

Planning Proposal

to amend Wollondilly Local Environmental Plan 2011

Montpelier Drive Residential Lands

for the rezoning of land located at 780 and 790 Montpelier Drive, The Oaks being Lot 601 DP 735032 and Lot 1 DP 1043567



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Introduction

This Planning Proposal has been prepared as a result of an application from *Pascoe Planning Solutions* 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 15 April 2013 and was supported to proceed to a Gateway Determination. The Council report and Minutes are included as Attachment 1 to this report. Figure 1 indicates the planning proposal site.

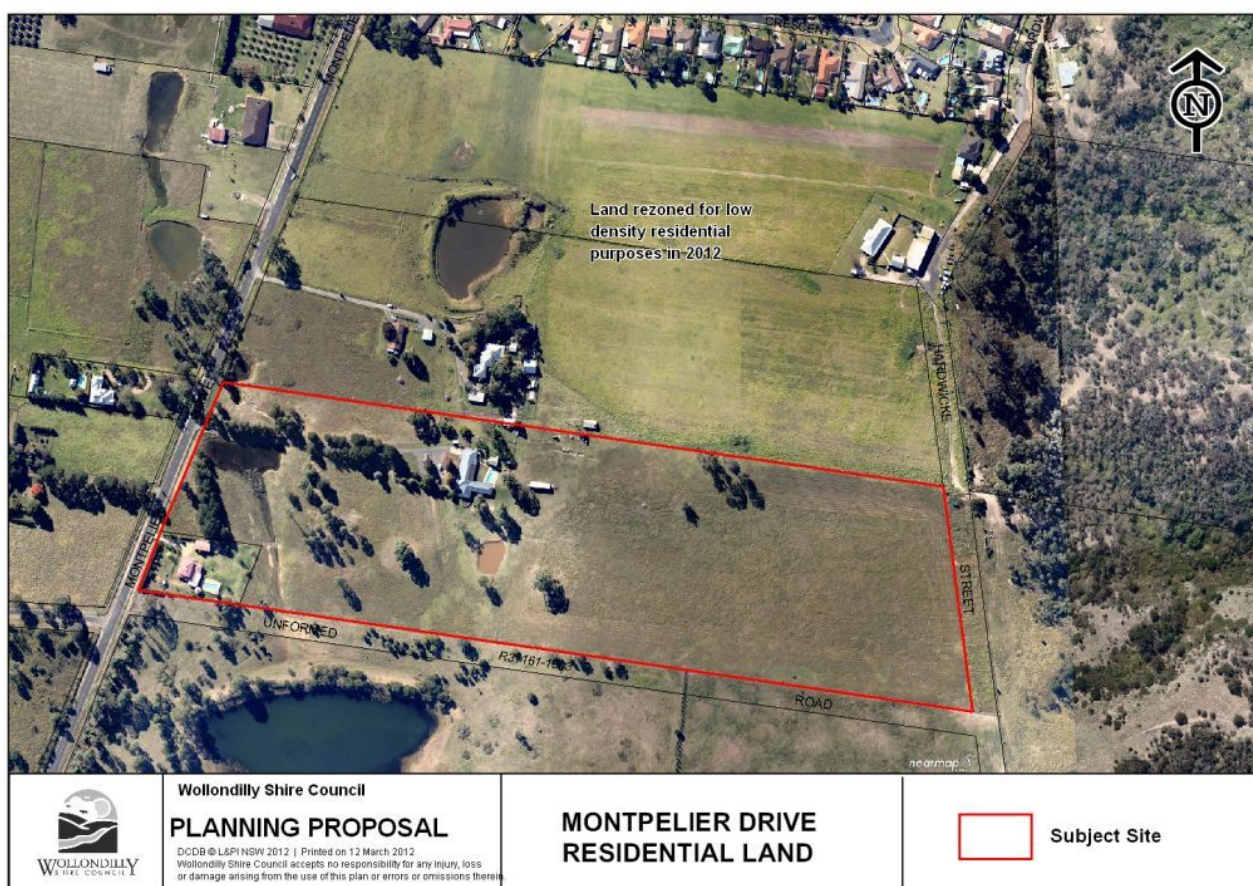


Figure 1 – Aerial View of Site and Surrounds

Site Details

The site comprises two properties located at 780 and 790 Montpelier Drive, The Oaks with a total area of 11.1536 hectares. Table 1 indicates the cadastre and area details for each site.

