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NSW Department of Planning, Housing and Infrastructure
4 Parramatta Square
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PARRAMATTA NSW 2150

Dear Sir / Madam,

REQUEST FOR REZONING REVIEW: RESPONSE TO REASONS FOR REFUSAL AND RELATED SITE AND STRATEGIC MERIT CONSIDERATIONS CROSS STREET AND RIVER ROAD, TAHMOOR

1. INTRODUCTION

- The purpose of this submission is to provide a comprehensive summation of relevant strategic and **site-specific merit** considerations that respond to Wollondilly Shire Council's (Council) reasons for refusing the Draft Planning Proposal at Cross Street and River Road, Tahmoor.
- In doing so, this submission highlights the inter-relationship that these considerations have had in informing earlier positive recommendations from the Local Planning Panel (LPP) and Council officers that the Ingham Property Group's (IPG) Planning Proposal should proceed to Gateway.
- The matters raised in this submission reinforce points already contained in the Planning Proposal and includes:
 - A summary commentary to the reasons for refusal (detailed responses are contained in the Appendices to this submission).
 - A background to the Metropolitan Rural Area (MRA) policy setting and an evaluation of the proposal against the key values of the MRA. The MRA being the primary strategic merit consideration.
 - A summary of the Proposal's compatibility with relevant Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) settings, including the Department's conditions of approval of Council's LHS.
 - An appraisal of the Proposal's alignment with key elements of the Western City District Plan.
 - Justification for the Rezoning Review in accordance with the *Local Environmental Plan Making Guideline* (2023)
- Critically, the Planning Proposal's overarching merit must be viewed holistically. Put simply, in addressing strategic merit considerations, certain site-specific merit responses are proposed. This includes significant commitments made by IPG to deliver public benefits and in turn, the delivery of a place based design response. These benefits in the form of significant open space

dedication/biodiversity stewardship and a reticulated recycled water supply system are not achievable under a development proposal compliant with the existing planning controls.

- As a consequence of these site-specific responses, the proposal delivers a better planning outcome than what is otherwise possible under existing planning controls.

2. RESPONSE TO REASONS FOR REFUSAL

A review of Council's reasons for refusal highlights a number of key themes, responses to which are summarised as follows:

- Traffic and transport impacts generated by the proposal, all of which have been previously addressed via updated technical information, including updated traffic counts and modelling, submitted in April 2024.
- The extent of buffer to Bargo River Gorge has been optimised and informed by:
 - Reference to a 2014 resolution of Council.
 - Logical master planning based on specialist ecological advice and advice to ensure 'edge effects' are managed; and
 - Establishing a Biodiversity Stewardship Agreement.
- A lack of appreciation by Council of past land use decision making to ensure odour impacts associated with the nearby Turkey Processing Plant have and continue to be managed and mitigated. This includes updated specialist advice.
- The scale of the proposal has been viewed as excessive by Council, however the proposal retains approximately 50% of the site as undeveloped land, subject to a funded Biodiversity Stewardship Agreement to deliver positive ecological outcomes in perpetuity.
- Council's view that there is a lack of infrastructure is ill-informed and fails to acknowledge what is to be provided by IPG including roads, reticulated recycled water and other proposed items that is subject to a proposed Planning Agreement.
- The Proposal's consistency with planning policy settings, particularly relating to the Metropolitan Rural Area (MRA) at District Plan level and how the MRA that has been applied via Council's LSPS and LHS. These policy setting set the tone for the overarching design response and approach which is reflected in the Planning Proposal and are addressed in the following Sections 3 and 4 below.

Appendix 1 provides a detailed response to each of the reasons for refusal of the Planning Proposal.

3. BACKGROUND TO THE MRA

In February 2017, *AgEconPlus* completed a report for the then Greater Sydney Commission which detailed the Values of the Metropolitan Rural Area of the Greater Sydney Region. This report became the foundation for MRA and District Plan policies. On page 82 of this report, it lists the values for the South West District and its MRA lands, being:

- Agricultural values.
- Biodiversity values.
- Water quality values.

- Mining and extractive industries; and
- Landscape values; and
- Tourism values.

Table 1 – Compatibility Matrix for the Values of the MRA of the South West District

Value	Evaluation
Agricultural Values	<ul style="list-style-type: none"> ▪ The decommissioning of Ingham Enterprises' poultry operation resulted in a significant reduction in odour and noise in East Tahmoor. According to Land Edge Planning, the site is now incapable of viable agricultural uses due to the land use conflict with adjoining low density (R2) residential uses and the sites sub-scale size. ▪ This poultry operation cannot be reinstated as Ingham Enterprises (the former landowner of the subject land) agreed to relinquish its odour buffer in support of Council's 2011 Local Environmental Plan (LEP). ▪ This LEP was catalytic in transitioning the surrounding area from rural to its current low density residential environment. ▪ Ingham Enterprises' support for this LEP anticipated a complimentary zoning on the subject land noting there are no economically viable rural uses with the resultant land use conflict.
Biodiversity Values	<ul style="list-style-type: none"> ▪ All ecological constraints will be comprehensively managed and offset through Bio-certification and Biodiversity Stewardship strategies over a 75-hectare area (approximately 50% of the site). IPG will establish a trust fund sufficient for management of the stewardship land in perpetuity.
Water Quality Values	<ul style="list-style-type: none"> ▪ The proposal, through its system of detention basins and biofiltration, will treat water quality to the applicable standards before it enters the Bargo River Gorge from upstream catchments. ▪ The site will also play an important role in water quality from the ongoing redevelopment of the adjoining residential (R2) land to the north.
Mining and Extractive Industries	<ul style="list-style-type: none"> ▪ The site is in the Bargo Mine Subsidence District and within the Tahmoor South Coal Project. The former Department of Trade and Investment raised no objection to the previous Planning Proposal on the basis that all coal able to be viably mined from under the site had been removed. ▪ It is also noted that there is a small portion of the Inghams site in the mining lease area, however no planning approval has been sought (or granted) for this extension. It is also acknowledged by SIMEC that the

