



# Precise Planning

**Planning | Development | Management**

***DRAFT PLANNING PROPOSAL***

To amend the Lot Size Map for Lot 112 DP 1229771, part  
of the West Tahmoor Precinct

*Wollondilly Local Government Area*

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# 1

## INTRODUCTION

### 1.1 BACKGROUND

This Report represents the formative phase in the development of a Planning Proposal to modify the minimum lot size as it pertains to Lot 112 DP 1229771. The proposed amendment would be effected through the preparation of a relevant Local Environmental Plan (LEP) amendment to the Wollondilly Local Environmental Plan, 2011 (WLEP).

### 1.2 SCOPE OF REPORT

This Report has been prepared in accordance with the NSW Department of Planning and Infrastructure's (DoP&I) documents *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. The latter document requires the Planning Proposal to be provided in seven (7) parts. This Report comprises such six "foundation" parts together with a Part 7 for completeness, these being, namely;

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 – Maps;
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal;
- Part 6 – Indicative Project Timeline;
- Part 7 – Conclusion

### 1.3 PREVIOUS PLANNING PROPOSAL

At its meeting held on 20 February 2017, Wollondilly Council considered a planning proposal which, amongst other things, proposed a change to the minimum lot size for the Land which is the subject of this application.

Specifically, in relation to the proposed Lot Size amendment, the Council resolved as follows:

*That Council does not support reducing the minimum lot size of 2000m<sup>2</sup> for land at Lot 2 DP 243776, located along the western boundary (with Lot 380 in DP 751270) as proposed in the draft Planning Proposal submitted by Precise Planning. Any future Development Application for subdivision of the land must incorporate vegetative screening along the western boundary of Lot 2 or any proposed local road to reduce impacts upon the adjoining recreational facility.*



It is the proponent's view that specific circumstances have changed since the above resolution, which justify the request to reconsider the amendment of the Lot Size Map in this circumstance; namely:

- 1) Specific objectives identified in the document "*OUR GREATER SYDNEY 2056 – A metropolis of three cities – connecting people*", produced by the Greater Sydney Commission in October 2017.
- 2) The altered nature of the vegetation at the site.

### ***[DRAFT] OUR GREATER SYDNEY 2056 – A metropolis of three cities – connecting people***

The purpose of the DRAFT Plan is to:

- Set a 40-year vision (up to 2056) and establish a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters
- Inform district and local plans and the assessment of planning proposals
- Assist infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- Inform the private sector of the vision for Greater Sydney and infrastructure investments required to manage growth
- Inform and engage the wider community so the draft Plan can best reflect the values and aspirations of all

Wollondilly LGA is included in the draft Plan.

Greater Sydney is one of the top 10 fastest growing regions in the western world and by 2036 will be home to another 1.7 million people, or 3.2 million more people by 2056. The region is currently experiencing an historically high birth rate (63,500 births each year) and the proportion of over 85 year olds will almost triple in the next 25 years. The draft Plan concludes that the high birth rate and increasing over 85 year olds alone generate the need for greater housing choice and affordability.

Greater Sydney's housing market today is recognised as one of the most expensive in the world with median detached dwelling prices exceeding \$1 million and reaching 10.5 times the median annual household income. ***This will drive a change in expectations from the quarter acre block of the 1948 and 1968 plans to smaller lots with compact and innovative forms of housing.***<sup>1</sup>

### **Objective 10 – Greater housing supply**

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036. By 2056, it is anticipated that

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<sup>1</sup> Greater Sydney Commission (October 2017), Draft *Our Greater Sydney 2056, A metropolis of three cities – connecting people*, p21

significant further housing supply will be required to meet Greater Sydney's continued strong population growth.

A range of housing types provides for the needs of the community at different stages of life and caters for diverse household types.

It is acknowledged that the draft Plan recognises not all areas of Greater Sydney are appropriate for significant additional development. However, the Land is at the edge of a significant new residential development, which has a minimum 450sqm lot size. All potential environmental constraints are able to be mitigated and/or appropriately managed, as detailed below.

#### Housing targets

The draft Plan requires Councils to work with the Commission to establish agreed 6-10 year housing targets. In addition, Councils are required to identify attributes that make local areas suitable for housing supply beyond 10 years. These attributes include proximity to transport interchanges and strategic and local centres (especially those with a supermarket) that can support walkable neighbourhoods with access to jobs, schools and open space and opportunities to optimise infrastructure use. The Land is located about 1.2 kilometres along Thirlmere Way from the Tahmoor shopping centre, which contains a large supermarket and a range of specialty stores.

#### Housing strategies

The Plan requires Councils to prepare a housing strategy and give effect to it through amendments to LEPs. The housing strategy is intended to create more liveable neighbourhoods and meet demand by responding to elements such as:

- Housing need;
- Diversity;
- Market preferences;
- Alignment of infrastructure;
- Displacement;
- Amenity; engagement; and
- Efficiency

In this regard, the following points are made:

- The market in the immediate area is demanding smaller lot sizes. Where the market is demanding oversized lots, this is being (or will be) met by the 4000sqm minimum lot sizes that will be created in the PTTAG rezonings, which commence only a few hundred metres west along Thirlmere Way. The PTTAG planning proposal estimates that the rezoning will create in the order of 250 to 300 allotments, with a minimum lot size of 4000sqm.
- As stated previously, 2000sqm lots, in this location, is an inefficient use of existing infrastructure – fully serviced lots within a low density residential environment.
- The Land has no existing constraints that would fetter its capacity for more intensive residential development.

At 2000sqm minimum lot size, the Land could yield up to five (5) lots. If the minimum lot size of 450sqm was marginally extended to cover the Land, it could potentially yield up to twenty (20) lots. This is a net increase of fifteen (15) lots. Given the Land is:

- Fully serviced, including reticulated sewer;
- Frontage to a brand new, bitumen road;
- Is a single strip of land between existing 450sqm lots and the new road
- Has the potential net effect of \$142,000 in State Infrastructure Contributions and \$300,000 in S94 contributions.

The retention of a 2000sqm lot size, rather than a marginal extension of the 450sqm minimum lot size, serves no useful purpose, is an inefficient use of fully serviced land and is inconsistent with the general objectives of the draft Plan. Council would not have to invest any further money into infrastructure in order to create an additional fifteen (15) fully serviced residential lots.

### **Objective 11 – Housing is more diverse and affordable**

The draft Plan notes the lack of affordability of housing in the Greater Sydney region. This has been exacerbated in the past five years by rapid price growth. Other factors that contribute to affordability challenges include:

- Limited availability of smaller dwellings to meet the growing proportion of small households
- A relatively poor choice of rental housing options
- The growing distance between areas where housing is affordable and the location of employment and education opportunities.

The draft Plan identifies that housing costs are an increasingly critical issue for lower income and key worker households in Greater Sydney. Lower income households (earning up to approximately \$67,600 per annum) without other financial support cannot afford the average rental cost for even more moderately priced areas of Greater Sydney, which are generally on the outskirts (such as Wollondilly).

Increasing the supply of properties suitable for rental accommodation will help place downward pressure on lack of affordability. Lots with areas of 2000sqm are generally not well suited as rental accommodation and will do very little to assist in achieving this objective. By reducing the minimum lot size to 450sqm, thereby increasing the lot yield by around fifteen (15) dwellings, suited to rental accommodation, the proposal is consistent with this objective.

### **Altered vegetation at the site**

The report prepared for the previous planning proposal (considered by Council on 20 February 2017), states as follows on page 34:

*“The site is located on the western residential border of Tahmoor with a recreational zone providing a buffer between rural land to the south and the residential border of Thirlmere to the west. The GMS advocates for lower densities on the edge of towns and villages in the location known as the rural fringe.*

*The site has been rezoned to a low density residential zone and is close proximity to the town centre and Tahmoor railway station. The site is also supported by a sealed walkway running along Thirlmere Way which directly links to the town centre and is a good location for smaller size lots.*

*The site is buffered by a recreational zone to the south and west and as such there appears and is on the rural interface of the residential and rural land in Tahmoor. The character of the land along this border is heavily vegetated and presents a rural outlook to the future houses to be located adjacent and is worth retaining for its conservation, buffering and aesthetic value.”*

The proponent **agrees** with the report in respect of the following:

- 1) *“The recreational zone providing a buffer”* – It is the recreational zone to the west of the subject land, located in between the subject land zoned R2 and land to the west zoned R5, which creates the buffer, not the subject Land.
- 2) *“The site.... is close proximity to the town centre and Tahmoor railway station” and “The site is also supported by a sealed walkway running along Thirlmere Way which directly links to the town centre”* – The site is well located for more intensive development and smaller lot sizes.
- 3) *“The site.....is a good location for smaller lot sizes”* – Agreed.

