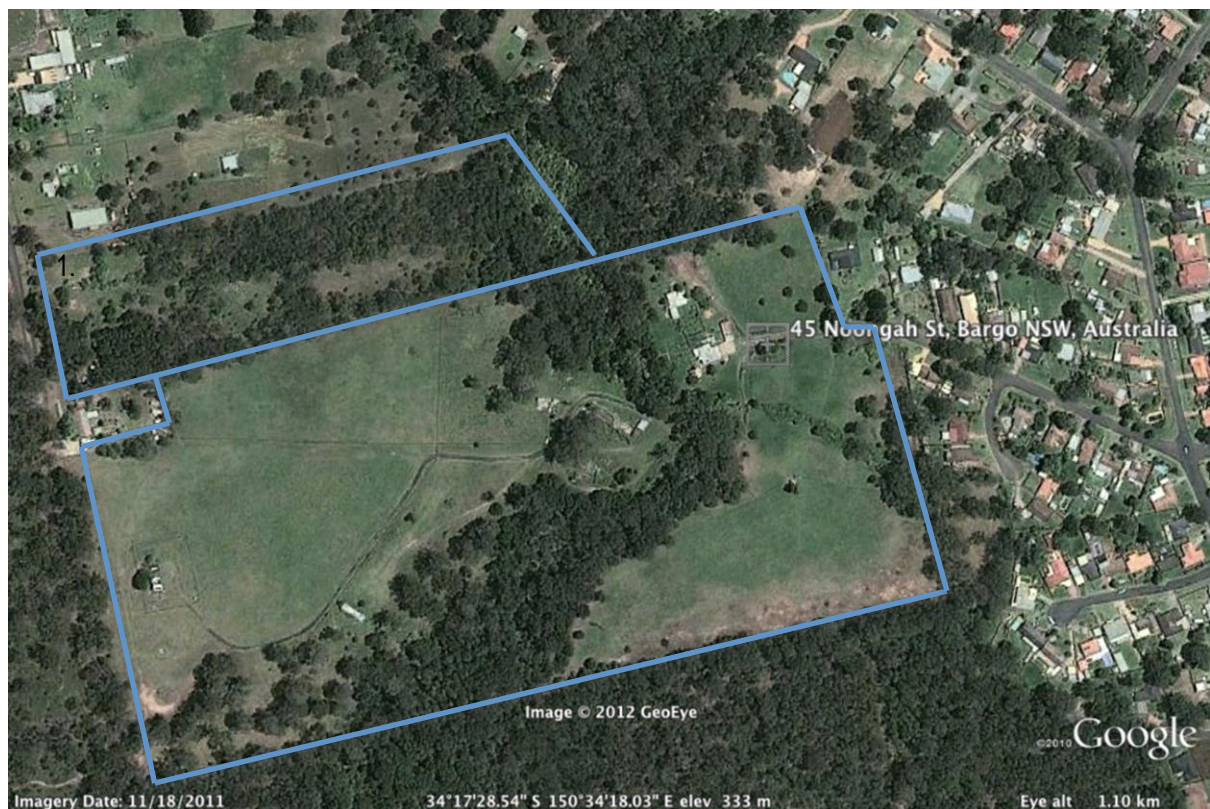


PLANNING PROPOSAL

No 45 Noongah Street Bargo
No 25 Gwynn Hughes Street Bargo

Lot 22 DP 619150
Lot 95 DP 13116

(Wollondilly Shire)



Prepared By:

Precise Planning
January 2013
Amended September 2014

1. INTRODUCTION

1.1 BACKGROUND

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

- Lot 22 DP 619150 (No 45 Noongah Street)
- Lot 95 DP 13116 (No 25 Gwynn Hughes Street)

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

1.2 SCOPE OF REPORT

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

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

1.3 REPORT STRUCTURE

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

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

1.4 HISTORY OF THIS PROPOSAL

This Planning Proposal was considered by Council at its meeting held in September 2014. The proposal sought to rezone the land from RU2 Rural Landscape to R5 Large Lot Residential and E3 Environmental Management, with a minimum lot size of 1500sqm.

Council resolved at the September 2014 meeting as follows:

That Council support the preparation of a Planning Proposal for land being Lot 22 DP 619150 (45 Noongah Street, Bargo) and Lot 95 DP 13116 (25 Gwynn Hughes Street) to rezone the site to R5 Large Lot Residential and E3 Environmental Management and a maximum building height of 9m. The planning proposal shall be prepared on the basis that if a communal sewage management system is to be provided then the minimum lot size shall be 1,500m² and if sewage management is to be by individual sewage management systems on individual lots then the minimum lot size shall be 4,000m².

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

2. THE SUBJECT LAND / SITE

2.1 LAND DESCRIPTION

The site comprises two (2) lots, as described in Part 1.1 of this Report. The site is located in the Wollondilly Local Government Area (LGA).

