

APPENDIX 1

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

	STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)	CONSISTENCY	COMMENTS
1	Development Standards	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP
4	Development Without Consent and Miscellaneous Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP
6	Number of Storeys in a Building	Yes	The Planning Proposal will use the Standard Instrument to control building height.
14	Coastal Wetlands	NA	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	NA	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	NA	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	NA	
22	Shops and Commercial Premises	NA	
26	Littoral Rainforests	NA	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	NA	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	NA	
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	NA	
36	Manufactured Home Estates	NA	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	NA	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	The planning proposal will not have a significant impact on koala habitat.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NA	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	NA	Wollondilly Shire is currently exempted from this SEPP.

55	Remediation of Land	NA	
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	NA	
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	
65	Design Quality of Residential Flat Development	NA	
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	NA	
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal will 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 dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The Planning Proposal will not limit underground mining potential.
	SEPP (Temporary Structures) 2007	NA	
	SEPP (Infrastructure) 2007	Yes	The proposal has considered the relevant parts of SEPP (Infrastructure) 2007, namely traffic generating developments and is considered consistent.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	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	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	NA	Not applicable in the Shire of Wollondilly.
1	Drinking Water Catchments	NA	Subject lands are not located

	Regional Environmental Plan No 1		within the jurisdiction of REP No. 1.
DEEMED STATE ENVIRONMENTAL PLANNING POLICIES (FORMERLY REGIONAL ENVIRONMENTAL PLANS)		CONSISTENCY	COMMENTS
9	Extractive Industry (No 2)	NA	
20	Hawkesbury–Nepean River (No 2 - 1997)	YES	This proposal is consistent with this SREP.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.

APPENDIX 2

Examination of Draft Plan in accordance with relevant Section 117(2) Directions.

Ministerial Direction 117(2)	Applicable	Consistent	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	NA	NA	
1.2 Rural Zones	YES	YES	The planning proposal is in accordance with the draft Southwest Subregional Strategy which aims to achieve additional residential land suitable located in the Wollondilly Shire. It is considered that the planning proposal is consistent with Direction 1.2.
1.3 Mining, Petroleum Production and Extractive Industries	YES	YES	The land is located above a future underground coal mining area but the proposed use will not impact on the future underground mining potential. The planning proposal is not inconsistent with Direction 1.3.
1.4 Oyster Production	NA	NA	Direction does not apply
2. Environment and Heritage			
2.1 Environmental Protection Zones	NA	NA	Direction does not apply as there are no environmentally sensitive areas requiring protection.
2.2 Coastal Protection	NA	NA	Direction does not apply
2.3 Heritage Conservation	YES	YES	The site contains no listed heritage items of local, state or national heritage significance. As the site was cleared for previous agricultural uses there are likely to be no significant items of indigenous heritage. It is considered that the planning proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	NA	NA	Direction does not apply
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	YES	YES	The rezoning will permit the development of a range of housing types. The land is located contiguous to urban land and adequate services are available or will be available in the near future. The planning proposal is not inconsistent with Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	NA	NA	Direction does not apply.
3.3 Home Occupations	NA	NA	Direction does not apply.
3.4 Integrating Land Use and Transport	YES	YES	The planning proposal site is well serviced by existing roads and additionally could incorporate shared pathway links to the nearby railway station. The Draft LEP is not inconsistent with Direction No. 3.4.
3.5 Development Near Licensed Aerodromes	NA	NA	Direction does not apply
4. Housing, Infrastructure and Urban Development			
4.1 Acid Sulphate Soils	NA	NA	Direction does not apply
4.2 Mine Subsidence and Unstable Land	YES	YES	The subject land is within the Bargo Mine Subsidence District and is currently subject to mining from Tahmoor Mine. Undermining of the site is unlikely to occur in the short to mid term but the <i>Mine Subsidence Board</i> has indicated previously that provided dwellings are designed to their guidelines and limited to two storeys then the impact from subsidence is likely to be minimised. The planning

