

# Planning Proposal

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## **Panorama Court Rylstone – Rural Residential**

To rezone the subject lots, 1 2 3 and 4 of DP837670 from 1(c1) Rural Small Holdings - Rural Retreat to 1(c) Rural Small Holdings - Rural Residential, to facilitate the further subdivision and development of the land for residential purposes.

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**Mid-Western Regional Council**



February 2010



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# RELEVANT PLANNING AUTHORITY DETAILS

**Name of Relevant Planning Authority:** Mid-Western Regional Council

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## INTRODUCTION

The site is located adjacent to the northern boundary of the rural village of Rylstone and is accessed via an unsealed road, Panorama Court. The subject site is 41.3 Ha and is comprised of four allotments, 1, 2, 3 and 4 of DP 837670, being 9.23Ha, 9.23Ha, 13.68Ha and 9.16Ha respectively. The allotments were created pursuant to a spot rezoning and subdivision application in the mid 1990's and lawful dwellings have been subsequently erected on each allotment serviced by reticulated power. Provisions for onsite water supply and sewerage disposal have been made in association with the dwellings. Reticulated water and sewer is not currently connected to the land.

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## PART 1 - OBJECTIVES AND INTENDED OUTCOMES

The purpose of this planning proposal relating to Lots 1-4 DP 837670 is to reduce the current minimum lot size (mls) from 10 Ha to 2 Ha where reticulated water is connected as part of the subdivision or 4 Ha where services are not available, which will reasonably facilitate the creation of a additional 4 to 15 rural residential lots.

The best method to achieve this will require the rezoning privately owned land being 1, 2, 3 and 4 of DP 837670 - Panorama Court Rylstone, currently zoned 1(c1) Rural Small Holdings - Rural Retreat (mls 10 Ha) to 1(c) Rural Small Holdings - Rural Residential (mls 2 Ha) to facilitate further subdivision of the land for residential purposes in a manner consistent with the capability of the land.

## **PART 2 - EXPLANATION OF PROVISIONS**

Amendment of the Rylstone LEP 1996 Map in accordance with Figure 2 and amend the provisions of clause 16 - Development of certain lands within zone 1(c) to stipulate a minimum lot size for lots 1- 4 DP 837670 of 4Ha where proposed allotments are unserviced and 2Ha where reticulated water is to be connected to the newly created allotments.

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## **PART 3 - JUSTIFICATION**

### **3A - NEED FOR THE PLANNING PROPOSAL**

#### **3A(1) Is the planning proposal a result of any strategic study or report?**

No - The site is the subject of a spot rezoning request. Notwithstanding the site has been identified as an opportunity for future large lot residential development in the Draft Mid-Western Regional Comprehensive Land Use Strategy (CLUS) (refer to Figure 4 of Appendix 1). It is noted that the Draft CLUS has been publicly exhibited however is yet to be finally endorsed by Council or the Department of Planning.

Section 3.1.3 of draft CLUS – Greenfield residential subdivision, Rylstone, Future low density large lot residential land supply of the Draft CLUS superficially addresses the provision of large lot residential land supply however, the subject site is noted to be a logical short term development opportunity as it alleviates the need to identify new development areas and will in effect provide a good variety of residential uses for Rylstone. The Draft CLUS assumes an annual demand for vacant residential allotments of 3 lots per annum, based on this figure the strategy indicates that subject site has a capacity for 5 year supply of housing sites. In this regard the strategy assumed a minimum lot size of 2Ha however, given the lack of reticulated water and sewerage services a minimum lot size of 4Ha is recommended by this Proposal. Where reticulated water can be made available to proposed allotments it is considered reasonable for the mls to revert to 2Ha. Part A – Introduction and Background of the Draft CLUS elaborates upon residential lot demand further in Section 9.2.3 where it is anticipated that the number of readily available residential allotments may reduce to 4 within the next 5 years. It is anticipated that an additional 24 lots will be required to be created in the short to medium term to prevent an occurrence of shortage.

The site is approximately 1.75 kilometres by road from the Rylstone commercial main street and given this proximity and the trend for increased demand for large lot

residential lots throughout the LGA, it is considered that the Proposal is likely to act as an adjunct to residential land supply in Rylstone. A review of existing large lot opportunities (land presently zoned 1(c)) as depicted in Figure 1 revealed approximately 5-6 allotments readily available for development. There is an existing zoned parcel approximately 31Ha in area which could be legitimately subdivided with consent however, at present this land is not available to the market. The current Proposal is considered to be a logical short term addition to the market within the area by providing additional diversified housing opportunities in proximity to Rylstone that will provide a buffer to near to medium term land shortages without creating an immediate oversupply of large lot residential zoned land.

