



**Planning Proposal to amend
Wollondilly Local Environmental
Plan 2011
20 TYLERS ROAD, BARGO
October 2022**

Planning Proposal 20 Tylers Road, Bargo

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Document Register

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1	Oct 2022	Preparation of planning proposal for submission to DPE for a Gateway determination	L Howard	CM 11973 #340
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Executive Summary Table

Site address	No 20 Tylers Road Bargo
Lot DP	Lot 2 DP 270324
Existing Planning Controls	Land Use Zone: <ul style="list-style-type: none"> • Eastern portion: SP2 Infrastructure (Sewerage System) • Western portion: C2 (Environmental Conservation) Minimum Lot Size for subdivision: <ul style="list-style-type: none"> • Eastern portion: nil for SP2 zoned land • Western portion: 100 hectares for C2 zoned land.
Proposed Amendments	Land Use Zone: <ul style="list-style-type: none"> • Amending the Land Zoning Map to rezone eastern portion to: <ul style="list-style-type: none"> ○ C2 Environmental Conservation for the area of Shale Sandstone Transition Forest (SSTF) in the north-west corner and the riparian corridor. ○ RU4 Primary Production Small Lots for the remaining area. • The western portion: remains C2 Environmental Conservation. Minimum Lot Size for subdivision: <ul style="list-style-type: none"> • Amending the Lot Size Map to eastern portion to introduce a minimum lot size for subdivision of 16ha for the area to be rezoned to RU4. • The western portion and C2 on eastern portion to remain 100ha. <p>Amend the Natural Resources – Biodiversity Map to include all of the area currently zoned SP2 Infrastructure (Sewerage System).</p>
Technical Studies relevant to the revised planning proposal	<ul style="list-style-type: none"> • Flood Study • Flora and Fauna Assessment
Applicant	L & R Projects Pty Limited.

Introduction

This Planning Proposal explains the intended effect of and justification for amendments to the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP). The amendments are to facilitate the orderly use of the site and for the conservation of environmentally sensitive land at No. 20 Tylers Rd Bargo, legally defined as Lot 2 DP 270324.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Government, guidelines published by the Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline*.

Background

The eastern portion of the site is currently zoned SP2 Infrastructure (Sewerage System) which reflects its previous use. It contained an on-site wastewater disposal system that serviced the Waratah Highlands Retirement Village located at 25 Tylers Rd, on the eastern side of the Tylers Rd from the site. The subject site originally formed the same lot as the retirement village. The lots were severed by the road and subdivided into two lots as part of the Development Application for the retirement village in 2001, and the subject site was bought by the proponent. At that time, the retirement village was connected to Sydney Water's reticulated sewerage services. As such the site is no longer used for treating waste water and thus the SP2 zone is superfluous and needs to be rezoned.

The subject site contains a dwelling, which was approved in 2008 under Development Consent D358-08. This consent also approved igloos for intensive plant agriculture, which has not been undertaken. The proponent has always maintained an intention to implement the igloo development. The underlying intention of the Planning Proposal is to ensure the development consent could still be realised. In the proposed RU4 Primary Production Small Lots zone, intensive plant agriculture is permitted with consent. In addition, as subdivision is no longer being pursued in the planning proposal, the igloo development could now be implemented on the site as approved.

The intent of the Planning Proposal is to facilitate the orderly use of the site as the land is no longer required to provide infrastructure uses. It is also to conservation of environmentally sensitive land.

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 (Wollondilly LEP).

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

The Wollondilly Local Environmental Plan 2011 is the key statutory document at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

Changes to the proposal

The Planning proposal initially intended growth by proposing R5 zoning over the eastern portion of the site to enable 6 rural-residential lots.

The draft Planning Proposal including growth was supported by Council at its Ordinary Meeting held on 16 November 2021. Council's resolution supported the proposal but recommended the proposed zoning be RU4 Rural Residential (instead of R5) and C2 Environmental Conservation.

With regard to growth, Council's resolution identified a number of steps required in order to determine an appropriate minimum lot size for subdivision. Council resolved that the proponent was required to provide suitable evidence to the satisfaction of the Director Planning (now Director Shire Futures) that growth can be supported. This included:

- 4. Request the proponent to provide suitable evidence of the following land use constraints to determine an appropriate minimum lot size to allow subdivision of the site, to the satisfaction of the Director Planning:**
 - a) The interaction of constraints and setbacks on the site required to support the protection and management of bushfire hazard, flood prone land, riparian corridor, threatened ecological communities, and wastewater servicing,**
 - b) allowing the land to be used for agriculture purposes, and**
 - c) Ensuring that any land zoned E2 Environmental Conservation (either currently or as a result of this proposal) will not be fragmented and can be adequately managed into the future as outlined in the Council report.**

These steps had been nominated on an assumption that the site had some capacity for additional development.

The report and minutes are attached at Appendix D.

Council officers have been working with the proponent to resolve these matters. In response, the proponent has advised that they would still like to pursue rezoning the land, but they no longer wish to pursue amendments that would enable subdivision.

The Planning Proposal, as revised by the proponent, now seeks to amend the Wollondilly LEP for the eastern portion of site to RU4 and C2. As no subdivision is proposed, the minimum lot size will be required to be adjusted over the site to prevent further subdivision. The intent of the revised Planning Proposal is now to facilitate the orderly use of the site as the land is no longer required to provide infrastructure uses. It is also to conservation of environmentally sensitive land.

A number of Technical Studies were prepared to inform the initial planning proposal, which included six lots zoned R5. These covered bushfire, traffic, stormwater, wastewater, Aboriginal heritage and contamination. The proposal has been revised by the proponent to no longer include subdivision. Accordingly, most of these reports are no longer applicable to the revised proposal.

The site

The planning proposal relates to No. 20 Tylers Rd Bargo, legally defined as Lot 2 DP 270324. The sites boundaries are shown in Figure 1. The site is located approximately 850m from the Bargo Town Centre on the southern boundary of the Bargo Sportsground (see Figure 2).

The subject site is irregular in shape and comprises a total area of 9.4ha. The site is divided into two distinct portions, the eastern triangular portion being 2.8ha (28,000m²) and contains a dwelling, cleared land, watercourse and some remnant vegetation to be zone C2.

