



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Stargard Crescent, Picton

For the rezoning of land located at Lots 24 – 29 DP 1173845 (formerly Lot 24 DP 1087690)
to allow for *R5 Large Lot Residential* purposes

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Introduction

This Planning Proposal has been prepared as a result of an application from John & Renelle Corbett seeking an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval for the rezoning of land located at Lots 24-29 DP 1173845 (formerly Lot 24 DP 1087690) to R5 Large Lot Residential. (see Figure 1 - Site Map). This planning proposal was submitted for Lot 24 DP 1087690 and subsequently the landowner acting upon a subdivision certificate has registered six lots with NSW Land and Property Information.

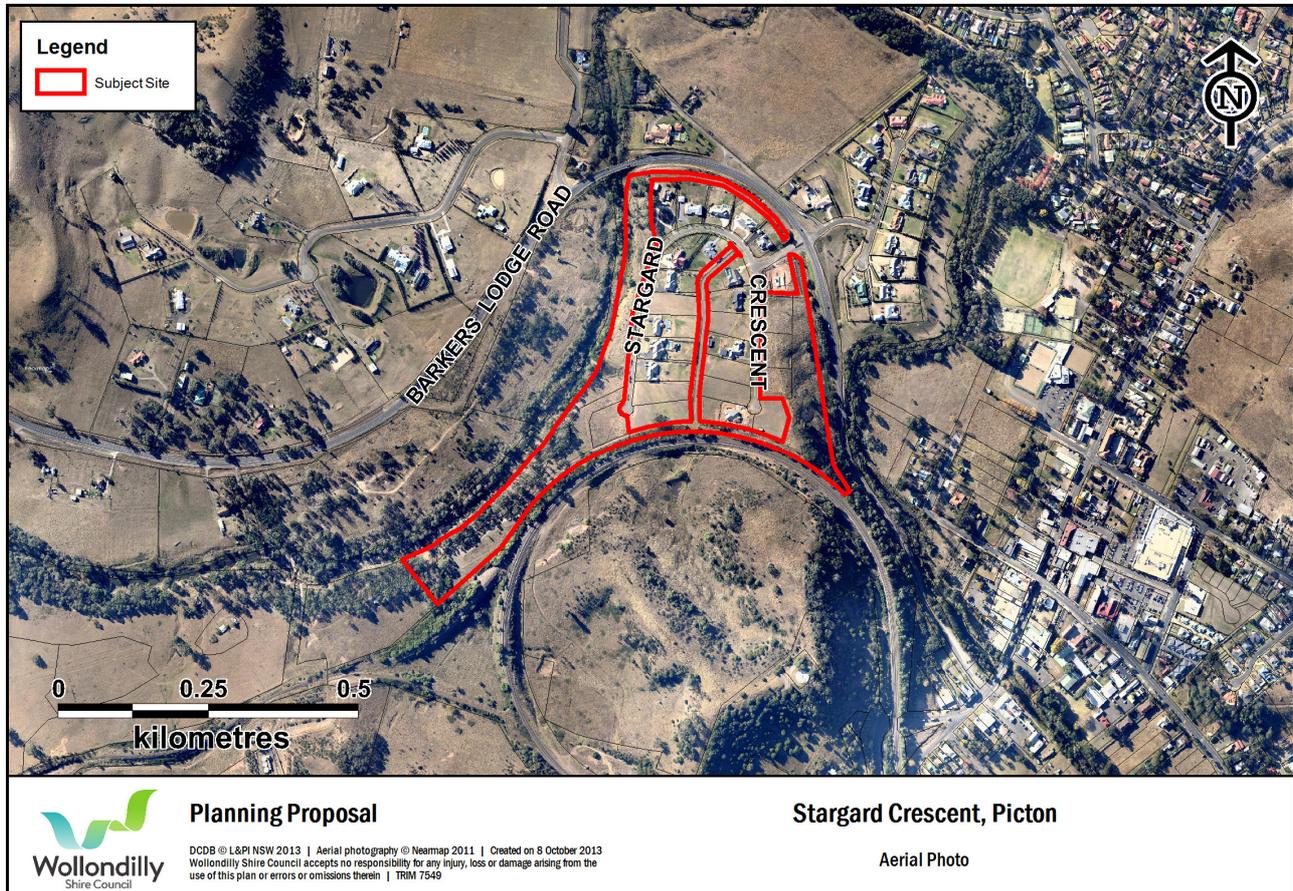


Figure 1: Site Map

Site Details

The site has an area of 9.06 hectares and is located approximately 500m from Picton Town Centre. It is situated west of Barkers Lodge Road, east of Stonequarry Creek and north of the main southern railway. Most of the site is vacant and includes a small dam. Neighbouring properties to the north and south are rural landholdings, with those to the west being large lot residential. The largest portion of the site slopes relatively steeply towards Barkers Lodge Road and Stonequarry Creek. The site is heavily vegetated along Stonequarry Creek, with the remainder comprising largely grassed land.

Site Zoning History

This site was zoned 1(c2) (Rural "C2" Zone) under the now repealed Wollondilly Local Environmental Plan 1991 (Wollondilly LEP 1991). The zone had the following provisions under Clause 12 in relation to subdivision:

- 3) *The council may consent to the subdivision of land within Zone No 1 (c2) into allotments of less than 40 hectares if:*
 - (a) *the parcel of land to be subdivided has an area of not less than 6 hectares and is land to which a reticulated water supply is available, and*
 - (b) *1 allotment created by the subdivision will have an area of not less than 50 per cent of the total area of the land which is the subject of an application for consent under this subclause, and*

- (c) each additional allotment created by the subdivision will have an area of not less than 3,000 square metres, and*
- (d) the minimum length of any boundary of an allotment will be 30 metres, and*
- (e) each allotment referred to in paragraph (c) will have at least 1 boundary in common with the allotment referred to in paragraph (b), and*
- (f) the allotment referred to in paragraph (b) will, if the owner and the council agree, be dedicated to the council as a public reserve, or, if not so dedicated, is intended to be used for the purpose of private recreation.*