Ministerial Direction 117(2)	Applicable	Consistent	Assessment
			proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	YES	YES	There is a drainage line that runs through this land and therefore a drainage/flood study is recommended to ascertain if flooding is a risk for future residential development. The planning proposal is not inconsistent with Direction 4.3.
4.4 Planning for Bushfire Protection	YES	YES	The land to which the planning proposal applies includes bushfire prone land but future development should be able to comply with <i>Planning for Bushfire Protection 2006</i> . It is considered that the planning proposal is not inconsistent with Direction No. 4.4.
5. Regional Planning			
5.1 Implementation of Regional Strategies	NA	NA	Direction does not apply
5.2 Sydney Drinking Water Catchments	NA	NA	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	NA	Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	NA	Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	NA	Direction does not apply
5.6 Sydney to Canberra Corridor	NA	NA	Although the Sydney Canberra Corridor Strategy 1995 refers to land within Wollondilly Local Government Area the Strategy has been determined to no longer apply to Wollondilly LGA.
5.7 Central Coast	NA	NA	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	NA	NA	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	YES	YES	The planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority. The planning proposal is consistent with Direction No. 6.1.
6.2 Rezoning Land for Public Purposes	YES	YES	The planning proposal will not create, alter or reduce existing zones or reservations of land for public purposes. It is considered that the planning proposal is consistent with Direction 6.2.
6.3 Site Specific Provisions	NA	NA	Direction does not apply
7.1 Implementation of the Metropolitan Strategy for Sydney 2036	YES	YES	The planning proposal is consistent with the metropolitan strategy and therefore Direction 7.1.

APPENDIX 3

The following table addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal:

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The planning proposal is compatible with the Metropolitan Strategy and Draft South West Subregional Strategy for the following reasons: It is consistent with the strategic residential objectives of the South-West Subregional Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes	Bargo is situated on the rural / urban interface of the Sydney Metropolitan region and has direct access to the Hume Highway. It is located along the Main Southern Railway route but is not situated within a strategic centre or corridor. The site has been identified within the <i>Wollondilly Growth Management Strategy</i> as having potential for future urban growth.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations of landowners as it is located directly adjacent to existing residential zoned land and land identified for future urban growth.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	There has been no recent spot rezoning in the Bargo area. This planning proposal will result in a positive contribution to urban expansion in the following ways: - By increasing the density and diversity of housing close to the existing urban centre - By improving the economies of scale to deliver infrastructure and utility services for the residential expansion of the Bargo township.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	The site is not zoned to facilitate employment, nor will it result in a loss of employment land.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes	The proposal will have a positive impact on the residential supply by adding to the amount of available residential land. The variety of allotment sizes will provide for varying housing needs and increase housing choice and type of housing.
Is the existing public infrastructure (roads, rail,	No	The existing road, rail and bus infrastructure around and near the property is adequate to

Evaluation Criteria	Y/N	Comment
utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?		support the development. A reticulated sewerage system to service Bargo is proposed to be constructed within the next few years. Additional pedestrian and cycling facilities linking to the Bargo township and railway station can be provided as part of future development.
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?	N/A	N/A
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	The proposal should not require further government investment in public infrastructure. A traffic study to examine the effect of additional traffic from the site on the existing road infrastructure is recommended.
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	The site is largely cleared of native vegetation. A flora and fauna investigation of the site was undertaken and identified some remnant mature Cumberland Plain Woodland trees on the site. These trees can be conserved within the future residential layout. The site has a drainage line running through the eastern portion and a drainage/flood study will investigate whether additional drainage or riparian works are required.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The proposal is compatible with adjoining land uses which are low density residential on the western end of the site and rural-residential to the east. The site is not an isolated residential development and is well serviced and proximate to the existing Bargo town centre.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest	-	The proposal will provide additional housing in

Evaluation Criteria	Y/N	Comment
reasons for preparing the draft plan? What are the implications of not proceeding at that time?		a variety of forms to assist in the delivery of meeting the housing growth and dwelling mix actions from the Subregional strategy. If the rezoning was not supported, the site would remain underdeveloped and its strategic potential to deliver housing in response to the strong growth in demand for residential housing in Wollondilly would not be realised.

APPENDIX 4

RELEVANT GMS CRITERIA ASSESSMENT

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with relevant provisions.
State Planning Policies	Consistent with relevant provisions.
Ministerial Directions	Consistent with the relevant provisions, or where not consistent is justified.
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.
Local Strategies and Policies	
Criteria	Response
Key Policy Directions on the GMS	Consistent with the relevant provisions.
Precinct Planning	There are a total of six (6) individual allotments as part of this Planning Proposal Request. Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	Consistent with the relevant provisions
Project Objectives and Justification	
Criteria	Response
Overall Objective	Consistent with the relevant provisions.
Strategic Context	Consistent with the relevant provisions.
Net Community Benefit?	Consistent with the relevant provisions.
Summary of Likely Impacts	Consistent with the relevant provisions.
Infrastructure and Services	Consistent with the relevant provisions.
Supply and Demand Analysis	When taking into account the scale of the proposed LEP amendment it is not considered that a detailed supply and demand analysis is warranted. Notwithstanding, it is considered reasonable to state that there is limited vacant land supply in the Bargo township for the types of lot size proposed and the proposal offers an opportunity to service potential demand.

