

17 August 2018

Ms Ann-Maree Carruthers  
Director, Sydney Region West  
NSW Department of Planning & Environment  
10 Valentine Ave,  
PARRAMATTA NSW 2150

Dear Ann-Maree,

#### REZONING REVIEW: PLANNING PROPOSAL FOR LOT 112 DP 1229771

City Plan Strategy & Development Pty Ltd (CPSD) acts on behalf of Abax Contracting P/L, the proponent of the abovementioned Planning Proposal which was submitted to Wollondilly Shire Council on 3 April 2018.

The Planning Proposal (PP) seeks to amend of the Lot Size Map to reduce the minimum lot size for subdivision from 2000sqm to 450sqm. The site is currently zoned R2 Low Density Residential and has current potential for 5 lots without any further rezoning. The subject PP would increase the potential yield to 20 lots housing an estimated population of 58.

At the Council meeting on Monday 16th July 2018, Council officers recommended continued assessment of this PP. However, Council resolved to defer consideration of all PPs pending further discussion with the Greater Sydney Commission regarding the metropolitan rural area. It is understood that a further report is to be presented to the Wollondilly Local Planning Panel prior to being reported back to Council.

Notwithstanding, Council has failed to indicate its support 90 days after the PP was submitted which provides the trigger to seek an independent rezoning review.

The purpose of this letter is to outline the justification against the Strategic and Site Merit Tests to accompany the formal request to the Department of Planning and Environment (DP&E) for a rezoning review.

#### 1. STRATEGIC MERIT TEST

**Is the proposal consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?**

##### 1.1 Greater Sydney Region Plan - A Metropolis of Three Cities

The *Greater Sydney Region Plan - A Metropolis of Three Cities* (GSRP) identifies a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The GSRP's vision is linked on addressing; Infrastructure and Collaboration; Liveability; Productivity and Sustainability.

The GSRP highlights the need for a greater choice and diversity of new homes to accommodate population growth, changing demographics and housing affordability challenges in appropriate locations.

The subject site is located within the Greater Sydney's Metropolitan Rural Area (MRA). The GSRP emphasises the need for a placed based approach to growth of towns and villages in the MRA that has regard to the local demand for growth, surrounding local character and environment and optimisation of existing infrastructure and services.

The proposal is consistent with the GSRP by proposing a reduced lot size within an existing urban area thereby;

- Increasing housing densities in an area already zoned for residential purposes, in close proximity to services and public transport;
- Optimising use of existing infrastructure;
- Protecting productive agricultural and conservation lands; and
- Protecting the scenic and cultural values of the area.

## 1.2 Western City District Plan

The subject land is located within the Wollondilly Local Government Area (LGA), which forms part of the Western City District.

The Western City District Plan (WCDP) is one of five district plans to guide implementation of the GSRP. The proposal is consistent with the relevant priorities in the WCDP as demonstrated in **Table 1**.

Table 1: Consistency of Proposal against Western City District Plan

Planning Priority	Comment	Consistency
<b>Infrastructure and Collaboration</b>		
W1 Planning for a city supported by infrastructure	<p>The WCDP promotes the need for the optimal use of infrastructure including aligning land use and infrastructure planning.</p> <p>The proposal is located within an existing R2 Low Density Residential Zone. All services and infrastructure are largely in place for residential development on the site including sewer, water, electricity, NBN, gas and stormwater.</p> <p>The site has current potential for 5 lots without any further rezoning. The subject PP would increase the potential yield to 20 lots. Existing services and infrastructure could be readily augmented to meet the requirements of the additional lots.</p>	Yes
<b>Liveability</b>		
W3 Providing services and social infrastructure to meet people's changing needs	<p>The proposal provides opportunities for a mix of dwelling types that encourage social mix and provides housing choice to meet the needs of the community.</p> <p>The net increase in 15 lots will also assist in the provision of social infrastructure through increased state and local contributions.</p>	Yes

