

Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Land located West Parade, Buxton

For the rezoning of land located at 600 West Parade, Buxton
Lot 1 DP 940895

July 2016

Document Register

Version	Date	Details	File Location
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Document Register	2
Introduction	5
Part 1 – Objectives or Intended Outcomes	7
Part 2 – Explanation of Provisions	7
Part 3 – Justification	8
Section A – Need for the planning proposal	8
Section B – Relationship to strategic planning framework.....	8
Section C – Environmental, social and economic impact	12
Section D – State and Commonwealth interests	14
Part 4 – Mapping	16
Map 1 – Site Identification (SIM)	17
Map 2 – New Land Zoning (LZN)	18
Map 3 – New Height of Buildings (HOB)	19
Map 4 – New Lot Size (LSZ)	20
Map 5– Natural Resources Biodiversity (NRB)	21
Part 5 – Preliminary Consultation	22
Part 6 – Project Timeline	24
Appendices	25
Appendix A – Compliance with SEPPs	
Appendix B – Assessment against Section 117(2) Directions	
Appendix C – Assessment against Wollondilly GMS.....	
Appendix D – Preliminary Consultation	
Appendix E – Council’s Report and Minutes – February 2016	
Appendix F – Council’s Report and Minutes – June 2016.....	
Appendix G – Wollondilly Growth Management Strategy 2011	

Introduction

This Planning Proposal details changes sought to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rezone approximately 1.635 hectares (16,350 square metres) of primary production zoned land in Buxton to enable large lot residential development and the protection of environmentally sensitive land.

This document has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* (2012). It has been prepared to seek a Gateway Determination to further investigate the suitability of the land for the proposed land uses.

The planning proposal was submitted to Council by Joanne Tapp, Town Planning on 16 September 2015. The proposal seeks to rezone land at 600 West Parade, Buxton (also known as 10 Johnson Street, Buxton) under the Gateway System. The original proposal submitted to Council has since been amended in response to feedback gathered during the preliminary consultation process. The amended proposal is detailed below.

At its Ordinary Meeting of 15 February 2016 Wollondilly Shire Council resolved the following;

1. *That Council support the preparation of a Planning Proposal for land being Lot 1 DP 940895 (No. 600 West Parade, Buxton) to amend Wollondilly Local Environmental Plan, 2011 as follows:*
 - *Amend the Land Zoning Map from RU1 Primary Production to E3 Environmental Management and R5 Large Lot Residential*
 - *Amend the Lot Size Map from a minimum lot size category of 40 hectares to 4000sq.m.*
2. *That the proposed E3 Environmental Management land use zone should include all land identified by Council for natural revegetation.*
3. *That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.*
4. *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.*
5. *That the applicant and submitters be notified of Council's Resolution.*

And further resolved at it's Ordinary Meeting held Monday 20 June 2016:

1. *That the West Parade, Buxton Planning Proposal also include a provision to amend the Wollondilly Local Environmental Plan 2011 by amending the Height of Buildings Map to include a height limit of 9 metres for proposed R5 Large Lot Residential land.*
2. *That the Height of Building provision be included into the Planning Proposal and 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.*

A Planning Proposal is a document which explains proposed changes 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 to guide and control the development of land in the Wollondilly Shire Council area.

A copy of both these reports and their associated minutes is provided in Appendix E and F.

No technical reports or specialist studies have been prepared to inform the planning proposal to date.

Further information (which may include studies) will be required before the proposed amendments to the WLEP 2011 can be finalised.

SITE AND CONTEXT ANALYSIS

The site is located on West Parade as shown in Figure 1. The site is known as both 600 West Parade, Buxton and as 10 Johnson Street, Buxton and relates to a 1.635 hectares (1635 m²) area of land contained within Lot 1 DP 940895 in the Wollondilly Shire Local Government Area.

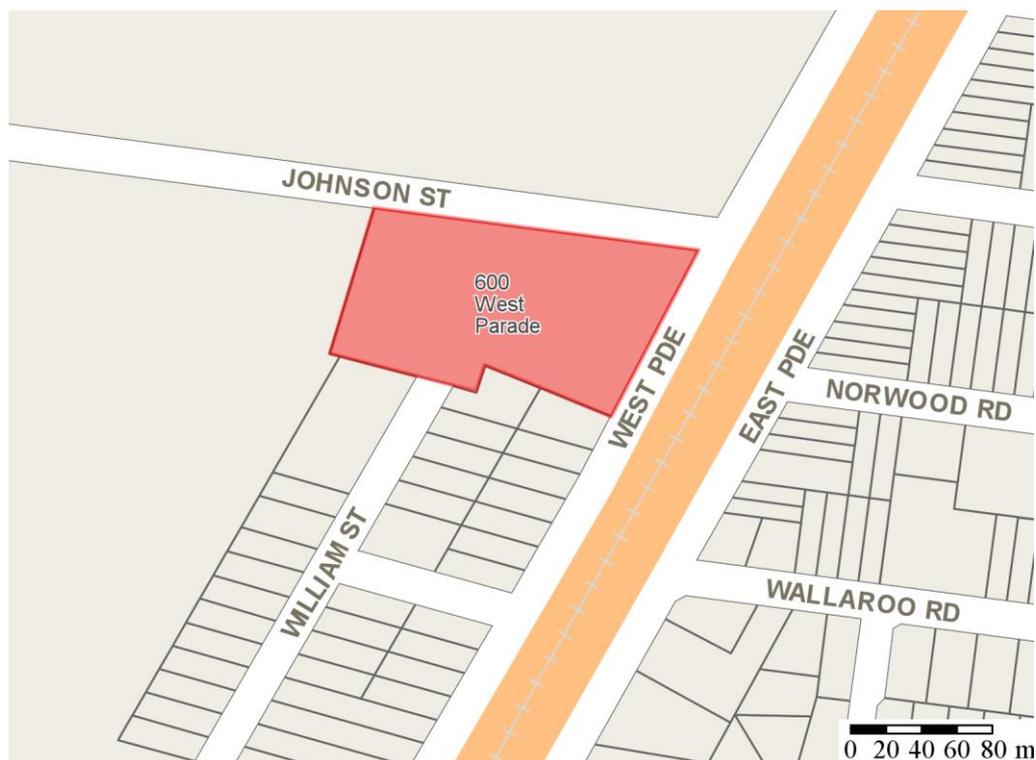


Figure 1 – Location Plan

The subject site is rural land zoned RU1 Primary Production and has an area of 1.635 hectares (16,350 square metres). It is a corner lot with street frontage to West Parade and Johnson Street. Johnson Street is an unformed road.

The main use of the site at present is as a residence and the site contains a single storey cottage with three sheds/garages. The site has recently been cleared of vegetation.

The site is located next to the existing urban boundary for Buxton with adjoining land to the south along West Parade being zoned R2 Low Density Residential. The site adjoins rural zoned land (RU1 Primary Production) to the north and west of the property and an environmental protection zone (E3 Environment Management) on the south west boundary.

Land on the other side of West Parade, opposite the property, contains the Great Southern Railway within a Special Purposes zone (SP2 Infrastructure).

The site is also located within the Sydney Drinking Water Catchment Area.

