

Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

West Tahmoor Minimum Lot Size Amendment 2

For the rezoning of land located at 21 & 25 Macquarie Place Tahmoor and an amendment to the minimum lot size of land located at 21 & 25 Macquarie Place and 125 Thirlmere Way Tahmoor.

June 2017

Document Register

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2	05/06/2017	Updated at the request of the Department of Planning and Environment	TRIM 8154-2 #100
Current Version		1	

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Part 1 – Objectives or Intended Outcomes

INTRODUCTION

The planning proposal details changes to the Wollondilly Local Environment Plan 2011 (WLEP 2011) to rezone approximately 1.3 hectares of residential land for environmental conservation purposes and to reduce the minimum lot size of an additional 1.2 hectares of land to allow for smaller lot subdivision. If supported the planning proposal has potential to generate approximately 13 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 meeting held on Monday 20 February Council resolved to support a Planning Proposal on Lots 3- 4 DP 243776 located in West Tahmoor to allow for an environmental conservation zone to part of the site and a smaller minimum lot size of 700m² to another portion of the site.

Due to an oversight the Planning Proposal was further put to Council at its Ordinary Meeting held on Tuesday 18 April 2017 to include a small triangle of land of approximately 300m² that related to an adjoining lot not included in the original resolution. At this meeting Council resolved to include part Lot 2 DP 243776 into the proposal and sought to reduce the minimum lot size of this land to 2000m² in order to maintain consistency with the minimum lot size of surrounding land.

A copy of the Council reports and associated minutes are provided in Appendix E.

SITE AND CONTEXT ANALYSIS

The land to which the Planning Proposal relates was recently subdivided and registered in May 2017. The lots referred to in the planning proposal are now Part Lot 4 DP 243776, Part Lot 37 DP 1215452 and Part Lot 38 DP 1215452.

The site is located within three principle allotments that are in the ownership of two land holders. Figure 1 and 2 below shows the whole lots relating to the proposal location and the part of the lots to which the planning proposal applies.

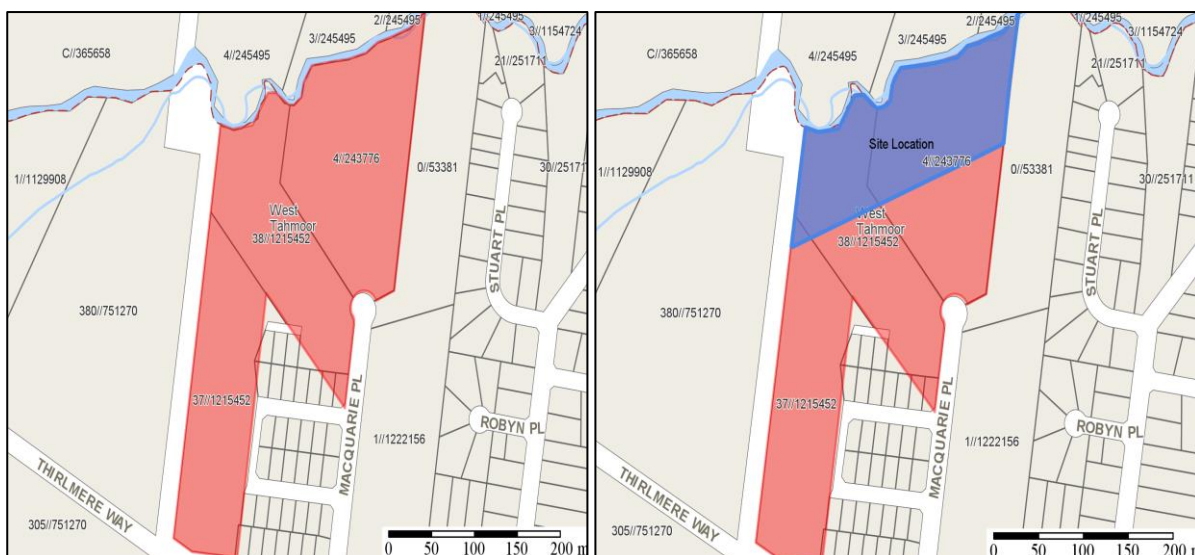


Figure 1 & 2 Site location showing whole lots

Moderate to dense vegetation is situated in many parts of the site, most notably along the western boundary of part Lot 37, the northern boundary of part Lots 38 and 4, and the western and south western boundary of part Lot 4.

The land slopes gently towards the north before progressing to a steeper decline towards the northern boundary which adjoins Myrtle Creek.

The site is zoned R2 Low Density Residential and contains two different minimum lot sizes under WLEP 2011. These include a minimum lot size of 4000 m² for land adjacent to the northern boundary of the site, 2000m² for land adjacent to the western boundary. A map showing the current minimum lot sizes of the site is provided in Figure 4.

Development applications for the subdivision of land have been approved within the part of the site which contains a 450 square metre minimum lot size. These new lots are depicted in Figure 3 below.

Surrounding Lands

The land is located on the periphery of the Tahmoor residential precinct and is bound to the west by an unformed road. To the immediate west of the unformed road is land zoned RE1 Public Recreation that is currently used as an equestrian facility which is managed by the Tahmoor Pony Club. This recreational land provides a buffer between the residential borders of Tahmoor and Thirlmere.

Land to the south is also zoned RE1 Public Recreation and consists of recreational land which is used for sporting fields and netball courts. This land provides a southern buffer between the Tahmoor residential area and rural land.

