

PE4 – Draft Planning Proposal – Government Road, Bargo.

PE4

Draft Planning Proposal – Government Road, Bargo
244936KFET

TRIM 7654

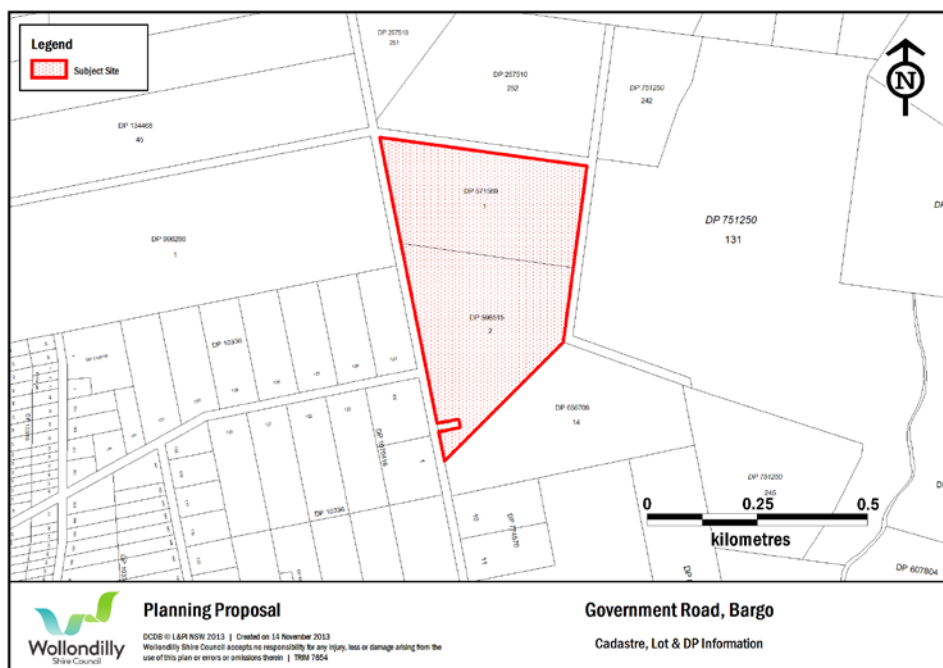
APPLICANT:

Precise Planning

OWNER:

Mr DB Madgwick & Mr A J McCulloch & Ms J P McCulloch

Planning & Economy



Stage	Completed
Preliminary notification	31 July – 2 September 2013 Re-notified from 28 May – 25 June 2014 following requested amendment to proposed zone and minimum lot size
Gateway Determination	Not yet issued
Consultation with Public Agencies	Not yet completed
Specialist studies	Not yet completed
Public exhibition / community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

PE4 – Draft Planning Proposal – Government Road, Bargo.

REPORT

EXECUTIVE SUMMARY

- A draft Planning Proposal was received on 19 July 2013 for Lot 1 DP 571589 and Lot 2 DP 596515 (Nos. 35 and 55 Government Road, Bargo) and following discussions now seeks changes to the Wollondilly Local Environmental Plan, 2011 to enable subdivision of the subject site for the purposes of Environmental Living (E4 zone with a 3ha minimum lot size). The previous version of this Planning Proposal proposed to rezone the site to R5 Large Lot Residential with a combination of a 4,000m² and 2ha minimum lot size.
- The Planning Proposal was reported to the December 2013 Council meeting, at which Council resolved:

That Council defer the preparation of a Planning Proposal for the land being Lot 1 DP 571589 and Lot 2 DP 596515 (No. 35 and 55 Government Road, Bargo) pending the outcome of the court case and State Significant Development application for the Bargo Waste Transfer Station.

- The Land and Environment Court approved the Development Application for the Bargo Waste Transfer Station on 2 April 2014. Additional time was taken to finalise the conditions of the approval and Council received these on 29 May 2014.
- During the 2013 public notification, there were six (6) submissions in response, one (1) in objection, five (5) in support and none neutral, however, only One (1) objection was received in response to the May-June 2014 notification of the revised proposal.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that Council support the preparation of a Planning Proposal for Lot 1 DP 571589 and Lot 2 DP 596515 (Nos. 35 and 55 Government Road, Bargo) to allow the land to be zoned E4 Environmental Living with a minimum lot size of 3ha and maximum building height of 9m.

BACKGROUND

1.1 Site Description and Background

Site Description

The subject site comprises two lots:

- Lot 1 DP 571589 (35 Government Road, Bargo)
- Lot 2 DP 596515 (55 Government Road, Bargo).

PE4 – Draft Planning Proposal – Government Road, Bargo.

The site is irregularly shaped and has an area of 21.35ha. The site is zoned RU1 Primary Production with a minimum lot size of 20ha. The site contains two earth dams that are linked to a watercourse running through the adjoining property (partly mapped as 10m sensitive land on the Natural Resources – Water Map) that partly forms the boundary of Lot 2.

Lot 1 is vacant. The majority of the site is bushfire prone, being either identified as Category One or Two Vegetation or within a buffer area to this vegetation, with the exception of some land in the centre of the site and towards Government Road. Reticulated sewer services are not currently available to this site and given that the proposed lot sizes are 3ha, on-site effluent disposal would be the likely wastewater treatment option pursued. This would need to be further investigated following a Gateway Determination.

The land generally slopes downwards from west to east. The site contains scattered vegetation that is generally denser around the boundaries of the site. The middle area of the site is mainly cleared. The site lies within the Hawkesbury Nepean Catchment and is therefore subject to the provisions of Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20). The site is within the Bargo Mine Subsidence District.

65 Government Road is located adjacent to the south-west section of the subject site, contains a dwelling house and is bordered on three sides by Lot 2. 65 Government Road is not subject to this Planning Proposal. The land to the east of the site is zoned E2 Environmental Protection and is heavily vegetated.

