



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Attached Dual Occupancies in Rural Zones and Clarification of Sewer Requirements

Applies to all rural zoned land to allow Dual Occupancies (attached) & to all land in Wollondilly to clarify the requirements for disposal and management of sewage

April 2015

Document Register

| Version | Date | Details | File Location |
|---------|------------|--|---------------|
| 1 | 5/12/2015 | Draft Planning Proposal | - |
| 2 | 20/04/2015 | Document finalised for submission to Department of Planning & Environment for a Gateway Determination. | TRIM 8290 #23 |
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Introduction

This Planning Proposal details two (2) changes which are proposed to the Wollondilly Local Environmental Plan 2011 (WLEP 2011):

1. To make attached dual occupancies permissible within rural land use zones and;
2. To strengthen the requirements for the provision of essential services, namely the disposal and management of sewage, for development on unsewered land in rural and environmental protection zones where there are 2 or more dwellings by removing ambiguity from the existing control at Clause 7.1 Essential Services.

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and *A Guide to Preparing Planning Proposals (2012)*.

It has been prepared to seek a Gateway Determination to further investigate the suitability of the proposed changes to the WLEP 2011 and was initiated by Wollondilly Shire Council.

At its Ordinary Meeting of 9 February 2015 Wollondilly Shire Council resolved the following:

1. *That Council support the preparation of a Planning Proposal to permit dual occupancies (attached) with Council's consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones and clarify sewer requirements by removing part (3) of clause 7.1 – Essential Services to Wollondilly Local Environmental Plan 2011.*
2. *That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.*
3. *That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 of the Environmental Planning and Assessment Act, 1979.*

A copy of Council's Report and Minutes on this planning proposal are provided at Appendix G.

Background Studies

It is not expected that any technical reports or specialist studies are required to inform this planning proposal.

A **Planning Proposal** is a document which explains the changes which are proposed to an environmental planning instrument¹, in this case the Wollondilly Local Environmental Plan 2011 (WLEP 2011).

This explanation is provided through text and images (usually plans).

The Wollondilly Local Environmental Plan is the key statutory document at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

Part 1 – Objectives or Intended Outcomes

The objectives of this planning proposal are:

3. To allow attached dual occupancy development within rural land use zones and;
4. To strengthen the requirements for the provision of essential services, namely the disposal and management of sewage, for development on unsewered land in rural and environmental protection zones where there are 2 or more dwellings.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Use Table** for rural land use zones to permit attached dual occupancies with consent in all rural land use zones in accordance with the proposed Land Use Table shown in **Appendix A**.
- Amending the Wollondilly LEP 2011, Clause 7.1 Essential Services by removing subclause 3 in accordance with the text shown in **Appendix B**.

Part 3 – Justification

Section A – Need for the planning proposal

A 3.1 Is the planning proposal a result of any strategic study or report?

No this planning proposal is not the result of any strategic study or report.

The planning proposal seeks to re-introduce attached dual occupancy into rural zones to be consistent with planning controls in place prior to the introduction of the standard instrument Wollondilly Local Environmental Plan 2011 and which had been in place for over 25 years.

The planning proposal also seeks to strengthen the requirements for the provision of essential services by providing clarity on the intent of Clause 7.1 Essential Services of the WLEP 2011 and how it relates to development on unsewered land in rural and environmental protection zones where there are 2 or more dwellings.

Dual Occupancies (attached) in Rural Land Use Zones

Attached dual occupancies have been permitted within Wollondilly's rural land use zones since the early 1980s when they initially became permissible under the Sydney Regional Environmental Plan (REP) No 2 – Dual Occupancy. They have continued to be permissible with consent under various preceding planning policies until they became a prohibited development in February 2011 when the Wollondilly Local Environmental Plan 2011 came into force.

The basis for the preparation of the Wollondilly Local Environmental Plan 2011 was to bring the council's statutory planning controls in line with planning reforms.

In 2006, the NSW Government reformed the way that local environmental plans were made and structured at the local authority level and introduced a requirement for all Councils in New South Wales to prepare a council-wide local environmental plan using the standard instrument (LEP template). The reform was intended to simplify the plan making system in NSW.

Wollondilly commenced preparations for the new standard instrument plan and the Wollondilly Local Environmental Plan 2010 was adopted by Council in May 2010. The 2010 version of the WLEP included "Dual occupancy (attached)" as a development which was permissible with consent in all the rural land use zones (i.e. RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots). The adopted WLEP was submitted to the NSW Government for approval by the Minister for Planning in June 2010.

When the WLEP was gazetted in February 2011, it had been amended from Council's adopted version and the permissibility of dual occupancies in rural land use zones had been removed and consequently Dual occupancy (attached) development became prohibited.

The reason for this change is not known, though it is likely due to the infancy of standard instrument local environment plans and a desire for the new LEP's to rigidly conform to the LEP template. It may have been inadvertent.

Now that the Wollondilly Local Environmental Plan standard instrument has been in use Council is now seeking to rectify this anomaly and reintroduce attached dual occupancy development as permissible with consent in Council's rural land use zones.

Proposed Changes to Clause 7.1 Essential Services

The intent of Clause 7.1 Essential Services is to ensure that development does not go ahead unless necessary essential services are available or it can be demonstrated that essential services can be made available.

Its inclusion within the Wollondilly Local Environmental Plan was based on a model local provision which was in place at the time the Plan was prepared. There is no longer a model provision to deal with essential services.

Now that the Wollondilly Local Environmental Plan 2011 has been in place for just over four (4) years the day to day implementation of the Plan over this period has identified a need to refine this clause to remove ambiguity over its application.

The intent of Clause 7.1(3) is to define the term 'disposal and management of sewage'. The implementation of this clause has been weakened by ambiguity due to the reading of the wording contained in clause 7.1(3), shown in figure 1 below, which can be interpreted to mean that development involving 2 or more dwellings, such as dual occupancy, rural workers' dwellings and secondary dwellings (granny flats), are not permissible if there is no connection available to a reticulated sewerage scheme.

The implication is that these types of developments could be considered as being prohibited within rural land use zones and environmental protection zones which in most cases are not connected to reticulated sewerage.