The proponent **disagrees** with the report in respect of the following:

- 1) *“The site.....is on the rural interface of the residential and rural land in Tahmoor”* – this statement is incorrect. The land is not bordered by rural zoned land. The land to the west is zoned RE1 Public Recreation. This is not a rural zone. On the contrary, typical rural activities such as intensive and extensive agriculture are not permissible uses in the RE1 zone, therefore by definition it cannot be an “....interface of the residential and rural land in Tahmoor”.

A range of other uses are permissible in the RE1 zone, such as:

- *centre-based child care facilities,*
- *depots,*
- *function centres,*
- *recreation facilities (indoor),*
- *recreation facilities (major),*
- *recreation facilities (outdoor),*
- *respite day care centres, and*
- *take away food and drink premises*

Given the potential for such development to occur on the adjoining land, it cannot be assumed that the adjoining land zoned RE1 will be retained in its relatively undeveloped state. Therefore there is no certainty it will act as a buffer into the future.



- 2) *“The character of the land along this border is heavily vegetated and presents a rural outlook to the future houses to be located adjacent and is worth retaining for its conservation, buffering and aesthetic value”* – Since the report was written, the road along the western boundary of the land, which separates it from the recreational land to the west, has been constructed. This road was constructed **with Council endorsement**. The construction work has significantly altered the vegetation referred to in Council’s report, so that it now cannot be described as “heavily vegetated”.

Ecoplanning has carried out an up-to-date assessment of the vegetation on the site (refer to Annexure B) on 14 March 2018 and notes as follows:

*Previous assessment have shown this to be significantly constrained ecologically (see ELA 2014; Ecoplanning 2015a,b,c) 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*

*However, as a result of this modified landscape, the integrity of the retained vegetation has been reduced through direct clearing of vegetation for the roadway, incidental clearing that has taken place during construction of this roadway and it also appears likely from the residential development.*

*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.*

There appears to no longer be any case to retain the 2000sqm minimum lot size based on the existence of the vegetation.

#### ***Other justification for reconsideration to amend minimum lot size***

In assessing this planning proposal, the following matters should also be considered:

#### **The Land is zoned R2**

It should be noted that the Land is already zoned R2 Low Density Residential. It is unusual to have a 2000sqm minimum lot size for land with an R2 zone. The following land uses are permissible pursuant to Wollondilly LEP 2011, which would have the effect of increasing density, traffic etc despite the 2000sqm lot size:

- Boarding houses;





- Dual occupancies (although there is a DCP **guideline** restricting dual occupancies to lots not exceeding 1400sqm)
- Health consulting rooms;
- Neighbourhood shops;
- Places of public worship;
- Respite day care centres;
- Veterinary hospitals

Therefore, the weight afforded to, and significance of, the notation on the Wollondilly DCP 2016 structure plan (Part 3.4), referred to in the aforementioned Council report (p35), is overstated and potentially inaccurate, because:

- 1) The Land identified is **not** zoned R5 Large Lot Residential, as it should have been if the intent was to create large lots at that location; and
- 2) The range of land uses permissible pursuant to WLEP 2011 does not provide any certainty that the “transition between urban and rural lands” would be achieved.

#### **Efficacy of the transition objective**

As noted previously, the existence of the new road along the western boundary, as well as the clearing of vegetation necessitated by the construction of the road, reduces the efficacy of the alleged transition between the urban and rural lands. In reality, it is the recreational zone (RE1 Public Recreation) further to the west (currently occupied by a Pony Club) which currently provides a buffer. However, this cannot be relied on into the future, due to the range of permissible uses in the RE1 zone, which would significantly alter its relatively undeveloped state.

#### **Consistency with the Metropolitan Plan of Sydney 2036**

The reduction in minimum lot size and concomitant increased lot yield is consistent with the Policy Objectives of the abovementioned Plan as it seeks to allow for additional housing adjacent to an established residential area, has access to existing services and is in close proximity to existing community infrastructure.

#### **Potential to provide a new vegetative screen**

The resolution of Council dated 20 February 2017 stated, in part:

*Any future Development Application for subdivision of the land must incorporate vegetative screening along the western boundary of Lot 2 or any proposed local road to reduce impacts upon the adjoining recreational facility.*

The reduction in minimum lot size from 2000sqm to 450sqm would not prevent the vegetative screen from being established. The recently constructed road adjacent to the western boundary of the Land is within a 20.115 metre wide road reserve. However, it is significantly offset to the eastern side of the road reserve. The road verge within the road reserve along the western side is at least 8.5 metres wide. It would be possible to provide a clear 3.5 metre verge from the existing kerb, then establish a 5 metre wide vegetation barrier, so that the future development of the 450sqm lots would, over time, be screened from the adjoining recreational land.

Not only would this vegetative screen maintain visual amenity for the users of the recreation zoned land, but would also assist to provide a visual transition to the urban development to the east.

# 2

## THE SUBJECT LAND / SITE

### 2.1 LAND DESCRIPTION

The land to which this Planning Proposal relates is registered as Lot 112 DP 1229771 (**the Land**), located at Tahmoor, in the Wollondilly Local Government Area.



**FIGURE 1**  
The Land and adjoining lots

The Land, which comprises 1.06ha, is bounded to the south by Thirlmere Way, north by Major Roberts Avenue, west by a recently constructed residential road and to the east by recently created residential lots.

## 2.3 CONTEXT

The Land is located in the 'West Tahmoor' precinct, which was rezoned for urban purposes by *Wollondilly Local Environmental Plan 2011 (Amendment No.3)*. The LEP amendment provided for the following development controls to apply to the subject land:

1. A zoning of R2 – *Low Density Residential*
2. Inclusion on an 'Urban Release Areas Map' for the purpose of Part 6 of LEP 2011
3. Lot size of 2000sqm
4. A height limit of 9 metres for the purpose of cl. 4.3 of LEP 2011.

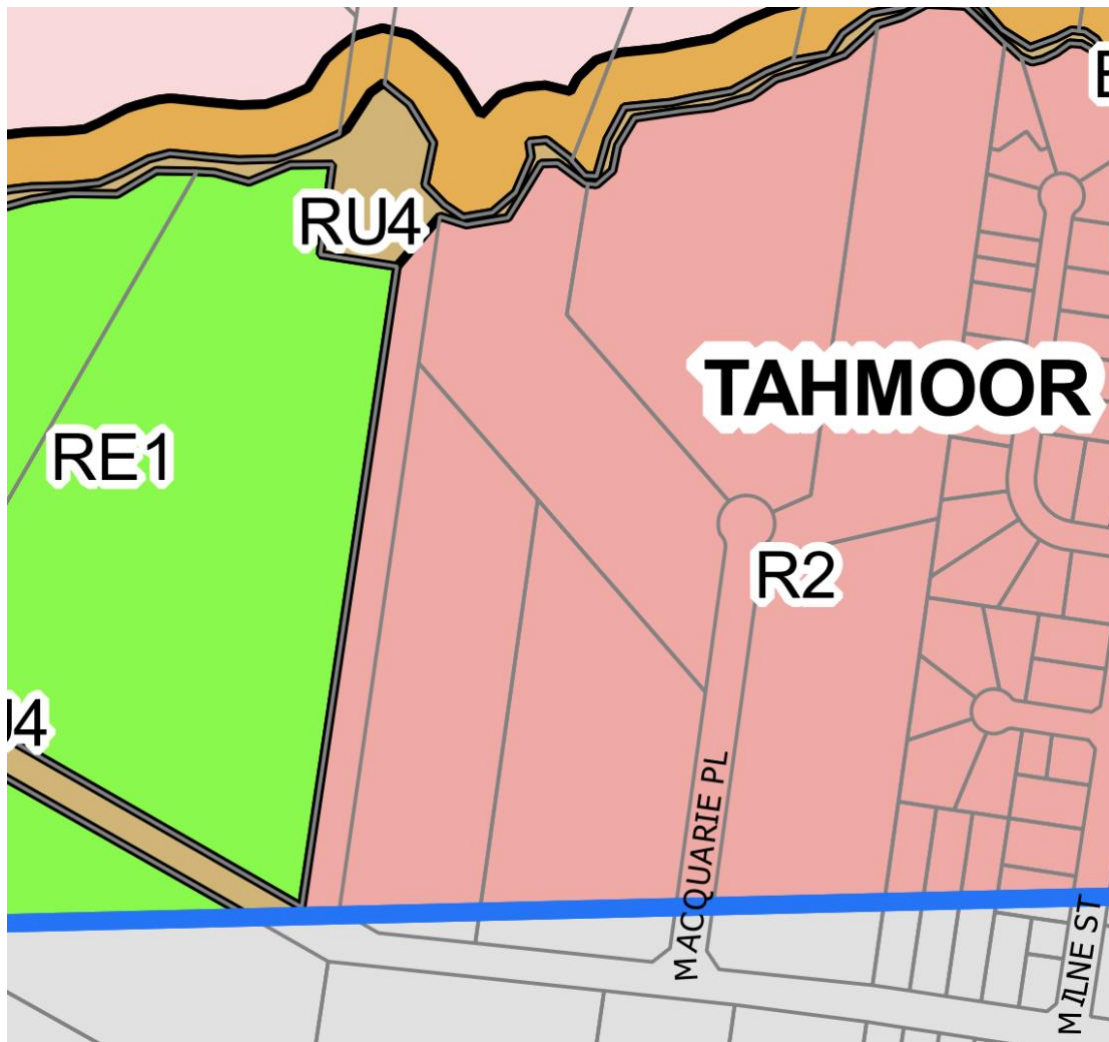
The land is located on the periphery of the Tahmoor residential precinct.