2.2 THE SITE

The sites present as an irregularly shaped parcel (although generally rectangular) with frontage to both Noongah Street and Gwynn Hughes Street at Bargo.

The overall site area is approximately 20.695ha.

The larger of the two subject lots, Lot 22 DP 619150, supports a house and sheds. The smaller lot, Lot 95 DP 13116, is vacant.

Hornes Creek runs south to north through the centre of lot 22, behind the existing house. Horner Creek eventually flows into Bargo River, about 3.8 kilometres from the subject site. Hornes Creek forms the rear boundary of lot 95. A small tributary of Hornes Creek is located in the southeast corner of lot 22, beginning at Tyler's Road, near the sportsground.

Substantial sections of the site have been historically cleared for agricultural purposes. Vegetation has been retained along the alignment of Hornes Creek and generally around the edges (boundaries) of the site.

2.3 CONTEXT

The subject land is contiguous with the existing residential area of Bargo to the east, as depicted in the aerial view below. To the north of the site are small rural lots, utilized predominantly for hobby farming and residential purposes. Land to the south, and also to the west (beyond Gwynn Hughes Street) is heavily vegetated and is not used for any agricultural purpose.

2.4 TOPOGRAPHY / DRAINAGE REGIME

Lot 22 generally slopes downwards from the west and southeast, towards the creek running through the land. Lot 95 generally slopes downwards from the west to the creek, which forms the eastern boundary. The topography and natural drainage pattern is shown on the plan produced as Appendix A.

2.5 GEOLOGY

The subject area is located within the transitional zone between the Cumberland Plain and the Woronora Plateau, within the Sydney Basin. This physiographic region is characterized as a mosaic of river valleys, sandstone cliff lines, ridges, spurs and hillock. Slopes vary from gently inclined to steep, with the low cliff lines associated with outcrops of Hawkesbury Sandstone. A series of deeply incised northeast-southwest trending river valleys lies along the eastern portion of the region, trending towards the Illawarra Escarpment and draining onto the Illawarra coastal plain. The soil landscape of the majority of the subject area is the Blacktown Soil Landscape. The Blacktown Soil Landscape is a residual landscape, described as being associated with gently undulating rises on the Wianamatta

Group Shale. The landscape contains broad rounded crests and ridges with gently inclined slopes. Local relief ranges up to 30 metres; with slopes generally less than 5% Soils are Red, Brown and Yellow Podzolic Soils and Soloths.

2.6 ECOLOGY

A substantial part of the site has been cleared completely in the past and presently supports pasture grasses. Riparian vegetation exists along the line of the creeks and the edges of the properties.

Niche Environment and Heritage undertook an Ecological Constraints Assessment for lot 22. This assessment concluded:

- Some discrepancies with the SCIVI (Tozer et al. 2010) vegetation mapping were observed;
- Two EEC's were recorded within the study area;
- Vegetation across the study area was in poor to moderate condition, with the dominant weed consisting of *Liqustrum sinense*;
- Six threatened flora species have a moderate likelihood of occurrence within the study area. No threatened species were recorder during the current study;
- Twenty threatened fauna species have a moderate to high likelihood of occurrence rating within the study area. Most of the species have habitat in the riparian vegetation along Hornes Creek. Most of the threatened fauna species with potential habitat are likely to only use the study area for foraging, given the better condition vegetation within adjacent properties. No threatened fauna species were detected during the current survey.
- Disturbance was evident in the study area and included vegetation clearing, weeds, horses and erosion.
- High ecological constraints included EEC's, riparian vegetation, Hornes Creek and its smaller tributary.

It will likely be a Gateway requirement that an assessment of significance in accordance with Section 5A of the EP and A Act and the "Threatened Species Assessment Guidelines", given the presence of EEC's and habitat.

2.7 BUSHFIRE HAZARD

The subject site is identified as Bushfire prone on Council's relevant Bushfire Prone Lands Map. A preliminary assessment for lot 22 was undertaken by Harris Environmental Consulting to determine the likely minimum Asset Protection Zone (APZ) widths and requirements. The report by Harris concluded as follows:

The minimum Asset Protection Zone (APZ) required for this development is 25m from habitable dwellings to the nearest bushfire prone vegetation on the southern, western and northern boundary.

The 25m APZ will need to be managed as an Outer and Inner Protection Area. The width of the Outer Protection Area is to be 10m from the unmanaged vegetation to the outer edge of the Inner Protection Zone. The width of the Inner Protection Zone is to be 15m from the inside edge of the Outer Protection zone to the proposed development. If the APZ is increased, the widths of the Inner Protection Area will also increase.

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

2.8 EFFLUENT DISPOSAL

At this point in time, reticulated sewerage services are not available to the immediate neighbourhood.

