



Attachments Booklet

Monday 21 May 2018

GR2, GR3, EN1, EC2, EC4, EC5 & EC6

Contents

SUSTAINABLE AND BALANCED GROWTH

| | | |
|-----|---|----|
| GR2 | Update on Planning Proposal Policy | 3 |
| GR3 | Outer Sydney Orbital – Council Submission | 39 |

CARING FOR THE ENVIRONMENT

| | | |
|-----|---|----|
| EN1 | Stonequarry Creek, Picton Grey Headed Flying Fox Camp Management Plan | 45 |
|-----|---|----|

EFFICIENT AND EFFECTIVE COUNCIL

| | | |
|-----|--|-----|
| EC2 | Service NSW Easy to do Business Program | 161 |
| EC4 | Adoption of Revised Hardship Policy | 168 |
| EC5 | Adoption of Revised Debt Recovery Policy | 186 |
| EC6 | Investment of Funds as at 31 March 2018 | 195 |

GR2 Attachments

1. Minutes and Report to Council on 18 April 2017; PE2 - Draft Planning Proposal Policy
2. Table summarising submissions to draft Planning Proposal Policy
3. Table summarising changes to draft Planning Proposal Policy
4. Draft Planning Proposal Policy - version previously exhibited
5. Amended draft Planning Proposal Policy
6. Local Planning Panels Direction - Planning Proposals

Monday 21 May 2018

GR2 – Update on draft Planning Proposal Policy

PE2 **Draft Planning Proposal Policy** TRIM 8039-2
259421

55/2017 **Resolved** on the Motion of Crs Law and Khan:

1. That Council endorse the Draft Planning Proposal Policy *with amendments* for public exhibition as described within Section 160 of the Local Government Act, 1993.
2. *That during the exhibition process the following points be considered:*
 - a. *That pursuant to Clause (5)(b) of Ministerial Direction 1.2 (Rural Zones), Council require relevant Planning Proposals include a justification report which gives consideration to the objectives of this direction. This requirement shall be highlighted in Section 4.9 of the Draft Planning Proposal Policy.*
 - b. *That community consultation for Major Planning Proposals outlined in Section 4.4.5 of the Draft Planning Proposal Policy, include a requirement to write to all land owners within a 2km radius of the subject site.*
 - c. *That when reporting Planning Proposals to Council at Pre-Gateway stage, the agricultural potential of the site and the impacts or limitations the proposal is likely to have on surrounding agricultural enterprises, land use and viability shall be a key assessment consideration.*

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

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

Report of Planning and Economy to the Ordinary Meeting of Council held on Tuesday 18 April 2017

PE2 – Draft Planning Proposal Policy

PE2

Draft Planning Proposal Policy

259421

TRIM 8039-2

EXECUTIVE SUMMARY

- This report seeks Council support to publicly exhibit the Draft Planning Proposal Policy.
- Council, as a Relevant Planning Authority under the Environmental Planning and Assessment Act, 1979, is required to assess and prepare planning proposals to amend its Local Environmental Plan.
- A draft policy has been prepared to formalise Council's procedures for the processing of planning proposals. The preparation of this policy is also a requirement of the current Operational Plan.
- It is recommended that the draft Planning Proposal Policy be endorsed and placed on public exhibition.

REPORT

1.1 BACKGROUND

The *Wollondilly Local Environmental Plan 2011* guides planning decisions on development and land use within Wollondilly. It does this through zoning land and development controls which set out what can and cannot be undertaken on the land. It is made up of a written document and a series of maps.

The Wollondilly Local Environmental Plan 2011 is one of Council's core documents and is key to delivering on the long term strategic planning for the Shire. It supports the implementation of the Wollondilly Community Strategic Plan by implementing those actions which are influenced through land use planning.

The statutory process for amending Local Environmental Plans (LEPs) is through the preparation of a Planning Proposal. A Planning Proposal is a written document which explains the intended effect of a proposed amendment to a Local Environmental Plan and considers potential impacts and sets out the justification for the change(s). Amendments can deal with many different matters such as, heritage listing, rezoning of land, amendments to the minimum lot size and other provisions.

A Planning Proposal is considered by Council's and NSW Government, public agencies and other key stakeholders, as well as the general community to inform and make decisions on land use matters.

The NSW Department of Planning & Environment ('Department') determines the statutory process for amending Local Environmental Plans through legislation and the structure and information to be included in a planning proposal through the preparation of guidance documents and directions.

PE2 – Draft Planning Proposal Policy

The guidance documents which include *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* although detailed are focussed on the content within a planning proposal and the statutory process in terms of who can initiate an amendment to the local environmental plan and the process once a planning proposal has been submitted to the Department.

The guides do not cover matters such as how a proposal is submitted to Council, any fees and charges or other local procedures.

In comparison to other local government areas, Wollondilly Shire Council receives a significant number of planning proposals. At present we are processing around 40 planning proposals, which is possibly the most of any Council in New South Wales. Clearly, it is fundamentally important for Council to be consistent and transparent in its procedures for both proponents seeking to submit proposals and local residents and other stakeholders who engage with the strategic planning process.

1.2 FORM & CONTENT OF DRAFT PLANNING PROPOSAL POLICY

The Draft Planning Proposal Policy will cover both planning proposals submitted by proponents (i.e. developers, landowners or consultants) and proposals initiated by Council and will cover the following matters:

- requirements for submitting a planning proposal,
- what fees are applicable throughout the process,
- preliminary consultation with the community and public agencies,
- who will commission and pay for the preparation of specialist studies,
- the process for changing the proponent,
- when a planning proposal can be withdrawn.

The Draft Planning Proposal Policy does not cover those parts of the statutory process which are already covered by the relevant legislation or guides prepared by the Department referred to earlier in this report. It also does not supersede any requirements which are covered in a Gateway Determination issued by the Department.

2.1 CONSULTATION - METHOD OF EXHIBITION

The draft Planning Proposal Policy has been prepared in consultation with staff from Council's Growth and Strategic Planning teams.

As part of the public exhibition consultation will be promoted through Council's community engagement portal "engage.wollondilly".

Report of Planning and Economy to the Ordinary Meeting of Council held on Tuesday
18 April 2017

PE2 – Draft Planning Proposal Policy

In addition:

- information will be available on Council's website
- the draft Policy will be referred to the following stakeholders:
 - public agencies who we are commonly required to consult as part of the Gateway Process and who provide advice on the requirements for the preparation of specialist studies or critical threshold issues,
 - Department of Planning & Environment, Subsidence Advisory NSW,
 - Proponents of any current Planning Proposal submitted to Council.
- hardcopies of the draft policy and information on how to comment will be provided at Wollondilly Library in Picton
- a notice will be placed in any relevant newspapers.

The outcome of the consultation process will be reported back to Council along with any changes to the draft Policy for final consideration.

FINANCIAL IMPLICATIONS

The resources required to exhibit and finalise this policy are available within the existing Growth & Strategic Planning budget, although will have minor implications to the resources available to progress planning proposals.

The Policy is likely to have a positive impact on Council's budgets in the long term as it will establish more certainty around Council's procedures and reduce the risk of and likelihood for disputes.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Draft Planning Proposal Policy.

RECOMMENDATION

That Council endorse the Draft Planning Proposal Policy for public exhibition as described within Section 160 of the Local Government Act, 1993.

