

# **PLANNING PROPOSAL**

**to amend Wollondilly LEP 2011**

**No 55 Government Road Bargo**

**Lot 2 DP 596515**

**(Wollondilly Shire)**

Prepared By:

Precise Planning  
May 2013  
Amended September 2014

# **1. INTRODUCTION**

## **1.1 BACKGROUND**

This Report represents the formative phase in the development of a Planning Proposal geared toward rezoning the land known as:

- Lot 2 DP 596515 (No 55 Government Road Bargo)

at Bargo, for environmental living purposes. The rezoning is to be effected through the preparation of a relevant Local Environmental Plan (LEP) amendment, it being proposed to amend the Wollondilly LEP 2011.

## **1.2 SCOPE OF REPORT**

This Report has been prepared in accordance with the former NSW Department of Planning's (DoP) documents *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. The latter document requires the Planning Proposal (PP) to be provided in four (4) parts, being:

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 – Details of the community consultation that is to be undertaken on the Planning Proposal.

## **1.3 REPORT STRUCTURE**

This Report, in providing an outline PP, is structured in the following manner:

- Section 2 provides an overview of the sites that are the subject of this PP and the development intent
- Section 3 contains a statement of the objective and/or intended outcomes of the proposed LEP
- Section 4 provides justification for the objectives, outcomes and provisions of the proposed LEP
- Section 5 provides details of the community consultation that would be undertaken in respect of the PP
- Section 6 provides a conclusion

## **1.4 HISTORY OF THIS PROPOSAL**

This Planning Proposal was originally lodged with Council in May 2013, seeking support to rezone the subject land being 55 Government Road, Bargo (Lot 2 DP 596515) and the adjoining being 35 Government Road, Bargo (Lot 1 DP 571589) from its current RU1 Primary Production zone, to R5 Large Lot residential, with minimum lot sizes of 4000sqm and 2ha. Council resolved to defer this proposal at its meeting in December 2013.

Following discussions with Council staff, the proposal was amended to propose an E4 Environmental Living zone with a 3ha minimum across the whole two sites. Council resolved at its meeting in September 2014 to support the planning proposal for Lot 2 DP 596515 to an E4 Environmental Living zone with a 2ha minimum lot size. Lot 1 DP 571589 is therefore now not included in this planning proposal.

This planning proposal now reflects the resolution of Council at its meeting in September 2014.

## **2. THE SUBJECT LAND / SITE**

### **2.1 LAND DESCRIPTION**

The site comprises the land described in Part 1.1 of this Report. The site is located in the Wollondilly Local Government Area (LGA).

### **2.2 THE SITE**

The site presents as an irregularly shaped parcel with frontage to Government Road at Bargo.

The overall site area is approximately 11.21ha and is currently vacant.

An earth dam is located at the eastern section of the site. The tail out of this dam runs to Dog Trap Creek, which ultimately flows to Bargo River.

Substantial sections of the site have been historically cleared in the past. Remaining vegetation is generally located around the edges (boundaries) of the site.

### **2.3 CONTEXT**

To the west, the subject land is contiguous with the existing RU4 zoned area of Bargo. To the east, beyond an unmade road, is land zoned E2 Environmental Conservation. To the north and south the land is zoned RU1 Primary Production.

Council's existing Waste Management Centre is located diagonally to the north-east of the subject site, at 31 Anthony Road. To the north of the subject site, on the northern side of Anthony Road (25 Government Road), a Waste Transfer Station has development consent, approved by the Land & Environment Court.

### **2.4 TOPOGRAPHY / DRAINAGE REGIME**

The land generally slopes downwards from the west to the east, as depicted by the contours contained on the detail plan at Annexure 'A'.

### **2.5 GEOLOGY**

The site is situated on a transition zone of two Triassic geological bases: Wianamatta Shale and Hawkesbury Sandstone. Soils derived from shale are clayey and of moderate depth, drainage and fertility. Sandstone derive soils are light, sandy, shallow, well drained and of low fertility.

### **2.6 ECOLOGY**

A substantial part of the site has been cleared completely in the past and presently supports pasture grasses. A comprehensive flora and fauna study would be required following Gateway determination. Nevertheless, it is noted that an E4 Environmental Living zone with 2ha minimum lot size provides sufficient flexibility to design a layout and future dwellings that minimizes impacts on existing vegetation.

## **2.7 BUSHFIRE HAZARD**

The subject site is identified as Bushfire prone on Council's relevant Bushfire Prone Lands Map.

It will likely be a Gateway requirement that further investigations be carried out to determine the impacts of compliance with Planning for Bushfire Protection 2006.

## **2.8 EFFLUENT DISPOSAL**

At this point in time, reticulated sewerage services are not available to the immediate neighbourhood and it is proposed that future residential allotments be connected to septic pump out facilities or an approved Aerated Wastewater Treatment System (AWTS), subject to Council requirements.

Should this proposal be supported by Council and the Gateway, an onsite effluent disposal investigation will be required to ensure the soils are suitable for this purpose.

## **2.9 STORMWATER**

The site drains towards Dog Trap Creek at a gentle grade. The site is outside the Sydney Catchment area and accordingly is not subject to the provisions of Sydney Regional Environmental Plan No 1 (Sydney Drinking Water Catchments) 2011.

Given the 2ha minimum lot size, it is envisaged that stormwater will be managed within each individual lot. This strategy will be able to achieve acceptable water quality outcomes.

## **2.10 RETICULATED WATER**

Sydney Water's water mains are located in Government Road. Should Council and the Gateway support this proposal, Sydney Water will be contacted for more detailed requirements. It is envisaged that Sydney Water's water mains will be extended to service the proposed lots.

## **2.11 SITE CONTAMINATION**

Given the rural residential proposed use it is recommended that a Phase 1 investigation be undertaken, following Gateway approval, moving to a Phase 2 investigation if required. Should any areas of environmental concern be detected in a Phase 2 investigation, appropriate remediation works will be planned and implemented so that the land becomes suitable for residential purposes.

Should any historical uses indicate areas of environmental concern, appropriate remediation works can be planned and implemented, rendering the land suitable for human contact.

## **2.12 TRAFFIC / ACCESSIBILITY**

Any future development at the site will be accessed from Government Road.

Government Road is part of the local road network and will rely principally on Ironbark Road to link with the main township of Bargo.

The subject road network has capacity to accommodate likely additional traffic movements, subject to possible minor road widening and intersection treatments.

The local bus route focuses on Remembrance Driveway.

## **2.13 HERITAGE**

The locality has a long history of low scale European settlement, none of which has been highlighted in past local investigations / records as being of significance. Equally, the land is highly disturbed from past European occupation, as cited above, and is not understood to have any particular indigenous significance.

No heritage items of local, state or national significance are known to be listed for this site.

Notwithstanding the foregoing, heritage significance will require further assessment as this Planning Proposal is advanced. In particular, it may be necessary to undertake a study of the site to determine if any Aboriginal Cultural Heritage Values will be adversely impacted upon. Should the study identify any significant impact on Aboriginal Cultural Heritage Values, further investigation and a strategy will be required to ameliorate any such impact.

### **3. INTENT AND PROVISIONS**

#### **3.1 OBJECTIVES OR INTENDED OUTCOMES (PART 1)**

This Planning Proposal has the express purpose of facilitating the development of that component of the site that is not subject to environmental constraints / sensitivity.

##### Objective

To facilitate the comprehensive development of the land for environmental living purposes in a manner which sensitively interfaces with surrounding development, leverages off and embellishes existing infrastructure and conserves and enhances the underpinning natural systems framework.

