



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Land Adjacent to Mushroom Tunnel, Picton

For the rezoning of land located at 233 – 239 Argyle Street, Picton
Lot 1 and 2 in DP 223667

January 2015

Document Register

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Introduction

This Planning Proposal details changes sought to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rezone approximately 4.1 hectares (40,710m²) of rural zoned land in Picton to enable large lot and low density residential development.

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.

A planning proposal was submitted to Council by Michael Brown Planning Strategies on 24 April 2014 to rezone land at 233 – 239 Argyle Street, Picton under the Gateway System.

At its Ordinary Meeting of 13 October 2014 Wollondilly Shire Council resolved the following;

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

Lot 1 and 2 in DP223667 (No. 233-239 Argyle Street, Picton).

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- *Amend the Land Zoning Map from RU2 Rural Landscape to R5 Large lot Residential and R2 Low Density Residential.*
 - *Amend the Lot Size Map from a minimum lot size of 16 hectares to 700m² for the R2 zone and 1,250m² for the R5 zone.*
 - *Amend the Height of Buildings Map to include a height limit of 6.8 metres.*
2. *That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.*
 3. *That a site specific Development Control Plan is prepare to accompany the Planning Proposal to ensure future development enhances the setting and access to the Mushroom Tunnel and to guide the coordinated development of this precinct.*
 4. *That the Planning Proposal be progressed so that future residential growth to the North is not precluded.*
 5. *That the applicant and submitters be notified of Council's Resolution.*

Background Studies

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 Argyle Street as shown in Figure 1. The site is known as 233-239 Argyle Street, Picton and relates to a 4.1 hectares (40,710 m²) area of land contained within Lot 1 and 2 DP 223667 in the Wollondilly Shire Local Government Area.

The site is presently an area of rurally zoned land which, for the most part, has remained undeveloped. Land to the south of the site is zone R2 Low Density Residential. The site is bound along its long south eastern boundary by a railway line which is zoned SP2 Infrastructure. Land to the north and west is also zoned RU2 Rural Landscape.

Despite the land use zone of the subject site and adjoining land, it has a proportionally narrow frontage to Argyle Street, which from the street reads as a break in what is otherwise an urban residential area.

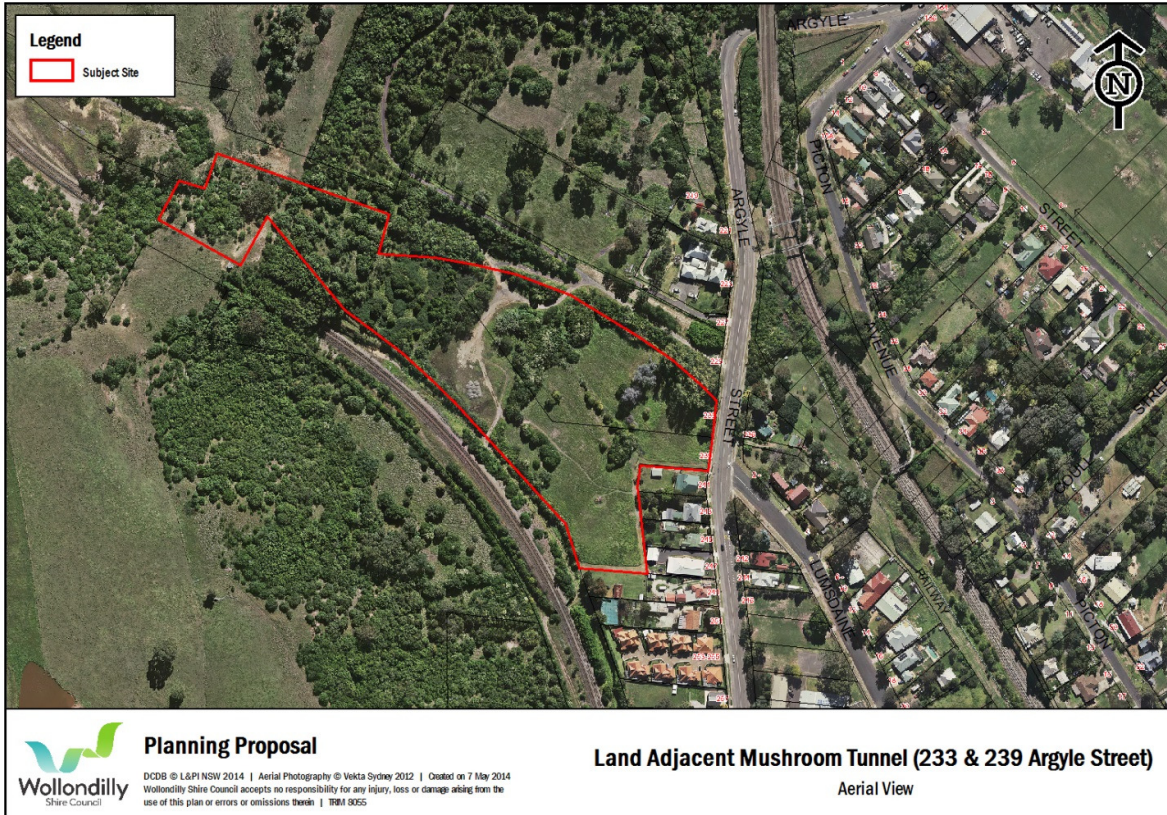


Figure 1 – Location Plan

Context

The subject site adjoins the existing Picton urban area, with allotments having frontage to Argyle Street.

