

Planning Proposal

to amend Wollondilly Local Environmental Plan 2011

Picton East

for the rezoning of land located at Picton - 1735 Remembrance Drive (Lot 106 DP 1111043) 108-114 Menangle Street (Lot 2 DP 229679) and 116-118 Menangle Street (Lot 9 DP 233840) for Zone R2 Low Density Residential and Zone R3 Medium Density Residential and E3 Environmental Management and RE1 Public Recreation purposes.



Contents

Introduction.....	3
Part 1 – Objectives or Intended Outcomes	5
Part 2 – Explanation of Provisions	5
Part 3 – Justification.....	5
Section A – Need for the planning proposal	5
Section B – Relationship to strategic planning framework.....	6
Section C – Environmental, social and economic impact.	11
Section D – State and Commonwealth interests.	13
Part 4 – Mapping	14
Attachment 1- Site Maps.....	15
Attachment 2 – Land Zoning Maps	17
Part 5 – Community Consultation	21
Part 6 – Project Timeline	21
Project detail.....	21
Timeframe	21
Timeline	21
Appendices	22
Appendix 1 – Net Community Benefit Test.....	23
Appendix 2 – Relevant GMS Criteria Assessment	25
Appendix 3 – Compliance with SEPPs.....	28
Appendix 4 - Examination of Draft Plan in accordance with relevant Section 117(2) Directions.....	31

Introduction

This Planning Proposal has been prepared as a result of an application from *Michael Brown* planning consultancy seeking an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval for residential development.

The Planning Proposal was reported to the Ordinary meeting of Council on Monday 17 December 2012 and was supported to proceed to a Gateway Determination. Figure 1 indicates the planning proposal site.

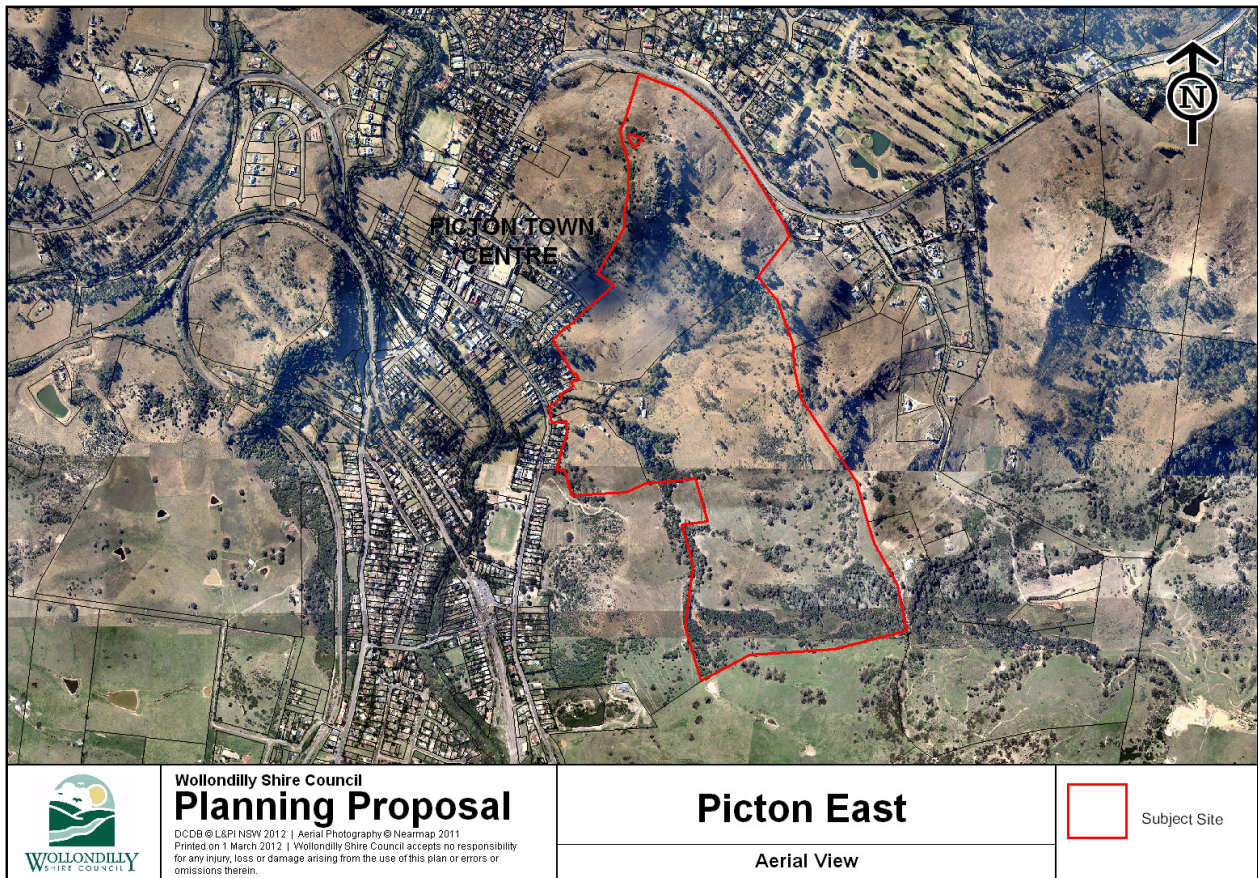


Figure 1 : Site Map

Site Details

The site encompasses three properties which are located immediately east of Picton Town Centre straddling land including Vault Hill, between the two major roads leading into Picton, namely Remembrance Drive and Menangle Street. Steep hills skirt the eastern edge of the site leading down to low cleared hills around Menangle Street and Margaret Street. Small streams flow down from these steeper hills into Reeves Creek which then flows into Stonequarry Creek. The three properties comprise a total area of 120.77 hectares and the site is situated approximately 270m from Picton town centre.

There are two roads leading into the site, Margaret Street and Baxter Lane. The site surrounds the Vault Hill Cemetery which is on Crown land, and includes a disused dairy and two houses with ancillary buildings but is otherwise vacant. The site comprises cleared land previously used for dairying and currently used for grazing purposes. Significant stands of vegetation are located along the ridgelines of the outlying hills, along the banks of creeks and on some of the steeper slopes of the lower inner hills. There are also a large number of scattered mature trees throughout the site.

Address and cadastre details for the properties are outlined below.

Address	Lot and Deposited Plan	Area in hectares
1735 Remembrance Drive, Picton	Lot 106 DP 1111043	41.75
108-114 Menangle Street, Picton	Lot 2 DP 229679	72.60
116-118 Menangle Street, Picton	Lot 9 DP 233840	6.42
Total		120.77

Part 1 – Objectives or Intended Outcomes

The intended outcome of the Planning Proposal is to enable the development of the site for the purposes of residential development while ensuring that significant environmental land, open space and riparian buffers are maintained and improved.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly Shire LEP 2011 Land Zoning Map (LZN Map) in accordance with the proposed LZN Map shown at attachment 2.

Amendments to the Wollondilly Shire LEP 2011 Lot Size Map, Height of Buildings Map and potentially the Heritage Conservation Map, Heritage Items Map, Natural Resources Water Map and Natural Resources Biodiversity Map will be determined depending on the outcome of specialist studies.

Part 3 – Justification

Section A – Need for the planning proposal

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

This Planning Proposal is not the direct result of any strategic study or report although the site area is generally identified in the Wollondilly Growth Management Strategy 2011 (GMS) structure plan for Picton as a potential extension of the residential zone because the site adjoins land currently zoned for residential purposes.