Planning Priority	Comment	Consistency
W4 Fostering healthy, creative, culturally rich and socially connected communities	The site is within an existing urban area and in close proximity to the Tahmoor Town Centre and Tahmoor Railway Station. Tahmoor Sportsground is also located to the south and consists of recreational land which includes sporting fields, netball courts and playground and skate park ensuring a high level of social connectivity for future residents.	Yes
W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The WCDP (pg 27) anticipates the number of residents aged over 85 is expected to grow by 206 per cent, while the number of single person households is expected to grow by 87 percent in the LGA.</p> <p>The WCDP acknowledges (page 44) the Wollondilly Growth Management Strategy 2011 which aims to focus the majority of new housing within or immediately adjacent to existing settlements.</p> <p>The subject site is identified within the Wollondilly Growth Management Strategy 2011 as being part of the Picton Tahmoor Thirlmere (PTT) West Tahmoor Precinct. The subject property and surrounding area was subsequently rezoned for urban purposes by Wollondilly Local Environmental Plan 2011 (WLEP) (Amendment No.3).</p> <p>The proposal provides housing supply, choice and affordability, with access to jobs, services and public transport through easy access to Tahmoor Town Centre, Tahmoor Railway Station, Picton and the motorway to Sydney.</p>	Yes
W6 Creating and renewing great places and local centres, and respecting the District's heritage	The subject site is located within an existing urban area. The site contains no listed heritage items of local, state or national heritage significance.	Yes
<b>Sustainability</b>		
W14 Protecting and enhancing bushland and biodiversity	<p>Previous ecological assessments undertaken as part of WLEP (Amendment No 3) have shown the site to be heavily vegetated and constrained ecologically by the presence of Shale Sandstone Transition Forest, a critically endangered ecological community (CEEC) listed under State and Commonwealth legislation. This in part resulted in the current 2,000sqm lot size.</p> <p>Myrtle Creek is located to the north of the site. A corridor of land bordering the creek identified as 'sensitive land' on the WLEP Natural Resources - Water Map was previously zoned E2 Environmental Conservation. This land comprises remnants of Shale Sandstone Transition Forest and creates a northern buffer between the residential areas of Tahmoor and Thirlmere. The existing land use zoning protects this sensitive area will not be impacted by the proposed amendment.</p> <p>The need to retain the larger lot size to protect the vegetation is no longer applicable. Ecoplaning has carried out an up-to-date assessment of the vegetation on the site (see Annexure B of Planning Proposal). The review noted that substantial clearing of vegetation has occurred since the existing planning controls were put in place including the development of a residential roadway bordering the site to the west.</p>	Yes

Planning Priority	Comment	Consistency
	<p>Ecoplanning concluded that:</p> <p><i>It is apparent that following the current developments that have been approved in the immediate vicinity of the subject site (i.e. the roadway and the residential development), that the character of the land along this border is no longer heavily vegetated.... As a consequence, it no longer retains a vegetative buffer or any aesthetic value.</i></p>	
W16 Protecting and enhancing scenic and cultural landscapes	<p>The subject site is within an existing urban area and does not fall within a scenic or cultural landscape.</p> <p>As previously outlined, substantial clearing of vegetation has occurred on the site since the existing planning controls were put in place including the construction of a new road of the western boundary. As a consequence, it no longer retains a vegetative buffer or any aesthetic value.</p> <p>It is noted that, a recreational zone is located to the south and west of the site. The recreational zone acts as a buffer between the subject land zoned R2 and land to the west zoned R5. Notwithstanding this, there is opportunity for any future Development Application for subdivision of the land to incorporate vegetative screening to reduce any scenic impacts.</p>	Yes
W19. Reducing carbon emissions and managing energy, water and waste efficiently	There is potential for future buildings to incorporate best practice solutions in building construction and operation.	Yes
W20. Adapting to the impacts of urban and natural hazards and climate change.	There is potential for any future development application to address principles of Ecologically Sustainable Development.	Yes

**Is the proposal consistent with relevant local council strategy that has been endorsed by the Department?**

### 1.3 Wollondilly Growth Management Strategy 2011

The Wollondilly Growth Management Strategy (GMS) was adopted by Council on 21 February 2011 and contains key directions and principles to guide proposals and Council decisions on growth. The subject site is located within the Picton/Thirlmere/Tahmoor Area (PTT) area as shown in **Figure 1**.