Clause 12(3) allowed subdivision with a dwelling entitlement into an allotment with a minimum of 3000 sqm.

An application for development to allow subdivision and dwellings was lodged in December 2010 when Wollondilly LEP 1991 was still in force. On 20 February 2012 Council granted approval for a six (6) lot subdivision and five (5) dwelling houses, subject to a number of conditions including registering a subdivision plan, having 16m setbacks from Stargard Crescent, dwellings having specific colours and the buildings being acoustically treated because of close proximity to the Rail Corridor.

The RE2 Private Recreation (RE2) zone for this land came into force when Wollondilly LEP 2011 was published (gazetted) in February 2011. Under the provisions of the RE2 zone dwelling houses are prohibited. Therefore the only dwelling houses able to be built are those approved by the aforementioned development approval under the provisions of Wollondilly LEP 1991.

The site is partly zoned RE2 Private Recreation and a corridor along Stonequarry Creek is zoned RE1 Public Recreation. It is intended to change the RE2 portion of the site to R5 Large Lot Residential in conformity with the existing adjoining zoning and maintain the existing RE1 Public Recreation corridor.

Part 1 – Objectives or Intended Outcomes

Key Objective

The aim of this planning proposal is to ensure that options for residential use of the land are not restricted to the current approved dwellings. It is also considered that the land uses permissible under the RE2 Private Recreation are incompatible with the adjoining residential development.

Accordingly the key objective of this Planning Proposal is:

To provide a zoning which will allow for dwellings and associated residential development and which will be compatible with the adjoining land uses.

The intended outcomes of the Planning Proposal are as follows:

- To change the zone to one that is more compatible with the approved development and adjoining land uses.
- To provide certainty and security for existing and future residents with regard to the permissibility of residential development on this site.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by including the following provisions in Wollondilly LEP 2011:

- Amending the Wollondilly LEP 2011 Land Zoning Map for Lots 24-29 DP 1173845 (formerly Lot 24 DP 1087690) from RE2 Private Recreation to Zone R5 Large Lot Residential (and retaining a strip of land zoned RE1 Public Recreation in Lot 29 DP 1173845).
- Amending the Wollondilly LEP 2011 Lot Size Map for Lots 24-29 DP 1173845 (formerly Lot 24 DP 1087690) to allow 3,000 metre square lots size.