Topography

The site is relatively flat land that has been cleared of all vegetation. With the exception of small lawn areas surrounding the existing house and sheds, the rest of the site comprises of exposed soil and woodchips from recent clearing. The extent of the clearing is shown in an aerial photograph of the site in Figure 2.



Figure 2 Aerial View of Site (photo taken 1 October 2014, NearMap 2016)

Part 1 – Objectives or Intended Outcomes

This Planning Proposal seeks to enable the development of the site at West Parade, Buxton primarily for R5 Large Lot Residential development and to support the regeneration of Cumberland Plain vegetation to the land to the rear of the site. This will be achieved through the introduction of an E3 Environmental Management Zone to the affected area.

The proposal also seeks to apply a minimum lot size of 4000sq.m to all zones and a maximum height of building of nine (9) metres.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Zoning Map** generally in accordance with the proposed zoning map shown in Part 4 by **Map 2** and
- Amending the Wollondilly LEP 2011 **Height of Buildings Map** in accordance with the proposed height of building map shown in Part 4 by **Map 3**; and
- Amending the Wollondilly LEP 2011 **Lot Size Map** in accordance with the proposed lot size map shown in Part 4 by **Map 4**; and
- Amending the **Natural Resources- Biodiversity Map** to include the area as previously identifying as Cumberland Plain Vegetation as shown in Part 4 by **Map 5**

The proposed map amendments are included in *Part 4 – Mapping*.

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?

The village of Buxton has not been identified for major growth and so there has not been any strategic study or report that identifies the site for further development. However, there is some strategic planning merit to the proposal due to the modest scale of the proposal (up to 4 lots) and the location of the site which directly adjoins the Buxton urban area and is in walking distance to local shops and close to the local primary school.

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

The current land use zone prohibits further development at the scale proposed in this proposal.

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

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 strategy is relevant to this proposal:

- A Plan for Growing Sydney

A Plan for Growing Sydney (2014)

A Plan for Growing Sydney was released on 14 December 2014 is an action plan which will guide land use planning decisions up to 2034.

It consists of a number of directions and action focusses around four (4) goals:

- ECONOMY; a competitive economy with world class services and transport
- HOUSING; a city of housing choice with homes that meet 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 and agriculture.

The Plan seeks to accelerate housing supply across Sydney and although its focus is on areas of significant housing growth it also notes that all suburbs will need additional housing over the next 20 years. New locations for housing around established centres are encouraged.

Wollondilly is not the focus of significant housing growth except for the Macarthur South area which is identified as an Urban Investigation area.

Rezoning the subject site to allow for residential development presents an opportunity to increase housing supply at a small local scale in a location in close proximity to existing residential areas.

South West Subregion

A Plan for Growing Sydney: South West Subregion; focusses specifically on plans for the Local Government Areas of Fairfield, Liverpool, Campbelltown, Camden and Wollondilly. The subregion plan provides a link between the strategic direction set out in A Plan for Growing Sydney and the detailed planning controls for local areas.

The priorities identified for the subregion are:

- A Competitive Economy
- Accelerate Housing Supply, Choice And Affordability And Build Great Places To Live
- Protect The Natural Environment And Promote Its Sustainability And Resilience

The planning proposal is consistent with the subregional plan which further identifies that new housing, employment and urban renewal should occur around established and new centres.

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 2033

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 focusses 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.

Preliminary consultation with the community has been undertaken and the submissions were considered in a report to Council, which has been provided in Appendix D. If the planning proposal is supported by a Gateway Determination, further consultation with the community and stakeholders will be undertaken during the formal public exhibition.

EN1 – Biodiversity Resilience

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

The whole site has been recently cleared with a portion of this land being previously identified on Council's mapping system as containing Cumberland Plain Vegetation 2 - Shale Sandstone Transition Forest (High Sandstone Influence). Preliminary advice from internal staff is that likelihood of native vegetation regenerating naturally is high. To support this, an E3 Environment Protection zone has been applied to this portion of the site.

If a Gateway Determination is issued, specialist studies will be required to establish that the development of the land for residential purposes will not have an unacceptable impact on the environment and to identify the exact boundary line for the E3 Environment Protection zone and the amendment to the Natural Resources - Biodiversity Map.

EN2 – Growth Management

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

Rezoning land for residential development located within walking distance of the Buxton Village shops and adjacent to existing residential land facilitates growth in a sustainable manner.

EN3 – Development Assessment

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

There is considered to be strategic planning merit in rezoning the subject site for residential purposes. If the Planning Proposal progresses the Gateway process will involve the preparation of specialist studies to inform and determine the suitability of the land for residential development.

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 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 of 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.

A copy of the [Growth Management Strategy](#)¹ is provided in Appendix F. It is also 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 never been endorsed by the Director-General. Notwithstanding this the GMS was adopted by Council on 21 February 2011 and is consistently applied to the assessment of Planning Proposals for new growth in the Shire.

All Planning Proposals relating to Wollondilly are assessed against the Key Policy Directions of the GMS. Overall, the Planning Proposal is considered to be consistent with the Key Policy Directions. A table detailing the assessment of the proposal in accordance with the key directions is provided in Appendix C.

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

The GMS also contains a series of structure plans (maps) to identify possible growth locations within Wollondilly. The GMS does not identify the need for additional dwellings for Buxton in any of the structure plans (maps) however, the planning proposal is small scale and will have a negligible contribution towards the provision of adequate housing Council is currently undertaking a review of the GMS in conjunction with the NSW Department of Planning & Environment. However, the public exhibition of the Draft GMS has been deferred at the request of the Department until the outcome of threshold and infrastructure investigations into the Macarthur South Area are known, which, at the time of writing, is expected to be in late 2016.

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 (SEPP's) is provided in Appendix A.

Consideration of SEPP's will be undertaken in conjunction with the detailed site investigations and the preparation of specialist studies required prior to public exhibition.

At this stage it is considered that additional information will be required to ensure the proposals consistency with the following SEPPs:

- SEPP No. 44 - Koala Habitat Protection
- SEPP No. 55 – Remediation of Land
- SEPP - Sydney Drinking Water Catchment 2011
- REP No.1- Drinking Water Catchments

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
- 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 2.1 Environmental Protection Zones
- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones
- Direction 3.3 Home Occupations
- Direction 3.4 Integrating Land Use and Transport
- 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 Catchment
- Direction 6.1 Approval and Referral Requirements
- Direction 7.1 Implementation of A Plan for Growing Sydney

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

Further consideration against all relevant s.117 directions will be undertaken in response to the detailed site investigations and preparation of specialist studies required prior to public exhibition.

It is expected that the following specialist studies/ additional information will be required to ensure the proposals consistency with s.117 directions:

- Study to address loss of agricultural production value of rural land;
- Geotechnical and salinity assessment
- Preliminary flood assessment
- Noise and vibration study
- Bushfire assessment
- Flora and fauna assessment
- Neutral or Beneficial Effect on Water Quality Assessment (NorBe assessment) to establish whether development would have a neutral or positive benefit on water quality in the Sydney Drinking Water catchment

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 site has recently been cleared of all vegetation. Council's view is that some parts of the site have been cleared of native vegetation without the necessary approval. Prior to clearing, the land owner received confirmation from Council to remove a number of Radiata Pine trees located towards the front of the site. These were removed without the need for development consent or a permit (i.e. exempt) under the provisions of Wollondilly Development Control Plan 2011 which was in place at the time.

