



**URBIS**

# **CROSS STREET, TAHMOOR**

Planning Proposal to amend  
the Wollondilly Local  
Environmental Plan 2011

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# EXECUTIVE SUMMARY

## Overview

This report has been prepared on behalf of Ingham Property Group (IPG) in support of a formal request to amend the Wollondilly Local Environmental Plan 2011 (WLEP).

This Planning Proposal is seeking to rezone IPG's 152-hectare Cross Street, Tahmoor landholding to enable a large lot residential development, that preserves and enhances both the local rural character and ecological values of the site. This site is positioned on the northern rim of the Bargo River Gorge and features large, cleared pastures that have been used for various agricultural purposes for over a century.

The proposed rezoning is consistent with the emerging and anticipated urban character of Tahmoor. It is an urban infill greenfield site between two areas of Zoned R2 residential land. The proposed rezoning reflects a logical and natural extension of the Tahmoor village centre. At a high level, the Planning Proposal seeks to achieve the following key objectives:

- Following the cessation of all poultry and agricultural related activities on site, to remove odour buffers that enabled the development of large tracts of East Tahmoor, and to fulfil Council's [2011] commitment to rezone the site to a residential zoning that is consistent and compatible with the surrounding development.
- Preserves the local Tahmoor village character by proposing large lot residential (average size of over 1,500 square metres each) in a rural setting with appropriate height limits.
- Protect a 75-hectare tract of land, half of the current landholding using a Bio-certification and Biodiversity Stewardship Agreement that will return this land along the northern rim of the Bargo River Gorge to public use, with significant embellishments (connected walking trails and viewing points) and free of cost to Wollondilly Shire Council, for the first time since Crown land was privatised in this area. This dedication has a value of \$82.5 million (before considering the value of the maintenance trust) using the Wollondilly Shire Council pricing model.
- Improve the bushfire protection and resilience of the Tahmoor CBD and existing East Tahmoor residences from the threat of a fast-approaching south-eastern fire travelling through existing southern parklands by managing vegetation and placing bushfire defence infrastructure on the northern rim of the Bargo River Gorge, a natural last line of defence for the Tahmoor CBD.
- Provision of transitional residential living opportunities from East Tahmoor and *The Acres* to the Bargo River Gorge. This large lot residential concept provides a logical and natural extension of the Tahmoor village and an alternative housing product for the LGA. The Proposal's efficient use of existing infrastructure, services, and amenity with little to no environmental or resilience exposure can contribute to the one million home target set by the 2022 National Housing Accord. It is a rare urban infill greenfield opportunity.
- Contribution to (and upgrade of) local infrastructure, including roads, footpaths, and a new local park.
- Protection from threats to significant local employment nodes by establishing permanent sound and odour buffers to the existing Turkey Processing Plant.

IPG have undertaken extensive further engagement with key government agencies (including Sydney Water, Wollondilly Shire Council and the Department of Planning and Environment) to resolve essential infrastructure servicing and biodiversity matters. This updated Planning Proposal is supported by a comprehensive suite of technical information that demonstrates the suitability of the site for the proposed development, the adequacy of the proposed infrastructure servicing approach and full compliance with the Cumberland Plain Conservation Plan.

Considering this Proposal's high impact public benefit through the provision of 75 hectares of new public parkland at no cost to Wollondilly Shire Council, it represents an approach to smart development of a strategic greenfield urban infill location that will diversify the housing supply on offer to meet local growth. It's a strategically significant development that earned the support of the local community and Wollondilly Shire Council after a decade of consultation and thoughtful design. The Proposal represents a superior community outcome than if IPG simply proceeded with a plan to subdivide the site into 75 two hectare lots under the site's current zoning. To do so would prohibit delivery of any of the broader community benefits thoughtfully designed into this Proposal.

## Illustrative Masterplan Vision

The vision for our Cross Street Tahmoor landholding is to:

*Redevelop the site to accommodate future large lot residential housing opportunities in a way that preserves and respects the local rural village character with large lots, appropriate height restrictions and 75 hectares of generous ecological buffers which protect the site's significant ecological values and provides an organic transition between the current expansion of the town to the east and the proposed large lot residential subdivision.*

The illustrative Masterplan has been shaped by the site's key ecological values and displays the following characteristics:

- An indicative subdivision layout with a variety of large lot sizes, which allows a range of residential living opportunities (providing a key point of difference to other small lot residential land releases in the LGA):
  - 700 square metres on the north-eastern corner of the site and 975 square metres adjoining Cross Street and on the north and north-western corner of the site, consistent with the emerging character of the East Tahmoor Precinct.
  - 1,500 square metre lots for the majority of the subject site that will deliver a large lot residential typology and choice that aligns with the rural living character that is unique to the Shire.
  - 4,000 square metre area at the 'eastern lobe' of the site to support a vision for the development to protect biodiversity and visual amenity.
  - One hectare lot for the C3 zoned parcel in the north-east, adjoining River Road and The Acres.
- Preserve significant biodiversity and the Bargo River Gorge via a Biodiversity Stewardship Agreement and the dedication of 75 hectares of land with conservation funding for this purpose.
- Enable public access to the Bargo River Gorge for the first time since Crown Land was privatised in this area, embellished by connected walking trails and viewing points.
- Connect seamlessly to the existing local road network, providing various egress points from the site.
- Protect PAD sites (located outside the development footprint).
- Enable habitat connectivity via crossings between stewardship areas.
- Respect and preserve the LEP odour buffer (from the Turkey Processing Plant to the west).
- Provide the relevantly sized and located drainage basins to manage water quantity and quality.
- The development footprint has been sited at least 100 metres from the 'top of bank' of the Bargo River Gorge.
- The street sections proposed address the interfaces with the detention basins and Stewardship Area - noting the significant cut and fill required across the site due to its topography.

Figure 1 – Illustrative Masterplan



Source: Urbis

## Proposed LEP Amendment

The objectives and intended outcomes of the Planning Proposal (Proposal) will be achieved by the following amendments to the Wollondilly LEP controls that apply to the site, as follows:

- Amend the Land Zoning Map from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, RE1 Public Recreation, C3 Environmental Management and C2 Environmental Conservation.
- Amend the Lot Size Map from a minimum lot size category of two hectares to a minimum lot size of:
  - 700 square metres for land zoned R2.
  - 975 square metres, 1500 square metres and 4,000 square metres for land zoned R5.
  - One hectare for land zoned C3; and
  - That a minimum lot size for the remaining C2 zoned land be commensurate to the amount of zoned land.
- Amend the Height of Building Map to a building height of 6.8 metres for the south-eastern lobe of the site, and a building height of nine metres for the remainder of the site.
- Amend the Natural Resources Water Map to provide a riparian buffer of ten metres along the four minor watercourses.
- Amend the Urban Release Area Map to include the subject site to ensure adequate provision for State and Local Infrastructure.



## Strategic Alignment and Public Benefit

In summary, the Proposal will achieve the following key planning outcomes with resultant community benefits:

- The Proposal is consistent with the goals in the Strategic Planning framework including the LSPS, LHS and MRA for reasons contained within this Proposal.
- The site cannot be used for commercial poultry farming due to the odour constraints imposed by the LEP (which IPG agreed to in return for a similar residential zoning and supporting surrounding residential rezonings, such as East Tahmoor and *The Acres*). The land use conflict does not permit viable agricultural uses on the site. The site is effectively sterilized from viable agricultural uses. Therefore, the Proposal reflects the orderly and economic use of the site that is otherwise underutilised and undesirable for agricultural purposes. As such, the Proposal has resulted in a near total reduction in odour and noise through the decommissioning of the poultry farm operation. This mitigates land use conflict with *The Acres* and the broader East Tahmoor Precinct.
- The Proposal seeks a range of lot sizes, which transition from 700 square metres at the interface with East Tahmoor to 4,000 square metres plus at the 'eastern lobe' of the site to provide a range of transitional/rural living opportunities, responding to local character and housing demand. The proposed average lot size of over 1,500 square metres per lot combined with the existing building height controls ensures larger lot development that complements the existing rural village character of Tahmoor.
- The Proposal provides unique larger-lot local housing choices that will provide a key difference compared with the smaller-lot product planned in the Wilton and Greater Macarthur growth areas, which are anticipated to account for 90 per cent of Wollondilly Council's housing growth over the next 20 years. In this sense, the Proposal also provides guaranteed delivery, supply diversification and security, mitigating delivery risk should unforeseen circumstances inhibit the theoretical housing supply in Wilton.
- Public access to the Bargo River Gorge is delivered through the dedication (and ongoing maintenance of) the 75-hectare Biodiversity Stewardship site (via a \$4 million Trust Fund deposit) which is estimated to be worth \$82.5 million (in addition to the maintenance trust) using Council's valuation matrix. The Planning Agreement includes the embellishment of viewpoints along the Bargo River Gorge via installation of pathways, picnic areas and viewing points within the Biodiversity Stewardship site for the public benefit. This will provide public access to this land along the Bargo River Gorge's northern rim for the first time since Crown Land was privatised over a century ago. The dedication will also assist with a multitiered proposal to create a Regional Park of some 330 hectares which will be seeded by the 75 hectares we will dedicate which adjoins an existing 250 hectares of Crown Land (within and on the other side of the Bargo River Gorge).
- All ecological constraints will be comprehensively managed and offset through robust Bio-certification and Biodiversity Stewardship strategies. This meets industry best-practice standards and the planning priorities of the current strategic framework, including the principles in the Managing Rural Areas (MRA).
- The proposed subdivision and development facilitated by the Proposal has been informed by detailed site-specific studies that respond to the natural physical characteristics of the site. The material presented with this Proposal demonstrates that reasonable dwelling sites that can be safely realised on each proposed residential lot after accounting for bushfire, ecological, stormwater and topographical requirements.
- The Proposal facilitates new road connections into and out of the site and the adjoining site (*The Acres*) which provides strategic fire egress routes. This solves an existing bushfire egress problem at *The Acres*. The proposal also builds resilience in the locality on bushfire and water cycle management (i.e. protecting Tahmoor from the long fetch of a fast-moving southern fire front, using recycled water and managing stormwater water quantity and treating its quality upstream of the Bargo River Gorge).
- The proposal will be supported through sewer servicing arrangements in collaboration with Sydney Water.
- The Proposal can assist Picton STP's longstanding capacity issue. The proposed funding of a trunk recycled water main unlocks the proposed large lot development's ability to consume more recycled water than sewerage produced, whilst also augmenting the feasibility of other nearby developments who can tap into this capacity-generating infrastructure nearby to the Tahmoor CBD and ongoing infill subdivisions.

- Appropriate buffer zones have been preserved for the Turkey Processing Plant to protect residential amenity and ensure local employment is not compromised.
- The Proposal enables the dedication and embellishment of a 5,000 square metre passive (park) recreation area and a carpark at Progress Street.

## Conclusion

Following our extensive analysis of the site and its surrounding context, and of the applicable State and local planning policies, it is considered that there is a significant high-level public benefit of proceeding with this Proposal.

This Proposal includes a suite of measures designed to protect local employment at the Turkey Plant; preserve the site's key ecological values; underpins housing supply with delivery certainty and product diversity to meet both local and regional growth requirements; respects the local character with lot and housing typology that reflects the existing rural setting; provides important community benefits in terms of generous open space amenity; and is the universally supported outcome achieved after a decade of consultation and design with the local community, local environmental groups and Wollondilly Shire Council. This Proposal delivers superior community benefits compared to a complying development plan if IPG proceeded under the current planning controls that would produce 75 two hectare lots with no 75-hectare land dedication or recycled water solution.

For these reasons, the Proposal provides a compelling case for Wollondilly Shire Council support. Therefore, we recommend that this Planning Proposal be favourably considered by Council and that Council resolve to forward it to the Department of Planning and Environment to allow it to be considered for Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

# 1. INTRODUCTION

## 1.1. ABOUT INGHAM PROPERTY GROUP

The Ingham Property Group (IPG) was founded in 2013 to manage the long-term redevelopment of several properties retained by the Ingham family following the sale of Inghams Enterprises (the poultry business) to private equity. The Cross Street Tahmoor site, the subject of this Proposal, is one of the assets retained by IPG that used to be part of the poultry business' operational infrastructure.

In view of their long history as residents, employers, and philanthropists in Southwest Sydney, the Ingham family have supported many charitable causes over the years. This includes the Ingham Institute of Applied Medical Research, located next to Liverpool Hospital. With the ongoing support of the Ingham family, the Institute has established itself as a research leader in the southern hemisphere, with over 400 researchers. Recently, the Ingham Institute announced plans to expand its research centres to Campbelltown, and Bankstown.

## 1.2. PROJECT OBJECTIVES

This Planning Proposal request has been prepared on behalf of IPG in support of a proposed LEP amendment at Cross Street, Tahmoor NSW.

In summary, the Proposal seeks to achieve the following key objectives:

- Following the cessation of all poultry and agricultural related activities on site to remove odour buffers that enabled the development of large tracts of East Tahmoor, fulfil Council's [2011] commitment to rezone the site to a residential zoning that is consistent with surrounding development.
- Preserves the local Tahmoor CBD character by proposing large residential lots (average size of over 1,500 square metres each) in a rural setting with appropriate height limits.
- Protect a 75-hectare tract of land, half of the current landholding using a Bio-certification and Biodiversity Stewardship Agreement that will return this land along the northern rim of the stunning Bargo River Gorge to public use, with significant embellishments (connected walking trails and viewing points) and free of cost to Wollondilly Shire Council, for the first time since Crown Land was privatised in this area. This land dedication has a value of \$82.5 million (before considering the value of the maintenance trust) using the Wollondilly Shire Council pricing model.
- Improve the bushfire protection and resilience of the Tahmoor CBD and existing East Tahmoor residences from the threat of a fast-approaching south-eastern fire travelling through existing southern parklands by managing vegetation and placing bushfire defence infrastructure on the northern rim of the Bargo River Gorge, a natural last line of defence for the Tahmoor CBD.
- Provision of transitional residential living opportunities from East Tahmoor and *The Acres* to the Bargo River Gorge. This large lot residential concept provides a logical and natural extension of the Tahmoor village and an alternative housing product for the LGA.
- Contribution to (and upgrade of) local infrastructure, including roads, footpaths, and a new local park.
- Protection from threats to significant local employment nodes by establishing permanent sound and odour buffers to the existing Turkey Processing Plant.

## 1.3. PROJECT HISTORY

### 1.3.1. Background to Planning Proposal

Since Wollondilly Council's 1999 resolution to prepare a draft Local Environmental Study (LES) to identify suitable areas for future residential growth across the Shire, IPG's Cross Street Tahmoor landholding and poultry operations have been the subject of extensive discussions.

Over the past 20 years, the nature of land uses surrounding the site has evolved. The expansion of the Tahmoor urban footprint, in particular the East Tahmoor Precinct (which has been rezoned to 'urban land'), resulted in land use conflicts with poultry operations at the subject site.

The original draft LES (2003) and the Wollondilly Growth Management Strategy (2011) identified the site as a potential residential growth area. Increasing pressure was placed on the site after Council submitted the Picton Tahmoor Thirlmere New Urban Lands Planning Proposal (PTT Planning Proposal) to the NSW Department of Planning and Environment for Gateway determination in 2011.

This Planning Proposal included 'East Tahmoor' as one of six precincts identified to be rezoned for 'urban land'. The East Tahmoor precinct was not supported for rezoning in the original (2011) PTT Planning Proposal due to odour impacts arising from the poultry operations on the Inghams site.

In view of supporting a positive planning outcome to enable the future residential growth of Tahmoor, IPG commissioned a Level 3 Odour Assessment in 2013. This assessment assumed the duck farm operations would be decommissioned in the future, isolating the Turkey Processing Plant as the primary odour source. The report recommended that the East Tahmoor Precinct and IPG's landholding should be considered for future residential development, subject to an odour buffer for the Turkey Processing Plant and provided the duck farm operations ceased.

A revised Planning Proposal was then submitted to the Department of Planning and Environment by Wollondilly Shire Council in 2014 for a revised East Tahmoor Precinct.

The LEP amendment was gazetted in November 2015 and included an Odour Buffer Line (based on the 2013 Odour Assessment).

The agreement to cease the poultry farm operations and impose a buffer from the (adjoining) Turkey Processing Plant was intended to protect local employment and align with key State and Local government objectives.

IPG acted in good faith by ceasing the poultry farming operation, thereby allowing the residential activation of a substantial proportion of the East Tahmoor precinct. This action significantly benefitted Council, who were able to progress their residential rezoning projects and subsequently fund infrastructure upgrades via the collection of Section 7.11 levies from the developers of the East Tahmoor precinct (and *The Acres*). During the discussions to deliver this outcome, it was understood that in return for giving up the economic benefit of the agricultural uses on site in favour of Wollondilly Shire Council's rezoning plans, the site would also be rezoned to a comparable residential zoning once a planning proposal was prepared.

The proposed residential use (under this Planning Proposal) is sited between the East Tahmoor Precinct and the existing residential development site at the '*The Acres*', providing a logical and natural greenfield urban infill extending the Tahmoor urban footprint.

### **1.3.2. Cross Street Planning Proposal (2013-2020)**

A request to amend the Wollondilly LEP 2011 was lodged in December 2013 following significant consultation between IPG, the local community, local environmental groups, Department of Planning and Environment and Wollondilly Shire Council. The intent of the Planning Proposal was to rezone the site to enable large lot residential development, while conserving the environmentally sensitive land on site.

Wollondilly Shire Council resolved to support the Planning Proposal in April 2014, with 'Gateway determination' received from the NSW Department of Planning and Environment in July 2014. Further studies and technical information were requested from IPG in November 2014 and July 2016 to address the proposed buffer arrangements to the Bargo River Gorge and to prepare a Bio-certification Strategy for the site. These studies were completed and provided to Wollondilly Council by early 2018.

It is noteworthy that these strategies were incorporated after significant stakeholder engagement with both elected Council and the local community, including the National Parks Association – Macarthur Branch. The strategy to create public access to the Bargo River Gorge, allowing appreciation of the Shire's natural environment, is a central part of the Proposal which will generate significant public benefit.

The following significant milestones were achieved:

- Wollondilly Shire Council's 18 February 2019 resolution to support the Proposal, subject to the preparation of a site-specific Development Control Plan (DCP) and a Planning Agreement, which were prepared and placed on public exhibition.
- Wollondilly Shire Council's Planning Proposal Finalisation Report dated September 2020, which was presented at the November 2020 Council meeting.

- Wollondilly Shire Council's decision to prepare and publicly exhibit the site-specific DCP controls and the Planning Agreement in December 2020; and
- The receipt of the final draft Bio-certification Agreement (for Wollondilly Shire Council and IPG execution) from EES on 10 December 2020, together with the final draft BioBank Agreement (which had been in-hand since 4 March 2019, for execution by us after Development Application approval per the 'hold point' in the Planning Agreement).

Unfortunately, on 20 October 2020, Wollondilly Shire Council resolved to refer to DPE (for determination) all long-standing planning proposals that have had a Gateway determination for four or more years at DPE's request. Initially, Wollondilly Shire Council advised us that the Cross Street Planning Proposal would not be returned to DPE due to its imminent and certain status. However, it is understood that DPE later wrote to Wollondilly Shire Council requesting that the Cross Street Planning Proposal be included in the tranche of Planning Proposals returned to DPE for determination. On 21 December 2020, DPE unilaterally amended the Gateway determination not to proceed. In March 2020, DPE refused the application to revisit this decision but stated that if the application addressed the five key issues in their Gateway reversal letter in a resubmission of a revised Planning Proposal "credit would be given for prior work." These five issues have been addressed in thorough detail and resolved in this revised Proposal.

### 1.3.3. Actions Since 2020

Despite issuing an amended Gateway determination, DPE advised us that they generally supported the Proposal, but not before certain State issues were resolved which broadly included:

- Completion of Wollondilly Shire Council's planned Natural and Manmade Hazard Risk Study in consultation with DPE, the Rural Fire Service and other emergency services providers.
- The Department's review and approval of Council's Local Housing Strategy to reflect growth scenarios; and
- Finalisation of Sydney Water's Environmental Protection Agency licence variation application for the Picton Water Recycling Plant and a related business case to assure further capacity for wastewater treatment.

This Proposal thoroughly considers these matters and uses an evidenced-based approach to demonstrate compliance regarding issues relating to bushfire, wastewater, and compatibility with the prevailing strategic planning framework.

Additional community and stakeholder engagement has been undertaken by the project team in the preparation of the Planning Proposal request, including:

- Meetings with Wollondilly Shire Council on 15 April 2021, 2 February 2022, 28 April 2022, and 9 June 2022.
- Meeting with NSW DPE and Wollondilly Shire Council on 2 September 2021.
- Meeting with National Parks Association – Macarthur Branch on 16 September 2021.
- Meetings with Sydney Water on 7 March 2022, 9 June 2022, 20 June 2022, and 22 June 2022.

Each of the issues raised during the preliminary consultation, including Wollondilly Shire Council's correspondence of 25 October 2021, have been addressed through the detailed documentation submitted with the Planning Proposal request.

Most recently, the Planning Proposal was provided to Wollondilly Shire Council in August 2022 for consideration and scoping purposes, allowing Council to provide a preliminary review of the application, and advise on additional requirements, regarding the Proposal's strategic and site-specific merit. These matters were conveyed at a pre-lodgement meeting held on 5 October 2022, and a subsequent letter of advice from Council on the 16 November 2022.

Wollondilly Shire Council, within their November letter, also included recommended investigations and studies to further support and justify the proposal. This advice has subsequently been actioned, with a response table to each matter submitted with the cover letter accompanying this Proposal document package.

### 1.3.4. Actions Since Lodgement

The Planning Proposal was initially submitted to Council through the NSW Planning Portal on 19 January 2023 and then placed on public exhibition between 8 February to 8 March 2023. 62 submissions were received during the exhibition period.

After Sydney Water Corporation withdrew their objection on 13 October 2023, Council Officers reported the Planning Proposal to the 7 December 2023 Local Planning Panel (LPP) meeting.

On Thursday, 7 December 2023 the Panel conducted a site inspection prior to the LPP meeting, where both Council officers and Ingham Property were given the opportunity to address the Panel. Following consideration, the LPP noted in their advice published on 15 December 2023 *“that subject to certain requirements being met and amendments being made (outlined in Table 1 below), the draft Planning Proposal could subsequently be submitted to DPE for Gateway consideration”*.

In reaching this conclusion, the LPP judged that the site / Planning Proposal:

1. Has strategic planning merit.
2. Has the potential to provide significant environmental and recreation outcomes for the local and broader community.
3. Is surrounded by residential development.
4. Is well located to accommodate future urban development.
5. Should not be refused because of its non-inclusion within the LSPS.

Importantly, the Panel also concluded that none of the outstanding issues raised by Council are fundamental constraints to the site’s conversion to urban zoning.

The LPP’s *“certain requirements”* included 11 pre-Gateway matters which are comprehensively addressed within this amended Planning Proposal and supporting specialist reports.

On 16 January 2024 Ingham Property met with senior Council officers to clarify their expectations when responding to the LPP’s comments. Following review of this additional information provided by Ingham Property, Council officers will proceed with reporting the Planning Proposal to a Council meeting.

### 1.3.5. Report Structure

The Planning Proposal request has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the Department of Planning and Environment guidelines *‘Planning Proposals: A guide to preparing planning proposals’* dated December 2018.

The relevant sections of the report are listed below:

- **Section 2:** detailed description of the site, the existing development and both the local and regional contexts.
- **Section 3:** current statutory planning framework relevant to the site, including the state and local planning controls and development contributions.
- **Section 4:** state and local strategic planning policies relevant to the site and the Proposal.
- **Section 5:** key features of the illustrative masterplan associated with the requested Proposal.
- **Section 6:** comprehensive description and assessment of the requested Proposal in accordance with the DPE guidelines.
- **Section 7:** conclusion and justification.

## 2. SITE CONTEXT

The site is located at the south-east urban edge of Tahmoor, immediately adjoining the East Tahmoor precinct that has undergone a rezoning process (to facilitate low density residential development) over the past several years.

The site is characterised by the following:

- Parts of the site were previously used for intensive poultry farming. These operations have now ceased. Inghams Enterprises have since demolished the physical infrastructure associated with these uses.
- The site is currently occupied by beef cattle grazing operations.
- The site immediately adjoins the Inghams Enterprises Turkey Processing Plant to the west.
- The East Tahmoor precinct adjoins the site to the north. This land contains various large lot rural residential uses, which are progressively being subdivided into smaller 'urban' lots in accordance with the amendment to planning controls which came into force in early 2014.
- The site adjoins *The Acres* subdivision to the east. This site was previously used for cattle grazing and a horse stud and has undergone a rezoning/Development Application process to accommodate large lot (4,000 square metre) rural residential land parcels.
- An unformed Wollondilly Shire Council road sits between the site and *The Acres*.
- The north-western portion of our site is located within walking distance of Tahmoor village centre.
- The site contains significant parcels of natural vegetation bordering cleared pastoral land. These vegetation clusters generally follow the existing riparian corridors on site and consist of both exotic pasture grasslands and wooded areas. Areas of significant biodiversity value have been protected and are proposed to be dedicated to Wollondilly Shire Council as part of a Biodiversity Stewardship Agreement.
- The Bargo River Gorge's northern rim bounds the site to the south.

The site can be readily integrated with the local and arterial road systems that service the region. The northern edges of the site intersect with Progress Street, Tahmoor Road, Myrtle Creek Avenue and River Road, each providing an opportunity to connect with the existing road network.

Existing bus services generally operate along Remembrance Drive (to the north-west) of the site, and within the West Tahmoor region. The Tahmoor Railway station is located approximately 1.5 kilometres west of the site and is serviced by the Southern Highlands Line, which provides services to Campbelltown and onward to Central Sydney.

The site is strategically positioned to accommodate the residential uses proposed due to its location amongst similar uses (i.e. adjacent to East Tahmoor and *The Acres*) and the capability of the existing road network to accommodate the proposed traffic generation.

The site's legal description, together with a local context map, is provided below:

- Lots 1, 2, 3, 4, 5 and 6 in DP 1128745.
- Lot C in DP 374621; and
- Lot 225 in DP 10669.



Figure 2 – Aerial Photograph



Source: Urbis



## 3. STATUTORY CONTEXT

### 3.1. WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011

*Wollondilly Local Environment Plan 2011* (the LEP) is the primary environmental planning instrument applying to the site and the proposed development.

The site is currently zoned RU4 (Primary Production Small Lots) under the Wollondilly Local Environmental Plan 2011, with a small portion of the south-eastern corner zoned C2 (Environmental Conservation) along the Bargo River.

The existing minimum lot size control (for land zoned RU4) is two hectares. The site is also affected by Clause 7.3 Water Protection along its interface with the Bargo River Gorge, which is identified as sensitive land.

Otherwise, the existing LEP is silent on controls relating to building height, flood etc.

The site is not covered by any Cumberland Plain Conservation Plan overlays.

### 3.2. WOLLONDILLY DEVELOPMENT CONTROL PLAN 2016

Wollondilly Development Control Plan 2016 (DCP) provides the detailed development controls which apply to land across the Wollondilly LGA. In relation to the subject site and any future residential development applications, the development control plan provides guidance on matters including:

Volume 1 – General

- General Considerations for all Development – Part 2.
- Community Engagement – Part 4.
- Aboriginal Heritage – Part 7.
- Flooding – Part 8.
- Tree Removal – Part 9.
- Landscaping – Part 10.
- Signage – Part 11.

Volume 3 – Subdivision of Land

- General Requirements for all Development – Part 2 (including environmental assessment and requirements for utility infrastructure).

Volume 4 – Residential Development

- General Requirements for all Development – Part 2.
- Specific Land Use Controls – Part 3 (built form, design controls and landscape/parking rates for different residential development types).

The general controls contained within the DCP provide a framework for development assessment for future development applications across the site. The assessment of the relevant general provisions will be further informed by site-specific DCP controls identified below in Section 6.2.

### 3.3. PLANNING AGREEMENTS AND DEVELOPER CONTRIBUTIONS

An *Amended Offer* to enter into a Planning Agreement is included as part of this Proposal, which closely mirrors the previously negotiated and Wollondilly Shire Council-endorsed Planning Agreement (refer to Appendix N).

The *Amended Offer* has taken the assumption that the nature, structure, content, and provisions previously negotiated and agreed with Council would be maintained, and only altered where new analysis and/or information regarding infrastructure delivery has been proposed.

In this regard, the *Amended Offer* is consistent with the previously endorsed Planning Agreement, is reflective of recent negotiations with Council Officers, and is therefore expected to proceed expeditiously.

The Amended Offer sets out the dedication of the following land:

- The Biodiversity Stewardship site.
- The detention basins.
- The Progress Street Car Park; and
- The Cross Street Park.

The Planning Agreement also stipulates that we will complete the following works prior to the dedication of land, as relevant:

- The Biodiversity Stewardship site maintenance works (including trust fund).
- The pathways, picnic areas and viewing vantage points in the Biodiversity Stewardship site.
- The embellishment of the Cross Street Park.
- The construction and embellishment of Progress Street Car Park; and
- Installation of traffic calming measures within the subdivision to facilitate safe fauna crossings in designated locations.

We also propose to make the following monetary contributions to Wollondilly Shire Council:

- A detention basin maintenance payment (per Council policy); and
- A contribution towards the construction of a shared pathway between the site and the Tahmoor town centre.

Unless otherwise agreed, the proposed Planning Agreement will not exclude the application of Section 7.11 and Section 7.12 developer contributions levies. Accordingly, the contributions made in the Planning Agreement are in addition to any such contributions.

As noted, the delivery of the Cross Street Park will be secured via a Planning Agreement. As the park will meet the development's local open space needs, it is reasonable that the cost of the park (land and capital costs) be offset against future contributions payable under Council's Contributions Plan.

### **3.4. DEVELOPMENT POTENTIAL UNDER CURRENT WOLLONDILLY ENVIRONMENTAL PLAN 2011**

In light of the above, it is important to recognise that under the existing planning framework there is the ability, subject to approval, for IPG to lodge a development application for a minimum two-hectare lot subdivision across the site. This is lawfully permitted, with consent on the site today. A subdivision application of this nature could yield somewhere between circa 50 to 70 two hectare lots, as indicatively illustrated in Figure 3 below.

