



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Penny Lane Land Acquisition Release (Thirlmere Car Park)

Applies to land at 27 Oaks Street (Lot 3, Section C, DP 1569), 31 Oaks Street (Lot C, DP 383947) & 64 Carlton Road (Lot B, DP 383947), Thirlmere

December 2015

Document Register

Version	Date	Details	File Location
1	7/12/2015	Planning Proposal prepared for Gateway Determination	TRIM 5298 #27

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Introduction

This planning proposal explains the proposed changes to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rationalise the amount of land identified for acquisition by the Council for the Thirlmere car park at Penny Lane, Thirlmere.

As required, this planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and *A Guide to Preparing Planning Proposals (2012)*.

The planning proposal has been initiated by Council in response to a resolution at its Ordinary Meeting of 15 June 2015 as follows:

1. *That Council prepare a planning proposal to release Lots B & C DP 383947 and Lot 3 Section C DP 1569 from the land reserved for acquisition layer in Wollondilly Local Environmental Plan, 2011.*
2. *That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.*
3. *That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.*
4. *That a further report be provided to Council detailing the requirements of any Gateway Determination and give consideration to whether the Planning Proposal should proceed.*

A copy of the relevant Report and Minutes are provided at Appendix D.

Planning Proposal Site

The planning proposal boundary takes in three (3) lots all located within or adjoining the Thirlmere commercial centre being:

- Lot B DP 383947 (64 Carlton Road);
- Lot C DP 383947 (31 Oaks Street); and
- Lot 3 Section C DP 1569 (27 Oaks Street).

The land is mostly zoned B2 Local Centre which is a business zone. One of the lots, Lot B DP 383947 is mostly zoned R2 Low Density Residential except for a small triangular portion of land which is zoned B2 Local Centre.

However, irrespective of the land use zone each of the lots within the planning proposal have residential dwellings and are currently used for residential land uses. Apart from dwelling houses, the land within the planning proposal boundary is cleared, mostly undeveloped land with the exception of a small shed and a few trees.

A Planning Proposal is a document which explains the changes which are proposed to an environmental planning instrument, in this case the Wollondilly Local Environmental Plan 2011 (WLEP 2011).

This explanation is provided through text and images (usually plans).

The Wollondilly Local Environmental Plan is the key statutory document at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

The three lots are identified in Figure 1 on the next page and also in Map 1 – Site Identification in Part 4.

Figure 1: Location Plan of land affected by planning proposal



Context - Clause 5.1A of the Wollondilly Local Environmental Plan 2011

Clause 5.1A of the Wollondilly Local Environmental Plan 2011 deals with development on land intended to be acquired for public purposes.

This clause does three things;

1. Identifies land on a map which is intended to be acquired for a public purpose either by Council or by another public authority;
2. Identifies what purpose that land is to be acquired for; and
3. Limits development on the land to be acquired so that development consent can only be granted for a purpose related to the intended use for the land.

This planning proposal relates to land at Penny Lane which is identified by Clause 5.1A as land which is zoned B2 Local Centre and which is marked on the *Land Reservation Acquisition Map* as “Car Park B2”. Clause 5.1A indicates that development consent cannot be granted other than for “Earthworks; Roads”.

Figure 2 illustrates land at Penny Lane which has been identified for acquisition and the table below identifies the approximate land area within each lot identified for acquisition.

Lot and DP	Property Description	Approximate Size of Area Sq.m	Description
Lot B DP 383947	64 Carlton Road, Thirlmere	17	Small triangular area at rear corner of lot.
Lot C DP 383947	31 Oaks Street, Thirlmere	267	Rear portion of the lot.
Lot 3 Section C DP 1569	27 Oaks Street, Thirlmere	857	Rear half of the lot.

Figure 2: Land identified for a car park on the WLEP 2011 Land Reservation Acquisition Map



Background to Penny Lane Car Park

A need for additional car parking was initially identified in December 1981 with the adoption of the Thirlmere Shopping Centre Car Parking Public Code (which is no longer in force). The land was then protected for the purposes of a car park through the Local Environmental Plan from August 1983.