The west portion is 6.6ha and zoned C2. It is thickly vegetated and contains a watercourse. This portion contains a Critically Endangered Ecological Community, and is also identified as bush fire prone on the Wollondilly Bush Fire Prone Land Map. The planning proposal will make no changes to this portion of the site (see Figure 3).

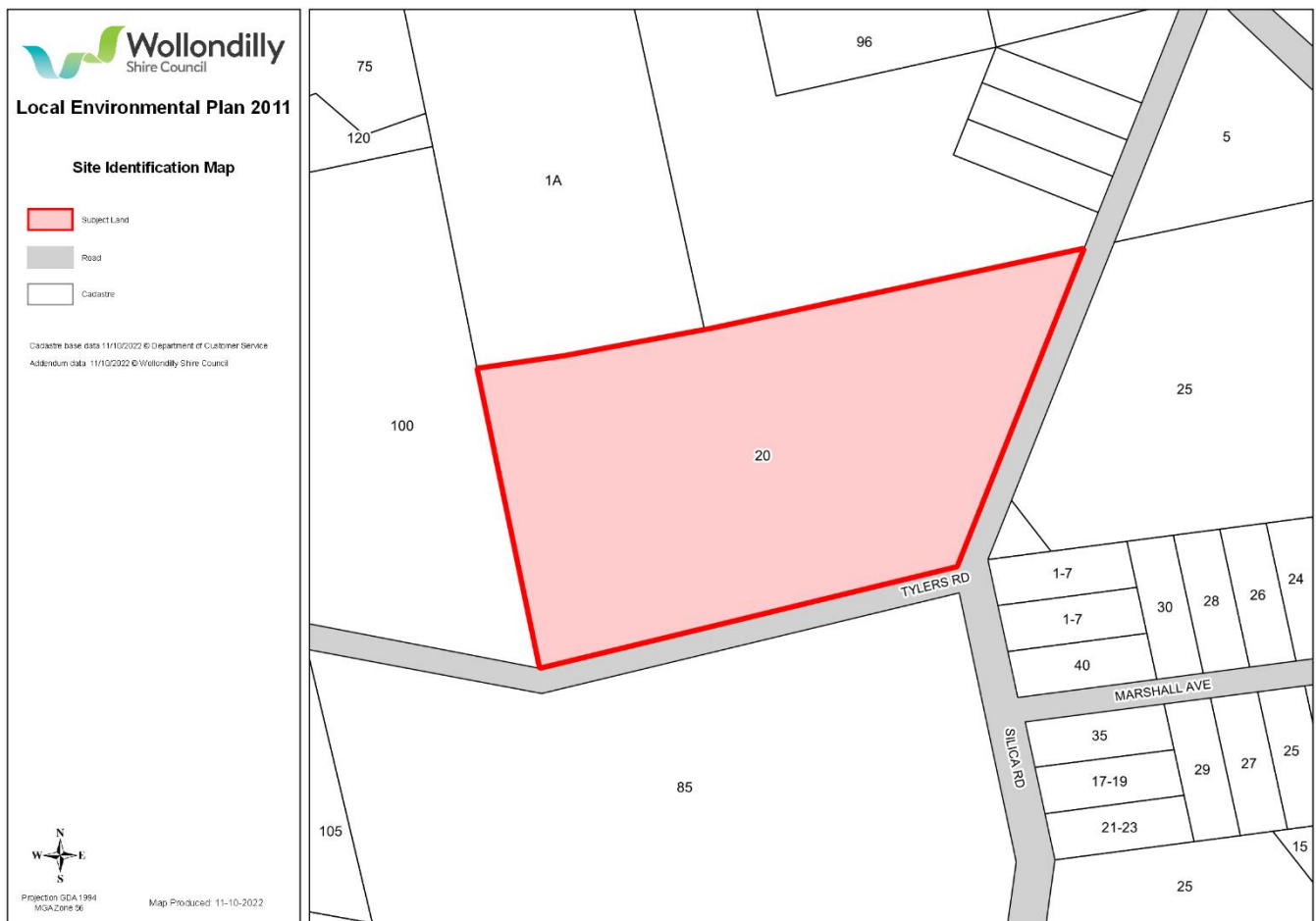


Figure 1 – Subject Site location

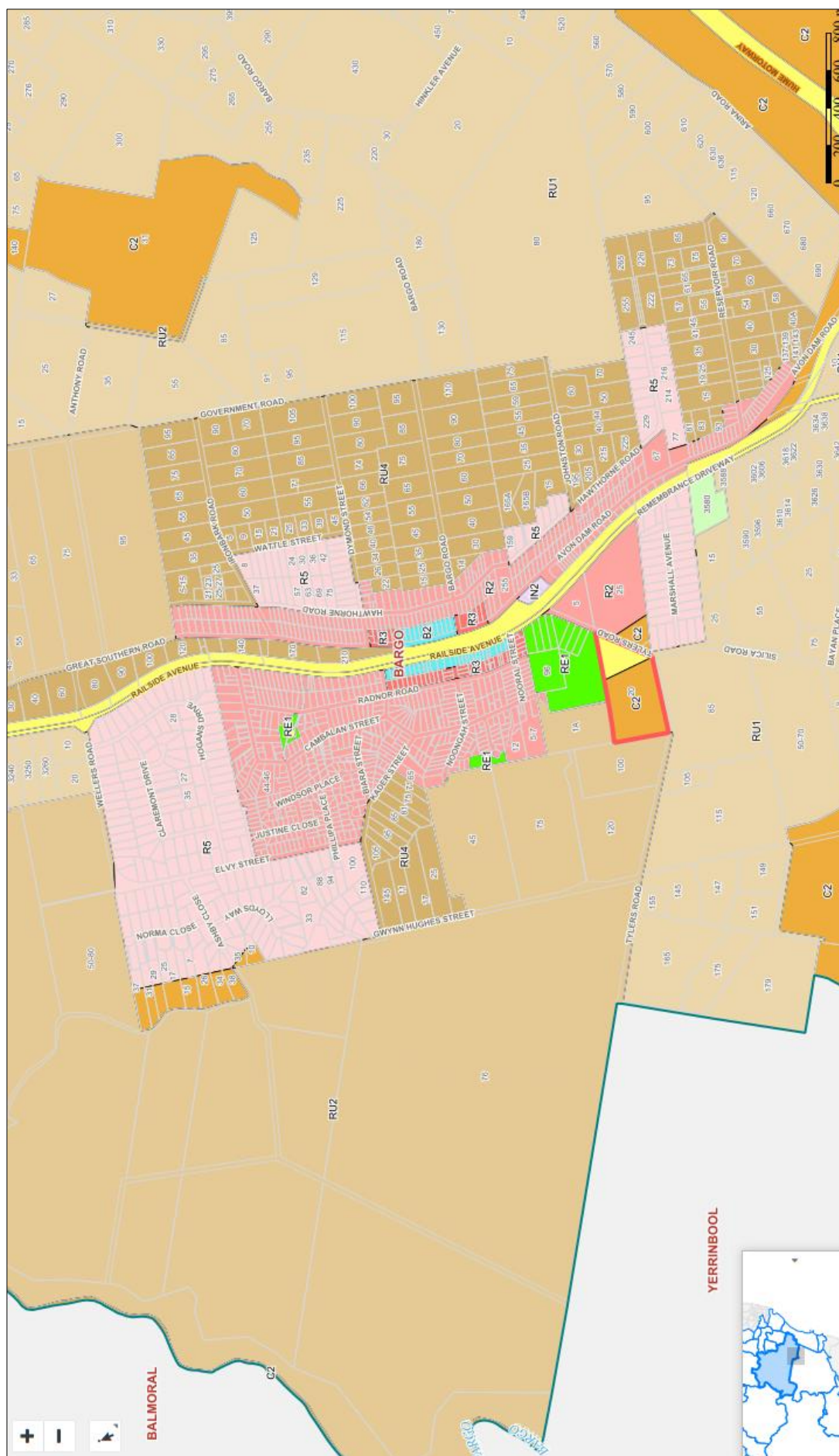




Figure 3 – aerial of site showing dense vegetation to west and dwelling and cleared areas to the east

Structure of this document

This Planning Proposal has been prepared in accordance with the NSW Government's *Local Environmental Plan Making Guideline*.

The guide provides information on the process for preparing planning proposals. In particular, it sets out what matters should be included in a planning proposal to satisfy the requirements of the *Environmental Planning and Assessment Act 1979*.

This Planning Proposal has been structured in five parts as follows:

Part 1	A statement of the objectives and intended outcomes of the proposed instrument.
Part 2	An explanation of the provisions that are to be included in the proposed instrument.
Part 3	The justification for those objectives, outcomes and the process for their implementation
Part 4	Maps to identify the intent of the planning proposal and the area to which it applies
Part 5	Details of the community consultation that is to be undertaken on the planning proposal.
Part 6	Project timeline to detail the anticipated timeframe for the planning proposal.

The guide is available on the Department of Planning & Environment's website.

Decisions on Planning Proposal to date

The following timeline summarises the key stages of the planning proposal process, and issues that arose across the course of Council's carriage of the proposal:

Date	Who	Purpose/Action	Copy provided at
January 2020	Proponent (L & R Projects Pty Limited)	The initial Draft Planning Proposal including 6 new lots is submitted to Council for consideration. This proposal has since been revised by the proponent.	Superseded
March – April 2020	Wollondilly Shire Council	Preliminary consultation with the community and other stakeholders to inform the preliminary assessment of the planning proposal.	Addressed as part of Appendix D.
September 2021	Wollondilly Shire Local Planning Panel	To provide advice on the draft planning proposal. The Panel recommended that the proposal, in the form submitted by the proponent, should not be supported.	Appendix C
September 2021	Wollondilly Shire Council	To seek Council's position on the draft planning proposal. Council resolved to support the draft Planning Proposal in an amended form.	Appendix D
