



## REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the  
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	27 February 2025
DATE OF DECISION	12 February 2025
PANEL MEMBERS	Justin Doyle (Chair), David Johnson and Sue Francis
APOLOGIES	Phillipa Frecklington
DECLARATIONS OF INTEREST	None

### REZONING REVIEW

#### RR-2024-29 – Wollondilly Shire LGA – PP-2022-4334

5 and 15 Cross Street, 100, 120, 120A, 140 and 250 River Road, and 85 Progress Street, Tahmoor (As described in Schedule 1).

#### Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☐ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

### PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic merit and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has:
  - ☐ not demonstrated strategic merit
  - ☐ demonstrated strategic merit but not site specific merit

The decision was unanimous.

### REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard extensively from Wollondilly Shire Council and the proponent, Urbis and Ingham Property Group.

The Panel accepts and agrees with the recommendation of the Wollondilly Shire Local Planning Panel (LPP) to the Council that Planning Proposal has both strategic and site-specific merit.

## Strategic Merit

The Panel agreed that the Planning Proposal had Strategic Merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Regional Plan (Regional Plan), Western City District Plan (District Plan), Wollondilly Local Strategic Planning Statement (LSPS), Wollondilly Local Housing Strategy (LHS), Wollondilly Rural Lands Strategy, Wollondilly Natural and Man-Made Hazards Study, Wollondilly Land Dedication Policy, Cumberland Plain Conservation Plan (CPCP), Relevant State Environmental Planning Policies (SEPP) and Relevant Section 9.1 Ministerial Directions.
- The Panel agrees that the Planning Proposal is consistent with the state government initiatives to deliver greater housing in appropriate locations. The fact that the site was not included in the previous LSPS (to be reviewed), notwithstanding the fact that a previous Planning Proposal was under consideration, is not a matter which should preclude the site having Strategic merit at this time.

## Site Specific Merit

The Panel is supportive of the Planning Proposal proceeding to Gateway as proposed. However, the Panel recommends that, administratively and in consultation with the proponent, the following documents/plans (not exclusive) should be updated prior to any exhibition:

- a. The proposed average 100m buffer delineation to the Bargo River Gorge where depicted in the documents should be defined by ground truthing for the whole of its length with respect to potential conflicts with topographical, ecological, cultural and other relevant constraints
- b. All technical reports be brought up to date in terms of data. Specifically, any traffic report and VPA which may require consolidation to address the Local Planning Panel and Council resolutions on the Planning Proposal

The Panel recognised the very high environmental and cultural heritage significance of the Bargo River Gorge and the importance of protecting its associated values when considering the subject planning proposal. Taking that significance into account, the final decision of the width of the proposed buffer if the planning proposal proceeds to gazettal should be made carefully considering the proposal to incorporate a sensitively positioned means of public access.

A greater or lesser buffer may ultimately be appropriate having regard to those matters. It may be that to offset an increase in the buffer width to improve the environmental and public outcome, additional development or smaller lots further set back from the Bargo River Gorge might be appropriate, as was suggested by the Local Planning Panel assessment.

The Panel also acknowledges that the site is surrounded by residential subdivisions and that the rural use of the subject land has been compromised due to those approvals. This Panel is mindful that the Planning Proposal offers an opportunity to deliver bushland back into public hands, specifically providing an environmental buffer, visual protection, and access to the Gorge.

Transport for NSW (TfNSW) opposed the planning proposal proceeding to Gateway submitting that cumulative impacts of the Proposal and others like it in the surrounding area are likely to result in congestion and delays to the existing limited road infrastructure, and its distance from significant mass transit nodes. The land is however within an area already being developed through a number of housing developments. In the context of those developments the additional housing proposed by this proposal is relatively modest and is unlikely to substantially alter traffic congestion issues affecting the area. That said, appropriate contributions to be made through a VPA or works might be considered during the Gateway

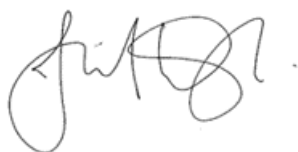


## Planning Panels Team

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assessment. The potential for the planning proposal to allow for a rational development of this site while taking advantage of the offer of permanently protecting the areas close to the Gorge and allowing public access offers a potential counter to those concerns. TfNSW also submitted that if the planning proposal was to proceed, road widths adopted should allow for a potential future bus route. That should be considered.

Wollondilly Shire Council resolved not to support the planning proposal, and thus are unable to accept the role of Planning Proposal Authority (PPA) for this planning proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

Should the proponent fail to pay the PPA fee by the designated date, then the Panel will no longer proceed with the planning proposal and the making of a local environmental plan amendment.

