural heritage constraints to the Planning Proposal and proposed rezoning have been identified; and

- No historic heritage sites have been recorded as being located within the Study Area, and none were identified as part of this investigation.”

The assessment considers that the Planning Proposal does not present any identified risk or harm to the three identified sites (or associated drainage channel) as the areas will be wholly located within the proposed E2 Environmental Conservation zone. The E2 zone will be conserved and will not be subject to any physical works or disturbance as part of the future redevelopment of the site.

The assessment provides recommendations for future excavation works to avoid and/or minimise any potential impact or harm to identified sites within the Study Area which will be implemented at the subdivision stage. Further consultation with OEH and local Aboriginal communities will be undertaken during the public exhibition of the Planning Proposal.

European Heritage

There are no items of European Heritage located within the subject site and no such items located in the vicinity which would likely be impacted by the Planning Proposal.

Community Development and Open Space

The Biodiversity Certification Strategy proposes walking trails from the end of Progress Street and from two other streets within the site, including access to both viewing platforms to Bargo Gorge and a picnic area on the western end of the site. Two areas approximately 5,000m² each are proposed to be used for open space purposes and are located at the end of Progress Street and adjoining Cross Street. This land to be zoned E2 Environmental Conservation is excluded from the Biocertification Strategy. The Progress Street land would provide an entrance and parking for visitors accessing the walking trails/picnic areas and lookouts. An open space area at Cross Street would provide a passive open space/meeting area for new residents including those from the new residential developments in the East Tahmoor area.

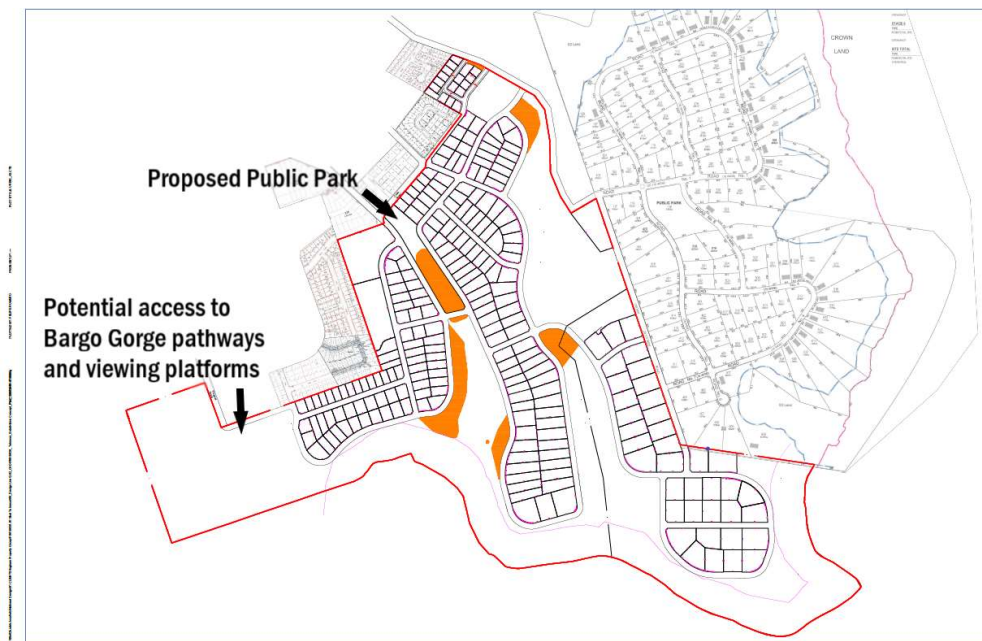


Figure 5: Annotated concept plan showing proposed open space infrastructure (Source: Urbis, 2020)

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal

Infrastructure & Voluntary Planning Agreement

Council's resolution on 18 February 2019, stated that there had not yet been satisfactory arrangement in the provision of local infrastructure. In the current draft VPA (as at February 2020) Ingham Property Group have committed to the following:

- Monetary contributions to a Biobank Fund and establishment of a Biobank agreement
- Establishment of pathways and picnic areas within the Biobank Land
- Establishment and embellishment of a park opposite Tahmoor Rd
- Establishment of a carpark off Progress St
- Construction of internal roads within the Cross St development, including the establishment of pedestrian pathways and verge landscaping
- Establishment of detention basins within the site
- Construction of a River Rd connection between the Cross St and JR Stuff development sites

In addition, site specific controls will be implemented to ensure this development is well-managed and that ecological aspects are maintained to preserve this site into the future.

A copy of the Draft VPA letter of offer can be found at Attachment 8.

Section 7.11 Contributions

The above VPA works will be in addition to Sec 7.11 contributions, which will be applicable at the relevant DA stage of this development.

Water

There is currently no potable water services to the site but there are a number of suitable connection points. Preliminary advice from Sydney Water indicates that the subject site can be serviced from the Thirlmere water supply zone, requiring amplification of the existing mains in Progress Street and Rockford Road to 200mm mains to service the future growth in the area.

Sewer

Sydney Water are currently undertaking negotiations with the Environment Protection Authority (EPA) and other stakeholders regarding effluent management at the Picton Sewerage Treatment Plant due to existing issues with the level of discharge into Nepean River and Stonequarry Creek. In recent discussions between Council and Sydney Water in August 2020, it was confirmed that they will service 750 lots at East Tahmoor and also the Cross Street development site with reticulated sewer.

Electricity

There is a zone substation near the site and preliminary discussions with Endeavour Energy indicate that there is capacity to service the site, with additional infrastructure to be installed at the cost of the developer. No further correspondence was received from Endeavour on the provision on electricity services to this site.

Telecommunications

Telstra services are available for connection in the area. The site is located outside the NBN Co. footprint, however, the proponent has submitted an application for connection to Telstra Smart Communities.

Natural Gas

Jemena have indicated that there is natural gas in the area but availability is subject to commercial viability.

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

The following agencies were consulted in accordance with the Gateway Determination regarding the need for provision of designated public infrastructure:

- Ministry of Health – South Western Sydney Health District
- Transport for NSW
- Roads and Maritime Services
- NSW Education Department

Other agencies contacted were as follows:

- Office of Environment and Heritage
- NSW Police Force
- NSW Department of Primary Industries – Office of Water
- Sydney Water Corporation
- NSW Department of Trade and Investment – Mineral Resources Branch
- Mine Subsidence Board (now Subsidence Advisory NSW)
- Greater Sydney Local Land Services (replaced Hawkesbury-Nepean Catchment Management Authority)
- NSW Fire and Rescue
- NSW Rural Fire Service
- State Emergency Service
- Environmental Protection Agency

Agencies were also contacted during public exhibition to provide further comment. These comments are included alongside the post-gateway comments below.