The purpose for the land identified for a future car park at Penny Lane was to facilitate car parking for the future commercial development of Oaks Street, Thirlmere's main street. It was anticipated that the car parking would enable larger commercial floor areas, a continuous shop front along Oaks Street and better vehicular access arrangements for service vehicles as well as shoppers. A number of properties on Oaks Street contain residential dwellings which have not been developed for commercial uses. It had been anticipated that the car park would not be constructed until development occurs along Oaks Street.

The original car park proposal included a larger land area and was proposed to provide 230 car parking spaces. The area identified for the car park was reduced in 2006 by Amendment No 52 to *Wollondilly Local Environmental Plan 1991* based on the outcomes of a commercial centre's study and a car parking study which concluded that the Thirlmere commercial centre was unlikely to grow to the extent that it would require a large public car park. The area reserved for the Thirlmere car park was then reduced to the current area currently identified for the Thirlmere car park is shown by the blue line in Figure 3.

This area is based on vehicles entering the car park from Westbourne Avenue and exiting onto Carlton Road. This planning proposal seeks to remove land identified within the WLEP 2011 for acquisition by the Council which is located between the new proposed area for the car park and Carlton Road (i.e. it removes the statutory provisions which protect the land for use as a car park and prevent it from being developed for another land use which is not a car park). This planning proposal does not in itself change the area proposed for the car park.

Council owns all the land within the boundary of the proposed new area for the Thirlmere Car Park. Land owned by Council near to the planning proposal site is shown at Appendix A. The proposed new area for the Thirlmere Car Park would provide approximately 50 car parking spaces.

Figure 3: Current area identified for Thirlmere Car Park




 <p>Wollondilly Council PO Box 125 PO BOX 125 NW 2571 Ph: (02) 4677 1500 Fax: (02) 4677 2339 Web: www.wollondilly.nsw.gov.au</p>	<p><small>© Wollondilly Shire Council. © UPT/Department of Planning and Services, Parramatta Avenue, Sydney, 2150, www.dpi.nsw.gov.au. While every care is taken to ensure the accuracy of this product, Wollondilly Shire Council and the Local / State / Federal Government departments and non-government organisations whose supply datasets, make no representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose and disavow all responsibility and all liability (including without limitation, liability to the extent of all expenses, losses, damages including indirect or consequential damages) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small></p>	<p>Projection: GRS94 / MGA zone 56</p>	<p>Current area identified for Thirlmere Car Park, Penny Lane</p>
<p>Date: 7/12/2015</p>	<p>Created By: Cecylia Whitten</p>		

Figure 4: Proposed new area identified for Thirlmere Car Park, Penny Lane



Background Studies

Given the minor nature of the changes sought it is not expected that any technical reports or specialist studies are required to inform this planning proposal.

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks to rationalise the area required for a public car park at Penny Lane, Thirlmere.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Reservation Acquisition Map** in accordance with the proposed Land Reservation Acquisition Map shown in Part 4 by **Map 2** by reducing the area identified for acquisition.

Part 3 – Justification

Section A – Need for the planning proposal

A 3.1 Is the planning proposal a result of any strategic study or report?

No this planning proposal is not the result of any strategic study or report.

The planning proposal has been initiated by Wollondilly Shire Council in response to a request from a landowner whose land is burdened by *Clause 5.1A Development on land intended to be acquired for public purpose* of the Wollondilly Local Environmental Plan 2011.

The WLEP 2011, through Clause 5.1 and Clause 5.1A identifies a portion of the landowner's site to be acquired by Wollondilly Sire Council and prevents development on the burdened portion from being developed for any purpose other than a car park.

The landowner has requested that Council either acquire the land identified on the Land Reservation Acquisition Map or to remove the burden so the land can be developed in accordance with the zone.

On review, Council has determined that it does not require all of the land currently identified for use as a public car park to be accessed from Penny Lane, Thirlmere.