Table 1 – Cadastre and Area details.

Address	Cadastre	Area in hectares
780 Montpelier Drive	Lot 601 DP 735032	.3886
790 Montpelier Drive	Lot 1 DP 1043567	10.7650
Total		11.1536

The site is located approximately 820 metres south from The Oaks village shopping centre on the eastern side of Montpelier Drive. Most of the site is cleared and slopes gently upwards towards the Hardwicke Street road reserve. There are dwellings and ancillary buildings on each property. A tributary of Werri Berri Creek traverses the western end of the site and includes a small dam. Land adjoining to the north of the site was rezoned for low density residential purposes in 2012. Land to the south and east is used for agricultural purposes. The Oaks airfield and east west

runway is located directly to the north west across Montpelier Drive. An unformed road adjoins the southern side of the site and Jooriland Road is offset diagonally to this road.

Part 1 – Objectives or Intended Outcomes

To enable the development of the site for the purposes of approximately 60 single dwellings at a density in keeping with the current and future potential character at the urban-rural interface.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 Land Zoning Map (LZN Map) - LZN 007G for the subject site;
- Amending the Wollondilly LEP 2011 Lot Size Map (LSZ Map) - LSZ 007G for the subject site to indicate a maximum lot size of 975 m²
- Amending the Wollondilly LEP 2011 Height of Buildings Map (HOB Map) HOB – HOB 007G for the subject site to impose a maximum building height limit of 9 metres.

Further studies may determine that riparian areas should be protected which may then require amendment to the Natural Resources – Water Map (NRW Map). Consideration also needs to be given to whether there should be building height restrictions similar to those imposed on the adjoining property to the north because of the nearby runway.

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 The Oaks 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 current zoning of the site is Zone RU2 Rural Landscape which does not allow for residential development at the density proposed.

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 and will be in keeping with the adjoining future residential character to the north.
- 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 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 Metropolitan and 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 the local council's Community Strategic Plan, or other local strategic plan?**

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:

Community

- *The safety, health and well being of the Wollondilly community is improved*
- *A resilient community that has access to a range of activities, services and facilities*

The provision of additional housing in a convenient location in relation to the local centres will assist the well being and quality of life of future residents. The site is well located to take advantage of existing services and facilities in the village environs.

Environment

- *The natural environment is protected and conserved and Wollondilly has a healthy, sustainable, and resilient environment with a rural character.*

Preliminary assessment of the existing environment indicates that improvements could be made to the existing environmental quality particularly in relation to enhancement of the riparian land.

Provision of Infrastructure

- *The growing vibrancy and liveability of the Shire's town and villages enhances their strong sense of local identity and place.*

The availability of additional land to provide housing which is well located in relation to existing facilities and services will improve sustainable outcomes for the community and contribute to the viability of the local economy.

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 – The Oaks. 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 will 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

Consideration will be given to matters raised during the initial notification and from community consultation.

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 density residential purposes in keeping with adjoining rezoned land. Within the constraints of the site the proposal is considered appropriate as it will facilitate the consolidation of the residential area. 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 The Oaks outlined in the GMS. The Structure Plan for The Oaks 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 low density of development to reflect the location of the site at the urban-rural interface.

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 Montpelier Drive and is relatively close to the centre of The Oaks village.

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. An access road and additional drainage would be provided at subdivision stage. The small scale of the development will not place any undue pressure on existing community facilities and services and future development contributions will assist in meeting any unmet demand. Information from service providers would be sought regarding the capacity of existing infrastructure to cater for the relatively small additional demand.

