



# Planning Proposal

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To Amend Wollondilly Local Environmental Plan 2011

## Original Holdings Housekeeping Amendment

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To amend and correct the Original Holdings Maps contained within Wollondilly Local Environmental Plan 2011.

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# Introduction

This Planning Proposal has been initiated by Wollondilly Shire Council and seeks to ensure the full and correct application of clause 4.1B “subdivision of certain Land in Zone E4 Environmental Living” in Wollondilly Local Environmental Plan 2011 (WLEP, 2011) as it was originally intended. Clause 4.1B identifies planning controls for the subdivision of land within the E4 Environmental Living zone and states the following:

## **“4.1B Subdivision of certain land in Zone E4 Environmental Living**

- (1) *The objective of this clause is to ensure that certain land within Zone E4 Environmental Living is not subdivided to significantly increase the density of development on the land.*
- (2) *This clause applies to the land identified as “Original holdings” on the Original Holdings Map.*
- (3) *Despite clause 4.1, development consent must not be granted for the subdivision of land to which this clause applies if the total number of lots comprising the land will exceed 1 lot per 4 hectares as a result of the subdivision.*
- (4) *In this clause, **Original Holdings Map** means the Wollondilly Local Environmental Plan 2011 Original Holdings Map.”*

As stated in sub-clause (2) above, clause 4.1B only applies to lands which are identified in the Original Holdings maps which form part of the WLEP 2011. The current Original Holdings map series that forms part of WLEP 2011 does not include all E4 zoned land in the Shire, as some lands were excluded upon gazettal of WLEP 2011. This planning proposal intends to correct the original holdings maps to include these lands that have been incorrectly excluded from the maps.

At its Ordinary Meeting on 20 July, 2015, Council resolved the following:

1. *That Council support the preparation of a Planning Proposal to make amendments to the Wollondilly Local Environmental Plan 2011 Original Holdings Maps within E4 zoned land across the Shire which are currently not included in error.*
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.*

The Planning Proposal was sent the Department of Planning and Environment on 29 July, 2015 requesting a Gateway Determination. The Planning Proposal that was submitted to the Department advised that no Specialist Studies would be required for the Planning Proposal, as the outcomes of the Planning Proposal would be in accordance with the findings of previous land use investigations carried out across the Shire and the Planning Proposal would correct a current mapping error.

The NSW Department of Planning and Environment issued a Gateway Determination for the Planning Proposal on 7 October, 2015 and included the following requirements:

1. *Prior to exhibition, the Planning Proposal is to be amended to:*
  - a) *Clearly identify (list and map) all additional lots that are proposed for inclusion on the original holdings map sheets; and*
  - b) *provide historical details (lot and DP number/s) for each land parcel subject to this Planning Proposal, that was previously an “Original Holding” under Clause 13B of former Wollondilly Local Environmental Plan 1991, cross referencing with the current details (lot and DP numbers for each of these parcels).*
2. *Community Consultation is required under sections 56(2)(c) and 57 of the Act as follows:*

- a) *The Planning Proposal must be made publicly available for a minimum of 28 days; and*
- 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 the Planning Proposals as identified in section 5.5.2 of A Guide to Preparing LEP's (Planning and Infrastructure 2013).*
3. *A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
4. *The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.*

To address condition 1 in the Gateway Determination, the following table has been prepared to identify all of the lots that are proposed to be added to the Original Holdings Maps. The table includes the current lot and DP and registration date, and also identifies the lot and DP numbers of the original holding lot which they formed a part of.

The Planning Proposal affects 115 lots across Menangle and Razorback which are identified in the following table:

Original Holding		Date of Registration	Current Lot		Date of Registration
Lot	DP		Lot	DP	
1	537638	25/09/1969	1	1126573	21/08/2008
			2	1126573	21/08/2008
			3	1126573	21/08/2008
			4	1126573	21/08/2008
			5	1126573	21/08/2008
			6	1126573	21/08/2008
			7	1126573	21/08/2008
			8	1126573	21/08/2008
			9	1126573	21/08/2008
60	853569	10/10/1995	60	853569	10/10/1995
61	853569	10/10/1995	61	853569	10/10/1995
227	816116	16/03/1992	232	868645	23/05/1997
			1	1022258	7/02/2001
			2	1022258	7/02/2001
			3	1022258	7/02/2001
			4	1022258	7/02/2001
			5	1022258	7/02/2001
			6	1022258	7/02/2001
			7	1022258	7/02/2001
			8	1022258	7/02/2001
			91	1176692	2/08/2012
			92	1176692	2/08/2012
212	747511	24/09/1987	212	747511	24/09/1987
5	260390	31/07/1980	5	260390	31/07/1980
6 & 7	260390	31/07/1980	1	1128635	21/07/2008
			2	1128635	21/07/2008
			3	1128635	21/07/2008
			4	1128635	21/07/2008
			5	1128635	21/07/2008
			6	1128635	21/07/2008
			7	1128635	21/07/2008
			8	1128635	21/07/2008
			9	1128635	21/07/2008
			10	1128635	21/07/2008
			11	1128635	21/07/2008
50	738015	27/10/1986	50	738015	27/10/1986
51	738015	27/10/1986	1	1188823	15/10/2014
			2	1188823	15/10/2014
			3	1188823	15/10/2014
			4	1188823	15/10/2014
			2	881445	9/11/1998
6	243396	24/10/1972	6	243396	24/10/1972
1	545092	12/01/1971	1	545092	12/01/1971
2	545092	12/01/1971	2	545092	12/01/1971
1	243396	28/07/1972	11	1000921	6/05/1999
			12	1000921	6/05/1999
21	624160	11/05/1982	21	624160	11/05/1982
22	624160	11/05/1982	221	1024835	10/04/2001
			222	1024835	10/04/2001

Original Holding		Date of Registration	Current Lot		Date of Registration
Lot	DP		Lot	DP	
3	243396	28/07/1972	3	243396	28/07/1972
4	243396	28/07/1972	10	1021168	11/12/2000
			11	1021168	11/12/2000
1	1022620	18/02/1993	1	1022620	18/02/1993
1	262988	25/05/1982	1	262988	25/05/1982
2	262988	25/05/1982	2	262988	25/05/1982
10	832697	30/08/1993	1	1014468	29/06/2000
			2	1014468	29/06/2000
			5	1017880	10/11/2000
			6	1017880	10/11/2000
			7	1017880	10/11/2000
			8	1017880	10/11/2000
			9	1063316	21/01/2004
			10	1063316	21/01/2004
			11	1063316	21/01/2004
11	832697	30/08/1993	11	832697	30/08/1993
2	260390	31/07/1980	20	1093574	22/02/2006
			21	1093574	22/02/2006
			22	1093574	22/02/2006
			23	1093574	22/02/2006
			24	1093574	22/02/2006
			25	1093574	22/02/2006
			26	1093574	22/02/2006
			27	1093574	22/02/2006
			28	1093574	22/02/2006
			29	1093574	22/02/2006
10	616342	29/04/1981	10	616342	29/04/1981
11	616342	29/04/1981	111	1053865	11/06/2003
			112	1053865	11/06/2003
			113	1053865	11/06/2003
1	999595		1	999595	1997 (re-surveyed)
1	246508	21/12/1973	1	246508	21/12/1973
2	246508	21/12/1973	2	246508	21/12/1973
3	246508	21/12/1973	3	246508	21/12/1973
4	246508	21/12/1973	4	246508	21/12/1973
5	246508	21/12/1973	51	1196496	4/11/2014
			52	1196496	4/11/2014
6	246508	21/12/1973	6	246508	21/12/1973
7	246508	21/12/1973	7	246508	21/12/1973
8	246508	21/12/1973	8	246508	21/12/1973
9	246508	21/12/1973	9	246508	21/12/1973
4	262988	25/05/1982	1	878045	19/06/1998
			2	878045	19/06/1998
			3	878045	19/06/1998
			4	878045	19/06/1998

Original Holding		Date of Registration	Current Lot		Date of Registration
Lot	DP		Lot	DP	
			5	878045	19/06/1998
			6	878045	8/07/1997
			7	878045	8/07/1997
			8	878045	8/07/1997
			9	878045	8/07/1997
			10	878045	8/07/1997
17	245615	20/11/1973	17	245615	20/11/1973
18	245615	20/11/1973	18	245615	20/11/1973
19	245615	20/11/1973	19	245615	245615
8	245756	26/10/1973	900	1072947	7/09/2004
			801	1103969	31/10/2006
			802	1103969	31/10/2006
			803	1103969	31/10/2006
			804	1103969	31/10/2006
			805	1103969	31/10/2006
			806	1103969	31/10/2006
A	62283	Parish Map	11	239302	13/03/2009
			1	1133989	13/03/2009
			2	1133989	13/03/2009
6	246706	13/2/1974	6	246706	13/2/1974
8	246706	13/2/1974	8	246706	13/2/1974

# Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to make amendments to correct the original holdings maps that form part of WLEP 2011.