A 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that amending the Wollondilly Local Environmental Plan 2011 is the best means of achieving the objectives of the planning proposal.

Clause 5.1A Development of land intended to be acquired for public purposes of the *Wollondilly Local Environmental Plan 2011* limits certain development on land intended to be acquired for a public purpose.

In particular, clause 5.1A(3) prevents development consent from being granted to any development on land identified for acquisition unless it is for development identified in this clause. For such land in this planning proposal, development can only be granted for earthworks and roads related to a car park.

A landowner, has actively sought to develop their land by lodging a development application. Subsequently it is considered that this matter should appropriately be dealt with as a stand-alone planning proposal rather than wait for the next comprehensive review of the WLEP 2011 or housekeeping amendment.

Section B – Relationship to strategic planning framework

B 3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following regional and sub-regional strategies are relevant to Wollondilly:

- A Plan for Growing Sydney

A Plan for Growing Sydney (December 2014)

A Plan for Growing Sydney was released on 14 December 2014 and is an action plan which will guide land use planning decisions for the next 20 years for the Sydney Metropolitan Area. It seeks to influence how people move about, where they live, growing the economy and safeguarding the environment.

This planning proposal will not result in any consistency with this plan.

B 3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The following Local Strategies are relevant to this Planning Proposal:

- Wollondilly Community Strategic Plan 2033
- Growth Management Strategy 2011

Wollondilly Community Strategic Plan 2033

The Wollondilly Community Strategic Plan 2033 (WCSP), adopted by Council 17 June 2013, is the Council's highest level long term plan and sets out the long term strategic aspirations of the community for Wollondilly for a 20 year period up to 2033.

It is based on a vision of rural living for Wollondilly Shire and is focused around five themes:

- Looking after the Community
- Accountable and Transparent Governance
- Caring for the Environment
- Building a strong local Economy
- Management and provision of Infrastructure

Each theme is supported by identified outcomes and strategies which express in broad terms what is to be achieved and how. These themes are, in part, delivered through a number of key supporting strategies, plans and policies which have been prepared by the Council. Particularly relevant to Planning Proposals are the Council's Local Environmental Plan and Growth Management Strategy.

The following CSP strategies are relevant to the Planning Proposal as described below.

- CO4 – Engagement and Communication
Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Comment:

Community consultation and stakeholders will be undertaken during the formal public exhibition if the planning proposal is supported by a Gateway Determination.

Wollondilly Growth Management Strategy 2011 (GMS)

A key land use planning issue for Wollondilly is to manage pressures for growth against the context of a broad community desire to keep the Shire rural. This is a challenging balancing act and an inevitable consequence of being a rural area on the fringe of a major metropolis.

The Growth Management Strategy 2011 (GMS) was prepared to provide a strategic plan led response to this issue, and does so by providing:

- clear policy directions on growth issues;
- a strategic framework against which to consider Planning Proposals;
- a long-term sound and sustainable approach to how the Shire develops and changes into the future;
- a basis to inform Council decisions and priorities regarding service delivery and infrastructure provisions;
- direction and leadership to the community on growth matters;
- advocating for better infrastructure and services;
- a strategy/response for how the Council sees the State Government's Metropolitan and subregional planning strategies being implemented at the local level.

The [Growth Management Strategy](#)¹ is available on the Council's website.

The GMS was prepared in consultation with and was partially funded by the Department of Planning and Infrastructure. However the finalised document has not been endorsed by the Director-General.

Notwithstanding this, the GMS was adopted by the Council on 21 February 2011 and is consistently applied in the assessment of Planning Proposals for new growth throughout the Shire.

The GMS identifies the land as being part of the Thirlmere Commercial Centre but does not deal with the detail of how car parking will be provided.

B 3.5 Is the planning proposal consistent with applicable state environmental planning policies?

A preliminary assessment of the Planning Proposal's consistency with all State Environmental Planning Policies is provided at Appendix A.

The planning proposal is considered to be consistent with all applicable State Environmental Planning Policies.