The site is bounded by Government Road to the west, Anthony Road to the north (formed road) and east (unformed Crown Road) and 85 Government Road to the south. Council's Bargo Waste Management Centre is located to the north-east of the subject site.

Planning Applications on Surrounding Sites

A Planning Proposal has been lodged with Council for the adjoining site to the west – 95 Great Southern Road, Bargo. This site contains a heritage item, the "Old Coomeroo Homestead, Silo and Slab Shed", however this heritage item is located at the opposite (western) end of the site, adjacent to Great Southern Road. At the Council meeting of 21 July 2014 Council resolved to proceed with this Planning Proposal to zone the portion of the site to between the watercourse and Great Southern Road R2 Low Density Residential with a minimum lot size of 700m² and include the area between the watercourse and Government Road (with an area of about 9.3 hectares) in one lot.

PE4 – Draft Planning Proposal – Government Road, Bargo.

The proposed 3ha minimum lot size allows for adequate on-site effluent disposal (subject to further investigation) and would not require public recreation areas to be provided. Potential noise and odour impacts can be further investigated and appropriately managed (as discussed further in the Environmental Health Officer comments in section 2.1) and therefore would not be expected to have an adverse impact on this Planning Proposal, particularly given that the proposed lot sizes could accommodate dwellings some distance from the approved Bargo Waste Transfer Station.

A State Significant Development Application was previously submitted to the Department of Planning & Environment for a resource recovery facility and transfer station at 25 Government Road, directly to the north of the subject site, on the opposite side of Anthony Road. Director-General's Requirements were issued for the preparation of an assessment report but this application has been withdrawn.

Council refused a Development Application for a smaller facility on the same site, which was the subject of proceedings in the Land and Environment Court. The Land and Environment Court approved the Development Application for the Bargo Waste Transfer Station on 2 April 2014. Additional time was taken to finalise the conditions of the approval and Council received these on 29 May 2014. This consent approves the processing of 49,000 tonnes of waste per annum. Expert evidence provided to the Court from both parties was that any impacts on development within the area of the subject Planning Proposal would be "slight and manageable".

Previous Reports to Council

The original version of this Planning Proposal that was lodged on 19 July 2013 proposed to rezone the site to R5 Large Lot Residential with a combination of a 4,000m² and 2ha minimum lot sizes. This previous version of the Planning Proposal was considered by Council at the meeting of 16 December 2013, at which Council resolved:

- *That Council defer the preparation of a Planning Proposal for the land being Lot 1 DP 571589 and Lot 2 DP 569515 (No. 35 and 55 Government Road, Bargo) pending the outcome the court case and State Significant Development application for the Bargo Waste Transfer Station.*

Following the approval of the DA for the Bargo Waste Transfer Station on 2 April 2014, a request was received to amend the Planning Proposal on 14 May 2014 to zone the site E4 Environmental Living with a minimum lot size of 3ha, as described in section 1.2 below.

PE4 – Draft Planning Proposal – Government Road, Bargo.

Pre-gateway Review Request

A pre-gateway review request was received for this Planning Proposal by the Department of Planning and Environment (DP&E) on 28 April 2014 but was withdrawn by the applicant on 17 July 2014. Council staff were consulted about the form of the Planning Proposal, requested proposed amendment and timing of assessment of the Planning Proposal including reporting to Council, but were not requested to provide formal advice in relation to this pre-gateway review.

1.2 Description of Draft Planning Proposal

The current zoning prevents the development of the subject site from achieving the intended objective of the planning proposal. To achieve this objective it is proposed to amend the planning controls applying to the land in the following manner:

- Amend the Land Zoning Map from Zone RU1 Primary Production to Zone E4 Environmental Living
- Amend the Minimum Lot Size from 20ha to 3ha
- Introduce a Maximum Height of Buildings of 9m for the entire site
- This is illustrated in Attachments 2 and 3 to this report.

CONSULTATION

2.1 Consultation with Council Managers and Staff

The following comments on the application were received from Council staff during initial consultation.

Manager Planning

The Manager Planning offered the following comments:

- Care should be taken to avoid potential land use conflict with Council's existing Waste Management/Recovery Centre
- Care should also be taken to avoid future land use conflict with the approved waste transfer station at 25 Government Road, Bargo, to the immediate north of the site
- Council would need to be satisfied that there is sufficient separation from the impacts of potentially conflicting land uses to any residential premises
- There were issues associated with threatened species/ecological communities with a previous Development Application for the land subject to this Planning Proposal and it would need to be demonstrated that these communities can adequately be protected.

PE4 – Draft Planning Proposal – Government Road, Bargo.

Manager Growth Centres

The Manager Growth Centres offered the following comments:

- The current Growth Management Strategy (GMS) Structure Plan for Bargo appears to indicate the potential residential growth areas extending to Government Road to the west of the subject site, but not including the subject site
- Government Road, for the purposes of the GMS, is a logical eastern boundary for the Bargo residential growth area. Support for this Planning Proposal could create a precedent for adjoining land parcels to the south to be considered on the same basis and this does not appear to be the intention of the GMS Structure Plan for Bargo
- There is potential for land use conflict with the approved Waste Transfer Station ('WTS'), immediately to the north of the subject site at 25 Government Road, Bargo. The Waste Transfer Station may have the potential to adversely impact on the amenity of future residences that this Planning Proposal would facilitate, particularly those opposite the Waste Transfer Station site. This could be further investigated if necessary following receipt of a Gateway Determination.