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

The planning proposal is located approximately 820 m distance from The Oaks town centre which makes it a relatively convenient location.

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 Oaks future 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 being a potential residential growth area on The Oaks 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")
State Environmental Planning Policy – Sydney Drinking Water Catchment (SEPP SDWC)*

State Environmental Planning Policy 55 – Remediation of Land

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 may have been used for agricultural purposes in the past. Agriculture is 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.

State Regional Environmental Plan 20 – Hawkesbury Nepean River

The western end of the site falls within the boundary of 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 – Consideration of Clause 5 and 6 Matters

Clause 5	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 scale of 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	The site is largely cleared with small pockets of vegetation likely to be characteristic of Cumberland Plain Woodland (CPW) species located around the creek line. Planting of additional CPW species is recommended in the riparian corridor.
Clause 6	Comment
1.Total catchment management	The residential land is proposed to be serviced by reticulated sewer and water.
3.Water quality	Water Sensitive Urban Design (WSUD) measures would be implemented at development application stage. Additional investigation into protecting the riparian land and any groundwater or aquifers should be undertaken.
5.Cultural heritage	There are unlikely to be any cultural artefacts on the site as it has been cleared and used for rural purposes for a considerable period.
6.Flora & Fauna	The land is not included within the priority conservation lands detailed in the State Government's <i>Cumberland Plain Recovery Plan</i> .
10.Urban Development Strategy	Section 10(b) calls for consideration of urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development). This will be a consideration for further investigation particularly with regard to the riparian land.
12.Metropolitan Strategy Impacts	Waste disposal, air quality and predicted climate change are considered negligible when taking into account the small scale of the proposal.

State Environmental Planning Policy – Sydney Drinking Water Catchment

Most of the subject site falls within the Sydney Drinking Water Catchment. SEPP SDWC focuses on achieving neutral or beneficial water quality outcomes. It is proposed that the site will be connected to reticulated water and sewer and an assessment of proposals for the treatment of stormwater to achieve water quality objectives would also be required.

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?

Most of the site is cleared of vegetation so there are unlikely to be any adverse effects from amending the LEP to allow for low density residential development.

There is a minor tributary and small dam which traverses the western end of the site and flows to Werri Berri Creek to the north. There is some vegetation around this creek line which may include remnant CPW species as identified in a flora and fauna report for adjoining land to the north and some habitat. Additional planting of CPW species within the riparian corridor would improve environmental outcomes. A riparian buffer along this creek line reflecting the 10m buffer along the same minor tributary further north may be considered after assessment of this riparian land. Consideration should also be given to the provision of larger lot sizes in this area to improve environmental outcomes.

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

Bushfire Hazard

A small section at the eastern end of the site is impacted by bushfire hazard as detailed in Figure 2 below

