

Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

No. 95 Great Southern Road

For the rezoning of land at No. 95 Great Southern Road, Bargo (Lot 1 DP 996286) to allow for *R2 Low Density Residential, R5 Large Lot Residential and Environmental Conservation* purposes

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Introduction

Proposal

Wollondilly Local Environmental Plan 2011 (WLEP 2011) is the key Planning Document that guides development and land use across the Shire. LEP 2011 contains a broad list of controls which guide planning decisions and also has the effect of zoning land (generally through the use of mapping tools).

The statutory process for amending LEP's is through the preparation of a Planning Proposal which considers the intended effect of the proposed amendment. A Draft Planning Proposal for No. 95 Great Southern Road was submitted to Council on 9 August, 2013. A Gateway Determination was issued by the NSW Department of Planning and Environment on 2 October, 2014 (the Gateway Determination and alterations are attached at Appendix C).

Since the date of the Gateway Determination, a number of Specialist Studies have been undertaken and consultation with a suite of Government Agencies has occurred in accordance with the Gateway Determination conditions and these have guided the makeup of the current proposal.

The subject Planning Proposal intends to amend Wollondilly Local Environmental Plan 2011 (WLEP 2011) as it applies to No. 95 Great Southern Road, Bargo in the following manner:

- *Amend the land use zoning of the site from zone RU2 Rural Landscape to E2 Environmental Conservation to the riparian corridor on the site, zone R5 Large Lot Residential on the eastern side of the riparian corridor and for a distance of 50 metres west of the E2 zone Boundary, an R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo and R2 Low Density Residential to the remainder of the site;*
- *Amend the minimum lot size of the site to provide the following minimum lot sizes:*
 - *5000 square metres for the land east of the riparian corridor;*
 - *2000 square metres for the R5 zoned land west of the riparian corridor;*
 - *700 square metres for the R2 zone;*
 - *No minimum lot size for the E2 zone.*
- *Amend the Height of Buildings map to a maximum building height of 9 metres across the entire site;*
- *Include certain land on the Natural Resources – Biodiversity Map under WLEP 2011.*

Comparison maps showing the existing and proposed land use zoning and minimum lot size are contained in Part 4 of this document.

It is anticipated that the proposal would enable the development of 150-200 residential lots on the site.

Site Context

The subject land is known as Lot 1 DP 996286 (No. 95) Great Southern Road, Bargo. The site is a rectangular shaped lot which comprises a total of 28.23 hectares. The lot has frontage to Great Southern Road to the west and Government Road to the east and also adjoins an unformed crown road which runs along the northern boundary of the site (known as Anthony Road).

The site contains a local heritage item known as the "Old Coomeroo Homestead, Silo and Slab Shed" which is located in the north-western portion of the site. The lot contains a second order watercourse and associated riparian corridor running south/north which traverses the site.

The site is located at the northern end of the existing Bargo Township. The site adjoins residential land at part of its southern boundary while the remainder of the site adjoins rural zoned land.

The adjoining land to the north east of the site known as Lot 252 DP 257510 (No. 25 Government Road, Bargo) is the subject of a current court consent for a Waste Transfer Station. The Waste Transfer Station was granted consent on 2 April, 2014 and conditions were issued on 29 May, 2014. Construction of the development on the site has not yet commenced.

The development consent enables up to 49,000 tonnes of waste to be processed per annum. Expert evidence provided during the court proceedings found that any impacts of this development on the Planning Proposal site would be "slight and manageable". The Waste Transfer Station development also proposed the construction of the unformed crown road along the northern boundary of the site.

Part 1 – Objectives or Intended Outcomes

The objective/intended outcome of the Planning Proposal is to amend Wollondilly Local Environmental Plan 2011 (WLEP 2011) to enable the development of the site at No. 95 Great Southern Road, Bargo for Low Density and Large Lot Residential Development, with the exception of the riparian corridor running north/south through the middle of the site which will be protected via an E2 Environmental Conservation zone.

Part 2 – Explanation of Provisions

To achieve the objectives of the planning proposal, the following amendments to the Wollondilly Local Environmental Plan (WLEP) 2011 as they apply to the site are proposed:

1. *Amend the Land Zoning Map from zone RU2 Rural Landscape to E2 Environmental Conservation to the riparian corridor on the site, zone R5 Large Lot Residential on the eastern side of the riparian corridor and for a distance of 50 metres west of the E2 zone Boundary, an R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo and R2 Low Density Residential to the remainder of the site;*
2. *Amend the minimum lot size map to provide the following minimum lot sizes:*
 - *5000 square metres for the land east of the riparian corridor;*
 - *2000 square metres for the R5 zoned land west of the riparian corridor;*
 - *700 square metres for the R2 zone;*
 - *No minimum lot size for the E2 zone.*
3. *Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres across the entire site;*
4. *Include certain land on the Natural Resources Biodiversity maps under WLEP 2011;*

Part 3 – Justification

Section A – Need for the planning proposal

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

The Planning Proposal was initially submitted to Council by a firm acting on behalf of the landowner. The Planning Proposal is therefore not a direct result of any strategic study or report. However, the land is identified as a potential residential growth area within Council's Growth Management Strategy (GMS). The GMS also includes a dwelling target for Bargo of 2000 additional dwellings by 2036 and this Planning Proposal would contribute towards achieving those dwelling targets.

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

The current zoning of the site is RU2 Rural Landscape with a minimum lot size which does not allow for further subdivision and low density/large lot residential development. A change to the zoning and minimum lot size through a Planning Proposal is considered the most suitable approach to delivering the desired outcome.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or district plan (including any exhibited draft plans or strategies)?

Plan for Growing Sydney 2014

A Plan for Growing Sydney commenced in December, 2014 and is intended to guide Strategic Land Use Planning decisions for Sydney over the next 20 years. Wollondilly is one of 41 Local Government Areas in Sydney to which the plan applies. The plan identifies population growth targets and includes strategies to ensure that growth achieves a balance between protecting the natural environment with creating liveable cities. The plan comprises 4 goals which consist of key directions to achieve those goals. The key goals that are relevant to this Planning Proposal are discussed below:

- **Goal 2 – Sydney's Housing Choices**

Direction	Assessors Comment
2.1 – Accelerate Sydney's Housing Supply	The Plan identifies the need for an additional 664,000 new dwellings over the next 20 years and these targets form the basis for planning new housing in the Sydney Metropolitan Area. The Planning Proposal would enable the future development for over 150 dwellings which would contribute to this overall target.
2.4 – Deliver timely and well planned Greenfield Precincts and Housing	The proposal would contribute to 150-200 additional dwellings. The planning proposal site consists of only one lot and therefore the provision of necessary infrastructure would not be affected by fragmented land ownership. The required sewerage infrastructure would be provided through a private sewage treatment plant.

- **Goal 4 – Sydney's Sustainable and Resilient Environment**

Direction	Assessors Comment
4.1 – Protect our Natural Environment and Biodiversity	The watercourse and associated riparian area that passes through the middle of the site is proposed to be incorporated within an E2 Environmental Conservation Zone which would provide suitable protection of this significant area. The use of the E2 zone and the application of a larger lot size to the eastern part of the site and western part of the site where the land adjoins the proposed E2 zone would enable significant vegetation on the site to be retained.
4.2 – Build resilience to Natural Hazards	This direction states that the Planning Authority should use hazard mapping to local land use zoning and development decisions. Local hazard mapping has been used to inform the Planning Proposal, particularly bushfire prone land and flood mapping.
4.3 – Manage the impacts of Development on the Natural Environment	Appropriate measures have been taken to protect the vegetated riparian corridor which runs through the centre of the site. The Stormwater Management Plan submitted in support of the proposal identifies a series of treatment measures across the site, including on-site detention and bioretention techniques to ensure that impacts on the central watercourse are suitably managed.

Draft South West District Plan (November, 2016)

The Draft South West District Plan sets out the goals for the South West District which includes the Local Government Area of Wollondilly. The District Plan is expected to be finalised towards the end of 2017. The

exhibition of the plan has been completed and is therefore a consideration in the preparation of this Planning Proposal.

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

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

Liveability Priority Targets

Liveability Priority Targets	Comment
Liveability Priority 1 – Deliver South West Districts five year housing targets	The South West District Plan identifies a dwelling target for Wollondilly of an additional 1550 dwellings between 2016 and 2021, and a total dwelling increase for the South West District of 31,450 within this timeframe. The Plan also identifies a 20 year housing target (2016 to 2036) of 143,000 additional dwellings in the South West district. This planning proposal would accommodate approximately 150-200 additional dwellings if developed which would contribute towards these targets and would also enable increased housing variety.
Liveability Priority 2 – Deliver Housing Diversity	The proposal incorporates a variety of lot sizes which is expected to be capable of accommodating a mix of dwelling types. The proposal provides an opportunity to provide further variety to the existing established housing stock in the village of Bargo.
Liveability Priority 5 – Facilitate the Delivery of Safe and Healthy Places	It is anticipated that the development would provide opportunities for enhanced walking and cycling connections. The development poses an opportunity to enhance the existing road pavement and infrastructure fronting Great Southern Road which is currently in quite poor condition. Such measures would improve the safety of the locality.
Liveability Priority 6 – Facilitate enhanced walking and cycling connections	The Traffic Study supporting the proposal recommends the provision of a pedestrian footpath along the Great Southern Road site frontage, allowing for a possible future connection between the site and the footpath currently terminating at the intersection of Dymond Street and Great Southern Road. Such a footpath would provide a link between the site and the railway station and school to the south.
Liveability Priority 7 – Conserve Heritage and unique Local Characteristics	A new disturbance site has been identified within the site and it will be adequately protected through the environmental protection zone.