AGENCY RESPONSE	COMMENT
<p>South Western Sydney Local Health District (SWSLHD)</p> <p>The SWSLHD made a number of recommendations as follows:</p> <ul style="list-style-type: none"> ▪ Early provision of infrastructure such as safe footpaths and cycleways to encourage healthy walking habits and promote social connectivity; ▪ Active negotiation to support an expanded bus service to promote active travel behaviour; 	<p>In response to the recommendations of SWSLHD:</p> <ul style="list-style-type: none"> ▪ Footpaths and cycleways would be constructed during subdivision of the site in accordance with engineering guidelines; ▪ Bus transport would be required for school students. In consultation with the local bus company and Transport for NSW, Cross Street will be built as a bus capable road, ensuring that a bus service could be provided in the future; ▪ A Phase 2 Contaminated Site Investigation will be required and remediation undertaken prior to any approval for subdivision of the site;

<ul style="list-style-type: none"> ▪ Ensure that the land is free from contamination by undertaking a Phase 2 Contaminated Site Investigation and remediation; ▪ Ensuring that there are adequate, accessible and affordable community facilities to support the growing population; ▪ Wollondilly Community Health Centre has capacity to meet demands from future residents but monitoring will be needed to ensure growing demand is met; ▪ Need for assessment of additional open space within the site to improve physical and psychological health; and ▪ Access to fresh foods or provision of space and support for community gardens. <p><u>Additional Public Exhibition comments:</u></p> <ul style="list-style-type: none"> ▪ The SWSLHD appreciates opportunities to create social and physical environments that are healthy and support healthy activities so that individuals, families and communities can enjoy the best health possible. ▪ They are satisfied with the provisions in the planning proposal. 	<ul style="list-style-type: none"> ▪ Council has a strong focus on ensuring adequate, accessible and affordable community facilities are provided and it is considered that the existing facilities are adequate to meet the projected growth from this Planning Proposal; ▪ Future proposals for increased density in the area will be referred to SWSLHD to ensure that the Wollondilly Community Health Centre can meet increased demand; ▪ A significant proportion of the site is proposed to remain in its natural state with provision of walking tracks, lookouts and picnic tables. Open space and a playground areas will be allocated as part of a future Voluntary Planning Agreement; and ▪ The site is located in close proximity to the Tahmoor town centre which provides access to a variety of supermarkets. The concept of fresh food provision and community gardens is supported and would be encouraged for future residents. <p>Submission noted</p>
<p>Transport for NSW (TfNSW)</p> <p>TfNSW has advised that there are no issues with the Planning Proposal.</p>	<p>The TfNSW comments are noted.</p>
<p>Roads and Maritime Services (RMS)</p> <p>RMS recommends that Wollondilly Shire Council identify the land associated with this Planning Proposal as an urban release area and thereby, subject to the satisfactory arrangements clause in the local environmental plan. RMS is satisfied that the implications of the rezoning on the State road network are covered by the broader assessment and resultant interim State contribution rate.</p> <p>RMS entrusts Council to assess the traffic implications of this Planning Proposal on classified regional roads (Remembrance Drive).</p>	<p>It is proposed to include the site on the Urban Release Area Maps in accordance with the RMS advice. A State Infrastructure Contribution determined by the State Government would apply to each future proposed lot to assist in improving the regional State road network. This would ensure that contributions towards any regional infrastructure upgrades are provided at the subdivision stage.</p> <p>The assessment of the impact of the Planning Proposal on the local road network in relation to Remembrance Drive, classified as a regional road is now a matter for Council to determine. Council staff have determined that traffic lights are urgently required on the intersection of Progress Street and Remembrance Drive to cater for the additional impact of traffic from both this and the</p>

	<p>development of recently rezoned and subdivided land in East Tahmoor.</p>
<p>Department of Education and Communities NSW</p> <p>The Department note that new classrooms may need to be provided to service the additional demand generated by the proposal. Furthermore, the cumulative impact of a number of other urban developments in the Wollondilly area significantly increase education demand in the future, potentially requiring significant investment in new education infrastructure.</p> <p>To assist with the delivery of future education infrastructure, the Department request a new developer contribution system as part of new planning system, which included contributions for 'education establishments'.</p>	<p>Council is aware of the cumulative impact of Planning Proposals and the subsequent increase in demand on education infrastructure. Information is regularly provided to NSW Education on Planning Proposals, population projections and residential development to assist in their planning of new schools and additional classrooms.</p> <p>Co-sharing of facilities has been considered and at its meeting held in October 2017 Council resolved to enter into a Memorandum of Understanding with NSW Education as a basis for ongoing cooperation regarding joint use of facilities and land.</p> <p>The Planning Proposal will be mapped as an Urban Release Area which would provide an opportunity for a State Infrastructure Contribution to be imposed by the NSW Government. Any such contributions potentially could be used towards the provision of additional educational facilities or land for new schools.</p>
<p>Office of Environment (OEH)</p> <p>OEH provided comment on the proposal in September 2014 and June 2016.</p> <p><u>Biodiversity</u></p> <p>OEH provided a summary of the process involved regarding the proposed Biodiversity Certification of the land as part of the Planning Proposal. OEH also recommended that the exhibition of the Biodiversity Certification application should ideally coincide with the exhibition of the Planning Proposal.</p> <p><u>Aboriginal Cultural Heritage</u></p> <p>OEH reviewed the amended Aboriginal Cultural Heritage Assessment Report (ACHAR) and found that it has adequately addressed the recommendations from September 2014 consultation.</p> <p>OEH provide further recommendations for:</p> <ul style="list-style-type: none"> ▪ the development of a Plan of Management to protect Aboriginal sites and drainage channel exclusion zones; 	<p><u>Biodiversity</u></p> <p>The details of the Biodiversity Certification application are outlined in Section C-6 above. The biodiversity Certification application and biobanking application have now been sent to NSW Environment, Energy and Science (EES – previously OEH) following consultation with ESS and other key stakeholders.</p> <p><u>Aboriginal Cultural Heritage</u></p> <p>The recommendations of OEH would be undertaken as part of any future development application for subdivision of the site.</p> <p>The three recorded sites have been submitted to AHIMS for registration on the database.</p>

<ul style="list-style-type: none"> ▪ obtain an Aboriginal Heritage Impact Permit for any objects that may need to be harmed prior to commencement of works; ▪ ongoing consultation with the Aboriginal community; and ▪ ensuring that the three identified Aboriginal sites are registered on Aboriginal Heritage Information Management System (AHIMS); <p>Flooding</p> <p>OEH reviewed the Preliminary Stormwater Management Strategy and raised the following concerns:</p> <ul style="list-style-type: none"> ▪ Mainstream flooding – the report lacks discussion of smaller waterways in the proposed condition. ▪ Overland Flow Paths – the report should assess major overland flow paths within the site. ▪ Mitigation Strategy – design, ownership and maintenance of proposed basins should be addressed. Basins should also be assessed in accordance with the NSW Dam Safety Committee guidelines. 	<p>Flooding</p> <p>OEH comments have been reviewed by the proponent’s hydrology consultant and Council’s Design Engineer. It is considered that further detailed assessment will be required to be undertaken in any development application for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage flooding.</p>
<p>NSW Police Force</p> <p>A Safer by Design Evaluation was completed on 29 September 2014. The outcome of this evaluation is Police have no issues with this Planning Application.</p>	<p>The NSW Police Force comments are noted.</p>
<p>Sydney Water</p> <p>Water</p> <ul style="list-style-type: none"> ▪ The subject site will be serviced from the Thirlmere water supply zone. Preliminary investigation shows that the existing mains in Progress Street and Rockford Road will require amplification to 200mm mains to service the future growth in the area <p>Wastewater</p> <ul style="list-style-type: none"> ▪ Currently the Picton Wastewater Recycle Plant (WRP) and effluent management system does not have sufficient capacity to service the proposed 240 residential lots. However, Sydney Water is aware of this proposed development and included it in their planning for the upgrade of the WRP. 	<p>Sydney Water are currently undertaking negotiations with the Environment Protection Authority (EPA) and other stakeholders regarding effluent management at the Picton Sewerage Treatment Plant due to existing issues with the level of discharge into Nepean River and Stonequarry Creek. In recent discussions between Council and Sydney Water in August 2020, it was confirmed that they will service 750 lots at East Tahmoor and also the Cross Street development site with reticulated sewer.</p>

