

Attachments

Part 1

Monday 16 October 2017

GR1, GR2, GR3, GR4, GR5 & GR6

GR1 Attachments

1. Site Plan approved on 17 October 2016.
2. Applicant's summary of Modified Proposal.
3. Applicant's response to concerns raised and revised proposal.

Monday 16 October 2017

GR1 – Development Application No. 010.2016.00000010.002
– Modification of Consent for Intensive Plant
Horticulture, Erection of a Hail Net and Farm Building,
Demolitions of an Outbuilding and Enlargement of
Existing Dam at 275 Bargo Road, Bargo

WOLLONDILLY SHIRE COUNCIL
 APPROVED PLAN REFERRED TO
 IN DEVELOPMENT CONSENT NO.
 01020 16 00000010 001
 DETERMINED 17 10 16
 AUTHORISED OFFICER

NOTE: ENGINEERING AND/OR
 STRUCTURAL DETAILS INCLUDED IN THIS
 PLAN HAVE NOT BEEN ASSESSED BY
 COUNCIL. THESE MATTERS ARE TO BE
 ASSESSED BY THE PCA PRIOR TO THE
 RELEASE OF ANY CONSTRUCTION
 CERTIFICATE.

IMPORTANT
 REFER TO THE CONSENT CONDITIONS
 PRIOR TO COMMENCING THIS
 DEVELOPMENT. NSW LEGISLATION
 PROVIDES PENALTIES FOR BREACHING
 CONDITIONS OF CONSENT

FINAL SHED LOCATION TO
 BE DETERMINED AT
 CE STAGE

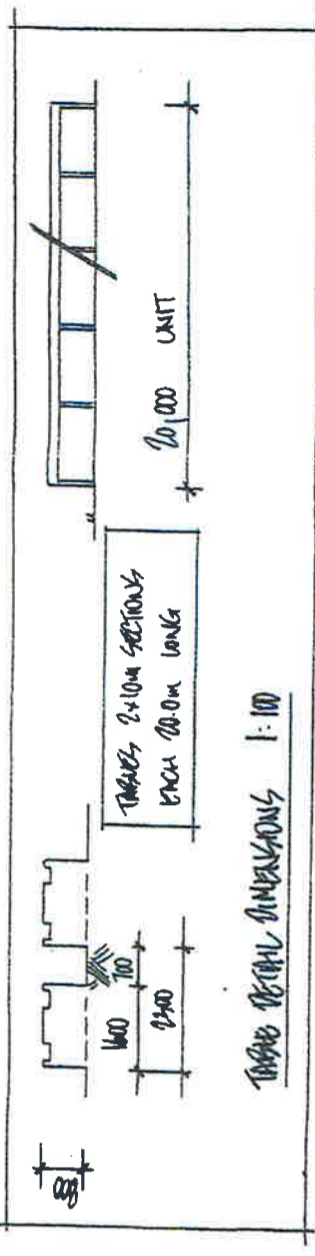
24.490 M WIDE BRUSH
 TO EACH LINE OF TRAVEL

16.4m x 9m SHED
 500m²
 TOTAL AREA

ENGINEER PLAN TO BE
 NOTICED TO RETAIN
 (10m x 20m) - 18m²

140,000 LITRE WATER
 STORAGE TANK

SW COLLECTION PIPES TO SUBSET
 SURFACE WATERS



TRACKS DETAIL DIMENSIONS 1:100

MINE SUBSIDENCE BOARD
 Development/Building Application
 This approval is valid for two (2) years from today and
 includes any condition of approval attached.

09 SEP 2016

The approval is subject to levels & heights shown on
 plan being accurate & footings designed to comply
 with AS2870.1 or relevant Australian Standards
 For Mine Subsidence Board.

1000V 25kV TRAPERS @ 50m LONG
 REFER TO LANDSCAPE PLAN

CONTACT GRAVE
 ALL WEAR-TIRE ACCESS
 3.0m WIDE

CONTRACT
 ADDITIONAL
 ACCESS TO
 DETAILS

SEE SHED 4
 TOTAL AREA DETAILS
 SEPARATE
 SHEET / PLAN

VEHICLE EXHAUST
 NOISES

SEE ACCESS
 DETAIL

**Management Dam, Storm Water Cycle & Sediment
 Control for Proposed Horticulture Development
 No 275 Lot 1012 DP 1067313 Bargo Road, Bargo NSW**

SITE PLAN 1:750 (P12)

(APPROVED SEPTEMBER 2016)



Precise Planning

Planning | Development | Management

10 February 2017

Our Ref: 1394

The General Manager
Wollondilly Council
PO Box 21
PICTON NSW 2571

Dear Sir

Development Application 10.2016.10.1

***Intensive Plant Horticulture, Erection of Hail Net and Farm Building, Demolition of an Outbuilding and enlargement of existing dam
275 Bargo Road Bargo (Lot 1012 DP 1067313)***

**Statement to Accompany a Modification Application under Section 96(2)
Clause 115 (1) (d), (e), (f) & (g) Environmental Planning and Assessment Regulation,
2000**

1) Background

Council, as the responsible authority, granted development consent for *Intensive Plant Horticulture, Erection of Hail Net and Farm Building, Demolition of an Outbuilding and enlargement of existing dam* at 275 Bargo Road Bargo on 17 October 2016.

The subject consent was subject to a number of conditions, including condition 4(7), which states:

The location of all hydroponic beds shall be setback no less than 20m from the common boundary with No 295 Bargo Road, Bargo (Lot 100 DP 773840).

The imposition of this condition results in an unacceptable impact on the area proposed for hydroponic growing and this application seeks to delete this condition.

The original application proposed, as part of the works required, the expansion of the existing dam. Subsequent stormwater runoff calculations undertaken by D and M Consulting (Consulting Engineers) has demonstrated that the existing dam capacity is sufficient to accommodate any additional runoff created by this development, without the need for any further expansion. Subsequently, this application proposes the approved development be modified by deleting the proposal to expand the dam.

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Lastly, the proponent has indicated that the erection of the shed will not be required until some time after the set up of the hydroponics facility and therefore this application seeks to modify the approved development so that the earthworks, landscaping, hail net structure and setup of the hydroponics facility is Stage 1 of the development and the erection of the shed and associated vehicle manoeuvring area is Stage 2 of the development.

2) Setback – condition 4(7)

A copy of the approved landscape plan is attached, with the 20m setback area referred to in condition 4(7) shown with an orange line. This effect of this setback requirement is unacceptable and should be deleted for the following reasons:

- I. It is presumed that the main objective for the setback is to provide additional distance between the growing tables and the adjoining dwelling. However, the proposed location of the southern end of the growing area is over 80m from the dwelling erected on the adjoining land. This is considered to exceed a reasonable standard. The addition of the 20m setback will have little if any benefit to the adjoining owner from a visual perspective, however will have a dramatic impact on the viability of the project for the proponent.
- II. The boundary line in question is already proposed to be significantly landscaped with multiple rows of trees, which will assist to visually obscure the proposal.
- III. Condition 4(5) of the consent requires the installation of spray drift netting to the sides of the proposed hail net structure, which must be rolled down during the application of any chemical sprays. Therefore, the 20m setback would not be required to reduce spray drift, as the spray drift netting will minimize the spray drift.
- IV. It should be noted that the original proposal (as outlined on the stamped plans) shows the hydroponic tables parallel to the western boundary. As the eastern boundary (which is the common boundary with 295 Bargo Road, to which condition 4(7) refers) is not parallel to the western boundary. The result is that the hydroponic beds, where closest to the dwelling on the adjoining land are almost 20m from the boundary. The tables only get closer to the boundary with distance from the adjoining dwelling.
- V. Wollondilly DCP 2016, Volume 8, provides setbacks only for field based horticulture, controlled environment structures and viticulture. Hydroponics growing does not fall into any of these categories, yet Council has adopted the setback for a controlled environment structure (20m) for the common boundary with No 295. Hydroponics is not a controlled environment structure, because it is undertaken in an open environment on raised tables. Therefore, there is no basis for Council to impose the 20m setback and this is underlined particularly where it is noted that the western side of the development has not been required to maintain such a setback.
- VI. Even if the setback controls contained in clause 3.4.1, volume 8, WDCP 2016 were to be [incorrectly] enforced, it is noted that the DCP envisages exceptions where impacts can be mitigated. In this circumstance, given the distance from the existing dwelling, the significant landscaping proposed and the requirement for spray drift netting, any potential impacts will be mitigated.

- VII. In light of the above, it is now requested that Council delete condition 4(7) from the consent, and rely instead on the location of the hydroponic growing shown on the stamped plans.

3) Expansion of existing dam

I draw Council's attention to a notation contained on sheet 1 of the plans that have been submitted to Council with the Construction Certificate application (DWG No 16997A CIVILS, amendment A dated 1/2/176), a copy of which is attached.

The note states:

The existing dam has sufficient capacity to support the proposed development. The dam does not require modification. It is proposed to provide a new swale on the western boundary bypassing the existing dam. There is no more water leaving the site that from pre development.

Based on the conclusion reached from D and M Consulting, this application now seeks approval to amend the application so that the dam is retained in its current state, and the alternate stormwater management swale structure is approved in its place.

In the event that the consent is so amended, it should be unnecessary to provide a water supply work and/or use approval and a Water Access Licence, as is currently the requirement from NSW Department of Primary Industries – Water in its General Terms of Approval attached to the development consent. However, a Controlled Activity Approval may still be required, as works will be undertaken within 40m of a mapped watercourse.

4) Staging

The proponent seeks approval to amend the application as follows:

Stage 1 – Demolition and all civil earthworks for the driveway and growing areas, landscaping, erection of hail net and installation of hydroponic growing tables and subsequent use of the land for intensive plant horticulture.

Stage 2 – Erection of the farm shed and associated works.

It is suggested that condition 1(7) dot point, last paragraph of the consent be amended to insert, after the words Construction Certificate, the words “.....for Stage 2”.

5) Planning Assessment

We do not anticipate any adverse impacts from amending the consent as proposed.

Section 79C matters

The proposed amendments do not give rise to any new S79C matters.



Substantially the same development

The proposed modification is within the scope of substantially the same development under the Act.

We look forward to Council's favourable determination of this application.

Yours faithfully

PRECISE PLANNING



Jeff Bulfin



Precise Planning

Planning | Development | Management

2 August 2017

Our Ref: 1394

The General Manager
Wollondilly Council
PO Box 21
PICTON NSW 2571

DL

SCANNED

WOLLONDILLY SHIRE COUNCIL	
TRIM NO.	DDO. 2016. 10.1
PROP. No.	
- 4 AUG 2017	
AUTH. No.	
ASSIGNED TO:	S. Gardiner

Dear Sir

Application to modify Development Application 10.2016.10.1

***Intensive Plant Horticulture, Erection of Hail Net and Farm Building, Demolition of an Outbuilding and enlargement of existing dam
275 Bargo Road Bargo (Lot 1012 DP 1067313)***

I refer to a recent meeting with Chris Stewart, Mathew Rawson and Natalie Knapp regarding the above matter.

I am attaching the following:

- 1) Amended landscape and site detail plan;
- 2) Letter from DMC Engineers regarding the pre and post development calculations;
- 3) Email from Andrew bailey of DMC regarding the dam capacity calculations;
- 4) Modified Concept Stormwater plan;
- 5) Wastewater report

Amended landscape and site detail plan

The plan has been amended in accordance with the discussions at the aforementioned meeting. Specifically, the cluster of hydroponic tables beyond the northeast boundary of 295 Bargo Road have been shortened so that they maintain 20m from the boundary. The proposed net remains as previously proposed. It is noted that this is now in compliance with condition 4(7) of the consent and therefore the S96 application is hereby amended so that it now does not propose any amendment to the existing condition 4(7).

Letter from DMC Engineers regarding the pre and post development calculations

The letter from DMC dated 5 July 2017 explains its conclusion that the proposed development does not change the overall impervious area of the site and therefore the runoff from the site is not increased. DMC maintains its view that the existing dam is adequate for the designed stormwater flows.

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Email from Andrew Bailey of DMC regarding the dam capacity calculations

The email from DMC dated 27 July 2017 explains how the existing dam capacity was calculated. The process used is consistent with DMC's previous practices and is consistent with NSW Office of Water protocol.

Modified Concept Stormwater plan

As requested, the plan has been modified so that the proposed swale does not conflict with the landscaping and so that it discharges directly into the dam.

Wastewater report

The proposed hydroponic beds appear to be located over an absorption trench from the existing wastewater system attached to the dwelling on the site. Consequently, the wastewater report prepared by Harris Environmental Consulting proposes a new system and new irrigation area. It is hereby requested that the S96 application be amended to include the approval of this system.

Staging

The staging request was raised at the aforementioned meeting. I can confirm that the proponent intends to purchase an outdoor coolroom for stage 1, similar to the photograph below. For stage 2, once the shed is constructed, the coolroom will be placed inside the shed.

The coolroom is not visually obtrusive. It can be purchased in earthy colours and it will be located a significant distance from surrounding adjoining dwellings. Packing will occur in the open air until such time as the shed is constructed. The proposed hail net will obstruct its view from No 295 Bargo Road Bargo.



DCP compliance

In a number of email exchanges with Council's planner Natalie Knapp, the issue has been raised as to whether the uncovered hydroponic beds at the rear of the property constitutes "controlled environment horticulture".

The definition cited in the aforementioned emails is sourced from a 2005 publication by DPI titled "Guidelines for the development of controlled environment horticulture". The definition contained in this guideline is as follows:

Controlled environment horticulture (CEH) is the production of horticultural crops within, under or sheltered by artificial structures to provide modified growing conditions and/or protection from pests and adverse weather. Controlled environment horticulture includes the use of greenhouses and glasshouses, shade houses, screen houses, crop top structures and hydroponic or soil-less growing systems.

In the aforementioned emails it was stated that the proposal constitutes Controlled environment horticulture and therefore is subject to the setback requirements contained in Volume 8, clause 3.4.1, control 1 of Wollondilly DCP 2016. I disagree with this position, for several reasons:

- 1) Whilst I agree that the covered sections of the hydroponic tables meet the definition, the two uncovered sections at the rear of the property do not. The definition is explicit in the first sentence, insofar as it refers to crops that are grown "within, under or sheltered by artificial structures". The two rows of hydroponic tables at the rear are not covered by any structure and so do not meet the definition. The reference in the second sentence to "hydroponic or soil-less growing systems" are examples, but can only be read in conjunction with the definition contained in the first sentence.
- 2) This approach is clearly what is intended by the DPI document. A further perusal of the document, specifically parts 1.1 and 1.2, refer to the main issue being visual impact. Whilst visual impact is relevant when a structure is built to cover hydroponics, it is a negligible issue for uncovered hydroponic stands. Further, section 5.2 discusses CEH structures and never contemplates CEH in the open (uncovered). The general assumption underpinning the document is that the crops would have a structure covering them, which the rear two rows of this proposal do not.
- 3) Even if uncovered hydroponics was intended to be included in the definition, the DPI document itself states that "...these Guidelines have no authority under any statute." It is certainly not specified that Council had this document in mind when it drafted the DCP controls. The definition, whilst a helpful guide, has no weight in terms of applying a DCP control.
- 4) Further to point 3) above, it is noted that Council did not apply this definition when the original application was assessed and approved. Clearly, Council was of the view that the proposal was "neither field based nor a controlled environment structure (igloo)", as noted in the assessment report presented to Council at its meeting in October 2016. Council should apply a consistent approach in its assessment of development applications and subsequent modifications.
- 5) Notwithstanding the above, even if the 20m setback control is applied in this circumstance, a variation is warranted in this situation. The purpose of the 20 metre

setback is to reduce visual impacts and impacts from spray drift etc. In this circumstance, the closest uncovered row of hydroponic tables is set back 6 metres from the rear boundary. However, beyond the rear boundary is an unformed road, 20.115 metres wide. A variation to 6 metres would create no adverse impact on private property whatsoever.

I trust this covers the matters raised by Council at the most recent meeting. However, please contact me if any further information is required.

Yours faithfully

PRECISE PLANNING



Jeff Bulfin



D & M CONSULTING P/L

CONSULTING ENGINEERS

A.B.N. 53 051 143 376

A.C.N. 051 143 376

■ CIVIL & STRUCTURAL DESIGN ■ BUILDING REPORTS &
CERTIFICATION ■
■ ROAD & DRAINAGE DESIGN ■ RESIDENTIAL, COMMERCIAL
AND INDUSTRIAL DESIGNS ■ FLOOD REPORTS

5 July 2017

Ref 16997

To Whom It May Concern

Re: 275 Bargo Road Bargo

To provide clarification to council regarding the drainage design for 275 Bargo Road Bargo. The proposed drainage system is a surface drainage system to convey surface flows to the existing dam. The proposed development does not change the overall impervious area of the site and therefor the runoff from the site is not increase and the existing dam is adequate for the designed stormwater flows. We have come to this conclusion due to the vegetables being grown in a hydroponic system on tables off the ground. When it rains the rainfall will land on the tables and run off onto the ground underneath. Some of this rainfall will infiltrate into soil underneath as per the pre development scenario. The remain overland flow is directed to the existing dam in open grass lined swales again allowing water to infiltrate into the soil.

The tables are not a solid impervious surface. I have included a photo of a similar hydroponic system to provide clarification.

*The proposed drainage as set out above
is satisfactory for approval*

*Mu
21/8/17*



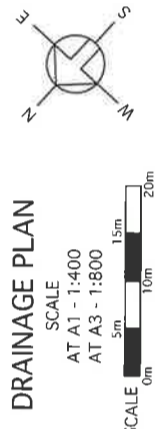
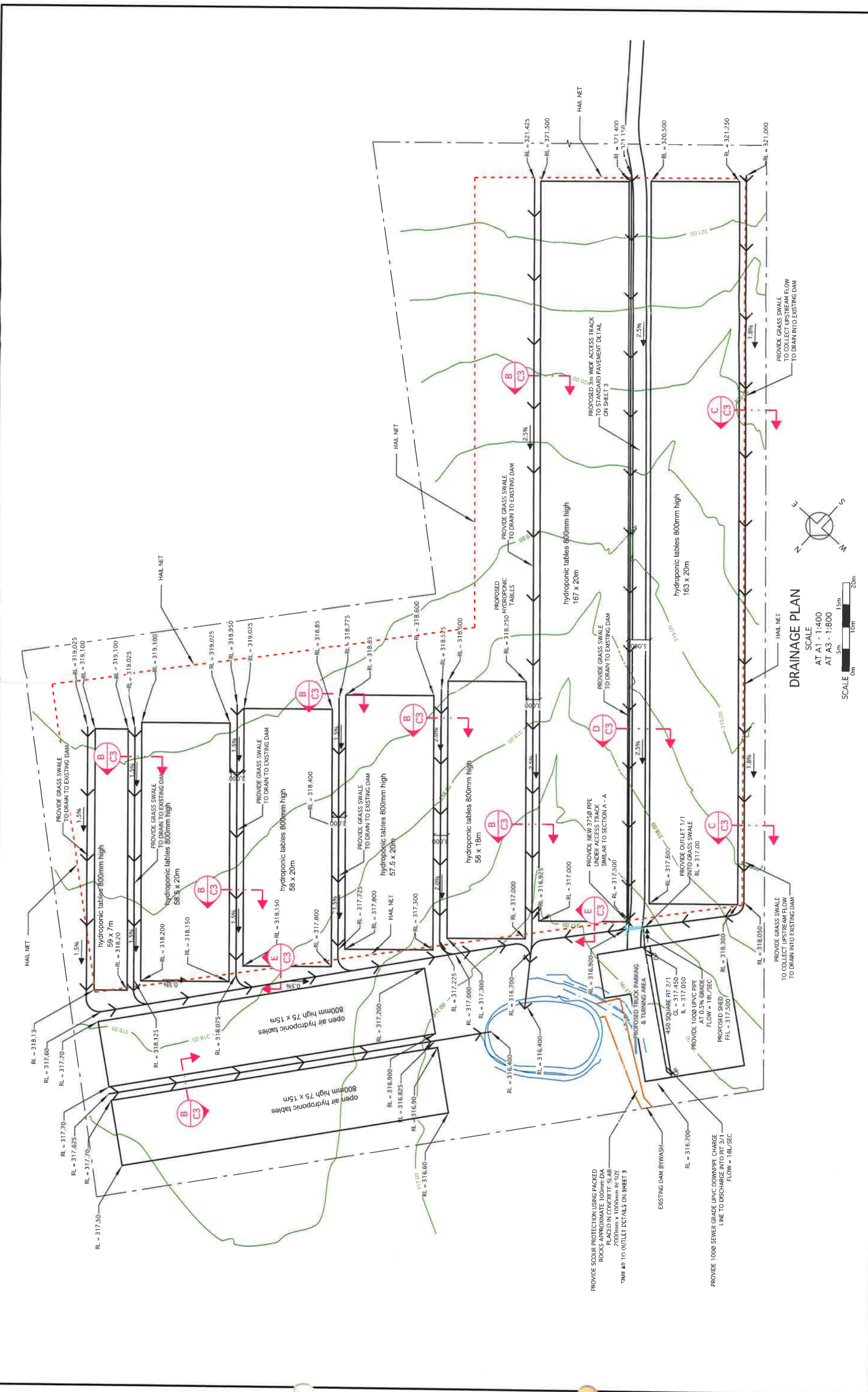
I trust that the provide information is justification to not increase the existing dam.

