

Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Stilton Lane Planning Proposal

For the rezoning of rural land located at Stilton Land for the purposes of small lot agriculture, industrial, tourism and environmental purposes

Contents

Introduction.....	3
Site and Context Analysis	4
Part 1 – Objectives or Intended Outcomes	6
Part 2 – Explanation of Provisions	6
Part 3 – Justification.....	7
Section A – Need for the planning proposal	7
Section B – Relationship to strategic planning framework.....	7
Section C – Environmental, social and economic impact	11
Section D – State and Commonwealth interests	12
Part 4 – Mapping	14
Map 1 – Site Identification (SIM)	15
Map 2 – New Land Zoning (LZN)	16
Map 3 – New Lot Size (LSZ)	17
Map 4 – New Height of Buildings (HOB)	18
Part 5 – Community Consultation	20
Preliminary Notification	20
Part 6 – Project Timeline	21
Appendices	23

.....

Document Register

Version	Date	Details	Prepared By	File Location
1	1/2/2018	Report prepared for Gateway Determination	Thomas Marshall	TRIM 7142#370
2	1/3/2018	Report prepared for Gateway Determination	Kitty Carter	TRIM 7142#373
Current Version		2		

Introduction

This Planning Proposal for an amendment of the Wollondilly Local Environment Plan (WLEP) 2011 was originally submitted to Council on the 9th of August, 2013 and has undergone a number of changes to reach the current form supported by Council at its Ordinary meeting held on the 11th of December 2017. The report and resolution from Council and background document is attached at **Appendix 1**.

This Planning Proposal has been prepared in accordance with Section 3.31 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and with regard to the then Department of Planning's "A guide to preparing planning proposals".

Background

The original planning proposal underwent a number of iterations to reach its current form and previously included residential zones for approximately 700 lots in addition to tourist, industrial and environmental zones. There were a number of concerns with that proposal detailed in the report to Council on the 21st August 2017 which is included in the background document to the Council report at Appendix 1.

In its current form the Planning Proposal includes changes to allow small agricultural holdings, employment lands comprising industrial land and land for tourism purposes. Land around Redbank Creek is proposed to be zoned for environmental conservation purposes. Changes are proposed to minimum lot sizes and the height of buildings. The main southern railway line has been rerouted and the planning proposal reflects the change to the zone required to apply to the new route.

Site and Context Analysis

The site is located approximately 3 km south west from Picton Town Centre between the three towns of Picton, Tahmoor and Thirlmere and has road frontages to Stilton Lane, Henry Street and Remembrance Driveway. It comprises 13 individual lots in a landholding under single ownership of approximately 174 hectares (ha). In the past the land was used for a dairy farm and more recently for the grazing of beef cattle.

Address	Lot/DP	Area in hectares
5 Stilton Lane	10//583245	1.522
10 Stilton Lane	1//583248	28.78
10A Stilton Lane	1//865604	11.88
15 Stilton Lane	2//583247	4.695
20 Stilton Lane	4//1180702	22.65
30 Stilton Lane	53//251857	8.905
40 Stilton Lane	54//251857	8.904
50 Stilton Lane	55//251857	8.907
60 Stilton Lane	1//1180702	24.27
2420 Remembrance Drive	60//979250	4.375
2430 Remembrance Drive	61//979250	3.886
2440 Remembrance Drive	2//1180702	39.76
2440A Remembrance Drive	201//1180801	4.994
		Total 173.528

The site is of a general rectangular shape with irregular boundaries to the north and south of the site due to natural and road constraints. Located within the site is the railway line that intersects the site and an over-head bridge to provide access to the western portion of the site.

The site is bounded by Redbank Creek on its northern side which is well vegetated along its banks. Stilton Lane forms the eastern boundary and rural land to the east of Stilton Lane is mainly used for rural-residential purposes and includes properties containing a greenhouse operation and a heritage item "Koorana Homestead Outbuildings and Trees" listed in Schedule 5 of WLEP. The western boundary adjoins land recently rezoned to allow large residential lots (minimum lot

size of 4,000 sqm). Remembrance Driveway and Myrtle Creek form the southern boundary and both rural and residential land adjoins these boundaries.

Figure 1 – Stilton Lane Planning Proposal Site – Aerial view



Part 1 – Objectives or Intended Outcomes

The objective of the Planning Proposal is to provide land for continued rural land uses in the form of small agricultural lots while adding to industrial land in Henry Street, protection of vegetation along Redbank Creek and providing land for tourism purposes. Changes to the zones, minimum lot size and housekeeping changes to reflect the rerouted railway line are proposed. By continuing mainly rural land uses it is intended to maintain the separation between the three townships of Picton, Tahmoor and Thirlmere while also providing land that can be used for employment generating uses.

The proposed changes to the zones would result in the following land areas:

Zone	Minimum Lot Size	Approximate Areas	Approximate No. of Lots
RU4 Primary Production Small Lots	4 ha	115 ha	28
RU2 Rural Landscape	4 ha	17.6 ha	4
SP3 Tourist Zone	16 ha	28 ha	1 tourist lot
IN2 Light Industrial	1500 m ²	2.4 ha	15 industrial lots
E2 Environmental Conservation	No Minimum Lot Size	11 ha	N/A

Part 2 – Explanation of Provisions

To achieve the objectives of this Planning Proposal, the following amendments to the WLEP are proposed:

- Amend the **Land Zoning Map** to rezone land from:
 - RU2 Rural Landscape to IN2 Light Industrial, SP3 Tourist, E2 Environmental Conservation and RU4 Primary Production Small Lots and;
 - SP2 Infrastructure to RU2 Rural Residential and SP3 Tourist, and
 - RU2 Rural Landscape to SP2 Infrastructure (Railway); generally in accordance with the land zone map at Attachment 2 in Part 4 - Mapping
- Amend the **Lot Size Map** from a minimum lot size category of 16 hectares to:
 - no minimum lot size for E2 Environmental Conservation, SP2 Infrastructure (Railway) (current and proposed) and SP3 Tourist and;
 - 1500 sqm for IN2 Light Industrial Zone and;
 - 4 ha for RU4 Primary Production Small Lots
 - 4 ha for the residue RU2 Rural Landscape Zone; generally in accordance with the lot size map at Attachment 3 in Part 4 - Mapping
- Amend the **Height of Buildings Map** from no Maximum Building Height to
 - a maximum building height category of 9 metres for the IN2 Light Industrial Zone and SP3 Tourist Zone.
 - The rural zones would retain the no maximum building height category and the proposed height of buildings map is included as Attachment 4 in Part 4 – Mapping.
- Amend the **Natural Resources Biodiversity Map** in accordance with the findings of a Flora and Fauna study
- Amend the **Land Use Table** to include Zone SP3 Tourist as detailed below:
 - Zone SP3 Tourist
 - 1 Objectives of zone
 - To provide for a variety of tourist-oriented development and related uses.

- | | |
|---|---|
| 2 | Permitted without consent
Nil |
| 3 | Permitted with consent
Food and drink premises; Camping grounds; Eco-tourist facilities; Function centres; Tourist and visitor accommodation |
| 4 | Prohibited
Any other development not specified in item 2 or 3 |

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The proposed industrial land is supported by a Council assessment of industrial employment land which indicated that there is a short supply of available zoned and serviced industrial land in the adjoining Henry/Bridge Street industrial area. The planning proposal supports the Council vision of maintaining the separation of the towns of Picton, Thirlmere & Tahmoor while ensuring that employment land is provided for agriculture, industrial and tourism purposes.

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

The site is currently zoned RU2 Rural Landscape with a minimum lot size of 16 hectares minimising any subdivision opportunity into the future. It is considered that amending the WLEP in line with the objectives of the proposal will achieve the best outcome.

Section B – Relationship to strategic planning framework

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)?

Plan for Growing Sydney

The proposal is generally consistent with the broad focus areas in the Plan for Growing Sydney:

Economic

- Industrial land is in short supply in this location and will assist in meeting unmet demand. Tourism land will provide an important new site to develop uses that will support the local economy. The new smaller rural lots will encourage development of small scale and niche agricultural pursuits close to growing local markets.

Housing

- Small lot rural land would provide some additional housing and maintain the rural landscape character.

Environment

- Significant remnant native vegetation will be protected within the proposed environmental conservation zone.

Draft Metropolitan and Regional Plan

In October 2017 the Draft Greater Sydney Region Plan – *Our Greater Sydney 2056 A metropolis of three cities – connecting people* by the Greater Sydney Commission was released. The Draft Plan refers to three cities within the Sydney region, namely the:

- Eastern Harbour City
- Central River City
- Western Parkland City

Wollondilly Shire is within the Western Parkland City.

The Greater Sydney Commission also released the Draft Western City District Plan in October 2017 and this plan aligns with the objectives and strategies in the Draft Greater Sydney Region Plan. The Planning Proposal is consistent with planning priorities and actions in both these plans as detailed below:

Liveability actions

- Providing housing choice

Comment: The planning proposal contributes to housing choice in providing additional rural lots with dwelling entitlements.

Sustainability planning actions

- Protect and enhance biodiversity by managing urban bushland and remnant vegetation
- Maintain or enhance metropolitan rural areas

Comment: The site's remnant native vegetation along Redbank Creek is proposed to be conserved under an environmental zone which will improve biodiversity and also assist in protecting the health of the waterway. Rural land will be maintained.

Productivity actions

- Protect and support agriculture production
- Create capacity for tourist accommodation in appropriate locations
- Provide additional industrial land

Comment: Smaller rural lots would provide for a range of agricultural opportunities. A tourist zone would enable the provision of accommodation for visitors. Additional industrial land is proposed.

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

Create Wollondilly Community Strategic Plan 2033

The Create Community Strategic Plan 2033 (WCSP), adopted by Council 19 June, 2017 is the Council's highest level long term plan and sets out the long term strategic directions for Wollondilly up to the year 2033. It is considered that the planning proposal is consistent with WCSP strategies.

Strategy GR1 – Growth

- Manage growth to ensure that it is consistent with Council's Position on Growth and achieves positive social, economic, and environmental outcomes for Wollondilly's towns and villages.

Comment: The planning proposal aims to achieve a small amount of rural growth on the outskirts of Picton with conservation of biodiversity and potential for improvements to the local economy.

Strategy GR3 – Economic Development and Tourism

- Enhance economic development and tourism in Wollondilly Shire through the implementation of the Economic Development Strategy and the development of a Tourism Strategy and an Employment Strategy.

Comment: Additional industrial land and a new tourism zone will be important elements within these strategies.

Strategy GR6 – Peri-urban lands

- Manage, promote and adequately protect peri-urban lands and their values.

Comment: The planning proposal site is peri-urban in nature and the rural focus will be maintained and industrial and tourism uses able to be developed and managed separately.

Strategy GR7 – Agriculture

- Encourage and support agriculture and associated industries so that they continue to be a productive, sustainable and integral part of our economy, community, landscape and environment.

Comment: The proposed Primary Production Small Lot zone will ensure that agricultural activities can be undertaken.