¹ <http://www.wollondilly.nsw.gov.au/planning-wollondillycd/strategic-planning-wollondilly/1161026-wollondilly-growth-management-strategy-gms>

B 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act issues directions that relevant planning authorities, in this case Wollondilly Shire Council, must follow when preparing planning proposals for new Local Environmental plans. The directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- metropolitan planning

The following Ministerial Directions (S.117 Directions) are relevant to the Planning Proposal:

- Direction 1.1 Business and Industrial Zones
- Direction 2.3 Heritage Conservation
- Direction 6.2 Reserving Land for Public Purposes

Consideration of these directions is provided below and a preliminary assessment of the Planning Proposal's consistency against all s.117 directions is provided at Appendix C.

Direction 1.1 Business and Industrial Zones

The objectives of Direction 1.1 are to:

- Encourage employment growth in suitable locations,
- Protect employment land in business and industrial zones, and
- Support the viability of identified strategic centres.

Direction 1.2 applies where a planning proposal affects land within an existing or proposed business zone.

Figure 5 shows the location of existing business zoned land in and around the site. All land in this proposal which is currently identified on the Land Acquisition Map is zoned B2 Local Centre.

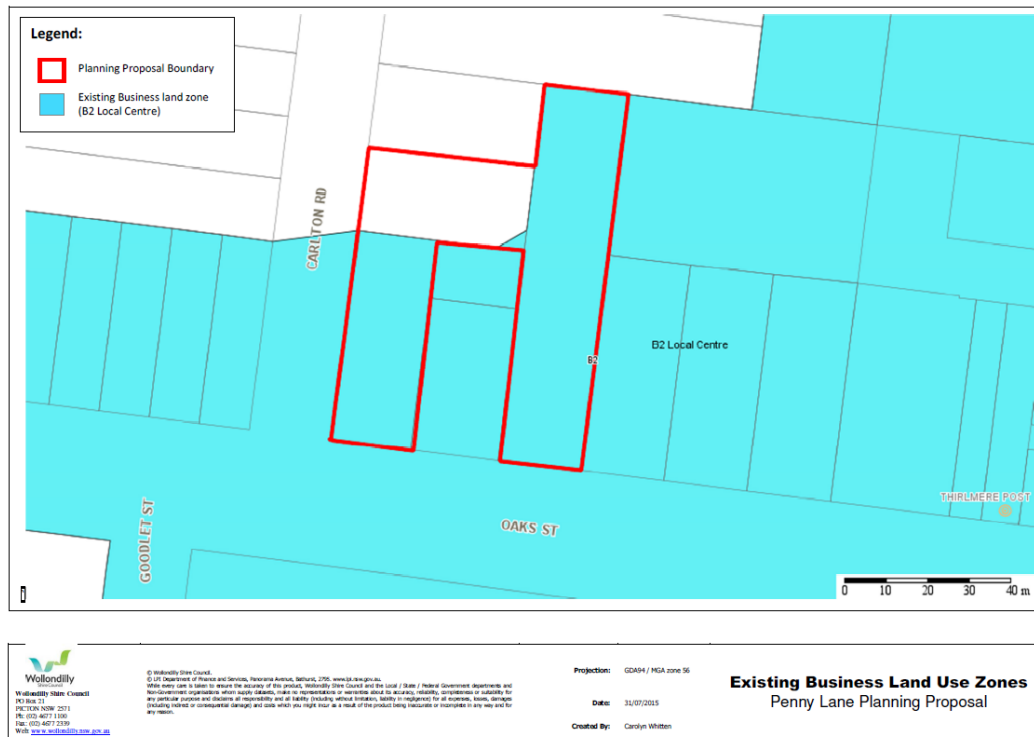
The planning proposal only seeks to remove land identified for acquisition on the Land Reservation Acquisition Map and will not change the land use zone.

The following table illustrates the planning proposals consistency with the requirements of Direction 1.1.