Sustainability Priority Targets

Sustainability Priority Targets	Comment
Sustainability Priority 6 – Discourage urban development in the Metropolitan Rural Area	This priority states that <i>Planning Authorities should not support Planning Proposals affecting land currently within a Rural (RU) or Environmental (E) zone unless:</i> • <i>These are in areas identified in a regional plan or district plan as urban investigation areas;</i> • <i>These also form part of, or are identified as a result of strategic planning in accordance with sustainability priorities 7 and 8.</i>

	The site is not identified within any regional plan or district plan as a priority growth area, however, the site has been identified as a potential residential growth area in Council's GMS which was guided by a strategic planning process. The proposal is therefore considered to be consistent with this priority.
Sustainability Priority 7 – Consider Environmental, Social and Economic values when Planning for the Metropolitan Rural Area.	The proposal has adequately taken into account the environmental, social and economic impacts of the proposal and these have informed the final layout.
Sustainability Priority 8 – Provide for Rural Residential Development while protecting the values of the Metropolitan Rural Area	The proposal has been planned with consideration of the characteristics of the area. The allocation of larger lot sizes to land to the west of the riparian corridor and the northern boundary of the site will assist in retaining the rural and scenic characteristics of the area. A control may be able to be included within Council's DCP which require future dwellings along great southern road to emulate the setback of the existing dwellings along this stretch of road as a way of retaining the streetscape character of Great Southern Road.
Sustainability Priority 11 – Integrate land use and transport planning to consider emergency evacuation needs	The site is considered capable of providing a suitable network which enables an adequate evacuation path in the event of any emergency such as a bushfire incident.
Sustainability priority 12 – Use buffers to manage the impacts or rural activities on noise, odour and air quality.	A Noise Impact Assessment has been submitted in respect of the approved waste transfer station on the adjoining lands. If the Waste Transfer Station is constructed then a suitable buffer in the form of an earth mound and fencing is proposed to ensure that the noise impact is managed. It has been sufficiently demonstrated that the site has an adequate buffer distance from any surrounding use to mitigate any odour impact.

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

Wollondilly Community Strategic Plan 2033

The Create Wollondilly Community Strategic Plan (CSP) 2033 is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations. The CSP focuses on 5 key themes as follows:

- Sustainable and balanced growth
- Management and provision of infrastructure
- Caring for the environment
- Looking after the community
- Efficient and effective Council

Council's priority focus for growth under the CSP will be the development of a new town at Wilton and Council will only support appropriately scaled growth within and around its existing towns and villages that respects the character, setting and heritage of those towns and villages. The subject proposal is consistent with this vision of growth in the CSP.

An assessment of the Planning Proposal against the 5 themes is provided below:

- Sustainable and balanced growth

The proposal would contribute positively to the growth of the village. The site is in a location which adjoins an existing village and thus represents balanced growth that would not fragment agricultural lands.

- Management and Provision of Infrastructure

The proposal would contribute to the provision of infrastructure through upgrades to the road surface and drainage of Great Southern Road and Hawthorne Road. The proposal is also capable of providing a footpath link from the site to the existing footpath which terminates at the corner of Great Southern Road and Dymond Street.

- Caring for the Environment

The proposal has taken suitable measures to protect the environment. The application of an E2 Environmental Conservation Zone to the central corridor of the site would ensure that the CEEC vegetation community on the site is able to be retained and enhanced, ensure that the aboriginal heritage items on the site are able to be retained and would also ensure that an adequate buffer to the watercourse is established which would ensure that water quality of the receiving stream is suitably managed.

- Looking after the community

The community will be consulted during the public exhibition of the proposal and their views taken into account to inform the final proposal.

- Efficient and Effective Council

Council will continue to work to ensure that the proposal is consistent with the planning of long term growth within the Shire.

Wollondilly Growth Management Strategy 2011

Wollondilly's Growth Management Strategy (GMS) was adopted by Council on 21 February 2011. All planning proposals considered by Council must be assessed against the Key Policy Directions in the GMS. A table addressing these directions is included as *Appendix B* in this planning proposal.

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

Specific consideration is given to SEPP 44 - Koala Habitat Protection, SEPP 55 - Remediation of Land and Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (REP 20), as follows:

SEPP 44 – Koala Habitat Protection

The Wollondilly Shire Local Government Area is listed under Schedule 1 of SEPP 44 and therefore requires consideration during the Planning Proposal process.

Consideration must firstly be given to whether any part of the land comprises potential Koala Habitat which is defined in the SEPP as follows:

'Potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.'

The Ecological Constraints Analysis prepared for the Planning Proposal identifies that one of the tree species outlined in Schedule 2 as a feed tree is present on the site, with another feed tree species located just outside the site boundary. However, the feed trees do not constitute 15% of the total number of trees present and thus the site does not potential koala habitat.

The Planning Proposal is consistent with SEPP 44.

SEPP 55 – Remediation of Land

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) is relevant and states the following:

- (1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:
- (a) The planning authority has considered whether the land is contaminated, and
 - (b) If the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
 - (c) If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

Note: In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

- (2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.
- (3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).
- (4) The following classes of land are identified for the purposes of this clause:
- (a) land that is within an investigation area,
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Comment: The land to which the proposal relates has previously been used for agricultural activities and is potentially contaminated. A Preliminary Site Investigation (PSI) was undertaken in accordance with sub-clause (2) above. The PSI was consistent with the Contaminated Land Planning Guidelines and identified the following areas of environmental concern (AEC) on the site:

- Dwelling
- Sheds and silo
- Former mowing/cropping grazing use
- Dam
- Stockpile
- Broken fibrous cement sheeting
- The area of the site previously used as a depot for the Bargo Sewerage Scheme construction

It is considered that if the land is contaminated by any of the above AEC's that the land would be capable of being made suitable for a future residential use following remediation. The PSI addresses the requirements of Clause 6 of the SEPP. To determine whether any of the AEC's require remediation, a Detailed Site Investigation (DSI) would be required at the Development Application stage in accordance with clause 7 of the SEPP. This is capable of being made a requirement as part of any future DCP controls for the proposal.

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

Clause 6 of the REP identifies the Planning Policies and recommended strategies for development in the area. Consideration of these matters is set out below:

(2) Environmentally Sensitive Areas

An E2 Environmental Conservation Zone is proposed to be applied to the watercourse and associated riparian area which runs through the central area of the site. This would provide a significant buffer to the watercourse which eventually flows through the Dog Trap Creek. The E2 zone would also assist in

protecting aquatic habitat, riverine vegetation and bank stability in accordance with the requirements of the Plan.

(3) Water Quality

Significant measures are proposed to ensure that impacts of any future development of the site would not adversely impact on water quality. The Stormwater Management Study identifies that a variety of treatment measures may be used to achieve the water quality goals on the site. The application of the E2 Zone to the riparian corridor on the site would also ensure that aquatic vegetation and bank stability is preserved in the area to the maximum extent in accordance with the requirements of the Plan.

(4) Water Quantity

The Stormwater Management Study undertaken with the proposal includes sufficient measures to ensure that the amount of stormwater run-off from the site and the rate at which it leaves the site would not significantly increase as a result of future development, including the use of site storage and on-site detention requirements. A suitable area has been identified on either side of the riparian corridor for OSD/bioretention. These areas accommodate an area of 3300 square metres (based on 1.5-2.0 metres depth) to the west of the riparian corridor and an area of 1550 square metres (based on a depth of 1.5-2.0 metres) to the east of the riparian corridor.

(5) Cultural Heritage

The Planning Proposal would facilitate the conservation of the existing heritage items on the site as required by the plan. It is a requirement of this strategy to protect aboriginal sites and places of significance and the application of an E2 Environmental Conservation Zone to parts of the site where archaeological features have been identified would ensure that they are adequately conserved.

(6) Flora and Fauna

Strategy (a) in the REP is to conserve and where appropriate, *enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors*. A significant watercourse passes through the site and the vegetation within the associated riparian corridor on the site has been identified as EEC. This area would be suitably conserved through an E2 zone and there may be an opportunity to enhance this area in the future through restriction on the use of land on this part of the site. The measures taken to protect the vegetation on the site are discussed in more detail below under part 7.

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

The planning proposal is consistent with applicable Section 117 Directions (for Council's complete response to this requirement (see *Appendix A*).

Section C – Environmental, Social and Economic Impact

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

The Ecological Constraints Assessment has identified three (3) key vegetation communities across the site as follows:

- Alluvial Woodland;
- Shale Sandstone Transition Forest;
- Shale Plains Woodland

An outline of the three vegetation types and the planning response is provided below:

Alluvial Woodland

The large area of vegetation which extends across the riparian corridor is identified as Alluvial Woodland Vegetation. Alluvial Woodland is a component of the vegetation community *river flat eucalypt forest on coastal floodplains* which is identified as an endangered ecological community under the *Threatened Species Conservation Act, 1995* (TSC Act). The corridor of vegetation that has been identified as Alluvial

Woodland also contains 3 hollow bearing trees that were observed to be utilised by both native birds and mammals.

The Ecological Constraints Assessment recommends that the Alluvial Woodland vegetation that is within the riparian corridor be included within an E2 Environmental Conservation Zone. Council's Planning and Environmental Services Teams are agreeable with the inclusion of an E2 Environmental Conservation Zone across this area of the site. The location of the proposed E2 zone is identified in the Land Use Zoning Map in Part 4.

Shale Sandstone Transition Forest

The Ecological Constraints Assessment has identified some isolated patches of Shale Sandstone Transition Forest (SSTF) vegetation in the eastern portion of the site, which contributed to a combined total of 0.7ha of SSTF. SSTF is listed as a critically endangered ecological community (CEEC) under the TSC Act and the Commonwealth *Environmental Protection and Biodiversity Conservation Act, 1999*.

If an R5 zone is applied over this part of the site, then any future clearing of the SSTF vegetation would remain subject to the provisions of the *Native Vegetation Act, 2003* (NV Act, 2003). Any clearing of land to which the NV Act applies would require a Property Vegetation Plan (PVP) from NSW Local Land Services (LLS), and as the vegetation is listed as a critically endangered ecological community it is considered a red light and a PVP would not allow for any clearing of this vegetation.

It would also not be possible to offset any removal of this vegetation through the NSW Biobanking Framework, as OEHL is unable to issue a Biobanking Statement on R5 zoned land as the Native Vegetation Act, 2003 would apply. Therefore, a minimum lot size has been selected in this part of the site which would ensure that SSTF vegetation is able to be retained. A minimum lot size of 5000 square metres would achieve this outcome. One larger allotment (for example 8000-9000m²) may be required to accommodate the larger patch of SSTF vegetation, and this would need to be factored into the design of any future subdivision proposal.

It is noted that since the original flora and fauna assessment was undertaken, the NSW Draft Biodiversity Legislation has been formally exhibited. Under the Draft Regulations, it would be possible to offset vegetation clearing in the R5 Large Lot Residential Zone through the use of the Biobanking provisions. This would provide an additional measure to reduce impact if the future development within the proposed R5 zone is unable to avoid any impacts on the SSTF vegetation. It is anticipated however, that the 5000 sqm minimum lot size in this area would sufficiently enable the SSTF vegetation to be retained within future lots.

Shale Plains Woodland

There are two small patches of Shale Plains Woodland (SPW) mapped to occur on the site to the west of the riparian zone. SPW vegetation is a component of the Cumberland Plain Woodland vegetation community which is listed as a critically endangered ecological community under the TSC Act.