## 2.4 ZONING

The subject land is identified on the 'Land Zoning Map' associated with cl 2.2 of WLEP as being within the R2 Low Density Residential zone. This zoning was affixed to the land as a consequence of Wollondilly Local Environmental Plan (Amendment No 3) gazetted on 31 January 2014. An extract of the current Land Zoning Map is found at Figure 2.

The land is on a zone interface, being adjoined to the west by land zoned RE1 – *Public Recreation*, occupied by the Wollondilly Pony Club and adjoined to the north by land zoned RU4 – *Primary Production Small Lots*, E2 – *Environmental Conservation* and R5 – *Large Lot Residential*. This area to the north comprises the creek corridor for Myrtle Creek and a newly zoned residential area further to the north.

To the east and south of the subject property is an extensive area zoned R2 - *Low Density Residential* which forms part of the Tahmoor residential precinct.

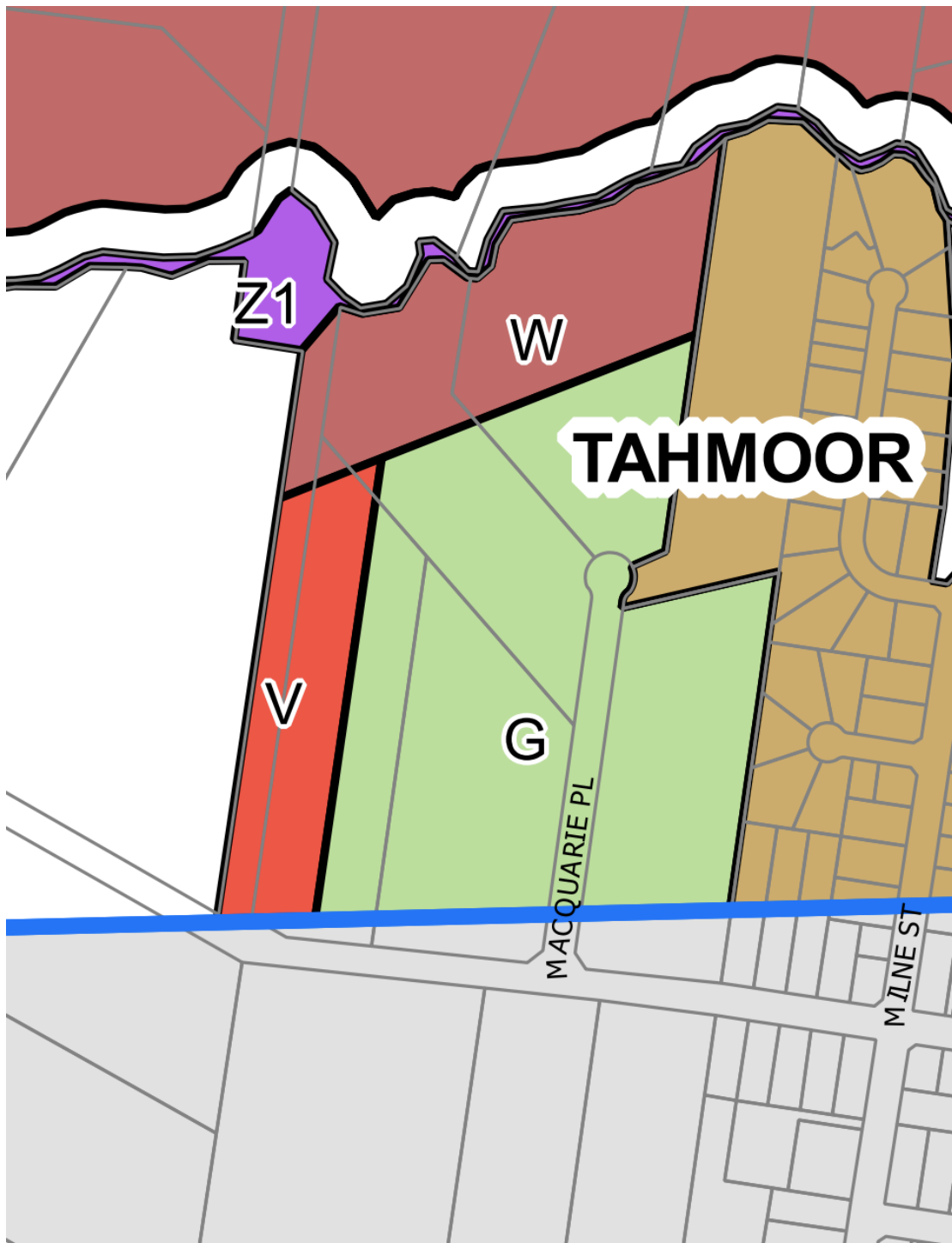


**FIGURE 2**  
Zoning Excerpt from Wollondilly LEP 2011 - Map Number LZN\_008C and 008D

## 2.5 LOT SIZE MAP

Figure 3 below depicts the current Lot Size Map from Wollondilly LEP 2011 relating to the subject land. The land the subject of this planning proposal is affected by a 2000sqm minimum lot size.





**FIGURE 3**  
Lot Size Excerpt from Wollondilly LEP 2011 – Map Number LSZ\_008C and D

## 2.6 GENERAL SUMMARY OF LAND CHARACTERISTICS

### Topography/Drainage Regime

The land is relatively flat, but generally slopes down towards the north (Myrtle Creek).

### Ecology

The West Tahmoor Precinct has been the subject of an ecological report<sup>2</sup> prepared in respect of Amendment No. 3 of LEP 2011. The ecological report identified the existence of Shale Sandstone Transition Forest (**SSTF**) on the land, as well as 'cleared and disturbed' areas. The areas of SSTF were categorised as 'constraint class 3' over the main area of the land, and 'constraint class 4' along the edge of Myrtle Creek.

The Land has been reinspected by Eco planning and an updated report provided (see Annexure B).

### Effluent Disposal

Reticulated sewerage is available for connection to the Land

### Reticulated water

The land has an existing connection to reticulated water mains.

