

# Planning Proposal

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To Amend Wollondilly Local Environmental Plan 2011

## Darley Street Residential, Thirlmere

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For the rezoning of land located bounded by Innes, Darley, Owen and Bridge Streets, Thirlmere  
Lots 1-8, Section 7 DP 2339, Lots 10-14 Section 7 DP 2339, Lots 1 and 2 DP 778327, Lots 91 and 92  
DP 634407 and Lot A DP 376685 in Innes, Darley and Bridge Streets, Thirlmere

May 2017

# Document Register

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1	24/05/2017	Prepared to seek Gateway Determination	TRIM 9362#178
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# Part 1 – Objectives or Intended Outcomes

## INTRODUCTION

This Planning Proposal details changes sought to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rezone approximately 30.2 hectares (302000 square metres) of primary production small lot zoned land in Thirlmere to enable large lot residential development. The proposal has the potential to generate a minimum of approximately 60 new lots.

This document has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* (2012). It has been prepared to seek a Gateway Determination to further investigate the suitability of the land for the proposed land uses.

At its Ordinary Meeting of 20 March 2017 Wollondilly Shire Council resolved to support a Planning Proposal to rezone land located in Thirlmere that is bound by Darley, Owen, Innes and Bridge Streets to allow for large lot residential type development and to amend the height of buildings map to apply a maximum height of building limit of 9 metres.

Due to some constraints on the land and the inability of the site to be connected to existing sewerage services, Council sought to defer the identification of a minimum lot size until a number of studies had been undertaken.

These included:

- An Agricultural Impact Study
- Stormwater and Flood Study
- Wastewater Management Study
- Flora and Fauna Assessment

A copy of the Council report and associated minutes is provided in Appendix E.

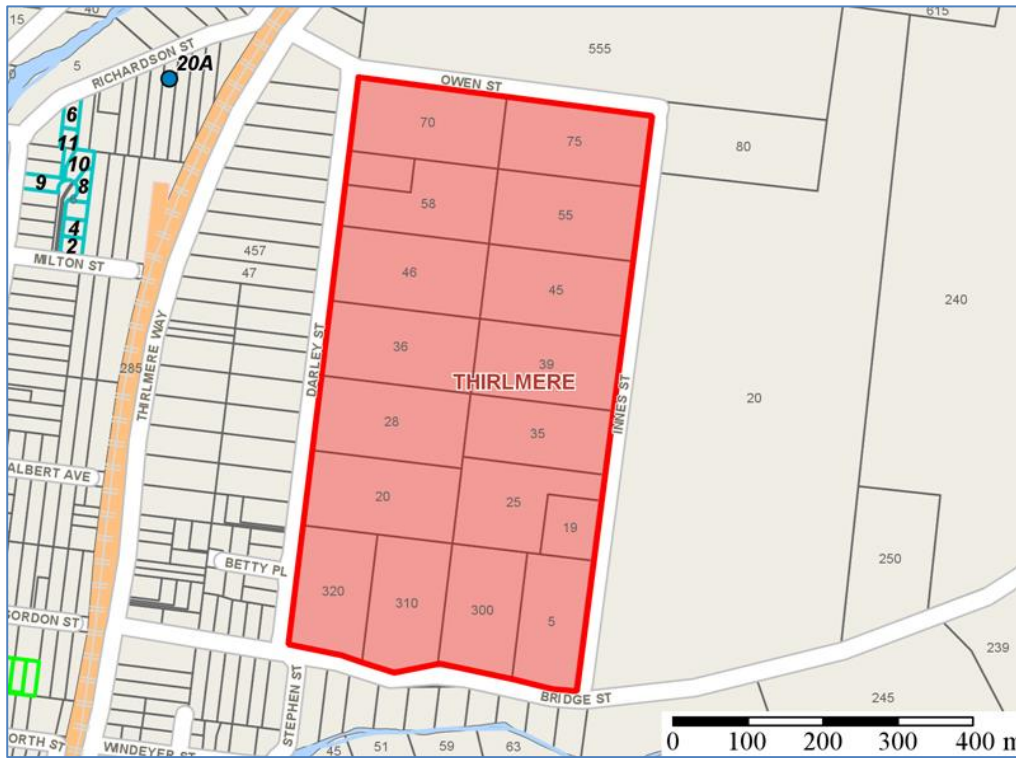
Other studies that will also be required include:

- Preliminary Contamination Assessment
- Traffic Study
- Geotechnical and Salinity Assessment
- Noise and Vibration study
- European and Aboriginal Cultural Heritage and Archaeological Assessment
- Bushfire Assessment

## SITE AND CONTEXT ANALYSIS

The site is located on land bounded by Darley, Innes, Owen and Bridge Streets Thirlmere as shown in Figure 1 and includes the following:

- |   |   |
|---|---|
| ▪ Lot 3 Section 7 DP 2339 (300 Bridge Street) | ▪ Lot 2 DP 778327 (25 Innes Street)           |
| ▪ Lot 2 Section 7 DP 2339 (310 Bridge Street) | ▪ Lot 92 DP 634407 (58 Darley Street)         |
| ▪ Lot 10 Section 7 DP 2339 (70 Darley Street) | ▪ Lot 1 DP 778327 (35 Innes Street)           |
| ▪ Lot 14 Section 7 DP 2339 (39 Innes Street)  | ▪ Lot 91 DP 634407 (64 Darley Street)         |
| ▪ Lot 13 Section 7 DP 2339 (45 Innes Street)  | ▪ Lot A DP 376685 (19 Innes Street)           |
| ▪ Lot 11 Section 7 DP 2339 (75 Innes Street)  | ▪ Lot 4 Section 7 DP 2339 (5 Innes Street)    |
| ▪ Lot 12 Section 7 DP 2339 (55 Innes Street)  | ▪ Lot 8 Section 7 DP 2339 (46 Darley Street)  |
| ▪ Lot 5 Section 7 DP 2339 (20 Darley Street)  | ▪ Lot 6 Section 7 DP 2339 (28 Darley Street)  |
| ▪ Lot 7 Section 7 DP 2339 (36 Darley Street)  | ▪ Lot 1 Section 7 DP 2339 (320 Bridge Street) |



**Figure 1 Location Plan**

The site includes eighteen principal parcels of land in the ownership of eighteen parties. The site is zoned RU4 Primary Production and borders the residential boundary to the south and west.

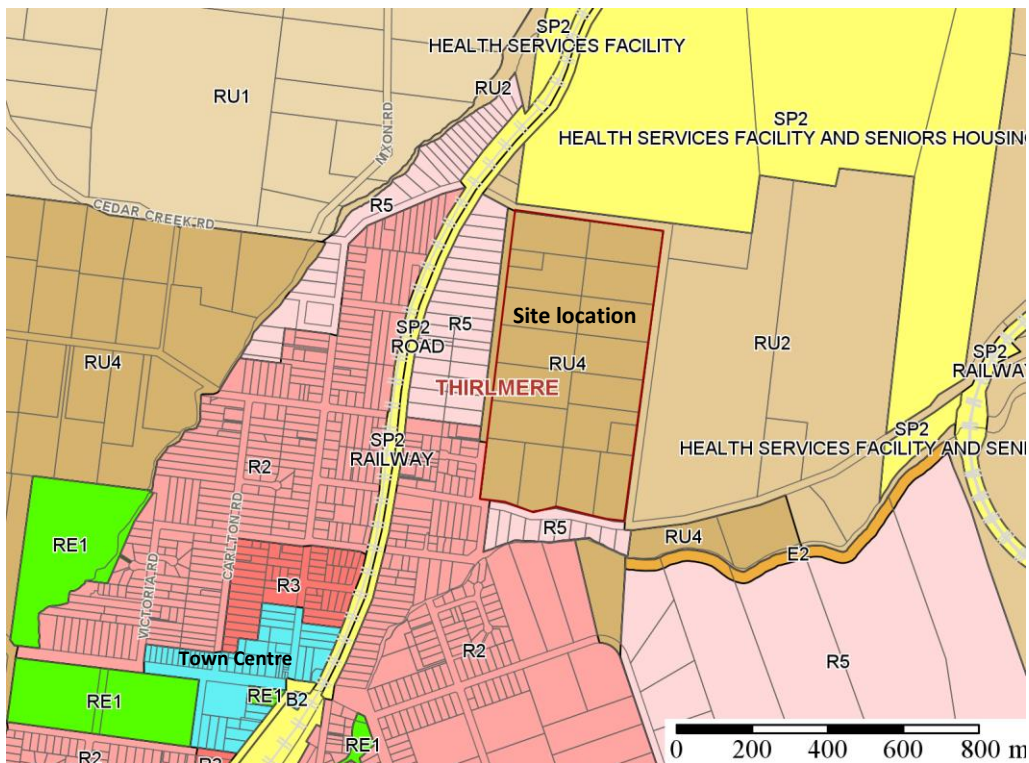
The site also borders Rural Landscape (RU2) zoned land to the east and borders the Queen Victoria Memorial Home (QV) site to the north.