Value	Evaluation
	Nepean fault line runs through the IPG site, which would present challenges to the viability of any future mining operations in this area.
Landscape Values	<ul style="list-style-type: none"> ▪ The landscape character of the locality is maintained through the proposed: <ul style="list-style-type: none"> - Preservation of sensitive vegetation in a 75 hectare open space area. - Building height controls and a gentle transition from existing small lot (approximately 450 to 700 square metre lots) low density residential houses to an average lot size of 1,500 square metres. The masterplan design transitions to lots that are 3,000 to 5,000 square metres in size in the south and southeast where the site adjoins the Bargo River Gorge. This design mitigates any visual impact and respects the existing rural living preferences in the area. ▪ A comprehensive Visual Impact Analysis (VIA) was prepared by Urbis in 2024 at the request of the Local Planning Panel. Council confirmed in its Ordinary Council meeting agenda report that <i>“the visual impact assessment is considered adequate”</i>. ▪ Provision of recreation opportunities via the proposed 5,000 square metre park at Tahmoor Road and the walking trails and viewing points that will be constructed along the 75 hectare Biodiversity Stewardship Area.
Tourism Values	<ul style="list-style-type: none"> ▪ The site has the potential to promote local and regional tourism through its walking trails and viewing vantage points, providing opportunities for bushwalking, and allowing visitors to appreciate the Bargo River Gorge. An on-site car park (at Progress Street) is also proposed, catering for these visitors. ▪ A monetary contribution towards the construction of a circa 450-metre-long pedestrian connecting pathway will be made to encourage Tahmoor CBD visitors to take in the Bargo River Gorge views. The site is 730 metres from the existing Tahmoor train station which can be leveraged to promote eco-tourism in the area.

4. COUNCIL POLICY SETTINGS

- In 2020, Wollondilly Shire Council resolved to support the Cross Street NSW Planning Proposal (Original Proposal).
 - At a Metropolitan and District Planning level, the MRA policy settings that existed then, remain unchanged today. Neither policy explicitly precludes the incremental expansion of urban settlements in the MRA.
 - In the case of Wollondilly Shire, Council's subsequent LSPS and LHS superseded its former Growth Management Strategy and in doing so created an added level of granularity to the interpretation of the MRA.
 - On 9 September 2021, the then NSW Department of Planning and Environment (DPE) provided an LHS Approval letter to Council.
 - The Department's letter detailed five (5) specific criteria that must be satisfied before expanding existing urban villages. The following provide a concise evaluation of these criteria.
- 1. Compatibility with the MRA (see Appendix for comprehensive responses to the Western City District Plan, Planning Priority W17, *Better managing rural areas*)**
- Council's strategic framework anticipates the Site's reuse to some form of residential land use because:
 - Its LSPS indicates that most new housing from 2021 to 2026 will stem from advanced Planning Proposals, which included IPG's Original Planning Proposal first lodged 2013. In the original LHS, the Site was specifically named along with other Planning Proposals prior to the Department removing the local housing supply table from the document. The unlocking of this site was made possible by the decommissioning of intensive poultry uses on the site; and
 - The Rural Lands Strategy Findings Report that was prepared to inform Council's LSPS also recognised the Site's shift to some form of residential land use due to its sterilisation and transition from agricultural production.
 - The Proposal is consistent with the Western City District Plan 2018, which allows for *"limited growth of rural-residential development to be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area. This could include the creation of protected biodiversity corridors, buffers to support investment in rural industries and protection of scenic landscapes."* The Planning Proposal includes:
 - Large rural residential lots (average size of 1,500sqm). The lot sizes transition from 700sqm lots to over 1,500sqm and up to half a hectare (i.e. 5,000sqm) as the site approaches the edge of Bargo River Gorge. It is important to note that the smallest lots proposed are located opposite existing 450sqm lots on Cross Street. The lot transition reflects a more nuanced place based approach to lot layout reflective of the transitioning character across the site from the urban through, traditional rural-residential though to more peri/non-urban settings.
 - This place-based approach to transitioning lot size plan extends through to restrictions on building heights to preserve natural view lines (reducing to 6.8 metres on the north-eastern portion of the site to encourage single storey construction).
 - The Proposal's diverse offering of large lot sizes accommodates a range of rural living price points that are next to the Tahmoor CBD's existing transport, schools, retail, medical facilities and other services.

