

Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

No. 2471 Silverdale Road, Silverdale

To amend the Land use zoning of land at No. 2471 Silverdale Road, Silverdale from SP2 Infrastructure Zone to E3 Environmental Management and introduce a minimum lot size of 10 ha across the entire site.

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Introduction

Site Description

The site is a large irregular shaped allotment located in the suburb of Silverdale. The lot is 11.23ha in area and has a frontage to Silverdale Road of 117 metres. Access to the land is currently off a side road which leads to the North Warragamba substation and other Water NSW Infrastructure (including a chlorination plant). The site contains a dwelling which appears to be abandoned and does not appear to be used for any rural or non-residential purposes. The front portion of the site is predominantly cleared and the back portion includes dense vegetation. The front cleared portion of the lot is relatively flat and the slope increases in a downward direction towards the rear boundary of the site.

The site is currently zoned SP2 Infrastructure and the only permissible uses in this zone are those identified on the relevant land zoning map. The current land zoning map identifies the site as being able to be used only for the purposes of water supply.

Description of Proposal

A Draft Planning Proposal was submitted to Council on 15 February, 2017 for the subject land proposing the following amendment to WLEP 2011:

- Amend the Land use zone from SP2 Infrastructure (Water Supply System) to RU2 Rural Landscape Zone;
- Amend the minimum lot size map to impose a minimum lot size of 16 hectares across the entire site.

The following justification was provided by the proponent:

"The current zoning of the site reflects its ownership by Water NSW; however, the site provides no role in managing or providing for Water NSW's infrastructure, either now or in the future and as such there is no longer any legitimate need for the subject site to have an SP2 Infrastructure zoning."

The most logical planning outcome to resolve this planning anomaly would therefore see the sites zoning and minimum lot size requirements amended in a manner consistent with that of other adjoining lands".

Council resolved at its Ordinary Meeting on 19 June, 2017 to support the proposal in a form different to that which the proponent had requested. The proposal for which a Gateway Determination is sought is therefore as follows:

"To amend Wollondilly Local Environmental Plan 2011 as it relates to land at Lot 43 DP 1126346 (No. 2471) Silverdale Road, Silverdale as follows:

- ***Amend the land use zoning from SP2 Infrastructure Zone to E3 Environmental Management;***
- ***Amend the minimum lot size map to introduce a minimum lot size of 10 hectares across the entire site."***

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend Wollondilly Local Environmental Plan 2011 so that the site can be used for environmental management purposes without the potential for further subdivision of the land.

Part 2 – Explanation of Provisions

The intended outcome will be achieved by:

- Amending the Wollondilly LEP 2011 Land Zoning Map to reflect the proposed zoning map shown in Part 4 Map 3 and

- Amending the Wollondilly LEP 2011 Lot Size Map to introduce a minimum lot size category of 10ha across the entire site.

The proposed mapping amendments are included in Part 4 – Mapping.

Council's LEP maps (which are available on the NSW Legislation Website) do not contain a minimum lot size of 10ha and the introduction of this minimum lot size will need to be investigated with the Department of Planning.

Part 3 – Justification

Section A – Need for the planning proposal

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

The proposal is not a result of any strategic study or report. The proposal is a result of the land no longer being required to support Water NSW Infrastructure now or into the future. It is therefore likely that the site will be sold by Water NSW to another landowner. It is appropriate that the site be given a land use zone consistent with other surrounding zones to enable other uses that could be undertaken by a private landowner other than Water NSW.

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

The land would be of little use to a private landowner if it were to retain its current land use zoning, as the current zoning only permits activities for the purpose of water supply infrastructure. It would be unreasonable to expect a private landowner who is not a public authority to carry out this use. The proposed amendments would ensure that the site is used in an orderly and economic fashion. The only way to amend the land use zone is through a Planning Proposal.

Section B – Relationship to strategic planning framework

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

The following regional and sub-regional strategies are relevant to this proposal:

- A Plan for Growing Sydney (2014)
- Draft South West District Plan (2016)

A Plan for Growing Sydney (2014)

A Plan for Growing Sydney commenced in December, 2014 and is intended to guide Strategic Land Use Planning decisions for Sydney over the next 20 years. The Plan seeks to influence how people move about, where they live, growing the economy and safeguarding the environment.