Lots to the immediate east of the site consist of R2 Low Density Residential zoned land and include an existing retirement village.

A corridor of land on the other side of Myrtle Creek, to the north of the site, is zoned E2 Environmental Conservation and is in private ownership. This land comprises remnants of Shale Sandstone Transition Forest and creates a northern buffer between the residential areas of Tahmoor and Thirlmere.

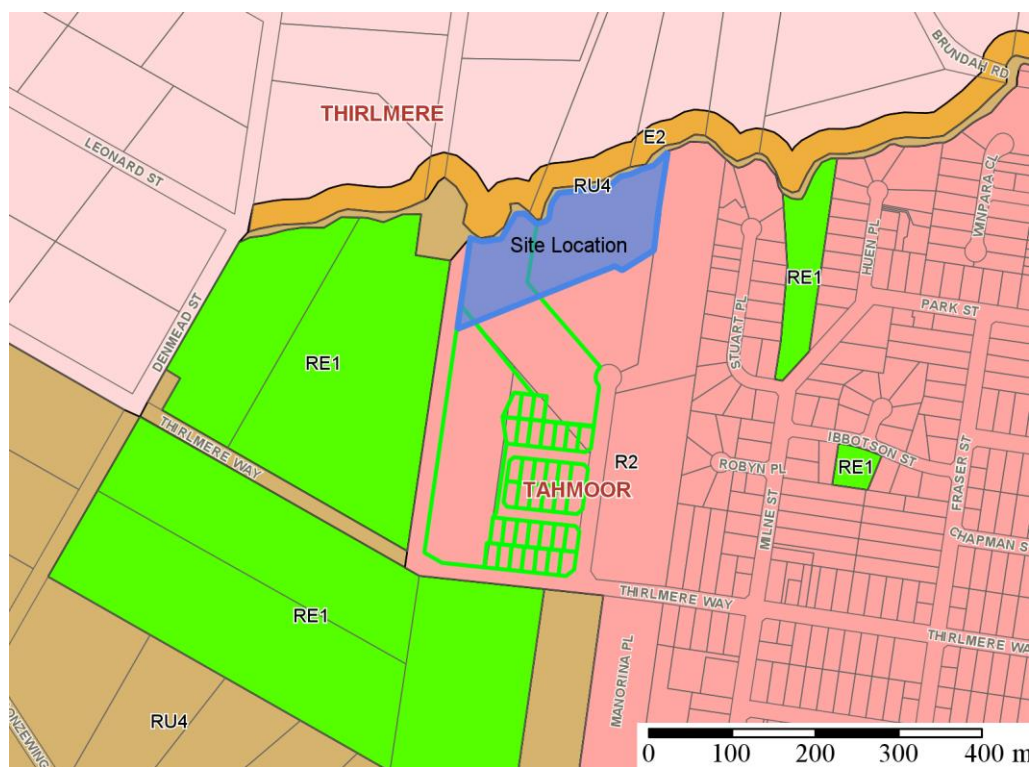


Figure 3 Site location and surrounding land zoning

DETAILS OF INTENDED OUTCOMES

This Planning Proposal seeks to rezone a portion of the site along the northern boundary adjacent to Myrtle Creek from a residential land use zone to an environmental protection zone and to reduce the minimum lot size for subdivision of land outside of this zone excluding that land on the western boundary (and within part Lot 38 & 4) from 4000sqm to 700sqm.

The proposal also seeks to amend the minimum lot size for land located on the Western boundary and within part Lot 38 and very small portion of part Lot 37 from 4000m² to 2000m². A map showing the current minimum lot sizes within the site is shown in Figure 4 below.