##### Outcomes

In delivering the foregoing objective, it is intended that the following outcomes can be realized:

- A sustainable and coordinated expansion of local employment opportunities
- The natural systems will be respected
- Existing physical and human infrastructure will be utilized and embellished

#### **3.2 EXPLANATION OF PROVISIONS (PART 2)**

The Wollondilly LEP 2011 will be amended in the following ways:

- Amendment of Wollondilly LEP 2011 land Zoning Map – Bargo, from RU1 Rural Landscape to E4 – Environmental Living.
- Amendment of Wollondilly LEP 2011 Lot Size Map – Bargo, from 20ha (AB2) to 2ha (Z1).

## **4. JUSTIFICATION (PART 3)**

### **4.1 JUSTIFICATION OVERVIEW**

#### **4.1.1 INTRODUCTION**

This overview establishes the case for the zoning change proposed in the LEP amendment. It should be noted that the level of justification is commensurate with the impact of the rezoning proposal, broad ranging urban capability investigations and an acknowledgment of the need for future issue-specific studies.

#### **4.1.2 METROPOLITAN PLANNING**

The Metropolitan Plan for Sydney 2036 (2010) provides a framework for promoting and managing growth. It documents a vision for Greater Sydney over the ensuing 25 year period, in which

*Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.*

In pursuit of this vision are a series of strategies focused upon, namely:

- Strengthening the City of Cities
- Growing and Renewing Centres
- Transport for a Connected City
- Housing Sydney's Population
- Growing Sydney's Economy
- Balancing Landuses on the City Fringe
- Tackling Climate Change and Protecting Sydney's Natural Environment
- Achieving Equity, Livability and Social Inclusion
- Delivering the Plan

The Metropolitan Plan highlights, inter alia, the need for 770,000 additional homes by 2036 and a need to expand Sydney's employment capacity by 760,000. To accommodate this expanding population, the Strategy projected a need for 231,500 new homes (30%) on the fringe of the City and approximately 540,000 new homes (70%) in existing suburbs.

The South West Sub Region will remain a priority growth area projected to meet an increased dwelling demand of 155,000 by 2036 and an employment target of 141,000 new jobs – more than double the 133,000 jobs in the southwest in 2006.

Balancing land uses on the City fringe is identified as a clear challenge.

#### **4.1.3 SUB REGIONAL PLANNING**

The Department of Planning (DOP) has reinforced its expectations of future Shire urban growth over recent years and most recently in the Draft South West Sub-regional Strategy. The Draft Strategy, in promoting a vision to 2031, has established a growth target in Wollondilly Shire of 5,230 additional dwellings, comprising some additional 1,230 additional "infill" dwellings and 4,000 "greenfield" dwellings (i.e. a 24%/76% split).



## 4.2 NEED FOR THE PLANNING PROPOSAL (SECTION A)

### 4.2.1 IS THE PLANNING PROPOSAL THE RESULT OF ANY STRATEGIC STUDY OR REPORT?

The Planning Proposal has its origins in the principles contained in the Wollondilly Shire Council's Growth Management Strategy (GMS) adopted on 21 February 2011.

The land is located adjacent to an area generally identified as a part of the 'potential residential growth areas' within the structure plan for Bargo within the GMS. The GMS is discussed later with regard to this planning proposal.

### 4.2.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The rezoning of the parcel is the best means of achieving the objectives and intended outcomes of the GMS. The GMS is a policy document with associated mapping, containing key directions and principles to guide proposals and Council decisions on growth.

The proposed rezoning is importantly stylized as an amendment to Wollondilly LEP 2011, notably adopting relevant zoning and minimum lot size provisions. It represents the most logical way of achieving the intended objective and outcomes, there being no readily available and better alternative under the prevailing legislation.

The properties are currently zoned RU1 Primary Production under Wollondilly LEP 2011 and further subdivision of the site is not possible under the current zone.

The proposed E4 Environmental Living zone, with a minimum lot size of 2ha will provide a transition between the future urban (R2) zones to the west (also identified in the GMS) and the E2 Environmental Conservation zone to the east. It will also create an effective edge for the future development of Bargo in an easterly direction at that location.

### 4.2.3 IS THERE A COMMUNITY BENEFIT?

The following table addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009), as required by the guidelines for preparing a planning proposal.

Evaluation Criteria	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)?	Y	The planning proposal is compatible with the Metropolitan Plan, the Draft South West Sub-regional Strategy and the local GMS
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	N	Bargo is situated on the rural / urban interface of the Sydney Metropolitan region and has direct access to the Hume Highway. It is located along the Main Southern Railway route but is not situated within a strategic centre or corridor. The site is located immediately adjacent to land that is generally identified within the GMS as having potential for future urban growth.
Is the LEP likely to create a precedent or create a change in expectations for the landowner or other landowners?	N	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations of land owners as it is located adjacent to land generally 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?	Y	All other spot rezonings before Council in the Wollondilly LGA generally comply with the Council's strategic direction. This planning proposal will result in a positive contribution to environmental living expansion in the following ways: <ul style="list-style-type: none"> <li>By increasing the density and diversity of housing close</li> </ul>

<p>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</p>	<p>to the existing urban centre; and</p> <ul style="list-style-type: none"> <li>By improving the economies of scale to deliver infrastructure and utility services for the residential expansion of Bargo township</li> </ul> <p>Y The site is not currently zoned to facilitate employment, so there will be no loss of employment land.</p> <p>The proposal will create employment through the construction jobs to install the infrastructure, and build the homes, therefore delivering an economic benefit to the community. Further, an increase in population creates demand for commercial services, which leads to increased employment opportunities.</p> <p>Some modest home business opportunities and tradesman residency opportunities will accrue.</p>
<p>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</p>	<p>Y The proposal will have a positive impact on the rural residential land supply by adding to the amount of available rural residential land.</p> <p>The proposal will increase the housing choice and type of housing and contribute to meeting local residential targets.</p>
<p>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?</p>	<p>Y The existing road, rail and bus infrastructure in Bargo is adequate to meet the needs of the proposal. The site has access to reticulated water and is on the fringe of an established urban area.</p> <p>The residential development will support the Bargo Service Centre. Local buses service the area. However, they are limited and primarily cater for school children. Nevertheless, increased patronage through population growth will increase the viability of additional bus services.</p>
<p>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</p>	<p>N/A N/A</p>
<p>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?</p>	<p>N No. The proposal does not require significant further investment in public infrastructure. It will utilize the existing infrastructure and services. The developer will extend and upgrade infrastructure where necessary to service the needs of the development, at no cost to government.</p>
<p>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?</p>	<p>N The site has not been identified for conservation purposes.</p> <p>The land is not mapped as flood prone, although Council does not have flood mapping for this area.</p>
<p>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?</p>	<p>Y Adjoining land to the west of the site will be redeveloped for residential purposes. Land to the east is zoned E2 Environmental Conservation and therefore will not be further developed. Therefore the subject site will act as a transition between these two uses. There is a significant buffer (approximately 500m) between the site and the existing Waste Management Centre and the proposed Waste Transfer Station in Anthony Road</p> <p>The site will not be an isolated residential development when the development of the land to the west occurs. The land is well serviced and proximate to the Bargo Service Centre</p>
<p>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</p>	<p>N The development will, however, contribute to the improved trade of nearby facilities / centres through increased patronage, due to the increase in population.</p>
<p>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at this time?</p>	<p>N/A N/A</p> <p>The proposal will provide additional housing to assist in meeting the housing growth and dwelling mix actions from the sub-regional and local strategies.</p>

Will the public domain improve?

If the rezoning were not supported, the provision of additional housing would not be realized.

Further, the holistic urbanization of the precinct would not be realized, as incremental urban development occurred.