Senior Environmental Health Officer

The Senior Environmental Health Officer offered the following comments:

- There are still concerns regarding odour impacts from the approved Bargo Waste Transfer Station as some of the odour control methods detailed are behaviour based conditions. Behaviour based conditions rely on the behaviour of employees at the Waste Transfer Station and therefore cannot be relied upon to completely minimise the odour effects to the adjoining properties, in particular to the proposed rezoning. Additionally, verification sampling and odour dispersion modelling must be provided within 6 months to confirm assumptions made in the air quality report. Therefore there is no assurance at this stage that the odours produced onsite will not be above those stated in the odour report.
- Some concerns in regard to the potential acoustic impacts of the approved Bargo Waste Transfer Station have been removed substantially with condition 114, which states that the crushing of glass, concrete and bricks may only take place between 8am and 4pm ten days per year. Therefore noise from this kind of activity will be kept to a minimum.
- The approved Waste Transfer Station will allow trucks to enter between 7.15 and 4.15 Monday to Sunday, which will cause some noise issues, however these noise issues will be less of an impact to the sites at 35-55 Government Road, Bargo than the properties at 95 Great Southern Road Bargo.

PE4 – Draft Planning Proposal – Government Road, Bargo.

- All things considered, if the residences are located at the southern end of the property and effective vegetative barriers are in place, this will minimise odour and noise impacts. The proposal could proceed on this basis.

Team Leader Environment

The Team Leader Environment offered the following comments:

- The property has remnant Shale Sandstone Transition forest towards the east
- Threatened species have also been observed as seen on previous inspections with other Development Application lodged for the site. This must be considered for both its ecological merit as well as the impact of any proposals on the vegetation.
- The site is constrained by Bushfire and this must be considered in regards to access and also land management
- An E3 or E4 zoning would potentially benefit the eastern portion of the site. A flora and fauna report would give greater detail on zoning choice at this location.
- Stormwater modelling should also be undertaken, as well as the capacity for the soil to adequately take aerated systems. The soil is relatively thin in this area so these constraints will need to be considered in the DA stage or possibly in the Planning Proposal stage to ensure the most appropriate zone will be established.

Manager Infrastructure

The Manager Infrastructure offered the following comments:

- Clarification regarding road access will be required as the proposal progresses, as the site is bounded by public roads on two sides and a crown road at the rear (eastern side) that are all gated and closed outside Waste Management/Recovery Centre opening times (apart from a 200m section of Government Road)
- Upgrades may be required at the intersection of Ironbark and Government Roads, as well as potential spot improvements to Ironbark Road
- Flooding is unlikely to be an issue
- Water quality measures to protect the adjacent bushland will need to be addressed.

PE4 – Draft Planning Proposal – Government Road, Bargo.

2.2 Consultation with Public Agencies

No public agencies have yet been consulted. Consultation would be required with the Department of Planning & Environment (DP&E), the Office of Environment and Heritage, Mine Subsidence Board, NSW Rural Fire Service, Greater Sydney Local Land Services, Sydney Water, NSW Office of Water and other government agencies if the Planning Proposal was endorsed by Council. It is considered that should the proposal be supported, the Gateway determination will outline further consultation requirements with the aforementioned agencies and any other relevant government agencies.

2.3 Community Consultation

2.3.1 Initial Community Consultation

In accordance with Council's notification policy, initial community consultation was undertaken from 31 July to 2 September 2013. The application was made available on Council's website and in Council's offices and letters were sent to owners of adjoining and potentially affected properties.

A total of six (6) submissions were received and of these submissions; one (1) objected, five (5) supported and no submissions were neutral.

The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

Issue Raised	Assessment Comment
No objection is raised to this Planning Proposal. Request for land on Ironbark Road and Dymond Street between Hawthorne Road and Government Road and 30 Bargo Road to be considered for rezoning.	The GMS identifies this area as having potential for growth. Any Planning Proposal lodged for this area would be considered by Council on its merits.
No objection is raised to this Planning Proposal. Requested that 25 Johnston Rd, Bargo also be considered for rezoning to allow for 4,000m ² lots or 1ha lots.	The GMS identifies this area as having potential for growth. Any Planning Proposal lodged for this area would be considered by Council on its merits.
No objection is raised to this Planning Proposal. Requested that 115 and 129 Bargo Rd, Bargo also be considered for rezoning sometime in the future.	115 and 129 Bargo Road are outside of, but adjacent to, land within Bargo that is identified as a potential residential growth area in the GMS. Any Planning Proposal lodged for this area would be considered by Council on its merits.

PE4 – Draft Planning Proposal – Government Road, Bargo.

Issue Raised	Assessment Comment
<p>A late submission was received on 5 November 2013 regarding this Planning Proposal. This late submission does not raise any objection to this Planning Proposal, but requests that No. 95 Ironbark Road and the greater area along Ironbark Road be included for further investigation as this Planning Proposal progresses.</p>	<p>The Growth Management Strategy identifies the area around Ironbark Road as part of the greater East Bargo area as having potential for growth. Any Planning Proposal lodged for this area would be considered by Council on its merits.</p>

Planning & Economy

A submission outlining objection was received from Tahmoor Coal. This submission was also made with regards to the Planning Proposal for the adjoining site to the west at 95 Great Southern Road, and raised the following specific issues:

- Mining Lease – Tahmoor Coal holds mining tenement CCL747, which is held over the Bargo and Pheasants Nest localities. The Tahmoor South Project proposes underground longwall mining of the coal resource from within CCL747.
- Mine Subsidence District – Tahmoor Coal note that the Bargo locality is designated within the Bargo Mine Subsidence District and recommend that the Picton office of the Mine Subsidence Board also be consulted regarding building design controls and guidelines to accommodate subsidence for any residential development proposed.
- Tahmoor South Project – Tahmoor Coal has submitted to the Department of Planning & Infrastructure a Preliminary Environmental Assessment (PEA) and obtained Director General's Requirements (DGRs) for the Tahmoor South Project. The PEA provides details of the proposed underground mining operation and longwall mine plan and outlines potential subsidence impacts.
- Tahmoor South Proposed Vent Shaft Site – An entity controlled by Tahmoor Coal's parent company own 125 Anthony Road, Bargo (Lot 245 DP 751250). This property was identified based on its distance from existing residential areas and being located near other industrial type land uses such as the Council landfill and proposed waste management facility.