The site is vegetated, but this appears to be regrowth and made up of weed species (privet). The site is located to the immediate south of the main Picton Town Centre. The land is within easy walking distance to Picton Railway Station and all services and facilities within the Picton town centre.

Topography

The site comprises generally undulating land from the railway embankment to Argyle Street. A drainage line basically bisects the land in an east/west direction.

The site is located on the lower slopes of a small hill, which has its peak to the just to the north. The hill forms part of a wider ring of hills which surround and are characteristic of Picton's setting.

Part 1 – Objectives or Intended Outcomes

This Planning Proposal seeks to enable the development of the site at Argyle Street, Picton for large lot and low density residential development.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Zoning Map** in accordance with the proposed zoning map shown in Part 4 by **Map 2**; and
- Amending the Wollondilly LEP 2011 **Lot Size Map** in accordance with the proposed lot size map showing in Part 4 by **Map 3**; 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 4**; and

The proposed map amendments are included at *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 planning proposal seeks to enable housing development in an area identified as a 'Potential residential growth area' in the Wollondilly Growth Management Strategy 2011.

Further detail on the proposal and how it relates to the GMS is provided later in this report (under 3.4).

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 all forms of residential development.

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 strategies are relevant:

- A Plan for Growing Sydney
- South West Subregion; Draft Subregional Strategy
- South Western Sydney Regional Action Plan

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 local scale in a location which is consistent with the locational commentary contained within *A Plan for Growing Sydney*.

South West Subregion; Draft Subregional Strategy (2007)

The South West Subregion; Draft Subregional Strategy takes the 2005 Metropolitan Strategy, *City of Cities; A Plan for Sydney's Future* and applies it at the local level to the Local Government Areas of Liverpool, Campbelltown, Camden and Wollondilly.

The vision for the southwest is based around 8 key directions;

- Plan for major housing growth
- Plan for major employment growth
- Develop Liverpool as a regional city
- Intensify existing areas around retail centres and public transport corridors
- Strengthen centres with public transport
- Extend transport networks to connect the south west growth centre to existing centres
- Recognise and support rural character of subregion
- Protect resource lands

The planning proposal is not inconsistent with the draft strategy as it will facilitate additional housing around an existing centre and will take advantage of existing services such as shops and public transport.

In addition the planning proposal site is located within the extent of Picton town centre under the draft strategy as it is located within an 800m radius which is considered to be walking distance (800m being accepted as a comfortable 10 minute walk).

South Western Sydney Regional Action Plan (December 2012)

NSW 2021; A plan to make NSW number one (September 2011) is a 10-year plan which guides policy and budget decisions within NSW. It is based upon an agenda to deliver integrated strategic planning for land use, transport and infrastructure investment. NSW 2021 required the development of regional action plans to identify what actions the NSW Government can take to improve outcomes in each region and locality.

The relevant plan for Wollondilly is the South Western Sydney Regional Action Plan (SWSRAP) which identifies short term priorities for south western Sydney. This region includes the Local Government Areas of Bankstown, Fairfield, Liverpool, Campbelltown, Camden and Wollondilly.

The SWSRAP identifies 7 priorities;

- Grow the economy of South Western Sydney
- Improve integrated regional transport

- Deliver appropriate services to disadvantaged and vulnerable members of the community
- Improve access to quality health services
- Improve education outcomes
- Protect our environment and heritage
- Provide more affordable housing options

The priority's to protect environment and heritage and provide more affordable housing options are both particularly relevant to this planning proposal.

The *Protect our environment and heritage* priority makes specific reference to the Hawkesbury-Nepean River and Georges River systems and their catchments and the need to protect these natural environments. The site is located within the Hawkesbury-Nepean river catchment and drains into the nearby Stonequarry Creek which is a tributary of the Nepean River.

If the Planning Proposal progresses further information will be required to address the proposals consistency with Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River which integrates planning with catchment management to protect the river system.

The *Provide more affordable housing options* priority makes reference to maximising land supply for housing as one of three actions to reduce the cost of living. The Planning Proposal would provide more land for housing, albeit small, without straining infrastructure and services provision.

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 is provided at appendix D. Further consultation with the community and stakeholders will be undertaken during the formal public exhibition if the planning proposal is supported by a Gateway Determination.

EN1 – Biodiversity Resilience

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

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.

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 Picton town centre 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 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 the Planning Proposal 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 plan led response to this issue, and does so by providing:

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

A copy of the [Growth Management Strategy](#)¹ is provided at 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 not been endorsed by the Director-General.