The site represents the eastern transition of residential to rural lands and is situated on the residential boundary of Thirlmere to the West and rural lands to the east. These rural lands act as a buffer between the urban areas of Picton and Thirlmere.

The site borders the western end of Bridge Street which connects Thirlmere to industrial lands located on the southern end of Bridge Street and to the residential area of upper Picton. Less than 100m from the site to the West, Bridge Street terminates at a T intersection on Thirlmere Way, a main road connecting Thirlmere with Tahmoor to the south and Picton to the North East. A map of existing and surrounding land zones is provided in Figure 2.

The site is within walking distance to the main business area of Thirlmere.

The site has been identified in a number of previous Council Strategies, including the current Wollondilly Growth Management Strategy for future residential investigation.



**Figure 2 Site location showing surrounding land zones**

## TOPOGRAPHY

There is a distinct difference in character and outlook between properties along Darley and Bridge Street and those along Innes and Owen Street.

Properties that border Darley Street are situated on moderately sloping land with some natural drainage running from North to South. Properties in this location and along Bridge Street have an urban outlook to residential areas located to the west and south.

Properties that border Innes Street to the north east are situated on significantly steeper land with a significant ridge line running east to west slightly south of the centre of the site. These properties and those along Owen Street have a rural outlook and offer rural views towards QV and Picton.

This site is divided into two catchments for surface water drainage. The southern catchment of the site drains to Redbank Creek and the northern catchment drains to Matthews Creek.

A drainage and detention system, comprising dams along the eastern of the site, flow into each other in a north-west direction.

## INTENDED OUTCOME

This Planning Proposal seeks to enable the development of the site for R5 Large Lot Residential development and to apply a maximum height of building of nine (9) metres.

The intended outcome of the proposal is to allow a modest increase in housing for the Thirlmere village in an area identified for future growth investigation in the Wollondilly Growth Management Strategy (GMS). The site direction is relatively close to existing services located in the village centre, an important criteria for urban development as detailed in the key policy directions within Council's GMS.

Feedback from Sydney Water indicates that they are unable to connect this site with existing sewerage services nearby. Therefore to ensure the proposal responds to all constraints on the site (known and unknown) Council seeks to defer the identification of a minimum lot size until specialist studies have been completed.

The proposal also seeks to ensure that despite the outcome of the studies a minimum lot size of no less than 4000m<sup>2</sup> will be applied to land with a frontage to Owen and Innes Street in order to retain the existing character of this location.

## Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Zoning Map** from RU4 Primary Production Small Lots to R5 Large Lot Residential. These changes are shown in the proposed zoning map in Part 4 **Map 2** and
- Amending the Wollondilly LEP 2011 **Height of Buildings Map** to apply a maximum height of building of 9 metres. These changes are shown in the proposed height of building map in Part 4 by **Map 3**
- Amendments to the **Lot Size Map** are anticipated following the outcome of specialist studies.

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

## Part 3 – Justification

### Section A – Need for the planning proposal

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

The original planning proposal for this site was submitted to Council by Precise Planning on 16 September 2016. The proposal sought to rezone land bounded by Innes, Darley, Owen and Bridge Streets, in Thirlmere to an R2 low density residential zone. The proposal has since been amended in response to feedback gathered during Councils preliminary consultation process.

The site is currently identified as “PTT Future Urban Investigation Area” on the Structure Plan for Tahmoor & Thirlmere which forms part of the Wollondilly Growth Management Strategy 2011 (GMS) as shown in Figure 3.

The Picton Tahmoor Thirlmere Urban Lands (PTT) Planning Proposal was the result of a Council led strategic approach to identifying land for future residential development. The Planning Proposal and subsequent LEP amendment in 2014 established six residential precincts across Picton, Tahmoor and Thirlmere. The subject land was not included within that Planning Proposal.

Previous Council planning strategies have identified the land at Darley Street on a number of occasions as a location for future residential growth.

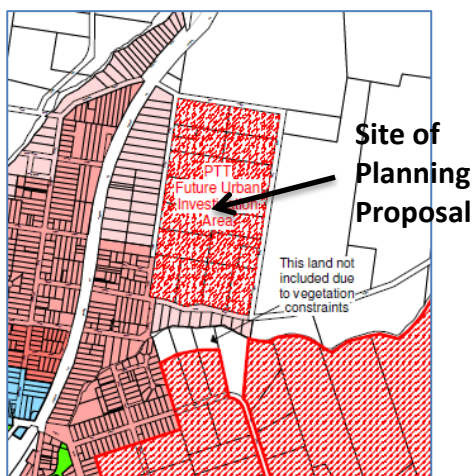


Figure 3 Extract Wollondilly GMS Structure Plan- Tahmoor and Thirlmere



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

The current rural land use provisions do not permit the proposed residential development outlined in the objectives.

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

**Section B – Relationship to strategic planning framework**

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

The following regional and sub-regional strategy is relevant to this proposal:

- A Plan for Growing Sydney
- Draft South West District Plan 2016

***A Plan for Growing Sydney* (2014)**

A Plan for Growing Sydney was released on 14 December 2014 and is an action plan that guides land use planning decisions up to 2034.

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.

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

The Plan seeks to accelerate housing supply across Sydney and although its focus is on areas of significant housing growth it also notes that all suburbs will need additional housing over the next 20 years. New locations for housing around established centres are encouraged.

Wollondilly is not being considered for future metropolitan growth except for the Wilton Priority Growth Area (WPGA) within the wider Macarthur South Urban Investigation area.

Rezoning the subject site to allow for residential development presents an opportunity to increase housing supply in close proximity to Thirlmere Town Centre

***South West Subregion***

A Plan for Growing Sydney: South West Subregion; focusses specifically on plans for the Local Government Areas of Fairfield, Liverpool, Campbelltown, Camden and Wollondilly. The subregion plan provides a link between the strategic direction set out in A Plan for Growing Sydney and the detailed planning controls for local areas.

The priorities identified for the subregion are:

- A Competitive Economy
- Accelerate Housing Supply, Choice And Affordability And Build Great Places To Live
- Protect The Natural Environment And Promote Its Sustainability And Resilience



The planning proposal is consistent with the subregional plan which further identifies that new housing, employment and urban renewal should occur around established and new centres.

### **Draft South West District Plan (2016)**

The Sustainable Sydney priority listed in the Draft South West District Plan is a relevant consideration for this proposal as follows:

#### **Enhancing the South West District in its landscape**

##### *Protecting the natural beauty of District's visual landscape*

The proposal seeks to protect the rural outlook on areas of the site in which the visual impact of residential development will be greatest by ensuring a minimum lot size of no less than 4000m<sup>2</sup>

##### *Improve protection of ridgelines and scenic areas*

Should the proposal proceed, a visual impact assessment will need to be undertaken which may identify a suitable area for building in visually prominent areas. Additionally site specific development controls will be required to address the scenic values of the site.