Y Section 94 Contributions/Developer Agreement commitments will be required in respect of open space/community facilities and possibly road shoulder integration

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land.
- The proposal will contribute to Council's requirement to facilitate new dwelling growth, in accordance with the Sub-regional Strategy target.
- The proposal provides opportunities for a mix of dwelling types that encourage social mix and provides housing choice to meet the needs of the community.
- It forms part of the Bargo Service Centre catchment, which has adequate infrastructure to support the development.
- The proposal will not result in any significant adverse environmental impacts.
- The proposal will create local employment opportunities through the construction jobs associated with the civil and building work, as well as longer-term jobs created through increased demand for local businesses because of population growth.
- The proposal will reinforce the viability of the Bargo Service Centre and public transport services (provided by the private sector)

### 4.3 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK (SECTION B)

#### 4.3.1 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 Metropolitan and sub-regional planning context have been briefly detailed at 4.1.2 and 4.1.3 above.

On 16 December 2010, the NSW government released the Metropolitan Plan 2036, which is a follow up of the 'City of Cities' Metropolitan Strategy released in 2005. The Draft South West Subregional Strategy still remains a draft and will be considered in this submission.

As detailed in the Net Community Benefit Test (see section 4.2.3) and in discussing relevant S117 Directions (see section 4.3.4) it is considered that the planning proposal is consistent with the Metropolitan Plan and the Draft Subregional Strategy for the following reasons:

Objective D1 of the Metropolitan Plan 2036 is to ensure an adequate supply of land and sites for residential development. Two action plans have been devised to achieve this objective:-

Action D1.1 of the Metropolitan Plan 2036 requires that at least 70 per cent of new dwellings (about 540,000 homes) will be located within existing urban areas. Also under the Action, greenfield development is to continue to contribute to Sydney's housing supply as the remainder of new dwellings (about 230,000 homes) is to be located in well-planned new precincts. This rezoning will generally be consistent with the Action.

Action D1.2 requires Councils to incorporate the Plan's targets and strategic directions into their LEPs. The targets set out in the Metropolitan Plan 2036 represent a minimum and the plan encourages Councils to plan for higher capacity where appropriate. The proposed rezoning of the subject land will contribute, albeit in a minor way, to achieving the target number of dwellings, as set out above in the Metropolitan Plan.

The Draft South West Subregional Strategy aims to provide 155,000 new homes within the subregion for the period up to 2031. In respect to the Wollondilly LGA, it identifies a target for the period of 5,230 additional dwellings, comprising 1,230 additional infill housing and an additional 4,000 as greenfield development. Accordingly, the proposed rezoning would support the aspirations for additional dwellings in the Wollondilly LGA.

#### 4.3.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OR OTHER LOCAL STRATEGIC PLAN?

##### Growth Management Strategy 2011

The GMS is a policy document with associated mapping, which contains key directions and principles to guide proposals and Council decisions on growth. The GMS states that the 'assessment criteria' will apply to any planning proposal seeking to develop land for residential and employment uses, as outlined in the GMS.

<b>State and Regional Strategies and Policies</b>	
<b>Criteria</b>	<b>Response</b>
NSW State Plan, Metro Strategy, Sub-Regional Strategy	Consistent with relevant provisions
State Planning Policies	Consistent with relevant provisions
Ministerial Directions	Consistent with relevant provisions, or where not consistent, is justified
LEP Framework	The proposed amendments to WLEP 2011 are in accordance with the Standard Planning Instrument
<b>Local Strategies and Policies</b>	
<b>Criteria</b>	<b>Response</b>
Key Policy Directions on the GMS	Consistent with the relevant provisions
Precinct Planning	Consistent with the relevant provisions. The land is adjacent to land identified for future residential growth and is a logical planning step to provide an appropriate transition to the existing E2 Environmental Conservation land to the east and provide an edge to Bargo's growth at that location
Wollondilly Community Strategic Plan	Consistent with the relevant provisions
<b>Project Objectives and Justification</b>	
<b>Criteria</b>	<b>Response</b>
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	When taking into account the scale of the proposed LEP amendment it is considered that a detailed supply and

	demand analysis is not warranted. Nevertheless, it is noted that there is limited vacant land supply in the Bargo township for the types of lot sizes proposed and the proposal offers an opportunity to service potential demand.
Site suitability / analysis	The land is immediately adjacent to land identified in the GMS for future residential growth. The proposed rezoning would provide a necessary transitional buffer between the future residential land to the west and the E2 Environmental Conservation to the east. This is an ideal "town edge treatment" and would not lead to land use conflict (it is noted that a buffer of approximately 500m can be provided between future dwellings and the existing Bargo Waste Management Centre and the approved Bargo Waste Transfer Station (to the north of the land). Traffic generation from the resulting development would still be within the environmental capacity of the surrounding road network.
<b>Preserving Rural Land and Character</b>	
<b>Criteria</b>	<b>Response</b>
Character Setting	The proposal is consistent with future expectations and will maintain a rural character
Visual Attributes	The proposal would not impact unacceptably on the visual character of the locality by reason that (i) the proposed lot sizes provide for an appropriate visual transition at the edge of the township; and (ii) would not result in the removal of significant landscape features
Rural and Resource Lands	The land is not currently used as an agricultural holding and is unlikely to be considered as a viable agricultural holding in the future. The proposal will not restrict opportunities for future agricultural uses on adjacent lands.
<b>Environmental Sustainability</b>	
<b>Criteria</b>	<b>Response</b>
Protection and Conservation	The proposal will not require the removal of significant remnant native vegetation. Mature remnant native vegetation will be retained where possible.
Water Quality and Quantity	The proposal would not cause unacceptable water quality impacts, subject to a wastewater management study. The small scale nature of the proposal would be unlikely to cause unmanageable water quality impacts.
Flood Hazard	The subject land is not affected by flooding, other than localized overland flow paths in minor depressions. The topography of the precinct is gentle. An earth dam has been constructed on the eastern side of the land and overland flow is directed into this dam. The overflow of the dam drains to Dog Trap Creek. A drainage study may be required following Gateway determination.
Geotechnical/Resources/Subsidence	The subject land is contained within the Bargo Mine Subsidence District. Consultations will take place with the Mine Subsidence Board regarding any implications for the Tahmoor Colliery.
Buffers and Spatial Separation	The proposal is consistent with nearby/adjoining current and future development to the south and west. Land to the east is zoned E2 Environmental Conservation. To the north of the land is the existing Bargo Waste Management centre and also the approved Waste Transfer Station. It is important to note that the proposal is able to provide a 500m (approximate) buffer from these land uses to future dwellings.
Bushfire Hazard	The bushfire hazard can be readily managed under the provisions of Planning for Bushfire Protection 2006
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future

	residential development
Heritage	The site contains no listed heritage items of local, state or national heritage significance. It is considered likely that the extent of historical site disturbance would cause the site to be of no significance in terms of indigenous heritage. A cultural heritage assessment would establish whether the site has any Aboriginal cultural heritage significance.
<b>Infrastructure</b>	
<b>Criteria</b>	<b>Response</b>
Efficient Use and Provision of Infrastructure	The proposal will result in more efficient use of existing infrastructure. Some services (water, electricity and telephone) may require extension. It is feasible to undertake these extensions.
Transport, Road and Access	<p>The land is accessed by Government Road, which is bitumen sealed.</p> <p>Government Road has a higher existing traffic volume south of its intersection with Ironbark Road. Traffic to the northern end is generally solely for the existing Bargo Waste Management Centre.</p> <p>Public transport in Bargo comprises trains (providing access to Campbelltown and Sydney CBD, as well as south), buses and taxis. The local bus company provides a daily bus service between Bargo and higher order centres in the Shire and Macarthur region.</p> <p>It is unlikely that a traffic/transport study would be required for this proposal, given its small scale.</p>
Open Space	The proposal is small-scale and does not include provision for open space. There is sufficient open space in the vicinity.
<b>Residential Lands</b>	
<b>Criteria</b>	<b>Response</b>
Location/Area/Type	The proposal is consistent with land identified in the GMS for 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 existing street network servicing the proposal provides good opportunity for informal social interaction.
Urban on Town Edge	<p>The site is contiguous with proposed urban land and within practical walking/cycling distance of town services. The proposed scale of residential development is suitable to the context and location and:</p> <p>Achieves physical and visual integration with the existing edge of town;</p> <p>Allows a mix of large residential lot sizes, which will cater for a mix of housing types;</p> <p>The scale of the proposal does not warrant the inclusion of community land or facilities</p>