This vegetation is identified as being in a degraded condition, comprising only a small patch of scattered paddock trees, and as such would not meet the condition criteria to be considered a Critically Endangered Ecological Community under the EPBC Act. The future removal of this vegetation is expected to result in a minor impact and no objections have been raised by Council's Environmental Services Team.

It is also noted that this patch of SPW vegetation would be located on a part of the site proposed to be zoned R2 Low Density Residential. The land within the R2 zone is exempt from the operation of the NV Act and accordingly; there is an opportunity to offset the removal of this vegetation through a Biobanking Statement from OEHL (if required).

Classification of Grasslands

The Flora and Fauna Assessment also undertook classification and mapping of native grasslands on the site approximately 20 metres west of the riparian corridor to determine whether they satisfied the definition of native derived grasslands. Three (3) 50m transects were undertaken perpendicular to the alluvial woodland within the area mapped as cleared land – pasture. The grassland was determined to be predominantly exotic in this area and therefore there is no need for the E2 zone to apply to this part of the site.

Application of the Natural Resources Biodiversity Layer

It is intended to apply the Natural Resources Biodiversity Layer to areas identified as containing the three vegetation types listed above. This would provide further protection to ensure that the Alluvial Woodland and Shale Sandstone Transition Forest vegetation on the site are adequately protected and retained. It would also ensure that the removal of the small section of Shale Plains Woodland vegetation west of the watercourse undergoes appropriate assessment at the subdivision stage and that its removal is suitably offset (if required). The areas of the three vegetation types to be included on the Natural Resources – Biodiversity Layer are shown on the map below:



Figure 3.5: Validated vegetation at subject site (Ecoplanning 2016).

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

Water Quality

A Stormwater Management Study was provided with the proposal. The water quality objectives in the plan are based on the Upper Nepean River Stormwater Management Plan (EPA, 2000). The water quality objectives for the development area are as follows:

- 80% reduction in total suspended solids;
- 45% reduction in total nitrogen;
- 45% reduction in phosphorus.

MUSIC Modelling was undertaken to establish the treatment train that would be required to achieve the above water quality objectives. The treatment system is based predominantly on:

- Rainwater Tanks within individual properties to harvest rainwater and provide some water quality treatment;
- Bioretention structures (in the form of swales or basins) which are likely to be required for end of line treatment prior to discharge to OSD structures. The Stormwater Study has found that the surface area of the bioretention structure should the site be developed with an impervious area of 75% would be 1900 square metres;

Other measures such as raingardens, vegetated swales and gross pollutant traps may also be required to achieve the water quality goals.

The MUSIC modelling results indicate that the water quality objectives are able to be achieved through the use of a treatment train that utilises at source and end of line treatment measures in accordance with the principles of Water Sensitive Urban Design (WSUD). The Stormwater Management Plan also contains suitable measures to retain the secondary drainage system (which runs east-west from the central watercourse) as a vegetated swale. This would assist in further improving the post development flows entering the main watercourse on the site which eventually passes on to Dog Trap Creek, and would also ease the burden on bioretention basins within the site and improve their performance.

There is no proposal to service land to the east of the riparian corridor would be unsewered and future lots within this part of the site would be required to be serviced by on-site effluent disposal systems. The on-site effluent disposal study has identified that the minimum sustainable area for effluent disposal is 519m² (based on water balance requirements). The minimum lot size proposed across this part of the site is 5000m² which would be sufficient in accommodating the minimum required area for wastewater disposal within each individual lot and would also ensure that the minimum buffer distances to watercourses which pass through the site could be achieved.

Bushfire

A Bushfire Hazard Assessment was prepared with the proposal and identifies an Asset Protection Zone of 25m to the east and west of the riparian vegetation corridor through the site. The asset protection zone is capable of being accommodated as part of any future subdivision layout for the site. Larger lots with a minimum lot size of 2000 square metres to the west of the riparian corridor and 5000 square metres to land east of the riparian corridor would ensure that the asset protection zone is capable of being accommodated outside the proposed E2 zoned land.

Flooding

Two key flow paths have been identified through the site as follows:

- The main creek running north/south through the eastern portion of the site;
- The stormwater drainage channel running west to east and draining into the main creek corridor.

The results of flood levels, depths, velocities and hazards for the 1% Annual Exceedence Probability (AEP) and Probable Maximum Flood (PMF) were established in the flood study undertaken as part of the Planning Proposal. The areas of the site found to be within the 1% AEP and PMF levels affected by the main creek running north/south on the site will be contained within the E2 Environmental Conservation Zone and it is considered that there is minimal flood risk to future allotments from this watercourse on the site.

The Flood Study also identified areas outside the banks of the existing drainage channel that runs west/east which were within the 1% AEP and PMF levels. It is considered that these areas could be managed through engineering works at the subdivision phase to ensure that roads/future lots are not affected. The conclusions of the flood study undertaken with the Planning Proposal recommended that the flows from the drainage channel be controlled with a formal drainage system within the development site.

The existing drain running west/east along the site is an artificial construction. The Flood Study recommends that these flows be controlled through the construction of a formal drainage system during future site works to create a formed pit and pipe network to carry these flows to the main creek line and where possible, integrate the drainage system with any future drainage corridor.

Council's Design Engineer also advised that there is also an opportunity to incorporate a more natural drainage system (it can be a constructed system) for the drainage channel rather than piping underground. It is considered that this would also have benefits in terms of water quality requirements as it may be capable of serving as an area for use as a bioretention system (for example within the median strip for the main entry road to the site) and this was reflected in the final studies.

Stormwater and Drainage

The Stormwater Management Study identified detention and site discharge requirements for the site as follows:

- The discharge from the post developed site is not to exceed the rate of runoff from the pre-developed site for all storms up to and including the 1% AEP storms for all durations.
- The size of the on-site detention is to be based on all flows up to the 1% AEP storm.

The DRAINS hydrological and hydraulic model was used to determine preliminary requirements for On-site Detention (OSD) including site storage requirements. The Stormwater Management Study found that should the site be developed with an impervious area of 75%, the minimum requirement for on-site detention would be 7100kL. The study notes that although these have been modelled as one single structure, OSD requirements may be achieved by providing a smaller number of detention basins.

The Final Stormwater Management Study identifies two stormwater detention/bioretention basins (one located on either side of the riparian zone to assist in the management of stormwater flows). The basin on the western side of the riparian zone contains an indicative surface area of 3300 sqm based on a 1.5-2.0m depth while the eastern bioretention basin includes a surface area of 1550 sqm based on a depth of 1.5-2.0 metres and both of these would be capable of being accommodated within the final subdivision design.

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

Noise

A Noise Impact Assessment was required as part of the Gateway Determination Conditions due to surrounding, nearby noise sources including the Bargo Waste Management Centre and the approved (although not yet constructed) Waste and Resource Recovery Facility at No. 25 Government Road, Bargo. The Impacts of traffic noise from Great Southern Road, as well as likely future traffic along Anthony Road (as part of the Waste Transfer Station development) were also considered in the Noise Impact Assessment.

Waste Transfer Station and Resource Recovery Facility

The Noise Impact Assessment has found that ambient noise levels are predicted to exceed the daytime operational noise goal of 41dBA in the easternmost region of the site. The region of exceedence extends approximately 200 metres inside the eastern boundary of the site.

The Noise Assessment found that the operational ambient day time noise levels from the Waste Transfer Station are expected to exceed the intrusive noise goal by between 5 and 8 dBA at the most sensitive locations within the site.

The night time noise goal level (after rated background levels are applied) would be 35dBA. The highest anticipated night time noise levels during adverse weather conditions on the site are expected to be

38dBA which indicates a potential exceedence of 3 dBA within a small part of the site near the eastern property boundary.

To overcome the likely exceedences in the intrusive noise goals that would result from the operation of the Waste Transfer Station, the Noise Impact Assessment recommends that future development within the 41dBA corridor incorporate a 1.8 metre solid fence (such as colourbond or lapped and capped timber) or a landscaped earth mound extending along the entire eastern project site boundary and along the northern part of the project site boundary from the north eastern corner to the watercourse. The Noise Impact Assessment has found that the application of these measures would result in a reduction of operational noise within the site by 5-8dBA. The construction of this noise mound or timber lapped and capped fence may be included as future DCP controls.

Traffic Noise Impacts

The Noise Impact Assessment found that residential facades established at least 10 metres from Great Southern Road and 45 metres from the edge of the Anthony Road extension are unlikely to be impacted by traffic noise. It is unlikely that any future dwelling would be constructed within 10 metres of Great Southern Road (and this could be controlled through DCP provisions).

It is likely that future dwellings would be located within 45 metres of the Anthony Road extension. The Noise Impact Assessment recommends that the following measures be incorporated should any dwellings be located within 45 metres of Anthony Road when it accommodates traffic associated with the Waste Transfer Station:

- No facades be established within 15 metres of the kerb;
- A 1.8 metre high continuous fence, constructed of solid material such as colourbond, lapped and capped timber, hebel, or similar is established along the northern boundary of the property;
- All north, east and west facing second storey facades are to be constructed with "Category 2 Noise Control Treatment" as defined in *"Development near rail corridors and busy roads – Interim Guidelines"*

Council has raised some concerns with the proponent regarding the application of a 1.8 metre solid fence along the boundaries between future lots and Anthony Road and the resulting visual impact, as well as impacts on the existing heritage item on the site. Consideration will need to be given to a site specific control within Council's DCP control which requires a greater setback for dwellings along the Anthony Road frontage should they be constructed after commencement of the Waste Transfer Station.

Air Quality

The Gateway Determination required the submission of an Air Quality Impact Assessment due to the potential land use conflicts with surrounding uses, in particular the Bargo Waste Management Centre and proposed Waste Transfer Station. Operations located greater than 2.5km from any boundary of the project site are considered unlikely to have any impact on the study area and have not been included in the study. The potential impacts of the nearby uses on the Planning Proposal site are addressed in further detail below:

Poultry Sheds

The Assessment has found that none of the identified poultry farms would adversely impact the Planning Proposal site. The assessment of odour was undertaken using a level 1 Odour Impact Assessment in accordance with the EPA Technical Framework (DEC, 2006) and Technical Notes (DEC 2006b) for the Assessment and Management of Odour from Stationary Sources in NSW. The aim of the Level 1 assessment was to determine an appropriate separation/buffer distance between the poultry operations and the subject site to avoid the onset of odour nuisance.

None of the nearby poultry farms were within the required buffer distance recommended by the Odour Impact Assessment.

Coal Mine Operation

The Tahmoor Underground Coal Mine which is located to the north of the project area could potentially produce odorous emissions; particularly from the mine ventilation shaft located approximately 3.7km to the north-east of the site. A number of odour complaints have been received in the past in relation to the

operation of this ventilation shaft. These complaints were found to be confined to areas near the ventilation shaft.