Attachment 2: Table Summarising Submissions

| SUBMITTER | Summary of Comments | Section to which comments relate | Suggested Change | Response |
|----------------------------------|--|---|---|--|
| COMMUNITY SUBMISSION | | | | |
| SUBMISSION 1 | <ul style="list-style-type: none"> Support the policy and the clarity it provides to proponents. The criteria for categorisation or proposals into Minor, Major (low Complexity) and Major (high complexity) is unclear. It does not provide sufficient certainty on how a proposal will be categorised which ultimately determines fees, reporting and consultation requirements. Consultation requirements for Council should be the same as they apply to other proponents. Questions the intent of Section 4.9.5 | <ul style="list-style-type: none"> 4.2.1 4.4.5 4.9.5 | <ul style="list-style-type: none"> Use thresholds or trigger values (particularly between major-low and major-high complexity) to ensure consistency and to provide proponents with certainty A number of changes <ul style="list-style-type: none"> If Council are proposing what would otherwise be categorised as 'Major' Planning Proposal, a minimum 28 days consultation should be required, Council should write to landowners within the site as is required for all other Minor and Major proposals, Council should write to landowners and occupants immediately adjoining the site(s) of the proposal, as is required for all other Minor and major proposals Council should write to landowners and occupants immediately adjoining the site(s) of the proposal, as is required for all other Minor or Major proposals, Council should write to any adjoining Council if the site is located near the end of the Shire, as is required for all other Minor and Major proposals. Suggests changing the wording at 4.9.5 to <i>will not be 'investigated' or 'considered'</i>. | <ul style="list-style-type: none"> |
| PUBLIC AGENCY SUBMISSIONS | | | | |
| NSW RFS | <ul style="list-style-type: none"> Supports intent of Section 4.7 Where a "potential critical threshold issue" may exist in relation to bush fire, a requirement for proponents to consult with our organisation early in the strategic planning process, may result in positive planning outcomes. | <ul style="list-style-type: none"> 4.7 | <ul style="list-style-type: none"> No specific change requested | <ul style="list-style-type: none"> |
| Water NSW | <ul style="list-style-type: none"> Planning Proposals must continue to be prepared in accordance with Ministerial Direction 5.2 for planning proposals within the Sydney Drinking Water Catchment. | <ul style="list-style-type: none"> 4.7.1 4.4.5 | | |

| | | | | |
|--|--|---|--|--|
| | <ul style="list-style-type: none"> Section 4.7.1 is inconsistent with Ministerial Direction 5.2. WaterNSW owns significant water supply infrastructure in Wollondilly and expects to be consulted on draft planning proposals that have the potential to impact on this infrastructure. Section 4.4.5 only requires WaterNSW to be notified as a landowner automatically for draft planning proposals initiated by external proponents. Water NSW requests the table is amended to include consultation with WaterNSW as a minimum requirement for Council initiated draft planning proposals. WaterNSW currently does not charge any fee for the review of planning proposals. Requests continued consultation regarding planning proposals within the Sydney Drinking Water Catchment and/or the potential to impact WaterNSW's water supply infrastructure in accordance with the new adopted policy. | | | |
| NSW Government Department of Primary Industries | <ul style="list-style-type: none"> Supports the intent of the Draft Policy and is encouraged that the Policy acknowledges the need to assess impacts or limitations that a planning proposal is likely to have on surrounding agricultural enterprises. Suggests that pre-lodgement meetings should be used to filter planning proposals in the MRA to ensure they meet minimum criteria (lists some). By discouraging proponents from pursuing strategically poor planning proposals Council can reduce Council and Agency resources needed for review and comment. Provides a link to an example of a place based planning strategy. | <ul style="list-style-type: none"> 4.2.1 | <ul style="list-style-type: none"> None specified. | <ul style="list-style-type: none"> |
| NSW Government Department of Planning & Environment - Division of Resources & Geoscience | <ul style="list-style-type: none"> Seeks clarification on what is meant by 'critical threshold issue' at Section 4.7, particularly in relation to Wollondilly Mineral Resource Audit. Supports earlier consultation with agencies prior to Gateway Determination, however, mechanisms to refer relevant planning proposals to DRG for comment prior to Gateway Determination should be clarified. | <ul style="list-style-type: none"> 4.7 | | |
| NSW Government Office of Environment & Heritage | <ul style="list-style-type: none"> Section 4.4 – early consultation for planning proposal involving items listed on the State Heritage Register or items considered to be of state significance (Even if not listed) is supported. Some Councils have resolved to seek Heritage Council comments prior to Gateway Determination to allow them to form part of the planning proposal submission. Requests timeframe for consultation with public agencies be extended to 21 days as a minimum. Section 4.7 – seeks clarification on what is meant by 'potential critical threshold issue' | <ul style="list-style-type: none"> 4.4 4.7 4.7.2 | <ul style="list-style-type: none"> 4.4 – Change minimum consultation period to 21 days. | <ul style="list-style-type: none"> |

| | | | | |
|---|---|---|---|--|
| | <ul style="list-style-type: none"> Section 4.7.2 – Recommends that for planning proposals involving items listed on the State Heritage Register or items considered to be of state significance, specialist studies such as Heritage Impact Statement or Conservation Management Plan be required prior to Gateway Determination, to enable a thorough review of the proposal. | | | |
| Transport for NSW | <ul style="list-style-type: none"> Section 4.7.1 - Supports policy to consult with public agencies prior to a Gateway Determination where there is considered to be a “potential critical threshold issue”. Seeks clarification on the criteria for an issue to be considered as a potential critical threshold issue to ensure consistency. | <ul style="list-style-type: none"> 4.7.1 | <ul style="list-style-type: none"> 4.7.1 – provide well-defined criteria | <ul style="list-style-type: none"> |
| NSW Government Department of Planning & Environment | <ul style="list-style-type: none"> Council to ensure that there are no future policy outcomes that conflict with the Department’s “A Guide to Preparing Planning Proposals”. | | | |

ATTACHMENT 3: Table Summarising Changes to Draft Planning Proposal Policy

Please note that clauses referred to in the table below refer to the previous Draft Planning Proposal Policy exhibited in June/July 2017. A quick reference guide is provided on page 4 to identify relevant section in the amended policy.

| Section/Clause | Type of Change | Reason for Change | Description of Change |
|---|---|---|---|
| 2.5 (Background) | Change to wording | Housekeeping | <ul style="list-style-type: none"> Remove the reference to 'state government'. It is not necessary given the reference to NSW. Inserted words to indicate that a reference to 'the Department' is a reference to the NSW Government Department of Planning & Environment. |
| 3.2 (Applicability) | Change to wording | Housekeeping | <ul style="list-style-type: none"> Remove reference to 'Government' is not necessary given the reference to NSW. |
| 4.2.1 (Different types of planning proposals) | Change to wording | Housekeeping | <ul style="list-style-type: none"> Updated as there are now six (6) categories of Planning Proposal. |
| 4.2.1 (Different types of planning proposals) | Change to wording Additional wording | <ul style="list-style-type: none"> To reflect proposed Fees & Charges for 2018/19 External submissions | <ul style="list-style-type: none"> Planning proposal categories updated to reflect terms used in the proposed fees & charges. Descriptions refined. |
| 4.2.4 (Requirements for submitting a planning proposal) | Additional wording Change to wording | <ul style="list-style-type: none"> Recent discussions with NSW Department of Planning & Environment regarding meeting Gateway timeframes To reflect proposed Fees & Charges for 2018/19 | <ul style="list-style-type: none"> Text inserted to require submission of typical studies with a draft planning proposal as part of the submission requirements. Reference to 'initial' removed as the updated Fees & Charges no include this reference. |
| 4.3.1 (Planning Proposal Fees) | Change to wording. | <ul style="list-style-type: none"> To reflect proposed Fees & Charges for 2018/19 | <ul style="list-style-type: none"> Text changed to refer to all 'proponent initiated planning proposals' rather list each planning proposal type. |
| 4.3.2 (Planning Proposal Fees) | Change to wording | Internal submission | <ul style="list-style-type: none"> Remove reference to 'mapping fees' under 4.3.2(a). Two (2) new sub points added to refer separately to each mapping fee. |
| 4.3.2 (Planning Proposal Fees) | Change to how information is presented | To make interpretation of the document easier | <ul style="list-style-type: none"> 'Attachment 1 – Applicability of Mapping Fee' deleted. Notation under clause 4.3.2 included instead. |
| 4.3.3 (Planning Proposal Fees) | Change to wording | <ul style="list-style-type: none"> To reflect proposed Fees & Charges for 2018/19 | <ul style="list-style-type: none"> Rather than update the reference to planning proposal types the clause has been amended to refer to 'proponent initiated planning proposals'. Minor formatting to remove capitals as the 'initial planning proposal fee' is no longer the term used in the fees & charges. |
| 4.3.4 (Planning Proposal Fees) | Change to wording | <ul style="list-style-type: none"> To reflect proposed Fees & Charges for 2018/19 To ensure consistent terminology | <ul style="list-style-type: none"> Remove 'specialist'. Rather than update the planning proposal types in line with the terms used in the Fees & Charges the emphasis has been changed to refer to planning proposals in general. |