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

The majority of the site is zoned RU2 Rural Landscape with a minimum lot size of 100ha which does not allow for residential development at the density proposed. A small proportion of the site on the northern edge is zoned RE1 Public Recreation and encompasses a sliver of land for access to Vault Hill. The planning proposal is considered the best means for achieving the intended outcomes.

3. Is there a net community benefit?

The proposal is considered to provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land.
- It would provide additional housing supply in a convenient location and by utilising existing facilities and services the economic and social cost of future development would be minimised.
- It would facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- It would not result in any significant adverse environmental impacts.
- It would create local employment opportunities in construction and home maintenance.

The table in **Appendix 1** 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.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the South Western Sydney sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is considered to be consistent with the aims of the Metropolitan and South Western Sydney sub-regional strategies in relation to providing suitable land to meet housing targets while having minimal environmental impact.

5. Is the planning proposal consistent with Council's Community Strategic Plan, or Growth Management Strategy?

Community Strategic Plan

The planning proposal is consistent overall with Council's Community Strategic Plan (CSP). It is considered that this proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

Environment

The natural environment is protected and conserved and Wollondilly has a healthy, sustainable and resilient environment; with a rural character (EO-1).

Comment – There are small areas of remnant vegetation and scattered mature trees which should be conserved.

Economy

Support the economic viability of our towns and villages by encouraging appropriate residential development in and around those towns (EC7).

Comment – The proposed residential development is well located to enable new residents to take advantage of and support existing facilities and services in Picton.

Infrastructure

- *A community that has access to a range of viable transport options*
- *Communities that are supported by safe, maintained and effective infrastructure*

Comment

Picton Railway Station is located around 800m from the site. There is likely to be adequate existing infrastructure to service the site and with any additional infrastructure requirements being met by the developer.

Community

- *A resilient community that has access to a range of activities, services and facilities*
- *An engaged, connected and supported community that values and celebrates diversity*

Comment

The site is well located to take advantage of existing services and facilities within Picton township.

Wollondilly Growth Management Strategy

The Growth Management Strategy was adopted by Council on 21 February 2011 and is a policy document with associated mapping which contains key directions and principles to guide proposals and Council decisions on growth. It identifies this site as being part of the "Potential residential growth areas" on the Structure Plan – Picton. The *Growth Management Strategy's Appendix 1* to the GMS, provides Assessment criteria which are required to be met to satisfy the Key Policy Directions. The GMS states that the Assessment Criteria will apply to any planning proposal which

seeks to develop land for residential and employment uses as outlined in the GMS. All planning proposals will need to address and be consistent with these criteria.

Appendix 2 to this submission sets out the relevant Assessment Criteria to this proposal and comments on its consistency with the criteria.

In addition to the Assessment Criteria, the GMS outlines a number of Key Policy Directions. The relevant directions are set out below:

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.*

Comment

The planning proposal satisfies this Key Policy Direction.

P2 *All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS)*

Comment

The proposal is generally consistent with the concept and vision of ‘Rural Living’ as the land adjoins existing residential land and would assist to consolidate future urban growth while ensuring productive rural land is maintained.

P3 *All Council decisions on land use proposals shall consider the outcomes of community engagement.*

Comment

Twenty submissions were received with the majority objecting to the planning proposal. As a consequence of their concerns and the preliminary assessment, the draft proposal was amended to the current proposal.

P4 *The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.*

Comment

There have been no such representations regarding this 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.).*

Comment

The proposal represents a logical rezoning of the subject site for low and medium density residential purposes in keeping with adjoining land uses and the sites location near the Picton town centre. Within the constraints of the site the current scaled back proposal is considered appropriate. Conservation and enhancement of natural systems is intended. Existing infrastructure is to be utilised and embellished.

P6 *Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.*

Comment

The proposal contributes toward Council’s dwelling target for Picton outlined in the GMS. The Structure Plan for Picton includes the subject land as a “potential residential growth area.”

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.

Comment

The proposal would provide land suitable for a range of housing types and affordability.

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”).

Comment

It is proposed to have a small amount of medium density residential land nearest Picton Town Centre and low density residential development for land further from the centre.

P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.

Comment

This draft planning proposal complies with this policy direction as it is contiguous to existing residential development fronting Margaret Street near the centre of Picton.

P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.

Comment

The proposal will create short-term employment opportunities through construction jobs associated with civil and building works required for the site’s development and will provide stimulus to the local economy by boosting population.

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.

Comment

The site is not zoned to facilitate further employment opportunities.

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.

Comment

It is anticipated that nearby reticulated water and sewer and other services can be readily extended onto the site. Access roads and additional drainage would be provided at subdivision stage. The development is not expected to place any undue pressure on existing community facilities and services and future development contributions would assist in meeting any unmet demand. Information from service providers would be sought regarding the capacity of existing infrastructure to service the site.

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.

Comment

This proposal will be concentrated around the existing residential areas surrounding the Picton town centre.

P19 *Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.*

Comment

The proposal does not contribute toward dispersed population growth as it proposes urban growth adjacent to the Picton urban 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.*

Comment

This is an area identified as a being a potential residential growth area on the Picton Structure Plan in the GMS. The draft proposal contributes toward Council's dwelling target for Picton, Tahmoor and Thirlmere identified in the GMS.

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

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken and the planning proposal is consistent with all of the relevant policies (see **Appendix 3**). A number of policies would be applicable at the development application stage and those applicable at the strategic planning stage and relevant to this planning proposal are:

*State Environmental Planning Policy no. 55 – Remediation of Land ("SEPP 55");
Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River 1997 ("SREP 20")*

SEPP 55

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) provides:

In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning authority has considered whether the land is contaminated, and;*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and;*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The land was used for dairying activities in the past and is currently used for grazing. Agriculture is identified as a potentially contaminating activity and accordingly a preliminary contaminated land investigation should be undertaken prior to rezoning for residential purposes to determine whether the land is contaminated and requires remediation.

SREP 20

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

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

Matter	Comment
Aim of the Plan	The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Potential impacts of any significance relate to water quality impacts
strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	Subject to appropriate management of water quality impacts the proposal is likely to be acceptable in terms of the Action Plan strategy.
any feasible alternatives to the development	There are no feasible alternatives.
relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	Most of the site is cleared with vegetation mainly located around creek lines, steeper areas and along ridgelines around the periphery of the site. A flora and fauna study will be undertaken to determine the nature and extent of remnant vegetation and to provide strategies for conserving and improving the environmental value of this vegetation.

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

Matter	Comment
1.Total catchment management	The residential land is proposed to be serviced by reticulated sewer and water. A hydrology study will examine potential impacts on the catchment.
3.Water quality	A comprehensive Stormwater Management System based on principles of Water Sensitive Urban Design (WSUD) would be required.
5.Cultural heritage	A heritage assessment would be required to examine any potential impacts on Vault Hill which includes an old heritage listed cemetery. The dairy should also be assessed to determine whether it has any heritage value.
6.Flora & Fauna	The site is largely cleared and further investigation of flora and fauna is required.
10.Urban Development Strategy	Section 10(b) calls for consideration of urban design options to reduce environmental impacts (such as

12. Metropolitan Strategy Impacts

variable lot sizes and shapes, and the clustering of development). Further investigation particularly with regard to the steep topography and the need to maintain important visual elements would be required to determine the optimum urban design.

Waste disposal, air quality and predicted climate change are not expected to be major considerations for this relatively small scale proposal.

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

The planning proposal is considered to be consistent with all relevant directions. (See **Appendix 4**).

Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A flora and fauna study should be undertaken to determine any ecological constraints. This study would determine the current environmental value of vegetated and riparian parts of the site and propose methods for improvement and conservation.

The site is not included within the priority conservation lands detailed in the State Government's *Cumberland Plain Recovery Plan*.

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

A number of other specialist planning studies would be required to investigate environmental effects and in particular with regard to the following:

- drainage and stormwater
- flooding
- bushfire hazard
- traffic and transport
- heritage
- geotechnical
- open space
- scenic landscape analysis
- residue land

Drainage and Stormwater

Stormwater drainage infrastructure in parts of Picton township has been unable to cope with heavy deluges resulting in flooding. There may be a need to improve existing infrastructure and this requires an assessment of the potential impact of the proposed new development.

Flooding

Reeves Creek which runs through the site flows into Stonequarry Creek which is prone to flooding along Menangle Street. Additional housing is expected to increase potential flood risk and accordingly a study examining this impact should be undertaken.

Bushfire Hazard

The whole site is within a bushfire hazard area and accordingly an assessment in accordance with the requirements of *Planning for Bushfire Protection 2006* is required to determine the need for any Asset Protection Zones, fire trails, evacuation routes and standards of future dwelling construction and will also need to ensure that any ecologically significant vegetation is not impacted by any bushfire management practices.

Traffic and Transport

The proposal has been estimated to generate around 190 - 240 lots at an assumed density of 12-15 dwellings per hectare. Traffic modelling is required using Council's traffic model to determine the potential impact of the additional traffic from the proposed development on the road network.

Heritage

Vault Hill Cemetery which is on Crown land located within the site has been listed as a local heritage item under WLEP 2011. There is also an old dairy located on the site which may have some heritage value. A heritage assessment should be undertaken to examine the impact of the proposal on the cemetery and to determine whether there are additional heritage items on the site such as the old dairy. A small part of the site along Menangle Street also falls within the Picton Heritage Conservation Area and an assessment of the impact of the proposal on the conservation area is also required.

Geotechnical

There is little flat land on the site with most of the site comprising hilly land with low hills and some steep sections adjoining the Picton urban area and steeper, larger hills forming a ridgeline around the site's periphery and dividing part of the site. The amended proposal has reduced the land potentially able to be developed and this land needs to be assessed to determine its suitability for residential development and the most appropriate zone and lot size.

Open Space

The proposal aims to provide open space on the western side of the site along Reeves Creek and near Menangle Street. An assessment of the suitability of this land for open space purposes and whether there is a need for open space additional to that already available to service this land should be undertaken. Council at its Ordinary meeting held on December 17 2012 also resolved as follows:

"4. That the applicant and land owners be advised that the preservation of access to Vault Hill is important to Council and the community and therefore it will be expected that the planning proposal will result in improved access arrangements to Vault hill with details of these to be provided to Council for consideration prior to the exhibition of the planning proposal should it receive a favourable Gateway determination."

Accordingly an open space analysis would also examine ways to improve access to Vault Hill.

Scenic Landscape Analysis

The planning proposal has undertaken an initial broad landscape assessment of the site but a more comprehensive analysis should be undertaken with the aim of providing strategies for limiting the impact of development on scenic attributes valued by the local community.

Residue land

The amended proposal has resulted in a reduced area of the site that would potentially be rezoned and accordingly an assessment of the residue land and its continued use for agricultural purposes should be undertaken particularly with regard to soil stability, weeds/vegetation management, access, bushfire hazard management and limiting land use conflict from future potential residential development.

10. How has the planning proposal adequately addressed any social and economic effects?

No adverse social and economic effects are anticipated. Additional housing opportunities will be provided in a location convenient to existing community services and facilities.

It is considered that there will be a positive economic effect with increased construction and home maintenance business opportunities.

Section D – State and Commonwealth interests.

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

The property is generally well serviced by existing infrastructure with other relevant requirements detailed below:

Water and Sewer

The existing reticulated water and sewer system in the adjoining urban area will need to be extended to service the potential new housing. Detailed liaison will need to occur with Sydney Water to determine whether there is capacity to service the proposed new residential land.

Stormwater

Provision of additional stormwater infrastructure would be required to ensure the site can cater with anticipated increases in stormwater generated by the increased number of dwellings.

Road

Roads will be required to link into the existing road network and to service the site.

Electricity, Gas and Telecommunication

It is anticipated that electricity, gas and telecommunications should be able to be provided through the extension of existing connections. This information should be provided by the applicant.

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

Subject to a positive Gateway determination and based on the identified issues and constraints, consultation is required with the following agencies and departments:

- Office of Environment and Heritage
- Rural Fire Service
- Sydney Water Corporation
- Mine Subsidence Board
- Department of Trade, Investment, Regional Infrastructure and Services - Office of Resources and Energy
- Department of Primary Industry

Part 4 – Mapping

The proposed zones for the site are depicted in Figure 2:

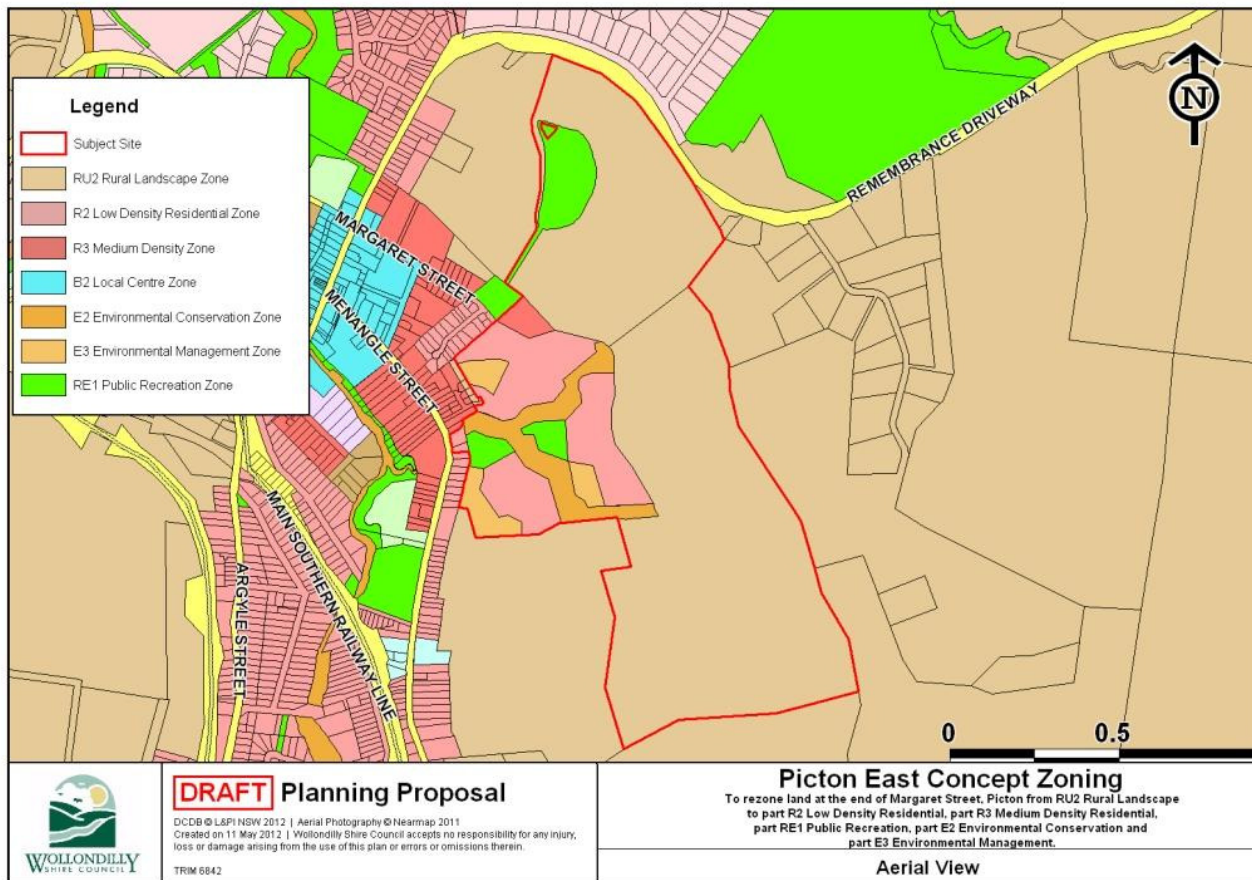


Figure 2 – Proposed zones for the site

The following maps are attached:

Attachment 1 – Site Map

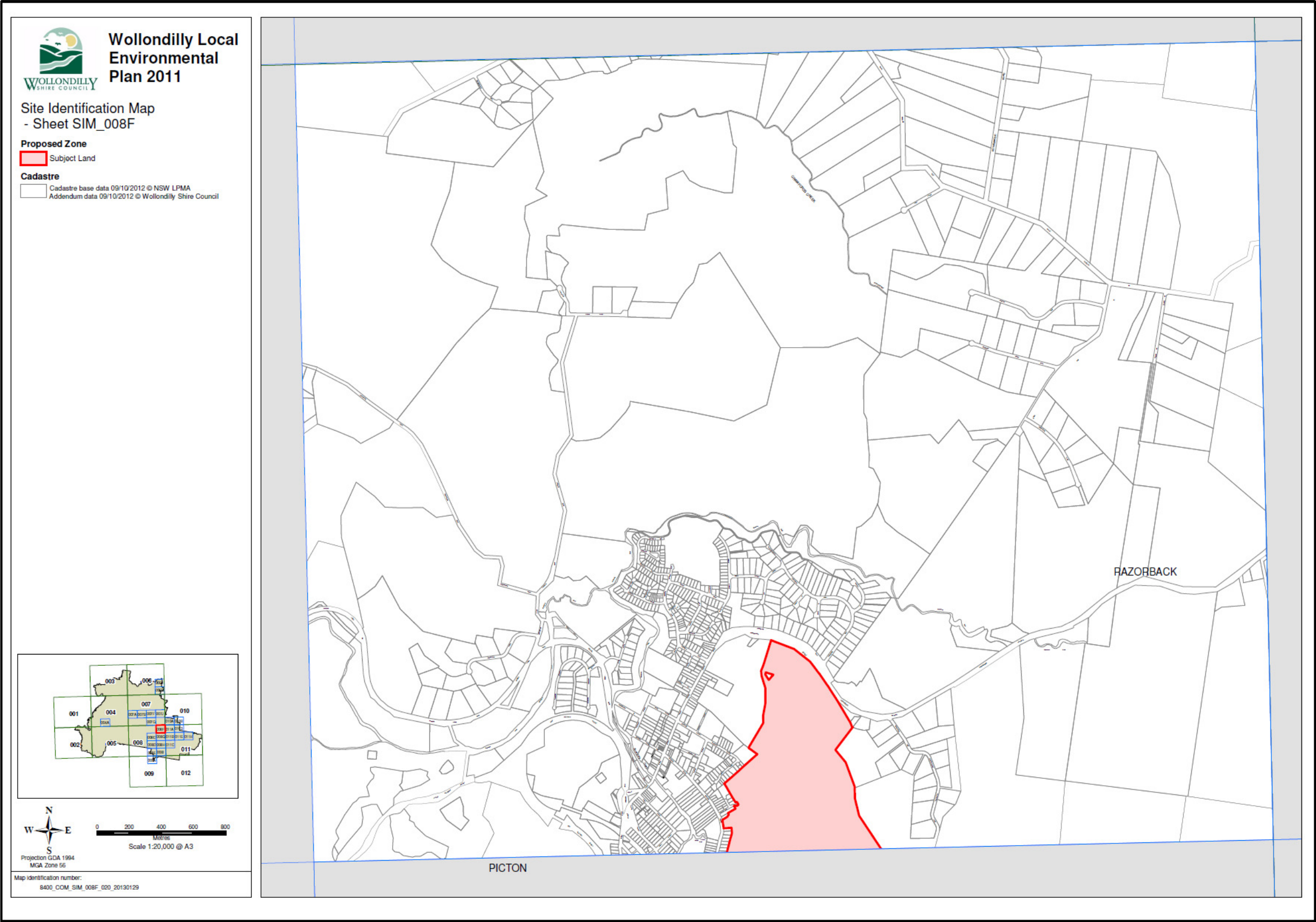
- 1.1 – Site Map – Portion A
- 1.2 – Site Map – Portion B

Attachment 2 – Land Zoning Maps

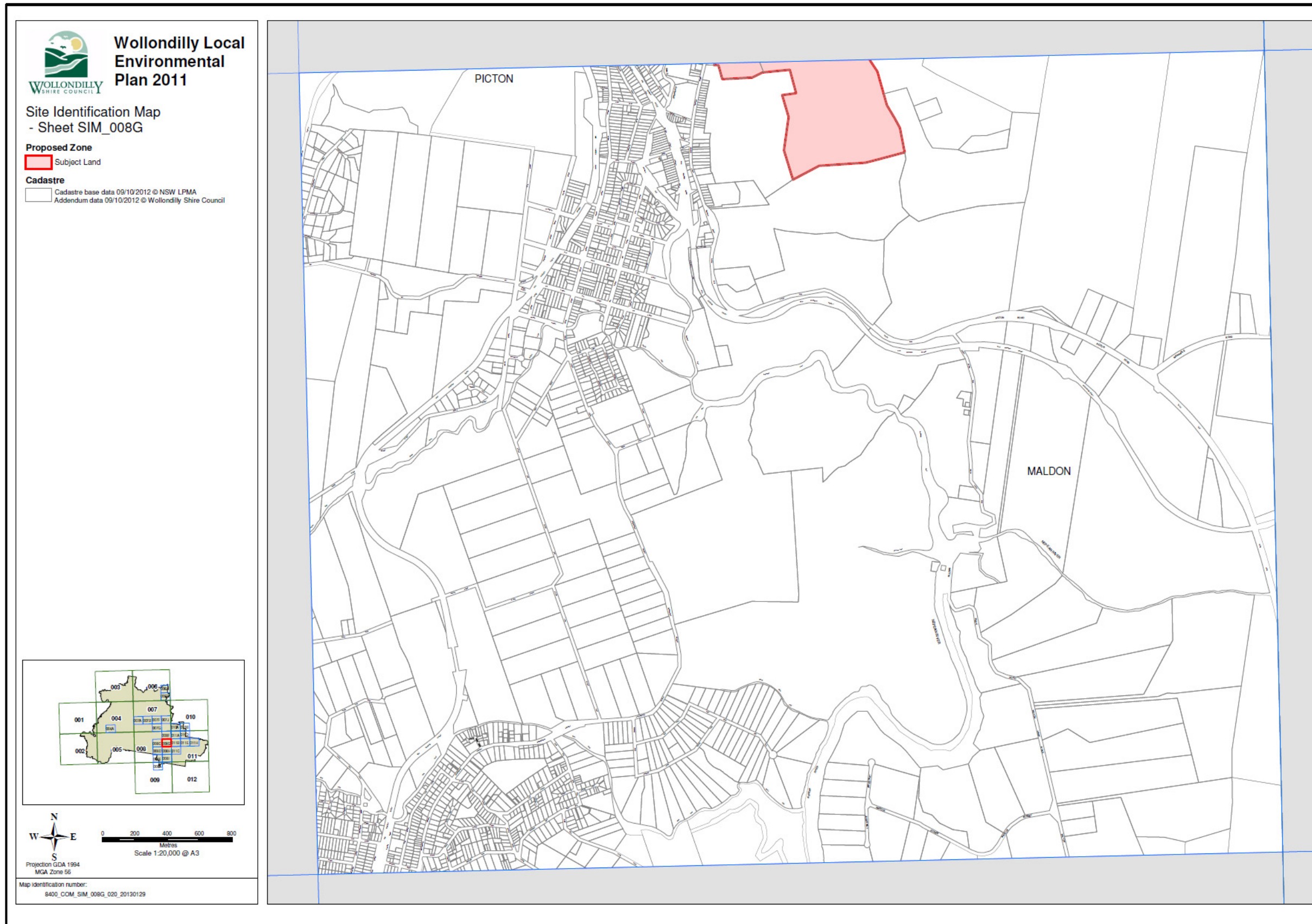
- 2.1.1 Proposed Land Zoning Map for the site – Portion A
- 2.1.2 Proposed Land Zoning Map for the site – Portion B
- 2.2.1 Proposed Land Zoning Map including zones for surrounding land – Portion A
- 2.2.2 Proposed Land Zoning Map including zones for surrounding land – Portion B