**3A(2). Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The planning proposal is the best means for achieving the intended outcome as it is consistent with the Draft CLUS. If this proposal does not proceed at this time, consideration could be given to rezoning the land via Council's Comprehensive Local Environmental Plan which is to comply with the Standard Instrument. It is expected that the Comprehensive LEP will be made in 2011.

**3A(3) Is there a net community benefit?**

Yes. The proposed rezoning seeks to make available additional housing opportunities in the vicinity of Rylstone thus creating diversity in the existing available land stock. The proposal is in keeping with the public interest as the housing opportunities will be provided in a location that takes advantages of existing services and will not place an undue pressure on hard and soft public infrastructure. A Net Community Benefit Analysis based on the Draft Centres Policy, has been included as an attachment to this Proposal (refer to appendix 4).

## **3B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.**

**3B(1) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

There are no applicable regional or sub-regional applicable in this instance

**3B(2) Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Yes. The land has been identified in the Draft CLUS which has been publicly exhibited and is currently awaiting endorsement, as being a short term opportunity for large lot residential development. In this regard the site has been identified as being potentially suitable for meeting the demand for large lot (>2Ha allotments) residential developments within the next five years.

**3B(3) Is the planning proposal consistent with applicable state environmental planning policies?**

Yes. The planning proposal is consistent with the applicable State Environmental Planning Policies (SEPP's). An analysis of the applicable SEPP's is included in appendix 2. In this instance elaboration on the following SEPP's is considered to be relevant.

State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44)

This SEPP requires a council listed within schedule 1 of the SEPP to survey the extent of potential and core koala habitat within the Local Government Area (LGA) and amongst other things, so zone any core habitat with an environmental conservation zone. The subject site is located within the former Rylstone Shire Council LGA which is listed within the schedule. The land has not been identified as being core koala habitat therefore the proposed rural small holdings – rural residential zone does not conflict with the SEPP.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

This planning proposal involves the potential intensification of residential development on the subject land. The anticipated increase in density is considered to be relatively minor and the risk of contaminating activities being carried out on the site is low however, agriculture is an activity that has previously and is currently an activity that does not require development consent, accordingly council does not have complete knowledge with regard to whether potentially contaminating activities (as described by the Planning Guidelines – SEPP 55) have been carried out on the site. In order to be consistent with the SEPP the planning authority should consider a preliminary investigation of the site and if appropriate a detailed investigation prior rezoning the land. In this instance it is reasonable to undertake a preliminary investigation after the gateway determination.

**3B(4) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

This planning proposal is consistent with the relevant Ministerial Directions. An analysis of the applicable Directions is included as an attachment (refer to appendix 3).

S117 Direction 1.5 – Rural Zones

The proposal involves the rezoning of land that is presently within a rural zone therefore the provisions of this direction apply. In accordance with this direction a planning proposal to be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in the State Environmental Planning Policy – Rural Lands (Rural Lands SEPP).

**Rural Planning Principles:**

*(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

The current planning proposal seeks to intensify the density of development within an existing Rural Small Holdings zone that is located adjacent to the town of Rylstone. The site is considered to be of low production value in terms of land capability and very low agricultural value in terms of suitability. In this regard it is considered appropriate to support the modest increase in density proposed rather than accommodate the demand for rural lifestyle allotments in areas that presently support viable agricultural production. The proposal serves to protect current and future activities in rural areas and is therefore consistent with this principle.

*(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

The subject site is minor in nature and is unlikely to affect the ongoing operation of production or the ability of that production to respond to the changing nature of agriculture in the locality.

*(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*

The proposal recognises the significance of rural land uses and production by accommodating demand for rural lifestyle opportunities in a manner that will limit the impact of residential development on existing and potential production.

*(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*

As previously mentioned the proposal seeks to make available additional housing opportunities by doing so, create diversity in the existing land stock available in the vicinity of Rylstone. The proposal is in keeping with the public interest as the housing opportunities will be provided in a location that takes advantage of existing services and will not place an undue pressure on hard and soft public infrastructure. There are no known items of ecological, European or Aboriginal heritage significance located on the site.

*(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

The preliminary investigation of the site did not reveal any items of ecological significance. The proposed mls has been set to reduce pressure on water resources in the instances where reticulated services can not be made available to the land.

*(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*

A net community benefit analysis has been carried out in relation to the proposal (refer to appendix 4) the results of which indicate the proposal is likely to have a positive impact on those matters specified in this principle.

*(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

The aforementioned net community benefit analysis indicates that the proposal will have an acceptable impact on infrastructure and services.

*(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The proposal is generally consistent with the Draft Mid-Western Comprehensive Land Use Strategy which although yet to be endorsed by the Director-General, has been the subject of public exhibition.