Additionally, the GMS is characterized by the following supplementary aims:

- To outline clear policy directions on growth issues
- To provide Council and the community with a strategic framework against which to consider planning proposals
- To achieve a long-term sound and sustainable approach to how the Shire develops and changes into the future

- To inform Council decisions and priorities regarding service delivery and infrastructure provision
- To provide direction and leadership to the community on growth matters
- To assist in advocating for better infrastructure and services
- To provide a strategy/response for how the State Government's Metropolitan and sub-regional planning strategies are seen to be implemented at the local level

This Planning Proposal is consistent with the relevant aims of the GMS. Importantly, it establishes a platform for a sustainable urban module that dovetails with local and sub-regional strategic direction.

The GMS also contains Key Policy Directions, those relevant to this Planning Proposal include, inter alia:

*P1 – All land use proposals need to be consistent with the Key Policy Directions and Assessment Criteria contained in this GMS in order to be supported by Council.*

Comment: The planning proposal is consistent with the relevant Key Policy Directions as listed and discussed below.

*P2 – All land use proposals need to be compatible with the concept and vision of “Rural Living”.*

Comment: Section 2.7.1 of the GMS identifies nine (9) characteristics of rural living, the one particularly relevant to this proposal being buildings and development:

*“New development aims to be sympathetic to the existing form and traditional character of our built environment, which is an integral part of our townscapes, rural landscapes and cultural heritage”.*

The planning proposal will not offend the concept and vision of “rural living”. The proposal represents a logical planning outcome for the future growth of the Bargo township by providing an appropriate transition between residential development to the west and E2 Environmental Conservation land to the east. The transition is achieved through the proposed 2ha minimum lot size.

*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 planning proposal is considered to be appropriate growth because it is only a small scale rezoning. The subject land is also proximate to existing rural residential development, thus reducing infrastructure limitations.

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

Comment: The proposal is consistent with the growth forecasts for Bargo.

*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 intends to develop a 2ha minimum lot size, which will provide a mix of housing, given the site's location/context.

*P9 – Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).*

Comment: The proposal is consistent with this policy direction by providing lower density in this transitional location.

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

Comment: The subject land is located immediately adjacent to land specifically identified for future residential growth.

*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: Existing water, telephone and electricity services are available at the intersection of Government Road and Ironbark Road. The subject site is connected to these services. The 2ha lot size proposed by this application will allow onsite effluent disposal in the event that the future Bargo sewerage scheme does not service the site. An onsite effluent disposal report would be required post-Gateway determination to demonstrate that the soils are capable of appropriate onsite disposal.

The land has frontage to an existing bitumen sealed rural road.

Public transport in Bargo comprises trains (providing access to Campbelltown and ultimately Sydney CBD), buses and taxis. The local bus company provides a daily bus service between Bargo and higher order centres within the Shire and Macarthur region.

Bargo has the following community services available:

- Bargo Community Hall / clubhouse
- Bargo Bowling Club
- Bargo Hotel
- Bargo Public School
- Bonnie Cottage
- Bargo Sportsground, including children’s park and skate park
- Tennis Courts
- Wirrimbirra Wildlife Sanctuary
- Churches

Retail and business facilities in Bargo include newsagency, post office, butcher, bottle shop, bakery, chemist, hair salon, medical services, restaurants/cafes/takeaway food outlets, supermarket, service station, video outlet and veterinary services. A new grocery store development (1423sqm floor area) is currently under construction in the Bargo township.

As the proposal is only small-scale, with services already available at the site and in close proximity to the Bargo town centre, it is considered that the implementation / augmentation of infrastructure will not impose unsustainable burdens on Council or on the Shire’s existing and future community.

*P18 – Council will encourage sustainable growth, which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.*

Comment: This site is adjacent to an area explicitly identified for future residential growth.



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

Comment: This site is adjacent to an area explicitly identified for future residential growth.

*P20 – The focus for population growth will be in two key growth centres, being the Picton / Thirlmere / Tahmoor (PTT) area and the Bargo area. Appropriate smaller growth opportunities are identified for other towns.*

Comment: The planning proposal is located within the Bargo area and will assist in implementing the required population growth.

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

Comment: The planning proposal is not located in a dispersed rural area.

This Planning Proposal assists in the achievement of, or is consistent with, the above Key Policy Directions.

The Strategy contains a Housing Target Distribution Table for Bargo. At Section 5.3, the Strategy anticipates a total dwelling target for Bargo of 2000 new dwellings. This figure comprises 40 dwellings approved for construction but not built and 1960 additional dwellings needed. In order to achieve this target, some existing rural / residential land in Bargo will have to be rezoned for residential development, given there are very few development opportunities in the stock of existing residentially zoned land.

Further, it is consistent with the Metropolitan Plan and Draft Sub Regional Strategy objectives of providing increased housing opportunities, employment opportunities particularly as an expansion of existing urban areas.

### **Wollondilly Community Strategic Plan 2030**

The Wollondilly Community Strategic Plan 2030 (CSP) identifies and expresses the aspirations held by the community of the Wollondilly Shire, and will assist in building a resilient community. It aims to highlight the way forward for the Wollondilly Shire through five (5) key focus areas of

- Community
- Economy
- Environment
- Infrastructure
- Governance

There are ten (10) Community Outcomes along with a number of key strategies outlined in this Plan. The Community Outcomes have been developed in response to community feedback and local knowledge.

Of specific relevance to this proposal is the focus area of Economy. Eight (8) key strategies were identified within the Draft Community Strategic Plan 2030 in relation to the economy and the community was asked to prioritise these strategies in order of importance. The top three priorities in relation to economy were then cross referenced with the feedback obtained through community research and two community outcomes for the economy were determined.

The community outcome relevant to the consideration of this proposal is:

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

With regard to this proposal, the relevant priority key strategy is EC7:

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

This proposal would be consistent with this key strategy by providing for a scale of residential development in and around the Bargo township appropriate to location and context.

#### **4.3.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES**

The precinct is subject to the provisions of a raft of State Environmental Planning Policies (SEPP)s.

The subject policies are noted below and importantly do not prohibit and/or significantly constrain the Planning Proposal.