However as shown in the aerial images at Figure 4 and 5 the whole site has been cleared. Based on Council staff knowledge native vegetation was previously present on the site. This is supported by vegetation mapping and the presence of vegetation on the site evident in aerial photography.



Figure 3 Council's Vegetation Layer showing the presence of CPV2 on site.

Council's vegetation mapping layer, which is based on remnant vegetation mapping of Cumberland Plain Woodland provided by the Office of Environment and Heritage (OEH), identifies that the rear of the site was covered in Cumberland Plain Vegetation 2 (CPV2) - Shale Sandstone Transition Forest (High Sandstone Influence). The portion of the site affected is shown in Figure 3.



Figure 4 Aerial View of Site (photo taken 10 February 2010)
 The images and vegetation mapping also show a corridor of vegetation crossing neighbouring properties and linking to denser vegetation to the west of the residential area. This indicates that that the vegetation is mostly likely used as a wildlife corridor.

The presence of similar vegetation on neighbouring properties also indicates that there is a strong likelihood that natural regeneration of the site is likely to occur. To support this, part of the site has been identified as being suitable for rezoning to E3 Environmental Management and even though the site is currently clear of all vegetation a flora and fauna assessment is required.

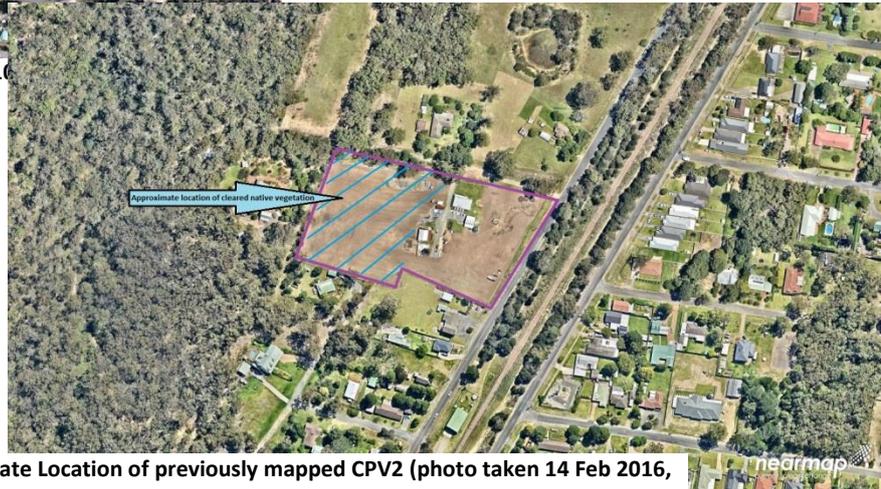


Figure 5 Approximate Location of previously mapped CPV2 (photo taken 14 Feb 2016, NearMap, 2016)

The presence of CPW 2 on the site is further supported by Aerial Photography taken in February 2010 (NearMap, 2016), which shows the rear of the site being covered in native vegetation, this shown below in Figure 4.

Figure 5 shows the approximate location of previously mapped CPV2 on the now cleared site.

The extent of the area proposed to be rezoned to E3 Environmental Management will be informed by the preparation of specialist studies. However an intensification of development (i.e. increased lots) is not considered appropriate where vegetation has been cleared without the necessary approvals. It is envisaged that the E3 land use zone would be applied to the portion of the site which should be allowed to naturally revegetate and potentially an additional buffer area as well.

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?

It is likely that any future development arising from the planning proposal may potentially have an effect on:

- Stormwater Management
- Water Quality
- Risk of Bushfire
- Local Traffic and Transport

And that any potential new residents to the site, may be exposed to unacceptable levels of:

- Noise & Vibration
- Land Contamination

To establish the significance of these effects and appropriate management the following studies will be undertaken:

Stormwater Management

A stormwater assessment is required to determine the need for on-site drainage.

Water Catchment

The site is located within the Sydney Drinking Water Catchment Area and so further assessment will need to be carried out to demonstrate that the proposal and future works will have a neutral or beneficial effect (NorBE) on water quality.

Bushfire Hazard

The whole site is entirely identified as a Bushfire Prone Area on the Council's Bush Fire Prone Land Map. A Bushfire Prone Area is an area that can support a bushfire or is likely to be subject to bushfire attack.

A bushfire assessment will be required to consider the proposed land use zones in relation to bush fire protection and also consider the requirements of Ministerial Direction 4.4 – Planning for Bushfire Protection.

Land Contamination

To rezone the land it needs to be considered whether the land is contaminated. This will require a study to consider the suitability of the land for the proposed land use zones.

This investigation will also need to be undertaken in accordance with SEPP No.55 – Remediation of Land.

Local Traffic and Transport

Local traffic was an issue raised during the preliminary consultation period with the community. A traffic assessment will be required which will need to consider the access point to the subject site.

Noise and Vibration

The site is located within 300m of an existing quarry located at 536 & 540 West Parade and so an acoustic assessment will be required to establish that potential new development will not be impacted by unacceptable levels of noise and vibration.

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 effects arising from a future development should the planning proposal may include:

1. Social Impacts

Further consideration of the social impact of rezoning the land will be required, however the planning proposal is not considered to require the preparation of a social impact assessment.

2. An Impact on Aboriginal Heritage

The land on which the proposal is situated has been disturbed by past rural land use, guidance will be sought from the Office of Environment and Heritage in regard to a requirement for archaeological and cultural heritage.

Section D – State and Commonwealth interests

D3.10 Is there adequate public infrastructure for the planning proposal?

Further investigation is required if the planning proposal progresses to establish whether adequate infrastructure exists.

However, this is a very small proposal and it is likely to have minimal impact on existing public infrastructure. The site location is directly adjacent to the existing Buxton residential area and is within walking distance of the Village Centre and so new residents will not require completely new infrastructure or the networks normally associated with greenfield development.

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

Water NSW

The site is located within the Sydney Drinking Water Catchment Area (SDWCA), therefore as required under the Ministerial Direction 5.2 Sydney Drinking Water Catchment issued under Section 117(2) of the Environmental Planning and Assessment Act 1979, consultation has been carried out with Water NSW prior to the submission of this proposal.

Following notification of the proposal, Water NSW undertook a Strategic Land and Water Capability Assessment (SLWCA) and has advised that:

- Residential sewer development will have a moderate risk to water quality.
- Any future development of the land will need to comply with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. This means future development must have a neutral or beneficial effect on water quality (NorBe).
- Acknowledged that vegetation on the site appears to have been recently removed and advised that future applications for the site should include information on the water quality considerations included in the approvals for the vegetation clearing.

Sydney Water

In response to the community consultation Council also received a submission from Sydney Water. Sydney Water has advised that the current wastewater system does not have sufficient capacity to serve the proposal and cannot commit to servicing the site. Therefore, future development on the site will need to support onsite reticulation.

Further Consultation with Public Agencies

Following a Gateway determination, specific advice and feedback will be sought from public agencies.