<ul style="list-style-type: none"> ▪ Connection to the Sydney Water Wastewater system will not be permitted until the Picton WRP and effluent management system are upgraded (including change to the current Environmental Protection License). 	
<p>NSW Department of Trade & Investment (DTIRIS) – Mineral Resources Branch</p> <p><u>Coal Resources</u></p> <p>The proposal area overlies a mining lease and consolidated mining lease held by Tahmoor Coal Pty Ltd. Tahmoor are currently extracting coal through longwall mining methods within the mining lease north-west of the site. Further coal extraction from this location is not considered viable.</p> <p><u>Mine Subsidence</u></p> <p>The entire subject area falls within the Bargo Mine Subsidence District (MSD). Accordingly, any proposed future development in the subject area would require consultation with the Mine Subsidence Board (now Subsidence Advisory NSW).</p> <p><u>General Information</u></p> <p>Petroleum Exploration License (PEL) 2 held by AGL Upstream Investments Pty Ltd exists over a broad regional area that includes the subject site.</p> <p><u>Recommendation</u></p> <p>MRB have no resource issues to raise concerning the proposed rezoning of the Cross Street site.</p>	<p>The NSW DTIRIS comments that there are no current or likely future mining issues related to this site are noted.</p> <p>Further consultation will be undertaken with Subsidence Advisory NSW during public exhibition of the proposal.</p>
<p>Mine Subsidence Board (now NSW Subsidence Advisory)</p> <p>The MSB letter from December 2012 indicated that Lot 23 DP 233658 was undermined in 2008 and Lot C DP 374621 in 2009. The remainder of the site proposed for rezoning and subdivision has not been mined and will not be mined in the near future.</p> <p><u>Additional Public Exhibition Comments:</u></p> <p>Approval will be required from MSB for any subdivision or building development as the total</p>	<p>The advice from the MSB is noted. Future subdivision and development applications will be referred to NSW Subsidence Advisory for approval.</p> <p>SA NSW comments indicates that underground mining has occurred and is unlikely to be recommenced in the future.</p>

<p>area of the site lies in the Bargo Mine Subsidence district.</p> <ul style="list-style-type: none"> ▪ SA NSW notes that the land proposed to be rezoned is located within the Bargo mine subsidence district and existing coal mine leases held by Tahmoor Coal. As a result, any future surface development (including infrastructure) or the subdivision of land will require approval under section 22 of Coal Mine Subsidence Compensation Act 2017. ▪ The proposal overlies an area where coal has been extracted and an area that is unmined. SA NSW understands the unmined area contains large faults that would make underground coal extraction very difficult. ▪ SA NSW notes that Tahmoor Coal indicated at a meeting held on 4 May 2018 they would likely have no objection to the proposal. <p>Given the above, SA NSW supports the proposal subject to council receiving formal written confirmation from Tahmoor Coal of their previously stated position.</p>	<p>Tahmoor Colliery has advised that they have no objection to the planning proposal subject to future development complying with mine subsidence guidelines.</p> <p>Any future development application for subdivision and housing will require SA NSW approval which is part of the integrated concurrence provisions undertaken for all development applications within mine subsidence areas.</p>
<p>Greater Sydney Local Land Services (GS LLS)</p> <p>The GS LLS provided a response in relation to the recently repealed Native Vegetation Act 2003 and Threatened Species Conservation Act 1995.</p> <p>The GS LLS supported:</p> <ul style="list-style-type: none"> ▪ further Flora and Fauna investigations, ▪ conservation of Cumberland Plain Woodland and Shale Sandstone Transition Forest ▪ a 100m buffer to the Bargo River Gorge ▪ Minimising impacts on native vegetation <p>GS LLS also recommended that Asset Protection Zone provisions be taken into account when placing building envelopes on site to reduce further impact on significant remnant vegetation.</p>	<p>As previously outlined, a significant proportion of the site will be retained and conserved in its natural state to protect important biodiversity values. The land to be conserved includes the 100m buffer to the Bargo River Gorge.</p> <p>The site is subject to bushfire hazard and future residential development will need to incorporate Asset Protection Zones within each property. These APZs will mainly be located in proposed perimeter roads. APZs will also be addressed through site-specific controls in WDCP 2016 to ensure that future residents are provided with both safe and practical housing lots and will be subject to comply with the provisions of Planning for Bush Fire Protection 2019.</p>
<p>Fire and Rescue NSW (FRNSW)</p> <p>The following recommendations were made:</p> <ul style="list-style-type: none"> ▪ Any future residential subdivisions be served by a road way system which complies with FRNSW Policy No. 4 - Guidelines For Emergency Vehicle Access; ▪ Traffic management devices be designed so as not to hinder or impede FRNSW emergency vehicle access, 	<p>The recommendations from FRNSW would be incorporated into the conditions of consent for any future development approval for subdivision.</p>

<ul style="list-style-type: none"> ▪ Any future residential sub-division associated with the proposed LEP Amendment be served by a fire hydrant system which is connected to a reticulated potable water supply. In addition, that fire hydrants be provided and located in accordance with the requirements of Appendix B of Australian Standard (AS) 2419.1 –2005 ▪ All roadways be prominently identified by reflective street signs. 	
<p>NSW Rural Fire Service (RFS)</p> <p>NSW RFS raise no objections subject to a requirement that the future subdivision of the land complies with Planning for Bush Fire Protection 2006. With regard to these requirements, the following comments were made in relation to the submitted concept plan:</p> <ul style="list-style-type: none"> ▪ Several proposed residential areas are shown to extend outside of the proposed perimeter road network. This is not the preferred solution and it is recommended that the plan be revised to place all proposed residential areas within the perimeter road network. ▪ The indicative APZ plan shows most of the abovementioned residential areas entirely within the required APZs. This would prevent development of these areas and lends further support to the need to locate residential areas within the perimeter road network. ▪ The proposed road layout results in a pinch point where the retained forest corridor will encroach onto either side of the road connecting the central and south-easternmost residential areas. Serious consideration should be given to the amendment of the layout, or the provision of additional APZs, to provide a continuous protected route between these two residential areas. <p><u>Additional Public Exhibition Comments:</u></p> <p>NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with Planning for Bushfire Protection 2006. This includes but is not limited to:</p>	<p>The applicant has prepared a revised Bushfire Assessment to address RFS concerns regarding the proposed road layout, Asset Protection Zones and to ensure all residential lots are within the road network. The assessment indicates that that the subject land is capable of accommodating future residential subdivision and associated land use with the appropriate bushfire protection measures and bushfire planning requirements prescribed by Planning for Bushfire Protection 2006.</p> <p>Controls to ensure that the design of the subdivision will provide future residents with safe and practical housing lots shall be included in site-specific provisions in the Wollondilly DCP.</p> <p>All APZs will be located within roads, residential lots and on detention basins and not within proposed E2 Environmental Conservation land.</p> <p>A Plan of Management in relation to bushfire protection measures on lands to be maintained by</p>