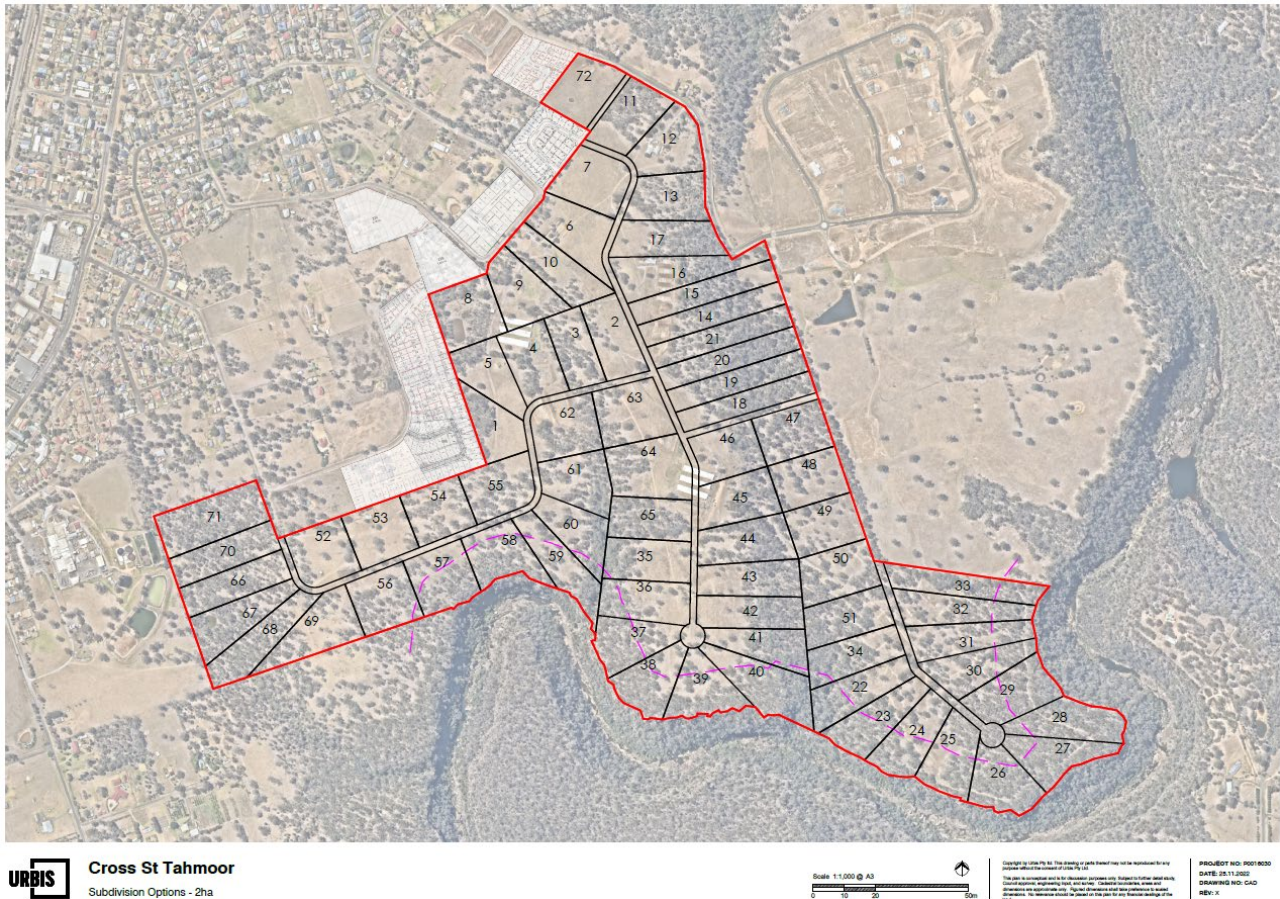
This Proposal recognises that the subdivision of the site into two hectare lots will result in the loss of the opportunity to:

- Unlock public access to the northern rim of the Bargo River Gorge. This land has been restricted to public access since Crown Land was privatised in this area. Bushwalkers cannot circumnavigate the Gorge of the Mermaids Pool and its waterfall due to the northern rim of the Gorge being held in private ownership.
- Realise a high impact, nil cost (to the Shire) public benefit offered in the form of a 75-hectare biodiversity conservation site. This is half of the current landholding and could form (in the future) part of a larger regional park of some 330 hectares in size when combined with Crown Land within and across the Bargo River Gorge.
- Unlock a regional sewer solution that will provide needed capacity to key local developments within Tahmoor and its immediate surrounds, which are currently stalled; and

- Implement innovative measures which provide greater resilience for East Tahmoor and Tahmoor Town Centre. These asset protection and shelter-in-place embellishment measures will place critical bushfire fighting infrastructure between a fast-moving fire approaching on a long fetch from the south and the Tahmoor CBD.

The pre-lodgement advice received from Wollondilly Shire Council on 16 November 2022 reinforced the value in highlighting that whilst development on the site could proceed under the current minimum lot size control, a plan of this design would not deliver the high impact public benefits described in the aforementioned points. Our Proposal outlines a superior outcome that delivers high impact and low-cost community benefits that should be delivered for the Shire's enjoyment.

Figure 3 – Potential 2ha subdivision layout that is consistent with *The Acres* development (adjoining)



Source: Urbis, 2022

## 4. STRATEGIC CONTEXT

This section of the report identifies the relevant State and local strategic planning policies which are relevant to the site and the proposed LEP amendment. It outlines the key objectives, planning priorities and actions required to deliver the vision for the Greater Sydney Region, the Western City District, and the Wollondilly LGA. The strategic merits of the project are summarised below:



### Local Growth

This Proposal represents the logical and organic growth of the Tahmoor village. The site should be thought of as urban infill greenfield development that will connect a footprint gap between East Tahmoor and *The Acres*. The Proposal is efficient because it leverages the existing infrastructure, services, and facilities of the Tahmoor village.



### Housing Diversity

This Proposal advocates for a variety of residential lot sizes, tied to a rural character (an average lot size of circa 1,500 square metres) that is fundamentally different to the small lot 'urban' housing being delivered in Wilton, Greater Macarthur, and the East Tahmoor precinct. This will meet a gap in the market and deliver housing supply diversity.



### Land Use Evolution

The site's former poultry use is no longer viable given the evolving 'urban' nature of the Tahmoor CBD. The Proposal allows the East Tahmoor precinct to be completed in a complimentary manner, free of odour constraints. The approach to decommission the poultry operations was strongly supported by Council at the time, as it removed a significant constraint to unlocking the Council-led rezoning in East Tahmoor. In principle support for future urban purposes (residential) on the site was provided by Council. The Proposal safeguards the ongoing viability of the Turkey Processing Plant with permanent buffers, protecting local employment.



### Public Access

The Proposal will enable public access to the northern rim of the Bargo River Gorge, through the dedication of half the site back to the community for open space at nil cost to Council, allowing appreciation of the site's unique rural landscape. This access will include embellishments like walking trails, vantage points and a car park. The Proposal also includes 5,000 square metres of passive recreation space (for dedication to Wollondilly Shire Council).



### Housing Delivery Security

90% of Wollondilly's housing stock over the next 20 years is planned in Wilton. This Proposal will mitigate delivery risk, should unforeseen circumstances (e.g. bushfire risk, infrastructure delivery) inhibit the supply of housing in Wilton – reducing reliance on this area.



### Protection of Biodiversity

The Bio-certification and Biodiversity Stewardship arrangements will deliver a robust biodiversity outcome – protecting urban bushland and remnant vegetation in perpetuity and suitably offset any impacts on-site.



### Robust Servicing Strategy

The proposal will be supported through sewer servicing arrangements in collaboration with Sydney Water, that represents a no cost to government and no cost to customer proposition.



### Natural Hazard Resilience

Robust bushfire and water cycle management strategies have been prepared, which serve to build resilience in the locality (i.e. protecting the Tahmoor CBD's assets from a southern fire front and managing water quality upstream of the Bargo River).

## 4.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan (Region Plan) provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities – the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, adding 817,000 new jobs and a requirement of constructing 725,000 new homes by 2036.

The site is located within the Western Parkland City, which is expected to grow from 740,000 in 2016 to 1.1 million residents by 2036 and 1.5 million in 2056. The site is located within the Metropolitan Rural Area (MRA), which is identified as having environmental, social, and economic values that contribute to the region. The role and function of the MRA has been carefully assessed as part of this Proposal, as set out below.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity, and sustainability. The following matters are relevant to the Proposal:

- **Objective 24: Economic sectors are targeted for success** - identifies the need to protect and support agricultural production, with specific focus on poultry, eggs, and vegetables. The Objective notes that proximity of rural-residential development to agricultural land can result in land use conflict in relation to odour, noise, and other pollutants. Accordingly, IPG agreed to cease the poultry farming operations on the site and impose a buffer from the (adjoining) Turkey Processing Plant. These actions have been taken in support of the Council-led rezoning of the East Tahmoor precinct, which was permitted on the assumption the poultry farming operations would be decommissioned. This effectively sterilised the viability of the land for any continued commercial farming livelihood beyond the existing small beef cattle breeding operation. This outcome also eliminates the potential of any odour, noise or pollutant impacts from agricultural uses impacting the urban footprint of Tahmoor. Accordingly, with consideration of the unique context of the site, poultry and agricultural uses are not appropriate and the intended development will not result in any environmental or land use conflicts.
- **Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced** - an incentive for landowners covered by the MRA to protect and enhance the environmental values of their land by delivering better biodiversity outcomes. The concurrent Bio-certification and Biodiversity



Stewardship Agreements at the site will ensure the relevant biodiversity values of the site are maintained in perpetuity and this objective is supported.

- **Objective 28: Scenic and cultural landscapes are protected** - aims to further protect biodiversity values across the region including scenic and cultural landscapes. MRA areas are encouraged to capitalise on their opportunities to protect and enhance natural landscapes. The Proposal will preserve and maintain the significant areas of ecological value across the site through its large lot design (average of 1,500 square metres) and provision of 75 hectares of open space. Additionally, the Proposal will provide public access to areas of visual interest and scenic beauty along the northern rim of the Bargo River Gorge, with provision for walking trails and vantage points. The intended development outcome will enhance the appreciation of the site's scenic and landscape features, protecting and maintaining their visual and physical amenity in public ownership. This represents the first time that the public will have access to this open space since Crown Land was privatised in this area. It is IPG's intention that the dedicated 75 hectares will be an important catalyst for creating a regional park of some 330 hectares when it is joined with the Crown Land within and across the Bargo River Gorge. This regional park will contain several important local wonders: the Bargo River Gorge's 100 metre sandstone cliff walls; the Mermaids Pool; and its waterfall.
- **Objective 29: Environmental, social and economic values in rural areas are protected and enhanced** - the strategy identifies that restricting urban development in the MRA will help manage its environmental, social and economic values, help to reduce land speculation, and increase biodiversity from offsets in Growth Areas and existing urban areas. It is noted that the subject site has undergone significant prior planning and assessment. The appropriate biodiversity offsets will be established via the onsite Bio-certification and Biodiversity Stewardship Agreements, and as discussed in Objective 24, the site is not suitable for continued agricultural or employment uses. The site has been previously identified as an area for urban development during previous planning assessments and consequently, will not result in unexpected land speculation. The Proposal features large lots (average size greater than 1,500 square metres) and height restrictions that will drive housing typologies that are complimentary to the surrounding rural village lifestyle character. The Proposal will also improve the opportunities for tourism and recreation, bringing more visitors to the MRA and the Protected Natural Area. The Proposal will establish a place-based solution which supports appropriate growth considering the local context (East Tahmoor rezoning and unviable agricultural use) and protection of biodiversity values. The place-based solution is enabled and reinforced by the immediately adjoining R2 Low Density Residential along the site's northern boundary, and R5 Large Lot residential along the site's eastern boundary.

In line with Objective 29, the Proposal seeks to facilitate growth in East Tahmoor by not only responding to local growth but maintaining and enhancing the character of the local village, the surrounding landscape, and rural activities as noted above. The aforementioned public benefits delivered by the Proposal directly align with the values of rural towns within the MRA and will deliver benefits that are to be considered by Council in their assessment having regard to the place-based planning approach that is fundamental to the application. When considering the District Plan, the application is to be assessed on these merits and the role of Tahmoor in tandem with additional housing supply noting that towns and villages in the MRA do not play a role in meeting regional or district scale demand for residential growth.

## 4.2. OUR GREATER SYDNEY 2056: WESTERN CITY DISTRICT PLAN

The Western City District Plan (District Plan) is a 20-year plan to manage growth in the context of economic, social, and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and supporting growth across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations. The District is expected to accommodate 464,450 new residents, 370,200 jobs and 184,500 dwellings by 2036.

Further to this, the District Plan identifies that the Wollondilly LGA is anticipated to deliver 7,500 houses by 2036 with the Wilton Growth Area providing significant housing supply within the region. The Proposal will provide much needed supply diversity that is infrastructure efficient to futureproof the delivery of housing in response to ongoing challenges to the delivery of housing in the Wilton Growth Area.

These additional dwellings directly align with the Federal government's 2022 National Housing Accord which is an ambition to build one million new well-located homes over five years from 2024. The Accord recognises

that most of the supply needs to come from industry, with government playing a key role in enabling investment. The reduction in developable land outside this area due to flood and bushfire impacts within the LGA demonstrates that this site will responsibly add housing supply to both local and regional growth targets without creating a further burden on infrastructure delivery.

The Proposal will support and maintain consistency with the relevant planning priorities of the Western City District Plan, as discussed below:

- **W1 Planning for a city supported by infrastructure** - identifies the importance of aligning growth with the provision of infrastructure, including utilities and transport. This Proposal outlines a strategy for wastewater servicing to facilitate the intended development at the site.. Additionally, the site will be supported by nearby bus and rail services, together with connections back to the local and regional road network. The site's urban infill status efficiently leverages the existing infrastructure in Tahmoor, which is considered adequate to support the Proposal. Sydney Water have confirmed they can service the development.
- **W5 'Providing housing supply, choice and affordability with access to jobs, services and public transport'** - aims to facilitate new housing in the right places with consideration of environmental restrictions, infrastructure as well as housing diversity. The Proposal enables transitional residential living opportunities from existing housing stock in East Tahmoor and *The Acres* to fill the urban infill gap in between the two. The range of lot sizes proposed provides both urban and 'large lot' rural living opportunities and this resultant development is consistent with the housing targets in the region. The site is easily connected to the local road network, providing easy access to the existing services and amenities of Tahmoor village centre and existing transport links (bus and train services) to key Western Sydney employment hubs and the Sydney CBD. The intended development has been planned with consideration of the flooding, bushfire and agricultural odour impacts in the area.
- **W7 'Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City'** - the strategy identifies that The Western Parkland City is a place that meets the country and where the Metropolitan Rural Areas provide opportunities to establish a unique identity that supports the District's natural, recreational, and agricultural assets. The Proposal appropriately integrates within its natural landscape, while mitigating conflict with the existing agricultural uses in the region. This is achieved through the concurrent Bio-certification and Biodiversity Stewardship agreements. Additionally, the site is no longer viable for agricultural uses so the Proposal will serve to mitigate land use conflicts in the locality. As such, the Proposal will support urban development within the Metropolitan Rural Area while protecting and giving public access to significant new natural assets in the region and effectively mitigating any adverse impacts. Most of the site is walkable, within 800 metres from the Tahmoor CBD's well-established services, amenity, and transport links (bus and trains).
- **W12 'Protecting and improving the health and enjoyment of the District's waterways'** - encourages new development to improve the health, public access, and celebration of waterways as they are key, natural assets of the region. The Proposal will protect the Bargo River Gorge while also facilitating public access to the northern rim via a dedication of 75 hectares of land under a Stewardship Agreement (this land is presently in private ownership). This land, when combined with the Crown Land across the Bargo River Gorge, will complete a north/south halo area that completely contains the local run of the Gorge and its water features. The Proposal will provide public pathways, picnic areas and vantage points in the Biodiversity Stewardship site to support the appreciation and enjoyment of the locality. The water cycle management strategy will ensure upstream water quantity and quality is controlled on-site, ensuring the water quality of the Bargo River Gorge is maintained.
- **W14 'Protecting and enhancing bushland and biodiversity'** - seeks to protect bushland areas across the district whilst allowing them to enhance liveability. A highly positive biodiversity outcome will be achieved at the site. This is realised through the Bio-certification and Biodiversity Stewardship agreement over 75 hectares of land which will serve to protect sensitive flora and fauna on-site in perpetuity, while facilitating public access and appreciation.
- **W17 'Better Managing Rural Area'** - identifies that Metropolitan Rural Areas are to protect biodiversity values as well as agricultural uses and mining resources. The appropriate biodiversity offsets will be established in the area and due to development in the East Tahmoor precinct that encroaches our fringe, the site is no longer suitable for continued agricultural employment uses. Urban large lot residential development will be the best, productive use on the site with consideration of the East Tahmoor rezoning and odour buffers. Given the Proposal's design includes respectful large lots (average area of circa 1,500sqm) and height limits to guide housing typology, the Proposal will strengthen and enhance the distinctive character of the surrounding rural areas. Residential development across the site will not

affect any existing mining or extractive operations. As such, the intended residential development is consistent with the strategic intent of this planning priority in maintaining the relevant rural values while facilitating the best use of the land after its agricultural use was retired in coordination with Wollondilly Shire Council's request.

- **W18 'Delivering high quality open space'** - requires the delivery of public open space to support healthy communities and lifestyles within new, developed areas. The Proposal will deliver a 5,000 square meter park for passive recreation space at the northern part of the site. The provision of this open, recreation space is in addition to facilitating public access to 75 hectares of parkland, with embellishments, along the northern rim of the Bargo River Gorge. As such, the Proposal will provide the needed open and recreation spaces to facilitate future community growth and enjoyment in tandem with the residential development.
- **W20 'Adapting to the impacts of urban and natural hazards and climate change'** - identifies the need for future developments to consider the evolving nature of climate hazards in relation to bushfire, flood planning and urban heat. The Proposal includes appropriate bushfire protection procedures, including consideration of evacuation strategies and provision of protective infrastructure to make the Tahmoor CBD a more viable shelter-in-place option while protecting its assets. This will increase bushfire resilience for the Tahmoor village (generally), especially protecting it from a southern fire front approaching with a long fetch from the national park in the southeast. Moreover, the Proposal has been developed with consideration of the potential flooding impacts and urban heat island mitigation. As such, the intended development will be appropriately resilient and adaptable to the natural hazards in the area and any climate change impacts.

## 4.3. METROPOLITAN RURAL AREA

### 4.3.1. Introduction

The Metropolitan Rural Areas (MRA) is established by the Greater Sydney Region Plan to include areas within Greater Sydney that are not Urban Areas or Protected Natural Areas. The diverse values of these rural areas are recognised for their contribution to habitat and biodiversity, supporting productive agriculture, providing mineral and energy resources, and sustaining local rural towns and villages. There is a commitment to preserving rural uses and housing growth. Development in MRAs is restricted but can be considered when it brings high levels of public benefit.

The Proposal will maintain consistency of the definition and intent of MRA as it will:

- Maintain the environmental values of the MRA via the Stewardship arrangement, which unlocks 75 hectares of the site for public access to the northern rim of the Bargo River Gorge, a significant natural asset, for the public's enjoyment for the first time since Crown Land was privatised in this area. This 75-hectare dedication, its maintenance and its embellishments will be at nil cost to Wollondilly Shire Council.
- The Proposal will positively contribute to the local housing choice and growth at Tahmoor with respectful large residential lots in a rural setting and curated typology. This housing is in an appropriate location as it adjoins existing residential areas and can be easily supported by existing infrastructure. The Proposal's efficient use of existing infrastructure, services, and amenity with little to no environmental or resilience exposure is a welcome addition to the one million home target set by the 2022 National Housing Accord. It is a rare urban infill greenfield opportunity.
- The proposed rezoning and resultant residential uses across the MRA will appropriately mitigate hazards. The Proposal effectively mitigates any bushfire impacts, responding to the requirements of the updated Planning for Bushfire Protection (PBP) requirements. The Proposal also addresses other natural hazards such as flooding and geotechnical matters. Further details are provided in Section 6.3.
- The Proposal will be appropriately serviced by sewer infrastructure (see Section 6.3).
- The Proposal presents no issues relating to mining licensing conflict or subsidence.
- Agricultural land uses are either unviable or unsuitable at the site given the Tahmoor village's urban footprint encroachment. This has been determined based on the site's land use conflicts with existing residential (R2 zoning) neighbours, soil and geography factors, limited site area, as well as the economic profile of the region (further detail provided in Section 6.3).



### 4.3.2. Key Aims and Objectives of the Proposal

- The Proposal is underpinned by a significant biodiversity conservation outcome (via a Stewardship arrangement), and the unlocking of half of the site (75 hectares) for the public to access the Bargo River Gorge, a significant local natural asset. The Proposal also utilises biodiversity offsets to maintain and enhance the same environmental values protected under the MRA.
- By implementing the first point, the Proposal mitigates land use conflict and protects 'key rural industries' (i.e. poultry processing) by permanently protecting an odour buffer to the Turkey Processing Plant to the site's west, ensuring its long-term viability.
- The Proposal will positively contribute to local housing choice and growth at Tahmoor (a key Village) with product that enhances the local character of existing housing stock. The site is well positioned to do so given it is tightly bounded by R5 Large Lot Residential along its eastern boundary, and R2 Low Density Residential along its northern boundary.
- A strong evidence-based suite of investigations has been carried out to support the Proposal, including a site-specific infrastructure delivery framework.
- The Proposal has carefully re-assessed and made key land use changes in response to the issues raised by DPE in December 2020 (the Gateway reversal):
  - Bushfire assessment and evacuation in accordance with current planning for bushfire provisions;
  - Sewer infrastructure servicing;
  - Reconfirmed no issues in relation to mining licensing conflicts or subsidence;
  - Negotiated Biodiversity Stewardship arrangements that are ready for execution; and
  - Agricultural Land Viability assessment.

### 4.3.3. Strategic Framework

Further to these key aspects, the Proposal is demonstrably consistent with the strategic expectations and principles for MRAs as below:

#### **Greater Sydney Region Plan and Western City District Plan**

The Greater Sydney Region Plan and Western City District Plan state the following in relation to land use in the MRA (our emphasis, of relevance to our Proposal, is **bold/underlined**):

*Land use in the Metropolitan Rural Area will be influenced by:*

- *Increasing demand for **biodiversity offset sites** creating additional value for landowners with areas of vegetation of high environmental value.*
- ***Local demand to live** and work in a rural town or village.*
- *Opportunities to **conserve and enhance cultural heritage**.*
- ***Opportunities for more** tourism and **recreation**, linked to the Western Sydney Airport and improved transport infrastructure, which can **bring more visitors to the Metropolitan Rural Area and the Protected Natural Area**.*
- *New opportunities for growing fresh food close to a growing population and freight export infrastructure associated with the Western Sydney Airport.*

***Limited growth of rural-residential development could be considered where there are no adverse impacts** on the amenity of the local area and where 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.*

This framework established by the Greater Sydney Commission has been carried forward into Wollondilly Shire Council's strategic documents, including the Local Strategic Planning Statement (LSPS) and the Local Housing Strategy (LHS).

## **Wollondilly LSPS**

**Local growth** refers to the amount of housing necessary to meet the needs of the community **and is not at the same scale as the growth areas. Additional housing in Wollondilly's towns and villages is not required to meet regional or district scale demand for residential growth.**

**Local growth in our towns and villages will be guided by the principles of the Metropolitan Rural Areas established by the Western City District Plan and our:**

- **local housing strategy.**
- **rural lands strategy.**
- centres strategy.
- employment lands study.

**The local housing strategy will set local growth targets for Wollondilly, consistent with the Western City District Plan. These targets will be different for each town and village and will depend on land capability.**

*Until the local housing strategy is completed, we will not support new planning proposals for housing in the Metropolitan Rural Area.*

## **Wollondilly Local Housing Strategy (LHS)**

The LHS was conditionally endorsed by DPE on 9 September 2021, and therefore considerations of new planning proposals for housing in the MRA can move forward.

Of note, the LHS makes the following key points (in Section 2.7):

- Local growth within existing towns and villages will also be important for future housing supply...three areas have been identified as having the greatest opportunities and capacity to accommodate growth in the future – Tahmoor, Thirlmere and Picton.
- Currently these towns have better access to infrastructure, services and community facilities within established town centres. Council will need to continue working with Sydney Water to determine whether water and wastewater networks will need to be augmented to support additional residential development in these locations.
- Encouraging growth around existing centres, leveraging existing infrastructure, promotes resource efficiency and assists in the planning of upgrades, improvements and allocation of funds in the future.

The identification of 'growth' or 'local growth' areas within the LHS is more a procedural matter than one of strategic planning merit assessment. The proposal seeks to deliver housing on otherwise, unproductive, constrained and rural land. The proposed housing will be facilitated by the required infrastructure and will maintain and enhance the values of the MRA. The environmental and local amenity benefits outweigh the loss of unproductive, rural land. As such, the proposed housing growth aligns with the fundamental objectives of the MRA and will deliver a strategically positive, planning outcome. Moreover, at Section 3.2, the LHS acknowledges that planning proposals will and can be considered where:

- A place-based approach is taken that responds to local context.
- The Proposal is supported by adequate infrastructure and has access to community facilities in towns such as Tahmoor, Thirlmere and Picton; and
- An evidence-based approach is taken to support new housing development.

## **Rural Land Strategy**

The Rural Land Strategy was endorsed at the 21 September 2021 Council meeting (and was prepared before the final LHS). The Strategy is supported by a *Findings Report* that was prepared by Riverina Agri Consultants and Locale Consulting.

Planning for rural lands over the plan period is structured around six major focus areas, which have been informed by evidence-based analysis in the associated *Findings Report*.

IPG's original Cross Street Planning Proposal was identified in the *Findings Report*. The study establishes an understanding of the housing context in the region, and the 260 new residential dwellings provided by the original Cross Street Planning Proposal were identified as a contributor towards the 'existing rural residential supply' (p. 110 of the Rural Lands Strategy Findings Report).

Accordingly, the provision of new residential housing at the site has seen substantial assessment and acknowledgement in the management of rural housing supply across Wollondilly Shire Council.

### **DPE Conditional Endorsement Letter of LHS (9 September 2021)**

Importantly, DPE raised the following in its Letter of approval for the LHS (which I can be readily addressed in this Proposal):

Point 9

*The Department supports the Council's draft Rural Lands Strategy Action 6.1 to not rezone any further land outside the existing village footprints for further residential purposes unless:*

- *It is **compatible with the Metropolitan Rural Area as identified in the Greater Sydney Region Plan**;*
- *It is **consistent with Council's Agricultural Viability Study** recommendations (once the study is completed);*
- ***An infrastructure strategy can be implemented to support further development**;*
- *It is **consistent with the Council's Hazards Analysis and Emergency Management Study recommendations** (once the study is completed); and*
- ***Council has consulted GSC on any potential inconsistencies with the District Plan** (as current).*

Point 12

***Council is to prepare principles for assessing proponent-initiated requests for planning proposals for residential or rural residential development, including out-of-sequence criteria** to consider any additional opportunities for growth that are not identified in its LHS, or for urban renewal opportunities.*

### **2022 National Housing Accord**

In October 2022 the Federal Government announced plans to build one million new well-located homes in the five years from 2024. The federal budget delivered \$350 million in additional Federal funding to deliver 10,000 affordable homes over five years from 2024. This funding is an incentive for superannuation funds and other institutional investors to make investments in social and affordable housing by covering the gap between market rents and subsidised rents.

The Accord identified the following immediate actions:

- Up to 20,000 additional new, affordable dwellings.
- Collaboration to improve financing for new social and affordable housing projects.
- Improved zoning, planning and land release; and
- Ensuring the right skills are available and improving access to social and affordable housing.

Whilst the National Housing Accord is not ordinarily a matter for consideration of strategic merit, the key documents that are otherwise used for testing of strategic merit now date back nearly seven years in the case of the current Metropolitan strategy. Since that time housing supply and housing affordability more generally have become a critical planning issue. This Proposal is an appropriate measure for immediate application toward the delivery of new housing stock that is unburdened from the risks associated with prohibitive environmental overlays, threats from natural and manmade hazards and statutory delays, allowing this ambitious Federal target to be addressed with a meaningful supply response.

This Planning Proposal is an important opportunity for Wollondilly Shire Council to put forward new housing supply that was informed by ten years of community and Council consultation, ultimately securing unanimous support. To discount the investigations and consultation over this past ten-year period would represent a lost opportunity for delivering sensitive urban infill development.

### 4.3.4. Conclusion

In summary, this Planning Proposal is considered to align with the planning principles for the MRA.

*"Limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and where the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area."*

Over the preceding sections of this report, IPG have utilised an evidenced base approach to clearly articulate where the Proposal meets and enhances the principles protected by the MRA without leading to any adverse impacts. Both the Local Planning Panel and previous councils have agreed with this justification and deemed the proposal to have strategic merit.

The merits of these benefits exceed the threshold required by the District Plan and MRA criteria to allow growth of rural-residential development. These important planning control documents were designed to encourage, rather than prohibit, the addition of innovative land supply using well-designed developments featuring high impact community benefits which make cost-efficient use of infrastructure.

The Proposal complies with the objectives noted in the Region and District Plans through its biodiversity conservation outcomes, ability to meet local housing demand, respectful conservation of local character and promotion of a sustainable community with new opportunities for recreation and appreciation of the Bargo River Gorge. The proposal aligns with the objectives of the MRA to *maintain and enhance the environmental, social and economic values of the Metropolitan Area*. This as the proposal maintains and enhances the following, existing values of the MRA:

- **Agricultural Values:** The site cannot be used for commercial poultry farming due to the odour constraints imposed by Council's LEP, which Inghams agreed to in view of supporting surrounding Council-led residential rezonings. Since the reversed Gateway decision of December 2020, IPG have undertaken further studies to prove the lack of agricultural viability of the site. According to Land Edge Planning, the site is sterilised from viable agricultural uses due to the land use conflict with nearby residential uses and its insufficient size. The study on agricultural viability was prepared together with an Infrastructure Delivery Strategy to guide the staged implementation of a well-designed rural residential development that meets the community's expectations.
- **Ecological Values:** All ecological constraints will be comprehensively managed and offset through robust Bio-certification and Biodiversity Stewardship strategies. This meets best practice and the planning priorities of the current strategic framework, including for the MRA. These strategies enable public access to appreciate the natural resources of the LGA (i.e., the previously privatised northern rim of the Bargo River Gorge).
- **Landscape Values:** The Stewardship arrangement, which unlocks 75 hectares (a generous gift of half of our site) for public access to the northern rim of the stunning Bargo River Gorge, which is a significant natural asset, for the public's enjoyment for the first time since Crown Land was privatised in this area. This includes the walking trails and vantage points proposed through the Biodiversity Stewardship Area. Using Wollondilly Shire Council's published cost matrix, the dedication area is worth \$82.5 million. In addition to the Stewardship Agreement, the proposal will preserve sensitive vegetation, establish height controls in the 'eastern lobe' to mitigate visual impact and provide recreation opportunities via the proposed 5,000square metre park at Tahmoor Road.
- **Water Quality Values:** The proposal, through its system of detention basins, will treat water quality to the Bargo River Gorge from upstream catchments consistent with Council's latest Water Sensitive Urban Design policy.
- **Mining and Extractive Industries:** 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 has 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 Nepean fault line runs through the Inghams site, which would present challenges to the viability of any future mining operations in this area.
- **Tourism Values:** The site has the potential to promote local and regional tourism through its walking trails and viewing vantage points, providing opportunities for bushwalking, allowing visitors to appreciate the Bargo River Gorge. An on-site car park is also proposed (at Progress Street), catering for these visitors.