Figure 1: Wollondilly Local Environmental Plan 2011 Clause 7.1(3)

(3) In this clause:

Disposal and management of sewage means the disposal and management of sewage in the form of a reticulated sewerage scheme:

- (a) That is provided to each separate lot proposed as part of the development, and
- (b) If a lot contains 2 or more dwellings, is for the purpose of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.

reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the Water Industry Competition Act 2006.

The intent of this clause was not to prohibit certain development where there is no reticulated sewerage scheme but rather to ensure that adequate disposal and management of sewage could be provided before development could go ahead. In rural and environmental protection zones this would be demonstrated by on-site effluent disposal, the adequacy of such would be subject to assessment as part of a development application.

This planning proposal seeks to remove clause 7.1(3) from Clause 7.1 Essential Services

A 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that amending the Wollondilly Local Environmental Plan 2011 is the best means of achieving the objectives of the planning proposal.

The current Land Use Table in the Wollondilly Local Environmental Plan 2011 prohibits attached dual occupancy development in all rural land use zones. Changing the Land Use Table is the only way to make attached dual occupancies permissible within these land use zones.

Refining Clause 7.1 Essential Services is the most effective way to provide certainty as to the intent of this clause.

Section B – Relationship to strategic planning framework

B 3.3 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)?

The following regional and sub-regional strategies are relevant:

- A Plan for Growing Sydney

A Plan for Growing Sydney (December 2014)

A Plan for Growing Sydney was released on 14 December 2014 and is an action plan which will guide land use planning decisions for the next 20 years for the Sydney Metropolitan Area. It seeks to influence how people move about, where they live, growing the economy and safeguarding the environment.

It consists of a number of directions and actions focussed around four (4) goals:

- **ECONOMY**; a competitive economy with world class services and transport;
- **HOUSING**; a city of housing choice with homes that meets our needs and lifestyles;
- **LIVEABILITY**; a great place to live with communities that are strong, healthy and well connected; and
- **ENVIRONMENT**; a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Wollondilly is located on Sydney's metropolitan fringe and falls within the Sydney Metropolitan Rural Area in *A Plan for Growing Sydney*. The focus of the Plan for Sydney's Metropolitan Rural Area is the protection of the environment and economic assets in terms of mining, agriculture and natural vegetation and biodiversity.

From a strategic perspective a policy that permits dual occupancy development within rural areas does not conflict with actions contained within the Plan relating to safeguarding the environment.

On a case by case basis there may be issues dependent on the context and characteristics of any given site (for example, the need to remove vegetation or the proximity to certain land uses or scenic areas) but these are matters that are better dealt with through the development assessment process.

A Plan for Growing Sydney also seeks to accelerate housing supply across Sydney to meet demand created by population growth while also addressing housing affordability. The focus for increasing housing supply is for greenfield areas and within urban areas.

Although the reintroduction of attached dual occupancy development will permit a higher than present dwelling density on rurally zoned land, this would be negligible and this planning proposal is not based on a policy to promote housing supply in rural areas. Indeed, a policy aimed specifically at increasing housing supply in rural land use zones would not be appropriate for a number of reasons.

B 3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The following Local Strategies are relevant to this Planning Proposal:

- Growth Management Strategy 2011
- Wollondilly Community Strategic Plan 2033

Wollondilly Community Strategic Plan

The Wollondilly Community Strategic Plan 2033 (WCSP), adopted by Council 17 June 2013, is the Council's highest level long term plan and sets out the long term strategic aspirations of the community for Wollondilly for a 20 year period up to 2033.

It is based on a vision of rural living for Wollondilly Shire and is focussed around five themes:

- Looking after the Community

- Accountable and Transparent Governance
- Caring for the Environment
- Building a strong local Economy
- Management and provision of Infrastructure

Each theme is supported by identified outcomes and strategies which express in broad terms what is to be achieved and how. These themes are, in part, delivered through a number of key supporting strategies, plans and policies which have been prepared by the Council. Particularly relevant to Planning Proposals are the Council's Local Environmental Plan and Growth Management Strategy.

The following CSP strategies are relevant to the Planning Proposal as described below.

CO4 – Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Comment:

Community consultation and stakeholders will be undertaken during the formal public exhibition if the planning proposal is supported by a Gateway Determination.

EN1 – Biodiversity Resilience

Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater ecosystems.

Comment:

The planning proposal seeks to strengthen Clause 7.1 Essential Services by removing ambiguity over its interpretation. The intent of this clause is to ensure essential services, including the disposal and management of sewage are provide or can be provided before development consent is granted.

Effective management of domestic sewage is important for the health of the environment.

EN2 – Growth Management

Apply best practice environmental principles to the management of future growth.

EN3 – Development Assessment

Apply best practice environmental principles to the assessment of development and planning proposals.

Comment:

The proposed changes to the Wollondilly Local Environmental Plan would apply to land across the shire and are not site specific. Consequently there is no strategic likelihood of adverse impacts on the environment.

On a site by site basis, there may be issues dependent on the context and characteristics of any given site but it would be impracticable to consider all the potential implications at the strategic policy level and these matters can be adequately dealt with as part of the development assessment process when a development application is lodged.

EC3 – Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

Comment:

The reintroduction of attached dual occupancy development within rural land use zones would enable some growth, albeit minor.

Even so, dual occupancy development would contribute towards economic well-being by:

- Encouraging fuller use of existing services and community facilities.
- Contributing towards population growth in existing rural areas.

Wollondilly Growth Management Strategy 2011 (GMS)

A key land use planning issue for Wollondilly is to manage pressures for growth against the context of a broad community desire to keep the Shire rural. This is a challenging balancing act and an inevitable consequence of being a rural area on the fringe of a major metropolis.

The Growth Management Strategy 2011 (GMS) was prepared to provide a strategic plan led response to this issue, and does so by providing:

- clear policy directions on growth issues;
- a strategic framework against which to consider Planning Proposals;
- a long-term sound and sustainable approach to how the Shire develops and changes into the future;
- a basis to inform Council decisions and priorities regarding service delivery and infrastructure provisions;
- direction and leadership to the community on growth matters;
- advocating for better infrastructure and services;
- a strategy/response for how the Council sees the State Government's Metropolitan and subregional planning strategies being implemented at the local level.

The [Growth Management Strategy](#)¹ is available on the Council's website.