<ul style="list-style-type: none"> ▪ Provision of Asset Protection Zones within the proposed lots in accordance with Table A2.4 and A2.6 (as applicable); ▪ Access to be provided in accordance with the design specifications set out in section 4.1.3 and; ▪ Services to be provided in accordance with section 4.1.3. <p>With regard to these requirements, the following comment is made in relation to the submitted concept plan;</p> <ul style="list-style-type: none"> ▪ All bushfire protection measures should be contained within the overall development and not on adjoining land, other than in exceptional circumstances. Subsequent development should be designed to ensure all APZ requirements are contained within lots, road reserves and lands managed under a formal Plan of Management. 	<p>Council shall be included in site-specific controls for the site.</p>
<p>State Emergency Service (SES)</p>	<p>No response was received during any exhibition periods.</p>
<p>Office of Water</p> <p><u>Riparian Corridors</u></p> <p>The Office of Water is generally supportive of the approach to managing riparian corridors within the site as specified by the Ecological and Riparian Assessment dated October 2013. Wider riparian corridors in excess of 40m may be appropriate for areas of the site adjoining Bargo River Gorge. However, corridor areas outside the limit of ‘waterfront land’ (40m from the high bank) are not managed or regulated by the Office of Water under the Water Management Act. It is recommended that all riparian corridors be rehabilitated and restored in conjunction with future development within the site.</p> <p><u>Riparian Corridor Ownership</u></p> <p>Public ownership of riparian corridors is considered to be the most effective mechanism for ensuring the appropriate long term management of these areas.</p> <p><u>Water Holding Structures</u></p> <p>Water holding structures to be retained or constructed as part of the proposal will need to be sized in accordance with the Maximum Harvestable Rights Dam Capacity (MHRDC) for the property area of the final lot layout.</p>	<p>It is proposed to place riparian buffers of 10m along the four minor watercourses which traverse the site in accordance with the recommendations of the Biodiversity Assessment Report and Biocertification Strategy. The riparian buffers will be mapped on Councils Natural Resources - Water Map.</p> <p>The watercourses and riparian buffers would be within land that is proposed to be conserved within an E2 zone. These areas will be transferred to Council as ‘Permanently Managed and Funded Conservation Measures’ in the form of a Biobank site.</p> <p>The issues associated with water holding structures are noted. It is likely that the current dams will be filled. Five detention basins are proposed to manage stormwater and these are proposed to be dedicated to Council. The detention basin sites will be assessed in relation to the Maximum Harvestable Rights Dam Capacity as part of any future application for subdivision.</p>

<p><u>Additional Public Exhibition Comments:</u></p> <ul style="list-style-type: none"> ▪ The proposal includes sewer and water to the site which NRAR supports to ensure adequate water supply and sewage disposal is achieved and to mitigate impacts on surface water and groundwater sources in terms of both quantity and quality. ▪ The planning proposal identifies the site to have a Bargo River Gorge Buffer of 100 m separating the Bargo River and Gorge from the development. The buffer of 100 m exceeds the 40 m riparian corridor required for the Water Management Act (2000). ▪ NRAR supports vegetated buffers around the drainage lines on the site in accordance with the “Guidelines for Riparian Corridors on Waterfront Land (DPI 2012)”. These guidelines require a minimum 10m vegetated buffer on either side of the high bank of the watercourse and/or dam where present. It is recommended these guidelines be reviewed in finalising the subdivision layout. ▪ The Site Servicing Strategy indicates the requirement for 5 retention basins to manage stormwater from the site. The assessment concludes the 5 retention basins result in no increase in post development runoff velocity when compared to pre development. This is supported by NRAR to mitigate impacts to downstream waterfront land. ▪ NRAR advises any dams which are proposed to retain water will need to be sized in accordance with the Maximum Harvestable Rights Dam Capacity based on the area of land in the reserves. 	<p>NRAR comments noted.</p> <p>The current dams are likely to be removed and the site remediated. Any future water holding facility including detention basins will need to be sized in accordance with the Maximum Harvestable Rights Dam Capacity based on the area of land in the reserves.</p>
<p>Environmental Protection Agency</p> <p>In summary, the EPA provided advice with regard to the following matters:</p> <p><u>Air Quality</u></p> <p>The EPA notes that the proposed 500m buffer approach appears to rely only on odour modelling to inform the siting of residential development in the vicinity of activities associated with the Ingham Turkey Processing Facility. While a buffer zone approach may reduce the risk of odour impacts, it will not remove the risk entirely.</p> <p>EPA recommend that Council consult Chapter 5 of the Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW for guidance on alternative options available for avoiding and mitigating potential or existing odour impacts.</p>	<p><u>Air Quality</u></p> <p>The main source of odour from the Ingham Turkey processing facility is from the wastewater ponds. Most of this wastewater is now connected to the Sydney Water sewer and the level of odour has decreased significantly. The reduction of odour was a key requirement of Sydney Water in order to secure final consent for the connection. In addition the proposed residential areas will be further than 500 metres from the facility and this is considered an acceptable distance to ensure that odour is not an issue. This is consistent with Council’s adopted mitigation measures, and aligns with the adopted approach which was endorsed for the rezoning of the East Tahmoor area. While the level of odour reduction has not been tested since the upgrade has been completed, it is considered likely that it would be within acceptable limits and is not necessary at this time. A requirement for an odour assessment as part of any future</p>

Noise

The EPA considers that the scope of the noise assessment provided is not sufficient to determine the suitability of the site for residential development. The assessment has not considered the cumulative impact of the proposed land rezoning, existing and foreseeable sources of noise (Ingham operation and proposed South and East Tahmoor rezoning), road traffic noise and traffic generating development. The EPA is also unable to assess potential cumulative impacts from this proposal nor the South and East Tahmoor rezoning because the scope of each noise report is limited and compounded by the fact that each has adopted different approaches to the noise modelling with different inputs and assumptions.

Water Quality

Due to the sensitivity of the catchment and current performance of Water Sensitive Urban Design (WSUD), the EPA recommends that pollutant load reduction targets should be derived that support the relevant community's uses environmental values of surrounding waterways.

To ensure effective maintenance and monitoring of water conservation and WSUD techniques in the future, Council should consider measures such as the use of Voluntary Planning Agreements (VPAs) to secure these arrangements including financial contributions and accountable parties through the planning process.

Contaminated Land Management

The EPA recommends that a contemporary contamination land assessment should be undertaken as part of any land use change process to inform future land use. If historical information suggests that activities have been undertaken in the past that has caused site

subdivision application can be included in site-specific provisions in the Wollondilly DCP.

Noise

The planning proposal site is bounded by the Bargo River Gorge and is not traversed by a major road. Most of the site is located over a kilometer from Remembrance Driveway, the nearest major road. The Cross Street site is not a thoroughfare to anywhere as acknowledged in the traffic report. Traffic generated from the planning proposal site would be dispersed through three routes, River Road, Tahmoor Road and Progress Street and this would limit potential traffic noise impact on adjoining residents.

In addition, the existing turkey processing facility is accessed from Rockford Road. The proposed future residential area at Cross Street will not be affected by truck and/or freight movements.

Accordingly road noise is not considered to pose any acoustic issues for the planning proposal site or for adjoining areas. Any future development application must have regard to potential noise impacts as outlined in Wollondilly DCP.

Water Quality

Details regarding water quality modelling and outputs will be provided at the subdivision stage to ensure that pollutant load targets can be achieved.

WSUD measures will be implemented at the development application stage. Five detention basins are proposed to manage stormwater and these are proposed to be dedicated to Council under a VPA with a financial contribution for ongoing management and maintenance.

Contaminated Land Management

A preliminary contaminated land investigation was undertaken in 2010 and was updated in 2013. The assessment found that that the majority of the site in its current condition is suitable for the intended residential land use, however a few localised areas onsite pose a potential limited risk to the environment and human health.