Based on this Tahmoor Coal proposes that this site retain its rural zoning.

The submission raised does not prevent the proposal proceeding to Gateway Determination.

PE4 – Draft Planning Proposal – Government Road, Bargo.

2.3.2 Community Consultation on Revised Proposal

Following the requested amendment to the Planning Proposal by the proponent, this proposal was again placed on preliminary consultation from 28 May to 25 June 2014. One (1) objection was received during this period from Tahmoor Coal, of a similar nature to the abovedescribed proposal received in the 2013 notification period, with the addition of the following information:

This is an isolated rezoning that is not consistent with Council's current urban growth policy and strategy.

This Planning Proposal will have impacts on the continued operation of Council's Waste Management Centre and the approved Bargo Waste Transfer Station.

Having been amended to now only allow for lots with a minimum size of 3ha, it is expected that the potential land use conflict in relation to this proposal is reduced. It is considered that as this land is on the fringe of the existing East Bargo residential area, a 3ha lot size and therefore a low density is appropriate in this location.

As previously discussed, it is considered that if the residences are located at the southern end of the property and effective vegetative barriers are in place, this will minimise odour and noise impacts, such that this proposal could proceed. Specialist studies prepared in accordance with a gateway determination could determine the compatibility of the proposed residential use with the proposed vent shaft site and the existing and approved waste centres.

Further community consultation opportunities would occur as part of the preparation and exhibition of the Planning Proposal.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All applications for Planning Proposals are assessed in accordance with the strategies of the Wollondilly Community Strategic Plan (CSP). The following CSP strategies have significance for the application as described below.

Look after the Community

CO4 - Engagement and communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

PE4 – Draft Planning Proposal – Government Road, Bargo.

Comment

In accordance with Council's notification policy, initial community consultation was undertaken from 31 July to 2 September 2013. Consultation on the revised proposal was undertaken from 28 May to 25 June 2014. The proposal was made available on Council's website and in Council's offices and letters were sent to owners of adjoining and potentially affected properties.

The submissions received have been considered in section 2.3 of this report.

Building a Strong Local Economy

EC3 - Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

Comment

The subject site is outside the area for potential residential expansion of East Bargo in the Growth Management Strategy (GMS). However, it is considered that at the proposed density and lot size, the site is appropriate for the proposed development as it will provide for a rural residential development adjacent to an existing rural residential area on the fringe of the East Bargo urban area.

EC4 - Managing Development and Land Use

Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.

Comment

The site has some environmental constraints that could likely be overcome, aided to the extent by the use of a 3ha minimum lot size, in the form of a riparian corridor and associated vegetation and bushfire impacts. Additionally, there is the potential for land use conflict with the approved Bargo Waste Transfer Station and Council's existing Waste Management Centre at Bargo in the form of noise and vibration, odour, dust and traffic impacts from trucks using the proposed Crown Road Anthony Road. However, it is considered that these issues can be addressed through the provision of specialist studies that could be recommended as part of a Gateway Determination.

PE4 – Draft Planning Proposal – Government Road, Bargo.

EC5 - Protect Natural Resources

Protect natural resources so as to contribute to the Shire's economic well-being.

Comment

The subject site has been identified as having significant vegetation and also being affected by bushfire. The environmental constraints that affect the site could be overcome, by providing a buffer to the watercourses and retaining vegetation. The large 3ha lots will assist in mitigating against bushfire impacts in the area of the site affected by these constraints. These issues will need to be further investigated as part of the Planning Proposal process.

Caring for the Environment

EN1 - Biodiversity Resilience

Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems.

Comment

As previously stated, the subject site has been identified as having significant vegetation and also being affected by bushfire. The environmental constraints that affect the site could be overcome, by providing a buffer to the watercourses and retaining vegetation. The large 3ha lots will assist in mitigating against bushfire impacts in the area of the site affected by these constraints. These issues will need to be further investigated as part of the Planning Proposal process.

EN2 - Growth Management

Apply best practice environmental principles to the management of future growth.

Comment

As previously stated, the subject site is outside the area for potential residential expansion of East Bargo in the Growth Management Strategy (GMS). However, it is considered that at the proposed density and lot size, the site is appropriate for the proposed development as it will provide for a rural residential development adjacent to an existing rural residential area on the fringe of the East Bargo urban area.

There is the potential for land use conflict with the approved Bargo Waste Transfer Station and Council's existing Waste Management Centre at Bargo in the form of noise and vibration, odour, dust and traffic impacts from trucks. However, it is considered that these issues can be mitigated by the use of large lot sizes (3ha minimum) and can be further assessed through the provision of specialist studies that could be recommended as part of a Gateway Determination.

PE4 – Draft Planning Proposal – Government Road, Bargo.

Management and Provision of Infrastructure

IN1 - Maintain Road Network – Ensure that the road network is maintained to a standard that is achievable within the resources available.

Ensure that the road network is maintained to a standard that is achievable within the resources available.

IN2 - Manage Road Network – Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

Comment

Upgrades may be required at the intersection of Ironbark and Government Roads, as well as potential spot improvements to Ironbark Road.

Clarification regarding road access will be required as the proposal progresses, as the site is bounded by public roads on two sides and a crown road at the rear that are all gated and closed outside Waste Management/Recovery Centre opening times (apart from a 200m section of Government Road).

IN4 - Emergency Management

Plan for and assist in the community's response to emergencies such as bushfires and flooding.

Comment

The majority of the subject site is bushfire prone, being either identified as Category One or Two Vegetation or within a buffer area to this vegetation, with the exception of some land in the centre of the site and towards Government Road. It is yet to determine whether any flooding impacts may be experienced from the watercourses in the eastern portion of the site. This could be investigated as part of the gateway process if it is determined that these specialist studies are required.