It consists of a number of directions and actions focussed around four (4) goals:

- **ECONOMY**; a competitive economy with world class services and transport;
- **HOUSING**; a city of housing choice with homes that meets our needs and lifestyles;
- **LIVEABILITY**; a great place to live with communities that are strong, healthy and well connected; and
- **ENVIRONMENT**; a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The Planning Proposal is consistent with A Plan for Growing Sydney.

Draft South West District Plan (2016)

The Draft South West District Plan sets out the goals for the South West District which includes the Local Government Area of Wollondilly. The District Plan is predicted to be finalised towards the end of 2017. The exhibition of the plan has occurred and is therefore a consideration in the preparation of this Planning Proposal.

The Plan provides a number of actions in relation to monitoring and implementation, liveability and sustainability.

The Sustainability Priority Targets which are relevant to the proposal are discussed in greater detail below:

Sustainability Priority Targets

Sustainability Priority Targets	Comments
Sustainability Priority 3 – Avoid and minimise impacts on biodiversity.	To avoid impacting the native vegetation in the western portion of the site, it is proposed to apply an E3 Environmental Management zone across the site. This would enable a dwelling to be constructed in the cleared area towards Silverdale Road, whilst encouraging the retention of the native vegetation on the remainder of the site.
Sustainability Priority 7 – Consider environmental, social and economic values when planning for the Metropolitan Rural area	The site is considered to be high in terms of environmental value due to the coverage of native vegetation on the site and also its proximity to the Warragamba River. The sustainability priority in the district plan requires relevant planning authorities to <i>consider how to articulate the different landscape values and character of rural areas with different planning and development controls</i> . In applying that approach to the site, an environmental management zone is considered the most appropriate zone based on its objectives and permissible land uses.

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

The two key local strategies are:

- Create Wollondilly Community Strategic Plan 2033
- Wollondilly Growth Management Strategy

Create Wollondilly Community Strategic Plan 2033

The Wollondilly Community Strategic Plan 2033 (WCSP), which was adopted by Council in June, 2017, is the Council's highest level long term plan and sets out the long term strategic planning aspirations of the community for Wollondilly up to the year 2033.

It is based on retaining the peri-urban setting for Wollondilly Shire and is focussed around five themes:

- Sustainable and balanced growth

The proposal is consistent with Council's position on growth and would not be detrimental to the viability of other rural uses in the area.

- Management and provision of infrastructure

The proposal would only allow the site to benefit from one dwelling entitlement and would not enable further subdivision of the land and would therefore not place an increased demand on infrastructure in the area.

- Caring for the environment

The application of an E3 Environmental Management zone across the site would assist in protecting the biodiversity value of the land and would also ensure that the site would not be subject to future uses which compromise the water quality of the nearby river system.

- Looking after the community

The proposal is expected to have minimal adverse impacts on the community.

- Efficient and effective Council

The proposal would not affect the resource effectiveness and efficiency of Council.

Wollondilly Growth Management Strategy

The Growth Management Strategy (GMS) was adopted by Council on 21 February 2011. It contains Key Policy Directions and Assessment Guidelines for the evaluation of planning proposals and Council decisions on growth.

Notwithstanding this, all Planning Proposals within Wollondilly must be assessed against the key policy directions within the GMS. Appendix B sets out the GMS Key Policy Directions and Assessment Criteria as they relate to this proposal.

Wollondilly Local Environmental Plan 2011

Should the lot be zoned either RU2 Rural Landscape or E3 Environmental Management zone, then a dwelling would be permissible on the lot with consent. There is a structure on the site at present which appears to have been used as a dwelling in the past but has been abandoned for some time. The current infrastructure zoning prohibits the use of a dwelling and it is unclear as to whether the dwelling would benefit from existing use rights and be able to re-commence its use as a dwelling on the site.

If the dwelling on-site cannot re-commence lawfully without consent, then further approval from Council would be required and the site would need to satisfy one of the following criteria on clause 4.2A of Wollondilly Local Environmental Plan 2011 in order for a dwelling to be approved on the site:

“(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is:

- (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or*
- (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.”*

The lot would not benefit from a dwelling entitlement under subclause (a) or (c) above. The lot may have a dwelling entitlement under sub-clause (b) however this would require a substantial amount of research to establish (and possible written justification from the landowner).