The GMS was prepared in consultation with and was partially funded by the Department of Planning and Infrastructure. However the finalised document has not been endorsed by the Director-General.

Notwithstanding this, the GMS was adopted by the Council on 21 February 2011 and is consistently applied in the assessment of Planning Proposals for new growth throughout the Shire.

The reintroduction of dual occupancy development into rural areas is not based on a policy of growth, though it is acknowledged that by logic it allows an increase in housing supply in rural areas. Its application in the past has not resulted in significant levels of growth in rural zoned areas and there is no reason to suspect this would change with the reintroduction of this policy.

Notwithstanding this, all Planning Proposals within Wollondilly must be assessed against the Key Policy Directions within the GMS. A table showing the Planning Proposals consideration against these directions is included at Appendix F to this Planning Proposal. The Planning Proposal is not inconsistent with the GMS.

In particular, permitting attached dual occupancy in rural areas can contribute towards increased housing diversity and affordability which is one of the key policy directions contained within the GMS.

B 3.5 Is the planning proposal consistent with applicable state environmental planning policies?

A preliminary assessment of the Planning Proposal's consistency with all State Environmental Planning Policies is provided at Appendix D.

The planning proposal is considered to be consistent with all applicable State Environmental Planning Policies.

B 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act issues directions that relevant planning authorities, in this case Wollondilly Shire Council, must follow when preparing planning proposals for new Local Environmental plans. The directions cover the following broad categories:

- employment and resources
- environment and heritage

¹ <http://www.wollondilly.nsw.gov.au/planning-wollondillycd/strategic-planning-wollondilly/1161026-wollondilly-growth-management-strategy-gms>

- housing, infrastructure and urban development
- hazard and risk
- metropolitan planning

The following Ministerial Directions (S.117 Directions) are relevant to the Planning Proposal:

- Direction 1.2 Rural Zones
- Direction 1.3 Mining, Petroleum and Extractive Industries
- Direction 2.1 Environmental Protection Zones
- Direction 2.3 Heritage Conservation
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 4.3 Flood Prone Land
- Direction 4.4 Planning for Bushfire Protection
- Direction 5.2 Sydney Drinking Water Catchments

A preliminary assessment of the Planning Proposal's consistency against all s.117 directions is provided at Appendix E.

The planning proposal is either consistent with Ministerial Directions or any inconsistencies are of minor significance.

Direction 1.2 Rural Zones

The objective of Direction 1.2 is to '*protect the agricultural production value of rural land*' and it applies where a planning proposal will '*affect land within an existing or proposal rural zone*'. This planning proposal affects land within all Wollondilly's rural land use zones.

The planning proposal is inconsistent with clause 4(b) of Direction 1.2 because the planning proposal contains provisions that will increase the permissible density of land within a rural zone.

The inconsistency is considered to be of minor significance for the following reasons:

- attached dual occupancies were permitted in rural zones within Wollondilly since the early 80's up until relatively recently (February 2011) and the current planning proposals only seeks to reinstate this permissibility;
- as Secondary and rural worker dwellings are already permitted within rural land use zones the planning proposal will not increase the permissible density of land.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

Direction 2.1 Environmental Protection Zones

Direction 2.3 Heritage Conservation

Direction 4.2 Mine Subsidence and Unstable Land

Direction 4.3 Flood Prone Land

Direction 4.4 Planning for Bushfire Protection

Direction 5.2 Sydney Drinking Water Catchments

This planning proposal seeks to facilitate shire wide policy change (by making attached dual occupancy development permissible within rural land zones and by clarifying the requirements for the disposal and management of sewage) and does not relate to a particular parcel of land.

As the planning proposal does not apply to a particular parcel of land it does not contain specific provisions to protect or preserve land where relevant under these Directions. The planning proposal in and of itself will not lead to any strategic adverse impacts as any development application on land, which is for example environmentally sensitive or bushfire prone, would be subject to an assessment under existing statutory provisions on a site by site basis and these are considered to be satisfactory to safeguard the environment and resources.

Consequently, any inconsistencies are considered to be of minor significance.

Section C – Environmental, social and economic impact

C 3.7 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?

The changes sought to the *Wollondilly Local Environmental Plan 2011* would apply to land across the shire and are not site specific. Consequently, there is no strategic likelihood of adverse impacts on the habitats.

On a site by site basis, there may be issues dependent on the context and characteristics of any given site (for example where vegetation would need to be removed to enable development) but it would be impracticable to consider the potential implications at this policy level and these matters can adequately be dealt with as part of the development assessment process when a development application is lodged.

C 3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Same as for C 3.7 above.

In addition, the development assessment process already adequately considers likely environmental effects including:

- Wastewater Disposal
- Geotechnical Suitability
- Visual Impact
- Contamination
- Flooding, Surface and Groundwater
- Riparian Management
- Flora & Fauna
- Bushfire Impacts
- Heritage – European and Aboriginal
- Any potential impacts from external sources – e.g. noise, odour, traffic

C 3.9 Has the planning proposal adequately addressed any social and economic effects?

Based on a preliminary assessment it is considered that the potential social and economic affects arising from the planning proposal may include:

- Social & Cultural Impacts;
- Housing Affordability;
- Character of Rural Areas

Social & Cultural Impacts

No significant social or cultural impacts are anticipated; however there are a number of potential benefits from allowing dual occupancies within rural land use zones. These may include:

- It can provide extended families more flexibility than available at present to coexist on the one parcel of land. Secondary dwellings are currently permissible within rural zones, however these are limited by the permitted floor size. Attached dual occupancies would allow a larger dwelling.
- Dual occupancies can allow farmers and others approaching or at retirement age to remain on their farm/rural land.

Housing Affordability

Permitting dual occupancy development in rural zones can help to reduce development costs and thereby contribute towards making housing more affordable.

However, it is noted that dual occupancy development would be subject to development contributions whereas secondary dwellings are not.

Character of Rural Areas

Permitting attached dual occupancy can lead to an increase in dispersed, and sometimes overly large and bulky dwellings which have an impact on the rural landscape. However, attached dual occupancies have been permitted within rural land use zones since the early 80s and, broadly speaking, this is not considered to have had a detrimental impact on the rural landscape within Wollondilly.