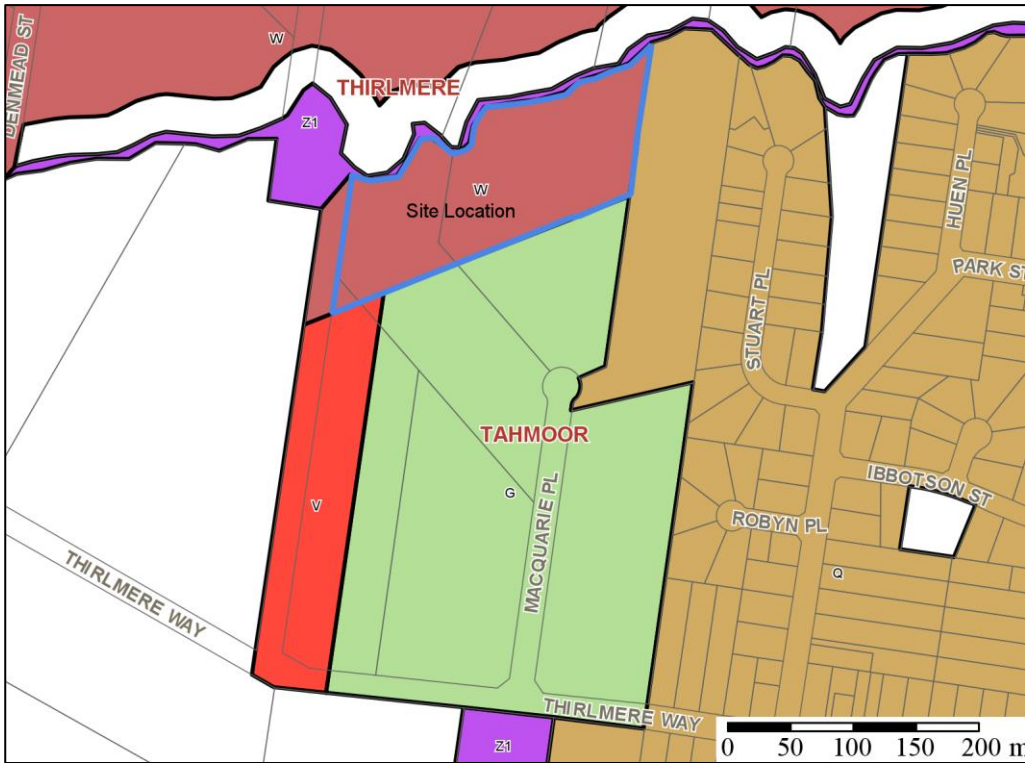


Figure 4 Current Minimum Lot Sizes

The land proposed for the E2 Environmental Conservation land use zone will encompass all “sensitive land” currently identified on the Natural Resources - Water Map (NRW) which form part of the Wollondilly LEP 2011. A copy of the proposed amendment to land zoning map is provided in Part 4.

The current minimum lot size of 4000sqm of this portion of the site would potentially allow for the future development of around 5 lots. Under the proposed amendments the estimated lot yield for this area (outside of the proposed E2 zone) is 13 lots.

The intended outcome of the proposal is to offer greater protection of environmentally sensitive land and to allow a modest increase in allotments in an area already zoned for low density residential development.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Zoning Map** for part of the site from R2 Low Density Residential to E2 Environmental Conservation. These changes are shown in the proposed zoning map shown in Part 4 **Map 2** and
- Amending the LEP 2011 **Lot Size Map** of part of the site to 700m² and another part of the site to 2000m². This is shown in the proposed minimum lot size in Part 4 **Map 3**

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

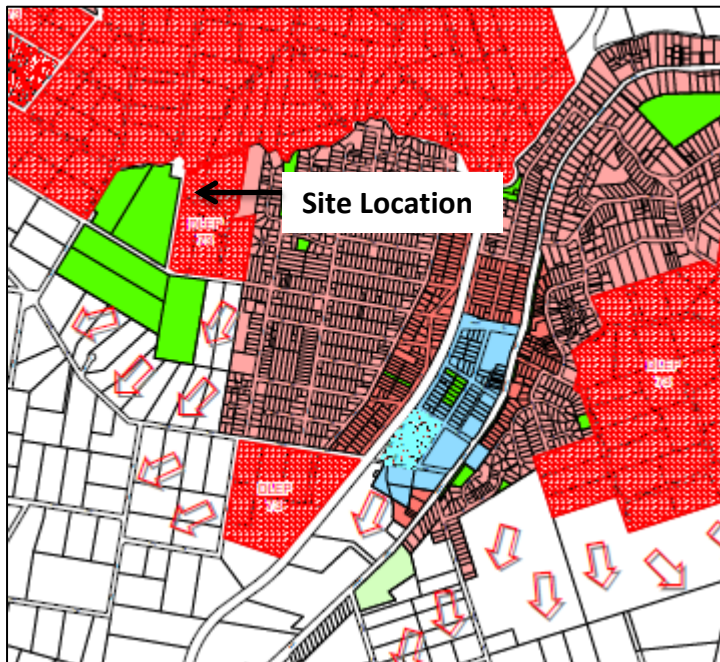
Part 3 – Justification

Section A – Need for the planning proposal

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

The planning proposal is largely consistent with Council's Growth Management Strategy 2011 (GMS) and the land is identified in the Tahmoor Structure Map within the GMS 2011 for residential rezoning. This is shown in Figure 5.

The site forms part of the West Tahmoor Precinct and was part of the Picton Thirlmere Tahmoor New Urban Lands (PTT) Planning Proposal which was gazetted on 31 January 2014 (LEP Amendment No. 3). As a result of this



amendment the site was rezoned from a rural use to low density residential (R2) and the existing minimum lot sizes were applied.

In August 2016 Precise Planning submitted the West Tahmoor Minimum Lot Size Amendment 2 Planning Proposal to Council for consideration. The original proposal sought to rezone part of the site for environmental conservation and to apply a new minimum lot size to 450m².

As a result of feedback received during the preliminary consultation Council saw some merit in the proposal and to support it in amended form. This included an increase the boundary of the proposed environmental conservation zone and a larger lot size from than that which was originally proposed. Consequently this amended planning proposal has been submitted.

Figure 5 Excerpt Structure Plan Tahmoor and Thirlmere GMS 2011

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

The application of an environmental protection zone would provide greater protection to sensitive land. The reduction in the current minimum lot size in the northern residential portion of the site from 4000 square metres to 70 square metres is only possible via a planning proposal.

Additionally the Natural Resources Water layer that currently applies to portions of the site does not offer the same protection that an E2 Environmental Conservation zone will.

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

Section B – Relationship to strategic planning framework

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

The following regional and sub-regional strategies are relevant to this proposal:

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

A Plan for Growing Sydney (2014)

A Plan for Growing Sydney was released on 14 December 2014 is an action plan which will guide 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 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 the focus of significant housing growth except for the Macarthur South area which is identified as an Urban Investigation area.

An initial assessment indicates that the proposal appears to be in line with the policy objectives of A Plan for Growing Sydney as it seeks to allow for a moderate addition of housing adjacent to an established residential area, that has access to existing services and is in close proximity to existing community infrastructure.