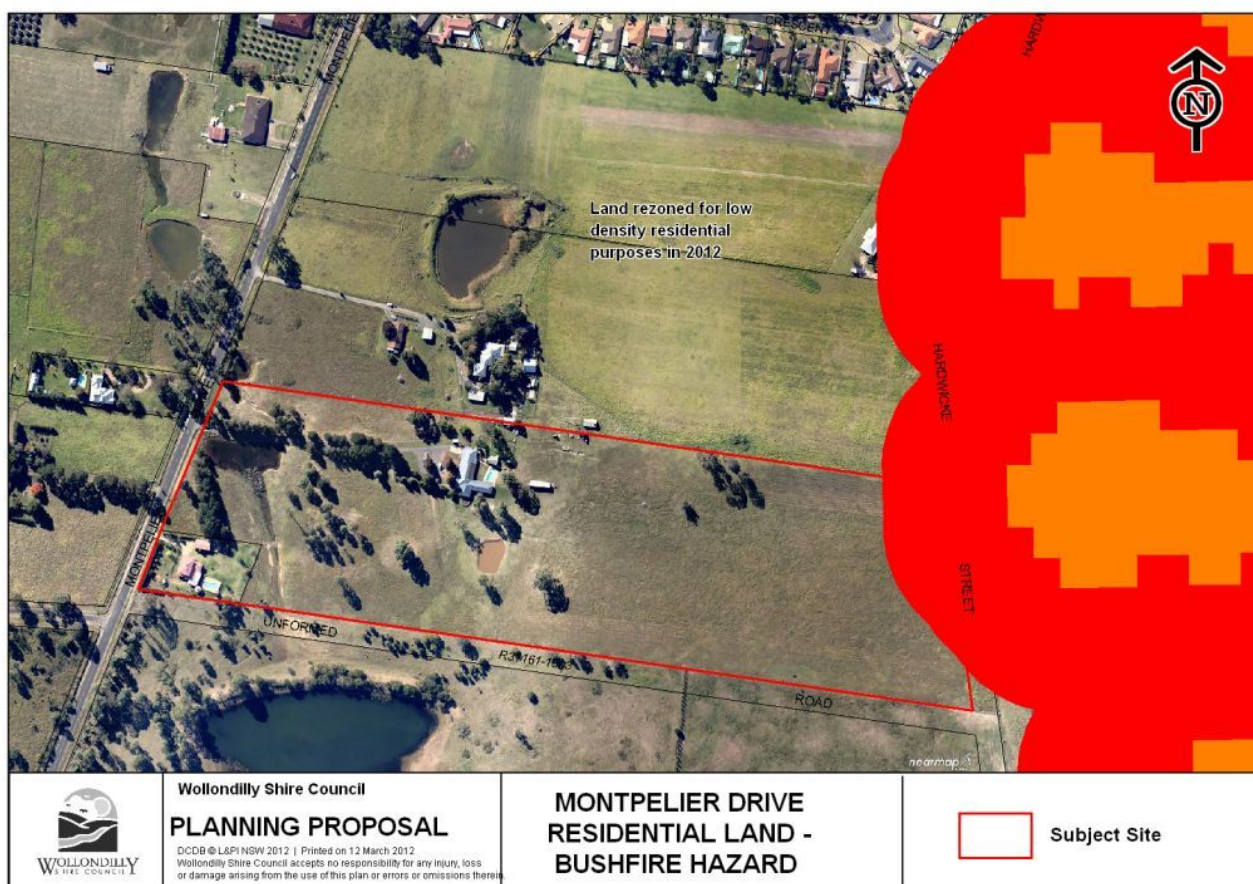


Figure 2 – Bushfire Hazard Map

Aviation Risk

The end of the east-west runway for The Oaks Airfield is located around 370 metres west and slightly north of the site on the western side of Montpelier Drive. As part of the rezoning of land (The Oaks South Planning Proposal) adjoining to the north an assessment was undertaken of aviation risk from use of the east-west runway which found that the risk would be extremely low. Consultation was also undertaken with the Civil Aviation Safety Authority (CASA) to establish the requirements for ensuring that the land could be safely developed for residential purposes. Height restrictions were imposed on parts of the site and advice to restrict some sensitive uses is included in Wollondilly DCP Volume 8 *Special Provisions for The Oaks South*. Similar controls are likely to be necessary for the development of this site.

Initial discussions between the owner of the subject site and CASA have been undertaken and according to the owner these discussions have indicated that CASA has no objection to the proposed residential rezoning. However an aviation risk assessment for the site and further consultation with CASA would be undertaken to determine whether there would be any issues with regards to air safety and future residential development.

Traffic and Transport

The main vehicular access to the site from Montpelier Drive is potentially available via the unformed road reserve adjoining the southern boundary of the site. This road reserve is slightly off centre in relation to Jooriland Road on the western side of Montpelier Drive. To provide an effective intersection design the road reserve would need to be realigned to be opposite Jooriland Road. The owner of the subject site has had discussions with an adjoining owner at No. 760 Montpelier Drive who has indicated that they would be agreeable to allowing a portion of their property to be used for realignment of the road reserve.