The intended outcomes of the Planning Proposal are:

- To correct the Original Holdings maps that form part of WLEP 2011 to accurately identify all original holdings lots within E4 zoned land across the Shire;
- To ensure that all subdivision of land within the E4 Environmental Living Zone is subject to Clause 4.1B of WLEP 2011 and achieves the density provisions identified in this clause;
- To ensure that errors on existing mapped land are corrected.

## Part 2 – Explanation of Provisions

The intended outcome will be achieved by:

- Amending the Wollondilly Local Environmental Plan 2011 original holdings maps to ensure that all original holding lots within E4 zoned land across the Shire are accurately identified on the maps. This will involve the correction of existing maps 011A and 011B and the introduction of new maps to include lands not currently identified on the maps.

## Part 3 – Justification

### Section A – Need for the planning proposal

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

The density controls contained within clause 4.1B of WLEP 2011 originated from two key studies that were previously carried out. These studies and their relationship to density controls in the E4 zone are explained below:

#### **Wollondilly Agricultural Land Study**

In 1993, Council published the *Wollondilly Agricultural Land Study* (“the agricultural land study”) in conjunction with the Wollondilly Local Environmental Plan 1991 (amendment No. 11). The study recognised that agriculture is an important land use within the Shire and included 5 recommendations to ensure that agricultural and rural lands continue to grow in a suitable manner. Of particular relevance was recommendation number 2 which stated the following:

2. *That Council carry out a review of its rural zones to prepare a draft Local Environmental Plan which will allow for agricultural production as well as rural residential subdivision. This is to be done utilising the methodology outlined for assessing the agricultural potential of the land.*

In response to the recommendation above, the Review of Rural Lands Report was furnished by Council.

#### **Review of Rural Lands Report**

In September, 1996 the Council completed the Review of Rural Lands Report (“the rural lands report”). This report was the catalyst for the introduction of the 7(c) Environmental Protection Rural Living zone into the Shire. The report was also the foundation for the density control currently contained within clause 4.1B of WLEP 2011.

This report describes the Wollondilly Shire as comprising:



*“A diverse landscape consisting of undulating rural land, fertile alluvial river flats and steep river gorges. There is a large amount of indigenous vegetation associated with this diverse landscape, the majority of it forming significant corridors, which are associated with the river gorges. The Shire has a scattered population of which approximately half live in the 16 towns and villages. The other half live in the rural residential and farming lots. The towns and villages range in size from 70 to over 3,000.”*

The objectives identified in the rural lands report not only involve the protection of agricultural lands but also to maintain the rural landscape character of the Wollondilly Local Government Area by providing a balance between agriculture and other land uses. These objectives would be achieved by the introduction of three new rural zones:

- 1(a) Agriculture
- 1(b) Agricultural Landscape
- 7(c) Environmental Protection Rural Living

According to section 7.3 of the rural lands report, the 7(c) zone is to provide: rural living opportunities within a sensitive environment and that subdivision and dwelling houses must cater for the protection of that sensitive environment. The report identifies rural living as a residential use of land in a rural environment. The primary objective of the 7(c) zone is to provide rural living opportunities having regard to the preservation of the rural landscape character as well as the constraints of the land. The lot size and density standards to achieve these rural living opportunities were then determined as follows:

*“The 2ha subdivision minimum lot size and 4ha density was arrived at after an assessment of the existing lot size range, landscape as well as topographical considerations. It was considered that by providing a density of 4ha, the integrity of the landscape would be preserved and that land degradation would not occur. The 2ha minimum was introduced to allow for a range of lot sizes to be created so that they conform to the landscape and land forms of the area and to provide for a variety in the lots created. It should be pointed out that the primary objective of the zone is to encourage the preservation of the landscape character by ensuring that development does not detract from that character. It is considered that any lesser density would not achieve that objective.*

Section 8.3 of the Review of Rural Lands Report states that there are four areas suitable for environmental protection (rural living) within the Wollondilly Local Government Area, being within the following localities:

- Werombi – Theresa Park – Orangeville
- Brownlow Hill
- Menangle
- Razorback and Pheasants Nest

These areas were said to be chosen for rural living because of their highly fragmented nature and non-degraded areas as well as lack of any significant agricultural enterprise.

The rural lands report was used as a basis for the introduction of the 7(c) zone into several areas of the Shire that were seen to have a level of scientific, aesthetic or environmental value and that were suitable for residential living in a rural environment. The development standards discussed above in relation to lot size and density were applied to this zone.

### **Wollondilly Local Environmental Plan 1991 and 2011**

Clause 13(b)(1) of WLEP 1991 provided the following development standard which controlled subdivision of land in the 7(c) Environmental Protection (Rural Living) Zone:

- (1) *the total number of lots into which the original holding will be divided after the subdivision will not exceed the number obtained by dividing by 4, the area (in hectares) of the original holding that is within Zone No. 7(c) only, the dividend being rounded down to the nearest whole number.”*

This effectively allowed the original holding to be subdivided to a density of no greater than one lot per 4 hectares.

This clause also contained a definition of original holding being “a lot in a current plan (within the meaning of section 327AA(1) of the Local Government Act, 1919) as at the date of publication in the Gazette of Wollondilly Local

*Environmental Plan 1991 (Amendment No. 11)*". The date of publication of amendment No. 11 was 20 September, 1996. Therefore any allotment within 7(c) zoned land that was created before this date is considered to be an "original holding" for the purposes of this clause.

On 23 February, 2011, WLEP 1991 was superseded by WLEP 2011. The NSW Department of Planning's Standard Instrument (Local Environmental Plan) Order 2006 provided that the land use zone E4 Environmental Living would be used in WLEP 2011 as an equivalent to zone to the 7(c) (Environmental Protection (Rural Living)) Zone.

Clause 4.1B in WLEP 2011 provided density controls in the E4 zone in a similar manner to those provided by WLEP 1991. Clause 4.1B in WLEP 2011 provides the following:

**"4.1B Subdivision of certain land in Zone E4 Environmental Living**

- (1) *The objective of this clause is to ensure that certain land within Zone E4 Environmental Living is not subdivided to significantly increase the density of development on the land.*
- (2) *This clause applies to the land identified as "Original holdings" on the Original Holdings Map.*
- (3) *Despite clause 4.1, development consent must not be granted for the subdivision of land to which this clause applies if the total number of lots comprising the land will exceed 1 lot per 4 hectares as a result of the subdivision.*
- (4) *In this clause, **Original Holdings Map** means the Wollondilly Local Environmental Plan 2011 Original Holdings Map."*

The density provision of one lot per 4 hectares was retained in WLEP 2011; however no definition of original holding was included in the clause as all original holding lots were to be identified on an original holdings map that would form part of WLEP, 2011. The density control only applies to land which is mapped on the original holdings maps as outlined by sub-clause (2) above. When WLEP 2011 was gazetted by the NSW Department of Planning in 2011, some E4 zoned land across Razorback and Menangle was not included on the original holdings maps in error and these lands are therefore not subject to the density provisions in WLEP, 2011.