It is recommended that a minimum lot size of 16 hectares not be applied to the site and rather a minimum lot size be applied such that Council would be able to consent to a dwelling under clause 3(a) above.

In this regard, the lot size shown on the minimum lot size map would need to be lower than the actual size of the lot. However, the minimum lot size would need to be of such a value that would not enable further subdivision of the site.

The lot is currently 11.23ha in area. A minimum lot size of 10ha is considered the most appropriate minimum lot size for the site as it would provide clear guidance that the lot would benefit from a dwelling entitlement and would also prohibit further subdivision of the site. A minimum lot size of 10ha is not currently available within the legislation maps; however, the option of introducing this minimum lot size could be further explored with the Department of Planning through the Planning Proposal process.

The LEP standard mapping template currently enables a minimum lot size of 7ha. If the introduction of a 10ha minimum lot size into the mapping template is not possible, then a 7ha minimum lot size would also be considered appropriate.

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

SEPP 44 – Koala Habitat Protection

Council's Environment Team have advised that there have been recent koala siting's in the area. The application of an E3 Environmental Management zone across the site would enable a dwelling but would not permit most forms of agricultural activity on the site. The dwelling and ancillary structures could likely be provided on the cleared part of the site without the need for any vegetation removal (although a Bushfire Hazard Assessment would be required to confirm whether any vegetation removal would be required for a future dwelling on the site).

A Flora and Fauna Assessment would therefore not be required should an E3 Environmental Management zone across the site be adopted provided that it can be demonstrated that no vegetation removal would be required to achieve compliance with Planning for Bushfire Protection, 2006, provided that a future dwelling, ancillary structures and asset protection zones can be provided within the cleared area on the lot, it is likely that any potential koala habitat present could be preserved.

SEPP 55 – Remediation of Land

Clause 6 of the SEPP is relevant to the proposal as follows:

"(1) 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 sub clause (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.*

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 sub clause (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.

The proposal would involve amending the land use zoning of the site which would permit a change in the land uses permitted on the site. There is currently incomplete knowledge of the previous land uses undertaken on the site and the current zoning permits some uses that are identified in table 1 of the Contaminated Land Planning Guidelines (including water supply related uses which could involve chemical storage etc). It is considered appropriate that a Preliminary Site Investigation (PSI) should be undertaken in accordance with sub-clause (2) listed above.

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

(3) Water Quality

The rear boundary of the site is located approximately 30 metres from Megaritys creek which feeds into the Warragamba River. Warragamba River is located approximately 200 metres from the rear boundary of the site and downstream becomes the Nepean River. It is proposed to apply the E3 Environmental Management zone across the site rather than RU2 Rural Landscape so that the water quality goals of the plan can be achieved.

(6) Flora and Fauna

The application of the E3 zone across the site provides a suitable mechanism to protect the existing vegetation on the site.

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

Ministerial Direction 1.5 Rural Lands

This direction applies when:

a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary).

This Planning Proposal intends to amend the land use zoning from SP2 Infrastructure to E3 Environmental Management and so this ministerial direction applies. Where this direction applies, then a Planning Proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

An assessment against the planning principles contained in the SEPP is provided below:

a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;

Comment: The site is quite constrained by existing vegetation and proximity to significant watercourses and is unlikely to be suitable for a rural zone that permits intensive agricultural uses. An environmental management zone is considered more appropriate.

b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or state;

Comment: The importance of agriculture and rural lands is broadly recognised in Council's strategies and growth plans. As the site is of quite high environmental value, it is considered appropriate to provide the site with an environmental zoning.

c) recognition of the significance of rural land uses to the state and rural communities, including the social and economic benefits of rural land use and development;

Comment: The significance of rural land uses to state and rural communities is recognised, however, given the limited ability of the site to support many large scale rural uses due to its environmental value, it would be more appropriate to provide the site with an environmental zone.

d) in planning for rural lands, to balance the social, economic and environmental interests of the community;