Additionally, the introduction of an environment protection zone to the portion of the site that adjoins Myrtle Creek is also considered to be consistent with Strategic Direction G – Protecting Sydney's Natural Environment, in particular objective G4, which aims to improve the Health of Waterways, Coasts and Estuaries. However the future loss of vegetation to the western portion of the site is considered to be inconsistent with this direction.

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 and seeks to further protect the environment.

Draft South West District Plan (2016)

The priorities listed in the Draft South West District Plan that are relevant considerations for this proposal are as follows:

Sustainability Priority 2: Maintain and improve water quality and waterway health

The proposed land use zone 'E2 Environmental Conservation' will provide a higher protection of land adjoining Myrtle Creek than the current residential land use zone. The E2 zone area has also been increased from that originally proposed by the proponent to align with sensitive land identified on the Natural Resources – Water Map (NRW) which forms part of the WLEP 2011.

The associated clause 7.3 Water protection in the WLEP 2011 aims to maintain the hydrological functions of riparian land and waterway. The planning proposal is considered consistent with this priority.

Sustainability Priority 3: Avoid and minimise impacts on biodiversity

The proposed land use zone 'E2 Environmental Conservation' will provide a higher level of protection to land adjoining Myrtle Creek than the current residential land use zone as it will prohibit residential land uses from occurring in close proximity to the creek. However not all land identified on the Natural Resources - Biodiversity Map (NRB) which forms part of the Wollondilly LEP 2011 has been identified for this zone.

Other vegetated areas remain outside the proposed environmental conservation zone and within the residential zoned lands. These areas are protected by the use of the Natural Resource Biodiversity Layer which enables protection or offsetting of vegetation that is impacted. The retention of the 2000 square metre minimum lot size along the western boundary combined with the biodiversity layer would contribute to retaining biodiversity.

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 D. 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.

EN1 – Biodiversity Resilience

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

The proposal seeks to provide further protection to naturally vegetated areas and reduce the potential for any negative impacts as a result of future development.

EN2 – Growth Management

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

The proposal would allow for a moderate increase in housing on land located within walking distance of the Tahmoor shopping precinct and public transport in a location adjacent to existing residential land.

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 land identified as environmentally sensitive to an environmental conservation zone. If the Planning Proposal progresses the Gateway process will involve the assessment of the proposal against existing studies carried out for the PTT Urban Lands rezoning to inform and determine the suitability of the land for increased residential density.

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](#)¹ is available on 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 against the key directions is provided in Appendix C.

The GMS also contains a series of structure plans (maps) to identify possible growth locations within Wollondilly. The Tahmoor Structure Plan within the GMS identifies the site for residential rezoning.

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 specialist studies required carried out in support of the PTT Urban Lands rezoning.

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

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

- 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:

- Direction 2.1 Environmental Protection Zones
- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 4.3 Flood Prone Land
- Direction 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.

The proposal is largely reliant on specialist studies carried out for the PTT Urban Lands gazetted on 31 January 2014 (LEP Amendment No. 3) and an updated Assessment of Ecological Impacts and Avoidance, Mitigation and Offsetting Measure Report (see Appendix F) provided by the proponent in support for the planning proposal. It is considered that an updated flora and fauna study that address SEPP 44 – Koala Habitat Protection will be required.

An Aboriginal Archaeological Assessment and a Bushfire Assessment will also need to be carried out.

Section C – Environmental, social and economic impact

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

The proposal seeks to provide additional protection to land already identified as being environmentally sensitive. Some of the land for which a smaller minimum lot size is to be applied has been identified on the Natural Resources Biodiversity (NRB) map. It is anticipated that any potential impacts will need to be assessed and addressed in a Flora and Fauna Study.

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:

- Stormwater Management
- Water Quality
- Risk of Bushfire
- Local Traffic and Transport

The planning proposal relates to land that was previously rezoned to low density residential under (LEP amendment No 3). At the time of this rezoning a number of technical reports and specialist studies were prepared to inform the proposed amendment at that time however, further information (which may include new and/or updated studies) will be required before the proposed new amendments to the WLEP 2011 can be finalised.

Additionally as part of the proposal submitted by Precise Planning a new Assessment of Ecological Impacts and Avoidance, Mitigation and Offsetting Measure Report was submitted

It is anticipated that the following studies will be required to assess and manage any potential environmental effects These studies will include:

- Stormwater and flood assessment
- Bushfire assessment
- Flora and fauna assessment

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

1. Land Use Conflict

The site is bordered by recreational zoned land to the west that is currently used by the group; Riding for the Disabled.

The 2000m² minimum lot size along the western boundary will be retained to ensure that land use conflict is minimised between this recreational use and the proposed residential use.

2. Any Impact on Aboriginal Heritage

The land was rezoned as part of the *New Urban Lands Picton Tahmoor Thirlmere Planning Proposal* for residential development and studies were prepared to support this rezoning. Guidance will be sought from the Office of Environment and Heritage in regard to whether an updated 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, including wastewater, sewerage 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.

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

Consultation has not been carried out with public agencies to date. Following a Gateway determination, specific advice and feedback will be sought from public agencies.