It is proposed to negotiate with Sydney Water to utilize spare capacity within the Bargo Sewerage Scheme (now commissioned and operating). Sydney Water has indicated it will be in a position to assess spare capacity within the system 12 months after the scheme was commissioned, which will be mid 2015.

In the event that Sydney Water confirms the existence of spare capacity in the existing sewerage scheme, then the future development at the site will be connected to the Bargo Sewerage Scheme. This will result in a minimum lot size for the site of 1500sqm (refer to s.1.4 of this planning proposal and Council's resolution (September 2014)).

In the event that spare capacity does not exist in the Bargo Sewerage Scheme, then it is proposed to utilize approved Aerated Wastewater Treatment System (AWTS) for each future lot, subject to Council requirements. This will result in a minimum lot size for the site of 4000sqm (refer to s.1.4 of this planning proposal and Council's resolution (September 2014)).

2.9 STORMWATER

The site drains towards Hornes Creek and this is the major drainage feature at the site. This is outside the Sydney Catchment area and accordingly is not subject to the provisions of Sydney Regional Environmental Plan No 1 (Sydney Drinking Water Catchments) 2011.

Design and implementation of a simple stormwater management system, based on the principles of Water Sensitive Urban Design, will likely be further canvassed as the gateway process is advanced. An integrated stormwater management system will address stormwater management and achieve acceptable water quality outcomes in particular.

2.10 RETICULATED WATER

Sydney Water's water mains are located in Noongah Street and Gwynn Hughes Street and it is proposed to connect directly to this main. Should Council and the Gateway support this proposal, Sydney Water will be contacted for more detailed requirements.

2.11 SITE CONTAMINATION

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

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

2.12 TRAFFIC / ACCESSIBILITY

The proposed development will be accessed from Noongah Street and Gwynn Hughes Street. Noongah Street and Gwynn Hughes Street are part of the local road network, linking with Remembrance Driveway, which functions as the main spine road for the locality.

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

A bus route focuses on Remembrance Driveway, whilst a formed footpath may be required. A detailed traffic assessment will be undertaken as this proposal advances through the Gateway process to establish final design elements.

2.13 HERITAGE

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

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

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

3. INTENT AND PROVISIONS

3.1 OBJECTIVES OR INTENDED OUTCOMES (PART 1)

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

Objective

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

Outcomes

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

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

3.2 EXPLANATION OF PROVISIONS (PART 2)

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

- Amendment of Wollondilly LEP 2011 Land Zoning Map – Bargo, from RU2 (Rural Landscape) to R5 (Large Lot Residential).
- Amendment of Wollondilly LEP 2011 Land Zoning Map – Bargo, from RU2 (Rural Landscape) to E3 (Environmental Management).
- Amendment of Wollondilly LEP 2011 Lot Size Map – Bargo, from 16ha (ABI) to 1500sqm (U2) or 4000sqm (W) (refer to s.1.4 and 2.8 of this planning proposal).

It is proposed to retain the existing building height of 9m (J) currently applying to the land.

4. JUSTIFICATION (PART 3)

4.1 JUSTIFICATION OVERVIEW

4.1.1 INTRODUCTION

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

4.1.2 METROPOLITAN PLANNING

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

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

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

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

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

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

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

4.1.3 SUB REGIONAL PLANNING

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

4.2 NEED FOR THE PLANNING PROPOSAL (SECTION A)

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

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

Although not expressly identified in the Bargo Structure Plan (refer to Appendix C), the land is contiguous with the existing Bargo urban settlement and exhibits similar qualities to that expressly identified for expansion in the GMS. Further, some of the areas identified will not deliver the desired urban outcomes as more detailed urban capability analysis is undertaken, a reality that the GMS readily concedes.

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

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

- To outline clear policy directions on growth issues
- To provide Council and the community with a strategic framework against which to consider planning proposals
- To achieve a long-term sound and sustainable approach to how the Shire develops and changes into the future
- To inform Council decisions and priorities regarding service delivery and infrastructure provision
- To provide direction and leadership to the community on growth matters
- To assist in advocating for better infrastructure and services
- To provide a strategy/response for how the State Government's Metropolitan and sub-regional planning strategies are seen to be implemented at the local level

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

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

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

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

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.).

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

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.

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”).

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

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.

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.

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

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

P22 – Council does not support incremental growth involving increased dwelling entitlements and / or rural lands fragmentation in dispersed rural areas. Council is, however, committed to maintaining, where possible and practicable, existing dwelling and subdivision entitlements in rural areas.