Attachment 1- Site Maps

1.1 Site Map – Portion A

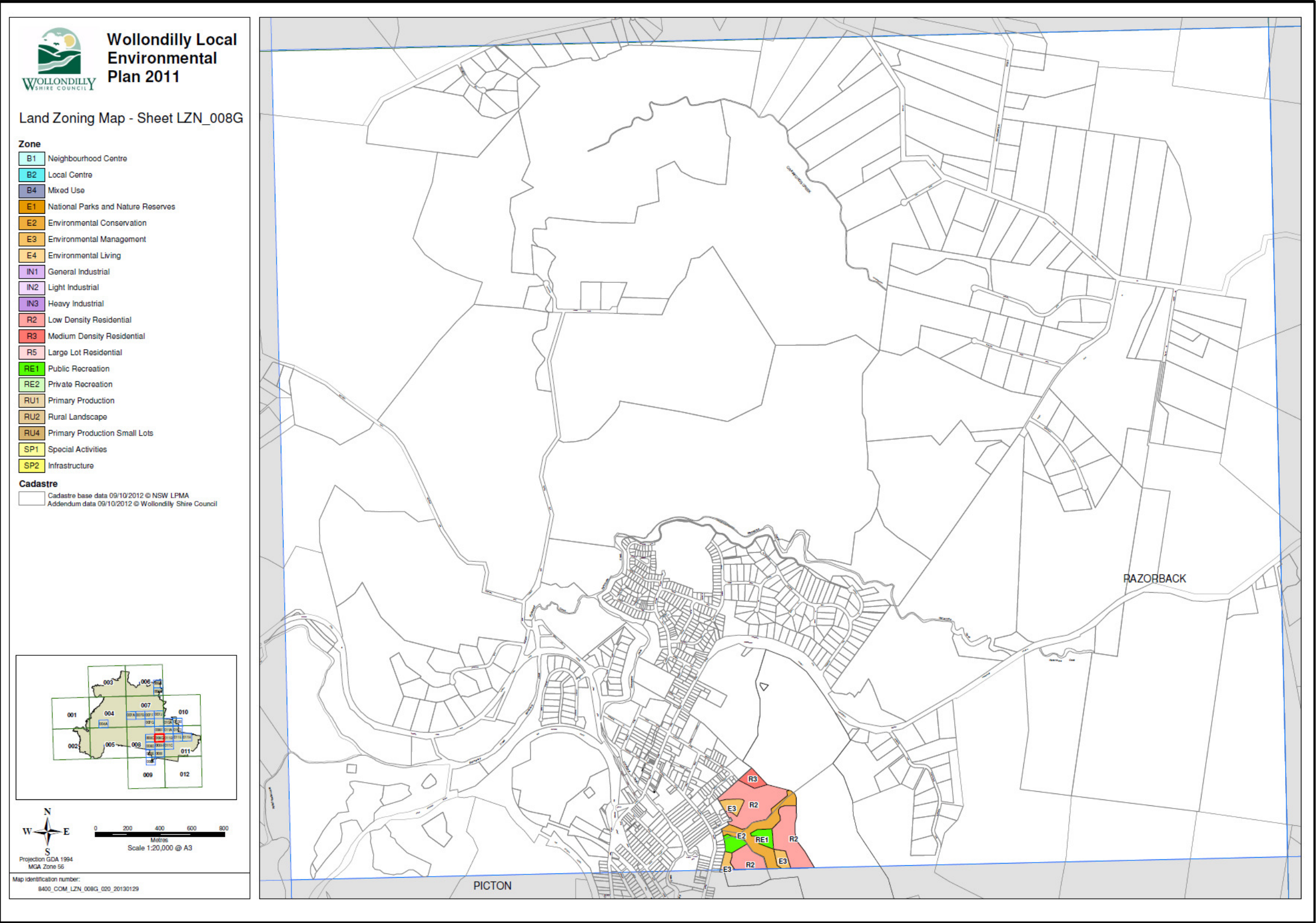


1.2 Site Map – Portion B

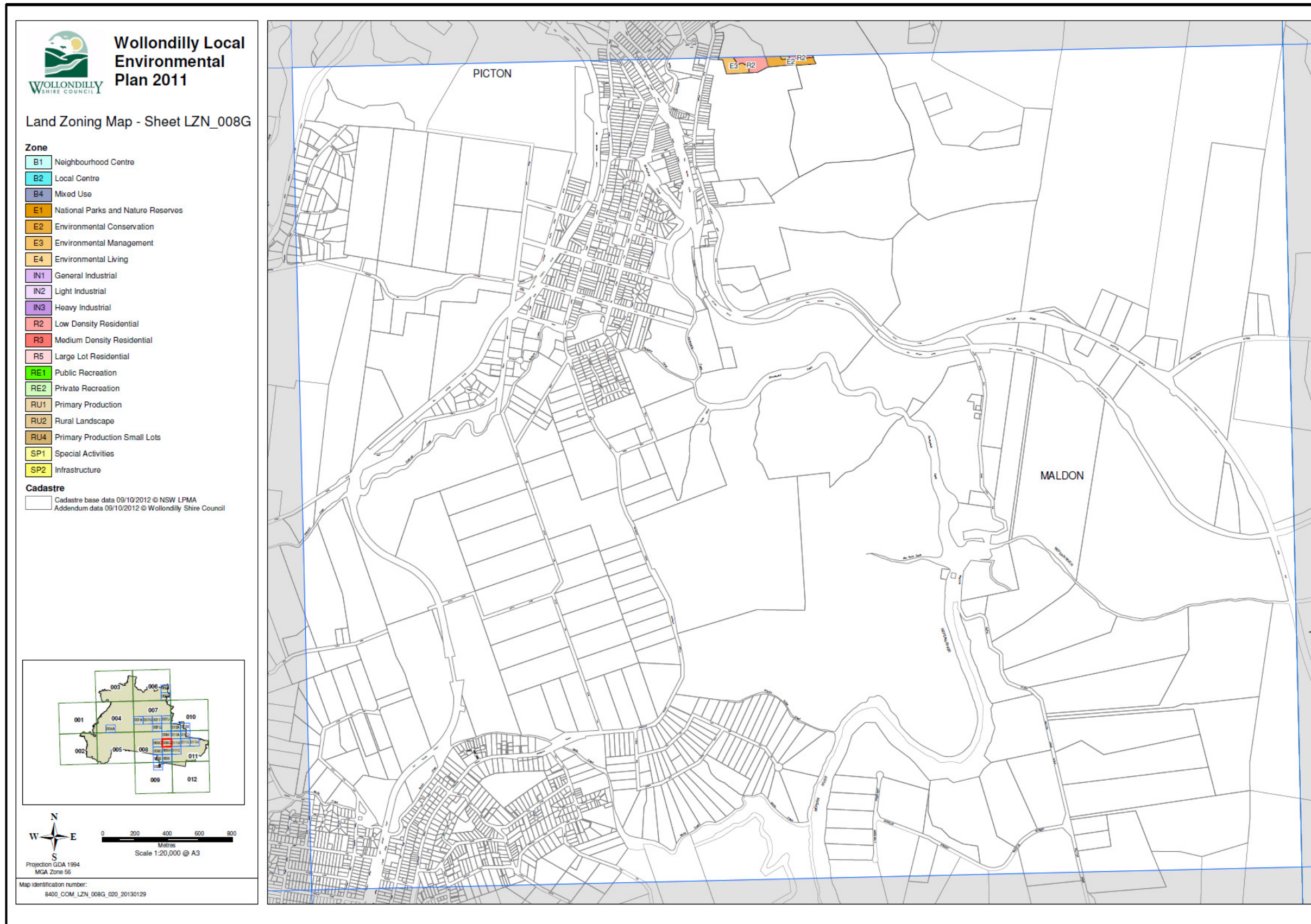