While Council's Hazards Analysis and Emergency Management Study is yet to be realised, it has been demonstrated that the Proposal promotes natural hazard mitigation and includes a comprehensive bushfire management strategy, including an emergency evacuation plan and an augmented Tahmoor CBD shelter-in-place and enhanced asset protection strategy. Other natural hazards such as flooding and geotechnical matters have been suitably addressed in the suite of consultant reports prepared in support of the Proposal.

Considering the above, and in acknowledgement that IPG have acted in good faith by ceasing its poultry farming operations on the subject site, thereby allowing the activation of a substantial proportion of the Council-led rezoning of the East Tahmoor precinct. The proposed residential use (under this Proposal) is sited between the East Tahmoor Precinct (R2 zone) and *The Acres* (R5 zone), providing a logical and natural extension across a gap in the Tahmoor urban footprint. It also eliminates the land use conflict between the residential uses surrounding the site. In this regard, the Proposal supports the local demand for housing supply and should be properly considered a strategic greenfield urban infill of existing zoned residential land.

On this basis, we believe this Proposal is aligned with the prevailing strategic planning framework and is worthy of support from a town planning perspective. This is good development that was designed with extensive community and Council consultation, winning unanimous support, and which has a high community impact.

#### **4.4. WOLLONDILLY 2040 (LOCAL STRATEGIC PLANNING STATEMENT)**

The Wollondilly Local Strategic Planning Statement (LSPS) provides the framework for local planning for future housing, jobs, infrastructure, and environment for the LGA. The LSPS sets out a 20-year vision for growth that considers the principles established by the Western City District Plan, and the local housing strategy. The Proposal is consistent with the relevant strategic priorities as follows:

**Priority 1 'Aligning Infrastructure provision with community needs'** - identifies that all developments should be appropriately supported by utility and community infrastructure. The intended growth facilitated by the Proposal will be appropriately supported by utility and community infrastructure. Significantly, the Proposal will dedicate 75 hectares (half the total site area) of high value land (\$82.5 million) to public ownership. All together the Proposal will deliver the following utility and community infrastructure:

- Detention basins.
- 75 hectares of Biodiversity Stewardship site worth \$82.5 million.
- Pathways, picnic areas, viewing vantage points and other embellishments.
- The establishment and embellishment of a new public park, Cross Street Park.
- Construction of Progress Street Car Park.
- Installation of traffic calming measures for fauna protection.
- New public, open space network that links with the Tahmoor Town Centre to the north-west and *The Acres* to the East.
- Providing funding towards a new pedestrian link to Tahmoor Town centre.

These infrastructure provisions, in addition to the provisions at the East Tahmoor precinct will appropriately facilitate the intended urban growth and future community needs.

**Priority 3 'Establishing a Framework for Sustainable Managed Growth'** - identified that the bush, rural lands, and local towns throughout the region are valuable and must be protected in the context of unprecedented growth. The Proposal aligns with this priority, as it will respect the character, setting and heritage of Tahmoor through a large lot residential typology and the dedication of significant areas of open space to the public. This will leverage the site's access to the northern rim of the Bargo River Gorge and contribute to the economic and social sustainability of Tahmoor. Moreover, the Proposal delivers significant environmental benefits through the in-perpetuity dedication and management of the Biodiversity Stewardship land. Additionally, the Proposal augments the appropriate delivery of infrastructure and utilities, to ensure that the growth across the site will be appropriately serviced.

**Priority 5 'Providing housing options that meet local needs and match the local character of towns and villages'** - identifies that several different housing options should be provided that will enhance the character of the MRA's unique character and values. The Cross Street Planning Proposal delivers a large

residential lot and a housing typology that is sought after within a rural setting. The Proposal will supply housing diversity (a range of lot sizes from less than 975 square metres to one hectare lots with the average of 1,500 square metres) in addition to the typically smaller lot 'urban' land released through the DPE identified growth areas (e.g. Wilton). This will provide the appropriate flexibility and supply risk mitigation to housing demand. Additionally, the proposed development site will not impinge on any existing mining rights and will integrate the existing biodiversity value of the site.

**Priority 13 'Protecting Biodiversity and Koala Habitat corridors'** - identifies the importance of maintaining landscape and biodiversity values with consideration of the native species in the region. Of note, the priority aim is to protect the local and regional koala habitat corridors. The Cross Street Planning Proposal is strongly aligned with the LSPS objective to protect biodiversity through its approach to offsetting any impacts onsite through concurrent Bio-certification and Stewardship Agreements on the 75 hectares of land being designated as open space along the Bargo River Gorge. This is a significant increase in buffer to the Crown land within and across the gorge.

A survey for koalas was undertaken in 2014, with additional surveys completed in 2017. Targeted surveys using spotlighting, call play-back, motion-activated cameras and searches for koala scat were undertaken. Despite the site containing some habitat suitable for koalas that was not cleared for pastoral grazing, there are no recordings of koalas on site.

As with the vegetation communities, the proposed residential areas have been located on portions of the site which provide poorer habitat for flora and fauna. Impacts to fauna habitat will be mitigated via the in-perpetuity conservation and management of the 75 hectares of Biodiversity Stewardship site. Detailed descriptions of habitat, impacts and mitigation measures are provided in the updated Biodiversity Certification Assessment Report.

It is considered that such an approach, which also allows for the ongoing management of environmental lands (and their transfer to public ownership), will result in a positive biodiversity outcome for the LGA, especially with consideration for Koala Habitat corridor protection across the Gorge. There is no Cumberland Plain Conservation Program overlay map for this site.

**Planning Priority 14 'Protecting high quality well connected open spaces'** - The LSPS notes the importance of providing open space, including accessible local waterways, streetscapes, and recreational open spaces. These open spaces will provide the appropriate green grid and community needs. In addition to the construction of the Cross Street Park and the 75-hectare Biodiversity Stewardship site, the Proposal will allow key public access to the Bargo River Gorge for the first time since Crown land was privatised in this area.

The LSPS identifies the 'Mermaids Pool and Pot Holes Reserve' as a place which could be invested in for upgrades. The Proposal will provide key access to this location and could play a role in the future upgrade and embellishment of this visitor attraction. This is in addition to the 5,000 square metres of additional open space to be provided at the north end of the site.

The Proposal dedicates 75 hectares, at no additional cost, to Wollondilly Shire Council. Public open space has been used to seed discussions with the Department of Planning and Environment and the Environmental Protection Agency about the creation of a significant regional park that could be up to 330 hectares in size when combined with Crown land both within and across Bargo River Gorge. This park would include both the Bargo River Gorge's sandstone cliffs, the Mermaids Pool, and its waterfall.

**Planning Priority 16 'Enhancing and protecting the diverse values of the MRA'** - In addition to the commentary above on the MRA, it is noted that page 95 of the LSPS translates the Regional and District objectives (relating to the MRA) into the LSPS. Beyond the commentary above, the LSPS (page 95) also calls out:

- Development needs to be sequenced with mining. The site is unaffected by mining, which has been confirmed in written correspondence.
- Poultry processing plants (as a 'key industry') need to be protected. This is ensured by protecting permanent odour buffers surrounding the interface between the processing plant and the site. This allows the existing processing plant to maintain operations without conflicting with urban growth at the site and wider region.
- The Rural Lands Strategy is mentioned in the LSPS. As stated above, The Findings Report behind the Rural Lands Strategy did acknowledge the Cross Street Planning Proposal site and did not refute the proposal to suitably rezone the site to R5 Large Lot Residential.



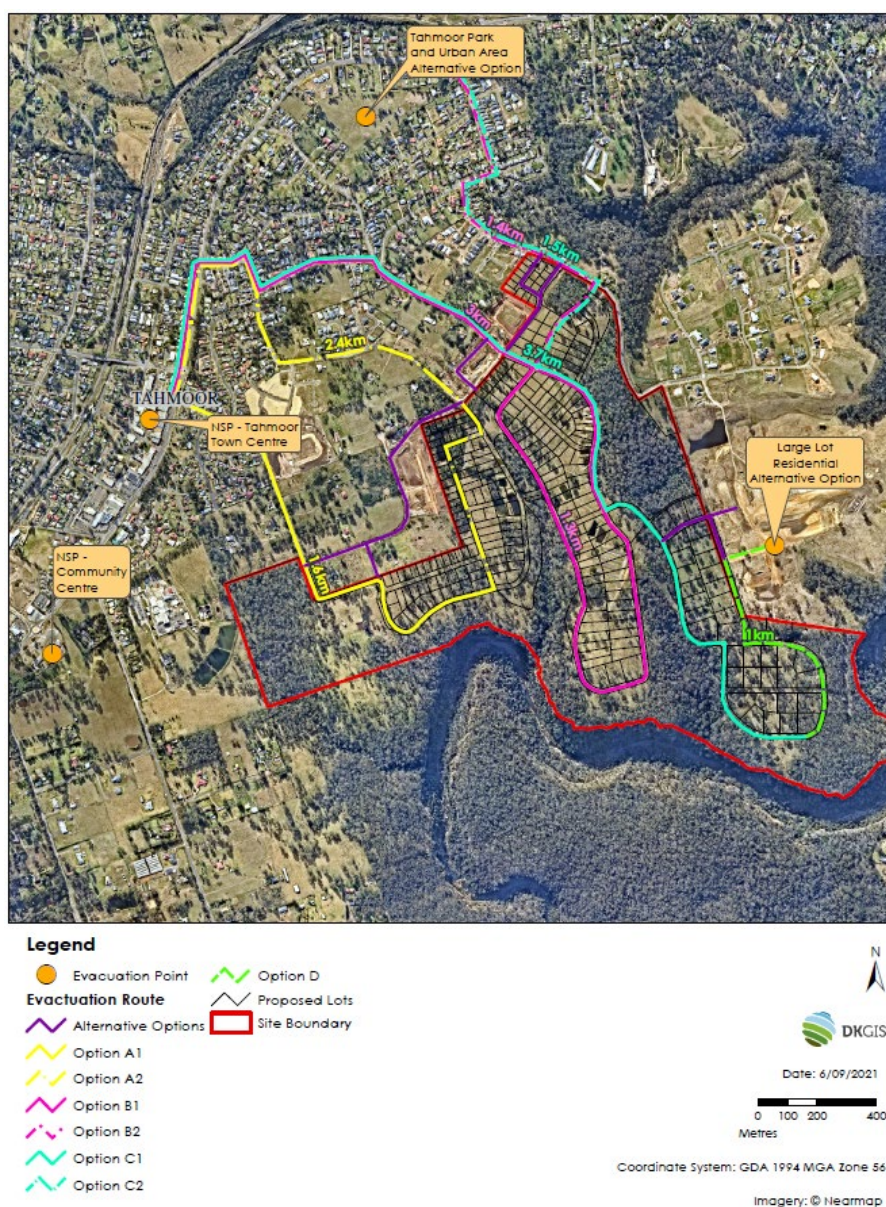
**Planning Priority 18 'Living with climate impacts and contributing to the broader resilience of greater Sydney'** - notes that developments must be planned and designed to be resilient and mitigatory towards extreme weather events as influenced by climate change. Of note, MRAs are identified to contribute towards the mitigating impacts towards urban heat, bushfire, flooding, and drought events.

Accordingly, the Proposal is supported by a bushfire management strategy that outlines spatial requirements (i.e. APZ areas) enhanced shelter-in-place options by buffering the Tahmoor CBD and emergency evacuation strategies.

The Proposal will establish a street hierarchy that will enhance connectivity through the site and to numerous possible evacuation routes. These routes are appropriately 8 metres to 10 metres wide, have minimal 'pinch points' and are free of significant bushland. These routes are designed to provide sufficient capacity for evacuations and will provide connections to safe destinations including the Tahmoor town centre and two designated Neighbourhood Safer Places (NSPs), with no resident to be located further than 1km from a safe refuge location.

As such, the Proposal has been prepared to align with the evacuation strategy and will maximise the likelihood of successful evacuations taking place and deliver resilient urban growth. Council officers confirmed on 16 January 2024 they are satisfied with the proposal's response to any flooding affectations on the land.

Figure 4 – Bushfire Evacuation Routes and Refuge Points



Source: Black Ash

Additionally, the Proposal will protect the site's 'carbon sink', including its biodiversity and waterway resources using the 75 hectares of stewardship land. The health and wellbeing of residents will be improved through the provision of substantial green spaces with active transport embellishment. Additionally, public transport connections can be accommodated to the site. The Proposal is consistent with the strategic objectives of this priority as it will protect or greatly enhance the site's mitigation measures for extreme weather events. Further details regarding the Proposals' consistency with the future hazard study is provided in Section 4.7 of this report.

## **4.5. WOLLONDILLY LOCAL HOUSING STRATEGY**

The Wollondilly Local Housing Strategy (LHS) provides recommendations for managing housing growth across the LGA. The strategy considers residential zoned lands as well as rural and industrial lands that allow for the development of housing. Of note, the strategy identifies that lands suited for residential development must have the appropriate provisions for bushfire hazard response as well as essential infrastructure and utilities.

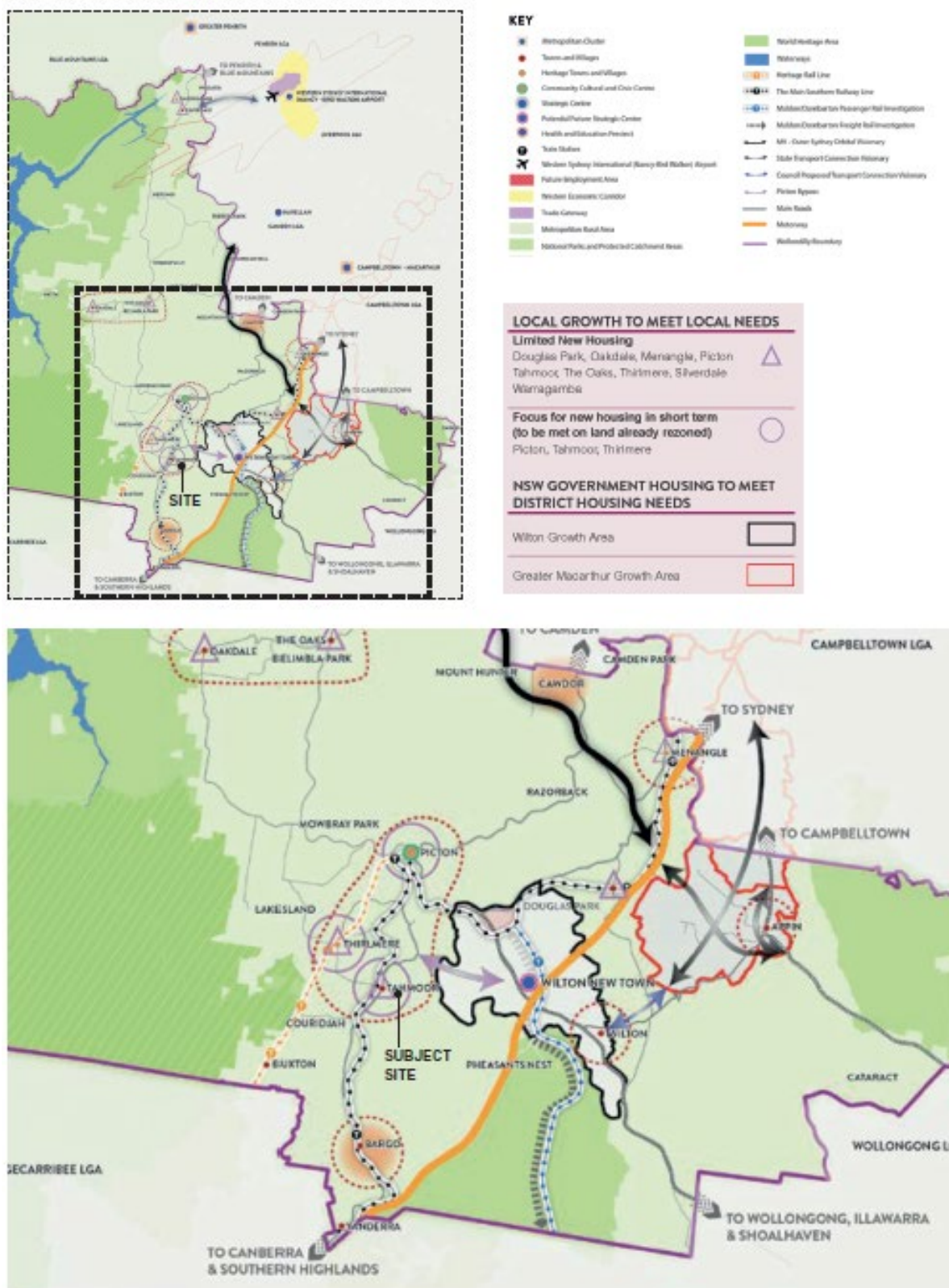
The strategy was conditionally endorsed by the Department of Planning and Environment on 9 September 2021.

The strategy repeals the Wollondilly Growth Management Strategy 2011 and aims to guide future planning and land use decisions. While it is understood that this new strategy supports housing growth and is focussed on the Wilton Growth Area, (90% of 16,829 new dwellings from 2021-2041), it is imperative that Wollondilly Shire Council consider appropriate infrastructure-efficient greenfield urban infill opportunities like the subject site. Such opportunities, including this Proposal will futureproof the delivery of new housing across the LGA in the event of unforeseen challenges in unlocking new dwellings across growth areas such as Wilton.

This Proposal is strategically well-placed, considering its proximity to the existing Tahmoor village centre, infrastructure servicing, mitigation of natural hazards in the region and provision of public benefits. The Proposal will drive the long-term future of Tahmoor and the broader LGA with compatible and respectful large lot product that is infrastructure efficient. The strategic location of the Cross Street Planning Proposal is demonstrated in the figure below.



Figure 5 – Strategic Location of Cross Street Planning Proposal



Source: Wollondilly 2040 – Local Strategic Planning Statement, Wollondilly Shire Council

The updated Cross Street Planning Proposal will appropriately mitigate many of the challenges identified in the strategy regarding housing growth without increasing Wollondilly Shire Council's enabling infrastructure requirements.

### **Providing housing in areas that are adequately serviced by infrastructure.**

- The LHS notes that growth should be supported by the appropriate infrastructure. Section 2.7 of the strategy identifies that a key challenge in delivering additional housing surrounds the issue of connectivity and accessibility to infrastructure (social infrastructure as well as utilities and services). Tahmoor is identified as an area with opportunities and capacity for growth. Of note, the provision of wastewater infrastructure is identified as limited or nil within existing villages and towns, preventing further housing growth. In accordance with this direction, the subject site can deliver additional housing, leveraging existing infrastructure in the Tahmoor village, while addressing this utility servicing challenge with multiple solution options.
- The subject site is to be appropriately serviced by the essential utility infrastructure (namely wastewater) as well as road and public infrastructure. As detailed in section 6.3 of this report, the wastewater infrastructure requirements will be satisfied in both the short and long term, through Sydney Water infrastructure augmentation. Additionally, the intended future development will function as an extension of the approved residential rezoning in the region. Consequently, this is in addition to the site's proximity to the existing Tahmoor Town Centre which means the site will have better access to existing infrastructure, services and community facilities established in the area.
- It is acknowledged that the supply of infrastructure is a key driver in establishing the required additional housing in Wollondilly Shire Council. The site can be supported by the required utility infrastructure and will benefit from the existing community and transport infrastructure in the surrounding area. As such, the Proposal will support this direction as it is able to efficiently and reliably provide housing growth supported by infrastructure.

### **Promote housing diversity and affordability.**

- The LHS encourages a diversity of housing to be delivered for all demographics at different stages of life. The proposed large lot housing (multiple options from less than 975 square metres to one hectare) will provide housing diversity in addition to the housing provided across the identified growth areas. It is acknowledged that not all new home buyers want to live in Wilton which will be some form of construction zone for the next 20 years and feature small lots. The provision of diverse land sources will help mitigate delivery risk of housing across the growth areas. While it is acknowledged that the current residential zoned lands will satisfy the forecast housing across the LGA, Section 2.6 of the LHS states that planning proposals will provide the appropriate, additional housing across the LGA.
- Section 3.2 of the strategy notes that the delivery of urban growth should be supported by an evidence-based approach, supported by regular monitoring and review of housing indicators. The Proposal will appropriately provide housing diversity that is consistent with the housing demand studies. As such, the Proposal will support the assurance that a variety of housing for different groups, an alternative to Wilton's predominantly small lot product, be delivered in accordance with the identified demand.

### **Plan and coordinate growth for emerging communities.**

- The strategy identifies that new communities are required to be planned and co-ordinated with hard and soft infrastructure provisions. This Proposal will function as a natural extension of the existing Tahmoor urban footprint and consequently will benefit from the existing community services and infrastructure. The future communities will be supported by public transport as well as 5,000 square metres of open space and the embellished 75 hectares of stewardship land. The future housing developments across the site will be appropriately guided by further market analysis and community engagement.

### **Build sustainable and resilient communities that protect and celebrate our environment.**

- The strategy identifies that future development should respect and enhance the local environmental character of the area while being safely built with consideration of natural hazards. The Proposal aims to integrate housing developments with open spaces and ecologically sensitive lands. The rural character and scenic features of the site will be retained and better celebrated by providing public access to the 75-hectare Biodiversity Stewardship site. The development will be resilient through the provision of bushfire management measures, asset protection zones, a buffer to the Tahmoor CBD and evacuation strategies. As identified in Section 4.7 of this report, the Proposal has been prepared to be consistent with the high-level objectives of the Wollondilly Hazards Analysis and Emergency Management Study.

As such, it is considered that the Proposal is consistent with the key directions of the local housing strategy.

The strategy identifies that a place-based approach should be utilised to plan future housing growth. This pertains to responding to the local context, qualities, and characteristics. It is considered that the delivery of the Proposal's locally respectful large lot sizes and curated housing typology is appropriate in accordance with the housing strategy considering its site-specific context and consistency with the key strategic directions. Section 4.2 of the strategy notes the local housing strategy is to be reviewed in the future to reflect planning proposals and further monitoring of known barriers for housing development (utilities, roads access and natural hazards). This Proposal can be readily integrated with the LHS's housing considerations as it addresses the relevant challenges for housing growth and will serve to provide housing diversity in the region.

### Wollondilly Council Resolution – 16 March 2021

At Council's meeting of 16 March 2021, Council resolved to adopt the (at the time 'draft') Wollondilly Local Housing Strategy. In relation to Planning Proposals that were considered under the draft LHS, but later had their Gateway status reversed by DPE (including this site), the following criteria was listed for their later consideration:

Council Meeting Criteria	Response
<p>6. Given that the planning proposals outlined above were considered as likely to proceed when finalising the draft housing strategy, Council amend the draft housing strategy to allow for consideration of appropriate new planning proposals for those sites that meet the following criteria:</p> <p>a. Were in progress during preparation of the housing strategy and were refused during the finalisation period of the Local Housing Strategy (January –March 2021).</p> <p>b. Were supported when they were most recently considered by Council prior to their refusal by DPIE.</p> <p>c. Had previously received a Gateway Determination to proceed.</p>	<p>The Cross Street Planning Proposal received a reversed Gateway determination from DPE in December 2020, after it was supported by Wollondilly Council resolution and had previously received a Gateway determination from DPE to proceed. Therefore, it meets the criteria noted in the Council's resolution.</p>
<p>7. The housing strategy be amended to make clear that any new planning proposal considered under point 6 shall only be considered once the following criteria are met:</p> <p>a. The Proposal resolves any known planning or infrastructure issues previously identified for the site, including those identified by the Department of Planning, Industry &amp; Environment and other agencies.</p> <p>b. For proposals that include R2 or R3 zonings and appropriate road infrastructure upgrades are in place.</p> <p>c. The proposal is consistent with the character of the surrounding area, consistent with the LSPS and would otherwise meet the definition of local growth.</p>	<p>While the housing strategy was not amended to facilitate the previously refused planning proposals, the subject Proposal satisfies this criterion.</p> <p>This report demonstrates that the land can be adequately serviced with appropriate infrastructure both in the short and long term. This includes the supply of water, electricity, telecommunications (NBN) and sewer. Section 6 of this report details that the Proposal can resolve any known planning or infrastructure issues, including bushfire evacuation.</p> <p>From a traffic planning perspective, the intended development does not require any intersection upgrades. IPG will make monetary contributions via the payment of Section 7.11 levies (as required) for contributions to local and regional road infrastructure upgrades.</p>

Council Meeting Criteria	Response
	The Proposal has been carefully designed in consultation with community groups to integrate with the existing biodiversity features at the site and will not adversely impact the character of the surrounding area. The large lot residential typology will meet local demand and meets the definition of local growth.

During early engagement with Council prior to lodgement of this Proposal it was noted that a framework does not exist to enable the Proposal to proceed. Despite this, it is made clear within the resolution, and specifically item 12.6(6) that as the Proposal meets the above criteria, Council can amend the housing strategy to allow for consideration of this Proposal.

Whilst this doesn't specifically create an avenue for approval, it does highlight the recognised strategic merit of the Proposal and emphasises the importance of the Proposal as a 'Place Based' Proposal with local benefits. The benefits associated with the Proposal including the 75 hectares of biodiversity stewardship land dedicated to Wollondilly Shire Council with embellishments and a maintenance trust at no cost. The Proposal delivers high impact community benefits which meet the objectives of the overarching District and Regional plans.

## 4.6. WOLLONDILLY RURAL LANDS STRATEGY

The Rural Lands Strategy was adopted by Council on the 21 September 2021 with the aim of managing the long-term strategic direction of rural areas by providing a framework for the management of growth, change and development for rural land in Wollondilly up to the year 2040. This includes lands zoned as RU4 (Primary Production Small Lots). The strategy was previously on public exhibition and was subsequently revised (August 2021) in response to Council comments. The revised strategy was then recommended for endorsement at the 21 September 2021 Council meeting for forwarding to DPE (for DPE endorsement).

The strategy considers the demands for rural land uses as well as the drivers and opportunities as to establish certainty to the development of rural land in the Wollondilly LGA. Of note, Recommendation 2 included the investigation of rezoning of areas of RU4 Primary Production to better reflect existing land use. Of note the same recommendation considered only retaining the zone where viable commercial agricultural activities exist or where rural sectors present emerging opportunities. As discussed below in Section 9.9, agricultural uses are no longer viable at the site due to the encroachment of the Tahmoor urban footprint. This study informs Wollondilly Shire Council's local planning policy as well as its Local Housing Strategy.

The Proposal is consistent with the focus areas of the strategy as follows:

### Direction 9 - Safeguarding agricultural resources and the rural economy.

It is appreciated that support of primary production is of high social and economic value across MRAs. However, the former duck and turkey farms have since terminated operation in support of the approved Wollondilly Shire Council rezoning of East Tahmoor. The site is currently not viable for agricultural and poultry production taking into account the existing site characteristics and neighbouring land use conflicts (encroachment of the Tahmoor urban footprint). The physical characteristics of slope, soil fertility and lack of a permanent water supply makes the site unviable for protected cropping and market gardens. The proximity of the site from adjoining urban and rural residential areas precludes the site from any intensive agriculture. Due to land use conflicts, a poultry farm cannot be reinstated at the site. It is noted that cattle grazing is a minor economy in the region. Additionally, the overall site conditions and site area make it inappropriate to establish large scale cattle grazing at the site. The site is not suitable for rural production land.

## **Direction 9.2 - Rural land use conflicts.**

The strategy identifies that any land use conflict between agricultural and other land uses are appropriately mitigated. Accordingly, it is noted that the intended urban development across the site will function as an extension of Tahmoor urban footprint. Additionally, this Proposal is subject to the relevant environmental studies and assessment and there will be negligible impacts with consideration of noise, odour, dust, smoke, chemical drift, water quality issues, vehicle movements, hours of operation and poor visual amenity. Of note, the proposed development will have no land use conflict with the existing turkey processing plant, with consideration of the established odour buffer. In relation to Wollondilly Shire Council's criteria, the following points are applicable:

- Proximity to existing residential dwellings (the approved R2 and R3 rezonings at East Tahmoor).
- Existing intensive agricultural uses (poultry farming) have ceased.
- The site is not suitable for agricultural expansion with consideration of the East Tahmoor rezoning; and
- The topographical features of the site can facilitate urban development.

## **Direction 10 - Managing the rural community, economy and services.**

It is identified that mining industries are one of Wollondilly Shire Council's largest industries and they are one of the highest employers in the LGA. It is understood correspondence with Subsidence Advisory NSW and SIMEC (the Proponent of the Tahmoor South Mine) that urban development at the subject site is not constrained by existing mining operations and will not threaten the continuation of mining operations. It is identified that the region as a whole is not known as a significant producer of cattle. The region's population and economic demographics suggests that the majority of agricultural production in the region are conducted by retired farmers conducting agricultural activities on a part time basis.

Additionally, it is in the local communities' best interest that the site is not used for cattle grazing, by itself since the parcel is surrounded by existing housing or protected Crown Land, as it would most likely operate at a loss. As such, the Proposal will not compromise the potential of the existing agricultural economies.

## **Direction 11 - Managing pressure for rural living opportunities.**

The strategy identifies existing undeveloped R5 zoned land (as well as current planning proposals) provide the immediate 8 to 16 years of anticipated demand for rural residential land. Accordingly, residential developments in rural areas are to be conducted through a principle-based approach to support the balanced and sustainable growth of the area, especially to protect agricultural lands.

It is noted that the original Cross Street Planning Proposal received Gateway determination and has had significant consideration by the local community and Wollondilly Shire Council. The original Planning Proposal was identified in the background findings report which was prepared in support of the August 2021 draft Rural Lands Strategy. The study establishes an understanding of the housing context in the region, and the 260 new residential dwellings provided by the original Cross Street Planning Proposal were identified as a contributor towards the 'existing rural residential supply'. Accordingly, the provision of new residential housing at the site has seen substantial assessment and acknowledgement in management of rural housing across Wollondilly.

The intended development has been under thorough environmental assessment, and the site is considered not viable for primary production purposes. The intended development will not result in any fragmentation of agricultural land. It is therefore considered that the proposed residential development is appropriate with consideration of Direction 11.

## **Direction 12 - Conserving places with special landscape, rural and scenic value.**

The strategy notes that Wollondilly Shire Council's scenic and natural features should be protected through the local planning framework. The Proposal will maintain and protect the landscaped areas of ecological and scenic value. Additionally, pathways, picnic areas and viewing vantage points will be provided to enhance the landscape, rural character and scenic value of the site. As such, the Proposal demonstrates consistency with Focus Direction 12 as the intended urban development will be delivered to be compatible with the existing rural fabric.

### Direction 13 - Balancing environmental outcomes on rural lands.

Direction 13 identifies that future development must be informed by an understanding of extreme weather events and natural hazard impacts. The Proposal will have the appropriate emergency response, shelter-in-place (Tahmoor CBD) and evacuation road infrastructure available in response to bushfire risk. Additionally, potential flooding risks and the effects of climate change have been appropriately considered in the formulation of the Proposal. As such, the Proposal is suitable for the rural lands with consideration of the potential environmental hazards the area.

### Response to DPE Condition Letter (9 September 2021) and Action 6.1 of the Rural Lands Strategy.

In response to Council's recommendation for endorsement, a Condition Letter was prepared by DPE. Accordingly, the Rural Industry Community Advisory Committee has moved that the Rural Strategy be put on hold until the relevant viability studies are completed.