#### **A city in its landscape. An efficient city. A resilient city - Managing the Metropolitan Rural Area**

##### *Discourage urban development in the Metropolitan Rural Area*

The current draft of the Metropolitan Rural Area encompasses much of the Wollondilly Shire. In this regard the proposal is inconsistent with this direction.

##### *Consider environmental, social and economic values when planning in the Metropolitan Rural Area*

This planning proposal acknowledges that there are potential environmental, social and economic impact associated with the future residential development of the site and identifies that specialist studies will need to be carried out to address any potential impact.

##### *Provide for rural residential development while protecting the values of the Metropolitan Rural Area*

The proposal site adjoins rural residential land to the north and east. To minimise the impact of future residential development the site may have on this land a lot size no smaller than 4000m<sup>2</sup> is being proposed.

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

The following local strategies are relevant to this Planning Proposal:

- Growth Management Strategy 2011
- Wollondilly Community Strategic Plan 2033

#### ***Wollondilly Community Strategic Plan 2033***

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

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

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

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

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

#### **CO4 – Engagement and Communication**

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

Preliminary consultation with the community has been undertaken and the submissions were considered in a report to Council, which has been provided in Appendix E. If the planning proposal is supported by a Gateway Determination, further consultation with the community and other stakeholders will be undertaken during the formal public exhibition.

#### **EN2 – Growth Management**

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

Rezoning land for residential development located within walking distance of Thirlmere shopping area and adjacent to existing residential land facilitates growth in a sustainable manner.

#### **EN3 – Development Assessment**

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

There is considered to be strategic planning merit in rezoning the subject site for residential purposes. If the Planning Proposal progresses the Gateway process will involve the preparation of specialist studies to inform and determine the suitability of the land for residential development.

#### **Growth Management Strategy 2011 (GMS)**

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

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

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

A copy of the [Growth Management Strategy](http://www.wollondilly.nsw.gov.au/planning-wollondillycd/strategic-planning-wollondilly/1161026-wollondilly-growth-management-strategy-gms)<sup>1</sup> is available on the Council's website.

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

All Planning Proposals relating to Wollondilly are assessed against the Key Policy Directions of the GMS. Overall, the Planning Proposal is considered to be consistent with the Key Policy Directions. A table detailing the assessment of the proposal in accordance with the key directions is provided in Appendix C.

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<sup>1</sup> <http://www.wollondilly.nsw.gov.au/planning-wollondillycd/strategic-planning-wollondilly/1161026-wollondilly-growth-management-strategy-gms>

The GMS also contains a series of structure plans (maps) to identify possible growth locations within Wollondilly. The site has been identified in the Wollondilly Growth Management Strategy (GMS) as a potential residential growth area, specifically “PTT Future Urban Investigation Area” in the Tahmoor & Thirlmere Structure Plan.

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

A preliminary assessment of the Planning Proposal’s consistency with all State Environmental Planning Policies (SEPP’s) is provided in Appendix A.

Consideration of SEPP’s will be undertaken in conjunction with the detailed site investigations and the preparation of specialist studies required prior to public exhibition.

At this stage it is considered that additional information will be required to ensure the proposals consistency with the following SEPPs:

- SEPP No. 44 - Koala Habitat Protection
- SEPP No. 55 – Remediation of Land
- REP No.20 - Hawkesbury–Nepean River (No 2 - 1997)

Further explanation on consistency with these SEPP’s is provided in Appendix A.

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

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

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- metropolitan planning

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

- 1.2 Rural Zones
- 2.1 Environmental Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

A preliminary assessment of the Planning Proposal’s consistency against all s.117 directions is provided in Appendix B.

It is expected that the following specialist studies/ additional information will be required to ensure the proposals consistency with s.117 directions:

- An agricultural impact study
- A preliminary contamination assessment
- Traffic study
- Geotechnical and salinity assessment
- Stormwater management and flood assessment
- Bushfire assessment
- Flora and fauna assessment
- European and Aboriginal Cultural Heritage and Archaeological Assessment

## Section C – Environmental, social and economic impact

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

Due to the previous rural uses, the site is relatively cleared of vegetation. However, Council's mapping identifies pockets of vegetation that may be ecologically significant. To ensure adequate assessment of the value of this vegetation is undertaken, a flora and fauna study will be required if the proposal proceeds.

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

It is likely that any future development arising from the planning proposal may potentially have an effect on:

- Drainage and Stormwater Management
- Effluent Management
- Local Traffic and Transport
- Flora and Fauna
- Scenic Values

And that any potential new residents to the site, may be exposed to unacceptable levels of:

- Land Contamination
- Bushfire Hazard

To establish the significance of these effects and appropriate management the following studies will need to be undertaken:

#### ***Drainage and Stormwater Management***

A drainage and stormwater assessment is required to determine the need for on-site drainage and to identify strategies to address the existing drainage issues with the site.

#### ***On site Effluent Disposal Study***

Sydney Water has indicated that there is no capacity to connect the site to existing sewerage services. A wastewater management study will be required to support the proposal. Optimally, all lots should be 4000m<sup>2</sup> or greater to provide sufficient area to enable water quality objectives to be achieved.

#### ***Bushfire Hazard***

The site is identified as partially Bushfire Prone Area on Council's Bush Fire Prone Land Map. A Bushfire Prone Area is an area that can support a bushfire or is likely to be subject to bushfire attack.

A bushfire assessment will be required to consider the proposed land use zones in relation to bush fire protection and also consider the requirements of Ministerial Direction 4.4 – Planning for Bushfire Protection.

#### ***Local Traffic and Transport***

Local traffic, road safety and the impact on the wider traffic network has been raised as an issue during the preliminary consultation period with the community and also by Council's internal staff. Although the planning proposal has been revised from what was originally canvassed in to the community and an R5 zone will result in a much lower number of future lots, a traffic assessment is still required to ensure access to the subject site, road safety and any impact on the wider transport network is considered.

#### ***Scenic Values***

A visual impact assessment will be required to ensure any future residential development of the site will not negatively impact on the scenic values of the site.

#### ***Land Contamination***

The site has previously been used for rural purposes which may have led to contamination of the soil. To establish if this is the case, a preliminary assessment of contamination is required.

This assessment will need to be undertaken in accordance with SEPP No.55 – Remediation of Land.

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

Based on a preliminary assessment the potential social and economic effects to consider should the planning proposal include:

#### **1. Social Impacts**

Further consideration of the social impact of rezoning the land will be required. This should consider any impact or increased demand the future residential development may have on social infrastructure in the village including the capacity of the local school, local community facilities and impact on public transport.

#### **2. Any Impact on Aboriginal Heritage**

The land on which the proposal is situated has been disturbed by past rural land uses and so guidance will be sought from the Office of Environment and Heritage in regard to whether a formal Aboriginal Cultural Heritage and archaeological assessment will be required.

## **Section D – State and Commonwealth interests**

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

Preliminary assessment indicates that additional road, water and electrical infrastructure and/or upgrades need to be considered. Therefore if the planning proposal progresses further investigation will be required to establish whether adequate infrastructure exists. Sydney Water has already indicated that there is no capacity in the existing system to connect the site to existing wastewater infrastructure.

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

#### **Sydney Water**

##### **Water**

The proposed development is within the Thirlmere supply system (reduced zone) and the existing system has sufficient capacity to service the proposed development.