August 2022	Proponent (L&R Projects Pty Limited)	In consultation with the proponent, the planning proposal has been revised and meets Council's resolution from September 2021.	Not applicable
October 2022	Department of Planning & Environment	Determine whether the planning proposal should proceed and issue a Gateway determination.	Current action

Delegation

Council has not resolved to seek the delegation as the plan-making authority to make this amendment to the *Wollondilly Local Environmental Plan 2011*.

Part 1 – Objectives and Intended Outcomes

Objective:

To amend the Wollondilly LEP 2011 to facilitate the orderly use of the site now that the land is no longer required to provide infrastructure uses.

Intended Outcomes:

- To protect environmentally sensitive land on the subject site and adjoining land.
- To support agriculture activities on the site.
- Manage rural areas through place-based planning in the Metropolitan Rural Area.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by the following amendments to the Wollondilly Local Environmental Plan 2011:

- Amending the **Land Zoning Map** to rezone the SP2 Special Purpose on the eastern portion of the site to:
 - RU4 Primary Production Small Lots
 - C2 Environmental Conservation

Note - The C2 Environmental Conservation zoning on the western portion is unchanged.

- Amending the **Lot Size Map** to introduce a minimum lot size for subdivision of 16ha for the area to be rezoned to RU4 (eastern portion of the site).

Note - The western portion 100ha minimum lot size is unchanged.

- Amend the **Natural Resources – Biodiversity Map** to include all of the area currently zoned SP2 Special Purpose (eastern portion of the site).

These changes are shown in **Part 4** by **Maps 1 to 3**.

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the Planning Proposal

A 3.1 Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

No, the planning proposal has been initiated by a proponent and is not the result of an endorsed LSPS, strategic study or report.

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

Yes.

The eastern portion of the site subject site is no longer used for treating waste water for the adjoining retirement village. The SP2 zone is superfluous and imposes significant land use limitations for this portion of the site.

The proposed RU4 Primary Production Small Lots zone, will allow intensive plant agriculture with consent. This is consistent with Development Consent D358-08 approved on the site for igloos for intensive plant agriculture.

The existing C2 land use zone provides an appropriate level of protection for environmentally sensitive areas on the western portion of the site. In addition, two pockets of environmentally sensitive areas on the eastern side of the site will also be zoned C2 to protect these areas.