| Section/Clause | Type of Change | Reason for Change | Description of Change |
|---|---|---|--|
| 4.3.7 (Planning Proposal Fees) | Housekeeping | <ul style="list-style-type: none"> To ensure consistent terminology | <ul style="list-style-type: none"> Changed to refer to 'the Greater Sydney Commission (or their delegate) rather than 'the Department of Planning and Environment'. |
| 4.4.3 (Minimum Requirements for Preliminary Consultation) | Change to wording | <ul style="list-style-type: none"> To respond to external submissions To reflect proposed Fees & Charges for 2018/19 To ensure consistent terminology To make interpretation of the document easier | <ul style="list-style-type: none"> Planning proposal categories updated to reflect terms used in the proposed fees & charges. Change so that 15 days only applies to Planning Proposals (Minor) and Housekeeping Amendments. Change so that 28 days applies to Planning Proposals (Major), Planning Proposals (significant), Planning Proposal (Employment Generating), and Council Initiated Planning Proposals. Style changed so that bullet points are used to highlight the consultation requirements for each planning proposal type. |
| 4.4.5 (Minimum Requirements for Preliminary Consultation) | Format of table changes Additional wording | <ul style="list-style-type: none"> To make interpretation of the document easier To respond to external submissions | <ul style="list-style-type: none"> Information within table included in a different format which is considered easier to read and enable easy comparison. Planning proposal categories updated to reflect terms used in the proposed fees & charges. Requirements for Council initiated site specific planning proposals included. Consultation period for a number of planning proposal types increased to 28 days. Notation and accompanying foot note included to ensure when public agencies are consulted at the pre-gateway stage they are provided with a minimum timeframe of 21 days. Additional category for 'Public Agencies' included with a table foot note reference to direct the reader to clause 4.7 Consultation with Public Agencies. |
| 4.4.8 (Minimum Requirements for Preliminary Consultation) | Remove wording | <ul style="list-style-type: none"> To ensure a consistent approach throughout out the policy. | <ul style="list-style-type: none"> Clause removed. |
| 4.5.2 (Consulting the Community – Public Exhibition) | Remove wording | <ul style="list-style-type: none"> Housekeeping To ensure consistent terminology | <ul style="list-style-type: none"> Remove reference to 'Government' is not necessary given the reference to NSW. |
| 4.5.4 (Consulting the Community – Public Exhibition) | Change wording | <ul style="list-style-type: none"> Housekeeping | <ul style="list-style-type: none"> Updated to refer to current legislation. |
| 4.7.1 (Consultation with Public Agencies) | Change wording | <ul style="list-style-type: none"> To respond to external submissions Housekeeping | <ul style="list-style-type: none"> 'relevant' inserted to clarify that only relevant public agencies will be consulted and not all public agencies. Additional text provided to define 'critical threshold issue' Note added to acknowledge requirement under Ministerial Direction to consult pre-Gateway for land within the Sydney Water Catchment. |
| 4.7.2 (Consultation with Public Agencies) | Change wording | <ul style="list-style-type: none"> Recent discussions with NSW Department of Planning & Environment regarding meeting Gateway timeframes | <ul style="list-style-type: none"> Clause amended to remove reference to identifying the scope of any specialist study. Studies are now proposed to be provided at the start of the process. |
| 4.9 Preparation of Specialist Studies (Clause 4.9) | Change to wording | <ul style="list-style-type: none"> To reflect proposed Fees & Charges for 2018/19 | <ul style="list-style-type: none"> Section renamed to refer to proponent initiated planning proposals Reference to Minor and Major Planning Proposal changed to refer to 'proponent initiated planning proposals'. Clause 4.9.1 reworded to clearly indicate who is to fund studies. |

| Section/Clause | Type of Change | Reason for Change | Description of Change |
|--|--|---|---|
| | | | <ul style="list-style-type: none"> Clause 4.9.3 updated to refer to additional studies provided after a Gateway determination. Clause 4.9.6 removed. |
| 4.9 Preparation of Specialist Studies | Change to wording | <ul style="list-style-type: none"> Recent discussions with NSW Department of Planning & Environment regarding meeting Gateway timeframes | <ul style="list-style-type: none"> New clause requiring typical specialist studies to be provided up front. Wording to identify what are considered to be typical specialist studies. New clause requiring written confirmation of what studies should be submitted with the draft planning proposal. New clause to clarify that additional specialist studies may be required after a Gateway Determination has been issued. |
| 4.9.5 (Preparation of Specialist Studies) | Change to wording | <ul style="list-style-type: none"> Housekeeping To respond to external submissions | <ul style="list-style-type: none"> Replace 'investigated' with 'accepted'. |
| 4.11 Withdrawing a Planning Proposal | New clause inserted | <ul style="list-style-type: none"> To reflect proposed Fees & Charges for 2018/19 | <ul style="list-style-type: none"> Wording amended and new clause inserted to reflect refunds for withdrawals included in the proposed Fees & Charges for 2018/19. A new clause added to indicate that the amount of refund will be determined by Council and may be based on the amount of Council resources used. |
| 11.1 (Implementation Statement) | Referencing changed | <ul style="list-style-type: none"> Housekeeping | <ul style="list-style-type: none"> Sub point references changed to a, b, c, etc for easier referencing. |
| 12.4 (Policy History) | Change to wording | <ul style="list-style-type: none"> Housekeeping | <ul style="list-style-type: none"> Position title updated to reflect current title. |
| Whole Document Attachment | Change to numbering | <ul style="list-style-type: none"> Housekeeping | <ul style="list-style-type: none"> Numbering throughout document updated in response to other changes. |
| Attachment | Delete | <ul style="list-style-type: none"> Not required | <ul style="list-style-type: none"> Delete Attachment 1 – Applicability of Mapping Fee |
| Attachment | Insert | <ul style="list-style-type: none"> Inclusion of diagram to provide visual interpretation of policy | <ul style="list-style-type: none"> Insert Attachment 1 – Planning Proposal Process for proponent initiated proposals. |
| New section | Insert new section and associated text | <ul style="list-style-type: none"> To complement introduction of local planning panels. | <ul style="list-style-type: none"> New section inserted for planning proposals. Text inserted to identify when in what circumstances a proposal is referred to the local planning panel. Changes reflect wording in the <i>Local Planning Panels Direction – Planning Proposals</i> issued by the Minister. |
| New section | Insert new section and associated text | <ul style="list-style-type: none"> To ensure flexibility for discretion | <ul style="list-style-type: none"> New section inserted to ensure there is an element of flexibility to facilitate departures from the policy in extenuating circumstances. Text inserted to require such requests to be in writing and to nominate who can approve a variation. |
| New section & Attachment | Insert new section and associated text | <ul style="list-style-type: none"> To make interpretation of the document easier | <ul style="list-style-type: none"> New section inserted to provide a link to a new attachment which provides a diagram showing the steps within the planning proposal process for proponent initiated proposals. |