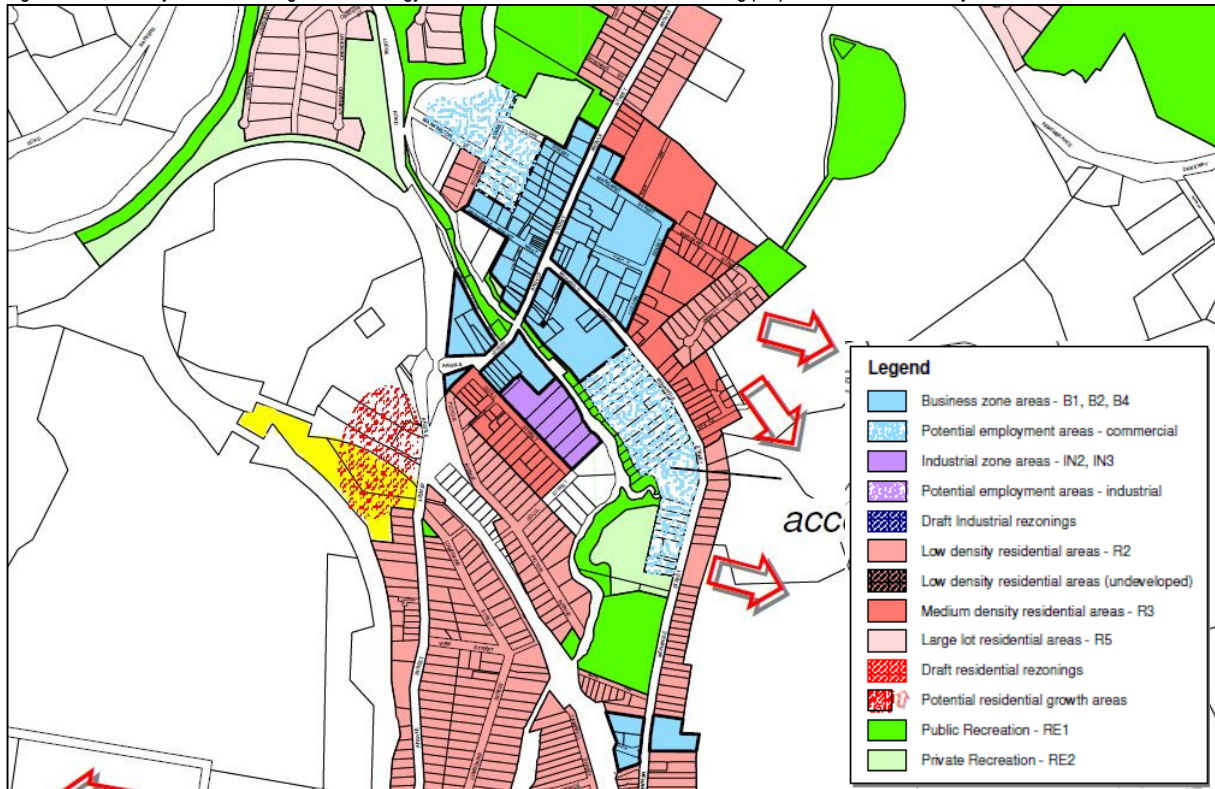
Notwithstanding this, the GMS was adopted by the Council on 21 February 2011 and is consistently applied in the assessment of Planning Proposals for new growth throughout the Shire.

All Planning Proposals within Wollondilly must be assessed against the Key Policy Directions within the GMS. A table showing the Planning Proposals consideration against these directions is included at Appendix C to this Planning Proposal. The Planning Proposal is considered to be consistent with the Key Policy Directions.

The GMS also contains a series of structure plans (maps) to identify possible growth locations within Wollondilly.

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

Figure 1: Wollondilly Growth Management Strategy 2011; Structure Plan - Picton. Planning proposal site identified in yellow.



The planning proposal seeks to deliver the outcomes of the GMS by enabling residential development on the subject site as envisioned within the GMS 2011. The site is located in an area identified within the GMS Structure Plan for Picton, as shown in Figure 1, as a 'Potential residential growth area'.

It should be noted that Council is undertaking a review of its GMS in conjunction with the NSW Department of Planning & Environment. 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, was expected to be in early 2015.

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 at Appendix A.

Consideration of SEPPs 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. 55 – Remediation of Land
- SEPP No.44 – Koala Habitat Protection
- REP No. 20 – Hawkesbury-Nepean River

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 2.3 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 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 at 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;
- Archaeological and cultural heritage assessment;
- Geotechnical and salinity assessment
- Flood assessment
- Bushfire assessment
- Flora and fauna assessment

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?

An assessment of significance is required in accordance with section 5A of the *Environmental Planning & Assessment Act 1979* and the *Threatened Species Assessment Guidelines*. The purpose of this assessment will be to determine whether there is 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.

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 considered that potential environmental effects arising from a future development allowed by the requested planning proposal may include:

- Flooding Stormwater Management
- Bushfire Hazard
- Land Contamination
- Local Traffic and Transport
- Noise & Vibration

Stormwater Management

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

Bushfire Hazard

The site is almost 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 directly adjacent to a railway line which is used for freight transportation. A noise vibration study will be required to consider the noise and vibration impacts if the land was to be rezoned for residential purposes.

Geotech & Salinity

An assessment will be required which considers geotech and salinity issues which may affect the site. This assessment will also need to consider the requirements of Ministerial Direction 4.2 – Mine Subsidence and Unstable Land.

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 allowed by the requested planning proposal may include:

- Social Impact
- Heritage Impact

Social Impact

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.