The study states that *the mine continues to improve the dispersion performance from the ventilation shaft to minimise the potential for odour impacts to occur. Given the localised nature of previous odour complaints, and the large separation distance from the ventilation shaft it is reasonable to conclude that there would be no significant potential for odour impacts to occur at the site due to the underground coal mine.*

CALPUFF modelling was also applied in order to predict the likely impact associated with the particulate matter on site. The maximum threshold PM10 value that would apply to the site would be 50micrograms/cubic metre and the investigation undertaken shows that the predicted 24 hour PM10 across the site would be approximately 4 to 5 micrograms/cubic metre. Any impact is therefore likely to be negligible.

No adverse impacts associated with the coal mine on future lots are anticipated.

Landfill and Waste Transfer Station Operation

The Air Quality Impact Assessment used air dispersion modelling applying the CALPUFF model to predict potential odour and particulate matter impacts from the operation of the facility. The WTS could accept a variety of putrescible waste, general household waste, construction/demolition waste, commercial industrial waste, recyclables and green waste. The investigation demonstrates that the site at No. 95 Great Southern Road would not be impacted by odour levels, above the most stringent odour criterion of 2OU. The dispersion modelling also identified that particulate matter at the Planning Proposal site is likely to be less than 5 micrograms/cubic metre which would be within the maximum criteria for the site (being 50 micrograms/cubic metre) and result in a satisfactory level of impact.

Aboriginal Archaeology and Heritage

An Aboriginal Archaeological Survey Report was undertaken with the proposal. The survey identified two (2) new sites at No 95 Great Southern Road, Bargo as follows:

- Grinding Grooves

Numerous grinding grooves (27) were found along the bank of the tributary of Dog Trap Creek that runs through the site. The study noted that it would be likely that more grooves could be located beneath the build-up of sediment and vegetation around the platform. The area comprising the grinding grooves has been identified as being of high archaeological significance and also demonstrates connectivity with areas outside No. 95 Great Southern Road that have been previously recorded (approximately 1km north-east of the site). The study identifies that the conservation of this site is a priority and it is recommended that the proposed E2 zone be applied to this part of the site.

- Artefact Scatter

An area of 5 stone artefacts eroding out of the western creek bank was also identified on the site. The artefacts consist of silcrete and quartz and include complete flakes as well as flake fragments. The archaeological significance of the stone artefacts is unknown and further test excavations are required to establish the conservation requirements. In any case, the whole of this area is proposed to be retained within an E2 Environmental Conservation Zone.

Two other areas of potential archaeological disturbance were identified during the site survey, both of which are located on the northern side of the grinding groove findings. These areas are partially within the environmental conservation zone, and these would need to be suitably managed during subdivision works. The section of PAD's within the E2 zone would be conserved while those located outside the E2 zone would require further archaeological test excavations as part of any future subdivision proposal. DCP controls may be required to ensure that appropriate fencing and setbacks from the grinding grooves and artefact scatter is achieved as part of any future development.

European Heritage

A Heritage Impact Assessment was undertaken with the Planning Proposal and recommended three (3) options in relation to the ongoing management of the heritage items on the site in light of the future development as follows:

Option	Description	Approach
1	Conservation In-situ, Archival Recording and Interpretation	This option would involve retaining the Silo and demolishing the homestead but preserving the archaeological deposits in-situ. An archival record of the house would be required prior to its demolition. The archaeological site and Silo would need to be incorporated into a green space / parkland to ensure their conservation.
2	Partial Conservation, Archival Recording, Archaeological Excavation + Adaptive Re-Use	This would involve retaining the Silo, demolishing the homestead (with archival recording) and conducting archaeological salvage to recover information about former occupation of the house. The Silo could then be incorporated into the subdivision layout and managed privately (for example, as part of a child care centre or similar community facility). Interpretation of the site would also be recommended and should incorporate the results of the archaeological investigation.
3	No Conservation – Archival Recording + Archaeological Excavation.	This would involve demolishing all remnants of Old Coomeroo, including the Silo. An archival record and archaeological salvage excavation would be required prior to, and following demolition. The results of the investigation would be documented in an excavation report. It may be necessary to conduct tours during the archaeological investigation, as a form of interpretation.

It is noted that all three of the options involve demolition of the 'Old Coomeroo' homestead (option 3 also involves demolition of the silo).

A further heritage study was undertaken in May, 2017 which also recommended the removal of the homestead.

Council's Heritage Advisor has previously provided the following advice:

- *The federation era part of the complex is neglected and not repairable; however, it is considered to be capable of reconstruction;*
- *The slab hut at the rear is restorable;*
- *The brick chimney structures as well as the brick silo are stable and will easily last for another 150 years.*

Council's Heritage Advisor also recommended that the heritage items be allowed to remain on the site in their own curtilage. It may also be necessary to include DCP controls which impose restrictions on future lots to include an architectural and landscape standard which minimises impact on the heritage item. Council considers that the heritage item may also have the capacity to act as an entry feature to a future estate and this could be considered as part of the future subdivision design.

Further consultation with Council's Heritage Advisor and the NSW Heritage Council will be undertaken during public exhibition.

Section D – State and Commonwealth interests

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

The scale of development proposed by the planning proposal could be adequately supported by the local public infrastructure.

Sewer and water

The land is located outside the Sydney Water subsidised service area. Sydney Water's most recent advice dated July, 2016 has stated that they don't have sufficient spare capacity to accommodate flows that would occur from any future development outside the existing service area in Bargo until at least 2020, and even following this date, certainty cannot be provided that lands outside the existing service area could be serviced by Sydney Water.

As a result, the proponent for the Planning Proposal at No. 95 Great Southern Road has formally advised Council that they would undertake the construction of a 'Package Treatment Plant System' to service the

proposed R2 zoned land within this Planning Proposal site. The term 'Package Treatment Plant' includes a Sewage Treatment Plant and 'Water Recycling Facility' that would be used to treat wastewater from the site.

The proponent has advised that the package treatment plant would be proposed on adjoining land at No. 35 Government Road, Bargo.

A Development Application for the treatment plant has not yet been received by Council, however; the Department of Planning and Environment have issued Environmental Assessment requirements for a package treatment plant on this site. The Environmental Assessment requirements would inform the Environmental Impact Statement that is prepared for the treatment plant.

Roads

The Planning Proposal involved the preparation of two traffic studies. The traffic studies prepared made an assessment of the traffic impacts from the development if the adjoining, approved waste transfer station was in operation and also without the waste transfer station in operation.

The key findings of the Traffic Study assuming that the Waste Transfer Station is in operation are as follows:

- Assuming that the site is developed to a capacity of 222 residential allotments, up to 1998 additional vehicle movements per day may be generated from the development;
- The level of service at all key intersections is not detrimentally affected by the proposed scenarios assessed
- All roads are capable of absorbing the additional traffic from the development;
- Traffic volumes in Ironbark Road will increase, however, it is likely that Ironbark Road traffic increases will not be significantly impacted and will have sufficient capacity to accept the additional traffic loads;
- Traffic volumes at Wellers Road bridge will increase, however, it is anticipated that the upgrade works recommended as part of the Bargo Waste Transfer Station Traffic Study will address these impacts'
- Traffic volumes at the primary school may be increased by up to 50% should the land be developed as residential which is acceptable given the large degree of spare capacity;
- Negligible changes to traffic volumes are expected on Avon Dam Road and Remembrance Dr;
- A number of other intersection treatment, civil and road safety measures were recommended.

The Traffic study estimates that based on the development generating 167 lots, it would contribute to an increase of 1503 vehicle movements from the site per day during am time and 142 during pm time. The key findings of the Traffic Study without the Waste Transfer Station is in operation (i.e. if existing conditions remain) are as follows:

- Assuming that the site is fully developed for residential purposes, then it could accommodate up to 167 total residential lots, which would be capable of generating up to 1,503 additional vehicle movements per day;
- The level of service at all key intersections is not detrimentally affected by the proposed development for all scenarios assessed;
- All roads are capable of absorbing the additional traffic from the development;
- Traffic volumes in Ironbark Road will increase. The assessment assumes that the traffic will only use Ironbark Road; however, it is also likely that traffic will also use Dymond Street and Bargo Road. It is likely that Ironbark Road traffic increases will not be significantly impacted and will have sufficient capacity to accept the additional traffic loads;
- Traffic volumes at Wellers Road Bridge and at the primary school will increase, however, this is acceptable considering the large degree of spare capacity at these locations as determined by SIDRA;
- Negligible changes to traffic volumes are expected on Avon Dam Road and Remembrance Dr;
- There will be no changes to the proportion of heavy vehicles on the road network.

The development will contribute to an increase in traffic loads on local roads. The traffic study has also identified a need to extend kerb and gutter and pit and pipe fronting the site on Great Southern Road to the south, connecting to the existing network, as well as a need to extend swale drainage from the site on the western side of Hawthorne Road to connect with the existing swale drainage.

It is also proposed to provide a footpath connection between the site and the existing footpath which terminates at the intersection of Dymond Street and Great Southern Road. Intersection treatments are also proposed which includes the creation of new intersections.

It has also been recommended from the Roads and Maritime Services and Transport for NSW that suitable arrangements be made for contributions to be provided for the allocation of state and regional infrastructure upgrades which would further negate any impact of the development. It is therefore proposed to make the site subject to the satisfactory arrangements clause in Council's LEP.

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

The Gateway Determination requires consultation to be carried out with the following public authorities/government agencies:

- NSW Department of Health;
- Transport for NSW;
- Roads and Maritime Services;
- NSW Office of Environment and Heritage;
- Department of Education and Communities;
- Sydney Water;

The key outcomes of the consultation with public agencies to date are detailed below:

Sydney Water

Sydney Water were initially consulted in December, 2014 and provided updated advice in July, 2016 which stated the following:

'Sydney Water will not be allowing or considering any sewer connection to the Bargo Priority Sewerage Program (PSP) Scheme for any proposed development that is outside the subsidised area until at least the year 2020 as there is no spare capacity being available due to the current high water infiltration problems being experienced in the area.'

In addition to the infiltration issues being addressed, the Bargo PSP will also be dependent upon the amplification of the Picton Recycling Plant to provide for any future additional capacity. The amplification is not expected until around 2020 and there would still be no guarantee that there would be spare capacity for developments outside the subsidised area after this date.'

Comment: In response to Sydney Water's advice, the proponent has advised that a package Sewage Treatment Plant will be constructed on adjoining land to service the 700 square metre lots on the site.