Quick Reference Guide; Old vs new sections

| Previous Reference | Description | Updated Reference |
|--------------------|---|-------------------|
| 1 | Policy Objectives | 1 |
| 1.1 | - | 1.1 |
| 2 | Background | 2 |
| 2.1 | - | 2.1 |
| 2.2 | - | 2.2 |
| 2.3 | - | 2.3 |
| 2.4 | - | 2.4 |
| 2.5 | - | 2.5 |
| 2.6 | - | 2.6 |
| 2.5 | - | 2.7 |
| 3 | Applicability | 3 |
| 3.1 | - | 3.1 |
| 3.2 | - | 3.2 |
| 4 | Guidelines | 4 |
| 4.1 | Definitions | 4.1 |
| 4.2 | Different Types of Planning Proposals | 4.2 |
| 4.2.1 | - | 4.2.1 |
| 4.2 | Requirements for submitting a planning proposal | 4.3 |
| 4.2.1 | - | 4.3.1 |
| 4.2.2 | - | 4.3.2 |
| 4.2.3 | - | 4.3.3 |
| 4.2.4 | - | 4.3.4 |
| 4.2.5 | - | 4.3.5 |
| 4.3 | Planning Proposal Fees | 4.4 |
| 4.3.1 | - | 4.4.1 |
| 4.3.2 | - | 4.4.2 |
| 4.3.3 | - | 4.4.3 |
| 4.3.4 | - | 4.4.4 |
| 4.3.5 | - | 4.4.5 |
| 4.3.6 | - | 4.4.6 |
| 4.3.7 | - | 4.4.7 |
| 4.3.8 | - | 4.4.8 |
| 4.4 | Minimum Requirements for Preliminary Consultation | 4.5 |
| 4.4.1 | - | 4.5.1 |
| 4.4.2 | - | 4.5.2 |
| 4.4.3 | - | 4.5.3 |
| 4.4.4 | - | 4.5.4 |
| 4.4.5 | - | 4.5.5 |
| 4.4.6 | - | 4.5.6 |
| 4.4.7 | - | 4.5.7 |
| 4.4.8 | - | Removed |
| 4.5 | Consulting the Community – Public Exhibition | 4.6 |
| 4.5.1 | - | 4.6.1 |
| 4.5.2 | - | 4.6.2 |
| 4.5.3 | - | 4.6.3 |
| 4.5.4 | - | 4.6.4 |
| 4.5.5 | - | 4.6.5 |
| 4.6 | Consideration of Submissions | 4.7 |
| 4.6.1 | - | 4.7.1 |
| 4.6.2 | - | 4.7.2 |
| 4.6.3 | - | 4.7.3 |
| 4.6.4 | - | 4.7.4 |
| 4.6.5 | - | 4.7.5 |
| 4.7 | Consultation with Public Agencies | 4.8 |
| 4.7.1 | - | 4.8.1 |
| 4.7.2 | - | 4.8.2 |
| - | Local Planning Panel | 4.9 |
| - | - | 4.9.1 |
| - | - | 4.9.2 |

| Previous Reference | Description | Updated Reference |
|---------------------|---|-------------------|
| 4.8 | Including Additional Land and Removing Land | 4.10 |
| 4.8.1 | - | 4.10.1 |
| 4.8.2 | - | 4.10.2 |
| 4.9 | Preparation of Specialist Studies | 4.11 |
| - | - | 4.11.1 |
| - | - | 4.11.2 |
| 4.9.1 | - | 4.11.3 |
| 4.9.2 | - | 4.11.4 |
| 4.9.3 | - | 4.11.5 |
| 4.9.4 | - | 4.11.6 |
| 4.9.5 | - | 4.11.7 |
| 4.9.6 | - | Removed |
| 4.10 | Changing the Proponent | 4.12 |
| 4.10.1 | - | 4.12.1 |
| 4.11 | Withdrawing a Planning Proposal | 4.13 |
| 4.11.1 | - | 4.13.1 |
| 4.11.2 | - | 4.13.2 |
| - | - | 4.13.3 |
| - | - | 4.13.4 |
| 4.11.3 | - | 4.13.5 |
| 4.11.4 | - | 4.13.6 |
| - | Varying the Policy in Extenuating Circumstances | 4.14 |
| - | - | 4.14.1 |
| - | - | 4.14.2 |
| - | - | 4.14.3 |
| - | Planning Proposal Process | 4.15 |
| 5 | Responsibility/Accountability | 5 |
| 5.1 | - | 5.1 |
| 5.2 | - | 5.2 |
| 5.3 | - | 5.3 |
| 5.4 | - | 5.4 |
| 5.5 | - | 5.5 |
| 6 | Related Policies/Protocols | 6 |
| 6.1 | - | 6.1 |
| 6.2 | - | 6.2 |
| 6.3 | - | 6.3 |
| 7 | Related Procedures | 7 |
| 7.1 | - | 7.1 |
| 8 | Related Legislation | 8 |
| 8.1 | - | 8.1 |
| 8.2 | - | 8.2 |
| 8.3 | - | 8.3 |
| 8.4 | - | 8.4 |
| 9 | Attachments | 9 |
| 9.1 | - | 9.1 |
| 10 | Resources | 10 |
| 10.1 | - | 10.1 |
| 11 | Implementation Statement | 11 |
| 11.1 | - | 11.1 |
| 11.1.1 | - | 11.1(a) |
| 11.1.2 | - | 11.1(b) |
| 11.1.3 | - | 11.1(c) |
| 12 | Policy History | 12 |
| 12.1 | - | 12.1 |
| 12.2 | - | 12.2 |
| 12.3 | - | 12.3 |
| 12.4 | - | 12.4 |
| Attachment 1 | Applicability of Mapping Fee | Removed |
| - | Planning Proposal Process | Attachment 1 |

1. POLICY OBJECTIVES

- 1.1 The objectives of this policy are to:
- a) Establish Council's requirements for the submission of planning proposals by proponents,
 - b) Establish the minimum requirements for preliminary community consultation,
 - c) To provide guidance for the processing of planning proposals so that Council can be consistent in its approach.

2. BACKGROUND

- 2.1 The *Wollondilly Local Environmental Plan 2011* is legislation that guides planning decisions on development and land use within Wollondilly. It does this through zoning land and development controls which set out what can and cannot be undertaken on the land. It is made up of a written document (legislation) and a series of maps.
- 2.2 The *Wollondilly Local Environmental Plan 2011* is one of Council's core documents and is key to delivering on the long term strategic planning for the Shire. It supports the implementation of the Wollondilly Community Strategic Plan by implementing those actions which are influenced through land use planning.
- 2.3 The statutory process for amending Local Environmental Plans (LEPs) is through the preparation of a Planning Proposal. A Planning Proposal is a written document which explains the intended effect of a proposed amendment to a Local Environmental Plan and considers potential impacts and sets out the justification for the change(s). It is used and read by Council's and NSW Government, public agencies and other key stakeholders, as well as the general community to inform and make decisions, provide technical advice and local input.
- 2.4 Amendments to a local environmental plan, and the related Planning Proposal explain the change, can deal with many different matters such as, but not limited to, heritage listing buildings, rezoning land to enable urban development for a few or thousands of houses through to a comprehensive review of a local environmental plan.
- 2.5 The NSW State Government Department of Planning & Environment determines the statutory process for amending Local Environmental Plan's through legislation and through the preparation of guidance documents.
- 2.6 The guidance documents which include *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* although detailed are focussed on the content within a planning proposal and the statutory process in terms of who can initiate an amendment to the local environmental plan and the process once a planning proposal has been submitted to the Department. The guides do not cover matters such as how a proposal is submitted to Council, any fees and charges or other local procedures.