Part 4 – Mapping

Map 1 – Site Identification (SIM)

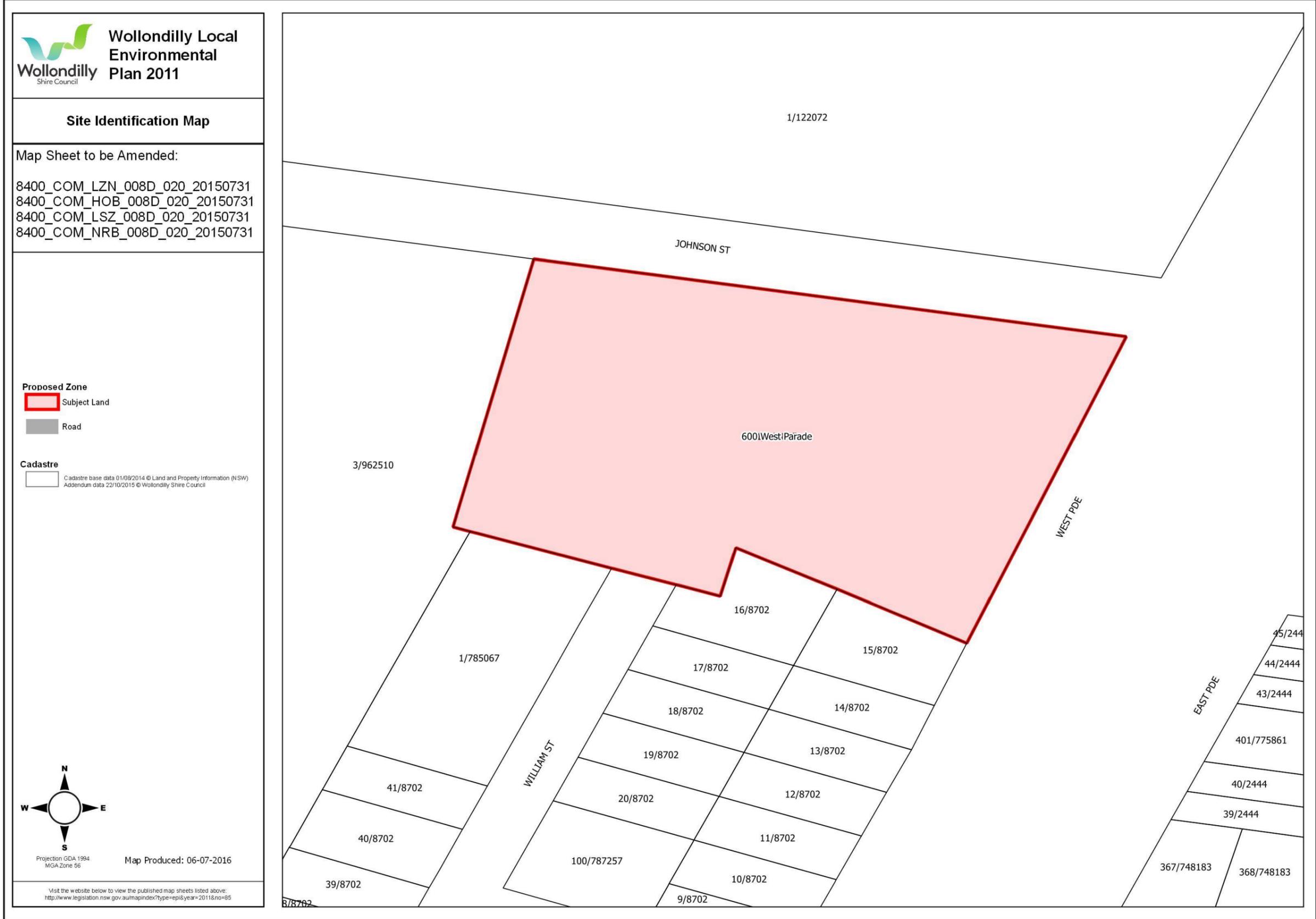
Map 2 – New Land Zoning (LZN)

Map 3 – New Height of Buildings (HOB)

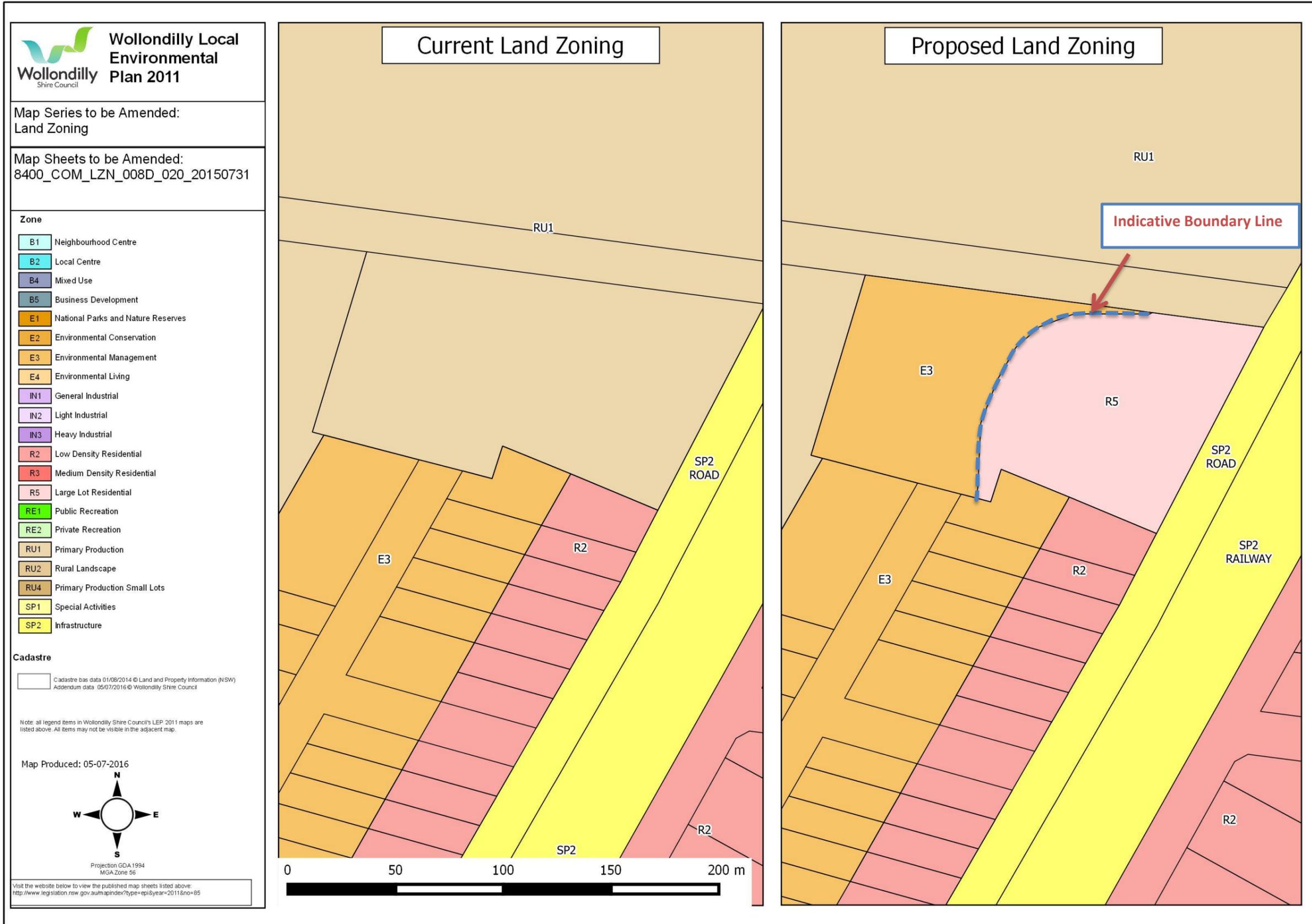
Map 4 – New Lot Size (LSZ)