Comment: The site contains a high level of environmental value and it is considered that an environmental zone would be preferable to a rural zone.

e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;

Comment: Much of the site contains dense vegetation in good condition and the site is also in close proximity to the Warragamba River. An RU2 zone would enable several rural activities to be undertaken on the site and may compromise the environmental values of the site. An environmental zone is therefore considered a more appropriate zone for the site.

f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of the communities;

Comment: The change in land use zone of the site from infrastructure to either rural or environmental would enable a rural lifestyle opportunity on the site.

g) the consideration of impacts on services and infrastructure and appropriate location when providing for housing;

Comment: The proposed amendment would enable one additional dwelling entitlement on the site which would have minimal impact on servicing and infrastructure requirements in the area.

h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director General;

Comment: The Draft Plan for Growing Sydney and Council's GMS are the relevant strategies called up by this principle and Council's assessment has found that the proposal is consistent with these strategies.

Ministerial Direction 4.4 Planning for Bushfire Protection

This direction applies when a relevant planning authority prepares a Planning Proposal that will affect or is in proximity to bushfire prone land. A majority of the site is bushfire prone land and therefore consideration needs to be given to the direction.

The Gateway Request is proposing an E3 Environmental Management zone on the site which would enable a future dwelling. There is an existing dwelling on the site which appears to have been abandoned for some time. It is not clear whether this structure is able to continue to be used lawfully as a dwelling given that the site is currently zoned SP2 Infrastructure and dwellings are prohibited in this zone.

It is therefore considered that a Bushfire Hazard Assessment should be undertaken as part of the Planning Proposal. The Bushfire Hazard Assessment would need to demonstrate that a future dwelling on the site is able to achieve an appropriate BAL rating under Planning for Bushfire, 2006, and also establish whether any vegetation removal is required in order to achieve the required asset protection zones for the structure. The Bushfire Hazard Assessment would need to demonstrate that the proposal is consistent with this direction.

Section C – Environmental, social and economic impact

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

The western section of this site has extensive coverage of vegetation. It is likely that the vegetation would constitute Shale Sandstone Transition Forest which is listed as a Critically Endangered Ecological Community (CEEC) under the Threatened Species Conservation Act, 1995. The application of an E3 Environmental Management zone across the site would enable the vegetation to be retained. Given that the development of the site for a future dwelling is likely to retain native vegetation, no flora and fauna investigations are considered necessary. However, if the Bushfire Hazard Assessment identifies that vegetation removal would be needed to establish the required asset protection zones and bushfire attack level (BAL) ratings required to meet Planning For Bushfire Protection 2006, then some level of Flora and Fauna Assessment may be required.

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

Water Quality

The Draft Proposal originally submitted to Council by the proponent proposed an RU2 Rural Landscape zone across the site. This zone enables high intensity agricultural uses (such as market gardens) which posed a risk of an unsatisfactory impact on water quality of receiving watercourses, particularly given the sites proximity to Megaritys Creek and the

Warragamba River. Council has resolved to support the proposal on the basis that an E3 zone is applied to the site which enables a dwelling but restricts more intense forms of development. It is considered that this approach takes adequate steps to achieving a satisfactory water quality impact.

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

A further, specialist study would need to be undertaken which considers any land use conflict with the adjoining substation as well as any noise impact from the nearby water treatment facility. The Land Use Conflict Assessment would also be required to address the concerns raised by Endeavour Energy during the consultation period as outlined in Part 5.

Section D – State and Commonwealth interests

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

It is considered that there is adequate public infrastructure for the proposal.

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

Government agency consultation is yet to be undertaken. It is anticipated that there would not be any government agencies that would require consultation for this Planning Proposal. Any consultation required as part of the Gateway Determination would be undertaken at the appropriate time.