It is considered that amending the Wollondilly LEP as outlined in this proposal is the best means of achieving the objective and intended outcome.

Section B – Relationship to strategic planning framework

B 3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan and Western City District Plan (March 2018)

The Greater Sydney Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of Planning Proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration;** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability;** social infrastructure, healthy communities, housing supply and affordability, great places,
- **Productivity;** the 30-minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability;** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation;** local strategic planning statements, monitoring and reporting.

District Plan priority	Comment
Planning Priority W14; Protection and enhancing bushland and biodiversity.	<ul style="list-style-type: none"> • W14 aims to protect and manage biodiversity values. The planning proposal aims to maintain protection to an area of critically endangered vegetation through retaining the C2 Environmental Conservation zone to the western portion. Two pockets of environmentally sensitive areas on the eastern portion of the site will also be zoned C2.
Planning Priority W17; Better managing rural area	<ul style="list-style-type: none"> • W17 aims to ensure that the environmental, social and economic values in rural areas are protected and enhanced. • The proposed amendments reflect the site characteristics and are considered appropriate for the Metropolitan Rural Area. The RU4 Primary Production Small Lots zoning aims to allow rural use of the eastern portion of the site. • The District Plan indicates that further rural-residential development is generally not supported. • The Planning Proposal will not support further rural-residential development beyond what is already permitted in rural zones in Wollondilly.

The revised planning proposal reflects the objectives and actions of the applicable regional or district plan or strategy.

The [Greater Sydney Region Plan](https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/greater-sydney-region-plan-0618_0.pdf)¹ and the [Western City District Plan](https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/western-district-plan-0618_0.pdf)² are available on the Greater Sydney Commissions website.

B 3.4 Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Wollondilly 2040 Local Strategic Planning Statement was made and came into effect on 27 March 2020. The LSPS outlines the land use planning vision for Wollondilly over the next 20 years and will guide the implementation of the District Plan at a local level. This vision is

¹ https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/greater-sydney-region-plan-0618_0.pdf

² https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/western-district-plan-0618_0.pdf

for a prosperous, sustainable and resilient future for Wollondilly residents, with an enviable lifestyle of historic villages, modern living, rural lands and bush settings.

Wollondilly 2040 identifies a number of actions under each of its 18 planning priorities.

The revised planning proposal reflects Wollondilly 2040 by maintaining the integrity of the Metropolitan Rural Area and limiting growth other than in nominated growth areas and existing residential land within villages. It also protects environmentally sensitive area of the site by utilising C2 - Environmental Protection zoning and amending the Natural Resources – Biodiversity Map of the LEP to include all of the area currently zoned SP2 Special Purpose (the eastern portion of the site).

[Wollondilly 2040³](#) is available on Council's website.

B 3.6 Is the planning proposal consistent with applicable state environmental planning policies?

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or deemed SEPPs). These documents deal with matters of state or regional planning significance.

An assessment of the planning proposal against each SEPP is provided at Appendix A. The Planning Proposal is generally consistent with the relevant SEPPs.

B 3.7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Minister for Planning and Public Spaces issues Local Planning Directions that councils must follow when preparing a planning proposal. The Directions cover the following focus areas:

- Planning Systems
- Planning Systems – Place-based
- Design and Place
- Biodiversity and Conservation
- Resilience and Hazards
- Transport and Infrastructure
- Housing
- Industry and Employment
- Resources and Energy
- Primary Production

An assessment of each of the proposed amendments consistency against all Ministerial Directions is provided at Appendix B. This planning proposal is considered to be generally consistent with all of the directions.

³ <https://www.wollondilly.nsw.gov.au/planning-and-development/guidelines-and-controls/local-strategic-planning-statement/>

The following Directions are considered of particular relevance to this proposal and are discussed further below:

- Direction 1.1 Implementation of Regional Plans
- Direction 3.1 Conservation Zones;
- Direction 4.1 Flooding;
- Direction 9.1 Rural Zones;
- Direction 9.2 Rural Lands.

Direction 1.1 Implementation of Regional Plans

The development is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities having regard to the Metropolitan Rural Area and the Western City District Plan as the site is not located in an identified urban growth area. This is outlined in Section B3.3 above.

Direction 3.1 Conservation Zones

The objective of this Direction is to preserve environmentally sensitive lands within a local government area, ensuring those spaces are conserved and not impacted by development.

A Flora and Fauna Assessment prepared by Joy Hafey Environmental Consultant (Appendix F) has been prepared to inform the initial Planning Proposal when it proposed growth through R5 zoning. The assessment identifies environmentally sensitive lands, predominately to the west of the site, including Cumberland Plain Woodland Critically Endangered Ecological Community (CP CEEC) – Shale Plains Woodland, five (5) Hollow Bearing Trees, and a reasonable portion of the first order watercourse and its vegetated riparian zone.

It concluded the following: -

- *future development on site must ensure that any disturbance or modification to the environment would occur in an area significantly ecologically degraded.*
- *The BC Act “5 part test” concluded that there would be no significant impact on the ecological communities of the SSTF or threatened species, therefore no further investigation is required, ie a Species Impact Statement is not recommended.*
- *Assessment under EPBC Act found that the proposed development is unlikely to have a significant impact on the CEEC of the SSTF or the threatened species. A referral of this action to the federal minister for Environment, Water, Heritage and the Arts is not recommended.*

The concluding statement is that *there would be no constraints to the rezoning of the site to R5 and a proposed subdivision development on the subject site, under the EPBC Act or the BC Act. It is considered that the likely impacts of the proposed development will occur in an area that is substantially ecologically degraded.*

The planning proposal has been revised to not include growth. By adjusting the minimum lot size to exclude subdivision, the proposal does not permit further development. As there is no subdivision there will be no fragmentation of C2 zoned land.

The revised planning proposal aims to maintain protection to environmentally sensitive lands through retaining the C2 Environmental Conservation zone to the western portion.

The eastern portion of the site contains a dwelling, driveways, disuse waste water treatment area, cleared and weed infested areas. Two pockets of environmentally sensitive areas are located in this portion of the site and these will also be zoned C2. This includes the *ecological communities of the Shale Sandstone Transition Forest (SSTF)*. In addition, the Natural Resources – Biodiversity Map of the LEP will be amended to include all of the area currently zoned SP2 Special Purpose (eastern portion of the site).