Wollondilly Growth Management Strategy 2011

Wollondilly's Growth Management Strategy (GMS) was adopted by Council on 21 February 2011. All planning proposals which come to Council must be assessed against the Key Policy Directions within the GMS. While a small part of the site was identified in the Picton Structure Plan as being suitable for residential development, it is considered that the site is better suited to the proposed rural land uses and will still result in a small amount of housing associated with these rural uses.

The GMS also provides assessment criteria for planning proposals and key policy directions to be achieved by the Planning Proposal, these are attached as **Appendix 2** to this planning proposal.

5. Is the planning proposal consistent with applicable state environmental planning policies?

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken and the planning proposal is consistent with all of the relevant policies as detailed in **Appendix 3**.

SREP 20

Clause 4 of SREP 20 requires assessment of the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 in the preparation of an environmental planning instrument.

Consideration of the 'clause 5' matters is set out below

Matter	Comment
Aim of the Plan	The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Potential impacts of any significance relating to water quality impacts will be identified and managed appropriately.
<ul style="list-style-type: none">• strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	Subject to appropriate management of water quality impacts the scale of the proposal is likely to be acceptable in terms of the Action Plan strategy.
<ul style="list-style-type: none">• any feasible alternatives to the development	The planning proposal would allow continued small lot agriculture, tourism and industrial development and there are no feasible alternatives to these proposed changes.

- relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored

Water quality will continue to be achieved by ensuring that wastewater is managed satisfactorily on-site. Wastewater management systems would be monitored regularly by Council staff.

Consideration of the 'clause 6' matters is set out below:

(3) Water Quality

A specialist study will be required to address the potential water quality and waste water impacts in order to appropriately accommodate the site for future development.

(4) Water Quantity

A specialist study to examine the drainage on the site is required to determine the potential impacts of the increased stormwater runoff resulting from potential future development in order to maintain and protect existing aquatic ecosystems.

(5) Cultural Heritage

An Aboriginal & Archaeological heritage impact report are required to determine the potential impacts resulting from the future development of the site enabling the proposal to be developed and progressed in a suitable manner to protect identified significant areas.

(6) Flora and Fauna

The site contains various sections of land that are abundant in vegetation that provides suitable habitats. The progression of the proposal will require a flora and fauna specialist study to determine the potential future impacts resulting from the proposal. The study will assist in providing mitigating measures to protect and preserve the flora and fauna located within the site.

(7) Riverine Scenic Quality

The areas to the north of the site are bound by Redbank Creek and to the south by Myrtle Creek stemming from the Nepean River. The proposal has identified a buffer protection zone along the northern boundary that enables the separation between the river and the area for potential rural and industrial development.

(9) Rural Residential Development

The proposal is not specifically for rural-residential development and with the proposed minimum lot size of 4 ha there will be sufficient area to enable on-site waste water management subject to further assessment.

(12) Metropolitan Strategy

The planning proposal is deemed to be consistent with the current Metropolitan Strategy and its connection to the river by addressing all potential environmental impacts through the implementation of specialist studies.

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

This Planning Proposal is consistent with or justified for all applicable Ministerial (s.117) Directions as outlined below;

- Direction 1.1 Business and Industrial Zones;
- Direction 1.2 Rural Zones;
- Direction 2.1 Environment Protection Zones;
- Direction 3.4 Integrating Land Use and Transport;
- Direction 4.2 Mine Subsidence and Unstable Land;
- Direction 4.4 Planning for Bushfire Protection.

A preliminary assessment of the proposals' consistency with the Ministerial Directions are provided in **Appendix 4**. It is anticipated that the proposal will be consistent with all Directions that are applicable either already or following the submission of specialist studies.

Section C – Environmental, social and economic impact

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?

A preliminary ecological assessment identified significant vegetation across the site namely Cumberland Plain Woodland and Shale Sandstone Transition Forest which are critically endangered ecological communities. Significant vegetation along Redbank Creek is proposed to be protected in an E2 Environmental Conservation zone while other parts of the site are proposed to be mapped on the Natural Resource Biodiversity map which provides protection under Clause 7.2 Biodiversity Protection in WLEP.

This proposal seeks to implement the use of rural zones and minimum lot sizes of 4 hectares for the majority of the site with possible use of building envelopes to determine the location of future buildings to mitigate potential impact on flora and fauna. It is not anticipated that the proposal will have an adverse effect on the surrounding environment.

Potential koala habitat has also been identified close to the western boundary of the proposal site next to the proposed SP3 Tourist zone and further assessment to determine its significance will be required. The submission of a Flora & Fauna Assessment will allow a more in-depth analysis of the potential impacts on the environment from this proposal.

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

The potential for other environmental impacts as a result of this Planning Proposal are considered to be likely and will need to be addressed accordingly, the areas of potential concern are;

- Stormwater Management

To be addressed through a Stormwater Management Plan to demonstrate the sites capability to handle excess stormwater and to ensure that it is managed appropriately.

- Water Quality

A Water Quality Management Plan will be required to ensure the water quality is capable of achieving a satisfactory quality level throughout the entire site.

- Bushfire Threat

The northern boundary and the land to the west of the rail line are both identified as bushfire prone land. A Bushfire Assessment Report will be required to ensure the suitability and hazard protection requirements of the site should it be rezoned.

- Flooding Impacts

There may be flood prone land on site and a Flood Assessment will be required to ensure that potential flooding issues can be avoided or mitigated.

- Mining Subsidence

Tahmoor Coal has identified that the site is currently subject to underground mining and further consultation will be undertaken with the relevant government agencies in this regard.

- Geotechnical

Parts of the site are relatively steep with some areas of slip being evident. A Geotechnical Assessment will be required to determine appropriate locations for future dwellings and buildings.