#### **Rural Subdivision Principles:**

*(a) the minimisation of rural land fragmentation,*

The proposal will not result in an undesired fragmentation of rural land

*(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*

The proposal is consistent with the existing character of the location and is not likely to introduce or facilitate the introduction of uses that would lead to land use conflict.

- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*

The proposal is consistent with the provisions of the Draft CLUS as exhibited in terms of the proposed mls. In this regard the mls proposed has been determined as a function of the capability of the land and the availability of reticulated services. The planning proposal does not affect land beyond the subject site and will therefore not have a general affect on mls within the rural zones.

- (d) the consideration of the natural and physical constraints and opportunities of land,*

The preliminary investigation indicates the land will support further development for rural residential purposes.

- (e) ensuring that planning for dwelling opportunities takes account of those constraints.*

The Rylstone Local Environmental Plan 1996 makes it requisite for a consent authority to consider the matters specified in this principle prior to approving a subdivision within the proposed zone. Any further development of the land facilitated by this proposal would be subject to these considerations.

#### S117 Direction 4.4 – Planning for Bushfire Protection

Following the gateway determination the relevant planning authority must consult with the NSW Rural Fire service in accordance with Ministerial Direction 4.4 – Planning for Bushfire Protection. Prior to this consultation it will be necessary to conduct a bushfire hazard assessment which has regard to Planning for Bushfire Protection 2006, and the relevant Ministerial Direction.

#### S117 Direction 6.3 – Site Specific Provisions

This planning proposal proposes to implement a development standard that is not presently contained within the instrument being amended. In this regard a mls of 4Ha is proposed which is reducible to 2Ha upon the provision of reticulated services, the existing mls for the zone is 2Ha. It is noted that via the provisions of clause 16 of the Rylstone LEP a disparate mls is specified for certain 1(c) zoned land which reflects the character and capability of the relevant land. In this regard it is considered that the mechanics by which different mls's can be specified within a zone exist within the instrument already. Notwithstanding the proposed variable mls is commensurate with the capability of the site and is minor in nature.

### **3C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.**

The site is considered to be generally suitable for the intended purpose however, the following potential impacts have been identified as being relevant to the Proposal. It is considered that the impacts can be addressed appropriately either through the Planning Proposal process or by subsequent assessment of any development applications that are facilitated by the rezoning.

**3C(1) 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?**

No. No known critical habitats or threatened species have been identified on the site.

**3C(2) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

**Bushfire**

The site is identified as being bushfire prone land, accordingly further consultation with the relevant Commissioner is required by the Minister's Directions issued pursuant to S117 of the Act. A preliminary assessment of the site has been conducted in the terms of Planning for Bushfire Protection 2006, and it is considered that scope exists for the provision of dwellings that would comply with Planning for Bushfire Protection 2006.

**Infrastructure**

The subject land is connected to reticulated electricity. It is noted that the Kandos substation that services the surrounding district is nearing capacity and will require augmentation prior to any significant expansion of development within the area. Whilst it is anticipated that the servicing of four additional allotments would not be beyond the scope of the reticulated power networks, consultation with Integral Energy would be essential as part of the Planning Proposal process.

Reticulated water and sewer services are not available to site and on-site provision would be relied upon. In this regard any future drainage work would require approval pursuant to the Local Government Act, 1993 at which time the adequacy of the proposed system could be assessed. It is noted that Council has no record of malfunction, contamination or runoff quality degradation associated with the existing systems located within the site. Council provides filling stations within Rylstone whereby residents can access the reticulated water supply when on-site storages diminish. A mls of 4Ha is proposed to reduce the demand for on-site water and sewerage disposal within the area however, where services can be made available and subject to further consideration of the likely environmental impacts a mls of 2Ha would be applicable.

## **Visual Amenity**

The subject site is relatively elevated in comparison to the adjacent village zone and therefore development on the land has the potential to impact visual amenity. A preliminary assessment of the likely visual impact of potential subsequent development suggests that the land while elevated does not form part of a significant vista or view corridor from the village zone or major public open spaces. In addition to this, the relatively low density of development will reduce the potential for visual intrusion into the viewscape.

## **Stormwater Management and Flooding**

The site generally slopes to the south and east with runoff tending toward the Cudgegong River. Subject to avoiding construction within drainage lines, the allotments and potential allotments generally possess sites that would be suitable for construction from a flooding and drainage perspective. The land is described as being degraded grassland with shallow soils and rock outcrops. Undue disturbance of the land could lead to a reduction in runoff water quality. While this issue is recognised appropriate sediment controls could be required through the development assessment process.

## **Services**

The town of Rylstone has two General Practitioners and a multi-use medical facility/hospital and the site would be serviced by ambulance for emergencies. All levels of schooling are available either in Rylstone or Kandos. Rylstone has an established commercial centre which contains a number of essential services such as banking and post office in addition to more social pursuits such as clubs and cafes. It is considered that these services have sufficient capacity to deal with any additional demand resulting from this Proposal.