Subdivision of dual occupancy development on rurally zoned land has not been permitted in the past and this has mitigated the impact to some extent. Subdivision of dual occupancy development in rural land use zones will continue to be prohibited if the changes to the Wollondilly Local Environmental Plan 2011 are made.

If a Gateway Determination is issued further consideration will need to be given to whether the Wollondilly Development Control Plan needs to be amended to include provisions for attached dual occupancies specifically within rural areas to manage their impact.

Section D – State and Commonwealth interests

D 3.10 Is there adequate public infrastructure for the planning proposal?

Public infrastructure relates to the provision of infrastructure such as public transport, roads, utilities, waste management and recycling services, and essential services such as health, education and emergency services).

The changes sought to the *Wollondilly Local Environmental Plan 2011* would apply to land across the shire and are not site specific. In terms of policy, the planning proposal will not cause a strategic problem in terms of the provision of adequate public infrastructure.

Proposed Changes to Clause 7.1 Essential Services

This Planning Proposal seeks to strengthen the requirements for the provision of essential services, these being the supply of water, electricity, the disposal and management of sewage, by removing the existing ambiguity with clause 7.1 related to the disposal of sewage for dual occupancies, rural workers dwellings and secondary dwellings in the R5 Large Lot Residential, E4 Environmental Living and rural zones.

The change, if implemented, will ensure that, in terms of the provision of essential services, these types of development are only permitted where it can be demonstrated that adequate provision of on-site effluent disposal can or can be made available. The adequacy of such would be subject to assessment as part of a development application.

The changes sought to Clause 7.1 Essential Services will not place any additional demand on public infrastructure.

Dual Occupancies (attached) in Rural Land Use Zones

Attached Dual Occupancies have been permitted within rural areas in the past with no identified cumulative impacts in terms of public infrastructure provision.

On a site by site basis, there may be issues with public infrastructure provision dependent on the context and characteristics of any given site but it would be impracticable to consider the potential implications at this policy level and these matters can adequately be dealt with as part of the development assessment process when a development application is lodged.

Dual Occupancy development would also be subject to development contributions.

D 3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

There has been no consultation with State and Commonwealth public authorities to date as no Gateway Determination has been issued as yet.

Council does not consider that any agencies would need to be consulted as part of this Planning Proposal.

Part 4 – Mapping

Not Applicable as there are no mapping changes required as part of this planning proposal.

Part 5 – Community Consultation

This Planning Proposal is considered to be a low impact proposal when considered against the criteria provided for community consultation in *A Guide to Preparing Local Environmental Plans* and therefore it is anticipated that the public exhibition period of 14 days will apply, rather than 28 days.

The table below provides a summary of the community engagement proposed as part of the consideration of the planning proposal:

| What will happen? | When will it happen? | Has it happened yet? | What was the outcome? |
|--|--|----------------------|------------------------|
| <p>Public Exhibition Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&A Act 1979 as follows:</p> <ul style="list-style-type: none"> - The Planning Proposal will be made publicly available for 14 days; and - The Planning Proposal will be placed on Public Exhibition | After a Gateway Determination has been issued. | No | It hasn't happened yet |

Public exhibition of the planning proposal will be undertaken in the following manner:

- Notification in all local newspapers (Wollondilly Advertiser and The District Reporter)
- Notification on Council's website.
- Statement on Council's Facebook page
- Publicise through the local press (for example a press release)

It is not intended to notify affected and adjoining landowners in writing as this is considered to be impractical due to the large number of properties which are potentially affected by the planning proposal.

In terms of the allowing attached dual occupancy development in rural areas, there are nearly 5,800 rurally zoned properties in the Wollondilly Shire Council and these would all need to be notified along with adjacent non-rural zoned properties.

However, for this reason other methods will be used to inform residents such as using Council's website, Council's Facebook page and making a press release.

It is anticipated that the reintroduction of attached dual occupancy development into rural areas is likely to be positively received rather than being contentious. This position is based on the fact that Council undertook community consultation in the lead up to the Wollondilly Local Environmental Plan 2011 based on draft documents which permitted attached dual occupancy in rural areas and there was no opposition to this type of development in rural areas.

The changes sought to Clause 7.1 Essential Services are considered to be a housekeeping amendment and will have minimal, if at all any, impact on land holders as this change only seeks to provide clarity on the intent of this clause. Subsequently it is not considered necessary to notify all residents in Wollondilly regarding this proposed change.

Part 6 – Project Timeline

| Project Detail | Timeframe | Timeline |
|---|---------------------------------|-------------------|
| Anticipated commencement date (date of Gateway determination) | 6 weeks from submission to DP&I | June 2015 |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | N/A | N/A |
| Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined | N/A | N/A |
| Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions (if required) | 6 week period | July/August 2015 |
| Dates for public hearing (if required) | Not expected to be required | N/A |
| Timeframe for consideration of submissions | 1 month | August 2015 |
| Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council | 2 months | September 2015 |
| Anticipated date Council will forward to Parliamentary Counsel for an Opinion | 8 weeks (from Council meeting) | Mid-November 2015 |
| Anticipated date Council will forward to the Department for notification after liaising with PC & making the plan | 3 months | Mid-February 2016 |

Appendices

A. Proposed Land Use Table for Rural Zones

Proposed text changes to the Wollondilly Local Environmental Plan 2011 Land Use Table for rural land use zones.

B. Proposed Clause 7.1 Essential Services

Proposed text for Clause 7.1 *Essential Services* within the *Wollondilly Local Environmental Plan 2011*.

C. Changes to Wollondilly LEP 2011 Land Use Matrix

Matrix indicating how the planning proposal affects what development will be permitted within rural land use zones.

D. Assessment against SEPPs

Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

E. Assessment against Section 117(2) Directions

Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

F. Assessment against Wollondilly GMS

Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011.