Additionally, discussions were held with the applicant and owners of land adjoining to the north recently rezoned to residential by Amendment 2 to Wollondilly LEP 2011 and known as *The Oaks South Planning Proposal*. This land is the subject of a current subdivision application with Council and discussions were held in relation to future vehicular, pedestrian and cycleway links between the sites and along the frontage to Montpelier Drive. The placement of additional traffic in Hardwick Street would have impacts on established areas of The Oaks and controls in Wollondilly DCP Volume 8 *The Oaks South Special Provisions* prevents through traffic into Hardwicke Street from this subdivision. It is recommended that future vehicular access also be prevented to Hardwick Street in any future subdivision resulting from the subject planning proposal. A traffic and transport study should be undertaken to examine the traffic access and transport options and potential traffic impacts from the proposed rezoning.

Cycleway and pedestrian links should be developed along Montpelier Drive to link with those proposed to the north as part of any future residential development as outlined in the resolution adopted by Council detailed in Attachment 1.

Flooding, Stormwater and Water Quality

The north western corner of the site is impacted by flooding from the watercourse. An assessment is required to determine the extent of this flooding and the potential impact from an increased density of development. An analysis of the site in relation to water sensitive urban design and the role of the small dam in achieving improved water quality for the site would be required. Stormwater treatment approaches and treatment of the riparian land in terms of maintaining water quality would be important as indicated previously in this report as the site is within the Sydney Drinking Water catchment. The need for the imposition of a riparian buffer to protect the natural watercourse and habitat should also be assessed.

Noise

An assessment of road traffic noise and aircraft noise was undertaken during consideration of the planning proposal for the recently rezoned land adjoining to the north. Similar noise issues are likely to impact on this site and therefore it is suggested that the same controls in terms of setbacks

from Montpelier Drive and acoustic treatment for dwellings potentially impacted by noise should apply.

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

Heritage

The site does not contain any heritage items but there are two heritage items located opposite the site which are listed under WLEP 2011. These items are Rose Cottage located on Montpelier Drive and The Oaks Airfield. An assessment of potential impact from the planning proposal on these items would be required.

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. A letter from Sydney Water (Attachment 2) was obtained by the landowner and has indicated that the current West Camden wastewater system has sufficient capacity to serve the potential development of 67 dwellings. An extension of the wastewater system will be required from the 150mm main in Montpelier Rd, constructed under PRO 10003378/1 (opposite of 22 Casuarina Close – to the north) which will provide a point of connection at least 1m inside all the proposed lot boundaries.

Stormwater

Provision of additional stormwater infrastructure may be required along Montpelier Drive as there are indications that there is flooding in the vicinity of the site.

Road

There is an unformed road adjoining to the south of the site R 31161-1603 which can potentially be constructed to form the main access road into the site. This road would need to be aligned with Jooriland Road located opposite to provide an effective intersection and would also require land from an adjoining property. Further negotiations by the applicant with both Council and the adjoining landowner would be required with respect to enabling this intersection to be effectively developed.