## **Traffic**

The proposed rezoning would facilitate the subdivision of each respective allotment for the creation of a total of 4 to 15 vacant allotments. The maximum density of development would involve a dual occupancy erected on all lots totaling 16 dwellings. The existing road network is sufficient to cope with the maximum potential development. Panorama Court is presently unsealed however, has a maintained formation. Any sealing works would be addressed by applicable Council Policy at such time that a development application for the subdivision of land is considered.

## **Telecommunications**

Existing network lines have been laid within the Panorama Ct road reserve that could be utilized to service any future development.

**3C(3) How has the planning proposal adequately addressed any social and economic effects?**

The subject site has no known Aboriginal or European heritage sites or artifacts that would be affected by this proposal. The proposed rezoning and subsequent development would be in keeping with the existing and emerging land uses within the locality.

**3D - STATE AND COMMONWEALTH INTERESTS.**

**3D(1) Is there adequate public infrastructure for the planning proposal**

Yes. The additional demand for public infrastructure and services generated by the creation of 4 to 15 additional allotments is unlikely to exceed the capacity of any existing or future services. The overall demand has not exceeded five dwellings per annum for the Rylstone/Kandos area so it is unlikely that the proposal will have an undue cumulative affect on service provision if existing zoned land yet to be developed was delivered to market in addition to the proposal. The proposal would require the extension of the reticulated power network however; this would be at the cost of any future developer. Section 94 contributions would be payable upon the creation of any new allotments to contribute to the ongoing provision of community services and infrastructure.

**3D(2) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?**

Consultation will be carried out in accordance with the gateway determination and all submissions considered and the proposal will be varied accordingly or submitted for assessment. It is anticipated that the following agencies, authorities and NGO's would be consulted.

- Integral Energy
- NSW DECCW
- Hunter Central Rivers CMA
- Central West CMA
- NSW Department of Industry & Investment - Minerals & Agriculture

## PART 4 - COMMUNITY CONSULTATION

The proposal will significantly alter the land use of the site and it is considered appropriate to apply the recommended community consultation for 'All other planning proposals' which would include the following:

- An exhibition period of 28 days commencing on the date that a notice of exhibition is printed in the local news press
- Advertising in the local newspaper at the start of the exhibition period
- Advertising on Council's website for the duration of the exhibition period
- Notification of adjoining and adjacent property owners by way of written notification.

### Political Disclosure Statement

A political donations disclosure statement shall be submitted to comply with the provisions S147(3) of the Environmental Planning and Assessment Act 1979 prior to the submission of this planning proposal to the Minister or Director-General.