<p>contamination, the EPA recommends that Council consider the involvement of an EPA-accredited Site Auditor during the contamination management process, including the provision of a site audit statement certifying that the land is suitable for the proposed use.</p> <p><u>Waste Management</u></p> <p>Council should make sure that existing services have capacity to address any proposal that involve incremental growth in the Council area. In addition, Council should also make sure that Councils Development Control Plan is contemporary in relation to waste management.</p>	<p>Recommendations to alleviate this risk are proposed to be implemented prior to or during the development phase to return these areas to a condition suitable for residential land use. A Stage 2 contamination investigation is recommended to be undertaken prior to any approval for subdivision on particular areas of the site that are potentially contaminated.</p> <p>An EPA accredited Site Auditor would provide assurance that any contamination management needed would be undertaken appropriately to ensure that the land is suitable for residential use. Requirements for a Stage 2 contamination investigation and a site auditor to confirm residential suitability are proposed to be included in site-specific controls within Wollondilly Development Control Plan 2016.</p> <p><u>Waste Management</u></p> <p>Current waste management services are considered adequate to enable incremental growth resulting from this planning proposal. The Planning Proposal will result in a relatively small increase in population and waste issues are not considered to be significant. Waste management will be addressed in detail at the subdivision stage.</p> <p>However it is important to ensure that waste management is undertaken effectively to prevent urban edge effects such as rubbish dumping in bushland. Appropriate infrastructure such as bollards and fencing to limit vehicular access to bushland should form part of any waste management strategy for the site. These requirements are proposed to be included in site-specific controls within Wollondilly DCP 2016 and also would be a consideration in any biobanking strategy.</p>
<p>NSW Department of Primary Industries – Agriculture Land Use Planning</p> <p><u>Public Exhibition Comments:</u></p> <ul style="list-style-type: none"> ▪ NSW DPI encourages the protection of environmentally sensitive lands in the E2 zone to ensure that their important environmental properties are protected. ▪ NSW DPI is concerned with possible impacts on the adjacent turkey processing plant. It suggests that any proposed residential areas are located 500 m or more as indicated in the Indicative proposed land use maps prepared by Eco logical 2017. This will ensure that an important secondary agricultural enterprise is protected from future land use conflicts. 	<p>The comments from NSW DPI indicate support for the planning proposal with regard to the following:</p> <ul style="list-style-type: none"> ▪ Protection of environmentally sensitive land zoned E2 Environmental Conservation. ▪ Land within 500m of the turkey processing facility remaining rural to avoid any potential land use conflict. <p>It is considered that the site, although used for agricultural purposes, is well located for residential uses as:</p> <ul style="list-style-type: none"> ▪ It is located adjoining residential land and close to services and facilities in Tahmoor.

<ul style="list-style-type: none"> ▪ NSW DPI would like to stress that agricultural lands should not be seen as an easy source of land for urban expansion. The protection of agricultural lands is an important tool in maintaining the sustainability of current communities and provides food security for future generations. ▪ Agricultural lands provide employment to local people both directly and indirectly. To this end, NSW DPI is currently mapping Important Agricultural Lands throughout the State, once mapping occurs in your Council area; this information will be provided to Council to inform future rezoning proposals. 	<ul style="list-style-type: none"> ▪ Further urban expansion into rural land is limited as the Bargo River provides a boundary on the southern side of Tahmoor. <p>The mapping of agricultural land by NSW DPI is supported and will provide vital data to better inform any future rezoning proposals.</p>
<p>Department of Primary Industries – Fisheries <u>Public Exhibition Comments:</u> The Bargo and Nepean Rivers are known to support the Macquarie Perch which is an endangered species listed under the Fisheries Management Act 1994. An Assessment of Significance for potential impacts to the Macquarie Perch is required. Such an assessment should consider potential impacts from reductions in water quality from stormwater discharges, sewerage discharges and erosion and sedimentation impacts. Considering the proximity of the Endangered Macquarie Perch to this site, it is recommended that:</p> <ul style="list-style-type: none"> ▪ Extra care is taken to employ best practice erosion and sediment controls during construction ▪ A long-term maintenance strategy for water quality treatment trains is established prior to development of this site; and ▪ Careful consideration is given to the potential for sewerage discharges or seepages to the nearby rivers, and that appropriate measures to mitigate or reduce the risks of such discharges are implemented. 	<p>An Assessment of Significance for potential impacts to the Macquarie Perch should be undertaken as part of any future development application for subdivision.</p> <p>Site-specific controls will be included in Wollondilly DCP to ensure there is an Assessment of Significance for Macquarie Perch and to provide mitigation measures for potential impacts from the development on an ongoing basis.</p> <p>The site is intended to be serviced by reticulated sewer which will mitigate the concerns outlined by DPI.</p>
<p>Endeavour Energy <u>Public Exhibition Comments:</u> There are no easements over the site benefitting Endeavour Energy</p> <ul style="list-style-type: none"> ▪ 11,000 volt / 11 kV high voltage overhead power lines (including two pole mounted substations no's 11260 & 11261) over Lots 1 & 2 DP 1128745 which is not held under easement coming off Cross Street / Myrtle Creek Avenue. ▪ 11 kV high voltage overhead power lines along the extension of River Road which tees off to over Lots 3 DP 1128745 and is not held under easement but is indicated as 'Out of Service'. ▪ Low voltage overhead service conductor coming from pole mounted substation no. 120175 in Greenacre Drive traversing Lot 6 DP 263172 to the customer connection point on Lot 1 DP 1128745 which is not held under easement. ▪ Although the low voltage and 11 kV high voltage overhead power lines on the site are not held under easement, they are protected assets 	<p>The advice from Endeavour Energy in relation to the existing services on the site is noted. The site is able to be serviced with electricity subject to further discussion at the design stage with Endeavour Energy. The developer will need to meet Endeavour Energy requirements in terms of providing easements, relocating or placing electricity services underground.</p>

<p>under the Electricity Supply Act 1995 (NSW) Section 53 'Protection of certain electricity works'. The owner or occupier of the land cannot take any action by reason of the presence or operation of the electricity works in, on or over the land ie. they cannot remove the electricity infrastructure from the property. These protected assets are managed on the same basis as if an easement was in existence.</p> <ul style="list-style-type: none"> ▪ The low voltage overhead power lines requires a 9 metre minimum easement width ie. 4.5 metres to both sides of the centre line of the conductors / poles. ▪ Presumably these overhead power lines will be undergrounded / relocated as part of the future subdivision works. This will be dealt with as part of the application for connection of load (please refer the below point 'Network Capacity/Connection) and the developer/designer is aware of Endeavour Energy's requirements for the existing overhead power lines to be undergrounded / relocated. ▪ However the certification of the design does not constitute an agreement to decommission the existing infrastructure and no work should be undertaken to decommission the overhead power lines until all matters have been resolved and approved by Endeavour Energy. 	
<p>Department of Industry – Lands <u>Public Exhibition Comments:</u></p> <p>There are no Crown Lands on the site so the Department has no comments.</p>	<p>Submission noted</p>

