

# Planning Proposal

---

To amend Wollondilly Local Environmental Plan 2011

## 2 Jarvisfield Road Picton Seniors Living Planning Proposal

---

March 2022

# Document Register

Version	Date	Details	Prepared By	File Location
1	March 2022	Preparation of planning proposal for submission to DPE for a Gateway determination	CM & CW	CM10891 #465
Current Version		1		

# Contents

<b>Executive Summary Table .....</b>	<b>5</b>
<b>Introduction .....</b>	<b>6</b>
<b>Part 1 – Objectives and intended outcomes .....</b>	<b>10</b>
<b>Part 2 – Explanation of Provisions .....</b>	<b>10</b>
<b>Part 3 – Justification of strategic and site specific merit.....</b>	<b>11</b>
Section A – Need for the Planning Proposal .....	11
Section B – Relationship to strategic planning framework .....	11
Section C – Environmental, social and economic impact .....	19
Section D – Infrastructure (Local, State and Commonwealth) .....	20
Section E – State and Commonwealth interests .....	21
<b>Part 4 – Maps.....</b>	<b>28</b>
<b>Part 5 – Community Consultation .....</b>	<b>35</b>
<b>Part 6 – Project Timeline .....</b>	<b>36</b>
<b>Appendices.....</b>	<b>37</b>
Appendix A      Compliance with SEPPs	
Appendix B      Assessment against Section 9.1 Directions	
Appendix C      Minutes from Wollondilly Shire Local Planning Panel (29 April 2021)	
Appendix D      Agenda & Minutes from Ordinary Meeting of Council (15 June 2021)	
Appendix E      Archaeological Report and Aboriginal Cultural Heritage Assessment Report	
Appendix F      Bushfire Assessment Report	
Appendix G      Bushfire Emergency Management and Evacuation Plan	
Appendix H      Bushfire Response	
Appendix I      Concept Bus Stop Plans	
Appendix J      Concept Visual Mitigation Landscape Plan	
Appendix K      Concept Layout Plan	
Appendix L      Concept Stormwater Management Plan	
Appendix M      Detailed Site Investigation	
Appendix N      Draft Amendment to Section 7.11 Contributions Plan	
Appendix O      Flood Assessment	

Appendix P	Flora and Fauna Assessment
Appendix Q	Heritage Impact Statement
Appendix R	Heritage Advice
Appendix S	Landscape and Visual Impact Assessment
Appendix T	Mood Board Concept Designs
Appendix U	Pathways Proposal
Appendix V	Preliminary Site Investigation
Appendix W	Preliminary Hydraulic Assessment
Appendix X	Preliminary Watercourse Assessment
Appendix Y	Response Council Resolution
Appendix Z	Road Safety Intersection Review
Appendix AA	Traffic and Parking Assessment Report
Appendix AB	Wastewater Assessment Report

## Executive Summary Table

<b>Site address</b>	No 2 Jarvisfield Road, Picton Land adjoining Remembrance Driveway
<b>Lot DP</b>	Lot 4 in DP 873571
<b>Existing Planning Controls</b>	<b>Land Use Zone:</b> RU2 Rural Landscape <b>Minimum Lot Size for subdivision:</b> 100 hectares <b>Maximum permitted height of building:</b> Nil
<b>Proposed Amendments</b>	<p>To enable development of the site for approximately 54 independent seniors living dwellings and to protect environmentally sensitive land.</p> <p><b>Proposed Additional Permitted Use:</b> Seniors Housing</p> <p><b>Proposed Land Use Zone:</b> RU2 Rural Landscape &amp; C3 Environmental Management</p> <p><b>Proposed Minimum Lot Size for subdivision:</b> 5 hectares</p> <p><b>Proposed Maximum permitted height of building:</b> 6.8 metres</p> <p><b>Proposed inclusion on Natural Resources – Biodiversity Map</b></p>
<b>Technical Studies prepared to inform planning proposal</b>	<ul style="list-style-type: none"> <li>• Archaeological Report and Aboriginal Cultural Heritage Assessment Report</li> <li>• Bushfire Assessment Report</li> <li>• Bushfire Emergency Management and Evacuation Plan</li> <li>• Concept Stormwater Management Plan</li> <li>• Preliminary Hydraulic Assessment</li> <li>• Preliminary Watercourse Assessment</li> <li>• Preliminary Site Investigation</li> <li>• Detailed Site Investigation</li> <li>• Flood Assessment</li> <li>• Flora and Fauna Assessment</li> <li>• Heritage Impact Statement</li> <li>• Landscape and Visual Impact Assessment</li> <li>• Traffic and Parking Assessment Report</li> <li>• Road Safety Intersection Review</li> <li>• Wastewater Assessment Report</li> </ul>
<b>Applicant</b>	Michael Brown Planning Strategies

# Introduction

This Planning Proposal explains the intended effect of and justification for amendments to the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP) to enable the development of seniors living housing and the conservation of environmentally sensitive land at No. 2 Jarvisfield Road, Picton.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Government, guidelines published by the Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline*.

## Background

The Planning Proposal seeks to amend the Wollondilly LEP to enable development of land at No 2 Jarvisfield Road, Picton (Lot 4 in DP 873571) for Seniors Living housing. The proposal also seeks to conserve environmentally sensitive land on the site.

It is anticipated that the rezoning would enable the site to be developed for approximately 54 independent seniors living dwellings in a landscaped village setting.

The draft Planning Proposal was supported by Council at its Ordinary Meeting held on 15 June 2021. Council resolved to support the proposal subject to amendments and the provision of additional information within a 6 month timeframe (expiring on 15 December 2021).

The report and minutes are attached at Appendix D.

In response to the Council's resolution, the proponent was required to provide additional information to respond to key matters associated with the site's suitability for seniors housing. These included:

- "Confirmation by Sydney Water that it can service the site or that adequate measures for wastewater servicing onsite can be provided."
- "Confirmation that regular public transport services will be provided immediately adjoining the site."
- "An amended Heritage Impact Assessment and visual impact assessment along with corresponding site design and draft DCP with controls demonstrating that the proposal can reasonably occur minimising visual impacts' at the entrance to Picton and the State heritage item and address any concerns by the Heritage Council."
- "Identify the necessary local infrastructure required to service the development, including a draft amendments to the contributions plan, and outlining how this will be implemented."

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

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

The Wollondilly Local Environmental Plan 2011 is the key statutory document at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

## Land to which this planning proposal applies

The planning proposal relates to No. 2 Jarvisfield Road, Picton, legally defined as Lot 4 DP 873571. The sites boundaries are shown in Figure 1 and is referred to as the 'subject site' within this document.

The subject site is irregular in shape and comprises a total area of 5.582 hectares. It is bound by Remembrance Driveway to the south, and Antill Park Golf Course to the north; and benefits from existing vehicular access via Jarvisfield Road. The current use of the subject site is for residential purposes, with existing improvements including: a single storey dwelling, two sheds, a swimming pool and a tennis court.

The subject site is traversed by two watercourses (identified on the Water Management (General) Regulation 2018 hydroline spatial data map), generally running south/north, which feed into the two existing dams.

The subject site adjoins existing large lot residential land, known as 'Jarvisfield Estate' to the west, and is located at the northern fringe of the existing Picton township (approximately 1.5 kilometres from the town centre via the existing road network).

The site is mostly cleared of vegetation; however, Cumberland Plain Woodland, which is a Critically Endangered Ecological Community, has been identified on the western portion of the site, near the western-most dam and watercourse. The western portion of the site is also identified as bush fire prone on the Wollondilly Bush Fire Prone Land Map.

The adjoining land to the north – known as Lot 3 DP 873571 and occupied by the Antill Park Golf Course – includes a State Heritage Item ('Jarvisfield').

Advice provided by Heritage NSW during the exhibition of this Planning Proposal found that the curtilage of this State Heritage Item extended to the western portion of the subject site.

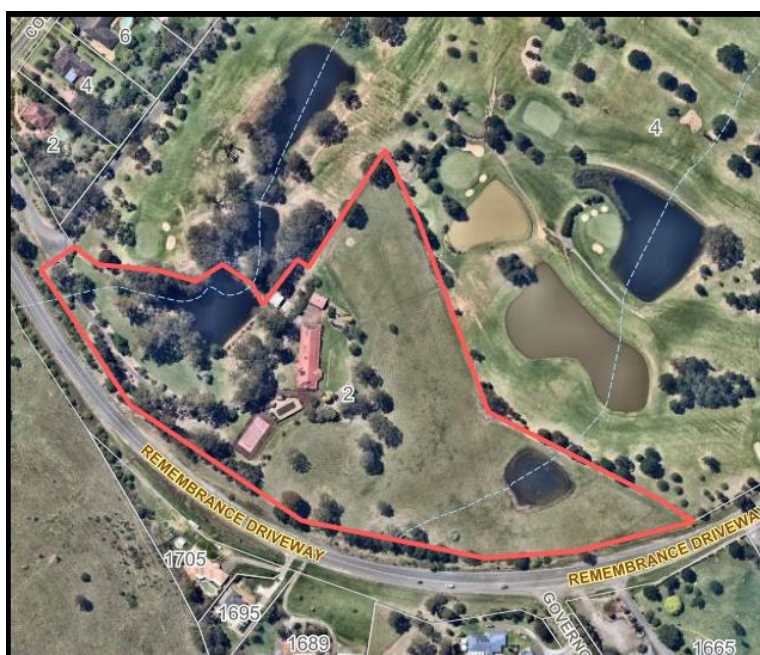


Figure 1 – Subject Site location

## Structure of this document

This Planning Proposal has been prepared in accordance with the NSW Government's *Local Environmental Plan Making Guideline*.