- Soil Contamination

The potential of soil contamination of the site due to the previous farming use in addition to the previous and current railway intersecting the site. A Phase 1 Contamination Assessment is initially required to determine whether this proposal is on a suitable site for the proposed rezoning.

- Indigenous Heritage

The site has been identified by Aboriginal Heritage Information Management System (AHIMS) search to have a recorded 10 Aboriginal sites within or near to the proposed site. This will require further assessment and investigations to ensure this proposal will not negatively impact on any Aboriginal Heritage sites.

- European Heritage

The site was previously used for dairy purposes and has a number of old farm buildings/structures that will require adequate protection and preservation if determined to be of significance from the results of an adequate local heritage assessment. A heritage item entitled "Koorana Homestead Outbuildings and Trees" is located to the east of the site off Stilton Lane.

- Noise & Vibration

The noise and vibration resulting from the existing railway line may have effect on the proposed rural zoning. A Noise & Vibration Assessment is required to determine a suitable distance from the operational railway line for dwellings and other potential tourist accommodation.

- Transport.

A Transport Study will be required to assist in determining the need for potential road improvements and transport infrastructure upgrades required for the site to be capable of servicing the proposed rezoning.

9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is accessed via Henry Street and this street provides access to the local swimming centre and Picton High School located nearby. Improved pedestrian connections should be considered. Picton High School is currently at capacity in terms of student numbers but upgrades are proposed. Given the limited number of additional dwellings and future residents it is unlikely that there will be any need for additional community services and facilities.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

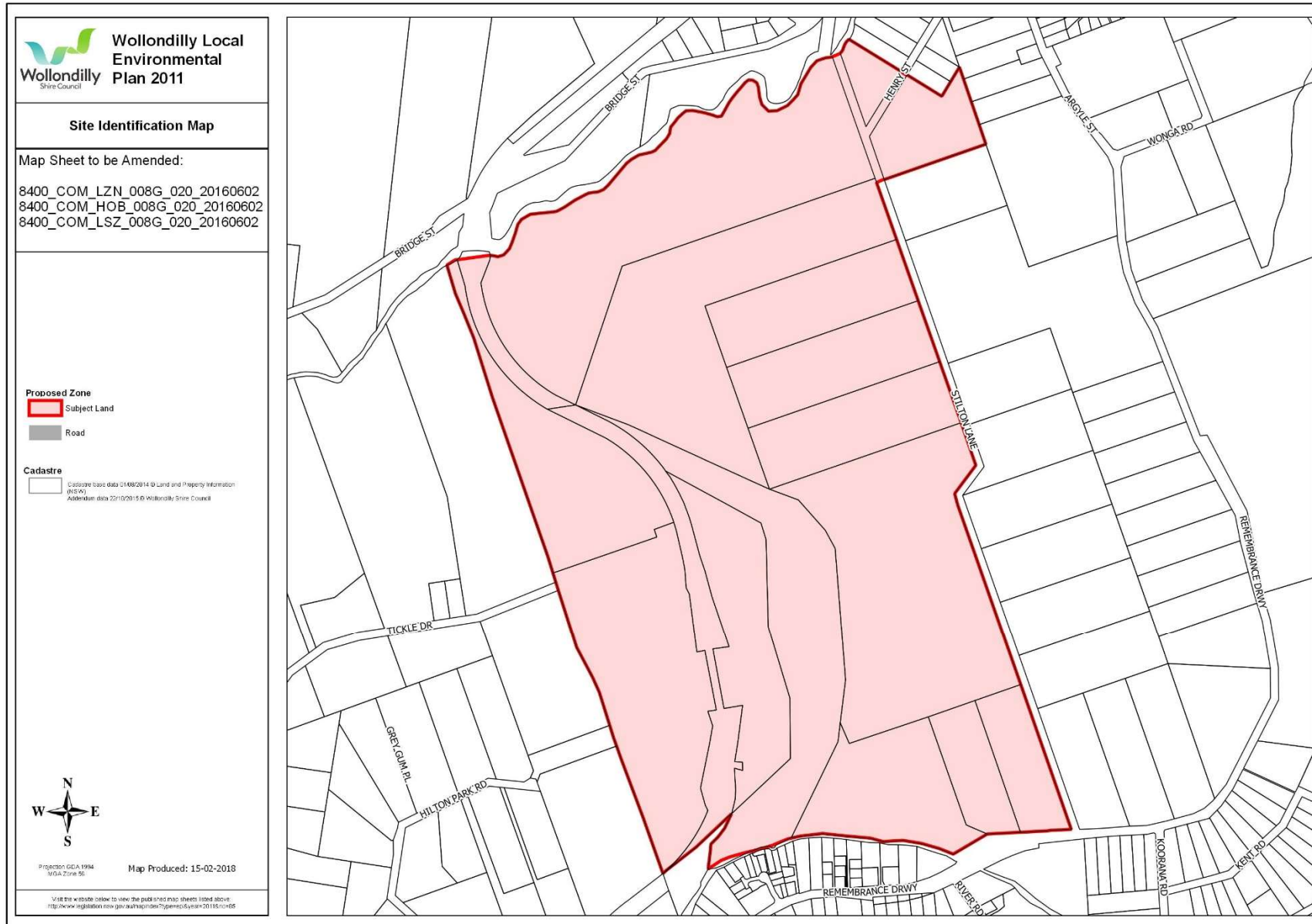
Initial investigations into the public infrastructure available to the site indicate that natural gas, electricity, NBN and water services would be available. Sydney Water has advised that at the moment there is no capacity in the Picton Wastewater treatment plant to service the site but this may change after the plant is upgraded which is expected to be later this year. Land proposed for industrial at the end of Henry Street is easily able to be connected to Sydney Water services. Most of the site is proposed to be rural and proposed lots would have a minimum area of 4ha which would provide ample area for wastewater disposal. The proposed area for tourism is able to be connected with augmentation of infrastructure to reticulated water and ample land is available for wastewater disposal in that proposed zone.

