

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 March 2017

**PE3 – Draft Planning Proposal – Darley Street Residential, Thirlmere**

PE3

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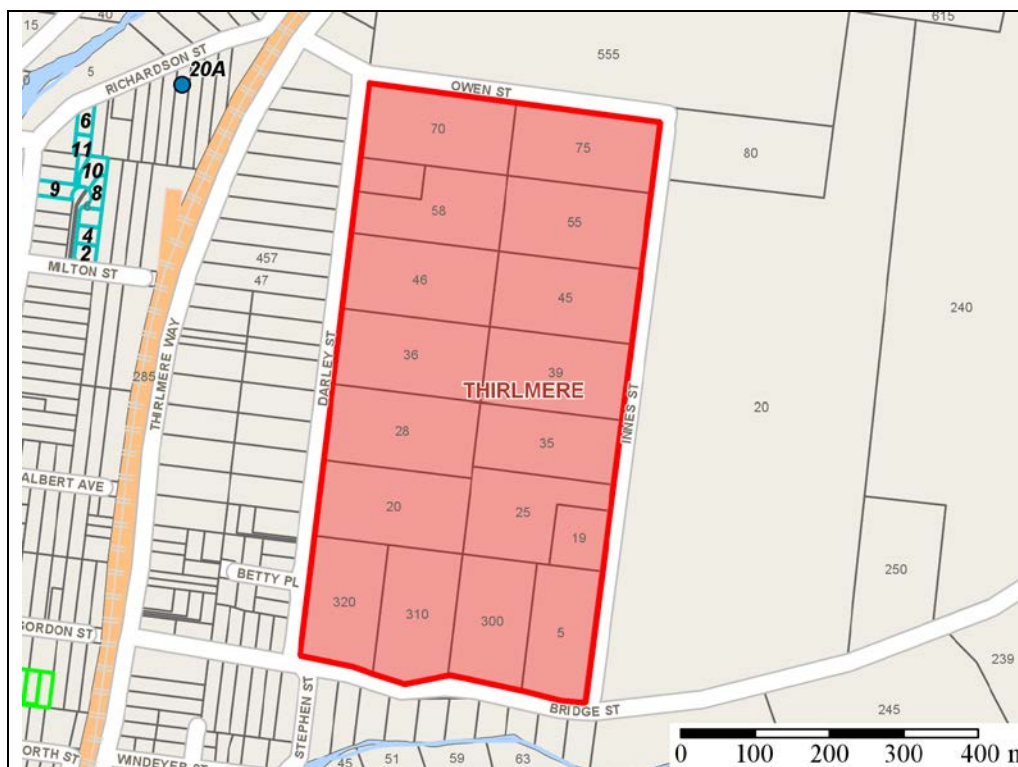
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**Applicant:**

**Precise Planning**

**Owner:**

**Various (18 properties)**



LOCATION MAP N

Stage	Completed
Preliminary notification	26 September – 2 <sup>nd</sup> November 2016
Gateway Determination	Not completed
Consultation with Public Agencies	Not completed
Specialist Studies	Not completed
Public exhibition/community consultation	Not completed
Referred to Minister for Publication	Not completed

Planning & Economy

**PE3 – Draft Planning Proposal – Darley Street Residential, Thirlmere**

**EXECUTIVE SUMMARY**

- A draft Planning Proposal has been received for land located in Thirlmere, bounded by Darley, Owen, Innes and Bridge Streets.
- The draft proposal seeks changes to the Wollondilly Local Environmental Plan, 2011 to **amend the Land Zoning from RU4 - Primary Production Small Lots to R2 - Low Density Residential.**
- The proposal has been subject to initial notification and there were **19** community submissions and one (1) public agency submission was received, **7** were in objection, **12** were in support and **1** was neutral.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- This report recommends that Council defer the consideration of a Planning Proposal until confirmation is received from Sydney Water that the site can be serviced by the Picton Sewerage Treatment Plan.

**REPORT**

**PROPERTY DESCRIPTION**

The proposal relates to the following properties in Thirlmere:

- Lot 3 Section 7 DP 2339 (300 Bridge Street)
- Lot 2 Section 7 DP 2339 (310 Bridge Street)
- Lot 10 Section 7 DP 2339 (70 Darley Street)
- Lot 14 Section 7 DP 2339 (39 Innes Street)
- Lot 13 Section 7 DP 2339 (45 Innes Street)
- Lot 11 Section 7 DP 2339 (75 Innes Street)
- Lot 12 Section 7 DP 2339 (55 Innes Street)
- Lot 5 Section 7 DP 2339 (20 Darley Street)
- Lot 7 Section 7 DP 2339 (36 Darley Street)
- Lot 2 DP 778327 (25 Innes Street)
- Lot 92 DP 634407 (58 Darley Street)
- Lot 1 DP 778327 (35 Innes Street)
- Lot 91 DP 634407 (64 Darley Street)
- Lot A DP 376685 (19 Innes Street)
- Lot 4 Section 7 DP 2339 (5 Innes Street)
- Lot 8 Section 7 DP 2339 (46 Darley Street)
- Lot 6 Section 7 DP 2339 (28 Darley Street)
- Lot 1 Section 7 DP 2339 (320 Bridge Street)

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**PROPERTY OWNERS:**

M F Williams & R L Williams, W Krattli & E K Krattli, T M Shaw & A M Shaw, E J Reilly & E J Reilly, C J McLean & J M McLean, P Panayiotou & L Panayiotou & N Solomou & C Solomou, D Karolis, A P Schembri, E I Dekleva & M L Dekleva, D O Francis, D Hunt, S M Tayler, R A Cunningham, H N Peachey & D J Peachey, E J McPhee & J McPhee, J A Lee & A A Lee, J Pignataro & K M Pignataro, N El-Hazouri.