**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 Planning Proposal is the best means of achieving the intended outcomes. As Clause 4.1B of WLEP 2011 refers to land in the original holdings maps, a Planning Proposal is the only way the maps can be amended. It is considered that the Planning Proposal is minor in nature. The LEP currently contains a total of eleven (11) original holdings maps and only two (2) (being maps 11A and 11B) of these will require amendments through this Planning Proposal. Additional maps which show lands that are currently absent in error will also be required.

**Section B – Relationship to strategic planning framework**

**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 Planning Proposal does not alter the intent of the maps or any planning controls. It is administrative in that it corrects a series of mapping errors in WLEP, 2011. It is not inconsistent with the applicable regional and subregional strategies or the Plan for Growing Sydney, 2014.

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

The two key local strategies are:

- Wollondilly Community Strategic Plan
- Wollondilly Growth Management Strategy

**Wollondilly Community Strategic Plan**

The Wollondilly Community Strategic Plan 2033 (WCSP), adopted by Council on 17 June 2013, is the Council's highest level long term plan and sets out the long term strategic planning aspirations of the community for Wollondilly over 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, such as WLEP, 2011 and the Wollondilly Growth Management Strategy.

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

### **GO7 - Information Management**

*Ensure best practice approach as to the delivery of quality information and technology services.*

Comment: By amending the original holdings maps in the manner described in this Planning Proposal, the delivery of accurate information can be achieved.

### **EN3 - Development Assessment**

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

Comment: The planning proposal to amend the original holdings maps would be consistent with this strategy as it would ensure that clause 4.1B in WLEP 2011 correctly and accurately applies to all land within the E4 zone and would ensure that the density provisions in this clause are applied to all applications for subdivision of land within that zone and appropriate environmental outcomes are achieved.

### **EC3 - Manage Growth**

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

Comment: The planning proposal would ensure that growth and density is suitably managed across all E4 zoned land in the shire.

### **EC4 - Managing Development and Land Use**

*Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.*

Comment: The planning proposal would improve the likelihood of future development achieving a high quality built environment across all E4 zoned land in the shire by ensuring an appropriate density of development and reducing unreasonable clustering of housing and rural land use conflict within that zone.

### **Wollondilly Growth Management Strategy**

The Growth Management Strategy (GMS) was adopted by Council on 21 February 2011. It contains Key Policy Directions and Assessment Guidelines for the evaluation of planning proposals and Council decisions on growth. The subject Planning Proposal is simply to correct a mapping error and does not impact on growth decisions.

Notwithstanding this, all Planning Proposals within Wollondilly must be assessed against the key policy directions within the GMS. Appendix C sets out the GMS Key Policy Directions and Assessment Criteria as they relate to this proposal.

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

The planning proposal is consistent with applicable State Environmental Planning Policies (see Appendix A).

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

The planning proposal is consistent with applicable Section 117 Directions (see Appendix B).

**Section C – Environmental, social and economic impact**

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

The Planning Proposal would not have any impact on threatened species populations or ecological communities.

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

The Planning Proposal intends to only correct a mapping error to ensure that the density controls contained in Clause 4.1B of WLEP 2011 apply to all E4 zoned lands as originally intended in the Rural Lands Report and no other environmental effects are anticipated.

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

No adverse economic or social impact is anticipated.

**Section D – State and Commonwealth interests**

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

Not applicable.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**




The Planning Proposal is simply to correct errors within the original holdings maps that form part of WLEP 2011 and no government agency consultation is required for this process.

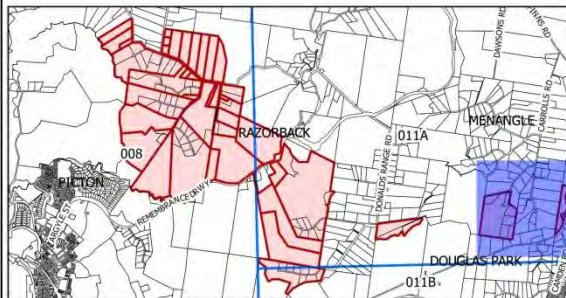
# Part 4 – Mapping

Map 1 – Proposed New Maps (pages 14-21)

Map Series to be Amended:  
**Original Holdings Map**

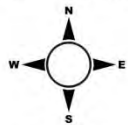
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 8400\_COM\_OHL\_011B\_020\_20110210

- Zone**
-  Original Holdings
  -  Original Holdings Amendment
- Cadastral**
-  Cadastral base data 01/08/2014 © Land and Property Information (NSW)
  -  Addressed data 03-11-2015 © Wollondilly Shire Council



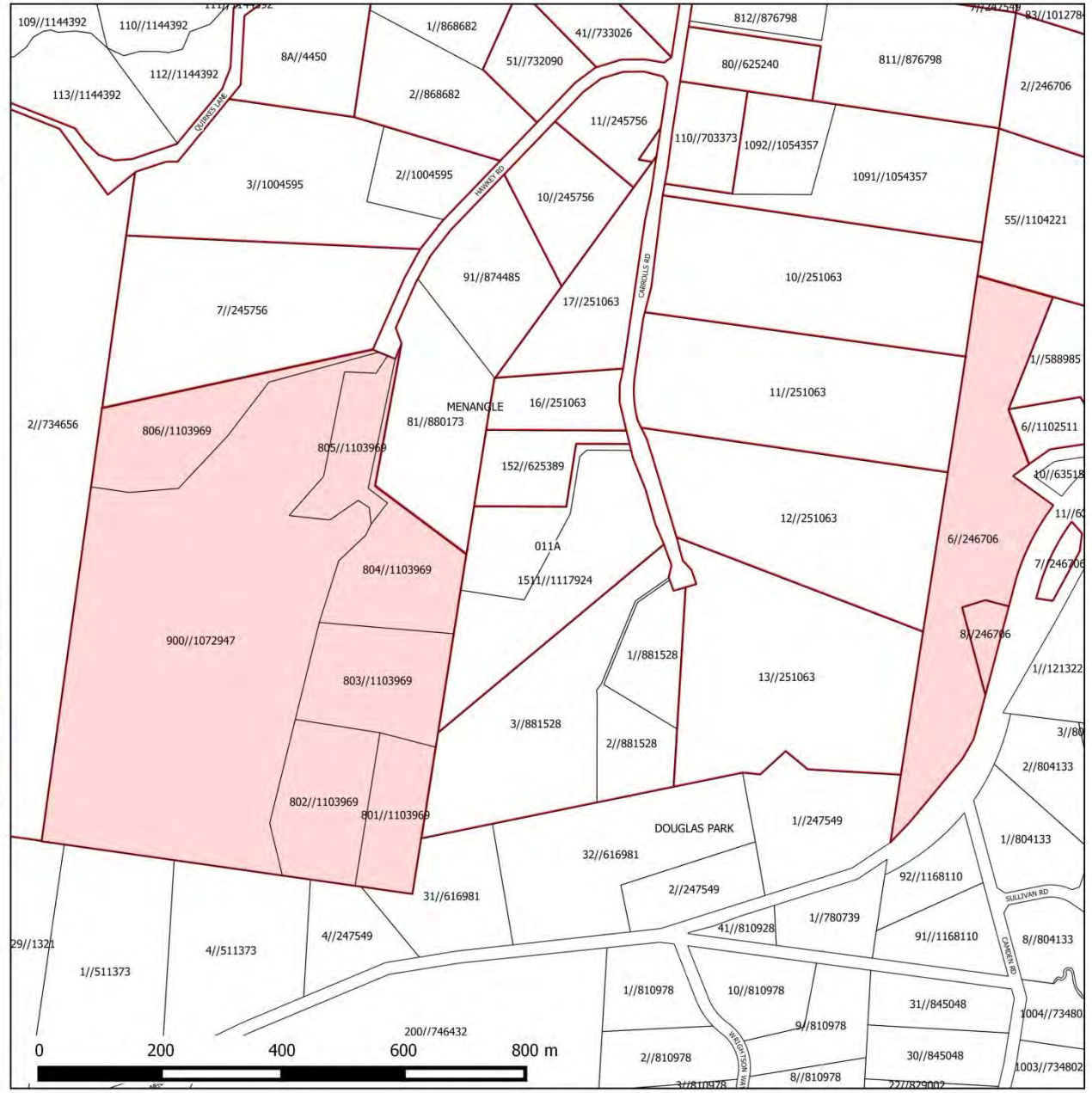
Map Produced on: 03-11-2015

Wollondilly Shire Council accepts no responsibility for any injury, loss or damage arising from the use of this plan or errors or omissions therein.