POLICIES & LEGISLATION

- Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979)
- Environmental Planning and Assessment Regulation, 2000 (EP&A Regs, 2000)
- Local Government Act, 1993
- Standard Instrument (Local Environmental Plan) Order, 2006 (SI Order, 2006)
- State Environmental Planning Policies (SEPPs)

PE4 – Draft Planning Proposal – Government Road, Bargo.

- Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)
- Wollondilly Development Control Plan, 2011
- Wollondilly Development Contributions Plan 2011
- Draft Metropolitan Strategy for Sydney to 2031 (Draft Metro 2031)
- Draft South West Sydney Subregional Strategy to 2031
- Draft Planning Proposal Policy (Draft PP Policy).

3.1 Preparation of a Planning Proposal

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Infrastructure. The Planning Proposal is then forwarded to the Minister for Planning and Infrastructure for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be *Council's* Planning Proposal.

Council's options are:

1. Resolve to support the application in the form the subject of this report to Council and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to that in this report to Council. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

Note that the application has been with Council for more than 90 days. The applicant can apply for a pre-Gateway review in accordance with the EP&A Regulation, 2000 if Council fails to indicate support for the application within 90 days of receiving the draft Planning Proposal. As previously stated, a pre-gateway review request was received for this Planning Proposal by the Department of Planning and Environment (DP&E) on 28 April 2014 but it was withdrawn by the applicant on 17 July 2014.

Option 1 is the recommendation of this report.

PE4 – Draft Planning Proposal – Government Road, Bargo.

3.2 Gateway Determination

When a Planning Proposal has been endorsed by Council, it is then forwarded to the Minister for Planning and Infrastructure for a Gateway Determination. The Gateway process is a checkpoint for Planning Proposals before significant resources are committed to carrying out specialist studies and before extensive consultation with public agencies.

As part of the Gateway process, the Minister or her delegate will decide:

- whether the proposal is justified on planning grounds
- whether the Planning Proposal should proceed (with or without variation)
- whether the Planning Proposal should be re-submitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal)
- the community consultation required
- any consultation required with State and Commonwealth Agencies
- whether a public hearing by the Planning Assessment Commission or other specified person or body is required
- the timeframes for the various stages of the procedure to make the draft amendment
- whether the function of making the LEP is to be exercised by the Minister for Planning and Infrastructure or delegated to Council.

3.3 Delegation of Plan-making to Council

It is recommended that Council requests the Minister to grant Council delegation to make this amendment to WLEP, 2011 in accordance with Section 59 of the EP&A Act and Planning Circular PS 12-006.

RELEVANT CONSIDERATIONS

4.1 Metropolitan Plan for Sydney to 2036 and Draft Sydney Metropolitan Strategy 2031

The Metropolitan Plan for Sydney indicates that the growth of rural settlements is to be managed through comprehensive local strategies prepared by local councils and endorsed by the Department of Planning. The relevant strategy for Wollondilly is the Wollondilly Growth Management Strategy (GMS) which is discussed later in this report (although has not been adopted by the Department of Planning and Infrastructure).

This Planning Proposal is generally in accordance with the Metropolitan Plan and associated subregional strategies as it permits a small amount of rural-residential development adjacent to an existing rural-residential precinct, which is on the edge of the east Bargo urban centre.

PE4 – Draft Planning Proposal – Government Road, Bargo.

4.2 Draft South West Subregional Strategy

The Subregional Strategy has identified a total of 5,230 new dwellings for Wollondilly between 2004 and 2031. This Planning Proposal is generally consistent with the relevant provisions of the Draft South West Subregional Strategy as it will make a small contribution to meeting the target for additional dwellings adjoining an existing rural-residential area whilst protecting land that is identified as having significant environmental value through the use of the E4 Environmental Living zone. It is intended that new sub-regional action delivery plans will be drawn up for Sydney in 2014.

4.3 Section 117 Ministerial Directions

This Planning Proposal is either consistent with these directions or can be justified where inconsistent at this point. Compliance with these directions will need to be further investigated as part of the gateway process.

4.4 State Environmental Planning Policies (SEPPs)

The proposed amendments do not give rise to any conflicts with any SEPP as can be determined at this point. Compliance with SEPPs can be further investigated as part of the gateway process.

4.5 Wollondilly Growth Management Strategy

The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly and Assessment Criteria for all Planning Proposals and for specific types of land use categories. The locality of this site was identified as being adjacent to the potential residential growth area on the structure plan for Bargo.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the Planning Proposal:

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.	This Planning Proposal is consistent with the key Policy Directions and Assessment Criteria contained within the GMS. Note that the GMS does not nominate areas for future rural-residential land, so therefore the type of development intended by this proposal (being 3ha minimum lot size rural-residential development) would not be shown in an future intended growth areas and therefore would not be mapped in the GMS Structure Plan for Bargo.

Planning & Economy

PE4 – Draft Planning Proposal – Government Road, Bargo.

Key Policy Direction	Comment
	<p>If Council does agree to zone this land for rural-residential purposes, it is considered suitable that it is in an area adjacent to existing rural-residential land.</p> <p>The proposed 3ha lot size should allow for a minimum 250m buffer to the approved Bargo Waste Transfer Station and Council's existing Waste Management Centre.</p>
<p>P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).</p>	<p>This Planning Proposal is generally consistent with the concept and vision of 'Rural Living'.</p> <p>The subject site provides the opportunity to act as a transitional buffer between potential future residential land to the west that is identified in the GMS and the E2 Environmental Conservation zone to the east.</p>
<p>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</p>	<p>A total of six (6) submissions were received during the initial consultation period and of these submissions; one (1) objected, five (5) supported and no submissions were neutral.</p> <p>One (1) additional submission that objected to the proposal was received during the consultation period for the revised Planning Proposal. The outcomes of this consultation have been considered and are discussed in Section 2.3 of this report.</p>
<p>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied.</p>
<p>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</p>	<p>The subject site is outside the area identified for the future growth of East Bargo in the GMS and in this location it could be argued that Government Road forms a logical boundary for residential growth for the eastern edge of Bargo.</p> <p>However, it is noted that the GMS does not nominate areas for future rural-residential land, so therefore the type of development intended by this proposal (being 3ha minimum lot size rural-residential</p>

Planning & Economy

PE4 – Draft Planning Proposal – Government Road, Bargo.