Attachment 2 – Land Zoning Maps

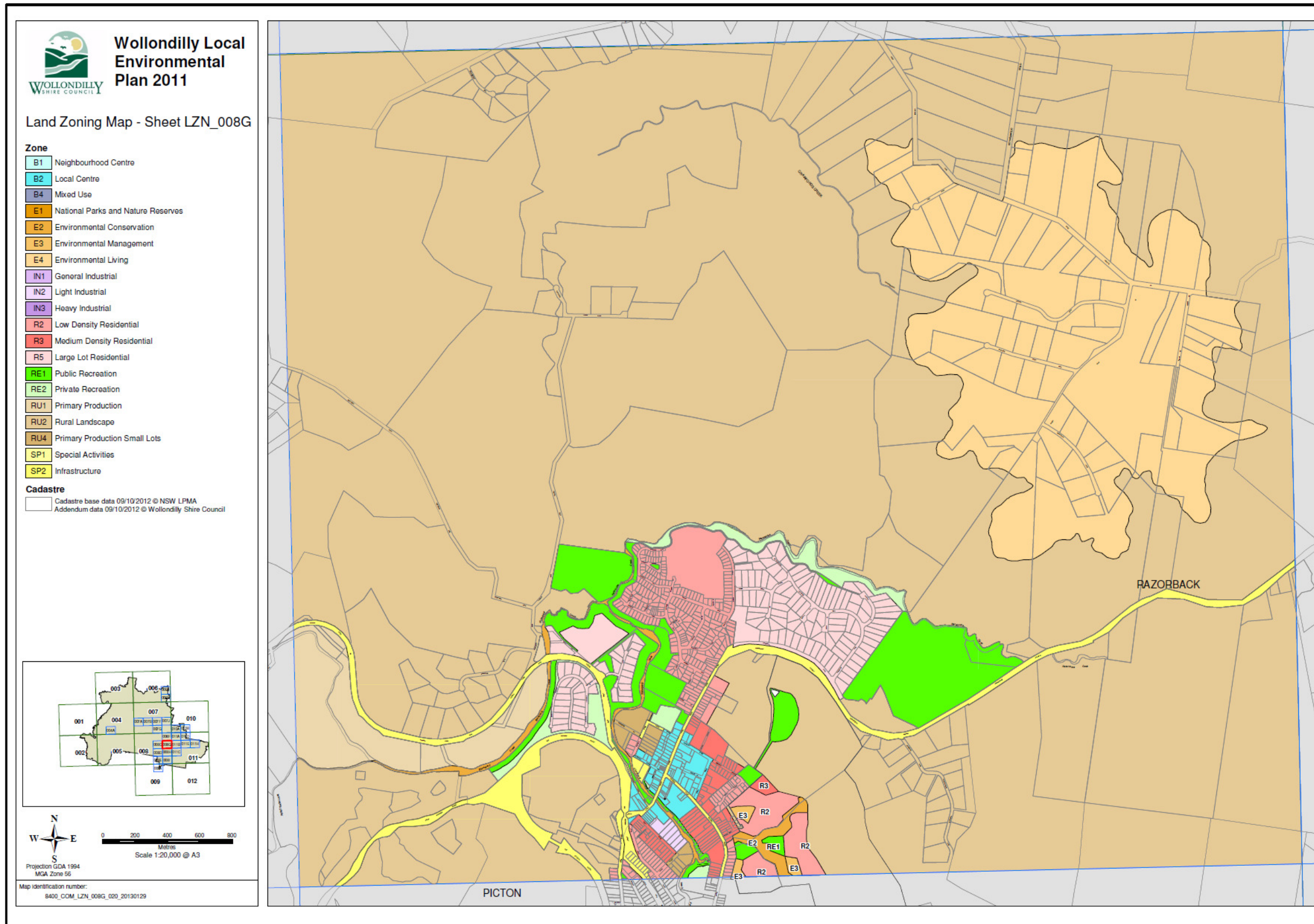
2.1.1 Proposed Land Zoning Map for the site – Portion A