Projection: GDA 1994  
 MGA Zone 56  
 Scale: 1:20,000 @ A3

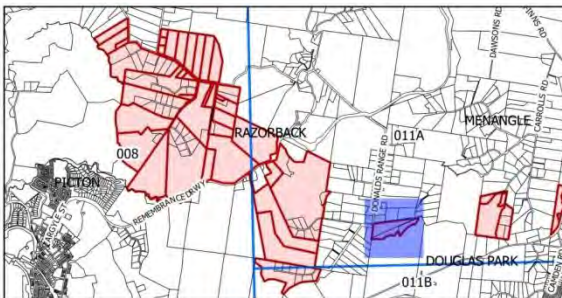
Visit the website below to find the published map sheet listed above:  
<http://www.legislation.nsw.gov.au/mapindex/?page=ep10;year=2011&no=85>



Map Series to be Amended:  
**Original Holdings Map**

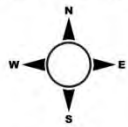
Map Sheet to be Amended:  
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 8400\_COM\_OHL\_011B\_020\_20110210

- Zone**
-  Original Holdings
  -  Original Holdings Amendment
- Cadastral**
-  Cadastral base data 01/09/2014 © Land and Property Information (NSW)
  -  Address data 03-11-2015 © Wollondilly Shire Council



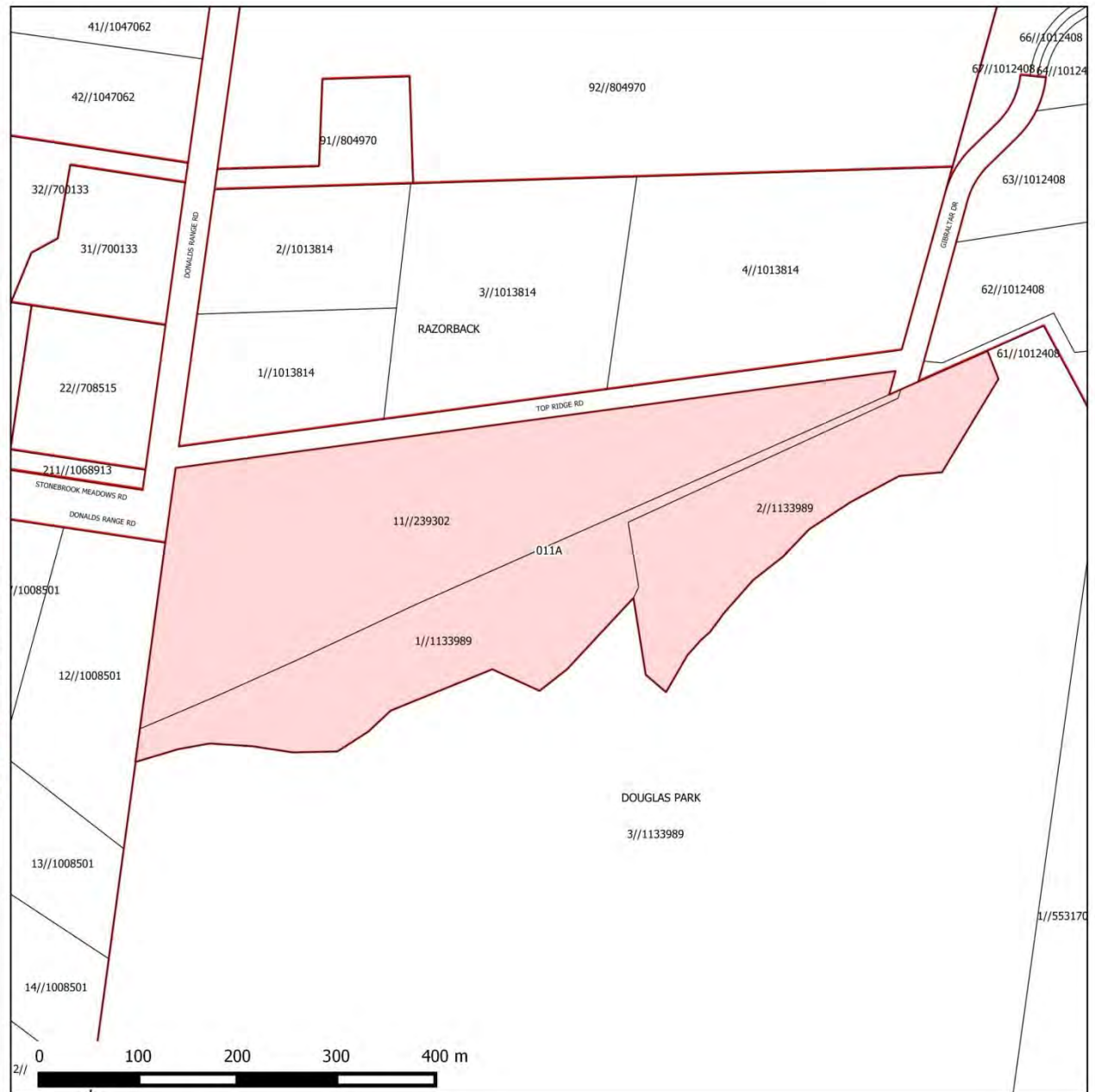
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Projection: GDA 1994  
 MGA Zone 56  
 Scale: 1:20,000 @ A3

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



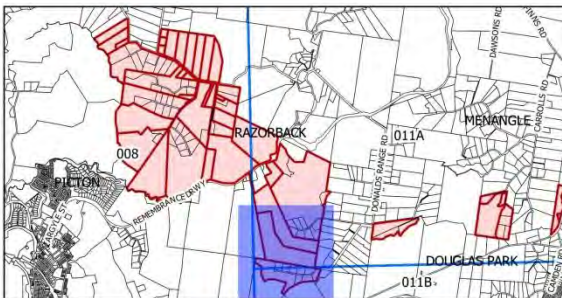
Map Series to be Amended:  
**Original Holdings Map**

Map Sheet to be Amended:  
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- Zone**
- Original Holdings
  - Original Holdings Amendment