##### **Wastewater**

- There is insufficient capacity available at the Picton Water Recycling Plant for the proposed development.
- Sydney Water is in the process of amplifying treatment capacity at the Picton plant to 4.0 ML/day and this treatment capability is expected to be effective from mid-2017.
- Sydney Water is committed to servicing land rezoned within the Picton Tahmoor Thirlmere (PTT) Urban Land precincts. As this proposed development is located outside and to the north of the East Thirlmere PTT area, this site would not have access to the wastewater network in the short-term.
- Sydney Water would not be satisfied that essential wastewater infrastructure is in place for development consent to be granted under Clause 6.2 of the Wollondilly Local Environmental Plan should the rezoning proceed in advance of appropriate servicing options.
- We anticipate that the development and implementation of a long-term effluent management strategy for Picton will take time and depending on the complexity, approvals and infrastructure requirements, a preferred strategy is likely to be operational in the next three to five years. In the interim, Sydney Water is consulting with the Environment Protection Authority on the best approach to manage excess recycled wastewater.
- Sydney Water is also presently investigating the options to manage surplus recycled wastewater due to increased flows to the plant and has formed a community reference group (CRG) to help identify the best ways to use the additional water from future population growth.

### **Further Consultation with Public Agencies**

Following a Gateway determination, specific advice and feedback will be sought from public agencies.

## Part 4 – Mapping

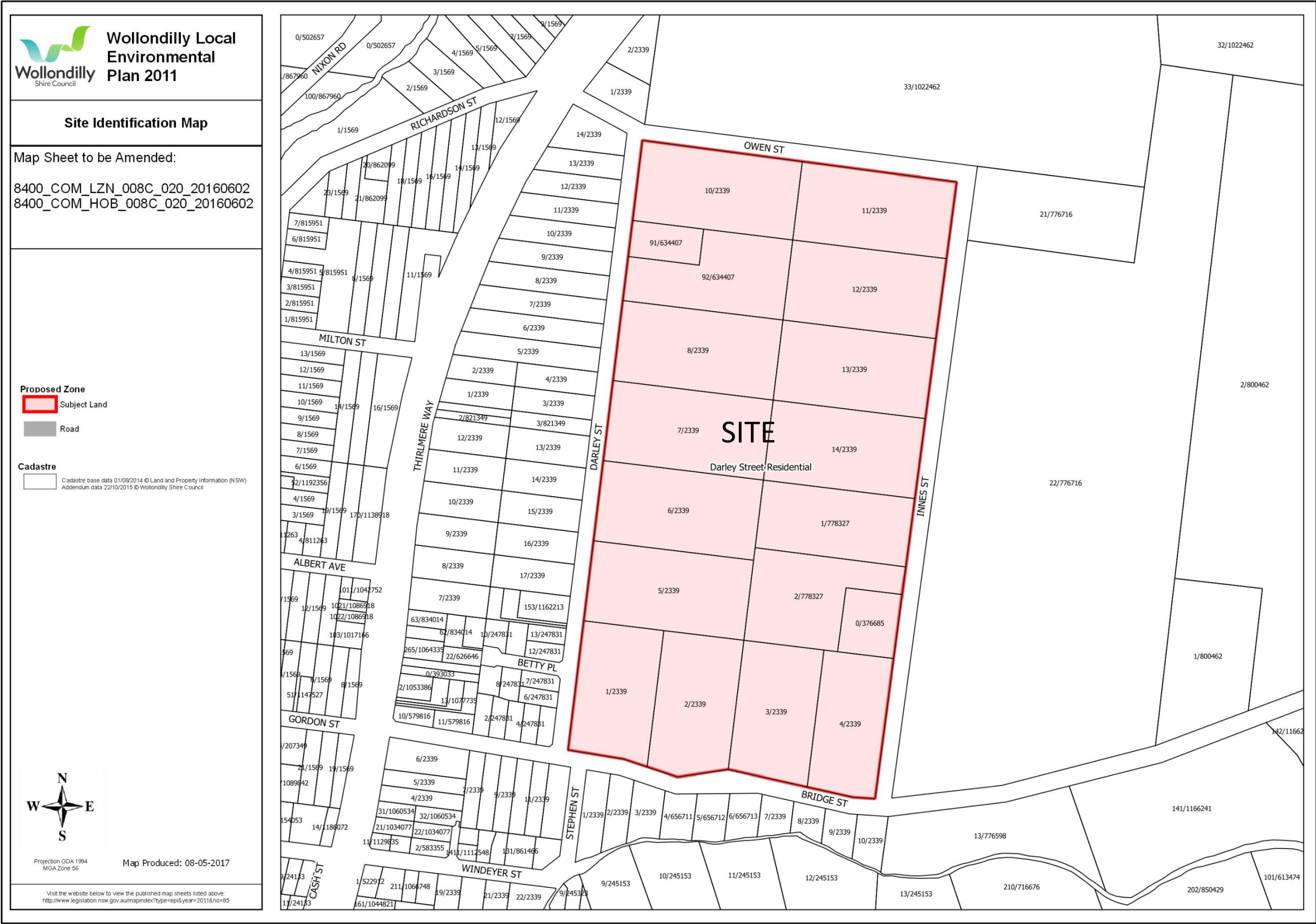
**Map 1 – Site Identification (SIM)**

**Map 2 – New Land Zoning (LZN)**

**Map 3 – New Height of Buildings (HOB)**

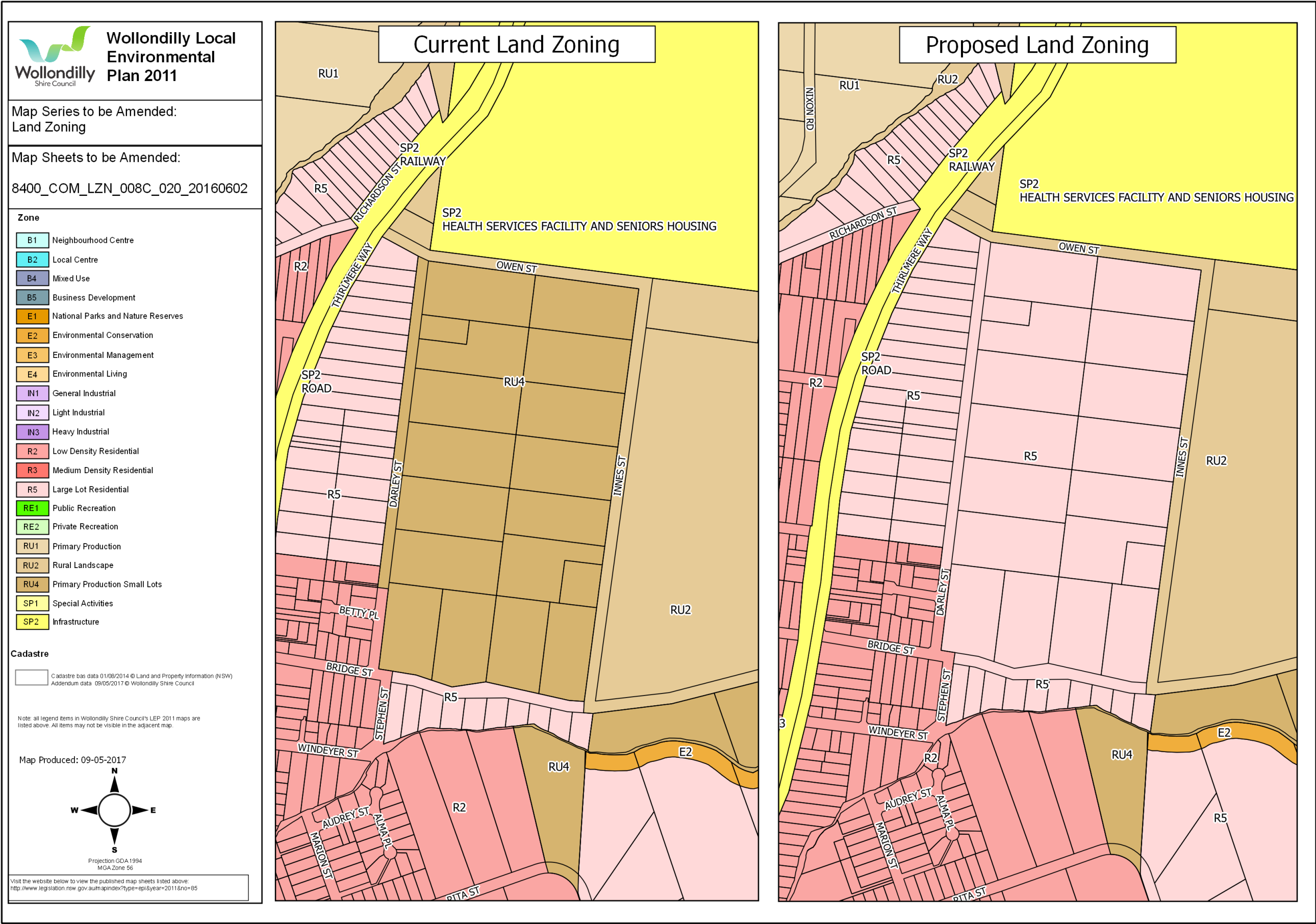


Map 1 – Site Identification (SIM)