- 2.5 Council is a Relevant Authority under the *Environmental Planning and Assessment Act 1979*. This means that Council is required to assess and prepare planning proposals to amend its LEP.

3. APPLICABILITY

- 3.1 This policy applies to all Planning Proposals. This includes proposals submitted to Council for consideration and also proposals initiated by Council.
- 3.2 Where this Policy is inconsistent with statutory provisions or guidance documents prepared by the NSW Government Department of Planning and Environment those provisions shall prevail.

4. GUIDELINES

4.1 Definitions

In this policy words and phrases have the following meaning:

Draft Planning Proposal refers to a planning proposal which has not been considered by Council. For example, when a planning proposal is submitted to Council it is referred to as a “draft planning proposal” until Council resolves to support it and forward it to the Greater Sydney Commission or delegate with a request for a Gateway Determination.

Gateway Determination means a document issued by the Minister for Planning, the Greater Sydney Commission or their delegate that specifies whether a planning proposal is to proceed and, if so, in what circumstances.

Planning Proposal means a written document that explains the intended effect of a proposed local environmental plan and sets out the justification for making that plan which has been prepared in accordance with the NSW Government Department of Planning & Environment’s *A guide to preparing planning proposals*.

Preliminary Consultation means consultation undertaken at the start of the process prior to a proposal being considered at an Ordinary Meeting of Council and prior to a Gateway Determination.

Preliminary consultation is not a statutory requirement but is considered by Council to be good practice.

Proponent means the person or organisation who submits/initiates a planning proposal. Where a planning proposal is submitted to Council for consideration the proponent will most likely be a landowner, developer or consultant. Where Council initiates a planning proposal, Council is the proponent.

4.2 Different types of planning proposals

- 4.2.1 In this policy, planning proposals are categorised into one of five (5) categories as detailed below:

| Category/Type of Planning Proposal | Description |
|---|---|
| Housekeeping Amendment | A Council initiated planning proposal that seeks to correct an error or an anomaly in the local environmental plan. |
| Council Initiated Planning Proposal | Any Council initiated planning proposal that is not a Housekeeping Amendment. |
| Minor Planning Proposal | <p>A proponent initiated planning proposal that Council considers to be:</p> <ul style="list-style-type: none"> a) Small/minor in scale, and b) Simple in nature, and c) Unlikely to have significant impacts on the natural, built, social and economic environment (i.e. unlikely to require a number of specialist studies). <p>A proposal to rezone land is unlikely to be considered a minor planning proposal except where the rezoning was not for the purposes of growth (i.e. to subdivide the land to create additional lots for houses).</p> <p>An example of a Minor Planning Proposal would be where a correction/minor change to the local environmental plan is sought which has not resulted from an error on Council's account.</p> |
| Major Planning Proposal (low complexity) | A proponent initiated planning proposal. Most planning proposals to rezone land and which require specialist studies would fall into this category |
| Major Planning Proposal (high complexity) | A proponent initiated planning proposal for a major greenfield release area. |

4.2 Requirements for Submitting a Planning Proposal

- 4.2.1 Proponents are encouraged to have a pre-lodgement meeting prior to preparing and submitting a planning proposal with Council.
- 4.2.2 The "Proponent" is to be identified on the application form. Council will deal with the proponent nominated on the form as our first point of call.
- 4.2.3 Planning proposals must be submitted along with a completed Planning Proposal Application Form.
- 4.2.4 The submission date for a planning proposal will be the date on which Council is has received all of the following:
 - i. Planning Proposal, and
 - ii. Payment of the relevant initial planning proposal fee, and
 - iii. Completed Planning Proposal application form

Note: for explanation, if the above requirements are submitted/paid on different dates, the submission date will be the date on which the last submission requirement is made.

4.2.5 Council will not process a planning proposal until 4.3 has been met.

4.3 Planning Proposal Fees

4.3.1 The following fees apply to **minor** and **major planning proposals** where relevant:

| Fee | When is it relevant to a planning a minor/major planning proposal? |
|--------------------------------------|---|
| Initial Planning Proposal Fee | All planning proposals |
| Environmental Study Finalisation Fee | All planning proposals where a specialist study is required to inform the planning proposal |
| Planning Proposal Mapping Fee | All proposals lodged which require an amendment to one of the maps. |
| LEP Amendment Mapping Fee | All proposals lodged which require an amendment to one of the maps. |
| DCP Amendment | Where a proponent initiates site specific controls. |
| Other fees | Refer to legislative ability. |

4.3.2 Fees will be determined based on Council's Fees and Charges as at the date of:

- lodgement of the Planning Proposal in the case of initial planning proposal and mapping fees,
- lodgement of the last completed specialist study in the case of the Environmental Study Finalisation Fee.

A table to summarise when the various fees came into place is provided at Attachment 1.

4.3.3 Council will charge an Initial Planning Proposal Fee for Minor and Major Planning Proposals. This fee will be set out in Council's adopted Fees and Charges and will be payable when the proposal is submitted.

4.3.4 Council will charge an Environmental Study Finalisation Fee to review and finalise the specialist studies for Minor and Major (low and high complexity) planning proposals.

This fee will be levied once all the specialist studies have been completed to the satisfaction of Council. Council will not formally exhibit a planning proposal unless the relevant specialist study review fee has been paid.

4.3.5 The Environmental Study Finalisation Fee is a proportional fee and is calculated on the basis of the total cost, exclusive of GST, of preparing each required study. The proponent is to provide a copy of the invoice for each study once the study has been finalised to Council's satisfaction.

4.3.6 A Planning Proposal Mapping Fee will be charged to prepare any maps for the public exhibition.

Council will not formally exhibit a planning proposal unless the relevant mapping fee has been paid.

- 4.3.7 An LEP Amendment Mapping Fee will be charged to prepare the final LEP Maps according to the standards.

Council will not forward a planning proposal to the Department of Planning and Environment to finalise the amendment unless the relevant mapping fee has been paid.

- 4.3.8 No refund of fees is applicable except for the circumstances under section 4.11.

4.4 Minimum Requirements for Preliminary Consultation

- 4.4.1 Council is committed to engaging with the community and key stakeholders early and throughout the planning proposal process.
- 4.4.2 As a part of its preliminary assessment for any planning proposal Council will undertake community engagement by way of preliminary consultation to better understand planning considerations and local attitudes to the planning proposal.
- 4.4.3 All preliminary consultation will provide a submission period of no less than 15 calendar days for minor planning proposals; council initiated planning proposals and certain housekeeping amendments. The minimum consultation period will be 28 calendar days for Major planning proposals.
- 4.4.4 The minimum consultation period may be longer at staff discretion for particularly complex or large proposals or during holiday periods.
- 4.4.5 The minimum requirements for Preliminary Consultation for all draft planning proposals are summarised in the table below:

| Category/Type of Planning Proposal | Minimum consultation period | Minimum Requirements for Preliminary Consultation |
|------------------------------------|-----------------------------|--|
| Minor Planning Proposals | 15 days | Council will: <ol style="list-style-type: none"> i. write to landowners within the site, and ii. write to landowners and occupants immediately adjoining the site(s) of the proposal, and iii. place an advertisement in a newspaper circulating in the locality, and iv. provide the draft planning proposal on Council's website and at Wollondilly library, and v. write to any adjoining Council if the site is located near the edge of the Shire. |
| Major Planning Proposals | 28 days | Council will: <ol style="list-style-type: none"> i. write to landowners within the site, and ii. write to landowners and |

| | | |
|---|---------|---|
| | | <p>occupants within a 2km radius*;</p> <p>iii. place an advertisement in a newspaper circulating in the locality, and</p> <p>iv. provide the draft planning proposal on Council's website and at Wollondilly library, and</p> <p>v. write to any adjoining Council if the site is located near the edge of the Shire.</p> <p>* This is considered to include any properties where any part of the property is located within 2km of the boundary of the planning proposal site.</p> |
| Housekeeping Amendments (where they apply to specific individual lots) | 15 days | Council will write to the landowner and occupant. |
| Housekeeping Amendments (apply across the Shire or to specific zones) | Nil | No preliminary consultation will be undertaken where the error or anomaly is general in nature and applies broadly. |
| Council Initiated Planning Proposals | 15 days | <p>Council will:</p> <p>vi. place an advertisement in a newspaper circulating in the locality, and</p> <p>vii. provide the draft planning proposal on Council's website and at Wollondilly library, and</p> <p>viii. write to landowners/occupants where practicable.</p> |