The Picton/Thirlmere/Tahmoor Area (PTT) is identified as one of two key growth areas where the focus of population growth in the LGA will be located. The land has subsequently been rezoned for urban purposes by Wollondilly Local Environmental Plan 2011 (Amendment No.3).

While the GMS has not formally been endorsed by the DP&E, it is directly referenced in the WCDP (pg44) which states:

*"Wollondilly Growth Management Strategy 2011 aims to manage the pressure of growth and the community desire to maintain rural qualities and values. The strategy plans for the delivery of at least 7,500 new houses over the next 25 years through a range of different housing types to meet the needs of the future community. It also aims for the majority of new housing growth*

to be focused within or immediately adjacent to existing settlements, rather than spreading it through rural areas".

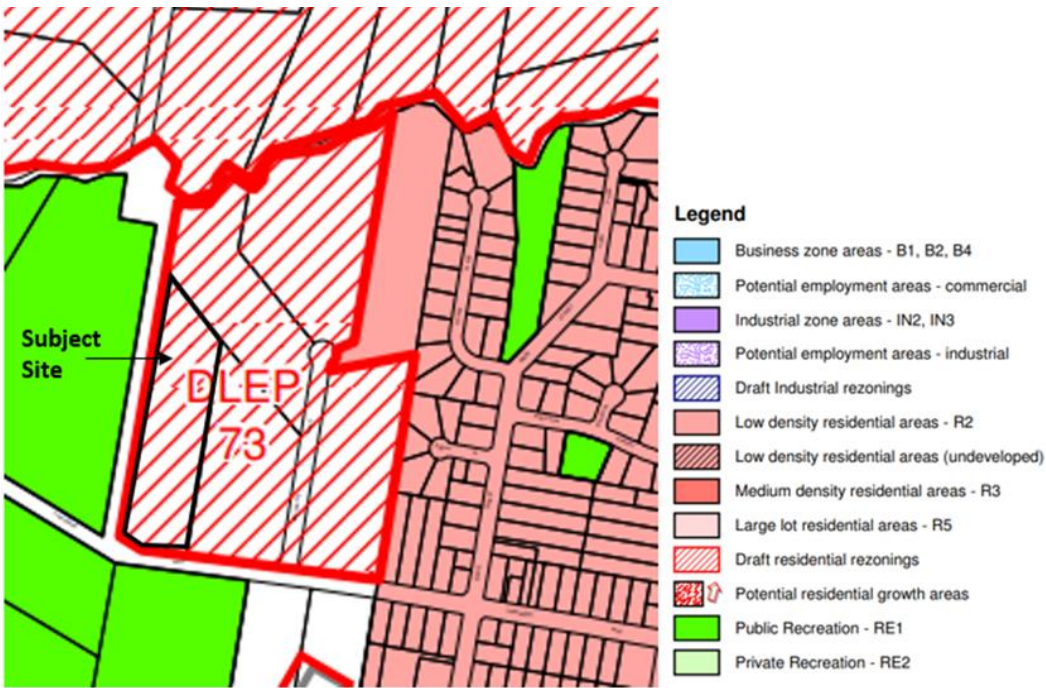


Figure 1: Structure Plan - Tahmoor & Thirlmere (Source: Wollondilly Growth Management Strategy 2011)

The subject land is already located within an existing R2 Low Density Residential Zone and the PP proposes a reduction in the minimum lot size from 2,000sqm to 450sqm in line with the adjacent land. The surrounding zonings is illustrated in **Figure 2** below.