The guide provides information on the process for preparing planning proposals. In particular, it sets out what matters should be included in a planning proposal to satisfy the requirements of the *Environmental Planning and Assessment Act 1979*.

This Planning Proposal has been structured in five parts as follows:

Part 1	A statement of the objectives and intended outcomes of the proposed instrument.
Part 2	An explanation of the provisions that are to be included in the proposed instrument.
Part 3	The justification for those objectives, outcomes and the process for their implementation
Part 4	Maps to identify the intent of the planning proposal and the area to which it applies
Part 5	Details of the community consultation that is to be undertaken on the planning proposal.
Part 6	Project timeline to detail the anticipated timeframe for the planning proposal.

The guide is available on the Department of Planning & Environment's website.

## Decisions on Planning Proposal to date

The following timeline summarises the key stages of the planning proposal process, and issues that arose across the course of Council's carriage of the proposal:

Date	Who	Purpose/Action	Copy provided at
August 2018	Proponent (Michael Brown Planning Strategies Pty Ltd)	Draft Planning Proposal is submitted to Council for consideration.	This planning proposal document replaces the proponent's original submission.
February-March 2019	Wollondilly Shire Council	Preliminary consultation with the community and other stakeholders to inform the preliminary assessment of the planning proposal.	Addressed as part of Appendix D.
April 2021	Wollondilly Shire Local Planning Panel	To provide advice on the draft planning proposal.	Appendix C



Date	Who	Purpose/Action	Copy provided at
		The Panel recommended that the proposal should not be supported.	
June 2021	Wollondilly Shire Council	<p>To seek Council's position on the draft planning proposal.</p> <p>The officer's recommendation was that the draft planning proposal should not be supported. However, Council resolved to support the draft Planning Proposal on the grounds that it would provide opportunity for more diverse housing choice in the Shire.</p>	Appendix D
March 2022	Department of Planning & Environment	Determine whether the planning proposal should proceed and issue a Gateway determination.	Current

## Delegation

Council has not resolved to seek the delegation as the plan-making authority to make this amendment to the *Wollondilly Local Environmental Plan 2011*.

## Part 1 – Objectives or Intended Outcomes

To amend the *Wollondilly Local Environmental Plan 2011* to enable the development of the site at No 2 Jarvisfield Road, Picton for seniors housing and to protect environmentally sensitive land.

## Part 2 – Explanation of Provisions

The proposed outcome will be achieved by the following amendments to the Wollondilly Local Environmental Plan 2011:

- Amending the **Additional Permitted Uses Map** as shown **Part 4** by **Map 2** to include the portion of the site intended to be developed for Seniors housing\*.
- Amending **Schedule 1 Additional permitted uses** to include a provision that applies to the land at No 2 Jarvisfield Road (part lot), Picton and enables development for the purpose of 'Seniors housing' as being permitted with development consent.
- Amending the **Land Zoning Map** as shown in **Part 4** by **Map 3** to rezone a portion of the land from its current RU2 Rural Landscape zone to C3 Environmental Management for the area environmentally sensitive land within the site.
- Amending the **Natural Resources – Biodiversity Map** as shown in **Part 4** by **Map 4** to include environmentally sensitive land within the site.
- Amending the **Height of Buildings Map** in accordance with the proposed map shown in Part 4 by Map 5 to introduce a maximum permissible height of 6.8 metres,
- Amending the **Lot Size Map** in accordance with the proposed map shown in Part 4 by Map 6 to reduce the minimum subdivision lot size from 100 hectares to 5 hectares.

\* It is noted that an alternative mechanism to an Additional permitted use may be to rezone the portion of the site intended for Seniors housing to SP2 Seniors housing. This was the approach used in the Queen Victoria Memorial Home Planning Proposal which was gazetted in 2016.

## Part 3 – Justification

### Section A – Need for the Planning Proposal

#### A 3.1 Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

No, the planning proposal has been initiated by a proponent and is not the result of an endorsed LSPS, strategic study or report.

#### A 3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Development for the purposes of Seniors housing is not a development permitted with consent in the current RU2 Rural Landscape zone.

The existing land use zone is also not considered to provide an appropriate level of protection for environmentally sensitive areas within the site.

It is considered that amending the Wollondilly LEP as outlined in this proposal is the best means of achieving the objective and intended outcome.

### Section B – Relationship to strategic planning framework

#### B 3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

#### Greater Sydney Region Plan and Western City District Plan (March 2018)

The Greater Sydney Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of Planning Proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration;** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability;** social infrastructure, healthy communities, housing supply and affordability, great places,
- **Productivity;** the 30 minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability;** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation;** local strategic planning statements, monitoring and reporting.

District Plan priority	Comment
<b>Planning Priority W4;</b> Fostering healthy, creative, culturally rich and socially connected communities.	<ul style="list-style-type: none"> <li>The site is considered to have challenging connectivity to the nearby Picton urban area. The topography of the surrounding area and distance from the commercial centre of Picton will potentially limit access to facilities and active transport options.</li> <li>The masterplan provides for open space and a recreational centre within the site which would provide residents with opportunities to socially connect.</li> </ul>
<b>Planning Priority W5;</b> Providing housing supply, choice and affordability, with access to jobs, services and public transport.	<ul style="list-style-type: none"> <li>W5 aims to increase housing supply and deliver more diverse and affordable housing.</li> <li>There is an emphasis on housing in the right locations (urban renewal, local infill and new communities in land release areas).</li> <li>Council has recognised the sites location in proximity to the Stonequarry creek walking and bike path with links to the Picton Botanical Gardens and the town centre. This provides the opportunity to promote a healthy lifestyle.</li> </ul>
<b>Planning Priority W14;</b> Protection and enhancing bushland and biodiversity.	<ul style="list-style-type: none"> <li>W14 aims to protect and manage biodiversity values.</li> <li>The planning proposal aims to apply a higher level of protection to an area of critically endangered vegetation through a C3 Environmental Managing land use zone.</li> </ul>
<b>Planning Priority W17;</b> Better managing rural area	<ul style="list-style-type: none"> <li>W17 aims to ensure that the environmental, social and economic values in rural areas are protected and enhanced.</li> <li>The District Plan indicates that further rural-residential development is generally not supported.</li> <li>The initial assessment considered the likely density of the development in a sensitive location on a key entrance to Picton. Development of the site for seniors housing would also result in the permanent loss of rural land.</li> <li>There are opportunities to assist in mitigating visual impacts of the proposed development.</li> </ul>

On balance, Council has considered the changing housing needs of residents and determined that providing more housing choices in the local area with additional seniors housing is justified.

The [Greater Sydney Region Plan](#)<sup>1</sup> and the [Western City District Plan](#)<sup>2</sup> are available on the Greater Sydney Commissions website.

<sup>1</sup> [https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/greater-sydney-region-plan-0618\\_0.pdf](https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/greater-sydney-region-plan-0618_0.pdf)

<sup>2</sup> [https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/western-district-plan-0618\\_0.pdf](https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/western-district-plan-0618_0.pdf)

**B 3.4 Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

**Wollondilly 2040 Local Strategic Planning Statement**, was made and came into effect on 27 March 2020. The LSPS outlines the land use planning vision for Wollondilly over the next 20 years and will guide the implementation of the District Plan at a local level. This vision is for a prosperous, sustainable and resilient future for Wollondilly residents, with an enviable lifestyle of historic villages, modern living, rural lands and bush settings.

Wollondilly 2040 identifies a number of actions under each of its 18 planning priorities.

On balance, Council's support for the planning proposal reflects consideration of the changing needs of residents and the provision of additional seniors housing will provide more housing choices in the local area. Council considers the proposals will contribute to the provision of housing options that meet local needs (Planning Priority 5).

However, careful land use planning will be required to minimise potential impacts on environmentally sensitive land and to minimise visual impacts on the adjoining state heritage item and the surrounding landscape on this key approach to Picton.

There is also a need to ensure development of the site responds to potential obstacles to access for future residents and is supported by adequate infrastructure to provide more direct and safer transport links.

[Wollondilly 2040<sup>3</sup>](#) is available on Council's website.

**B 3.6 Is the planning proposal consistent with applicable state environmental planning policies?**

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

An assessment of the planning proposal against each SEPP is provided at Appendix A. The Planning Proposal is generally consistent with the relevant SEPPs.

**B 3.7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Minister for Planning and Public Spaces issues Local Planning Directions that councils must follow when preparing a planning proposal. The Directions cover the following focus areas:

- Planning Systems
- Planning Systems – Place-based
- Design and Place

---

<sup>3</sup> <https://www.wollondilly.nsw.gov.au/planning-and-development/guidelines-and-controls/local-strategic-planning-statement/>

- Biodiversity and Conservation
- Resilience and Hazards
- Transport and Infrastructure
- Housing
- Industry and Employment
- Resources and Energy
- Primary Production

An assessment of each of the proposed amendments consistency against all Ministerial Directions is provided at Appendix B. This planning proposal is considered to be inconsistent with Direction 9.1 of the Ministerial Directions; however, is generally or provisionally consistent with all other directions.

The following Directions are considered of particular relevance to this proposal and are discussed further below:

- Direction 3.1 Conservation Zones;
- Direction 3.2 Heritage Conservation;
- Direction 4.1 Flooding;
- Direction 4.3 Planning for Bushfire Protection;
- Direction 4.4 Remediation of Contaminated Land;
- Direction 4.6 Mine Subsidence and Unstable Land;
- Direction 5.1 Integrating Land Use and Transport;
- Direction 6.1 Residential Zones;
- Direction 8.1 Mining, Petroleum Production and Extractive Industries;
- Direction 9.1 Rural Zones;
- Direction 9.2 Rural Lands.