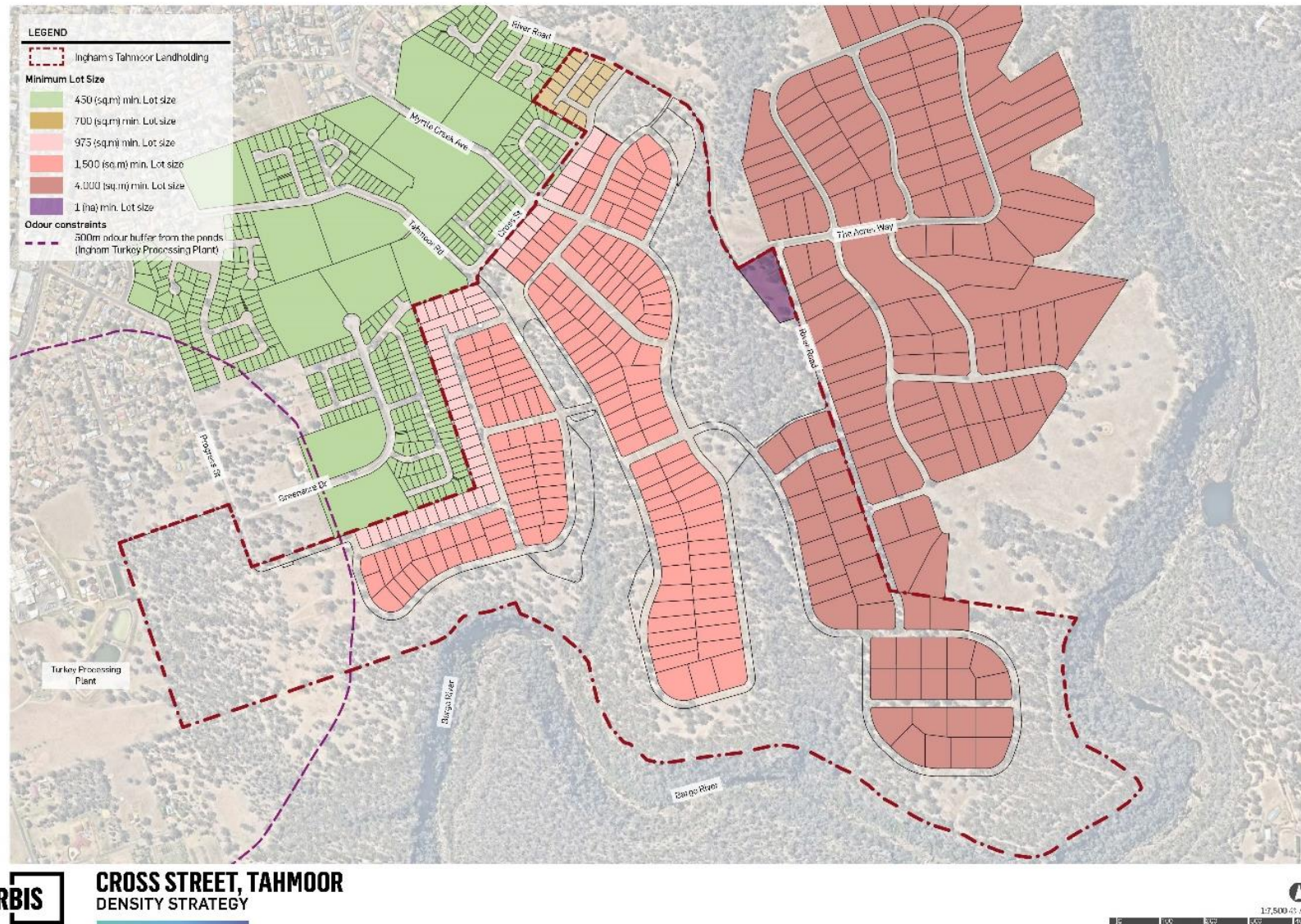


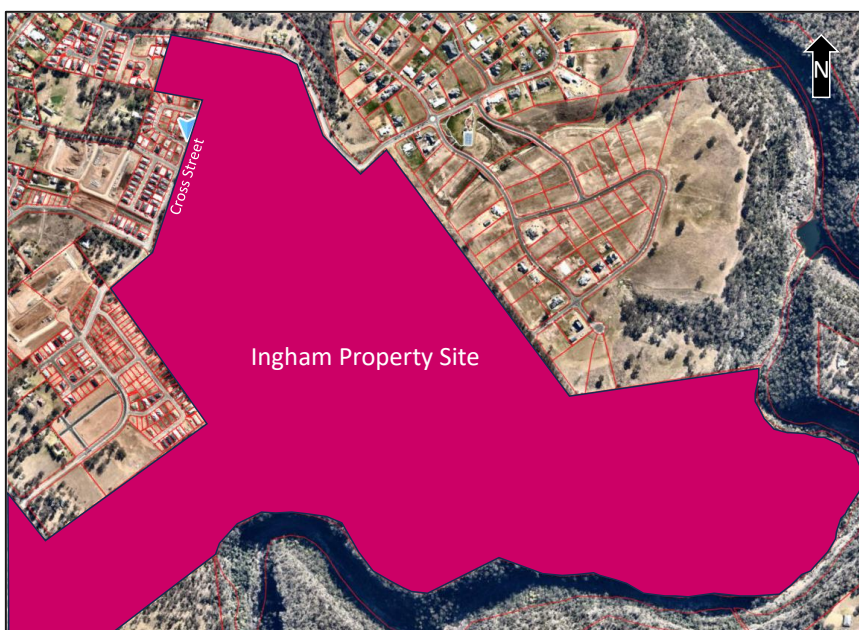
Figure 1 – Density Strategy – Transitional Lot Sizes and “Infill” Relationship to Adjoining Residential and Rural-Residential Land

- To support this better planning outcome, the following community benefits are attached to the Planning Proposal:
 - Dedication of 75 hectares of high ecological value land to Council (biodiversity stewardship and conservation area), valued at over \$85 million (derived using land use classifications and values from Wollondilly Contributions Plan 2020 and indexed to the Land Value Index). This area will be embellished with walking trails, picnic areas and viewpoints to enhance public access to the northern rim of the Bargo River Gorge. This dedication is supported by a \$4.5 Million maintenance fund to conserve sensitive native vegetation in perpetuity; and
 - A recycled water system that has been co-designed with Sydney Water. Aside from servicing the proposed development, the design creates spare capacity to support Sydney Water's Picton Treatment Plant capacity upgrades. IPG proposed to fund the trunk main from Picton Treatment Plant through the site to the western boundary (circa 3.5 kilometres) including the Site's reticulation. This will make the trunk main infrastructure available for other projects to connect into in a cost-effective manner. This provides future opportunities for drought proofing and climate resilience.

2. Consistency with Council's Agricultural Viability Study (once completed)

- Council's study has not been completed. Regardless, the site cannot be used for commercial poultry farming due to the odour constraints imposed by Council's revisions to the 2011 LLEP, which IPG supported to facilitate Council-led R2 residential rezonings on adjoining land in return for a complimentary residential rezoning on the subject site.
- Primary Production is no longer viable on the site due to the proximity of new residential housing (Refer to Figure 2) and it is too small for standalone grazing or horticultural operations. The Agricultural Land Capability Report that accompanies the Planning Proposal confirms these findings.

Figure 2 – Proximity of R2 zoned housing to the northeast and northwest of the Site as a result of Council's revisions to the 2011 Local Environmental Plan



3. Infrastructure strategy can be implemented to support further development

- Sydney Water have confirmed that the site can be serviced either by conventional capacity dedication or, in the case of sewerage treatment, via IPGs proposed Strategic Infrastructure Implementation Plan (SIIP) pathway to a binding commercial agreement to install enabling recycled water trunk main infrastructure at cost to IPG.

