Appendix A

Compliance with SEPPs

Compliance with SEPPs

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

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
4	Development Without Consent and Miscellaneous Complying Development	N/A	
6	Number of Storeys in a Building	Yes	There shall be no change to existing LEP provisions on height of buildings.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	N/A	Not applicable to this Planning Proposal.
22	Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	N/A	Not applicable to this Planning Proposal.
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
50	Canal Estates	N/A	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	N/A	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	N/A	Not applicable to this Planning Proposal.
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	N/A	Not applicable to this Planning Proposal.
62	Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	N/A	Residential flat buildings are prohibited on the subject land.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	N/A	Not applicable to this Planning Proposal.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal will not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	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.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		**Consistency**	**Comments**
9	Extractive Industry (No 2)	N/A	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	This proposal is consistent with this SREP.
27	Wollondilly Regional Open Space	N/A	Repealed 26/06/2009.
1	Drinking Water Catchments Regional Environmental Plan No 1	N/A	Subject lands are not located within the jurisdiction of REP No. 1.

Appendix B

Assessment against 117(2) Directions

Assessment against Section 117(2) Directions

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

Ministerial Direction		Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1.	**Employment and Resources**			
1.1	Business and industrial Zones	N/A	N/A	Direction does not apply.
1.2	Rural Zones	Yes	Yes	The proposal aims to provide for the conservation of the rural landscape surrounding Menangle village. It is considered that this is consistent with this direction.
1.3	Mining, Petroleum Production and Extractive Industries	N/A	N/A	Direction does not apply.
1.4	Oyster Production	N/A	N/A	Direction does not apply.
1.5	Rural Lands	N/A	N/A	Not applicable in the Shire of Wollondilly.
2.	**Environment and Heritage**			
2.1	Environmental Protection Zones	Yes	Yes	The introduction of a landscape conservation area would enhance provision for the protection of the environment in the locality.
2.2	Coastal Protection	N/A	N/A	Direction does not apply.
2.3	Heritage Conservation	Yes	Yes	The proposed Menangle Landscape Conservation Area would allow for the preservation of the heritage significance of the land surrounding Menangle which Council considers integral to the village's character.
2.4	Recreation Vehicle Area	Yes	Yes	The planning proposal is consistent with this direction and does not enable land to be developed as recreational vehicle area.
3.	**Housing, Infrastructure and Urban Development**			
3.1	Residential Zones	Yes	Yes	As revised the planning proposal is consistent with this direction. Although Menangle was identified as part of the Macarthur South Urban Release Area in 1991 this is yet to have progressed any further and the NSW Government has indicated that the area is not required for Sydney's expansion in the next 25 years. The creation of the Menangle Landscape Conservation Area surrounding the existing heritage conservation area, as opposed to replacing it, allows for future consideration of further residential rezoning and subdivision in less visually sensitive areas.
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes	The planning proposal retains the existing LEP provisions which allow for housing variety, caravan parks and manufactured home estates.

Ministerial Direction		Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
3.3	Home Occupations	Yes	Yes	This planning proposal retains the existing LEP provisions which permit home occupations in dwelling houses without the need for development consent.
3.4	Integrating Land Use and Transport	Yes	Yes	The locality is currently serviced by both a railway station and bus routes.
3.5	Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6	Shooting Ranges	N/A	N/A	Direction does not apply.
4.	**Hazard and Risk**			
4.1	Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2	Mine Subsidence and Unstable Land	Yes	Yes	The subject site is within a proclaimed mine subsidence area. The Mine Subsidence Board does not need to be consulted regarding this matter as the proposal does not allow for development in the subject area, nor does it change the land use tables. The proposal is consistent with this direction.
4.3	Flood Prone Land	Yes	Yes	Part of the subject land is identified by Council as being flood prone. The proposal does not change the zoning or permit additional development. The proposal is consistent with this direction.
4.4	Planning for Bushfire Protection	Yes	Yes	A small part of the subject land is shown as being bushfire prone in Council's mapping. The proposal does not change the zoning or permit additional development. The proposal is consistent with this direction.
5.	**Regional Planning**			
5.1	Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2	Sydney Drinking Water Catchments	N/A	N/A	Direction does not apply.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6	Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7	Central Coast	N/A	N/A	Revoked.
5.8	Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply.