### ***Direction 3.1 Conservation Zones***

The objective of this Direction is to preserve environmentally sensitive lands within a local government area, ensuring those spaces are conserved and not impacted by development.

A Flora and Fauna Assessment (Appendix T) has been prepared by Ecoplanning to inform the Planning Proposal. The assessment identifies environmentally sensitive lands, predominately to the west of the site, including Cumberland Plain Woodland Critically Endangered Ecological Community (CP CEEC) – Shale Plains Woodland, five (5) Hollow Bearing Trees, and a reasonable portion of the first order watercourse and its vegetated riparian zone.

The Planning Proposal seeks to preserve the identified environmentally sensitive lands, as by re-zoning this portion of the site as C3 Environmental Management, and including as sensitive land under the Natural Resources – Biodiversity Map (Wollondilly LEP).

The planning proposal is considered to be consistent with Direction 3.1.

### ***Direction 3.2 Heritage Conservation***

Provisionally Consistent.

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The adjoining land to the north – known as Lot 3 DP 873571 and occupied by the Antill Park Golf Course – includes a State Heritage Item ('Jarvisfield') – the curtilage of which extends to the western portion of the subject site as seen Figure 2 below. The site masterplan includes one (1) dwelling within this curtilage; however, this is not supported by Heritage NSW.

A Heritage Impact Statement (Appendix Q) has been prepared by Umwelt to inform this Planning Proposal. The study concludes that a seniors living lifestyle village will have no adverse impact on the heritage significance of the Jarvisfield heritage item provided it is low rise (under 7.2m in height), adopts conventional building forms such as dark grey hipped roofs, and is sufficiently screened by earth beams and extensive landscape planting.

In accordance with the submitted Landscape and Visual Impact Assessment (Appendix W), seniors living housing on the site will have a moderate or greater visual impact on most of the viewpoints assessed, including from the perspective of the State Heritage item.

It is considered that amendments to the proposal, as recommended by Heritage NSW, and the imposition of site specific DCP objectives and controls that acknowledge the recommendations of the Heritage Study and Landscape and Visual Impact Assessment will ensure that visual impacts to the State Heritage item are deemed acceptable.

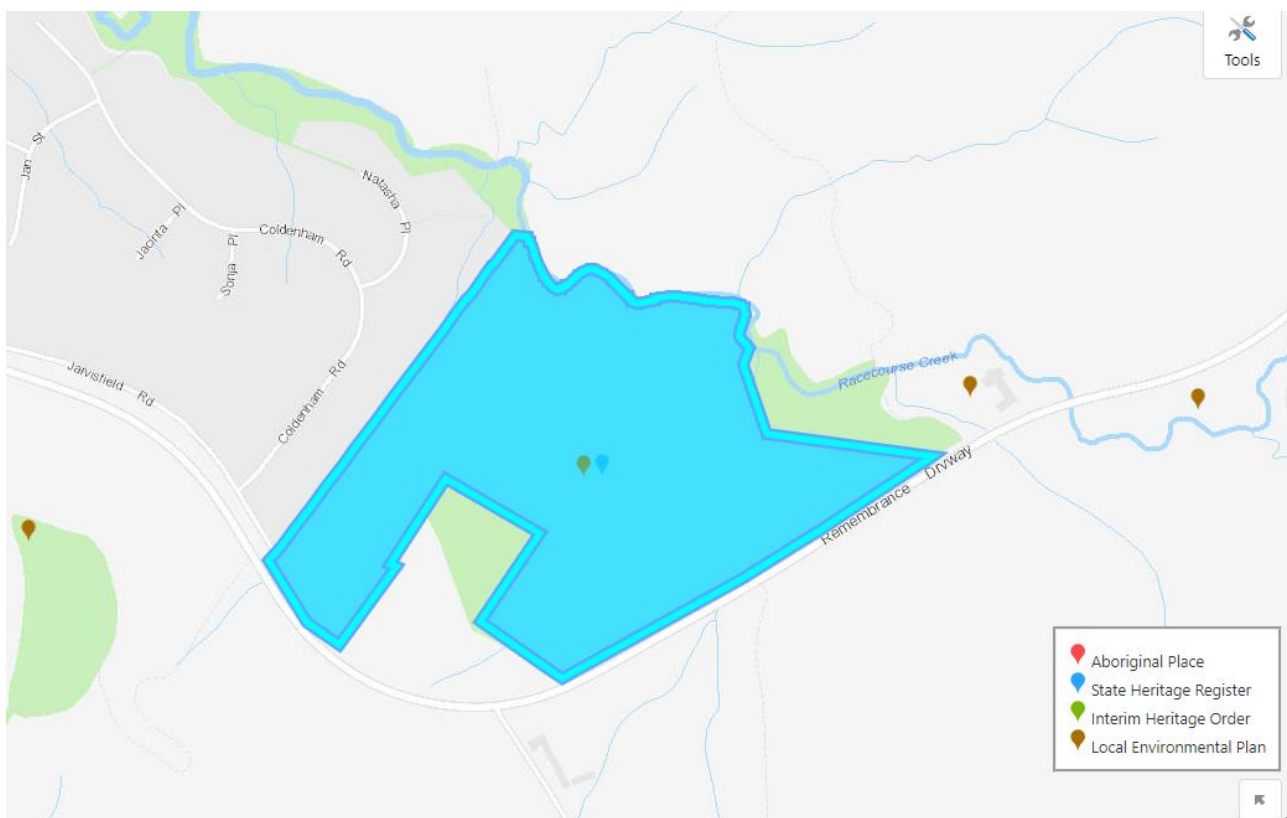


Figure 2 – 'Jarvisfield' (State Heritage Register)

#### **Direction 4.1 Flooding**

Consistent.



There are two identified flood prone areas within the site (Stonequarry Creek model – Probable Maximum Flood Extent and Overland Flood Planning Area).

A Flood Study (Appendix X) has been prepared by Martens Consulting Engineers to inform the Planning Proposal, and is supplemented by a Preliminary Watercourse Assessment, Hydraulic Assessment, On-site Wastewater Assessment and Concept Stormwater Management Plan (Appendix AC, AB, AJ and O respectively), also prepared by Martens Consulting Engineers.

The Flood Study concluded that:

- “1. Proposed flood characteristics are largely consistent with existing conditions, and differences due to the proposed development are negligible.
2. The proposed development area of the site is flood free in events up to and including the PMF flood.
3. The proposed development would have acceptable offsite flood impacts.
4. Compliance with Council flood planning level requirements for building levels are achieved.
5. The proposed development is compatible with the existing floodplain environment.
6. Proposed dwellings are located above the peak PMF level hence a shelter-in-place strategy during large flood events is considered appropriate.”

It is acknowledged that the site masterplan prepared for this Planning Proposal does not propose residential dwellings in areas identified as flood prone land.

### ***Direction 4.3 Planning for Bushfire Protection***

This Direction relates to the protection of life, property and the environment in bushfire prone areas of New South Wales. The Direction discourages incompatible land use and encourages the management of bushfire prone areas.

The western portion of the subject site includes bushfire prone land.

A Bushfire Assessment Report, Bushfire Emergency Management and Evacuation Plan, and Bushfire response (Appendix I, J and K respectively) have been prepared to inform the planning proposal. These investigations indicate that the bushfire risk is low and that the proposal is consistent with *Planning for Bushfire Protection 2019* (NSW RFS).

The NSW Rural Fire Service has been consulted and has not objected to the planning proposal. It is noted that any future development application for seniors living on the site would need to comply with either S4.14 of the *Environmental Planning and Assessment Act 1979* or S100B of the *Rural Fires Act 1997*, depending upon the nature of the proposed development, and the relevant provisions of *Planning for Bush Fire Protection*”.

The Planning Proposal does not alter the controls that will continue to apply to bushfire prone land and is considered to be consistent with the Direction.



#### ***Direction 4.4 Remediation of Contaminated Land***

Consistent.

The objective of this direction is to reduce the risk of harm to human health and the environment.

The following documentation is submitted to inform the Planning Proposal:

- *Preliminary Site Investigation: Lot 4 DP 873571, 2 Jarvisfield Road, Picton, NSW*, prepared by Martens Consulting Engineers, Project Ref. P1806390JR01V01, and dated 3 August 2018 (PSI) – Appendix Y;
- *Detailed Site Investigation: Lot 4 DP 873571, 2 Jarvisfield Road, Picton, NSW*, prepared by Martens Consulting Engineers, Project Ref. P1806390JR03V01, and dated 28 May 2018 (DSI) – Appendix P.

The findings of the Preliminary Site Investigation recommended further assessment of identified areas of environmental concern (AEC's) and associated contaminant of potential concern (COPC's) through the undertaking of a DSI.

Accordingly, a DSI dated May 2018 was prepared by Martens Consulting Engineers to inform the planning proposal. The investigation considers the sites suitability for future development use.

The investigation concludes that the site's contamination risk is low and that no remedial action is required. Further, the investigation considers the site to be suitable for redevelopment for a residential subdivision.

#### ***Direction 4.6 Mine Subsidence and Unstable Land***

The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Consistent.

The Direction applies as the site is located within the Wilton Mine Subsidence District.

Subsidence Advisory NSW (SA NSW) has been consulted and has advised (submission dated 5 March 2019, ref. EBA19-00086) that the proposal was located outside of an active coal mine title or coal exploration title, and outside of any area where a coal mine operator is currently applying for a coal exploration title.