4. Consistency with Council's Hazard Analysis and Emergency Management Study (once completed) 'HAEMS'

- Whilst a draft HAEMS exists as a regional study, it is not finalised and no framework is in place to enable responses at a site-specific level. We understand Council have intentions of preparing this guideline for release when the HAEMS is finalised however there is no target date for this to occur. The NSW Rural Fire Service (RFS) and State Emergency Services (SES) have assessed the proposal and have raised no objection subject to conditions.
- The Proposal increases the Site's resilience to natural hazards, such as bushfire and flood. The proposal enhances local resilience by safeguarding Tahmoor village centre from a fast-approaching southern fire front making it more resilient shelter-in-place solution and resolves existing emergency egress issues at adjacent "The Acres" development.
- Council officers confirmed that there are no outstanding flooding concerns. The IPG proposal exceeds the requirements of Planning for Bushfire Protection 2019 (PBP 2019) with Rural Fire Service support. Any final HAEMS will be legally subservient to PBP 2019.

5. Council's consultations with DPE and with the Greater Cities Commission (GCC)

- Whilst this is a matter for Council, IPG have sought to collaborate with Council throughout this process which presumably has informed positive recommendations from the LPP and Council staff that the matter proceed to Gateway and leading up to this rezoning review.

5. JUSTIFICATION FOR THE REZONING REVIEW

- Part 3 of the Local Environmental Plan Making Guideline (August 2023) outlines the test in determining whether the proposal has merit and should be submitted for determination under Section 3.34 of the Act (Gateway Determination). The proposal must demonstrate both strategic merit and site-specific merit.
- Our responses to strategic and site-specific merit consideration as per the Guideline are summarised in the Table 2 below:

Matter	Response
Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/ precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or	<ul style="list-style-type: none"> The proposal gives effect to all policy settings at a state level as detailed in Section 3 and Appendix 2 of this submission.
Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or	<ul style="list-style-type: none"> The proposal gives effect to Council's LSPS and LHS including relevant conditions of approval of Council's LHS as detailed in Section 4 of this submission.
Respond to a change in circumstances that has not been recognised.	<ul style="list-style-type: none"> This proposal has been the culmination of some 10 years of strategic planning work. Circumstances have invariable altered noting that the matter was the subject of a Gateway Determination in 2014 and Council support in 2020. Most recently, the Government has also entered into a National Housing Accord with Federal and Local Governments with a focus on ensuring barriers are lifted for well planned and considered projects that can deliver housing. The criteria that have been previously set for this proposal to be assessed against have been comprehensively addressed and which has been recognised by favourable recommendations from the LPP and Council officers. The proposal will bring forward the delivery

Matter	Response
	of circa 281 allotments of varying sizes that cater for a range of local housing needs.
The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)	<ul style="list-style-type: none"> ▪ The proposal reasonably balances all natural constraints which is reflected in a place based outcome that preserves circa 50% of the site. This undeveloped land will be subject to a biodiversity stewardship agreement as detailed in Section 3 and Appendix 1 of this submission.
The built environment, social and economic conditions	<ul style="list-style-type: none"> ▪ Table 1 of this Submission provides an overview of the progressive and planned transition of the area from a non-urban area characterised by intensive agricultural uses to one of a more urban; peri-urban and rural residential character. ▪ As detailed in Appendix 1 technical advice has been provided which demonstrates that agricultural activities are no longer viable. ▪ Conversely the opportunity to economically reuse the land in a manner that transitions between higher density urban lots to larger rural residential lots that are in close proximity to Tahmoor CBD cannot be overlooked. ▪ The proposal and delivers social and economic benefits in the form of reticulated recycled water and public access to protected and managed areas of high biophysical values, the combination of which leads to well-balanced development outcome.
Existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates; and/or	<ul style="list-style-type: none"> ▪ The Spatial relationships to adjoining land are illustrated in Figures 1 and 2 which clearly demonstrate a place-based response that is compatible with these adjoining uses, and which takes into account buffers, biodiversity and open space values and built form and density character.
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	<ul style="list-style-type: none"> ▪ This has been addressed in the responses to Council's reasons for refusal in Appendix 1 of this submission.

6. CONCLUSION

- The MRA as a planning concept pre-dates the current Metropolitan and District Planning policy settings. These policy settings have always sought to recognise that the MRA is a multi-dimensional asset that supports a range of land use activities and community values.
- These activities and values are subject to external pressures. As is the case with the site, agricultural uses have been sterilised and an opportunity presents itself to contemplate an alternate place-based outcome that better leverages site characteristics rather than simply turning it over to a compliant and “standard” rural-residential development that is otherwise permitted under current planning controls.
- The site abuts a range of land uses and values spanning small lot urban, large lot rural-residential and significant topographical / ecological landscapes. When these factors are married with the close spatial proximity of the site to the Tahmoor CBD, it presents a compelling basis for contemplating opportunities to secure a better planning outcome for the site.
- The Western City District Plan provides a clear pathway for the Planning Proposal where *“limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area”* (page 126).
- Put simply, the housing proposition reflected in the Planning Proposal and as supported by its associated public benefits, meets this test.
- The proposal therefore satisfies the strategic and site-specific merit tests as required by the Department’s Guidelines.