# Appendix 1



**Figure 1** – Location Map

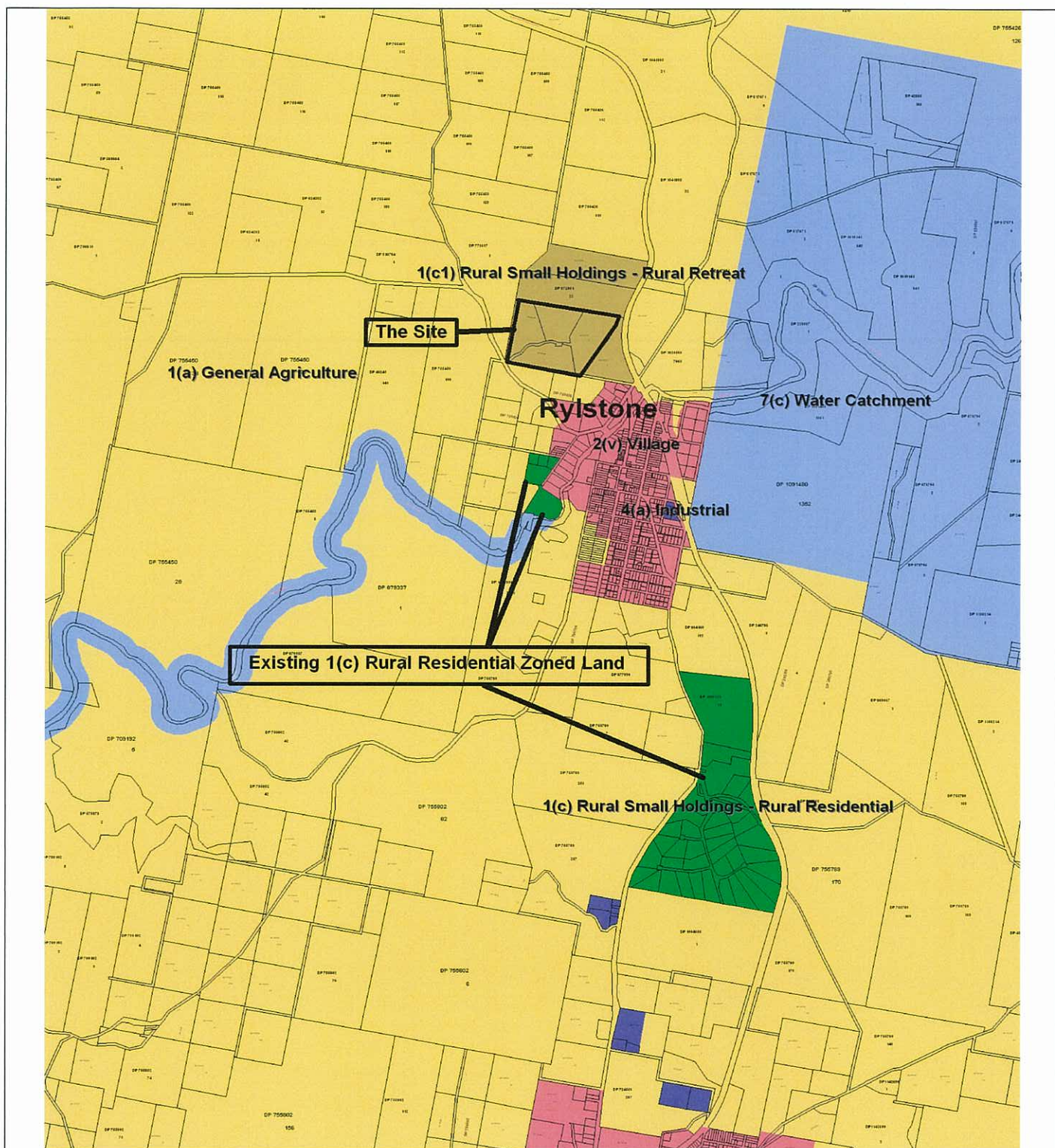
**Figure 2** – Proposed Zoning

**Figure 3** – Aerial View

**Figure 4** – Town structure Plan



**Figure 1 – Location Map Depicting Existing Land Use Zones**



**Disclaimer**

This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

NORTH

This figure is an extract from the Rylstone Local Environmental Plan 1996 – It depicts the location of the site in addition to the existing zoning of the subject and surrounding land. Note the identification of existing land zoned 1(c) Rural Small Holdings – Rural Residential





**Figure 2 – Proposed Zoning of the Subject Site**



**LEGEND**

**NORTH**



**1(c1) Rural Small Holdings – Rural Residential**



**Subject Site**

|                   |         |            |                                                                                                                                             |
|-------------------|---------|------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Drawn by          | N. Burr | 23/02/2010 | <b>STATEMENT OF INTENDED RELATIONSHIP WITH OTHER PLANS:</b><br><br><b>Amends Rylstone Local Environmental Plan 1996</b><br><br>Sheet 1 of 1 |
| Checked           | N. Burr | 23/02/2010 |                                                                                                                                             |
| Planning Officer  | N. Burr | 23/02/2010 |                                                                                                                                             |
| File No. A0420211 |         |            |                                                                                                                                             |