<b>SEPP</b>	<b>Comment</b>
SEPP 1 – Development Standards	Not applicable (As referenced in WLEP 2011, Clause 4.6 makes provision for variations to development standards)
SEPP 4 – Development without Consent and Miscellaneous Exempt and Complying Development	Not inconsistent (As referenced in WLEP 2011, Clause 6 and Parts 3 and 4 do not apply)
SEPP 6 – Number of Storeys in a Building	Not inconsistent (Maximum building height will be subject to maximum height expressed in metres)
SEPP 15 – Rural Landsharing Communities	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
SEPP 19 – Bushland in Urban Areas	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
SEPP 21 – Caravan Parks	Not applicable (Caravan parks are prohibited under the proposed E4 zone currently prevailing in WLEP 2011)
SEPP 22 – Shops and Commercial Premises	Not applicable (WLEP 2011, however, generally prohibits commercial and retail facilities in the E4 zone)
SEPP 26 – Littoral Rainforests	Not applicable
SEPP 29 – Western Sydney Recreational Area	Not inconsistent
SEPP 30 – Intensive agriculture	Not applicable (WLEP 2011, E4 zone does not permit intensive agricultural uses)
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Not applicable (The land is not in a position that can optimize urban consolidation outcomes)
SEPP 33 – Hazardous and Offensive Development	Not applicable (WLEP 2011, E4 zone does not permit hazardous or offensive industries)
SEPP 36 – Manufactured Home Estates	Not applicable (WLEP 2011 is in the Sydney Region which is excluded from the Policy's application)
SEPP 44 – Koala Habitat Protection	Not inconsistent
SEPP 50 – Canal Estate Development	Not applicable

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SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan areas	Not applicable
SEPP 53 – Metropolitan Residential Development	Not applicable
SEPP 55 – Remediation of Land	Applicable (The provisions will need to be complied with in converting the land to residential use)
SEPP 59 – Central Western Sydney Regional Open Space	Not applicable (Land is not located in Central Western Sydney)
SEPP 60 – Exempt and Complying Development	Limited application at this stage
SEPP 62 – Sustainable Agriculture	Not applicable (WLEP 2011, E4 does not permit Aquiculture)
SEPP 64 – Advertising and Signage	Not inconsistent
SEPP 65 – Design Quality of Residential Flat Development	Not applicable (WLEP 2011, E4 does not permit residential flat buildings)
SEPP 70 – Affordable Housing (revised schemes)	Not inconsistent
SEPP 71 – Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	Not inconsistent
SEPP (Building Sustainability Index: BASIX) 2004	Not inconsistent (The relevant principles will inform subdivision design and subsequent development)
SEPP (Exempt and Complying Codes) 2008	Not inconsistent
SEPP (Housing for Seniors or People with a Disability) 2004	Not inconsistent
SEPP (Infrastructure) 2007	Not applicable
SEPP (Major Development) 2005	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Rural Lands) 2008	Not inconsistent

#### 4.3.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (SECTION 117 DIRECTIONS)?

Section 117 Directions detail matters to be addressed in LEP's so as to achieve particular principles, aims and objectives or policies.

All relevant Directions can be adequately accommodated or departures justified in the preparation of an LEP amendment of the nature foreshadowed in this Planning Proposal.

The relevant considerations in respect of the Section 117 Directions highlighted to be of relevance are summarized below.

##### 1. Employment and Resources

Direction	Applicable	Consistent
1.1 Business and Industrial Zones	NO	N/A
1.2 Rural Zones	YES	NO
1.3 Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4 Oyster Aquaculture	NO	N/A
1.5 Rural Lands	YES	NO

##### Justification

Direction 1.2 applies to planning proposals affecting land within an existing or proposed rural zone and states that a Planning proposal must not rezone land from a rural zone to a residential zone.

The inconsistency is justified in this instance as the site is contiguous with the existing urban area and generally consistent with the principles of the Wollondilly GMS and is not inconsistent with the prevailing Draft Sub-regional Strategy.

It is noted that the area has been undermined and subsided in the past; further, it is unlikely that minerals, petroleum and/or extractive materials will constrain the Proposal. Importantly, should an inconsistency with the Direction be identified as a result of consultation with the Director General of DPI, it is likely that a relevant strategy can be developed.

The Planning Proposal is inconsistent with Direction 1.5. Such inconsistencies are, however, justified, as the proposed residential use is consistent with the strategic policies adopted by Wollondilly Council. The social and environmental benefits associated with rezoning rural land to residential, such as housing choice and opportunities, are recognized.

## 2. Environment and Heritage

Direction	Applicable	Consistent
2.1 Environmental Protection Zones	YES	YES
2.2 Coastal Protection	NO	N/A
2.3 Heritage Conservation	YES	YES
2.4 Recreation Vehicle Areas	NO	N/A

### Justification

The land does not comprise land for environmental protection purposes. Further, provisions already exist in the Wollondilly LEP 2011 for the protection and conservation of environmentally sensitive areas and the conservation of all heritage items, areas, objects, and places of heritage significance.

Accordingly, the Planning Proposal is consistent with Direction 2.1.

The site does not contain any known items of European heritage, nor does it comprise a significant cultural landscape. In terms of Aboriginal heritage, it will be necessary to undertake a due diligence study of the site, as a minimum, to determine the impacts of Aboriginal Cultural Heritage.

## 3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent
3.1 Residential Zones	YES	YES
3.2 Caravan Parks and Manufactured Home Estates	NO	N/A
3.3 Home Occupations	YES	YES
3.4 Integrating Land Use and Transport	YES	NO
3.5 Development near Licensed Aerodromes	NO	N/A
3.6 Shooting Ranges	NO	N/A

### Justification

In response to Direction 3.1, the Planning Proposal will broaden the choice of building types and locations available within the Wollondilly LGA and will optimize efficient use of infrastructure and services. Accordingly, the Planning Proposal will enable the development of land consistent with the objects contained within Section 5 of the EPA Act 1979 and therefore reflects evolving lifestyle and demographic trends.

Home occupations in the form of low-impact small business will be able to be carried out in a dwelling without the need for development consent, consistent with Direction 3.3.

Whilst the planning proposal is partially inconsistent with Direction 3.4, pertaining to integrating land use and transport, with only limited access to the Bargo Service Centre and public transport and access to “alternative means of transport”, the inconsistency is justified on the basis that the site is consistent with the principles establishing future residential development within the GMS prepared by Wollondilly Council.

#### 4. Hazard and Risk

Direction	Applicable	Consistent
4.1 Acid Sulphate Soils	NO	N/A
4.2 Mine Subsidence and Unstable Land	NO	N/A
4.3 Flood Prone Land	NO	N/A
4.4 Planning for Bushfire Protection	YES	NO (on current information)

#### Justification

The subject land is not defined as flood prone land and is unlikely to be flood affected, given its relative setting in the local creek catchment. Appropriate local flooding considerations will occur as the planning proposal is advanced.

The land is not considered to represent unstable land and all future development is considered capable of being designed to comply with reasonable Mine Subsidence parameters.

The subject land and surrounding land is identified as bushfire prone land on Council’s relevant mapping. Such mapping generally occurred at a broad scale and has minimal regard for the immediate local circumstance of the subject land. Nevertheless, a bushfire consultant has carried out preliminary investigations (noted in section 2.7 of this Report). As the Planning Proposal is progressed, an appropriate strategy will be developed in accordance with “Planning for Bushfire Protection, 2006”, and in concert with a more accurate understanding of the bushfire hazard.

#### 5. Regional Planning

Direction	Applicable	Consistent
5.1 Implementation of Regional Strategies	NO	N/A
5.2 Sydney Drinking Water Catchments	NO	N/A
5.3 Farmland of State and Regional Significance on NSW Far North Coast	NO	N/A
5.4 Commercial and Retail Development along Pacific Hwy North Coast	NO	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	NO	N/A
5.6 Sydney to Canberra corridor	NO	N/A
5.7 Central Coast	NO	N/A
5.8 Second Sydney Airport: Badgerys Creek	YES	YES

#### Justification

The land is not subject to any of the Regional Strategies identified in Direction 5.1. The land is also sufficiently free of any operational constraint should a second Sydney Airport ever be developed at Badgerys Creek.

## 6. Local Plan Making

Direction	Applicable	Consistent
6.1 Approval and Referral Requirements	YES	YES
6.2 Reserving Land for Public Purposes	YES	YES
6.3 Site Specific Purposes	YES	YES

### Justification

Pursuant to Direction 6.1, the LEP provisions encourage the efficient and appropriate assessment of development as proposed and do not extend beyond those adopted in the Wollondilly LEP 2011.