Yours sincerely,



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APPENDIX 1:

TABULAR RESPONSES TO WOLLONDILLY COUNCIL

RESOLUTION 209/2024 – 23 JULY 2024

Council Reason	Response
Failure to demonstrate by way of an adequate traffic assessment and TMAP that the surrounding road network can properly cater for capacity and evacuation needs.	<ul style="list-style-type: none"> Traffix updated the Traffic Report in April 2024. Traffic counts and modelling has been updated, which confirms the development has no adverse impact on the performance of key intersections post-upgrade and no site-specific traffic upgrades are required. The proposal will create a street hierarchy that improves connectivity both within the site and to multiple evacuation routes (it establishes six connections to the existing public road system). The evacuation routes are approximately 8 to 10 metres wide, have minimal 'pinch points,' and are free of significant bushland, ensuring sufficient capacity for evacuations. The routes will lead to safe destinations, including the Tahmoor town centre and two designated Neighbourhood Safer Places (NSPs), with no future resident being more than 1 kilometre from a safe refuge location.
Existing capacity constraints on Victoria Bridge	<ul style="list-style-type: none"> As above, updated traffic modelling has confirmed the development will have no adverse impacts on the performance of key intersections post-upgrade. In respect to broader (regional) traffic concerns, IPG will be required to pay HPC (Regional) development contributions, therefore contributing (in tandem with local contributions and the Planning Agreement works / monetary contributions) to resolving the broader strategic traffic planning matters, that are beyond the scope / remit of one site (or proponent).
Reliance on local road network to service the proposal site	<ul style="list-style-type: none"> The proposal will rely on the local road network to service the development. By establishing six connections to the existing network, traffic will be distributed across the network so as not to create 'pinch points.'
Traffic links to key destinations being Tahmoor town centre, and Picton Road, via Picton are at capacity	<ul style="list-style-type: none"> As above, Traffix updated the Traffic Report in April 2024. Traffic counts and modelling were updated, which confirm the development has no adverse impact on the performance of key intersections post-upgrade and no site-specific traffic upgrades are required

Council Reason	Response
<p>Adequacy of proposed buffer separating the proposed development to the Bargo River Gorge has not been adequately demonstrated to satisfy the advice of the Wollondilly Local Planning Panel.</p>	<ul style="list-style-type: none"> Public access to the Bargo River Gorge has been a key component of the Planning Proposal vision since it was initiated more than ten years ago. On 22 April 2014, Council resolved that any future development as part of the Cross Street Planning Proposal should incorporate a buffer of at least 100 metres from the top of bank of the Bargo River Gorge. This 'buffer land', to be dedicated to Council as part of a Biodiversity Stewardship Agreement, was only ever intended to enable, via dedicated walking trails, public access to select 'vantage points' (to enjoy views of the Gorge). The development footprint has been comprehensively developed over 10+ years, informed by Wollondilly's desired rural character of larger lot residential housing, planning for bushfire protection, infrastructure servicing, environmental constraints, topography and access arrangements to a proposed Biodiversity Stewardship site. Eco Logical Australia (ELA) has provided further commentary on 'edge effects', which occur where biodiversity values are degraded through factors such as weed invasion and uncontrolled access. Notably, the Biodiversity Stewardship Agreement (and associated 'management actions') will ensure potential edge effects are managed through a weed management program and fencing. Suitable in perpetuity funding is provided to Council for this maintenance.
<p>The odour impact of the Ingham's Turkey Processing Plant and associated anaerobic ponds on the proposal site have not been properly considered and the related odour reports are outdated.</p>	<ul style="list-style-type: none"> The addendum Odour Report (2024) confirms that since the 2021 Odour Report, there has been no change in how the Ingham Turkey Processing Plant operates in relation to odour emissions. The 2021 Odour Report noted that two Anaerobic Ponds, which were part of the wastewater treatment system and responsible for 62% of the plant's total odour emissions, have been permanently decommissioned. Wastewater has been redirected to an upgraded treatment system. The 2013 Odour Report was based on a site-specific odour emissions inventory for the Ingham Turkey Processing Plant, using AUSPLUME as the dispersion model. According to the New South Wales Environment Authority's (NSW EPA) guidance document titled <i>Approved Methods for the Modelling and Assessment of Air</i>

Council Reason	Response
	<p><i>Pollutants</i> (August 2022), AUSPLUME is still supported and approved for air quality assessment studies.</p> <ul style="list-style-type: none"> As part of the 2013 assessment, a 500-metre buffer was established as a general industry standard, ensuring neighbouring properties are not affected by odour from the Plant. The updated assessment confirms the 500-metre buffer, along with existing EPA obligations (for the Plant), vegetation, and topography, will prevent any land-use conflicts and ensure that the proposed residential development will not be adversely affected by the operations of the Turkey Processing Plant. The 500m buffer is illustrated on Figure 1 further below in this submission.
<p>That the scale of the proposal could not reasonably be considered small natural scale growth of Tahmoor Village as required under the Wollondilly LSPS.</p>	<ul style="list-style-type: none"> It is our opinion, the Proposal could be considered small, natural scale growth for Tahmoor village due to its varied lot sizes, which align with the existing character of the area and reflect a logical transition in lot sizes between residential and rural residential settings to the east and west of the site. The concept plan that accompanies the Planning Proposal retains circa 50% of total site area as undeveloped land. This issue is discussed further below in this Submission.
<p>Lack of suitable arrangements for delivery of local infrastructure, including:</p> <p>i. An adequate infrastructure delivery plan that provides certainty on the funding, timing and delivery of key infrastructure.</p>	<ul style="list-style-type: none"> An Infrastructure Delivery Plan has been prepared by GLN, which: <ul style="list-style-type: none"> Describes the required infrastructure by infrastructure type and responsibility. Sets out how the infrastructure will be provided, and the legislative mechanisms that can be used to ensure they are provided. Outlines a preliminary staging schedule for the infrastructure that aligns with the development of the land for housing and other purposes. Identifies the local infrastructure and monetary contributions that are intended to be included in a Planning Agreement negotiated between IPG and Council, which will be the mechanism for the delivery of local on-site and off-site infrastructure that is not included in the Wollondilly Contributions Plan 2020; and Outlines a proposed arrangement and assignment of responsibility for the ongoing management and maintenance of