The draft Planning Proposal has been lodged by Precise Planning on behalf of the land owners. It is understood that not all land owners are supportive however the planning proposal does not indicate how many or who the drivers of the proposal are.

**1.1 DESCRIPTION OF PROPOSAL**

The draft Planning Proposal (PP), known as Darley Street Residential promotes the rezoning of a parcel of approximately 30.2 hectares of rural land containing eighteen principle allotments, bounded by Darley, Owen, Innes and Bridge Streets for low density residential development.

Also forming part of the draft proposal is an Indicative Layout Plan (ILP) showing a minimum allotment size of 700sqm with an R2 Low Density Residential land use zone applied across the site. A maximum height of buildings of 9 metres is also proposed for the site.

The indicative layout plan also identifies a street layout comprising of seven new roads running horizontally across the site from east to west and a Council Drainage Reserve running horizontally down approximately half of the site in a southerly direction.

If supported in this format, the planning proposal will result in approximately 343 lots which when calculated against the Wollondilly average number of persons per household of 2.9, would equal approximately 995 additional people.

**1.2 SITE DESCRIPTION AND LOCAL CONTEXT**

The site includes eighteen principal parcels of land in the ownership of eighteen parties, as listed at the beginning of this report.

The site represents the eastern transitional of residential and rural lands and is situated on the residential boundary of Thirlmere to the West and rural lands to the east. These rural lands provide a rural buffer between Picton and the Thirlmere.

The site has been identified in a number of previous Council Strategies, including the current Wollondilly Growth Management Strategy for future residential investigation.

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The site is currently zoned RU4 Primary Production Small Lots and borders the residential boundary to the south and west.

As shown in Figure 1, a small portion of the adjoining residential land located to the southwest is zoned R2 low density residential, while the majority of the residential land, located to the south and west, is zoned for large lot residential (R5).

The site also borders Rural Landscape (RU2) zoned land to the east and borders the Queen Victoria Memorial Home (QV) site to the north.

The QV site has recently been the subject of an LEP amendment which has primarily sought to expand the uses permissible on the site to allow for a future seniors living development. A concept plan submitted as part of the recent planning proposal for the QV site illustrated the intended future development of the site. It proposed a mix of housing styles and identified a larger lot landscape housing type development to be located adjoining the Owen Street boundary. However no development application for additional housing has been submitted for the QV site.

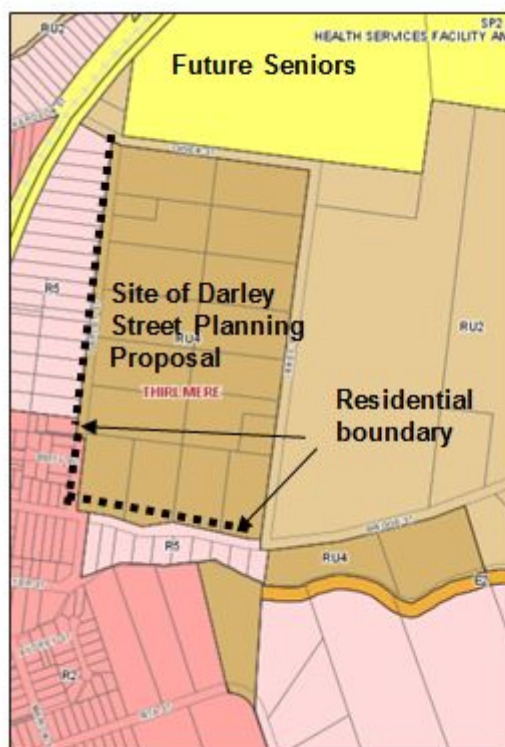


Figure 1 Current Land Zones Adjacent to Planning Proposal Site

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The site is bounded by Darley Street, Owen Street, Innes Street and Bridge Street. Less than 100m from the site, Bridge Street terminates into a T intersection onto Thirlmere Way.

Darley Street runs in a north south direction along the entire length of the western portion of the site and represents the north eastern residential boundary of Thirlmere. Innes Street also runs in a north south direction on the eastern side of the site and terminates in a dead end.

Owen Street is partially an unformed road with the unformed portion running between the site and the QV site to the North. This section appears to be used for drainage and vegetation. The formed portion of Owen Street meets Darley Street to the north and ends in an intersection onto Thirlmere Way. These Streets can be viewed on the location map above.