NSW Office of Environment and Heritage (OEH)

The NSW Office of Environment and Heritage (OEH) were consulted shortly after the issue of the original Gateway Determination. The relevant OEH comments are provided below:

'The vegetation around the tributary of Dogtrap Creek is within a riparian corridor connecting with land zoned E2 approximately 400 metres downstream.'

To ensure that areas of moderate and high biodiversity value are protected, environmental protection zonings such as E2 and E3 and other land use planning controls may be required.'

Offsetting areas of high biodiversity value should be considered if they cannot be satisfactorily protected.'

Comment: The proposed inclusion of the watercourse and riparian zone within an E2 Environmental Conservation Zone is consistent with the recommendations from OEH. A larger lot size has been applied to the east of the watercourse to ensure SSTF is protected without the need to rely on an offsetting approach.

NSW Office of Water (NOW)

NSW Office of Water (NOW) provided preliminary comments in December 2014. This advice included the following in respect of the riparian corridor:

"The ownership of riparian corridors is an important factor in the function and health of riparian corridors within new release areas. Public ownership of riparian corridors is considered to be the most effective mechanism for ensuring the appropriate long term management of these areas.

Private landowners may have lower levels of expertise and understanding regarding the management of natural areas. Inappropriate and unlawful activities within privately owned riparian corridors are generally more frequent with compliance issues exacerbated by multiple ownership.

The financial burden of maintenance costs and lack of expertise by private landowners has been found to result in poor maintenance practices and degradation of corridors."

Comment: It is proposed to apply an E2 Environmental Conservation Zone through the riparian corridor on the site which is consistent with the advice from NOW. The proposed E2 zoned land is expected to be retained in private ownership, meaning that lots adjoining the riparian zone will most likely consist of a residential and environmental zoning. Restrictions on the use of these lots would be able to be applied at the subdivision application stage and site specific controls in Council's Development Control Plan may be used to ensure this.

Greater Sydney Local Land Services (LLS)

Local Land Services advised the following in respect of the proposal:

The Native Vegetation Act applies to the current RU2 (Rural Landscape) land use zoning. If the proposed rezoning to R2 (Low Density Residential) is approved then the Native Vegetation Act will no longer apply. For the part of the land zoned R5 Large Lot Residential there will still be a requirement for landholders to have regard for the Native Vegetation Act on this land;

LLS supports the requirements for a Flora and Fauna Assessment to be undertaken. Larger lots would protect the EEC on the site and allow biobanking options to be considered;

LLS supports the inclusion of an environmental protection zone in the eastern portion of the site including the natural watercourse.

Any clearing associate with the proposal should be mitigated by establishing appropriate offset areas (either through biobanking or other suitable means).

Comment: LLS advice that the Native Vegetation Act will not apply to the R2 zoned land but will apply to the R5 zoned land is noted. This means that a Biobanking Statement will not be able to be obtained for any vegetation removal in the R5 zone and the minimum lot size and NRB Layer have been applied to address this. A Flora and Fauna Assessment has been carried out and an E2 zone applies to the natural watercourse over the site as recommended in order to protect and enhance this area.

Transport for NSW (TfNSW)

TfNSW does not object to the Planning Proposal provided that there is an appropriate planning mechanism to ensure contributions to state and regional road infrastructure are collected. For instance, this could be the inclusion of the "satisfactory arrangements" clause.

Comment: The site is proposed to be included on the Urban Release Area Maps.

Transport Roads and Maritime Services (RMS)

RMS provided the following comments:

RMS does not object to the Planning Proposal provided that there is an appropriate planning mechanism to ensure contributions to state and regional road infrastructure are collected. For instance, this could be the inclusion of the "satisfactory arrangements" clause.

RMS recognises that the Planning Proposal is one of a number of land releases within the Shire. The cumulative impact of the development associated with these land releases will have a significant impact on the state and regional classified road networks. On this basis, the RMS considers it appropriate to consider the impacts on a broad scale. That is, consider all of the known land releases in the area and identify the appropriate road network upgrades.

Comment: It is proposed to include the site on the Urban Release Area Maps in accordance with the RMS advice. This would ensure that contributions towards any regional infrastructure upgrades are provided at the subdivision stage.

NSW Rural Fire Service (RFS)

The RFS provided the following comments:

When determining minimum lot sizes for future subdivisions on bushfire prone land, consideration is to be given to the provision of Asset protection Zones within property boundaries.

This shall be done in accordance with Planning for Bushfire Protection (2006) Table A2.4 (subdivision) to achieve a maximum 29kW/m² radiant heat flux and table A2.6 (Special Fire Protection Purpose) to achieve a maximum 10kW/m² radiant heat flux in the event of a bushfire.

Strategic Planning should include the provision of larger lots closer to the hazard and future roads will need to comply with section 4.1.3 of Planning for Bushfire Protection 2006.

Comment: The site is partly bushfire prone land. The bushfire prone land map identifies only the vegetated area adjacent to the riparian corridor as being bushfire prone land. The allocation of larger lot sizes on either side of the riparian zone will enable the required asset protection zones to be achieved within individual lots.

The Bushfire Hazard Assessment indicates that any future dwellings on the site would be capable of achieving BAL 29 or less in accordance with the RFS advice.

The lot is capable of providing perimeter roads as part of any future subdivision of the site in accordance with the Planning for Bushfire Protection Guidelines.

NSW Trade and Investment Resources and Energy (Geological Survey of NSW (GSNSW))

GSNSW originally stated that they had serious concerns with the Planning Proposal and did not support the rezoning of the land at the time due to current mining leases and likely future coking coal extraction by longwall mining underneath the site.

On 10 November, 2016, Council received revised comments from GSNSW stating that they no longer objected to the proposal. The advice stated that *the Tahmoor South Project proposed by Glencore (Xstrata Coal) would have extracted coal by longwall mining methods from directly beneath the site. However, given the withdrawal of this project and subsequent announcement that Tahmoor Mine will be closing in the near future, GSNSW no longer supports the delaying of the rezoning of the land.*

Comment: The proposal has proceeded on this basis and further consultation with GSNSW and the Tahmoor Colliery will be carried out during the Public Exhibition Period.

Mine Subsidence Board

The Mine Subsidence Board advised the following:

The applicant should be advised to seek the Board's approval for any proposed subdivision or the erection of improvements at the appropriate time.

Comment: Noted.

Further consultation will be undertaken with the above government agencies during the formal public exhibition of the proposal.

Part 4 – Mapping

Map 1 – Site Identification Map



Map Sheet to be Amended:

8400_COM_LZN_008E_020_20110204
8400_COM_LZN_008I_020_20130715
8400_COM_LSZ_008E_020_20110209
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Cadastre

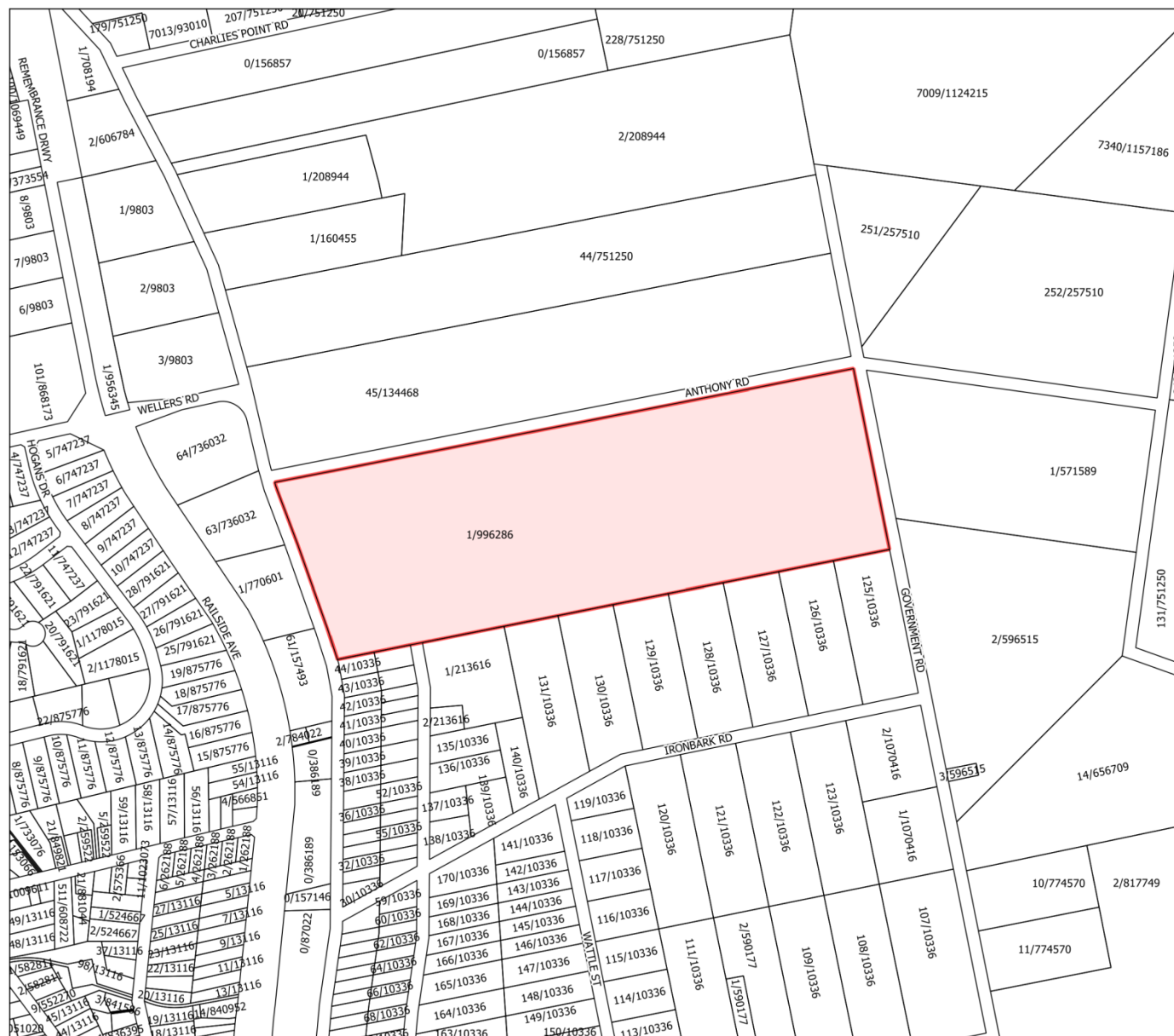
 Cadastre base data 01/08/2014 © Land and Property Information (NSW)
Addendum data 22/10/2015 © Wollondilly Shire Council