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

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

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

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

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

4.2.3 IS THERE A COMMUNITY BENEFIT?

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

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is compatible with the Metropolitan Plan, the Draft South West Sub-regional Strategy and the local GMS (refer to targets at 4.2.1 above)
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	N	The subject site is not identified within a key strategic centre or corridor but is contiguous with the Bargo residential area and proximate to the service centre
Is the LEP likely to create a precedent or create a change in expectations for the landowner or other landowners?	N	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the site as it is considered to have future urban potential
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	All other spot rezonings before Council in the Wollondilly LGA generally comply with the Council's strategic direction
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Y	The site is not currently zoned to facilitate employment, so there will be no loss of employment land. The proposal will create employment through the construction jobs to install the infrastructure, and build the homes, therefore delivering an economic benefit to the community. Further, an increase in population creates demand for commercial services, which leads to increased employment opportunities. Some modest home business opportunities and tradesman residency opportunities will accrue.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	The proposal will have a positive impact on the residential land supply by adding to the amount of available residential land. The proposal will increase the housing choice and type of housing and contribute to meeting local residential targets.
Is the existing public infrastructure (Roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The existing public infrastructure is adequate to meet the needs of the proposal. The site has access to reticulated water and is on the fringe of an established urban area. The residential development will support the Bargo Service Centre. Local buses service the area. However, they are limited and primarily cater for school children. Nevertheless, increased patronage through population growth will increase the viability of additional bus services.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety? Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N/A	N/A
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values)? Or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	No. The proposal does not require significant further investment in public infrastructure. It will utilize the existing infrastructure and services. The developer will extend and upgrade infrastructure where necessary to service the needs of the development, at no cost to government.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	N	The site has not been identified for conservation purposes. Some conservation initiatives are likely to be focused on the riparian area along the creek.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Y	The land is not mapped as flood prone. However, some additional investigation may be required post Gateway The proposal is compatible with adjoining residential and rural residential land uses. The site is not an isolated residential development and is well serviced and proximate to the Bargo Service Centre
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in	N	The development will, however, contribute to the improved trade of nearby facilities / centres through increased patronage, due to the increase in population.
	N/A	N/A

the future? What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at this time?	
	The proposal will provide additional housing to assist in meeting the housing growth and dwelling mix actions from the sub-regional and local strategies. If the rezoning were not supported, the provision of additional housing would not be realized. Further, the holistic urbanization of the precinct would not be realized, as incremental urban development occurred.
Will the public domain improve?	Y Section 94 Contributions/Developer Agreement commitments will be required in respect of open space/community facilities and possibly road shoulder integration

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

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

4.3 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK (SECTION B)

4.3.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN STRATEGY AND EXHIBITED DRAFT STRATEGIES)?

The Metropolitan and sub-regional planning context have been briefly detailed at 4.1.2 and 4.1.3 above. The subject precinct offers prospects of addressing in part the projected job creation and diverse centre objectives in a structured and sustainable manner.

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

The local strategic plan is summarized in 4.2.1 above and clearly identifies the GMS background to the urbanization proposal.

The subject planning framework has importantly identified limited opportunities for the development of Bargo, leveraging off the existing infrastructure and the prevailing sense of community.

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

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

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

SEPP	Comment
SEPP 1 – Development Standards	Not applicable (As referenced in WLEP 2011, Clause 4.6 makes provision for variations to development standards)
SEPP 4 – Development without Consent and Miscellaneous Exempt and Complying Development	Not inconsistent (As referenced in WLEP 2011, Clause 6 and Parts 3 and 4 do not apply)
SEPP 6 – Number of Storeys in a Building	Not inconsistent (Maximum building height will be subject to maximum height expressed in metres)
SEPP 15 – Rural Landsharing Communities	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
SEPP 19 – Bushland in Urban Areas	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
SEPP 21 – Caravan Parks	Not applicable (Caravan parks are prohibited under the proposed R5 and E3 zones currently prevailing in WLEP 2011)
SEPP 22 – Shops and Commercial Premises	Not inconsistent (WLEP 2011, however, prohibits commercial and retail facilities in the R5 and E3 zone)
SEPP 26 – Littoral Rainforests	Not applicable
SEPP 29 – Western Sydney Recreational Area	Not inconsistent
SEPP 30 – Intensive agriculture	Not applicable (WLEP 2011, R5 and E3 zones do not permit agricultural uses)
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Not applicable (The land is not in a position that can optimize urban consolidation outcomes)
SEPP 33 – Hazardous and Offensive Development	Not applicable (WLEP 2011, R5 and E3 zones do not permit hazardous or offensive industries)
SEPP 36 – Manufactured Home Estates	Not applicable (WLEP 2011 is in the Sydney Region which is excluded from the Policy's application)
SEPP 44 – Koala Habitat Protection	Not inconsistent
SEPP 50 – Canal Estate Development	Not applicable
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan areas	Not applicable
SEPP 53 – Metropolitan Residential Development	Not applicable
SEPP 55 – Remediation of Land	Applicable (The provisions will need to be complied with in converting the land to residential use)
SEPP 59 – Central Western Sydney Regional Open Space	Not applicable (Land is not located in Central Western Sydney)
SEPP 60 – Exempt and Complying Development	Limited application at this stage
SEPP 62 – Sustainable Aquaculture	Not applicable (WLEP 2011, R5 and E3 zones do not permit Aquaculture)
SEPP 64 – Advertising and Signage	Not inconsistent
SEPP 65 – Design Quality of Residential Flat Development	Not applicable (WLEP 2011, R5 and E3 zones do not permit residential flat buildings)
SEPP 70 – Affordable Housing (revised schemes)	Not inconsistent
SEPP 71 – Coastal Protection	Not applicable