A planning proposal must	Comment on
<i>(a) Give effect to the objectives of this direction</i>	The planning proposal explains how this Direction has been applied.
<i>(b) Retain the areas and locations of existing business and industrial zones,</i>	The planning proposal, in its current form, will retain existing business zones in and around the site.
<i>(c) Not reduce the total potential floor space area for employment uses and related public services in business zones,</i>	The planning proposal only seeks to remove land identified for acquisition on the Land Reservation Acquisition Map and will not change the land use zone. Subsequently it will not reduce the total potential floor space area and may increase it by removing a

	constraint (i.e. land identified for requisition at this location can only be developed for a car park due to Clause 5.1A(3) of the Wollondilly Local Environmental Plan 2011.
(d) <i>Not reduce the total potential floor space area for industrial uses in industrial zones, and</i>	The planning proposal does not include any existing industrial zones.
(e) <i>Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</i>	No new employment areas are proposed.

Figure 5: Existing Business Land Use Zones



Direction 2.3 Heritage Conservation

The objective of this direction as it relates to the planning proposal site is to conserve areas of environmental heritage significance. Some of the planning proposal site falls within the Thirlmere Heritage Conservation Area as shown in Figure 6.

The Thirlmere Conservation Area is focused on the local heritage of the village centre which represents a relatively intact late 19th century streetscape which is related to the construction of the southern railway line.

In relation to heritage conservation, a planning proposal must contain provisions to facilitate the conservation of places of environmental heritage significance to an area. This planning proposal does not contain any heritage related provisions.

However, this inconsistency is considered to be of minor significance as it only seeks to remove land identified for requisition by the Council for a car park on the Land Reservation Acquisition Map. Any future development would still need to comply with the existing heritage provisions within the following documents:

Instrument/Policy	Relevant Clause	What does it do?
Wollondilly Local Environmental Plan 2011	Clause 5.10 Heritage Conservation	Contains controls to conserve environmental heritage and the heritage significance of heritage conservation areas.
Wollondilly Development Control Plan 2011; Volume 1 – General	Part 2, Section 2.2	Includes controls for development within heritage conservation areas. In particular Section 2.2.11 has controls specifically for the heritage conservation area at Thirlmere.

Subsequently, the planning proposal is considered to be consistent with Direction 2.3(5) because the environmental heritage significance of the area will be conserved by the existing relevant local environmental plan and development control plan which apply to the land.

Figure 6: Thirlmere Heritage Conservation Area



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		<p>Date: 31/07/2015</p>	
		<p>Created By: Carolyn Whitten</p>	

Direction 6.2 Reserving Land for Public Purposes

The objective of Direction 6.2 as it relates to this planning proposal is to facilitate the removal of reservations of land for public purposes where there land is no longer required for acquisition.

This planning proposal will require the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before the land can be removed from the Land Reservation Acquisition map.

It is anticipated that this required approval will be provided as part of the Gateway process.

Section C – Environmental, social and economic impact

C 3.7 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?

There are no known critical habitats or threatened species, populations or ecological communities that will be adversely affected by this proposal.

The site is located within an existing urban area and is relatively clear of vegetation.

C 3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no anticipated environmental effects as the planning proposal only seeks to remove land identified for acquisition on the Land Reservation Acquisition Map.

C 3.9 Has the planning proposal adequately addressed any social and economic effects?

No significant adverse economic or social impacts are anticipated.

Section D – State and Commonwealth interests

D 3.10 Is there adequate public infrastructure for the planning proposal?

This planning proposal seeks to remove land identified for acquisition by the Council for use as a public car park to serve the Thirlmere commercial area.

The changes sought by this planning proposal will not, in itself, prevent the land from being developed for a car park. However, the changes do indicate Council's intentions which are to rationalise the area required to provide car parking.

It is considered that the current on street parking provision along with land already acquired at Penny Lane for future development as a car park can adequately service the commercial car parking needs for Thirlmere.

In particular, it is noted that since the need for additional car parking in Thirlmere was first identified in 1981 the parking required to accommodate commercial land uses has declined in response to a change in retail shopping trends (e.g. extended hours of trade,). These trends have changed the nature of peak shopping times and associated car parking demand and are expected to continue in the future.