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.

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

The zoning of the subject site is RE2 Private Recreation which prohibits residential development and a narrow strip of land along Stonequarry Creek zoned RE1 Public Recreation. The site was previously zoned 1(C2) (Rural 'C2' Zone) under the 1991 Wollondilly LEP and that zone allowed residential development. A Development Application was lodged before the implementation of WLEP 2011 and Council granted approval for the development of six (6) lots and five (5) dwellings. A subdivision certificate has been issued, although the lots have not been registered with Land and Property Information. Given the unique site history the best way to achieve the objectives or intended outcomes would be to rezone Lots 24-29 DP 1173845 (formerly Lot 24 DP 1087690) to R5 Large Lot Residential aside from the RE1 Public Recreation land which would remain. No additional lots other than the six (6) approved are proposed. The small residue areas of proposed R5 land are likely to be incorporated into existing or approved lots due to their limited potential for separate development.

3. Is there a net community benefit?

The proposal is considered to provide net community benefit when considering the following:

- An increase of residentially zoned land and therefore housing supply.

The table in **Appendix 1** addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009).

Section B – Relationship to strategic planning framework

4. 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 planning proposal is consistent with the aims of the current and draft Metropolitan and sub-regional strategies in relation to providing land for residential development. The draft Metropolitan Strategy refers to the need to encourage housing growth where people want to live and close to shops, schools, transport and other services.

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

Community Strategic Plan

There are a number of outcomes to be considered including the following:

Environment

- *A community that is surrounded by a built and natural environment that is valued and preserved*
- *A community that has opportunities to engage with and actively care about their natural environment*

Comment

The proposed rezoning would have minimal impact on the character of the area that is already developed. Nevertheless the residential development would need to be sensitively designed taking into account potential visual and other impacts.

Economy

- *A community that is supported through appropriate, sustainable land use*

Comment

The proposed R5 Large Lot Residential zone is considered to be appropriate and would allow for sustainable land use.

Infrastructure

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

Comment

The site is located relatively close to public transport services available in Argyle Street.

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

Development of the site is aimed at increasing the supply and choice of housing for the local community.

Governance

- *A transparent, effective and sustainable Council*

Comment

All matters relating to the proposal will be examined to ensure the proposal is sustainable and that the community is fully engaged in this process.

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

In addition to the Assessment Criteria, the GMS outlined 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 is generally consistent with the Key Policy Directions.

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 planning proposal conforms to the vision of "Rural Living" in terms of providing opportunities for communities to live, close to existing services and facilities.

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

Comment

Adjoining and nearby landowners will be notified initially and any identified concerns may need further investigation subsequent to a positive Gateway determination.

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

Comment

There are no such circumstances relating to 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.).*

Comment

The site is located adjacent to an existing residential area and would result in a wider choice of housing in the area. There are unlikely to be any potential negative impacts on the economic viability of existing town centres.

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

Comment

The small number of additional dwellings will contribute towards meeting the Shire's natural growth forecast.

P7 *A high growth or accelerated growth scenario is not being pursued. The extra dwellings needed for the Shire's growth therefore are not intended to accommodate the urban expansion of the Sydney Metropolitan Area*. (*It is acknowledged that Wollondilly will continue to accommodate migration from Sydney, however this is distinct from actually accommodating the spread of the Sydney urban footprint)*

Comment

The proposed dwellings will make a very small contribution towards accommodating growth of the Sydney Metropolitan region.

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 proposed developed will make a small contribution towards providing a mix of housing types.

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

The proposal is for a lower dwelling density on the western edge of Picton.

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

Comment

The site is located in close proximity to the existing urban edge of Picton.

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

The site can be sustainably developed.

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 planning proposal is located adjacent to Stargard Crescent, Picton.

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.