As such, SA NSW determined the likelihood of future mine subsidence impacting the property as being low. On this basis the planning proposal is considered to be consistent with Direction 4.6.

#### ***Direction 5.1 Integrating Land Use and Transport***

Provisionally consistent.

The site currently does not provide future residents with adequate access to facilities, public transport and active transport opportunities. However, as previously stated, additional infrastructure including footpaths – linking the site to the existing Jarvisfield cycleway and

Argyle Street footpath – two (2) new bus stops, and improvements to the intersection treatment of Jarvisfield Road and Remembrance Driveway are to be provided by the developer, thus satisfying objective (a) of this ministerial direction which is applicable to the Planning Proposal.

Existing bus services, which will service the new bus stops, satisfy the SEPP (Seniors Living) 2004 Guideline with regards to service frequency, and the location of the bus stops is within close proximity of the subject site (325 m and 310 m respectively), also satisfying the distance (< 400 metres) and quality of access parameters (flat/level topography between the site and proposed bus stop locations) set by the Guideline. For these reasons, the Planning Proposal is considered to be consistent with objective (c) – reducing travel demand, especially by car.

All other objectives of this direction are not applicable. A copy of the works schedule to append to the Section 7.11 Contributions Plan is held at Appendix Q.

It is noted that a Traffic and Parking Assessment Report (Appendix AF) prepared for this proposal resolves that the traffic impacts of the development would be minimal, with traffic generation not resulting in future volumes above expected maximums for Jarvisfield Road or Remembrance Drive.

### ***Direction 6.1 Residential Zones***

Mostly Consistent.

The Planning Proposal seeks to amend the Wollondilly LEP to enable the provision of seniors housing, thus providing the opportunity to broaden the choice of building types and locations available in the housing market.

Infrastructure to be provided by the developer, including footpath connections to the existing network, two (2) new bus stops, and improvements to the intersection treatment of Jarvisfield Road and Remembrance Driveway will allow for more efficient use of existing infrastructure and bus services.

It is acknowledged that an LEP amendment to allow the consumption of the site for seniors housing is inconsistent with sub-direction (1)(c) due to the site's location on the northern fringe of the Picton urban area.

Site specific DCP controls will be investigated to encourage a high quality design outcome.

### ***Direction 8.1 Mining, Petroleum Production and Extractive Industries***

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

SA NSW has advised that the planning proposal site is located outside of an active coal mine title or coal exploration title and outside of any area where a coal mine operator is currently applying for a coal exploration title.

If the planning proposal progresses, consultation will be required with the Secretary of the Department of Primary Industries (DPI) to further understand the presence and development

potential of resources in the area and whether development of the site would be likely to lead to land use conflict between other relevant land uses.

The planning proposal is likely to be consistent with Direction 8.1. However, this will be confirmed following the consultation with DPI.

### ***Direction 9.1 Rural Zones***

The objective of this Direction is to protect the agricultural production value of rural land. It seeks to do this by preventing rural land from being rezoned to non-rural zones and discouraging provisions that will increase the permissible density of land where it is not located within an existing town or village.

The planning proposal, in its current form, predominantly seeks to permit seniors housing on the site as an 'Additional permitted use' rather than rezoning the land.

The proposal also seeks to rezone a portion of the site to a Conservation Zone to protect the environmental sensitive lands - CP CEEC – identified on the western portion of the site.

The subject site is not currently used for agricultural production, and is not of a size or topography that can support profitable agricultural uses.

The Planning Proposal is inconsistent with this direction, as it will permanently increase the permissible density of land within a rural zone for the purpose of 'Seniors Living' housing.

### ***Direction 9.2 Rural Lands***

Inconsistent.

It is accepted that the planning proposal is inconsistent with Planning Priority W17 of the Western City District Plan – better managing a rural area – as detailed in Section B 3.3 above. It is therefore also deemed inconsistent with this direction, particularly in relation to the protection and management of rural lands, and maintaining the ongoing viability of rural uses on the land.

Notwithstanding this, the rural land is not currently being utilised for agricultural purposes, and would not be suited to intensive agricultural pursuits owing to its relatively small size (5.582 ha), location (adjoining large lot residential, therefore potential for land use conflicts) and fragmentation from other rural lands (site is encompassed by the Remembrance Driveway to the south, Antill Park and golf course to the north and east, and large lot residential to the west). This existing fragmentation from surrounding rural lands ensures that there is a low risk of land use conflicts and infringing on farmers right to farm as a result of this Planning Proposal, thus is consistent with objectives (d) and (f) of this direction.

## **Section C – Environmental, social and economic impact**

### **C 3.8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The Planning Proposal seeks to preserve environmentally sensitive lands by re-zoning a portion of the site as C3 Environmental Management. The site masterplan attached to this

Planning Proposal does not propose any vegetation removal within the identified environmentally sensitive land, and also includes the retention of an existing dam.

### **C 3.9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

The proposal is not expected to have any significant environmental impacts due to the abovementioned application of a C3 Environment Management Zoning to identified environmentally sensitive lands. Any additional impacts can be appropriately managed through site specific DCP controls to be developed, and at the development application stage.

### **C 3.10 Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal includes the development of a number of infrastructure improvements intended to have positive social and economic effects.

These include:

- Construction of footpath linking the site to the existing Jarvisfield cycleway via Coldenham Road and Natasha Place;
- Construction of a footpath along Jarvisfield Road, meandering through the trees on the southern side of the street, linking to the existing footpath on Remembrance Driveway;
- Construction of two (2) new bus stops within close proximity of the subject site (325 m and 310 m respectively). An existing bus service will service the new bus stops.
- Improvements to the intersection treatment of Jarvisfield Road and Remembrance Driveway.

It is expected that these improvements will provide a social benefit for residents of the future seniors living development, and existing residents of Picton, by facilitating opportunities for social connections and a completing a recreational pathway 'ring' (see Appendix Y). Further, it is anticipated that these infrastructure improvements, and increase in population density at the site, will provide a positive economic impact for existing businesses in the Picton town centre (and potentially for the adjoining Antill Park golf course and club house).

## **Section D – Infrastructure (Local, State and Commonwealth)**

### **D3.11. Is there adequate public infrastructure for the planning proposal?**

There are a number of servicing and infrastructure issues due to the sites edge-of-town location, topography and lack of footpath connectivity.

Notwithstanding this, the developer agreed to provide additional footpaths, linking the site to the existing Jarvisfield cycleway and Argyle Street footpath, construct two (2) new bus stops within proximity of the site, and upgrade the Remembrance Driveway/Jarvisfield Road intersection for safer vehicular and bus access.

## Section E – State and Commonwealth Interests

### E3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

As part of the Council's commitment to engaging with community and key stakeholders early in the planning proposal process, a number of public authorities were invited to provide feedback on the draft planning proposal.

Preliminary consultation occurred between 8 February 2019 and 8 March 2019, and seven (7) submissions were received from public agencies. Additional targeted consultation occurred between 11 October 2021 and 11 November in response to amendments to the Planning Proposal.

The feedback to date is summarised in the table below:

Public Authority	Summary of Feedback	Council Assessment Response
<b>Transport for NSW</b>	<ul style="list-style-type: none"> <li>The subject land is accessed via Jarvisfield Road, which is a local road feeding onto Picton Road, which is a classified regional road under the care and control of Council.</li> <li>RMS no longer have involvement on classified regional roads and considers it more appropriate for Councils to determine if proposals are acceptable from a network perspective.</li> <li>Should Council require the developer to undertake works on the classified regional road, consent from councils and concurrence from RMS under section 138 of the Roads Act 1993 would be required.</li> </ul>	Noted.
<b>Water NSW</b>	<ul style="list-style-type: none"> <li>The planning proposal affects land outside of the Sydney Drinking Water Catchment and does not have the potential to impact WaterNSW infrastructure or land.</li> <li>WaterNSW has no further comments.</li> </ul>	Noted.
<b>Sydney Water</b>	<ul style="list-style-type: none"> <li>Recommend that the applicant lodge a feasibility application with Sydney Water.</li> <li>There is limited capacity within the network to service the proposed development.</li> </ul>	Noted. The proponent is not proposing to connect to reticulated sewer in light of capacity constraints at Picton Wastewater Treatment Plant. Instead, a portion of the site will include an effluent management

Public Authority	Summary of Feedback	Council Assessment Response
	<ul style="list-style-type: none"> <li>▪ The applicant would need to connect to the nearest DN150 water main on Remembrance Driveway.</li> <li>▪ Sydney Water does not have enough effluent management capacity to service this development.</li> <li>▪ In the intervening period it is recommended that the applicant speak to Wollondilly Shire Council about on-site wastewater management options.</li> </ul>	area for dispersal of treated wastewater.
<b>Subsidence Advisory NSW</b>	<ul style="list-style-type: none"> <li>▪ The proposal is located within the Wilton Mine Subsidence District.</li> <li>▪ The proposal is located outside of an active coal mine title or coal exploration title.</li> <li>▪ It is also located outside of any area where a coal mine operator is current applying for a coal exploration title.</li> <li>▪ SA NSW have assessed the likelihood of future mine subsidence impacting the property as being low.</li> </ul>	Noted.
<b>DPE Environment Energy and Science</b> (previously	<ul style="list-style-type: none"> <li>▪ The Site masterplan should be amended to protect all of the sensitive land outlined in the flora and fauna assessment. This land should be adequately protected and restored.</li> <li>▪ The area mapped as 'high ecological constraint – Shale Plain Woodland (SPW) - Hollow bearing tree' in the north-west corner of the site should be included in the area mapped as sensitive land.</li> <li>▪ The site masterplan should first avoid impacts to native vegetation on the site, particularly as SPW is a sub community of Cumberland Plain Woodland (CPW) which is</li> </ul>	The portion of the site outlined as 'sensitive land', including the hollow bearing tree in the north-west corner of the site, is to be rezoned to C3 Environmental Management as part of this Planning Proposal. This will ensure that the aforementioned land and vegetation is adequately protected.