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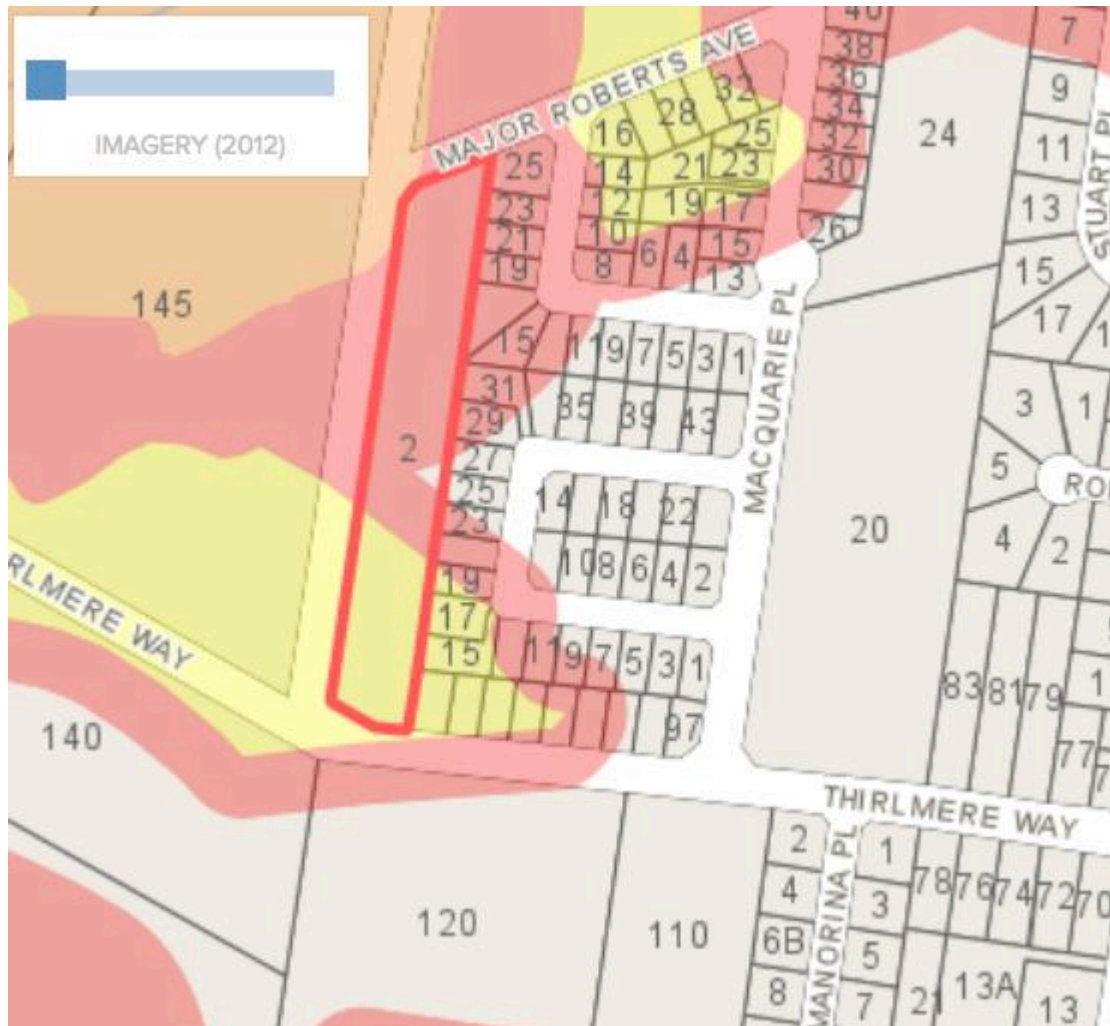
<sup>2</sup> See *Picton Tahmoor Thirlmere New Urban Lands Local Environmental Study Flora and Fauna Survey and Constraints Assessment – Report for Cardno Forbes Rigby on behalf of Wollondilly Shire dated November 2011.*

### Heritage

The land does not contain an item of environmental heritage, nor is the land within a heritage conservation area as identified in Schedule 5 of LEP 2011. The land is not proximate to an item of heritage significance.

### Bushfire

The land is shown as bushfire prone on the relevant bushfire prone land map.



**FIGURE 4:** Lots identified as bushfire prone.

Given the construction of the new road along the western side of the land, the vegetation categories shown on the attached would now be altered. Compliance with the Planning for Bushfire Publication (2006) is now likely to be achievable.



# 3

## INTENT AND PROVISIONS (PARTS 1 AND 2)

### 3.1 OBJECTIVES OR INTENDED OUTCOMES (PART 1)

#### Objective

To facilitate the amendment of the Wollondilly LEP 2011 Lot Size map relating to the subject land, as set out in Part 2 (Section 3.2) below.

#### Outcomes

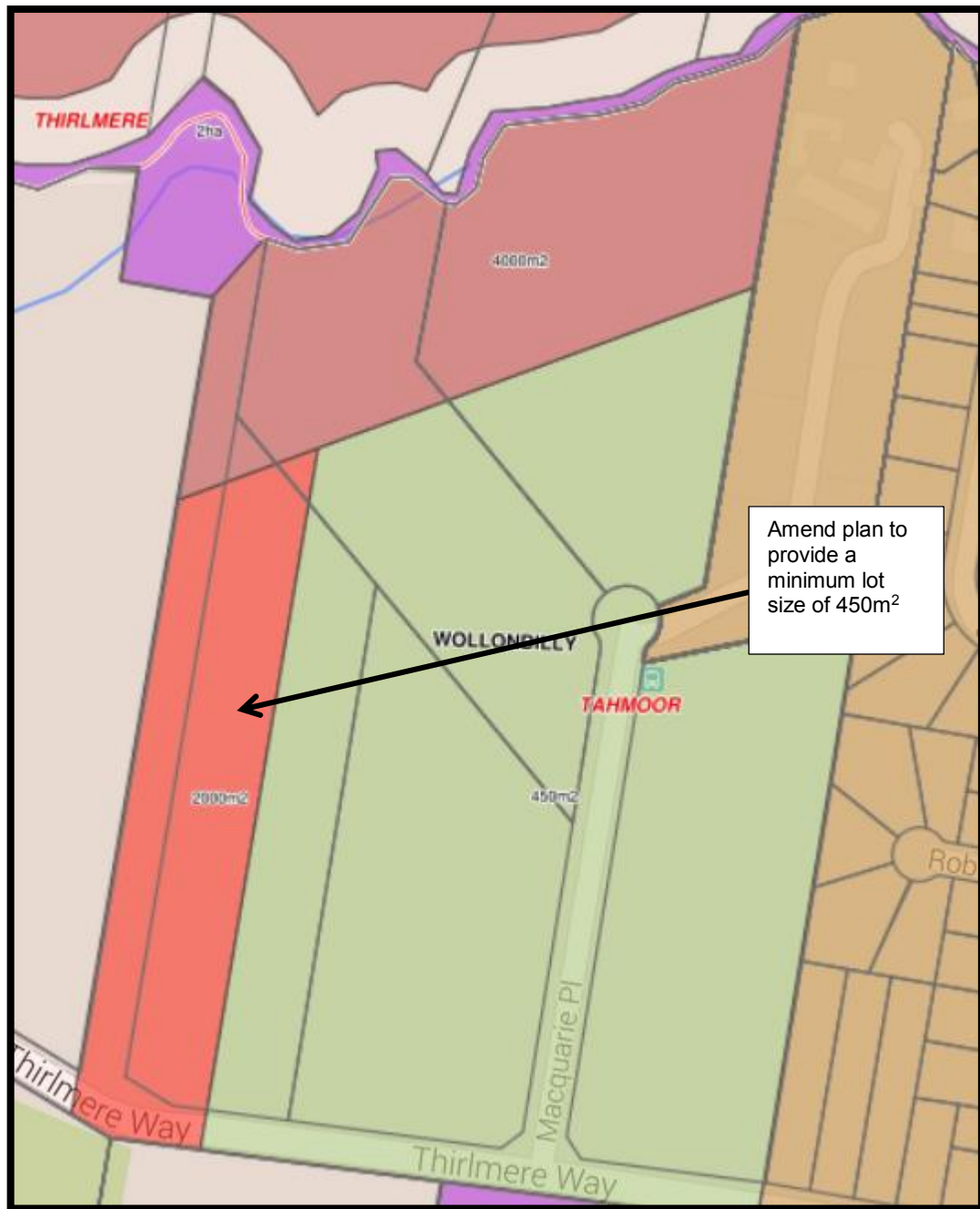
In delivering the foregoing objective, it is intended that the following outcomes can be realized:

- The increase in low density residential development in the urban release precinct of Tahmoor.
- The creation of consistent residential development in the Tahmoor low density urban release precinct.