Council Reason	Response
	<p>different types of local infrastructure, following the completion of each stage of the development.</p> <ul style="list-style-type: none"> These infrastructure needs, where required to be delivered by the Proponent are reflected in the Letter of Offer submitted with the Planning Proposal package. It is acknowledged that Council issued comments to the Proponent regarding the Letter of Offer / Planning Agreement following a meeting on 3 May 2023. It is the Proponent's intention to continue negotiations and adjust the Offer (if deemed necessary) following Gateway determination, i.e., once there is more certainty over the planning outcome.
ii. Intersection upgrades to support the proposal at River Road and Remembrance Drive, and Progress Street and Remembrance Drive.	<ul style="list-style-type: none"> Traffix updated the Traffic Report in April 2024. Traffic counts and modelling were updated, which confirm the development has no adverse impact on the performance of key intersections post-upgrade and no site-specific traffic upgrades are required.
iii. Local road upgrades and pedestrian links outside of the proposal site.	<ul style="list-style-type: none"> As above
iv. A current planning agreement offer for the environmental land proposed to be dedicated to council that provides certainty as to the scope of any proposed offer for the dedication of environmental land.	<ul style="list-style-type: none"> The submitted Letter of Offer sets out the management and ownership approach (including funding, where relevant) of all infrastructure items. The Planning Proposal includes a comprehensive Infrastructure Delivery Plan (IDP) which details the funding and 'end ownership' arrangements for each asset / contribution. Maintenance payments for, and dedication of, detention basins are proposed to occur in accordance with Council's policy. Refer to earlier comment above regarding Letter of Offer/Planning Agreement.
v. Ongoing maintenance and management of land covered under the Biodiversity Stewardship site	<ul style="list-style-type: none"> When establishing a Biodiversity Stewardship Agreement (BSA), the proponent and Government agree on a Total Fund Deposit (TFD), which covers the long-term management costs of the site, including maintenance in perpetuity. This amount is deposited upfront. The landowner receives an annual allocation from the TFD to carry out the required work. The TFD spreadsheet outlines the financial

Council Reason	Response
<p>proposed to be dedicated to Council.</p>	<p>allocations, while the Management Action Plan details the specific tasks.</p> <ul style="list-style-type: none"> It is planned that initial intensive work such as planting, fencing and weeding be done in the first five years of the Stewardship site establishment, while IPG still have control over the site. After this time (after Year 5), it is planned to transfer ownership to Council, who will have access to yearly trust fund allocations to undertake maintenance of the site. It is worth noting that Council, were involved in determining the TFD amount. This involvement is unusual but was done in this case because the Council is expected to become the ultimate landowner.
<p>The proposal is inconsistent with key items in the strategic planning framework, and has not adequately justified a departure from these provisions including:</p> <p>i. Objective 29 in the Greater Sydney Regional Plan.</p> <p>O29 Environmental, social and economic values in rural areas are protected and enhanced</p>	<ul style="list-style-type: none"> This issue is addressed in detail in Sections 3, 4 and Appendix 1 of this submission.
<p>ii. Planning Priority W5 and W7 in the Western City District Plan.</p> <p>W5 'Providing housing supply, choice and affordability with access to jobs,</p>	<ul style="list-style-type: none"> This issue is addressed in Appendix 1 of this submission.

Council Reason	Response
<p>services and public transport’.</p> <p>W7 ‘Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City’.</p>	
<p>iii. Ministerial Direction 5.1 Integrating Land Use and Transport.</p>	<ul style="list-style-type: none"> ▪ Based on an indicative yield of approximately 281 dwellings, the Proposal is considered supportable from a traffic planning perspective and does not require any intersection upgrades. ▪ The Traffic Impact Assessment satisfactorily demonstrates that the traffic generated by the assumed development yield.
<p>iv. Wollondilly 2040; Council’s Local Strategic Planning Statement (LSPS) – including:</p> <p>Planning Priority 3 – Establishing a Framework for Sustainable Managed Growth</p> <p>Planning Priority 5 - Providing housing options that meet local needs and match the local character of towns and villages</p> <p>Planning Priority 16 - Enhancing and protecting the diverse values of the Metropolitan Rural Area</p>	<ul style="list-style-type: none"> ▪ P3: The bush, rural lands, and local towns in the region are valuable and must be protected during growth. The Proposal supports this by preserving Tahmoor’s character and heritage with large residential lots and public open spaces, enhancing access to the Bargo River Gorge. It also ensures environmental sustainability through dedicated management of Biodiversity Stewardship land and provides the necessary infrastructure and utilities for the site’s growth. ▪ P5: The Proposal will deliver a range of diverse housing options that enhance the MRA’s unique character, with lot sizes ranging from under 975 square metres up to one hectare, averaging 1,500 square metres. This diversity complements the smaller urban lots in nearby growth areas like Wilton, providing flexibility and reducing housing supply risks. The development will also respect existing mining rights and preserve the site’s biodiversity. ▪ P16: In addition to previous commentary on consistency with the MRA, the following is also noted with regard to the objectives of the LSPS: <ul style="list-style-type: none"> ▪ Development should be coordinated with mining activities. It has been confirmed in writing that this site is unaffected by mining. ▪ Poultry processing plants must be protected as a key industry. Permanent odour buffers between the plant and the site ensure the plant can operate without conflicting with urban growth.