SEPP (Affordable Rental Housing) 2009	Not inconsistent
SEPP (Building Sustainability Index: BASIX) 2004	Not inconsistent (The relevant principles will inform subdivision design and subsequent development)
SEPP (Exempt and Complying Codes) 2008	Not inconsistent
SEPP (Housing for Seniors or People with a Disability) 2004	Not inconsistent
SEPP (Infrastructure) 2007	Not applicable
SEPP (Major Development) 2005	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Rural Lands) 2008	Not inconsistent

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

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

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

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

1. Employment and Resources

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

Justification

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

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

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

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

2. Environment and Heritage

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

Justification

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

Accordingly, the Planning Proposal is consistent with Direction 2.1.

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

3. Housing, Infrastructure and Urban Development

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

Justification

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

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

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

4. Hazard and Risk

Direction	Applicable	Consistent
4.1 Acid Sulphate Soils	NO	N/A
4.2 Mine Subsidence and Unstable Land	NO	N/A

4.3 Flood Prone Land	NO	N/A
4.4 Planning for Bushfire Protection	YES	NO (on current information)

Justification

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

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

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

5. Regional Planning

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

Justification

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

6. Local Plan Making

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

Justification

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

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

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

7. Metropolitan Planning

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

Justification

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

4.4 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT (SECTION C)

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

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

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

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

No other adverse environmental impacts are likely to be occasioned by pursuit of a comprehensive residential subdivision in an environmentally sensitive manner, as promoted in this Planning Proposal.

Notwithstanding the foregoing statement, it will be important to embrace the principles contained in "Planning for Bushfire Protection, 2006", given the extent of bushfire hazard documented in 2.7 of this proposal. Flood evaluations of Hornes Creek may also be required and relevant development parameters adopted. Standard Indigenous heritage investigations will also need to be undertaken as alluded to at 2.13 of this Report.

All the preceding potential impacts are importantly manageable and will inform the final design and development and implementation of management guidelines.

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

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

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

Under the proposed scenario, no adverse social and / or economic impacts are foreshadowed. Rather, a positive impact will be occasioned.

4.5 STATE AND COMMONWEALTH INTERESTS (SECTION D)

4.5.1 INTRODUCTION

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

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

4.5.2 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

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

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

As a minimum, the existing reticulated water system in the adjoining urban area will need to be extended to service a new housing estate. Further liaison will need to occur with the service provider in this regard, namely Sydney Water.

The logistics (physical and economic) of providing such requisite infrastructure are considered realizable. The catchment and nature of the land is such that a comprehensive Stormwater Management Plan predicated on the principles of Water Sensitive Urban Design can be readily designed and implemented as part of the envisaged development scheme.

Such scheme will likely be dedicated to Council as part of the development process, for ongoing care and maintenance, and will require Council's input at the design stage so as to ensure acceptance of the prospects of ultimate dedication.

Reticulated electricity, telecommunications facilities and gas will also be provided as service infrastructure. Such are capable of ready installation in a pragmatic physical and economic sense.

Development of the land as proposed in this Planning Proposal will entail the construction and ultimate dedication of an appropriate subdivisional road network. Such network should integrate efficiently with the existing network.

Detailed traffic modeling will identify the suitability of such network and any impacts on the “external” system, which require redress / rationalization.

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

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

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

Typical authorities likely to be consulted include:

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

5. COMMUNITY CONSULTATION (PART 4)

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

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

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

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

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

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

6. CONCLUSION

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

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

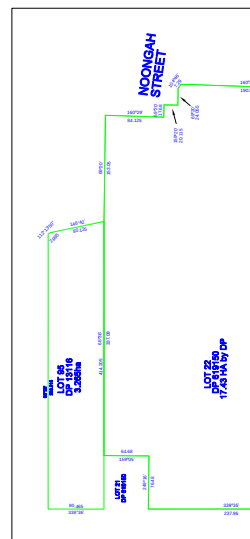
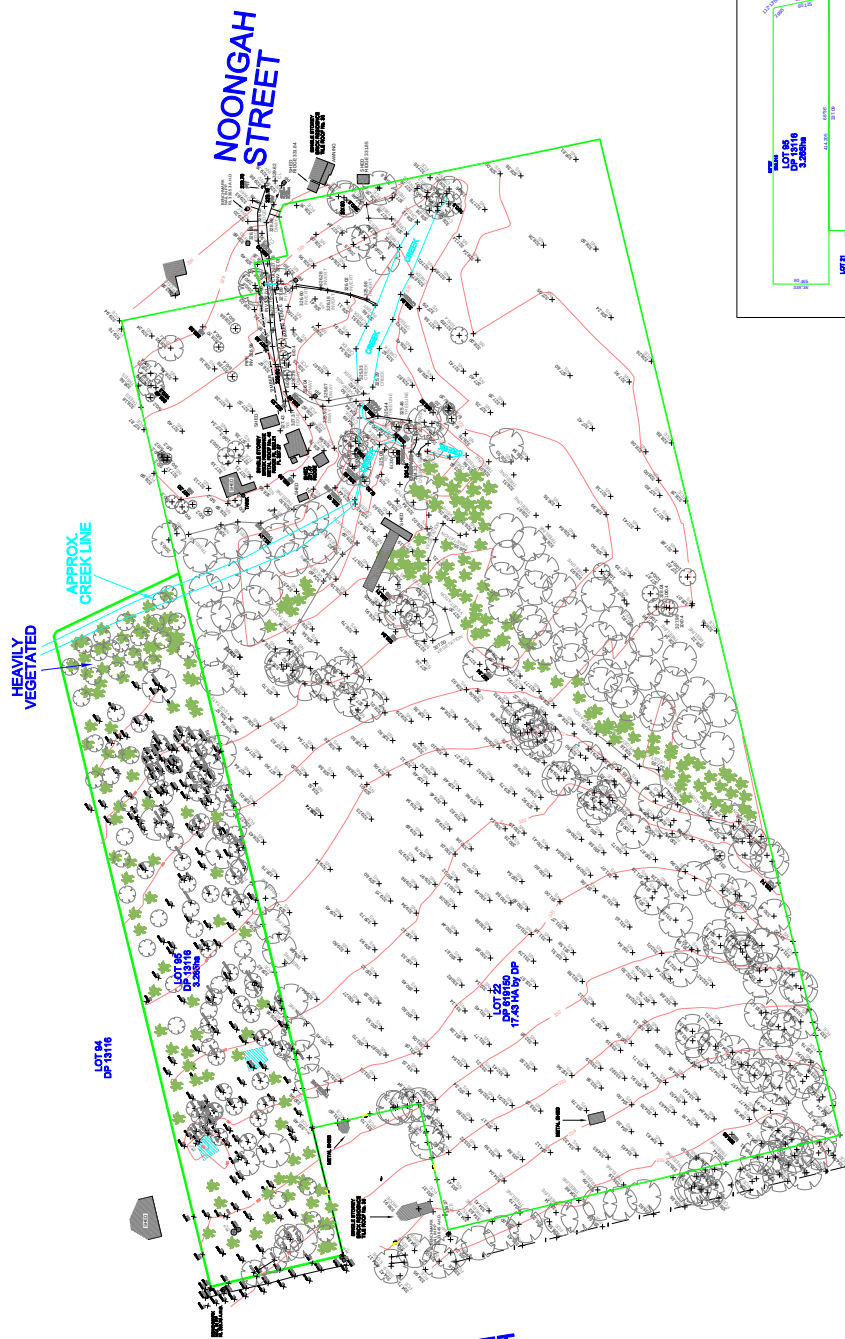
Council, as the Relevant Planning Authority (RPA), is requested to support and forward this proposal to the Department of Planning and Infrastructure for progressing through the “Gateway” in an expedient manner.

Appendix “A”