Proposed New Maps (The location of the site to be added to the additional permitted uses maps is provided below outlined in red. Formal maps in accordance with the Departments Standard technical requirements for spatial datasets and maps prior to public exhibition of the Planning Proposal)

Map 2 – Current Land Zoning (LZN)



Map 3 – Proposed alternate Land Zoning as resolved by council



Part 5 – Community Consultation

Public Exhibition

Council undertook preliminary notification of the Planning Proposal for a period of fourteen (14) days from 22 March, 2017 to 5 April, 2017

One (1) submission was received during the preliminary notification. The concerns raised in this submission during the preliminary notification and Council's response are provided below:

Issue Raised	Assessment Comment
Noise Endeavour Energy is aware that there is an existing dwelling house on the site which at the time of acquisition was essentially uninhabitable. Given the ownership of the land by the Sydney Catchment Authority this did not form a major consideration in the siting on the new zone substation, i.e. the location of the substation was essentially based on it being immediately adjacent to the existing 132 kV high voltage overhead power lines for bulk supply to the substation. The electricity network is operational all day, every day of the year. Overhead power lines can produce an audible sound or buzz as a side effect of carrying electricity. These sounds are generally not an issue in non-urban/non/residential areas but with increasing density and building heights, Endeavour energy believes it is worth considering. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any acoustic/noise amelioration measures for such noise that may impact on that nearby proposed development.	It is acknowledged that there is the possibility for some land use conflict between a future residential use of the site and the substation and this is consistent with advice from Council's Environmental Health Officer. It is recommended that a Specialist Study be prepared which investigates the noise from the substation in order to address the issues raised by Endeavour Energy.
Electric and Magnetic Field Limits Typical magnetic field measurements associated with Endeavour Energy's activities and assets, given the required easement widths, safety clearances and having a maximum voltage of 132000 volt, will not exceed the recommended magnetic field exposure limits. Notwithstanding, Endeavour Energy believes that likewise Council should adopt a policy of prudent avoidance by siting the more sensitive uses away from electricity infrastructure to minimise exposure to EMF. To reduce or eliminate any potential issues arising from the foregoing matters, rather than utilising the existing dwelling house/building area near the	The Specialist Study mentioned above should also consider EMF from the substation and the likely future impact on a future residence of the site. If the existing structure on the site was unable to recommence use on the site without further consent from Council due to the period of time in which it has been abandoned, then the suitability of its location could be guided by the study which assesses the likely impact of the nearby substation. Alternatively, an alternate, more suitable location could be nominated.

substation boundary or an area adjacent to the easement area, given the large size of the site a more suitable location for a new dwelling house could be identified to provide a larger buffer to the electricity infrastructure on the site.	
It is imperative that the access to the existing electrical infrastructure adjacent to the site is maintained at all times.	The access arrangements to the electrical infrastructure would not be impacted by the Planning Proposal.
The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure.	No large tree planting is proposed as part of the proposal.
Before commencing any underground activity the applicant is required to obtain advice from the <i>Dial before You Dig 1100</i> service in accordance with the requirements of the <u><i>Electricity Supply Act 1995</i></u> (NSW) and associated Regulations.	Not applicable. Advice will be forwarded to proponent.
Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601).	Not applicable. Advice will be forwarded to proponent.
Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Any works must be in accordance with Endeavour Energy's public safety training resources.	Not applicable. Advice will be forwarded to proponent.
In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.	Not applicable. Advice will be forwarded to proponent.

It is considered that further formal consultation should be undertaken following a Gateway Determination being issued by the Department of Planning and Environment and the completion of the required Specialist Studies by the proponent. The proposal is considered to be a low impact proposal and in accordance with the Departments 'Guide to Preparing Planning Proposals' should be exhibited for a period of 14 days.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Consideration of Planning Proposal and issue of Gateway Determination by Department of Planning	1 month	Early October, 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	1 month	Early November, 2017
Timeframe for preparation of Specialist Studies	2 months	January, 2018
Review of Specialist Studies from Council and Government Agencies and amendments to Planning Proposal	2 months	March, 2018
Commencement and completion dates for public exhibition period – after amending the planning proposal if required, preparation of maps and special DCP provisions	6 weeks	April, 2018
Timeframe for consideration of submissions	2 weeks	May, 2018
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	2 months	July, 2018
Anticipated date RPA will forward to PC and Department of Planning for finalisation	1 month	August, 2018
Finalisation	1 Month	September, 2018