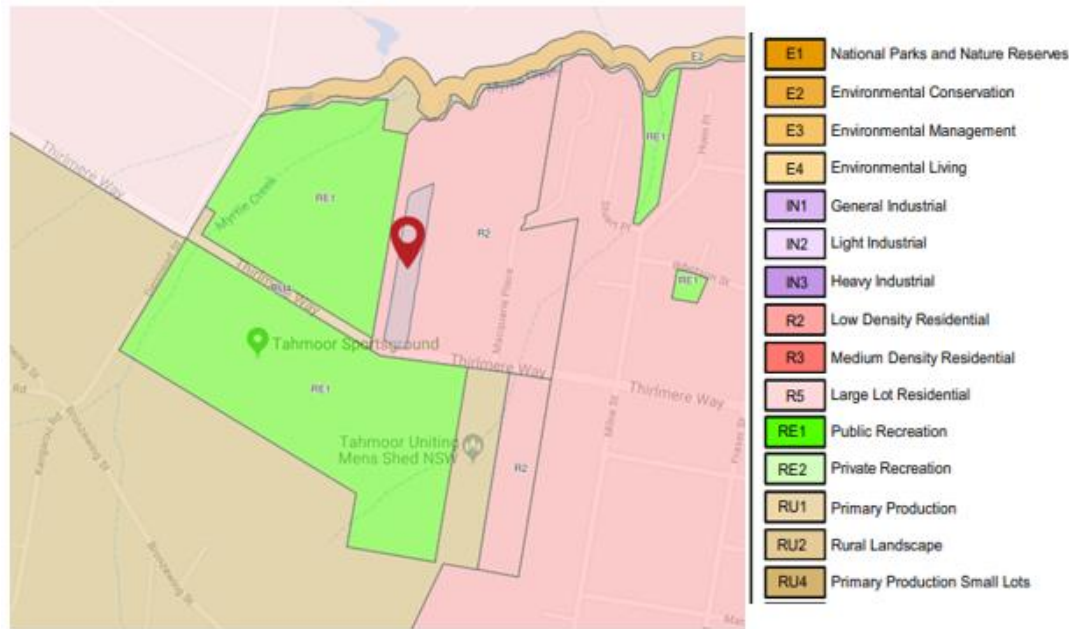


Figure 2: Surrounding Land Zoning (Source: Planning Portal)

The proposal's consistency with the relevant priorities of the GMS is demonstrated in **Table 2**.



Table 2: Assessment of Consistency against Wollondilly Growth Management Strategy 2011

Key Policy Directions	Comment	Consistency
<b>General Policies</b>		
P1 All land use proposals need to be consistent with the Key Policy Directions and Assessment Criteria contained in this GMS in order to be supported by Council.	<p>The subject site is located within the Picton/Thirlmere/Tahmoor Area (PTT), identified as one of two key growth areas where the focus of population growth in the LGA will be located.</p> <p>The Planning Proposal satisfies the key policy directions as outlined in this Table.</p>	Yes
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2)	The land is within an existing residential zoned land. The land is surrounded by residential zoned land to the east and RE1 Private Recreation land to the south and west. The proposal is consistent with the GMS vision to consolidate future urban growth within existing urban areas.	Yes
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	<p>The original Planning Proposal to rezone the land to urban (WLEP Amendment No. 3) has undergone extensive consultation through to gazettal.</p> <p>Any submissions received during the exhibition will be given due consideration.</p>	Yes
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.	Yes
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	<p>The proposal represents small scale growth and relates to land within an existing residential precinct. The current minimum lot size for the land is affected by a 2,000sqm minimum lot size. Adjoining R2 zoned land has a minimum lot size of 450sqm.</p> <p>The proposed lot size represents a consistent lot size for the area and meets the objectives of the R2 zone.</p>	Yes
<b>Housing Policies</b>		
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The proposed amendment to the minimum lot size maps will contribute to the achievement of local dwelling targets. The existing minimum lot size could accommodate an additional 5 lots. Under the PP an additional 15 lots could be provided housing an estimated population of 58.	Yes
P7 A high growth or accelerated growth scenario is not being pursued. The extra dwellings needed for the Shire's growth	The Picton/Thirlmere/Tahmoor Area (PTT) is identified as one of two key growth areas where the focus of population growth in the LGA will be located. The land has subsequently been	Yes