EXISTING ALLOTMENTS

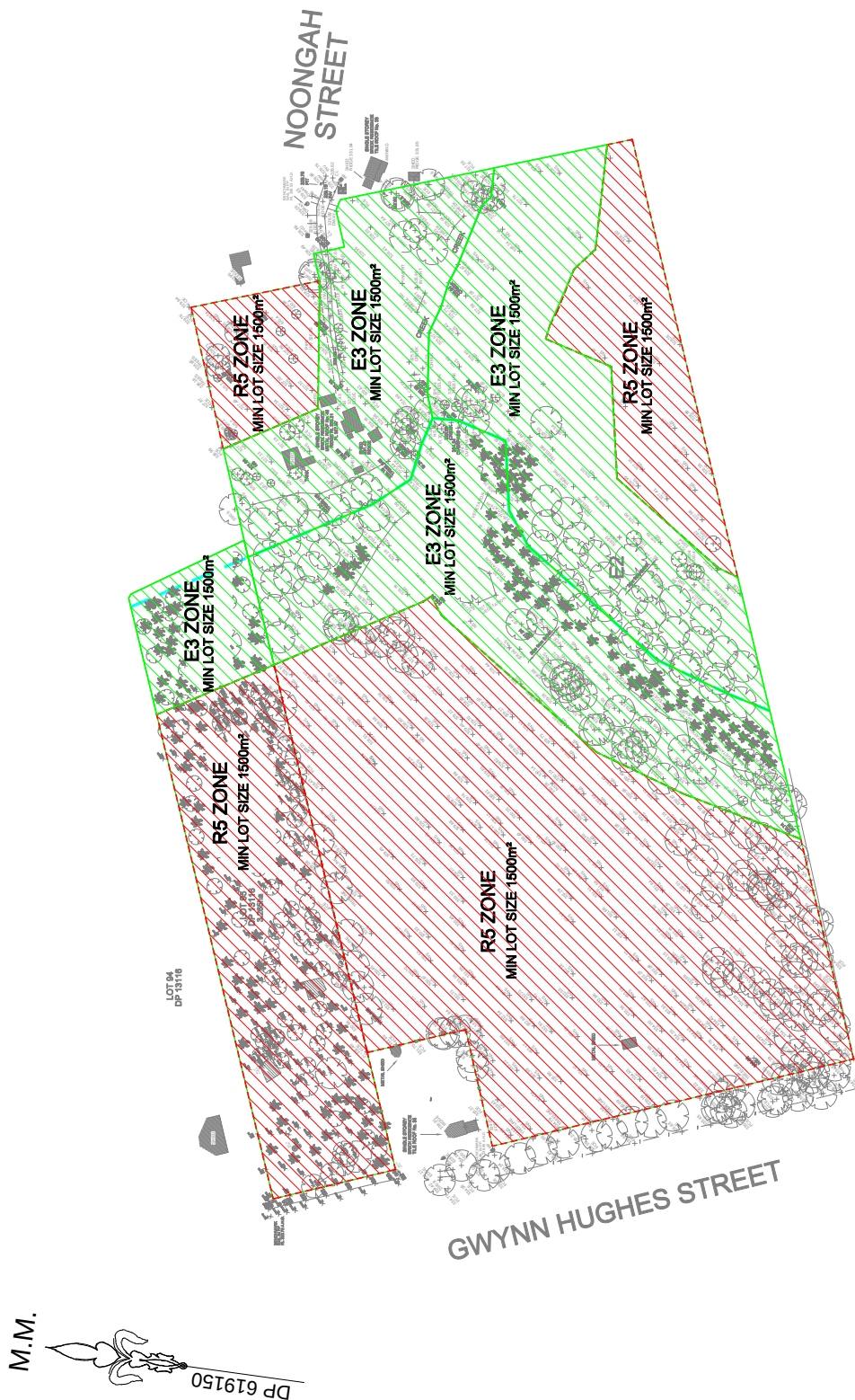


GWYNN HUGHES STREET



Appendix “B”