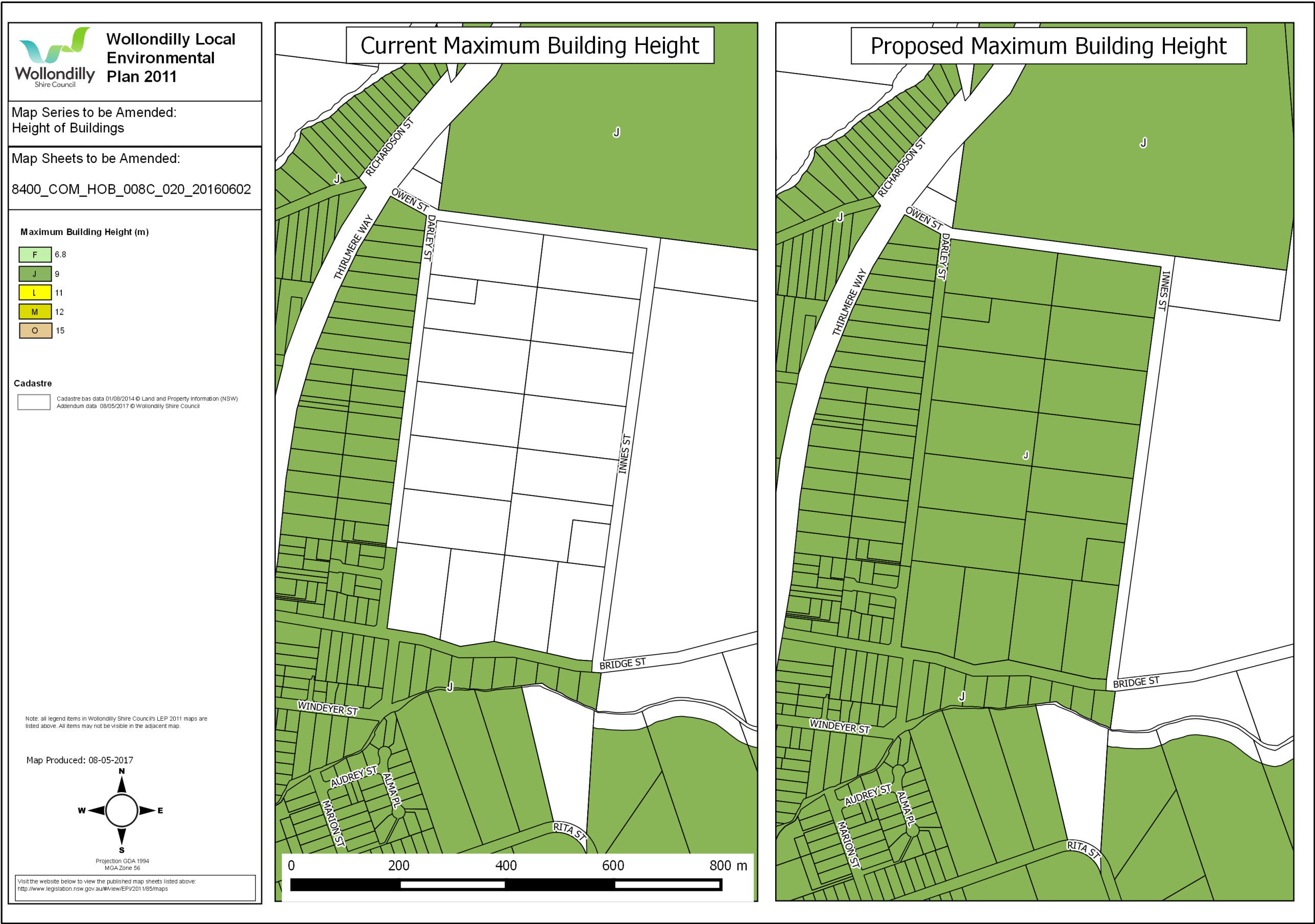




Map 2 – New Land Zoning (LZN)



Map 3 – New Height of Buildings (HOB)



## Part 5 – Community Consultation

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

The table below provides a summary of what community consultation opportunities will be available as part of the consideration of the Planning proposal.

What will happen?	When will it happen?	Has it happened yet?	What was the outcome?
<b>Pre-Gateway Consultation</b> In accordance with Council's notification policy the draft Planning Proposal will be made available on Council's website and notified to adjoining land owners and occupants.	When a draft Planning Proposal is lodged with the Council a period of preliminary community consultation (Pre-Gateway Consultation) is undertaken prior to Council considering whether to support the Planning Proposal.	Yes  October - November 2016	Nineteen (19) community submissions were received.  In addition, one (1) submission was received from a Public Agency.  Further details are provided in the Pre-Gateway Consultation section below.
<b>Public Exhibition</b> Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&A Act 1979 as follows: <ul style="list-style-type: none"> <li>▪ The Planning Proposal will be made publicly available for <b>28 days</b>; and</li> <li>▪ The Planning Proposal will be placed on <b>Public Exhibition</b></li> </ul>	After a Gateway Determination has been issued and specialist studies have been prepared.	No	NA

### Feedback from Pre-Gateway Consultation

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

The preliminary consultation on the draft Planning proposal submitted to Council was undertaken over a four (4) week period from 5 October 2016 to 2 November 2016.

During the pre-gateway consultation nineteen (19) community submissions were received. Of these seven (7) objected and twelve (12) were supportive of the proposal. In addition, one (1) submission was received from a Public Agency (Sydney Water).

In the lead up to the proposal being reported, several other submissions were received from two land owners and have been considered.

The feedback in the submissions related to the following aspects of the proposed changes to the WLEP 2011:

- Positive benefit to local business
- The loss of rural living and community character
- Query the need for the development
- Rezoning the land will result in an increase in rates
- Property owners are only seeking to make a profit
- The proposal will see the better use of rural land
- There is a need for growth in the area.
- Positive effect on tourism
- Positive benefit to Council due to an increase rates revenue
- Need to consider lot size and design
- The proposed height of buildings is not reflective of low density
- Issue with storm water and drainage
- Adjoining properties are unsewered.
- Not all land owners are in support of the proposal
- Positive benefit to the community
- Concern with urban sprawl and the loss of the separate identity of the village.
- Impact on roads and traffic
- Lack of supporting infrastructure
- The impact on the environment

A summary of the concerns along with Council's assessment of these has been included within the report to Council provided in Appendix D.

### **Public Exhibition**

If a Gateway Determination is issued, the community will be provided with a further opportunity to provide comment on the proposed changes to the WLEP 2011 during the Public Exhibition period.

The requirement for this consultation is determined in sections 56(2)(c) and 57 of the EP&A Act (1979). The minimum requirements for consultation are further defined in section 4.5 of *A Guide to Preparing Local Environmental Plans* (NSW Department of Planning and Infrastructure, 2013).