### 3.2 EXPLANATION OF PROVISIONS (PART 2)

The Wollondilly LEP 2011 will be amended in the following way:

- Amendment of Wollondilly LEP 2011 Lot Size Map — Sheet LSZ\_008C and Sheet LSZ\_008D with the minimum lot size amended from from 2000sqm (V) to 450sqm (G).



**FIGURE 5**  
Amended Lot Size Map

# 4

## JUSTIFICATION (PART 3)

### 4.1 JUSTIFICATION OVERVIEW

#### 4.1.1 INTRODUCTION

This part provides a general overview of the justification for the requested amendment of LEP 2011 and the intended objectives and outcomes that will arise with their implementation. It is noted that a detailed justification to reconsider the proposal has already been provided in section 1 of this Planning Proposal.

The level of detail provided under this Part of the Planning Proposal is commensurate and proportionate to the impact that the planning proposal will have.

This part of the Planning Proposal addresses the environmental, social and economic impacts (or lack thereof) associated with the proposed amendments of LEP 2011.

### 4.2 NEED FOR THE PLANNING PROPOSAL (SECTION A)

#### 4.2.1 IS THE PLANNING PROPOSAL THE RESULT OF ANY STRATEGIC STUDY OR REPORT?

The subject property was zoned for residential purposes via Amendment 3 to LEP 2011. The Planning Proposal associated with Amendment 3 identifies that the following strategic studies and reports identified the land as suitable for intensive residential development:

- Draft Local Environmental Study
- Picton Tahmoor Thirlmere Masterplan
- Picton Tahmoor Thirlmere Urban Area Implementation Strategy
- Wollondilly Vision 2025
- The Growth Management Strategy

The justification put forward in the Planning Proposal for LEP Amendment No. 3 in regards to minimum allotment sizes follows:

*Some lot sizes are smaller than typical low density residential density or existing surrounding land in Zone R2 and some lots (particularly those containing riparian land, land of biodiversity value and land on the rural-urban interface) shall be larger than typical R2 Low Density Residential lots.*

This planning proposal is not inconsistent with the stated objective. The area of the subject property over which smaller allotment sizes is proposed is not on the rural-urban interface, being adjoined to the west by land zoned RE1 *Private Recreation*.

The reduction in the minimum lot size 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.*

A dwelling upon a 2000sqm allotment is not consistent with a low density residential environment, and is rather a result sought by the R5 – *Large Lot Residential zone*.

#### 4.2.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The planning proposal is the best means of achieving the intended outcomes.

The intended outcomes of more intensive development could be achieved by seeking consent to alternate forms of development permissible in the R2 zone, as outlined previously.

The Planning Proposal represents the best means of achieving the objective and intended outcomes of smaller allotment sizes and greater supply of housing.

#### 4.2.3 IS THERE A COMMUNITY BENEFIT?

The following table addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009), as required by the guidelines for preparing a planning proposal.

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is compatible with Our Greater Sydney 2056; the Metropolitan Plan, the Draft South West Sub-regional Strategy and LEP Amendment 3
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	N	Tahmoor is situated on the rural / urban interface of the Sydney Metropolitan region and has reasonable access to the Hume Highway. It is located along the Main Southern Railway route but is not situated within a strategic centre or corridor. The recent rezoning of the site to R2 residential demonstrates its potential for urban growth.

Is the LEP likely to create a precedent or create a change in expectations for the landowner or other landowners?	N	The circumstances of the site are unique and would not result in increased pressure from other land owners to carry out a similar amendment to the LEP.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	This is not a spot rezoning
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Y	<p>This LEP amendment will not result in a loss of employment land.</p> <p>The proposal will create employment through the construction jobs to install the infrastructure, and build the homes, therefore delivering an economic benefit to the community. Further, an increase in population creates demand for commercial services, which leads to increased employment opportunities.</p> <p>Some modest home business opportunities and tradesman residency opportunities will accrue.</p>
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	The Planning Proposal will increase the supply of residential land and will this increase affordability.
Is the existing public infrastructure (Roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	<p>The existing road, rail and bus infrastructure in Tahmoor is adequate to meet the needs of the proposal. The site has access to reticulated water and sewer within a developing urban area. Pedestrian and cycling facilities within the subject site can be provided as part of the future development.</p> <p>The residential development will support the Tahmoor Service Centre. Local buses service the area. However, they are limited and primarily cater for school children. Nevertheless, increased patronage through population growth will increase the viability of additional bus services.</p>
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N/A	N/A
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	<p>No. The proposal does not require significant further investment in public infrastructure. It will utilize the existing infrastructure and services. The developer will extend and upgrade infrastructure where necessary to service the needs of the development, at no cost to government.</p> <p>The proposal is within a precinct for which a State Infrastructure Contribution has already been determined.</p>
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values)? Or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The biodiversity of the site has materially changed since its inclusion on the Natural resources – Biodiversity map attached to WLEP 2011.

Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	The proposed LEP amendment will be consistent with the surrounding zones, being R2, RE1 and E2. The Planning Proposal will have no adverse impact upon the amenity of the locality because any perceived impacts such as to visual amenity may be mitigated through screen planting along the western verge of the new road.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The development will, however, contribute to the improved trade of nearby facilities / centres through increased patronage, due to the increase in population.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at this time?		If the current situation with inappropriate but permissible developments remains there is an increased risk that there will be successive development applications for these
Will the public domain improve?	Y	Section 94 Contribution commitments will be required in respect of open space/community facilities

**Table 1**  
Net Community Benefit Test

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is in keeping with the residential character desired by the original PTT studies.
- The proposal will remove an undesirable development potential of inappropriate but permissible developments on 2000sqm lots that were intended to be large lot residential.
- The proposal will contribute to Council's requirement to facilitate new dwelling growth, in accordance with the Sub-regional Strategy target.
- 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.
- It forms part of the Tahmoor Service Centre catchment, which has adequate infrastructure to support the development.
- The proposal will not result in any significant adverse environmental impacts.
- The proposal will create local employment opportunities through the construction jobs associated with the civil and building work, as well as longer-term jobs created through increased demand for local businesses because of population growth.
- The proposal will reinforce the viability of the Tahmoor Service Centre and public transport services (provided by the private sector)

## 4.3 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK (SECTION B)

### 4.3.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN STRATEGY AND EXHIBITED DRAFT STRATEGIES)?

The Our Greater Sydney 2056, Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy are applicable and relevant considerations for this Planning Proposal.

The Our Greater Sydney 2056 document has been discussed in Part 1 of this Planning Proposal.

The Metropolitan Plan for Sydney 2036 (2010)<sup>3</sup> provides a framework for promoting and managing growth. It documents a vision for Greater Sydney over the ensuing 25 year period, in which

*Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.*

In pursuit of this vision are a series of strategies focused upon, namely:

- Strengthening the City of Cities
- Growing and Renewing Centres

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<sup>3</sup> The Metropolitan Plan has recently been updated. The projections contained in the updated plan are based to 2031 and differ marginally from the 2010 version.

- Transport for a Connected City
- Housing Sydney's Population
- Growing Sydney's Economy
- Balancing Landuses on the City Fringe
- Tackling Climate Change and Protecting Sydney's Natural Environment
- Achieving Equity, Livability and Social Inclusion
- Delivering the Plan

The Metropolitan Plan highlights, inter alia, the need for 770,000 additional homes by 2036 and a need to expand Sydney's employment capacity by 760,000. To accommodate this expanding population, the Strategy projected a need for 231,500 new homes (30%) on the fringe of the City and approximately 540,000 new homes (70%) in existing suburbs.

The South West Sub Region will remain a priority growth area projected to meet an increased dwelling demand of 155,000 by 2036 and an employment target of 141,000 new jobs – more than double the 133,000 jobs in the southwest in 2006.

The Department of Planning (DOP) has reinforced its expectations of future Shire urban growth over recent years and most recently in the Draft South West Sub-regional Strategy. The Draft Strategy, in promoting a vision to 2031, has established a growth target in Wollondilly Shire of 5,230 additional dwellings, comprising some additional 1,230 additional "infill" dwellings and 4,000 "greenfield" dwellings (i.e. a 24%/76% split).

Additionally, DOP has outlined the need for housing product diversity for any future urban lands, with lot sizes of a variable nature exceeding a minimum of eight dwellings per hectare, but not necessarily attaining 15 dwellings per hectare.