DPE Comment	Response
9. The Department supports the Council's draft Rural Lands Strategy Action 6.1 to not rezone any further land outside the existing village footprints for further residential purposes unless:	
It is compatible with the Metropolitan Rural Area as identified in the Greater Sydney Region Plan	<p>The plan identifies Metropolitan Rural Areas as having environmental, social and economic values that should be enhanced or protected. The Proposal will preserve the significant areas of ecological values and will improve the preservation and appreciation of ecological and scenic areas throughout the site.</p> <p>Bio-certification and Biodiversity Stewardship Agreements at the site will ensure the relevant biodiversity values of the site are maintained. As detailed in points above (in Section 4.6 of this report), intensive agricultural uses and cattle grazing are not economically viable at this site. Additionally, the proposal will not adversely affect the existing mining operations in the region. As detailed in Section 6.3 of this report, the proposal will not result in any significant, adverse environmental impacts.</p> <p>Accordingly, the Proposal will maintain the environmental, social and economic values of the MRA as identified in the Region Plan.</p>
It is consistent with Council's Agricultural Viability Study recommendations (once the study is completed)	Pending completion of the Wollondilly Agricultural Viability Study by Council. Council's Operational Plan 2022-2023 identifies that work on the viability study is to be undertaken as to inform the implementation of the Rural Land Strategy (tentative completion date of 2023-2024).

DPE Comment	Response
An infrastructure strategy can be implemented to support further development	<p>The subject site is to be appropriately serviced by the essential utility infrastructure (including wastewater) as well as road and public infrastructure.</p> <p>As detailed in section 6.3 of this report, the wastewater infrastructure requirements will be satisfied in both the short and long term. The site's proximity to the Tahmoor Town Centre means the site will have better access to infrastructure, services and community facilities established in the area.</p>
It is consistent with Council's Hazards Analysis and Emergency Management study recommendations (once the study is completed)	Pending completion of the Wollondilly Hazards Analysis and Emergency Management study by Council. Council's Operational Plan 2022-2023 identifies that work on the study is to be undertaken as to inform the implementation of the Rural Land Strategy (no committed year of completion).
Council has consulted GSC on any potential inconsistencies with the District Plan (as current)	Pending completion

## 4.7. WOLLONDILLY DEDICATION OF LAND POLICY

Wollondilly Shire Council's Dedication of Land Policy was adopted to detail the requirements of Wollondilly Shire Council for land proposed to be dedicated for infrastructure, environmental or community purposes. The policy exists due to the responsibilities burdened by the Shire to maintain these lands.

The guidelines provide policy on the three types of land to be dedicated, these include:

- Infrastructure Land - land to be dedicated for roads, pedestrian pathways, drainage and stormwater management and treatment, car parking, emergency management, administration facilities, community services facilities, depots and other like purposes.
- Community Land – land to be dedicated to Council for community halls, parks, active and passive recreation facilities and other like purposes.
- Environmental Land – land that has been reserved for the purpose of conservation of biodiversity, scenic, or indigenous heritage purposes.

IPG have worked extensively with Senior Council Officers throughout the history of this Proposal to best understand their expectations when it comes to the dedication of land. Land dedication is a key element of this Proposal, and the supporting Infrastructure Delivery Schedule and the Letter of Offer specifically addresses the approach to land dedication.

Section 4.2 of the Dedication of Land Policy provides requirements for the dedication of Community Land. Each of these requirements are responded to in the following table.

Table 1 – Community Land Dedication Requirements

Requirement	Response
That Council is satisfied (based on information provided by the applicant where required) that the land is suitable for its intended use under Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land.	The Environmental Site Assessment undertaken by Senversa (Appendix K) has undertaken an assessment of the site against the relevant considerations under SEPP 55. The report concluded that whilst there is some potential for rare pieces of ACM to remain, especially in areas of demolition or where demolition material (crushed concrete) was previously placed. This should be managed via an unexpected finds protocol that lists the procedures for managing ACM if found during works in future. The UFP should form part of a Construction Environmental Management Plan. Overall, the site is considered highly suitable for the future intended use.
In the case of new work, satisfactory bonds have been posted for the defect liability period.	N/A
The land has an identified use and is fit for the intended purpose.	<p>The Proposal enables the dedication of land for the following:</p> <ul style="list-style-type: none"> <li>▪ 75-hectare Biodiversity Stewardship site.</li> <li>▪ Detention basins.</li> <li>▪ Progress Street Car Park.</li> <li>▪ 5,000 square metres Cross Street Park.</li> </ul> <p>The land uses proposed are considered highly suitable for its intended purpose.</p>
All construction and landscaping is designed and installed/constructed with a view to minimise maintenance.	All construction work is considered to be minor and related exclusively to embellishment of the open space. Works include play equipment, fencing, shade structures, bench seats, drainage, pathways etc. All proposed embellishments will be minor and will not require extensive maintenance.
The land will meet the infrastructure need for which it is proposed both in the short and long term.	The proposed land dedication will meet the infrastructure need for which it is proposed.
Where relevant, the improvements on the land comply with the Building Code of Australia, Council's Design and Construction Specifications, and the Development Consent.	All future construction works will be BCA compliant.



Requirement	Response
All trees on the land have been assessed for hazard and found satisfactory or removed or suitably isolated from public access.	Extensive surveys of the existing vegetation have been undertaken. The biodiversity conservation and stewardship arrangement for the site have assumed lands that form any dedication (outside of the proposed Stewardship site) as 'impact' areas. The 75 hectares of land that forms the proposed Stewardship site will have an accompanying vegetation management plan, of which IPG will undertake the initial management obligations as part of the future redevelopment, prior to dedicating it to Wollondilly Shire Council.
Adequate access is provided for vehicles and pedestrians where relevant.	The Proposal's 75-hectare gift of open space land will enable public access to the Bargo River Gorge, allowing appreciation of the site's unique rural landscape. This access will include walking trails, vantage points and a car park. The Proposal also includes 5,000sqm of passive recreation space.
The land has low risk from natural and other hazards.	As part of the proposed master plan, robust bushfire and water cycle management strategies have been prepared, which serve to build resilience in the locality.
The land has adequate connectivity with other similar land uses and with a population that will use it.	The dedication of 75 hectares of land will provide additional access to the northern rim of the Bargo River Gorge which, under private ownership, limited access to the public. The Gorge's views will encourage public visitation to embellished walking trails and viewpoints.
The scale of the land dedication is appropriate to the location and the relevant population that will use it.	The Proposal enables the dedication and embellishment of a 5,000 square metre passive (park) recreation area and a Carpark at Progress Street, as well as a further 75 hectares of Biodiversity Stewardship site, significantly increasing the green infrastructure and open space available to the current Tahmoor community. This is the first time the public will have open access to the northern rim of the Bargo River Gorge since Crown land was privatised in the area.
The land meets needs in the broader context of the total development, locality and the Shire.	Refer to the above.

Requirement	Response
The land dedication is consistent with Council's Community Strategic Plan, Growth Management Strategy and other high level council strategies.	The significant land dedication of park land (75 hectares) and open space (further 5,000 square metres) is consistent with Council's Community Strategic Plan, Growth Management Strategy and other high level council strategies. Using Wollondilly Shire Council's cost matrix, the value of the 75-hectare dedication is \$82.5 million.
The land is realistically valued including, without limitation, the constraints imposed by easements and other restrictions on title.	The land is to be dedicated at no cost to Wollondilly Shire Council.
Notwithstanding Clause 4.2.14 Council will be unlikely to accept dedications of land that are heavily burdened by caveats, easements and other constraints on title; (the following clauses will be numbered if this clause is agreed)	The land to be dedicated is not burdened by caveats, easements, and other constraints on title.
The improvements on the land maximise its potential for a wide range of uses (excluding roads).	The proposed embellishments will provide further value for the site as a community asset, creating additional open space and parklands at no cost to Wollondilly Shire Council.
All improvements are completed prior to dedication to Council or suitably bonded prior to dedication.	All proposed improvements and embellishments will be complete prior to dedication to Wollondilly Shire Council.
All improvements are to be provided in accordance with Council's adopted standards or, in cases where no standards exist, at the standard determined by Council.	All proposed improvements and embellishments will be complete to the appropriate Wollondilly Shire Council standard.

## 4.8. WOLLONDILLY HAZARDS ANALYSIS AND EMERGENCY MANAGEMENT STUDY

Following the 2019-20 bushfires and local flooding in the Wollondilly Shire, Council identified the need to produce a Shire-wide Hazards and Emergency Study (HAEMS). In accordance with the Wollondilly Local Strategic Planning Statement 2040, Planning Proposals are only to be considered following the preparation of the appropriate emergency management approaches informed by the HAEMS.

The HAEMS will provide an analysis of the cumulative effects of multiple hazards across the entire LGA, to ensure future developments are appropriately resilient. The draft HAEMS was produced by Molino Stewart on behalf of Wollondilly Shire Council and was released following the 26 September 2023 ordinary Council Meeting. The draft HAEMS identifies areas where there is higher risk in the region and where risks are likely to intensify into the future with climate change. The draft HAEMS also concludes that in many cases, hazard events do not occur in isolation and occur simultaneously or as a result of another hazard event.

The draft HAEMS identifies the numerous, interrelating hazards that affect the Wollondilly LGA. A proper assessment of these hazards will need to be informed by a practicable framework of measurement methods and actions. While the draft HAEMS is still being refined, the Proposal has been prepared and planned with consideration of the potential flood hazards and in accordance with the relevant bushfire hazard assessment and management procedures. A detailed assessment against the other, interrelating hazards identified by








the draft HAEMS will be undertaken at a future stage, once the HAEMS has been finalized and the relevant assessment framework has been established.

Notwithstanding, the Proposal complies with the objectives of the draft HAEMS study and will appropriately mitigate and manage the measurable hazard risks and impacts. The updated Proposal is consistent with the objectives of the HAEMS as follows.

- **Hazard Identification, Risk Assessment and Baseline Constraints Mapping** As part of the original and updated Proposal, an assessment has been conducted for the potential hazards across the site including bushfire, flooding, and geotechnical hazards. It is identified that there are no geotechnical hazards that would preclude future urban development. Additionally, the site is identified as being above the one per cent (1:100) year flood contour and any future development applications will be prepared with consideration of the relevant flood planning policies and studies. Otherwise, the bushfire hazard at the site will be appropriately managed with consideration of the proposed urban development in compliance with the Rural Fire Service's updated Planning for Bushfire Protection policy.

In addition to Bushfire and Flood hazards, the HAEMS identifies additional, potential hazards. These will not result in any additional impacts as detailed in the table below:

Table 2 – HAEMS Consistency Assessment

Potential Hazard	Comment	No Additional Impact
Heat Health	The proposal has been prepared to deliver the appropriate quantum of landscaping and pavement design to mitigate urban heat island impacts.	
Earthquake	The future residential development at the site will be developed to contemporary Australian building standards, mitigating the risk posed by earthquakes of up to a magnitude of 5.6.	
Drought	The proposal will be supported by water services in accordance with current standards and requirements. The proposal will not result in any adverse impacts to waterway health.	
Human Epidemic/Pandemic	The future residential development at the site will be developed to a contemporary standard, and will be supported by the relevant telecommunications and internet infrastructure.	
Drowning in Unpatrolled Water	The proposed Biodiversity Stewardship Site along the Bargo River Gorge includes walkways and vantage points that will be delivered and managed so as to reduce any risk of drowning in unpatrolled waters.	
Storm	The future residential development at the site and the supporting infrastructure will be developed in accordance with contemporary standards and will be capable of withstanding the impacts of significant storm events.	
Service Disruption	The infrastructure that will be delivered in support of the proposal will be delivered in collaboration with the relevant service providers and organizations. The infrastructure will be delivered in accordance with contemporary standards, minimizing the risk of disruption.	

Potential Hazard	Comment	No Additional Impact
Fire (Residential)	The future residential development at the site will be delivered in accordance with contemporary standards and the applicable fire safety standards for residential development, mitigating the risk of any residential development. No high-density development is sought to be delivered as a result of this proposal.	
Transport Incident (Road)	The proposed road infrastructure will be delivered in accordance with contemporary standards and guidelines as to facilitate safe and effective transportation through the site and into the connecting road network.	

#### **Analysis of cumulative effects of multiple hazards of existing and future development on hazard and emergency management.**

- Bushfire risk is identified at the site as a key hazard. In accordance with the draft HAEMs, it is acknowledged that the likelihood and impacts of bushfire risk can be influenced by other, cumulative hazards. Drought can be coupled with bushfire and heatwave during dry summer months, impacting emergency management and local community resilience. Electrical service disruption and heatwave risk also contribute to the risk of a bushfire. Service disruption and transport incidents run the risk of cumulatively increasing the risks to property and life during a bushfire emergency.
- It is acknowledged that the likelihood and impacts of a flood event can be affected by cumulative hazards, including storm events and transport incidents.

#### **All potential risks are assessed early and adequately.**

- As part of this Proposal, a bushfire assessment has been prepared with responses to Wollondilly Shire Council's 2020 Gateway review. The proposed lot layout has been updated with consideration of the Rural Fire Service's latest evacuation, APZ requirements, enhanced shelter-in-place (Tahmoor CBD) and infrastructure placement guidance. As such, it is considered that the Proposal is extensively informed by the natural hazard risks in the area.
- The bushfire assessment has been prepared to adequately and holistically consider the potential risks associated with bushfire events. The bushfire assessment report considers the prior studies and events at the site and the applicable hazard information data has informed the proposal's design. Future development applications and proposals enabled by this Proposal will undergo the appropriate bushfire hazard assessment with consideration for the latest, updated data.
- As part of this Proposal, a Stormwater Management Strategy has been prepared, which builds on the Tahmoor Preliminary Stormwater Management Strategy undertaken by Hyder Consulting in 2015. This provides a detailed assessment of the potential stormwater and flood impacts that will be managed and mitigated as part of this proposal as well as part of the future Development Applications.
- The proposal has been co-ordinated so that the relevant services infrastructure and roads can be delivered in accordance with contemporary Australian Standards. The draft HAEMs identifies other potential hazards that may impact the site. The proposal and any future development has been prepared to align with contemporary Australian Standards and with consideration of the applicable development standards. As such, the proposal is well positioned to respond to these other hazards, subject to the finalization of the HAEMs and the establishment of the accompanying assessment framework.

#### **Ensure that community and emergency services have the appropriate access to evacuation, alternative routes and that the appropriate shelters and buffers are provided.**

- The Proposal is supported by an evacuation strategy outlined in the Bushfire Report which includes the required access gates and road width for community evacuation and emergency service access. Refer to Section 6.3 for details of the evacuation strategy.

**Identification of suitable future growth in accordance with robust hazards evidence including constraints mapping of natural and human-made hazards identified critical existing infrastructure requiring protection or management for Wollondilly. Identify thresholds in terms of population growth across the Shire that are manageable for the identified risks for particular locations**

- In accordance with the hazard assessment, evacuation capacity and bushfire protection, it is considered that the intended urban development and potential infrastructure development across the subject site is appropriate. The risks across the site have been extensively assessed and will not compromise the safe, orderly development at the site.

**Identify planning strategies, risk to life policies and relevant studies or projects already prepared or in the pipeline (Federal, State and Local) incorporate state-led initiatives.**

- The Proposal will maintain consistency with the natural hazard's guidelines. The natural hazards guidelines are the latest, state prepared guideline which aims to improve long-term resilience in the face of natural hazards. The guideline identifies eight guiding principles to inform land use planning decisions and mitigate the social, economic, and environmental costs of natural hazards. The appropriate studies and assessments have been prepared as part of the original planning proposal and this updated Proposal as to establish 'disaster resilience'. As such, the Proposal demonstrates consistency with the eight guideline principles.

**Deliver the required Actions of Planning Priority 18 under the Wollondilly 2040 and implement Council resolution 1/2020**

- As detailed in Section 4.3 of this report, the Proposal has been planned to be appropriately resilient towards extreme weather events while maintaining the positive, contributory elements of the MRA. Otherwise, the Proposal demonstrates compliance with the high-level objectives of the draft HAEMS, and it is considered that it will support the delivery of Planning Priority 18 of the LSPS.
- While the HAEMS has not been finalized and the relevant assessment framework is still to be prepared, the Proposal has been prepared with an in depth, holistic approach to the impacts and management procedures of natural and/or man-made hazards. This is consistent with the broad objectives of the HAEMS and the other relevant strategic and policy guidelines. Once the study is finalised and corresponding response guidelines for planning proposal applicants are available, further assessment can be provided.

## **4.9. URBAN TREE CANOPY PLAN AND LANDSCAPE PLAN**

The Urban Tree Canopy Plan and Landscape Strategy (Urban Canopy Plan) was prepared by Wollondilly Shire Council to inform the LGA's LSPS, LEP, DCP and associated strategies and plans. The Urban Canopy Plan is designed to respond to the need to protect and enhance urban canopy to protect and improve biodiversity, water quality, and liveability, as well as improve resilience to climate change and urban heat.

The Urban Canopy Plan applies to both public and private land in Wollondilly Shire Council's urban areas, towns and villages and the numerous urban release areas including the state government lead growth areas of Wilton and Greater Macarthur.

Wollondilly Shire Council's objectives under the Urban Canopy Plan include the following:

- Map Wollondilly's existing urban canopy.
- Understand trends and distribution of Wollondilly's current urban tree canopy coverage to facilitate reporting in line with state government requirements.
- Understand the opportunities and challenges that exist within the planning framework that can influence Wollondilly's urban tree canopy for both existing and future urban development areas.
- Establish urban tree canopy targets for Wollondilly's existing and future urban development areas.
- Identify opportunities to strengthen local planning policies and/or other instruments to positively affect Wollondilly urban canopy coverage.
- Develop a landscape strategy to support increasing and maintaining canopy coverage and the retention and enhancement of the existing historic and rural character of Wollondilly Shire Council.

- Identify important considerations and suitable tree species for the different functions of urban canopy; and
- Identify and evaluate options for the Wollondilly Shire Council to begin development of a tree register that allows urban trees to be managed and monitored as assets.

Whilst the above objectives have largely been utilised by Wollondilly Shire Council to inform other strategic plans as detailed above, this Proposal directly aligns itself with the overarching objectives of the Urban Canopy Plan, to protect and enhance biodiversity, water quality, and liveability within the LGA. The Proposal's development footprint is primarily centred on areas where the existing on-site vegetation is of limited canopy trees and an understorey dominated by exotic grasses.

The development footprint however preserves and respects the existing north-south and east-west habitat connectivity, and further provides a prominent 'vegetative buffer' between the adjoining Turkey Processing Plant and the western edge of the indicative development footprint. Importantly, the proposed development creates an integrated network of walkable and accessible public open spaces and recreation areas within the site which includes:

- 75 hectares of public open space within the Biodiversity Stewardship Site, including pedestrian walking trails and lookouts; and
- 5,000 square metres of park at Cross Street to be dedicated to Council for public recreation.

The proposed development is overwhelmingly positive with regard to biodiversity values and directly aligns with the Urban Canopy Plans objectives as noted above. To offset any future impact from the development, the 75-hectare Biodiversity Stewardship site will be created, supported by a trust fund, to allow for its in-perpetuity management (to be dedicated to Wollondilly Shire Council at nil cost), ensuring the protection and enhancement of biodiversity, water quality, and liveability within the wider Tahmoor area.

## 4.10. CUMBERLAND PLAIN CONSERVATION PLAN

The Cumberland Plain Conservation Plan (CPCP) is a large-scale strategic assessment of land across Western Sydney, providing for the protection of biodiversity in strategic areas, as well as the biodiversity certification of what is considered urban capable land and major transport corridors, aiming to offset the biodiversity impacts of future urban development within the Cumberland subregion. The draft plan was initiated in 2018 and was placed on public exhibition from 26 August 2020 until 2 November 2020.

On the 20 July 2022 the NSW Minister for the Environment signed an order under Section 8.2 of the *Biodiversity Conservation Act* confirming strategic biodiversity certification on the CPCP. Whilst the site is located on the Cumberland Plain, the specific provisions of the CPCP do not apply to the site, as detailed below.

Table 3 – Implementation Mechanisms of the CPCP

Mechanism	Description	Relevance to PP
SEPP (Biodiversity and Conservation) 2021 Chapter 13	The SEPP provides development controls for avoided land, strategic conservation areas and certified urban capable land.	Whilst the Cross Street site is within the CPCP area, the site is not within an area mapped as Urban Capable; Avoided Land; or Strategic Conservation Area. The provisions of Chapter 13 therefore do not apply to the site.

<b>Mechanism</b>	<b>Description</b>	<b>Relevance to PP</b>
Section 9.1 Direction (Strategic Conservation Planning) under the EP&A Act	Provides directions for the preparation of Planning Proposals, such as ensuring Planning Proposals do not propose to zone Strategic Conservation Areas to urban zones.	The Cross Street site is not within a Strategic Conservation Area and therefore this Direction does not apply to the site.
EP&A Act Amendment (Avoided Land) Regulation 2022	Notification and reporting requirements under Part 4 development and Part 5 activities under the EP&A Act on avoided land.	The Cross Street site is not located on 'avoided land' and therefore the provisions do not apply.
Cumberland Plain Conservation Plan Mitigation Measures Guideline	The Guidelines.	The Guideline applies to development on certified urban capable land within the Greater Macarthur Growth Area and the Greater Penrith to Eastern Creek Investigation area. The Cross Street site is not within either of these areas and therefore their provisions do not apply.



## 5. ILLUSTRATIVE MASTERPLAN

The illustrative master plan is based on the following principles:

- Propose a subdivision layout with a variety of lot sizes, which allows a range of residential living opportunities (providing a key point of difference to other residential land release in the LGA like the small lots found in Wilton):
  - 700 square metres on the north-eastern corner of the site and 975 square metres adjoining Cross Street and on the north and north-western corner of the site, consistent with the emerging character of the East Tahmoor Precinct.
  - 1,500 square metre lots for the majority of the subject site, that will deliver a large lot residential typology and choice that aligns with the rural living character that is unique to the Wollondilly Shire.
  - 4,000 square metres at the 'eastern lobe' of the site to support a vision for the development to protect biodiversity and visual amenity.
  - one hectare lots for the C3 zoned parcel in the north-east, adjoining River Road/*The Acres*.
- Preserve significant biodiversity via a Biodiversity Stewardship Agreement over 75 hectares (half of our holding).
- Enable public access to the Bargo River Gorge, embellished by walking trails, vantage points and a maintenance trust at no cost to Wollondilly Shire Council;
- Connect seamlessly to the existing local road network, providing various egress points from the site.
- Protect PAD sites (located outside the development footprint).
- Enable habitat connectivity via crossings between stewardship areas.
- Permanently protect the LEP odour buffer (from the Turkey Processing Plant).
- Provide the relevantly sized and located drainage basins to manage water quantity and quality.
- The development footprint has been sited at least 100 metres from the 'top of bank' of the Bargo River Gorge.
- The street sections proposed address the interfaces with the detention basins and Stewardship Area - noting the significant cut and fill required across the site.

### **Note on status of unformed road:**

- Based on correspondence between the project team and Crown Lands (February 2020), we note that the Wollondilly Shire Council is the controlling authority for the construction of this unformed road. This road will be constructed by (or on behalf of) Wollondilly Shire Council via a Part 5 approval process in accordance with Section 2.108 of SEPP (Transport and Infrastructure) 2021.
- It is acknowledged that this matter will be addressed at Development Application stage, as a development cost which will not be offset against a contribution amount.

Figure 6 – Illustrative Master Plan



Source: Urbis

## 6. PLANNING PROPOSAL ASSESSMENT

The Proposal request has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment guidelines '*Planning Proposals: A guide to preparing planning proposals*' dated December 2018. This section addresses each of the matters to be addressed as outlined in the guidelines, including:

- Objectives and intended outcomes.
- Explanation of provisions.
- Justification including need for proposal, relationship to strategic planning framework, environmental, social and economic impacts and State and Commonwealth interests.
- Draft LEP maps which articulate the proposed changes; and
- Future community consultation.

### 6.1. OBJECTIVES AND INTENDED OUTCOMES

The objective of this Proposal is to amend the *Wollondilly Local Environmental Plan (WLEP) 2011* to enable low density and large lot residential development at the site, while simultaneously ensuring the conservation of watercourses, remnant native vegetation and potential habitat for threatened species and ecological communities.

### 6.2. EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the Proposal will be achieved by the following amendments to the Wollondilly LEP controls that apply to the site, as follows:

- Amend the Land Zoning Map from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, RE1 Public Recreation, C3 Environmental Management and C2 Environmental Conservation.
- Amend the Lot Size Map from a minimum lot size category of 2 hectares to a minimum lot size of:
  - 700 square metres for land zoned R2.
  - 975 square metres, 1500 square metres and 4,000 square metres for land zoned R5.
  - One hectare for land zoned C3; and
  - That a minimum lot size for the remaining C2 zoned land be commensurate with the amount of zoned land.
- Amend the Height of Building Map to a building height of 6.8 metres for the south-eastern lobe of the site, and a building height of nine metres for the remainder of the site.
- Amend the Natural Resources Water Map to provide a riparian buffer of ten metres along the four minor watercourses.
- Amend the Urban Release Area Map to include the subject site to ensure adequate provision for State and Local Infrastructure.

These controls also provide for appropriate development buffers to the Turkey Processing Plant (odour) and the Bargo River Gorge (ecology, public access), which, together with the concurrent Biodiversity Stewardship Agreement area, set the 'development footprint' for the Development Application.

A draft site-specific Development Control Plan was developed in consultation with Wollondilly Shire Council and publicly exhibited in December 2020. It provides the detailed guidelines and controls for the delivery of the illustrative masterplan. It is intended for these controls to be adopted as part of this Proposal, subject to resolving final details, in accordance with the matters raised in Wollondilly Shire Council's 17 November 2020 resolution and IPG's submission on the exhibition document dated 29 January 2021 (refer to Appendix T).

It is understood that the controls proposed as part of the draft site-specific DCP may need to be reviewed by Wollondilly Shire Council as part of the Proposal process. We note that this process and any required public exhibition would be undertaken concurrently with the Proposal following the receipt of the Gateway Determination.

### **Site Specific DCP**

#### **New site-specific controls proposed for inclusion in DCP Volume 3 (Subdivision of Land):**

- General Controls – require that development be in accordance with the illustrative masterplan and the environmental studies prepared for the Proposal, including:
  - Consideration of potentially contaminated land via a Contamination Assessment;
  - Odour assessments to be undertaken, in consideration of the Turkey Processing Plant;
  - Plan of management to protect Aboriginal sites and objects; and
  - General infrastructure considerations (power lines, waste management, fencing and gates).
- Road and Footpath Controls – requires appropriate pedestrian connections to be provided through footpaths, crossings and traffic calming measures.
- Stormwater Controls – Water Sensitive Urban Design (WSUD) measures to be included and assessed.
- Protecting Biodiversity on Certified Land (lots <4000m<sup>2</sup>) – protection measures for Biodiversity Stewardship site, retained trees and fauna.
- Protecting Biodiversity on Certified Land (lots >4000m<sup>2</sup>) – protection measures for Biodiversity Stewardship site, further measures for tree protection, fauna protection and native seed collection requirements.
- Landscape and Weed Controls – provisions encouraging the provision of landscaping including requirement of street trees along footpaths and landscaping plans for subdivision development applications. Management provisions include the prohibitions of trees along biobank lands, weed protection and management of species to be planted.

#### **New site-specific controls proposed for inclusion in DCP Volume 4 (Residential Development):**

##### **3.15.2 General Controls**

- Building form controls including consistency with the LEP building height (subject to this Proposal) and materiality.
- Protection of Biodiversity Stewardship site and adopting APZs in accordance with the RFS Planning for Bushfire Protection guidelines.
- Infrastructure provisions including items relating to boundary fencing, gates, driveways, and earthworks.

## 6.3. JUSTIFICATION

### Section A – Need for the planning proposal

**Q1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?***

**Yes** – the Proposal has been prepared in accordance with the following Wollondilly Shire Council documents:

- Wollondilly Local Strategic Planning Statement.
- Wollondilly Local Housing Strategy.
- Wollondilly Rural Lands Strategy.
- Wollondilly Natural and Man-Made Hazards Study.
- Wollondilly Land Dedication Policy.

Refer to the detailed commentary in Section 4 above on how the proposal aligns with these. It is also relevant to note that Wollondilly Shire Council has long earmarked our site for residential development, dating back to the preparation of the Wollondilly Local Environment Study in 1999. Wollondilly Shire Council's strategic studies over the past 20 years have recognised the site as a logical and natural extension of the Tahmoor village footprint (i.e. Wollondilly Growth Management Strategy 2011) making it an urban infill greenfield development opportunity. More recently, and since the Wollondilly Shire Council has gazetted LEP amendments for the East Tahmoor Precinct, it has been acknowledged that the site's transition from intensive agricultural uses (i.e. poultry production) to residential land use is an important mitigation to land use conflict in the area.

Additionally, a series of site-specific technical investigations have been prepared in support of this Proposal which confirm the site's suitability for residential use. Further discussion on the key findings from these investigations is provided under Section C of this report.

**Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

**Yes** – the Proposal is the best means of achieving the objectives and intended outcomes. The current *Wollondilly Local Environmental Plan 2011* provisions prohibit development of the nature and scale proposed and principally relate to the former primary production (poultry farm) use.

Changing the zoning of the land to predominantly R5 Large Lot Residential and C2 Environmental Conservation will enable the creation of a unique large lot residential subdivision that provides an environmentally sympathetic transition between the new urban edge (i.e. East Tahmoor precinct) and the Bargo River Gorge Escarpment.

### Section B – Relationship to strategic planning framework

**Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, of district plan or strategy (including any exhibited draft plans or strategies)?***

**Yes** – the Proposal is consistent with the provisions of the relevant regional and district planning policies and strategies as outlined in Section 4. The Proposal addresses the Assessment Criteria within the DPE guidelines as summarised below:

*(a) Does the proposal have strategic merit?*

**Yes** – the Proposal will give effect to the Western City District Plan and the local strategic planning statement as outlined in Section 4 above.

The proposed amendments also respond to the change in land use planning immediately adjoining the site, demonstrated by the decision to rezone land at *The Acres* and East Tahmoor. This has resulted in an increase in development approvals for urban development, contributing to a change in the character of the locality away from primary production uses. The Tahmoor urban footprint has arrived at our boundary.