D 3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

There has been no consultation with State and Commonwealth public authorities to date as no Gateway Determination has been issued as yet.

Part 4 – Mapping

Map 1 – Site Identification Map (SIM)

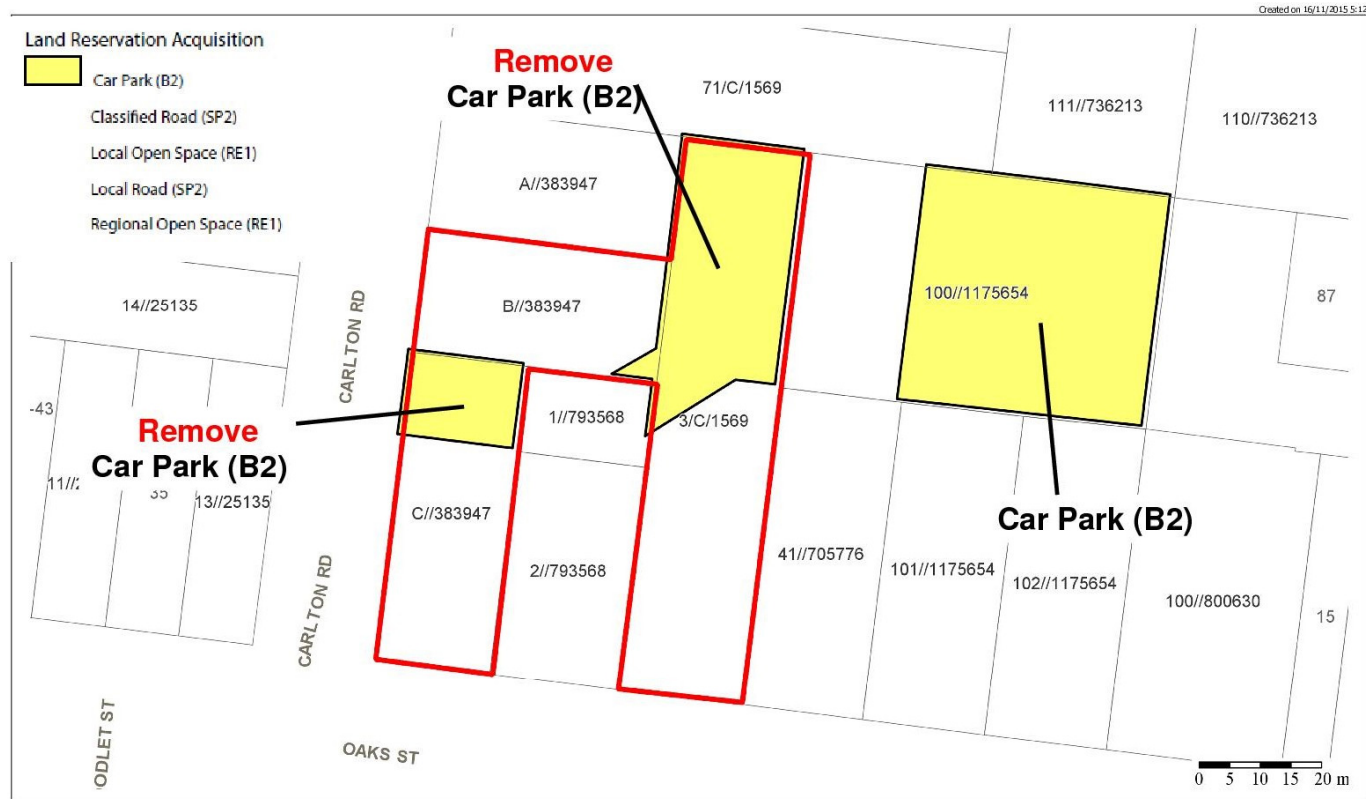
Map 2 – Changes to Land Reservation Acquisition Map (LRA)


Map 1 - Site Identification (SIM)



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Map 2 – New Land Reservation Acquisition (LRA)




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Projection: GDA94 / MGA zone 56

Date: 16/11/2015

Created By: Caoilynn Whitten

Land Reservation Acquisition Map

Part 5 – Community Consultation

This Planning Proposal is considered to be a low impact proposal when considered against the criteria provided for community consultation in *A Guide to Preparing Local Environmental Plans* and therefore it is anticipated that the public exhibition period of 14 days will apply, rather than 28 days.