Should anything in this report be unclear please contact the author for clarification.

Yours Faithfully,

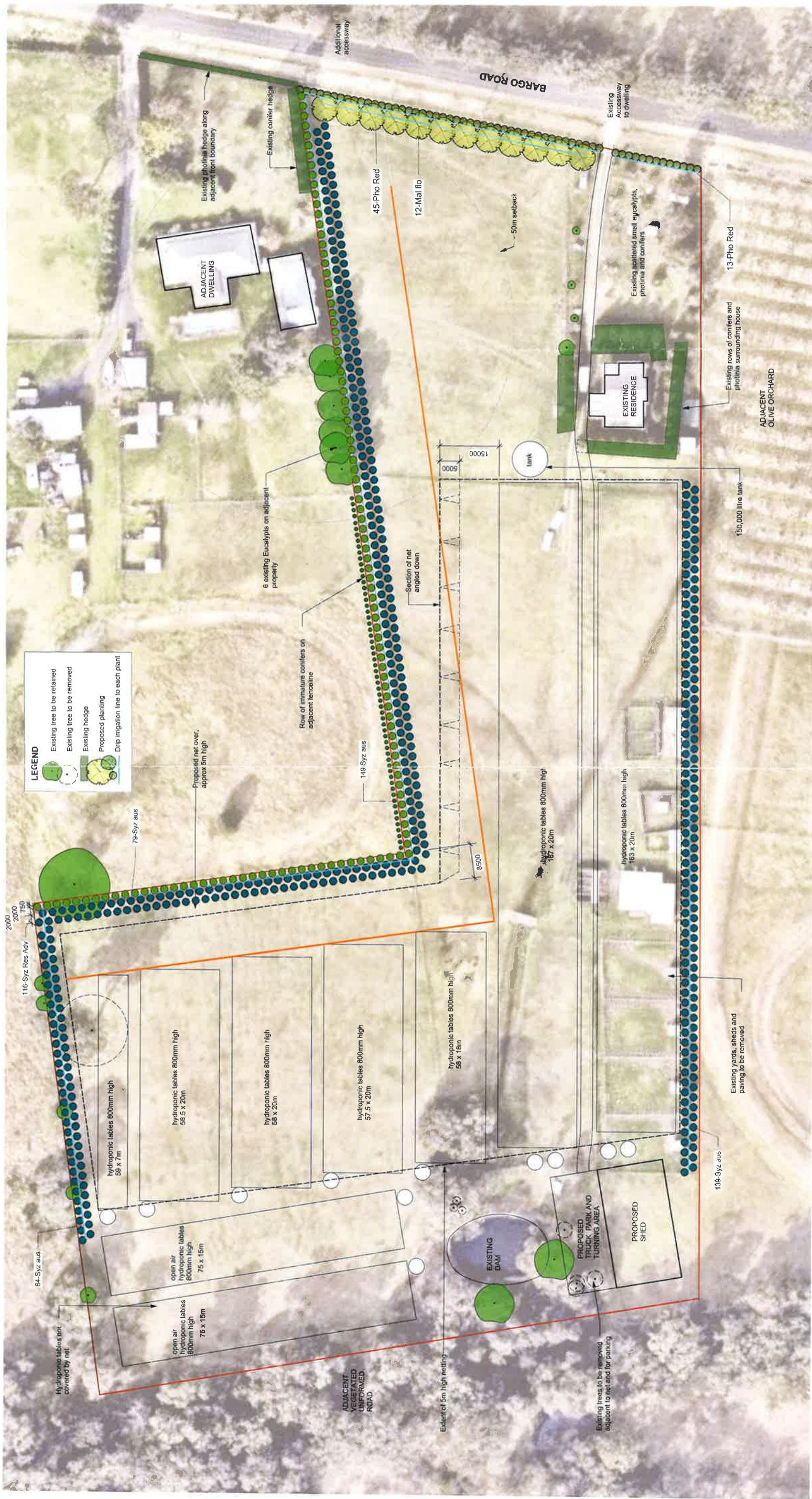
David Turner

B.E. MIEA. CP.Eng



PROJECT:- PROPOSED HYDROPONIC DEVELOPMENT		CLIENT:- PRECISE PLANNING	DRAWN AMR	DWG No 16997C
D & M CONSULTING PTY LTD civil and structural engineers Suite 18, 1 Elyard Street "The Exchange", Narellian 2567 PH (02) 4647 4014 engineer@dmcseng.com.au		ADDRESS:- 275 (LOT 1012) BARGO RD BARGO	CHECKED DLT DATE 13/12/16 SCALE AS SHOWN	CIVILS
CERTIFICATION DESIGNED IN ACCORDANCE WITH RELEVANT STAT CODES D. TURNER B.E. (M.E.A.) CPENG		GENERAL NOTES: - DO NOT SCALE - GRADES INDICATIVE ONLY, LEVELS TO TAKE PRECEDENCE OVER GRADES. - LEVELS MAY VARY WITH FINAL DETAIL DESIGN. - ALL DIMENSIONS ARE IN MM UNLESS SHOWN OTHERWISE. CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. - ALL WORK IS TO BE IN ACCORDANCE WITH AUSTRALIAN CODES AND COUNCIL REGULATIONS.		
AMEND	DATE	DESCRIPTION		
C	2/8/17	MINOR REVISION TO NOTE REGARDING DAM ON SHEET 1	AJB	
B	3/7/17	LAYOUT REVISED TO MATCH LANDSCAPING PLANS	AJB	
A	1/2/17	MINOR CHANGES TO GRASS SWALES	AMR	
			DRAWN	

0 001 P2 #89

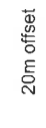


LEGEND

- Existing trees to be retained
- Existing trees to be removed
- Existing hedge
- Proposed planting
- Drip irrigation line to each plant

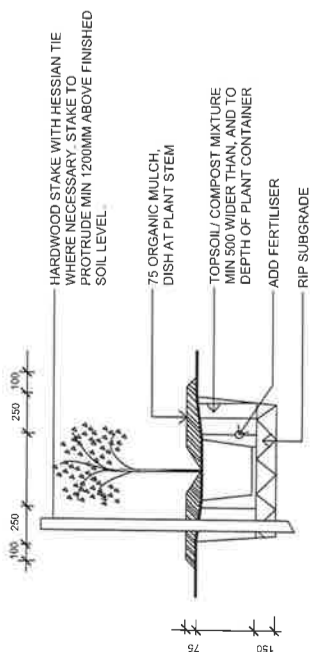


NOTE: Flaps to be located on all sides of the net, to be rolled up generally, except during and immediately after any chemical spraying, then rolled up again.



ID	Qty	Common Name	Botanical Name	Scheduled Size
Trees				
Eucalypt	1	Fried Egg Plant	Gordonia axillaris	15 litre
Mal flo	13	Flowering Crabapple	Malus x forbundia	25 litre
Syz Res Adv	116	Brush Cherry Lillyvally	Syzgium australe Resilience	45 litre
Syz aus	431	Brush Cherry Lillyvally	Syzgium australe Resilience	200mm
Shrubs				
Pho Red	58	Red Robin Photinia	Photinia x fraseri 'Red Robin'	200mm

NOTE: Syzgium planted at 2.5m centres in 2-3 staggered rows. Install plastic sleeve rabbit guard with 3 bamboo stakes for protection from frost when young. Advanced Syzgium (minimum 45 litre size) to be minimum 1500mm high at time of planting.



INDIVIDUAL PLANTING 5 LITRE TO 25 LITRE
SECTION SCALE 1:20

ISSUE
A 6 Apr 2016
B 7 Sep 2016
C 14 Apr 2017
D 10 May 2017
E 10 May 2017
F 27 June 2017

CLIENT
S & C Hydro Lettuce

Proposed Hydroponic Development
275 Bargo Road Bargo (Lot 1012 DP1067313)

LANDSCAPE ARCHITECT
HLS Pty Limited
Lindy Lean - Landscape Architect
PO Box 313 Ashfield NSW 1500
phone 02 9757 9366 fax 97516 6034

Landscape Plan
1:500 @A1
3 Jan 2015
status: DA
ISSUE: F



GR2 Attachment

1. Proposed Amendments to the Wollondilly DCP 2016.

Monday 16 October 2017

GR2 – Station Street, Menangle Planning Proposal –
Development Control Plan Provisions

3.11 Station Street, Menangle

Application

1. This section applies to the land identified on the map below:



Figure 1: Land to which this part applies

Lot Size and Shape

Explanatory Notes

- *The controls below replace control no. 2 and 7 under section 2.4 Lot Size and Shape within this Volume.*
- *Volume 4 – Residential Development includes an objective for housing delivery that encourages the provision of a range of dwelling types to meet the communities’ needs and promotes social equity.*
- *This is an important objective that also needs to be considered at the subdivision stage of a development. Accordingly, the objective has been included below.*
- *Providing a range of residential lot sizes, with varying dimensions, provides for greater choice of potential housing products, which assists in facilitating housing diversity and choice to meet the different housing needs of the community.*
- *Reducing the minimum lot width would allow the Menangle precinct to provide more opportunities to deliver a larger range of dwelling types and sizes, providing housing affordability and diversity for a range of household types.*
- *Housing affordability remains a concern for new entrants to the market and those with lower disposable incomes. Housing diversity can make provision for housing that is more affordable to rent and buy, meeting these important equity needs.*

Objectives

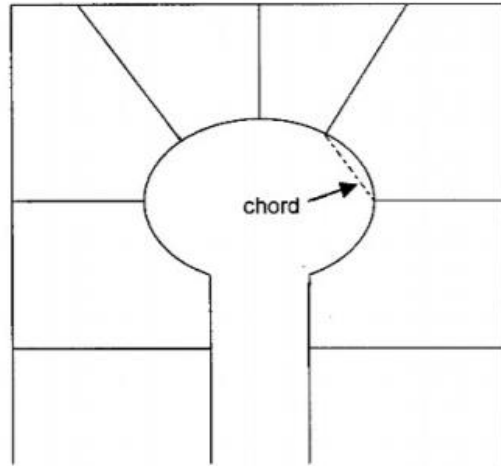
- a. To ensure that residential development provides a range of dwelling types and sizes to meet the needs of the whole community in a way that promotes social equity.
- b. To accommodate a mix of lot sizes and dwelling types across a precinct.
- c. To establish minimum lot dimensions for different residential dwelling types.
- d. To encourage variety in dwelling size, type and design to promote housing choice and create attractive streetscapes with distinctive characters.

Controls

1. Controls in Section 2.4, Volume 3 of this Development Control Plan apply, except where the controls in this clause differ, in which case the controls in this clause take precedence.
2. The following minimum dimension controls apply to the precinct:

Area	Minimum Lot Width	Minimum Lot Width (Corner allotment)	Minimum Lot Depth
Less than 450m ²	7m	8m	20m
Between 450m ² and 650m ² (inclusive)	12m	14m	20m

3. Proposed lots which face onto a cul-de-sac head shall achieve a minimum “chord” width of 5 metres. The area considered to be the chord of the cul-de-sac is demonstrated in the diagram below.



The width of any lot at the front building line shall be in accordance with the table above in control 2.

Pedestrian and Cycle Access

Explanatory Note

- *The controls below are additional and would not replace any controls in the Wollondilly DCP 2016.*

Objectives

- a. To encourage walking and cycling for local trips to help reduce vehicle reliance.
- b. To create an accessible network of routes which connect the development with internal and external road networks and local amenities.

Controls

1. Pedestrian and cycle paths should be provided in conjunction with the subdivision of land, creation of streets and development of open space in accordance with Figure 2.
2. Shared pedestrian/cycle links, cycle ways and public streets should be clearly signposted to indicate their shared status.
3. Shared pedestrian and cycle paths should be a minimum of 2.5m wide.

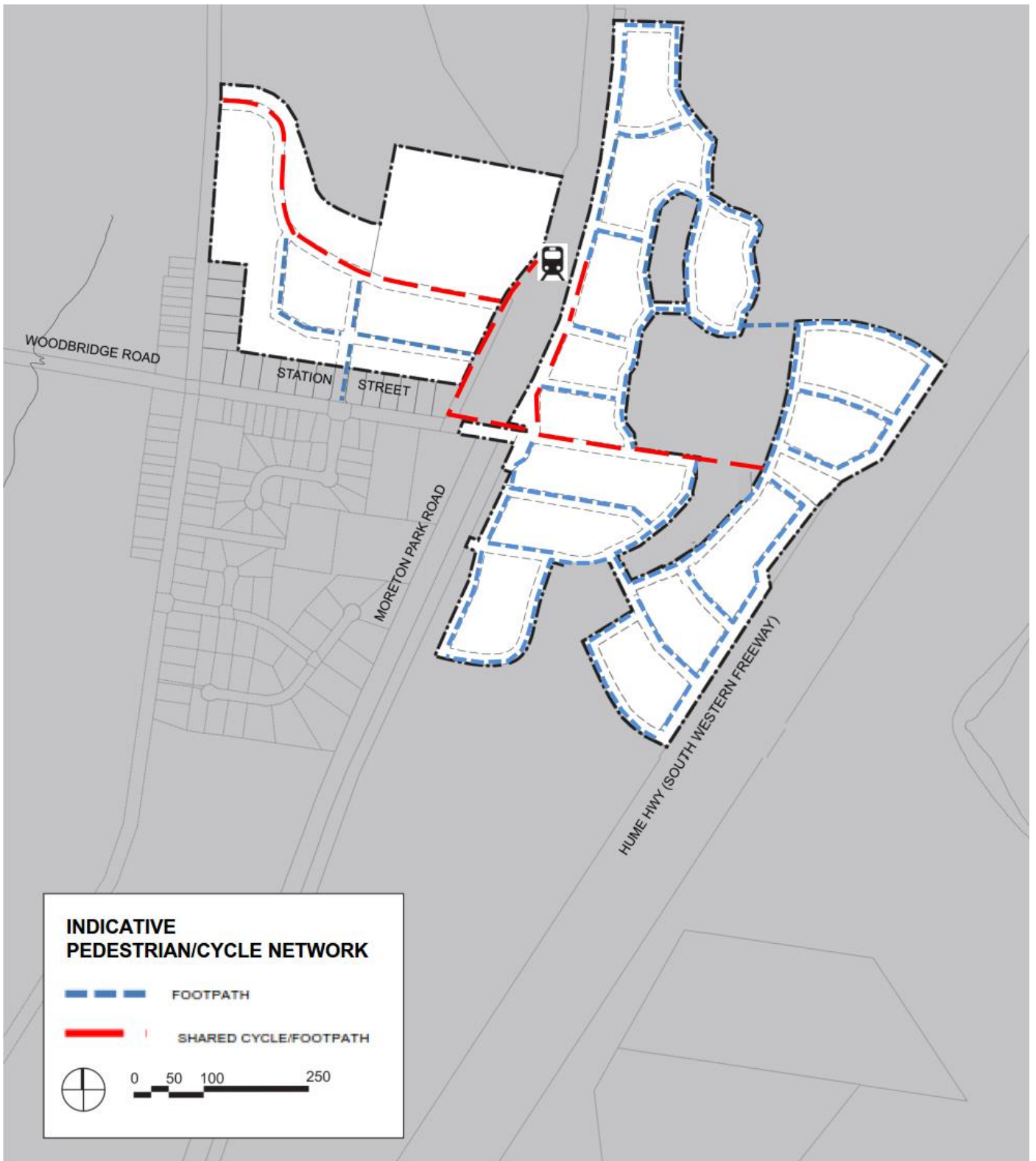


Figure 2: Cycle Paths

Laneways

Explanatory Notes

- *The controls below are additional and would not replace any controls in the Wollondilly DCP 2016.*
- *The Menangle precinct proposes to amend the Wollondilly LEP 2011 to allow attached houses. Laneways facilitate the provision of rear vehicular access to compact or restricted access lots, resulting in improved housing design and amenity for occupants.*
- *Laneways also create attractive front residential streets by removing garages and driveway cuts from the street frontages, improving the presentation of houses and maximising on street parking spaces and street trees.*
- *The reduction in the number of driveway crossovers would result in fewer conflicting movements of vehicles, pedestrians and cyclists.*

Laneways are public roads that are shareways, utilitarian thoroughways of the street network that provide rear vehicular access to compact or restricted access lots. The primary purpose of rear laneways is to create attractive front residential streets by removing garages and driveway cuts from the street frontages, improving the presentation of houses and maximising on street parking spaces and street trees. While laneways should be neat and tidy, they should not be confused with streets in width, character or function.

A laneway is a shareway, designed to be shared by all users whether they are pedestrians, cyclists or drivers. Equal priority between all users reinforces the distinctive, slow speed environment for drivers.

Objectives

- a. To provide vehicular access to the rear or side of lots where front access is restricted or not possible, particularly narrow lots.
- b. To reduce garage dominance in residential streets.
- c. To maximise on-street parking spaces and landscaping in residential streets.
- d. To reduce vehicular conflict through reduced driveway cross overs and focusing of traffic to known points.
- e. To facilitate the use of attached and narrow lot housing to achieve overall higher neighbourhood densities.
- f. To enable garbage collection.
- g. To create a slow speed shared zone requiring co-operative driving practices for the very low volume and frequency of vehicle movements that is distinctly different in character and materials to residential streets.

Controls

1. The design and construction of laneways is to be consistent with Figure 3.
2. The laneway is a public “shareway” as the paved surface is for cyclists, pedestrians, garbage collection, mail deliveries, cars etc., with a 10km speed limit and driveway-style crossovers to the street rather than a road junction.
3. The minimum garage doorway widths for manoeuvrability in this laneway section are 2.4m (single) and 4.8m (double).



Figure 3: Laneway principles

4. The configuration of the laneway, associated subdivision and likely arrangement of garages arising from that subdivision should create ordered, safe and tidy laneways by designing out ambiguous and unintended uses such as casual parking, the storage of trailers, bin stacking etc.
5. The layout of laneways should take into account subdivision efficiency, maximising favourable lot orientations, intersection locations with streets, topography, legibility and passive surveillance.
 - Generally, straight layouts across the block are preferred for safety and legibility, however the detailed alignment can employ subtle bends to add visual interest and avoid long distance monotonous views. “C” shaped layouts with the laneway length parallel to the front street can limit the views of laneways from residential streets to short sections. However, if the laneway is used for garbage collection, any bends or intersections are to be sized for garbage truck movements. Suggested layouts are illustrated in Figure 4.
 - Lanes on sloping land with significant longitudinal and/or cross falls require detailed design consideration to demonstrate functionality.