The planning proposal is considered to be consistent with this Direction.

Direction 4.1 Flooding

There are two identified flood prone areas within the site. On the western portion of the site this is associated with a watercourse and protected under the C2 zoning. The smaller watercourse on the eastern portion constrains much of the surrounding land on this portion and prevents onsite wastewater treatment areas for further development.

The planning proposal proposes adjusting the minimum lot size to exclude subdivision, this will prevent further development on flood affected areas of the site. The lot already contains a dwelling which is connected to the reticulated sewer system.

The planning proposal is considered to be consistent with this Direction.

Direction 9.1 Rural Zones

The objective of this Direction is to protect the agricultural production value of rural land. In this case it seeks to do this by discouraging provisions that will increase the permissible density of land where it is not located within an existing town or village.

The planning proposal seeks to rezone the subject land from a redundant SP2 zone to a more appropriate zone. There was merit in rezoning the eastern portion to either a conservation living or rural zone.

The underlying intention of the Planning Proposal is to ensure the development approval for igloos on site could still be realised. In the proposed RU4 zone, intensive plant agriculture is permitted with consent.

Council has determined weight be given to the rural zone to protect rural land-use and allow the existing intensive agriculture approval to be realised. More details are provided in the Council report of 16 November 2021.

It is consistent with Councils recently adopted Rural Lands Strategy. The proposal is consistent with the objectives of the Direction.

Direction 9.2 Rural Lands

This direction is applicable to the planning proposal as it affects land proposed rural or conservation zone and proposes changes the existing minimum lot size in these zones.

It is consistent with this direction, particularly in relation to the protection and management of rural and environmentally sensitive lands, and maintaining the ongoing viability of rural uses on the land.

There is sufficient room for the maintenance of an asset protection zone to the existing dwelling and not affecting environmentally sensitive lands.

The introduction of a minimum lot size over the former SP2 land reflects the current lot size arrangement and prevents land fragmentation, thereby protecting the rural use and environmental qualities.

The underlying intention of the Planning Proposal is to ensure the approval intensive plant agriculture could still be realised. Which is permitted in the RU4 Primary Production Small Lots zone. In addition, as subdivision is no longer being pursued, the igloo development could now be implemented on the site as approved.

Section C – Environmental, social and economic impact

C 3.8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No. The Planning Proposal seeks to preserve environmentally sensitive lands by retaining C2 zoned land on western portion and by zoning two pockets of environmentally sensitive areas on the eastern side of the site C2. In addition, the Natural Resources – Biodiversity Map of the LEP will be amended to include all of the area currently zoned SP2 Special Purpose (eastern portion of the site).

C 3.9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The proposal is not expected to have any significant environmental impacts.

C 3.10 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal includes rural zoning which will allow small-scale rural use associated with the existing dwelling which will not have adverse social and economic impacts.

Section D – Infrastructure (Local, State and Commonwealth)

D3.11. Is there adequate public infrastructure for the planning proposal?

As the Planning Proposal will not facilitate any growth there are no anticipated implications on infrastructure.

Section E – State and Commonwealth Interests

E3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

As part of the Council's commitment to engaging with community and key stakeholders early in the planning proposal process, a number of public authorities were invited to provide feedback on the draft planning proposal.

Preliminary consultation occurred between 18 March and 15 April 2020. No community submissions were received, and seven (7) submissions were received from public agencies.

The table below provides a summary of public authority feedback provided to the proponent's draft planning proposal which intended to facilitate the redevelopment of the site for six large residential lots by rezoning the relevant portion of the site to R5 Large Lot Residential. The submissions were addressed in Attachment 4 of Council report of September 2021.

To date, further feedback has not been invited to the planning proposal in its current form.

Public Authority	Summary of Feedback	Council Assessment Response
DPE Environment Energy and Science	<ul style="list-style-type: none">EES has made a number of recommendations and comments on the draft planning proposal. In particular, that residential development should be discouraged and avoided within core koala habitat and primary corridors.EES has also recommended that remnant patches of Shale Sandstone Transition Forest (SSTF) and the riparian corridor (to be rehabilitated) are zoned E2 Environmental Conservation.	<p>Subdivision to enable further residential development is no longer part of the Planning Proposal.</p> <p>Environmentally sensitive land will be protected by:</p> <ul style="list-style-type: none">The portion of the site outlined as sensitive land on the western portion of the site, is currently zoned C2 Environmental Conservation and will not be changed as part of this Planning Proposal.Two pockets of environmentally sensitive areas are located on the eastern portion of the site and these will also be zoned C2. This includes the <i>ecological communities of the SSTF</i>.the Natural Resources – Biodiversity Map of the LEP will be amended to include all of the area currently zoned SP2 Special

Public Authority	Summary of Feedback	Council Assessment Response
		Purpose (eastern portion of the site).
Natural Resources Access Regulator	<ul style="list-style-type: none"> Supports the retention of the E2 Environmental Conservation zone on the existing site as it will conserve a watercourse and its associated riparian corridor. 	Noted.
Sydney Water	<ul style="list-style-type: none"> Potable water is available Onsite wastewater management is proposed so no comment is made. 	The existing dwelling is connected to sewer. No further development is proposed therefore this matter is resolved.
Subsidence Advisory NSW	Did not object to the Draft Planning Proposal.	Noted.
Simec Mining	Did not object to the Draft Planning Proposal.	Noted.
NSW Rural Fire Service	Did not object to the Draft Planning Proposal.	Noted.
Endeavour Energy	Did not object to the Draft Planning Proposal.	Noted.