Properties that border Darley Street are situated on moderately sloping land with some natural drainage running from North to South.

Properties that border Innes Street to the north east are situated on significantly steeper land with a significant ridge line running east to west slightly south of the centre of the site.

This divides the site into two catchments for surface water drainage. The southern catchment of the site drains to Redbank Creek and the northern catchment drains to Matthews Creek.

A drainage and detention system made up of dams is also evident to the east of the site which flow into each other in a north-west direction across the site.

**1.3 PLANNING HISTORY OF THE SITE – PICTON TAHMOOR THIRLMERE (PTT)**

The site has historically been identified in a number of Council's strategies and is currently identified as "*PTT Future Urban Investigation Area*" on the Structure Plan for Tahmoor & Thirlmere which forms part of the Wollondilly Growth Management Strategy 2011 (GMS).

PTT was a Council led strategic approach to identifying land for future residential development. In 2005 it resulted in the submission of a planning proposal and subsequent LEP amendment in 2014 to establish six residential precincts across Picton, Tahmoor and Thirlmere.

Previous Council planning strategies have identified the land at Darley Street on a number of occasions as a location for future residential growth, however there has been an ongoing question regarding the land suitability and capability of the site for development.

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The site was initially identified in the *Residential Study Picton/Tahmoor/Thirlmere* carried out by Purdon Associates Pty Ltd (1989) as “standard residential” (p.45). However, the study does not appear to include the site as a priority release area.

In 1999, the site was then identified in the Picton Tahmoor Thirlmere Strategy carried out by Council’s Development & Environment Division, as ‘rural urban fringe’ (page 26) and was recommended to have a minimum average lot size of 1 hectare, with an absolute minimum lot size of 4,000 sqm, subject to ideal effluent disposal.

Following this, the PTT Masterplan which was adopted by Council in 2003, provided a visual representation of the future developments within the PTT area. Within this plan the site was identified for future urban development.

The site has since been identified in the *Picton Tahmoor Thirlmere Urban Area Implementation Strategy* (2005) as a ‘future urban investigation precinct’. A definition for the term “urban investigation precinct”, is provided in the PTT Land Environmental Study (LES) (2001).

*“land that may have remote potential for additional lots, subject to further investigation at such time as urban development and population growth exceeds the supply of dwellings created from continued consolidation and the ‘new urban precincts’”.*

Council’s current housing target for Picton Tahmoor and Thirlmere is identified in the GMS 2011 as 4,000 lots by 2036. Since the release of the GMS a number of planning proposals (12) in Picton, Tahmoor and Thirlmere have been submitted to Council, some of these being for land identified in the PTT and some are brand new proposals.

These planning proposals are all at various stages of approval however, calculations of the total lots that will be generated from these proposals is roughly estimated at 3,800 lots. This suggests that housing targets for these towns should be met by approved and proposed developments.

**CONSULTATION**

**2.1 CONSULTATION WITH COUNCIL MANAGERS AND STAFF**

Preliminary consultation was undertaken with Council managers and staff to discuss the planning proposal. The issues identified for this planning proposal are outlined below:



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**Vegetation**

- The site is identified as containing Shale Sandstone Transition Forest with approximately one hectare of vegetation located on the south portion of the site adjoining Bridge Street. There is value in keeping this vegetation.

**Geotechnical**

- A geo technical and salinity study/report will be required if the proposal is to proceed.
- Concern about the slope on part of the Eastern side looks to be too steep for residential zoning and an environmental zoning may be appropriate for this section.

**Drainage**

- There is an existing drainage issue into Redbank Creek from existing properties on the other side of Bridge Street to the south. The land here is zoned R5 Large Lot Residential however the block size of these properties doesn't allow for adequate drainage. Council is constantly working with land owners to resolve issues.
- If the proposal proceeds the scope of the drainage and flooding study should include the R5 zoned land on the southern side of Bridge Street and investigate drainage into Redbank Creek.
- The existing drainage problems experienced by these properties could be resolved by connecting these properties to the reticulated sewer and would provide environmental benefits in terms of water quality.

**Intent of GMS**

- Some of the site is within walking distance to Thirlmere (less than 1km) and so fits with the policy directions of the GMS.
- Unlike other sites that have been identified for future urban investigation areas in the Council's Growth Management Strategy, this site has been specifically identified as a PTT Future Investigation Area. It is understood the intent at this time was to revisit the area after all other sites listed in the GMS for Thirlmere including PTT had been developed.

**Loss of Agricultural Land**

- The land could be useful as agricultural land and so there is a question of whether the need for an additional 300 homes outweighs the loss of this land for agricultural purposes.
- There is concern that a precedent will be set for neighbouring properties and other RU4 zoned land in Thirlmere which might result in the loss of all our rural land in this area.

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**Need for more houses**

- The proposal raises the question of what is the strategic direction for Thirlmere. Are we promoting growth or are we limiting it?
- Overall, PTT will generate approximately 600 additional lots in Thirlmere and in close proximity to the site, with many yet to be developed. There is a concern that there is no real need for more houses in Thirlmere at present.