Map 5 – Natural Resources Biodiversity (NRB)

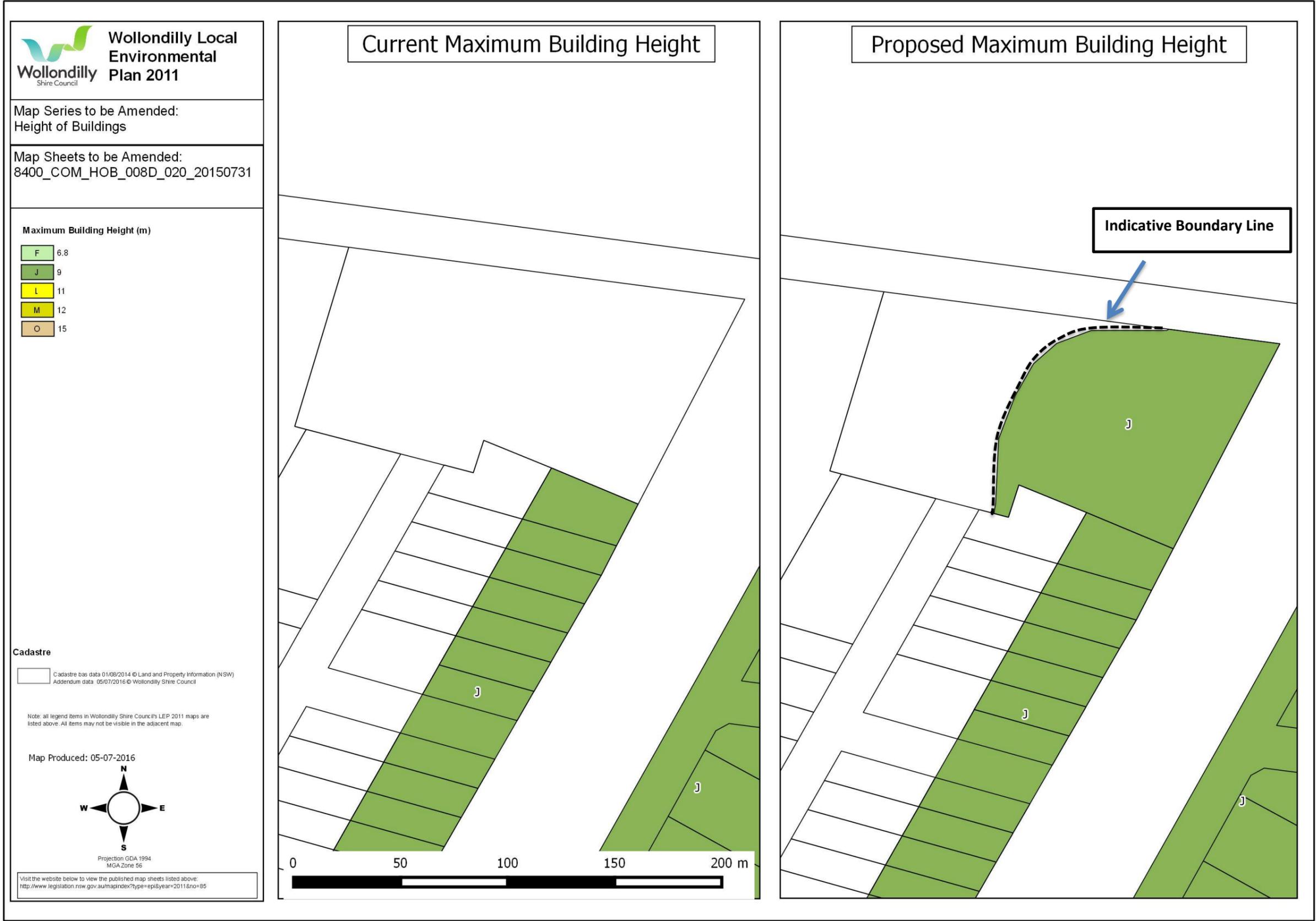
Map 1 - Site Identification (SIM)



Map 2 - New Land Zoning (LZN)



Map 3 – New Height of Buildings (HOB)



Map 4 - New Lot Size (LSZ)



Map 5 – Natural Resource Biodiversity (NRB)



Part 5 – Community Consultation

As part of our commitment to community consultation a number of statutory and non-statutory community consultation opportunities relating to the 600 West Parade, Buxton Planning Proposal have been or will be held to inform the community about the proposal and to provide an opportunity to make their views known.

The table below provides a summary of what community consultation opportunities will be available 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>Pre-Gateway Consultation In accordance with Council's notification policy the draft Planning Proposal will be made available on Council's website and notified to adjoining land owners and occupants.</p>	When a draft Planning Proposal is lodged with the Council a period of preliminary community consultation (Pre-Gateway Consultation) is undertaken prior to Council considering whether to support the Planning Proposal.	Yes September 2015	<p>Three (3) submissions were received. One (1) submission was from the community and two (2) submissions were received from Public Agencies.</p> <p>Further details are provided in the Pre-Gateway Consultation section below.</p>
<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 28 days; and ▪ The Planning Proposal will be placed on Public Exhibition 	After a Gateway Determination has been issued and specialist studies have been prepared.	No	NA

Feedback from Pre-Gateway Consultation

Council's notification policy requires initial consultation to be undertaken when a proposal to rezone land is received by the Council. This requirement is in addition to statutory requirements.

An initial period of consultation was undertaken for a four (4) week period from 30 September 2015 to 28 October 2015. The preliminary consultation was on the draft planning proposal as submitted to the Council by the proponent.

During the pre-gateway consultation three (3) submissions were received. One (1) submission objected to the proposal and two (2) submissions were neutral. The issues raised in the submissions related to the following aspects of the proposed changes to the WLEP 2011:

- Infrastructure
- Precedent of Development
- Bushfire Hazard
- Native Vegetation
- Loss of Rural Land

- Need for the Planning Proposal
- Dwelling Density
- Housing
- Community Benefit
- Traffic and Transportation
- Stormwater
- Regional Strategies
- Rural Urban Land Conflict
- Justification for Proposal.

A summary of the concerns along with Council's assessment of these has been included within the report to Council provided in Appendix E.

Public Exhibition

If a Gateway Determination is issued, the community will be provided with a further opportunity to provide comment on the proposed changes to the WLEP 2011 during the Public Exhibition period.