G. Council Report and Minutes – 9 February 2015

Appendix A

Proposed Land Use Table for Rural Zones

Current Land Use Table for RU1 Primary Production

Zone RU1 Primary Production

1 Objectives of Zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of land uses (including tourism-related uses) that support the agriculture industry.
- To provide areas within which the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Proposed Land Use Table for RU1 Primary Production (changes shown in red)

Zone RU1 Primary Production

1 Objectives of Zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of land uses (including tourism-related uses) that support the agriculture industry.
- To provide areas within which the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; **Dual occupancies (attached)**, Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Current Land Use Table for RU2 Rural Landscape

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Stock and sale yards; Turf farming; Any other development not specified in item 2 or 3

Proposed Land Use Table for RU2 Rural Landscape (changes shown in red)

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; **Dual occupancies (attached)**, Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Stock and sale yards; Turf farming; Any other development not specified in item 2 or 3

Current Land Use Table for RU4 Primary Production Small Lots

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide areas within which the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Proposed Land Use Table for RU4 Primary Production Small Lots

(changes shown in red)

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide areas within which the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; **Dual occupancies (attached)**; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Appendix B

Proposed Clause 7.1 Essential Services

Current Wording – Clause 7.1

7.1 Essential Services

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.
 - (d) the supply of water.
 - (e) the supply of electricity,
 - (f) the disposal and management of sewage.

- (2) This clause does not apply to the following:
 - (c) Development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause,
 - (d) Land to which Part 6 applies.

Proposed Wording – Clause 7.1

(Text proposed to be removed shown in red)

7.1 Essential Services

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.
 - (a) the supply of water.
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

- (2) This clause does not apply to the following:
 - (a) Development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause,
 - (b) Land to which Part 6 applies.

- (3) In this clause:

Disposal and management of sewage means the disposal and management of sewage in the form of a reticulated sewerage scheme:

 - (a) That is provided to each separate lot proposed as part of the development, and
 - (b) If the lot contains 2 or more dwellings, is for the purposes of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.

Reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the *Water Industry Competition Act 2006*

Appendix C

Changes to Wollondilly LEP 2011 Land Use Matrix

The following land use matrix illustrates how the planning proposal affects what development will be permitted within rural land use zones.

Changes affect these columns

| Wollondilly Local Environmental Plan 2011 | | Rural | | | | | | Residential | | | | Business | | | | Industrial | | | | SP3 | Rea'n | Env Prof'n | Waterways | | | | | | | | | | | |
|---|--|--|---------------------|--------------|-----------------------------------|-------------|----------------|------------------------|----------------------------|-------------------------------|-----------------------------|--------------------------|-------------------------|-----------------|--------------------|--------------|-------------------------|------------------------|------------------|-----------------------|---------------------|---------------------|-----------------------|-------------|-----------------------|------------------------|-------------------------------|-----------------------------|-------------------------|----------------------|---------------------------|----------------------|---|---|
| Land Use Matrix [DoP version 3.0] | | RU1 Primary Production | RU2 Rural Landscape | RU3 Forestry | RU4 Primary Production Small Lots | RU5 Village | RU6 Transition | R1 General Residential | R2 Low Density Residential | R3 Medium Density Residential | R4 High Density Residential | R5 Large Lot Residential | B1 Neighbourhood centre | B2 Local centre | B3 Commercial Core | B4 Mixed Use | B5 Business Development | B6 Enterprise corridor | B7 Business Park | I1 General Industrial | I2 Light Industrial | I3 Heavy Industrial | I4 Working Waterfront | SF3 Tourist | RE1 Public Recreation | RE2 Private Recreation | E2 Environmental conservation | E3 Environmental Management | E4 Environmental Living | W1 Natural Waterways | W2 Recreational Waterways | W3 Working Waterways | | |
| Legend | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| o permitted without consent [mandated under the SI]. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ● permitted without consent. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| c permitted with consent [mandated under the SI]. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ● permitted with consent. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| x prohibited [mandated under the SI]. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| x prohibited. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A permitted under SEPP (Affordable Rental Housing) 2009. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I permitted under SEPP (Infrastructure) 2007. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| fill colours in green or red mandated under the SI. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| fill colour in purple public infrastructure permitted under a SEPP. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Is the zone used? [please select Y/N for each zone] | | Y | Y | N | Y | N | N | N | Y | Y | N | Y | Y | N | Y | N | N | N | Y | Y | Y | N | N | N | Y | Y | Y | Y | Y | N | N | N | | |
| | | (LAND USE terms WITHIN agriculture group term) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| agriculture | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| aquaculture | | c | c | c | | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| extensive agriculture [eg. grazing of livestock, etc.] | | o | o | o | | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| bee keeping | | o | o | o | | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| dairy (pasture-based) | | o | o | o | | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| intensive livestock agriculture [eg. poultry farms, etc.] | | c | c | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| feedlots | | c | c | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| dairies (restricted) | | c | c | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| intensive plant agriculture [eg. cultivation of irrigated crops] | | c | c | c | | | | x | x | x | x | x | x | x | x | x | x | x | x | c | c | c | | | | | | | | | | | | |
| horticulture | | c | c | c | | | | x | x | x | x | x | x | x | x | x | x | x | x | c | c | c | | | | | | | | | | | | |
| turf farming | | c | x | c | | | | x | x | x | x | x | x | x | x | x | x | x | c | c | c | | | | | | | | | | | | | |
| viticulture | | c | c | c | | | | x | x | x | x | x | x | x | x | x | x | x | c | c | c | | | | | | | | | | | | | |
| | | (AND USE terms OUTSIDE agriculture group term) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| animal boarding or training establishments | | c | c | c | | | | x | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| farm buildings | | c | c | c | | | | x | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| forestry | | c | c | c | x | | | x | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| | | (LAND USE terms WITHIN residential accommodation group term) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| residential accommodation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| attached dwellings | | x | x | x | | | | c | c | | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | |
| boarding houses | | x | x | x | | | | c | c | c | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| dual occupancies | | | | | | | | c | c | c | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| dual occupancies (attached) | | c | c | c | | | | c | c | c | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| dual occupancies (detached) | | c | c | c | | | | c | c | c | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| dwelling houses | | c | c | c | c | c | c | c | c | c | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| group homes | | c | c | c | | | | c | c | c | A | c | x | | A | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| group homes (permanent) | | c | c | c | | | | c | c | c | A | c | x | | A | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| group homes (transitional) | | c | c | c | | | | c | c | c | A | c | x | | A | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| hostels | | x | x | x | | | | c | c | c | A | c | x | | A | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| multi dwelling housing | | x | x | x | | | | c | x | c | | x | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| residential flat buildings | | x | x | x | | | | c | x | c | | x | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| rural worker's dwellings | | c | c | x | | | | x | x | | | x | x | | x | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| secondary dwellings | | c | c | c | | | | A | A | A | A | A | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| semi-detached dwellings | | x | x | x | | | | c | c | c | | x | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| seniors housing | | x | x | x | | | | c | c | c | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| residential care facilities | | x | x | x | | | | c | c | c | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| shop top housing | | x | x | x | | | | c | x | c | | c | x | | c | x | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | |
| | | (AND USE terms OUTSIDE residential accommodation group term) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| home-based child care | | c | c | c | | | | c | c | | | c | c | | c | x | | | c | c | c | | | | | | | | | | | | | |
| home business | | c | c | c | | | | c | c | | | c | c | | c | x | | | c | c | c | | | | | | | | | | | | | |
| home occupations | | o | o | o | o | | | o | o | | | o | o | | o | o | | | c | c | c | | | | | | | | | | | | | |
| home occupation (sex services) | | c | c | c | | | | c | c | | | c | c | | c | x | | | x | c | c | | | | | | | | | | | | | |
| | | (LAND USE terms WITHIN tourist and visitor accommodation group term) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| tourist and visitor accommodation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| backpackers' accommodation | | x | x | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| bed & breakfast accommodation | | c | c | c | | | | c | c | | | c | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| farm stay accommodation | | c | c | c | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| hotel or motel accommodation | | x | x | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | x |
| serviced apartments | | x | x | x | | | | x | c | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| | | (AND USE terms OUTSIDE tourist and visitor accommodation group term) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| camping grounds | | x | x | x | | | | x | x | | | x | x | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| caravan parks | | x | x | x | | | | x | x | | | x | x | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| eco-tourist facilities | | x | x | x | | | | x | x | | | x | x | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| | | (LAND USE terms WITHIN commercial premises group term) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| commercial premises | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| business premises [eg. banks, post offices, hairdressers, etc.] | | x | x | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | | |
| funeral homes | | c | c | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| office premises | | x | x | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| retail premises | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| bulky goods premises | | x | x | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| cellar door premises | | c | c | c | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| food & drink premises | | x | x | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| pubs | | x | x | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |
| restaurants or cafes | | x | x | x | | | | x | x | | | x | c | | c | x | | | x | x | x | c | x | x | x | x | x | x | x | x | x | x | x | |