Part 4 – Mapping

Site Identification Map

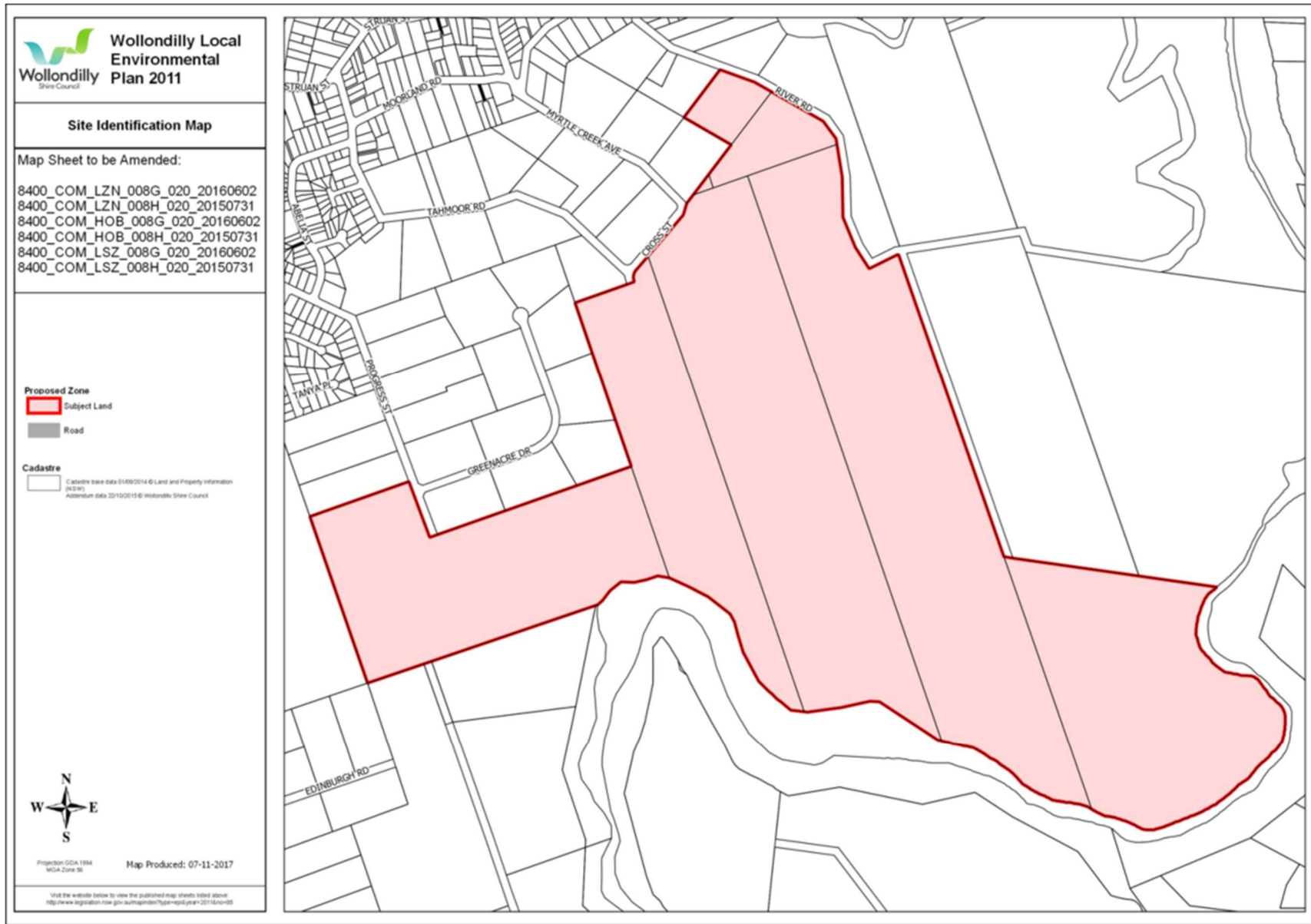
Land Zone Map

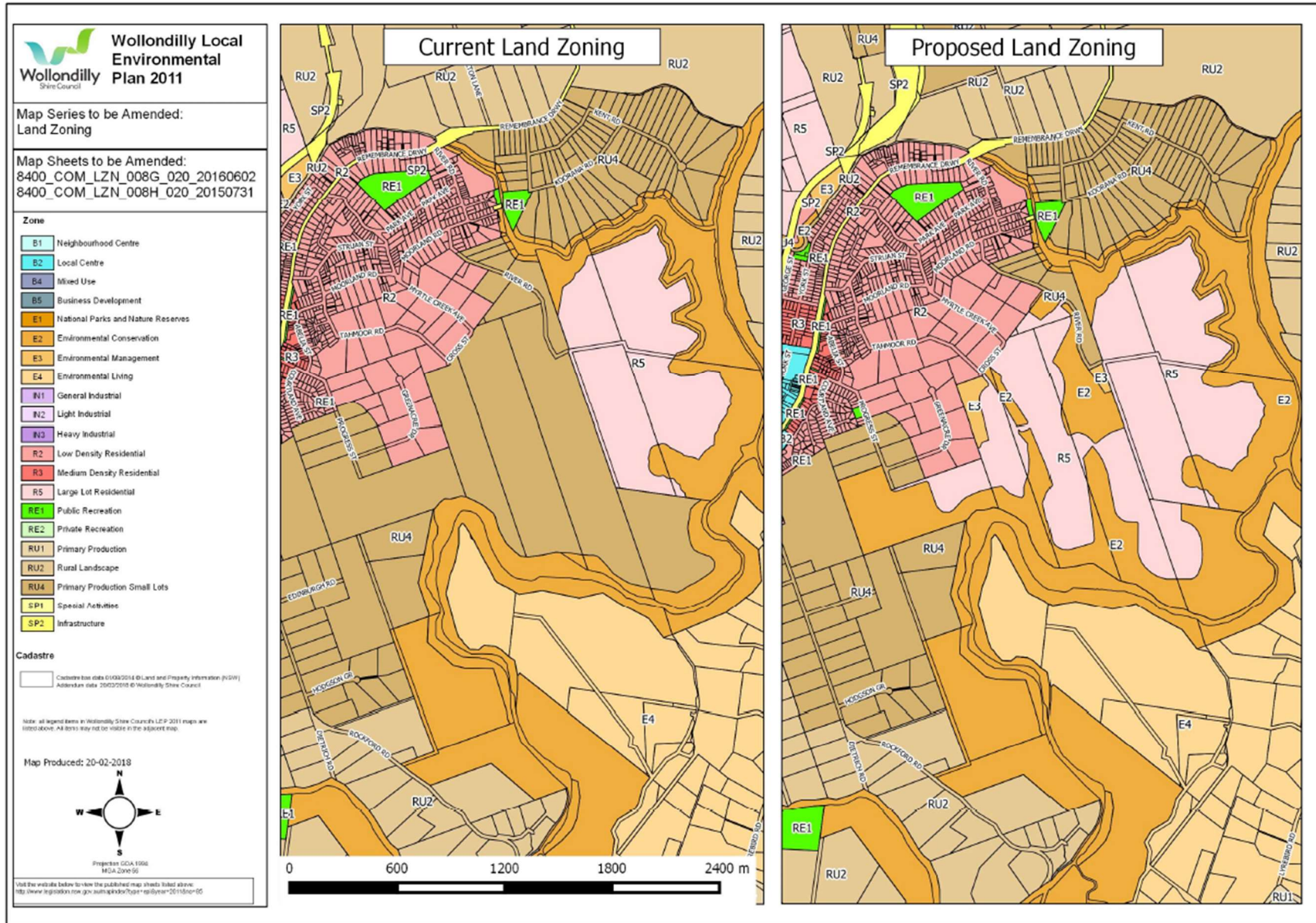
Lot Size Map

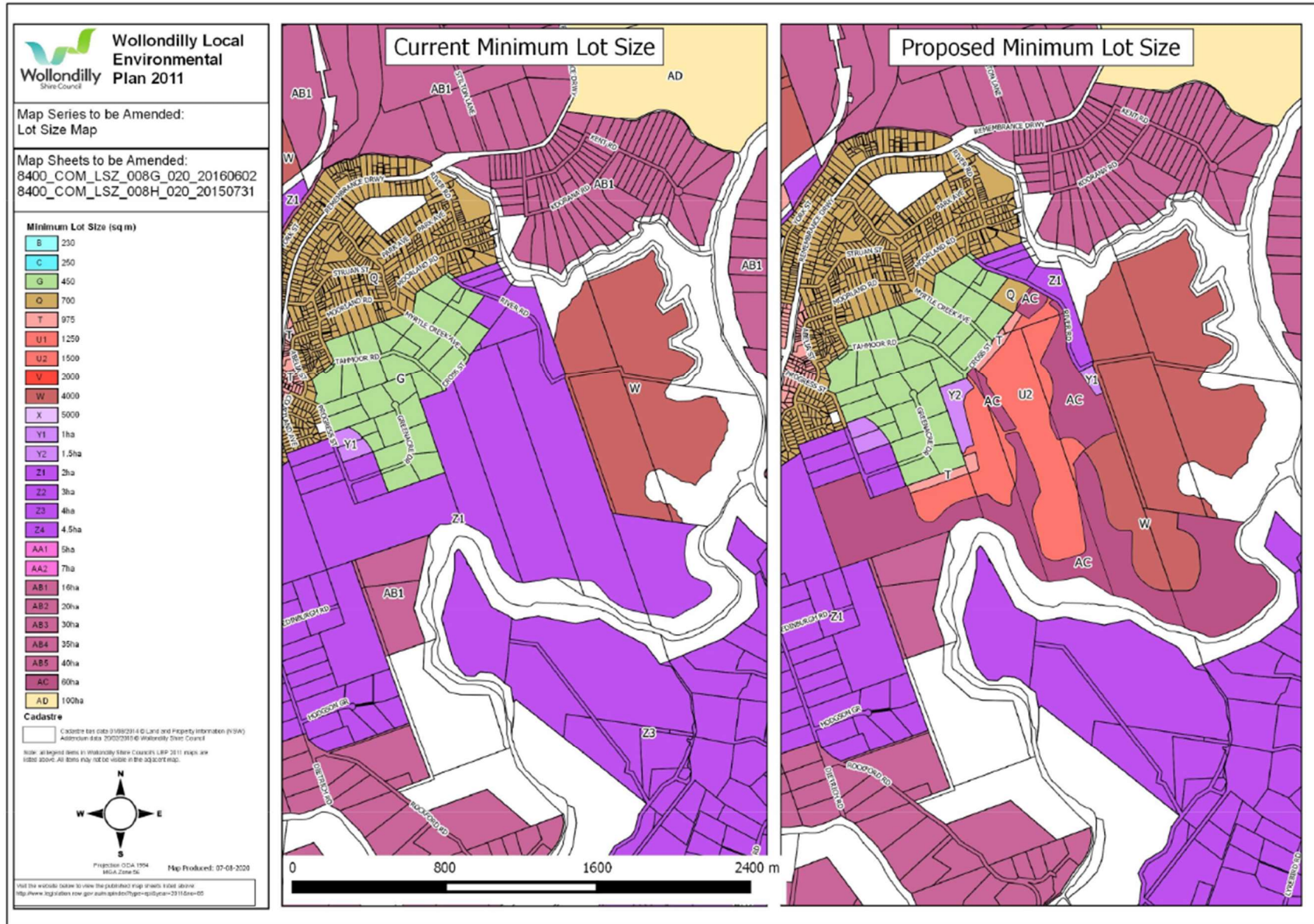
Height of Building Map

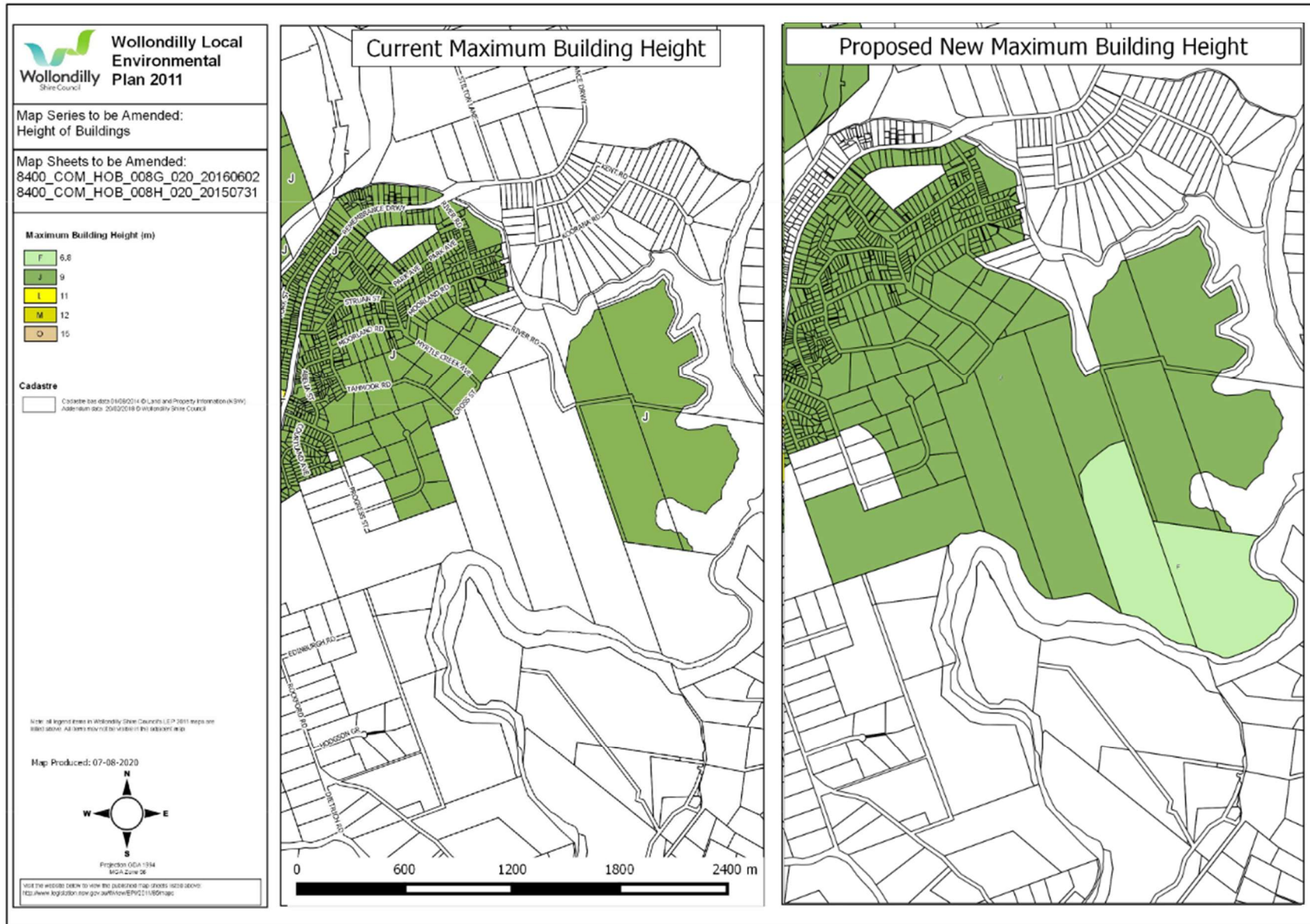
Natural Resources Water Map

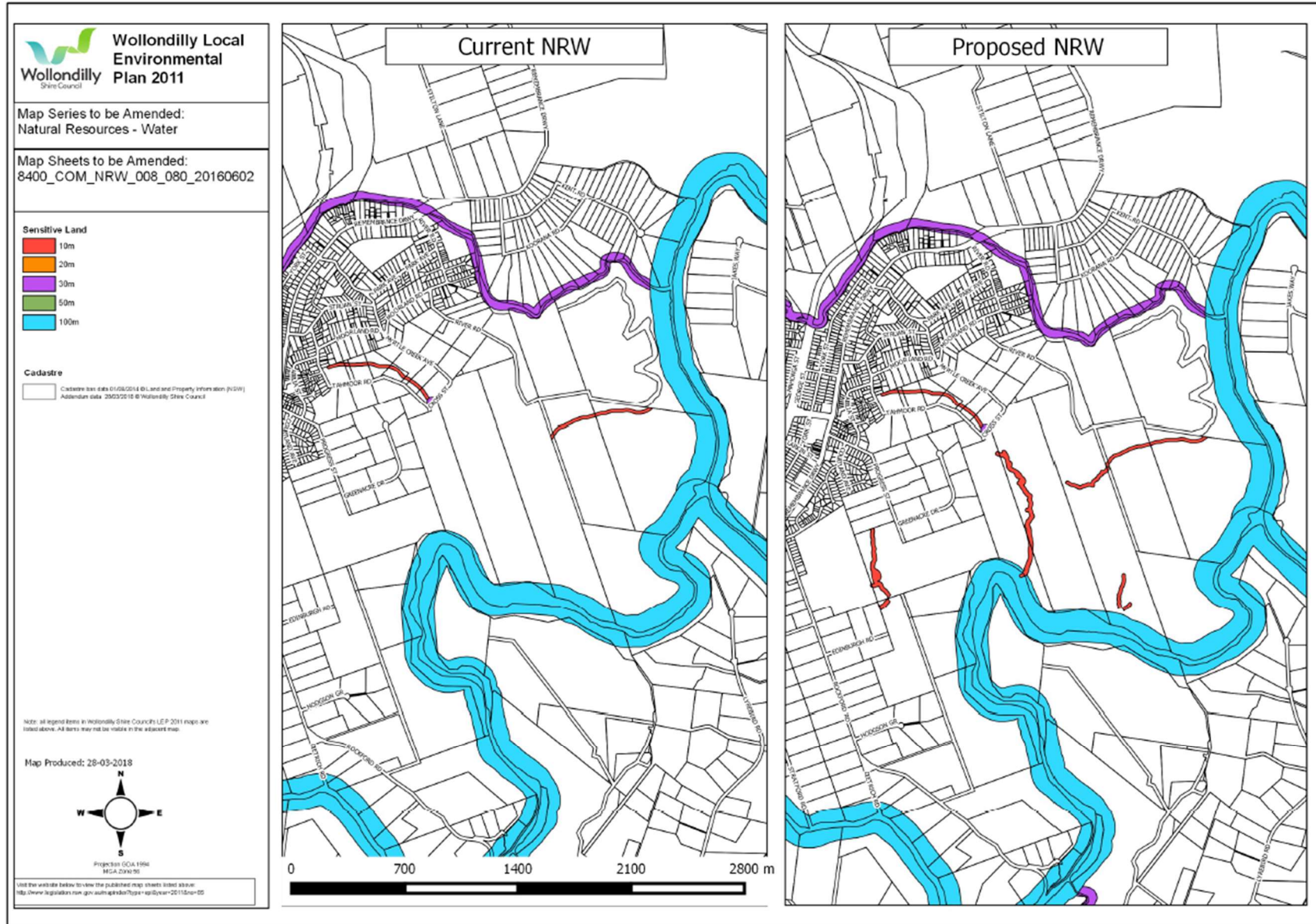
Urban Release Area Map

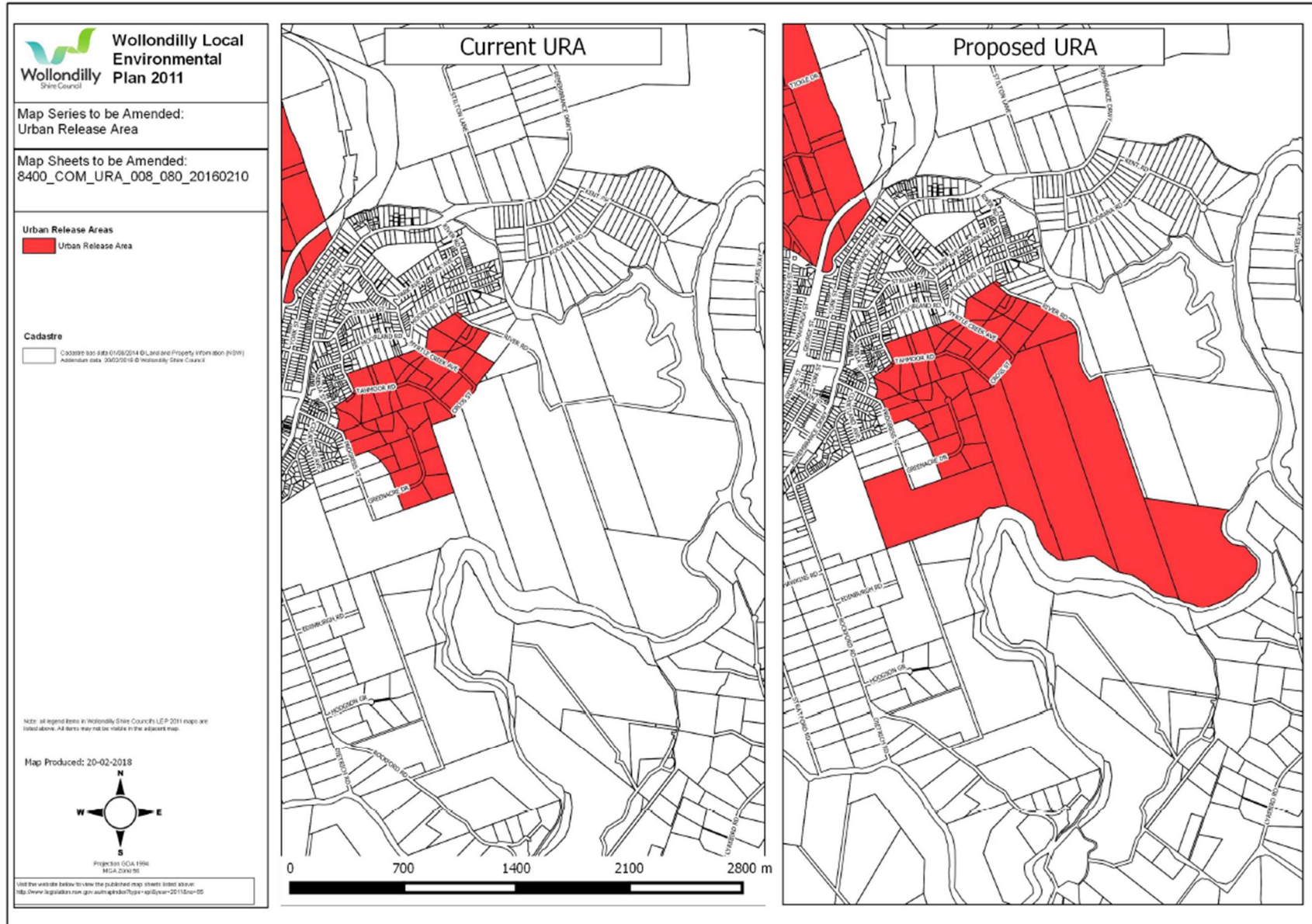












Part 5 – Community Consultation

Preliminary community consultation was undertaken in 2014. A total of six (6) submissions against the proposal were received during the notification period. The issues raised in these objections were addressed in the report to Council on 22 April 2014 (Attachment 1).