Comment

The site is partially cleared, does not contain remnant ecologically significant vegetation and is not located within the Sydney drinking water catchment. The lots are unlikely to be viable for agricultural uses.

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 possibly practicable, existing dwelling and subdivision entitlements in rural areas.

Comment

Key Policy Direction P22 is not applicable to the draft proposal.

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 (see **Appendix 3**). The only one considered applicable at this stage is:

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River 1997 (“SREP 20”)

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. Table 2 provides a general assessment of SREP 20 Clause 5 and 6.

Table 2 – Consideration of SREP 20 matters

Clause 5 matters	Comment
Aim of the Plan	The planning proposal is unlikely to have any regional impacts on the Hawksbury Nepean River System.
strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	Conditions of approval in the Development Consent have satisfactorily dealt with potential water quality impacts.
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	The planning proposal would not alter the character of the semi urbanised area.

Clause 6 Matters	Comment
1.Total catchment management	Future residential development is proposed to be serviced by reticulated water and on site sewage management.
3.Water quality	Stormwater will be Managed on the principles of Water Sensitive Urban Design (WSUD).
5.Cultural heritage	A heritage assessment is not required as there are no on site heritage issues.
6.Flora & Fauna	The areas around the proposed building envelopes have largely been cleared. Accordingly a Flora and Fauna study is not considered to be warranted.
10.Urban Development Strategy	This land adjoins existing residential / urban land.
12.Metropolitan Strategy Impacts	There will be minimal potential impacts on existing transport infrastructure.

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

The planning proposal is generally consistent with applicable Directions as determined at this preliminary stage (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?

The building platforms or areas of proposed development have largely been cleared of vegetation. There is unlikely any critical habitat, or threatened species, populations or ecological communities or their habitats on these portions of the site. Accordingly there is considered to be no likelihood of adverse environmental effects resulting from future likely development of the site and further investigation with regard to flora and fauna is not considered necessary.

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

The following specialist studies were undertaken as part of the Development Application:

- Onsite Wastewater Feasibility Study
- Environmental Noise Assessment
- Geotechnical Instability Assessment
- Flood Level Assessment
- Weed Management Plan

Some of the specific environmental issues identified in relation to the development of this site are as follows:

Wastewater

The on site waste water feasibility study concluded that effluent disposal could be adequately managed on site. A condition of approval for the Development Application requires wastewater to be disposed of via an onsite sewage management system.

Geotechnical

The geotechnical report recommends that cut and fill slopes are battered during and after any proposed works. The report also established that the site has a low risk of slope failure.

Noise

The environmental noise impact assessment prepared as part of the Development Application recommended a number of measures to overcome noise from the main southern railway line. The same report found that vibration levels from trains were not high enough to warrant vibration attenuation. Conditions of approval for the Development Application require buildings to be acoustically treated to achieve acceptable interior noise levels as recommended by 'Development near Rail Corridors and Busy Roads- Interim Guidelines'.

Weeds

The Weed Management Plan prepared in August 2012 found that the site contains both noxious and environmental weeds. A condition of approval of the Development Application requires the preparation of a weed eradication and management plan.

Traffic and Transport Impacts

During the assessment of the development proposal, Council's engineers found the existing road infrastructure to be satisfactory. Nevertheless conditions of approval for the Development Application required road access from Stargard Crescent to the building envelope of approved lot 28 and the widening of Stargard Crescent by 2.0 metres along the front of approved lots 24, 25, 26 and 28.

Stormwater management

The site contains drainage lines to Stonequarry Creek and a small dam. There will be some increased run-off as a result of the proposed development. Conditions of approval for the Development Application will ensure drainage / stormwater is properly managed.

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

Heritage

There are no listed heritage items of local, state or national heritage significance or conservation areas located on the site.

Visual Impact

During the assessment of the Development Application, it was established that there could be impacts on the views from 31 Stargard Crescent, particularly from the side view. It is unlikely that there will be any impacts on views to the rear of the property. In order to minimise these potential visual impacts, conditions of approval for the Development Application required the planting of native trees at a minimum density of 1 tree per 2m² along the boundary between lot 29 and Bakers Lodge Road behind lots 24 – 26 and to the boundary of lot 29.