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

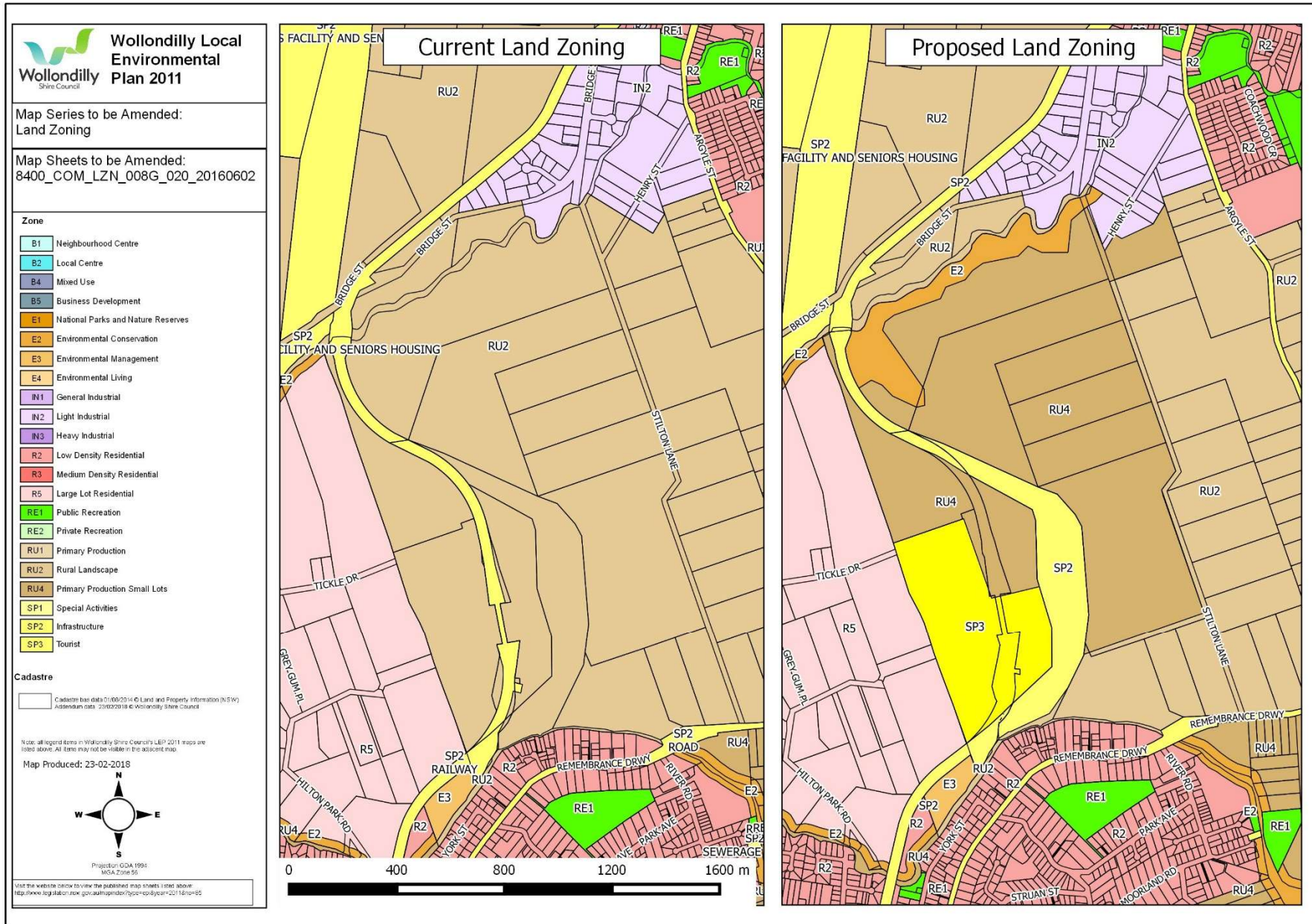
Consultation with various State and Commonwealth public agencies will be undertaken in accordance with any requirements under a Gateway Determination. The relevant public agencies will be consulted throughout the future processes of this proposal to ensure an appropriate outcome is achieved.