Consistent with Direction 2, the Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

The Planning Proposal does not impose unnecessarily restrictive site-specific planning controls and therefore is consistent with Direction 6.3.

## 7. Metropolitan Planning

Direction	Applicable	Consistent
7.1 Implementation of the Sydney Metropolitan Plan, 2036	YES	YES

### Justification

The Planning Proposal is not inconsistent with the general direction of the Metropolitan Plan 2036, or the Draft South West Sub-Regional Strategy. Further, the Planning Proposal has addressed the S.117 Directions prescribed by the Minister contained within the EPA Act 1979.

## 4.4 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT (SECTION C)

### 4.4.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITATS OR THREATENED SPECIES, POPULATIONS, ECOLOGICAL COMMUNITIES OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

The site may contain elements of Endangered Ecological Communities (vegetation) and is within a bio sub-region with known threatened fauna species.

Further threatened species investigations will occur as the planning proposal is advanced.

### 4.4.2 ARE THERE ANY OTHER LIKELY ENVIRONMENT EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Comment: This site is adjacent to an area explicitly identified for future residential growth. Environmental impacts considered are as follows:-

#### 1) Water Quality

The planning proposal is for the development of the subject land with a 2ha minimum lot size. The large minimum area of the proposed development is, in part, to accommodate onsite effluent disposal, thereby providing an opportunity for sustainable onsite wastewater management. A detailed onsite

effluent disposal report would be required post Gateway, which would consider and provide recommendations such as:

- Installation of an approved secondary wastewater treatment system;
- Disposal of treated wastewater in a properly sized, designed and managed irrigation area;
- Treatment of combined black and grey water streams of wastewater to a secondary standard prior to land application by surface or subsurface irrigation;
- Spray irrigation to be adopted only on sites having more than 1500sqm of land available. Alternatively, subsurface irrigation must be used;
- Irrigation areas to be well vegetated with either lawn or established garden beds;
- Protection of effluent management areas during construction activities;
- Installation of water saving devices;
- Appropriate selection of detergents and cleaning compounds.

## 2) Bushfire

Council's Bushfire Prone Land maps identify the site as being bushfire prone.

It would appear from observations of the existing vegetation and slope that more than adequate buffers to potential bushfire threats could be readily achieved with the 2ha minimum lot size as proposed. A reticulated water supply is available and would be extended to service each lot.

## 3) Drainage

A minor drainage line exists at the eastern side of the land.

Treatment of this drainage line should be investigated post Gateway determination and a concept drainage plan prepared, including 1 in 100 year overland flow paths.

## 4) Impacts from Bargo Waste Management Centre and approved Waste Transfer Station

- Noise

The 500m buffer (approximate) between the uses is considered satisfactory to achieve compliance with the requirements of the NSW Industrial Noise Policy. This compliance may need to be further examined.

- Air Quality

The 500m buffer (approximate) between the uses is considered satisfactory to achieve compliance with the relevant requirements. This compliance may need to be further examined.

- Traffic

Additional traffic generated by the future development of this land will not create a significant impact on the existing road network, due to its small scale.

### **4.4.3 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?**

The Proposal will help to address the current land supply limitations and move toward fulfilling the accommodation needs attached to the sub-regional population and housing projections. In doing so, affordability of housing is likely to be enhanced.

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Further, the development process will have a positive economic impact upon the development / construction industry, inclusive of the prospects of local employment on many fronts, both in design and construction. The local businesses at Bargo and other proximate centres such as Tahmoor and Picton are likely to benefit through enhanced trade.

The new residential population will have a positive impact on key employment industries such as schools and education centres, cafes, restaurants and takeaway food services and will generate increased demand for these services, thereby providing an economic benefit to the area.

## **4.5 STATE AND COMMONWEALTH INTERESTS (SECTION D)**

### **4.5.1 INTRODUCTION**

The Gateway determination will identify any consultation required with State or Commonwealth Public Authorities. This will include:

- Consultation required under section 34A of EPA Act, where the Relevant Planning Authority (RPA) is of the opinion that critical habitat or threatened species, populations, ecological communities or their habitats will or may be adversely affected by the Planning Proposal;
- Consultation required in accordance with a Ministerial Direction under S117 of EPA Act; and
- Consultation required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.

### **4.5.2 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

Public infrastructure will be required to be augmented to support the development of the subject land, as communicated in this Planning Proposal.

The nature and extent of augmentation will be finally determined having regard to more detailed investigations as part of the continued evolution of this Planning Proposal and subsequent subdivisional planning in respect of the land.

The logistics (physical and economic) of providing such requisite infrastructure are considered realizable.

Amplification / enhancement of public infrastructure will involve relevant contributions pursuant to S94 EPA Act and / or a Voluntary Planning Agreement. Such contributions will be determined in response to more detailed planning actions as the Planning Proposal progresses.

### **4.5.3 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION, AND HAVE THEY RESULTED IN ANY VARIATIONS TO THE PLANNING PROPOSAL?**

The relevant State and Commonwealth public authorities would be consulted following the outcome of the Gateway determination. Council would be responsible for carrying out this consultation in accordance with S57 of the EPA Act.

Typical authorities likely to be consulted include:



- Department of Premier and Cabinet
- Parks and Wildlife Group
- Office of Environment and Heritage
- Environment and Heritage Policy and Programs
- Department of Education and Communities
- NSW Ministry of Health
- Department of Trade and Investment, Regional Infrastructure and Services, Primary Industries Resources and Energy, NSW Office of Water
- Transport for NSW
- Roads and Maritime Services
- Sydney Water, Endeavour Energy, Telstra, AGL

## 5. COMMUNITY CONSULTATION (PART 4)

Community consultation remains an important element of the Plan making process. The companion document “A Guide to Preparing Local Environmental Plans” outlines community consultation parameters.

The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed.

It is considered that the Planning Proposal is of a “low impact” nature and should be exhibited for a minimum period of 14 days.

Before proceeding to public exhibition, the Director General of Planning (or delegate) must approve the form of the Planning proposal as being consistent with the “Gateway” determination (EPA Act, S57(2)).

Notification is able to be conducted by way of direct correspondence to the surrounding owners, publication within the local press and information on Wollondilly Shire Council’s website.

Any submissions received in response to community consultation would need to be fully considered, in accordance with the prevailing statutory provisions.

### **Additional criteria under ‘A guide to preparing local environmental plans’.**

**If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.**

The planning proposal does not include the extinguishment of any interests in the land.

**The concurrence of the landowner, where the land is not owned by the relevant planning authority.**

The land is owned by 3 landowners, all of whom support the proposal.