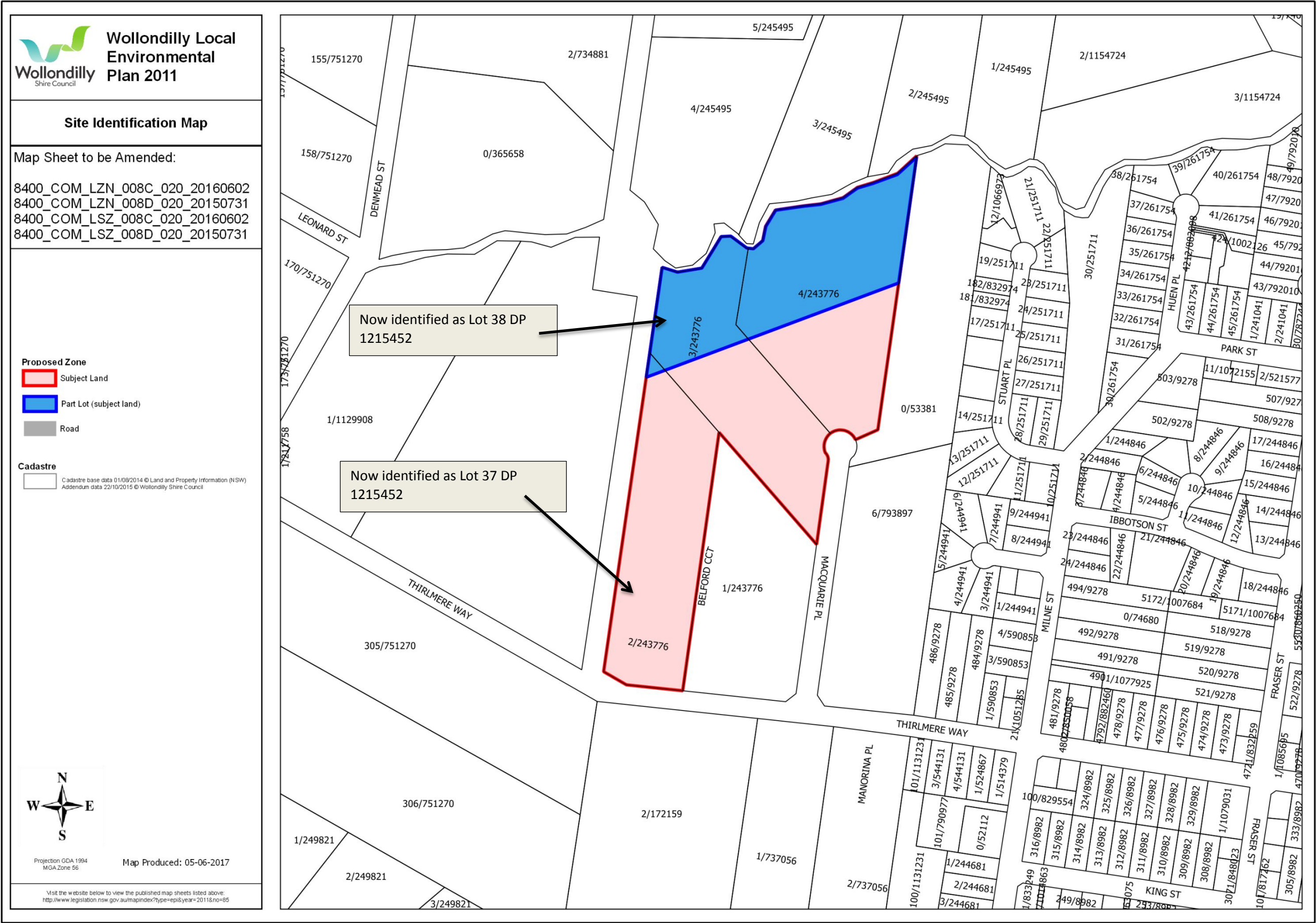
Part 4 – Mapping

Map 1 – Site Identification (SIM)

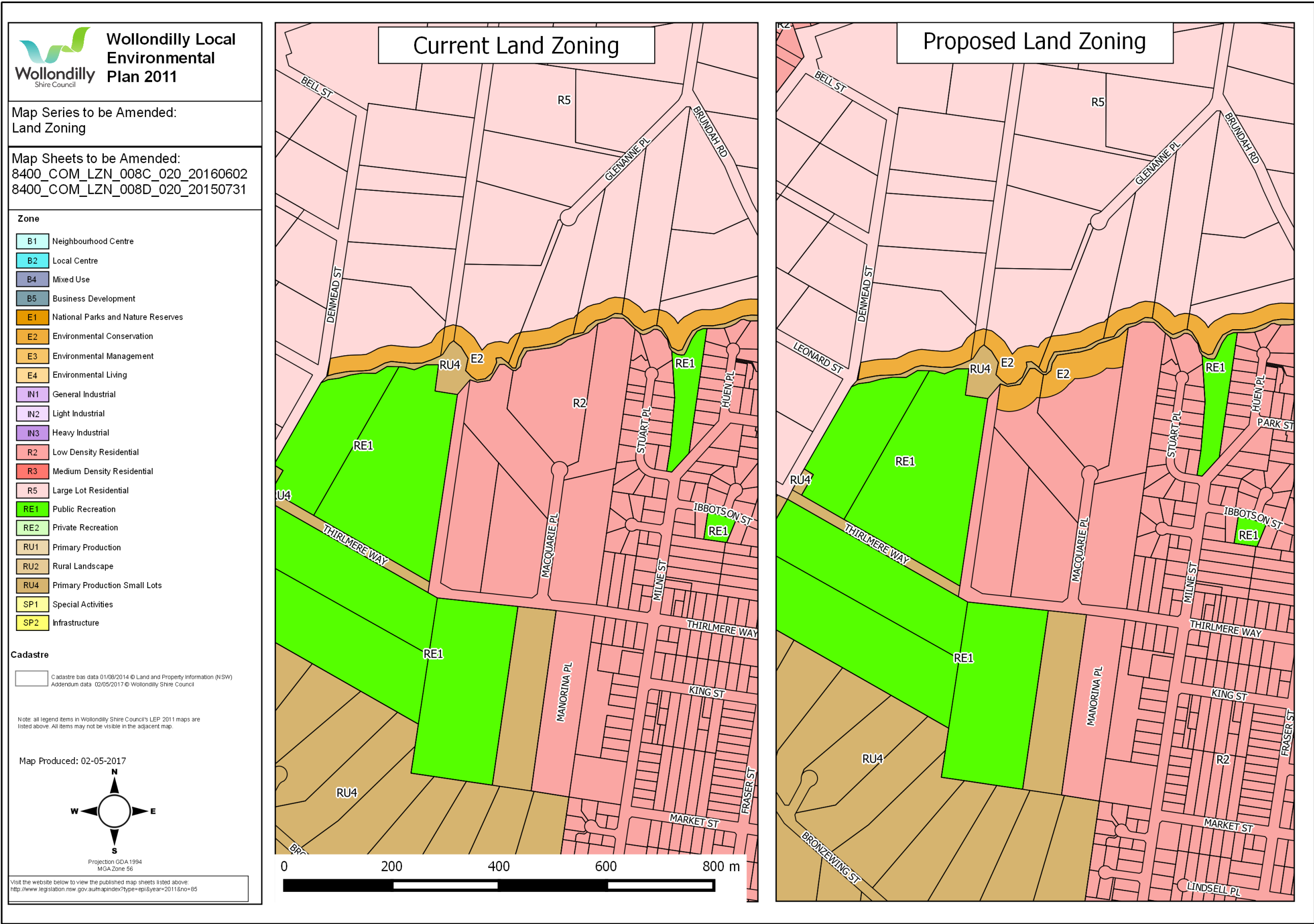
Map 2 – New Land Zoning (LZN)