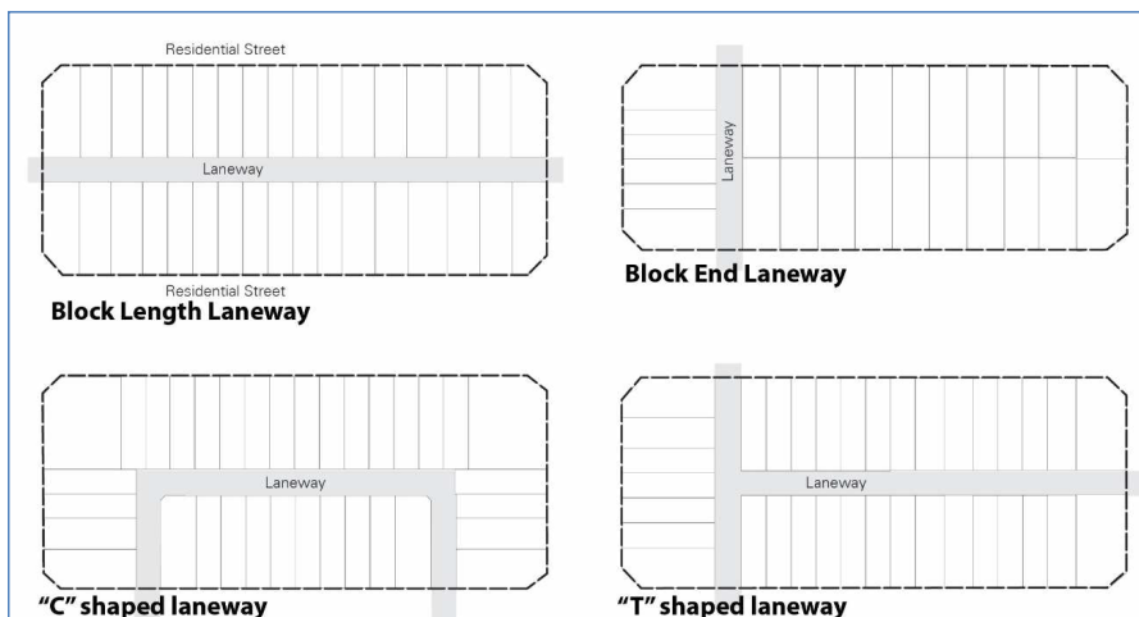


Figure 4: Sample lane layouts

6. Laneways that create a 'fronts to backs' layout (front addressed dwellings on one side and rear accessed garages on the other side) are to be avoided.
7. All lots adjoining a laneway should utilise the laneway for vehicular/garage access.
8. Passive surveillance along the laneway from the upper storey rooms or balconies of dwellings is encouraged. Ground floor habitable rooms on laneways are to be avoided unless they are located on external corners (laneway with a street) and face the street to take advantage of the residential street for an address.
9. All lot boundaries adjoining the lane are to be defined by fencing or built form. The garage setback to the lane is minimal (0.5m) to allow overhanging eaves to remain in the lot without creating spaces where people park illegally in front of garages and/or on the laneway.

Street Tree Plan

Explanatory Note

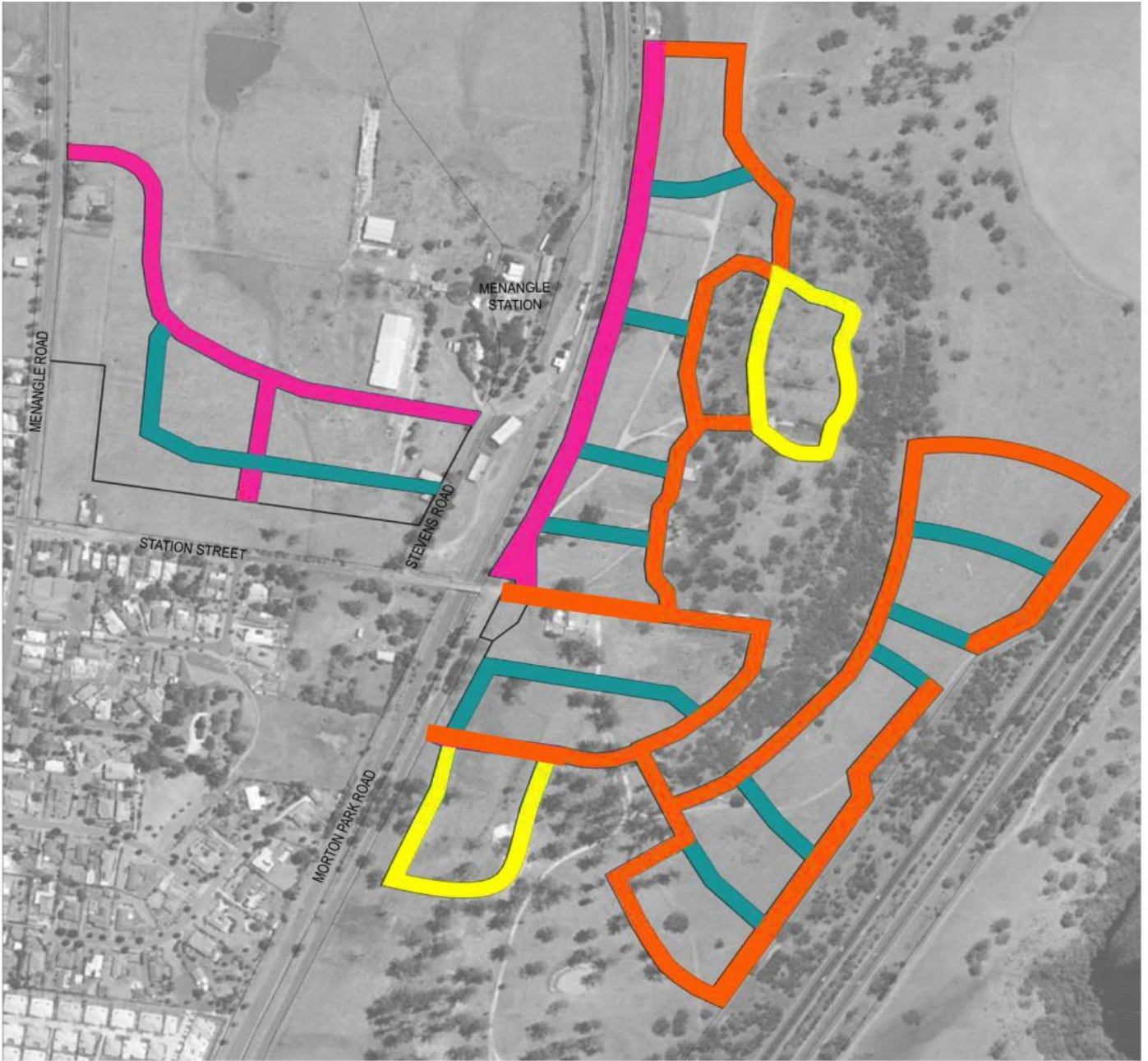
- *The controls below are additional and would not replace any controls in the Wollondilly DCP 2016.*

Objectives

- a. To enhance the existing rural village character by creating an attractive development that is nestled into the landscape.
- b. To create attractive streetscapes which enhance the quality of the public realm, strengthen the streetscape hierarchy and aid legibility.

Controls

1. Street trees are to be planted in conjunction with the creation of a new street.
2. The street trees should be planted prior to the release of the subdivision certificate.
3. Tree species planted along streets are to be in accordance with Figure 5.
4. A minimum of one street tree should be provided per lot. For corner lots, a minimum of two street trees should be provided on the secondary street frontage.
5. Details regarding street tree planting are to be submitted with development applications for subdivision (other than residue lot subdivisions).



TREE SPECIES

- █ ROAD TYPE 1: *Lophostemon confertus*
- █ ROAD TYPE 2: *Acmena smithii*,
- █ ROAD TYPE 3: *Tristaniopsis laurina* 'Luscious'
- █ ROAD TYPE 4: *Waterhousea floribunda*

Figure 5: Street Trees

4.5 Station Street, Menangle

Application

1. This section applies to the land identified on the map below:



Figure 1: Land to which this part applies

Single Dwelling Houses (Town Centre Residential Lots)

Explanatory Note

- *As stated below, the following are additional controls that would be read in conjunction with Section 3.1 Single Dwelling Houses (Town Centre Residential Lots).*

Additional controls for dwelling houses are outlined below, and should be read in conjunction with those in Section 3.1 Single Dwelling Houses (Town Centre Residential Lots).

Parking, Access and Vehicular Safety

Objectives

- a. To provide vehicular access to the rear of lots where front access is restricted or not possible.
- b. To reduce garage dominance in residential streets.

Controls

1. Garages can be front or rear loaded.

Attached Dwellings and Semi-Detached Dwellings

Explanatory Note

- *As stated below, the following are additional controls that would be read in conjunction with Section 3.1 Single Dwelling Houses (Town Centre Residential Lots).*

Additional controls for attached dwellings and semi-detached dwellings are outlined below, and should be read in conjunction with those in Section 3.1 Single Dwelling Houses (Town Centre Residential Lots).

Objectives

- a. To ensure that the development of attached and semi-detached dwellings creates an architecturally consistent street character.

Controls

1. It is preferred that garages for attached dwellings are located at the rear of the lot. Garages should be setback a minimum of 0.5m to the rear lane.
2. For attached or semi-detached dwellings the side setback only applies to the end of a row of attached dwellings or the detached side of a semi-detached dwelling.
3. Attached dwellings and semi-detached dwellings should have a pleasing rhythm and order when seen together as a group, rather than appear as a random arrangement of competing dwellings. Each dwelling should benefit from the unified design of the whole form, a co-ordinated style and base colour palette. Individuality can be added as small details or accent colours, rather than strikingly different forms.

Single Dwelling Houses (Residential Small Lots)

Additional controls for dwelling houses are outlined below, and should be read in conjunction with those in Section 3.2 Single Dwelling Houses (Residential Small Lots).

Setbacks

Explanatory Notes

- *The control below replaces control no.21 under section 3.2 Single Dwelling Houses (Residential Small Lots) within Volume 4.*
- *Section 2.7 Building Envelopes within Volume 3 - Subdivision of Land, permits zero lot line boundaries to be created for Town Centre Residential Lots and Residential Small Lots. However, the current control no. 21 for Residential Small Lots within Volume 4 does not reflect this.*
- *As described above within the explanatory notes for lot size and shape, providing a range of lot sizes and dwelling types would result in greater housing diversity and affordability, meeting the different needs of the community. Provision of Zero lot boundaries would increase the range of dwelling types available within the precinct.*

Objectives

- a. To provide a different setback for some lots to enable the development of a diversity of dwelling types.

Controls

1. The minimum side setback shall be 0.9m. Except in cases where a zero lot line has been nominated at the subdivision stage and satisfactory easements have been provided over the adjoining allotment.

Parking, Access and Vehicular Safety

Objectives

- a. To provide vehicular access to the rear of lots where front access is restricted or not possible.
- b. To reduce garage dominance in residential streets.

Controls

1. Garages should be front loaded.

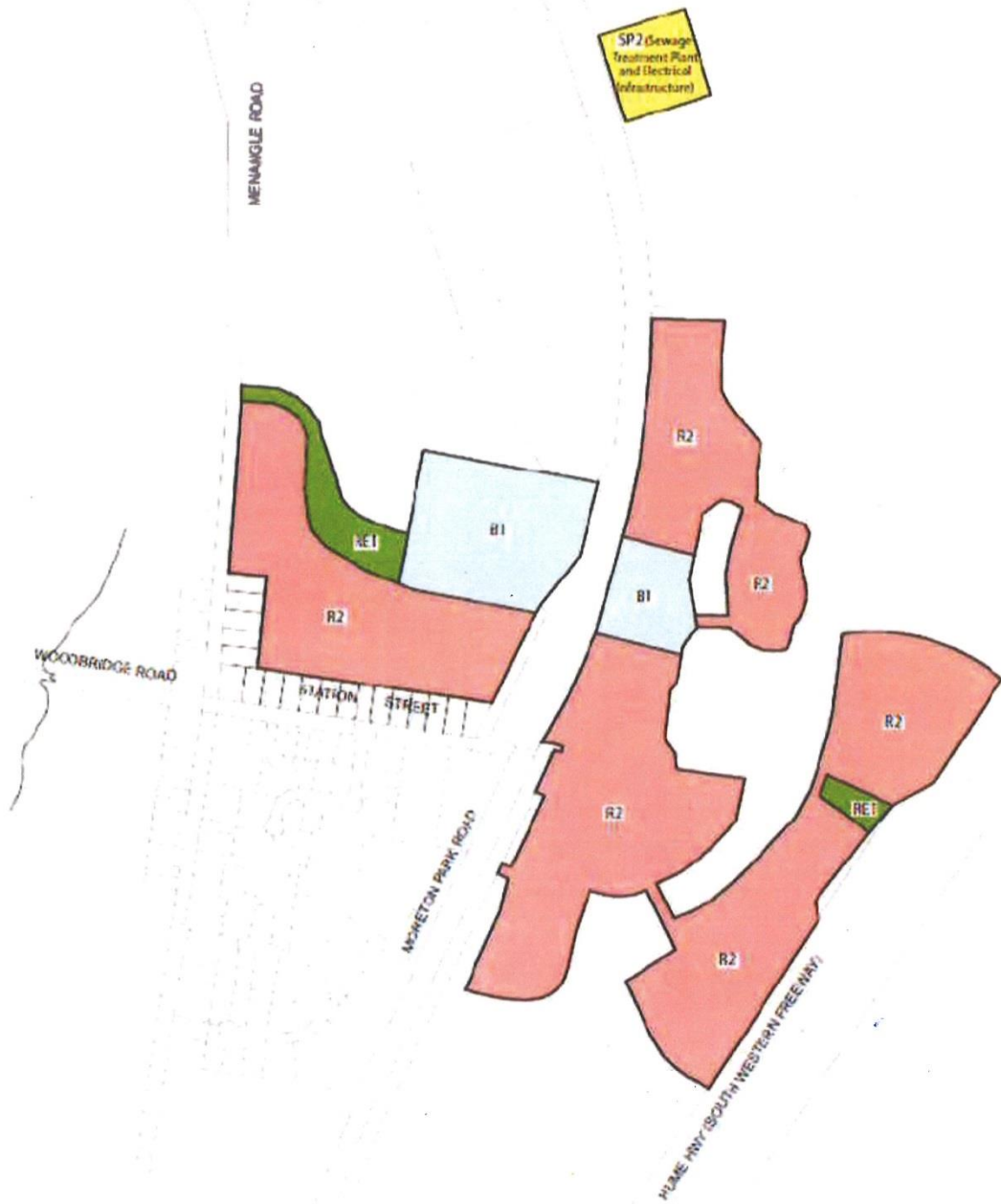
GR3 Attachments

1. Map of Land Subject to Draft Planning Agreement and proposed land use zones.
2. Assessment against Council's Planning Agreements Policy.

Monday 16 October 2017

GR3 – Draft Planning Agreement for Station Street, Menangle

Map of land subject to Draft Planning Agreement and proposed land use zones



Assessment against Council's Planning Agreements Policy

Matter for Consideration	Comment
What benefits are proposed under the Agreement (any land to be dedicated should be identified)?	Dedication and embellishment of open space and drainage works Provision of necessary infrastructure to service future development Monetary contribution towards infrastructure that cannot be provided on site
Does the agreement accompany a DA or Planning proposal?	It is being negotiated in association with a planning proposal being considered by the South Western Sydney Planning Panel
Does the agreement exclude Council's Sec 94/94A Plan?	Yes but it includes a clause requiring a monetary contribution towards infrastructure that is not being provided as part of the development of the site
Is there likely to be significant community interest in the agreement or associated application?	Perhaps, because it is associated with a rezoning proposal providing for the redevelopment of land for about 350 dwellings. The planning proposal has already been exhibited and the VPA seeks to address issues raised in relation to the impact of the development on local infrastructure
Are any special probity considerations required (eg Probity Plan or Probity Advisor)	No
Does the agreement comply with the mandatory content requirements (s93f of Act)?	Yes
Does it comply with Council's strategic objectives for VPAs (cl 4.2)?	Yes
Is the agreement for a legitimate planning purpose? (cl 4.3)	Yes – as it will help Council obtain an important recreational asset as well as manage drainage and traffic impacts and ensure the restoration of important heritage items
Is it consistent with Council's principles regarding the use of planning agreements (cl 4.4)?	yes
Does it meet the acceptability test for planning agreements (cl 4.5)?	Yes
Does it comply with other clauses of Council's Policy (cl 4.7)?	No - additional clause to be inserted permitting the pooling of contributions received prior to the exhibition of the draft VPA
Has a valid Explanatory Note been prepared	Yes
Does the council need to be further involved at this stage	No - a further report will be submitted for consideration following the public exhibition of the draft VPA
Is the Agreement approved for exhibition	Yes - subject to the amendments outlined in this report

GR4 Attachments

1. Planning Proposal- Attached Dual Occupancies in Rural Zones and Clarification of Sewer Requirements (June 2017).
2. Proposed Land Use Table for Rural Zones.
3. Proposed changes to Wollondilly LEP Land Use Matrix.
4. Proposed Clause 7.1 Essential Services.

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GR4 – Planning Proposal – Attached Dual Occupancies in Rural Zones and Clarification of Sewer Requirements



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Attached Dual Occupancies in Rural Zones and Clarification of Sewer Requirements

Applies to all rural zoned land to allow Dual Occupancies (attached) and to clarify the requirements for disposal and management of sewage (to all land in Wollondilly Shire)

June 2017

Document Register

Version	Date	Details	Prepared By	File Location
1	5/12/2015	Draft Planning Proposal	KF/LD	TRIM 8920 #2
2	20/04/2015	Document finalised for submission to Department of Planning & Environment (DPE) for a Gateway Determination.	CW	TRIM 8290 #23
3	16/09/2016	Amended to reflect outcome of consultation with public agencies & to seek confirmation from DPE in relation to Ministerial Direction 1.3.	CW	TRIM 8290 #110
4	05/06/17	Finalise all documentation for public exhibition	LD	TRIM 8290 #154
5	09/06/17	Minor changes to accurately update/ reflect consultation with public agencies	CW	TRIM 8290 #155
Current Version		5		

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Introduction

This Planning Proposal details two (2) separate changes which are proposed to the Wollondilly Local Environmental Plan 2011 (WLEP 2011):

1. To make attached dual occupancies permissible in rural land use zones, and;
2. To clarify the requirements for the provision of essential services, namely the disposal and management of sewage, for development on unsewered land. This is often relevant in rural and environmental protection zones where there are 2 or more dwellings. Adequate on site disposal is considered an appropriate solution. Clause 7.1(3) Essential Services will be deleted to achieve this goal.

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

This planning proposal was originally initiated by a resolution of Council on 9 February 2015 where it was resolved:

1. *That Council support the preparation of a Planning Proposal to permit dual occupancies (attached) with Council's consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones and clarify sewer requirements by removing part (3) of clause 7.1 – Essential Services to Wollondilly Local Environmental Plan 2011.*
2. *That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.*
3. *That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 of the Environmental Planning and Assessment Act, 1979.*

A copy of Council's Report and Minutes on this planning proposal are provided at Appendix G.

Background Studies

No technical reports or specialist studies are required to inform this planning proposal.

A **Planning Proposal** is a document which explains the changes which are proposed to an environmental planning instrument¹, in this case the Wollondilly Local Environmental Plan 2011 (WLEP 2011).

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

The Wollondilly Local Environmental Plan 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.

Part 1 – Objectives or Intended Outcomes

The objectives of this planning proposal are:

1. To allow attached dual occupancy development within rural land use zones; and
2. To clarify the requirements for the provision of essential services, namely the disposal and management of sewage, for development on unsewered land.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly Local Environmental Plan 2011 **Land Use Table** for rural land use zones to permit attached dual occupancies with consent in all rural land use zones in accordance with the proposed Land Use Table shown in **Appendix A**.
- Amending Wollondilly Local Environmental Plan 2011, Clause 7.1 Essential Services by removing subclause 3 in accordance with the text shown in **Appendix B**.

Part 3 – Justification

Section A – Need for the planning proposal

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

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

The planning proposal seeks to re-introduce attached dual occupancy development within all rural zones. This is to be consistent with previous planning controls i.e. prior to the introduction of the standard instrument Wollondilly Local Environmental Plan 2011 (WLEP). These controls had been in place for over 25 years.

The planning proposal also seeks to strengthen the requirements for the provision of essential services by providing clarity on the intent of Clause 7.1 Essential Services of WLEP 2011. Adequate on site disposal is considered an acceptable option in many cases. This has previously been an obstacle for proposed development on unsewered land in rural and environmental protection zones.

Dual Occupancies (attached) in Rural Land Use Zones

Attached dual occupancies have been permitted within Wollondilly's rural land use zones since the early 1980s when they initially became permissible under the Sydney Regional Environmental Plan (REP) No 2 – Dual Occupancy. They have continued to be permissible with consent under previous planning instruments until 2011. They became a prohibited development when the Wollondilly Local Environmental Plan 2011 came into force in February 2011.

The basis for the preparation of the Wollondilly Local Environmental Plan 2011 was to bring Council's statutory planning controls in line with planning reforms.

In 2006, the NSW Government reformed the way that local environmental plans were made and structured at the local authority level and introduced a requirement for all Councils in New South Wales to prepare a council-wide local environmental plan using the standard instrument (LEP template). The reform was intended to simplify the plan making system in NSW.