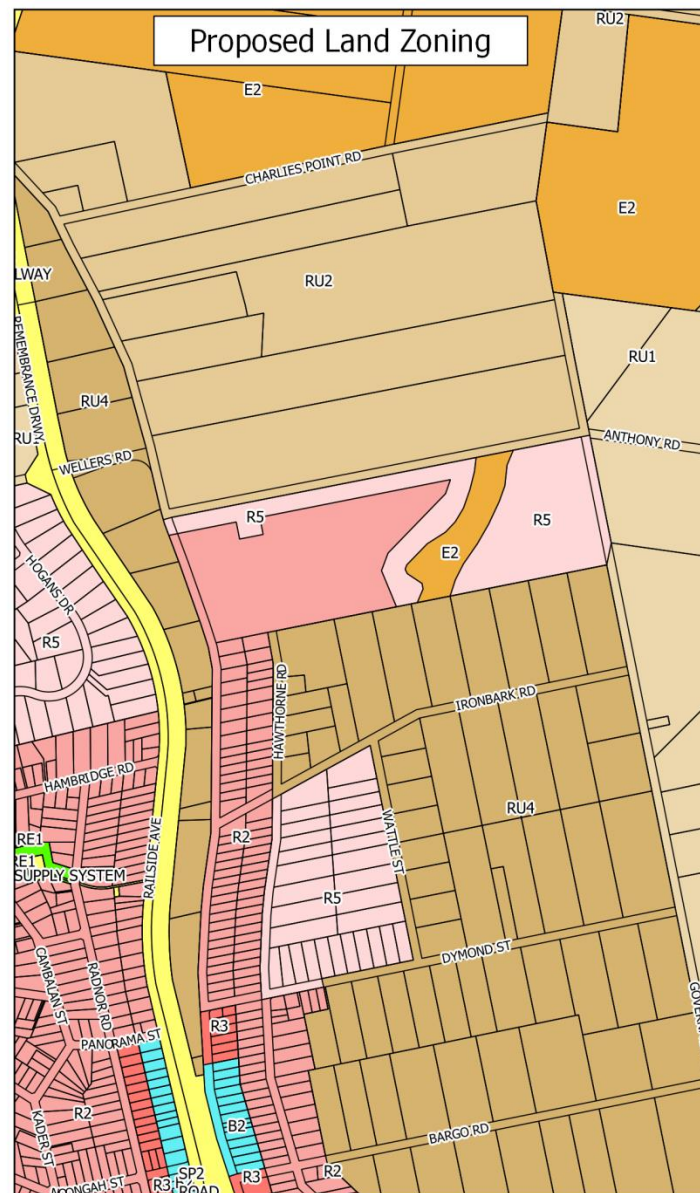
Projection GDA 1994
MGA Zone 56

Map Produced: 26-06-2017

Visit the website below to view the published map sheets listed above:
<http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2011&no=85>



Map 2 – Land Zoning Comparison Map



Map 3 – Minimum Lot Size Comparison Map

Map Series to be Amended:
Lot Size Map

Map Sheets to be Amended:
8400_COM_LSZ_008E_020_20110209
8400_COM_LSZ_008I_020_20130715

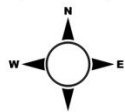
Minimum Lot Size (sq m)

B	230
C	250
G	450
Q	700
T	975
U1	1250
U2	1500
V	2000
W	4000
X	5000
Y1	1ha
Y2	1.5ha
Z1	2ha
Z2	3ha
Z3	4ha
Z4	4.5ha
AA1	5ha
AA2	7ha
AB1	16ha
AB2	20ha
AB3	30ha
AB4	35ha
AB5	40ha
AC	60ha
AD	100ha

Cadastral

 Cadastral data 01/08/2014 © Land and Property Information (NSW)
 Adendum data 09/07/2017 © Wollondilly Shire Council

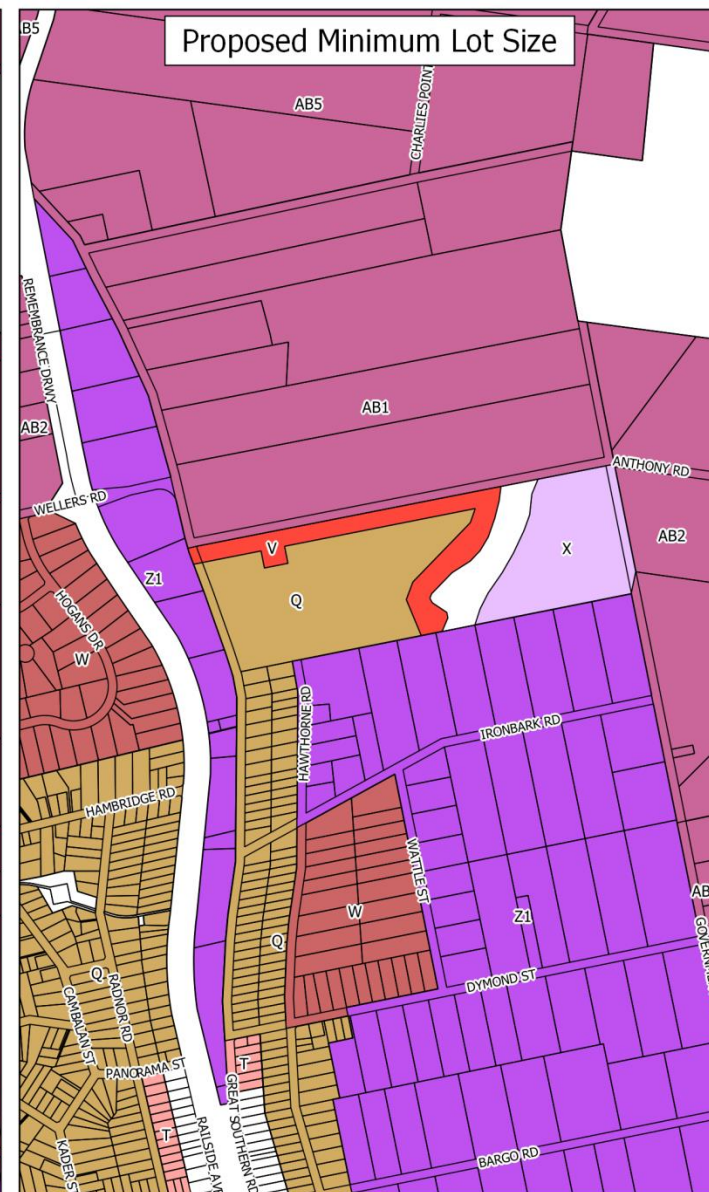
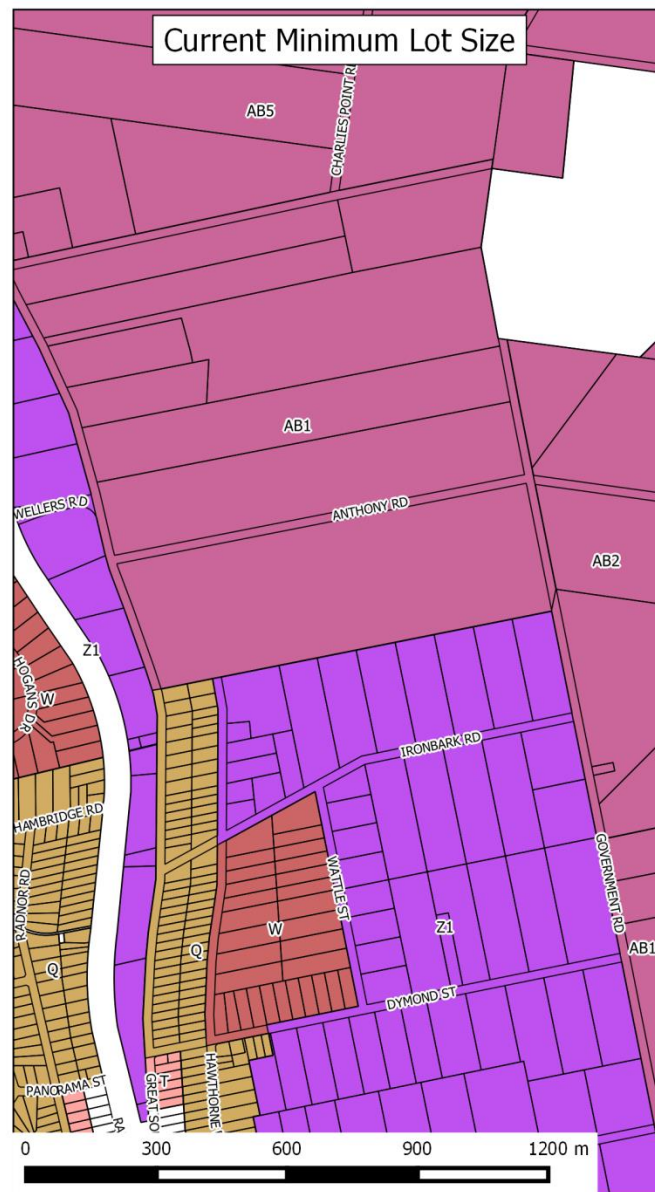
Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.



Projection GDA1994
MGA Zone 56

Map Produced: 03-07-2017

Visit the website below to view the published map sheets listed above:
<http://www.registration.nsw.gov.au/maps/index?type=epi&year=2011&no=85>



Map 4 – Proposed Natural Resources Biodiversity Land



Wollondilly Local Environmental Plan 2011

Map Series to be Amended:
Natural Resources - Biodiversity

Map Sheets to be Amended:

Sensitive Land

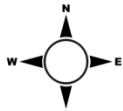
 Sensitive land

Cadastral

 Cadastral base data 01/08/2014 © Land and Property Information (NSW)
Addendum data 19/06/2017 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 19-06-2017



Projection: GDA 1994
MGA Zone 56

Visit the website below to view the published map sheets listed above:
<http://www.legislation.nsw.gov.au/#spidx?type=ep&year=2011&no=85>

Current NRB



Proposed NRB



Proposed Urban Release Area Map



Wollondilly Local Environmental Plan 2011

Map Series to be Amended:
Urban Release Area

Map Sheets to be Amended:
8400_COM_URA_008_080_20160210

Urban Release Areas

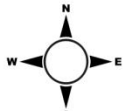
Urban Release Area

Cadastre

Cadastre bas data 01/08/2014 © Land and Property Information (NSW)
Addendum data 26/06/2017 © Wollondilly Shire Council

Note: all legend items in Wollondilly Shire Council's LEP 2011 maps are listed above. All items may not be visible in the adjacent map.