Map 3 – New Lot Size (LSZ)

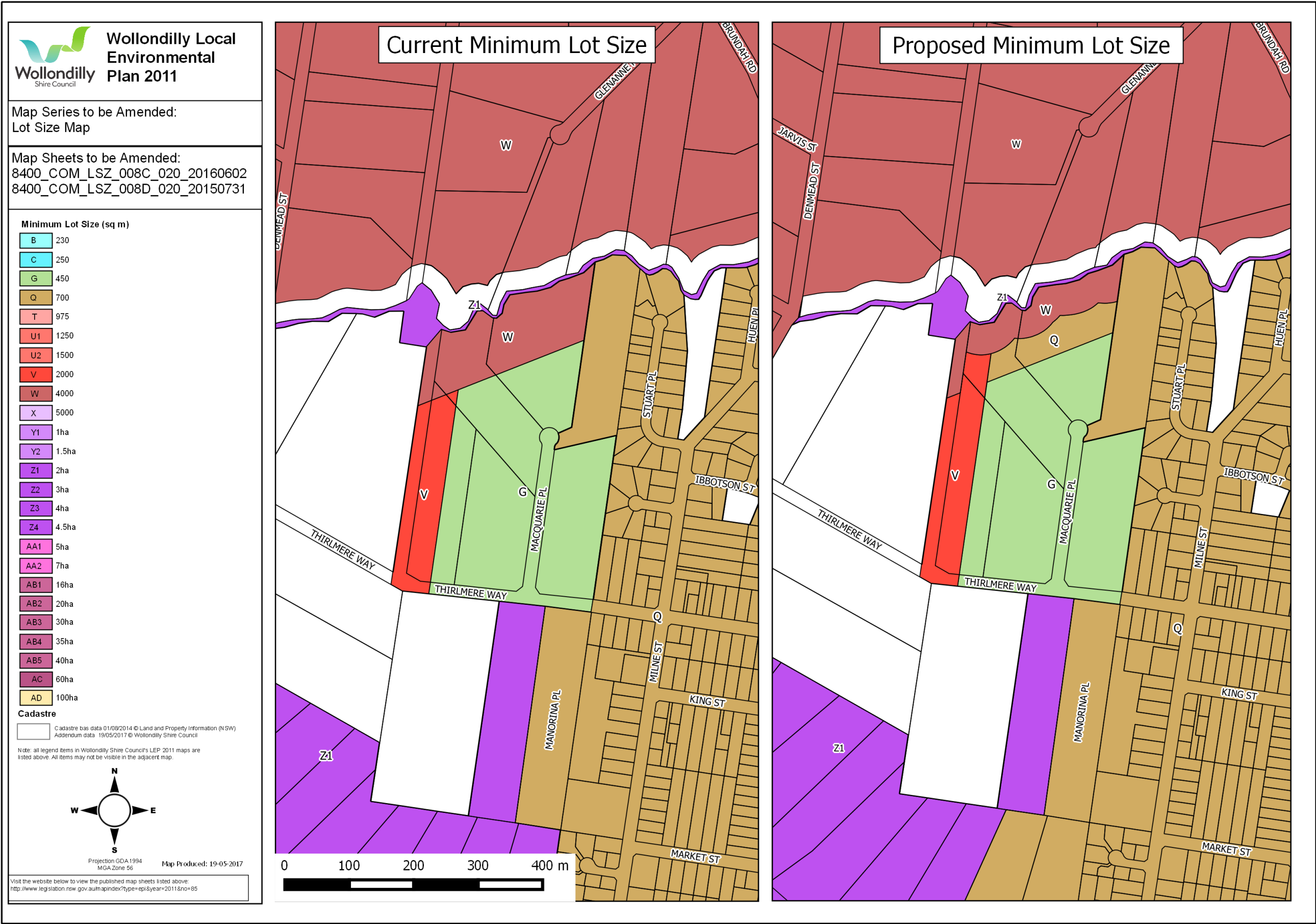
Map 1 – Site Identification (SIM)