Heritage Impact

The site is located within the 'Precinct 5 – The Knoll Precinct' of the Picton Heritage Conservation Area. This precinct is identified in green in Figure 3 below:

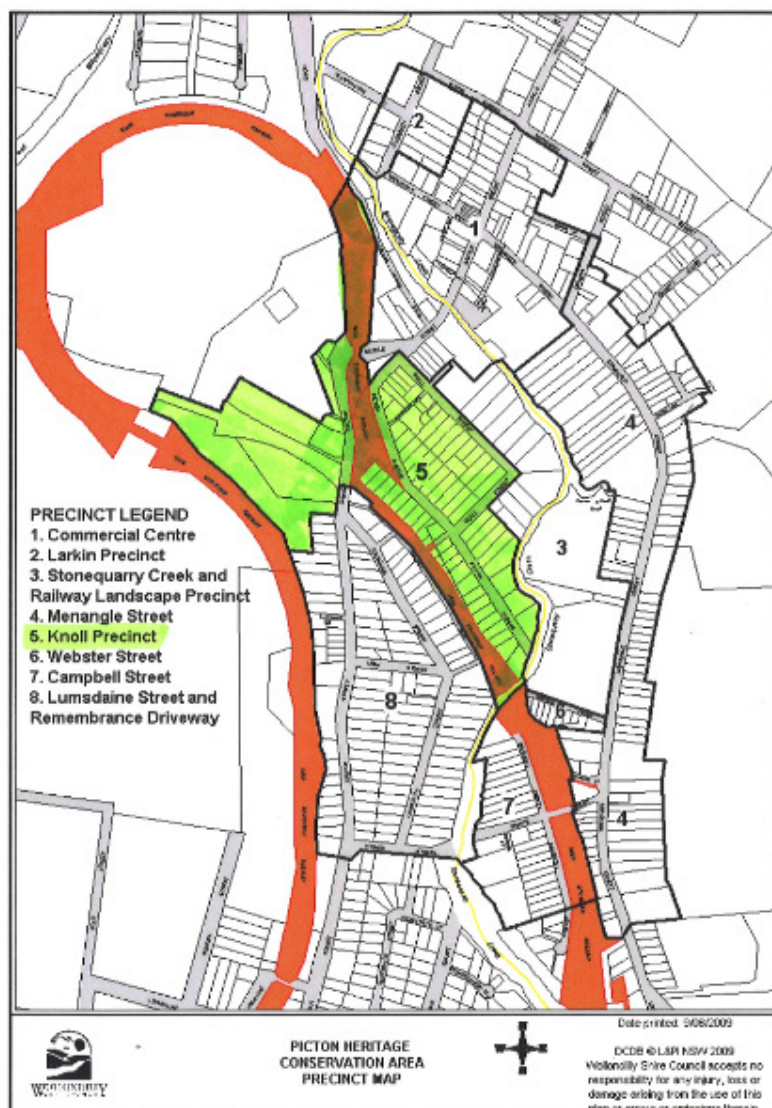


Figure 3: Picton Heritage Conservation Area Precincts
 (Source: Map 1 from Wollondilly Development Control Plan 2011, Volume 1 – General)

The precinct is characterised by a number of significant heritage structures which provide a sense of place and represent its contribution to the development of Picton. These tend to fall into two categories; firstly railway infrastructure and associated buildings along Argyle Street and secondly, residential cottages on the northern side of the main southern railway line.

The subject side adjoins the former Redbank Range Railway Tunnel, commonly known as the mushroom tunnel (circa 1860). The railway tunnel is historically significant for a number of reasons, including;

- It was the first railway tunnel used by the NSW Railways.
- one of the structures and works which provide evidence of the Great Southern Railway.
- it has associations with the history of WWII as one of a number of disused railway tunnels which were used for defence storage purposes and then subsequently given over to the peacetime use of commercial mushroom growing.
- It also has technical significance as a fine example of the stonemasonry and tunnel design of its time.

Over the years the mushroom tunnel has the site of considerable interest as a site for ghost tours and also the target of vandalism and antisocial behaviour. The rezoning of the subject site and future development provide an opportunity to enhance the setting of the mushroom tunnel while addressing ongoing vandalism through design.

Further consideration of the heritage impacts of the planning proposal will be necessary, however it is not anticipated that this will require the preparation of a specialist study at this stage.

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, the sites location directly adjacent to the existing Picton urban area and within walking distance of Picton town centre and the railway station lend towards the efficient development of the land due to proximity to existing infrastructure networks without the need for completely new infrastructure 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?