**Land Use Conflict**

- There are significant issues in Thirlmere in relation to land use conflict, with farmers genuinely wanting to use their land for rural purposes. If this proposal proceeds a similar situation might develop.
- The site currently forms a buffer between the residential and intensive agriculture zones.

**Road layout**

- The proposed indicative layout with a number of roads crossing the site from east to west is not considered a good outcome. The layout would generate a significant number of intersections and would create a substantial maintenance burden for Council.
- Given the potential lot yield under the proposal, the site will most likely be identified as an Urban Release Area and would trigger the requirement for a concept plan for the whole site to be developed in a coordinated manner.

**Road widening and upgrade**

- Roads are shown as straddling the property boundaries which would require both properties to work together.
- One property boundary on Bridge Street is too close to the road so there will be a need for road widening at that pinch point if the proposal proceeds.
- Existing roads will need to be upgraded to meet the demand of the additional population.

**Traffic**

- Traffic impacts need to be considered.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

Consultation with public agencies usually only occurs after Council has resolved to support a planning proposal and a Gateway Determination has been issued by the Department of Planning and Environment.

However a submission has been received from Sydney Water which identifies the following considerations:



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**Water**

- The proposed development is within the Thirlmere supply system (reduced zone) and the existing system has sufficient capacity to service the proposed development.

**Wastewater**

- There is insufficient capacity available at the Picton Water Recycling Plant for the proposed development.
- Sydney Water is in the process of amplifying treatment capacity at the Picton plant to 4.0 ML/day and this treatment capability is expected to be effective from mid-2017.
- Sydney Water is committed to servicing land rezoned within the Picton Tahmoor Thirlmere (PTT) Urban Land precincts. As this proposed development is located outside and to the north of the East Thirlmere PTT area, this site would not have access to the wastewater network in the short-term.
- Sydney Water would not be satisfied that essential wastewater infrastructure is in place for development consent to be granted under Clause 6.2 of the Wollondilly Local Environmental Plan should the rezoning proceed in advance of appropriate servicing options.
- We anticipate that the development and implementation of a long-term effluent management strategy for Picton will take time and depending on the complexity, approvals and infrastructure requirements, a preferred strategy is likely to be operational in the next three to five years. In the interim, Sydney Water is consulting with the Environment Protection Authority on the best approach to manage excess recycled wastewater.
- Sydney Water is also presently investigating the options to manage surplus recycled wastewater due to increased flows to the plant and has formed a community reference group (CRG) to help identify the best ways to use the additional water from future population growth.

This is not considered to be sufficient confirmation that sewerage will be provided and therefore it is recommended that the proposal not proceed to Gateway at this time. If the proposal proceeds, the relevant public agencies will be invited to provide comment in accordance with the potential gateway determination.

**2.3 COMMUNITY CONSULTATION**

In accordance with Council's notification policy, initial community consultation has been undertaken. The application was made available on Council's website and letters were sent to owners and occupiers of adjoining and potentially affected properties.

A total of nineteen (**19**) community submissions were received. Of these submissions; seven (**7**) objected to and twelve (**12**) were supportive of the proposal.

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Of those supporting the proposal, seven (7) were from land owners within the subject site, one (1) was from an adjoining land owner, who would also like to their land to be considered in the proposal and four (4) were from business owners within the Shire.

Of those objecting, two (2) were from the land owners within the subject site, four (4) were from adjoining land owners and one (1) was from a resident of Thirlmere.

The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table:

Issue Raised	Assessment Comment
<p><b>Benefit to local business</b></p> <ul style="list-style-type: none"> <li>▪ Proposal will support local business.</li> <li>▪ Will attract a variety of new residents with various skills and knowledge.</li> <li>▪ This will attract new business and benefit existing businesses in Thirlmere and surrounding towns.</li> </ul>	<p>The proposal has the potential to benefit local businesses from additional population, however, this must be balanced against other matters.</p>
<p><b>Loss of rural living and community character</b></p> <ul style="list-style-type: none"> <li>▪ The proposal will impact on rural living, loss of peace and quiet, loss of open space”</li> <li>▪ There is a strong community attitude here which I think goes with the rural surroundings. People are more open and friendly here than they are in Sydney where people live too close to each other and so become very defensive of their privacy and anyone who disturbs it. By allowing more suburban subdivision in the area, you will not just change the people in this area but also the character of it”.</li> <li>▪ Pressure from the State Government and developers to turn this area into another Campbelltown.</li> <li>▪ I have admired the 'Rural Living' resolve of Wollondilly Council for some time and hope it is followed</li> </ul>	<p>This site has been identified in the Wollondilly GMS as a potential future residential area. This report recommends deferring the proposal pending the outcome of a housing strategy and that confirmation it can be sewerred.</p>