Changes affect this row

Appendix D

Compliance with SEPPs

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

| No. | Name of State Environmental Planning Policies (SEPPs) | Is the Planning Proposal consistent with this SEPP? | Comments |
|-----|---|---|---|
| 1 | Development Standards | N/A | WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1. |
| 14 | Coastal Wetlands | N/A | Not applicable in the Shire of Wollondilly. |
| 15 | Rural Land-Sharing Communities | N/A | Not applicable in the Shire of Wollondilly. |
| 19 | Bushland in Urban Areas | N/A | Not applicable in the Shire of Wollondilly. |
| 21 | Caravan Parks | Yes | The Planning Proposal does not change the current provisions of the LEP in relation to Caravan Parks. |
| 26 | Littoral Rainforests | N/A | Not applicable in the Shire of Wollondilly. |
| 29 | Western Sydney Recreation Area | N/A | Not applicable in the Shire of Wollondilly. |
| 30 | Intensive Agriculture | N/A | Not applicable to this Planning Proposal. |
| 32 | Urban Consolidation (Redevelopment of Urban Land) | Yes | The planning proposal does not contain provisions that will contradict or hinder the application of the SEPP. |
| 33 | Hazardous and Offensive Development | N/A | Not applicable to this Planning Proposal. |
| 36 | Manufactured Home Estates | N/A | Not applicable in the Shire of Wollondilly. |
| 39 | Spit Island Bird Habitat | N/A | Not applicable in the Shire of Wollondilly. |
| 44 | Koala Habitat Protection | Yes | The Planning Proposal will not contain provisions that will contradict or will hinder the application of this SEPP. Assessment against SEPP 44 may be required for individual DAs, but would not preclude this amendment from proceeding. |
| 47 | Moore Park Showground | N/A | Not applicable in the Shire of Wollondilly. |
| 50 | Canal Estates | N/A | Not applicable to this Planning Proposal. |
| 52 | Farm Dams and Other Works in Land and Water Management Plan Areas | N/A | Not applicable in the Shire of Wollondilly. |

| No. | Name of State Environmental Planning Policies (SEPPs) | Is the Planning Proposal consistent with this SEPP? | Comments |
|-----|--|---|---|
| 55 | Remediation of Land | Yes | No contamination studies are proposed to be prepared for this PP. A Phase 1 Environmental Assessment may need to be prepared with individual DAs for attached dual occupancies, to determine whether the site is suitable or can be made suitable for the proposed residential use (keeping in mind that these would be sites with existing dwelling houses). |
| 59 | Central Western Sydney Economic and Employment Area | N/A | Not applicable in the Shire of Wollondilly. |
| 62 | Sustainable Aquaculture | N/A | Not applicable in the Shire of Wollondilly. |
| 64 | Advertising and Signage | N/A | Not applicable to this Planning Proposal. |
| 65 | Design Quality of Residential Flat Development | N/A | Residential flat buildings are prohibited on the rural and environmental zoned land. |
| 70 | Affordable Housing (Revised Schemes) | N/A | Not applicable in the Shire of Wollondilly. |
| 71 | Coastal Protection | N/A | Not applicable in the Shire of Wollondilly. |
| | SEPP (Affordable Rental Housing) 2009 | Yes | The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| | SEPP (Housing for Seniors or People with a Disability) | Yes | The Planning Proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing. |
| | SEPP (Building Sustainability Index: BASIX) 2004 | Yes | The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dual occupancies will need to comply with this policy. |
| | SEPP (Kurnell Peninsula) 1989 | N/A | Not applicable in the Shire of Wollondilly. |
| | SEPP (Major Development) 2005 | N/A | Not applicable to this Planning Proposal. |
| | SEPP (Sydney Region Growth Centres) 2006 | N/A | Not applicable in the Shire of Wollondilly. |
| | SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | Yes | This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP. |
| | SEPP (Infrastructure) 2007 | N/A | Not applicable to this Planning Proposal. |
| | SEPP (Kosciuszko National Park - Alpine Resorts) 2007 | N/A | Not applicable in the Shire of Wollondilly. |
| | SEPP (Rural Lands) 2008 | N/A | Not applicable in the Shire of Wollondilly. |