- 4.4.6 The outcome of any preliminary consultation will be reported to Council to inform the initial decision on whether a planning proposal is supported and should be forwarded to the Greater Sydney Commission or their delegate with a request for a Gateway Determination.
- 4.4.7 If a planning proposal is modified following initial consultation the Council will undertake additional consultation as outlined at 4.4.5 but will also notify any previous submitters. This clause does not apply to minor amendments.
- 4.4.8 As part of any report to Council, consideration of the agricultural potential of the site and the impacts or limitations the proposal is likely to have on surrounding agricultural enterprises, land uses and viability shall be incorporated as a key assessment consideration.

4.5 Consulting the Community – Public Exhibition

- 4.5.1 The main consultation period for planning proposals will be the formal public exhibition held in accordance with the Environmental Planning and Assessment Act, 1979 and required by a Gateway Determination.
- 4.5.2 The minimum requirements for a public exhibition are set out by the NSW Government Department of Planning and Environment.
- 4.5.3 As part of any formal public exhibition Council will notify any submitters from previous community engagement.
- 4.5.4 Where a planning proposal is to be supported by an action under a separate statutory process (for example a planning agreement under the *Environmental Planning & Assessment Act 1979* or a biodiversity certification application under the *Threatened Species Conservation Act 1995*), the public exhibitions should be coordinated and held at the same time.
- 4.5.5 The provisions described under 4.5.4 do not apply to planning controls proposed to be included within the Development Control Plan.

4.6 Consideration of Submissions

- 4.6.1 Where more than one response is received from the same address, the submission will be counted as individual submissions where submitted by different people except where the content of the submissions is identical.
- 4.6.2 Where a response is submitted by more than one (1) person from the same address (for example Mr & Mrs Smith) this will be considered as one (1) submission.
- 4.6.3 Where a person submits more than one response those responses shall be considered as one (1) submission.
- 4.6.4 Where a petition is received, Council will advise the head petitioner only of the outcome of the consultation.

Note: The head petitioner is considered to be the person who submitted the petition and if this is not clear than the first person listed on the petition.

- 4.6.5 Late submissions will be accepted but will only be considered where these are received in sufficient time to allow for their reporting.

4.7 Consultation with Public Agencies

- 4.7.1 Consultation with public agencies prior to a Gateway Determination will be undertaken where there is considered to be a potential critical threshold issue.
- 4.7.2 Council will consult with relevant public agencies after the Gateway Determination to identify the scope of any specialist study and as required by the Gateway Determination.

4.8 Including Additional Land and Removing Land

- 4.8.1 The Council may add land to a planning proposal and likewise may remove land from a planning proposal.
- 4.8.2 Council will only do this if:
 - i. It has consulted with the landowner of the land to be added or removed,
 - ii. It has consulted with the proponents and to fund any specialist studies likely to be required after the amendments, and
 - iii. It is satisfied that the addition and/or subtraction will lead to a better planning outcome.

4.9 Preparation of Specialist Studies

- 4.9.1 The Council may be required to prepare (or cause to be prepared) specialist studies in relation to a planning proposal. In the case of a Minor or Major Planning Proposal, the studies are to be commissioned and funded by the proponents.
- 4.9.2 Council maintains absolute discretion in relation to specialist studies and will not adopt a study unless it is satisfied that it addresses all relevant matters.
- 4.9.3 Council will review briefs for specialist studies before the studies are commissioned and will provide technical advice for its requirement.
- 4.9.4 If necessary, the studies may be amended to address deficiencies identified by the Council.
- 4.9.5 Council will only request studies that it believes are necessary for the thorough and proper assessment of the planning proposal. Studies that trivialise issues and are dismissive of the need for proper investigation and reporting will not be investigated.
- 4.9.6 Where Ministerial Direction 1.2 Rural Zones applies to a planning proposal and the proposal is inconsistent a study will be required which gives consideration to the objectives of this direction.

Note: Ministerial Direction refers to Directions issued by the Minister for Planning under section 117(2) of the *Environmental Planning and Assessment Act 1979*.

4.10 CHANGING THE PROPONENT

- 4.10.1 A request to change the proponent should be supported by acknowledgment, in writing, from the previous proponent.

4.11 Withdrawing a Planning Proposal

- 4.11.1 A draft planning proposal can only be withdrawn by the proponent prior to a request for a Gateway Determination.
- 4.11.2 If withdrawn prior to being considered at a Council meeting, 50% refund of Planning Proposal Fee.
- 4.11.3 After this point no refund.
- 4.11.4 Any refund will be made to the same person or company who made the original payment.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Executive
- 5.2 Director Planning
- 5.3 Manager Growth & Strategic Planning
- 5.4 Strategic Planning
- 5.5 Growth

6. RELATED POLICIES/PROTOCOLS

- 6.1 Planning Agreements – PLA0037
- 6.2 Interaction with Developers, Lobbyists & Submitters – GOV0071
- 6.3 Environmental Protection Zones – AP0014

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Part 3 of the *Environmental Planning and Assessment Act 1979*
- 8.2 Part 2 of the *Environmental Planning and Assessment Regulation 2000*
- 8.3 State Environmental Planning Policies (SEPPs)
- 8.4 *Wollondilly Local Environmental Plan 2011*

9. ATTACHMENTS

- 9.1 Attachment 1 – Summary of Dates for when Fees apply to Planning Proposal

10. RESOURCES

- 10.1 Nil

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
 - 11.1.1 a regular review of the legislation and guidelines from the Department of Planning and Environment to ensure that any relevant changes that affect planning agreements are incorporated into this Policy. This will be particularly important should new planning legislation be introduced;

- 11.1.2 regular emphasis on relevant sections of the Policy when planning agreements are reported to Council,
- 11.1.3 a review of this policy every 12 months. This will include consideration of the impact of this policy on the preparation of planning proposals, review of similar policies prepared by other Councils, and obtaining legal advice where appropriate.

12. POLICY HISTORY

| | |
|---------------------------|-------------------------------------|
| 12.1 Date First Adopted | ## / ## / ## |
| 12.2 Most Recent Adoption | ## / ## / ## |
| 12.3 Next Review Date | ## / ## / ## |
| 12.4 Responsible Officer | Manager Growth & Strategic Planning |

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au
Rural Living www.wollondilly.nsw.gov.au

Attachment 1 – Applicability of Mapping Fee

| Fee/Charge | This fee applies to proposals lodged after the date below |
|-------------------------------|---|
| Planning Proposal Mapping Fee | 1 July 2013 |
| LEP Amendment Mapping Fee | 1 July 2013 |

1. POLICY OBJECTIVES

- 1.1 The objectives of this policy are to:
- a) Establish Council's requirements for the submission of planning proposals by proponents,
 - b) Establish the minimum requirements for preliminary community consultation,
 - c) To provide guidance for the processing of planning proposals so that Council can be consistent in its approach.