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

Part 4 – Mapping

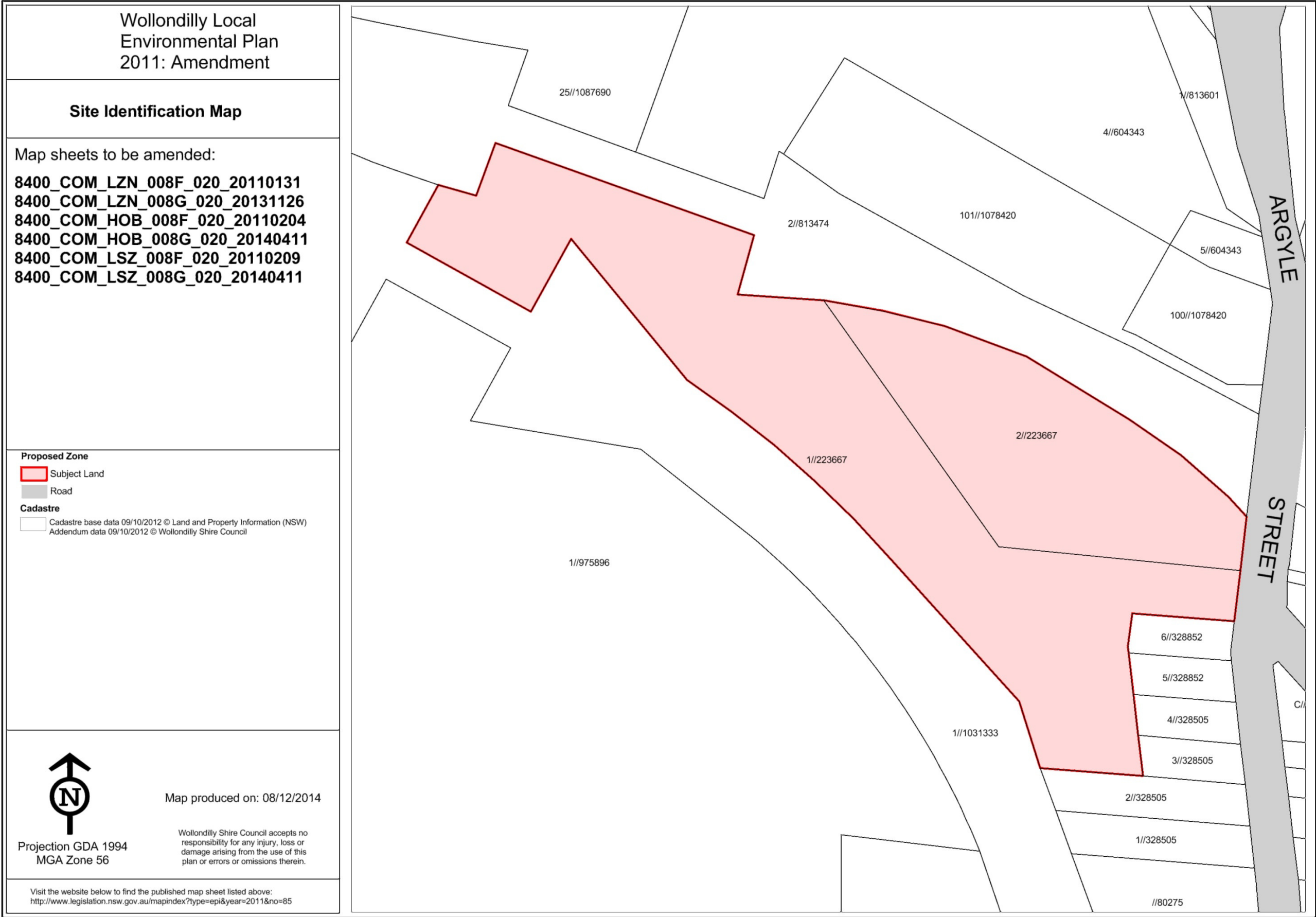
Map 1 – Site Identification (SIM)

Map 2 – New Land Zoning (LZN)

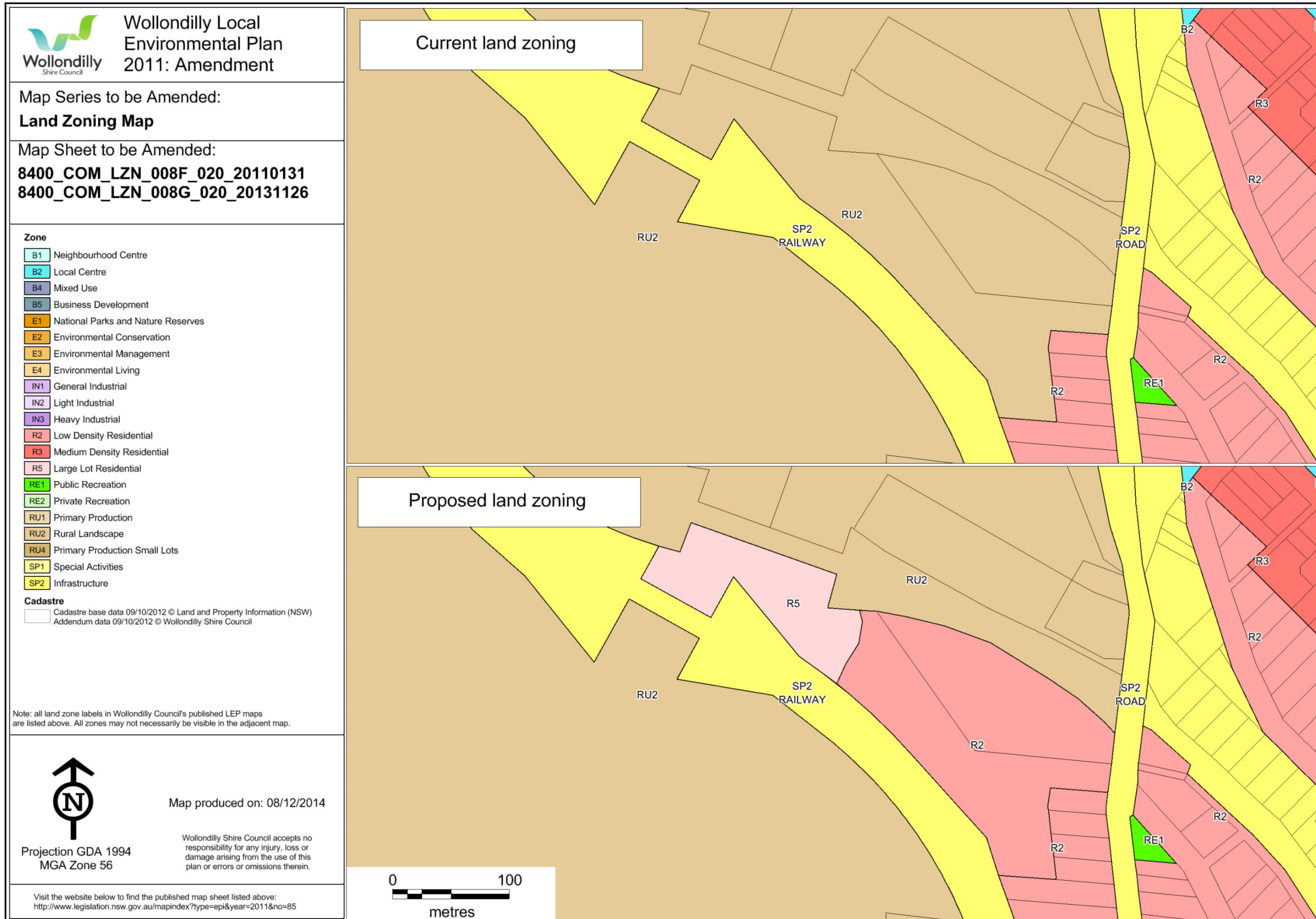
Map 3 – New Height of Buildings (HOB)