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Issue Raised	Assessment Comment
<p>in this matter by rejecting the proposal.</p> <ul style="list-style-type: none"> <li>▪ Our area is not designed for such an increase in a Rural Living area.</li> <li>▪ RURAL LIVING- not in line with RURAL LIVING AND ROOM TO MOVE.</li> </ul>	
<p><b>Need for development</b></p> <ul style="list-style-type: none"> <li>▪ Development is not needed in this area as there are a number of new estates in the Shire.</li> </ul>	<p>Land within the site has been identified in the current GMS for future urban investigation.</p> <p>An assessment of the proposal against the GMS and housing targets is provided in section 1.3 and 2.8 of this report.</p>
<p><b>Increase in Rates</b></p> <ul style="list-style-type: none"> <li>▪ Property owners who don't want to sell will be forced to pay higher rates under a new zone to remain living there while losing the rural aspect of their home.</li> <li>▪ The proposal will lead to a premature increase in land values beyond that in the rest of the area which would inevitably lead to a land rate rise.</li> </ul>	<p>Effects on rates and land values both positive and negative are not relevant planning considerations.</p> <p>Rates are calculated on the unimproved valuation provided to Council by the NSW Valuer General for rating purposes.</p> <p>A rezoning may result in the Valuer General reassessing the rateable valuation. If the Valuer General deems that the land value has increased this would usually also result in an increase to rates payable.</p> <p>In certain circumstances there is provision under the Local Government Act 1993 to postpone some of the rates.</p>

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Issue Raised	Assessment Comment
<p><b>Property owners are seeking to make a profit</b></p> <ul style="list-style-type: none"> <li>▪ Property owners are just interested in selling and making a profit.</li> <li>▪ Development would not be progress, just change for the financial benefit of the parties concerned to the detriment of the environment and those left behind who would have to put up with the consequences such increased density.</li> </ul>	<p>The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>
<p><b>Better use of rural land</b></p> <ul style="list-style-type: none"> <li>▪ The proposal makes better use of land that is not being used for its current zoning.</li> </ul>	<p>The objectives of the RU4 zone relate to the separation between urban areas and so the intent of the zone is broader than primary industry uses. Therefore the current development of the site is seen as fulfilling the purpose of the RU4 zone.</p>
<p><b>The Need for Growth</b></p> <ul style="list-style-type: none"> <li>▪ The proposal has been in Council's strategic plan for a number of years.</li> <li>▪ The proposal is a natural progression for the area.</li> <li>▪ Area needs a growing population of young, as well as older residents in order to avoid economic stagnation and generate growth and prosperity in the district.</li> </ul>	<p>The site is identified for future investigation in the Wollondilly Growth Management Strategy 2011.</p>
<p><b>Effects on Tourism</b></p> <ul style="list-style-type: none"> <li>▪ Proposal will support tourism</li> <li>▪ Thirlmere is a wonderful place to live, with many tourism areas – Thirlmere lakes. People won't come to see houses.</li> <li>▪ The opportunity for Wollondilly to have a separate identity as a recreation destination servicing SW Sydney will be lost.</li> </ul>	<p>There is no evidence to suggest that a residential rezoning will support tourism to the Shire.</p> <p>The draft Planning Proposal identifies land close to existing residential areas and will have no immediate impact on Thirlmere Lakes or other recreation areas across the Shire.</p> <p>The impact of additional houses into the Shire and the protection of our natural areas is addressed through policies contained in Councils GMS.</p>

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Issue Raised	Assessment Comment
<p><b>Benefit to Council</b></p> <ul style="list-style-type: none"> <li>▪ Provide rates revenue and S94 contributions for the benefit of the community and enhance the already attractive township of Thirlmere.</li> </ul>	<p>If supported, the proposed rezoning of the land will increase the number of houses in this location for which Council rates will apply however; new residents will also generate an increase in service demand for which Council will have to budget.</p> <p>If the proposal proceeds developer contributions will be required to provide for the additional demand the development will have on existing infrastructure and new infrastructure.</p>
<p><b>Lot Size and design</b></p> <ul style="list-style-type: none"> <li>▪ It would make more sense to divide the 5 acre lots into 1 acre lots and so have a more logical progression of property sizes as distance is increased from the Thirlmere township.</li> <li>▪ Block sizes are too small for example 700 square metres for this area but have no issue with the larger block of over two hectares.</li> <li>▪ A large variety of lot sizes would open up good design possibilities. A number of smaller lots could compensate existing owners to encourage their support for provision of significant public reserves and recreation area linked to all lots and looked after by owners in a body corporate arrangement.</li> <li>▪ Blocks should have a design that incorporates the best town planning practices enhancing its North facing aspect. Innovative solutions will be necessary to ensure the topography and watercourse are given consideration.</li> </ul>	<p>These comments are noted. Council has resolved to commence preparation of a Housing Strategy which will assist in determining lot size in the future. If the proposal proceeds, site specific development controls will be prepared for this site and presented to Council at a later date. These will take lot design into account.</p>