Map 2 – New Land Zoning (LZN)



Map 3 – New Lot Size (LSZ)



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 West Tahmoor Minimum Lot Size Amendment 2 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?
Pre-Gateway Consultation In accordance with Council's notification policy the draft Planning Proposal will be made available on Council's website and notified to adjoining land owners and occupants.	When a draft Planning Proposal is lodged with the Council a period of preliminary community consultation (Pre-Gateway Consultation) is undertaken prior to Council considering whether to support the Planning Proposal.	Yes September – October 2016	Four (4) community submissions were received. Further details are provided in the Pre-Gateway Consultation section below.
Public Exhibition Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&A Act 1979 as follows: ▪ The Planning Proposal will be made publicly available for 28 days; and ▪ The Planning Proposal will be placed on Public Exhibition	After a Gateway Determination has been issued and specialist studies have been prepared.	No	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.

An initial period of consultation was undertaken for a two (2) week period from 28 September 2016 to 12 October 2016. The preliminary consultation was on the draft planning proposal as submitted to the Council by the proponent.

During the pre-gateway consultation four (4) community submissions were received. Three (3) objected to the proposal and one (1) was neutral.

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

- Land dedication
- Environmental impact
- Traffic & parking
- Conflict with rural living
- Open space and recreation
- Block sizes
- Height of buildings
- Flooding and runoff

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 West Tahmoor Minimum Lot Size Amendment 2 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	September 2017
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	4 month period	December 2017
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	January 2018
Dates for public hearing (if required)	Unlikely to be required	N/A
Timeframe for consideration of submissions	1 month	February 2018
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	April 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	May 2018
Anticipated date RPA will forward to the Department for notification	1 month	June 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

F. Assessment of Ecological Impacts and Avoidance, Mitigation and Offsetting Measure Report

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	N/A	Not applicable to this Planning Proposal.
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 studies will be required if a Gateway Determination is issued. Previous studies undertaken for the PTT Planning Proposal have indicated that the presence of potential Koala <i>Phascolarctos cinereus</i> feed trees such as <i>Eucalyptus tereticornis</i> Forest Red Gum and <i>Eucalyptus punctata</i> Grey Gum and the presence of previous records of this species in the locality, implies that this habitat may also provide foraging resources for this species.
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	Likely	A contamination assessment was undertaken as part of the PTT rezoning and a remediation action plan was submitted as part of the subsequent subdivision approvals for the site. Further consideration may be required if a gateway determination be issued.

State Environmental Planning Policies (SEPPs)	Consistency	Comments
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	Yes	The planning proposal does not contain provisions that will contradict or hinder a future application for SEPP (HSPD) housing.
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.

State Environmental Planning Policies (SEPPs)	Consistency	Comments
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
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)	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)	Likely	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
1. Employment and Resources			
1.1 Business and industrial Zones	No	N/A	N/A
1.2 Rural Zones	No	N/A	The site is within a residential zone.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Likely	Consultation with NSW Resources and Energy would be required should a positive Gateway Determination be received.
1.4 Oyster Production	No	N/A	Direction does not apply.
1.5 Rural Lands	No	N/A	Not applicable in the Shire of Wollondilly.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Likely	Portions of the site are within the Natural Resources Biodiversity (NRB) and the Natural Resources Water (NRW) layer under the WLEP 2011. 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.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Likely	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 R2 Low Density Residential permits "Home occupations" without consent.
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal seeks to increase the density of land within a residential zone by allowing a smaller minimum lot size, on land located within walking distance to public transport.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
3.6 Shooting Ranges	No	N/A	Direction does not apply.
4. Hazard and Risk			
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	Yes	Likely	The site is located within a mine subsidence district.
4.3 Flood Prone Land	No	Likely	Further investigation is required to establish that the planning proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	Likely	Lots within the site have been identified as wholly and partially bushfire prone. Further investigation is required to establish that the planning proposal is consistent with this direction.
5. Regional Planning			
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
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
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.
7. Metropolitan Planning			

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent – Seeks to increase housing 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
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The proposal is considered to be inconsistent with key policy directions P2, P9 and P21.
P2 All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	The current lot size is considered to be more consistent with the rural living requirements of the GMS as the larger lot sizes to the north and the west of the site would create a more suitable buffer to the rural and recreational lands.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Four (4) submissions were received during the exhibition of the proposal and has been given due consideration within this report.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this proposal and therefore this key policy direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The proposal relates to land within an existing residential precinct, however, the larger lot sizes on the western and northern boundary of the site were established to address the environmental and physical features of the site. Therefore the proposed reduction of the lot sizes to 700sq in the northern portion of the R2 zone is considered to be contrary to this policy. However the introduction of an E2 zone to the north of the site may help to address this inconsistency.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The proposed amendment to the minimum lot size maps on the site will contribute to the achievement of dwelling targets for the Shire which are contained in the GMS
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The draft proposal will result in approximately 12 additional lots in close proximity to the business centre.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The current lot sizes of 4000 square metres is not consistent with adjoining densities and in this location which is not on the 'rural fringe' and is relatively close to the Tahmoor town centre.