Section D – State and Commonwealth interests.

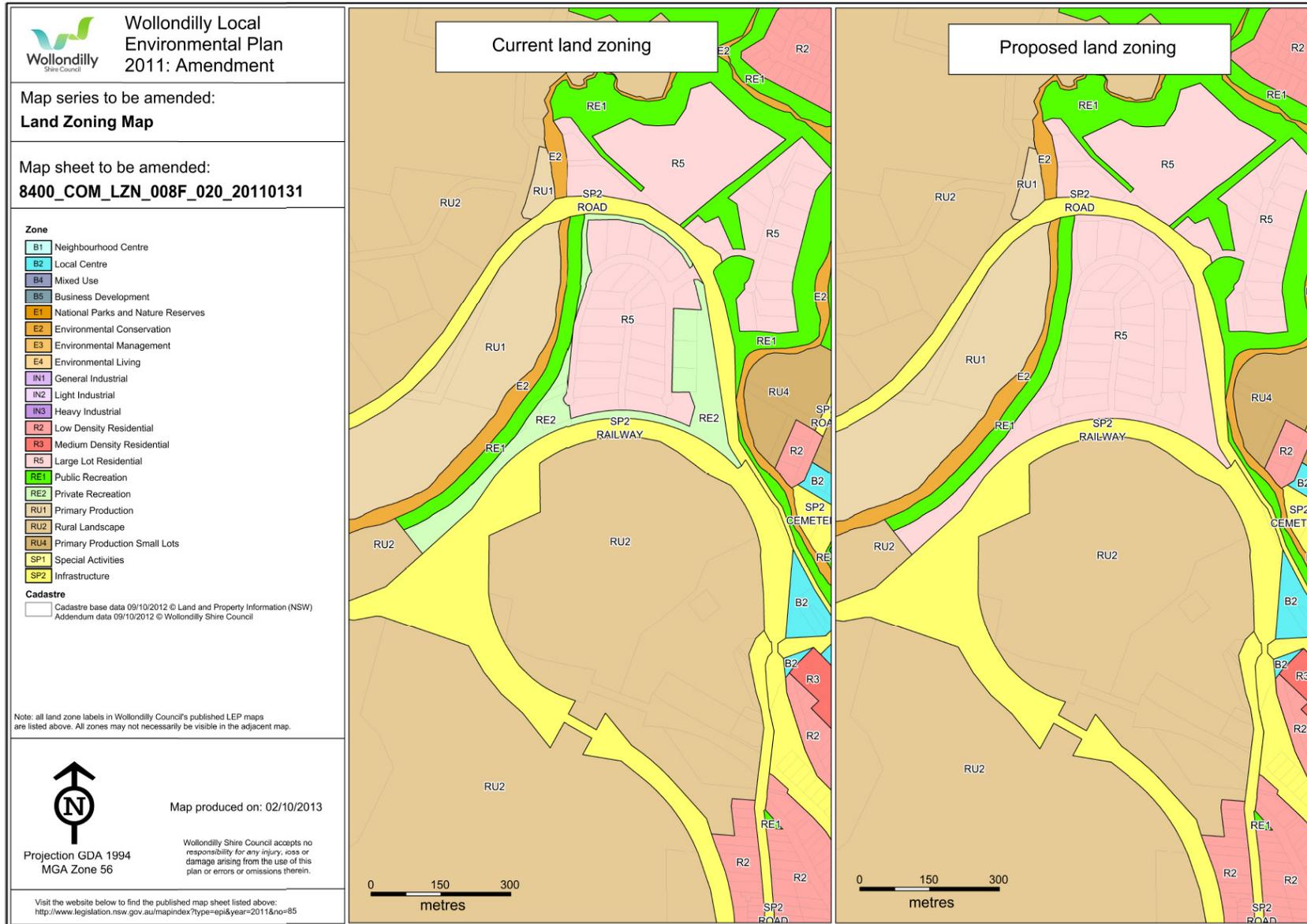
11. Is there adequate public infrastructure for the planning proposal?