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Issue Raised	Assessment Comment
<p><b>Height of Buildings-</b></p> <ul style="list-style-type: none"> <li>▪ 9m is not representative of low density.</li> </ul>	<p>A maximum building height of 9m is standard across most residential zoned areas within the Shire and is considered appropriate.</p> <p>A maximum building height of 9m allows for two – storey houses and allows some flexibility for varying ground levels and roof design.</p>
<p><b>Storm Water and Drainage</b></p> <ul style="list-style-type: none"> <li>▪ There is not enough land to absorb the water. Too many estates have been approved that channel storm water into an inadequate creek system creating floods in Picton.</li> <li>▪ Stormwater runoff from the proposed area will increase to 75 to 80% runoff in to the creek system. Lot sizes should be at least 2000sqm. This will keep in line with Wollondilly Shire's own slogan of RURAL LIVING.</li> </ul>	<p>There is an existing known drainage issue for land adjacent to the proposal on the southern side of Bridge Street.</p> <p>If the proposal proceeds, further information will be required in regard to this issue.</p>
<p><b>Sewer</b></p> <ul style="list-style-type: none"> <li>▪ The proposed area is in the middle of an unsewered area\ properties in and around the proposed area were all excluded from connecting to the sewer system. If approved the proposal will put approximately 450 dwellings in middle of this.</li> <li>▪ The surrounding properties owners who are all on a septic tank or pump out system would be duly offended if the new area was sewered.</li> </ul>	<p>This report recommends holding off consideration until details in regard to sewerage have been confirmed.</p>



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Issue Raised	Assessment Comment
<p><b>Not all land owners support the proposal</b></p> <ul style="list-style-type: none"> <li>▪ At least three land owners are not in favour and/or have reconsidered the proposal and have withdrawn from the scheme. That means there would need to be major modifications made to the proposed development to by-pass the blocks not sold, so much so that the proposed development may not be feasible.</li> </ul>	<p>The statutory process of a planning proposal does not require the consent of land owners for which the proposal relates.</p> <p>In addition to this, if the proposal proceeds, there is no legal requirement for owners to sell their land.</p>
<p><b>Benefit to the Community</b></p> <ul style="list-style-type: none"> <li>▪ Approval of the proposal would enhance the opportunity for more young families to settle here &amp; help to increase the work productivity in the Wollondilly Shire.</li> <li>▪ Proposal will increase local jobs</li> <li>▪ These developments do not bring more jobs, all the work on these developments are by construction companies from Sydney, Penrith and Wollongong.</li> </ul>	<p>The future development of this site will create more construction related jobs in the short term however; developers are not obligated to use local contractors.</p> <p>The future development of the site may also promote the opportunity for home businesses.</p>
<p><b>Urban sprawl and loss of separate town and village identities</b></p> <ul style="list-style-type: none"> <li>▪ The multitude of subdivisions already underway or at different stages of approval will mean the removal of the separate identities of Picton, Thirlmere and Tahmoor.</li> </ul>	<p>All planning proposals are assessed using the criteria in Council's Growth Management Strategy to ensure the separate villages are retained.</p> <p>The site is located adjoining the existing Thirlmere urban area and if rezoned would still be separated from nearby towns by both rural land and physical features such as train lines, creeks and hills. Nevertheless the recommendation is that this proposal be deferred.</p>

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Issue Raised	Assessment Comment
<p><b>Impact on roads and traffic</b></p> <ul style="list-style-type: none"> <li>▪ Roads will not cope with additional traffic Darley Street, Innes Street will have to be widened. Owen Street will have to be formed and widened.</li> <li>▪ Traffic from all the developments have to turn onto Thirlmere Way or Bridge Street, then the old Hume Highway at Picton. When the Victoria Bridge is closed for maintenance (once a year) Picton will be in gridlock.</li> <li>▪ A very heavy increase in Thirlmere is having a detrimental effect on our roads and infrastructure.</li> <li>▪ An extra 900 vehicles will enter Bridge Street which is already a very busy thoroughfare from Thirlmere to Picton.</li> </ul>	<p>Upgrades to roads and intersections as well as additional infrastructure will need to be negotiated if the proposal proceeds.</p> <p>Council is undertaking a traffic study for the Picton Town Centre.</p> <p>If the proposal was to proceed a traffic study for the site will be required to identify the impact of additional traffic onto Bridge Street and the wider road network.</p>
<p><b>Lack of supporting infrastructure</b></p> <ul style="list-style-type: none"> <li>▪ Thirlmere has no public transport</li> <li>▪ No trains and limited bus services.</li> <li>▪ Picton Public High School is already overcrowded with no commitment for a second Public high School.</li> <li>▪ Thirlmere Primary school has only room for one more demountable.</li> <li>▪ We believe there is a push by the state government for more housing, but these developments are not flagging that we need more infrastructure to cope with the development.</li> <li>▪ Proposal will require the following infrastructure - a pedestrian and cycleway provision and the Picton by pass to alleviate traffic.</li> <li>▪ Suggest council considers a Pedestrian/Cycleway along Bridge Street levy and a Picton by pass levy attached to new development that would use this</li> </ul>	<p>The site is within walking distance from the village of Thirlmere. However, public transport is an issue for town. The existing rail line is used for steam trains only and there is no regular train service.</p> <p>Council's adopted Social Planning Strategy indicates that Picton High School is at capacity and many school children must travel long distances outside of the Shire to attend High School. Currently there are no immediate plans by the State Government to provide an additional public high school to the area.</p> <p>If the proposal proceeds consultation with the Department of Education and Training will need to be undertaken. Council's draft bike plan 2011– identifies Bridge St as a 'future link' However, it is unlikely it will be funded in the short term due to other priorities.</p>