Map Produced: 26-06-2017



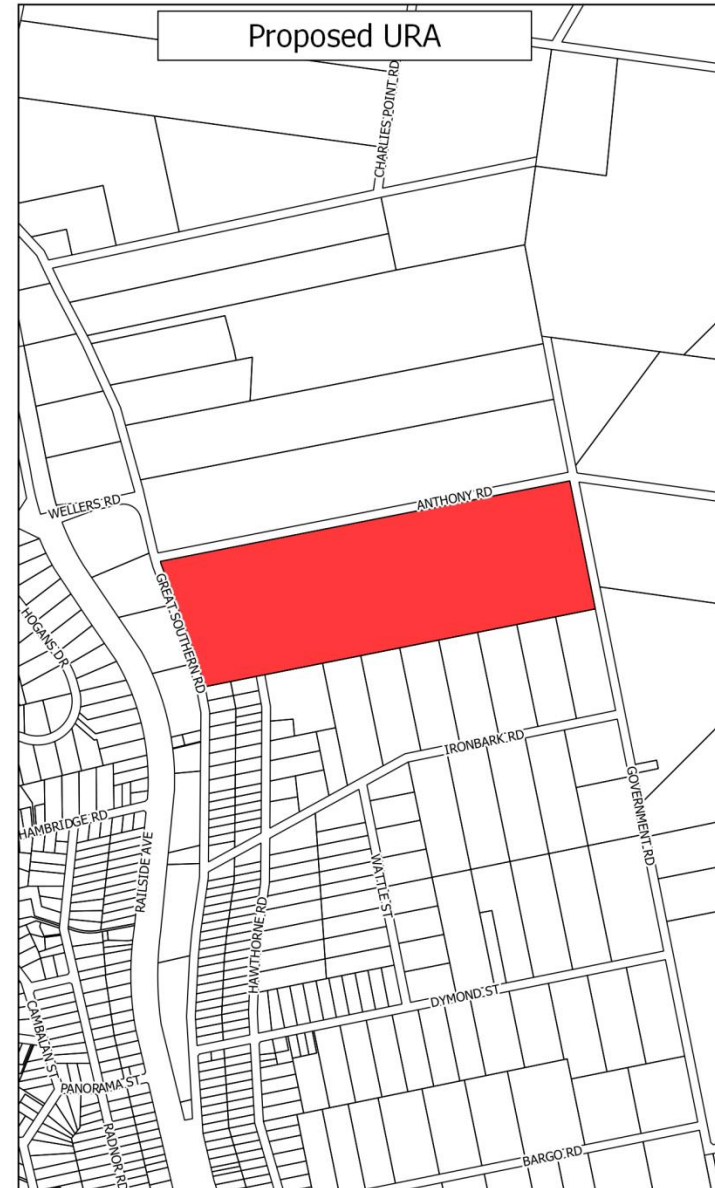
Projection: GDA1994
MGA Zone 56

Visit the website below to view the published map sheets listed above:
<http://www.legislation.nsw.gov.au/#spdx?type=ep&year=2011&no=85>

Current URA



Proposed URA



Part 5 – Community Consultation

In accordance with Council's Notification Policy, initial community consultation was undertaken from 2 October to 30 October, 2013. The application was made available on Council's website and Council's offices and letters were also sent to owners of adjoining and potentially affected properties.

A total of three (3) submissions were received and of these submissions; two (2) objected and one (1) was neutral. The issues raised in the submissions were addressed in the specialist studies. Further public exhibition and community consultation will be undertaken following the issue of the Altered Gateway Determination.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline for completion
Commencement and completion dates for public exhibition period	28 Days	Early September, 2017
Timeframe for consideration of submissions	4 week period	Early October, 2017
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	2 months	December, 2017
Date of submission to the Department to finalise the Draft LEP amendment (including 6 week period for finalisation)	1 months	January, 2017
Anticipated date RPA will make the plan if delegated	1 month	February, 2017
Anticipated date RPA will forward to PC and Department of Planning for finalisation	Not applicable	N/A

Appendices

A. Assessment against Section 117(2) Directions

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

B. Assessment against Wollondilly GMS

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

C. Gateway Determination and Alterations

Council Reference: 7696#759

D. Compliance with Gateway Determination Conditions

Council Reference: 7696#759

E. Aboriginal Heritage Assessment

Prepared by: Artefact Heritage

Council Reference: 7696#696

F. Air Quality Impact Assessment

Prepared by: 7696#697

Council Reference: Todoroski Air Sciences

G. Bushfire Assessment Report

Prepared by: Sydney Bushfire Consultants

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H. Preliminary Contamination Assessment

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P. Traffic Report (with consideration of proposed Waste Transfer Station)

Prepared by: Martens Consulting Engineers
Council Reference: 7696#706

Q. Traffic Report (without consideration of proposed Waste Transfer Station)

Prepared by: Martens Consulting Engineers
Council Reference: 7696#707

Appendix A

Assessment against Section 117(2) Directions

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

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	No	No	Not applicable.
1.2 Rural Zones	Yes	No	The Planning Proposal intends to rezone rural land for residential purposes and would ultimately result in an increase in the permissible density on the site. The Department of Planning and Environment in the Gateway Determination agreed that the inconsistency with the Ministerial Direction is of minor significance and that the proposal is consistent with the applicable regional strategies and that no further approval is required in regards to this direction.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	This direction requires the Relevant Planning Authority to consult with the Director General to seek advice on the development potential of resources and likely land use conflict. Geoscience NSW (GSNSW) were initially consulted and a response was provided on 27 February, 2015. The advice provided stated the following: <i>The proposal overlies consolidated coal lease CCL747 held by Tahmoor Coal Pty Ltd, and also Petroleum Exploration License PEL2, held by AGL upstream investments Pty Ltd. Tahmoor Coal are currently longwall mining within ML 1376 north of the site. The site lies within the Bargo Mine Subsidence District. Tahmoor Coal have submitted a Planning application and received Director General Requirements for the extraction of high-value Bulli Seam Coking coal by longwall mining beneath this site.</i> <i>GSNSW raises serious concerns and does not support the rezoning of this site and residential density at this time. It is preferred that a staged approach be considered in this area, and that this number of lots be developed only after mining has taken place.</i> A revised response was provided by GSNSW on 10 November, 2016 which states that they no longer objected to the proposal and advised the following: <i>NSW Trade & Investment - Geological Survey of New South Wales (GSNSW) has revised its position on this proposal. The Tahmoor South Project, proposed by Xstrata Coal (Glencore), would have extracted coal by longwall mining methods from directly beneath the site. However given the withdrawal of this project, and subsequent announcement that Tahmoor Mine will potentially be closing in the near future, GSNSW no longer supports delaying the rezoning of this subject land.</i> In accordance with recent changes to the Mine Subsidence Act, Council will consult with the Colliery to determine whether there are any co-existence issues. If the Colliery objects to the proposal, then Subsidence Advisory (SA) NSW will be notified.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1.4 Oyster Production	N/A	N/A	Not applicable.
1.5 Rural Lands	N/A	N/A	Not applicable.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	The Specialist Studies have identified a corridor through the middle portion of the site which is of environmental significance due to vegetation, aboriginal and archaeological heritage findings and the presence of a watercourse and riparian area. It is proposed to protect this area via an E2 Environmental Conservation Zone which is consistent with the direction.
2.2 Coastal Protection	N/A	N/A	Not applicable.
2.3 Heritage Conservation	Yes	Yes	The Planning Proposal includes suitable measures to facilitate the conservation of the existing heritage listed Coomeroo, Silo and Homestead on the site, through a larger lot size and curtilage around this area. The archaeological heritage items identified on the site as part of the Aboriginal Archaeological Survey Report are also to be protected by having them included within the E2 Environmental Conservation Zone on the site. It may also be necessary to include DCP controls which enable the further protection of these items which would be finalised prior to public exhibition of the proposal.
2.4 Recreation Vehicle Area	N/A	N/A	Not applicable.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	N/A	N/A	The Planning Proposal would enable for a range of lot sizes which would broaden the types dwellings in the locality in accordance with the direction. The proposal is anticipated to be adequately serviced through the construction of a private wastewater treatment plant to service the western portion of the development.
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	Not applicable.
3.3 Home Occupations	N/A	N/A	Not applicable.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
3.4 Integrating Land Use and Transport	N/A	Yes	This Direction requires any Planning Proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: • Improving Transport Choice – Guidelines for Planning and Development; and • The Right Place for Business and Services. The Planning Proposal meets the requirements of the Direction.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Not applicable.
3.6 Shooting Ranges	N/A	N/A	Not applicable.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Not applicable.
4.2 Mine Subsidence and Unstable Land	Yes	Yes	The proposal is within a Mine Subsidence District and this direction requires Council to consult with the Mine Subsidence Board in relation to any Planning proposal that would permit development on land in a Mine Subsidence District. The Mine Subsidence Board were consulted in December, 2014 and raised no objections to the proposal. Further consultation with Tahmoor Colliery and other relevant parties will be undertaken during the public exhibition of the proposal.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
4.3 Flood Prone Land	Yes	Yes	This direction applies <i>when a Relevant Planning Authority prepares a Planning Proposal that creates, removes or alters a zone or provision that affects flood prone land.</i> Flood prone Land has the same meaning as in the Floodplain Development Manual 2005. The Floodplain Development Manual defines flood prone land as <i>land susceptible to flooding by the PMF event. Flood prone land is synonymous with flood liable land.</i> Flood modelling was carried out for the site and it was found that the part of the site that is subject to the PMF would be contained wholly within the E2 Environmental Conservation Zone. The Planning Proposal complies with all relevant requirements in the Direction. Further DCP controls are likely to be required to ensure that overland flows and management of the drainage channel feeding into the main watercourse are adequately managed during future development of the site.
4.4 Planning for Bushfire Protection	Yes	Yes	The site is partially bushfire prone land. The direction requires the Relevant Planning Authority to consult with the NSW Rural Fire Service following receipt of a Gateway Determination. This was undertaken in December, 2015 and a response was received from the RFS advising that they had no objection to the proposal. The Planning Proposal is considered to meet the requirements of the direction in relation to perimeter roads and access, and asset protection zones which is demonstrated with the Bushfire Hazard Assessment submitted with the proposal.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Not applicable.
5.2 Sydney Drinking Water Catchments	N/A	N/A	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Not applicable.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Not applicable.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Not applicable.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Yes	This planning proposal is consistent with this direction because it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	N/A	Not applicable.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

Appendix B

Assessment against Wollondilly GMS

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

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

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The Planning Proposal is consistent with the assessment criteria and key policy directions within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	The Planning Proposal is consistent with the concept of Rural Living. Whilst the proposal would rezone rural land, it takes into account the constraints of the site and would not involve fragmentation of rural lands.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Preliminary consultation carried out has been used to inform the proposal. Further formal Public Exhibition will commence in August, 2017.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The personal financial circumstances of individual landowners have not been taken into account as part of this Planning Proposal.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The subject site is located on the fringe of an existing village and is in a location identified for potential future growth in the GMS. The Planning Proposal adequately takes into account the physical constraints of the site.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The Planning Proposal would provide additional housing in accordance with the GMS targets.
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 Planning Proposal would enable a variety of housing types to be provided on the site.