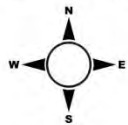
**Cadastral**

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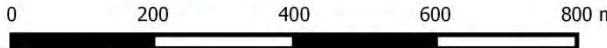
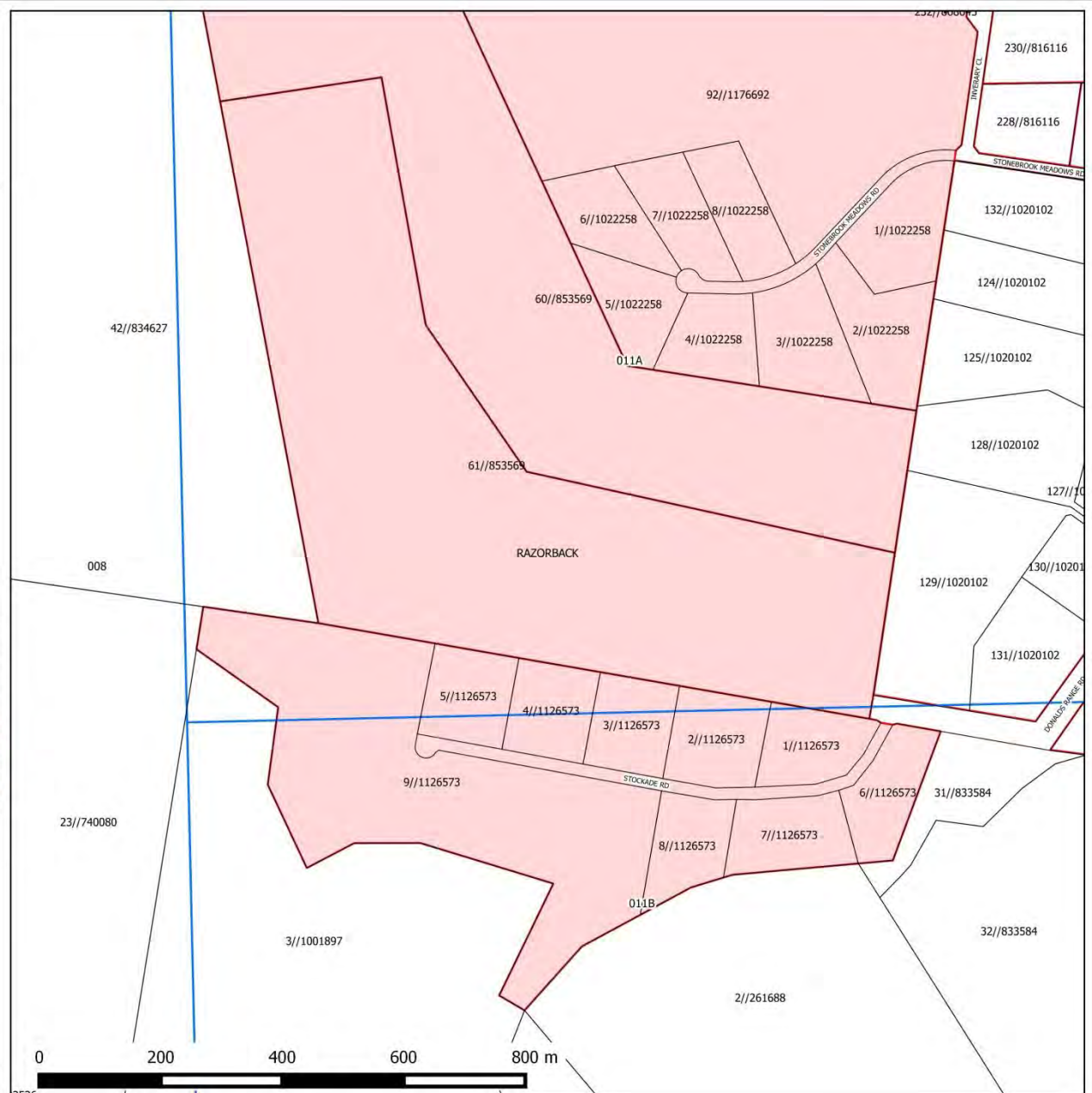
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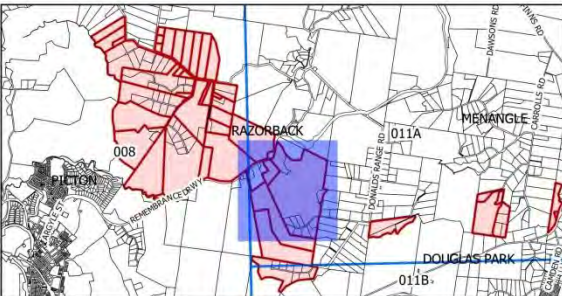