The table below provides a summary of the community engagement proposed as part of the consideration of the planning proposal:

What will happen?	When will it happen?	Has it happened yet?	What was the outcome?
<p>Public Exhibition</p> <p>Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&A Act 1979 as follows:</p> <ul style="list-style-type: none"> - The Planning Proposal will be made publicly available for 14 days; and - The Planning Proposal will be placed on Public Exhibition 	<p>After a Gateway Determination has been issued.</p>	<p>No</p>	<p>It hasn't happened yet</p>

If a Gateway Determination is issued then the Wollondilly Development Control Plan 2011 Volume 4 – Commercial and Community Uses will need to be reviewed to establish whether any related controls within Part 5 – Controls for Specific Locations that apply to Thirlmere need to be changed. If changes are required it is anticipated that the public exhibition for the planning proposal would be held concurrently with the consultation period to amend the DCP.

Public exhibition of the planning proposal will be undertaken in the following manner:

- Notification in local newspapers (Wollondilly Advertiser and The District Reporter)
- Notification on Council's website.
- Statement on Council's Facebook page
- Written correspondence will be sent to affected and adjoining landowners

Part 6 – Project Timeline

Project Detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&E	January 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway Determination is received.	January - February 2016
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	N/A – specialist studies not expected to be required	N/A
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions (if required)	14 days	March/April 2016
Dates for public hearing (if required)	Not expected to be required	N/A
Timeframe for consideration of submissions	1 month	June 2016
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	1 month	July 2016
Anticipated date Council will forward to Parliamentary Counsel for an Opinion	8 weeks (from Council meeting)	August 2016
Anticipated date Council will forward to the Department for notification after liaising with PC & making the plan	3 months	November 2016

Appendices

A. Plan showing land in Council ownership

B. Assessment against SEPPs

Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

C. 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.

D. Assessment against Wollondilly GMS 2011

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

E. Council Report and Minutes – 15 June 2015

Appendix A

Plan showing land in Council ownership



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Appendix B

Assessment against SEPPs

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
1	Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	Yes	The Planning Proposal does not change the current provisions of the LEP in relation to Caravan Parks.
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal does not contain provisions that will contradict or hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of this SEPP.

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
50	Canal Estates	N/A	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
55	Remediation of Land	Yes	No change in land use is proposed as the planning proposal only seeks to remove land identified for acquisition on the Land Reservation Map. Subsequently no contamination study is required.
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
62	Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	N/A	The Planning Proposal will not contain provisions that will contradict or will hinder the application of this SEPP.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable in the Shire of Wollondilly.

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
	SEPP (Infrastructure) 2007	N/A	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable to this Planning Proposal.
	SEPP (Miscellaneous Consent Provisions) 2007	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Penrith Lakes Scheme) 1989	N/A	Not applicable in the Shire of Wollondilly
	SEPP (State & Regional Development) 2011	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Three Ports) 2013	N/A	Not applicable in the Shire of Wollondilly
	SEPP (SEPP 53 Transitional Provisions) 2011	N/A	Not applicable in the Shire of Wollondilly
	SEPP (Urban Renewal) 2010	N/A	Not applicable in the Shire of Wollondilly.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	The Planning Proposal will not contain provisions that would be inconsistent with this SREP.

Appendix C

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	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	Yes	Yes	The identification on the Land Reservation Acquisition Map at this location prevents development from being approved which would otherwise be consistent with the existing B2 Local Centre land use zone.
1.2 Rural Zones	No	N/A	This planning proposal does not apply to any rural zoned land.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A	Direction does not apply.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	N/A	N/A	Not applicable in the Shire of Wollondilly.
2. Environment and Heritage			
2.1 Environmental Protection Zones	No	N/A	There are no known environmentally sensitive areas located within or affected by this planning proposal.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	No (but justified)	The Thirlmere Conservation Area is conserved by provisions within the existing WLEP 2011 and the Wollondilly Development Control Plan 2011.