Key Policy Direction	Comment
limitations, geophysical constraints, market forces etc.).	development) would not be shown in a future intended growth areas and therefore would not be mapped in the GMS Structure Plan for Bargo. If Council does agree to zone this land for rural-residential purposes, it is considered suitable that it is in an area adjacent to existing rural-residential land, with this rural-residential land being adjacent to the East Bargo town centre.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	This Planning Proposal would make a small contribution toward Council's dwelling target for Bargo outlined in the 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 proposed minimum allotment size of 3ha would make a small contribution to housing options in the Bargo area by providing new land for rural-residential land.
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 consistent with this direction. A lower density of 3ha has been proposed, as this land is on the outer fringe of East Bargo. This should also provide a more environmentally acceptable outcome than smaller lots in this location.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	As previously discussed, this proposal is considered suitable in that it is in an area adjacent to existing rural-residential land, with this rural-residential land being adjacent to the East Bargo town centre.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	Not applicable.
Employment Policies	

Planning & Economy

PE4 – Draft Planning Proposal – Government Road, Bargo.

Key Policy Direction	Comment
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	This proposal has the potential to create short-term employment opportunities through the construction jobs associated with the civil and building works.
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.	The site is not currently or proposed to be zoned to facilitate further employment opportunities. As with the above point, there is the potential for short-term employment opportunities to be created.
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.	If the proposal were to proceed, further investigation of infrastructure requirements will be required. Preliminary investigations indicate that adequate infrastructure will be available to the site, including telephone, water and electricity services. Alternative means of access to the subject site will be provided via Anthony Road, which will be constructed as part of the approved Bargo Waste Transfer Station. Developer contributions payable at the development application stage will partially fund the necessary local infrastructure required to support any future development. Should Council proceed with the proposal, the capacity and practicality of infrastructure and services can be investigated at a later date.
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.	As previously discussed, this proposal is considered suitable in that it is in an area adjacent to existing rural-residential land, with this rural-residential land being adjacent to the East Bargo town centre. Preliminary investigations indicate that adequate infrastructure will be available to the site, including telephone, water and electricity services.

Planning & Economy

PE4 – Draft Planning Proposal – Government Road, Bargo.

Key Policy Direction	Comment
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	This site is adjacent to an area identified for future residential growth, and represents potential growth adjacent to an existing rural-residential area that would support the existing population centre of East Bargo.
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.	This site is in the general direction identified on the Structure Plan for Bargo in Council's GMS as a 'potential residential growth area.' The small scale and low density of this proposal (approximately 7 lots at 3ha per lot) is considered suitable for this location.
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 subject land has previously been identified as containing significant vegetation and this would need further investigation following the issue of a Gateway Determination. Further studies would also be required, such as for Aboriginal Heritage, contamination, bushfire impacts and wastewater disposal.
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.	Key Policy Direction P22 is not applicable to this Planning Proposal.

Planning & Economy

PE4 – Draft Planning Proposal – Government Road, Bargo.

4.6 Recommended form of Planning Proposal

Following consideration of responses from initial notification and notification of the revised proposal and a preliminary assessment of the application, it is considered appropriate to amend the existing provisions of WLEP, 2011 as they apply to this site.

4.6.1 Wollondilly Local Environmental Plan, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below:

- Amend the Land Zoning Map from Zone RU1 Primary Production to Zone E4 Environmental Living
- Amend the Minimum Lot Size from 20ha to 3ha
- Introduce a Maximum Height of Buildings of 9m for the entire site
- This is illustrated in Attachments 2 and 3 to this report.

There may be amendments to other maps, including the Natural Resources – Biodiversity and Natural Resources – Water maps. However, the details of the changes (if warranted) will not be known until specialist studies are completed.

4.6.2 Wollondilly Development Control Plan, 2011 (WDCP, 2011)

No amendments are proposed to WDCP 2011 at this stage.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a Planning Proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

CONCLUSION

The proposal in the form as described in Section 4.6 to this report is consistent with relevant State, Regional and Local planning strategies to the extent that can be determined at this time. This Planning Proposal would permit a small amount of growth in a location which is consistent with the key policy directions of the Council's Growth Management Strategy. Additionally, given the scale of the development it would not likely be subject to adverse impacts on amenity from the approved Waste Transfer Station to the north of the site and from Council's existing Waste Management Centre.

PE4 – Draft Planning Proposal – Government Road, Bargo.

It is recommended that Council support the revised Planning Proposal and forward it to the Minister for Planning for a Gateway Determination.