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Issue Raised	Assessment Comment
infrastructure. ▪ Council engineer and executive previously committed to a pathway along Bridge Street as part of an upgrade in 15 years ago and then did not construct it due to a lack of funds. There is still a need for this cycleway.	Council recently negotiated with Glencore to provide a shared path over the new railway bridge on Bridge Street which will provide a crucial link for a shared pathway in the future. This link has since been constructed.
<b>Impact on the environment</b> ▪ We are getting a very heavy increase in Thirlmere in Residential Housing which maybe in future planning but is having a detrimental effect on our Wildlife. ▪ Small blocks will stop the movement of our Native species which use these areas as a Wildlife Corridor around Thirlmere.	If the proposal proceeds a flora and fauna study will be required to identify potential impacts and opportunities to mitigate against negative impact on wildlife.

**2.4 PREPARATION OF A PLANNING PROPOSAL**

If Council resolves to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and the Department of Planning and Environment guidelines on preparing Planning Proposals.

Following this, the Planning Proposal will be forwarded to the Greater Sydney Commission for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be *Council's* Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that Council Officers consider and recommend an alternate form different to the application and report this approach back to Council at a different time.

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3. Resolve to defer consideration of the planning proposal until Sydney Water confirms the site can be serviced by sewerage.
4. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Rezoning Review as a result of this option.

Note that the application *has* been with Council for more than 90 days. The applicant can apply for a rezoning review in accordance with the EP&A Regs, 2000 if Council fails to indicate support for the application within 90 days of receiving the application.

Option **3** is the recommendation of this report.

**2.5 METROPOLITAN PLAN FOR SYDNEY “A PLAN FOR GROWING SYDNEY (2036)”**

An initial assessment indicates that the proposal appears to be in line with the policy objectives of A Plan for Growing Sydney as it seeks to provide additional housing adjacent to an established residential area.

Although the focus of a Plan for Growing Sydney is areas of significant housing growth it also notes that all suburbs will need additional housing over the next 20 years and emphasises that new housing around established centres is encouraged. This is relevant to the site as it is located on the periphery of the existing residential area of Thirlmere.

The Plan for Growing Sydney and recently released Draft South West District Plan foreshadow the need for a housing strategy. Council has already resolved to commence preparation of the housing strategy which will influence future residential development in the shire. The deferral of this proposal may provide the opportunity for it to be considered in the light of a Housing Strategy should it be completed before sewerage capacity is confirmed.

**2.6 SECTION 117 MINISTERIAL DIRECTIONS**

Preliminary assessment of the proposal indicates that the proposal is largely consistent with these policies however further information is required to establish that the proposed amendments to the Wollondilly LEP 2011 are consistent with the following s117 Ministerial Directions:

- 1.2 Rural Zones
- 2.1 Environmental Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection.

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If the Planning Proposal is supported and a Gateway Determination to proceed is issued, a number of specialist studies will be required to inform the Planning Proposal and address the requirements of the relevant Ministerial Directions above.

**2.7 STATE ENVIRONMENTAL PLANNING POLICIES**

Preliminary assessment indicates that further information is required to establish the proposed amendments to the Wollondilly LEP 2011 are consistent with the following SEPP's:

- SEPP No. 44 - Koala Habitat Protection
- SEPP No. 55 - Remediation of Land
- REP No.20 - Hawkesbury–Nepean River (No 2 - 1997).

If a Gateway Determination is issued for the Planning Proposal specialist studies may be required to inform the Planning Proposal and address the requirements of the relevant SEPP's and deemed SEPP's.

**2.8 WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011**

The site has been identified in the Wollondilly Growth Management Strategy (GMS) as a potential residential growth area, specifically "*PTT Future Urban Investigation Area*".

However, as noted in the GMS, "the inclusion of these lands in the GMS does not in any way commit Council to supporting a planning proposal on those lands" as support to rezone lands can only be determined through a more detailed analysis of the land capability.

The GMS also notes that boundaries identified within the GMS structure plans are indicative and that the "actual extent of developable land and the capacity and appropriate scale of development in any of those proposed locations is a matter which can only be determined with more detailed analysis through the rezoning assessment process.

The following provides an assessment of the draft Planning Proposal under the GMS:

WOLLONDILLY GMS 2011	
Key Policy Direction	Comment
<b>General Policies</b>	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	This Planning Proposal is generally considered to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS.