| No. | Name of State Environmental Planning Policies (SEPPs) | Is the Planning Proposal consistent with this SEPP? | Comments |
|---|---|---|--|
| | SEPP (Exempt and Complying Development Codes) 2008 | Yes | The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning. |
| | SEPP (Western Sydney Parklands) 2009 | N/A | Not applicable in the Shire of Wollondilly. |
| | SEPP (Western Sydney Employment Area) 2009 | N/A | Not applicable in the Shire of Wollondilly. |
| | SEPP (Sydney Drinking Water Catchment) 2011 | Yes | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Any potential impacts on the Sydney drinking water catchment would need to be assessed as part of a future DA, to establish that there would be a neutral or beneficial impact on water quality. |
| | SEPP (Miscellaneous Consent Provisions) 2007 | Yes | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| | SEPP (Penrith Lakes Scheme) 1989 | NA | Not applicable in the Shire of Wollondilly |
| | SEPP (State & Regional Development) 2011 | Yes | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| | SEPP (Three Ports) 2013 | NA | Not applicable in the Shire of Wollondilly |
| | SEPP (SEPP 53 Transitional Provisions) 2011 | NA | Not applicable in the Shire of Wollondilly |
| | SEPP (Urban Renewal) 2010 | NA | Not applicable in the Shire of Wollondilly. |
| Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans) | | Consistency | Comments |
| 9 | Extractive Industry (No 2) | N/A | |
| 20 | Hawkesbury–Nepean River (No 2 - 1997) | Yes | The Planning Proposal will not contain provisions that would be inconsistent with this SREP. |

Appendix E

Assessment against Section 117(2) Directions

The table below assesses the planning proposal against Section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

| Ministerial Direction | Is it applicable to Planning Proposal? | Is the Planning Proposal consistent with this Direction? | Assessment |
|--|--|--|--|
| 1. Employment and Resources | | | |
| 1.1 Business and industrial Zones | N/A | N/A | The planning proposal does not propose any new business or industrial land. |
| 1.2 Rural Zones | Yes | Yes (inconsistency justified) | The planning proposal is inconsistent but the inconsistency is of minor significance due to; <ul style="list-style-type: none"> attached dual occupancies were permitted in rural zones within Wollondilly since the early 80's up until relatively recently (February 2011) and the current planning proposals only seeks to reinstate this permissibility; as Secondary and rural worker dwellings are already permitted within rural land use zones the planning proposal will not increase the permissible density of land |
| 1.3 Mining, Petroleum Production and Extractive Industries | Yes | Yes (but justified) | The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application. |
| 1.4 Oyster Production | N/A | N/A | Direction does not apply. |
| 1.5 Rural Lands | N/A | N/A | Not applicable in the Shire of Wollondilly. |
| 2. Environment and Heritage | | | |
| 2.1 Environmental Protection Zones | Yes | Yes (but justified) | The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application. |
| 2.2 Coastal Protection | N/A | N/A | Direction does not apply. |

| Ministerial Direction | Is it applicable to Planning Proposal? | Is the Planning Proposal consistent with this Direction? | Assessment |
|---|--|--|--|
| 2.3 Heritage Conservation | Yes | Yes (but justified) | The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application. |
| 2.4 Recreation Vehicle Area | Yes | Yes | The planning proposal does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area. Therefore it is consistent with Direction 2.4. |
| 3. Housing, Infrastructure and Urban Development | | | |
| 3.1 Residential Zones | No | N/A | The planning proposal does not relate to an existing or proposed residential zone nor does it propose significant residential development. |
| 3.2 Caravan Parks and Manufactured Home Estates | Yes | Yes | The proposal does not change existing LEP provisions for Caravan Parks and Manufactured Home Estates. |
| 3.3 Home Occupations | Yes | Yes | The proposal does not change existing LEP provisions for Home Occupations. |
| 3.4 Integrating Land Use and Transport | N/A | N/A | Direction does not apply as the planning proposal does not relate to urban land. |
| 3.5 Development Near Licensed Aerodromes | N/A | N/A | Direction does not apply. |
| 3.6 Shooting Ranges | N/A | N/A | Direction does not apply. |
| 4. Hazard and Risk | | | |
| 4.1 Acid Sulphate Soils | N/A | N/A | Direction does not apply |
| 4.2 Mine Subsidence and Unstable Land | Yes | Yes (but justified) | The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application. |
| 4.3 Flood Prone Land | Yes | Yes (but justified) | The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application. |

| Ministerial Direction | Is it applicable to Planning Proposal? | Is the Planning Proposal consistent with this Direction? | Assessment |
|--|--|--|--|
| 4.4 Planning for Bushfire Protection | Yes | Yes (but justified) | The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application. |
| 5. Regional Planning | | | |
| 5.1 Implementation of Regional Strategies | N/A | N/A | Direction does not apply. |
| 5.2 Sydney Drinking Water Catchments | Yes | Yes (but justified) | The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application. |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | N/A | N/A | Direction does not apply. |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | N/A | N/A | Direction does not apply. |
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) | N/A | N/A | Revoked. |
| 5.6 Sydney to Canberra Corridor | N/A | N/A | Revoked. |
| 5.7 Central Coast | N/A | N/A | Revoked. |
| 5.8 Second Sydney Airport: Badgerys Creek | N/A | N/A | Direction does not apply |
| 6. Local Plan Making | | | |
| 6.1 Approval and Referral Requirements | Yes | Yes | The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements. |
| 6.2 Reserving Land for Public Purposes | Yes | Yes | This planning proposal is consistent with this direction because it does not create, alter or reduce existing zoning or reservations of land for public purposes. |
| 6.3 Site Specific Provisions | No | N/A | Direction does not apply. |
| 7. Metropolitan Planning | | | |

| Ministerial Direction | Is it applicable to Planning Proposal? | Is the Planning Proposal consistent with this Direction? | Assessment |
|---|--|--|--|
| 7.1 Implementation of A Plan for Growing Sydney | Yes | Yes | This planning proposal is not inconsistent with <i>A Plan for Growing Sydney</i> . |

Appendix F

Assessment against Wollondilly GMS

Wollondilly Growth Management Strategy (GMS) was adopted by Council in February 2011 and sets directions for accommodating growth in the Shire for the next 25 years. All planning proposals which are submitted to Council are required to be assessed against the Key Policy Directions within the GMS to determine whether they should or should not proceed.