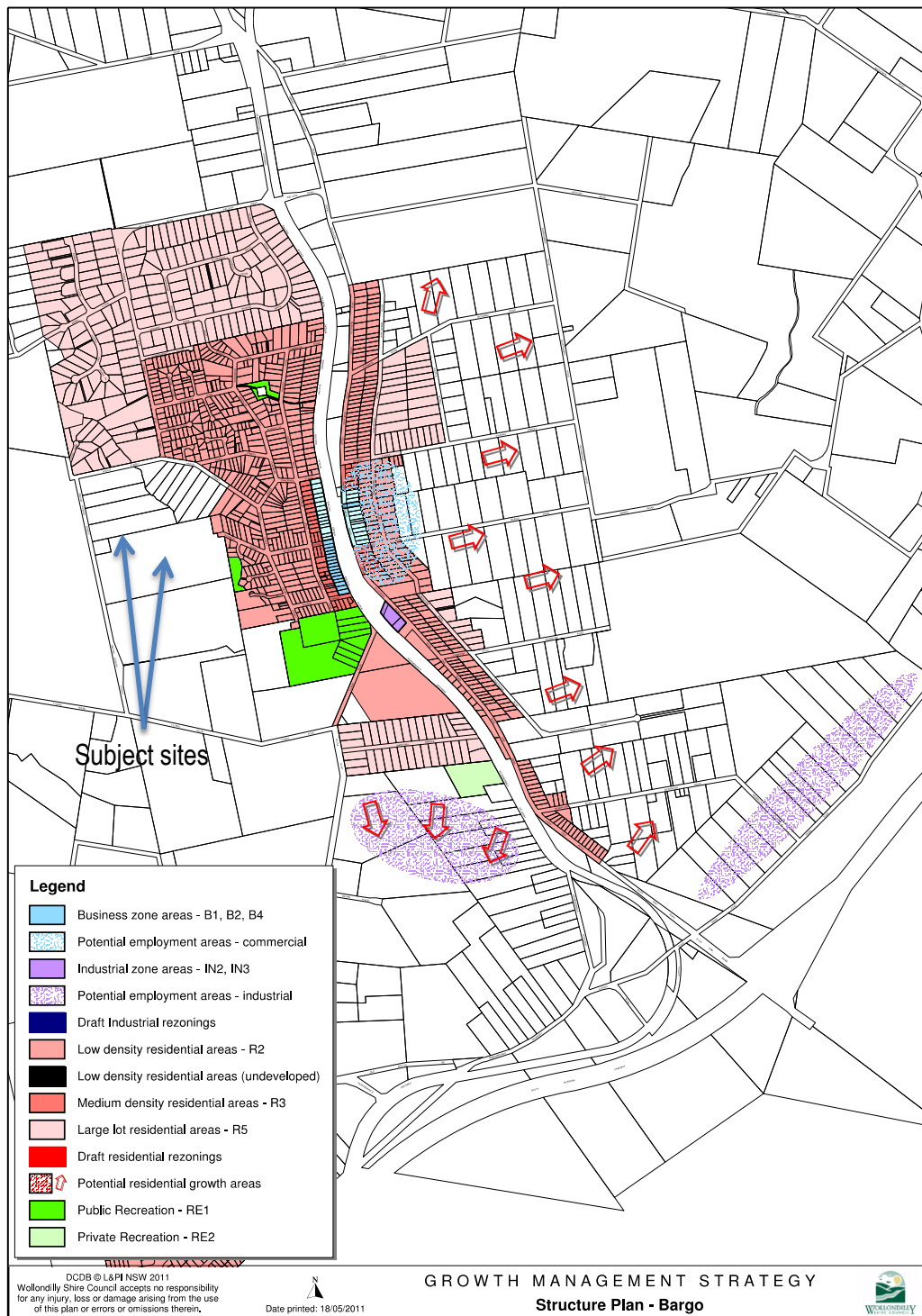
PROPOSED LAND ZONING PLAN



NOTE: The minimum lot size of 1500m² shown on this plan may change to 4000m², subject to availability of reticulated sewerage to the site (refer to s.1.4 and 2.8 of this Planning Proposal)

Appendix “C”

GMS – BARGO STRUCTURE PLAN



Appendix “D”

SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY NEPEAN RIVER

S117 Ministerial Directions

Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

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

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

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

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

Policy/Strategies	Compliance/Non Compliance
1. Total Catchment Management	The proposal represents a transitional extension of the existing urban area. The property slopes generally toward Hornes creek, which is the natural drainage regime. The proposed development will be subject to implementation of a comprehensive Stormwater Management System based on principles of Water Sensitive Urban Design (WSUD).
2. Environmentally Sensitive Areas	There are no environmentally sensitive areas on this site, except the riparian area along Hornes Creek, which is proposed to be rezoned E3 Environmental Management. Existing vegetation does not pose an outright constraint to development. The land is not contiguous with local reserves or land dedicated under the National Parks and Wildlife Act.
3. Water Quality and 4. Water Quantity	Onsite disposal of sewerage effluent may be required in this circumstance, depending on the availability of spare capacity in the Bargo Sewerage Scheme. The proposal is not likely to cause land degradation. Drainage options will be investigated at development application stage, once likely dwelling house locations are known. Stormwater generated from the future development of the land will not adversely impact the water balance equation, including groundwater/water table. A “neutral or beneficial effect” can be achieved. A comprehensive sediment and erosion control plan will be required at development application stage, thereby mitigating land degradation and achieving satisfactory water quality outcomes.
5. Cultural heritage	The subject land does not comprise a riverine environment, with such being the focus of heritage considerations.
6. Flora and fauna	The proposal will be subject to the usual flora and fauna investigations, which will ensure appropriate management strategies are derived and implemented in respect of the broader catchment. No fish habitats will be adversely impacted. No wetlands are adversely impacted.
7. Riverine Scenic Quality	The subject property is not proximate to the immediate riverine environment/corridor.
8. Agriculture/Aquaculture and fishing	The land is of some limited agricultural value. The proposal has no impact on

	aquaculture and fishing.
9. Rural Residential development	The proposal would result in the creation of either 1500sqm or 4000sqm allotments. This is considered appropriate given the location
10. Urban Development	Not applicable
11. Recreation and Tourism	The value of the riverine corridor (significantly removed from the site) as a significant recreation and tourist resource will not be diminished.
12/ Metropolitan Strategy	The proposal is consistent with the Metropolitan Strategy and its broader objectives, reflected in the subregional planning strategy

Clause 8 details the application of development controls.

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

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

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

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

Section 117 Directions (as relevant)

4.2 Mine Subsidence and Unstable Land

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

4. Council Responsibilities

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

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

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

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

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

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

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

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

6. Consistency

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

1.3 Mining, Petroleum Production and Extractive Industries

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

4. Council Responsibilities

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

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

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

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

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

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

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