Ministerial Direction		Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
6.	**Local Plan Making**			
6.1	Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2	Reserving Land for Public Purposes	Yes	Yes	This planning proposal is consistent with this direction because it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3	Site Specific Provisions	N/A	N/A	Direction does not apply.
7.	**Metropolitan Planning**			
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

Appendix C

Net Community Benefit Test

WOLLONDILLY SHIRE COUNCIL

Net Community Benefit Test

The following table addresses the evaluation criteria for conducting a Net Community Benefit Test within the Draft Centres Policy (2009) as required by the guidelines for preparing a planning proposal:

Evaluation Criteria	Yes/ No	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The proposal is compatible with the Metropolitan Strategy and Draft South West subregional Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No	The LEP is not located in a global/regional city.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	The proposal is unlikely to create a precedent within the locality. It allows for the conservation of the landscape surrounding the village of Menangle. Council's GMS identifies the site as a 'special heritage curtilage investigation area.'
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	There have been no spot rezonings in the locality. The proposal is for the creation of a landscape conservation area surrounding the existing Menangle Landscape Conservation Area. It is expected that the introduction of this landscape conservation area would have a limiting effect on the scope for spot rezonings in and around Menangle village.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	The site is not proposed to be zoned to facilitate employment nor will it result in a loss of employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes	The proposal aims to provide for the conservation of the landscape surrounding Menangle. It will have a limiting impact on the ability for the village to expand into that landscape conservation area. There is potential for consideration of new residential land within less visually sensitive areas. Menangle was identified as part of the Macarthur South Urban Release Area in 1991. However the Department of Planning has indicated that the area is not required for Sydney's expansion in the next 25 years. It is considered that this proposal would not negatively impact on housing supply or affordability.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Yes	Menangle is serviced by the Main Southern Railway Line. Menangle Railway Station is located immediately adjacent to the north east of the village and there are several train services each day to Campbelltown. The proposal does not require additional public infrastructure provision. The creation of the landscape conservation area could provide an environment which is conducive to greater pedestrian use of the landscape for recreation.

Evaluation Criteria	Yes/ No	Comment
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No	The proposal will not result in changes to car distances travelled in the local area.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	The proposal will not adversely impact on the infrastructure and or services in the area.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	The land has not been identified for protection by the Government. The proposal is for the conservation of the landscape around the village of the Menangle. This landscape contains some native vegetation which may have some biodiversity value. Part of the land has been identified by Council as being flood prone. A landscape conservation area is considered an appropriate approach to both protect the value of the land and prevent development on the land which could be impacted by flooding.
Will the LEP be compatible / complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The proposal is compatible with the current land uses in the locality. It provides for the protection of the rural landscape surrounding Menangle and helps contain residential development within the existing Menangle Heritage Conservation Area. The proposal has the potential to conserve and improve the existing amenity and public domain of the locality.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No	The proposal is for the provision of a landscape conservation area, it will not increase retail or commercial premises, choice or competition in the locality.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	The proposal does not have the potential to develop into a centre.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?		The proposal aims to protect the public interest by conserving a valued rural landscape area for the enjoyment of the local community and visitors to the area. The implications of not proceeding at this time are that this landscape area could be rezoned for other purposes which would have a serious negative impact on the heritage value of Menangle.