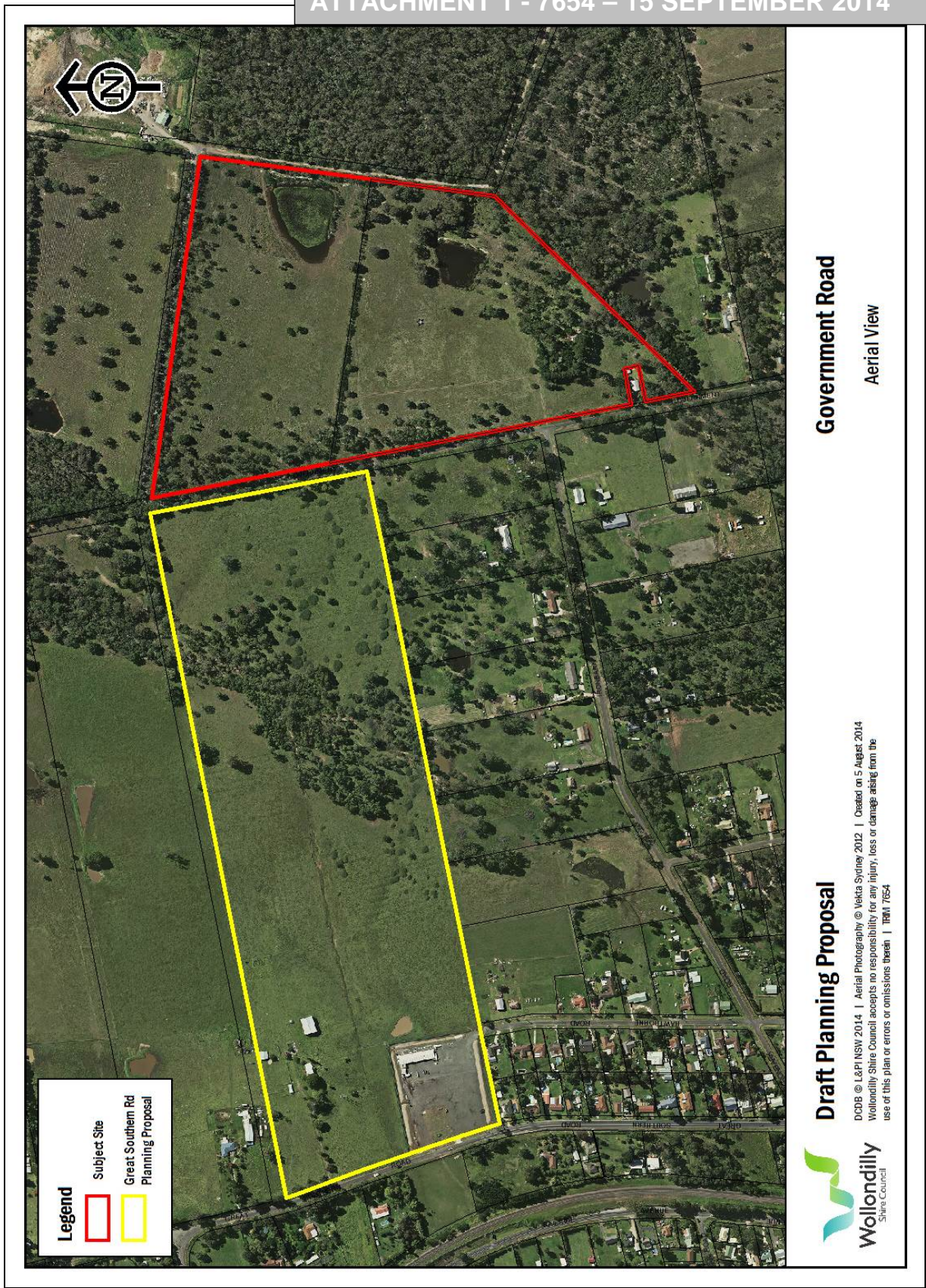
ATTACHMENTS

1. Aerial View
2. Proposed Land Zoning Map
3. Proposed Minimum Lot Size Map

RECOMMENDATION

1. That Council support the preparation of a Planning Proposal for Lot 1 DP 571589 and Lot 2 DP 596515 (Nos. 35 and 55 Government Road, Bargo) to allow the land to be zoned E4 Environmental Living with a minimum lot size of 3ha and maximum building height of 9m.
2. That the Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
4. That the applicant and submitters be notified of Council's Resolution.

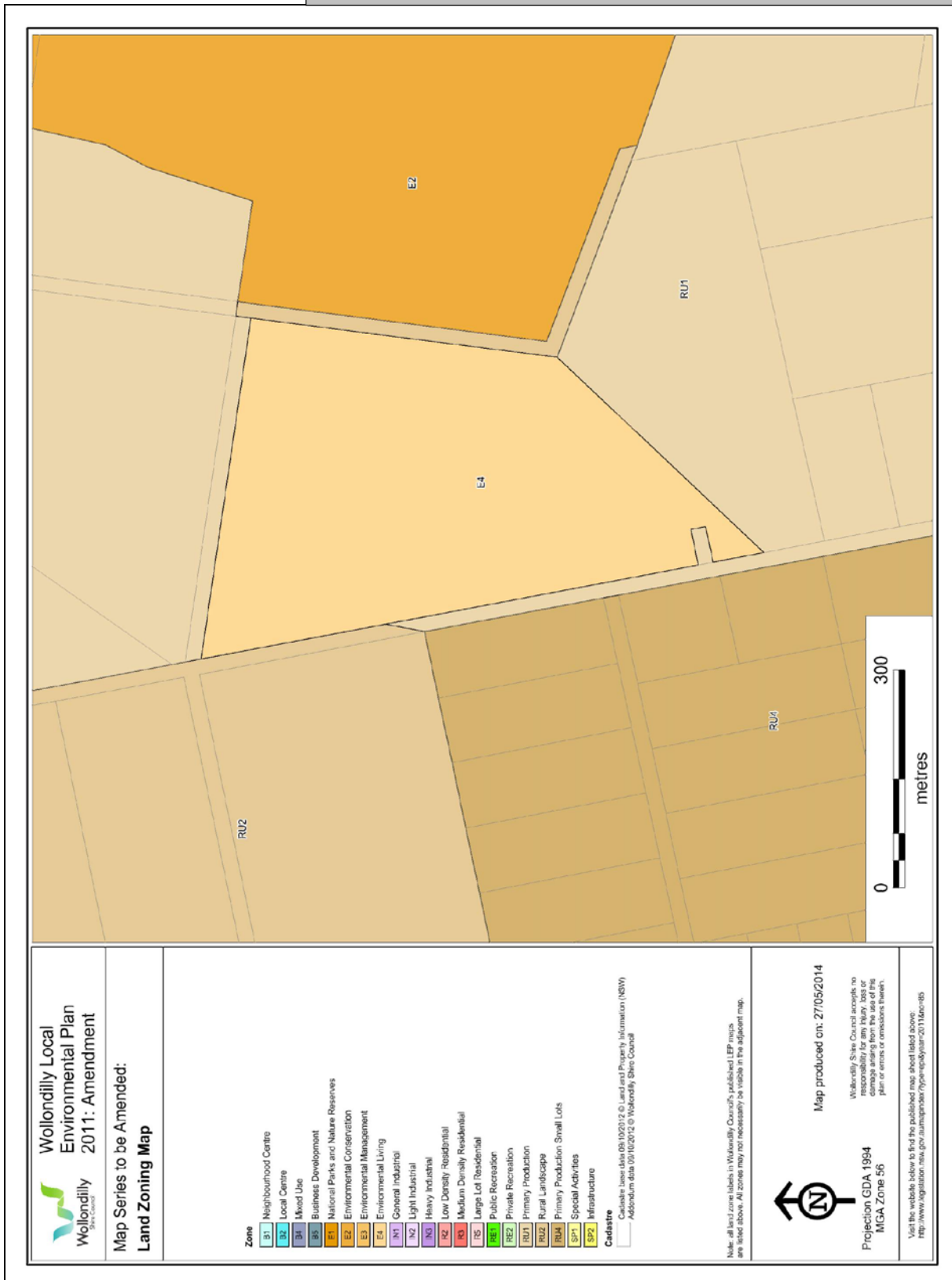
PE4 – Draft Planning Proposal – Government Road, Bargo.
ATTACHMENT 1 - 7654 – 15 SEPTEMBER 2014