As detailed in the Net Community Benefit Test (see section 4.2.3) and in discussing relevant S117 Directions (see section 4.3.4) the planning proposal demonstrates that the requested amendments to LEP 2011 are consistent with the objectives and actions contained in the Metropolitan Plan and the Draft Subregional Strategy for the following reasons:

Objective D1 of the Metropolitan Plan 2036 is to ensure an adequate supply of land and sites for residential development. Two action plans have been devised to achieve this objective:-

Action D1.1 of the Metropolitan Plan 2036 requires that at least 70 per cent of new dwellings (about 540,000 homes) will be located within existing urban areas. Also under the Action, greenfield development is to continue to contribute to Sydney's housing supply as the remainder of new dwellings (about 230,000 homes) is to be located in well-planned new precincts. This rezoning will generally be consistent with the Action.

Action D1.2 requires Councils to incorporate the Plan's targets and strategic directions into their LEPs. The targets set out in the Metropolitan Plan 2036 represent a minimum and the plan encourages Councils to plan for higher capacity where appropriate. The proposed rezoning of the subject land will contribute, albeit in a minor way, to achieving the target number of dwellings, as set out above in the Metropolitan Plan.

The Draft South West Subregional Strategy aims to provide 155,000 new homes within the subregion for the period up to 2031. In respect to the Wollondilly LGA, it identifies a target for the period of 5,230 additional dwellings, comprising 1,230 additional infill housing and an



additional 4,000 as greenfield development. Accordingly, the proposed amendments would support the aspirations for additional dwellings in the Wollondilly LGA.

Conversely the refusal of the planning proposal would be antipathetic to the objectives and actions contained in the applicable regional or subregional strategy.

#### 4.3.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OR OTHER LOCAL STRATEGIC PLAN?

The planning proposal is consistent with the recently published Amendment 3 to WLEP 2011.

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metro Strategy, Sub-Regional Strategy	Consistent with relevant provisions
State Planning Policies	Consistent with relevant provisions
Ministerial Directions	Consistent with relevant provisions, or where not consistent, is justified
LEP Framework	The proposed amendments to WLEP 2011 are in accordance with the Standard Planning Instrument
Local Strategies and Policies	
Criteria	Response
Key Policy Directions on the GMS	Consistent with the relevant provisions
Precinct Planning	This planning proposal is consistent with the outcomes of the studies relating to the West Tahmoor precinct
Wollondilly Community Strategic Plan	Consistent with the relevant provisions
Project Objectives and Justification	
Criteria	Response
Overall Objective	Consistent with the relevant provisions
Strategic Context	Consistent with the relevant provisions
Net Community Benefit?	Consistent with the relevant provisions
Summary of Likely Impacts	Consistent with the relevant provisions
Infrastructure and Services	Consistent with the relevant provisions
Supply and Demand Analysis	When taking into account the scale of the proposed LEP amendment it is considered that a detailed supply and demand analysis is not warranted.
Site suitability / analysis	The site is considered suitable for the proposed reduction in minimum lot size.

<b>State and Regional Strategies and Policies</b>	
<b>Preserving Rural Land and Character</b>	
<b>Criteria</b>	<b>Response</b>
Character Setting	The proposal is consistent with current expectations for the land. It forms part of the existing residential area of Tahmoor
Visual Attributes	The proposal will not impact unacceptably on the visual character of the locality by reason that the proposal is able to provide an appropriate visual transition at the edge of the township through planting a significant vegetative screen;
Rural and Resource Lands	The land is not currently used as an agricultural holding and will not be a viable agricultural holding in the future, given its recent residential zoning. The proposal will not restrict opportunities for future agricultural uses on adjacent lands.
<b>Environmental Sustainability</b>	
<b>Criteria</b>	<b>Response</b>
Protection and Conservation	The proposal to reduce the minimum lot size will not increase the removal of trees, over and above that which would occur with many of the range of permissible developments in the R2 zone.
Water Quality and Quantity	The proposal would not cause unacceptable water quality impacts. The scale nature of the proposal would be unlikely to cause unmanageable water quality impacts, subject to the implementation of a Water Sensitive Urban Design strategy.
Flood Hazard	There are no flooding issues at the site
Geotechnical/Resources/Subsidence	The subject land is contained within the Bargo Mine Subsidence District. Consultations will take place with the Mine Subsidence Board regarding any implications for the Tahmoor Colliery.
Buffers and Spatial Separation	The proposal is consistent with nearby/adjoining current and future development to the east.
Bushfire Hazard	The bushfire hazard can be readily managed under the provisions of Planning for Bushfire Protection 2006
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development arising
Heritage	N/A

<b>State and Regional Strategies and Policies</b>	
<b>Infrastructure</b>	
<b>Criteria</b>	<b>Response</b>
Efficient Use and Provision of Infrastructure	The proposal will result in more efficient use of existing infrastructure.
Transport, Road and Access	<p>The land is accessed with existing public roads – Thirlmere Way, Major Robeerts Avenue and the new road.</p> <p>Public transport in Tahmoor comprises trains (providing access to Campbelltown and Sydney CBD, as well as south), buses and taxis. The local bus company provides a daily bus service between Tahmoor and other high order centres in the Shire and Macarthur region.</p>
Open Space	N/A
<b>Residential Lands</b>	
<b>Criteria</b>	<b>Response</b>
Location/Area/Type	The proposal is consistent with the current zone of the land.
Social Integration	A gated community is not proposed and a variety of housing is achievable by a mix of lot sizes. The existing street network servicing the proposal provides good opportunity for informal social interaction, once developed.
Urban on Town Edge	<p>The site is contiguous with proposed urban land and within practical walking/cycling distance of town services. The proposed scale of residential development is suitable to the context and location and:</p> <p>Achieves physical and visual integration with the existing edge of town;</p> <p>Allows a mix of small and large residential lot sizes, which will cater for a mix of housing types;</p> <p>The scale of the proposal does not warrant the inclusion of community land or facilities, separate from the usual s.94 contributions</p>

**Table 2**  
Strategic framework

## Wollondilly Community Strategic Plan 2030

The Wollondilly Community Strategic Plan 2030 (CSP) identifies and expresses the aspirations held by the community of the Wollondilly Shire, and will assist in building a resilient community. It aims to highlight the way forward for the Wollondilly Shire through five (5) key focus areas of

- Community
- Economy
- Environment
- Infrastructure
- Governance

There are ten (10) Community Outcomes along with a number of key strategies outlined in this Plan. The Community Outcomes have been developed in response to community feedback and local knowledge.

Of specific relevance to this proposal is the focus area of Economy. Eight (8) key strategies were identified within the Draft Community Strategic Plan 2030 in relation to the economy and the community was asked to prioritise these strategies in order of importance. The top three priorities in relation to economy were then cross referenced with the feedback obtained through community research and two community outcomes for the economy were determined.

The community outcomes relevant to the consideration of this proposal are:

*A community that is supported through appropriate, sustainable, land use.*

*Support the economic viability of our towns and villages by encouraging appropriate residential development in and around those towns.*

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

### 4.3.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

The precinct is subject to the provisions of a raft of State Environmental Planning Policies (SEPP)s.

The subject policies are noted below and importantly do not prohibit and/or significantly constrain the Planning Proposal.