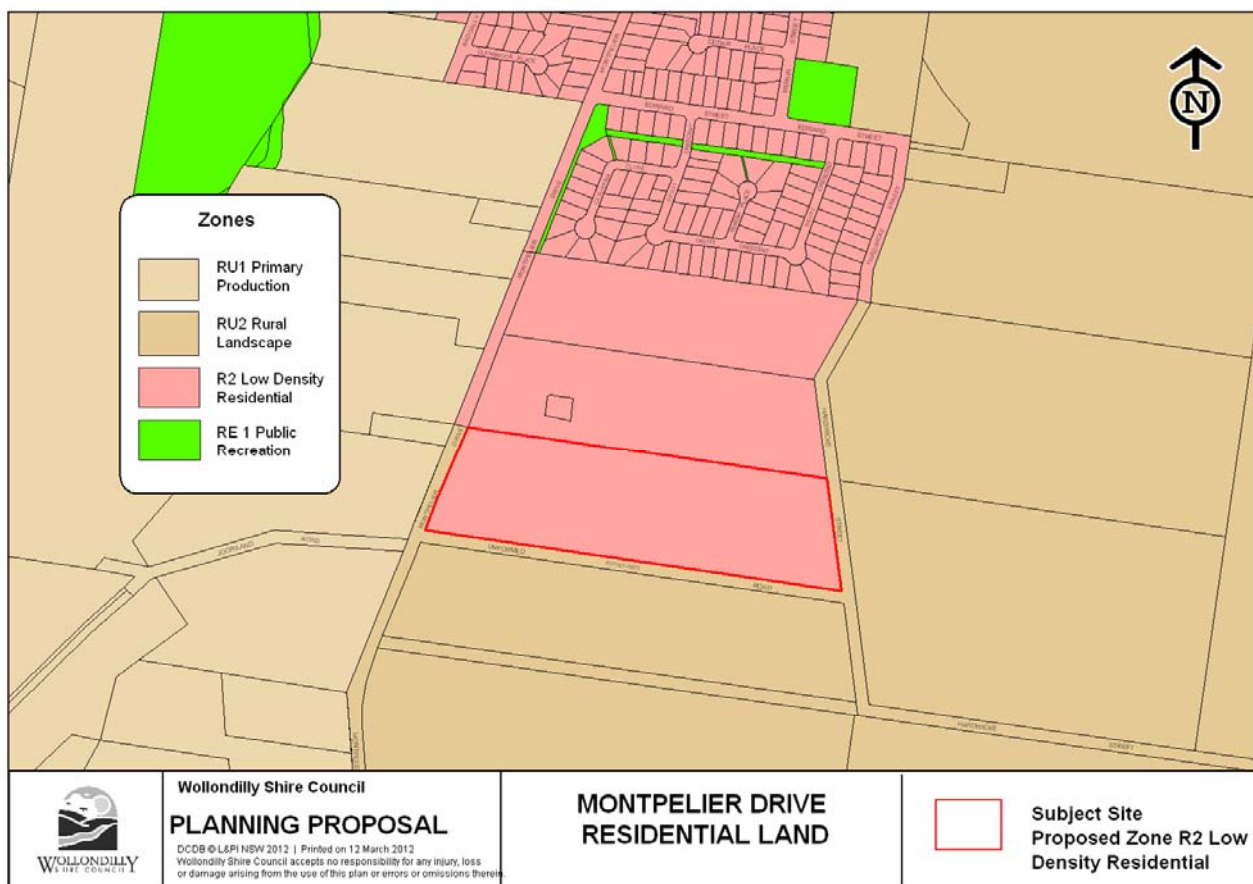
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

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

- Office of Environment and Heritage
- Office of Water
- Rural Fire Service
- Sydney Water Corporation
- Civil Aviation Safety Authority
- Sydney Catchment Authority

Part 4 – Mapping

An overview of the site detailing the proposed zoning for the site and the current surrounding land zones is provided in Figure 2.



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 three submissions were received and the matters raised are proposed to be addressed in specialist studies as outlined above.

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	July 2013
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	September 2013
Anticipated timeframe for the completion of required technical information - after Specialist Study requirements determined	3 month period	December 2013
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	February 2014
Dates for public hearing (if required)	Unlikely to be required	-
Timeframe for consideration of submissions	3 week period	March 2014
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	2 months	May 2014
Date of submission to the Department to finalise the Draft LEP amendment (including 6 week period for finalisation)	2 months	July 2014
Anticipated date RPA will make the plan if delegated	Not applicable	
Anticipated date RPA will forward to the Department for notification	Not applicable	