Wollondilly commenced preparations for the new standard instrument plan and the Wollondilly Local Environmental Plan 2010 was adopted by Council in May 2010. The 2010 version of the WLEP included "Dual occupancy (attached)" as a development which was permissible with consent in all the rural land use zones (i.e. RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots). The adopted WLEP was submitted to the NSW Government for approval by the Minister for Planning in June 2010.

When the WLEP was gazetted in February 2011, it had been amended from Council's adopted version and the permissibility of dual occupancies in rural land use zones had been removed. Dual occupancy (attached) development became a prohibited use in the rural zones.

The reason for this change is not known, though it is likely due to the infancy of standard instrument local environment plans and a desire by the State government for the new Local Environmental Plans (LEP) to rigidly conform to the LEP template. It may have been an unintended amendment.

Council is now seeking to rectify the situation, and reintroduce attached dual occupancy development as permissible with consent in Council's rural land use zones.

It is important to note that the adjacent local government areas of Campbelltown, Camden and Wingecarribee currently allow attached dual occupancies in their rural zones.

Proposed Changes to Clause 7.1 Essential Services

The intent of Clause 7.1 Essential Services in Wollondilly Local Environmental Plan 2011 is to ensure that development does not go ahead unless necessary essential services are available, or, it can be demonstrated that essential services can be made available.

Its inclusion within the WLEP was based on a model local provision which was in place at the time the Plan was prepared. There is no longer a model provision to deal with essential services.

The Wollondilly Local Environmental Plan 2011 has been in place for six (6) years. There is a clear need to refine this clause to remove ambiguity over its application.

This Planning Proposal seeks to amend clause 7.1 by deleting subclause 3 (i.e. clause 7.1(3)). Clause 7.1(3) is provided at Figure 1 ahead.

The intent of Clause 7.1(3) is to define the term 'disposal and management of sewage'. The practical implementation of clause 7.1 has been weakened by ambiguity. The wording contained in clause 7.1(3) could be interpreted to mean that development involving 2 or more dwellings (including dual occupancy, rural workers' dwellings and secondary dwellings (granny flats)) are not permissible if there is no connection available to a reticulated sewerage scheme.

Council does not want these types of development to appear to be prohibited within rural land use zones and environmental protection zones. It is important to note that currently, in most cases, development in these zones is not connected to reticulated sewerage.

Figure 1: Wollondilly Local Environmental Plan 2011 Clause 7.1(3)

(3) In this clause:

Disposal and management of sewage means the disposal and management of sewage in the form of a reticulated sewerage scheme:

- (a) That is provided to each separate lot proposed as part of the development, and
- (b) If a lot contains 2 or more dwellings, is for the purpose of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.

reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the *Water Industry Competition Act 2006*.

The original intention of this clause was not to prohibit certain development where there is no reticulated sewerage scheme. It was to ensure that adequate disposal and management of sewage could be provided before development could go ahead. In rural and environmental protection zones, this would be demonstrated by on-site effluent disposal. The adequacy of the proposed disposal system would be subject to assessment as part of the development application process.

This planning proposal seeks to remove clause 7.1(3) from Clause 7.1 Essential Services.

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

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

Dual Occupancies (attached) in Rural Land Use Zones

The current Land Use Table in the Wollondilly Local Environmental Plan 2011 prohibits attached dual occupancy development in all rural land use zones. Changing the Land Use Table is the only way to make attached dual occupancies permissible within these land use zones.

Proposed Changes to Clause 7.1 Essential Services

Refining Clause 7.1 Essential Services is the most effective way to provide certainty to the intent of this clause.

Section B – Relationship to strategic planning framework

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

The following regional and sub-regional strategies are relevant and considered here:

- A Plan for Growing Sydney; and
- Draft South West Sydney District Plan.

A Plan for Growing Sydney (December 2014)

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

It consists of a number of directions and actions focussed around four (4) goals:

- ECONOMY; a competitive economy with world class services and transport;
- HOUSING; a city of housing choice with homes that meets our needs and lifestyles;
- LIVEABILITY; a great place to live with communities that are strong, healthy and well connected; and
- ENVIRONMENT; a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Wollondilly is located on Sydney's metropolitan fringe and falls within the Sydney Metropolitan Rural Area in *A Plan for Growing Sydney*. The focus of the Plan for Sydney's Metropolitan Rural Area is the protection of the environment and economic assets in terms of mining, agriculture and natural vegetation and biodiversity.

From a strategic perspective a policy that permits dual occupancy development within rural areas does not conflict with actions contained within the Plan relating to safeguarding the environment.

On a case by case basis there may be issues dependent on the context and characteristics of any given site (for example, the need to remove vegetation or the proximity to certain land uses or scenic areas) but these are matters that can be addressed through the development assessment process.

A Plan for Growing Sydney also seeks to accelerate housing supply across Sydney to meet demand created by population growth while also addressing housing affordability. The focus for increasing housing supply is for greenfield areas and within urban areas.

Although the reintroduction of attached dual occupancy development has the potential to permit a higher dwelling density than present on rurally zoned land that is not the primary intention of this Planning Proposal. The proposed changes are not based on a policy to promote housing supply in rural areas. The potential increase in dwellings as a result of the reintroduction of attached dual occupancy development is expected to be negligible. Based on a continuation of the volume of dual occupancy developments (rural and environmental zones) that were approved in the 10 year period from 2000 to 2010 (i.e. between 5 and 10 a year), the number is expected to remain insignificant in the overall context of development in Wollondilly Shire.

Draft South West Sydney District Plan (November 2016)

The *Draft South West Sydney District Plan* (draft plan) was released in November 2016 for public comment. Its formal public exhibition was due to finish at the end of March 2017. Finalisation of the draft plan is anticipated around the end of 2017, after consideration of submissions. It is a “big picture” vision for the south western part of Sydney, including the local government areas of Camden, Campbelltown, Fairfield, Liverpool and Wollondilly. It identifies priorities and actions to realise the vision for the District. Many of the priorities and actions revolve around the opportunity of the Western Sydney Airport, and the ongoing development of the western Sydney. The overarching priorities include: provision of infrastructure, particularly transport; growing and diversifying the economy, particularly in the strategic centres; provision of jobs and strengthening the diversity of employment choice.

Principle 1 of the draft Plan is *increasing housing choice*. Further, the liveability priorities (Chapter 4) include: *improving housing choice, diversity and affordability*. The following excerpt from the draft Plan (p.81) is relevant to this Planning Proposal: “*We need to supply housing in the places where people want to live, which will allow them to remain in their communities throughout different stages of their life*”. By allowing attached dual occupancy in the rural zones, this Planning Proposal supports the priorities of the draft Plan. It also increases the range and type of housing available, and may provide opportunities for multi generations to co habit in their rural “place” for longer than is currently possible.

The Planning Proposal is considered to be consistent with the regional and sub-regional strategic framework.

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

The following Local Strategies are relevant to this Planning Proposal:

- Growth Management Strategy 2011
- Wollondilly Community Strategic Plan 2033

Wollondilly Growth Management Strategy 2011 (GMS)

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

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

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

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

The GMS was prepared in consultation with and was partially funded by the (then) Department of Planning and Infrastructure. However, the final document has not been endorsed by the Director-General. Notwithstanding this, the GMS was adopted by the Council on 21 February 2011 and is consistently applied as part of the assessment of Planning Proposals for growth throughout the Shire.

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

The reintroduction of attached dual occupancy development into rural areas and removal of the requirement for a reticulated sewerage system (where not available) is not based on a policy of growth. It is acknowledged that the Planning Proposal would allow maintenance of, and possibly an increase in, housing supply, choice and affordability in rural zones. Its application in the past has not resulted in significant levels of growth in rural zoned areas, and there is no reason to suspect this would change with the reintroduction of attached dual occupancy or the removal of the requirement for a reticulated sewerage system. It is important to note that attached dual occupancy is already permissible in the E4 (Environmental Living) zone in the Wollondilly Local Environmental Plan 2011. There are many practical, acceptable options to a reticulated sewerage system available for future development proposals.

Notwithstanding this, all Planning Proposals within Wollondilly must be assessed against the Key Policy Directions within the GMS. A table showing the Planning Proposals consideration against these directions is included at Appendix F of this Planning Proposal.

It is considered that the Planning Proposal is not inconsistent with the GMS. The Planning Proposal represents a sound approach to the permissibility of attached dual occupancy development in appropriate non urban zones in the Shire of Wollondilly. It also allows alternative, acceptable methods of on site sewerage disposal, when a reticulated system is not available. Both amendments may also encourage longer term, consistent ownership of rural land; which in turn may offer opportunities to reduce the unwanted fragmentation of existing rural holdings in the Shire.

Permitting attached dual occupancy in rural areas and accepting other types of on site sewerage disposal would make a positive contribution towards increased housing diversity and affordability in the Wollondilly Shire. This is a key policy direction of the GMS.

Wollondilly Community Strategic Plan 2033

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

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

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

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

The following CSP strategies are relevant to the Planning Proposal as described ahead:

CO4 – Engagement and Communication

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

Comment:

Community and stakeholder consultation will be undertaken during the formal public exhibition period. Responses received will form part of the report to Council post public exhibition.

EN1 – Biodiversity Resilience

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

Comment:

The planning proposal seeks to strengthen Clause 7.1 Essential Services by removing ambiguity over its interpretation. The intent of this clause is to ensure essential services, including the disposal and management of sewage are provided (or can be provided) before development consent is granted.

Effective management of domestic sewage is important for the health of the environment. Where approval is appropriate, provision of sewerage (and all) services will be addressed in individual development applications via conditions of consent.

EN2 – Growth Management

Best practice environmental principles to the management of future growth will be applied in the consideration of future development applications.

EN3 – Development Assessment

Best practice environmental principles will be applied to the assessment of future development and planning proposals.

Comment:

The proposed changes to the WLEP would apply to rural land across the Shire and are not site specific. Consequently there is no strategic likelihood of adverse impacts on the environment.

On a site by site basis, there may be issues dependent on the context and characteristics of any given site. It would not be practical to consider all the potential implications at the strategic policy level. These matters can be adequately dealt with as part of the development assessment process in the future.

EC3 – Manage Growth

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

Comment:

The reintroduction of attached dual occupancy development within rural land use zones would enable minor growth and a wider choice of housing in non urban areas.

Even so, dual occupancy development would contribute towards economic well-being by:

- Encouraging fuller use of existing services and community facilities; and
- Contributing towards population growth in existing rural areas.

The Planning Proposal does not conflict with the WCSP.

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

An assessment of the Planning Proposal's consistency with all State Environmental Planning Policies (SEPP's), draft SEPP's and deemed SEPP's is provided at Appendix D.

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

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

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

- employment and resources
- environment and heritage

- housing, infrastructure and urban development
- hazard and risk
- metropolitan planning

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

- Direction 1.2 Rural Zones
- Direction 1.3 Mining, Petroleum and Extractive Industries
- Direction 2.1 Environment Protection Zones
- Direction 2.3 Heritage Conservation
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 4.3 Flood Prone Land
- Direction 4.4 Planning for Bushfire Protection
- Direction 5.2 Sydney Drinking Water Catchments

An assessment of the Planning Proposal's consistency against all s.117 Directions (as at 22 May 2017) is provided at Appendix E.

The Planning Proposal is either consistent with the relevant Ministerial Directions, or any inconsistencies are of minor significance and have been justified.

Direction 1.2 Rural Zones

The objective of Direction 1.2 is to '*protect the agricultural production value of rural land*' and it applies where a planning proposal will '*affect land within an existing or proposal rural zone*'. This Planning Proposal affects land within Wollondilly's rural land use zones.

The Planning Proposal is inconsistent with clause 4(b) of Direction 1.2 because the Planning Proposal contains provisions that could potentially increase the permissible density of land within a rural zone.

The inconsistency is considered to be of minor significance for the following reasons:

- Attached dual occupancies have been permitted in rural zones within Wollondilly since the early 1980's up until relatively recently (February 2011). The current planning proposal seeks only to reinstate this permissibility;
- Approved future development will be limited in scale and scope because of the land use definition of attached dual occupancy (Wollondilly LEP 2011), and the specific requirements of the Wollondilly Development Control Plan 2016;
- This type of development has to be physically attached to and integrated with the existing dwelling house. It will have to appear to be part of the original dwelling and will be within its physically disturbed, already "non agricultural" curtilage. On this basis there is little likelihood that existing agricultural land will be sterilised when attached dual occupancies are approved by Council in the future; and
- Any increase in density is considered to be insignificant in the context of the overall Wollondilly Shire. Further, secondary and rural worker dwellings are already permitted within rural land use zones. This Planning Proposal will not significantly increase the dwelling density of land in the Shire of Wollondilly.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of Direction 1.3 is to '*ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development*'.

The Department of Industry (Resources & Energy) has expressed a number of concerns with the proposed amendment to permit attached dual occupancies within all rural zoned land. The Department's concerns can be summarised as follows:

- The Planning Proposal is not consistent with the intended purpose of the rural zones, which is for commercial primary industry (including opportunities for mining and extractive industries);
- The Planning Proposal does not support intensification of dwellings in rural areas, and it is also inconsistent with some of the objectives of the rural zones within the Wollondilly LEP 2011;
- The Division of Resources and Energy (DRE) provided mapping to show identified and potential (non-energy) resource areas within Wollondilly and noted that the Shire also contains high quality coking coal resources used for steel manufacture. DRE believes that the proposal could lead to an intensification of people residing in rural zoned areas therefore increasing the potential for land use conflict; and
- Intensification of residences in rural zoned land may have future impacts on Subsidence Management Plans (SMPS) which can impact on future mining methods, limiting resource recovery and possibly jeopardising the viability of future resource extraction.

The following considerations are provided in response to DRE's submission:

- The Planning Proposal does not represent urban expansion;
- Attached dual occupancies have been permitted within Wollondilly's rural land use zones since the early 1980s. They only became a prohibited development in February 2011 when the standard instrument Wollondilly LEP 2011 came into force;
- The removal of attached dual occupancies as a permissible use from the land use table in the transition to the standard instrument appears unintended. The reason for its removal is not known. It is likely due to the infancy of standard instrument local environment plans and a desire by the Government for the new LEPs to rigidly conform to the LEP template;
- Low impact residential development is compatible with the objectives of the rural land use zones;
- Although the reintroduction of attached dual occupancy development has the potential to permit additional dwelling density on rurally zoned land, it is not the intention of this Planning Proposal. The proposed changes are not based on a policy to promote housing supply in rural areas. The potential increase in dwellings as a result of the reintroduction of attached dual occupancy development is expected to be negligible. Based on the number of dual occupancy developments that were approved in the 10 year period from 2000 to 2010, the number is anticipated to be between 5 and 10 per year;
- The principle of additional dwellings on rural land already exists as 'Secondary Dwellings' and 'Rural Worker's Dwellings' are currently permissible with consent in all rural land use zones under the Wollondilly LEP 2011;
- Volume 4 section 3.16 of Wollondilly Development Control Plan 2016 (DCP) includes requirements for dual occupancy development in rural zones. This was in anticipation of this Planning Proposal and forms Appendix I. The DCP controls will result in a dwelling that is compatible with and "subservient" to the main dwelling house in a number of ways, including: limiting the length of blank walls; ensuring that the common wall that attaches the 2 dwellings is 50% of the length of that wall; requiring setbacks from all boundaries; limiting on the size of garage doors across the front façade; the provision of car parking and private open space; as well as more aesthetic controls such as integrated roof lines; and providing the appearance of 1 dwelling and compatibility with the scale and appearance of surrounding development.
- The Planning Proposal will not lead to the fragmentation of land as Torrens title subdivision is not permitted in association with this type of development.

However, the submission from the Division of Resources and Energy has been considered to make the Planning Proposal inconsistent with Direction 1.3. The submission was provided to the NSW Government Department of Planning & Environment with a request for confirmation as to whether the inconsistency with this Direction is considered to be of minor significance.

On 16 December 2016 the Department of Planning and Environment responded to Council and stated “*that the inconsistency with S117 Direction 1.3 is of minor significance.*” No amendments are proposed to the Planning Proposal in light of and after consideration of the submission from the Division of Resources and Energy. DRE will be re consulted during the public exhibition period.

Direction 2.1 Environmental Protection Zones, Direction 2.3 Heritage Conservation, Direction 4.2 Mine Subsidence and Unstable Land, Direction 4.3 Flood Prone Land, Direction 4.4 Planning for Bushfire Protection, and Direction 5.2 Sydney Drinking Water Catchments

This Planning Proposal seeks to facilitate a Shire wide policy change (by making attached dual occupancy development permissible within rural land zones and by clarifying the requirements for the disposal and management of sewage) and does not relate to a particular parcel of land.

Further, it does not contain specific provisions to protect or preserve land where relevant under these Directions. The Planning Proposal will not lead to any strategic adverse impacts. Any development application on land which is (for example) environmentally sensitive or bushfire prone would be subject to an assessment under the existing statutory provisions. These existing measures are considered to be satisfactory to safeguard the environment and resources.

The implementation of Regional Strategies (Direction 5.1) is discussed in section B3.3.

Consequently, any inconsistencies are considered to be of minor significance. No further consideration is warranted.

Direction 7.1 Implementation of A Plan for Growing Sydney

The implications for the Planning Proposal in the context of the Metropolitan Plan is discussed in section B3.3 earlier. The Planning Proposal is not considered inconsistent with the 2014 Plan for Growing Sydney.

Section C – Environmental, social and economic impact

C 3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The changes sought to the *Wollondilly Local Environmental Plan 2011* would apply to land across the Shire and are not site specific.

There may be impact issues dependent on the context and characteristics on a site by site basis (for example where vegetation would need to be removed to enable development). It would be impractical to consider the potential implications at this policy level. The WLEP 2011 and broader legislation provide a protective framework. These matters can adequately be dealt with as part of the development assessment process when a development application is lodged.

Consequently, there is no strategic likelihood of adverse impacts on any critical habitat or endangered species.

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

See section C 3.7 of this Planning Proposal.

In addition, the development assessment process will continue to consider likely environmental effects, including:

- Wastewater Disposal
- Geotechnical Suitability

- Visual Impact
- Contamination
- Flooding, Surface and Groundwater
- Riparian Management
- Flora & Fauna
- Bushfire Impacts
- Heritage – European and Aboriginal
- Any potential impacts from external sources – e.g. noise, odour, traffic

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

It is considered that the potential social and economic affects arising from the Planning Proposal include:

- Social & Cultural Impacts;
- Housing Affordability; and
- Character of Rural Areas

Social and Cultural Impacts

No significant social or cultural impacts are anticipated; however there are a number of potential benefits from re allowing attached dual occupancies within rural land use zones. These include:

- It could assist in providing extended families more flexibility than available at present to coexist on the one parcel of land. Secondary dwellings are currently permissible within rural zones, however, these are limited by the permitted floor size (maximum 60 sq.m.). Attached dual occupancies would allow a larger dwelling to meet a wider variety of family needs. This creates the potential for rural land ownership to be retained over a longer period, and the frequency of change of ownership to be reduced. The Planning Proposal may assist in reducing the fragmentation of rural land that is an ongoing concern for Council and other stakeholders;
- Attached dual occupancies in rural zones could allow ageing farmers (and associated others) to remain on their farm/rural land for longer. Multigenerational habitation on rural land is efficient, and provides economic and housing opportunities that may otherwise not be available to younger family members. This represents an increase in housing affordability. It also potentially enables the continued use of agricultural land with existing families, as well as the related benefits of established skills and practices being passed down to younger generations; and
- Families co existing on one rural lot can provide in house support for each other in terms of child and/or aged care. This in turn reduces dependency on motor vehicles, which contributes towards meeting Council's broader sustainability and environmental objectives;
- It is important to note that child care and aged services are expensive, hence economically preclusive for some. Further, they currently in short supply in the Shire of Wollondilly. The Planning Proposal has the potential to increase participation in the workforce, improve living standards and reduce the demand for existing services.

Housing Affordability

Permitting attached dual occupancy development in rural zones can help reduce development costs and thereby contribute towards making housing more affordable.

However, it is noted that dual occupancy development would be subject to development contributions, where secondary dwellings are not. The Planning Proposal will potentially give Council the opportunity to provide necessary services and infrastructure in the future.