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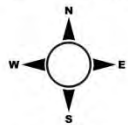
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- Zone**
-  Original Holdings
  -  Original Holdings Amendment
- Cadastral**
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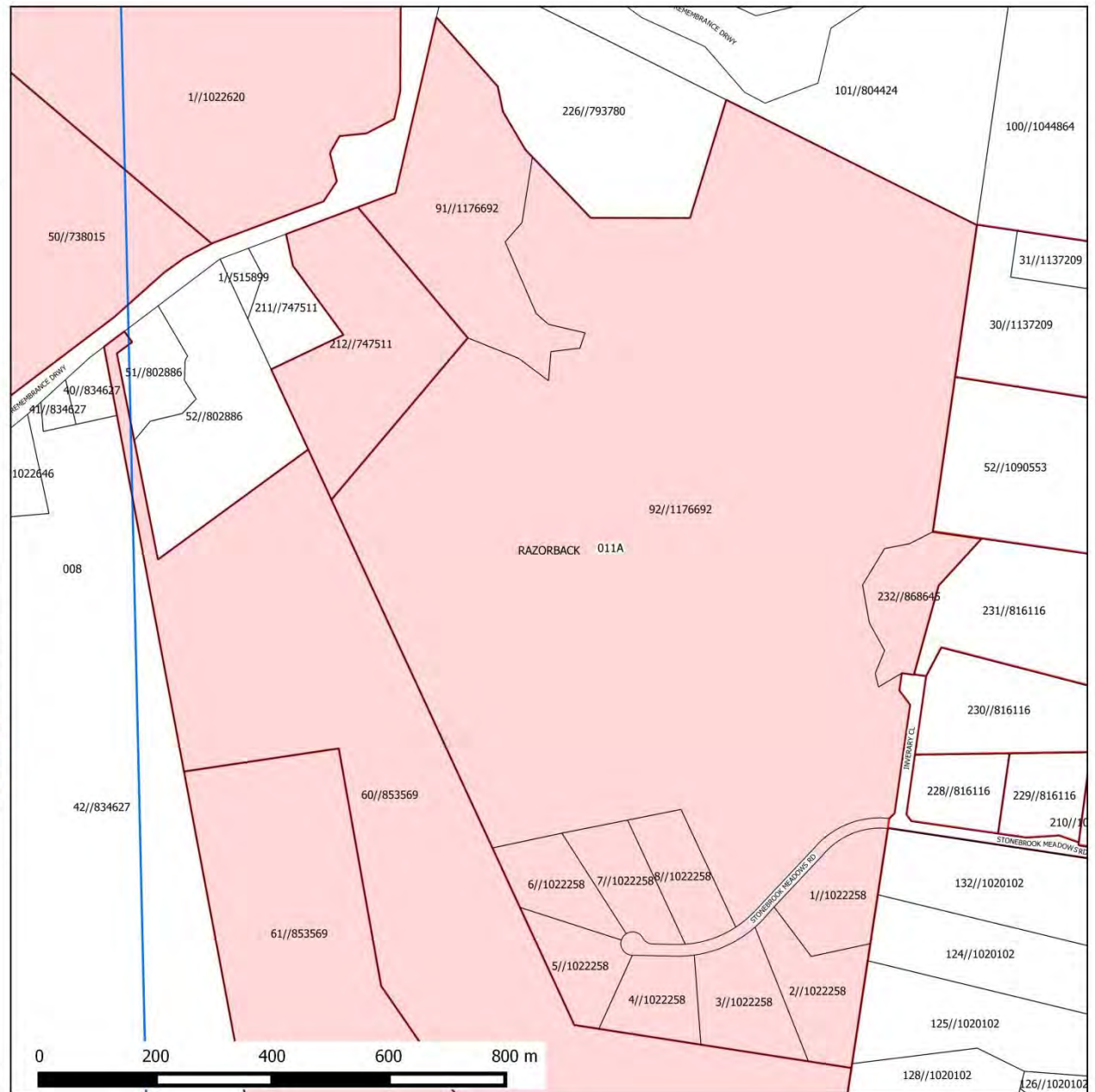
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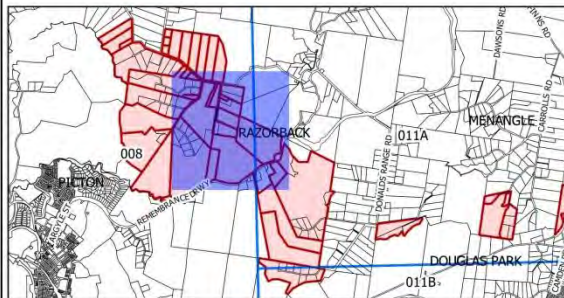
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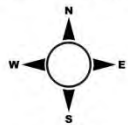
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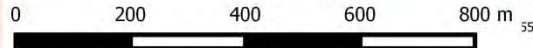
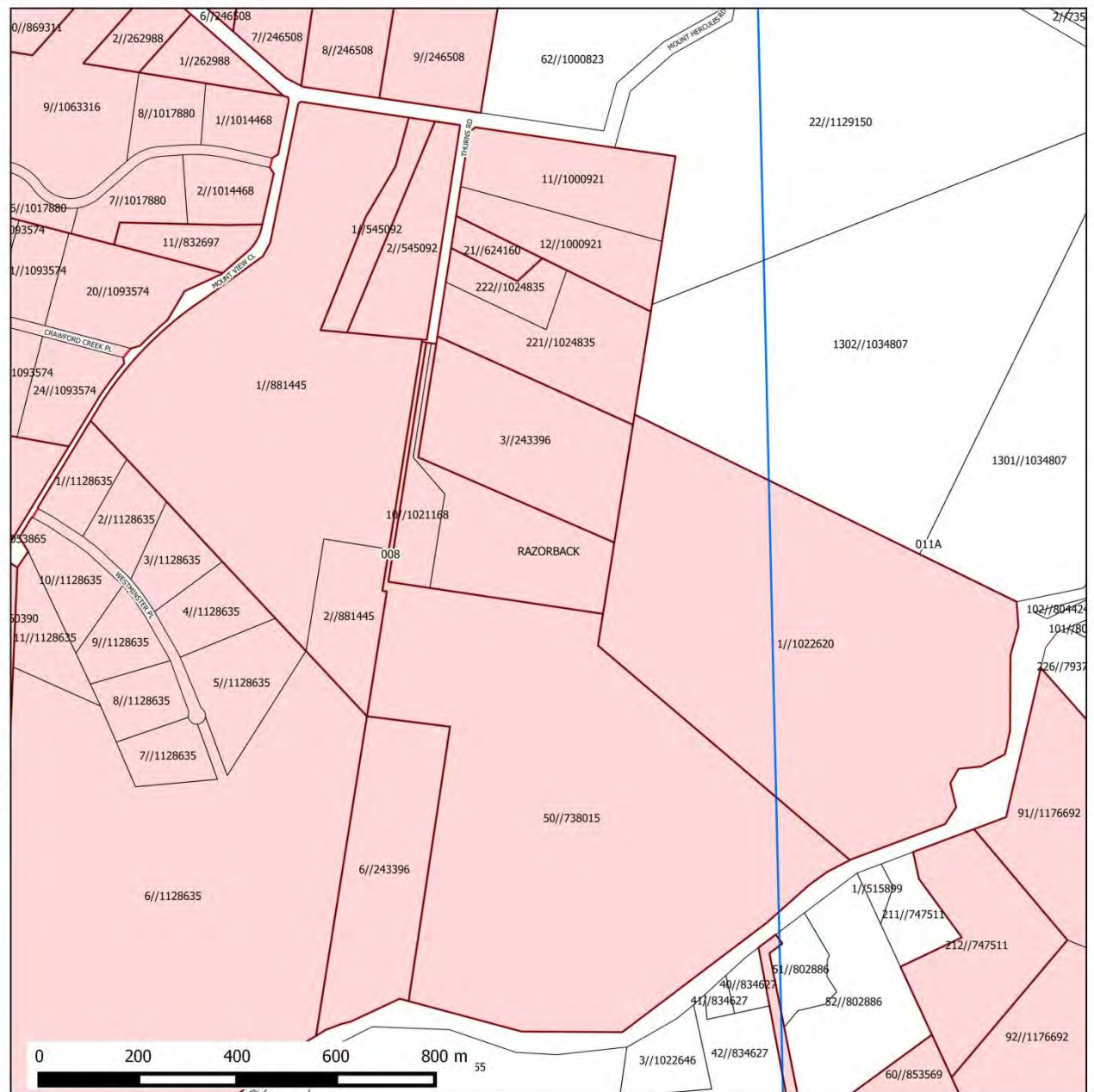
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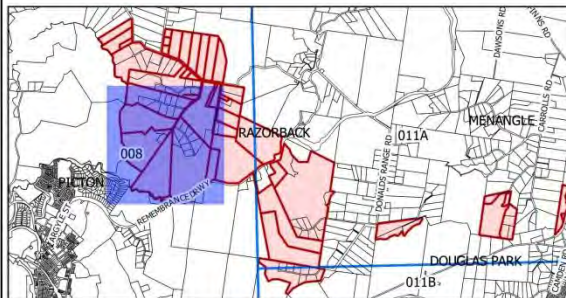
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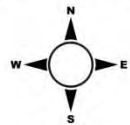
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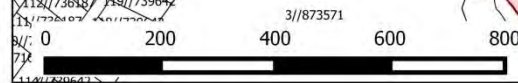
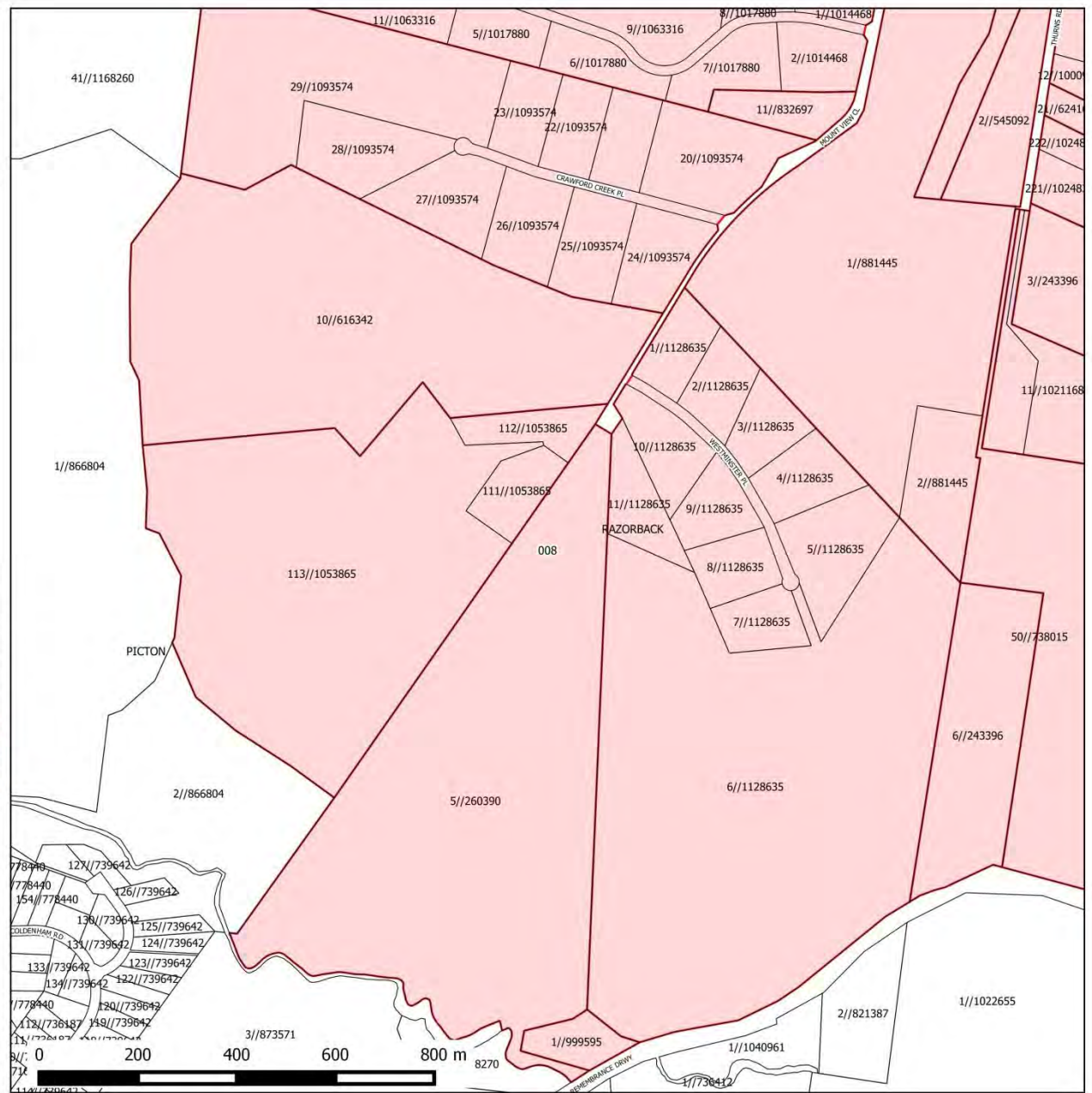
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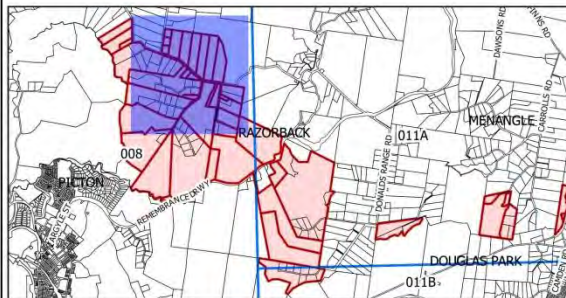
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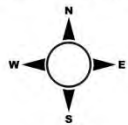
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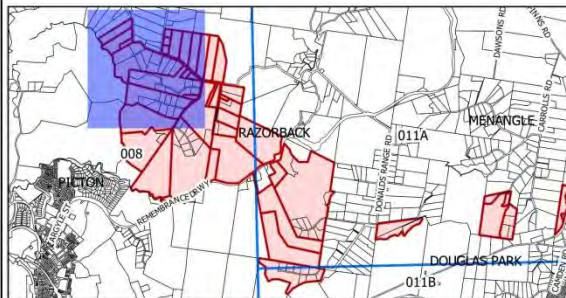