SEPP	Comment
SEPP 1 – Development Standards	Not applicable (As referenced in WLEP 2011, Clause 4.6 makes provision for variations to development standards)

SEPP	Comment
SEPP 4 – Development without Consent and Miscellaneous Exempt and Complying Development	Not inconsistent (As referenced in WLEP 2011, Clause 6 and Parts 3 and 4 do not apply)
SEPP 6 – Number of Storeys in a Building	Not inconsistent (Maximum building height will be subject to maximum height expressed in metres)
SEPP 15 – Rural Landsharing Communities	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
SEPP 19 – Bushland in Urban Areas	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
SEPP 21 – Caravan Parks	Not applicable (Caravan parks are prohibited under the proposed R2 and R5 zones currently prevailing in WLEP 2011)
SEPP 22 – Shops and Commercial Premises	Not inconsistent (WLEP 2011, however, only permits limited commercial and retail facilities in the R2 zone)
SEPP 26 – Littoral Rainforests	Not applicable
SEPP 29 – Western Sydney Recreational Area	Not inconsistent
SEPP 30 – Intensive agriculture	Not applicable (WLEP 2011, R2 and R5 zones do not permit agricultural uses)
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Not applicable (The land is not in a position that can optimize urban consolidation outcomes)
SEPP 33 – Hazardous and Offensive Development	Not applicable (WLEP 2011, R2 and R5 zones do not permit hazardous or offensive industries)
SEPP 36 – Manufactured Home Estates	Not applicable (WLEP 2011 is in the Sydney Region which is excluded from the Policy's application)
SEPP 44 – Koala Habitat Protection	Not inconsistent
SEPP 50 – Canal Estate Development	Not applicable
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan areas	Not applicable
SEPP 53 – Metropolitan Residential Development	Not applicable
SEPP 55 – Remediation of Land	Applicable (The provisions will need to be complied with in converting the land to residential use)
SEPP 59 – Central Western Sydney Regional Open Space	Not applicable (Land is not located in Central Western Sydney)
SEPP 60 – Exempt and Complying Development	Limited application at this stage
SEPP 62 – Sustainable Agriculture	Not applicable (WLEP 2011, R2 and R5 zones do not permit Aquiculture)

SEPP	Comment
SEPP 64 – Advertising and Signage	Not inconsistent
SEPP 65 – Design Quality of Residential Flat Development	Not applicable (WLEP 2011, R2 and R5 zones do not permit residential flat buildings)
SEPP 70 – Affordable Housing (revised schemes)	Not inconsistent
SEPP 71 – Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	Not inconsistent
SEPP (Building Sustainability Index: BASIX) 2004	Not inconsistent (The relevant principles will inform subdivision design and subsequent development)
SEPP (Exempt and Complying Codes) 2008	Not inconsistent
SEPP (Housing for Seniors or People with a Disability) 2004	Not inconsistent
SEPP (Infrastructure) 2007	Not applicable
SEPP (Major Development) 2005	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Rural Lands) 2008	Not inconsistent

**Table 3**  
Relevance of SEPPs

#### 4.3.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (SECTION 117 DIRECTIONS)?

Section 117 Directions detail matters to be addressed in LEP's so as to achieve particular principles, aims and objectives or policies.

All relevant Directions can be adequately accommodated or departures justified in the preparation of an LEP amendment of the nature foreshadowed in this Planning Proposal. The relevant considerations in respect of the Section 117 Directions highlighted to be of relevance are summarized below.

## 1. Employment and Resources

Direction	Applicable	Consistent
1.1 Business and Industrial Zones	NO	N/A
1.2 Rural Zones	NO	N/A
1.3 Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4 Oyster Aquaculture	NO	N/A
1.5 Rural Lands	NO	N/A

**Table 4**  
Ministerial Direction – employment and resources

## 2. Environment and Heritage

Direction	Applicable	Consistent
2.1 Environmental Protection Zones	NO	NO
2.2 Coastal Protection	NO	N/A
2.3 Heritage Conservation	NO	N/A
2.4 Recreation Vehicle Areas	NO	N/A

**Table 5**  
Ministerial Direction – environment and heritage

## 3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent
3.1 Residential Zones	YES	YES
3.2 Caravan Parks and Manufactured Home Estates	NO	N/A
3.3 Home Occupations	YES	YES
3.4 Integrating Land Use and Transport	YES	YES
3.5 Development near Licensed Aerodromes	NO	N/A
3.6 Shooting Ranges	NO	N/A

**Table 6**  
Ministerial Direction – housing, infrastructure and urban development

#### 4. Hazard and Risk

Direction	Applicable	Consistent
4.1 Acid Sulphate Soils	NO	N/A
4.2 Mine Subsidence and Unstable Land	YES	YES
4.3 Flood Prone Land	NO	N/A
4.4 Planning for Bushfire Protection	YES	YES

**Table 7**  
Ministerial Direction – hazards and risk

#### 5. Regional Planning

Direction	Applicable	Consistent
5.1 Implementation of Regional Strategies	NO	N/A
5.2 Sydney Drinking Water Catchments	NO	N/A
5.3 Farmland of State and Regional Significance on NSW Far North Coast	NO	N/A
5.4 Commercial and Retail Development along Pacific Hwy North Coast	NO	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	NO	N/A
5.6 Sydney to Canberra corridor	NO	N/A
5.7 Central Coast	NO	N/A
5.8 Second Sydney Airport: Badgerys Creek	YES	YES

**Table 8**  
Ministerial Direction – regional planning

#### 6. Local Plan Making

Direction	Applicable	Consistent
6.1 Approval and Referral Requirements	YES	YES
6.2 Reserving Land for Public Purposes	YES	YES
6.3 Site Specific Purposes	YES	YES

**Table 9**  
Ministerial Direction – local plan making



## 7. Metropolitan Planning

Direction	Applicable	Consistent
7.1 Implementation of the Sydney Metropolitan Plan, 2036	YES	YES

**Table 10**

Ministerial Direction – metropolitan planning

The Planning Proposal is not inconsistent with the general direction of the Metropolitan Plan 2036, or the Draft South West Sub-Regional Strategy. Further, the Planning Proposal has addressed the S.117 Directions prescribed by the Minister contained within the EPA Act 1979.

## 4.4 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT (SECTION C)

### 4.4.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITATS OR THREATENED SPECIES, POPULATIONS, ECOLOGICAL COMMUNITIES OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

Refer to the updated report by Ecoplaning.

### 4.4.2 ARE THERE ANY OTHER LIKELY ENVIRONMENT EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Environmental impacts considered are as follows:-

#### 1) Water Quality

The land will be connected to the Sydney Water sewerage system. The reduction in minimum lot size will have minimal adverse impact on water quality.

#### 2) Bushfire

The reduction in minimum lot size will not diminish the ability of future development to maintain appropriate APZs

#### 3) Drainage

Future drainage will not alter as a result of this proposal.

#### **4.4.3 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?**

The Proposal will help to address the current land supply limitations and move toward fulfilling the accommodation needs attached to the sub-regional population and housing projections. In doing so, affordability of housing is likely to be enhanced.

Further, the development process will have a positive economic impact upon the development / construction industry, inclusive of the prospects of local employment on many fronts, both in design and construction. The local businesses at Tahmoor and other proximate centres such as Bargo and Picton are likely to benefit through enhanced trade.

The new residential population will have a positive impact on key employment industries such as schools and education centres, cafes, restaurants and takeaway food services and will generate increased demand for these services, thereby providing an economic benefit to the area.

### **4.5 STATE AND COMMONWEALTH INTERESTS (SECTION D)**

#### **4.5.1 INTRODUCTION**

The Gateway determination will identify any consultation required with State or Commonwealth Public Authorities. This will include:

- Consultation required under section 34A of EPA Act, where the Responsible Planning Authority (RPA) is of the opinion that critical habitat or threatened species, populations, ecological communities or their habitats will or may be adversely affected by the Planning Proposal;
- Consultation required in accordance with a Ministerial Direction under S117 of EPA Act; and
- Consultation required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.

#### **4.5.2 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

There is adequate public infrastructure for this planning proposal.

#### **4.5.3 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION, AND HAVE THEY RESULTED IN ANY VARIATIONS TO THE PLANNING PROPOSAL?**

The relevant State and Commonwealth public authorities would be consulted following the outcome of the Gateway determination. Council would be responsible for carrying out this consultation in accordance with S57 of the EPA Act.

Typical authorities likely to be consulted include:

- Department of Premier and Cabinet
- Parks and Wildlife Group
- Office of Environment and Heritage
- Environment and Heritage Policy and Programs
- Department of Education and Communities
- NSW Ministry of Health
- Department of Trade and Investment, Regional Infrastructure and Services, Primary Industries Resources and Energy, NSW Office of Water
- Department of Planning and Infrastructure
- Transport for NSW
- Roads and Maritime Services
- Sydney Water, Endeavour Energy, Telstra, AGL

# 5

## COMMUNITY CONSULTATION (PART 4)

Community consultation remains an important element of the Plan making process. The companion document “A Guide to Preparing Local Environmental Plans” outlines community consultation parameters.

The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed.

It is considered that the Planning Proposal is of a “low impact” nature and should be exhibited for a minimum period of 14 days.