Part 4 – Mapping

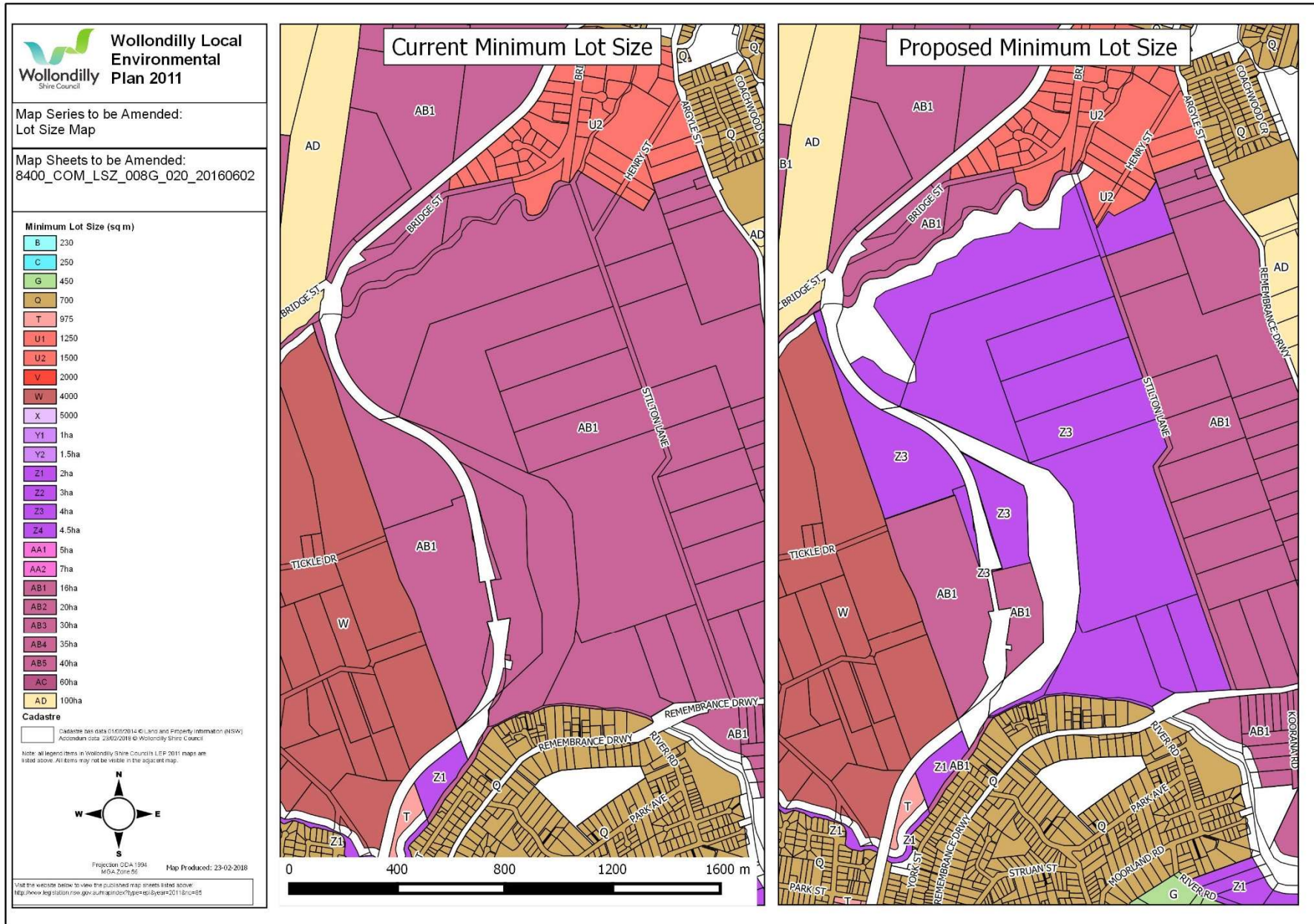
Map 1 – Site Identification (SIM)



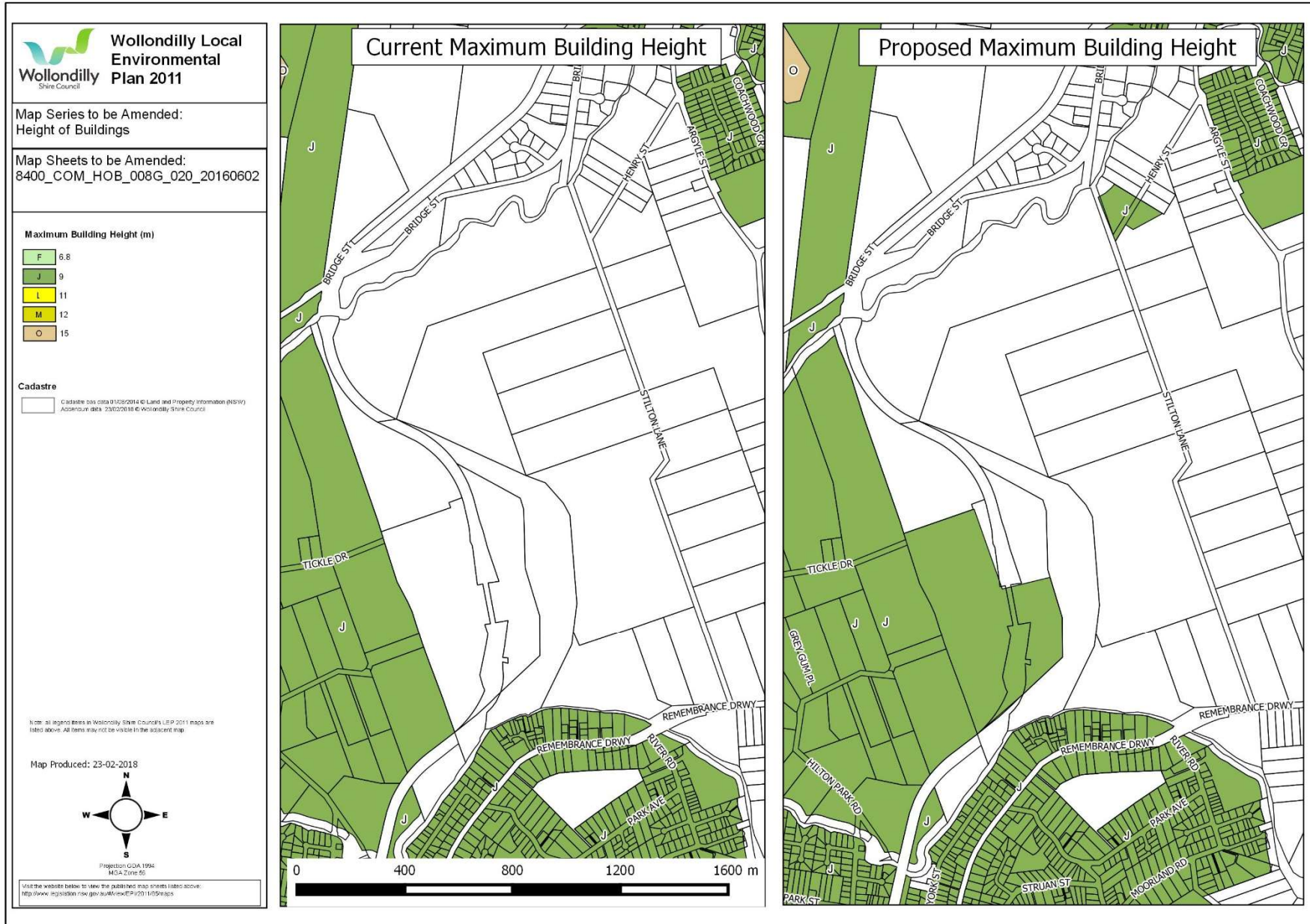
Map 2 – Land Zoning (LZN)