## Part 6 – Project Timeline

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

<i>Project detail</i>	<i>Timeframe</i>	<i>Timeline</i>
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&E	July 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	July 2017 – September 2017
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	4 month period	January 2018
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	Feb 2018 – March 2018
Dates for public hearing (if required)	Unlikely to be required	N/A
Timeframe for consideration of submissions	1 month	April 2018
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	July 2018
Date of submission to the Department to finalise the Draft LEP amendment	N/A	N/A
Anticipated date RPA will make the plan if delegated (including 6 week period for finalisation)	2 months	September 2018
Anticipated date RPA will forward to the Department for notification	1 month	October 2018

# Appendices

## **A. Compliance with SEPPs**

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

## **B. Assessment against Section 117(2) Directions**

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

## **C. Assessment against Wollondilly GMS**

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

## **D. Preliminary Consultation**

A summary of the concerns during preliminary consultation with Council's assessment

## **E. Council's Report and Minutes**





# Appendix A

## Compliance with SEPPs

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

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No. 1 - Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
SEPP No. 14 - Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 15 - Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 19 - Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 21 - Caravan Parks	Yes	The Planning Proposal does not change the current provisions of the LEP in relation to caravan parks.
SEPP No. 26 - Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 29 - Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 30 - Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
SEPP No. 33 - Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
SEPP No. 36 - Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 39 - Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 44 - Koala Habitat Protection	Likely	Further consideration is required if a Gateway Determination is issued. However, it is unlikely that the subject site contains core koala habitat.
SEPP No. 47 - Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 50 - Canal Estates	N/A	Not applicable to this Planning Proposal.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 55 - Remediation of Land	Potential to be	A contamination assessment is required if the proposal progresses.
SEPP No. 59 - Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 62 - Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 64 - Advertising and Signage	N/A	Not applicable to this Planning Proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	N/A	Not applicable to this Planning Proposal.

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No. 70 - Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 71 - Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or hinder the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal does not contain provisions that will contradict or hinder a future application for SEPP (HSPD) housing.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
SEPP (Miscellaneous Consent Provisions) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable to this Planning Proposal
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions that will contradict or hinder the application of this SEPP.
SEPP (Penrith Lakes Scheme) 1989	N/A	Not applicable to this Planning Proposal.
SEPP (State & Regional Development) 2011	N/A	Not applicable to this Planning Proposal.
SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Infrastructure) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Rural Lands) 2008	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal will not contain provisions that will contradict or hinder the application of the SEPP at future stages, post rezoning.
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable to this Planning Proposal.
SEPP (Urban Renewal) 2011	N/A	Not applicable to this Planning Proposal.
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Three Ports) 2013	N/A	Not applicable in the Shire of Wollondilly.
State Environmental Planning Policy (Integration and Repeals) 2016	N/A	Not applicable to this Planning Proposal
<b>Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)</b>	<b>Consistency</b>	<b>Comments</b>

State Environmental Planning Policies (SEPPs)	Consistency	Comments
REP No.2 – Georges River Catchment	N/A	Not applicable to this Planning Proposal.
REP No.9 - Extractive Industry (No 2)	N/A	Not applicable to this Planning Proposal.
REP No.20 - Hawkesbury–Nepean River (No 2 - 1997)	Potential to be	Further consideration is required if a Gateway Determination is issued.

# Appendix B

## Assessment against Section 117(2) Directions

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

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
<b>1. Employment and Resources</b>			
1.1 Business and industrial Zones	No	N/A	N/A
1.2 Rural Zones	Yes	Likely	Further investigation is required to establish that the planning proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A
1.4 Oyster Production	No	N/A	Direction does not apply.
1.5 Rural Lands	No	N/A	Not applicable in the Shire of Wollondilly.
<b>2. Environment and Heritage</b>			
2.1 Environmental Protection Zones	Yes	Likely	Further investigation is required to establish that the planning proposal is consistent with this direction
2.2 Coastal Protection	No	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Likely	Further investigation is required to establish that the planning proposal is consistent with this direction
2.4 Recreation Vehicle Area	No	No	Direction does not apply.
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction
3.2 Caravan Parks and Manufactured Home Estates	No	No	Direction does not apply.
3.3 Home Occupations	Yes	Yes	The R5 Large Lot Residential permit "Home occupations" without consent.
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal seeks to rezone land adjoining the existing residential development. The site is located within walking distance of the village centre.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
<b>4. Hazard and Risk</b>			
4.1 Acid Sulphate Soils	No	N/A	Land in Wollondilly is not shown as having a probability of containing acid sulphate soils as shown on the Acid Sulfate Soils Planning Maps. Direction does not apply
4.2 Mine Subsidence and Unstable Land	No	N/A	The site is not located within a mine subsidence district.
4.3 Flood Prone Land	No	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	Potential to be	A portion of the site has been identified as being Bush Fire Prone. Further investigation is required to establish that the planning proposal is consistent with this direction.
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	No	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	No	N/A	The site is not located within the Sydney Drinking Water Catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Not applicable in the Shire of Wollondilly.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Not applicable in the Shire of Wollondilly.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	Revoked.
5.6 Sydney to Canberra Corridor	No	N/A	Revoked.
5.7 Central Coast	No	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Direction does not apply
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	No	N/A	Direction does not apply.
6.3 Site Specific Provisions	No	N/A	Direction does not apply.
<b>7. Metropolitan Planning</b>			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent – Seeks to increase housing supply at a local scale in a location which is consistent with the locational commentary of the Plan.

# Appendix C

## Assessment against Wollondilly GMS

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

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

Key Policy Direction	Comment
<b>General Policies</b>	
<b>P1</b> 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.	This Planning Proposal is generally considered to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS.  Further information is required to establish the Planning Proposal's suitability against key policy directions P9, P10 and P21
<b>P2</b> All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	This Planning Proposal is consistent with the concept and vision of 'Rural Living' as it proposes additional housing in close proximity to an existing town and not in an isolated rural location..
<b>P3</b> All Council decisions on land use proposals shall consider the outcomes of community engagement.	A total of nineteen (19) submissions were received during the initial consultation objecting to the proposed proposal.  The outcomes of this consultation have been considered and are discussed in Section 2.3 of this report.
<b>P4</b> The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	Several submissions have been received raising concerns that the proposal will lead to an increase in rates for existing property owners that do not want to sell and for properties adjacent to the site.  Submissions were also received raising a concern that the land owners are only interested in making a profit on their land and not the impact the proposal will have on the community.  These issues are not considered to be a relevant planning consideration on the proposals suitability.
<b>P5</b> Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The Structure Plan for Thirlmere, which forms part of the GMS 2011, identifies the site as PTT Future Urban Investigation Area.  The growth potential of the site is limited by the physical constraint of the steep undulating land to the eastern side of the site.  Further investigation is required to establish the land capability of the site for development in terms of this constraint.  This proposal seeks to apply an R5 zone and a lot size of no less than 4000m <sup>2</sup> for the portion of the site fronting Innes and Owen Street due to physical constraints of the site.
<b>Housing Policies</b>	
<b>P6</b> Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	Council plans for the adequate housing supply through the Growth Management Strategy (GMS). The GMS has identified the site for potential residential growth and so the proposal is in keeping with Council policy.

Key Policy Direction	Comment
<b>P8</b> Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The planning proposal proposes larger rural residential style lots in keeping with its location on the periphery of the Thirlmere urban area.
<b>P9</b> Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The planning proposal seeks a moderate expansion to Thirlmere through the extension to the existing residential area with a R5 Large Lot Residential land use zone.
<b>P10</b> Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The planning proposal proposes growth immediately adjacent to existing residential areas to the West and South.
<b>Macarthur South Policies</b>	
<b>P11</b> Council does not support major urban release within the Macarthur South area at this stage.	Key Policy Direction P11 is not applicable to this proposal as the site is not located within the Macarthur South region.
<b>P12</b> Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.	Key Policy Direction P12 is not applicable to this proposal as the site is not located within the Macarthur South region.
<b>P13</b> Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	Key Policy Direction P13 is not applicable to this proposal as the site is not located within the Macarthur South region.
<b>P14</b> Council will consider proposals for employment land developments in Macarthur South provided they: <ul style="list-style-type: none"> <li>▪ Are environmentally acceptable;</li> <li>▪ Can provide significant local and/or subregional employment benefits;</li> <li>▪ Do not potentially compromise the future orderly master planning of the Macarthur South area;</li> <li>▪ Provide for the timely delivery of necessary infrastructure;</li> <li>▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas;</li> <li>▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).</li> </ul>	Key Policy Direction P14 is not applicable to this proposal as the site is not located within the Macarthur South region.