The following table sets out the planning proposal's compliance with relevant Key Policy Directions within the GMS:

| Key Policy Direction | Comment |
|--|--|
| General Policies | |
| 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 proposal meets all the relevant Key Policy Directions and Assessment Criteria contained within the GMS. The component of this Planning Proposal that will permit dual occupancies (attached) in rural zones was previously supported by Council as part of the preparation of the comprehensive LEP. |
| 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 proposal is generally consistent with the concept and vision of 'Rural Living'. In particular, it recognises that rural and environmental zoned land within Wollondilly is unable to be provided with reticulated sewer, in keeping with the character of most fringe Metropolitan rural areas. Regarding dual occupancies, there is the potential to increase the developability of rural land (with Council consent). However, this has historically been permitted in Wollondilly and has not been deemed to have had a detrimental effect on the concept of rural living in the LGA. |
| P3 All Council decisions on land use proposals shall consider the outcomes of community engagement. | If a Gateway Determination is issued, it is anticipated that community consultation will be required. This is discussed in Part 5 – Community Consultation. |
| P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals. | There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied. |
| 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 proposal is not typical "growth" as anticipated and guided by the GMS, in that it is not infill development or new development on the fringe of an existing town centre. However, it would allow a small amount of growth that is considered appropriate that has previously been agreed to by Council. Additionally, the appropriateness of each dual occupancy (attached) and the provision of sewer to secondary dwellings, rural workers dwellings and dual occupancies will be assessed as part of a future DA. |
| Housing Policies | |
| P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast. | Allowing for dual occupancies (attached) in the rural zones within Wollondilly will allow for some provision of additional housing to cater for growth within the LGA. |
| 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. | This proposal will provide for a housing type (dual occupancies) that will assist in providing some diversity in the housing market and also affordability to land owners and families, as opposed to the more common single dwellings in greenfield release areas. The proposal has the potential to meet this demand. |
| P9 Dwelling densities, where possible and | This PP will allow lower densities on the edges of towns and in rural |

| Key Policy Direction | Comment |
|---|--|
| <p>environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).</p> | <p>areas, by permitting attached dual occupancies with consent in rural zones. Assessment of individual DAs will determine whether this is appropriate.</p> |
| <p>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</p> | <p>This PP will allow growth outside of areas immediately adjacent to existing towns and villages, however this is very low density growth. As per the point above, assessment of individual DAs will determine whether this is appropriate.</p> |
| Macarthur South Policies | |
| <p>P11 Council does not support major urban release within the Macarthur South area at this stage.</p> | <p>Key Policy Direction P11 is not applicable to this proposal.</p> |
| <p>P12 Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.</p> | <p>Key Policy Direction P12 is not applicable to this proposal.</p> |
| <p>P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.</p> | <p>Key Policy Direction P13 is not applicable to this proposal.</p> |
| <p>P14 Council will consider proposals for employment land developments in Macarthur South provided they:</p> <ul style="list-style-type: none"> ▪ Are environmentally acceptable; ▪ Can provide significant local and/or subregional employment benefits; ▪ Do not potentially compromise the future orderly master planning of the Macarthur South area; ▪ Provide for the timely delivery of necessary infrastructure; ▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas; ▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits). | <p>Key Policy Direction P14 is not applicable to this proposal.</p> |
| Employment Policies | |
| <p>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p> | <p>This proposal does not include employment lands. The potential construction of new dual occupancies could generate some short-term construction industry related job opportunities.</p> |
| <p>P16 Council will plan for different types of employment lands to be in different locations in recognition of</p> | <p>This proposal does not include employment lands.</p> |

| Key Policy Direction | Comment |
|---|---|
| <p>the need to create employment opportunities in different sectors of the economy in appropriate areas.</p> | <p>As with the above point, there is the potential for short-term employment opportunities to be created.</p> |
| <p>Integrating Growth and Infrastructure</p> | |
| <p>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.</p> | <p>This PP is not expected to generate significant demand for new infrastructure. Attached dual occupancies will be subject to DA assessment to determine if adequate services are available.</p> <p>The amendment to clause 7.1 – Essential Services proposed by this PP will help to clarify Council's requirements for the disposal and management of sewage, i.e. that reticulated sewer does not need to be provided to dual occupancies, secondary dwellings and rural workers dwellings in rural and environmental zones.</p> <p>Developer contributions payable at the development application stage will further fund the necessary local infrastructure required to support any future development.</p> |
| <p>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.</p> | <p>As previously discussed, rural land does not always adjoin an existing town or village, but the level of density that this PP would permit is considered appropriate and sustainable for rural zoned land in that existing services and infrastructure could be augmented to support new attached dual occupancies.</p> |
| <p>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p> | <p>As previously discussed, rural zoned land is often not adjacent to existing population centres, but the level of growth this PP would be minimal, especially considering many rural zoned properties in Wollondilly already have two dwellings on them.</p> |
| <p>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.</p> | <p>This PP is not identifying a specific site/area for growth, however it would facilitate appropriate small opportunities for additional dwellings on rural zoned land.</p> |
| <p>Rural and Resource Lands</p> | |
| <p>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.</p> | <p>It is not expected that this PP would result in any adverse impacts on these factors. Future DA assessment would need to determine the impacts of an attached dual occupancy with regard to any of these factors.</p> |
| <p>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.</p> | <p>This PP will not result in rural lands fragmentation or further subdivision potential, rather it will allow for additional dwellings on rural zoned lots that have already been deemed appropriate to contain a dwelling.</p> |

Appendix G

Council's Report and Minutes

Extract from Agenda containing the Report to Wollondilly Shire Council and its Planning and Economy Meeting of Council held on Monday 9 February 2015

*Extract from Minutes of the Ordinary Meeting of Wollondilly Shire Council held on Monday 9 February 2015
Council's Reference: TRIM 8290 #16 and TRIM 8290 #17*