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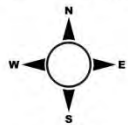
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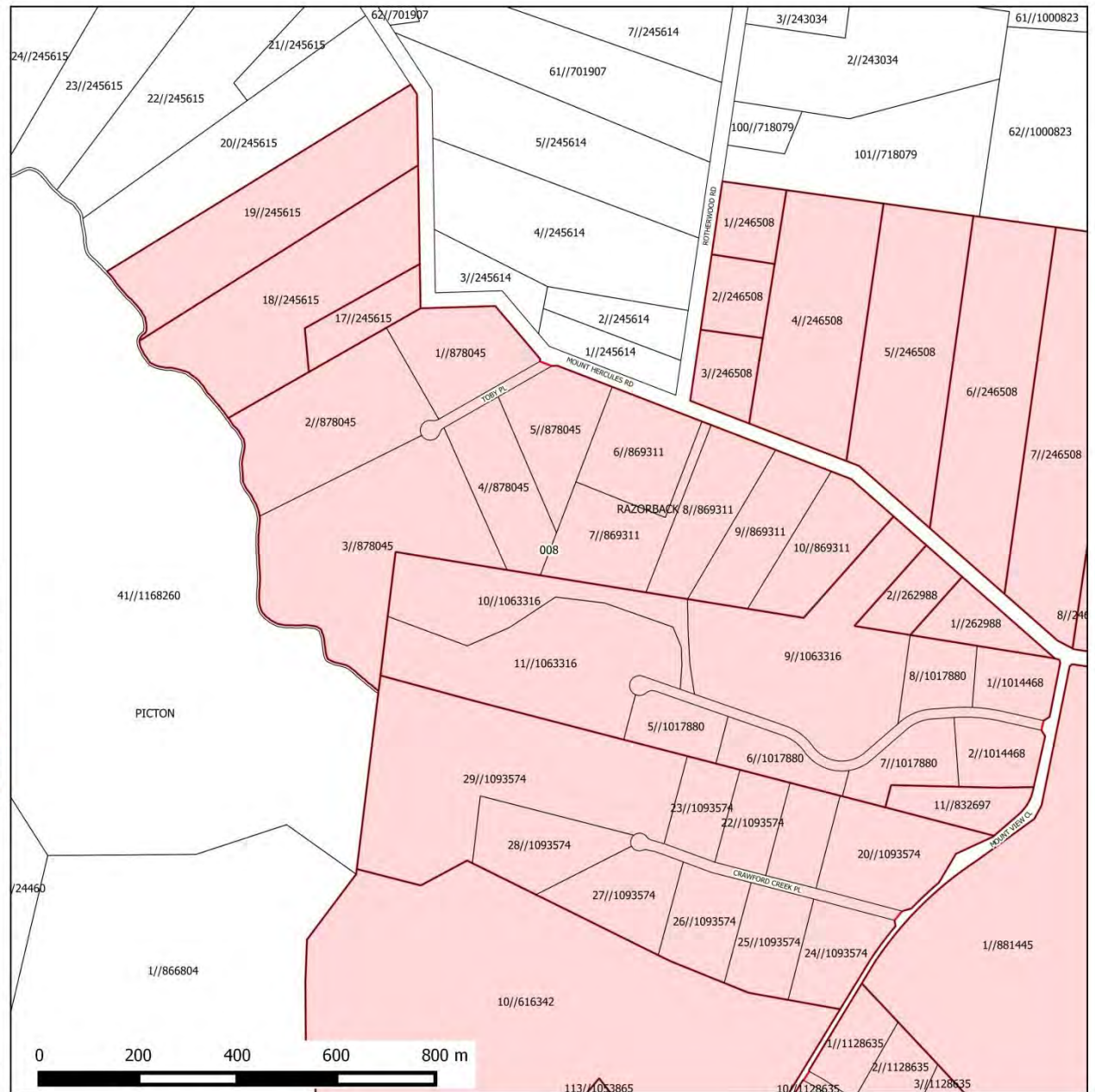
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# Part 5 – Community Consultation

## **Public Exhibition**

The Gateway prescribes an exhibition period of a minimum twenty eight (28) days. Those landowners who are potentially affected by the changes (i.e. those whose land holdings are proposed to be added to the original holdings maps) will be notified directly by letter.

## Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Public Exhibition	28 Days	16 December, 2015
Consideration of submissions and report to Council	1-2 Months	Mid February, 2016
Submission to the Department to finalise the Draft LEP amendment (including 6 week period for finalisation)	N/A	N/A
Anticipated date RPA will make the plan if delegated	2 months	Mid April, 2016
Anticipated date RPA will forward to the Department for notification	6 Weeks	Late May, 2016

# Appendices

## **A. Compliance with SEPPs**

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

## **B. 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.

## **C. Assessment against Wollondilly GMS**

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



# Appendix A

## Compliance with SEPPs

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

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	N/A	Repealed
4	Development Without Consent and Miscellaneous Complying Development	N/A	Not applicable
6	Number of Storeys in a Building	Yes	There shall be no change to existing LEP provisions on height of buildings.
14	Coastal Wetlands	N/A	Not applicable.
15	Rural Land-Sharing Communities	N/A	Not applicable.
19	Bushland in Urban Areas	N/A	Not applicable.
21	Caravan Parks	N/A	Not applicable.
22	Shops and Commercial Premises	N/A	Not applicable.
26	Littoral Rainforests	N/A	Not applicable.
29	Western Sydney Recreation Area	N/A	Not applicable.
30	Intensive Agriculture	N/A	Not applicable.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	Not applicable.
36	Manufactured Home Estates	N/A	Not applicable.
39	Spit Island Bird Habitat	N/A	Not applicable.
41	Casino/Entertainment Complex	N/A	Not applicable.
44	Koala Habitat Protection	N/A	Not applicable.
47	Moore Park Showground	N/A	Not applicable.
50	Canal Estates	N/A	Not applicable.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable.
53	Metropolitan Residential Development	N/A	Wollondilly Shire is currently exempt from this SEPP.
55	Remediation of Land	N/A	
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
60	Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
62	Sustainable Aquaculture	N/A	Not applicable.
64	Advertising and Signage	N/A	Not applicable.
65	Design Quality of Residential Flat Development	N/A	Not applicable.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable.
71	Coastal Protection	N/A	Not applicable.
	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 will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	Not applicable.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable.
	SEPP (Major Development) 2005	N/A	Not applicable.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable.
	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 (Temporary Structures) 2007	N/A	Not applicable.
	SEPP (Infrastructure) 2007	N/A	Not applicable.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable.
	SEPP (Rural Lands) 2008	N/A	Not applicable.
	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.
	SEPP (Western Sydney Parklands) 2009	N/A	Not applicable.
	SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable.
	SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	Not applicable.
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	This proposal is consistent with this SREP.

# Appendix B

## Assessment against Section 117(2) Directions

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

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
<b>1. Employment and Resources</b>			
1.1 Business and industrial Zones	N/A	N/A	Not applicable.
1.2 Rural Zones	N/A	N/A	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A	Not applicable.
1.4 Oyster Production	N/A	N/A	Not applicable.
1.5 Rural Lands	N/A	N/A	Not applicable.
<b>2. Environment and Heritage</b>			
2.1 Environmental Protection Zones	N/A	N/A	<p>This direction is applicable as the maps refer to land contained within the E4 Environmental Living Zone. Clause (5) of the direction states that a <i>“Planning Proposal must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land)”</i>.</p> <p>The Planning Proposal would not reduce any development standard as they apply to E4 zoned land and the Planning Proposal would ensure that original holdings are accurately mapped as part of WLEP 2011.</p>
2.2 Coastal Protection	N/A	N/A	Not applicable.
2.3 Heritage Conservation	N/A	N/A	Not applicable.
2.4 Recreation Vehicle Area	N/A	N/A	Not applicable.
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	N/A	N/A	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	Not applicable.
3.3 Home Occupations	N/A	N/A	Not applicable.
3.4 Integrating Land Use and Transport	N/A	N/A	Not applicable.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Not applicable.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
3.6 Shooting Ranges	N/A	N/A	Not applicable.
<b>4. Hazard and Risk</b>			
4.1 Acid Sulphate Soils	N/A	N/A	Not applicable.
4.2 Mine Subsidence and Unstable Land	N/A	N/A	Not applicable.
4.3 Flood Prone Land	N/A	N/A	Not applicable.
4.4 Planning for Bushfire Protection	N/A	N/A	Not applicable.
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	N/A	N/A	Not applicable.
5.2 Sydney Drinking Water Catchments	N/A	N/A	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Not applicable.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Not applicable.
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Yes	This planning proposal is consistent with this direction because it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	N/A	Not applicable.
<b>7. Metropolitan Planning</b>			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

# Appendix C

## 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
<b>General Policies</b>	
<b>P1</b> 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.	This proposal meets all the relevant Key Policy Directions and Assessment Criteria contained within the GMS.
<b>P2</b> All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	The proposal is consistent with the concept and vision of rural living identified in the GMS.
<b>P3</b> All Council decisions on land use proposals shall consider the outcomes of community engagement.	The proposal will be exhibited for a minimum of twenty eight (28) days as required by the Gateway Determination and any submissions will be given due consideration.
<b>P4</b> The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The purpose of the Planning Proposal is to correct mapping errors contained in WLEP 2011 and financial circumstances have not been considered.
<b>P5</b> Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The density controls were originally applied to E4 zones due to the sensitive environment that this land typically comprises. The inclusion of all E4 zoned land on the original holdings maps would ensure that subdivision of all land within this zone occurs at an appropriate level of density.
<b>Housing Policies</b>	
<b>P6</b> Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The inclusion of E4 zoned land in Razorback and part of Menangle on the original holdings maps may reduce potential lots that could be excised from existing holdings, however, the areas identified for potential future growth in Council's GMS would not be compromised.
<b>P8</b> Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The proposal is to correct current mapping errors and would not impact the ability of land within the E4 zone to provide housing diversity and affordability.
<b>P9</b> Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The amendment of the original holdings maps would restore the dwelling densities originally intended for the E4 zones across all E4 zoned land in the Shire and would not restrict the ability of dwelling densities to remain higher closer to the townships.
<b>P10</b> Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The Planning Proposal is not inconsistent with this direction.

Key Policy Direction	Comment
<b>Macarthur South Policies</b>	
<p><b>P11</b> Council does not support major urban release within the Macarthur South area at this stage.</p>	Key Policy Direction P11 is not applicable to this proposal.
<p><b>P12</b> Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.</p>	Key Policy Direction P12 is not applicable to this proposal.
<p><b>P13</b> Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.</p>	Key Policy Direction P13 is not applicable to this proposal.
<p><b>P14</b> Council will consider proposals for employment land developments in Macarthur South provided they:</p> <ul style="list-style-type: none"> <li>▪ Are environmentally acceptable;</li> <li>▪ Can provide significant local and/or subregional employment benefits;</li> <li>▪ Do not potentially compromise the future orderly master planning of the Macarthur South area;</li> <li>▪ Provide for the timely delivery of necessary infrastructure;</li> <li>▪ 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;</li> <li>▪ 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).</li> </ul>	Key Policy Direction P14 is not applicable to this proposal.
<b>Employment Policies</b>	
<p><b>P15</b> Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	N/A
<p><b>P16</b> Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</p>	N/A
<b>Integrating Growth and Infrastructure</b>	
<p><b>P17</b> Council will not support residential and</p>	N/A

Key Policy Direction	Comment
<p>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><b>P18</b> 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>The Planning Proposal would not impact on the ability of growth to occur around surrounding towns and villages.</p>
<p><b>P19</b> Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>The proposal is consistent with this direction as it would ensure that all E4 zoned land across the Shire complies with the density requirements of clause 4.1B of WLEP 2011 and enable growth to be focussed in or adjacent to town centres.</p>
<p><b>P20</b> The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	<p>The Planning Proposal is not inconsistent with this policy direction.</p>
Rural and Resource Lands	
<p><b>P21</b> Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</p>	<p>The Review of Rural Lands Report acknowledges that E4 zoned land is typically within a sensitive environment. The proposed corrections to include all E4 zoned land within the original holdings maps would ensure that an appropriate density of development is achieved in these areas and protect the environmental and cultural values of these lands.</p>
<p><b>P22</b> 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>The 7(c) zone (now E4) was introduced to prevent inappropriate fragmentation of rural land and allow rural living opportunities in a rural environment. The Planning Proposal is consistent with this policy direction as it would ensure that any subdivision within E4 zoned land occurs across the Shire is subject to the relevant density provisions of Clause 4.1B of WLEP 2011. This would avoid inappropriate fragmentation or unreasonably increasing dwelling density in rural lands in across the Shire.</p>