Key Policy Direction	Comment
<b>Employment Policies</b>	
<b>P15</b> Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	<p>The Planning Proposal, in its current form does not propose any employment lands.</p> <p>The additional population may support the economic viability of local businesses however this must be balanced against the potential impact on the viability of rural uses in proximity to the locality.</p>
<b>P16</b> Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The Planning Proposal, in its current form does not propose any employment lands.
<b>Integrating Growth and Infrastructure</b>	
<b>P17</b> Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	<p>The site adjoins the existing residential area at Thirlmere which will minimise the need for lengthy infrastructure connections.</p> <p>However, if the proposal progresses further consideration will be necessary to ensure the adequate infrastructure is or can be made available to service residential development on the site.</p> <p>It is noted that if the site was rezoned, development approval for residential subdivision would require development contributions towards the provision of new and/or augmented facilities to meet the additional demand for public facilities and services provided by Council.</p> <p>The proposal in its current form, is also likely to be significant enough to be designated as an Urban Release Area and necessitate State Infrastructure Contributions</p>
<b>P18</b> Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The Planning Proposal is consistent with this key policy direction as the subject site is located in proximity to the Thirlmere existing residential area and is close to the town centre.
<b>P19</b> Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The Planning Proposal is consistent with this key policy direction as the subject site adjoins the existing residential area associated with Thirlmere.
<b>P20</b> The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The site is located within a key growth centre and has been identified as a PTT Future Urban Investigation Area.
<b>Rural and Resource Lands</b>	
<b>P21</b> 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.	<p>The site adjoins rural land uses and so there is potential for future land use conflict.</p> <p>Further studies will be required to consider the potential impacts associated with bushfire prone land, flora and fauna, aboriginal heritage, European rural landscapes and loss of agricultural land.</p>

Key Policy Direction	Comment
<p><b>P22</b> 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.</p>	<p>The subject site is not located in a dispersed rural area and directly adjoins the existing residential area of Thirlmere</p>

# Appendix D

## Preliminary Consultation

A summary of the concerns raised during consultation along with Council's assessment

Issue Raised	Assessment Comment
<b>Positive benefit to local business</b> <ul style="list-style-type: none"> <li>Proposal will support local business</li> <li>Will attract a variety of new residents with various skills and knowledge</li> <li>This will attract new business and benefit existing businesses in Thirlmere and surrounding towns</li> </ul>	<p>The proposal has the potential to benefit local businesses from additional population, however, this must be balanced against the potential for economic loss and impact on existing rural uses within the RU4 zone onsite and nearby.</p>
<b>Loss of rural living and community character</b> <ul style="list-style-type: none"> <li>The proposal will impact on rural living, loss of peace and quiet, loss of open space"</li> <li>There is a strong community attitude here which I think goes with the rural surroundings. People are more open and friendly here than they are in Sydney where people live too close to each other and so become very defensive of their privacy and anyone who disturbs it. By allowing more suburban subdivision in the area, you will not just change the people in this area but also the character of it"</li> <li>Pressure from the State Government and developers to turn this area into another Campbelltown</li> <li>I have admired the 'Rural Living' resolve of Wollondilly Council for some time and hope it is followed in this matter by rejecting the proposal.</li> <li>Our area is not designed for such an increase in a Rural Living area.</li> <li>RURAL LIVING- not in line with RURAL LIVING AND ROOM TO MOVE.</li> </ul>	<p>This site has been identified in the Wollondilly GMS as a potential future residential area. The proposal seeks to apply an R5 Large Lot Residential across the site with a larger lot size for land fronting Innes and Owen. This will help to retain the rural outlook of the properties in this location.</p>
<b>Need for development</b> <ul style="list-style-type: none"> <li>Development is not needed in this area as there are a number of new estates in the Shire</li> </ul>	<p>Land within the site has been identified in the current GMS for future urban investigation.</p> <p>An assessment of the proposal against the GMS and housing targets is provided in section 1.3 and 2.8 of this report.</p>
<b>Increase in Rates</b> <ul style="list-style-type: none"> <li>Property owners who don't want to sell will be forced to pay higher rates under a new zone to remain living there while losing the rural aspect of their home.</li> <li>The proposal will lead to a pre-mature increase in land values beyond that in the rest of the area which would inevitably lead to a land rate rise.</li> </ul>	<p>Effects on rates and land values both positive and negative are not relevant planning considerations.</p> <p>Rates are calculated on the unimproved valuation provided to Council by the NSW Valuer General for rating purposes. A rezoning may result in the Valuer General reassessing the rateable valuation. If the Valuer General deems that the land value has increased this would usually also result in an increase to rates payable.</p> <p>In certain circumstances there is provision under the Local Government Act 1993 to postpone some of the rates.</p>
<b>Property owners are seeking to make a profit</b> <ul style="list-style-type: none"> <li>Property owners are just interested in selling and making a profit.</li> <li>Development would not be progress, just change</li> </ul>	<p>The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>

Issue Raised	Assessment Comment
<p>for the financial benefit of the parties concerned to the detriment of the environment and those left behind who would have to put up with the consequences such increased density.</p>	
<p><b>Better use of rural land</b></p> <ul style="list-style-type: none"> <li>The proposal makes better use of land that is not being used for its current zoning</li> </ul>	<p>As envisioned by the RU4 zone, there is a mix of rural and residential land uses across the site e.g. for hobby farming. The objective of the RU4 zone is not just to provide land for primary industry and is also used to limit density and create separation between urban areas. The current use of the site fulfils the purpose of the RU4 zone.</p>
<p><b>The Need for Growth</b></p> <ul style="list-style-type: none"> <li>The proposal has been in Council's strategic plan for a number of years.</li> <li>The proposal is a natural progression for the area</li> <li>Area needs a growing population of young, as well as older residents in order to avoid economic stagnation and generate growth and prosperity in the district.</li> </ul>	<p>The site is identified for future investigation in the Wollondilly Growth Management Strategy.</p>
<p><b>Effects on Tourism</b></p> <ul style="list-style-type: none"> <li>Proposal will support tourism</li> <li>Thirlmere is a wonderful place to live, with many tourism areas – Thirlmere lakes. People won't come to see houses.</li> <li>The opportunity for Wollondilly to have a separate identity as a recreation destination servicing SW Sydney will be lost.</li> </ul>	<p>Aside from Bed and Breakfast type accommodation, there are limited tourist uses permissible in residential zones. In general there is no evidence to suggest that a residential rezoning will support tourism to the Shire.</p> <p>The draft Planning Proposal identifies land close to existing residential areas and will have no immediate impact on Thirlmere Lakes or other recreation areas across the Shire.</p> <p>The impact of additional houses into the Shire and the protection of our natural areas is addressed through policies contained in Councils GMS</p>
<p><b>Benefit to Council</b></p> <ul style="list-style-type: none"> <li>Provide rates revenue and S94 contributions for the benefit of the community and enhance the already attractive township of Thirlmere</li> </ul>	<p>If supported, the proposed rezoning of the land will increase the number of houses in this location for which Council rates will apply. Conversely; new residents will also generate an increase in service demand requiring additional Council resources, If the proposal proceeds developer contributions will be required to provide for the additional demand the development will have on existing infrastructure and new infrastructure.</p>
<p><b>Lot size and design</b></p> <ul style="list-style-type: none"> <li>It would make more sense to divide the 5 acre lots into 1 acre lots and so have a more logical progression of property sizes as distance is increased from the Thirlmere township</li> <li>Block sizes are too small for example 700 square metres for this area but have no issue with the larger block of over two hectares.</li> <li>Small blocks will stop the movement of our Native species which use these areas as a Wildlife Corridor around Thirlmere.</li> <li>A large variety of lot sizes would open up good design possibilities. A number of smaller lots could compensate existing owners to encourage</li> </ul>	<p>If the proposal proceeds, site specific development controls will be prepared for this site and presented to Council at a later date. These will take lot design into account.</p> <p>This report recommends deferring a minimum lot size for areas across the site that are constrained by vegetation and slope to allow for specialist studies to be prepared.</p> <p>Where possible mature trees should be retained to provide connectivity for native fauna movement.</p>