The amended planning proposal, revised studies and Biodiversity Certification Application were formally exhibited for a period of 28 days, in 2018, as per regulatory requirements. In accordance with Council's notification policy, land owners and residents living within a 2km radius of the proposed site were notified and given the opportunity to provide comment. A total of nine (9) submissions were received during this period with a summary of issues being addressed in a report to Council on 16 July 2018 (Attachment 4).

Both consultations raised concerns including increased traffic, loss of rural character, damage to the natural environment and the lack of recreational facilities and public amenities.

Part 6 – Project Timeline

PROJECT DETAIL	TIMEFRAME	ESTIMATED COMPLETION
Timeframe for consideration of submissions post exhibition and final report to Council	7 months	February 2019
Creation of finalisation LEP maps and updates to the planning proposal document. Request sent to DPIE for finalisation.	19 months	September 2020
Finalisation of DCP and VPA. Finalising the Draft LEP amendment and notification on the NSW Legislation web site	5 months	February 2020

Attachments

1. Agenda and Minutes of Ordinary Council Meeting held on Tuesday 22 April 2014
2. Agenda and Minutes of Ordinary Council Meeting held on Monday 17 November 2014
3. Agenda and Minutes of Ordinary Council Meeting held on Monday 18 July 2016
4. Agenda and Minutes of Ordinary Council Meeting held on Monday 16 July 2018
5. Agenda and Minutes of Ordinary Council Meeting held on Tuesday 18 February 2019
6. Gateway Determination
7. Gateway Alterations
8. VPA Letter of Offer (Preliminary)
9. Specialist Studies