Character of Rural Areas

Concern has been expressed by members of the community that permitting attached dual occupancy can lead to an increase in dispersed, and sometimes overly large and bulky, dwellings that have a negative impact on the rural landscape. However, attached dual occupancies have been permitted within rural land use zones since the early 80s and, broadly speaking, this is not considered to have had a detrimental impact on the rural landscape within Wollondilly. Further, the Wollondilly DCP 2016 already has controls in place to address the bulk and scale of proposed attached dual occupancies in the future. See page 13 earlier for further detail.

Subdivision of dual occupancy development on rurally zoned land has not been permitted in the past. This has mitigated the intensity and impact of this form of development to some extent. Subdivision of dual occupancy development in rural land use zones will continue to be prohibited if the Planning Proposal is finalised in the future.

Section D – State and Commonwealth interests

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

Public infrastructure relates to the provision of infrastructure such as public transport, roads, utilities, waste management and recycling services, and essential services such as health, education and emergency services).

The changes sought to the *Wollondilly Local Environmental Plan 2011* would apply to land across the Shire and are not site specific. The Planning Proposal will not cause strategic issues in terms of the provision of adequate public infrastructure.

Proposed Changes to Clause 7.1 Essential Services

This Planning Proposal seeks to strengthen the requirements for the provision of essential services, i.e. the supply of water, electricity, the disposal and management of sewage, by removing the existing ambiguity with clause 7.1. This is largely related to the disposal of sewage for dual occupancies, rural workers dwellings and secondary dwellings in the R5 Large Lot Residential, E4 Environmental Living and Rural zones.

The Planning Proposal will ensure that, in terms of the provision of essential services, these types of development are only permitted where it can be demonstrated that adequate provision of on-site effluent disposal can or can be made available. The adequacy of such would be subject to assessment as part of all future development applications.

The changes sought to Clause 7.1 Essential Services will not place any additional demand on public infrastructure.

Attached Dual Occupancies in Rural Land Use Zones

Attached dual occupancies have been permitted within rural areas in the past with no identified cumulative impacts in terms of public infrastructure provision.

There may be issues with public infrastructure provision dependent on the individual site context and characteristics. It would be impracticable to consider the potential implications at this policy level. These matters can be dealt with as part of the development assessment process when a development application is lodged.

As previously stated, attached dual occupancy development would also be subject to the levying of development contributions. This is a potential source of funds for Council to improve services and facilities in the Shire.

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

Condition 2 of the Gateway Determination required Council to consult with the following public authorities prior to undertaking community consultation:

- Trade & Investment NSW (Minerals & Resources)
- NSW Mine Subsidence Board
- NSW Rural Fire Service
- Sydney Catchment Authority,
- Relevant adjoining LGAs i.e. Blue Mountains City Council, Camden Council, Campbelltown City Council, Goulburn Mulwaree Council, Liverpool City Council, Oberon Council, Penrith City Council, Wingecarribee Shire Council, Wollongong City Council

Letters were sent to these public authorities in May 2016. The following comments have been received in response:

Agency	Summary of Comments
NSW Government Department of Industry (Resources & Energy)	<p>Response dated 1 June 2016:</p> <ul style="list-style-type: none"> • No comments to make regarding the clarification of sewer requirements, • Concerns regarding the proposed amendment which seeks to permit (with consent) attached dual occupancies within all rural zoned land, • For the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary production, the proposal is not considered consistent with the intended purpose of these zones, which is for commercial primary industry (including opportunities for mining and extractive industries), • Does not support intensification of dwellings in rural areas and believes that amendment proposed is also inconsistent with some of the objectives of the rural zones within the Wollondilly LEP 2011 including: • Provided a map of identified and potential (non-energy) resources areas within the LGA. • Advised that Wollondilly contains high quality coking coal resources used for steel manufacture. Accordingly, Agency believes that the proposal (for attached dual occupancy in all rural zones) could lead to an intensification of people residing in rural zoned areas therefore increasing the potential for land use conflict. • Intensification of residences in rural zoned land may have future impacts on Subsidence Management Plans (SMPs) which can impact on future mining methods, limiting resource recovery and possibly jeopardising the viability of future resource extraction.
NSW Rural Fire Service	<p>Response received 11 November 2016:</p> <ul style="list-style-type: none"> • No objection to the planning proposal proceeding, • Provides information on requirements for dual occupancy development: <ul style="list-style-type: none"> – Dual occupancies on land mapped as bush fire prone where there is no subdivision proposed will be required to

	<p>be assessed under s79BA of the <i>Environmental Planning and Assessment Act 1979</i>. Council should note that the relevant provisions of <i>Planning for Bush Fire Protection 2001</i> (PBP 2006) and Factsheet 4/12 "Increased Density on a single parcel of land" applies.</p> <ul style="list-style-type: none"> - The minimum specifications for asset protection zones (APZ's) for dual occupancies in Table A2.5 of PBP 2006 do not correspond directly with the minimum separation distances for BAL 29 construction under Table 2.4.3 of the Australian Standard AS3959 "Construction of buildings in bushfire-prone areas" (AS3959-2006). Minimum APZ's for future dual occupancy development should be designed to achieve separation distances consistent with BAL 29 under AS 3959-2009, - Council should note that AS3959-2009 and the NSW RFS 'Guide for Bushfire Prone Land Mapping' includes grasslands as a hazardous vegetation category. Any future dwellings will need to consider this at the design and construction stage.
NSW Mine Subsidence Board	No response received to date.
Sydney Water	No response received to date.
Water NSW (previously Sydney Catchment Authority)	<p>Response dated 31.5.2016</p> <ul style="list-style-type: none"> • Affects land within the Sydney Water catchment and therefore the Section 117(2) Direction 5.2 applies. • As the proposal includes land within the Sydney water catchment, any future development of this land will need to comply with the Sydney Drinking Water Catchment SEPP. This means future development must have a neutral or beneficial effect on water quality (NorBE). • Water NSW has no objection to the amendment to make attached dual occupancies permissible within rural land use zones. • Water NSW supports the Department's Gateway Determination to facilitate the exclusion of attached dual occupancies from clause 7.1(3) of Wollondilly LEP in rural zones and E4 Environmental Living through an appropriate amending clause, rather than the deletion of the clause. • All future dual occupancy development proposals must be assessed as having a neutral or beneficial effect on water quality before consent may be issued. This includes an assessment of any proposed on-site wastewater treatment and effluent disposal if the development is not proposed to be connected to the reticulated sewerage scheme. • Requested further consultation during the period of Government Agency consultation.
Blue Mountains City Council	<p>Response dated 2 June 2016</p> <ul style="list-style-type: none"> • No comment.
Camden Council	<p>Response dated 23 May 2016</p> <ul style="list-style-type: none"> • As the level of growth that would result from this planning proposal would be minimal, the two amendments would assist providing additional housing across the Wollondilly LGA. • No further comment.
Campbelltown City Council	<p>Response dated 20 May 2016</p> <ul style="list-style-type: none"> • No comment or objection to make.

Goulburn Mulwaree Council	No response received to date
Liverpool City Council	Response dated 24 May 2016 <ul style="list-style-type: none"> No matters raised in relation to the planning proposal.
Oberon Council	Response dated 30 May 2016 <ul style="list-style-type: none"> No objection or concerns with the amendment proposed.
Penrith City Council	Response dated 20 June 2016 <ul style="list-style-type: none"> No objection.
Wingecarribee Shire Council	No response received to date
Wollongong City Council	No response received to date

These stakeholders will be consulted again during the public exhibition period.

Part 4 – Mapping

There are no mapping changes required as part of this Planning Proposal.

Part 5 – Community Consultation

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

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

What will happen?	When will it happen?	Has it happened yet?	What was the outcome?
<p>Public Exhibition Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&A Act 1979 as follows:</p> <ul style="list-style-type: none"> - The Planning Proposal will be made publicly available for 14 days; and - The Planning Proposal will be placed on Public Exhibition 	June 2017	Current	The outcome of the Planning Proposal will be reported to Council after it has concluded and the submissions considered.

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

- Notification in all local newspapers (Wollondilly Advertiser and The District Reporter)
- Notification on Council's website.
- Statement on Council's Facebook page
- Publicise through the local press (for example a press release)
- 3 individuals who have enquired about the Planning Proposal will be notified by email of the exhibition.

There are nearly 5,800 rurally zoned properties in the Wollondilly Shire Council. These would need to be individually notified, along with an additional significant number of adjacent non-rural zoned properties. This is considered to be impractical due to the large number of properties which are potentially affected by the Planning Proposal. Therefore, it is not intended to notify affected and adjoining landowners.

Generally, it is anticipated that the reintroduction of attached dual occupancy development into rural areas is likely to be positively received. This position is based on the fact that Council undertook community consultation in the lead up to the Wollondilly Local Environmental Plan 2011 (LEP) which permitted attached dual occupancy in rural areas. There was no opposition to this aspect of the WLEP 2011 at the time. The change sought to Clause 7.1 Essential Services is considered to be a non contentious "housekeeping" amendment to WLEP 2011.

However, the methods outlined earlier will be used to inform ratepayers, residents and the wider community in general.

Part 6 – Project Timeline

Project Detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DPE	June 2015
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Early 2016	Mid late 2016
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	N/A	N/A
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions (if required)	14 day period	June 2017
Dates for public hearing (if required)	Not expected to be required	N/A
Timeframe for consideration of submissions	1 month	July 2017
Timeframe for the consideration of post exhibition matters, including any amendments and preparation of a report to Council	2 months	September 2017
Anticipated date Council will forward to Parliamentary Counsel for an Opinion	8 weeks (from Council meeting)	November 2017
Anticipated date Council will forward to the Department for notification after liaising with PC & making the plan	3 months	December 2017 – January 2018

Appendices

A. Proposed Land Use Table for Rural Zones

Proposed text changes to the Wollondilly Local Environmental Plan 2011 Land Use Table for rural land use zones.

B. Proposed Clause 7.1 Essential Services

Proposed text for Clause 7.1 *Essential Services* within the *Wollondilly Local Environmental Plan 2011*.

C. Changes to Wollondilly LEP 2011 Land Use Matrix

Matrix indicating how the planning proposal affects what development will be permitted within rural land use zones.

D. Assessment against SEPPs

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

E. Assessment against Section 117(2) Directions

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

F. Assessment against Wollondilly GMS

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

G. Council Report and Minutes – 9 February 2015

As described.

H. Referral response from Department of Industry, Resources and Energy

Dated 1 June 2016.

I. Relevant section from Wollondilly Development Control Plan 2016

Volume 4 Section 3.16 Dual occupancy in the rural and environmental zones.

J. Original, amended and extended Gateway Determinations. Delegation to Council.

Appendix A

Proposed Land Use Table for Rural Zones

Current Land Use Table for RU1 Primary Production

Zone RU1 Primary Production	
1 Objectives of Zone	<ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide for a range of land uses (including tourism-related uses) that support the agriculture industry. To provide areas within which the density of development is limited in order to maintain a separation between urban areas.
2 Permitted without consent	Extensive agriculture; Home occupations
3 Permitted with consent	Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Crematories; Community facilities; Crematoria; Depots; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Group homes; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Rural industries; Rural workers' dwellings; Secondary dwellings; Signage; Water recreation structures; Veterinary hospitals; Water supply systems
4 Prohibited	Any development not specified in item 2 or 3

Proposed Land Use Table for RU1 Primary Production (changes shown in red)

Zone RU1 Primary Production	
1 Objectives of Zone	<ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide for a range of land uses (including tourism-related uses) that support the agriculture industry. To provide areas within which the density of development is limited in order to maintain a separation between urban areas.
2 Permitted without consent	Extensive agriculture; Home occupations
3 Permitted with consent	Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Crematories; Community facilities; Crematoria; Depots; Dual occupancies (attached) ; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems
4 Prohibited	Any development not specified in item 2 or 3

Current Land Use Table for RU2 Rural Landscape

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Stock and sale yards; Turf farming; Any other development not specified in item 2 or 3

Proposed Land Use Table for RU2 Rural Landscape (changes shown in red)

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; **Dual occupancies (attached)**; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Stock and sale yards; Turf farming; Any other development not specified in item 2 or 3

Current Land Use Table for RU4 Primary Production Small Lots

Proposed Land Use Table for RU4 Primary Production Small Lots (changes shown in red)

Zone RU4 Primary Production Small Lots	Zone RU4 Primary Production Small Lots
<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable sustainable primary industry and other compatible land uses. To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide areas within which the density of development is limited in order to maintain a separation between urban areas. <p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations</p> <p>3 Permitted with consent</p> <p>Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Veterinary hospitals; Water supply systems</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable sustainable primary industry and other compatible land uses. To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide areas within which the density of development is limited in order to maintain a separation between urban areas. <p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations</p> <p>3 Permitted with consent</p> <p>Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home businesses; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals; Water supply systems</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>

Zone RU4 Primary Production Small Lots	Zone RU4 Primary Production Small Lots
<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable sustainable primary industry and other compatible land uses. To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide areas within which the density of development is limited in order to maintain a separation between urban areas. <p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations</p> <p>3 Permitted with consent</p> <p>Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals; Water supply systems</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable sustainable primary industry and other compatible land uses. To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide areas within which the density of development is limited in order to maintain a separation between urban areas. <p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations</p> <p>3 Permitted with consent</p> <p>Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals; Water supply systems</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>

Appendix B

Proposed Clause 7.1 Essential Services

Current Wording – Clause 7.1

7.1 Essential Services

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.
 - (d) the supply of water.
 - (e) the supply of electricity,
 - (f) the disposal and management of sewage.

- (2) This clause does not apply to the following:
 - (c) Development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause,
 - (d) Land to which Part 6 applies.

- (3) In this clause:

Disposal and management of sewage means the disposal and management of sewage in the form of a reticulated sewerage scheme:

 - (c) That is provided to each separate lot proposed as part of the development, and
 - (d) If the lot contains 2 or more dwellings, is for the purposes of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.

Reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the Water Industry Competition Act 2006

Proposed Wording – Clause 7.1

(Text proposed to be removed shown in red)

7.1 Essential Services

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.
 - (a) the supply of water.
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

- (2) This clause does not apply to the following:
 - (a) Development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause,
 - (b) Land to which Part 6 applies.

- (3) In this clause:

Disposal and management of sewage means the disposal and management of sewage in the form of a reticulated sewerage scheme:

 - (a) That is provided to each separate lot proposed as part of the development, and
 - (b) If the lot contains 2 or more dwellings, is for the purposes of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.

Reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the Water Industry Competition Act 2006

Appendix C

Changes to Wollondilly LEP 2011 Land Use Matrix

The following land use matrix illustrates how the planning proposal affects what development will be permitted within rural land use zones.

Changes affect these columns

Wollondilly Local Environmental Plan 2011		Rural		Residential				Business				Industrial		SP3	Recrea	Env Proth	Waterways															
Land Use Matrix [DoP version 3.0]		RU1 Primary Production	RU2 Rural Landscape	RU3 Forestry	RU4 Primary Production Small Lots	RU5 Village	RU6 Transition	R1 General Residential	R2 Low Density Residential	R3 Medium Density Residential	R4 High Density Residential	R5 Large Lot Residential	B1 Neighbourhood centre	B2 Local centre	B3 Commercial Core	B4 Mixed Use	B5 Business Development	B6 Enterprise corridor	B7 Business Park	IN1 General Industrial	IN2 Light Industrial	IN3 Heavy Industrial	IN4 Working Waterfront	SP3 Tourist	RE1 Public Recreation	RE2 Private Recreation	E2 Environmental conservation	E3 Environmental Management	E4 Environmental Living	W1 Natural Waterways	W2 Recreational Waterways	W3 Working Waterways
Legend																																
o permitted without consent [mandated under the SI].																																
o permitted without consent.																																
c permitted with consent [mandated under the SI].																																
c permitted with consent.																																
x prohibited [mandated under the SI].																																
x prohibited.																																
A permitted under SEPP (Affordable Rental Housing) 2009.																																
I permitted under SEPP (Infrastructure) 2007.																																
fill colours in green or red mandated under the SI.																																
fill colour in purple public infrastructure permitted under a SEPP.																																
Is the zone used? (please select Y/N for each zone)		Y	Y	N	Y	N	N	N	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	N
(LAND USE terms WITHIN agriculture group term)																																
agriculture																																
aquaculture		c	c	c				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
extensive agriculture [eg. grazing of livestock, etc.]		o	o	o				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
bee keeping		o	o	o				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
dairy (pasture-based)		o	o	o				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
intensive livestock agriculture [eg. poultry farms, etc.]		c	c	x				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
feedlots		c	c	x				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
dairies (restricted)		c	c	x				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
intensive plant agriculture [eg. cultivation of irrigated crops]		c	c	c				x	x			x	x	x	x	x	x			c	c	c			x	x	x	x	x	x		
horticulture		c	c	c				x	x			x	x	x	x	x	x			c	c	c			x	x	x	x	x	x		
turf farming		c	x	c				x	x			x	x	x	x	x	x			c	c	c			x	x	x	x	x	x		
viticulture		c	c	c				x	x			x	x	x	x	x	x			c	c	c			x	x	x	x	x	x		
(LAND USE terms OUTSIDE agriculture group term)																																
animal boarding or training establishments		c	c	c				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
farm buildings		c	c	c				x	x			x	x	x	x	x	x			x	o	c			x	x	x	x	x	x		
forestry		c	c	x				x	x			x	x	x	x	x	x			x	x	x			x	x	x	x	x	x		
(LAND USE terms WITHIN residential accommodation group term)																																
residential accommodation																																
attached dwellings		x	x	x				c	c			c	x		c	x				x	x	x			x	x	x	x	x	x		
boarding houses		x	x	x				c	c	c			c	x		c	x				x	x	x			x	x	x	x	x	x	
dual occupancies		x	x	x				c	c			c	x		c	x					x	x	x			x	x	x	x	x	x	
dual occupancies (attached)		o	o	o				c	c			c	x		c	x					x	x	x			x	x	x	x	x	x	
dual occupancies (detached)		x	x	x				c	c			c	x		c	x					x	x	x			x	x	x	x	x	x	
dwelling houses		c	c	c				c	c			c	x		c	x					x	x	x			x	x	x	x	x	x	
group homes		c	c	c				c	c			A	c		A	c					x	x	x			x	x	x	x	x	x	
group homes (permanent)		c	c	c				c	c			A	c		A	c					x	x	x			x	x	x	x	x	x	
group homes (transitional)		c	c	c				c	c			A	c		A	c					x	x	x			x	x	x	x	x	x	
hostels		x	x	x				c	c			c	x		c	x					x	x	x			x	x	x	x	x	x	
multi dwelling housing		x	x	x				c	c			x	x		c	x					x	x	x			x	x	x	x	x	x	
residential flat buildings		x	x	x				c	c			c	x		c	x					x	x	x			x	x	x	x	x	x	
rural worker's dwellings		c	c	x				x	x			x	x		c	x					x	x	x			x	x	x	x	x	x	
secondary dwellings		c	c	c				A	A			A	A		A	A					x	x	x			x	x	x	x	x	x	
semi-detached dwellings		x	x	x				c	c			x	x		c	x					x	x	x			x	x	x	x	x	x	
seniors housing		x	x	x				c	c			c	x		c	x					x	x	x			x	x	x	x	x	x	
residential care facilities		x	x	x				c	c			c	x		c	x					x	x	x			x	x	x	x	x	x	
shop top housing		x	x	x				c	x			c	x		c	x					x	x	x			x	x	x	x	x	x	
(LAND USE terms OUTSIDE residential accommodation group term)																																
home-based child care		c	c	c				c	c			c	c		c	x					c	c	c			x	x	x	c	c		
home business		c	c	c				c	c			c	c		c	c					c	c	c			x	x	x	c	c		
home occupations		o	o	o				o	o			o	o		o	o					o	o	o			x	x	x	o	o		
home occupation (sex services)		c	c	c				c	c			c	c		c	c					x	x	x			x	x	x	c	c		
(LAND USE terms WITHIN tourist and visitor accommodation group term)																																
tourist and visitor accommodation																																
backpackers' accommodation		x	x	x				x	x			x	c		c	x					x	x	x			c	x	x	x	x	x	
bed & breakfast accommodation		c	c	c				c	c			c	c		c	c					x	x	x			c	x	x	x	x	x	
farm stay accommodation		c	c	c				x	x			x	c		c	x					x	x	x			c	x	x	x	x	x	
hotel or motel accommodation		x	x	x				x	x			x	c		c	x					x	x	x			x	x	x	x	x	x	
serviced apartments		x	x	x				x	c			x	c		c	x					x	x	x			c	x	x	x	x	x	
(LAND USE terms OUTSIDE tourist and visitor accommodation group term)																																
camping grounds		x	x	x				x	x			x	c		c	x					x	x	x			c	c	x	x	x	x	
caravan parks		x	x	x				x	x			x	c		c	x					x	x	x			c	c	x	x	x	x	
eco-tourist facilities		x	x	x				x	x			x	x		x	x					x	x	x			c	c	x	x	x	x	
(LAND USE terms WITHIN commercial premises group term)																																
commercial premises																																
business premises [eg. banks, post offices, hairdressers, etc.]		x	x	x				x	x			x	c		c	c					x	x	x			x	x	x	x	x		
funeral homes		c	c	c				x	x			x	c		c	c					x	x	x			x	x	x	x	x	x	
office premises		x	x	x				x	x			x	c		c	c					x	x	x			x	x	x	x	x	x	
retail premises																																
bulky goods premises		x	x	x				x	x			x	c		c	c					x	x	c			x	x	x	x	x	x	
cellar door premises		c	c	c				x	x			x	c		c	c					x	x	x			x	x	x	x	x	x	
food & drink premises		x	x	x				x	x			x	c		c	c					x	x	x			c	x	x	x	x	x	
pubs		x	x	x				x	x			x	c		c	c					x	x	x			c	x	x	x	x	x	
restaurants or cafes		x	x	x				x	x			x	c		c	c					x	x	x			c	x	x	x	x	x	

Changes affect this row

Appendix D

Compliance with SEPPs (including drafts)

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

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
1	Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	Yes	The Planning Proposal does not change the current provisions of the LEP in relation to Caravan Parks.
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
33	Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of this SEPP. Assessment against SEPP 44 may be required for individual DAs, but would not preclude this amendment from proceeding.
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
50	Canal Estate Development	N/A	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
55	Remediation of Land	Yes	No contamination studies are proposed to be prepared for this PP. A Phase 1 Environmental Assessment may need to be prepared with individual DAs for attached dual occupancies, to determine whether the site is suitable or can be made suitable for the proposed residential use (keeping in mind that these would be sites with existing dwelling houses).
62	Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Apartment Development	N/A	Residential flat buildings are prohibited on the rural and environmental zoned land.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dual occupancies will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
	SEPP (Infrastructure) 2007	N/A	Not applicable to this Planning Proposal.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
	SEPP (Sydney Drinking Water Catchment) 2011	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Any potential impacts on the Sydney drinking water catchment would need to be assessed as part of a future DA, to establish that there would be a neutral or beneficial impact on water quality.
	SEPP (Miscellaneous Consent Provisions) 2007	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Penrith Lakes Scheme) 1989	NA	Not applicable in the Shire of Wollondilly
	SEPP (State & Regional Development) 2011	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Three Ports) 2013	NA	Not applicable in the Shire of Wollondilly
	SEPP (SEPP 53 Transitional Provisions) 2011	NA	Not applicable in the Shire of Wollondilly
	SEPP (Urban Renewal) 2010	NA	Not applicable in the Shire of Wollondilly.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	The Planning Proposal does not contain provisions that would be inconsistent with this SREP.