The requirement for this consultation is determined in sections 56(2)(c) and 57 of the EP&A Act (1979). The minimum requirements for consultation are further defined in section 4.5 of *A Guide to Preparing Local Environmental Plans* (NSW Department of Planning and Infrastructure, 2013).

Part 6 – Project Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. The table below sets out the anticipated project timeline for consideration of the 600 West Parade, Buxton Planning Proposal.

<i>Project detail</i>	<i>Timeframe</i>	<i>Timeline</i>
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&E	August 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	August- Oct 2016
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	4 month period	Dec 2016
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	Feb 2017 - March 2017
Dates for public hearing (if required)	Unlikely to be required	N/A
Timeframe for consideration of submissions	1 month	April 2017
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	July 2017
Date of submission to the Department to finalise the Draft LEP amendment	N/A	N/A
Anticipated date RPA will make the plan if delegated (including 6 week period for finalisation)	2 months	Nov 2017
Anticipated date RPA will forward to the Department for notification	1 month	Dec 2017

Appendices

A. Compliance with SEPPs

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

B. 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.

C. Assessment against Wollondilly GMS

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

D. Preliminary Consultation

A summary of the concerns during preliminary consultation with Council's assessment

E. Council's Report and Minutes

F. Wollondilly Growth Management Strategy 2011

Appendix A

Compliance with SEPPs

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

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No. 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.
SEPP No. 4 - Development Without Consent and Miscellaneous Complying Development	N/A	N/A
SEPP No.6 - Number of Storeys in a Building	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
SEPP No. 14 - Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 15 - Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 19 - Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 21 - Caravan Parks	N/A	Not applicable to this Planning Proposal.
SEPP No. 22 - Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
SEPP No. 26 - Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 29 - Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 30 - Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
SEPP No. 33 - Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
SEPP No. 36 - Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 39 - Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 44 - Koala Habitat Protection	Potential to be	Further consideration is required if a Gateway Determination is issued. However, it is unlikely that the subject site contains core koala habitat.
SEPP No. 47 - Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 50 - Canal Estates	N/A	Not applicable to this Planning Proposal.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 55 - Remediation of Land	Potential to be	A preliminary site contamination assessment is required
SEPP No. 59 - Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No. 60 - Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or hinder the application of the SEPP.
SEPP No. 62 - Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 64 - Advertising and Signage	N/A	Not applicable to this Planning Proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	Yes	The planning proposal does not contain provisions that will contradict or hinder a future application for SEPP (HSPD) housing.
SEPP No. 70 - Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 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 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 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 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	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 that will contradict or hinder the application of this SEPP.
SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
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 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	Further determination is required if a Gateway determination is issued with the requirement that a NorBe Assessment being carried out.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)	Consistency	Comments
REP No.2 – Georges River Catchment	N/A	Not applicable to this Planning Proposal.

State Environmental Planning Policies (SEPPs)	Consistency	Comments
REP No.9 - Extractive Industry (No 2)	N/A	Not applicable to this Planning Proposal.
REP No.20 - Hawkesbury–Nepean River (No 2 - 1997)	N/A	Not applicable to this Planning Proposal
Drinking Water Catchments REP No.1	Yes	Further determination is required if a Gateway determination is issued.

Appendix B

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 LEP	Consistency of LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	No	N/A	N/A
1.2 Rural Zones	No	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A
1.4 Oyster Production	No	N/A	Direction does not apply.
1.5 Rural Lands	No	N/A	Not applicable in the Shire of Wollondilly.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction
2.2 Coastal Protection	No	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction
2.4 Recreation Vehicle Area	No	No	Direction does not apply.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction
3.2 Caravan Parks and Manufactured Home Estates	No	No	Direction does not apply.
3.3 Home Occupations	Yes	Yes	The R5 Large Lot Residential permit "Home occupations" without consent.
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal seeks to rezone land adjoining the existing Buxton residential development. The site is located within walking distance of the village centre.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
4. Hazard and Risk			
4.1 Acid Sulphate Soils	No	N/A	Land in Wollondilly is not shown as having a probability of containing acid sulphate soils as shown on the Acid Sulfate Soils Planning Maps. Direction does not apply
4.2 Mine Subsidence and Unstable Land	No	N/A	The site is not located within a mine subsidence district.
4.3 Flood Prone Land	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	Yes	Potential to be	The site is located within the Sydney Drinking Water Catchment. Further investigation is required to establish that the planning proposal is consistent with this direction.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Not applicable in the Shire of Wollondilly.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Not applicable in the Shire of Wollondilly.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	Revoked.
5.6 Sydney to Canberra Corridor	No	N/A	Revoked.
5.7 Central Coast	No	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	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	No	N/A	Direction does not apply.
6.3 Site Specific Provisions	No	N/A	Direction does not apply.
7. Metropolitan Planning			

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent – Seeks to increase housing supply at a local scale in a location which is consistent with the locational commentary of the Plan.

Appendix C

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.	<p>Although the GMS does not identify Buxton as a strategic location for growth in Wollondilly there is some planning merit to the proposal based on its modest scale (up to 4 lots) and location directly adjoining the Buxton urban area and within close proximity to local shops.</p> <p>On balance, the proposal is considered to be generally consistent with the key Policy Directions.</p>
P2 All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	<p>The Planning Proposal is consistent with the concept and vision of 'Rural Living'.</p> <p>It proposes a modest increase in lots adjoining an existing village and will not have a significant impact on the rural setting and character of Buxton or the shire.</p>
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	<p>Three (3) submissions were received during the initial consultation period. One (1) submission was from the community and the other two (2) submissions were from public agencies.</p> <p>The outcome of this consultation has been considered and is discussed in Section 2.3 of this report</p>
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	<p>There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied.</p>
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.)	<p>The Planning Proposal seeks a modest expansion to Buxton village directly adjoining the existing urban boundary.</p> <p>Sydney Water has advised that the current wastewater system does not have sufficient capacity to serve the proposal and cannot commit to servicing the site. Subsequently rezoning part of the site for R2 Low Density Residential Development with a minimum lot size of 700sq.m is not considered appropriate.</p> <p>The site will therefore be more suited to a rural residential type development where onsite wastewater provision could be accommodated.</p>
Housing Policies	

Key Policy Direction	Comment
<p>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</p>	<p>Council plans for the adequate housing supply through the Growth Management Strategy (GMS). The GMS does not identify the need for additional dwellings for Buxton.</p> <p>However, the planning proposal is small in scale and will have a negligible contribution towards the provision of adequate housing.</p>
<p>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.</p>	<p>The planning proposal proposes larger rural residential style lots with a minimum lot size of 4000sq.m.</p> <p>A preliminary assessment has concluded that smaller urban lots cannot be accommodated at this location as there is insufficient reticulated wastewater capacity. However, a small amount of rural residential development that is consistent with other minimum lot sizes on the periphery of Buxton could be accommodated and this will contribute to the mix of housing types.</p>
<p>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").</p>	<p>The planning proposal seeks a modest expansion to the Buxton village through a minor extension to the existing R2 Low Density Residential land use zone. The planning proposal also seeks to extend the adjoining E3 Environmental Management zone.</p> <p>However, based on the preliminary assessment residential lots with a minimum lot size of 700sq.m could not be accommodated at this location due to infrastructure constraints as Sydney Water has advised they cannot service these lots with wastewater. Large lots will be required to ensure on-site wastewater provision can be accommodated within any new lots.</p> <p>It is therefore proposed to rezone the site for a mix of E3 Environmental Management and R5 Large Lot Residential. At this stage, it is anticipated that the site could only accommodate an additional 2 lots.</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>The planning proposal proposes growth immediately adjacent to Buxton village.</p>
<p>Macarthur South Policies</p>	
<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 as the site is not located within the Macarthur South region.</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 as the site is not located within the Macarthur South region.</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 as the site is not located within the Macarthur South region.</p>