Council Reason	Response
<p>Planning Priority 18 - Living with climate impacts and contributing to the broader resilience of Greater Sydney.</p>	<ul style="list-style-type: none"> ▪ The Rural Lands Strategy, referenced in the LSPS, acknowledges the Cross Street Planning Proposal and does not oppose rezoning the site to R5 Large Lot Residential. ▪ P18: Priority 18 notes that developments must be resilient to extreme weather events driven by climate change, with MRAs playing a role in mitigating urban heat, bushfire, flooding, and drought impacts. ▪ The Proposal includes a bushfire management strategy with specific spatial requirements (such as APZ areas), enhanced shelter-in-place options, and emergency evacuation strategies. A well-designed street hierarchy will ensure connectivity and multiple evacuation routes, which are 8 to 10 metres wide, clear of bushland, and capable of handling evacuations. Residents will be no more than 1km from a safe refuge, such as the Tahmoor town centre or designated Neighbourhood Safer Places (NSPs). ▪ On 16 January 2024, Council officers confirmed satisfaction with the Proposal's response to flood risks. Additionally, the Proposal will protect the site's carbon sink, biodiversity, and waterways through the in-perpetuity preservation of 75 hectares of stewardship land, while improving residents' health with green spaces and active transport options. Public transport connections are readily available (and planned). The Proposal meets strategic objectives by enhancing mitigation measures for extreme weather events.
<p>v. Council's adopted Local Housing Strategy and Rural Land Strategy.</p>	<ul style="list-style-type: none"> ▪ The Proposal aligns with the Wollondilly Local Housing Strategy (LHS) for the following reasons: <ul style="list-style-type: none"> – Infrastructure Alignment: The Proposal leverages existing infrastructure in Tahmoor, including essential utilities, road networks, and public services, ensuring that new housing is well-supported without overburdening the area. – Housing Diversity: It offers a range of large lot sizes, adding diversity to the housing market and providing an alternative to the smaller lots in Wilton, catering to different demographics and reducing housing delivery risks. – Sustainable Growth: The Proposal extends the existing Tahmoor urban footprint, integrating new housing with public transport, open spaces, and environmental stewardship, thus supporting sustainable and resilient community development. – Environmental Consideration: The development respects and enhances the local environment, incorporating bushfire

Council Reason	Response
	<p>management, open spaces, and public access to a 75-hectare Biodiversity Stewardship site.</p> <ul style="list-style-type: none"> – Strategic Alignment: The Proposal is consistent with the LHS's place-based approach, responding to the specific local context of Tahmoor and contributing to the broader strategic housing objectives for the region. ▪ The Proposal aligns with the Rural Lands Strategy for the following reasons: <ul style="list-style-type: none"> – Unsuitability for Agriculture: The site is no longer viable for agricultural use due to its physical characteristics and encroachment of the Tahmoor urban footprint, aligning with the strategy's focus on safeguarding agricultural resources by recognising non-viable lands. – Mitigation of Land Use Conflicts: The Proposal effectively addresses potential land use conflicts, particularly with nearby agricultural activities, by ensuring the development does not interfere with existing operations like the Turkey Processing Plant. – Support for Rural Economy: The Proposal does not impact existing mining operations, which are a significant part of the local economy, and avoids unviable agricultural uses, thereby supporting the rural economy's sustainability. – Appropriate Rural Living Opportunities: The development aligns with the strategy's principle-based approach to rural residential growth, providing new housing without fragmenting agricultural land, and has been recognised in local housing assessments. – Preservation of Scenic and Environmental Values: The Proposal protects and enhances the site's scenic and ecological areas, ensuring that the development is compatible with the rural landscape and consistent with the strategy's focus on conserving places with special landscape value. ▪ Environmental Resilience: The Proposal includes measures to address bushfire risks, flooding, and climate change impacts, ensuring that it is suitable for rural lands while considering environmental hazards.

Council Reason	Response
<p>d) Several of the Specialist Studies submitted with the proposal, including the Odour Impact Assessment, Noise Impact Assessment and Traffic Impact Assessment are based on outdated information and cannot be relied on for assessment under the current planning framework.</p>	<ul style="list-style-type: none"> ▪ This is incorrect. The Odour, Noise and Traffic Assessments were all updated in the resubmitted Planning Proposal in April 2024. These reports are based on the latest modelling, information, site conditions and data.
<p>e) The draft proposal has not yet resolved the known planning and infrastructure issues that led to the determination by the Department of Planning for the previous Planning Proposal not to proceed.</p>	<ul style="list-style-type: none"> ▪ Comprehensive additional studies have been undertaken including the preparation of an Infrastructure Delivery Plan, updated Bushfire Report (with a new consultant) and wastewater servicing strategy (with ongoing input and iterative review by Sydney Water).
<p>Other items listed as reasons for refusal are procedural and are duly noted and do not require any explicit response</p>	

APPENDIX 2:

TABULAR RESPONSES TO THE WESTERN CITY DISTRICT PLAN

PLANNING PRIORITY W5, W7 AND W17

Item	Planning Priority	Response
1.	Planning Priority W5 <i>Providing housing supply, choice and affordability with access to jobs, services and public transport’.</i>	<ul style="list-style-type: none"> ▪ The Proposal aims to facilitate new housing in a suitable location, accounting for environmental constraints, infrastructure requirements and the need for housing diversity. It offers a transition from existing (urban) housing in East Tahmoor and (large lot) housing at The Acres, bridging the gap between the two areas. The proposed range of lot sizes provides options for both urban and large lot rural living, aligning with Council’s housing targets. ▪ The site is well-connected to the local road network, allowing easy access to Tahmoor village centre, existing services, and transport links (bus and train) to key Western Sydney employment hubs and Sydney CBD. The development has been carefully planned with consideration of flooding, bushfire, and agricultural odour impacts.
1.	Planning Priority W7 <i>Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City’.</i>	<ul style="list-style-type: none"> ▪ The District Plan states that the Western Parkland City is where urban areas meet the countryside, and the Metropolitan Rural Areas help create a unique identity that supports the region’s natural, recreational, and agricultural features. ▪ The Proposal fits well with the natural landscape and reduces conflicts with nearby agricultural uses. This is done through Bio-certification and Biodiversity Stewardship agreements. Since the site is no longer suitable for farming, the Proposal will help resolve land use issues in the area. It supports urban development in the Metropolitan Rural Area, protects important natural features, and allows public access to them (e.g. Bargo River Gorge) while minimising any negative impacts. Most of the site is also within an 800-metre walk from Tahmoor CBD’s services, amenities, and transport links (bus and train).