Public Authority	Summary of Feedback	Council Assessment Response
	<p>listed as a critically endangered ecological community (CEEC).</p> <ul style="list-style-type: none"> <li>▪ This is consistent with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2017 (BAM).</li> <li>▪ OEH recommends that the Site Masterplan avoids clearing of as many remnant native trees and patches of remnant native vegetation as possible. Where trees of younger growth are to be removed it is recommended these are transplanted into the 'sensitive land' area, and a DCP control is prepared.</li> <li>▪ A scaled plan needs to be prepared that overlays.</li> <li>▪ The site masterplan/proposed development footprint.</li> <li>▪ The 'sensitive land' – remnant native vegetation, tree hollows, etc.</li> <li>▪ Watercourses, riparian corridors and existing farm dams and remnant native vegetation.</li> <li>▪ OEH recommends that the proposed E3 zoning outlined in the flora and fauna assessment should actually be an E2 zoning to provide better protection for land highlighted as 'sensitive land'.</li> <li>▪ OEH also recommends that the 'sensitive land' should be further protected through inclusion under the Natural Resources-Biodiversity Map in the Wollondilly LEP.</li> <li>▪ OEH prefers for this E2 zoned land to be dedicated to council.</li> <li>▪ OEH agrees with the preparation of a Vegetation Management Plan which follows closely the</li> </ul>	<p>Site-specific DCP controls will be investigated to address this comment.</p> <p>Noted. Council does not think that an E2 Environmental Conservation Zoning is warranted for the sensitive land section of the property. We believe that an E3 Environmental Management zoning is the more appropriate.</p> <p>Noted. Council will recommend inclusion of the land on the NRB map if the proposal is supported.</p> <p>Noted. See above comment on suitability of the E2 zoning.</p>




Public Authority	Summary of Feedback	Council Assessment Response
	<p>Department of Environment and Conversation's (2005) Recovering bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland.</p> <ul style="list-style-type: none"> <li>▪ A site specific DCP should be prepared for this site – including a control to prepare a VMP for the site, specific controls for the planting of trees and controls for bridges and culverts on the site.</li> <li>▪ Recommend the use of local genetic plant material and native plant species from the SPW in construction of the development.</li> <li>▪ Suggested that the upstream section of the creek/riparian corridor is also mapped as sensitive land and restored to improve connectivity through the site to Vault Hill.</li> <li>▪ Recommended that the northern creek crossing is a bridge structure, designed to allow sufficient natural light and moisture to penetrate beneath the structure.</li> <li>▪ Clarification of use of OSD basins and dams on the site in the future.</li> <li>▪ If the dams are proposed to be dewatered/reshaped, as assessment needs to be undertaken by the proponent to assess the impact of development on the dams, basins and hydrology on the site.</li> <li>▪ The site is flood prone land and as such, the principles of the</li> </ul>	<p>Noted. DCP controls will be prepared if the planning proposal is supported at gateway.</p> <p>Noted. This detail can be included in proposed DCP controls to be prepared if the proposal is supported at gateway.</p> <p>The eastern riparian corridor is located within the proposed on-site wastewater disposal area. It is also intended that this portion of the site is to be landscaped, as part of any development application, to assist in mitigating visual impacts from the development. For these reasons, it is not recommended that the riparian corridor be mapped as sensitive land.</p> <p>Noted. This detail can be included in proposed DCP controls to be prepared if the proposal is supported at gateway.</p> <p>Noted. The Western dam is proposed to be retained. The Eastern dam is not.</p> <p>Noted. This detail can be included in proposed DCP controls to be prepared if the proposal is supported at gateway.</p>



Public Authority	Summary of Feedback	Council Assessment Response
	<p>Floodplain Development Manual (2005) need to be considered.</p> <ul style="list-style-type: none"> <li>▪ OEH supports the recommendations provided by the flood assessment.</li> </ul>	
<b>Heritage NSW</b>	<ul style="list-style-type: none"> <li>▪ The site is located both adjacent to and partly within 'Jarvisfield' which is listed as an historic landscape on the State Heritage Register.</li> <li>▪ The proposal is also adjacent to the local heritage item 'Jarvisfield: House and Barn' which is listed under the Wollondilly LEP and covers much of the same area.</li> <li>▪ The development of the site would encroach on the southern part of the SHR listed area. The proposed development in this area is likely to have an impact on the State heritage significance of 'Jarvisfield'.</li> <li>▪ Care must be taken to ensure that the planning proposal does not impact on the SHR item as a whole.</li> <li>▪ If the proposal is approved in its current form we strongly suggest that the proponent consult the Heritage Council prior to lodging an application to discuss options to avoid, minimise or mitigate impacts to the SHR item.</li> <li>▪ The proponent assessed the site as having little potential for archaeological remains this is a reasonable conclusion. The use of an unexpected find procedure for works associated with this development is considered appropriate.</li> </ul>	<p>Noted. Concerns regarding the visual impacts of the proposed development on surrounding heritage items have been raised in this Planning Proposal.</p> <p>It is proposed that visual impacts from the development are mitigated through the removal of one dwelling located within the curtilage of the State Heritage Item, and the imposition of site specific DCP objectives and controls to address visual impacts to the State Heritage item and gateway entrance to Picton.</p>
<b>NSW Rural Fire Service</b>	<ul style="list-style-type: none"> <li>▪ No objection to the planning proposal.</li> <li>▪ Land is bush fire prone.</li> </ul>	Noted.

Public Authority	Summary of Feedback	Council Assessment Response
	<ul style="list-style-type: none"> <li>Future DAs will be required to comply with S4.14 of the EPA Act 1979 or S100B of the Rural Fires Act 1997 depending upon the nature of the proposed development, and the relevant provisions of Planning for Bush Fire Protection.</li> <li>Future DAs will be required to comply with S4.14 of the EPA Act 1979 or S100B of the Rural Fires Act 1997 depending upon the nature of the proposed development, and the relevant provisions of Planning for Bush Fire Protection.</li> </ul>	<p>Noted.</p>
<p><b>Transport for NSW – public transport (bus services) team</b></p>	<ul style="list-style-type: none"> <li>TfNSW is unlikely to increase the hours of operation or frequencies on routes operating to the proposed seniors living development in the short-to-medium term.</li> <li>Services operate Monday to Saturday with limited services operating on weekdays, and extremely limited services on Saturdays.</li> <li>A high level desktop review, shows that the proposed bus stop on Jarvisfield Road before Coldenham Road may not have sufficient sight lines for the safe operation of buses. Should the direction of travel change in order to enable a stop in this location, Council will need to liaise with Picton Bus Lines to ensure it is located in an appropriate and safe location.</li> <li>No concerns are raised with the proposed stop on Coldenham Road before Jarvisfield Road. However, it is strongly recommended that Council liaise with Picton Bus Lines <b>prior</b> to installing the stop and ensure the proposed stop is incorporated in the transport information line.</li> </ul>	<p>An internal review by Council's Infrastructure team noted the comments received by TfNSW and provided advice that an indented bus bay would improve the sight lines and obstruction to on road traffic.</p> <p>Amended plans were subsequently provided by the proponent to reflect these comments.</p> <p>The Manager of Picton Bus Lines has provided written confirmation that the new bus stops can be serviced by existing public passenger services through Jarvisfield Estate (see Appendix AD – response to Issue (b)).</p>