The Proposal maintains consistency with the current strategic framework because:

- The proposed rezoning is consistent with the emerging and anticipated urban character of the area. It is a greenfield infill site between two areas of residential zoned land. The rezoning reflects a logical and natural extension of the Tahmoor village centre. This is consistent with the objectives of the MRA (to allow for organic residential growth).
- The Wollondilly LSPS states that the supply of most new housing during the five years after 2021 will come from planning proposals currently in advanced stages (which at the time of publishing included the original Cross Street Planning Proposal). The Rural Lands Strategy Findings Report also acknowledged the status of the previous Cross Street Planning Proposal and the sites transition to large lot residential. Therefore, it is considered that a transitioning of the site from historical rural land use activities to large lot residential and environmental management and conservation is wholly anticipated by Wollondilly Shire Council's existing and emerging strategic planning framework. This is further supported by the District Plan which provides direction in terms of the suitability of limited rural-residential development where there are no adverse impacts on the amenity of the local area, and where the proposed development provides incentives to provide targeted environmental, social, and economic outcomes for the MRA. Not only does this application directly provide significant incentives and high impact community benefits as detailed above, but the District Plan notes this should be a specific consideration of any future planning proposal.
- The site is no longer viable for commercial poultry farming due to the odour constraints imposed by the LEP. The land use conflict does not permit viable agricultural uses on the site. The site is effectively sterilized from viable agricultural uses. Therefore, the Proposal reflects the orderly and economic use of the site, that is otherwise underutilised and undesirable for agricultural purposes due to its insufficient scale.
- All ecological constraints will be comprehensively managed and offset through robust Bio-certification and Biodiversity Stewardship strategies. This meets best practice and the planning priorities of the current strategic framework, including for the MRA.
- The Proposal seeks a range of lot sizes, which transition from 700 square metres at the interface with East Tahmoor to 4,000 square metres plus at the 'eastern lobe' of the site to provide a range of transitional and rural living opportunities, responding to local character and housing demand.
- The proposed subdivision and development facilitated by the Proposal has been informed by detailed site-specific studies that respond to the natural physical characteristics of the site. The material presented with this Proposal demonstrates that reasonable dwelling sites that can be safely realised on each proposed residential lot, accounting for bushfire, ecological, stormwater and topographical requirements.
- The Proposal facilitates new road connections to and from the site and the adjoining site (*The Acres*) providing strategic fire egress routes. This solves an existing fire egress problem at *The Acres*.

(b) *Does the proposal have site-specific merit?*

**Yes** – the Planning Proposal has site-specific merit having regard to the following matters:

- Because of the site's position between *The Acres* and East Tahmoor Precinct, it forms a logical greenfield 'infill' to the surrounding residential development and a natural and logical extension of the Tahmoor village centre.
- It results in a significant reduction in odour and noise through the decommissioning of the poultry farm operation. This mitigates land use conflict with *The Acres* and East Tahmoor Precinct.
- Appropriate buffer zones have been permanently protected to the Ingham Turkey Processing Plant to protect residential amenity and ensure local employment is not compromised.
- Biodiversity is protected and any impacts are offset through robust Bio-certification and Biodiversity Stewardship Agreements. The Planning Agreement also requires the installation of traffic calming measures for fauna protection.
- The site provides a vital second fire egress point for *The Acres* development.
- Public access to the northern rim of the Bargo River Gorge is delivered through the dedication (and ongoing maintenance of) the 75-hectare Biodiversity Stewardship site. The Planning Agreement requires



the installation of pathways, picnic areas and viewing points within the Biodiversity Stewardship site for the public benefit at no cost to Wollondilly Shire Council.

- The Proposal enables the dedication and embellishment of a 5,000 square metre passive recreation area and a Carpark at Progress Street.
- The Proposal provides unique local housing choices (supply diversity) that will provide a key difference when compared to the small lots being offered in the Wilton and Greater Macarthur growth areas, which are anticipated to account for 90 per cent of Wollondilly Shire Council's housing growth over the next 20 years.

**Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

**Yes** – the Proposal is consistent with the provisions of the Wollondilly Local Strategic Planning Statement as outlined in Section 4 and as summarised below:

- Provides public access to the natural resources of the LGA (i.e. previously privatised northern rim of the Bargo River Gorge).
- Delivers a unique larger lot rural housing offer to the market, providing diversity of housing choice in the LGA, separate from the small lot 'urban' land released through the Wilton growth centre.
- It protects significant biodiversity through both the "E zoning" of sensitive lands and the proposed Biodiversity Stewardship agreement over 75 hectares of land (half of our land holding).
- The proposed residential use provides a logical extension of the Tahmoor village and serves to manage land use conflict with East Tahmoor. The site's transition away from poultry farming is appropriate having regard to the evolution of surrounding land uses over the past 20 years. The Tahmoor urban footprint has arrived at our boundaries.
- The Proposal addresses natural hazards, including bushfire and flood. The evacuation and enhanced shelter-in-place (Tahmoor CBD) strategy outlined in the Bushfire Report is considered "best practice" example of how to successfully manage residential development on bushfire prone land.
- The Proposal does not impinge on any mining rights, which is confirmed in letter correspondence from SIMEC (Appendix E) and Subsidence NSW (Appendix D).

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

**Yes** – the Proposal is consistent with relevant SEPPs as identified in the following table.

Table 4 – Consistency with SEPPs

SEPP	Consistency
SEPP (Resilience and Hazards) 2021	<p>State Environmental Planning Policy (Resilience and Hazards) 2021 consolidates state provisions relating to coastal management, hazardous materials and remediation of land. Chapter 3 of the SEPP (former SEPP 55 Remediation of Land) provides a State-wide approach to the remediation of contaminated land for the purpose of reducing the risk of harm to human health.</p> <p>The land has been used for poultry farming and cattle grazing which, as agricultural uses, are potentially contaminating activities.</p> <p>A DSI Report by Senversa (2022) assessed 31 test pits, 20 collected surface soil samples and a stockpile (SP02) of waste material. This investigation found farm footprints were mostly free of contamination with exception of potential ACM in some areas affected by prior demolition. The DSI identifies that the site can be made suitable for the proposed residential use.</p>



SEPP	Consistency
SEPP (Biodiversity and Conservation) 2021	<p>Chapter 4 (Koala Habitat Protection 2021) applies to Wollondilly LGA. This chapter <i>'aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline'</i>.</p> <p>Chapter 4 does not contain provisions relating to Planning Proposals. Provisions are made for development controls to be applied to development applications, however they do not apply to land on which biodiversity certification has been conferred under the BC Act 2016. The Cross Street Planning Proposal is concurrently seeking biodiversity certification and therefore matters relating to koalas are described in the Biodiversity Certification Assessment Report. If Biodiversity Certification is not granted, Chapter 4 of the SEPP provides that a Koala Assessment Report be submitted with certain Development Applications.</p> <p>Chapter 13 (Strategic Conservation Planning) of the SEPP applies to the site per the Land Application Map referenced in section 13.1 of the SEPP. However the following provisions of the SEPP do not apply to the subject site: 13.3 (Development Controls - avoided land), 13.4 (Development controls – Strategic Conservation Area) and 13.5 (Development controls on certified urban capable land).</p>

### Detailed assessment against SREP 20 – Hawkesbury Nepean River

Clause 4 of SREP 20 requires assessment of the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 in the preparation of an environmental planning instrument.

Consideration of the 'clause 5' matters is set out below:

Table 5 – Consideration of SREP 20 Clause 5 Matters

Matter	Comment
<p>The general planning considerations relevant for this Part are:</p> <p>a) The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Potential impacts of any significance relate to water quality impacts.</p>	<p>It is intended to connect all lots to the reticulated sewer network (subject to further discussion with Sydney Water) and there is adequate space available on the far southeastern lots to enable onsite effluent disposal to occur.</p> <p>Further, MUSIC modelling has indicated that with suitable detention measures, water quality can be maintained.</p>
<p>b) The strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy.</p>	<p>Subject to appropriate management of water quality impacts, the scale of the proposal will be acceptable in terms of the Action Plan strategy.</p>

<b>Matter</b>	<b>Comment</b>
c) Whether there are any feasible alternatives to the development or other proposal concerned.	The proposed rezoning of the site for residential purposes is the best land use outcome, considering its location adjoining similarly zoned residential land, and the potential to provide a natural and logical extension of the Tahmoor village.
d) The relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.	75 hectares (half of the site) will be zoned for environmental conservation and maintained in perpetuity as a Biodiversity Stewardship site. Four watercourses that traverse the site will be within the Biodiversity Stewardship site and mapped on the Natural Resources Water Map which details protective measures for water quality under WLEP 2011 Clause 7.3. As above, MUSIC modelling has indicated that with suitable detention measures, water quality can be maintained.

Consideration of the 'clause 6' matters is set out below:

Table 6 – Consideration of SREP 20 Clause 6 Matters

<b>Matter</b>	<b>Comment</b>
1. Total catchment management	The land is proposed to be serviced by reticulated sewer and water to ensure there is limited impact on the Bargo River, which adjoins the southern boundary of the site.
2. Environmentally Sensitive Areas & 6. Flora and Fauna	There are significant amounts of remnant native vegetation throughout the site. To enable the residential development to proceed, the development footprint will be Bio-certified, with highly sensitive ecology being maintained in perpetuity in the 75 hectares of Biodiversity Stewardship site (half of the site).
3. Water Quality & 4. Water Quantity	Water Sensitive Urban Design (WSUD) measures will be implemented at Development Application stage and the provision of on-site detention basins will reduce stormwater run-off. The Stormwater Management Report confirms that water quantity and quality can be suitably managed through the network of drainage basins nominated on site.
5. Cultural Heritage	The Aboriginal Archaeological Assessment prepared for this Proposal found that there are Aboriginal 'PAD' sites present, however all sites will be protected in accordance with legislation and are located within the environmental conservation land (i.e. well outside the development footprint).

Matter	Comment
9. Rural Residential Development	The Proposal will replace rural zoned land with a mix of residential and environmental management/conservation land. However, no commercially viable agricultural uses will be displaced.
10. Urban Development Strategy	Development of the site will achieve high standards of water quality for individual lots through on-site detention. Parts of the site will be revegetated in accordance with the Biodiversity Stewardship agreement requirements.
12. Metropolitan Strategy Impacts	The Proposal is aligned with the Greater Sydney Region Plan. Refer to commentary in Section 4.1 above.

**Q6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?***

**Yes** – the Proposal is consistent with relevant Ministerial directions under section 9.1 of the EP&A Act as identified and summarised in the following table.

Table 7 – Consistency with Section 9.1 Directions

Direction	Consistency
<b>1. Planning Systems</b>	
1.1 Implementation of Regional Plans	Refer to Section 4, which demonstrates that the Proposal is consistent with the Sydney Region Plan.
1.3 Approval of Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The Proposal is consistent with this direction as it does not alter the provisions relating to approval and referral requirements.
1.4 Site Specific Provisions	The Proposal is consistent with this direction as it will rezone the site to an existing zone already in the Wollondilly Local Environmental Plan 2011, without imposing any development standards or requirements in addition to those already contained in that zone.
<b>3. Biodiversity and Conservation</b>	
3.1 Conservation Zones	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>Sensitive environmental land is proposed to be designated for conservation measures (C2 Environmental Conservation) and managed as a Biodiversity Stewardship site, with a small portion of land to be zoned C3 Environmental Management. The Proposal is consistent with Direction 2.1</p>

Direction	Consistency
3.3 Sydney Drinking Water Catchments	The objective of this Direction is to protect water quality in the Sydney drinking water catchment. The Proposal is consistent with this direction as it is expected that any residential development on the site would have a neutral or beneficial effect on water quality.
<b>4. Resilience and Hazards</b>	
4.1 Flooding	<p>The results of the hydraulic models undertaken indicate the 1% AEP flood extent can be adequately contained within the existing flow paths and main tributaries. The results also indicate that the 1% AEP top water level remains below the proposed road levels with adequate freeboard in accordance with requirements.</p> <p>Further detailed assessment will be required to be undertaken in any Development Application for subdivision of the site to ensure that drainage infrastructure is able to satisfactorily manage flooding. On this basis, the Proposal is consistent with Direction 4.3.</p>
4.3 Planning for Bushfire Protection	This direction applies to the Proposal as the subject site contains bushfire prone land. A Bushfire Assessment has been prepared to support this Proposal. The assessment demonstrates that the site is capable of accommodating future subdivision and land development with the application of the appropriate bushfire protection and evacuation measures.
4.4 Remediation of Contaminated Land	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The land has been used for poultry farming and cattle grazing which, as agricultural uses, are potentially contaminating activities.</p> <p>A DSI Report by Senversa (2022) assessed 31 test pits, 20 collected surface soil samples and a stockpile (SP02) of waste material. This investigation found farm footprints were mostly free of contamination with exception of potential ACM in some areas affected by prior demolition. The DSI identifies that the site can be made suitable for the proposed residential use.</p>
4.6 Mine Subsidence and Unstable Land	<p>This Direction aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. This Direction applies to the Proposal as the site is in the Bargo Mine Subsidence District.</p> <p>As discussed above, SIMEC do not have approval for mining activities within proximity to the site and the majority of the land has already been mined. Should SIMEC wish to expand in the future, it is noted that the Nepean fault line runs through the IPG site, which would present challenges to the viability of any future mining operations in this area and would require further investigations at a future time, should SIMEC wish to pursue further expansion.</p> <p>On this basis, the Proposal is consistent with Direction 4.2.</p>

Direction	Consistency
<b>5. Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	<p>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.</p> <p>The Traffic Impact Assessment satisfactorily demonstrates that the traffic generated by the assumed development yield is supportable and further refinement will be possible at Development Application stage. Therefore, the Proposal is generally consistent with Direction 3.4.</p>
5.2 Reserving Land for Public Purposes	This Proposal is consistent with this direction as it does not create, alter or reduce existing zoning or reservations of land for public purposes.
<b>6. Housing</b>	
6.1 Residential Zones	<p>The objective of this Direction is to ensure residential zoned land is appropriately serviced by urban infrastructure. The Proposal represents an orderly approach to increasing the housing supply near an existing village centre.</p> <p>It has been demonstrated that the land can be adequately serviced with appropriate infrastructure (refer to below), both in the short and long term. Therefore, the Proposal is consistent with Direction 3.1.</p>
<b>8. Resourcing and Employment</b>	
8.1 Mining, Petroleum Production and Extractive Industries	<p>The objective of this Direction is to ensure that the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. This Direction applies to the Proposal as the site is in the Bargo Mine Subsidence District and within the Tahmoor South Coal Project.</p> <p>The former Department of Trade and Investment raised no objection to the original planning proposal on the basis that all coal able to be viably mined from under the site had been removed.</p> <p>On 4 January 2021, IPG contacted SIMEC mining to enquire about the status of existing and proposed mining operations in the vicinity of the Proposal site. This query included whether the Tahmoor South Coal Project would impact IPG land.</p> <p>SIMEC responded to IPG on 13 January 2021 (refer to Appendix E) stating:</p> <p><i>“The current proposed longwalls [for the Tahmoor South Coal Project] are located approximately 3kms away from Ingham Tahmoor property and therefore would be of no impact to the Ingham planning proposal.”</i></p> <p>It is also noted (in the correspondence) that there is a small portion of the IPG 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</p>

Direction	Consistency
	<p>Nepean fault line runs through the IPG site, which would present challenges to the viability of any future mining operations in this area.</p> <p>Moreover, in letter correspondence received from Subsidence Advisory NSW on 21 July 2021 (refer to Appendix D), it was confirmed:</p> <p><i>“SIMEC Coal’s recent project approval to cause subsidence (Tahmoor South Project) will not materially impact the [Inghams] land”.</i></p> <p>On this basis, the Proposal is considered to be consistent with Direction 1.3.</p>
<b>9. Primary Production</b>	
<b>9.1 Rural Zones</b>	<p>The objective of this direction is to protect the agricultural production value of rural land. While the Proposal will replace rural zoned land with a mix of residential and environmental zoned land, this is considered acceptable given:</p> <ul style="list-style-type: none"> <li>▪ It will not displace agriculturally viable land. As described above, the introduction of the LEP odour buffer and gazettal of the East Tahmoor precinct has sterilised the landholding for intensive agricultural uses.</li> <li>▪ The proximity of the site to the Tahmoor urban edge and surrounding residential land (i.e. <i>The Acres</i>).</li> <li>▪ The physical characteristics of slope, soil fertility and lack of a permanent water supply makes the site unviable for protected cropping and market gardens.</li> <li>▪ Cattle grazing is a minor economy in the region. Additionally, the overall site conditions and site area make it economically unviable.</li> <li>▪ The locality’s evolving ‘urban’ character over the past 20 years (described above in Section 1.3.1); and</li> <li>▪ The Proposal’s mitigation of land use conflict.</li> </ul> <p>The site is surrounded by vacant Crown land and existing residential areas. The subdivision of the site is expected to accommodate projected demand for local housing, without causing fragmentation of existing viable rural holdings.</p> <p>Given the Proposal is also consistent with the prevailing strategic planning framework, including the Sydney Region Plan and Western City District Plan (see Section 4), it is considered consistent with the intent of Direction 1.2.</p>
<b>9.2 Rural Lands</b>	<p>The Proposal is considered consistent with relevant state and local plans (see Section 4). It will lead to positive outcomes for the environment, as it will revegetate and protect critically endangered habitat. As above, no commercially viable agricultural uses will be displaced or fragmented.</p> <p>The proposed transition from agricultural production to residential zoned land is considered acceptable given the proximity of the site to the encroaching Tahmoor urban edge, the mitigation of land use conflict resulting from the Proposal, the unsuitable site conditions for intensive agriculture or cattle grazing and the Proposal’s role in meeting future demand for large lot residential land in the LGA.</p>

## Section C – Environmental, social and economic impact

### **Q7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

A Biodiversity and Riparian Assessment Report has been prepared by Eco Logical Australia (version 5a, dated 22 February 2024) to provide an assessment of the biodiversity and riparian values of the site and the appropriate protection measures. The assessment considers the 2013 Planning Proposal, as well as the intended Biodiversity Certification of residential zoned lands via the (repealed) Threatened Species Conservation Act 1995 and the proposed Biodiversity Stewardship Agreement (BSA) under the Biodiversity Conservation Act 2016.

A Biodiversity Certification Assessment (2021) has been prepared by Eco Logical Australia and provides a detailed analysis of the Biodiversity Certification Assessment Area (BCAA) and the resultant biodiversity impacts generated by the proposed works. This includes an assessment of the proposed vegetation clearance as well as the proposed 'conservation measures'.

#### Biodiversity Context

The site accommodates the following critically endangered plant community types at different condition classes:

- Cumberland Plain Woodland.
- Shale Sandstone Transition Forest (SSTF).

The other Plant Community types recorded at the site are not listed as Endangered Ecological Communities. Two other vegetation types are recorded in the BCAA (Upper Georges River Sandstone Woodland and Western Sandstone Gully Forest), and the remaining site area comprises non-vegetated areas or exotic weed species.

No threatened flora has been recorded, while five threatened fauna species have been identified in the BCAA:

- Grey-headed Flying-fox (*Pteropus poliocephalus*).
- Little Bent-winged Bat (*Miniopterus australis*).
- Southern Myotis (*Myotis macropus*).
- Large-eared Pied Bat (*Chalinolobus dwyeri*).
- Cumberland Plain Land Snail (*Meridolum corneovirens*).

Additionally, the site is identified to contain Koala habitats, as the site accommodates Cumberland Plain Woodland and Shale Sandstone Transition Forest (both high quality habitat). Accordingly, a survey was conducted in preparing the Biodiversity Certification including spotlighting, call play-back, motion-activated cameras and searches for koala scat. No koalas were recorded on site during these surveys.

The proposed residential zones are generally cleared, have lower condition vegetation and provide poorer habitats. Where vegetation and/or fauna habitat is impacted, it will be offset via the requirements of the Biodiversity Certification Assessment Method (2011). Koala movement will be accommodated at the site following the proposed residential rezoning, as the development footprint will be setback from the cliff top vegetated area which is to be managed under the Biodiversity Stewardship Agreement. This area will provide in-perpetuity protection to the flora and fauna within this ecologically significant area. This area minimises edge effects by providing a protected setback from the Bargo River Gorge with a minimum width of 100 metres, and in many areas, provides a protected setback greater than 100 metres.

#### Biodiversity Certification

Biodiversity Certification is a mechanism introduced under the (repealed) Threatened Species Conservation Act 1995 and is available under the NSW Biodiversity Conservation Act 2016. The subject site is identified in the savings provisions for the repeal of the TSC Act and accordingly, the mechanism is still applicable.

Council resolved to utilize the Biodiversity Certification mechanism for the site at the 16 July 2018 meeting with consideration of the original Cross Street Planning Proposal. The Biodiversity Certification Assessment (2021) identifies the land proposed for biodiversity certification (requires biodiversity credits) as well as the



land proposed for conservation which will generate biodiversity credits. A Biodiversity Certification Assessment Report was being assessed by the former DPIE until the previous Gateway determination was rescinded by DPIE in December 2020. The assessment of the biodiversity certification application was placed on hold and is to be re-commenced. With lodgement of this Planning Proposal, Ingham Property via Wollondilly Shire Council will re-engage with the NSW Department of Climate Change, Energy, the Environment and Water.

An overview of the areas affected by the proposed development, planned conservation measures or areas to be retained is provided in Table 8 below.

Table 8 – Overview of Proposed Land Use

<b>Development Footprint</b>	<b>Area (ha)</b>	<b>% of BCAA</b>	<b>Area of Native Vegetation*</b>	<b>% of Native Vegetation</b>
Land Proposed for Biodiversity Certification (Development)	81.98	52.14%	38.17	36.14%
Land Proposed for Conservation Measures (C2)	74.08	47.12%	66.92	63.36%
Land Proposed for Conservation Measures (C3)	0.27	0.17%	0.09	0.09%
Land Proposed to be Retained	0.89	0.57%	0.44	0.42%
Total	157.22	100.00	105.62	100.00

The land proposed for conservation will include the following:

- 74.08 hectares will be designated for 100 per cent conservation measures (66.92 hectares of existing native vegetation retained and 6.22 hectares cleared area to be revegetated). The area will be conserved under the C2 (Environmental Conservation) zoning in which 100 per cent credits are generated. Within this area 73.69 hectares is identified as vegetation that will generate BioBanking (or BAM under the new Biodiversity Offsets Scheme) credits and 0.38 hectares will remain as an existing path and dam to be maintained; and
- 0.27 hectares will use 25 per cent conservation measures. The area will be zoned C3 (Environmental Management) area in which 25 per cent credits are generated.

With consideration of the proposed works as detailed above, the following species and ecosystem credits will be required and generated:

- Of the identified threatened fauna species, the Little Bent-winged Bat, Southern Myotis, Grey-headed Flying-fox and Large-eared Pied Bat are only counted as species credit species where breeding habitat is present. No breeding habitat for these species were recorded within the BCAA. This analysis was supported by a targeted survey for the Southern Myotis. As such, the proposed works will require a total of 138 species credits are required for the land proposed to be certified for the Cumberland Plain Land Snail.
- With consideration of the Proposal's impacts onto the two critically endangered community types, 702 ecosystem credits are required for the proposed development.

- The establishment of a Biodiversity Stewardship Agreement (roughly 75 hectares) over the conservation lands. The offset areas will generate 171 species credits using 100 per cent conservation measures (surplus of 33 species credits). Additionally, the ecosystem credits generated by the proposed development will total 726 (surplus of 24 credits); and
- It is noted that one vegetation type (HN528) will have a credit deficit, however this has been approved to be offset with the surplus from vegetation type HN556.

The proposed Biodiversity Certification and Stewardship will ensure the appropriate biodiversity outcome can be achieved for the proposed development and certification outcomes. The Proposal will achieve a positive credit outcome.

#### Biodiversity Stewardship Agreement

Further to the provision of credits, the establishment of the Biodiversity Stewardship Agreement (BSA) will see the BSA site managed for its biodiversity values, in perpetuity. The BSA will have an area of 75.72 Hectares.

Of note, the proposed agreement will transition from the previously drafted BioBank Agreement which was prepared under the TSC for the original proposal for the same purpose.

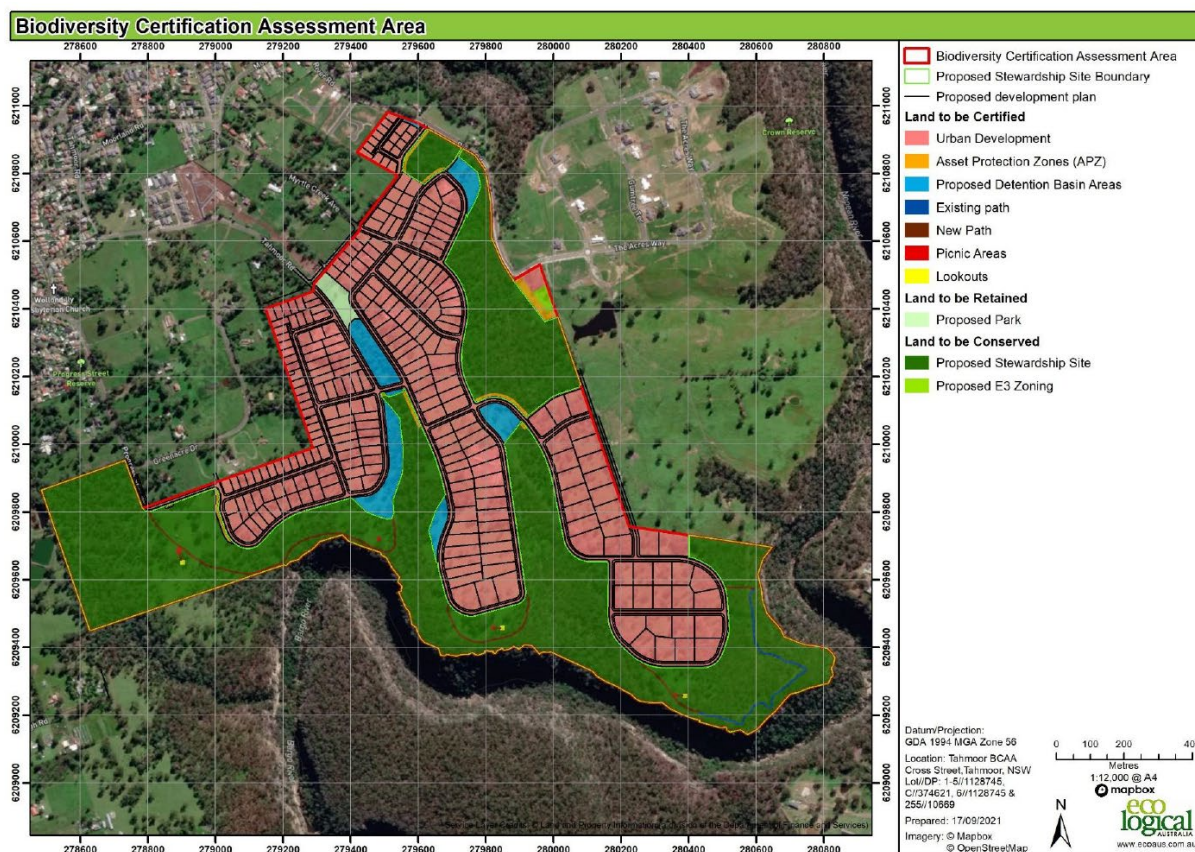
Accordingly, we have drafted a Planning Agreement under section 7.4 of the EP&A Act 1979 to dedicate the BSA land to Wollondilly Shire Council. Once the landowner has met the relevant obligations, the land will be dedicated to Wollondilly Shire Council for management with the appropriate funding. BSA allows for the following management actions:

- Weed management
- Planting of native vegetation
- Maintenance of vegetation in APZs
- Bushfire hazard reduction
- Rubbish removal,
- Fencing, and
- Monitoring.

The management actions will ensure weed invasion around the perimeter of the BSA (also known as 'edge effects') are managed in perpetuity, as well as providing for ongoing maintenance of bushfire Asset Protection Zones.

The BSA area will also allow for public access to the areas north of the Bargo River Gorge. This will be provided through new barbeque facilities, picnic areas, walking paths and vantage points within the BSA area. These items form part of the BSA. These items will not result in any biodiversity impacts.

Figure 7 – Bio-certification Assessment Area and Biodiversity Stewardship Site



Source: ELA

### Matters of National Environmental Significance

Whilst a Planning Proposal is not considered an 'action' under the Commonwealth EPBC Act 1999, the project was referred to the Commonwealth Department of Agriculture, Water and Environment to ensure the protection of Matters of National Environmental Significance (MNES). The intended vegetation clearing will be undertaken as part of the Development Application which therefore, will be the controlled action, not this Planning Proposal. In response to the Commonwealth's request, preliminary assessment documentation is being prepared for the process and will subsequently be exhibited and determined by the Commonwealth Minister for the Environment. Notwithstanding, the proponent will not be able to impact MNES until the Minister has approved the action.

### Riparian Corridor

It is identified that there are several watercourses that drain to the Bargo River with two watercourses within the proposed conservation area that are to be subject to water quality controls. The watercourse management will be appropriately conducted in accordance with the NRAR guidelines.

### Conclusion

Accordingly, the Proposal will appropriately protect the endangered ecological communities. The development footprint is located outside areas of the site with vegetation in good condition. The bulk of development works will be located at areas with relatively poor vegetation condition. The biodiversity certification and BSA strategies aim to achieve a positive biodiversity credit balance (i.e. managing and offsetting any biodiversity impacts on-site).

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

### **9.1. Bushfire**

IPG commissioned Blackash Bushfire Consulting to undertake a Strategic Bushfire Study (SBS) (Appendix J) in support of the proposed rezoning of the subject site. The southern portion of the site is identified Category

1 vegetation with the relevant vegetation buffer. Accordingly, it is acknowledged that any planning proposal and subsequent development must be planned to ensure that it satisfies the need to protect human life and will provide safe operating environment for fire and emergency services.

Land use planning is an important measure for building disaster resilient communities. As such, this Proposal and supporting SBS has been prepared with a comprehensive evidence base and assessment of the bushfire risks to inform the appropriate planning decision.

The SBS provides an assessment of the site with consideration of its intended redevelopment footprint as well as its existing physical context against the bushfire provisions under the *EP&A Act 1979* and *Bushfire Protection 2019 (PBP)*. To demonstrate that the site is suitable for the proposed rezoning, the study assesses the Proposal against the following key principles:

- Ensuring new development on BFPL will comply with the minimum requirements of PBP 2019;
- Minimising reliance on performance-based solutions;
- Providing adequate infrastructure associated with emergency evacuation and firefighting operations; and
- Facilitating appropriate ongoing land management practices.

#### Strategic Planning Compliance

In accordance with the relevant provisions of the EP&A Act and the Planning Direction 4.4 *Planning for Bush Fire Protection*, the Proposal was prepared with a supporting SBS and an assessment against the Deemed to Satisfy provisions of the PBP 2019. Accordingly, the Proposal is established with consideration of the relevant asset protection zones (APZ), the roads and access provisions as well as the provision of services (water, electricity and gas). This provides the appropriate level of assessment and recommendations on a strategic level while also facilitating the appropriate foundation for future development applications to be able to comply with the PBP 2019 and site-specific standards.

The context and bushfire risk assessment for the site has been prepared in accordance with the components identified in Table 4.2.1 of PBP – Bush Fire Strategic Study (page 35).