Key Policy Direction	Comment
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The Planning Proposal is within an existing low density residential zone and is consistent in this regard.
Macarthur South Policies	
P11 Council does not support major urban release within the Macarthur South area at this stage.	Key Policy Direction 11 is not applicable to this planning proposal as the site is not located within the Macarthur South region.
P12 Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.	Key Policy Direction 12 is applicable to this planning proposal as the site is not located within the Macarthur South region.
P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	Key Policy Direction 13 is not applicable to this planning proposal as the site is not located within the Macarthur South region.
P14 Council will consider proposals for employment land developments in Macarthur South provided they: ▪ Are environmentally acceptable; ▪ Can provide significant local and/or subregional employment benefits; ▪ Do not potentially compromise the future orderly master planning of the Macarthur South area; ▪ Provide for the timely delivery of necessary infrastructure; ▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas; ▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).	Key Policy Direction P14 is not applicable to this proposal as the site is not located within the Macarthur South region.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	The Planning Proposal, in its current form does not propose any employment lands.

Key Policy Direction	Comment
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The Planning Proposal, in its current form does not propose any employment lands.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	If the Planning Proposal is supported, the relevant agencies responsible for the provision of services and infrastructure (e.g. sewerage infrastructure) will be formally consulted to ensure that the service provision is adequate.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The Planning Proposal relates to residential land within the existing village boundaries of the township of Tahmoor and is therefore considered to be consistent with this policy direction.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The Planning Proposal is within an existing residential precinct and complies with this policy.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The Planning Proposal relates to land within the West Tahmoor PTT precinct and is consistent with this policy.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The vegetation communities to the north of the site form part of a locally significant vegetation corridor of Myrtle Creek which has been identified on the Natural Resources - Biodiversity Map which forms part of the WLEP 2011. The application of an E2 zone to this area may also act to protect this vegetation with appropriate controls for future land owners.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The lot size amendment is located on lands currently zoned R2 Low Density Residential and the requirements of this policy are achieved.

Appendix D

Preliminary Consultation

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

Issue Raised	Assessment Comment
Land dedication The transfer of land to Council will need to be considered by Council's Internal Property Panel	The proposal to dedicate land to Council was considered by Council's Land & Property Panel (LPP) on 9 November 2016. It was recommended that any land proposed to be zoned E2 Environmental Conservation remain in private ownership.
Environmental impact •Buffer Zone should be widened (enlarged), •The nature strip should be enlarged to protect our wildlife. Bower birds have lived there for 20 years, •Native orchids grow there as part of the Cumberland Plain	Previous studies prepared to support amendment No.3 to the WLEP 2011 have shown that the site typically supports a high level of fauna habitat features that are important in the maintenance of native fauna diversity and life cycles. Extension of the buffer zone has also been highlighted during internal consultation with Council staff. This report recommends increasing the area proposed to be rezoned for environmental protection purposes so that it aligns with the area identified for water protection on the Natural Resources – Water Map which forms part of the WLEP 2011.
Traffic & parking •Thirlmere Way will not cope with additional traffic is already next to impossible to connect with Milne Street in the morning.	The site is located within a designated Urban Release Area and so developer contributions towards the upgrade of state and Council infrastructure, including roads will be required at the development application stage. This comment appears to relate to the future development of the whole site. Traffic impacts would have been considered as part of the original planning proposal to rezone the land for future development. The addition of approximately 12 new lots is not viewed as being significant enough to require a new study.
Conflict with rural living •Not Rural Living •Not compatible with rural living	The site is already zoned for residential purposes and has been identified for growth in Council's GMS.
Open space and recreation •No Land set aside for park or open space for children to play, •No open space is planned for kids to exercise. •All subdivisions should have open space •Maybe a community garden should be established	The site is located adjacent to public recreational space. Developer contributions towards Council owned infrastructure which include sports fields and parks will be required at the development application stage.
Block sizes •The block size of 450 should be much larger, •Lot sizes shouldn't be reduced in size	This proposal seeks a slightly larger lot size of 700sqm from that which was canvassed to the community in the northern portion of the site and has removed any changes to land located to the west with the exception of a reduction of the minimum lot size from 4000sqm to 2000m ² for 300m ² of land relating to Lot 37 to maintain consistency.
Height of buildings •They will build double story which takes away more	The draft proposal does not seek to amend the maximum building height that applies to the site and there is not considered to be any planning grounds to restrict the height of part of this proposal.

Issue Raised	Assessment Comment
Flooding and runoff •Concerns with runoff water that this development will cause. Myrtle Creek already takes vast amounts of water as shown by the June rains. •Further evidence of this is the flooding on the corner of Renmead and Leonard Street Thirlmere. Neighbour also has flooding out the front and sure this was caused by runoff from the Gumtree Estate at the top of Renmead Street. •Houses east of the proposal also suffered flooding •Reducing the lot size to 450sqm will add even more flooding pressure to Myrtle Creek	If the proposal proceeds, a stormwater management assessment will be required at the development application stage to establish that future subdivision of the site will not negatively impact on Myrtle Creek or surrounding properties.

Appendix E

Council's Report and Minutes

Extract from Agenda's containing the Report to Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 20 February 2017 TRIM 8154-2 #53 TRIM 8154 –2 #60 and held on Tuesday 18 April 2017 TRIM 8154 #73 and TRIM 8154 #80

Appendix F

Assessment of Ecological Impacts and Avoidance, Mitigation and Offsetting Measure Report

Submitted by Precise Planning in support of the Planning Proposal