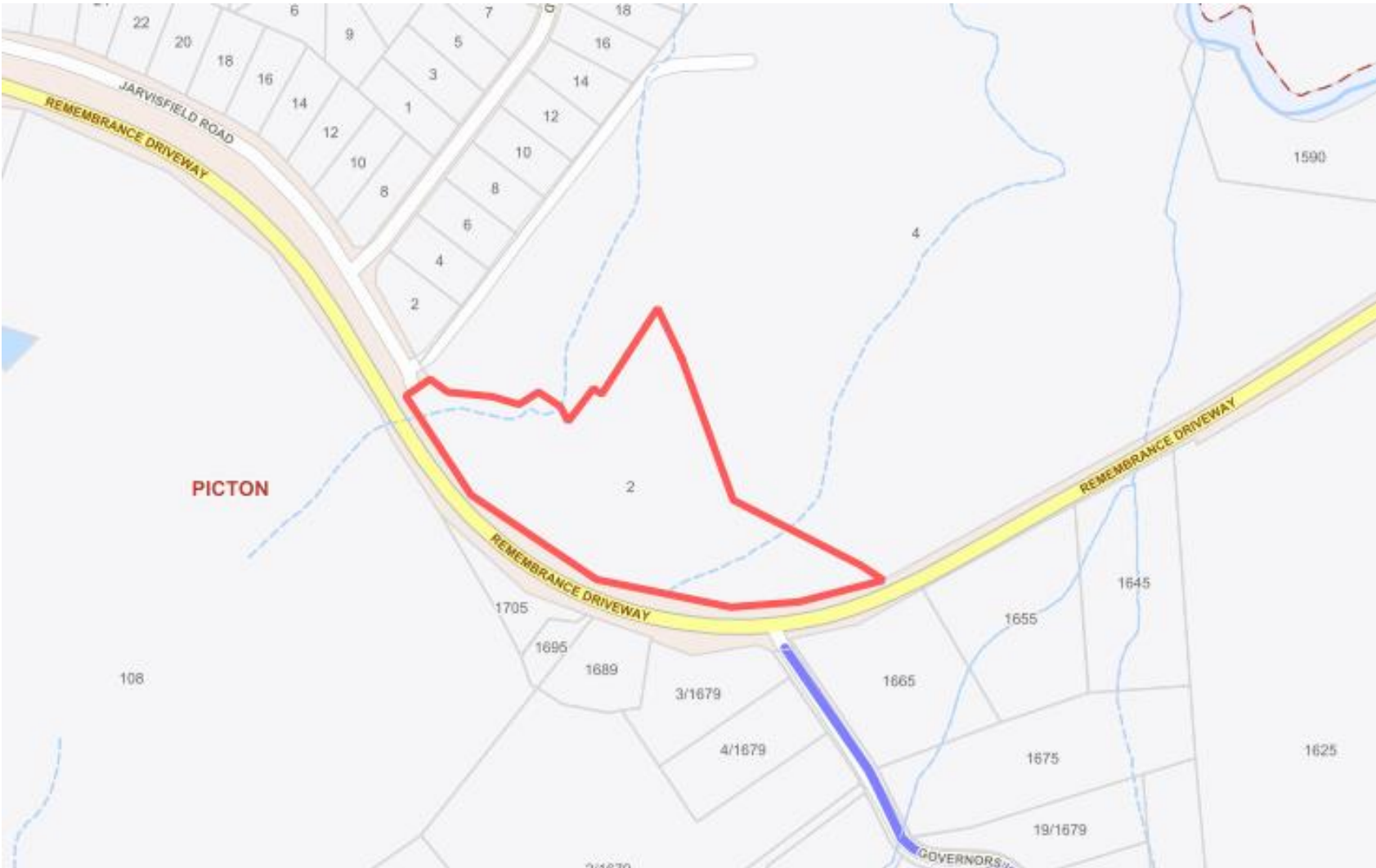
Public Authority	Summary of Feedback	Council Assessment Response
Heritage NSW	<ul style="list-style-type: none"> <li>Note that the proposal has been amended to remove all but one of the dwelling proposed within the SHR curtilage. This dwelling is shown in the red circle in the diagram below.</li> </ul>  <ul style="list-style-type: none"> <li>To avoid the requirement to seek approval under s.60 of the <b>Heritage Act 1977</b>, and the need for further consultation with the Heritage Council of NSW on this matter, we recommend that this proposed dwelling should be removed from the planning proposal. If it is not removed, the proponent will be required to submit a s.60 application for determination by the Heritage Council.</li> <li>The concerns raised with the indirect impacts on the visual setting of the SHR item have been addressed through the Landscape and Visual Impact Assessment and updated heritage advice prepared in support of the amended planning proposal.</li> <li>Subject to the removal of the single dwelling proposed within the SHR curtilage, no further issues are raised this planning proposal.</li> </ul>	Any gateway determination should ensure that recommendations issued by Heritage NSW are observed.

Subject to the implementation of recommendations included in the submission by Heritage NSW, as discussed further in this Planning Proposal, no unresolvable matters have been identified by any public authority or government agency.

Additional consultation will be held post Gateway Determination, as required.

# Part 4 – Maps

Map 1 - Site Identification Map



## **Map 2 – Additional Permitted Uses Map**

An Additional Permitted Uses comparison map will be prepared following the Gateway determination.

### **Map 3 - Land Zoning Map**

A land zoning comparison map will be prepared following the Gateway determination.

#### **Map 4 – Natural Resources – Biodiversity Map**

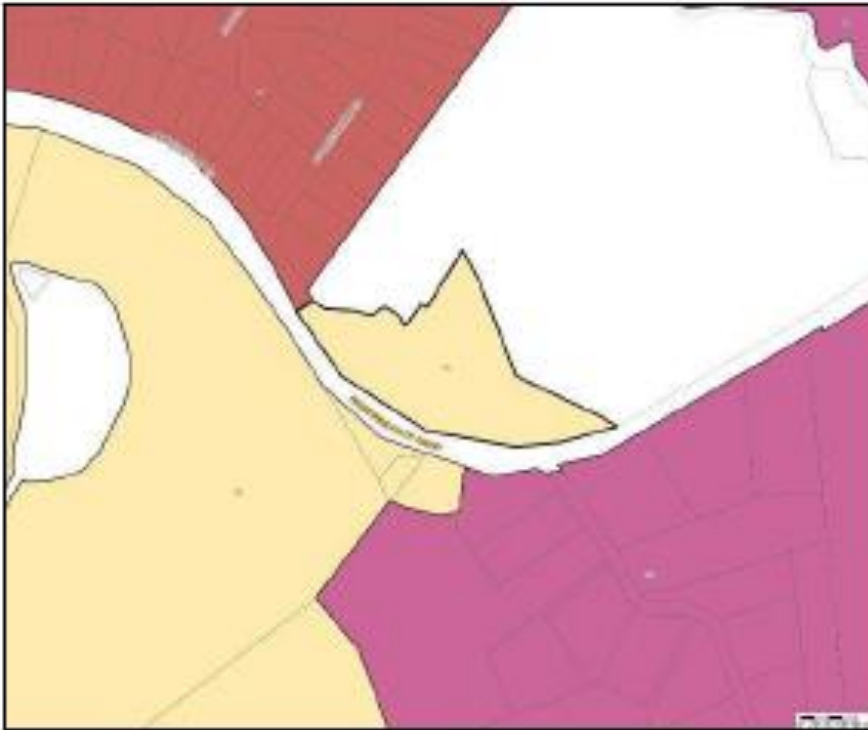
A Natural Resources – Biodiversity comparison map will be prepared following the Gateway determination.



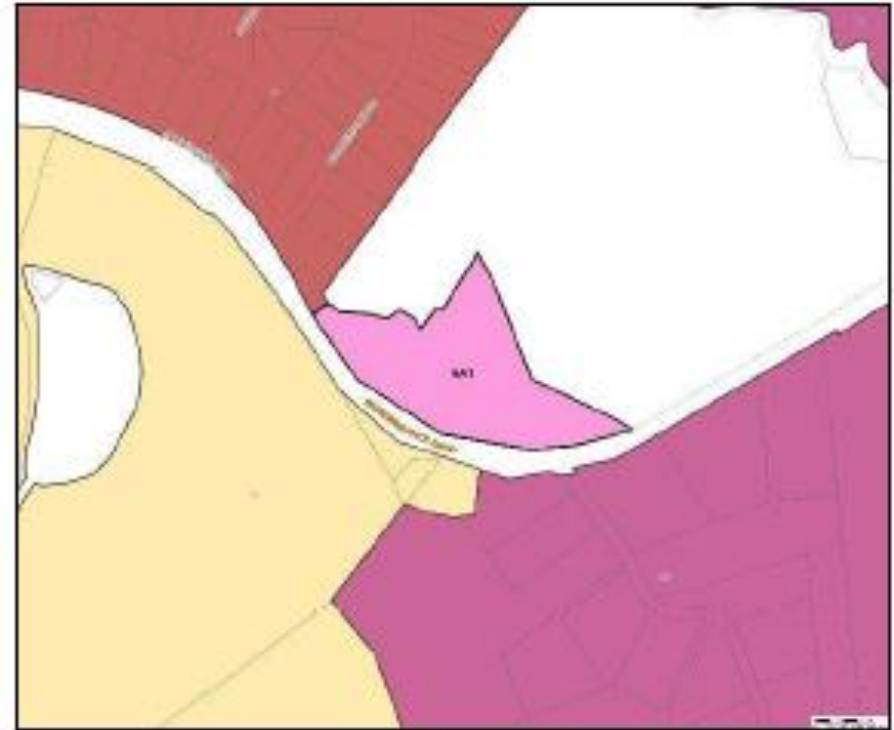
## **Map 5 - Height of Buildings Map**

A height of buildings comparison map will be prepared following the Gateway determination.

## Map 6 – Lot Size Map



*Figure 4: Existing Minimum Lot Size  
(AD – 100 hectares)*



*Figure 5: Proposed Minimum Lot Size  
(AA1 – 5 hectares)*

An updated lot size comparison map will be prepared following the Gateway determination.

## Part 5 – Community Consultation

As part of Council's commitment to engaging with community and key stakeholders early in the planning proposal a preliminary consultation was held in accordance with the Council's *Community Participation Plan* and adopted *Planning Proposal Policy*.

Community and stakeholder feedback were invited through a preliminary public exhibition held from 13 February 2019 to 13 March 2019. Feedback was encouraged by letters to affected residents, a notice in the relevant local newspaper and through Council's website. Hard copies of the documents were also available to view at Wollondilly Library and the Council's Customer Service Centre in Picton.

Nine (9) submissions were received during this period, six (6) did not support the amendments and three (3) were neutral.

The submissions raised a number of important issues for the site, including:

- Concerns regarding increased traffic on Jarvisfield Road;
- Inadequate public transport services and footpaths in the vicinity of the site;
- Negative impacts on rural outlook and tourism;
- Inappropriateness of the proposed location and scale of development;
- Incompatibility of development with the Seniors SEPP; and
- Isolation of development from health services.

A detailed summary of community submissions and Council's response to these submissions is provided as part of the Minutes and Agenda from the Ordinary Meeting of Council held on 15 June 2021 provided at Appendix D.

It is anticipated that a formal public exhibition will be held to seek further feedback as part of any Gateway determination issued for the site.

## Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Consideration by Wollondilly Local Planning Panel	-	Completed in April 2021
Consideration of draft Planning Proposal by Council	-	Completed in June 2021
Gateway determination	1 month	May 2022
Pre-exhibition	2 months	May 2022
Commencement and completion of public exhibition period	1 month	June/July 2022
Consideration of submissions	1 month	August 2022
Post-exhibition review and additional studies	2 months	October 2022
Submission to the Department for finalisation (where applicable)	1 month	November 2022
Gazettal of LEP amendment		December 2022

# Appendices

## **A. Compliance with SEPPs**

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

## **B. Assessment against Section 9.1 Directions**

Table summarising compliance with applicable Section 9.1 Ministerial Directions issued under the *Environmental Planning and Assessment Act 1979*.

## **C. Minutes from Wollondilly Local Planning Panel**

*Extract from Agenda and Minutes of the Wollondilly Local Planning Panel held on 29 April 2021*  
*Council Reference: CM 10891 #272*

## **D. Agenda and Minutes from Ordinary Meeting of Council**

*Extract from Agenda and Minutes of the Ordinary Meeting of Wollondilly Shire Council held on 15 June 2021*  
*Council Reference: CM 10891#457*

## **E. Archaeological Report and Aboriginal Cultural Heritage Assessment Report**

*Prepared by Biosis*  
*Council Reference: CM 10891#162*

## **F. Bushfire Assessment Report**

*Prepared by Peterson Bushfire*  
*Council Reference: CM 10891#12*

## **G. Bushfire Emergency Management and Evacuation Plan**

*Prepared by Peterson Bushfire*  
*Council Reference: CM 10891#218*

## **H. Bushfire Response**

*Prepared by Peterson Bushfire*  
*Council Reference: CM 10891#214*

## **I. Concept Bus Stop Plans**

*Prepared by Siteplus*  
*Council Reference: CM 10891#460*

## **J. Concept Visual Mitigation Landscape Plan**

*Prepared by Distinctive Living*  
*Council Reference: CM 10891#362*

## **K. Concept Layout Plan**

*Prepared by John McDonald Building Services*  
*Council Reference: CM 10891#358*

## **L. Concept Stormwater Management Plan**

*Prepared by Martens & Associates Pty Ltd*  
*Council Reference: CM 10891#367*

## **M. Detailed Site Investigation**

*Prepared by Martens & Associates Pty Ltd*  
*Council Reference: CM 10891#14*

## **N. Draft Amendment to Section 7.11 Contributions Plan**

*Prepared by Michael Brown Planning Strategies*  
*Council Reference: CM 10891#359*

**O. Flood Assessment**

*Prepared by Martens & Associates Pty Ltd*

*Council Reference: CM 10891#18*

**P. Flora and Fauna Assessment**

*Prepared by Ecoplanning*

*Council Reference: CM 10891#15*

**Q. Heritage Impact Statement**

*Prepared by Umwelt*

*Council Reference: CM 10891#446*

**R. Heritage Advice**

*Prepared by NBRS Architecture Heritage*

*Council Reference: CM 10891#213*

**S. Landscape and Visual Impact Assessment**

*Prepared by Distinctive Living*

*Council Reference: CM 10891#440*

**T. Mood Board Concept Designs**

*Prepared by John McDonald Building Services*

*Council Reference: CM 10891#462*

**U. Pathways Proposal**

*Prepared by John McDonald Building Services*

*Council Reference: CM 10891#364*

**V. Preliminary Site Investigation**

*Prepared by Martens & Associates Pty Ltd*

*Council Reference: CM 10891#13*

**W. Preliminary Hydraulic Assessment**

*Prepared by Martens & Associates Pty Ltd*

*Council Reference: CM 10891#209*

**Y. Preliminary Watercourse Assessment**

*Prepared by Martens & Associates Pty Ltd*

*Council Reference: CM 10891#210*

**X. Response Council Resolution**

*Prepared by Michael Brown Planning Strategies*

*Council Reference: CM 10891#357*

**Z. Road Safety Intersection Review**

*Prepared by Transport and Urban Planning*

*Council Reference: CM 10891#426*

**AA. Traffic and Parking Assessment Report**

*Prepared by Positive Traffic*

*Council Reference: CM 10891#20*

**AB. Wastewater Assessment Report**

*Prepared by Martens & Associates Pty Ltd*

*Council Reference: CM 10891#461*

# Appendix A

## Compliance with SEPPs

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

State Environmental Planning Policies (SEPPs)	Includes recently repealed SEPPs	Applicable	Consistent	Assessment
Transport and Infrastructure SEPP	SEPP (Infrastructure) 2007 SEPP (Educational Establishments and Childcare Facilities) 2017 SEPP (Major Infrastructure Corridors) 2020 SEPP (Three Ports) 2013	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Biodiversity and Conservation SEPP	SEPP (Vegetation in Non-Rural Areas) 2017 SEPP (Koala Habitat Protection) 2020 SEPP (Koala Habitat Protection) 2021 Murray Regional Environmental Plan No 2 – Riverine Land SEPP No 19 – Bushland in Urban Areas SEPP No 50 – Canal Estate Development SEPP (Sydney Drinking Water Catchment) 2011 Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property	No	N/A	The planning proposal seeks to preserve environmentally sensitive lands by re-zoning this portion of the site as C3 Environmental Management – refer Map 2 shown in Part 4.  The site is not located within the Sydney Drinking Water Catchment.
Primary Production SEPP	SEPP (Primary Production and Rural Development) 2019 Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	No	N/A	Not applicable to this planning proposal.
Resilience and Hazards SEPP	SEPP (Coastal Management) 2018 SEPP 33 – Hazardous and Offensive Development SEPP 55 – Remediation of Land	No	N/A	Not applicable to this planning proposal. For strategic planning, the consideration of remediation of land is now achieved by a Ministerial Direction.
Industry and Employment	SEPP (Western Sydney Employment Area) 2009 SEPP 64 – Advertising and Signage	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Resources and Energy SEPP	SEPP (Mining, Petroleum Production and Extractive Industries) 2007 Sydney Regional Environmental Plan No. 9 – Extractive Industries	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Planning Systems SEPP	SEPP (State and Regional Development) 2011 SEPP (Aboriginal Land) 2019 SEPP (Concurrences and Consents) 2018	No	N/A	Not applicable to this planning proposal.
SEPP (Precincts – Eastern Harbour City) 2021	Sites within the State Environmental Planning Policy (State Significant Precincts) 2005 have been split across the 4 precincts. Sites within the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 have been split between the Central River City and Western Parkland City precincts	No	N/A	Not applicable to Wollondilly.
SEPP (Precincts – Central River City) 2021		No	N/A	Not applicable to Wollondilly.
SEPP (Precincts – Western Parkland City) 2021		No	N/A	Not applicable to this planning proposal. The site is not located within a designated Growth Centre.



State Environmental Planning Policies (SEPPs)	Includes recently repealed SEPPs	Applicable	Consistent	Assessment
<b>SEPP (Precincts – Regional) 2021</b>		No	N/A	Not applicable to Wollondilly.
<b>Housing SEPP</b>	State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) State Environmental Planning Policy No 21 - Caravan Parks State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A	Part 5 'Housing for seniors and people with a disability' of the Housing SEPP does not apply to Zone RU2 Rural Landscape. Notwithstanding this, the planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.  It is noted that the Housing SEPP would guide the development of seniors housing if the planning proposal progresses.
<b>Codes SEPP</b>	No changes	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

# Appendix B

## Assessment against Section 9.1 Directions

The table below assesses the planning proposal against Section 9.1 (2) Ministerial Directions issued under the *Environmental Planning & Assessment Act 1979*

	Ministerial Direction	Applicable	Consistent	Assessment
<b>Focus area 1: Planning Systems</b>				
1.1	<b>Implementation of the Minister's Planning Principles</b>	NA	N/A	Revoked on 14 March 2022.
1.2	<b>Implementation of Regional Plan</b>	Yes	Yes	The planning proposal is considered, on balance, to be consistent with the Western City District Plan (see earlier assessment – Section B 3.3), and is therefore consistent with this direction.
1.3	<b>Development of Aboriginal Land Council Land</b>	No	N/A	This Direction is not applicable to Wollondilly.
1.4	<b>Approval and Referral Requirements</b>	Yes	Yes	The planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.

	Ministerial Direction	Applicable	Consistent	Assessment
1.5	Site Specific Provisions	Yes	No	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The planning proposal seeks to permit Seniors housing with development consent on the land by amending Schedule 1 Additional permitted uses.</p> <p>It is noted that an alternative mechanism to an Additional permitted use may be to rezone the portion of the site intended for Seniors housing to SP2 Seniors housing. This was the approach used in the Queen Victoria Memorial Home Planning Proposal which was gazetted in 2016.</p> <p>Either approach would be considered to be consistent with Direction 1.5.</p> <p>A high level concept plan has been included in the planning proposal documentation for information purposes as it provides a useful aid to discuss the sites suitability for the proposed development.</p>
<b>Focus area 1: Planning Systems – Place-based</b>				
1.6	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	This Direction is not applicable to Wollondilly.
1.7	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	This Direction is not applicable to Wollondilly.
1.8	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	This Direction is not applicable to Wollondilly.
1.9	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	The planning proposal does not include land covered by the Wilton Priority Growth Area Interim Land Use and Infrastructure Plan.