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
2.4 Recreation Vehicle Area	Yes	Yes	The planning proposal does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area. Therefore it is consistent with Direction 2.4.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	No	N/A	This planning proposal does not relate to an existing or proposed residential zone.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The proposal does not change existing LEP provisions for Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations	Yes	Yes	The proposal does not change existing LEP provisions for Home Occupations.
3.4 Integrating Land Use and Transport	Yes	Yes	The proposal will not alter any existing land use zones.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	No	N/A	The land within this planning proposal is not located within a Mini Subsidence District.
4.3 Flood Prone Land	No	N/A	The land within this planning proposal is not known to be flood prone.
4.4 Planning for Bushfire Protection	No	N/A	The land within this planning proposal is not mapped as bushfire prone land.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	No	N/A	The land within this planning proposal is not located within the Sydney drinking water catchment.

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
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	Direction does not apply
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	Potential to be	Approval will be required from the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).
6.3 Site Specific Provisions	No	N/A	Direction does not apply.
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	This planning proposal is not inconsistent with <i>A Plan for Growing Sydney</i> .

Appendix D

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 does not propose additional growth and is compatible with 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 this Key Policy Direction.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	If a Gateway Determination is issued, it is anticipated that community consultation will be required. This is discussed in Part 5 – Community Consultation.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The planning proposal does not propose additional growth and is compatible with the GMS.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The planning proposal does not propose additional growth and is compatible with the GMS.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	Key Policy Direction P8 is not applicable to this proposal.
P9 Dwelling densities, where possible and	Key Policy Direction P9 is not applicable to this proposal.

Key Policy Direction	Comment
<p>environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).</p>	
<p>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</p>	<p>Key Policy Direction P10 is not applicable to this proposal.</p>
Macarthur South Policies	
<p>P11 Council does not support major urban release within the Macarthur South area at this stage.</p>	<p>Key Policy Direction P11 is not applicable to this proposal.</p>
<p>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.</p>	<p>Key Policy Direction P12 is not applicable to this proposal.</p>
<p>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.</p>	<p>Key Policy Direction P13 is not applicable to this proposal.</p>
<p>P14 Council will consider proposals for employment land developments in Macarthur South provided they:</p> <ul style="list-style-type: none"> ▪ 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). 	<p>Key Policy Direction P14 is not applicable to this proposal.</p>

Key Policy Direction	Comment
Employment Policies	
<p>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	<p>Development of land identified on the Land Reservation Acquisition Map is restricted to the land use listed on the map and clause 5.1A of the WLEP 2011.</p> <p>Removing the land reservation acquisition requirement enables land to be developed for any purpose permitted within the B2 Local Centre zone.</p>
<p>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.</p>	<p>Key Policy Direction P16 is not applicable to this proposal.</p>
Integrating Growth and Infrastructure	
<p>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.</p>	<p>Key Policy Direction P17 is not applicable to this proposal.</p>
<p>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.</p>	<p>Key Policy Direction P18 is not applicable to this proposal.</p>
<p>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>This planning proposal will not lead to dispersed population growth and is consistent with this Key Policy Direction.</p>
<p>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	<p>The planning proposal is not inconsistent with this Key Policy Direction.</p>
Rural and Resource Lands	
<p>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.</p>	<p>The planning proposal is not inconsistent with this Key Policy Direction.</p>
<p>P22 Council does not support incremental growth</p>	<p>The planning proposal is not inconsistent with this Key Policy</p>

Key Policy Direction	Comment
<p>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.</p>	<p>Direction.</p>

Appendix E

Council's Report and Minutes

Extract from Agenda & Minutes containing the Report to Wollondilly Shire Council and its Planning and Economy Meeting of Council held on Monday 15 June 2015

Council's Reference: TRIM 5298 #6 & #9