### **Map**

Proposed Land Use Zone and Minimum Lot Size Map

### **Appendices**

- Appendix ‘A’** - Detail plan
- Appendix ‘B’** - Proposed Land Zone Map
- Appendix ‘C’** - Proposed Minimum Lot Size Map
- Appendix ‘D’** - GMS – Bargo Structure Plan
- Appendix ‘E’** - Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River and S117 Ministerial Directions

## **6. CONCLUSION**

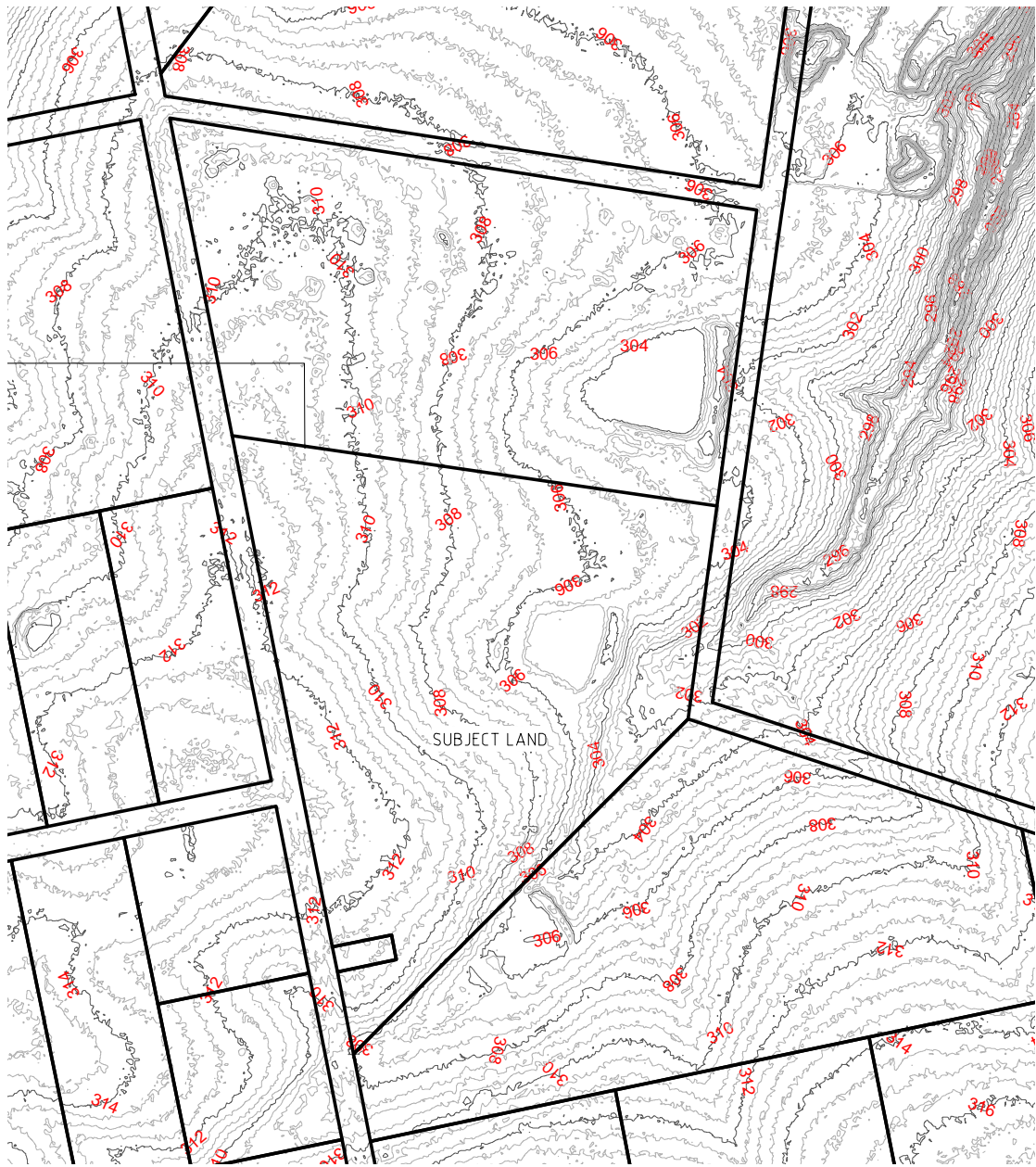
The subject Planning Proposal has documented a persuasive case for the rezoning of the subject land for urban purposes, via an amendment to Wollondilly LEP 2011.

Limited additional environmental and infrastructure investigations will need to be undertaken and broad commitments to infrastructure provision made as the Planning Proposal is advanced.

Council, as the Relevant Planning Authority (RPA), is requested to support and forward this proposal to the Department of Planning and Environment for progressing through the “Gateway” in an expedient manner.

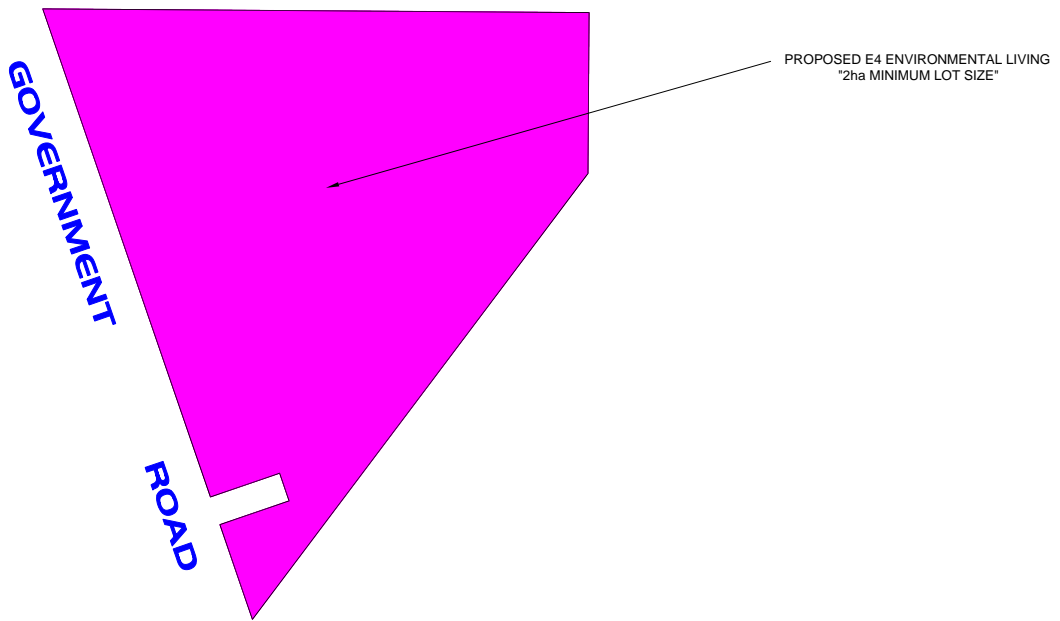
# Appendix “A”