#### Bushfire Risk and Hazard Assessment

- It is identified that the site is affected by both landscape scale hazard and localised hazard. The current bushfire risk is informed by the following features:
  - The areas to the west and north-west are urban areas with mixes of bushland and cleared agricultural land to the east and north. Due to the significant clearing, there no significant bushfire risk from these areas;
  - The south accommodates 200 hectares of forest. The vegetation types within the locality have been identified of different woodlands and forests;
  - The topography of the site generally quite hilly and undulating, the Bargo River Gorge providing a 70 metre deep with top edges being 101-160 metres wide. The Gorge is comprised of cliffs at the northern edge and the southern edge is noted to have an incline ranging from 20-90 degrees to the base of the gorge. Considering the 100 metres conservation buffer to the gorge, the slope across the wider area ranges from 0-15 degrees. Otherwise, the gorge functions as a significant barrier to bushfires from the south and will reduce fire intensity and spread;
  - The vegetation and slope at the subject site are illustrated in Figure 8 below; and
  - A Strategic Fire Advantage Zone (SFAZ) is located on the south side of the Bargo River (the Bargo River functioning a practical control line). The SFAZ is bordered by cleared private land and the Bargo River and is identified as an area that allows a reduction of the burning interval between hazard reduction burns.
- The Wollondilly-Wingecarribee Bush Fire Risk Management Plan (BRMP) is the strategic, bushfire management document applicable to the region. The plan considers the climate, weather conditions, population/demographic information and typical ignition causes. In accordance with the BRMP, the likelihood of a bushfire and its potential severity and intensity is **Medium Risk**. This rating is identified as the Likelihood of Bushfire spreading and impacting on assets is “Likely” and the Consequence is identified as “Minor”; and

- A Landscape Scale Assessment Tool (LSAT) was undertaken and identifies the Proposal as a **Moderate Threat**. Further to consideration of the vegetation and topographical context, the LSAT is heavily weighted to life safety and places significant emphasis on the ability for residents to be able to shelter in place or evacuate safely, whilst emergency services can access the site at the same time.

#### Worst Case Bushfire Hazard Assessment

It is acknowledged that while bushfires of low or moderate intensity often pose little threat to life, property and community assets, bushfires under certain conditions can become impossible to control and reach 'extreme' danger ratings. As such, with consideration of the site context and bushfire risk as identified above, the Proposal has been assessed against the credible worst case bushfire weather scenario as to meet the criteria of the PBP. The following elements have been determined with consideration of the Proposal which demonstrates that the site will achieve the requirements of the PBP:

- **Emergency Vehicle Access:** There are no identified difficulties accessing and suppressing fires considering the surrounding road network as well as the intended provision of road access and water supplies. Of note, the neighbouring Tahmoor urban developments will provide easy road access and new alternative routes. 15 metres – to 18-metre-wide road reserves and 6-metre-wide fire trails will provide the required access to the narrow riparian areas.
- **Asset Protection Zones:** The proposed residential subdivision will integrate the required asset protection zones (APZ) considering the surrounding context and bushfire risk, without any reliance on performance-based solutions. The proposed APZs will ensure that buildings will maintain a radiant heat level below 29 kilowatts per square metre. The APZs will be appropriately managed as WSC assets and any APZs in public land will be managed through a single entity.
  - It is noted that the proposed perimeter road will function as a buffer and consequently, the required APZ across many sites has been appropriately adjusted. Otherwise, all the proposed lots are large enough to accommodate the required APZs.
- **Bushfire Attack Levels:** The appropriate Bushfire Attack Level (BAL) rating requirements will be used in future Development Applications to ensure that buildings are able to withstand attack from bushfire.
- **Evacuation:** Multiple evacuation routes are identified through to the west, north and east of the site. The provision of numerous possible evacuation routes will allow flexibility and alternative options during a high stress evacuation event. Six road connections to existing public road systems are proposed and the surrounding, urban developments will provide further alternative routes. These routes are appropriately 8 metres to 10 metres wide, have a minimal four 'pinch points' and are free of significant bushland.
  - Of note, all intended future residents will be no further than one kilometre from a safe refuge location and the key evacuation routes will provide safe destinations including the Tahmoor town centre and two designated NSPs at the shopping centre and the community hall within the Tahmoor urban area.
- **Isolation:** The site is not isolated with consideration of the adequate evacuation routes and ready access will be available.
- **Emergency Vehicle Demand:** The site will not need additional firefighting services with consideration of the other bushfire mitigating strategies and site context.
- **Infrastructure:** The site will be appropriately serviced by reticulated water, recycled water and tank supplies, as well as stormwater detention and retention basins which will support firefighters. Electrical and gas supplies will be appropriately installed.
- **Adjoining Land:** The Proposal will not result in any adverse impact to adjoining land as it will reduce the hazard to the adjoining residential developments through the proposed APZs and development pattern. The Proposal will improve overall neighbourhood readiness, water supplies and active land management.



Figure 8 – Proposed APZs



Source: Black Ash

## Conclusion

With consideration of the bushfire risk at the site, the worst-case scenario and the proposed bushfire mitigation strategies, it is identified that the proposed lot layout and residential uses is acceptable with consideration of the bushfire impacts. The Proposal successfully provides a well-considered design that responds to the requirements of the PBP to provide for the protection of life and the minimisation of impact on property. The site is considered suitable for the proposed rezoning and subdivision in accordance with the evidence-based analysis identified in the SBS.

## 9.2. Stormwater

A Stormwater Management Strategy was prepared by Craig & Rhodes and updated in March 2024 as an addendum to the IPG's Tahmoor Preliminary Stormwater Management Strategy undertaken by Hyder Consulting in 2015, prepared for the rezoning application in the Tahmoor region. Accordingly, this addendum strategy identifies the previous high-level investigations that were previously undertaken and updates the strategy in accordance with the requirements of the intended, large-lot residential development. This includes identifying the required stormwater management procedures as well as any flood detention basins, outlet configurations, and bio-retention basins. The latest update demonstrates a stormwater solution which provides more continuous treatment rather than dependence on end of line measures for stormwater quality. Detailed assessment will still be required at Development Application stage against the policies in place at that time.

### Stormwater Management Context

- The masterplan road grading targets alignment with the existing topography and aims to maintain existing stormwater discharge.
- The intended major earthworks will be predominantly at the proposed basin locations and minor works across the roads/lots.
- Additionally, the appropriate stormwater management in support of the original rezoning has been identified in accordance with the previous Hyder Consulting 2015 review.
- Regional storage basins will be required to attenuate the site's peak flows prior to their discharge into Bargo River (generic 270 cubic metre per hectare storage identified in the 2015 review) or individual lot basins at a rate of 45 cubic metres per 1000 square metres of development. This is assuming a 30 per cent impervious area across the residential areas.
- Additional responses to stormwater management studies were subsequently prepared in support of the original rezoning including the following:
  - Assessment of upstream catchments and overland flows through the proposed site: (IPG Tahmoor – Western Boundary Drainage Easements Memo dated 10 May 2019 by Arcadis); and
  - Responses to The Office of Environment and Heritage (OEH) review of the original Hyder 2015 report: (Cross Street, Tahmoor – Planning Proposal – Response to OEH Flooding, dated 9 May 2017 by Arcadis).

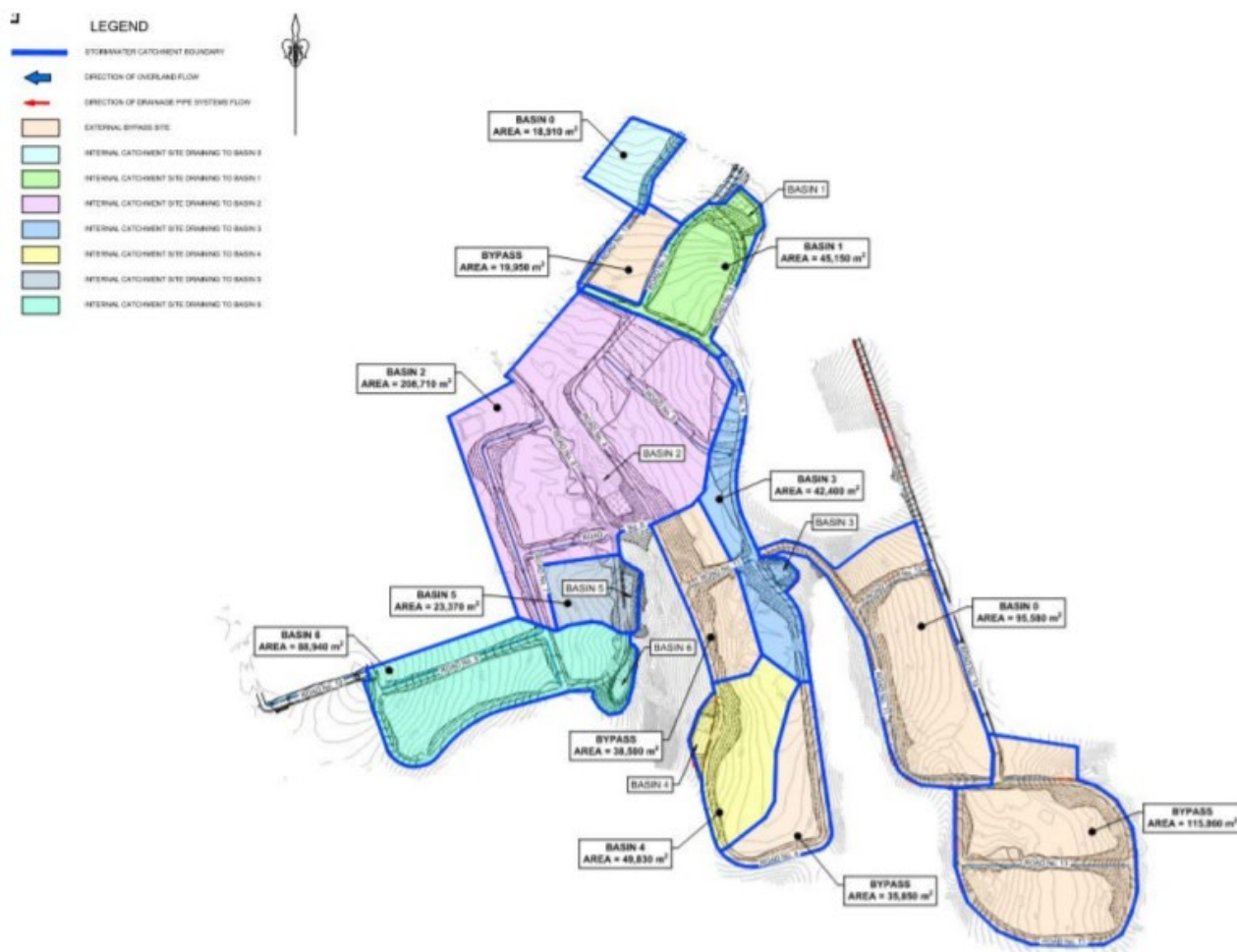
### Stormwater Management Assessment

- As an addendum to the 2015 Strategy, the following stormwater management measures are identified in response to the change in road layout, but also land zoning category:
  - **Swales** will be provided along the proposed roads to collect, treat and convey stormwater runoff from road and lot areas (where applicable) towards the existing main drainage lines;
  - **Rainwater harvesting and re-use** within the dwellings on each lot;
  - **Stormwater drainage culverts** to discharge water from the swales into the existing local drainage lines;
  - **Pit and pipe stormwater drainage network**;
  - **On-site detention** will be provided as permanent regional detention basins; and smaller on-lot detention treatment for larger rural lots. The location of the six regional basins is demonstrated in the figure below; and
  - **Water quality treatment measures** e.g. bioretention.

These typical stormwater management measures will ensure the efficient stormwater management in support of the intended residential development. Overall, it is considered that the proposed development, consisting of large lot residential and some recreational features, will be a low-impact development in terms of surface water hydrology and water quality.



Figure 9 – Proposed Drainage Basin Locations



Source: Craig & Rhodes

### Water Quantity

Requirements for managing water quantity and discharge across the site were assessed to ensure that the water quantity discharge into the Bargo River is not worsened with consideration of the proposed masterplan layout and regional basins.

- Water quantity discharge to be managed by the six regional basin catchments as identified in Figure 8 above.
- Identified that some residential catchment areas will not be supported by a regional catchment basin due to topological constraints. Accordingly, these 'bypass' areas will be supported by on-lot detention treatment.
- The residential areas will maintain 40 per cent impervious area in accordance with Wollondilly Shire Council's stormwater guideline

With consideration of these elements, the appropriate DRAIN modelling was conducted with a conservative 50 per cent impervious fraction adopted for the areas containing developable residential lots and roads. Additionally, it is noted that the DRAIN modelling conducted for this addendum report is more accurate than the work conducted for the Hyder Consulting 2015 report as it included analysis of each individual catchment area and terrain modelling.

The DRAINS modelling identifies the storage volume requirements for regional basins varies between 81 cubic metres per hectare to 328 cubic metres per hectare for developable area. It is identified that there is sufficient footprint to construct the regional basins to meet the volume requirements and subsequently, the appropriate water quantity management can be supported to control discharge into the Bargo River.

## Water Quality

It is noted that the Hyder Preliminary Stormwater Management Strategy (2015) undertook a water quality assessment using MUSIC software to investigate the impacts on water quality leaving the site and subsequently, the relevant water quality treatment methods. The 2015 report identifies that a combination of Rainwater tanks, Gross Pollutant Traps (GPTs) and bioretention systems in a treatment train can meet the statutory pollutant reduction requirements.

Further to the 2015 report, the addendum conducted an updated assessment of the relevant water quality treatment methods in support of the updated illustrative masterplan:

- Rainwater Tanks: To be provided across all lots with development in accordance with Wollondilly Shire Councils DCP 2016 requirement of 100 cubic metres per hectare;
- Gross Pollutant Traps: required at each of the regional basin's inlets;
- Bioretention: located in the proposed regional basins. Of note, the proposed regional basins will be able to sufficiently cater for the required bioretention footprint;
- Grassed Swales: road hierarchy incorporates roadside swales along the road edge adjacent to the open creeks and channels; and
- Proprietary Products: additionally, further investigation will be facilitated for a WSUD treatment methods such as a potential bio-filter proprietary product e.g. The Ocean Protect (formerly Stormwater360) Filtterra. These products provide benefits over the conventional biofiltration system. The Ocean Protect (formerly Stormwater360) Jellyfish is to be used as a standalone solution in areas with discharge not directed to regional basins. It is noted that this proprietary product has been generally accepted by Wollondilly Shire Council in neighbouring developments. The appropriate maintenance estimates and access requirements will be provided in the future detailed Development Application phases of development.

Ultimately, the proposed water quality treatment train shall sufficiently meet the requirements of Australian Runoff Quality (2006), consistent with the existing Hyder Consulting 2015 Study.

## Flooding

As the major flow paths through the site remains consistent between the original (2015) and the most recent update of the illustrative masterplan (Urbis, 2021), the original hydraulic calculations set out in the Hyder Consulting Report (2015) are still relevant to the proposed rezoning proposal.

The results of the hydraulic models indicate the one per cent AEP flood extent can be adequately contained within the existing flowpaths and main tributaries. The results also indicate that the one per cent AEP top water level remains below the proposed road levels with adequate freeboard in accordance with requirements.

The remainder of the site will be subject to local urbanised catchment runoff which would provide little warning of extreme storm events for the site. With no response time for very short duration storms that could potentially produce significant flows, Hyder's report (2015) suggests the only realistic safe option in such extreme flood events would be for persons to seek refuge and remain within the proposed on-lot buildings above the defined local PMF flood levels.

With respect to evacuation, since hazardous flows would subside with the storm duration, evacuation to the northern higher ground and transport networks is not expected to be impeded. Based on these characteristics a site-specific flood evacuation and emergency response plan is not required at this stage of the development process.

## Conclusion

As such, the relevant stormwater, water quality/quantity and flood management procedures will be established in accordance with the proposed rezoning and latest illustrative masterplan. The site will be able to accommodate the residential development from a sustainable stormwater perspective.

### 9.3. Traffic and Transport

A Traffic Impact Assessment (**TIA**) was prepared by Traffix, providing an updated assessment of the capacity of the local and regional road network, demonstrating that the proposed uplift can be accommodated under the recommended road infrastructure upgrades, without adversely impacting the performance of key intersections and roads in the area. The findings of the Traffic Impact Assessment also conclude that the proposal is consistent with relevant Local Planning Directions, and represents an appropriate uplift of new housing within an accessible location.

This report provides an updated traffic impact assessment, further to the extensive studies and original TIA prepared by Traffix for the 2013 Cross Street Planning Proposal.

The assessment included an updated review of the existing traffic road hierarchy within the region, assessment of the key intersections and travel modes. The following key findings from the Traffic Impact Assessment are as follows.

#### Parking

All car parking will be provided in accordance with the Wollondilly Development Control Plan 2016, Volume 4 – Residential Development. The future parking provisions of individual lots developed at a later DA Stage are expected to be consistent with these requirements.

#### Local and Regional Road Network

Roads that connect the site with the regional network include Hume Highway, Picton Road and Remembrance Drive. The main thoroughfares servicing the site including Remembrance Drive and the connecting local roads, including Progress Street, River Road, Struan Street, Tahmoor Road and Myrle Creek Avenue. Five key intersections between Remembrance Drive and local roads will be junctions of main thoroughfares utilised by the road users associated development at the site. These key intersections are demonstrated in Figure 10 below.

Figure 10 – Key Intersection Locations



Source: Traffic

Traffic surveys were undertaken at the five key intersections in November 2023 between 7am-9am and 4pm-6pm. These traffic surveys found that there has been a 35% increase in overall traffic volumes at these five key intersections during a 10-year period (2013 to 2023), or a cumulative annual growth rate of 3 percent. This is lower than the projected traffic volumes than the 2011 Cardno Report (commissioned by Wollondilly Shire Council for Picton, Tahmoor and Thirlmere urban developments) and the Cardno SIDRA Modelling. Almost all five intersections, except the Remembrance Driveway / Progress Street intersection, had less traffic volumes compared to the projected volumes.

#### Traffic Modelling

The anticipated traffic generation of the circa 281 dwellings is identified as up to 200 vehicles per hour AM peak and 220 per hour during the PM peak in accordance with TfNSW surveyed rates for low density residential. With consideration of the Australian Bureau of Statistics 2016 data reports on existing modes of travel utilised by residents within the Wollondilly LGA, Tahmoor area, it is expected that at least 65.7 percent of residents work outside the Wollondilly LGA and a conservative, assumed proportion of private passenger vehicles has been adopted. This has informed the traffic flow assessment conducted for directional splits across the five key intersections.



With the assumed traffic generations, and the updated traffic survey data, SIDRA Intersection 9 modelling was prepared for the five key intersections to identify the Degree of Saturation (DOS), Average Vehicle Delay Per Vehicle (AVD) and Level of Service (LoS) of these key intersections.

The TIA conducted assessment of three scenarios with the SIDRA modelling as detailed below:

- 2023 Base Case: existing performance of key intersections;
- 2036 Growth Case Plus Upgrades: traffic conditions subject to 13 years of compounded, 3% growth rate, with the anticipated intersection upgrades as listed below; and
- 2036 Growth Case Plus Upgrades Plus Development: traffic conditions subject to the growth and intersection upgrades by 2036, as the traffic generated by the subject planning proposal.

#### Intersection Upgrades

The 2013 Cardno Report's recommendation for 2036 infrastructure improvements in support of Picton, Tahmoor, and Thirlmere (PTT), identified the following infrastructure upgrades:

- Remembrance Driveway and Progress Street intersection converted to a two-lane circulating roundabout with additional through lane on the Remembrance Drive approaches;
- Remembrance Driveway and Struan Street converted to a two-lane roundabout;
- Remembrance Driveway and Bridge Street converted to a two-lane circulating roundabout with an additional through lane on the Remembrance Drive approaches; and
- Extended kerbside departure lanes on Remembrance Driveway and extending the short left turn lane on the western leg by line marking the shared through-right turn lane to a short lane.

These upgrade works are accounted for under Wollondilly Shire Council's Section 7.11 contributions plan. The Proposal will not be exempted from the payment of Section 7.11 levies at the Development Application stage, and accordingly will be making a proportionate contribution toward these works.

#### Traffic Modelling Results

The modelling results for the '2036 Growth Case Plus Upgrades Plus Development' scenario concludes that the key intersections will continue to operate at an acceptable LoS in the AM and PM peak periods, with intersections operating at a LoS 'A' during peak periods, with a few periods operating at a LoS 'B'. This means that most key intersections, during peak periods, will be performing with 'Good Operation' with a few periods of acceptable delays and spare capacity.

#### Conclusion

The TIA has been prepared with updated traffic modelling, conducted in November 2023, as well as updated SIDRA modelling. The updated modelling and assessment concluded that the key intersections that support the site will continue to operate at an acceptable level and no additional infrastructure upgrades are necessary in support of the proposal. The timing of development across the proposal site will be co-ordinated with the staged delivery of the intended infrastructure upgrades by Council and TfNSW.

#### Access

The proposed internal road network layout is supported following that the road network will be designed in accordance with Council's DCP and engineering design specifications. Future at grade parking spaces and waste servicing is to similarly be designed to Wollondilly Shire Council requirements during the future Development Application processes.

#### Integrated Land Use and Alternative Transport

The proposal represents an uplift of new housing, located within an area that will be accessible via alternative transport methods. The proposal is located within walking distance from the existing Tahmoor Railway station as well as the future bus stations and routes that will be provided within the Tahmoor Town Centre. The proposal seeks to deliver new pedestrian links to the Tahmoor Town Centre as well as pedestrian footpaths and road crossing throughout the site. This will provide direct, accessible active transport routes towards public transport at the site. It is also highly noteworthy that Cross Street has been identified for a future bus route and the surrounding Tahmoor area is readily serviced by existing bus services.

The proposed road cross sections provide paved pedestrian footpaths and the low traffic roadways encourage cycling. In addition, a \$300,000 contribution is proposed for a new shared path between Tahmoor Town Centre and the subject site.

The proposal is designed within an accessible location and the proposed infrastructure will increase the availability of alternative transport methods at the site, reducing the dependence of cars. As such, the proposal is consistent with the Local Planning Direction 5.1 Integrating Land Use and Transport.

### Conclusion

Further to the points above, it is identified that the proposed rezoning and subsequent residential development is supportable on traffic planning grounds. No further intersection improvements are considered necessary to facilitate the subject proposal.

## **9.4. Noise**

An Industrial Noise Intrusion Impact Assessment (dated, 5 March 2024) was prepared by GHD, providing an updated assessment of the turkey processing facility operations, to the west of the site, demonstrating that the proposed residential development will not be adversely impacted by the neighbouring facility and achieve a compliant level of acoustic amenity. This report provides an updated noise impact assessment, further to the findings of the 2013 Noise Assessment (*Ingham Property Development Ptd Limited – Report for Ingham Residential Development Tahmoor – Noise Assessment, Revision 4*).

Since the previous noise assessment conducted by GHD in 2013, the facilities and operations at the turkey processing facility have been modified. As such, new noise modelling has been conducted from Tuesday 13 February to Wednesday 21 February 2024 to capture any changes to the turkey processing facility noise impacts. In accordance with the EPA *Noise Policy for Industry (NPfI)* the Project Noise Trigger Level (**PNTL**) is identified in the table below. The PNTL establishes an appropriate level of amenity required across the proposed residential dwellings, with consideration of any noise generated by the turkey processing facility.

Table 9 – Project Noise Trigger Levels

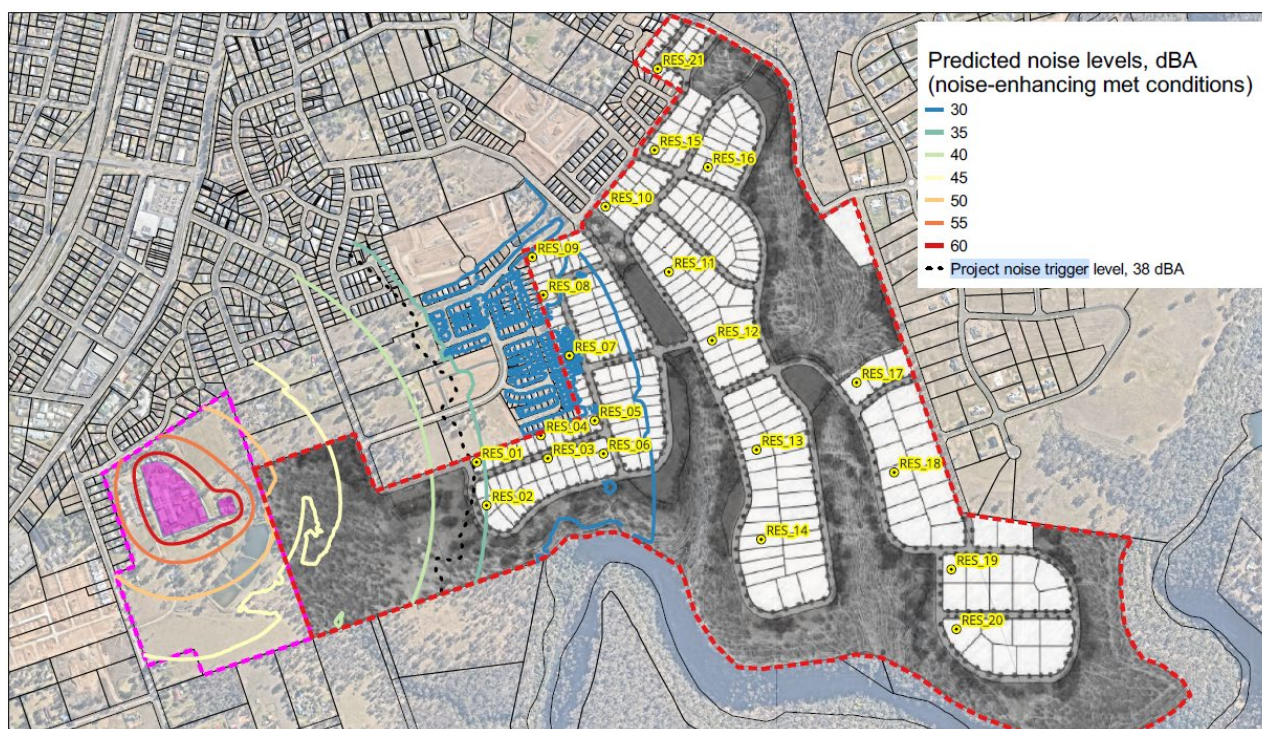
Receiver	Time period	Project noise trigger level, dBA
Residential - suburban	Day	53 LAeq(15 min)
	Evening	43 LAeq(15 min)
	Night	38 LAeq(15 min) <sup>2</sup>

Note 2: The night time project noise trigger level of 38 dBA is consistent with the EPL (License 1699 ref L3) noise condition for the facility.

The modelling also concluded that the noise generated by the Turkey Processing Facility does not feature any tonal, low-frequency or intermittent noise characteristics. As such, a noise level of 38 dBA, during the night period, is the lowest threshold to achieve the appropriate level of amenity across the proposed residential areas.

The modelling confirms that the proposed residential areas will not be affected by noise generated by the Turkey Processing Facility any more than 38 dBA during the works case, enhancing meteorological conditions (i.e. uncalm weather conditions that propagate noise). This is demonstrated in **Figure 11** below. During typical, calm conditions the Turkey Processing Facility will generate noise no greater than 36 dBA.

Figure 11 – Modelled PNTL Generated by the Turkey Processing Facility



Source: GHD

As such, the updated modelling and assessment confirms that the proposed residential development will achieve the appropriate level of acoustic amenity and no further acoustic mitigation measures are required.

In terms of traffic noise, the site is not traversed by any major roads and is located around one kilometre from Remembrance Driveway, the main north-south connecting route. The site is bounded by the Bargo River Gorge which restricts any potential through roads from adjoining areas. Local road noise from new residential development is likely to be that of a normal suburban area. Noise from additional road traffic through new adjoining residential areas will be dispersed along three main routes, River Road, Tahmoor Road and Progress Street which will ensure that it is not a major concern.

## 9.5. Odour

An Odour Impact Assessment Addendum Report was prepared by The Odour Unit, providing an updated assessment of the turkey processing facility operations as well as the Koorana Road poultry sheds, demonstrating that the proposed residential development will not be adversely impacted by these neighbouring facilities.

This report provides an updated odour impact assessment, further to the findings of the addendum letter to the *Ingham Processing Plant Odour Impact Assessment Final Report* dated 16 September 2013, as well as the 2021 Addendum Report

### Turkey Processing Plant

The addendum report confirms that since the 2021 Odour Report, there has been no change to the mode of operation of the Ingham Turkey Processing Plant as it relates to odour emissions.

The 2021 Odour Report identified that the two Anaerobic Ponds, which formed part of the wastewater treatment pond system (WTPS) and were responsible for 62% of total emissions from the WTPS, have been decommissioned. Inlet wastewater flow were re-routed to an upgraded wastewater treatment system. Ingham Poultry has since advised that the decommissioning of the two anaerobic ponds is permanent.

The 2013 Odour Report was based on a site-specific odour emissions inventory of the Ingham Turkey Processing Plant and AUSPLUME was used as the dispersion model at that time. As outlined in the *New South Wales Environment Authority (NSW EPA) guidance document titled Approved methods for the modelling and assessment of air pollutants* dated August 2022 (the NSW EPA Modelling Guideline), AUSPLUME continues to be supported and approved as one of the dispersion models that can be used for air quality assessment studies.

It is noted that while odour dispersion modelling is generally not suitable for the prediction of impacts from unintended odour release events, specific policies and guidelines are provided for industry and developers to manage odour emissions and protect community amenities, including from unintended odour release from industry operations. This includes the *Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW* (Odour Technical Framework 2006) as issued by the NSW EPA. Consistent with the Odour Technical Framework 2006, avoidance, mitigation, and management measures has been reflected in the following, appropriately addressing any potential, upset odour releases:

- Upgrade to the wastewater treatment technology at the Ingham Turkey Processing Plant;
- Preservation of the existing buffer distance and vegetative landscape between the western boundary and the Ingham Turkey Processing Plant;
- Quantification of odour impact risks to provide the necessary advice on future land-use planning; and
- Strategic stakeholder engagement and consultation.

As such, the dispersion model used in support of the 2013 Odour Report remains relevant and new odour modelling is not required to accurately capture the impacts of the facilities' operations. The current operating data and operation of the WTPS are confirmed to result in a reduced impact compared to the 2013 report findings.

As part of the 2013 assessment, a 500-metre buffer was established as a general industry standard to limit development within the buffer to low density rural development. This will ensure neighbouring properties are not impacted by the odours generated at the Turkey Processing Facility. The updated operational assessment concludes that the 500-metre buffer, in addition with EPL obligations and the existing vegetation and topography between the facility and the site, will eliminate any risk of land-use conflict and ensure that the proposed residential development will not be adversely impacted by the current operations of the Turkey Processing Facility.

#### Koorana Road Poultry Sheds and Western Sydney Meat Worx Abattoir

The Koorana Road Poultry Site is located approximately 280 metres north-east from the sites land boundary at 100 River Road, Tahmoor. It is understood that the poultry sheds are used to house turkeys. It is noted that within correspondence received from Wollondilly Shire Council on the 16 November 2022, consideration was also requested to be given to the Western Sydney Meat Worx Abattoir (formerly Picton Meatworx) with regard to the odour assessment. The Picton Meatworx is located at 48-70 Koorana Rd, Picton, a further approximate 150 metre east of the poultry sheds site.