The properties are able to be serviced by essential infrastructure. Town water is available and on site sewerage management is feasible.

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

It is considered that the minor nature of this proposal will not significantly alter the current development approval for the site and does not warrant consultation with State and Commonwealth public authorities.

Current and Proposed Zoning



Part 5 – Community Consultation

Council notified adjoining landowners for a period of 28 days and received two submissions.

This planning proposal is considered to be minor in nature. Council is proposing to exhibit this planning proposal and draft LEP amendments and consult with adjoining and nearby residents for a 14 day period in accordance with the minor planning proposal requirements for community consultation outlined in *'A guide to preparing local environmental plans'*.

Consultation with government agencies and departments is not required. Identified issues and constraints, including stormwater, noise, effluent disposal, visual impacts and weeds have already been dealt with at Development Application stage.

Part 6 – Project Timeline

The Project Timeline is based on the estimated timeframe and may vary depending on when the matter is reported to Council.

Estimated Timeframe

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

This planning proposal is considered to be of a minor nature and should be completed in around 5-6 months after a Gateway Determination is received.

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 compatible with the Metropolitan Strategy and Draft Metropolitan Strategy and Draft South West Subregional Strategies.
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 subject site is not identified within a key strategic centre or corridor.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	The planning proposal is not considered likely to create a precedent.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	There is minimal cumulative impact resulting from this proposal.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	The planning proposal aims to facilitate residential development, not employment land.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No	The proposal will increase the supply of land for housing.
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 infrastructure is able to adequately service future dwellings. Confirmation has already been obtained that the waste water can be adequately treated on site. The land is a short distance away from bus services in Argyle Street., Picton.
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 planning proposal is for a residential zoning and will have minimal impact on vehicle emissions.
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 utilise the existing road infrastructure, but additional drainage infrastructure will be required. The developer will need to carry out works at no cost to Council.
Will the proposal impact on land that the	No	The site does not contain environmentally sensitive land or have

Evaluation Criteria	Y/N	Comment
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?		any other constraints.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community?	Yes	The site adjoins several existing dwellings and the proposed zone will allow for compatible development. A nine (9) metre height building limit applies and is in accordance with adjoining height limits. No amenity impacts are considered likely for this location or the wider community.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No	The proposal is not for retail or commercial premises.
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 proposed residential development would extend and complement the existing residential area in Stargard Crescent.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?		The aim of the proposal is to change the zone to a zone which would be compatible with the approved development and adjoining development. The site would maintain its current private recreation use if the proposal did not proceed and this may impact residential uses for future landowners.
Will the public domain improve?	Yes	The proposed zone will ensure that future residents are able to develop their land for residential purposes without the restrictions imposed by the current zone. This will improve the public domain and reduce the likelihood of development unsuited to this location.

Appendix 2 – Relevant GMS Criteria Assessment

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Generally consistent with relevant provisions relating to housing growth.
State Planning Policies	Generally consistent with relevant provisions in terms of housing opportunities.
Ministerial Directions	Generally consistent with Ministerial directions. (see Appendix 4)
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	Generally consistent with the relevant Key Policy directions.
Precinct Planning	Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	The proposal is generally consistent with the outcomes.
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 relevant provisions.
Summary of Likely Impacts	No impacts are considered likely.
Infrastructure and Services	Approved road and drainage infrastructure and on site sewage treatment will be provided.
Supply and Demand Analysis	Not required
Site Suitability/Attributes	The subject site adjoins an existing residential area and rural land. The largest portion of the site has a steep slope and vehicular access can be provided from Stargard Crescent.

Preserving Rural Land and Character

Criteria	Response
Character Setting	The site has a semi-rural character being on the outskirts of Picton but adjoins existing large lot residential land in Stargard Crescent .
Visual Attributes	Part of the site has a relatively steep topography. There are no significant topographic features.
Rural and Resource Lands	This land has limited potential for agricultural purposes being relatively small areas with narrow sections having limited access.