Map 4 – New Lot Size (LSZ)

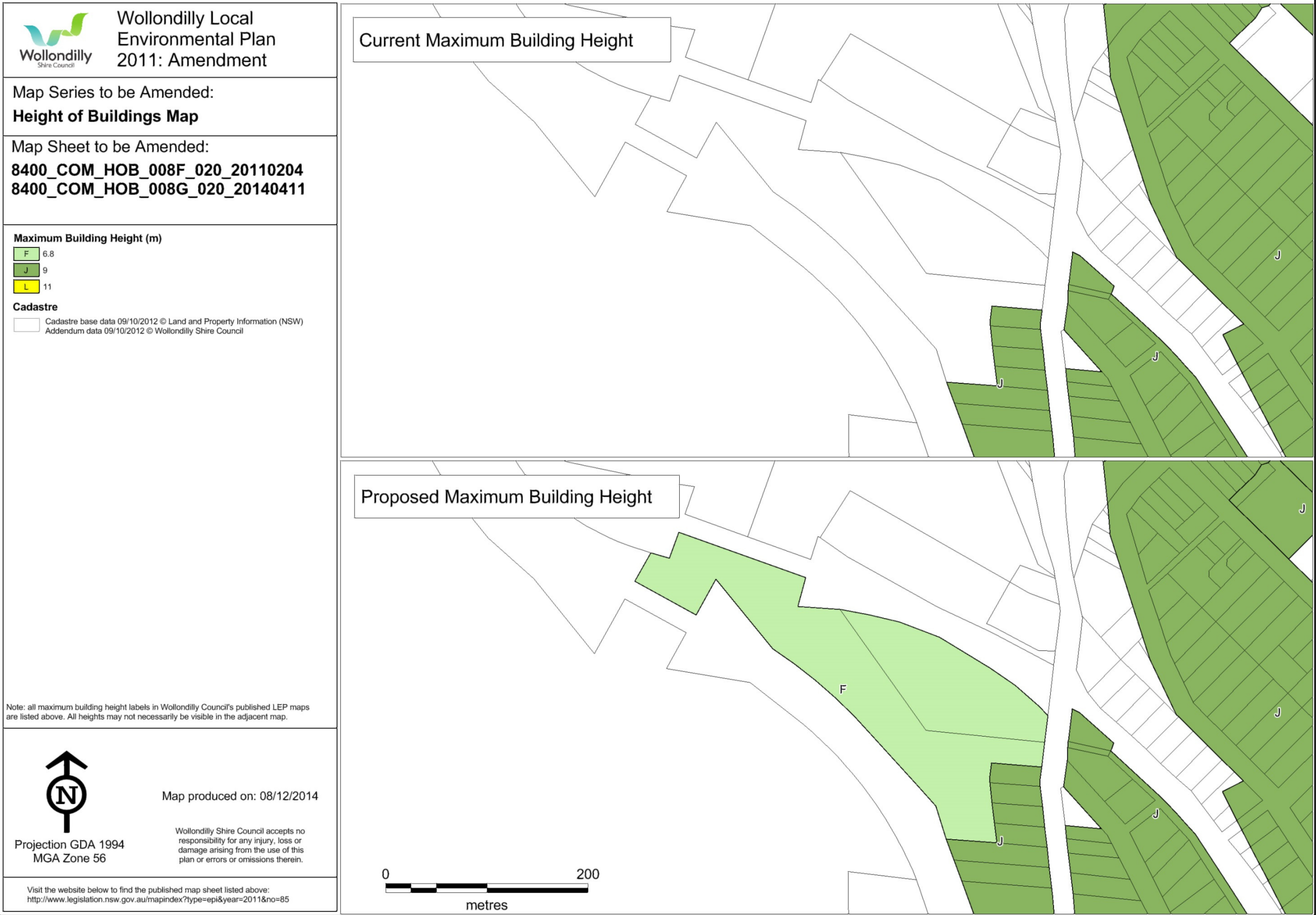
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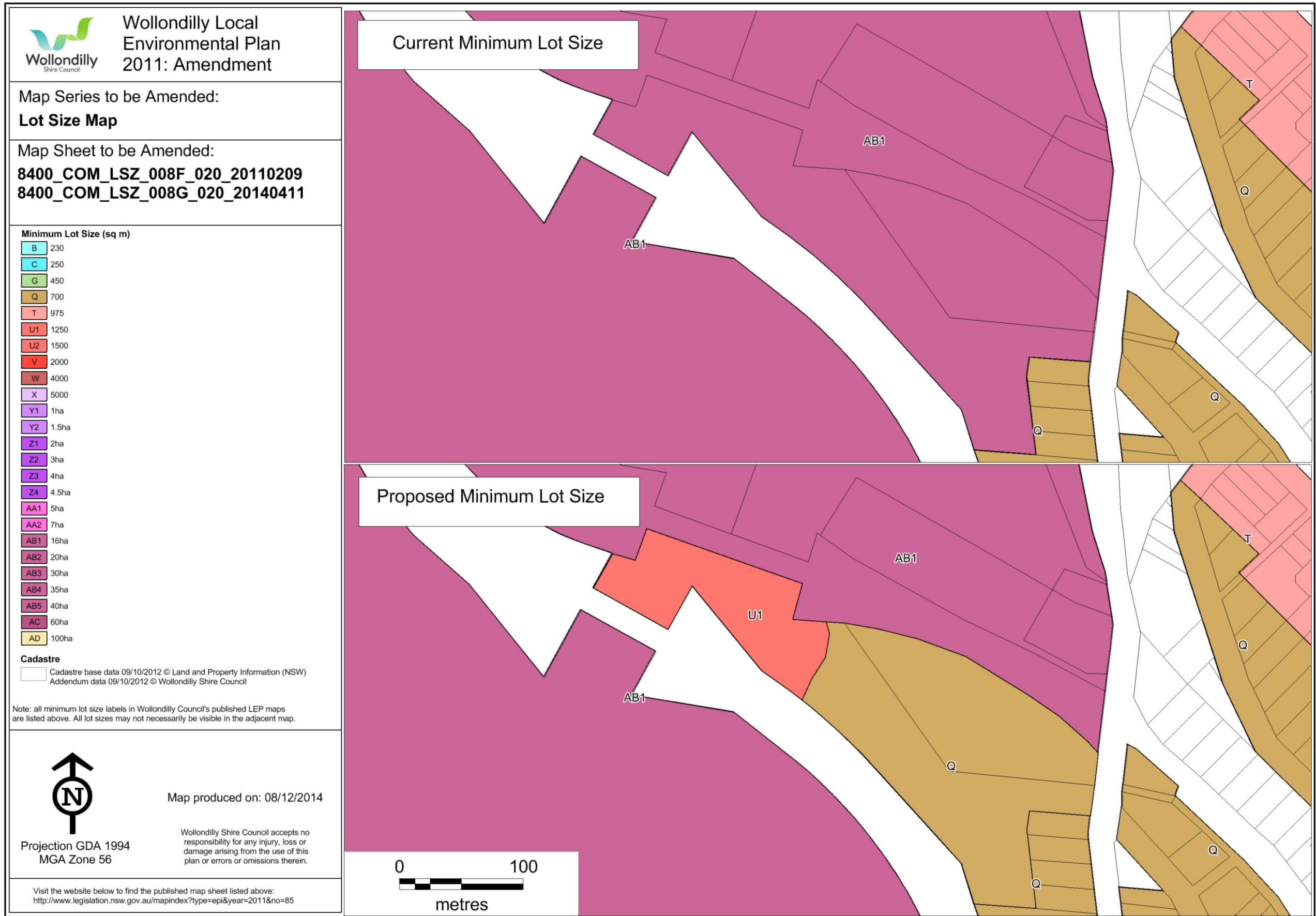
Map 2 - New Land Zoning (LZN)



Map 3 – New Height of Buildings (HOB)



Map 4 – New Lot Size (LSZ)



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 Land Adjacent to Mushroom Tunnel, Picton Planning Proposal 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 opportunities there will be for community consultation 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 May /June 2014	4 submissions received. Further details provided in the Pre-Gateway Consultation section below.
<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	It hasn't happened yet

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 21 May 2014 until 18 June 2014. The preliminary consultation was on the draft planning proposal as submitted to the Council by the proponent .

During the pre-gateway consultation four (4) submissions were received objecting to the proposal. The issues related to the following aspects of the proposed changes to the WLEP 2011:

- Rural living
- Services
- Traffic & Transportation
- Drainage & Flooding
- Flora & Fauna
- Contamination
- Access & Maintenance
- Height
- RE1 Public Recreation Land
- Planning
- Sewerage

A summary of the concerns along with Council's assessment are included within the report to Council (section 2.3) which is provided at Appendix D.