2. BACKGROUND

- 2.1 The *Wollondilly Local Environmental Plan 2011* is legislation that guides planning decisions on development and land use within Wollondilly. It does this through zoning land and development controls which set out what can and cannot be undertaken on the land. It is made up of a written document (legislation) and a series of maps.
- 2.2 The *Wollondilly Local Environmental Plan 2011* is one of Council's core documents and is key to delivering on the long term strategic planning for the Shire. It supports the implementation of the Wollondilly Community Strategic Plan by implementing those actions which are influenced through land use planning.
- 2.3 The statutory process for amending Local Environmental Plans (LEPs) is through the preparation of a Planning Proposal. A Planning Proposal is a written document which explains the intended effect of a proposed amendment to a Local Environmental Plan and considers potential impacts and sets out the justification for the change(s). It is used and read by Council's and NSW Government, public agencies and other key stakeholders, as well as the general community to inform and make decisions, provide technical advice and local input.
- 2.4 Amendments to a local environmental plan, and the related Planning Proposal explain the change, can deal with many different matters such as, but not limited to, heritage listing buildings, rezoning land to enable urban development for a few or thousands of houses through to a comprehensive review of a local environmental plan.
- 2.5 The NSW Department of Planning & Environment (the Department) determines the statutory process for amending Local Environmental Plan's through legislation and through the preparation of guidance documents.
- 2.6 The guidance documents which include *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* although detailed are focussed on the content within a planning proposal and the statutory process in terms of who can initiate an amendment to the local environmental plan and the process once a planning proposal has been submitted to the Department. The guides do not cover matters such as how a proposal is submitted to Council, any fees and charges or other local procedures.

- 2.7 Council is a Relevant Authority under the *Environmental Planning and Assessment Act 1979*. This means that Council is required to assess and prepare planning proposals to amend its LEP.

3. APPLICABILITY

- 3.1 This policy applies to all Planning Proposals. This includes proposals submitted to Council for consideration and also proposals initiated by Council.
- 3.2 Where this Policy is inconsistent with statutory provisions or guidance documents prepared by the NSW Department of Planning and Environment those provisions shall prevail.

4. GUIDELINES

4.1 DEFINITIONS

In this policy words and phrases have the following meaning:

Draft Planning Proposal refers to a planning proposal which has not been considered by Council. For example, when a planning proposal is submitted to Council it is referred to as a “draft planning proposal” until Council resolves to support it and forward it to the Greater Sydney Commission or delegate with a request for a Gateway Determination.

Gateway Determination means a document issued by the Minister for Planning, the Greater Sydney Commission or their delegate that specifies whether a planning proposal is to proceed and, if so, in what circumstances.

Planning Proposal means a written document that explains the intended effect of a proposed local environmental plan and sets out the justification for making that plan which has been prepared in accordance with the NSW Government Department of Planning & Environment's *A guide to preparing planning proposals*.

Preliminary Consultation means consultation undertaken at the start of the process prior to a proposal being considered at an Ordinary Meeting of Council and prior to a Gateway Determination.

Preliminary consultation is not a statutory requirement but is considered by Council to be good practice.

Proponent means the person or organisation who submits/initiates a planning proposal. Where a planning proposal is submitted to Council for consideration the proponent will most likely be a landowner, developer or consultant. Where Council initiates a planning proposal, Council is the proponent.

4.2 DIFFERENT TYPES OF PLANNING PROPOSALS

- 4.2.1 In this policy, planning proposals are categorised into one of six (6) categories as detailed below:

| Category/Type of Planning Proposal | Description |
|--|---|
| Housekeeping Amendment | A Council initiated planning proposal that seeks to correct an error or an anomaly in the local environmental plan. |
| Council Initiated Planning Proposal | Any Council initiated planning proposal that is not a Housekeeping Amendment. |
| Planning Proposal (Minor) | <p>A proponent initiated planning proposal that Council considers to be:</p> <ul style="list-style-type: none"> a) Small/minor in scale, and b) Simple in nature, and c) Unlikely to have significant impacts on the natural, built, social and economic environment (i.e. unlikely to require a number of specialist studies). <p>A proposal to rezone land is unlikely to be considered a minor planning proposal except where the rezoning was not for the purposes of growth (i.e. to subdivide the land to create additional lots for houses).</p> <p>An example of a Minor Planning Proposal would be where a correction/minor change to the local environmental plan is sought which has not resulted from an error on Council's account.</p> <p>Other examples include proposals submitted by or on behalf of not-for-profit organisations and other community based organisations <u>and</u> where the objective or intended outcome has a community focus.</p> |
| Planning Proposal (Major) | A proponent initiated planning proposal which is modest in size, i.e. generally up to 50 lots and where specialist studies are required. |
| Planning Proposal (Significant) | <p>A proponent initiated planning proposal for significant growth, i.e. generally more than 50 lots.</p> <p>All planning proposals within a Growth Centre.</p> |
| Planning Proposal (Employment Generating) | <p>A proponent initiated planning proposal where the focus of the proposal is for an employment generating objective or outcome.</p> <p>Where there is a mix of changes proposed, a proposal will be considered 'Employment Generating' where the job forecast to housing ratio is greater than 1:1.</p> |

4.3 REQUIREMENTS FOR SUBMITTING A PLANNING PROPOSAL

- 4.3.1 Proponents are encouraged to have a pre-lodgement meeting prior to preparing and submitting a planning proposal with Council.
- 4.3.2 The “Proponent” is to be identified on the application form. Council will deal with the proponent nominated on the form as our first point of call.
- 4.3.3 Planning proposals must be submitted along with a completed Planning Proposal Application Form.
- 4.3.4 The submission date for a planning proposal will be the date on which Council has received all of the following:
- i. Planning Proposal, and
 - ii. Typical studies (where required)(refer to 4.11.1), and
 - iii. Payment of the relevant planning proposal fee, and
 - iv. Completed Planning Proposal application form

Note: for explanation, if the above requirements are submitted/paid on different dates, the submission date will be the date on which the last submission requirement is made.

- 4.3.5 Council will not process a planning proposal until 4.4 has been met.

4.4 PLANNING PROPOSAL FEES

- 4.4.1 The following fees apply to proponent initiated planning proposals where relevant:

| Fee | When is it relevant to a planning a minor/major planning proposal? |
|--------------------------------------|---|
| Initial Planning Proposal Fee | All planning proposals |
| Environmental Study Finalisation Fee | All planning proposals where a specialist study is required to inform the planning proposal |
| Planning Proposal Mapping Fee | All proposals lodged which require an amendment to one of the maps. |
| LEP Amendment Mapping Fee | All proposals lodged which require an amendment to one of the maps. |
| DCP Amendment | Where a proponent initiates site specific controls. |
| Other fees | Refer to legislative ability. |

- 4.4.2 Fees will be determined based on Council’s Fees and Charges as at the date of:

- a) lodgement of the Planning Proposal in the case of initial planning proposal,
- b) lodgement of the last completed specialist study in the case of the Environmental Study Finalisation Fee.
- c) Public exhibition in the case the Planning Proposal Mapping Fee.
- d) Finalisation in the case of the LEP Amendment Mapping Fee.

Note: Mapping fees are only applicable to planning proposals submitted on or after 1 July 2013.

4.4.3 Council will charge an initial planning proposal fee for all proponent initiated planning proposals. This fee will be set out in Council's adopted Fees and Charges and will be payable when the proposal is submitted.

4.4.4 Council will charge an Environmental Study Finalisation Fee to review and finalise the studies for planning proposals.

This fee will be levied once all the studies have been completed to the satisfaction of Council. Council will not formally exhibit a planning proposal unless the relevant study review fee has been paid.