Key Policy Directions	Comment	Consistency
therefore are not intended to accommodate the urban expansion of the Sydney Metropolitan Area.	rezoned for urban purposes through WLEP (Amendment No.3).  The PP would result in a modest increase of 15 additional lots. A review of lot sales in the immediate vicinity demonstrates a predominance of local buyers looking for new housing stock.	
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 proposed reduction in the minimum lot size to 450sqm is more conducive to the surrounding urban area and objectives of the R2 zoning, by creating new affordable, single level detached dwellings.  The reduction in lot size also addresses the GMS aims to:  <i>Promote a diversity of dwelling stock particularly increasing the supply of smaller dwellings located with good access to daily conveniences including public transport (pg 49)</i>	Yes
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 site is in close proximity to the town centre and Tahmoor railway station.  The land is not considered urban fringe. Due to the construction of the new Council owned road along the western boundary the character of the land along this border is no longer heavily vegetated. Furthermore, the land adjoins RE1 land to the west which acts as the transition between the rural residential land further west.	Yes
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The subject site is located within the Picton/Thirlmere/Tahmoor Area (PTT), identified as one of two key growth areas where the focus of population growth in the LGA will be located.  The Planning Proposal is consistent in this regard as the site is within an area zoned for low density residential development and immediately adjacent to an existing residential subdivision.	Yes
<b>Integrating Growth and Infrastructure</b>		
P 16 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 subject site is located within an existing residential zoned area.	NA
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	The site has current potential for 5 lots without any further rezoning. The subject PP would increase the potential yield to 20 lots.  All services and infrastructure are already provided to lot boundaries including sewer, water, electricity, NBN, gas and stormwater. These existing services and infrastructure will	Yes

Key Policy Directions	Comment	Consistency
without imposing unsustainable burdens on Council or the Shire's existing and future community	be easily augmented to maximise the utility of existing infrastructure.	
P18 Council will encourage sustainable growth which supports our existing towns and villages and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating on new housing in and around our existing population centres.	The planning proposal relates to residential land within the existing village boundaries. The land is located in close proximity to transport and services and provides opportunity to optimise existing infrastructure use.	Yes
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 urban area and complies with this policy.	Yes
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 Picton/ Thirlmere/ Tahmoor Area (PTT). This area is acknowledged as being capable and suitable for future growth.	Yes
<b>Rural and Resource Lands</b>		
P21 Council acknowledges and will seek to protect the special economic, environmental and cultural values of Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	<p>The site is located within an existing urban area.</p> <p>The land has been reinspected by Eco planning (see Annexure B of Planning Proposal). The review noted substantial clearing of vegetation has occurred since the existing planning controls were put in place including the development of a residential roadway bordering the site to the west.</p> <p>Eco planning concluded that there would be no significant impact as a result of the proposal</p>	Yes

#### 1.4 Wollondilly Community Strategic Plan 2033

The Wollondilly Community Strategic Plan 2033 (CSP), 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 focusses around five themes:

- Sustainable and balanced growth;
- Management and provision of Infrastructure;
- Caring for the Environment;
- Looking after the Community; and
- Efficient and Effective Council.



A key strategy of the CSP is to manage growth to ensure that it is consistent with Council's position on growth and achieves positive social, economic, and environmental outcomes for Wollondilly's towns and villages.

The subject site is located within the Picton/Thirlmere/Tahmoor Area (PTT) area, identified as one of two key growth areas where the focus of population growth in the LGA will be located. The land has subsequently been rezoned for urban purposes by WLEP (Amendment No.3). The PP will result in a reduction in the minimum lot size from 2,000sqm to 450sqm in line with the adjacent land.