Issue Raised	Assessment Comment
<p>their support for provision of significant public reserves and recreation area linked to all lots and looked after by owners in a body corporate arrangement.</p> <ul style="list-style-type: none"> <li>Blocks should have a design that incorporates the best town planning practices enhancing its North facing aspect. Innovative solutions will be necessary to ensure the topography and watercourse are given consideration</li> </ul>	
<p><b>Height of Buildings-</b></p> <ul style="list-style-type: none"> <li>9m is not representative of low density.</li> </ul>	<p>A maximum building height of 9m is standard across most residential zoned areas within the Shire and is considered appropriate.</p> <p>A maximum building height of 9m allows for two – storey houses and allows some flexibility for varying ground levels and roof design.</p>
<p><b>Storm Water and Drainage</b></p> <ul style="list-style-type: none"> <li>There is not enough land to absorb the water. Too many estates have been approved that channel storm water into an inadequate creek system creating floods in Picton.</li> <li>Stormwater runoff from the proposed area I will increase to 75 to 80% runoff in to the creek system. Lot sizes should be at least 2000sqm. This will keep in line with Wollondilly Shire's own slogan of RURAL LIVING</li> </ul>	<p>Stormwater designed and management will be assessed and if necessary a planning agreement will be entered into to ensure adequate drainage is provided.</p>
<p><b>Sewer-</b></p> <ul style="list-style-type: none"> <li>The proposed area is in the middle of an unsewered area\ properties in and around the proposed area were all excluded from connecting to the sewer system. If approved the proposal will put approximately 450 dwellings in middle of this.</li> <li>The surrounding properties owners who are all on a septic tank or pump out system would be duly offended if the new area was sewerred.</li> </ul>	<p>The planning proposal is an amended form to that which was canvassed to the community. A R5 zone is now being proposed which will result in a smaller number of lots from which was originally proposed.</p> <p>Sydney Water has indicated that there is no capacity to connect the site to sewer and accordingly this report recommends an R5 zone be applied and that a minimum lot size be determined following the outcome of a effluent disposal study.</p>
<p><b>Not all land owners support the proposal</b></p> <ul style="list-style-type: none"> <li>At least three land owners are not in favour and/or have reconsidered the proposal and have withdrawn from the scheme. That means there would need to be major modifications made to the proposed development to by-pass the blocks not sold, so much so that the proposed development may not be feasible</li> </ul>	<p>The statutory process of a planning proposal does not require the consent of land owners for which the proposal relates.</p> <p>In addition to this, if the proposal proceeds, there is no legal requirement for owners to sell their land. An overall concept plan may be requested to ensure design principles are able to be applied. These provisions would be included in Council's Development Control Plan (DCP) 2016.</p>
<p><b>Benefit to the Community</b></p> <ul style="list-style-type: none"> <li>Approval of the proposal would enhance the opportunity for more young families to settle here &amp; help to increase the work productivity in the Wollondilly Shire.</li> <li>Proposal will increase local jobs</li> <li>These developments do not bring more jobs, all the work on these developments are by construction companies from Sydney, Penrith and Wollongong.</li> </ul>	<p>The future development of this site will create more construction related jobs in the short term however; developers are not obligated to use local contractors.</p> <p>The future development of the site may also promote the opportunity for home businesses.</p>
<p><b>Urban sprawl and loss of separate town and village</b></p>	<p>All planning proposals are assessed using the criteria in</p>

Issue Raised	Assessment Comment
<b>Identities</b> <ul style="list-style-type: none"> <li>The multitude of subdivisions already underway or at different stages of approval will mean the removal of the separate identities of Picton, Thirlmere and Tahmoor.</li> </ul>	<p>Council's Growth Management Strategy to ensure the separate villages are retained.</p> <p>The site adjoins Thirlmere urban area and if rezoned would still be separated visually from towns by rural land and hills and physically by train lines, creeks and hills.</p>
<b>Impact on roads and traffic</b> <ul style="list-style-type: none"> <li>Traffic Roads will not cope with additional traffic Darley Street, Innes Street will have to be widened. Owen Street will have to be formed and widened.</li> <li>Traffic from all the developments have to turn onto Thirlmere Way or Bridge Street, then the old Hume Highway at Picton. When the Victoria Bridge is closed for maintenance (once a year) Picton will be in gridlock.</li> <li>A very heavy increase in Thirlmere is having a detrimental effect on our roads and infrastructure.</li> <li>An extra 900 vehicles will enter Bridge Street which is already a very busy thoroughfare from Thirlmere to Picton</li> </ul>	<p>Upgrades to roads and intersections as well as additional infrastructure will need to be negotiated if the proposal proceeds.</p> <p>Council is undertaking a traffic study for the Picton Town Centre.</p> <p>If the proposal was to proceed a traffic study for the site will be required to identify the impact of additional traffic onto Bridge Street and the wider road network.</p>
<b>Lack of supporting infrastructure</b> <ul style="list-style-type: none"> <li>Thirlmere has no public transport</li> <li>No trains and limited bus services</li> <li>Picton Public High School is already overcrowded with no commitment for a second Public high School.</li> <li>Thirlmere Primary school has only room for one more demountable.</li> <li>We believe there is a push by the state government for more housing, but these developments are not flagging that we need more infrastructure to cope with the development.</li> <li>Proposal will require the following infrastructure - <ul style="list-style-type: none"> <li>a pedestrian and cycleway provision and the Picton by pass to alleviate traffic</li> </ul> </li> <li>Suggest council considers a Pedestrian/Cycleway along Bridge Street levy and a Picton by pass levy attached to new development that would use this infrastructure</li> <li>Council engineer and executive previously committed to a pathway along Bridge Street as part of an upgrade in 15 years ago and then did not construct it due to a lack of funds. There is still a need for this cycleway</li> </ul>	<p>The site is within walking distance from the village of Thirlmere. However, public transport is an issue for town. The existing rail line is used for steam trains only and there is no regular train service.</p> <p>Councils adopted Social Planning Strategy indicates that Picton High School is at capacity and many school children must travel long distances outside of the Shire to attend High School. Currently there are no immediate plans by the State Government to provide an additional public high school to the area.</p> <p>If the proposal proceeds consultation with the Department of Education and Training will be undertaken. Council's draft bike plan 2011– identifies Bridge St as a 'future link'</p> <p>However, it is unlikely it will be funded in the short term due to other priorities. Council recently negotiated with Glencore to provide a shared path over the new railway bridge on Bridge Street which will provide a crucial link for a shared pathway in the future. This link has since been constructed.</p>
<b>Impact on the environment</b> <ul style="list-style-type: none"> <li>We are getting a very heavy increase in Thirlmere in Residential Housing which maybe in future planning but is having a detrimental effect on our Wildlife</li> </ul>	<p>If the proposal proceeds a flora and fauna study will be required to identify potential impacts and opportunities to mitigate against negative impact on wildlife.</p>

# Appendix E

## Council's Report and Minutes

*Extract from Agenda's containing the Report and Attachment to Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 18 July 2016 and on Monday 20 March 2017 TRIM 9362 #156 & TRIM 9362 #157*

*Extract from Minutes of the Ordinary Meetings of Wollondilly Shire Council held on Monday 20 March 2017 TRIM 9362 #152*