Planning & Economy

PE4 – Draft Planning Proposal – Government Road, Bargo.

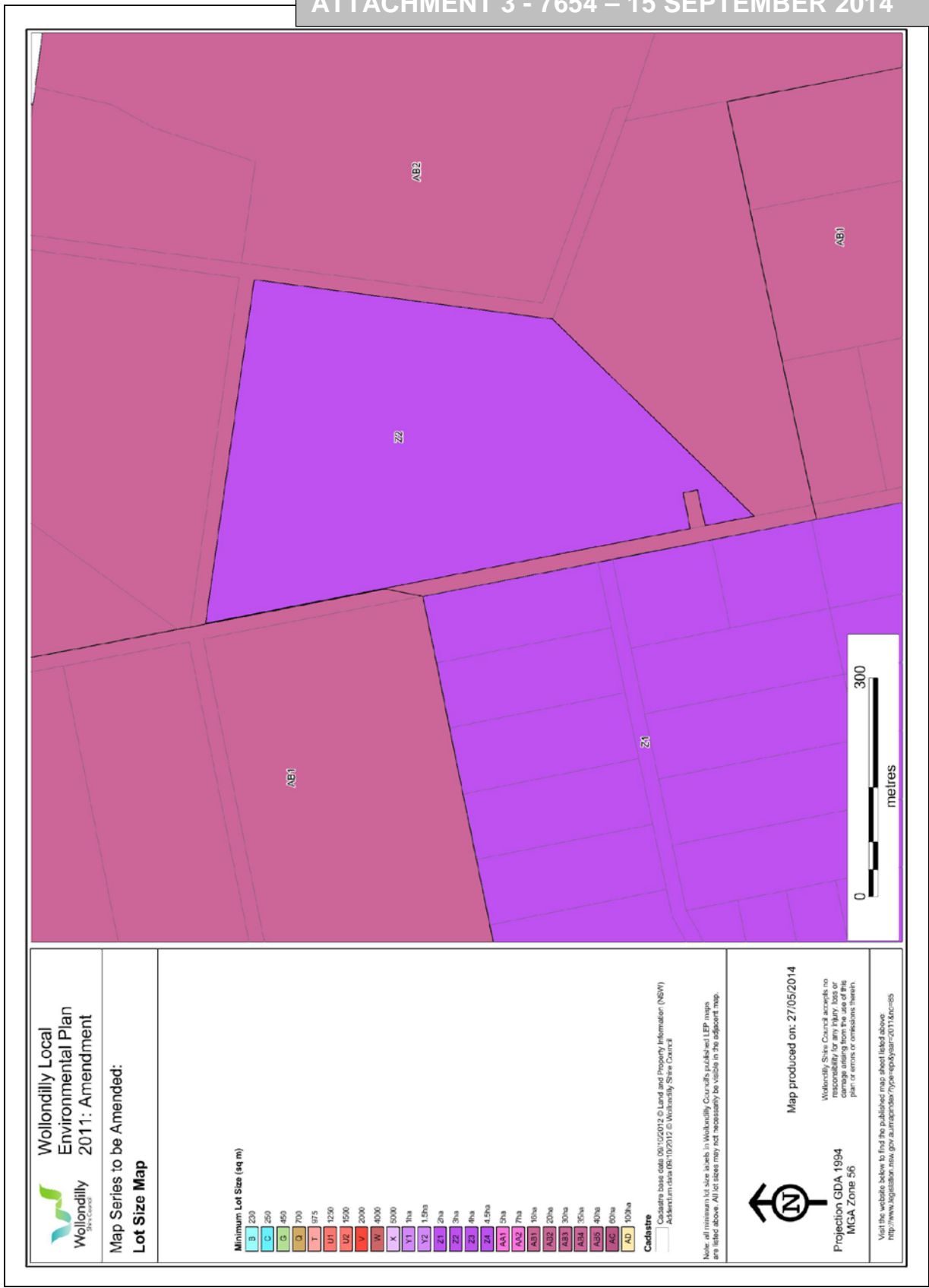
ATTACHMENT 2 - 7654 – 15 SEPTEMBER 2014



Planning & Economy

PE4 – Draft Planning Proposal – Government Road, Bargo.

ATTACHMENT 3 - 7654 – 15 SEPTEMBER 2014



Planning & Economy