Note: There are no relevant draft SEPP's.

Appendix E

Assessment against Section 117(2) Directions

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

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	N/A	N/A	The Planning Proposal does not propose any new business or industrial land.
1.2 Rural Zones	Yes	Yes (inconsistency justified)	The Planning Proposal is inconsistent. The inconsistency is of minor significance because: <ul style="list-style-type: none"> attached dual occupancies were permitted in rural zones within Wollondilly since the early 1980's up until relatively recently (February 2011). The current planning proposals only seeks to reinstate this permissibility; as secondary and rural worker dwellings are already permitted within rural land use zones the planning proposal will not significantly increase the permissible density of land.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes (but justified)	The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed Shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application. The DPE has stated that the inconsistency is of minor significance.
1.4 Oyster Production	N/A	N/A	Not applicable in the Shire of Wollondilly.
1.5 Rural Lands	N/A	N/A	Not applicable in the Shire of Wollondilly.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes (but justified)	The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Yes (but justified)	The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed Shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application.

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
2.4 Recreation Vehicle Area	Yes	Yes	The planning proposal does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area. Therefore it is consistent with this Direction.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	No	N/A	The planning proposal does not relate to an existing or proposed residential zone, nor does it propose significant residential development. Therefore it is not inconsistent.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The proposal does not change existing LEP provisions for Caravan Parks and Manufactured Home Estates. Therefore it is not inconsistent.
3.3 Home Occupations	Yes	Yes	The proposal does not change existing LEP provisions for Home Occupations. Therefore it is not inconsistent.
3.4 Integrating Land Use and Transport	N/A	N/A	Direction does not apply as the planning proposal does not relate to urban land.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	Yes	Yes (but justified)	The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application.
4.3 Flood Prone Land	Yes	Yes (but justified)	The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application.
4.4 Planning for Bushfire Protection	Yes	Yes (but justified)	The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application.
5. Regional Planning			

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	Yes	Yes (but justified)	The planning proposal may be inconsistent as it has the potential to apply to land covered by this Direction. However, any inconsistency is of minor significance because the proposed shire wide policy changes to the WLEP 2011 will not affect existing statutory provisions which apply to these areas in the assessment of a development application.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Yes	This planning proposal is consistent with this direction because it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	No	N/A	Direction does not apply.
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	This planning proposal is not inconsistent with <i>A Plan for Growing Sydney</i> .

Appendix F

Assessment against Wollondilly GMS

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

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

Key Policy Direction	Comment
General Policies	
<p>P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.</p>	<p>This proposal meets all the relevant Key Policy Directions and Assessment Criteria contained within the GMS. The component of this Planning Proposal that will permit dual occupancies (attached) in rural zones was previously supported by Council as part of the preparation of the comprehensive LEP.</p>
<p>P2 All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).</p>	<p>This proposal is generally consistent with the concept and vision of 'Rural Living'. In particular, it recognises that rural and environmental zoned land within Wollondilly is unable to be provided with reticulated sewer, in keeping with the character of most fringe Metropolitan rural areas.</p> <p>Regarding dual occupancies, there is the potential to increase the development of rural land (with Council consent). However, attached dual occupancy has historically been permitted in Wollondilly, and has not been deemed to have had a detrimental effect on the concept of rural living in the LGA.</p>
<p>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</p>	<p>Community consultation is discussed in Part 5 – Community Consultation.</p>
<p>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied.</p>
<p>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)</p>	<p>The proposal is not typical "growth" as anticipated and guided by the GMS, in that it is not infill development or new development on the fringe of an existing town centre. However, it would allow a small amount of growth that is considered appropriate that has previously been agreed to by Council. Additionally, the appropriateness of each dual occupancy (attached) and the provision of sewer to secondary dwellings, rural workers dwellings and dual occupancies will be assessed as part of a future DA.</p>
Housing Policies	
<p>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</p>	<p>Allowing for dual occupancy (attached) in the rural zones within Wollondilly will allow for limited additional provision of additional housing to cater for growth within the LGA.</p>
<p>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.</p>	<p>The Planning Proposal will provide for a housing type (dual occupancy (attached)) that will assist in providing additional housing diversity and affordability when compared with greenfield areas. The proposal has significant merit in this regard.</p>
<p>P9 Dwelling densities, where possible and</p>	<p>This Planning Proposal will potentially allow lower densities on the</p>

Key Policy Direction	Comment
environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).	edges of towns and in rural areas, by permitting attached dual occupancies with consent in rural zones. Assessment of individual DAs will determine whether this is appropriate.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	This PP will allow growth outside of areas immediately adjacent to existing towns and villages, however this is very low density growth. As per the point above, assessment of individual DAs will determine whether this is appropriate.
Macarthur South Policies	
P11 Council does not support major urban release within the Macarthur South area at this stage.	Key Policy Direction P11 is not applicable to this proposal.
P12 Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.	Key Policy Direction P12 is not applicable to this proposal.
P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	Key Policy Direction P13 is not applicable to this proposal.
P14 Council will consider proposals for employment land developments in Macarthur South provided they: <ul style="list-style-type: none"> ▪ Are environmentally acceptable; ▪ Can provide significant local and/or subregional employment benefits; ▪ Do not potentially compromise the future orderly master planning of the Macarthur South area; ▪ Provide for the timely delivery of necessary infrastructure; ▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas; ▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits). 	Key Policy Direction P14 is not applicable to this proposal.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	This proposal does not include employment lands. The potential construction of new dual occupancies could generate some short-term construction industry related job opportunities.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate	This proposal does not include employment lands. As with the above point, there is the potential for short-term employment opportunities to be created.

Key Policy Direction	Comment
areas.	
Integrating Growth and Infrastructure	
<p>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</p>	<p>This Planning Proposal is not expected to generate significant demand for new infrastructure. Attached dual occupancies will be subject to DA assessment to determine if adequate services are available.</p> <p>The amendment to clause 7.1 – Essential Services proposed by this PP will help to clarify Council's requirements for the disposal and management of sewage, i.e. that reticulated sewer does not need to be provided to dual occupancies, secondary dwellings and rural workers dwellings in rural and environmental zones.</p> <p>Developer contributions payable at the development application stage will further fund the necessary local infrastructure required to support any future development.</p>
<p>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</p>	<p>As previously discussed, rural land does not always adjoin an existing town or village, but the level of density that this Planning Proposal would permit is considered appropriate and sustainable for rural zoned land in that existing services and infrastructure could be augmented to support new attached dual occupancies.</p>
<p>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>As previously discussed, rural zoned land is often not adjacent to existing population centres, but the level of growth this Planning Proposal would be minimal, especially considering many rural zoned properties in Wollondilly already have two dwellings on them.</p>
<p>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	<p>This Planning Proposal is not identifying a specific site/area for growth, however it would facilitate appropriate small opportunities for additional dwellings on rural zoned land.</p>
Rural and Resource Lands	
<p>P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</p>	<p>It is not expected that this Planning Proposal would result in any adverse impacts on these factors. Future DA assessment would need to determine the impacts of an attached dual occupancy with regard to any of these factors.</p>
<p>P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</p>	<p>This Planning Proposal will not result in rural lands fragmentation or further subdivision potential, rather it will allow for additional dwellings on rural zoned lots that have already been deemed appropriate to contain a dwelling. It may be a contributing factor to retaining the ownership of existing rural land in the same family, and slowing the fragmentation of rural land in the Shire.</p>

Appendix G

Council's Report and Minutes

Extract from Agenda containing the Report to Wollondilly Shire Council and its Planning and Economy Meeting of Council held on Monday 9 February 2015

Extract from Minutes of the Ordinary Meeting of Wollondilly Shire Council held on Monday 9 February 2015

Council's Reference: TRIM 8290 #16 and TRIM 8290 #17

Appendix H

Agency Referral from Department of Industry; Resources & Energy (1 June 2016)

*Letter dated 1 June 2016, NSW Government Department of Industry; Division of Resource & Energy
Council's Reference: TRIM 8290 #104*

Appendix I

Relevant section of Wollondilly Development Control Plan 2016 - Dual Occupancy Development in Rural and Environmental zones

*Extract from Wollondilly Development Control Plan 2016, Volume 4 section 3.16 (Page 42 & 43)
Council's Reference: TRIM 8290 #152*

*The full version of this document is available on Council's website
– www.wollondilly.nsw.gov.au and search for "DCP"*

Appendix J

Gateway Determination & Authorisation to Council to Exercise Delegation

*Letter dated 22 June 2015 Containing Original Gateway Determination & Written Authorisation to Exercise Delegation, Gateway Alteration dated 15 April 2016 & 10 April 2017, NSW Government Department of Planning & Environment
Council's Reference: TRIM 8290 #43 # 153*

Current Land Use Table for RU1 Primary Production

Zone RU1 Primary Production	
1 Objectives of Zone	<ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide for a range of land uses (including tourism-related uses) that support the agriculture industry. To provide areas within which the density of development is limited in order to maintain a separation between urban areas.
2 Permitted without consent	Extensive agriculture; Home occupations
3 Permitted with consent	Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Crematories; Community facilities; Crematoria; Depots; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Group homes; Home-based child care; Home businesses; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Water recreation structures; Veterinary hospitals; Water supply systems
4 Prohibited	Any development not specified in item 2 or 3

Proposed Land Use Table for RU1 Primary Production (changes shown in red)

Zone RU1 Primary Production	
1 Objectives of Zone	<ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide for a range of land uses (including tourism-related uses) that support the agriculture industry. To provide areas within which the density of development is limited in order to maintain a separation between urban areas.
2 Permitted without consent	Extensive agriculture; Home occupations
3 Permitted with consent	Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dual occupancies (attached) , Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems
4 Prohibited	Any development not specified in item 2 or 3

Current Land Use Table for RU2 Rural Landscape

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Stock and sale yards; Turf farming; Any other development not specified in item 2 or 3

Proposed Land Use Table for RU2 Rural Landscape (changes shown in red)

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; **Dual occupancies (attached)**; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Stock and sale yards; Turf farming; Any other development not specified in item 2 or 3

Current Land Use Table for RU4 Primary Production Small Lots

Proposed Land Use Table for RU4 Primary Production Small Lots (changes shown in red)

Zone RU4 Primary Production Small Lots	Zone RU4 Primary Production Small Lots
<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable sustainable primary industry and other compatible land uses. To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide areas within which the density of development is limited in order to maintain a separation between urban areas. <p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations</p> <p>3 Permitted with consent</p> <p>Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Veterinary hospitals; Water supply systems</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable sustainable primary industry and other compatible land uses. To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. To minimise conflict between land uses within this zone and land uses within adjoining zones. To provide areas within which the density of development is limited in order to maintain a separation between urban areas. <p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations</p> <p>3 Permitted with consent</p> <p>Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home education facilities; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals; Water supply systems</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>

Appendix C

Changes to Wollondilly LEP 2011 Land Use Matrix

The following land use matrix illustrates how the planning proposal affects what development will be permitted within rural land use zones.

Changes affect these columns

Wollondilly Local Environmental Plan 2011 Land Use Matrix [DoP version 3.0]	Rural		Residential				Business				Industrial		SP3	Rec'n	Env Pro'n	Waterways																
	RU1 Primary Production	RU2 Rural Landscape	RU3 Forestry	RU4 Primary Production Small Lots	RU5 Village	RU6 Transition	R1 General Residential	R2 Low Density Residential	R3 Medium Density Residential	R4 High Density Residential	R5 Large Lot Residential	B1 Neighbourhood centre	B2 Local centre	B3 Commercial Core	B4 Mixed Use	B5 Business Development	B6 Enterprise corridor	B7 Business Park	IN1 General Industrial	IN2 Light Industrial	IN3 Heavy Industrial	IN4 Working Waterfront	SP3 Tourist	RE1 Public Recreation	RE2 Private Recreation	E2 Environmental conservation	E3 Environmental Management	E4 Environmental Living	W1 Natural Waterways	W2 Recreational Waterways	W3 Working Waterways	
Is the zone used? (please select Y/N for each zone)	Y	Y	N	Y	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	N	
(LAND USE terms WITHIN agriculture group term)																																
agriculture																																
aquaculture	c	c	c				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
extensive agriculture [eg. grazing of livestock, etc.]	o	o	o				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
bee keeping	o	o	o				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
dairy (pasture-based)	o	o	o				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
intensive livestock agriculture [eg. poultry farms, etc.]	c	c	x				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
feedlots	c	c	x				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
dairies (restricted)	c	c	x				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
intensive plant agriculture [eg. in illustration of irrigated crops]	c	c	x				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
horticulture	c	c	c				x	x			x	x	x	x	x	x			c	c	c				x	x	x	x				
turf farming	c	x	c				x	x			x	x	x	x	x	x			c	c	c				x	x	x	x				
viticulture	c	c	c				x	x			x	x	x	x	x	x			c	c	c				x	x	x	x				
AND USE terms OUTSIDE agriculture group term)																																
animal boarding or training establishments	c	c	c				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
farm buildings	c	c	c				x	x			x	c	c	c	x	x			x	c	c				x	x	x	x				
forestry	c	c	x				x	x			x	x	x	x	x	x			x	x	x				x	x	x	x				
(LAND USE terms WITHIN residential accommodation group term)																																
residential accommodation																																
attached dwellings	x	x	x				c	c			c	x		c	x				x	x	x				x	x	x	x				
boarding houses	x	x	x				c	c	c		c	x		c	x				x	x	x				x	x	x	x				
dual occupancies	x	x	x				c	c			c	x		c	x				x	x	x				x	x	x	x				
dual occupancies (attached)	c	c	c				c	c			c	x		c	x				x	x	x				x	x	x	x				
dual occupancies (detached)	x	x	x				c	c			c	x		c	x				x	x	x				x	x	x	x				
dwelling houses	c	c	c				c	c			c	x		c	x				x	x	x				x	x	x	x				
group homes	c	c	c				c	c			A	c		A	c				x	x	x				x	x	x	x				
group homes (permanent)	c	c	c				c	c			A	c		A	c				x	x	x				x	x	x	x				
group homes (transitional)	c	c	c				c	c			A	c		A	c				x	x	x				x	x	x	x				
hostels	x	x	x				c	c			c	c		c	x				x	x	x				x	x	x	x				
multi dwelling housing	x	x	x				c	c			x	x		c	x				x	x	x				x	x	x	x				
residential flat buildings	x	x	x				c	c			c	x		c	x				x	x	x				x	x	x	x				
rural worker's dwellings	c	c	x				x	x			x	c		c	x				x	x	x				x	x	x	x				
secondary dwellings	c	c	c				A	A			A	A		A	A				x	x	x				x	x	x	x				
semi-detached dwellings	x	x	x				c	c			x	x		c	x				x	x	x				x	x	x	x				
seniors housing	x	x	x				c	c			c	x		c	x				x	x	x				x	x	x	x				
residential care facilities	x	x	x				c	c			c	x		c	x				x	x	x				x	x	x	x				
shop top housing	x	x	x				c	x			c	x		c	x				x	x	x				x	x	x	x				
AND USE terms OUTSIDE residential accommodation group term)																																
home-based child care	c	c	c				c	c			c	c		c	x				c	c	c				x	x	x	c				
home business	c	c	c				c	c			c	c		c	x				c	c	c				x	x	x	c				
home occupations	o	o	o				o	o			o	o		o	c				c	c	c				x	x	x	o				
home occupation (sex services)	c	c	c				c	c			c	c		c	x				x	c	c				x	x	x	c				
(LAND USE terms WITHIN tourist and visitor accommodation group term)																																
tourist and visitor accommodation																																
backpackers' accommodation	x	x	x				x	x			c	c		c	x				x	x	x				x	x	x	x				
bed & breakfast accommodation	c	c	c				c	c			c	c		c	x				x	x	x				x	x	x	x				
farm stay accommodation	c	c	c				x	x			x	c		c	x				x	x	x				x	x	x	x				
hotel or motel accommodation	x	x	x				x	x			x	c		c	x				x	x	x				x	x	x	x				
serviced apartments	x	x	x				x	c			x	c		c	x				x	x	x				x	x	x	x				
AND USE terms OUTSIDE tourist and visitor accommodation group term)																																
camping grounds	x	x	x				x	x			x	x		c	x				x	x	x				c	c	x	x				
caravan parks	x	x	x				x	x			x	x		c	x				x	x	x				c	c	x	x				
eco-tourist facilities	x	x	x				x	x			x	x		x	x				x	x	x				c	c	x	x				
(LAND USE terms WITHIN commercial premises group term)																																
commercial premises																																
business premises [eg. banks, post offices, hairdressers, etc.]	x	x	x				x	x			x	c		c	c				x	x	x				x	x	x	x				
funeral homes	c	c	x				x	x			x	c		c	c				x	x	x				x	x	x	x				
office premises	x	x	x				x	x			x	c		c	c				x	x	x				x	x	x	x				
retail premises	x	x	x				x	x			x	c		c	c				x	x	x				x	x	x	x				
bulky goods premises	x	x	x				x	x			x	c		c	c				x	c	c				x	x	x	x				
cellar door premises	c	c	c				x	x			x	c		c	c				x	x	x				x	x	x	x				
food & drink premises	x	x	x				x	x			x	c		c	c				x	x	x				x	x	x	x				
pubs	x	x	x				x	x			x	c		c	c				x	x	x				x	x	x	x				
restaurants or cafes	x	x	x				x	x			x	c		c	c				x	x	x				x	x	x	x				

Changes affect this row

Appendix B

Proposed Clause 7.1 Essential Services

Current Wording – Clause 7.1

7.1 Essential Services

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.
- (d) the supply of water.
 - (e) the supply of electricity,
 - (f) the disposal and management of sewage.
- (2) This clause does not apply to the following:
- (c) Development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause,
 - (d) Land to which Part 6 applies.
- (3) In this clause:
- Disposal and management of sewage*** means the disposal and management of sewage in the form of a reticulated sewerage scheme:
- (c) That is provided to each separate lot proposed as part of the development, and
 - (d) If the lot contains 2 or more dwellings, is for the purposes of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.

Reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the Water Industry Competition Act 2006

Proposed Wording – Clause 7.1

(Text proposed to be removed shown in red)

7.1 Essential Services

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.
- (a) the supply of water.
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.
- (2) This clause does not apply to the following:
- (a) Development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause,
 - (b) Land to which Part 6 applies.
- (3) In this clause:
- Disposal and management of sewage*** means the disposal and management of sewage in the form of a reticulated sewerage scheme:
- (a) That is provided to each separate lot proposed as part of the development, and
 - (b) If the lot contains 2 or more dwellings, is for the purposes of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.

Reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the Water Industry Competition Act 2006

GR5 Attachments

1. Vegetation Mapping.
2. Ecological Constraints Mapping.
3. Map showing indicative lot layout and possible Environmental Conservation Area (shown in blue).
4. Advice from proponents Bushfire Expert.

Monday 16 October 2017

GR5 – Planning Proposal – Land Adjoining Bargo
Sportsground

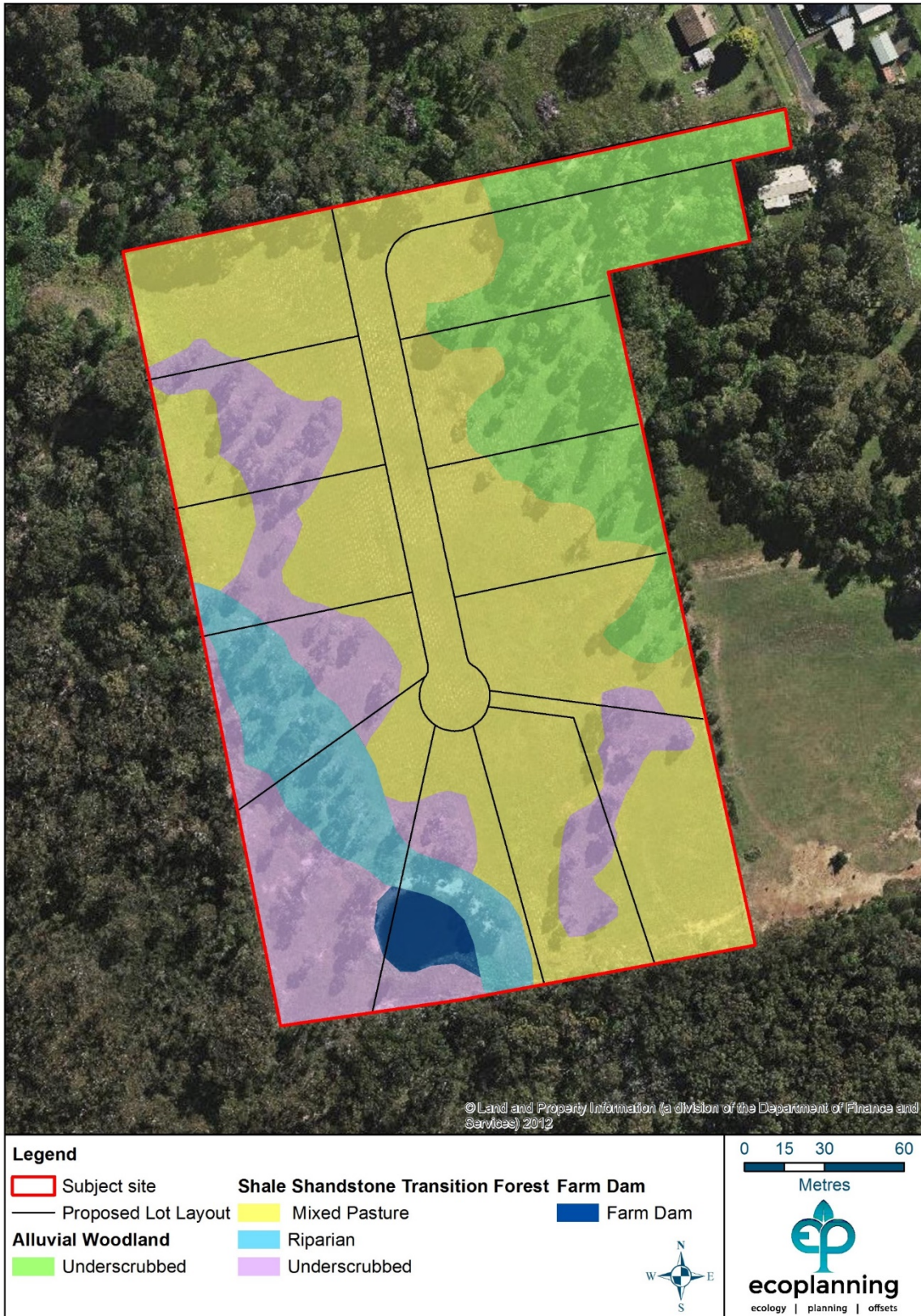


Figure 2: Vegetation mapping at the subject site.

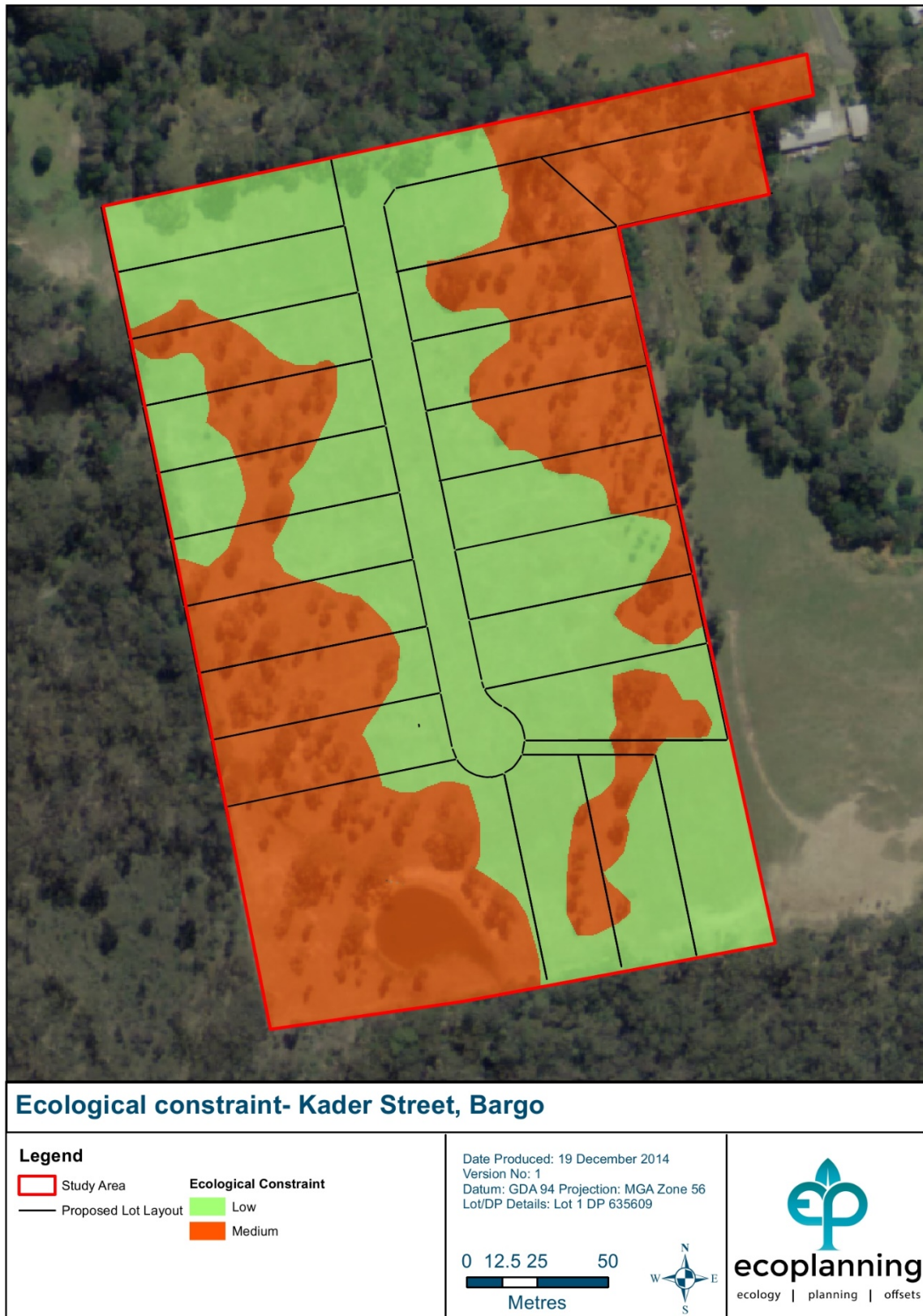


Figure 3: Ecological constraints mapping prepared to inform impact footprint of rezoning.



Figure 4: Revised lot layout and impact footprint of the proposed rezoning.

**The Manager
Planning & Development
Wollondilly Shire Council
PO Box 21
Picton NSW 2571**



Our Reference: CR – 054 – 4
Your Reference: Planning Proposal – Specialist Study 1A Kader Street Bargo

13 April 2015

Dear Sir / Madam,

Subject: Bushfire Protection Measures
Planning Proposal
Lot 1 DP 635609
1A Kader Street
Bargo NSW 2574

Background

The abovementioned planning proposal is currently being considered by Council.

Bushfire requirements/provisions have been previously addressed within a Specialist Study / Bushfire Hazard Risk Assessment (by Sydney Bushfire Consultants, Dated 8 September 2014, Reference CR – 054).

The subject site was originally considered for rezoning (Department of Planning and Infrastructure Gateway Determination, Dated 9/2/2103, Reference PP_2012_Wolly_009_00) from 'RU2 – Rural Landscape' to 'R2 – Low Density Residential' & 'R5 - Large Lot Residential'. However, due to the constraints it is now proposed to increase allotment sizes to achieve better environmental outcomes.

Due to the changes in overall new allotment sizes (i.e. increased from approximately 450m² to approximately 4000m²) a substantial redesign of the subdivision plan has been developed. This reduces the yield from approximately 70 residential allotments down to 12 residential allotments.

The proposed new public access roads have also been required to be redesigned due to these circumstances. It was originally determined that the planning proposal had the capacity to comply with the 'acceptable solutions' contained within 'Planning for Bushfire Protection 2006' including – Access (1) Public Roads Section 4.1.3.

Current Situation/Proposal

The proposed new subdivision plan by Martens & Associates Pty Ltd, Hornsby (Project No. 1303777, drawing No. SK – A000, Revision D, Dated 02/04/2015) shows the new layout, building envelopes and public road design. All relevant bushfire protection measures, including complying Asset Protection Zones have been considered and implemented as part of the overall redesign process.

However, the reduction in the number of allotments has created a need to redesign the proposed internal new public road system from the original 'ring road' formation to a single road, terminating at a cul-de-sac.

It is noted that the proposed new internal road system now cannot fully comply with the 'acceptable solutions' of PBP 2006 S4.1.3 on a single requirement. This requirement is stated as follows:

'All roads are through roads. Dead ends are not recommended, but if unavoidable, dead ends are not more than 200m in length, incorporate a minimum 12 metres outer radius turning circle and are clearly signposted as dead end and direct traffic away from the hazard'.

Overall, the proposed dead end road is approximately 350m in length, but apart from this noncompliance in overall length, can fully comply with all other public road specifications.

However, as with all planning legislation, PBP 2006 also provides for a performance based approach to compliance (in lieu of the deemed to satisfy provisions). Satisfaction of the performance based criteria also provides for an acceptable path for compliance. In the matter of Access (1) – Public Roads, the performance criteria requires the applicant to demonstrate that the:

'Public roads widths and design that allow safe access for firefighters while residents are evacuating an area'.

It has also been determined, through local investigations, that alternate access paths, through adjacent properties, are not available or achievable for the development. This is due to a number of reasons (e.g. environmental constraints, private lands, watercourses and bio banking arrangements).

The proposed internal road will be designed to facilitate safe emergency access whilst residents are evacuating. It is proposed to be 8m wide, sealed with rollover kerbs in a road reserve that is 15m in width. The noncompliance issue relates to only 8 individual allotments to the South, requiring only 8 individual traffic movements to facilitate emergency evacuation. The road will have the capacity to manage these movements effectively and safely, whilst firefighting appliances access the area.

Determination

An overall review of the proposed redesign of the above-mentioned Planning Proposal, in relation to relevant bushfire protection measures, has found the proposal will be able to comply with the relevant bushfire planning provisions. It is a considered opinion, based on a detailed assessment of this planning documentation that the development will comply with the majority of the 'acceptable solutions' within S4.1.3 of PBP 2006, or with the 'performance criteria' (in relation to a single matter pertaining to the length of an internal public roadway).

Considered 'integrated development', the proposed development would also be subject to a full assessment in due course (i.e. during any future Development Application process for a residential subdivision – post rezoning), under s100b of the *Rural Fires Act 1997*, where these matters must be suitably addressed, and reviewed / authorized by the NSW Rural Fire Service.

Sincerely,



Scott Jarvis

Graduate Diploma Design for Bushfire Prone Areas
Diploma of Building Surveying
Diploma of Public Safety (Fire Fighting Management) (Dip PSFM)
Cert. IV Residential Building Studies
BPAD-Level 3 Certified Practitioner BPD-PA-18593

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GR6 Attachments

1. Report & Minutes to Ordinary Meeting of Council on 19 June 2017
2. Table showing how the proposed planning controls will address development considerations
3. Clause 4.1AA Minimum subdivision lot size for community title schemes
4. Clause 4.2B Boundary adjustment within certain residential, environment protection and rural zones
5. Draft Amendment to Wollondilly Development Control Plan 2016 for adoption.

Monday 16 October 2017

GR6 – Planning Proposal – Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme & Associated Amendments to Wollondilly Development Control Plan 2016

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 June 2017

PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme Planning Proposal

PE3

Post Exhibition Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme Planning Proposal

265508

TRIM 9019

Applicant: Wollondilly Shire Council
Owner: Shire Wide

Stage	Completed
Preliminary notification	NA
Gateway Determination	6/9/2016
Consultation with Public Agencies	08/09/2016 – 11/11/2016
Specialist Studies	NA
Public exhibition/community consultation	01/02/2017 – 03/03/2017
Referred to Minister for Publication	Not yet complete

EXECUTIVE SUMMARY

- The purpose of this report is to advise the outcomes of a public exhibition and seek Council’s support to finalise a Planning Proposal prepared by Wollondilly Shire Council. The proposal is to amend the provisions of Wollondilly Local Environmental Plan, 2011 to introduce the following two (2) additional principal development standards:
 - Clause 4.1AA Minimum subdivision lot size for community title schemes
 - Clause 4.2B Boundary adjustment in certain rural, residential and environment protection zones.
- The Planning Proposal is accompanied by amendments to the Wollondilly Development Control Plan, 2016 for Clause 4.2B Boundary adjustment in certain rural, residential and environment protection zones
- One submission was received in response to Community Consultation. This submission was in support of the proposal.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.

**PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision
Lot Size for Community Title Scheme Planning Proposal**

- This report recommends:
 - Council support the Planning Proposal in an amended form to that which was subject to community consultation.
 - the Planning Proposal be forwarded to the Greater Sydney Commission for finalisation.
 - Council amend the Wollondilly Development Control Plan, 2016 with amendments effective from the date at which the amended LEP is published and publish the decision in a local newspaper.
 - the applicant and persons who made submissions be notified of Council's decision.
 - a review of E4 zoned land be further considered after the completion of a Rural Land Use Strategy as part of Council's approach to the Metropolitan Rural Area described in the District Plan.

REPORT

1.1 SITE DESCRIPTION

The Planning Proposal relates to all land across the Wollondilly Shire Council within the following land use zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- E4 Environmental Living.

1.2 DESCRIPTION OF PROPOSAL

The Planning Proposal brings together two (2) separate changes to Part 4 of the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011).

The first being the introduction of a minimum lot size for the subdivision of community title schemes.

The second proposed change aims to provide flexibility to subdivision by allowing boundary adjustments with development consent on land within certain land use zones.

**PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision
Lot Size for Community Title Scheme Planning Proposal**

The planning proposal has two (2) objectives:

1. To prevent land fragmentation and inappropriate densities across the shire which result from community title schemes in inappropriate locations.
2. To enable boundary adjustments within all rural land use zones, E4 Environmental Living and R5 Large Lot Residential to provide greater flexibility to landowners.

The intended outcome of the proposal is the orderly development of land across the Shire.

1.3 DRAFT DEVELOPMENT CONTROL PLAN

The objective of the Draft Development Control Plan (DCP) is to support Clause 4.2B (i.e. boundary adjustments) of the Wollondilly LEP by providing planning controls to guide development for boundary adjustments where they require development consent.

The intended outcome of the draft DCP provisions are to streamline the development application process for boundary adjustments under proposed Clause 4.2B to guide development for boundary adjustment and to avoid the need to vary existing DCP controls.

Council resolved to support the public exhibition of the draft DCP provisions at its meeting held on 19 December 2016. The draft provisions were exhibited at the same time as the Planning Proposal, no feedback was received on these controls.

PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme Planning Proposal

1.4 GATEWAY DETERMINATION

A Gateway Determination was issued dated 6 September 2016. The Determination permitted the proposal to proceed. The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

Gateway Condition	Addressed by:
<p>Consultation with Transport for NSW – Roads and Maritime Service, Office of Environment and Heritage, and NSW Rural Fire Service</p> <p>Each Public Authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given 21 days to comment.</p> <p>Should the public authorities require any additional information, or specify any additional matters to be addressed the planning proposal is to be updated to respond to any such submission, a copy of which is to be included in any updated planning proposal.</p>	<p>Completed</p>
<p>Community consultation is required under section 56(2) and 57 of the Act as follows:</p> <p>(a) The planning proposal must be publically available for 14 days.</p> <p>(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).</p>	<p>Completed</p>
<p>A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.</p>	<p>Noted</p>
<p>The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.</p>	<p>Noted</p>

**PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision
Lot Size for Community Title Scheme Planning Proposal**

CONSULTATION

**2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST
COMMENT**

The following comments on the Planning Proposal were received from Council staff:

Development Assessment

Concerns that restricting community title subdivision to land that only meets the minimum lot size may result in fragmented vegetation and a poor environmental outcome on land zoned E4.

Suggest changing to all Community Title subdivision of E4 zone to be considered on lots less than the minimum shown on the Lot Size Map, provided that the average lot size complies with the minimum lot size shown on the Lot Size Map. With a requirement to only allow it where Council considers it necessary to achieve the zone objectives.

These changes would enable a potentially better lot layout and the environmental land would be retained in private ownership without 'encouraging' the need for gifting land to council or it staying in a private lot but being poorly managed as fragmented vegetation.

Assessing Officers Comment

In 1996 a 7(c) Environmental Protection – Rural Living Zone was added to the Wollondilly Local Environmental Plan 1991 to achieve what is outlined in the development assessment teams comments. This flexibility was lost when Council moved to the standard instrument LEP in 2011.

Although there may be some benefit for specific development applications there is concern that introducing this change without proper investigation may not get the optimum balance.

The issue raised in this submission could be more thoroughly investigated in a review of E4 zoned. However this should occur after the development of a Rural Lands Study.

2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with the following Public Agencies:

- Transport for NSW
- NSW Rural Fire Service
- Office of Environment and Heritage.

PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme Planning Proposal

This consultation was carried out prior to Public Exhibition and was held from 8 September 2016 to the 11 October 2016. The following is a summary of the matters raised by public authorities and assessment comments.

Transport for NSW (TfNSW)

TfNSW reviewed the submitted information and had no comment on the above Planning Proposal.

NSW Rural Fire Service (NSW RFS)

The RFS reviewed the Planning Proposal and made no objection to its progression.

Office of Environment and Heritage (OEH)

No objection was raised to the introduction of minimum subdivision lot sizes for community title schemes. However, in regard to the proposed boundary adjustment clause, it was recommended that the wording for Clause 4.2B(4)(d) be slightly amended **from:**

(d) 'will not adversely impact the curtilage of a heritage item,'

to:

(d) 'will not impact on the heritage significance of a heritage item including its curtilage, character or the setting'.