Based on the project timeline it is anticipated that a time frame of approximately 12 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
5. Ecological Constraints Assessment
6. Bushfire Protection Assessment
7. Stormwater, Drainage and Flooding Assessment

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.
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 <i>Wollondilly Growth Management Strategy 2011</i> 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 is likely to 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. Bus services would be available along Montpelier Drive which fronts 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 terms of greenhouse gas emissions, operating costs and road	N/A	N/A

Evaluation Criteria	Y/N	Comment
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	No. the proposal does not require significant further investment in public infrastructure. The developer will 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 but contains some remnant vegetation which should be retained. A portion of the site in the vicinity of the creek is liable to be flood prone.
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 Oaks 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 most 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 relatively small amount of additional serviced residential land to satisfy unmet demand.
Site Suitability/Attributes	The subject site is contiguous with residentially zoned land at the urban-rural interface and can be readily serviced. 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 but is adjacent to urban land and facilities.

Visual Attributes	The site itself has no significant visual attributes being relatively flat with a gentle slope to the east. However it is on the urban-rural interface at the southern entrance to The Oaks village and therefore treatment of the urban-rural edge would be important to ensure the site provides an appropriate visually attractive entrance in character with the rural setting.
Rural and Resource Lands	The land is currently used for rural residential purposes and has limited potential for other rural purposes as it adjoins land recently rezoned for low density residential purposes.
Environmental Sustainability	
Criteria	Response
Protection and Conservation	There is a small amount of vegetation likely to be remnant Cumberland Plain Woodland species which are proposed to be protected and enhanced within a riparian buffer around the small waterway and dam.
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. Stormwater may be directed to a small dam acting as a detention basin.
Flood Hazard	Part of the western end of the site is flood prone and a study to determine the extent of land impacted would be required.
Geotechnical/Resources/Subsidence	The site is on gently sloping land so geotechnical issues are unlikely. The site is not within a mine subsidence district.
Buffers and Spatial Separation	The proposed use is consistent with that of adjoining future urban development to the north and consideration should be given to the urban-rural interface in terms of density provisions and treatment of the urban-rural edge.
Bushfire Hazard	The bushfire hazard can be readily managed under the provisions of <i>Planning for Bushfire Protection 2006</i> .
Heritage	Two heritage items are located opposite the site and a heritage assessment is recommended to determine whether the proposal will impact on these items.
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 and Sydney Water has indicated that there is sufficient capacity in the West Camden STP to cater for the anticipated number of dwellings.
Transport Road and Access	A traffic/transport study would examine the capacity of the local road system to cater for the proposed development and examine the potential use of the unformed roadway as the major vehicular access route with minor vehicular access links to the new residential subdivision adjoining to the north.

Open Space	The subject site is relatively small scale and there are no current proposals for the provision of open space. Council has resolved to enter into negotiations with the applicant in relation to the embellishment of local open space in lieu of a playground being provided on-site.
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 R2 low density zone is in line with suggested density range. ▪ The scale of proposal does not warrant the inclusion of community land or facilities.

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		
	SEPP (Temporary Structures) 2007	NA	
	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 will not contain provisions that would be inconsistent with this SREP.
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 sub-surface mining development. 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		Most of the site is cleared and there are no areas considered to have high environmental sensitivity. Revegetation with indigenous species is proposed in riparian areas. 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 residentially zoned land and is also relatively close to The Oaks town centre and related community infrastructure. The site is serviced with the appropriate perimeter road and utility infrastructure which can be readily amplified to enable residential development. 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. The rezoning will permit the development of a range of housing types. The planning

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
				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 The Oaks town centre and accessible to public bus services along Montpelier Drive. The planning proposal site is well serviced by existing roads. 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	NA	NA		
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> has been 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	YES	YES		The site is proposed to be connected to reticulated water and sewer via the West Camden STP. An assessment of appropriate water quality treatment mechanisms will be undertaken. It is considered that the planning proposal is not inconsistent with Direction No. 5.2.
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
5.7 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

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
				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.