Key Policy Direction	Comment
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 fringe of the existing township comprises a minimum lot size of 700 square metres. The Planning Proposal would see the continuation of the existing 700m portion of the site within the proposed R2 zoned lands, while the edge of the Planning Proposal site along the northern boundary would comprise larger lots (with a minimum lot size of 2000 square metres), and land to the east of the watercourse would comprise larger lots (minimum 5000 square metres).
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The subject site is located immediately adjacent to the existing Bargo village and is therefore consistent with this direction.
Macarthur South Policies	
P11 Council does not support major urban release within the Macarthur South area at this stage.	Key Policy Direction P11 is not applicable to this proposal.
P12 Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.	Key Policy Direction P12 is not applicable to this proposal.
P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	Key Policy Direction P13 is not applicable to this proposal.

Key Policy Direction	Comment
P14 Council will consider proposals for employment land developments in Macarthur South provided they: ▪ Are environmentally acceptable; ▪ Can provide significant local and/or subregional employment benefits; ▪ Do not potentially compromise the future orderly master planning of the Macarthur South area; ▪ Provide for the timely delivery of necessary infrastructure; ▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas; ▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).	Key Policy Direction P14 is not applicable to this proposal.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	N/A
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.	N/A

Key Policy Direction	Comment
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.	The site adjoins an unformed crown road (Anthony Road) along the northern boundary of the site. It is anticipated that this road could be constructed as part of any future development of the site which would give suitable access along the northern, eastern and western site boundaries. If this road is not constructed then other suitable access arrangements exist subject to road intersection upgrades and other road infrastructure upgrades being undertaken as outlined in the Traffic Report supporting the proposal. The R2 Low Density Residential Zone is proposed to be serviced through a private package sewage treatment plant, to ensure that adequate sewer infrastructure is provided. Reticulated water is capable of being provided by Sydney Water. Developer contributions to be paid at the development application stage would also contribute towards funding the necessary local infrastructure required to support the development.
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.	The Planning Proposal would support the growth of the existing Bargo village as the site is located along the northern boundary of the existing town. The necessary services and infrastructure is available and capable of supporting the development of the site (subject to a private wastewater treatment plant being constructed). Some upgrades to roads, footpaths etc would also be required.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The site is located adjacent to an existing residential zone and would not result in dispersed population growth.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/ Tahmoor Area (PTT) area and <u>the Bargo Area</u> . Appropriate smaller growth opportunities are identified for other towns.	The site is located in the suburb of Bargo and adjoining the existing village which meets the requirements of this direction.
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 Planning Proposal achieves this through the application of an E2 zone to protect the riparian corridor, higher level vegetation and archaeological items on the site. The application of a larger lot size to unsewered lots on the eastern side of the riparian area would further protect water quality by ensuring that on-site system can be provided having regard for required buffer distances.

Key Policy Direction	Comment
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The proposal would not involve in the fragmentation of rural lots.

Appendix C

Compliance with Gateway Determination Conditions

The Gateway Determination was originally issued in 2014 and has been altered on two occasions since this date. The Gateway conditions and compliance are provided below:

Gateway Condition Number	Condition Requirements	Council Planner Comments
1	Community consultation is required under sections 56(2)(c) and 57 of the Act, for a period of 28 days.	Formal community Consultation will be undertaken for 28 days commencing in August, 2017.
2	The timeframe for completing the Local Environmental Plan Amendment is to be 12 months from the week following the date of the Gateway Determination. This condition was amended on 10 April, 2017 to state: <i>The timeframe for completing the LEP is 31 December, 2017.</i>	The Planning Proposal timeline indicates that the Planning Proposal should be determined within this timeframe.
3	Delegation is not to be given for Council to exercise the Minister's plan making powers.	Noted.
4	The Secretary's delegate approves the inconsistency with Section 117 Direction 1.2 Rural Zones on the basis that the proposal is generally consistent with the Draft South West Sub-Regional Strategy. The matters in conditions 5 to 12 below are to be addressed prior to undertaking community consultation.	Noted. Matters 5 to 12 are addressed below.
5	The proposal is as follows: - Amend the land use zoning of the site as follows: <i>E2 environmental conservation for the riparian corridor on the site;</i> <i>R5 Large Lot Residential on the eastern side of the riparian corridor and for a distance of 50 metres west of the E2 zone boundary;</i> <i>R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo;</i> <i>R2 Low Density Residential to the remainder of the site.</i> - Amend the minimum lot size of the site to reflect the following: <i>5000 sqm for the land to the east of</i>	The Planning Proposal reflects this arrangement. The mapping provided in part 4 is consistent with the Gateway Determination.

	<i>the riparian corridor on the site;</i> • 2000 sqm for the land proposed to be zoned R5 to the west of the riparian corridor; • 700 sqm for the land proposed to be zoned R2; and • No minimum lot size for the land proposed to be zoned E2. • Amend the maximum height of buildings to 9 metres across the site. • Include certain land on the site on the Natural Resources Biodiversity Map	
6	Council is to consult with the following public authorities to determine whether regional contributions towards the provision of designated public infrastructure are likely to be required: • Department of Health; • Transport for NSW; • Roads and Maritime Services; • NSW Office of Environment and Heritage; • Department of Education and Communities; A copy of all the responses should be returned to the Department's regional office.	These agencies were initially consulted with following the issue of the Gateway Determination by the Department of Planning.
7	If the site is to be identified as an Urban Release Area, Council is to amend the proposal accordingly.	Transport for NSW and Roads and Maritime Service (RMS) both recommended that Council adopt an approach to ensure that contributions to state and regional infrastructure are collected. It is therefore proposed to include the site as an Urban Release Area. Further consultation with Government Agencies will occur during the formal exhibition period.
8	Council is to amend the proposal to update references to the status of the recently approved Waste Transfer Station.	The updated Planning Proposal gives reference to the approved Waste Transfer Station and addresses the impacts on the site should the waste transfer station development proceed.
9	Council is to prepare the following studies: • Flora and Fauna; • European and Aboriginal Heritage; • Flooding; • Traffic; • Preliminary Contamination Investigation; • Drainage.	The required studies have been undertaken and have formed the basis of this Planning Proposal.
10	Council is to provide certainty in regard to the provision of a reticulated sewerage scheme to service the development, and where that scheme is not part of the Sydney Water Sewerage Scheme for Bargo, details of the location and capacity of the sewerage scheme have been provided for inclusion in the documents for public exhibition.	Sydney Water has advised Council that there is insufficient spare capacity to service the unsubsidised area in Bargo until at least 2020. The proponent has declared that a private sewerage treatment plan will be provided to service the R2 zoned portion of the development.
11	Council is to consult with the following public authorities and, where indicated, demonstrate consistency with relevant s117 directions:	The proposal is consistent with each of the relevant s117 directions as detailed in Appendix A above.

	• Department of Trade and Investment – Resources and Energy (Direction 1.3 Mining, Petroleum Production and Extractive Industries); • Office of Environment and Heritage (Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation, including consultation specifically under Section 34A of the Act); • Greater Sydney Local Land Services (formerly known as Hawkesbury Nepean Catchment Management Authority) (Direction 2.1 Environmental Protection Zones); • Mine Subsidence Board (Direction 4.2 Mine Subsidence and Unstable Land); and • Rural Fire Service (Direction 4.4 Planning For Bushfire Protection).	
12	Council is to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land after undertaking the above flood study.	A Flood Study was undertaken in accordance with the ministerial direction and this study has suitably informed the proposal.
13	Council is to also consult with Sydney Water and Roads and Maritime Services.	Council has consulted with Sydney Water and Roads and Maritime Services. The outcomes of the consultation with these agencies are outlined in Part 5 of the Planning Proposal. Further consultation will be undertaken as part of the formal exhibition of the proposal.
14	An on-site effluent disposal report is to be prepared to demonstrate the minimum lot size capable of on-site effluent disposal. This report is to then be used to inform an appropriate minimum lot size for the area east of the natural watercourse. This area to continue to be rezoned R5 Large Lot Residential. This is to address environmental health concerns raised by Council over on-site wastewater disposal and ensure an evidence based approach is implemented.	An on-site effluent disposal report was submitted in respect of land to the west of the Riparian corridor, as this part of the site will not be serviced by the proposed reticulated sewer scheme. The report demonstrates that the proposed 5000 square metre minimum lot size would be sufficient in accommodating effluent disposal in this part of the site.

Appendix D

Gateway Determination and Alterations

Council Reference: TRIM 7696#759

Appendix E

Aboriginal Heritage Assessment

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Artefact Heritage

Our Reference: TRIM 7696#696

Appendix F

Air Quality Impact Assessment

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Todoroski Air Sciences

Our Reference: TRIM 7696#697

Appendix G

Bushfire Assessment Report

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Sydney Bushfire Consultants

Our Reference: TRIM 7696#698

Appendix H

Preliminary Contamination Assessment

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Martens Consulting Engineers

Our Reference: TRIM 7696#699

Appendix I

Ecological Constraints Assessment

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by EcoPlanning

Our Reference: TRIM 7696#718

Appendix J

Flood Impact Assessment

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Martens Consulting Engineers

Our Reference: TRIM 7696#710

Appendix K

Heritage Study

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Weir Phillips Heritage

Our Reference: TRIM 7696#722

Appendix L

Noise Impact Assessment

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Wilkinson Murray

Our Reference: TRIM 7696#720

Appendix M

On-site effluent disposal report

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Martens Consulting Engineers

Our Reference: TRIM 7696#701

Appendix N

Salinity Assessment

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Martens Consulting Engineers

Our Reference: TRIM 7696#703

Appendix 0

Stormwater and Drainage Assessment

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Martens Consulting Engineers

Our Reference: TRIM 7696#719

Appendix P

Traffic Report (with consideration of proposed adjoining Waste Transfer Station)

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Martens Consulting Engineers

Our Reference: TRIM 7696#706

Appendix Q

Traffic Report (without consideration of proposed adjoining Waste Transfer Station)

Planning Proposal – No. 95 Great Southern Road, Bargo

Prepared by Martens Consulting Engineers

Our Reference: TRIM 7696#707