**Figure 3 – Aerial View of the Subject Site**



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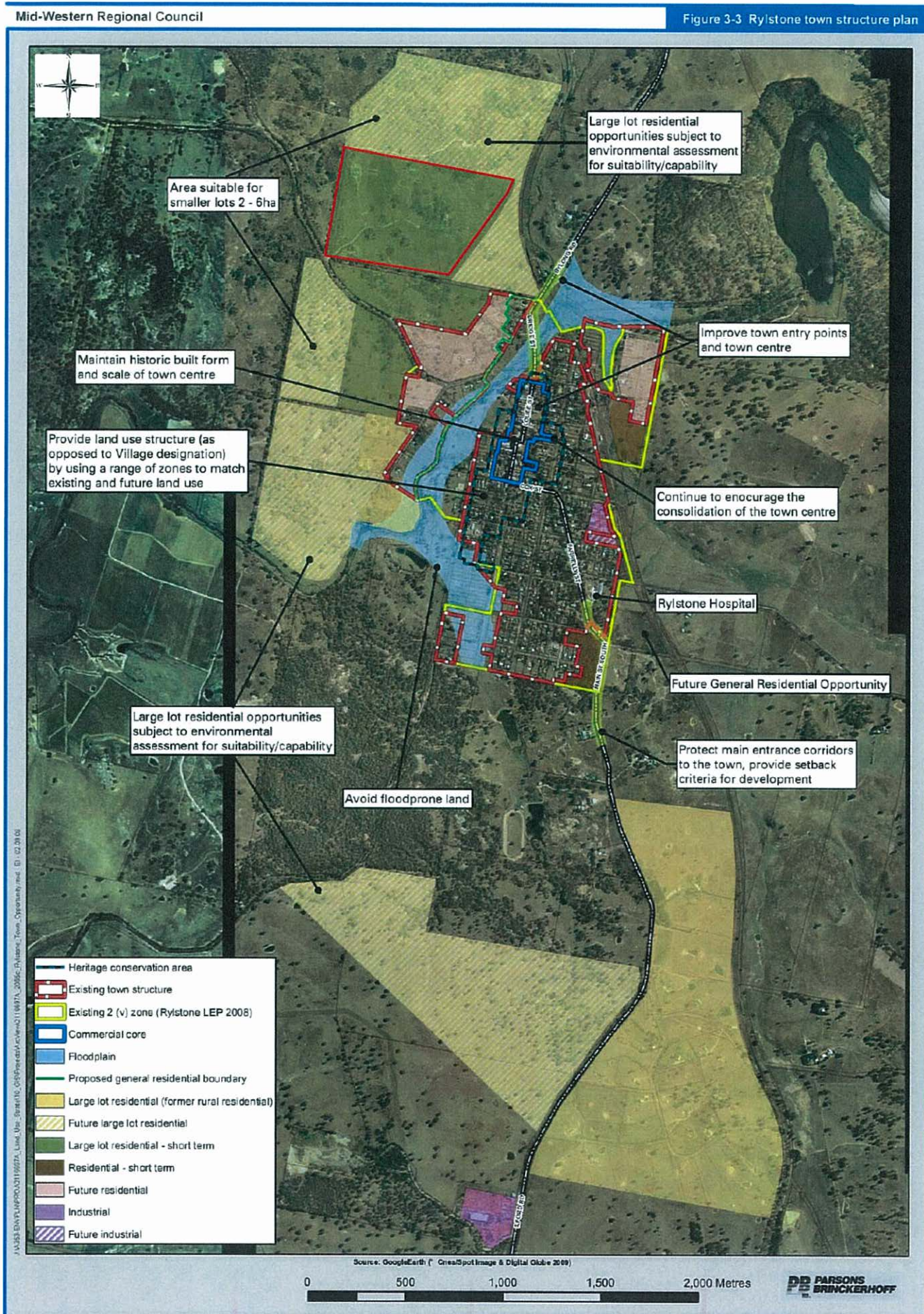


Areas depicted are for the respective allotments of Deposited Plan 837670. Dwelling Houses and various associated outbuildings lawfully exist on each allotment.





Figure 4 – Rylstone Town Structure Plan (extract from draft Mid-Western CLUS)





# Appendix 2



## State Environmental Planning Policy Analysis



| State Environmental Planning Policy                                                                                     | Relevant | Consistent | Comment                                                                                |
|-------------------------------------------------------------------------------------------------------------------------|----------|------------|----------------------------------------------------------------------------------------|
| State Environmental Planning Policy No 1—Development Standards                                                          | No       | N/A        | The application of this SEPP to the land will be unaffected by this Planning Proposal. |
| State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development | No       | N/A        | The application of this SEPP to the land will be unaffected by this Planning Proposal. |
| State Environmental Planning Policy No 6—Number of Storeys in a Building                                                | No       | N/A        | The application of this SEPP to the land will be unaffected by this Planning Proposal. |
| State Environmental Planning Policy No 14—Coastal Wetlands                                                              | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 15—Rural Landsharing Communities                                                 | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 19—Bushland in Urban Areas                                                       | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 21—Caravan Parks                                                                 | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 22—Shops and Commercial Premises                                                 | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 26—Littoral Rainforests                                                          | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 29—Western Sydney Recreation Area                                                | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 30—Intensive Agriculture                                                         | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)                             | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 33—Hazardous and Offensive Development                                           | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 36—Manufactured Home Estates                                                     | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 39—Spit Island Bird Habitat                                                      | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 41—Casino Entertainment Complex                                                  | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 44—Koala Habitat Protection                                                      | Yes      | Yes        | Refer to part 3b(3) of the report.                                                     |
| State Environmental Planning Policy No 47—Moore Park Showground                                                         | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 50—Canal Estate Development                                                      | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas             | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 53—Metropolitan Residential Development                                          | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 55—Remediation of Land                                                           | Yes      | Yes        | Refer to part 3b(3) of the report.                                                     |
| State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential                    | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 60—Exempt and Complying Development                                              | No       | N/A        | The application of this SEPP to the land will be unaffected by this Planning Proposal. |
| State Environmental Planning Policy No 62—Sustainable Aquaculture                                                       | No       | N/A        |                                                                                        |
| State Environmental Planning Policy No 64—Advertising and Signage                                                       | No       | N/A        | The application of this SEPP to the land will be unaffected by this Planning Proposal. |