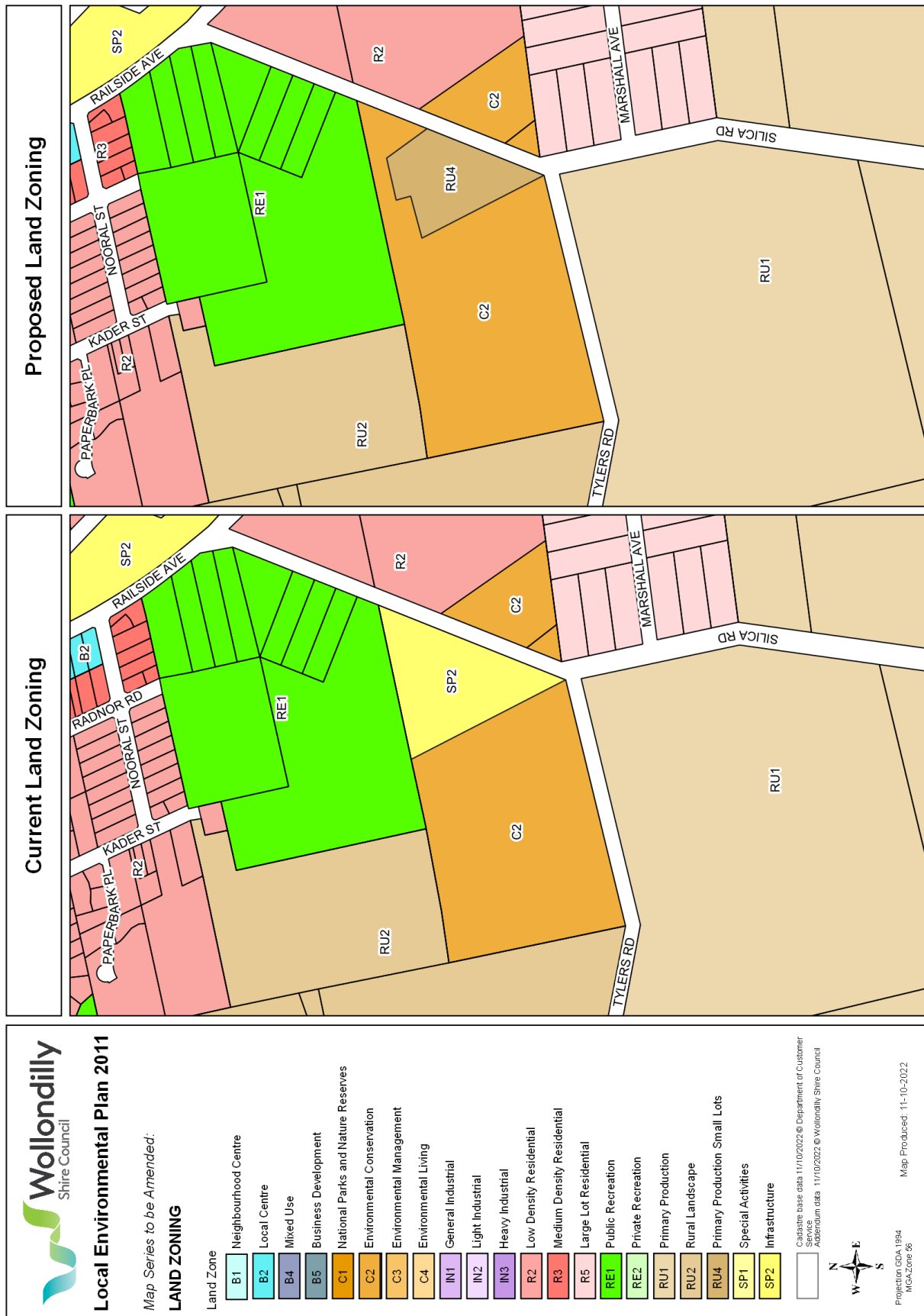
No submissions were received from:

- Cubbitch Barta Native Title Claimants Aboriginal Corporation
- Geological Survey NSW

As growth is not being pursued in the proposal, no unresolvable matters have been identified by any public authority or government agency.

Additional consultation will be held post Gateway Determination, as required.

Part 4 – Maps



Map 1- Land Zoning Map



Map 2 - Lot size map



Map 3 - Natural Resources – Biodiversity Map

Part 5 – Community Consultation

As part of Council's commitment to engaging with community and key stakeholders early in the planning proposal a preliminary consultation was held in accordance with the Council's *Community Participation Plan* and adopted *Planning Proposal Policy*.

The preliminary consultation was held from 18 March 2020 until 15 April 2020. During the consultation community and stakeholder feedback was invited through a preliminary public exhibition. Feedback was encouraged by letters to affected residents, a notice in the relevant local newspaper and through Council's website. Hard copies of the exhibition documents were available at Wollondilly Library and Council's Customer Service Centre.

It is noted that the emerging COVID 19 pandemic would have limited access to physical documents as health orders came into place during the exhibition period.

No community submission was received during the preliminary consultation.

It is anticipated that a formal public exhibition will be held to seek further feedback as part of any Gateway determination issued for the site.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Consideration by Wollondilly Local Planning Panel	-	Completed in September 2021
Consideration of draft Planning Proposal by Council	-	Completed in November 2021
Gateway determination	1 month	Oct/Nov 2022
Pre-exhibition	2 months	Dec/Jan 2023
Commencement and completion of public exhibition period	1 month	Jan/Feb 2023
Consideration of submissions	1 month	March 2023
Post-exhibition review and additional studies	2 months	April/May 2023
Submission to the Department for finalisation (where applicable)	1 month	June 2023
Gazettal of LEP amendment		July 2023

Appendices

A. Compliance with SEPPs

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

B. Assessment against Section 9.1 Directions

Table summarising compliance with applicable Section 9.1 Ministerial Directions issued under the *Environmental Planning and Assessment Act 1979*.