The addendum assessment report concludes that with consideration of both the geographical context and the current operations of the Koorana Road Poultry Shed and Western Sydney Meat Worx Abattoir, are unlikely to result in odour impact that will be perceptible by receivers. This is as:

- The existing vegetation, undulating topography, and prevailing winds would mitigate the impact of odour;
- The wastewater ponds at the Koorana Road Poultry Farm were the primary source of odour and now, most wastewater is connected to the Sydney Water sewerage system;
- Subject to the Environmental Protection Licence obligations of the Western Sydney Meat Worx Abattoir, there should be no significant risk of odour nuisance under current operational circumstances.

#### Conclusion

The updated assessment conducted on the Turkey Processing Plant, the Koorana Road Poultry Sheds and the Western Sydney Meat Worx Abattoir confirms that the proposal will not result in any land use conflict or adverse impacts to the proposed residential development. Council's Environmental Health staff have considered the potential for conflict between the site and the poultry operation and abattoir at Koorana Road Tahmoor and are satisfied with the planning proposal. Consistent with the Odour Impact Assessment Addendum Report, key reasons for their support include:

- The residential lands are separated from the odour sources by 500 metres.
- The existing vegetation, undulating topography and prevailing winds would assist in mitigating the impact of odour over the major part of the site.
- The wastewater ponds at the poultry facility were the primary source of odour. Most of the wastewater is now connected to the Sydney Water sewerage system.



**Q9. *Has the planning proposal adequately addressed any social and economic effects?***

**9.6. Archaeological and Cultural Heritage**

The study area has previously been subject to archaeological investigations in 1993, 2006 and 2012. A further investigation was provided in April 2016 and was updated by Urbis (Aboriginal Cultural Heritage Assessment October 2021). The updated report was prepared to supplement the three existing archaeological investigations. Based on the results of the Aboriginal Cultural Heritage Assessment (October 2021) Urbis concluded:

- Of the six rock shelters with Potential Archaeological Deposit (PAD) sites previously identified within the 1993 site investigation, three were able to be re-located as part of the current assessment.
- On the basis of input from the Aboriginal community, as well as direction received from OEH (now Heritage NSW) directly, these three rock shelters with PAD have been identified as sites. Site recording forms will be prepared for each of the sites and submitted to AHIMS for registration on the database.
- No other Aboriginal sites or objects were identified within the Study Area, and the potential or as yet unidentified sites to be present has been assessed as very low to negligible.
- Following on from the above, it has further been assessed that there is very little to negligible potential for intact archaeological deposits to be impacted by the proposed rezoning and associated development, based on an assessment of the topography, the extent to which the area has been disturbed, and the relative scarcity of open artefact sites in the local area generally.
- Through this assessment, as well as through consultation with representatives of the local Aboriginal community, no other cultural heritage constraints to the Proposal and proposed rezoning have been identified; and
- No historic heritage sites have been recorded as being located within the Study Area, and none were identified as part of this investigation.

The assessment considers that the Proposal does not present any identified risk or harm to the three identified sites (or associated drainage channel) as the areas will be wholly located within the proposed C2 Environmental Conservation zone. The C2 zone will be conserved and will not be subject to any physical works or disturbance as part of the future redevelopment of the site.

The assessment provides recommendations for future excavation works to avoid and/or minimise any potential impact or harm to identified sites within the Study Area which will be implemented at the subdivision stage. Consultation with the local Aboriginal Communities was undertaken with one comment received from Glenda Chalker of Cubbitch Barta Native Title Claimants Aboriginal Corporation (CBNTCAC) – explained below. The consultation identified the following commentary in addition to the 2016 ACHA findings:

- Confirmation that the six rock shelters were identified in the 1993 survey.
- Acknowledgement that most of the site has been heavily disturbed and the undisturbed areas around the river and creek edges are not proposed to be impacted by the Proposal.
- Clarification is provided that the Progress Street carpark will provide access to the site and trails.
- In response to the CBNTCAC commentary and concerns, it is confirmed that:
  - The 50-metre buffer zone around the rock shelters will be retained so there will be no impacts by any earthworks.
  - The proposed basins will not alter the water flow and are outside of the buffer zone so they will not affect the natural flow of water around the shelters.
  - The proposed biodiversity area includes options to engage CBNTCAC to facilitate the development around the management area.
  - Future excavation works will manage impacts with the appropriate safety fencing, biodiversity area and Aboriginal heritage induction for all site contractors (to be incorporated in the Development Application stage).

A detailed response to the CBNTCAC commentary is provided at Appendix M.

## 9.7. European Heritage

There are no items of European Heritage located within the subject site and no such items located in the vicinity which would likely be impacted by the Proposal.

## 9.8. Social and Health Impact Assessment

A Social and Health Impact Assessment (SHIA) was prepared by Urbis to provide an assessment in accordance with Wollondilly Shire Council's Social and Health Impact Assessment Policy (2021).

It is noted that Wollondilly Shire Council endorses two levels of assessment when undertaking a SHIA depending on the scale and type of development - a Comprehensive Social and Health Impact Report (CSHIR) for larger proposals, and a Social and Health Impact Comment (SHIC) for medium-scale proposals.

During the pre-lodgement discussions with Wollondilly Shire Council at the 2 February 2022 meeting it was discussed with Senior Council Staff that a CSHIR would not be required for this Proposal, but that something more than a 'checklist' would be required. This was confirmed in a follow up email note from Wollondilly Shire Council received on 4 May 2022.

This SHIA includes a review of the relevant strategic documents, technical reports, and existing community demographics. The report concluded that the proposal would predominantly result in a number of positive social and health impacts. The report identifies a number of recommendations to ensure the Proposal will maintain its positive impacts in the future, detailed phases of development.

Table 10 – SHIA Assessment

Item	Positive Impacts	Potential Mitigation Measures
<b>Population Change</b>	The proposed population increase (approximately 780 people) will align with Council's strategic directions in the area (increase to 7,456 people in 2041 under the 2021 Housing Strategy)	It is considered that the Proposal will not generate the need for additional recreational facilities, local health facilities or educational facilities. Any other community spaces required to support the residential growth will be facilitated through future development contributions.
<b>Healthy Lifestyle</b>	The Proposal will improve encouragement for healthy lifestyles in the area as it provides a walkable neighbourhood and opportunities for connections to open space, including a monetary contribution for a new path to Tahmoor village centre.	<b>Unlikely for any negative impacts.</b>  It is recommended that the detailed design phase consider the needs for all user groups.
<b>Healthy Communities</b>	The residential population to be accommodated by the Proposal will be appropriately supported to maintain a healthy community (proximity to Tahmoor Town Centre fresh food retailers and medical services). Additionally, the proposal will facilitate adequate active transport infrastructure and open spaces.	<b>Unlikely for any negative impacts</b>

Item	Positive Impacts	Potential Mitigation Measures
<b>Social cohesion and sense of belonging</b>	The illustrative masterplan has been designed to feel like a respectful extension of the existing town, which supports the rural lifestyle and environment valued by the existing community. The provision of public walking trails and vantage points will encourage existing residents into the new area, while future residents of the site are expected to use existing community facilities.	<b>Unlikely for any negative impacts.</b>  It is recommended that there be adequate information for residents about community services, facilities, events, and groups.
<b>Housing</b>	The Proposal will provide large rural residential lots ranging from 700sqm to 10,000sqm in size, which are common lot sizes for the existing Tahmoor area. This broad range of lots will attract a broad range of purchasers and result in a more diverse community.	<b>Unlikely for any negative impacts</b>
<b>Accessibility and mobility</b>	The proposal will be supported by local road and active transport networks that will create physical access to key places and services in the local area, including Tahmoor Town Centre.	<b>Unlikely for any negative impacts.</b>  It is recommended that the final public transport connections be finalised with discussion with TfNSW.
<b>Community Safety</b>	Based on a review of the Infrastructure Plan, the Proposal incorporates the four Crime Prevention through Environmental Design (CPTED) principles of surveillance, access control, territorial reinforcement, and activity management.	The Proposal's detailed impacts on crime and safety is to be determined by a CPTED for the future Development Application submission at the site.
<b>Access to employment and training</b>	The Proposal will provide an increase in the quantity of temporary employment opportunities during construction.	<b>Unlikely for any negative impacts</b>  It is recommended that the construction contractor prioritise employment of local workers to support the construction industry in the area.
<b>Local Economy</b>	The Proposal is expected to create opportunities for local businesses in Tahmoor, by attracting residents and visitors to the Town Centre.	<b>Unlikely for any negative impacts</b>

Item	Positive Impacts	Potential Mitigation Measures
<b>Cultural and community significance</b>	There are three Aboriginal rock shelters located on the site. These are located outside the development footprint and will be protected and retained.	<p><b>Unlikely for negative impacts</b> if the Proposal is undertaken with consideration of the following recommendations:</p> <ul style="list-style-type: none"> <li>Implement the mitigation measures contained in the Archaeological Assessment Report to mitigate potential negative impacts on the three Aboriginal rock shelters on the site.</li> <li>As part of the detailed design phase, engage with the Aboriginal community to consider opportunities to recognise Aboriginal Connections with Country in the detailed design of the site, potentially including the design of open spaces, species selection, place naming and incorporation of public art.</li> </ul>
<b>Art and creative activities</b>	The Proposal will facilitate future opportunities to incorporate public art from local artists to support creativity, placemaking and the expression of local identity as part of the subsequent, detailed development and design phases.	<p>The Proposal will not directly facilitate community arts spaces, but the creative needs of the incoming population are likely to be able to be met through existing and planned facilities in Tahmoor and Picton.</p> <p>It is recommended that opportunities be explored to commission public art from local artists in the detailed design.</p>
<b>Supportive communities and needs of specific population groups</b>	The Proposal will create a new residential area for a broad community with subsequent opportunities for open spaces to be designed to meet the needs of different community groups. The Tahmoor Community Centre is expected to be available to the incoming communities to the site.	<p><b>Unlikely for negative impacts</b> with consideration of the three Aboriginal rock shelters if the Proposal is undertaken with consideration of the archaeological recommendations.</p> <p>It is recommended that the detailed design of open spaces consider the needs of different community groups.</p>
<b>Participation in community life</b>	The Proposal will create a new community in Tahmoor with a local park and connections to the existing services and infrastructure in Tahmoor. Incoming residents will have opportunities to participate in community life.	<p><b>Unlikely for any negative impacts.</b></p> <p>It is recommended that the local community be engaged for the detailed design of community facilities with opening events for the local park.</p>

Item	Positive Impacts	Potential Mitigation Measures
<b>Impact on amenity (pleasantness) of place and surroundings</b>	The Proposal is likely to enhance the existing amenity and aesthetic quality of Tahmoor as a rural village. The local park, walking and cycling trails and paths are likely to bring an element of enjoyment for the existing and incoming population.	<b>Unlikely for any negative impacts.</b>  It is recommended that detailed designs for the local park are to encourage enjoyment for different groups.
<b>Impact on urban heat</b>	The Proposal includes the retention of significant parcels of natural vegetation which will contribute to a cooler environment for residents and visitors.	The Proposal will also see an increase in urban developments on site. The following is recommended that the detailed design to mitigate the urban heat island effect: <ul style="list-style-type: none"> <li>▪ Retain as many trees as possible.</li> <li>▪ Use reflective and light pavement materials.</li> <li>▪ Provide shading over key gathering areas at the local park.</li> <li>▪ Provide shading over the proposed picnic areas.</li> </ul>

Overall, the Proposal will result in a positive impact with consideration of the provided local park, walking and cycling paths, 75 hectares of open space, local road infrastructure and access to key services and community infrastructure across the neighbouring Tahmoor village centre. The bulk of social and health considerations is unlikely to see any negative impacts as a result of this Proposal. The identified recommendations aim to ensure that the positive impacts are enhanced in the detailed phase of development.

Any lack of positive impacts as a result of the high-level detail provided in this Proposal can be readily facilitated in the detailed phase of development. This includes:

- Appropriate developer contributions for any additional community infrastructure requirements;
- CPTED reports to be conducted in the detailed development to ensure community safety;
- Opportunities to be explored for art and creative activities during the detailed development phase; and
- Establishment of urban, heat island effect mitigation measures.

## 9.9. Agricultural Impact Assessment

An Agricultural Impact Assessment has been prepared by Edge Land Planning (Appendix P), which provides an analysis of the impacts of the proposal on the site's agricultural potential. This includes an assessment of the existing site conditions; neighbouring land uses as well as the overall demographic and economic context for agricultural uses at the site. The assessment identifies that the site is not suitable for the bulk of agricultural uses. This is with consideration of the potential for protected cropping, market gardens, poultry farms and large-scale cattle grazing.

- The physical characteristics makes the site not viable for either intensive or extensive agricultural uses (e.g. protected cropping and market gardens):
  - The site features a combination of flat areas and steep lands at the eastern edge (steeped section has slope of approximately 20 per cent).

- There is no access to the Bargo River as it is in a gorge 100 metres below most of the cleared land, there are some drainage lines that link to the River, but they are intermittent due to their small size and aren't a permanent source of water.
- The soils landscapes features include Blacktown, Hawkesbury, and Lucas Heights soil landscapes. The soils are identified as low fertility.
- In accordance with the Wollondilly DCP, poultry farms cannot be located within 500 metres of a residential zone and so poultry farming on the site is not possible.

### Cattle Grazing

- It is noted that cattle grazing is a minor economy in the region. Cattle grazing contributed 6 per cent of the total Wollondilly LGA agricultural value and the use of the land for cattle grazing will not be economical as it will run at a loss.
- The land uses in the surrounding area is comprised of urban residential areas (Tahmoor) and rural residential developments. The presence of agricultural land uses in proximity to residential will result in a loss of amenity for adjacent properties. Additionally, urban areas may adversely impact agricultural operations, as urban noise can negatively affect agricultural production (e.g. reduction to cattle meat quality). This land use conflict should be avoided.
- 83.1 hectares of the site is covered in dense vegetation which will not be able to be grazed by cattle.

Accordingly, the site has been identified as unsuitable to accommodate agricultural uses. As such, the proposal will not result in any significant, adverse impacts to the agricultural potential or economic performance within the site and the greater region.

### Strategic Alignment

As detailed in Section 4 of this document, the proposal will be consistent with the strategic principles for MRAs as well as the overall strategic objectives established for the region. The Agricultural Impact Assessment confirms that subject to the thorough assessment listed above, the site's unique context and opportunities responds to the relevant strategic provisions as follows:

Table 11 – Strategic Agricultural Assessment

Strategy	Agricultural / Rural Land Provisions	Comment
Western Sydney District Plan	Identifies " <i>Having land that can support productive agriculture</i> ", as one of four values of MRAs to be achieved	The site is not capable of achieving the MRA value of delivering <i>productive agriculture</i> (see sections above)
Wollondilly Rural Lands Strategy	Identifies " <i>Building a strong diverse and variable agricultural community</i> ", as one of six focus areas to be achieved	The site is not capable of supporting viable agriculture operations (see sections above)
Wollondilly Local Strategic Planning Statement	Planning Priority 16 identifies rural lands provide setting for high environmental, agricultural, and mineral resource rich land while land use conflicts between residential and industry/agriculture is to be avoided.	Planning priority 16 is not applicable as the site is not capable of supporting agricultural uses (see sections above)
Planning Directions (Directions for any LEP amendment in accordance with the EPA Act 1979)	Section 9.1 Rural Zones  Council must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone or increase the density of the land unless it is justified by a study prepared in support.	The agricultural land study prepared for this Proposal demonstrates that the site is unable to support agricultural uses (see sections above).

Strategy	Agricultural / Rural Land Provisions	Comment
	<p>Section 9.2 Rural Lands (affects to rural zone)</p> <p><i>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i></p> <p><i>(b) consider the significance of agriculture and primary production to the State and rural communities</i></p> <p><i>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></p> <p><i>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i></p> <p><i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></p> <p><i>(f) support farmers in exercising their right to farm</i></p> <p><i>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</i></p> <p><i>(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</i></p> <p><i>(i) consider the social, economic and environmental interests of the community.</i></p>	<p>(a) As identified in <b>Section 4</b> of this report, the Proposal is consistent with the applicable strategic plans. Otherwise, the site is incapable of achieving the MRA agricultural values.</p> <p>(b) Small scale cattle grazing as the only physically viable agriculture at the site is not a significant production in the Wollondilly Shire Council and the loss of the site for cattle grazing will have a minimal impact on the value of agriculture in NSW and the Wollondilly Shire.</p> <p>(c) The biodiversity value to be protected are otherwise a constraint to agricultural potential.</p> <p>(d) The sections above detail the physical limitations of the site in accommodating agricultural uses.</p> <p>(e) Agricultural uses will not be an economically viable opportunity at the site.</p> <p>(f) In accordance with the NSW Right to Farm Policy, the proposed lack of agricultural use will prevent any land use conflict or fragmentation.</p> <p>(g) Given the site is surrounded by residential and Corn park land uses, the Proposal will not fragment rural land and advocates for an outcome that mitigates land use conflict.</p> <p>(h) The site is not identified as State Significant Agricultural Land.</p>

Strategy	Agricultural / Rural Land Provisions	Comment
		(i) It is in the social and economic interests of the community that agricultural uses be avoided at the site to avoid fragmentation, land use conflict and poor economic performance at the site.
	<p>Section 9.2 Rural Lands (minimum lot size)</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) Where it is for rural residential purposes</p>	<p>(a) The surrounding area is comprised of rural residential uses; accordingly, the proposal's lack of agricultural use will prevent any conflict.</p> <p>(b) There are not many other full-time agricultural land uses in the area and so this part of the direction is not relevant.</p> <p>(c) This is not relevant to this agricultural assessment.</p>

## 9.10. Economic Analysis

As noted above, the Wollondilly LHS provides recommendations for managing housing growth across the LGA. The strategy identifies that land suited for residential development must have the appropriate provisions for bushfire hazard response as well as essential infrastructure and utilities.

To highlight the need to future proof supply, Urbis' Property Economics team have reviewed the alignment of the proposed development with historic housing supply and demand in Tahmoor and the wider Wollondilly LGA based on undeveloped land to produce a calculation based on the most common lot size within the area.

These findings are highlighted in the table below with additional information provided within the Economic Benefits Analysis submitted as **Appendix U** to this report. The findings suggest that there are an estimated 528 undeveloped lots within Tahmoor (excluding the subject site).

Consideration of the above findings has been based on a theoretical supply capacity, specifically noting that some land is not able to be developed due to various constraints and therefore, it is recommended that additional land be rezoned to allow the market to effectively respond to future population needs and demand.

Table 12 – Wollondilly Undeveloped Land Capacity

Location	Undeveloped Land Capacity
Thirlmere	415
Tahmoor	528
Picton	97
Silverdale	397



Location	Undeveloped Land Capacity
Warragamba	0
Bargo	45
The Oaks	79
<b>Total</b>	<b>1,543</b>

*Note: Calculation based on the most common lot size*

*Source: Wollondilly LSPS*

Whilst it is understood that the LHS supports housing growth to be focussed in the Wilton Growth Area, (90 per cent of 16,829 new dwellings from 2021-2041), the Wollondilly Shire Council should also consider appropriate greenfield infill opportunities to diversify and underpin supply. Opportunities, including this Proposal will futureproof the delivery of new housing across the LGA in the event of unforeseen challenges in unlocking new dwellings across growth areas such as Wilton.

The Proposal's efficient use of existing infrastructure, services, and amenity with little to no environmental or resilience exposure is a welcome addition to the one million home target set by the 2022 National Housing Accord. It is a rare urban infill greenfield opportunity.

Table 13 – Wollondilly LGA Dwelling Supply and Demand

	<b>2016-2041</b>
Implied Demand	13,800
Forecast Supply	16,829
Undeveloped Land	1,543
Balance (Wilton)	15,286

*Source: Wollondilly LHS*

As per the Wollondilly LHS, there is an estimated demand for 581 dwellings in Tahmoor over the next 20 years. According to the 2021 Census data, there were 2,213 dwellings in Tahmoor in 2021 with the project demand of 146 new dwellings over the next five years equating to the average growth of 1.3 per cent per annum.

The Australian Bureau of Statistics estimated resident population for the Picton – Tahmoor – Buxton SA2 recorded a 2.4 per cent population growth in 2021. This is well above the projected dwelling demand in the Wollondilly LHS indicating the potential need for more housing in the Tahmoor Area to meet this demand.

Table 14 – Dwelling Forecast by Location, Additional Dwellings per Five Year Period

Location	Undeveloped Land Capacity (Dwellings)
0 to 5 years (2021 to 2025)	146
6 to 10 years (2026 to 2030)	165
11 to 15 years (2031 to 2035)	154
16 to 20 years (2036 to 2040)	116
<b>Total</b>	<b>581</b>

*Source: Wollondilly LHS*

This Proposal is strategically well-placed, considering its proximity to the existing Tahmoor village centre, the opportunity to unlock current infrastructure servicing limitations within the local area, compatibility with natural hazards in the region and the provision of public benefits. The Proposal will drive the long-term future of Tahmoor and the broader LGA.

### 9.11. Site Contamination

A Detailed Site Investigation (DSI) has been prepared by Senversa Pty Ltd (**Appendix C**) as to characterise the soil conditions at the site and to assess site risks in relation to contamination. The detailed investigation included the assessment of 31 test pits and 20 collected surface soil samples targeting potential asbestos. Additionally, a stockpile (SP02) of waste material was tested for waste classification purposes.

This investigation has been prepared further to the Preliminary Site Investigation (PSI) previously undertaken by Environmental Earth Sciences (EES) in November 2010 and updated by EES in October 2013. The PSI identified that most of the site in its current condition is suitable for the intended residential land-use with a few localised areas noted to pose a potential limited risk.

Accordingly, the detailed site investigation has identified the following:

- Prior demolition works and an inspection conducted by a licenced asbestos assessor (LAA) from Property Risk Australia Pty Ltd (PRA) on 19 August 2020 did not identify any fragments of asbestos containing material (ACM) and a laboratory analysis found concentrations of analytes were generally below the relevant criteria or unlikely to pose a significant risk;
- The farm footprints were mostly free of contamination with exception of potential ACM. Of the 20 surface soil samples, seven exceeded the criteria of 0.01 per cent w/w for residential sites and one sample had asbestos marginally exceeding the AF/FA in soil criterion;
- There is potential for rare pieces of ACM to be located at the site, especially where previous demolition has been undertaken or where demolition material was placed;
- A stockpile of refuse and fill material (SP02) has been found to identify anthropogenic material including potential ACM; and
- Stained and odorous soil, which could indicate contamination, was not observed during investigation works.

Accordingly, the DSI recommends that an Unexpected Finds Policy (UFP) should be established as part of the future Construction Environmental Management Plan. Off-site disposal of the waste classified stockpile is to be moved to an appropriately licenced facility to receive 'Special Waste – Asbestos Waste, General Solid Waste (non-putrescible)'. With consideration of the recommendations to manage potential contamination at the site, the site can be made suitable for low-density residential land use without the need for further remediation.

### 9.12. Visual Impact

A Visual Analysis has been prepared by Urbis, providing modelling on the extent of visibility of proposed development on the site and surrounding area as viewed from the Bargo River Gorge to the south. This provides an analysis of the proposed development on the values of the Metropolitan Rural Area and the natural characteristics following the Bargo River Gorge. The visual analysis was conducted across three views, prepared by a fieldwork and analysis conducted in early 2024.

The area is characterised by gently undulating landscapes with heavily treed areas and southern margins where mature native vegetation extends to the Bargo River Gorge. Further north of the heavily treed perimeter to the Bargo River Gorge, the site has two visually discreet clearings, the central spine which is elevated and flat and the other clearing being the eastern lobe which is wider and at a relatively lower elevation.

The fieldwork observations and modelling concludes that:

- Views to the north and north-east, towards the site, were heavily filtered and screened by intervening vegetation;

- There were few opportunities, via clearings in vegetation to obtain clear direct views to either part of the site;
- Views to the subject site were predominantly characterised by dense, mature vegetation around the southern edges of the site, which are included in a buffer zone and will be retained;
- The relative height of topography in the central spine and the relative tree canopy height are likely to block all views to any future single and double storey dwellings proposed for the central spine area; and
- Some residential development across the eastern lobe part of the site will be partially visible and screened by the existing tree canopy. Any residential development partially visible in the eastern lobe will have:
  - High Visual Absorption Capacity, meaning that the environment will be able to hide, screen or absorb the residential development without transformation or significant negative and permanent effects on the character and scenic quality of the context; and
  - High Visual Compatibility, as the scale and form of the proposed development will align with the neighbouring rural residential development to the north.

Overall, the proposal generates a low level of visual effects and will protect the scenic and highly valued tree canopy and vegetated ridgelines in the area. The proposal will facilitate new rural residential development aligning with the existing development in the area, while retaining the intrinsic scenic character of the views afforded over the Bargo River Gorge.

### 9.13. Public Benefit

As noted above, the merits of this Proposal are not strictly limited to additional large lot alternative housing supply, but rather the major benefit of the application is the overall demonstration of place-based benefit, a key consideration of Objective 29 of the District Plan.

A summary of the overall key planning outcomes and resultant community benefits is provided below:

- The Proposal facilitates new road connections to and from the site and the adjoining site (*The Acres*) providing strategic fire egress routes, a requirement for land suited for residential development under the LHS. This Proposal also builds resilience in the locality regarding bushfire and water cycle management (i.e. protecting the Tahmoor CBD from a fast-approaching southern fire front and treating water quantity and quality from upstream catchments to the Bargo River Gorge).
- Further additional infrastructure including irrigated street trees, an urban cooling recycled water evaporation pond and other WSUD initiatives will ensure the development is “water positive” in the local water balance (i.e. more treated wastewater will be lost on site than discharged to the WTP). In addition to this, the provision of the recycled water main facilitates other recycled water users including Tahmoor sportsground irrigation, local school playing field irrigation, recycled water opportunities for an adjacent 33-lot subdivision, 214 independent living unit developments, and any other users wishing to connect to the recycled water trunk main (where it may have been previously unfeasible to do so if the cost and timing of the main’s delivery were included).
- The site cannot be used for intensive commercial poultry farming due to the odour constraints imposed by the LEP (which IPG agreed to in view of supporting surrounding residential rezonings, such as East Tahmoor and *The Acres*). The land use conflict does not permit viable agricultural uses on the site. The site is effectively sterilized from viable large scale agricultural uses. Therefore, the Proposal reflects the orderly evolution and economic use of the site, that is otherwise underutilised and undesirable for agricultural purposes. As such, the proposal has resulted in a significant reduction in odour and noise through the decommissioning of the intensive poultry farm operation. This mitigates land use conflict with *The Acres* and East Tahmoor Precinct.
- The Proposal seeks a range of lot sizes, which transition from 700 square metres at the interface with East Tahmoor to 4,000 square metres plus at the ‘eastern lobe’ of the site to provide a range of transitional and rural living opportunities that, respectfully respond to local character and housing demand.
- The Proposal provides unique local housing choices (large lots and curated housing typology) that will provide a key difference when compared with the small lots produced in the Wilton and Greater Macarthur growth areas, which are anticipated to account for 90 per cent of Wollondilly Shire Council’s

housing growth over the next 20 years – mostly of “urban” small lot stock. In this sense, the Proposal also underpins housing supply and security, mitigating delivery risk should unforeseen circumstances inhibit the supply of theoretical housing in Wilton (e.g. due to bushfire risk or provision of enabling infrastructure).

- Public access to the Bargo River Gorge is delivered through the dedication and ongoing maintenance of the 75-hectare Biodiversity Stewardship site (via a \$4 million Trust Fund deposit). The Planning Agreement requires the installation of pathways, picnic areas and viewing points within the Biodiversity Stewardship site for the public benefit.
- All ecological constraints will be comprehensively managed and offset through Bio-certification and biodiversity Stewardship strategies. This meets best practice and the planning priorities of the current strategic framework, including the MRA.
- The proposed subdivision and development facilitated by the Proposal has been informed by detailed site-specific studies that respond to the natural physical characteristics of the site. The material presented with this Proposal demonstrates that reasonable dwelling sites that can be safely realised on each proposed residential lot, accounting for bushfire, ecological, stormwater and topographical requirements.
- This Proposal demonstrates that utility services can be managed with reticulated sewer and having regard to land capability.
- Appropriate buffer zones have been permanently protected for the Turkey Processing Plant to protect residential amenity and ensure local employment is not compromised.
- The Proposal enables the dedication and embellishment of a 5,000 square metre park recreation area and a Carpark at Progress Street.

The site is no longer able to operate as a financially viable agricultural entity for the reasons highlighted in the aforementioned points. Whilst this issue is not unique to the site and is seen throughout the Wollondilly Shire, it is important to emphasise as given the site’s context in being a rare urban infill greenfield site, between multiple existing urban subdivisions, and subject to odour constraints under the LEP so there are limited development opportunities remaining for the site that offer a stronger suite of public benefits than those detailed in our Proposal. This is a superior outcome compared to proceeding with a design under the site’s current zoning which would prohibit the no-cost \$82.5 million open space dedication of 75 hectares of land (half of the site).

The most viable land use typology for the site is its delivery as a greenfield ‘infill’ development as it is not only strategically well-placed, considering its proximity to the existing Tahmoor village centre, infrastructure servicing, compatibility with natural hazards in the region and provision of public benefits, but it also underpins the Wollondilly Shire Council’s delivery of tangible housing supply, diversifying the product on offer, rather than rely solely on forecast housing which may ultimately be subject to various constraints in its delivery.

## Section D – State and Commonwealth interests

### **Q10.        *Is there adequate public infrastructure for the planning proposal?***

#### **10.1.        Planning Agreement**

An Amended Offer to enter into a Planning Agreement is included as part of this Proposal, which mirrors the previously negotiated agreement. The Amended Offer sets out the dedication of the following land:

- Biodiversity Stewardship site.
- Detention basins.
- Progress Street Car Park.
- Cross Street Park.

The Planning Agreement also stipulates that the following works must be completed by IPG prior to the dedication of land, as relevant:

- Biodiversity Stewardship site maintenance works (including trust fund).

- Pathways, picnic areas and viewing vantage points in the Biodiversity Stewardship site.
- Embellishment of the Cross Street Park.
- Construction and embellishment of Progress Street Car Park.
- Installation of traffic calming measures within the subdivision to facilitate safe fauna crossings in designated locations.

The following monetary contributions will also be made by IPG to Wollondilly Shire Council:

- Detention basin maintenance payment (per Council policy).
- Contribution towards construction of a shared pathway between the site and Tahmoor Town Centre.

Unless otherwise agreed, the proposed Planning Agreement will not exclude the application of Section 7.11 and Section 7.12 developer contributions levies. Accordingly, the contributions made in the Planning Agreement are in addition to any such contributions.

As noted, the delivery of the Cross Street Park will be secured via a Planning Agreement. As the park will meet the development's local open space needs, it is reasonable that the cost of the park (land and capital costs) be offset against future contributions payable under Council's Contributions Plan.