|                                                                                                    |     |     |                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------|-----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State Environmental Planning Policy No 65—Design Quality of Residential Flat Development           | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)                     | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy No 71—Coastal Protection                                       | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy (Affordable Rental Housing) 2009                               | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004                    | No  | N/A | The application of this SEPP to the land will be unaffected by this Planning Proposal.                                                                                                                                                                                                                                                    |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008                  | No  | N/A | The application of this SEPP to the land will be unaffected by this Planning Proposal.                                                                                                                                                                                                                                                    |
| State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004         | No  | N/A | The application of this SEPP to the land will be unaffected by this Planning Proposal.                                                                                                                                                                                                                                                    |
| State Environmental Planning Policy (Infrastructure) 2007                                          | Yes | N/A | The application of this SEPP to the land will be unaffected by this Planning Proposal.                                                                                                                                                                                                                                                    |
| State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007                 | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy (Major Development) 2005                                       | No  | N/A | The application of this SEPP to the land will be unaffected by this Planning Proposal.                                                                                                                                                                                                                                                    |
| State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007  | No  | N/A | The application of this SEPP to the land will be unaffected by this Planning Proposal.                                                                                                                                                                                                                                                    |
| State Environmental Planning Policy (Rural Lands) 2008                                             | Yes | Yes | Direction 1.5 - Rural Lands issued by the Minister pursuant to S117 of the Act requires certain planning proposals to be consistent with the Rural Planning Principles contained within this SEPP. Consideration of these principles is a function of Direction 1.5 and is elaborated upon in the relevant part of the planning proposal. |
| State Environmental Planning Policy (Sydney Region Growth Centres) 2006                            | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy (Western Sydney Employment Area) 2009                          | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy (Western Sydney Parklands) 2009                                | No  | N/A |                                                                                                                                                                                                                                                                                                                                           |

# Appendix 3



## **S117 Ministerial Directions Analysis**



|          | Direction                                                                     | Applicable (PP) | Consistent | Comment                                                                                                                                                                                        |
|----------|-------------------------------------------------------------------------------|-----------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> | <b>Employment and Resources</b>                                               |                 |            |                                                                                                                                                                                                |
| 1.1      | Business and Industrial Zones                                                 | Yes             | Yes        |                                                                                                                                                                                                |
| 1.2      | Rural Zones                                                                   | Yes             | Yes        |                                                                                                                                                                                                |
| 1.3      | Mining, Petroleum Production and Extractive Industries                        | Yes             | Yes        | The proposal is not located on any known coal or mineral reserves. The Director General of the DPI will be consulted following the gateway determination in accordance with the S117 Direction |
| 1.4      | Oyster Aquaculture                                                            | No              | N/A        |                                                                                                                                                                                                |
| 1.5      | Rural Lands                                                                   | Yes             | Yes        | The proposal is consistent with the principles of the Rural SEPP in particular 7(f)                                                                                                            |
| <b>2</b> | <b>Environment and Heritage</b>                                               |                 |            |                                                                                                                                                                                                |
| 2.1      | Environment Protection Zones                                                  | Yes             | Yes        |                                                                                                                                                                                                |
| 2.2      | Coastal Protection                                                            | No              | N/A        |                                                                                                                                                                                                |
| 2.3      | Heritage Conservation                                                         | Yes             | Yes        |                                                                                                                                                                                                |
| 2.4      | Recreation Vehicle Areas                                                      | Yes             | N/A        |                                                                                                                                                                                                |
| <b>3</b> | <b>Housing, Infrastructure and Urban Development</b>                          |                 |            |                                                                                                                                                                                                |
| 3.1      | Residential Zones                                                             | No              | N/A        |                                                                                                                                                                                                |
| 3.2      | Caravan Parks and Manufactured Home Estates                                   | No              | N/A        |                                                                                                                                                                                                |
| 3.3      | Home Occupations                                                              | Yes             | Yes        |                                                                                                                                                                                                |
| 3.4      | Integrating Land Use and Transport                                            | No              | N/A        |                                                                                                                                                                                                |
| 3.5      | Development Near Licensed Aerodromes                                          | No              | N/A        |                                                                                                                                                                                                |
| <b>4</b> | <b>Hazard and Risk</b>                                                        |                 |            |                                                                                                                                                                                                |
| 4.1      | Acid Sulfate Soils                                                            | No              | N/A        |                                                                                                                                                                                                |
| 4.2      | Mine Subsidence and Unstable Land                                             | No              | N/A        |                                                                                                                                                                                                |
| 4.3      | Flood Prone Land                                                              | No              | N/A        |                                                                                                                                                                                                |
| 4.4      | Planning for Bushfire Protection                                              | Yes             | TBA        | Further assessment will be required in addition to consultation with the Commissioner of the NSW Rural Fire Service after the gateway determination and prior to community consultation.       |
| <b>5</b> | <b>Regional Planning</b>                                                      |                 |            |                                                                                                                                                                                                |
| 5.1      | Implementation of Regional Strategies                                         | No              | N/A        |                                                                                                                                                                                                |
| 5.2      | Sydney Drinking Water Catchments                                              | No              | N/A        |                                                                                                                                                                                                |
| 5.3      | Farmland of State and Regional Significance on the NSW Far North Coast        | No              | N/A        |                                                                                                                                                                                                |
| 5.4      | Commercial and Retail Development along the Pacific Highway, North Coast      | No              | N/A        |                                                                                                                                                                                                |
| 5.5      | Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)  | No              | N/A        |                                                                                                                                                                                                |
| 5.6      | Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) | No              | N/A        |                                                                                                                                                                                                |
| 5.7      | Central Coast (Revoked 10 July 2008. See amended Direction 5.1)               |                 |            |                                                                                                                                                                                                |
| 5.8      | Second Sydney Airport: Badgerys Creek                                         | No              | N/A        |                                                                                                                                                                                                |
| <b>6</b> | <b>Local Plan Making</b>                                                      |                 |            |                                                                                                                                                                                                |
| 6.1      | Approval and Referral Requirements                                            | Yes             | Yes        |                                                                                                                                                                                                |
| 6.2      | Reserving Land for Public Purposes                                            | Yes             | Yes        |                                                                                                                                                                                                |
| 6.3      | Site Specific Provisions                                                      | Yes             | Yes        |                                                                                                                                                                                                |
| <b>7</b> | <b>Metropolitan Planning</b>                                                  |                 |            |                                                                                                                                                                                                |
| 7.1      | Implementation of the Metropolitan Strategy                                   | No              | N/A        |                                                                                                                                                                                                |