Site Suitability/Attributes	The land is adjoined on its boundaries by residential and rural residential development. The proposed rezoning would infill appropriately with residential development to the north and south along Avon Dam Road and Hawthorne Road. It represents a similar town edge treatment provided to other edges of Bargo township and would not lead to land use conflict. Traffic generation from the resulting development would still be within the environmental capacity of the surrounding road network. A traffic/transport study is proposed to examine potential traffic impacts and propose pedestrian and cycleway linkages.
Preserving Rural Land and Character	
Criteria	Response
Character Setting	The proposed development is consistent with surrounding land uses and will maintain the rural character.
Visual Attributes	The proposed development would not unacceptably impact on the visual character of the locality by reason that (i) it is essential infill development; (ii) the proposed lot sizes provide for an appropriate visual transition at the edge of the township; and (iii) would not cause the removal of significant landscape features.
Rural and Resource Lands	The land currently is not used as an agricultural holding and is unlikely to be considered as a viable agricultural holding in the future. The development will not restrict opportunities for future agricultural uses on adjacent lands. In this regard an odour and noise assessment is proposed to determine whether there will be rural land use conflict in association with the adjoining turkey breeder farm.
Environmental Sustainability	
Criteria	Response
Protection and Conservation	The proposal will not require the removal of significant remnant vegetation. Mature remnant Cumberland Plain Woodland is proposed to be retained.
Water Quality and Quantity	The proposal would not cause unacceptable water quality impacts as detailed in the wastewater management study. The small scale nature of the proposal would be unlikely to cause unmanageable water quality impacts.

Flood Hazard	The subject land is not affected by floods other than localized areas contained in minor depressions. The topography of the precinct is best described as being very gentle to flat. A localised area of the site forms a very minor depression draining south-west to north-east. Based on existing conditions, the site can be best described as draining to the localised depression described above. This would naturally drain to Dogtrap Creek catchment to the north-east. A drainage/flood study to examine any potential issues in relation to stormwater and localised flooding is proposed.
Geotechnical/Resources/Subsidence	The subject land is within the Bargo Mine Subsidence District and is currently subject to mining from Tahmoor Mine. The area is yet to be undermined and it is understood from discussions with the Mine Subsidence Board that it is unlikely to be undermined in the short to mid-term.
Buffers and Spatial Separation	The proposed use is consistent with that of adjoining/nearby development and is therefore considered compatible.
Bushfire Hazard	The bushfire hazard can be readily managed under the provisions of Planning for Bushfire Protection 2006.
Heritage	The site contains no listed heritage items of local, state or national heritage significance. It is considered likely that the extent of historical site disturbance would cause the site to be of no significance in terms of indigenous heritage. A heritage assessment would establish whether the site has any heritage significance.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development arising.
Infrastructure	
Criteria	Response
Efficient Use and Provision of Infrastructure	

Transport Road and Access	The land is surrounded and accessed by dedicated public roads, being Hawthorne Road and Avon Dam Road which are sealed residential and rural standard roads as they adjoin the land. No new roads required. Hawthorne Road functions as a local road within the eastern portion of Bargo township, that is, that portion east of Remembrance Driveway and the main southern railway line. Current traffic flows on Hawthorne Road would be best described as low to moderate and well within its environmental capacity. Avon Dam Road ultimately provides northbound access to and southbound access from the F5 Freeway. Public transport in Bargo comprises trains (providing access to Campbelltown and ultimately Sydney CBD), buses and taxis. The local bus company provides a daily bus service between Bargo and higher order centres in the Shire and Macarthur Region. A traffic/transport study would examine the capacity of the local roads and the need for additional transport infrastructure.
Open Space	The subject site is small scale and does not include provisions for public open space. There is considered to be sufficient open space in the vicinity to service the site.
Residential Lands	
Criteria	Response
Location/Area/Type	The proposal is consistent with land identified under the GMS for town edge development.
Social Integration	A gated community is not proposed and a variety of housing is achievable by a mix of lot sizes. The existing street network servicing the proposal provides good opportunity for informal social interaction.
Urban on Town Edge	The site is contiguous with existing urban land & within practical walking/cycling distance of town services. The proposed scale of residential development is suitable to the context and location and: ▪ Achieves physical and visual integration with the existing edge of town. ▪ Allows a mix of residential lot sizes to cater for a mix of housing types. Proposed R2 component in line with suggested density range. ▪ Land connected to existing path networks. ▪ Scale of proposal does not warrant the inclusion of community land or facilities.