Map 3 – Lot Size (LSZ)



Map 4 – Height of Buildings (HOB)



Part 5 – Community Consultation

Preliminary Notification

The planning proposal that was placed on preliminary notification was different to that currently outlined in this report. It proposed a combination of low density and large lot residential zones amounting to approximately 700 lots, in addition to the tourist and industrial zones. It also suggested the possibility of using the existing rural zone for aged housing, a school and a health facility although there were no firm proposals in this regard. That planning proposal was subject to initial notification from 8 June 2016 to 8 July 2016. Letters were sent to adjoining and potentially affected landowners.

A summary of the submissions received for the previous planning proposal are outlined in the table below.

Issue Raised	Assessment Comment
Need for a railway station and car park due to population increases	Consultation with rail authorities would determine whether a railway station is able to be provided should the planning proposal proceed.
Planning proposal is unclear regarding future employment land.	The proponents have suggested a range of potential uses for land adjoining Remembrance Drive and are not proposing to change the RU2 Rural Landscape zone in this section of the site.
The increase in population of around 2,000 people would require a large investment in local services and infrastructure.	The need for additional infrastructure would be further investigated with government agencies subsequent to a Gateway Determination. An assessment of local services and facilities would also be required.
Traffic congestion through Argyle Street would require a bypass road via Maldon.	Options for a Picton bypass are a medium to long term project and not considered necessary for this planning proposal.
The lack of spatial separation between Picton and Tahmoor is of concern and the report is contradictory as the land on Remembrance Drive is proposed for employment generating uses.	A distinct rural separation will remain as rural properties will remain to the east of Stilton Lane along Remembrance Drive.
Concern with potential uses and noise from the proposed tourist zone.	Any future proposal for development in the tourist zone would need to consider potential noise and amenity impacts on the nearby residential area.

Formal consultation on the current planning proposal under the provisions of the Department of Planning “A guide to preparing local environmental plans” would be undertaken as part of any public exhibition.

Additional criteria under ‘A guide to preparing local environmental plans’

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The planning proposal does not include the extinguishment of any interests in the land.

Concurrence of the landowner, where the land is not owned by the relevant planning authority

The land owner gave consent to the lodgement of this planning proposal to Council.

Part 6 – Project Timeline

Project Detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway determination)	4 weeks from submission to DP&E	30 March 2018
Government agency consultation (pre and post exhibition as required by Gateway determination)	6 weeks	May 2018
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	6 months	November 2018
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions (if required)	5 months (includes Christmas/New Year holiday period)	April 2019
Dates for public hearing (if required)	Not Required	N/A
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	June 2019
Anticipated date Council will forward to Parliamentary Counsel for an Opinion and plan is notified by Department	3 month	September 2019

A Gateway timeframe of 18 months is requested.

Appendices

1. **Council Report Minutes** – 11 December 2017 (TRIM 7142 #368) and background reports
2. **Assessment under Growth Management Study**
Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011.
3. **Compliance with SEPPs**
Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).
4. **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.

Appendix 1

Council Minutes – (Business Paper attached under separate cover)

1. That Council support the preparation of a modified Planning Proposal for land being:

Address	Lot//DP
5 Stilton Lane	10//583245
10 Stilton Lane	1//583248
10A Stilton Lane	1//865604
15 Stilton Lane	2//583247
20 Stilton Lane	4//1180702
30 Stilton Lane	53//251857
40 Stilton Lane	54//251857
50 Stilton Lane	55//251857
60 Stilton Lane	1//1180702
2420 Remembrance Drive	60//979250
2430 Remembrance Drive	61//979250
2440 Remembrance Drive	2//1180702
2440A Remembrance Drive	201//1180801

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map to rezone land from:
 - RU2 Rural Landscape to IN2 Light Industrial, SP3 Tourist, E2 Environmental Conservation and RU4 Primary Production Small Lots
 - SP2 Infrastructure to RU2 Rural Residential and SP3 Tourist
 - RU2 Rural Landscape to SP2 Infrastructure (Railway); generally in accordance with the land zone map at Attachment 3.
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to:
 - no minimum lot size for E2 Environmental Conservation, SP2 Infrastructure (Railway) (current and proposed) and SP3 Tourist
 - 1500 sqm for IN2 Light Industrial Zone
 - ha for RU4 Primary Production Small Lots
 - 4 ha for the residue RU2 Rural Landscape Zone; generally in accordance with the lot size map at Attachment 4.
- Amend the Natural Resources Biodiversity map in accordance with the findings of a Flora and Fauna study.
- Amend the Height of Buildings Map from no Maximum Building Height to a Maximum Building Height Category of 9 metres for the IN1 Light Industrial Zone and SP3 Tourist Zone. The rural zones would retain the no maximum building height category.
- Amend the Land Use Table to include Zone SP3 Tourist as detailed below:
Zone SP3 Tourist
 1. Objectives of zone
To provide for a variety of tourist-oriented development and related uses.
 2. Permitted without consent
Nil.
 3. Permitted with consent

Food and drink premises; Camping grounds; Eco-tourist facilities; Function centres; Tourist and visitor accommodation.