Item	Planning Priority	Response
1.	<p>Planning Priority W17</p> <p>Better Managing Rural Areas¹</p> <p><i>Urban Development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in A Metropolis of Three Cities. This approach complements Action 30 of this plan to protect and support agricultural production and mineral resources by preventing inappropriately dispersed urban activities in rural areas. (page 126)</i></p>	<ul style="list-style-type: none"> ▪ To ensure there is no misinterpretation of the broader intent of the MRA, the (former) Department of Planning and Environment in their LHS Assurance letter to Council dated 9th September 2021 included as Condition 9 five 'tests' that must be met prior to expanding existing urban villages. As identified above, these five specific 'tests' are readily satisfied by the subject Planning Proposal. ▪ The Site was used for the primary production of poultry until 2016. As the East Tahmoor CBD's urban growth boundary encroached on the Site, its odour buffers reached conflict with the enjoyment of local residential living. As part of the Wollondilly Shire Council-led revision of the Wollondilly Local Environment Plan 2011, IPG agreed to cease future poultry production and remove the odour buffers in return for a complimentary residential zoning. This allowed Wollondilly Shire Council to rezone large portions of East Tahmoor (including adjoining properties) to low density residential (R2). This low density residential (R2) development now directly borders the Site on two of its three sides. New houses on 450sqm lots directly opposite the site on Cross Street ▪ Primary Production is no longer viable on the Site due to the proximity of new residential housing and is too small for standalone grazing or horticultural operations. Refer to our Appendix P on the Planning Proposal for the Agricultural Land Capability Report which confirms these findings. ▪ Subterranean mining under the Site is complete. Tahmoor Colliery (SIMEC) has extracted all viable minerals from under the Site and subsidence is complete. The fault line that traverses the Site prohibits any further remnant mining. Refer to Appendix E of the Planning Proposal which contains advice for from SIMEC confirming these findings. ▪ The Site has no agricultural or mineral resources potential to protect or support.

¹ Western City District Plan, Greater Sydney Commission, Planning Priority W17, *Better managing Rural Areas*, March 2018, Pages 125 to 127.

Item	Planning Priority	Response
2.	<p><i>Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the surrounding landscape and rural activities. (page 126)</i></p> <p>Design-led place-based planning in the Metropolitan Rural Area will help manage environmental, social and economic values, maximise the productive use of rural areas, and incentivise biodiversity protection for remnant bushland vegetation. (Page 127)</p>	<ul style="list-style-type: none"> ▪ The Proposal features large rural residential lots (average size of 1,500 square metres), consistent with the evolving character of this part of Tahmoor I. The lot sizes transition from the existing 450 square metre lots opposite the site on Cross Street to the 700 square metre lots on the IPG side of Cross Street. These lot sizes then transition to over 1,500 square metres and up to a hectare as the place-based master plan approaches the edge of Bargo River Gorge. This transitioning lot plan and the restrictions on building heights (down to 6.8 metres on the northeastern portion of the site to encourage single storey home construction) preserve natural view lines). ▪ The Proposal's diverse offering of lot sizes in a well-planned community accommodates a range of rural living price points that are next to the Tahmoor CBD's existing transport, schools, retail, medical facilities and other services. This provides for local choice for current and future Shire residents. ▪ The Proposal provides for a connection via a 450-metre-long pedestrian pathway to the existing Tahmoor CBD's transport, retail and services amenity. The Site is 730 metres from the existing Tahmoor train station. This walkway lands on the Site at the entry to the 75 hectare open space area. The proposal includes provision for a 5,000 square metre local park with playground equipment that will be publicly accessible. ▪ The dedication of 75 hectares of land which is equivalent to circa 50% of the Site and worth over \$85 million², will be used to create an environmental stewardship area with walking trails and multiple viewpoints along the stunning northern rim of the Bargo River Gorge. Notably, land dedication will enable its reversion from private to public ownership, with the land being formerly Crown Land up until 1921. The dedication will be accompanied by a \$4.5 million maintenance trust to ensure upkeep for future residents in perpetuity.

² \$85 million value is calculated and confirmed using Wollondilly Shire Council guidelines.

Item	Planning Priority	Response
		<ul style="list-style-type: none"> ▪ The Proposal includes a recycled water project that was co-designed with Sydney Water from July to December 2022. The project's <i>take more than you give</i> design enables the use and irrigation of more recycled water from the Picton Treatment Plant than is provided in sewerage for treatment. ▪ This spare capacity will be given back to Sydney Water and the Wollondilly Shire Council for allocation to other projects facing sewer treatment connection restrictions. IPG have also planned for recycled water storage (eg tanks and ponds) which will be built into the topography and serve as surge reservoirs and bushfire fighting assets. The IPG plan is to place bushfire fighting assets (e.g. ring road access, truck parking, water storage, and recycled water hydrants) along the northern rim of the Bargo River Gorge. This will support climate and bushfire resilience. ▪ The proposal will fund the trunk main from Picton Treatment Plant to the IPG Site (circa 2.5 kilometres), the Site's reticulation and continue through the site to the western boundary. This will enable the trunk main infrastructure available for other projects to tap in a cost-effective manner facilitating a potential drought-proofing of the Tahmoor CBD, not just the Site.

Item	Planning Priority	Response
3.	<p><i>Limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area. This could include the creation of protected biodiversity corridors, buffers to support investment in rural industries and protection of scenic landscapes. (page 126)</i></p>	<ul style="list-style-type: none"> ▪ The proposed dedication of 75 hectares will be used to create an environmental stewardship area with walking trails and multiple viewpoints along the northern rim of the Bargo River Gorge. This Gorge contains local and regionally significant scenic values that will be preserved and supported by with the proposed \$4.5 million maintenance trust. ▪ The Mermaid Pools swimming area within the gorge is a regional attraction, as is bushwalking the southern side of the Bargo River Gorge to the Nepean River. The southern side of the Gorge is Crown Land. By creating the 75 hectares of open space along the northern rim of the Gorge, a complete bushwalking circuit is possible where visitors can enjoy both northern and southern views of some of the steepest sandstone rock faces in the gorge. The IPG Proposal gives this land back to the community with a maintenance trust to protect a Wollondilly Shire natural asset in the future. ▪ The biodiversity stewardship land associated with the IPG Proposal also provides for a 500 metre buffer to the existing Inghams Tahmoor Turkey and Duck processing plant. This plant is a major local employer of circa 150 staff. By permanently protecting the odour buffer, the Proposal ensures this employer remains viable and free from the operating pressures of the encroaching residential growth boundary.