## **10.2. Section 7.11 Contributions**

The above Planning Agreement works will be in addition to Section 7.11 contributions, which will be applicable at the relevant Development Application stage of this development.

## **10.3. Whole of Infrastructure Delivery Strategy**

New and augmented utility, State and local infrastructure will need to be provided to support the Proposal. These infrastructure requirements, together with the strategy to deliver them, are set out in a Whole of Infrastructure Delivery Strategy prepared by GLN Planning (Appendix S). This strategy:

- 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 Wollondilly Shire 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 different types of local infrastructure, following the completion of each stage of the development.

Council requested the IDP to assist it in its consideration of whether to support the Proposal. The IDP is comprehensive, covering all the infrastructure needs of the development and it focuses on what, when and how this new local infrastructure will be provided and maintained over the life of the infrastructure.

The IDP has been prepared based upon the illustrative masterplan developed by Urbis and is informed by the draft Planning Agreement that was exhibited as part of the previous planning proposal on the site.



Figure 12 – Infrastructure Delivery Plan



As such, the Proposal will deliver and dedicate all the relevant infrastructure items at the appropriate timing during the future development phases.

#### 10.4. Water

Sydney Water confirmed the site is in the Thirlmere reduced two zone. The ultimate capacity to service the development is dependent upon upgrade of the system, as well as the rezoning of East Tahmoor and timeframe of surrounding developments, such as The Acres, within the system.

From the date of receipt of the feasibility letter from Sydney Water, significant development has occurred on sites surrounding the subject site along Greenacres Drive, Cross Street to the north and northwest, and The Acres development to the east. This has delivered a series of potable water mains for future extension to ultimately service the proposed development on the subject site.

#### 10.5. Sewer

Following a determination of approval by Council and DPHI, the site will be serviced with the required waste water treatment, in co-ordination with Sydney Water (**SW**). The sewer servicing of the site has been confirmed by SW who have issued a letter of support on 13 October 2023 in which SW have committed to provide the required wastewater service to the proposal.

The details of servicing will be workshopped with SW. Notwithstanding, the site will be serviced by a traditional sewer connection across most of the lots, connecting to the Picton Treatment Plan. The larger lots at the south-east end of the site will use on-site effluent treatment. A study by AgEnviro Solutions dated February 2024, concluded the soils across the large lot southeast sections of the site can be serviced via onsite effluent disposal methods (surface irrigation), consistent with Council's Onsite Sewage Management Policy. The soil across these lots is able to absorb effluent water before it is able to enter groundwater table or the Bargo River Gorge.

In addition to the on-site effluent, the rest of the site can be supported by a permanent gravity, pressurised sewer reticulation system, connecting to the Picton Treatment Plant. This system is demonstrated in the figure below and would comprise of the following catchments:

- The pink catchment is drained via gravity to the East Tahmoor lead-in;
- The purple catchments drain via 2x SPS's in the middle of the site which ultimately drain back to the East Tahmoor lead-in through our site; and

- The remaining green catchment is to be treated via onsite effluent disposal.

Figure 13 – Sewer Servicing Strategy



Source: Craig & Rhodes

SW have also expressed that they are open to exploring options for the provision of recycled water in support of the proposal. This would include the development of a recycled effluent reticulation on-lot scheme as well as a treated recycled effluent pipeline between the site and the Picton Water Recycling Plant. This pipeline can be delivered via a Commercial Agreement between Inghams and SW.

A report prepared by IDC dated December 2022 indicates that a recycled water system would result in a net water balance deficit (i.e. uses more recycled water than sewer it generates). In the instance there are delays to the SW's Picton-capacity works, a recycled water system will expedite sewer to the development without placing additional discharge pressure on the treatment plant.

## Electricity

A technical review by Endeavour Energy identified there is insufficient capacity from existing feeders surrounding the development. To service the proposed development a new 11 kV feeder is required to supply the proposed development.

## 10.6. Telecommunications

NBN CO recently completed a backhaul cable along River Road to service this development and surrounding developments. It is anticipated that this development will connect to this cable at the nearest fibre joint location.

**Q11.      *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

This will be determined following the undertaking of consultation with the relevant State and Commonwealth public authorities as identified in a Gateway determination. A response to any views and/or issues raised will be prepared as part of a response to the Gateway determination.

The following agencies are expected to be consulted as part of the Gateway process:

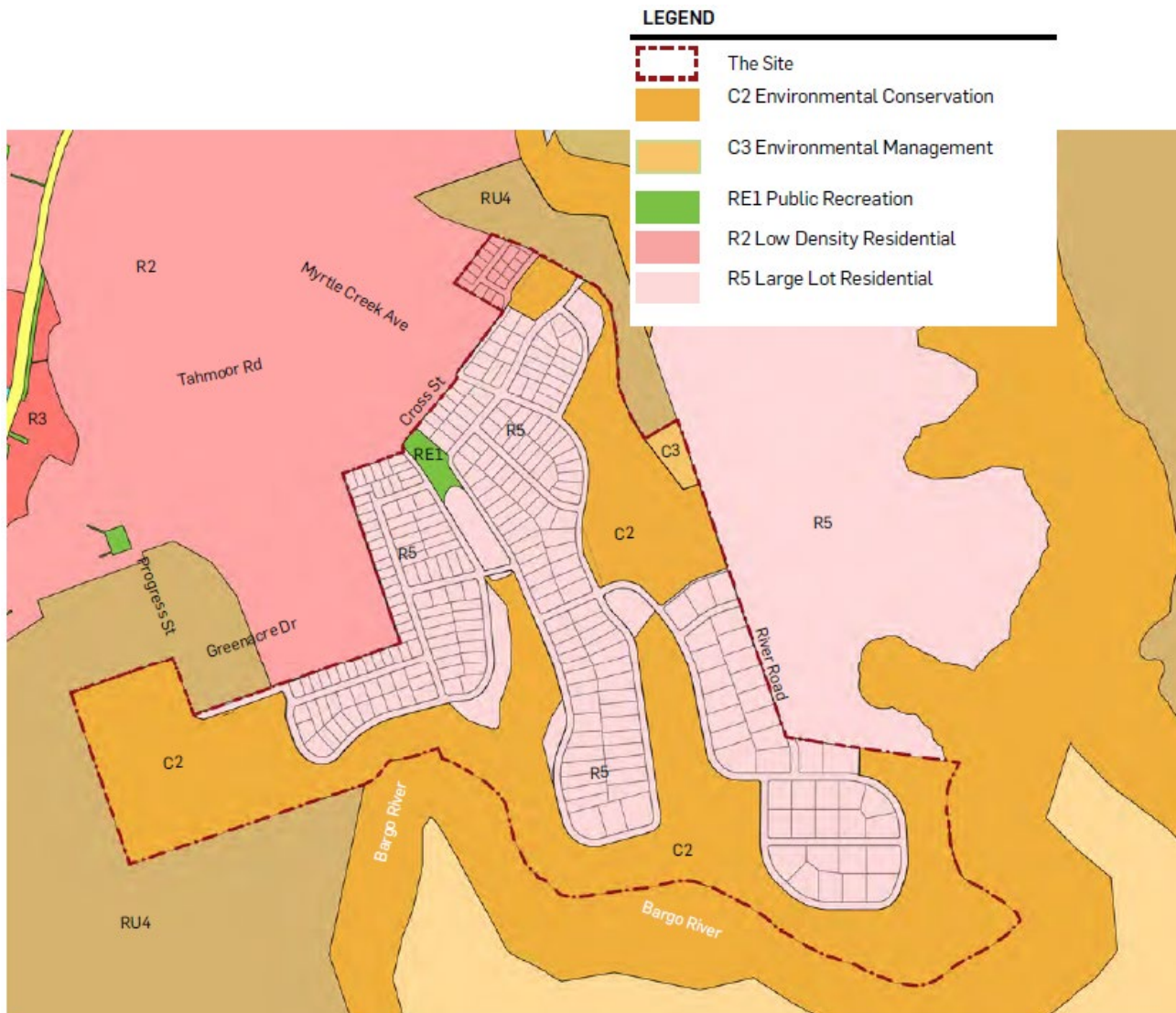
- Ministry of Health – South Western Sydney Health District.
- Transport for NSW.
- Roads and Maritime Services.
- NSW Education Department.
- Office of Environment and Heritage.
- NSW Police Force.
- NSW Department of Primary Industries – Office of Water..
- Sydney Water Corporation.
- NSW Department of Trade and Investment – Mineral Resources Branch.
- Mine Subsidence Board (now Subsidence Advisory NSW).
- Greater Sydney Local Land Services (replaced Hawkesbury-Nepean Catchment Management Authority).
- NSW Fire and Rescue.
- NSW Rural Fire Service.
- State Emergency Service.
- Environmental Protection Agency.



## 6.4. MAPPING

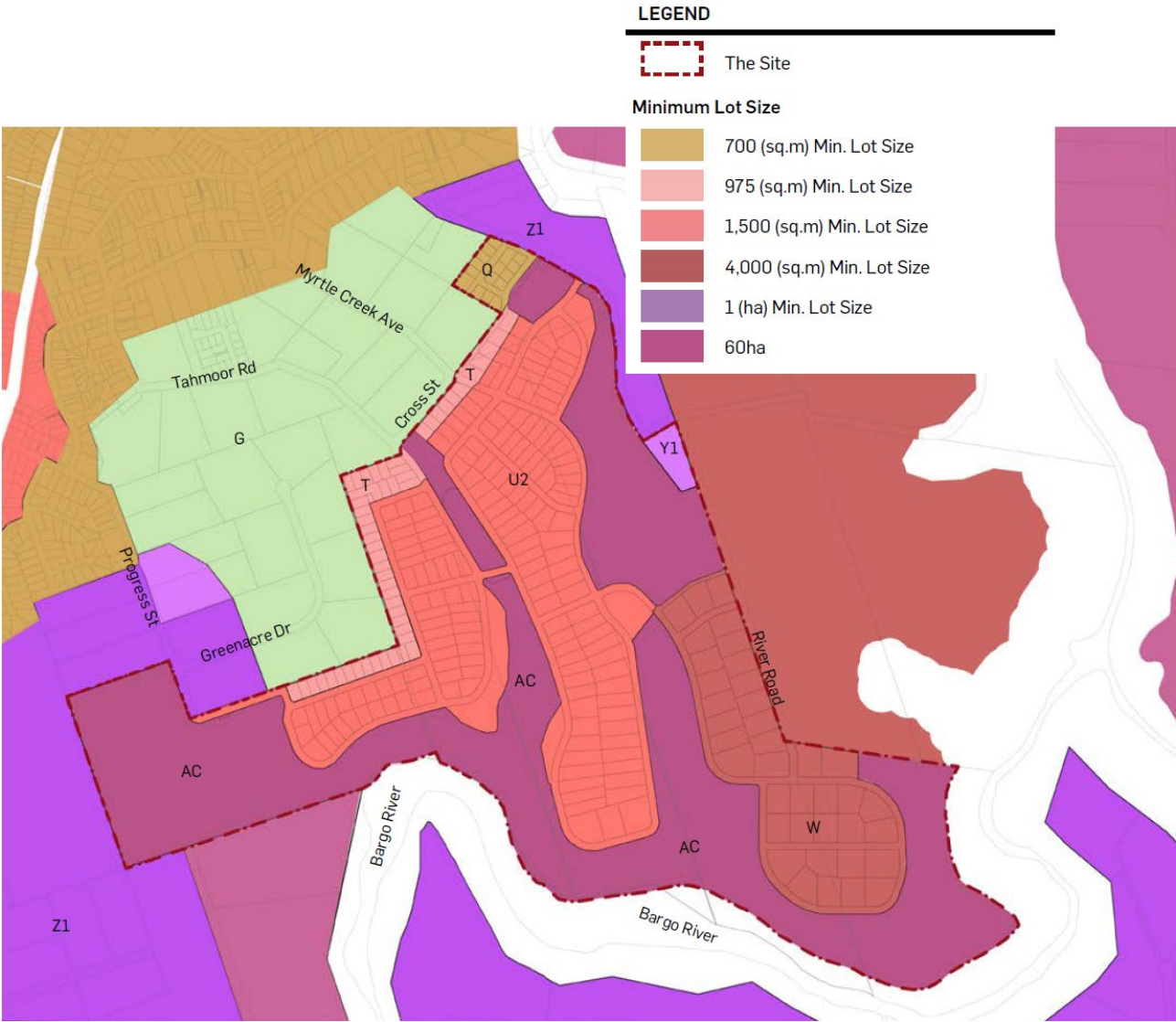
Maps have been prepared which show the current and proposed development standards for the site (refer to Figure 14 to Figure 17 below). The proposed maps are consistent with the intended outcomes for the Planning Proposal as identified in Section 6.2.

Figure 14 – Proposed Land Use Zoning Map



Source: Urbis

Figure 15 – Proposed Minimum Lot Size Map



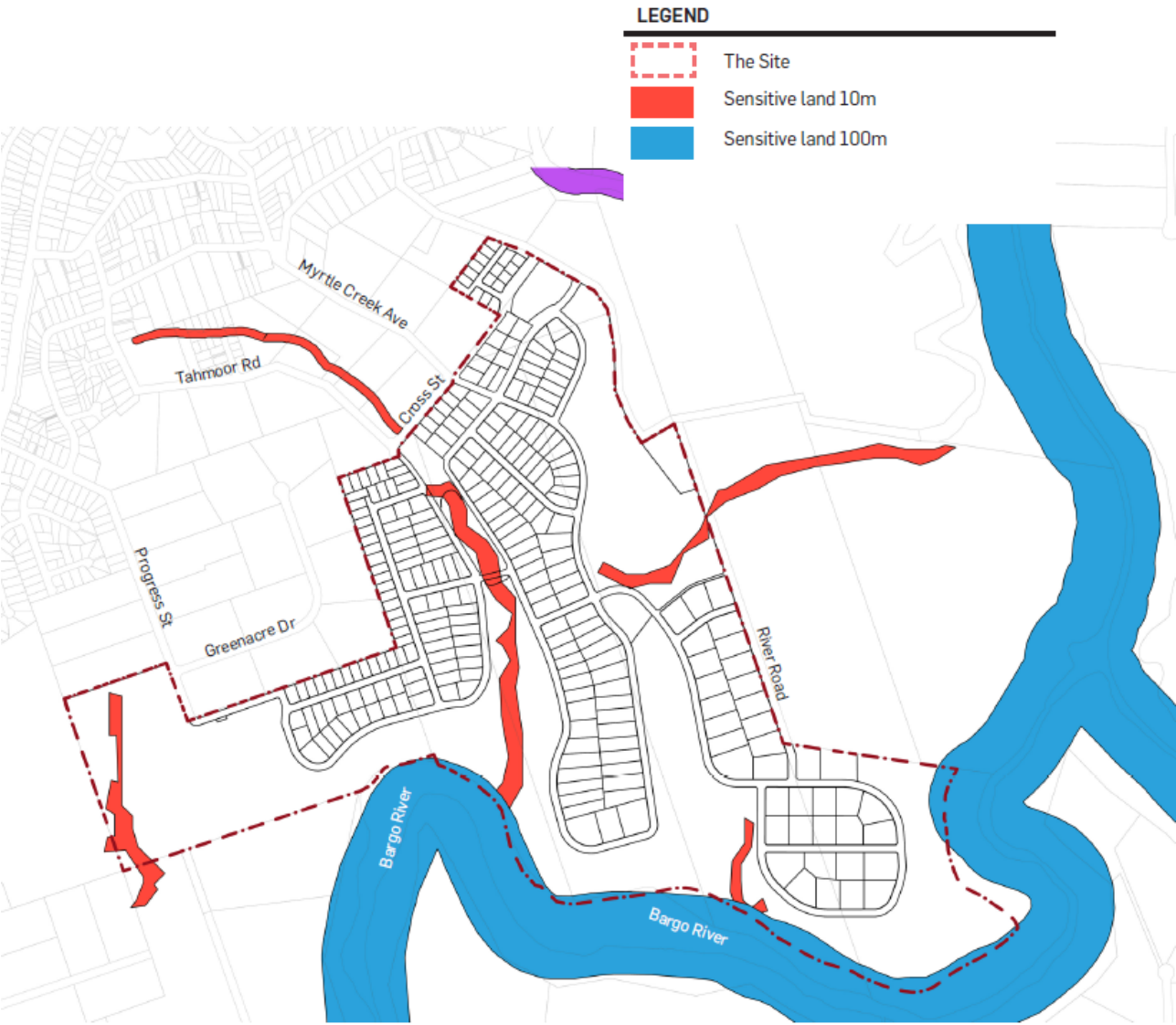
Source: Urbis

Figure 16 – Proposed Height of Buildings Map



Source: Urbis

Figure 17 – Proposed Natural Resources Water Map



Source: Urbis

## 6.5. COMMUNITY CONSULTATION

As part of the initial (2013) Planning Proposal, IPG actively engaged with Wollondilly Shire Council and the local community to ensure the vision for the site was aligned with community expectations and could deliver significant public benefit to the Shire.

This included the public exhibition of the draft Planning Agreement and site-specific DCP in December 2020/January 2021, which have largely been carried over as part of this (updated) Proposal.

The Planning Agreement (described in Section 3.3) enables the relevant local infrastructure upgrades, contributions, land dedications and embellishments to support the proposal.

Central to the vision is the creation of public access to the northern rim of the Bargo River Gorge, allowing appreciation of the LGA's natural environment. This strategy is enabled by the concurrent Bio-certification and Biodiversity Stewardship agreements and is proposed in response to significant engagement with the National Parks Association – Macarthur Branch, and in view of IPGs vision to support a positive planning outcome at the site.

It is expected that the Proposal will be publicly exhibited for 28 days in accordance with any future Gateway Determination.

## 6.6. PROJECT TIMELINE

The following table sets out the anticipated project timeline in accordance with the DPE guidelines. The key milestones and overall timeframe will be subject to further detailed discussions with Council and the DPE.

Table 15 – Anticipated Project Timeline

Process	Indicative Timeframe
Planning Proposal submitted to Wollondilly Shire Council	19 January 2023
Local Planning Panel Meeting	7 December 2023
Wollondilly Shire Council Meeting recommending the Planning Proposal be submitted to DPE for Gateway Determination	May 2024
DPE issue Gateway Determination	July 2024
Applicant response to matters in Gateway Determination (e.g. updated reports)	August – October 2024
Public exhibition and agency consultation	November 2024
Post exhibition review of submissions	November to December 2024
Submission to DPE for finalisation	January 2025
Legal drafting of LEP	February 2025
Gazettal of LEP	March 2025



## 6.7. LPP MEETING DECEMBER 2023

On Thursday, 7 December 2023 the Wollondilly Local Planning Panel (LPP) conducted a site inspection prior to the LPP meeting, where both Council officers and Ingham Property were given the opportunity to address the Panel.

Following consideration, the LPP noted in their advice published on 15 December 2023 *“that subject to certain requirements being met and amendments being made (outlined in Table 1 below), the draft Planning Proposal could subsequently be submitted to DPE for Gateway consideration”*.

For completeness, we have also provided a response to each of the ‘issues to address’ raised by the LPP.

Table 16 – Responses to LPP Minutes

Issues to Address	Response
a. On site effluent disposal should not be supported to meet short or long term wastewater disposal requirements. However, the purple pipe system and take more than you give concept’ solutions appear worthy of further consideration. A servicing agreement with Sydney Water that reflects this requirement should be sought by the proponent.	<p>All lots will be serviced by conventional reticulated sewer, aside from 39 one hectare lots in the ‘eastern lobe’ of the development, which are proposed to have on-site effluent treatment.</p> <p>The on-site effluent systems will be located and designed in accordance with Council On-site Sewage Management and Greywater Re-Use Policy. AgEnviro has confirmed there is adequate space available for these ‘eastern lobe’ lots to accommodate onsite effluent disposal and irrigation areas.</p>
b. Operational site requirements, including the location of asset protection zones, are to be located outside the proposed conservation area and clearly shown in future plans and documents seeking biodiversity related approvals or agreements.	<p>We acknowledge that approximately 1 to 1.3 hectares of Asset Protection Zone (APZ) area is located within the Biodiversity Stewardship Area (BSA). The alternative is for the APZ’s to exist within the road reserve. We believe the current arrangement is superior because the Biodiversity Stewardship Agreement captures both management actions and funding, providing certainty for Council.</p> <p>The relevant biodiversity documents have been updated to itemise more explicitly the specific ‘management actions’ for the APZ areas.</p>
c. Ownership of land necessary to support future development (including detention basins) and associated management requirements, need to be confirmed and agreed with relevant parties.	<p>In conjunction with the below response (for biodiversity), the submitted Letter of Offer sets out the management and ownership approach (including funding, where relevant) of all infrastructure items. Further, the Planning Proposal includes a comprehensive Infrastructure Delivery Plan (IDP) which details the funding and end ownership arrangements for each asset / contribution.</p> <p>Maintenance payments for, and dedication of, detention basins are proposed to occur in accordance with Council’s policy.</p>

Issues to Address	Response
<p>d. Ownership and management requirements for the proposed conservation area need to be confirmed and agreed with relevant parties.</p>	<p>We clarify the following in relation to the Biodiversity Certification and Biodiversity Stewardship Agreements:</p> <ul style="list-style-type: none"> <li>▪ The Biodiversity Stewardship Agreement (formerly referred to as the BioBank Agreement) has previously been drafted and discussed at length with relevant Council Officers.</li> <li>▪ The Draft Agreement will be issued to the Credit Supply Taskforce shortly for review. This submission will acknowledge the need to address the latest mandatory requirements (as of 1 January 2024).</li> <li>▪ The latest versions of the Biodiversity Stewardship Site Assessment Report, Trust Fund Deposit (TFD) and Management Action Plan are all dated 28 November 2021. The TFD was circa \$3.8M (however this will be indexed and updated to reflect the latest reporting requirements).</li> <li>▪ Separately, and of relevance, is the Biodiversity Certification reporting. This has been prepared and will need to be issued to the NSW Department Climate Change Energy, Environment and Water (DCCEEW) by Ingham Property prior to Gateway. A meeting with DCCEEW is currently being arranged to brief them prior to submitting, given the planning actions that have taken place since the previous Biodiversity Certification report submission and review back in 2018.</li> <li>▪ The current Letter of Offer to enter into a Planning Agreement sets the timeframes and commitments for the finalisation of the above actions.</li> <li>▪ Ingham Property understand the time imperatives, however, also need to ensure the execution of the agreements do not occur prior to the gazettal of any future rezoning to protect current land use rights on the site.</li> </ul>



Issues to Address	Response
<p>e. The width of the conservation area along the ridge of the Bargo River Gorge should be extended to enable the proposed passive recreation facilities to be accommodated without negatively impacting the conservation outcomes. While the Panel considers the proposed recreation outcomes are positive and worthy of support, they must be complementary to, and not at the expense of, conservation outcomes.</p>	<p>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.</p> <p>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.</p> <p>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).</p> <p>The impacts associated with implementing the walking trails and vantage points are negligible and have been accounted for within the biodiversity credit calculations. It has been found that the credit balance on the site is neutral, meaning the in-perpetuity management of vegetation within the BSA land offsets any impacts associated with the introduction of the walking trails, vantage points (and development footprint itself).</p> <p>This outcome is considered to provide an appropriate balance between passive recreation opportunities (walking trail access to vantage points) that provide significant public benefit and conservation outcomes.</p>
<p>f. The urban footprint of the indicative masterplan is considered to provide an unnecessarily lengthy interface with the high value natural vegetation which will create adverse biodiversity edge effects and increase the extent of the bushfire asset protection zones. The length and extent of this interface should be reduced.</p>	<p>The proposed development footprint and lot layout, in line with the proposed biodiversity conservation arrangements, remain unchanged.</p> <p>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 the Biodiversity Stewardship site.</p> <p>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>

Issues to Address	Response
<p>g. It is recognised that items e. and f. above may result in a smaller residential zoned area. However, the panel has no concerns if the same lot yield is achieved in a smaller urban footprint. In this regard, the potential lot yield is best determined by environmental and infrastructure constraints and capacities.</p>	<p>As above, there is no intention to reduce the development footprint. The masterplan is the result of over 10 years of collaboration with Council and State agencies. Comprehensive studies confirm that development activity is sensitively positioned and results in positive biodiversity, bushfire and stormwater outcomes whilst ensuring no detrimental visual, traffic, servicing or land compatibility impacts.</p>
<p>h. The Traffic and Transport Study be updated to address the objectives of Local Planning Direction 5.1- Integrating Land Use and Transport made under section 9.1(2) of the Environmental Planning and Assessment Act 1979. It is noted that the Panel considers the sites good proximity to existing (rail) and future (bus) public transport linkages and the town centre of Tahmoor, would give good reason for the site to be justifiably inconsistent with the Local Planning Direction.</p>	<p>Traffix have updated the Traffic Report, which is supplied with this addendum submission.</p> <p>The revised report confirms consistency with the relevant Ministerial Directions, noting its proximity to current and planned transport infrastructure.</p> <p>Further, traffic counts and modelling have been 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.</p>
<p>i. An assessment of the visual impact of the proposed development on the Metropolitan Rural Area be undertaken and provided as part of the planning proposal. This should include the visual impact when viewing the site from the southern side of the Bargo River Gorge.</p>	<p>Urbis Design has undertaken a visual impact analysis, having visited the site and surrounding walking trails, and prepared photomontages in accordance with NSW LEC guidance.</p> <p>The visual analysis confirms the acceptability of the proposal on visual impact grounds.</p>
<p>j. The applicant must demonstrate through appropriate documentation prepared in consultation with Council and emergency services agencies that the outcomes identified by the Hazard Analysis and Emergency Management Study (HAEMS) under preparation by Wollondilly Shire Council will not be detrimentally impacted.</p>	<p>Given the HAEMS is still in draft format, Ingham Property can only assess the available information. We provide the below and attached memorandum from Blackash as our site-specific response to this regional study.</p> <p>It is understood the HAEMS is most relevant to the subject Planning Proposal in relation to bushfire evacuation matters. Council officers confirmed in person on 16 January 2024 that there are no outstanding flooding concerns, the site will not be at risk of isolation in the Probably Maximum Flood event.</p> <p>Page 59 of the submitted Bushfire Report illustrates a comprehensive strategy for evacuation and shelter in place. There are six proposed road connections to the existing road network, and all are connected to existing two-laned sealed roads.</p> <p>The proposed evacuation routes provide safe destinations including the Tahmoor town centre,</p>

Issues to Address	Response
	<p>Tahmoor shopping centre and Tahmoor Community Centre.</p> <p>Future residents are within 3.7 kilometres (or 5 minutes by car) of an 'Neighbourhood Safer Place'. Other closer options are available including parking in an urban area away from the fire front, or "The Acres" development (adjoining to the west of the site).</p> <p>Future residents will be no further than 1 kilometre from a safer refuge location (out of Bushfire Prone Areas), and the multiple routes are on two-lane sealed roads. This will spread the evacuation traffic and provide alternatives if a route is blocked. All routes are free of significant areas of bushland and the four identified pinch points are unlikely to have a significant impact on evacuation.</p> <p>Whilst the draft HAEMS exists as a regional study, we understand that Wollondilly Shire Council are concurrently refining it and preparing a guideline for planning proposal proponents to respond to it. We can provide this targeted site-specific response once the final HAEMS study is ratified and a structure is in place to do so.</p>
<p>k. All other outstanding infrastructure, servicing and environmental management issues (noise and odour) being satisfactorily progressed to resolution.</p>	<p>All relevant reports have been updated, including the Sewer, Stormwater, Acoustic, Odour and Ecology reporting, which have been updated to revalidate the earlier analysis in response to comments received from Council and NSW EPA. All reports conclude that there are no land compatibility issues and that Council's relevant standards can be comfortably met without amendments to the current masterplan.</p>

## 7. CONCLUSION

This Proposal request has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment guidelines '*Planning Proposals: A guide to preparing planning proposals*' dated December 2018. It sets out the justification for the proposed LEP amendments which will allow for the development of a large lot residential development at the site.

The illustrative master plan accompanying the Proposal has been informed by a range of specialist investigations and detailed site analysis. As a result, the proposed LEP zoning and minimum lot size changes will achieve an appropriate development outcome for the following reasons:

- From a **local context** perspective – the Proposal will achieve an appropriate large lot residential and conservation outcome across the site. The proposed larger lot sizes will provide a gradual transition from the low density residential envisaged across the East Tahmoor precinct and *The Acres* to the east. This Proposal represents a logical transition at the interface with the Tahmoor urban edge. Furthermore, technical studies prepared in support of this Proposal have confirmed that the site is suitable for the proposed nature and scale of development, having regard to a range of factors including biodiversity protection, bushfire, stormwater, wastewater, traffic, access, noise, odour, Aboriginal heritage, utility services and mine subsidence. The Proposal will build resilience in bushfire management for the Tahmoor village. None of the environmental considerations represent a fundamental constraint to the site conversion to an urban or residential zoning and the site is well located to accommodate future urban development.
- From a **strategic policy alignment** perspective – the Proposal will positively contribute to the State strategic planning goals, in particular in relation to the creation of housing opportunities, whilst protecting, enhancing and rehabilitating key ecological values on site.
- From a **net community benefit** perspective – the Proposal will deliver a range of benefits for the community, including:
  - Dedication of 75 hectares (half the total site area) of high value land (\$82.5 million) to public ownership.
  - Retention of significant onsite vegetation and in perpetuity protection of these areas through the Biodiversity Stewardship agreement.
  - Connection of the existing Tahmoor township with the northern rim of the Bargo River Gorge, creating and providing embellished public access through walking trails and lookouts.
  - Decommissioning of all intensive agricultural uses on site (which has already occurred), has reduced odour and noise impacts on surrounding properties.
  - Provide a unique form of compatible large lot housing that is not in direct competition with the East Tahmoor precinct, *The Acres* or Wilton's small lots.
  - Introduce walking and cycle pathways through the site that connect with the existing network, as well as connect with *The Acres*.
  - Provision of dedicated 'public recreation' areas that will connect with the existing and proposed public open space network to the north of the site.
  - Protection of local employment through protecting permanent buffers to the existing Turkey Processing Plant.
- From an **environmental** perspective – this Proposal seeks to retain the significant vegetation that currently exists across the site. The illustrative master plan will not adversely impact on the high valued ecological areas identified across the site, whilst a large lot residential subdivision will respond to and appropriately integrate with these high valued areas, which are proposed to be revegetated and protected in perpetuity through the 75-hectare Biodiversity Stewardship agreement. The public access to the BSA, including new barbeque facilities, picnic areas, walking paths and vantage points within the BSA will not result in any biodiversity impacts. As such, the proposal will deliver significant, positive environmental and recreational outcomes for the local and broader community.

In conclusion, this Proposal is considered to justify the amendment of *The Wollondilly Local Environment Plan 2011* to support the provision of large lot infill residential within Tahmoor. At the same time the

Proposal will maintain strong alignment with the prevailing strategic planning framework and deliver significant public benefit to the Shire. For these reasons, the Proposal is considered to be worthy of Wollondilly Shire Council support and should be forwarded to DPE for Gateway determination.

## 8. DISCLAIMER

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