Before proceeding to public exhibition, the Director General of Planning (or delegate) must approve the form of the Planning proposal as being consistent with the “Gateway” determination (EPA Act, S57(2)).

Notification is able to be conducted by way of direct correspondence to the surrounding owners, publication within the local press and information on Wollondilly Shire Council's website.

Any submissions received in response to community consultation would need to be fully considered, in accordance with the prevailing statutory provisions.

**Additional criteria under ‘A guide to preparing local environmental plans’.**

**If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.**

The planning proposal does not include the extinguishment of any interests in the land.

**The concurrence of the landowner, where the land is not owned by the relevant planning authority.**

The landowner is supportive of the proposal.

# 6

## CONCLUSION

The subject Planning Proposal has documented a persuasive case for the reduction of the minimum lot sizes applicable to the specified areas of the subject sites, via an amendment to Wollondilly LEP 2011.

Council, as the Responsible Planning Authority (RPA), is requested to support and forward this proposal to the Department of Planning and Infrastructure for progressing through the “Gateway” in an expedient manner.

## Appendix “A”

### SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY NEPEAN RIVER

This Plan seeks to ensure the protection of the environment of the Hawkesbury – Nepean River System by ensuring that the impacts of future land uses are considered in a regional context.

Clause 4 details provisions in respect of the application of general considerations, specific planning policies and recommended strategies.

Clause 5 outlines general planning considerations, the nature of which have been complied with in the subject context.

Clause 6 details specific planning policies and recommended strategies, with such being addressed below.

Policy/Strategies	Compliance/Non Compliance
1. Total Catchment Management	<p>The proposal represents a minor intensification of the existing urban area.</p> <p>The property slopes generally toward Myrtle Creek, which is the natural drainage regime.</p> <p>The proposed development will be subject to implementation of a comprehensive Stormwater Management System based on principles of Water Sensitive Urban Design (WSUD) at DA stage.</p>
2. Environmentally Sensitive Areas	N/A
3. Water Quality and 4. Water Quantity	<p>Disposal of sewerage effluent will be managed by connection to Sydney Water sewerage mains.</p> <p>The proposal is not likely to cause land degradation.</p> <p>Drainage options will be investigated at development application stage, once likely dwelling house locations are known.</p> <p>Stormwater generated from the future development of the land will not adversely impact the water balance equation, including groundwater/water table. A “neutral or beneficial effect” can be achieved.</p> <p>A comprehensive sediment and erosion control plan will be required at development application stage, thereby mitigating land degradation and achieving satisfactory water quality outcomes.</p>
5. Cultural heritage	<p>The subject land does not comprise a riverine environment, with such being the focus of heritage considerations.</p>

6. Flora and fauna	Flora and fauna issues have been addressed elsewhere in this report  No fish habitats will be adversely impacted.  No wetlands are adversely impacted.
7. Riverine Scenic Quality	The subject property is not proximate to the immediate riverine environment/corridor.
8. Agriculture/Aquaculture and fishing	The land is zoned residential
10. Urban Development	May be addressed at DA stage
11. Recreation and Tourism	The value of the riverine corridor (significantly removed from the site) as a significant recreation and tourist resource will not be diminished.
12/ Metropolitan Strategy	The proposal is consistent with the Metropolitan Strategy and its broader objectives, reflected in the subregional planning strategy

Clause 8 details the application of development controls.

Clause 9 has been repealed and Clause 10 is not applicable.

Clause 11 outlines development controls in respect of specific land uses. No specific provisions are detailed regarding this type of proposal.

Clause 12 details provisions in respect of the relationship of the Plan to other planning instruments. Such relationship is acknowledged and shall be considered in processing/assessment of this proposal.

Clause 13 and 14 detail definitions and savings provisions respectively and are noted in the application of the Plan.

# Appendix “B”

## Re-assessment of vegetation onsite by Ecoplanning



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20 March 2018

**Re: Response to Wollondilly Council – Report to Ordinary Meeting of Council 20 February 2017: Draft Planning Proposal – West Tahmoor Minimum Lot Size Amendment no. 2.**

Dear Tom,

This letter has been prepared in response to the following excerpt from the minutes of the Ordinary Meeting of Council (20 February 2017), regarding the minimum lot size of the western residential border of 125 Thirlmere Way, Tahmoor (i.e. the 'subject site'; **Figure 1**).

[wollondilly.nsw.gov.au](http://wollondilly.nsw.gov.au)

The Western Residential Border of Tahmoor

The site is located on the western residential border of Tahmoor with a recreational zone providing a buffer between rural land to the south and the residential border of Thirlmere to the west. The GMS advocates for lower densities on the edge of towns and villages in the location known as the rural fringe.

The site has been rezoned to a low density residential zone and is close proximity to the town centre and Tahmoor railway station. The site is also supported by a sealed walkway running along Thirlmere Way which directly links to the town centre and is a good location for smaller lot sizes.

The site is buffered by a recreation zone to the south and west and as such there appears and is on the rural interface of the residential and rural land in Tahmoor. The character of the land along this border is heavily vegetated and presents a rural outlook to the future houses to be located adjacent and is worth retaining for its conservation, buffering and aesthetic value.

In preparing this report a number of previous assessment have been considered, including:

- Ecoplanning (2015a). DRAFT Flora and fauna assessment – Lots 1-4 // DP 243776 and Lot 6 // DP 793897, Macquarie Place and Thirlmere Way, Tahmoor. Prepared for Precise Planning.
- Ecoplanning (2015b). Flora and Fauna Assessment – Part Lots 1-3 // DP 243776, Macquarie Place and Thirlmere Way, Tahmoor. Prepared for Precise Planning.
- Ecoplanning (2015c). Biodiversity Assessment Report – Macquarie Place, Tahmoor, NSW (v 1.0). Prepared for ABAX Contracting, c/o Precise Planning.
- Ecoplanning (2015d). Letter report titled: *'Re: Assessment of ecological impacts and avoidance, mitigation and offsetting measures for planning proposal at Thirlmere Way, West Tahmoor, Wollondilly LGA.'* Dated 27 July 2015.
- ELA (2014). Macquarie Place, West Tahmoor – *Threatened Species Conservation Act* advice and prelim Biocertification calculations. Letter advice prepared for Precise Planning by Eco Logical Australia, Sutherland.

### Additional site assessment

The subject site was visited on 14 March 2018, and it is noted that recent changes to the environment along the eastern and western boundary of the subject site have taken place. This includes the development of a residential roadway bordering the site to the west, and small lot residential sub-division along the eastern boundary (**Photo 1** and **Photo 2**).

Previous assessment have shown this to be significantly constrained ecologically (see ELA 2014; Ecoplanning 2015a,b,c) 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

However, as a result of this modified landscape, the integrity of the retained vegetation has been reduced through direct clearing of vegetation for the roadway, incidental clearing that has taken place during construction of this roadway and it also appears likely from the residential development (**Photo 3**, **Photo 4** and **Photo 5**).

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 (it is now a Council road; see **Figure 1**). As a consequence, it no longer retains a vegetative buffer or any aesthetic value.

If you would like to discuss any of the above further, please contact me on the details provided below.

Sincerely,

Lucas McKinnon

Director | Principal Ecologist – Accredited Biobanking Assessor

**BEnvSc(Hons), GCert. Ornithology, Biobanking Acc. (#76)**

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**Photo 1: View looking west along recently constructed Council owned residential access road.**





**Photo 2: View looking south along recently constructed Council owned residential access road.**



**Photo 3: View looking south along recently constructed Council owned residential access road, showing disturbed nature of understorey in the subject site (to the left of shot).**





**Photo 4: View looking south along recently constructed Council owned residential access road, showing disjunct nature of RE zoned land to the west of the subject site (right of shot).**



**Photo 5: Standing underscrubbed remnant Shale Sandstone Transition Forest trees in the subject site.**





Figure 1: Lot boundary with mapped vegetation (Ecoplanning 2015).

## References

Ecoplanning (2015a). DRAFT Flora and fauna assessment – Lots 1-4 // DP 243776 and Lot 6 // DP 793897, Macquarie Place and Thirlmere Way, Tahmoor. Prepared for Precise Planning.

Ecoplanning (2015b). Flora and Fauna Assessment – Part Lots 1-3 // DP 243776, Macquarie Place and Thirlmere Way, Tahmoor. Prepared for Precise Planning.

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