C. Minutes from Wollondilly Local Planning Panel

Extract from Agenda and Minutes of the Wollondilly Local Planning Panel held on 30 September 2021
Council Reference: CM11973#205

D. Agenda and Minutes from Ordinary Meeting of Council

Extract from Agenda and Minutes of the Ordinary Meeting of Wollondilly Shire Council held on 16 November 2021
Council Reference: agenda CM11973#239, minutes CM11973#245

E. Flood Study

Dated 25 Sept 2020, Prepared by G.F.Murphy Consulting Pty. Ltd.
Council Reference: CM11973#124

F. Flora and Fauna Report

Dated June 2018, Prepared by Joy Hafey Environmental Consultant
Council Reference: CM11973#8 – June 2018

Appendix A

Compliance with SEPPs

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

State Environmental Planning Policies (SEPPs)	Includes recently repealed SEPPs	Applicable	Consistent	Assessment
Transport and Infrastructure SEPP	SEPP (Infrastructure) 2007 SEPP (Educational Establishments and Childcare Facilities) 2017 SEPP (Major Infrastructure Corridors) 2020 SEPP (Three Ports) 2013	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Biodiversity and Conservation SEPP	SEPP (Vegetation in Non-Rural Areas) 2017 SEPP (Koala Habitat Protection) 2020 SEPP (Koala Habitat Protection) 2021 Murray Regional Environmental Plan No 2 – Riverine Land SEPP No 19 – Bushland in Urban Areas SEPP No 50 – Canal Estate Development SEPP (Sydney Drinking Water Catchment) 2011 Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property	Yes	Yes	The planning proposal seeks to preserve environmentally sensitive lands already zoned C2 and by re-zoning portions on the eastern portion of the site as C2 Environmental Conservation – refer Map 2 shown in Part 4. The site is not located within the Sydney Drinking Water Catchment.
Primary Production SEPP	SEPP (Primary Production and Rural Development) 2019 Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	Yes	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Resilience and Hazards SEPP	SEPP (Coastal Management) 2018 SEPP 33 – Hazardous and Offensive Development SEPP 55 – Remediation of Land	No	N/A	Not applicable to this planning proposal as the consideration of remediation of land is now achieved by a Ministerial Direction.
Industry and Employment	SEPP (Western Sydney Employment Area) 2009 SEPP 64 – Advertising and Signage	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Resources and Energy SEPP	SEPP (Mining, Petroleum Production and Extractive Industries) 2007 Sydney Regional Environmental Plan No. 9 – Extractive Industries	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Planning Systems SEPP	SEPP (State and Regional Development) 2011 SEPP (Aboriginal Land) 2019 SEPP (Concurrences and Consents) 2018	No	N/A	Not applicable to this planning proposal.
SEPP (Precincts – Eastern Harbour City) 2021	Sites within the State Environmental Planning Policy (State Significant Precincts) 2005 have been split across the 4 precincts. Sites within the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 have been split between the Central River City and Western Parkland City precincts	No	N/A	Not applicable to Wollondilly.
SEPP (Precincts – Central River City) 2021		No	N/A	Not applicable to Wollondilly.
SEPP (Precincts – Western Parkland City) 2021		No	N/A	Not applicable to this planning proposal. The site is not located within a designated Growth Centre.
SEPP (Precincts – Regional) 2021		No	N/A	Not applicable to Wollondilly.

State Environmental Planning Policies (SEPPs)	Includes recently repealed SEPPs	Applicable	Consistent	Assessment
Housing SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) State Environmental Planning Policy No 21 - Caravan Parks State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Codes SEPP	No changes	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

Appendix B

Assessment against Section 9.1 Directions

The table below assesses the planning proposal against Section 9.1 (2) Ministerial Directions issued under the *Environmental Planning & Assessment Act 1979*

	Ministerial Direction	Applicable	Consistent	Assessment
Focus area 1: Planning Systems				
1.1	Implementation of the Minister's Planning Principles	NA	N/A	Revoked on 14 March 2022.
1.2	Implementation of Regional Plan	Yes	Yes	The planning proposal is considered to be consistent with the Western City District Plan (see earlier assessment – Section B 3.3), and is therefore consistent with this direction.
1.3	Development of Aboriginal Land Council Land	No	N/A	This Direction is not applicable to Wollondilly.
1.4	Approval and Referral Requirements	Yes	Yes	The planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
1.5	Site Specific Provisions	Yes	Yes	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal seeks to amend the Wollondilly LEP 2011 to facilitate the orderly use of the site now that the land is no longer required to provide infrastructure uses.</p>
Focus area 1: Planning Systems – Place-based				
1.6	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	This Direction is not applicable to Wollondilly.

	Ministerial Direction	Applicable	Consistent	Assessment
1.7	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	This Direction is not applicable to Wollondilly.
1.8	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	This Direction is not applicable to Wollondilly.
1.9	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	The planning proposal does not include land covered by the Wilton Priority Growth Area Interim Land Use and Infrastructure Plan.
1.10	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	This Direction is not applicable to Wollondilly.
1.11	Implementation of the Western Sydney Aerotropolis Plan	Yes	Yes	The planning proposal does not impact upon the intent of the <i>Western Sydney Aerotropolis Plan</i> , nor does it undermine the achievement of the objectives, planning principles and priorities for the Western Sydney Aerotropolis.
1.12	Implementation of Bayside West Precincts 2036	No	N/A	This Direction is not applicable to Wollondilly.
1.13	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	This Direction is not applicable to Wollondilly.
1.14	Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	This Direction is not applicable to Wollondilly.
1.15	Implementation of Greater Macarthur 2040	No	N/A	The planning proposal does not include land covered by Greater Macarthur 2040.
1.16	Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	This Direction is not applicable to Wollondilly.

	Ministerial Direction	Applicable	Consistent	Assessment
1.17	North West Rail Link Corridor Strategy	No	N/A	This Direction is not applicable to Wollondilly.
Focus area 2: Design and Place				
Focus area 3: Biodiversity and Conservation				
3.1	Conservation Zones	Yes	Yes	As discussed in Section B, 3.7, the Planning Proposal seeks to preserve environmentally sensitive lands by retaining C2 zoned land on western portion and by zoning two pockets of environmentally sensitive areas on the eastern side of the site C2.
3.2	Heritage Conservation	No	N/A	The proposal has been revised by the proponent to no longer include subdivision. Therefore, it is not inconsistent with the Direction.
3.3	Sydney Drinking Water Catchments	No	N/A	The site is not located within the Sydney Drinking Water Catchment.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	This Direction is not applicable to Wollondilly.
3.5	Recreation Vehicle Areas	Yes	Yes	The site is private land and will not be used as a Recreation Vehicle Area.
3.6	Strategic Conservation Planning	Yes	Yes	The site is not identified as avoided land or a strategic conservation area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
Focus area 4: Resilience and Hazards				
4.1	Flooding	Yes	Yes	As discussed in Section B, 3.7, the planning proposal does not propose any additional residential uses located within land identified as being flood prone.
4.2	Coastal Management	No	N/A	This Direction is not applicable to Wollondilly.