Key Policy Direction	Comment
<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 as the site is not located within the Macarthur South region.</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>The Planning Proposal, in its current form does not propose any employment lands.</p>
<p>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.</p>	<p>The Planning Proposal, in its current form does not propose any employment lands.</p>
Integrating Growth and Infrastructure	
<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>The planning proposal seeks a small amount of growth and is not anticipated that it will impose a significant burden on Council or the community. If a Gateway Determination is issued for the Planning Proposal specialist studies will be required to inform the planning proposal. These studies should identify any potential issues in this regard.</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>The Planning Proposal is consistent with this key policy direction as the subject site is well located in terms of the existing Buxton urban area and proximity to the village shops</p>
<p>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>The Planning Proposal is consistent with this key policy direction as the subject site adjoins the existing urban area associated with Buxton.</p>

Key Policy Direction	Comment
<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>Buxton is not a location which is the focus or population growth. The GMS does not include a Structure Plan or housing target for Buxton.</p> <p>However, the planning proposal seeks a modest amount of growth and is considered to be negligible.</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>If a Gateway Determination is received further studies will be required to consider the sites suitability against issues such as aboriginal heritage, bushfire impacts and water quality. In particular, the site has recently been cleared of vegetation. Councils view is that some parts of the site have been cleared of native vegetation without the necessary approval. The portion of the site which contained native vegetation should be encouraged to naturally revegetate.</p> <p>Additional lots with in the area of revegetation should be limited and may not be suitable.</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>The Planning Proposal is consistent with this Key Policy Direction as the site it does not propose fragmentation of rural land in a dispersed location.</p>

Appendix D

Preliminary Consultation

A summary of the concerns raised during consultation along with Council's assessment

Issue Raised	Assessment Comment
<p>Precedent of development</p> <ul style="list-style-type: none"> If rezoned, will this set a precedent for other neighbouring large lots to be rezoned to enable subdivision? 	<p>Every planning proposal is assessed on its merits to establish whether there is strategic planning merit.</p> <p>No two sites are the same and it is not considered that rezoning the land will establish a precedent for neighbouring lots.</p>
<p>Bushfire Hazard</p> <ul style="list-style-type: none"> Questions the proponent's claim that the proposal will provide an "important alternate bushfire egress route". 	<p>Further consideration of bushfire hazard will be required if the planning proposal progresses.</p> <p>It is anticipated that a bushfire hazard type assessment will be required and the planning proposal will need to address how it is consistent with Ministerial Direction 4.4 <i>Planning for Bushfire Protection</i>.</p> <p>If the planning proposal progresses consultation will also be required with the Commissioner of the NSW Rural Fire Service.</p> <p>The planning proposal has been amended since the community consultation and the proponent no longer intends to connect William Street with Johnson Street.</p>
<p>Native vegetation</p> <ul style="list-style-type: none"> Questions the validity of the objectives for the E3 Environmental Management Zone and their relevance to the site now that it has been cleared. A large portion of the property was remnant woodlands which provided a sanctuary for a large number and diversity of wildlife. Why did Council give permission for clearing the site and now seeks to protect the site with the proposed E3 Environmental Management zone. Questions content within the planning proposal which states that the rezoning encourages and better achieves the conservation of natural and artificial resources including agricultural land, natural areas, forests... 	<p>The whole site has recently been cleared. The front portion of the site contained pine trees and other exempt species and was cleared. These trees were legally cleared under the provisions of the Wollondilly LEP 2011 and the Wollondilly Development Control Plan 2011 and did not require a permit or development consent.</p> <p>However, the site also contained native vegetation on the rear part of the site which in Council's opinion has been cleared without the required approval.</p> <p>It is considered that the area of the site which contained native vegetation should be encouraged to naturally regenerate and this portion of the site should be included within the proposed E3 Environmental Management zone.</p> <p>Planning Proposals are required to set out the justification for making the proposed changes to the Local Environmental Plan. The proponent has provided as part of their justification that the proposal will better achieve the objects of the <i>Environmental Planning and Assessment Act 1979</i>. The proponent has indicated that the proposal will 'facilitate a logical, orderly and economic</p>

Issue Raised	Assessment Comment
	extension to the existing urban area of Buxton’.
<p>Loss of Rural Land</p> <ul style="list-style-type: none"> Ministerial Direction 1.2 <i>Rural Zones</i> provides that a planning proposal must not rezone land from rural to a residential zone. Questions the proposals justification for inconsistency with Ministerial Direction 1.5 <i>Rural Lands</i>. Reasons provided in the proposal are weak and tenuous. Questions how rezoning rural land into suburban blocks contributes to the concept of rural living? 	<p>If the Planning Proposal progresses, Ministerial Direction 1.2 <i>Rural Zones</i> requires the Director-General of the Department of Planning & Environment to be satisfied that any inconsistency is justified by a strategy or study or is of minor significance.</p> <p>It is anticipated that a large portion of the site is more suited to an environmental protection zone than a rural zone and this will be established if the planning proposal progresses.</p> <p>The remaining portion of the site will be constrained in terms of its capability for agricultural production given its size, location adjoining an existing urban area and environmentally sensitive land as well as being located within the Sydney Water Catchment Area. Therefore any inconsistency is of minor significance.</p> <p>However, if the planning proposal progresses and the Department of Planning & Environment are not satisfied with this justification than a study may need to be prepared to consider the loss of rural land.</p> <p>Ministerial Direction 1.5 <i>Rural Lands</i> does not apply to this planning proposal as Wollondilly is listed as an area which is not subject to <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>
<p>Rural Urban Land Conflict</p> <ul style="list-style-type: none"> Impact on future development from the nearby Wollondilly Quarry Current noise and dust issues are accepted by existing residents, what impact will there be with more urbanisation so close to the Quarry? How does the proposal contribute to the concept of rural living. 	<p>The concerns with impacts from the nearby quarry are valid. If the planning proposal progresses further consideration will need to be given to these potential impacts. A specialist study may be required to consider potential noise and dust impacts.</p> <p>One of the Key Policy Directions in the Wollondilly Growth Management Strategy is for proposals to be compatible with the concept and vision of “Rural Living”. “Rural Living” in Wollondilly is defined and made up of a number of characteristics including, but not limited to, rural setting and character, community lifestyle and the character of our towns and villages. The proposal is considered to be consistent with the concept of “Rural Living” as it proposes small scale development directly adjoining Buxton while still retaining a rural setting.</p>
<p>Need for the Planning Proposal</p> <ul style="list-style-type: none"> Proposal is not the result of any strategic study or report which implies Council did not consider the site to be appropriate for development prior to this point. Seeks an explanation for various terms used and their relevance to justify the need for the planning proposal; ‘optimise the viability’, ‘contained urban area’ 	<p>There is a statutory requirement for planning proposals to comment on whether they are the result of any strategic study or report. It is one (1) of 11 questions that together set out the case for making the proposed changes. The proponent has acknowledged in their proposal that the proposed changes are not to implement the outcome of any strategic study or report. This alone is not sufficient grounds for not supporting a planning proposal.</p>