	Ministerial Direction	Applicable	Consistent	Assessment
1.10	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	This Direction is not applicable to Wollondilly.
1.11	Implementation of the Western Sydney Aerotropolis Plan	Yes	Yes	The planning proposal does not impact upon the intent of the <i>Western Sydney Aerotropolis Plan</i> , nor does it undermine the achievement of the objectives, planning principles and priorities for the Western Sydney Aerotropolis.
1.12	Implementation of Bayside West Precincts 2036	No	N/A	This Direction is not applicable to Wollondilly.
1.13	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	This Direction is not applicable to Wollondilly.
1.14	Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	This Direction is not applicable to Wollondilly.
1.15	Implementation of Greater Macarthur 2040	No	N/A	The planning proposal does not include land covered by Greater Macarthur 2040.
1.16	Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	This Direction is not applicable to Wollondilly.
1.17	North West Rail Link Corridor Strategy	No	N/A	This Direction is not applicable to Wollondilly.
<b>Focus area 2: Design and Place</b>				
<b>Focus area 3: Biodiversity and Conservation</b>				
3.1	Conservation Zones	Yes	Yes	As discussed in Section B, 3.7, the Planning Proposal seeks to preserve environmentally sensitive lands by re-zoning this portion of the site as C3 Environmental Management.

	Ministerial Direction	Applicable	Consistent	Assessment
3.2	Heritage Conservation	Yes	Yes	Consistent subject to amendments to the proposal, as recommended by Heritage NSW, and the imposition of site specific DCP objectives and controls which satisfactorily address visual impacts to the State Heritage item. See Section B, 3.7 for further details.
3.3	Sydney Drinking Water Catchments	No	N/A	The site is not located within the Sydney Drinking Water Catchment.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	This Direction is not applicable to Wollondilly.
<b>Focus area 4: Resilience and Hazards</b>				
4.1	Flooding	Yes	Yes	As discussed in Section B, 3.7, the planning proposal does not propose any residential uses located within land identified as being flood prone. Appropriate studies have been submitted in respect of this proposal that account for flooding and water management.
4.2	Coastal Management	No	N/A	This Direction is not applicable to Wollondilly.
4.3	Planning for Bushfire Protection	Yes	Yes	A Bushfire Assessment Report, Bushfire Emergency Management and Evacuation Plan, and Bushfire response have been prepared for the site and outline that the bushfire risk is low and that the proposal is consistent with Planning for Bushfire Protection. A submission was also sought and received from the New South Wales Rural Fire Service (NSW RFS). Refer to section B3.7 for further information.
4.4	Remediation of Contaminated Land	Yes	Yes	A preliminary investigation has been undertaken and considers the site to be suitable for redevelopment for a residential subdivision. Refer to section B3.7 for further information.
4.5	Acid Sulfate Soils	No	N/A	The land has not been identified on the Acid Sulfate Soils Planning Maps

	Ministerial Direction	Applicable	Consistent	Assessment
4.6	Mine Subsidence and Unstable Land	Yes	Yes	Submission by SA NSW provides that the proposal was located outside of an active coal mine title or coal exploration title, and outside of any area where a coal mine operator is currently applying for a coal exploration title. As such, SA NSW determined the likelihood future mine subsidence impacting the property as being low. Refer to section B3.7 for further information.
Focus area 5: Transport and Infrastructure				
5.1	Integrating Land Use and Transport	Yes	Yes	As discussed in Section B, 3.7, existing deficiencies with access to facilities, public transport and active transport opportunities are to be addressed through the construction of additional footpaths, two (2) new bus stops, and improvements to the intersection treatment of Jarvisfield Road and Remembrance Driveway, to be provided by the developer.
5.2	Reserving Land for Public Purposes	No	N/A	The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	No	N/A	The site is not located near a regulated airport which includes a defence airfield.
5.4	Shooting Ranges	No	N/A	The site is not located adjacent to land with an existing shooting range.
Focus area 6: Housing				
6.1	Residential Zones	Yes	Yes	The Planning Proposal will provide new housing supply and choice for seniors. Deficiencies with regards to access to facilities, public transport and active transport opportunities are addressed above, and in Section B, 3.7.
6.2	Caravan Parks and Manufactured Home Estates	No	Yes	The planning proposal does not consideration of caravan parks or manufactured homes.
Focus area 7: Industry and Employment				
7.1	Business and Industrial Zones	No	N/A	The planning proposal will not affect land within an existing or proposed business or industrial zone.

	Ministerial Direction	Applicable	Consistent	Assessment
7.2	Reduction in non-hosted short-term rental accommodation period	No	N/A	This Direction is not applicable to Wollondilly.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	This Direction is not applicable to Wollondilly.
<b>Focus area 8: Resources and Energy</b>				
8.1	Mining, Petroleum Production and Extractive Industries	Yes	Yes	Submission by SA NSW provides that the proposal was located outside of an active coal mine title or coal exploration title, and outside of any area where a coal mine operator is currently applying for a coal exploration title. As such, SA NSW determined the likelihood future mine subsidence impacting the property as being low. Refer to section B3.7 for further information.
<b>Focus area 9: Primary Production</b>				
9.1	Rural Zones	Yes	No	As discussed in Section B, 3.7, the subject site is not currently used for agricultural production, and is not of a size or topography that can support profitable agricultural uses. Notwithstanding this, the Planning Proposal is inconsistent with this direction, as it will permanently increase the permissible density of land within a rural zone for the purpose of 'Seniors Living' housing.
9.2	Rural Lands	Yes	Yes	As discussed in Section B, 3.7, the rural land is not currently being utilised for agricultural purposes, and would not be suited to agricultural pursuits owing to its relatively small size (5.582 ha), location (adjoining large lot residential, therefore potential for land use conflicts) and fragmentation from other rural lands. This fragmentation from surrounding rural lands will also ensure that there is a low risk of land use conflicts and infringing on farmers right to farm as a result of this Planning Proposal.
9.3	Oyster Aquaculture	No	N/A	This Direction is not applicable to Wollondilly.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	This Direction is not applicable to Wollondilly.



# Appendix C

## Minutes from Wollondilly Local Planning Panel (29 April 2021)

*Extract from Minutes of the Wollondilly Local Planning Panel held on 29 April 2021*  
*Our Reference: CM 10891#272*

# Appendix D

## Agenda & Minutes from Ordinary Meeting of Wollondilly Shire Council (15 June 2021)

*Extract from Agenda and Minutes of the Ordinary Meeting of Wollondilly Shire Council held on 15 June 2021*  
*Our Reference: CM 10891#457*

# Appendix E

## Archaeological Report and Aboriginal Cultural Heritage Assessment Report

*Prepared by Biosis*

*Our Reference: CM 10891#162*

# Appendix F

## Bushfire Assessment Report

*Prepared by Peterson Bushfire*

*Our Reference: CM 10891#12*

# Appendix G

## Bushfire Emergency Management and Evacuation Plan

*Prepared by Peterson Bushfire*

*Our Reference: CM 10891#218*

# Appendix H

## Bushfire Response

*Prepared by Peterson Bushfire  
Our Reference: CM 10891#214*

# Appendix I

## Concept Bus Stop Plans

*Prepared by Siteplus*

*Our Reference: CM 10891#460*

# Appendix J

## Concept Visual Mitigation Landscape Plan

*Prepared by Distinctive Living*  
*Our Reference: CM 10891#362*



# Appendix K

## Concept Layout Plan

*Prepared by John McDonald Building Services  
Our Reference: CM 10891#358*

# Appendix L

## Concept Stormwater Management Plan

*Prepared by Martens & Associates Pty Ltd*  
*Our Reference: CM 10891#367*

# Appendix M

## Detailed Site Investigation

*Prepared by Martens & Associates Pty Ltd*

*Our Reference: CM 10891#14*

# Appendix N

## Draft Amendment to Section 7.11 Contributions Plan

*Prepared by Michael Brown Planning Strategies*

*Our Reference: CM 10891#359*

# Appendix 0

## Flood Assessment

*Prepared by Martens & Associates Pty Ltd*

*Our Reference: CM 10891#18*

# Appendix P

## Flora and Fauna Assessment

*Prepared by Ecoplaning*

*Our Reference: CM 10891#15*

# Appendix Q

## Heritage Impact Statement

*Prepared by Umwelt*

*Our Reference: CM 10891#446*

# Appendix R

## Heritage Advice

*Prepared by NBRS Architecture Heritage*  
*Our Reference: CM 10891#213*



# Appendix S

## Landscape and Visual Impact Assessment

*Prepared by Distinctive Living*  
*Our Reference: CM 10891#440*

# Appendix T

## Mood Board Concept Designs

*Prepared by John McDonald Building Services  
Our Reference: CM 10891#462*

# Appendix U

## Pathways Proposal

*Prepared by John McDonald Building Services*

*Our Reference: CM 10891#364*

# Appendix V

## Preliminary Site Investigation

*Prepared by Martens & Associates Pty Ltd*  
*Our Reference: CM 10891#13*

# Appendix W

## Preliminary Hydraulic Assessment

*Prepared by Martens & Associates Pty Ltd*

*Our Reference: CM 10891#209*

# Appendix Y

## Preliminary Watercourse Assessment

*Prepared by Martens & Associates Pty Ltd*

*Our Reference: CM 10891#210*

# Appendix X

## Response Council Resolution

*Prepared by Michael Brown Planning Strategies*

*Our Reference: CM 10891#357*

# Appendix Z

## Road Safety Intersection Review

*Prepared by Transport and Urban Planning*  
*Our Reference: CM 10891#426*



# Appendix AA

## Traffic and Parking Assessment Report

*Prepared by Positive Traffic*

*Our Reference: CM 10891#20*

# Appendix AB

## Wastewater Assessment Report

*Prepared by Martens & Associates Pty Ltd*  
*Our Reference: CM 10891#461*