Public Exhibition

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

The requirement for this consultation is determined by sections 56(2)(c) and 57 of the EP&A Act and the minimum requirements for this consultation are identified in section 4.5 of *A Guide to Preparing Local Environmental Plans* (Department of Planning 2009 & 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 Land adjacent to Mushroom Tunnel, Picton 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&I	March 2015
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	Mar – July 2015
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	4 month period	October 2015
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	Dec 2015 - Jan 2016
Dates for public hearing (if required)	Unlikely to be required	N/A
Timeframe for consideration of submissions	1 month	February 2016
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	May 2016
Date of submission to the Department to finalise the Draft LEP amendment	6 weeks	July 2016
Anticipated date RPA will make the plan if delegated	N/A	N/A
Anticipated date RPA will forward to the Department for notification	N/A	N/A

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. Council's Report and Minutes

E. Indicative Master Plan

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 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 would 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 would 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 would hinder the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for 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 which would 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 would hinder the application of the SEPP at future stages, post rezoning.
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable to this Planning Proposal.
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.
REP No.9 - Extractive Industry (No 2)	N/A	Not applicable to this Planning Proposal.

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

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	No	N/A	The planning proposal in its current form does not contain any 'environmentally sensitive areas' and no environmental protection zones currently apply to the site.
2.2 Coastal Protection	No	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Potential to be	The site adjoins a conservation area and a heritage item. 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	Yes	Consistent. The proposed R2 Low Density Residential and R5 Large Lot residential permit a range of types of residential development in a central location within an existing urban area.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The planning proposal retains all existing zones in which caravan parks are permitted. Therefore the planning proposal is consistent with Direction No. 3.2.
3.3 Home Occupations	Yes	Yes	The R5 Large Lot Residential and R2 Low Density Residential zone permit "Home occupations" without consent.

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal seeks to rezone land adjoining the existing Picton urban area for residential development. The site is centrally located within walking distance of the town centre and public transport.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.
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	Yes	Potential to be	The site is not located within a mine subsidence district, however a portion of the sites west is sloped and may need to be considered in terms of its stability.
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	No	N/A	The site is not located within the Sydney Drinking Water Catchment.
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			

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
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			
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>The Planning Proposal is generally consistent with the key Policy Directions and Assessment Criteria contained within the GMS.</p> <p>In particular, the subject site is identified for 'Potential residential growth areas' within the Picton Structure Plan which forms part of the GMS.</p> <p>Further information is required to establish the Planning Proposal's suitability against key policy directions P21.</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).	The Planning Proposal is consistent with the concept and vision for 'Rural Living'.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	<p>A total of four (4) submissions were received during the initial consultation period and of these submissions; two (2) objected and two (2) submissions were neutral.</p> <p>The outcomes of this consultation were considered and are discussed in the report to Council on the planning proposal included at Appendix D to this Planning Proposal.</p>
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this planning proposal and therefore this Key Policy Direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The subject site is located directly adjacent to existing R2 Low Density Residential Zoned areas within Picton and could be considered infill development in terms of the development characteristics of development along this section of Argyle Street.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	<p>The Planning Proposal would make a small contribution towards Council's dwelling target for the Picton outlined in the GMS.</p> <p>The subject site is identified for 'Potential residential growth areas' within the Picton Structure Plan which forms part of the GMS.</p>

Key Policy Direction	Comment
<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, in its current form, proposes a mix of minimum lot sizes of 700m² and 1250m².</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 proposal is consistent with this direction as it proposes minimum lot sizes of 450m² and 1250m² in close proximity to Picton town centre.</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 is consistent with this key policy direction as the subject site would integrate into the existing Picton urban area.</p>

Macarthur South Policies

<p>P11 Council does not support major urban release within the Macarthur South area at this stage.</p>	<p>Key Policy Direction P11 is not applicable to this proposal 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>
<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

Key Policy Direction	Comment
<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>The proposal has the potential to create short-term employment opportunities through the construction jobs associated with the civil and building works.</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>See comment for P15.</p>
<p>Integrating Growth and Infrastructure</p>	
<p>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</p>	<p>The site is located adjacent to the existing Picton urban area and is expected to be able to utilise existing infrastructure.</p> <p>Developer contributions payable at the development application stage will partially fund the necessary local infrastructure required to support any future development.</p>
<p>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</p>	<p>The Planning Proposal is consistent with this key policy direction as the site is well located in terms of the existing Picton urban area and proximity to Picton town centre.</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 site is well located in terms of the existing Picton urban area and proximity to Picton town centre.</p> <p>The subject site is identified as a potential residential growth area within the Picton Structure Plan which forms part of the GMS.</p>
<p>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	<p>The Planning Proposal is consistent with this key policy direction as it would provide population growth associated with the Picton area.</p> <p>The subject site is identified as a potential residential growth area within the Picton Structure Plan which forms part of the GMS.</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 would be required to consider the sites suitability against issues such as aboriginal heritage, bushfire impacts, impacts on the Hawkesbury-Nepean River, geotechnical, loss of agricultural land.</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>Key Policy Direction P22 is not applicable to this Planning Proposal.</p>

Appendix D

Council's Report and Minutes

Extract from Agenda containing the Report to Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 13 October 2014

Extract from Minutes of the Ordinary Meeting of Wollondilly Shire Council held on Monday 13 October 2014

Council's Reference: TRIM 8055 #58 and #73

Appendix E

Indicative Master Plan

Prepared by inspire urban design + planning

Our Reference: TRIM 8055#3

Appendix F

Wollondilly Growth Management strategy

Prepared by Wollondilly Shire Council