# Appendix 4



## Net Community Benefit Analysis



### **Is there a net community benefit?**

A net community benefit arises where the sum of all the benefits of a rezoning outweigh the sum of all costs. This 'net community benefit' test has been based on the test contained within the Department's "draft Centres Policy: Planning for Retail & Commercial Development".

**EVALUATION CRITERIA** (extract from the draft Centres Policy: Planning for Retail & Commercial Development):

- 1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?**

There are no applicable State or Regional strategic directions for development.

- 2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?**

No.

- 3. Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?**

No. The proposal seeks to rezone land identified in the Draft Mid-Western Regional Comprehensive Land Use Strategy as exhibited as being suitable for such purposes.

- 4. Have the cumulative effects of other spot rezoning proposals in the locality been considered?**

Yes. There are no other spot rezonings currently under consideration in the locality.

- 5. What was the outcome of these considerations?**

N/A

- 6. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?**

The proposal does not include the creation of employment lands. The proposal will not result in a loss of employment lands.

- 7. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?**

Yes. The current Proposal is considered to be a logical short term addition to the market within the area by providing additional diversified housing opportunities in proximity to Rylstone that will provide a buffer to near to medium term land shortages without creating an immediate oversupply of large lot residential zoned land.

- 8. Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?**

The proposal generally seeks to take advantage of existing services where available. Where services are not provided the density is such that on-site provision will be appropriate.

**9. Is there good pedestrian and cycling access?**

N/A

**10. Is public transport currently available or is there infrastructure capacity to support future public transport?**

No. Given the nature of the site it is considered that public transport opportunities is not a relevant consideration. Notwithstanding public school transport is available within the locality.

**11. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?**

While the proposal is adjacent to the urban area of Rylstone it is considered that the travel distance to the main commercial centre being less than 2km represents a relatively compact urban form given the density proposed. The existing road capacity is considered adequate for the proposal.

**12. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?**

No.

**13. Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?**

No

**14. Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?**

Yes. The likely density and character of the development would be compatibly with the surrounding land uses. The likely impact on amenity and the public domain would be negligible.

**15. Will the public domain improve?**

The proposal is unlikely to improve the public domain as the provision of public works or areas are not proposed nor ameliorate an existing condition of blight. The nature of the proposed development would be unlikely to adversely affect the public domain.

**16. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?**

N/A

**17. If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?**

No.

**18. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?**

The proposal seeks to improve the capacity and diversity of the land market in the locality of Rylstone. The Draft CLUS has identified the site as being a logical contribution to the land market in the short term. The implications of not proceeding is firstly limiting the diversity of housing opportunities in the immediate term and a potential short fall of housing opportunities in the short term if alternate opportunities were not taken up by other developers.