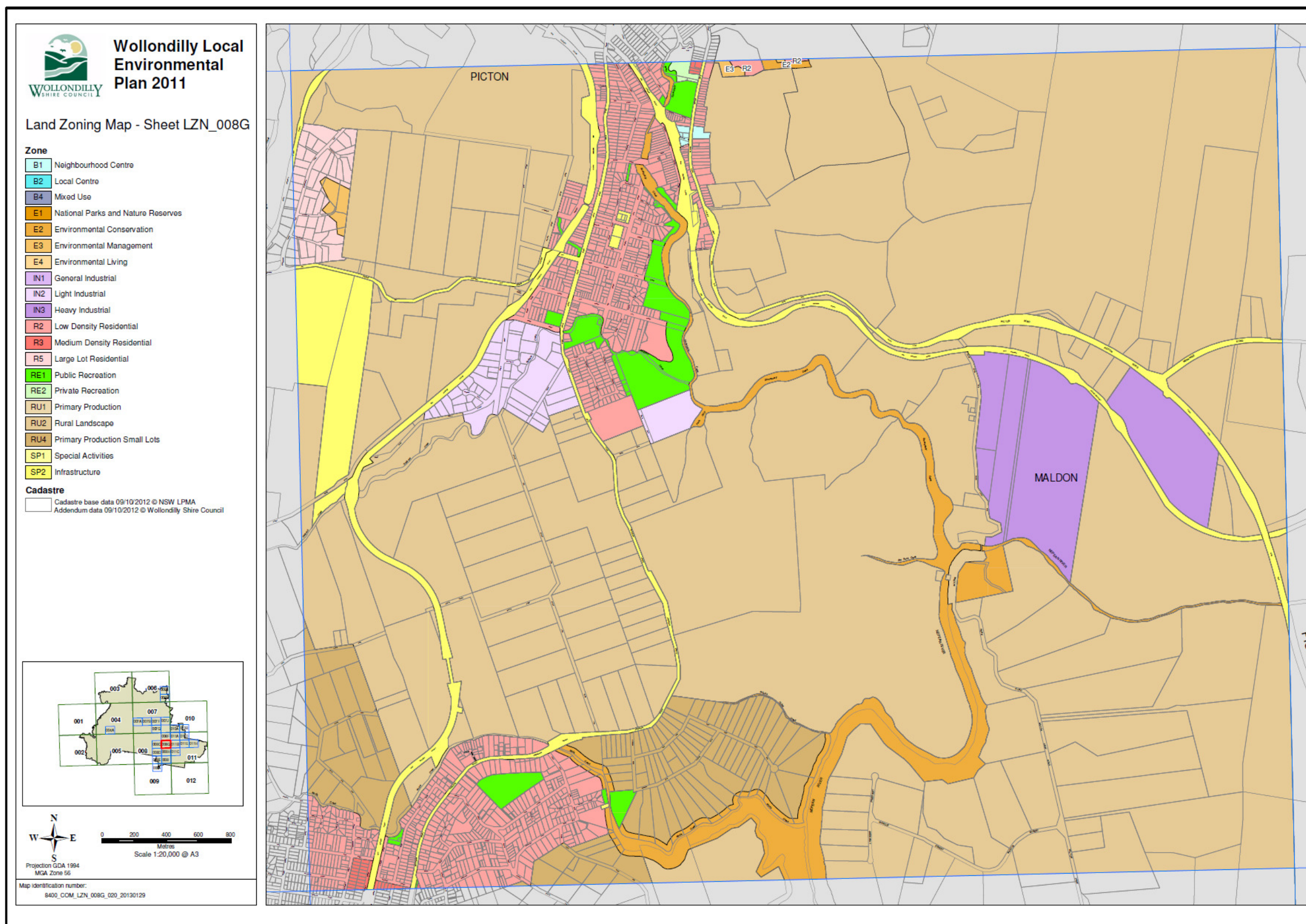
2.1.2 Proposed Land Zoning Map for the site – Portion B



2.2.1 Proposed Land Zoning Map including surrounding land – Portion A



2.2.2 Proposed Land Zoning Map including surrounding land – Portion B



Part 5 – Community Consultation

Council has notified adjoining and nearby residents for a period of 28 days in accordance with its notification policy. As a result of this notification twenty submissions were received and the matters raised are proposed to be addressed in specialist studies as outlined previously.

Council is proposing to exhibit this planning proposal and draft LEP amendments and consult with the community for a 28 day period in accordance with the requirements for community consultation outlined in 'A guide to preparing local environmental plans'.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&I	End March 2013
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	Mid May 2013
Anticipated timeframe for the completion of required technical information - after Specialist Study requirements determined	6 month period	November 2013
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	6 month period	May 2014
Dates for public hearing (if required)	Unlikely to be required	N/A
Timeframe for consideration of submissions	1 month	June 2014
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	4 months	October 2014
Date of submission to the Department to finalise the LEP (including 6 week period for finalisation)	2 months	January 2014
Anticipated date RPA will make the plan if delegated	Not applicable	N/A
Anticipated date RPA will forward to the Department for notification	Not applicable	N/A

Based on the project timeline it is anticipated that a time frame of approximately 21 months would provide sufficient time to enable the completion of the specialist studies, public exhibition/community consultation and finalisation of the draft LEP amendment.

Appendices

- 1. Net Community Benefit Test**
- 2. Assessment Criteria under the *Wollondilly Growth Management Strategy 2011***
- 3. Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)**
- 4. Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act**

Appendix 1 – 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:

(A)

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The planning proposal is mostly compatible with the Metropolitan Strategy and Draft South West Subregional Strategy for the following reasons: - It is consistent with the strategic residential objectives of the South-West Subregional Strategy. - The land is located around 800m from the Picton Railway Station.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes	The site has been identified within the local Wollondilly Growth Management Strategy 2011 as having potential for future urban growth.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations of landowners as it is located directly adjacent to existing residential zoned land and land identified for future urban growth.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	The cumulative effect of this planning proposal was considered and the estimated number of dwellings falls within the anticipated housing targets detailed within the Growth Management Strategy.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	The site is not zoned to facilitate employment, nor will it result in a loss of employment land. The proposal will create employment through construction jobs required to install the infrastructure and to build the homes therefore delivering an economic benefit to the community.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes	The proposal will have a positive impact on the residential supply by adding to the amount of available residential land and increasing housing choice
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	The existing public infrastructure may need to be embellished and extended by the developer but should have the capacity to meet the needs of the proposal. The site is accessible to services being on the fringe of an established urban area. The residential development will support the Picton Town Centre. The site is close to Picton Railway Station. Bus services would be available along Menangle Street and Argyle Street located near the site.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in	N/A	N/A

Evaluation Criteria	Y/N	Comment
terms of greenhouse gas emissions, operating costs and road safety?		
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 would be unlikely to require significant further investment in public infrastructure. The developer would be required to extend and upgrade infrastructure to service the development at no cost to government.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	The site has not been identified for conservation purposes although further assessment through a flora and fauna study will determine the level of protection required for any remaining remnant vegetation. The site is within Picton Mine Subsidence District but it is considered that any future undermining can be addressed by adherence to appropriate Mine Subsidence parameters. A small portion of the site is impacted by flooding and the potential for increased flooding will need to be investigated and addressed as necessary.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The proposal is compatible with adjoining residential land uses. The site is not an isolated residential development and is well serviced and proximate to the Picton town centre.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	-	The proposal will provide additional housing to assist in the delivery of meeting the housing growth and dwelling mix actions from the Draft Subregional and local strategies. The rezoning provides opportunities for increasing housing choice and affordability.

Appendix 2 – Relevant GMS Criteria Assessment

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with relevant provisions.
State Planning Policies	Consistent with relevant provisions.
Ministerial Directions	Consistent with the relevant provisions, or where not consistent is justified.
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.
Local Strategies and Policies	
Criteria	Response
Key Policy Directions on the GMS	Consistent with the relevant provisions.
Precinct Planning	Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	Consistent with the relevant provisions
Project Objectives and Justification	
Criteria	Response
Overall Objective	Consistent with the relevant provisions.
Strategic Context	Consistent with the relevant provisions.
Net Community Benefit?	Consistent with the relevant provisions.
Summary of Likely Impacts	Consistent with the relevant provisions.
Infrastructure and Services	Consistent with the relevant provisions.
Supply and Demand Analysis	The proposal would add a reasonable amount of serviced land to satisfy expected future demand in keeping with GMS targets for incremental growth over the next 25 years.
Site Suitability/Attributes	The subject site is contiguous with the Picton township so it can be readily serviced and subject to environmentally sensitive design it is capable of being sustainably developed. It is considered likely that traffic generation from the resulting development would be within the environmental capacity of the surrounding road network.
Preserving Rural Land and Character	
Criteria	Response
Character Setting	The land is used for rural residential purposes and agricultural purposes but is adjacent to urban land and facilities.
Visual Attributes	The site has significant visual attributes which will need to be protected.