Appendix D

Assessment Against Wollondilly GMS

Assessment against Wollondilly GMS

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

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

Key Policy Direction		Comment
General Policies		
P1	All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	This proposal meets all the relevant Key Policy Directions and Assessment Criteria contained within the GMS.
P2	All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	The planning proposal is consistent with the concept and vision of 'Rural Living'. The proposal provides for the protection of a valued rural landscape which provides the setting for the village of Menangle.
P3	All Council decisions on land use proposals shall consider the outcomes of community engagement.	The community will be engaged as part of the public exhibition process if the planning proposal is supported at the Gateway.
P4	The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The financial circumstances of the landowners in the area have not influenced Council's decision to make this planning proposal.
P5	Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	This planning proposal recognises the heritage significance and unique character of Menangle village and seeks to provide for their protection through the introduction of a landscape conservation area surrounding the existing heritage conservation area. It is considered that there is potential for consideration of further residential growth in less visually sensitive areas.
Housing Policies		
P6	Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The Structure Plan for Menangle shows the land surrounding the village as a 'special heritage curtilage investigation area.' The structure plan also shows the land directly to the north of the existing village as a 'potential residential growth area.' By creating a landscape conservation area around the existing heritage conservation area, as opposed to replacing it, the proposal is allowing for the consideration of growth for Menangle to the north of the existing village area within less visually sensitive areas.
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.	Although this proposal does not provide for the rezoning of land for housing it does not hinder this provision. There is the potential for a mix of housing types within the existing heritage conservation area, in keeping with *WDCP 2011, Volume 1, Clause 2.2.8 Heritage Conservation Area – Menangle.* For consideration of growth see P5 and P6.
P9	Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The creation of a landscape conservation area surrounding the existing Menangle Heritage Conservation Area encourages housing growth to be contained within the heritage conservation area and identified less visually sensitive areas.
P10	Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	As with P9 above, the creation of a landscape conservation area around the existing heritage conservation area encourages new housing to be provided immediately adjacent to the existing Menangle village area.

Key Policy Direction	Comment
Macarthur South Policies	
P11 Council does not support major urban release within the Macarthur South area at this stage.	This planning proposal is to provide for the conservation of the landscape surrounding the village of Menangle. The proposal does not propose to allow for major urban release in the area. It is therefore considered that this proposal is in keeping with the intentions of the Macarthur South Policies in Council's GMS.
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.	As with P11 above.
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.	As with P11 above.
P14 Council will consider proposals for employment land developments in Macarthur South provided they: ▪ 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).	This planning proposal is to provide for the conservation of the landscape surrounding the village of Menangle. The proposal does not propose new employment lands in the area. It is therefore considered that this proposal is in keeping with the intentions of the Macarthur South Policies in Council's GMS.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	This planning proposal does not plan for new employment lands. The preservation of the landscape setting of the village could have positive impacts on the heritage significance of the village and could strengthen the village's appeal for tourism.
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.	As with P15 above.

Key Policy Direction		Comment
Integrating Growth and Infrastructure		
P17	Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	This proposal is for the conservation of a valued rural landscape. It does not require additional infrastructure and servicing.
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.	The proposal provides for the preservation of the rural landscape surrounding Menangle. It encourages the sustainable growth of the village within the existing heritage conservation area. There is also the potential for consideration of limited growth within identified less visual sensitive areas.
P19	Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal does not contribute toward dispersed population growth, it encourages growth adjacent to Menangle village and within the existing Menangle Heritage Conservation Area.
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.	The planning proposal is for the conservation of the landscape surrounding Menangle village. It does allow for some limited growth to the north of the existing village within the Menangle Heritage Conservation Area, appropriate to the small scale of the village.
Rural and Resource Lands		
P21	Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The proposal seeks to protect the European rural landscape significance of the Menangle area and features significant to the local Aboriginal culture through the creation of a landscape conservation area.
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.	Key Policy Direction P22 is not applicable to this proposal.

Appendix E

Detailed Heritage Study

Menangle Landscape Conservation Area –
Assessment of Significance & Proposed Boundaries

Prepared for Wollondilly Shire Council by MUSEcape Pty. Ltd.

WOLLONDILLY SHIRE COUNCIL

Appendix F

Report to Council

On the Draft Planning Proposal – Menangle Landscape Conservation Area

Prepared for the Ordinary Meeting of Wollondilly Shire Council held on 16 July 2012

WOLLONDILLY SHIRE COUNCIL

Appendix G

Resolution of Council

On the Draft Planning Proposal – Menangle Landscape Conservation Area

From the Minutes of the Ordinary Meeting of Wollondilly Shire Council held on 16 July 2012

WOLLONDILLY SHIRE COUNCIL

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September 2012