Appendices

A. Assessment against Section 117(2) Directions

Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

B. Assessment against Wollondilly GMS

Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011

Appendix A

Assessment against Section 117(2) Directions

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

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	N/A	N/A	Not applicable.
1.2 Rural Zones	N/A	N/A	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A	Not applicable.
1.4 Oyster Production	N/A	N/A	Not applicable.
1.5 Rural Lands	N/A	N/A	Not applicable.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	An E3 environmental conservation zoning is proposed to protect possible critically endangered tree communities that may exist on the site.
2.2 Coastal Protection	N/A	N/A	Not applicable.
2.3 Heritage Conservation	Yes	Yes	The proposal complies, as there are no heritage items on the site.
2.4 Recreation Vehicle Area	N/A	N/A	Not applicable.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	N/A	N/A	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	Not applicable.
3.3 Home Occupations	N/A	N/A	Not applicable.
3.4 Integrating Land Use and Transport	N/A	N/A	Not applicable.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Not applicable.
3.6 Shooting Ranges	N/A	N/A	Not applicable.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Not applicable.
4.2 Mine Subsidence and Unstable Land	N/A	N/A	Not applicable.
4.3 Flood Prone Land	N/A	N/A	Not applicable.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
4.4 Planning for Bushfire Protection	Yes	Yes	It is recommended that a Bushfire Hazard Assessment be undertaken to establish that the BAL ratings and Asset Protection Zones required by this direction and PBP 2006 can be provided without compromising the vegetation on site.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Not applicable.
5.2 Sydney Drinking Water Catchments	N/A	N/A	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Not applicable.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Not applicable.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Yes	This planning proposal is consistent with this direction because it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	N/A	Not applicable.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

Appendix B

Assessment against Wollondilly GMS

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

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

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The Planning Proposal is consistent with the key policy directions and assessment criteria contained in the GMS.
P2 All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	The proposal is consistent with the vision of rural living as outlined in the GMS.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Council has undertaken preliminary consultation and one (1) submission was received during this period. The issues raised in this submission has been given due consideration above in Part 5.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The personal financial circumstances of individual landowners have not been given consideration through the preliminary assessment of this Planning Proposal.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	This proposal will not lead to any significant growth in population or housing stock.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The proposal would only allow for one dwelling entitlement on the site and no potential for further subdivision of the land. The proposal would not impact on the ability for adequate housing to be provided in other areas identified for growth in Council's GMS.
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.	The intent of the Planning Proposal is to rezone the site from its current infrastructure use to an environmental zone. The delivery of housing which increases housing variety would still be capable of being provided in appropriate locations around existing villages.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The proposal is located outside an existing centre, however the proposal is considered acceptable against this direction as it would only enable one dwelling to be located on the site and would not enable any further subdivision of the land.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The proposal would not result the creation of any additional allotments or an increase in housing in the area.
Macarthur South Policies	
P11 Council does not support major urban release	Key Policy Direction P11 is not applicable to this proposal.

Key Policy Direction	Comment
within the Macarthur South area at this stage.	
P12 Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.	Key Policy Direction P12 is not applicable to this proposal.
P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	Key Policy Direction P13 is not applicable to this proposal.
P14 Council will consider proposals for employment land developments in Macarthur South provided they: ▪ Are environmentally acceptable; ▪ Can provide significant local and/or subregional employment benefits; ▪ Do not potentially compromise the future orderly master planning of the Macarthur South area; ▪ Provide for the timely delivery of necessary infrastructure; ▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas; ▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).	Key Policy Direction P14 is not applicable to this proposal.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	Not applicable
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.	Not applicable
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	Not applicable.
P18 Council will encourage sustainable growth which	The nature of the proposal would not place unreasonable demands on

Key Policy Direction	Comment
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.	servicing or infrastructure.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal would not enable any further subdivision of the site and would not contribute to disperse population growth.
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.	Not applicable.

Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The site is considered to be quite high in terms of its environmental value due to the proximity to Warragamba River and the presence of vegetation which is likely to be Shale Sandstone Transition Forest. The application of an E3 zone to the land would enable a dwelling and ancillary structures to be provided in the cleared area on the site whilst enabling the vegetated part of the site to be retained and managed and also protected against more intense uses typically associated with a rural land use zone.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The site is located outside the existing township of Silverdale. The minimum lot size proposed would not enable further subdivision of the site and would therefore not contribute to fragmentation of rural lands.