On a number of instances, boundaries of the heritage items are historically significant and alterations to the boundaries may impact the significance of the heritage item and therefore the consent authority should aim to retain the integrity of the original.

Comment

The proposal has been amended to incorporate the suggested wording for Clause 4.2B.

Boundary adjustment under the proposed clause is only permissible with development consent. Volume 1 of the Wollondilly Development Control Plan, Part 5.3 Control 4 outlines requirements for the subdivision of land containing a heritage item and/or land within a heritage conservation area. These controls stipulate that any subdivision of the land:

- 1. Must not compromise or adversely affect any historic layout of the subject lot and heritage significance of the original lot pattern.*
- 2. Must not compromise the curtilage of any heritage item or significant complimentary building, garden, driveway or other relic.*

PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme Planning Proposal

2.3 COMMUNITY CONSULTATION

The Gateway Determination specified a **14 day** period of community consultation and public exhibition, however as the Draft DCP was exhibited at the same time, public exhibition was extended to over **28 Days** in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000 and was held from 1 February 2017 to 3 March 2017.

During this time the Planning Proposal, specialist studies and other documents as required by the Gateway Determination along with the Draft Development Control Plan were made available for public viewing on Council’s website and at Council’s Administration Building and Council’s Library. A public notice was placed in the local newspaper. Emails were sent to those who had identified their interest in the proposal previously.

Only one submission was received from the community. This submission was in support of the proposal and identified a current circumstance where they have been prevented from undertaking a boundary adjustment to rural land due to the land not meeting the minimum lot size requirements.

Issue Raised	Assessment Comment
Supportive of the proposal in relation to Clause 4.2 B. Current circumstance where they have been unable to carry out a boundary adjustment to rural land due to the land not meeting the minimum lot size requirements. <i>“The changing of the boundary adjustment ruling will allow us to combine the land that we inherited in equal portions to our one acre lots.”</i>	Noted

2.4 PLANNING PROPOSAL

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the guidelines published by the Department of Planning and Environment. As discussed in this report some of the wording to the proposed clauses within the Planning Proposal has been revised from what was publicly exhibited in response to matters raised through consultation.

Council’s options are:

1. Resolve to support the Planning Proposal in an amended form as described in Section **2.14** to this report.

**PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision
Lot Size for Community Title Scheme Planning Proposal**

2. Resolve to support the Planning Proposal in another form to that which is described in this report. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.
3. Resolve not to support the Planning Proposal.

Option 1 is the recommendation of this report.

**2.5 A PLAN FOR GROWING SYDNEY (DECEMBER 2014) AND DRAFT
AMENDMENT: TOWARDS OUR GREATER SYDNEY 2056 (NOVEMBER 2016)**

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

This planning proposal does not deliver upon the strategic directions contained in the Plan nor is it inconsistent with any of these directions.

The proposed changes are not inconsistent with A Plan for Growing Sydney.

**2.6 DRAFT GREATER MACARTHUR PRELIMINARY LAND RELEASE STRATEGY
(SEPTEMBER 2015)**

The Draft Greater Macarthur Preliminary Land Release Strategy identifies Menangle Park, Mount Gilead and Wilton as Priority Growth Areas with potential to accommodate 35,000 new homes by 2036.

The draft strategy proposes that up to 2036 areas outside these Priority Growth Areas will remain rural in nature, with small scale development that can be supported by the existing infrastructure and transport network.

This proposal supports this strategy as it seeks to prevent unplanned residential development in rural areas within the strategy and across the Shire.

2.7 DRAFT SOUTH WEST DISTRICT PLAN (NOVEMBER 2016)

The South West District Plan was released by the Greater Sydney Commission in November 2016. The plan identifies a vision for south western Sydney over the next 20 years.

**PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision
Lot Size for Community Title Scheme Planning Proposal**

The planning proposal and subsequent site specific development controls are not inconsistent with the plan and respond to the Sustainable Sydney - Managing the Metropolitan Rural Area priority in the plan. With particular reference to the following:

- Discourage urban development in the Metropolitan Rural Area
- Consider environmental, social and economic values when planning in the Metropolitan Rural Area
- Provide for rural residential development while protecting the values of the Metropolitan Rural Area.

2.8 SECTION 117 MINISTERIAL DIRECTIONS

The Gateway Determination for the proposal does not identify specific Ministerial Directions (S.117 Directions) that must be complied with however; the following Ministerial Directions (S.117 Directions) are relevant to the Planning Proposal:

- Direction 1.2 Rural Zones
- Direction 1.3 Mining, Petroleum and Extractive Industries
- Direction 2.1 Environmental Protection Zones
- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 4.3 Flood Prone Land
- Direction 4.4 Planning for Bushfire Protection
- Direction 5.2 Sydney Drinking Water Catchments.

The planning proposal seeks to facilitate a shire wide policy change by allowing boundary adjustments within rural zones and applying the minimum lot size map to community title scheme subdivision. Therefore the proposal does not relate to a particular parcel of land. This means that the planning proposal does not contain specific provisions that will protect or preserve land that may be relevant under these Directions.

The planning proposal in and of itself will not lead to any strategic adverse impacts as any development application on land, which is for example environmentally sensitive or bushfire prone, would be subject to an assessment under existing statutory provisions on a site by site basis. This is considered to be satisfactory to safeguard the environment and resources.

Consequently, the planning proposal is either consistent with Ministerial Directions or any inconsistencies are of minor significance.

**PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision
Lot Size for Community Title Scheme Planning Proposal**

2.9 STATE ENVIRONMENTAL PLANNING POLICIES

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken and the planning proposal is consistent with all of the relevant policies.

A number of these policies will be applicable at the development application stage, however as the proposal does not relate to any specific parcel of land the proposal will not have any impact at the strategic stage.

2.10 WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033

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

Strategy CO4 – Engagement and Communication

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

Comment

Consultation with the community and other stakeholders was undertaken prior and during the formal public exhibition period.

Strategy EN2 – Growth Management

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

Comment

The application of both proposed amendments will trigger a merit based assessment prior to approval and so potential impacts on biodiversity and riparian areas will be considered through the Development Application process.

Strategy EN3 – Development Assessment

Apply best practice environmental principles to the assessment of development and planning proposals.

Comment

The proposed changes to the WLEP will apply to land across the Shire and will not be site specific. Consequently there is no strategic likelihood of adverse impacts on the environment.

**PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision
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Strategy EC3 – Manage Growth

Encourage and manage growth to ensure that it contributes to economic wellbeing.

Comment

The introduction of a minimum lot size to community title will support managed growth and help to ensure appropriate services and facilities are available as the community grows. This will also allow Council to more accurately anticipate growth and plan accordingly.

Additionally, the introduction of a clause for boundary adjustment to rural land will better enable lot consolidation, the development of larger agricultural production units and act to reduce land use conflict. This may help also help to support the economic viability of some agricultural uses in the Shire.

2.11 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

At present there is no minimum lot size for community title subdivision within Wollondilly which means that in principle land across the shire can be subdivided so long as they have development consent. In rural areas these types of estates would fragment rural land in isolated locations away from existing towns and villages, services and infrastructure. In urban locations this type of subdivision could be used as a loophole to seek approval for subdivision at higher densities than would otherwise be permitted under the Wollondilly LEP 2011. The proposed adoption of the standard instrument clause 4.1AA (i.e. to introduce a minimum lot size for community title schemes) will reduce these risks and is considered to be consistent with the GMS.

Proposed clause 4.2B seeks to allow minor boundary adjustment and will not lead to any unplanned growth.

2.12 FINAL FORM OF PLANNING PROPOSAL

2.12.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Based on the consultation and engagement there were minor changes to the Planning Proposal as exhibited.

The Planning Proposal seeks to introduce two (2) additional principal development standards to WLEP 2011 as described below:

- Amend Part 4 to insert optional Clause 4.1AA Minimum subdivision lot size for community title schemes as shown in Attachment 1.
- Amend Part 4 to insert Clause 4.2B Boundary adjustment to certain residential, environment protection and rural zones as shown in Attachment 2.

PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme Planning Proposal

2.12.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

Amendments are proposed to WDCP 2011 to include additional controls within Volume 3 – Subdivision of Land PART 2 – General Requirements for All Development to provide guidance to support the proposed Clause 4.2B as follows:

Proposed Control	Description
Land Fragmentation	Controls to prevent the fragmentation of rural land
Lot configuration	Controls to prevent large scale subdivision
Landscape and Character	Controls to ensure subdivisions are designed in a way that maintains or enhances the landscape
Corner allotments	Controls to ensure safe vehicular access
Building envelopes	To ensure constraints on rural and environmental land are considered before a boundary adjustment is carried out.
Traffic and Transport	Controls to provide for appropriate road access.
Wastewater	Controls to ensure the effective management of wastewater is considered
Stormwater	Controls to ensure the effective management of stormwater

These amendments were placed on public exhibition for over 28 days with the Planning Proposal. No submissions raised issues relevant to the proposed amendments to WDCP 2011. A copy of these controls are available in Attachment 3.

FINANCIAL IMPLICATIONS

Funding for the maintenance of Planning Instruments is part of the ongoing operational budget for Strategic Planning and no additional funding sources are required.

This matter has no direct financial impact on Council’s adopted budget of forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Clause 4.1AA Minimum subdivision lot size for community title schemes
2. Clause 4.2B Boundary adjustment to certain residential, environment protection and rural zones
3. Draft Amendment to Wollondilly Development Control Plan, 2016

**PE3 – Post Exhibition Boundary Adjustment and Minimum Subdivision
Lot Size for Community Title Scheme Planning Proposal**

RECOMMENDATION

1. That Council adopt and make the draft Local Environment Plan under delegation for the Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Schemes Planning Proposal to amend the Wollondilly Local Environment Plan 2011 land within the following zones:

- RU1 Primary Production
- RU2 Rural Landscape,
- RU4 Primary Production Small Lots
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- E4 Environmental Living.

As follows:

- Amend Part 4 to insert optional Clause 4.1AA Minimum subdivision lot size for community title schemes
 - Amend Part 4 to insert Clause 4.2B Boundary adjustment to certain residential, environment protection and rural zones.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to Parliamentary Counsel and the Greater Sydney Commission with a request to make arrangements for the drafting of the amended Local Environmental Plan in the form as detailed in this report and in the Planning Proposal.
 3. That Council amend the Wollondilly Development Control Plan 2016 in the form which was publically exhibited with amendments effective from the date at which the amended LEP is published.
 4. That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 public notice is given of Council's decision to adopt the Wollondilly Development Control Plan 2016 in a local newspaper within 28 days.
 5. That persons who made submissions regarding the Planning Proposal be notified of Council's decision.
 6. That a review of E4 zoned land be further considered after the completion of a Rural Land Use Study as part of Council's approach/response to managing the metropolitan rural area.

Planning and Economy

PE3

Post Exhibition Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme Planning Proposal

265508

TRIM 9019

Planning and
Economy

Moved on the Motion of Crs Gould and Hannan:

1. That Council adopt and make the draft Local Environment Plan under delegation for the Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Schemes Planning Proposal to amend the Wollondilly Local Environment Plan 2011 land within the following zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- E4 Environmental Living.

As follows:

- Amend Part 4 to insert optional Clause 4.1AA Minimum subdivision lot size for community title schemes
 - Amend Part 4 to insert Clause 4.2B Boundary adjustment to certain residential, environment protection and rural zones.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to Parliamentary Counsel and the Greater Sydney Commission with a request to make arrangements for the drafting of the amended Local Environmental Plan in the form as detailed in this report and in the Planning Proposal.
 3. That Council amend the Wollondilly Development Control Plan 2016, *with the amendments effective from the date at which the LEP amendment is published*, in the form in which it was exhibited *with the following clause replacing the exhibited controls*:
 1. The boundary adjustment must:
 - a. not result in a significant reconfigurations of the lots, and
 - b. bear some resemblance to the lots which existed before the adjustment, and
 - c. not result in a consolidation of the lots, and
 - d. result in an orderly and logical lot pattern, and
 - e. not fragment or degrade land, and

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Planning and Economy

- f. not negatively alter the potential rural use of the land, and*
 - g not increase the fragmentation of E2 and E3 zoned land and/or threatened ecological communities, and*
 - h. in zone R5, not result in a change to the existing lot size by more than 20%.*
4. That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 public notice is given of Council's decision to adopt the Wollondilly Development Control Plan 2016 in a local newspaper within 28 days.
 5. That persons who made submissions regarding the Planning Proposal be notified of Council's decision.
 6. That a review of E4 zoned land be further considered after the completion of a Rural Land Use Study as part of Council's approach/response to managing the metropolitan rural area.
 7. *That the Mulley and the Mulley-James families be invited to have discussions with Council's planning staff.*

104/2017 Resolved on the Motion of Crs Law and Deeth:

That Council go into a Committee of the whole to discuss the motion being considered.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Briggs, Banasik, Khan, Deeth, Law, Lowry, Landow, Hannan and Gould

105/2017 Resolved on the Motion of Crs M Banasik and Briggs:

That Council resume the open meeting.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Briggs, Banasik, Khan, Deeth, Law, Lowry, Landow, Hannan and Gould

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Planning and Economy

Cr Law and Banasik moved an amendment that this matter be deferred for a workshop.

106/2017 **Resolved on the Motion of Crs Law and M Banasik:**

That the matter be deferred.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Briggs, Banasik, Khan, Deeth, Law, Lowry, Landow, Hannan
 and Gould

Assessment of Boundary Adjustments

Table showing how the proposed planning Controls will address development considerations

Development Consideration	How will this development consideration be considered in the: <i>Wollondilly Local Environmental Plan 2011</i> (statutory – no variation permitted)	How will this development consideration be considered in the: <i>Wollondilly Development Control Plan 2016</i> (Guidance – variations can be considered where justified)
To define a boundary adjustment	<ul style="list-style-type: none"> • Proposed clause 4.2B(3)(a) – a boundary adjustment cannot result in an increase in lots or the number. • Proposed clause 4.2B(3)(b) - cannot increase the number of dwellings on or dwellings that may be erected on any of the lots • Proposed clause 4.2B(5)(a) - a boundary adjustment does not apply strata plan or community title schemes. • Proposed clause 4.2b(5)(b) – a boundary adjustment cannot result in a lot which is large enough to then be subdivided. 	<ul style="list-style-type: none"> • Control 2.11(1)(a) – not result in a significant reconfiguration of the lots. • Control 2.11(1)(b) – must bear resemblance to the lots which existed before the adjustment • Control 2.11(1)(c) – must no result in the consolidation of the lots
Development potential	<ul style="list-style-type: none"> • Proposed clause 4.2B(3)(a) - Cannot result in an increase in the number of lots 	No provision
	<ul style="list-style-type: none"> • Proposed clause 4.2B(3)(b) - cannot increase the number of dwellings on or dwellings that may be erected on any of the lots 	No provision
	<ul style="list-style-type: none"> • Proposed clause 4.2B(5)(b) – cannot create a 	No provision

How will this development consideration be considered in the:	
Development Consideration	Wollondilly Local Environmental Plan 2011 (statutory – no variation permitted) Wollondilly Development Control Plan 2016 (Guidance – variations can be considered where justified)
Land capability	lot that could then be subdivided. <ul style="list-style-type: none"> Proposed clause 4.2B(4)(a) – must be appropriate and consider the natural and physical constraints affecting the land
Infrastructure (services)	<ul style="list-style-type: none"> Proposed clause 4.2B(4)(b) – must not have a negative impact on the provision of existing services on the lot
Bushfire hazard	<ul style="list-style-type: none"> Proposed clause 4.2B(4)(c) – must not increase the fire risk to existing buildings
Heritage	<ul style="list-style-type: none"> Proposed clause 4.2B(4)(d) – must not impact on the heritage significance of a heritage item
Biodiversity/ Environmentally Sensitive Land	<ul style="list-style-type: none"> Proposed clause 4.2B(4)(e) – must not affect threatened species, ecological endangered communities, vegetation or require its removal
Applicability	<ul style="list-style-type: none"> Proposed clause 4.2B(5)(a) – the boundary adjustment provision will not apply to strata plan or community title scheme subdivisions.
Land fragmentation	No provision <ul style="list-style-type: none"> Control 2.11(1)(d) – must result in an orderly and logical lot pattern Control 2.11(1)(e) – must not fragment or degrade the land
Orderly & logical development	<ul style="list-style-type: none"> Control 2.11(1)(d) – must result in an orderly and logical lot pattern in terms of lot

Development Consideration	How will this development consideration be considered in the:	
	<p><i>Wollondilly Local Environmental Plan 2011</i> (statutory – no variation permitted)</p> <ul style="list-style-type: none"> Proposed clause 4.2B(4)(c) 	<p><i>Wollondilly Development Control Plan 2016</i> (Guidance – variations can be considered where justified)</p> <p>configuration, lot size, servicing, road access & safety, biodiversity, economic use etc.</p>

Clause 4.1AA Minimum subdivision lot size for community title schemes

Current Wording – Clause 4.1AA

4.1AA Minimum subdivision lot size for community title schemes

[Not adopted]

Proposed Wording – Clause 4.1AA

(Text proposed to be added shown in italics)

4.1AA Minimum subdivision lot size for community title schemes

- (1) *The objectives of this clause are as follows:*
 - a) *to ensure that community title schemes comply with Council's minimum lot sizes,*
 - b) *to ensure that land is not fragmented by subdivisions that would create additional dwelling entitlements.*
- (2) *This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:*
 - (a) *Zone RU1 Primary Production*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU4 Primary Production Small Lots*
 - (d) *Zone R2 Low Density Residential*
 - (e) *Zone R3 Medium Density Residential*
 - (f) *Zone R5 Large Lot Residential*
 - (g) *Zone E4 Environmental Living*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Clause 4.2B Boundary adjustment to certain residential, environment protection and rural zones

4.2B Boundary adjustment in certain rural, residential and environment protection zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.
- (2) This clause applies to the following land use zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E3 Environmental Management,
 - (f) Zone E4 Environmental Living
- (3) Despite clause 4.1 (3), development consent may be granted to subdivide the land by adjusting the boundary between adjoining lots if one or more do not meet the minimum lot size shown on the Lot Size Map in relation to that land, if the boundary adjustment will not result in:
 - (a) an increase in the number of lots, or
 - (b) an increase in the number of dwellings on or dwellings that may be erected on any of the lots.
- (4) Before determining a development application under this clause, the consent authority must ensure that the boundary adjustment:
 - (a) is appropriate and has regard to the natural and physical constraints affecting the land, and
 - (b) will not adversely affect the provision of existing services on a lot, and
 - (c) will not result in an increased fire risk to existing buildings, and
 - (d) will not impact on the heritage significance of a heritage item including its curtilage, character or the setting, and
 - (e) will not affect threatened species, ecological endangered communities, vegetation or require its removal
- (5) This clause does not apply:
 - (a) In relation to the subdivision of individual lots in a strata plan or a community title scheme, or
 - (b) If the subdivision would create a lot that can itself be subdivided in accordance with clause 4.1.

Draft Amendment to Wollondilly Development Control Plan, 2016

Volume 3 – Subdivision of Land

PART 2 – GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

2.11 Boundary Adjustment to certain residential, environment protection and rural zones

Note 1: Clause 4.2B of the Wollondilly Local Environmental Plan 2011 applies to Boundary Adjustments in rural, environmental protection zones and large lot residential. Clause 4.B sets out where boundary adjustments can be considered and what must be considered before determining a development application.

Note 2: Only controls under this part (i.e. Part 2.11) will apply to boundary adjustments. Other controls within Part 2 do not apply.

Application

This part applies when a boundary adjustment is carried out and no additional lots are created under clause 4.2B of WLEP 2011

Objectives

- a) To ensure access points for rural subdivisions are located at safe locations within the road network
- b) To ensure regular and practical allotments that will encourage the orderly and economic use of land.
- c) To ensure the land is not fragmented and degraded by inappropriate subdivision
- d) To indirectly define a boundary adjustment

Controls

1. The boundary adjustment must:
 - a. not result in a significant reconfiguration of the lots and
 - b. bear some resemblance to the lots which existed before the adjustment and
 - c. not result in a consolidation of the lots and
 - d. result in an orderly and logical lot pattern and
 - e. not fragment or degrade land and
 - f. not negatively alter the potential agricultural use of rural zoned land.