4. Prohibited

Any other development not specified in item 2 or 3.

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 to the Environmental Planning and Assessment Act, 1979.

4. That the applicant and submitters be notified of Council's Resolution.

Appendix 2

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.
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'.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Council conducted preliminary community consultation, as discussed in Part 5 of this Planning Proposal.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	No financial considerations formed any part of this planning proposal.
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 Stilton Lane site is located at the periphery of 3 towns, (Picton, Tahmoor, Thirlmere) and is an important part of the rural landscape. The land in this location is able to provide for some housing while retaining potential for agricultural purposes. It has scenic and environmental attributes making it suitable for tourist purpose while its location adjoining the Henry Street industrial area provide an opportunity to expand that area to meet some of the demand for serviced industrial land.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	A small amount of additional housing would be provided by this planning proposal.
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.	Housing will be rural-residential in character in the proposed primary production small lots which will also provide an opportunity for agricultural pursuits.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The site is located on the rural fringe of Picton and the proposed larger lots would retain potential for urban housing development in the longer term if needed to meet housing demand. There is considered to be a sufficient supply of residential land to meet this demand into the future.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The site is located centrally between Picton, Tahmoor and Thirlmere (PTT) providing an appropriate location for rural development to maintain the separation while providing housing close to the existing towns.

Key Policy Direction	Comment
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	The proposal seeks to add additional Industrial and tourist zones in addition to the proposed rural zoning. The site will offer opportunities for a diverse range of employment opportunities.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The industrial zone is well located to integrate with the adjoining industrial area. The tourist zone will capitalise on the scenic views across the Shire hinterland from Mount Stilton and the surrounding rural landscape.
Integrating Growth and Infrastructure	
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.	There will not be a high level of infrastructure required to service the potential future development which will not burden Council and will enable sustainable development. Developer contributions payable at the development application stage will further fund the necessary local infrastructure required to support any future development.
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.	This planning proposal will enable sustainable growth to be achieved by protecting the viability of agricultural land while providing a small amount of additional housing.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The site is located adjacent to urban centres and population growth will be concentrated within smaller rural lots.
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.	Limited population growth is envisaged for this site located at the edge of urban areas.
Rural and Resource Lands	
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.	Redbank Creek will be protected through an environmental zone along its banks providing for conservation of significant biodiversity. The tourist zone includes remnant vegetation which is able to be conserved as part of any future development. Agricultural land will be protected by the rezoning to allow for small farming pursuits.
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.	This proposal aims to protect rural land by allowing for some growth while allowing some urban land in the form of the industrial and tourist zones.

Appendix 3

Compliance with SEPPs

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

No.	State Environmental Planning Policies (SEPPs)	Consistency	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)	N/A	Not applicable to this Planning Proposal
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	Further investigation on potential koala habitat will be undertaken should the Planning Proposal receive a positive Gateway Determination

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
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.
55	Remediation of Land	Yes	A preliminary contaminated site investigation will be required should the planning proposal receive a positive Gateway Determination.
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
62	Sustainable Aquaculture	N/A	Not applicable to this Planning Proposal.
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	N/A	Not applicable to this Planning Proposal.
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 subject site is not proposed to accommodate seniors 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	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	Yes	This area does not fall within the nominated growth centre area.
	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.
	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.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	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	N/A	The site is not located within the catchment area.
	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	This proposal is consistent with this SREP. Council staff have not raised issues from a water quality perspective

Appendix 4

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	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	N/A	N/A	
1.2 Rural Zones	Yes	Yes	The rural zone is proposed to be changed to allow industrial and tourism development and smaller primary production lots. It is considered that the planning proposal will improve agricultural potential and allow for other non-rural uses that are suitably located and on land that has limited agricultural potential.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	Undermining of the site is currently being undertaken. The planning proposal will not restrict or hinder the potential extraction of coal resources. It is considered that inconsistencies with this direction are minor.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	N/A	N/A	Direction does not apply to Wollondilly LGA.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	The planning proposal contains provisions that will facilitate the conservation of environmentally sensitive land.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Yes	Heritage assessments for both Aboriginal and European heritage will be undertaken should the planning proposal receive a positive Gateway determination.
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	No	
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.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
3.4 Integrating Land Use and Transport	N/A	N/A	
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	The site is being undermined and any future application for development should conform to Subsidence Advisory NSW guidelines. The planning proposal is consistent with this direction.
4.3 Flood Prone Land	N/A	N/A	No flood prone land has been identified on the site although further assessment will be undertaken to determine if land would be flood affected.
4.4 Planning for Bushfire Protection	Yes	Yes	The site contains land affected by bushfire. Consultation will be undertaken with the Rural Fire Service Commissioner should the planning proposal receive a positive Gateway Determination.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	N/A	N/A	The land is not within the Sydney Drinking Water Catchment.
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	N/A	N/A	

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	The provisions of the planning proposal are considered to be consistent with the Metropolitan Plan for Sydney 2036..