Issue Raised	Assessment Comment
<ul style="list-style-type: none"> • Questions how expanding the existing urban area will “contain” it. • Disagrees with the proposals claim that it will create a circuitous local street network. • Concern raised with the strength of the justification for the planning. • Questions the proposals statement that it will better achieve the objects of the <i>Environmental Planning and Assessment Act 1979</i>. Particularly how it would conserve the natural and artificial resources including agricultural land... 	
<p>Justification for Proposal</p> <ul style="list-style-type: none"> • What are the objectives and intended outcomes that require the site to be rezoned. • The WLEP 2011 does not allow further intensification of the site. What has changed in the last 4 years? • The proposal may lead to “edge” creep of Buxton village. • Concern raised with vagueness of the proposal about future lot sizes and the statement that this will be determined subject to further considerations and investigation. • Disagrees with the proponent’s position that the proposal will result in a logical extension of the northern edge of Buxton Road. 	<p>The Wollondilly LEP 2011 is limited in its ability to guide growth and ensure there is a sufficient supply of land for housing. This function is carried out by the Wollondilly Growth Management Strategy 2011. Consideration of spot rezoning’s, such as this one, are generally more appropriately considered outside of the comprehensive LEP review process because of the likely need for specialist studies on a site by site basis. The Wollondilly LEP 2011 has been amended a number of times since it came into place in 2011, mostly due to spot rezoning’s in other locations.</p> <p>It is not considered that support for this planning proposal will lead to “edge” creep as each planning proposal is considered on its merits.</p> <p>It is not unusual for future lots sizes to be determined later in the process. Specialist studies are generally only prepared after a Gateway Determination is issued and help to establish the capability of the land for the proposed changes.</p> <p>It is also noted that if the planning proposal was to progress there will be a statutory requirement for a public exhibition and the community will have another opportunity to have their say once more detail is available.</p> <p>At this stage a minimum lot size of 4000sq.m has been identified.</p>
<p>Housing</p> <ul style="list-style-type: none"> • Land release is more appropriately located in Wollondilly’s declared growth areas. • What is meant by 'increase housing affordability and diversity in the village of Buxton'? • Questions what is meant by housing affordability and diversity and whether this refers to social housing? • What price range does Council determine as affordable? • Request for explanation of a lack of housing diversity in existing housing stock in Buxton. 	<p>The Wollondilly Growth Management Strategy 2011 guides the strategic location of growth for Wollondilly. The scale of this proposal is not considered to have any significant impact on the release of land.</p> <p>Council is not aware of any plans for social housing.</p> <p>Affordable housing generally refers to the cost of housing in an area being reasonable in relation to income. Whereas housing diversity refers to the range of housing types provided within in an area. Given the scale of the amended proposal, any housing affordability or diversity benefits are considered to be incidental and do not form</p>

Issue Raised	Assessment Comment
	the basis for justifying the proposed changes to the Wollondilly LEP 2011.
<p>Community Benefit</p> <ul style="list-style-type: none"> Concern raised that the proposal does not acknowledge or address negative impacts of the proposal on existing residents. The stated benefits are not benefits to the existing residents. 	<p>The need to specifically address the “Net Community Benefit” of a proposal was required under the previous NSW Government Department of Planning & Environment’s <i>A guide to preparing planning proposals</i> and is no longer required.</p> <p>Notwithstanding this, the community consultation and Council’s assessment provide an opportunity for the full potential impacts to be considered. The proponent has already reduced the scale of the planning proposal in response to some critical issues which came to light from the preliminary assessment.</p> <p>If the planning proposal progresses, the need for specialist studies, consultation with public agencies and a public exhibition will provide further opportunities for a more balanced consideration of the proposal.</p>
<p>Traffic & Transportation</p> <ul style="list-style-type: none"> What is meant by ‘utilise available infrastructure to service future residential development’? Is a footpath and road crossing proposed on West Parade to access Telopea Park or the local shops? Concern with road safety along West Parade for pedestrians as road is busy and unpredictable. Prefers Johnson Street to remain an unformed road as it contributes to the rural character and amenity of residents and reduces maintenance costs to Council. 	<p>In general, Council’s preference is for a sealed road constructed to Council’s requirements. This is both easier to maintain and safer.</p> <p>The proponent has indicated that the site benefits from access to the following infrastructure; telephone, electricity, and water.</p>
<p>Stormwater</p> <ul style="list-style-type: none"> Concern raised that the addition of hard surfaces to form Johnson Street may cause stormwater and run-off issues. 	<p>There are existing drainage problems in the area, particularly in the vicinity of William Street. If the planning proposal progresses a specialist study will be required which considers stormwater.</p>
<p>Regional Strategies (Planning)</p> <ul style="list-style-type: none"> Proposal indicates that <i>A Plan for Growing Sydney</i> does not include Wollondilly Shire but continues to use it as a justification. Proposal indicates that the <i>Draft South West Sub-Regional Strategy</i> states there are no current growth priorities for Wollondilly Shire, apart from the Macarthur South Investigation Area but then states that the proposal is not inconsistent with this strategy. Enquires how the proposal is consistent with Wollondilly Shire Council’s plans for the Buxton area. 	<p>The Planning Proposal document acknowledges that regional planning strategies do not identify Wollondilly as a strategic location in terms of contributing to Sydney’s housing land supply with the exception of the recent announcement related to the Macarthur South area. Small scale local growth can proceed without compromising the aims and objectives of regional strategies.</p> <p>At the local level, the Wollondilly Growth Management Strategy 2011 does not identify Buxton as a strategic location for growth in Wollondilly. However, there is some planning merit to the proposal based on its modest scale and location, which directly adjoins the Buxton urban area and is within close proximity to local shops.</p>

Issue Raised	Assessment Comment
<p>Infrastructure</p> <ul style="list-style-type: none"> A Telstra Tower is proposed to be constructed in the rail corridor immediately opposite 600 West Parade. Could the tower still proceed if the current rural site is re-zoned? 	<p>A telecommunications tower was approved in 2014 and is located opposite existing dwellings on West Parade. Given the assessment concluded that the likely impact in proximity to existing dwellings is acceptable, it is unlikely that additional dwellings on the proposal site will be any different. Rezoning the land will not prevent the telecommunications tower from proceeding.</p>

Appendix E

Council's Report and Minutes

Extract from Agenda's containing the Report to Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 15 February 2016 and on Monday 20 June 2016

Extract from Minutes of the Ordinary Meetings of Wollondilly Shire Council held on Monday 15 February 2016 and on Monday 20 June 2016

Council's Reference: TRIM 8757 #58 and #65

Appendix G

Wollondilly Growth Management strategy

Prepared by Wollondilly Shire Council