This proposal would be consistent with this key strategy by providing a scale of residential development in and around the Tahmoor appropriate to location and context.

**Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?**

The proposal responds to recent investment in the local road network, with the formation of Major Roberts Drive.

## **2. SITE SPECIFIC MERIT TEST**

**Does the site have regard to the natural environment (including known significant environmental values, resources or hazards)?**

The subject site was rezoned for residential development in January 2014 under WLEP (Amendment No. 3). Significant analysis and review of the natural environment were carried out as part of this process.

Minimum lot sizes of 450sqm were applied across the majority of the area with the exception of larger lot sizes to applied to areas containing riparian land, land of biodiversity value and on the rural-urban interface.

Previous ecological assessments have shown the site to be heavily vegetated and constrained ecologically by the presence of:

- Shale Sandstone Transition Forest, a critically endangered ecological community (CEEC) listed under State and Commonwealth legislation;
- Potential threatened species habitat for State listed microbats and birds;
- Natural Resources – Biodiversity Layer under the Wollondilly LEP 2011.

Due to the environmental constraints and the site adjoining a recreation zone to the south and west, a larger lot size of 2,000sqm was deemed appropriate at the time of the rezoning taking place.

Eco planning has since undertaken a reassessment of the site (Annexure B of Planning Proposal) and noted substantial clearing of vegetation has occurred since the existing planning controls were put in place including the development of a residential roadway bordering the site to the west.

Eco planning concludes:

*"It is apparent that following the current developments that have been approved in the immediate vicinity of the subject site (i.e. the roadway and the residential development), that the character of the land along this border is no longer heavily vegetated.... As a consequence, it no longer retains a vegetative buffer or any aesthetic value".*

As a result, retaining the 2,000sqm minimum lot size based on the existence of the vegetation is no longer applicable.

**Does the site have regard to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?**

The subject site is located within the Picton/Thirlmere/Tahmoor Area (PTT) area under Council's Growth Management Strategy. The PTT is identified as one of two key growth areas where the focus of population growth in the LGA will be located. The subject land and land to the east has subsequently been developed for urban purposes as shown in **Figure 3**.



Figure 3: Surrounding subdivision pattern

The reduction in the minimum lot size to 450sqm would facilitate development that is consistent with the objectives of the R2 - Low Density Residential Zone, being:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Land to the west and the south of the site is zoned RE1 - Public Recreation (currently occupied by a Pony Club). It is noted that any future development application for subdivision of the land could include vegetative screening along the western boundary to reduce impacts upon the adjoining recreational facility and visual amenity.

**Does the proposal have regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

All services and infrastructure are already in place to support a greater density of development. The planning proposal (and subsequent construction of dwellings) will have no unfunded demands for infrastructure on any tier of government, as all services infrastructure is in place

and the payment of local contributions at development application stage will ensure this proposal appropriately contributes to the provision of infrastructure and services.

### **3. Conclusion**

This correspondence specifically addresses the strategic and site specific merit tests required as part of a Rezoning Review application.

The information provided clearly demonstrates that the Planning Proposal satisfies both merit tests, principally because it is:

- currently zoned for urban purposes;
- located within the Picton/Thirlmere/Tahmoor Area (PTT), identified as one of two key growth areas in the LGA within the Wollondilly Growth Management Strategy. This Strategy is further referenced in the Western City District Plan;
- located in close proximity to services and transport and provides opportunities to utilise existing infrastructure; and
- has no impact on environmental or rural lands.

Should you wish to discuss any information in this letter, please do not hesitate to contact me on (02) 8270 3500 or [julietg@cityplan.com.au](mailto:julietg@cityplan.com.au)

Yours sincerely,



**Juliet Grant**  
Executive Director

#### **Attachments:**

- Rezoning application form
- Planning Proposal (March 2018)
- Council correspondence (4 May 2018)
- Response to Council (12 June 2018)
- Council Report (16 July 2018)
- Council Correspondence (2 August 2018)