Environmental Sustainability

Criteria	Response
Protection and Conservation	The site is mostly cleared and there is no remnant native vegetation or ecologically endangered community on the land under consideration for residential development.
Water Quality and Quantity	Stormwater and waste water management has been assessed as part of the development application.
Flood Hazard	On-site flooding is not an issue.
Geotechnical/Resources/Subsidence	The subject land is not within a Mine Subsidence area.
Buffers and Spatial Separation	Building envelopes have been sited to minimise impacts on existing residential properties in Stargard Crescent and landscaping was approved under the existing development consent applying to this site.
Bushfire Hazard	There is no current bushfire hazard indicated for this site.
Heritage	The site contains no listed heritage items of local, state or national heritage significance.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be applied to any future residential development.

Infrastructure

Criteria	Response
Efficient Use and Provision of Infrastructure	Limited traffic management, pedestrian/cyclist and drainage infrastructure is required.
Transport Road and Access	No additional road and transport infrastructure is required..
Open Space	The proposed residential development will not require the provision of additional open space.

Appendix 3 – Compliance with SEPPs

Table indicating compliance 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	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	N/A	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	Yes	Not relevant to this planning proposal.
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	Yes	Not relevant 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	NA	Not relevant to this planning proposal.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
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	There is no potential koala habitat on the site.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	Not applicable in the Shire of Wollondilly.
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	It is considered unlikely that site contamination will be an issue.
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	NA	Not applicable in the Shire of Wollondilly.
62	Sustainable Aquaculture	Yes	Not relevant to the planning proposal
64	Advertising and Signage	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP
65	Design Quality of Residential Flat Development	Yes	Not relevant to this planning proposal.
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	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	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.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	Not applicable to this planning proposal
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This planning proposal will not change current provisions for mining, petroleum, production and extractive industries.
	SEPP (Temporary Structures) 2007	Yes	This planning proposal will not change current provisions for 'temporary structures'.
	SEPP (Infrastructure) 2007	Yes	The planning proposal would not contain provisions that are inconsistent with the SEPP.
	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.
	SEPP (Western Sydney Employment Area) 2009	NA	Not applicable in the Shire of Wollondilly.
1	SEPP (Sydney Drinking Water Catchments) 2011	NA	The site is not located within the catchment area.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
Deemed SEPPs (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	NA	Not relevant to this planning proposal
20	Hawkesbury–Nepean River (No 20 - 1997)	Yes	The planning proposal is consistent with this deemed SEPP.
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 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	N/A	N/A	Direction does not apply.
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.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	The site does not contain environmentally significant land.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Yes	A heritage assessment would not be undertaken as the land does not contain items of heritage significance and would not impact on any heritage items. The planning proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	Yes	Yes	The planning proposal does not enable land to be developed for a recreational vehicle area.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	A single dwelling will be built on each lot. The planning proposal is not inconsistent with Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	Direction does not apply.
3.3 Home Occupations	Yes	Yes	Home businesses are permitted in residential zoned lots. The planning proposal is not inconsistent with Direction 3.3.
3.4 Integrating Land Use and Transport	Yes	Yes	The site is accessible to public bus services along Argyle Street. Given the minor nature of the planning proposal an assessment of traffic impacts and management will not be required.
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.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	N/A	N/A	The subject land is not within a Mine Subsidence area. The planning proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	N/A	N/A	Direction does not apply as the site is not known to be flood prone.
4.4 Planning for Bushfire Protection	Yes	Yes	During the Assessment of the Development Application, the NSW Rural Fire Service issued a bushfire safety authority with no conditions.
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	Direction does not apply
5.6 Sydney to Canberra Corridor	N/A	N/A	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	N/A	N/A	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The 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 consistent with Direction No. 6.1.
6.2 Reserving Land for	Yes	Yes	The planning proposal will not create, alter or

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
Public Purposes			reduce existing zones or reservations of land for public purposes. It is considered that the planning proposal is consistent with Direction 6.2.
6.3 Site Specific Provisions	Yes	Yes	The planning proposal will not include provisions that are inconsistent with this direction.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	The planning proposal is not inconsistent with the metropolitan strategy and therefore Direction 7.1.