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<b>WOLLONDILLY GMS 2011</b>	
<b>Key Policy Direction</b>	<b>Comment</b>
	Further information is required to establish the Planning Proposal's suitability against key policy directions P9, P10 and P21.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	This Planning Proposal is consistent with the concept and vision of 'Rural Living' as it proposes additional housing directly in close proximity to an existing rural village.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	A total of nineteen (19) submissions were received during the initial consultation objecting to the proposed proposal.  The outcomes of this consultation have been considered and are discussed in Section 2.3 of this report.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	Several submissions have been received raising concerns that the proposal will lead to an increase in rates for existing property owners that do not want to sell and for properties adjacent to the site.  Submissions were also received raising a concern that the land owners are only interested in making a profit on their land and not the impact the proposal will have on the community.  These issues are not considered to be a relevant planning consideration on the proposals suitability.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc).	The Structure Plan for Thirlmere, which forms part of the GMS 2011, identifies the site as PTT Future Urban Investigation Area.  The site presents a rural character with steep undulating land to the north eastern side of the site.



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<b>WOLLONDILLY GMS 2011</b>	
<b>Key Policy Direction</b>	<b>Comment</b>
<b>Housing Policies</b>	
P6 Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.	This Planning Proposal will make a contribution to housing targets across the Shire however is not essential to meeting those targets.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The proposed R2 Low Density Residential land use zone would allow development of the site for additional housing. However the proposal does not identify a housing type distinct to any other housing type already within the Thirlmere Village. The preparation of a Housing Strategy will help in achieving this policy and depending on timing may apply to this proposal.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).	The draft proposal is partially inconsistent with this direction as it proposes an R2 Low Density Residential zone along the southern side of Darley Street which adjoins a R5 Large Lot Residential zone on the western side of Darley Street, which is closer in proximity to the village centre. A Housing Strategy would assist in determining the appropriate density for this site.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The site is generally located adjacent to and within walking distance to the Thirlmere village. It is noted that the site also adjoins a small area of R5 zoned land to the west of the site and so it is partially inconsistent with this key policy direction.

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<b>WOLLONDILLY GMS 2011</b>	
<b>Key Policy Direction</b>	<b>Comment</b>
<b>Macarthur South Policies</b>	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	The site is not located in the Macarthur South area.
<b>Employment Policies</b>	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	The draft proposal does not include any employment lands.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	See comment for P15.  If the proposal proceeds the future subdivision of the land may create short term employment opportunities associated with construction and other civil and building works.
<b>Integrating Growth and Infrastructure</b>	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	It is recommended that this proposal be deferred as no confirmation has been provided that the site will be serviced by sewerage infrastructure. The site adjoins the existing residential urban area for Thirlmere which will minimise the need for lengthy infrastructure connections.  However, if the proposal progresses further consideration will be necessary to ensure the adequate infrastructure is or can be made available to service residential development on the site.  It is noted that if the site was rezoned, development approval for residential subdivision would require development contributions towards the provision of new and/or augmented facilities to meet the additional demand for public facilities and services provided by Council.

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<b>WOLLONDILLY GMS 2011</b>	
<b>Key Policy Direction</b>	<b>Comment</b>
	The proposal in its current form is also likely to be significant enough to be designated as an Urban Release Area and necessitate State Infrastructure Contributions.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The Planning Proposal is consistent with this key policy direction as the subject site adjoins the existing residential area for Thirlmere, however it proposes an R2 zone further away from the town centre than the adjoining R5 zone and so could be viewed as being partially inconsistent.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The Planning Proposal is consistent with key policy direction as the subject site adjoins the existing residential area of Thirlmere.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The site is located within Thirlmere and has been identified as a PTT Future Urban Investigation Area.
<b>Rural and Resource Lands</b>	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The site adjoins rural land uses and so there is potential for future land use conflict. Further studies will be required to consider the potential impacts associated with bushfire prone land, flora and fauna, aboriginal heritage, European rural landscapes and loss of agricultural land.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The subject site is not located in a dispersed rural area and directly adjoins the existing residential area of Thirlmere.

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**2.9 CONCLUSION**

The land has been identified for future investigation in the GMS 2011. The GMS also identifies housing targets for Picton Tahmoor and Thirlmere to 2036. The rezoning of other land within these areas has meant that these housing targets have nearly been achieved.

Additionally, Sydney Water has indicated that they are not able to sewer the land within the near future and that it may take several years before they are able to advise if the site can be sewered.

Given this, it is recommended that the consideration of this proposal be deferred until such a time that Sydney Water is able to confirm that the site can be sewered. Given this delay this proposal may not proceed ahead of the Housing Strategy in which case the proposal may need to be reconsidered in the light of any recommendations of the Strategy.

**2.10 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

Following the above consideration of responses from initial consultation and notification and preliminary assessment of the application, it is recommended that the Planning Proposal be deferred until Sydney Water is able to sewer the any future residential development at the site.

**FINANCIAL IMPLICATIONS**

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

**ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET**

1. Proponents Proposed Land Zoning Plan (including road and drainage reserve locations)
2. Advice from Sydney Water

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**RECOMMENDATION**

1. That Council defer the consideration of a Planning Proposal until confirmation is received from Sydney Water that the site can be serviced by the Picton Sewerage Treatment Plan.
2. That the proponent, land owners and submitters be notified of Council's Resolution.