Rural and Resource Lands	The land is currently used for rural residential purposes and the residue land would continue to have potential for agricultural purposes.
Environmental Sustainability	
Criteria	Response
Protection and Conservation	The site contains clusters of bushland and scattered mature trees. This vegetation has characteristics of <i>Shale Sandstone Transition Forest</i> and further investigation will be undertaken to determine potential methods of protection and conservation.
Water Quality and Quantity	The principles of BASIX will be observed in respect of each future dwelling. Stormwater management will involve the application of Water Sensitive Urban Design practices. Waste water will be directed to an extended reticulated sewer. No adverse groundwater impacts are projected.
Flood Hazard	A portion of the site is impacted by flooding from Stonequarry Creek and an assessment of potential future impact from development would be required.
Geotechnical/Resources/Subsidence	Parts of the site include steeply sloping land which would require a geotechnical assessment. The site is within Picton Mine Subsidence District but future development would not impact on the potential for underground mining and would need to meet Board guidelines in terms of construction.
Buffers and Spatial Separation	The proposed use is consistent with that of adjoining urban development. As the residential land would be adjoining rural land which may be used for agricultural uses, consideration would need to be given to buffers or spatial separation to avoid rural land use conflict..
Bushfire Hazard	The bushfire hazard can be readily managed under the provisions of <i>Planning for Bushfire Protection 2006</i> .
Heritage	A heritage item Vault Hill cemetery is located adjoining the site and there may be heritage items such as an old dairy on site. A heritage assessment is recommended.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development.
Infrastructure	
Criteria	Response
Efficient Use and Provision of Infrastructure	Existing infrastructure will be extended.
Transport Road and Access	A traffic/transport study would assess the proposed access and examine the capacity of the local road system. Proposals for shared pathways and links to the services and facilities should be examined.
Open Space	Additional open space is proposed and an assessment of its value would be required. Measures to improve access to Vault Hill from the existing open space should be considered.
Residential Lands	
Criteria	Response
Location/Area/Type	The proposal is consistent with land identified under the GMS for Urban on Town Edge development.

Social Integration	A gated community is not proposed and a variety of housing is achievable by a mix of lot sizes. The small scale proposed development will assist social interaction with new residents.
Urban on Town Edge	The site is contiguous with existing urban land & within practical walking/cycling distance of town services. The proposed scale of residential development is suitable to the context and location and; ▪ Achieves physical and visual integration with the existing edge of town. ▪ Allows a mix of residential lot sizes to cater for a mix of housing types. ▪ The proposed low density zone and medium density zone is in line with the suggested density range. ▪ An assessment of open space requirements and provision would be required.

Appendix 3 – Compliance with SEPPs

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

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

			determine whether the site is contaminated.
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	NA	
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	
65	Design Quality of Residential Flat Development	NA	
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	NA	
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The Planning Proposal will not contain provisions that will contradict or hinder the application of the SEPP.
	SEPP (Temporary Structures) 2007	Yes	The Planning Proposal will not contain provisions that will contradict or hinder the application of the SEPP.
	SEPP (Infrastructure) 2007	Yes	The proposal has considered the relevant parts of SEPP (Infrastructure) 2007, namely traffic generating developments and is considered consistent.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Western Sydney Parklands) 2009	NA	Not applicable in the Shire of Wollondilly.

DEEMED STATE ENVIRONMENTAL PLANNING POLICES (FORMERLY REGIONAL ENVIRONMENTAL PLAN)		CONSISTENCY	COMMENTS
1	Drinking Water Catchments Regional Environmental Plan No 1	NA	Subject lands are not located within the jurisdiction of REP No.1.
9	Extractive Industry (No 2)	NA	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	The Planning Proposal has considered this SREP and will not contain provisions that would be inconsistent with it.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.

Appendix 4 - Examination of Draft Plan in accordance with relevant Section 117(2) Directions

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
1. Employment and Resources				
1.1 Business and industrial Zones	NA	NA		
1.2 Rural Zones	YES	YES		The proposal will result in the loss of a small portion of rural land which has limited agricultural potential. It is considered that the inconsistencies are of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	YES	YES		The proposal will not adversely impact any future potential subsurface mining program. Compliance with appropriate mine subsidence parameters would facilitate urbanisation without significantly constraining mining activities, should such occur in the medium to long term future. The planning proposal is not inconsistent with Direction 1.3.
1.4 Oyster Production	NA	NA		Direction does not apply
2. Environment and Heritage				
2.1 Environmental Protection Zones	YES	YES		The site contains areas of remnant native vegetation which are aimed to be conserved. The planning proposal is not inconsistent with Direction 2.1.
2.2 Coastal Protection	NA	NA		Direction does not apply
2.3 Heritage Conservation	YES	YES		The site contains no listed heritage items of local, state or national heritage significance. It is considered that the planning proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	NA	NA		Direction does not apply
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	YES	YES		The proposal does not seek to reduce the amount of residential land but rather contribute to additional lands that may assist Wollondilly Shire in reaching its housing targets. It is located adjacent to existing residential development and is also relatively close to Picton town centre and related community infrastructure. Additional road infrastructure and the extension of reticulated water and sewer services would be required. The relevant infrastructure and DCP provisions are contained in Wollondilly LEP 2011. No areas of environmental sensitivity will be adversely impacted. The development will be compatible with subsurface mining, if such occurs in the future.

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
				The rezoning will permit the development of a range of housing types. The planning proposal is not inconsistent with Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	YES	YES		The proposal does not affect LEP provisions for Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations	NA	NA		Direction does not apply.
3.4 Integrating Land Use and Transport	YES	YES		The site is convenient to the Picton town centre. The site is accessible to public bus services in Picton and future roads and pathways would provide links to Picton railway station and sporting facilities. The road network will need to be extended to service the site. The Draft LEP is not inconsistent with Direction No. 3.4.
3.5 Development Near Licensed Aerodromes	NA	NA		Direction does not apply
4. Housing, Infrastructure and Urban Development				
4.1 Acid Sulphate Soils	NA	NA		Direction does not apply
4.2 Mine Subsidence and Unstable Land	YES	YES		The subject land is within the Picton Mine Subsidence District. The Mine Subsidence Board will be consulted about the proposal. The planning proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	NA	NA		Direction does not apply
4.4 Planning for Bushfire Protection	YES	YES		Consultation will be undertaken with the Commissioner of the Rural Fire Service following receipt of a Gateway determination to proceed, if granted. The land to which the planning proposal applies includes bushfire prone land and an assessment of requirements to limit bushfire hazard in accordance with <i>Planning for Bushfire Protection 2006</i> will be undertaken. It is considered that the planning proposal is not inconsistent with Direction No. 4.4.
5. Regional Planning				
5.1 Implementation of Regional Strategies	NA	NA		Direction does not apply
5.2 Sydney Drinking Water Catchments	NA	NA		Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	NA		Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	NA		Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	NA		Direction does not apply

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
5.6 Sydney to Canberra Corridor		NA	NA	Although the Sydney Canberra Corridor Strategy 1995 refers to land within Wollondilly Local Government Area the Strategy has been determined to no longer apply to Wollondilly LGA.
5.7 Central Coast		NA	NA	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek		NA	NA	Direction does not apply
6. Local Plan Making				
6.1 Approval and Referral Requirements		YES	YES	The planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority. The planning proposal is not inconsistent with Direction No. 6.1.
6.2 Rezoning Land for Public Purposes		YES	YES	The planning proposal will not create, alter or reduce existing zones or reservations of land for public purposes. It is considered that the planning proposal is not inconsistent with Direction 6.2.
6.3 Site Specific Provisions		NA	NA	Direction does not apply
7.1 Implementation of the Metropolitan Strategy for Sydney 2036		YES	YES	The planning proposal is not inconsistent with the metropolitan strategy and therefore Direction 7.1.