PANEL MEMBERS	
 Justin Doyle (Chair)	 David Johnson
 Sue Francis	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	RR-2024-29 – Wollondilly Shire LGA – PP-2022-4334– at 5 and 15 Cross Street, 100, 120, 120A, 140 and 250 River Road, and 85 Progress Street, Tahmoor
2	<b>LEP TO BE AMENDED</b>	Wollondilly Local Environmental Plan (LEP) 2011
3	<b>PROPOSED INSTRUMENT</b>	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>Rezone the land from RU4 Primary Production Small Lots to a mixture of <ul style="list-style-type: none"> <li>R2 Low Density Residential;</li> <li>R5 Large Lot Residential;</li> <li>RE1 Public Recreation;</li> <li>C3 Environmental Management; and</li> <li>C2 Environmental Conservation</li> </ul> </li> <li>Reduce the minimum lot size from 2 hectares to: <ul style="list-style-type: none"> <li>R2 – 700m<sup>2</sup></li> <li>R5 part 975 m<sup>2</sup>, part 1500 m<sup>2</sup> and part 4000 m<sup>2</sup></li> <li>C3 10000 m<sup>2</sup></li> <li>C2 zoned land be commensurate to the amount of zoned land.</li> </ul> </li> <li>Increase the maximum height of buildings to part 6.8 and part 9m</li> <li>Amend the Natural Resources Water Map to provide a riparian buffer of ten metres along the four minor watercourses.</li> <li>Amend the Urban Release Area Map to include the subject site to ensure adequate provision for State and Local Infrastructure.</li> </ul>
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Rezoning review documentation</li> <li>Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 29 January 2025</li> <li>Slide presentations from DPHI, February 2025; Wollondilly Shire Council February 2025 and the proponent February 2025</li> </ul>
5	<b>SITE INSPECTIONS AND BRIEFINGS BY THE PANEL</b>	<ul style="list-style-type: none"> <li><b>Site inspection with Department of Planning, Housing and Infrastructure (DPHI): 9:35am – 10:31am, 12 February 2025</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Justin Doyle (Chair), David Johnson and Sue Francis</li> <li>DPHI staff in attendance: Louise McMahon, Doug Cunningham, Alex Galea, Ian Woods and Lance Collison</li> <li>Key issues discussed: <ul style="list-style-type: none"> <li>Wastewater servicing arrangements.</li> <li>Traffic infrastructure required.</li> <li>Public Access to Gorge.</li> <li>Linkage to surrounding developments.</li> </ul> </li> </ul> </li> <li><b>Briefing with Department of Planning, Housing and Infrastructure (DPHI): 12:34pm – 1:00pm, 12 February 2025</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Justin Doyle (Chair), David Johnson and Sue Francis</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ DPHI staff in attendance: Louise McMahon, Doug Cunningham, Alex Galea, Ian Woods, Lance Collison, Taylah Fenning and Adam Williams</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>● Site history, LPP &amp; Council consideration</li> <li>● TfNSW submission and road infrastructure</li> <li>● Strategic merit including the Metropolitan Rural Area (MRA)</li> <li>● Biodiversity impacts and values on site</li> <li>● Studies submitted with the proposal</li> </ul> </li> <li>● <b>Briefing with Wollondilly Shire Council: 1:19pm – 1:58pm, 12 February 2025</b> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), David Johnson and Sue Francis</li> <li>○ DPHI staff in attendance: Louise McMahon, Doug Cunningham, Alex Galea, Ian Woods, Lance Collison, Kate McKinnon, Taylah Fenning and Adam Williams</li> <li>○ Council representatives in attendance: Stephen Gardiner, Carolyn Whitten, Martin Cooper and Mark Ruddiman.</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>● Council's position on the proposal</li> <li>● Status of the Planning Agreement</li> <li>● Natural value of the gorge</li> <li>● Status of surrounding environmental conservation areas</li> <li>● Zoning areas approaching gorge</li> <li>● APZ buffers interacting with conservation areas</li> <li>● Contributions to local road upgrades and greater traffic network issues</li> </ul> </li> </ul> </li> <li>● <b>Briefing with Urbis &amp; Ingham Property Group (Proponent): 2:04pm – 2:30pm, 12 February 2025</b> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), David Johnson and Sue Francis</li> <li>○ DPHI staff in attendance: Louise McMahon, Doug Cunningham, Alex Galea, Ian Woods, Lance Collison, Kate McKinnon, Taylah Fenning and Adam Williams</li> <li>○ Proponent representatives in attendance: Naomi Bergman, David Hoy, Catherine Van Laeren, Matthew Ramaley, Michael Chan, Adrian Villella and Edward Green</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>● Setbacks history and evolution</li> <li>● Traffic: appropriate generation rate</li> <li>● Site compliance</li> <li>● Strategic and site-specific merit</li> <li>● Public benefit offer</li> </ul> </li> </ul> </li> </ul>
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