	Ministerial Direction	Applicable	Consistent	Assessment
4.3	Planning for Bushfire Protection	Yes	N/A	The proposal has been revised by the proponent to no longer include subdivision. Therefore, it is not inconsistent with the Direction.
4.4	Remediation of Contaminated Land	Yes	N/A	The proposal has been revised by the proponent to no longer include subdivision. Therefore, it is not inconsistent with the Direction.
4.5	Acid Sulfate Soils	No	N/A	The land has not been identified on the Acid Sulfate Soils Planning Maps
4.6	Mine Subsidence and Unstable Land	Yes	N/A	The proposal has been revised by the proponent to no longer include subdivision. Therefore, it is not inconsistent with the Direction.
Focus area 5: Transport and Infrastructure				
5.1	Integrating Land Use and Transport	Yes	N/A	The proposal has been revised by the proponent to no longer include subdivision. Therefore, it is not inconsistent with the Direction.
5.2	Reserving Land for Public Purposes	No	N/A	N/A
5.3	Development Near Regulated Airports and Defence Airfields	No	N/A	The site is not located near a regulated airport which includes a defence airfield.
5.4	Shooting Ranges	No	N/A	The site is not located adjacent to land with an existing shooting range.
Focus area 6: Housing				
6.1	Residential Zones	Yes	N/A	N/A
6.2	Caravan Parks and Manufactured Home Estates	No	Yes	N/A
Focus area 7: Industry and Employment				
7.1	Business and Industrial Zones	No	N/A	The planning proposal will not affect land within an existing or proposed business or industrial zone.

	Ministerial Direction	Applicable	Consistent	Assessment
7.2	Reduction in non-hosted short-term rental accommodation period	No	N/A	This Direction is not applicable to Wollondilly.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	This Direction is not applicable to Wollondilly.
Focus area 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	N/A	N/A	The proposal has been revised by the proponent to no longer include subdivision. Therefore, it is not inconsistent with the Direction.
Focus area 9: Primary Production				
9.1	Rural Zones	Yes	Yes	Council has determined weight be given to the rural zone to protect rural land-use and allow the existing intensive agriculture approval to be realised. The Planning Proposal is consistent with this direction. It will rezone the redundant SP2 zoned land to rural RU4 zone.
9.2	Rural Lands	Yes	Yes	The Planning Proposal is consistent with this direction, as it will protect the rural use and environmental qualities.
9.3	Oyster Aquaculture	No	N/A	This Direction is not applicable to Wollondilly.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	This Direction is not applicable to Wollondilly.

Appendix C

Minutes from Wollondilly Local Planning Panel (30 September 2021)

Extract from Minutes of the Wollondilly Local Planning Panel held on 30 September 2021
Our Reference:

Agenda CM10621# 220 (under separate cover)

Minutes CM11973#205 (under separate cover)

Appendix D

Agenda & Minutes from Ordinary Meeting of Wollondilly Shire Council (16 November 2021)

Extract from Agenda and Minutes of the Ordinary Meeting of Wollondilly Shire Council held on 16 November 2021
Our Reference:

Agenda CM11973#239 (under separate cover)

Minutes CM11973#245

12.3 DRAFT PLANNING PROPOSAL - 20 TYLERS ROAD, BARGO

Councillor Deeth declared a Non-Pecuniary (Less than Significant) Conflict of Interest in this Item.

RESOLUTION 253/2021

Moved: Cr Matthew Deeth

Seconded: Cr Blair Briggs

That Council:

1. Notes the advice of the Wollondilly Shire Local Planning Panel meeting on 30 September 2021.
2. Thanks the landowner for addressing Council at the Community Forum.
3. Supports the proponent's Draft Planning Proposal for No 20 Tylers Road, Bargo with the following amendments:
 - a) Rezone the area currently zoned SP2 Infrastructure (Sewerage System) to a mix of:
 - i. E2 Environmental Conservation for the area of SSTF in the north western corner and the riparian corridor,
 - ii. RU4 Rural Residential for the remaining area.
 - b) Amending the Natural Resources – Biodiversity Map to include all of the area currently zoned SP2 infrastructure (Sewerage System).
4. Request the proponent to provide suitable evidence of the following land use constraints to determine an appropriate minimum lot size to allow subdivision of the site, to the satisfaction of the Director Planning:
 - a) The interaction of constraints and setbacks on the site required to support the protection and management of bushfire hazard, flood prone land, riparian corridor, threatened ecological communities, and wastewater servicing,
 - b) allowing the land to be used for agriculture purposes, and
 - c) Ensuring that any land zoned E2 Environmental Conservation (either currently or as a result of this proposal) will not be fragmented and can be adequately managed into the future as outlined in the Council report.
5. Note that that the proposed lot yield is not considered to be growth and will therefore not need to wait for finalisation of the Hazards and Emergency Services Study.
6. Upon the resolution of item 4, forwards the planning proposal in the form recommended by item 3, above, to the Department of Planning, Industry and Environment for a Gateway determination.
7. Advise the proponent that the planning proposal should be accompanied by an amendment to the Development Control Plan (DCP) to include site specific planning controls to guide future development on the site. The DCP should include options to ensure targeted environmental outcomes are delivered as part of any future subdivision of the land.
8. Notify the applicant/landowner and submitters of Council's decision.

On being put to the meeting the motion was declared **CARRIED 8/0**

In Favour: Crs Matthew Deeth, Judith Hannan, Robert Khan, Michael Banasik, Matthew Gould, Blair Briggs, Simon Landow and Noel Lowry

Against: Nil

Appendix E

Flood Assessment

Under separate cover

*Prepared by G F Murphy Consulting Pty Ltd
25 September 2020*

Our Reference: CM 11973#124

Appendix F

Flora and Fauna Assessment

Under separate cover

*Prepared by Joy Hafey Environmental Consultant
June 2018*

Our Reference: CM 11973#8