## EXISTING ALLOTMENT



# Appendix “B”

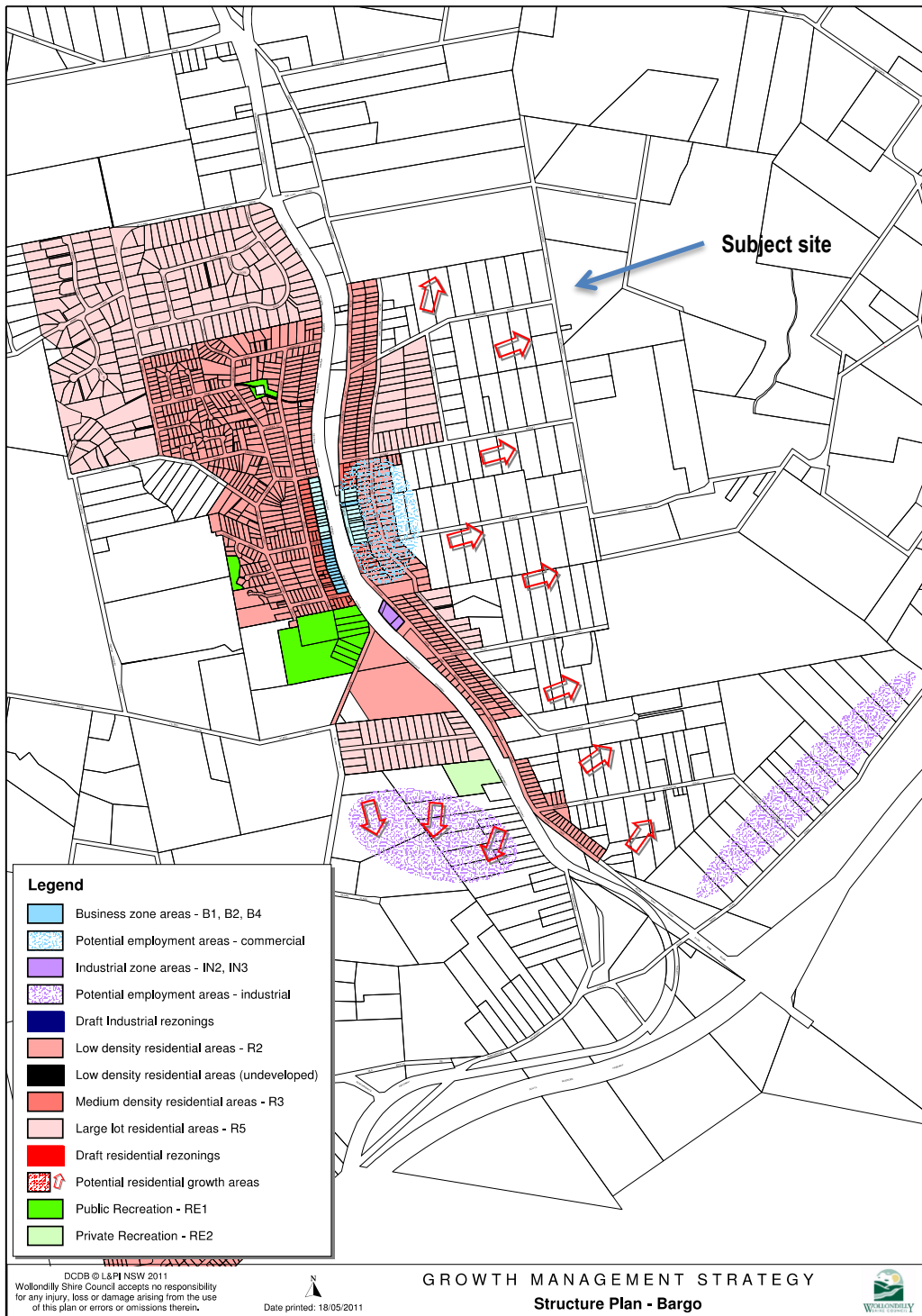
## PROPOSED LAND ZONING PLAN



# Appendix “C”

## GMS – BARGO STRUCTURE PLAN





# Appendix “D”

**SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY  
NEPEAN RIVER**

**S117 Ministerial Directions**

## Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

This Plan seeks to ensure the protection of the environment of the Hawkesbury – Nepean River System by ensuring that the impacts of future land uses are considered in a regional context.

Clause 4 details provisions in respect of the application of general considerations, specific planning policies and recommended strategies.

Clause 5 outlines general planning considerations, the nature of which have been complied with in the subject context.

Clause 6 details specific planning policies and recommended strategies, with such being addressed below.

Policy/Strategies	Compliance/Non Compliance
1. Total Catchment Management	<p>The proposal represents a transitional extension of the existing urban area.</p> <p>The property slopes generally toward Dog Trap creek, which is the natural drainage regime.</p> <p>The proposed development will be subject to implementation of a comprehensive Stormwater Management System based on principles of Water Sensitive Urban Design (WSUD).</p>
2. Environmentally Sensitive Areas	<p>There are no environmentally sensitive areas on this site. Existing vegetation does not pose an outright constraint to development.</p> <p>The land is not contiguous with local reserves or land dedicated under the National Parks and Wildlife Act.</p>
3. Water Quality and 4. Water Quantity	<p>Onsite disposal of sewerage effluent is required in this circumstance.</p> <p>The proposal is not likely to cause land degradation.</p> <p>Drainage options will be investigated at development application stage, once likely dwelling house locations are known.</p> <p>Stormwater generated from the future development of the land will not adversely impact the water balance equation, including groundwater/water table. A “neutral or beneficial effect” can be achieved.</p> <p>A comprehensive sediment and erosion control plan will be required at development application stage, thereby mitigating land degradation and achieving satisfactory water quality outcomes.</p>
5. Cultural heritage	<p>The subject land does not comprise a riverine environment, with such being the focus of heritage considerations.</p>
6. Flora and fauna	<p>The proposal will be subject to the usual flora and fauna investigations, which will ensure appropriate management strategies are derived and implemented in respect of the broader catchment.</p> <p>No fish habitats will be adversely impacted.</p>

	No wetlands are adversely impacted.
7. Riverine Scenic Quality	The subject property is not proximate to the immediate riverine environment/corridor.
8. Agriculture/Aquaculture and fishing	The land is of some limited agricultural value. The proposal has no impact on aquaculture and fishing.
9. Rural Residential development	The proposal would result in the creation of 2ha allotments. This is considered appropriate given the location
10. Urban Development	Not applicable
11. Recreation and Tourism	The value of the riverine corridor (significantly removed from the site) as a significant recreation and tourist resource will not be diminished.
12/ Metropolitan Strategy	The proposal is consistent with the Metropolitan Strategy and its broader objectives, reflected in the subregional planning strategy

Clause 8 details the application of development controls.

Clause 9 has been repealed and Clause 10 is not applicable.

Clause 11 outlines development controls in respect of specific land uses. No specific provisions are detailed regarding this type of proposal.

Clause 12 details provisions in respect of the relationship of the Plan to other planning instruments. Such relationship is acknowledged and shall be considered in processing/assessment of this proposal.

Clause 13 and 14 detail definitions and savings provisions respectively and are noted in the application of the Plan.

## **Section 117 Directions (as relevant)**

### 4.2 Mine Subsidence and Unstable Land

The subject land is contained within the Bargo Mine Subsidence District and accordingly subject to the provisions of the Direction.

#### 4. Council Responsibilities

4(a) In accordance with such provision, Council or the relevant planning authority must consult the Mine Subsidence Board to establish if:

- i. it has any objection to the LEP (planning proposal)
- ii. the scale, density and type of development is appropriate having regard to the projected level of subsidence.

It is appropriate, in such context, that Council refer the Planning Proposal to the Mine Subsidence Board, prior to formal public exhibition and consultation (as will likely be required in accordance with a Gateway determination).

All projected building types are considered to be capable of appropriate engineering design and compliance with relevant Mine Subsidence Board parameters.

Similarly, all subdivision service infrastructure and civil works will be designed to comply with Mine Subsidence Board requirements.

4(b) The planning proposal (LEP) will incorporate relevant provisions in respect of the proposed nature of development, when communicated by the Mine Subsidence Board.

4(c) The relevant Mine Subsidence Board requirements will be included with the planning proposal as it proceeds to community consultation.

5. The land is not considered to represent unstable land and all future development is considered capable of being designed to comply with reasonable mine subsidence parameters.

6. Consistency

It is considered that a substantial claim for inconsistency with the subject direction will not likely be required, in response to Mine Subsidence Board 'feedback', when communicated.

### 1.3 Mining, Petroleum Production and Extractive Industries

The subject land may harbour subterranean coal, minerals, petroleum and/or extractive materials.

4. Council Responsibilities

4(a) In accordance with such provision Council, as the relevant Planning Authority, must consult with the Director General of Primary Industries (DPI) to establish:

- i. if any resources of State or Regional significance are present
- ii. if there are any existing operations potentially impacted by the planning proposal

(b) If any matter identified in 4(a)(i) and (ii) above required specific action.

(c) Further, Council must identify and consider potential land use conflict issues in respect of:

- i. identified resources 4(a)(i), or
- ii. existing operations 4(a)(ii)

5. Pursuant to such provision Council must consider the impact of prohibitions/restrictions on resources, by consulting the Director General of the DPI.

It is appropriate in such context that Council refer the planning proposal to the Director General DPI, prior to formal public exhibition and consultation (as will likely be required in accordance with the Gateway determination).