4.4.5 The Environmental Study Finalisation Fee is a proportional fee and is calculated on the basis of the total cost, exclusive of GST, of preparing each required study. The proponent is to provide a copy of the invoice for each study once the study has been finalised to Council's satisfaction.

4.4.6 A Planning Proposal Mapping Fee will be charged to prepare any maps for the public exhibition.

Council will not formally exhibit a planning proposal unless the relevant mapping fee has been paid.

4.4.7 An LEP Amendment Mapping Fee will be charged to prepare the final LEP Maps according to the standards.

Council will not forward a planning proposal to the Greater Sydney Commission (or their delegate) to finalise the amendment unless the relevant mapping fee has been paid.

4.4.8 No refund of fees is applicable except for the circumstances under section 4.13.

4.5 MINIMUM REQUIREMENTS FOR PRELIMINARY CONSULTATION

4.5.1 Council is committed to engaging with the community and key stakeholders early and throughout the planning proposal process.

4.5.2 As a part of its preliminary assessment for any planning proposal Council will undertake community engagement by way of preliminary consultation to better understand planning considerations and local attitudes to the planning proposal.

4.5.3 All preliminary consultation will provide a submission period of no less than 15 calendar days for;

- Planning Proposals (Minor); and
- Certain Housekeeping Amendments.

The minimum consultation period will be 28 calendar days for;

- Planning Proposals (Major),
- Planning Proposals (Significant),
- Planning Proposals (Employment Generating),
- Council Initiated Planning Proposals

4.5.4 The minimum consultation period may be longer at staff discretion for particularly complex or large proposals or during holiday periods.

4.5.5 The minimum requirements for Preliminary Consultation for all draft planning proposals are summarised in the table below:

| Minimum Requirements | | | | | | | | | |
|---|---------------------|----------------------|---|-------------------------------|----------------------|-----------------|-------------------|---------------------|-----------------|
| Category/Type of Planning Proposal | Consultation Period | Landowner & Occupant | Adjoining landowner & occupant immediately adjoining the site(s) of the proposal | landowner/occupant within 2km | Adjoining Council(s) | Local newspaper | Council's website | Wollondilly Library | Public Agencies |
| <i>Planning proposals (minor)</i> | 15 days* | ✓ | ✓ | | ** | ✓ | ✓ | ✓ | *** |
| <i>Planning proposals (major)</i> | 28 days | ✓ | ✓ | | ** | ✓ | ✓ | ✓ | *** |
| <i>Planning proposals (significant)</i> | 28 days | ✓ | ✓ | ✓ | ** | ✓ | ✓ | ✓ | *** |
| <i>Planning proposal (employment generating)</i> | 28 days | ✓ | ✓ | | ** | ✓ | ✓ | ✓ | *** |
| <i>Council initiated planning proposals (site specific)</i> | 28 days | ✓ | ✓ | | ** | ✓ | ✓ | ✓ | *** |
| <i>Council initiated planning proposals (non-site specific)</i> | 28 days | n/a | n/a | n/a | ✓ | ✓ | ✓ | ✓ | *** |
| <i>Housekeeping amendments (site specific)</i> | 15 days | ✓ | | | ** | | | | *** |
| <i>Housekeeping amendments Apply across the Shire or to specific zones)</i> | Nil | | No preliminary Consultation will be undertaken where the error or anomaly is general in nature and applies broadly. | | | | | | |

* A minimum consultation period of 21 days should be provided for public agencies.

**Any adjoining Council(s) will be notified where the site is located close to the boundary.

***Refer to 4.8 Consultation with Public Agencies.

4.5.6 The outcome of any preliminary consultation will be reported to Council to inform the initial decision on whether a planning proposal is supported and should be forwarded to the Greater Sydney Commission or their delegate with a request for a Gateway Determination.

4.5.7 If a planning proposal is modified following initial consultation the Council will undertake additional consultation as outlined at 4.4.5 but will also notify any previous submitters. This clause does not apply to minor amendments.

4.6 CONSULTING THE COMMUNITY – PUBLIC EXHIBITION

4.6.1 The main consultation period for planning proposals will be the formal public exhibition held in accordance with the Environmental Planning and Assessment Act, 1979 and required by a Gateway Determination.

- 4.6.2 The minimum requirements for a public exhibition are set out by the NSW Department of Planning and Environment.
- 4.6.3 As part of any formal public exhibition Council will notify any submitters from previous community engagement.
- 4.6.4 Where a planning proposal is to be supported by an action under a separate statutory process (for example a planning agreement under the *Environmental Planning & Assessment Act 1979* or a biodiversity certification application under the *Biodiversity Conservation Act 2016*), the public exhibitions should be coordinated and held at the same time.
- 4.6.5 The provisions described under 4.6.4 do not apply to planning controls proposed to be included within the Development Control Plan.

4.7 CONSIDERATION OF SUBMISSIONS

- 4.7.1 Where more than one response is received from the same address, the submission will be counted as individual submissions where submitted by different people except where the content of the submissions is identical.
- 4.7.2 Where a response is submitted by more than one (1) person from the same address (for example Mr & Mrs Smith) this will be considered as one (1) submission.
- 4.7.3 Where a person submits more than one response those responses shall be considered as one (1) submission.
- 4.7.4 Where a petition is received, Council will advise the head petitioner only of the outcome of the consultation.

Note: The head petitioner is considered to be the person who submitted the petition and if this is not clear than the first person listed on the petition.

- 4.7.5 Late submissions will be accepted but will only be considered where these are received in sufficient time to allow for their reporting.

4.8 CONSULTATION WITH PUBLIC AGENCIES

- 4.8.1 Consultation with relevant public agencies prior to a Gateway Determination will be undertaken where there is considered to be a potential critical threshold issue.

A 'critical threshold issue' is considered to be where there is a known constraint that has the potential to significantly influence the suitability of part or the principle of the draft planning proposal.

Note: In some cases there may also be a statutory requirement to consult with public agencies prior to Gateway Determination. For example, Ministerial Direction 5.2 (Sydney Drinking Water Catchments) requires consultation for planning proposals for land located within the Sydney Drinking Water Catchment prior to the issuing of a Gateway determination.

- 4.8.2 Council will consult with relevant public agencies after the Gateway Determination as required by the Gateway Determination.

4.9 LOCAL PLANNING PANEL

- 4.9.1 All Draft Planning Proposals are to be referred to the Local Planning Panel for advice before Council considers whether to request a Gateway Determination.
- 4.9.2 Despite clause 4.9.1, the General Manager may determine that a draft planning proposal or planning proposal may not require referral to the local planning panel where the proposal relates to:
- the correction of an obvious error in the Wollondilly Local Environmental Plan 2011,
 - matters that are of a consequential, transitional, machinery or other minor nature, or
 - matters that will not have any significant adverse impact on the environment or adjoining land.

Note: *Local Planning Panels Direction – Planning Proposals* issued by the Minister for Planning on 23 February 2018 supersedes this policy in terms of the minimum requirements for referring planning proposals to the local planning panel.

4.10 INCLUDING ADDITIONAL LAND AND REMOVING LAND

- 4.10.1 The Council may add land to a planning proposal and likewise may remove land from a planning proposal.
- 4.10.2 Council will only do this if:
- It has consulted with the landowner of the land to be added or removed,
 - It has consulted with the proponents and to fund any specialist studies likely to be required after the amendments, and
 - It is satisfied that the addition and/or subtraction will lead to a better planning outcome.

4.11 PREPARATION OF STUDIES FOR PROPONENT INITIATED PLANNING PROPOSALS

- 4.11.1 Studies 'typically' required to inform a planning proposal are to be submitted with the Draft Planning Proposal.

'Typical' studies include:

- Traffic,
- Flora & Fauna,
- Preliminary contamination assessment,
- Bushfire prone land,
- Stormwater management,
- Wastewater & Servicing Strategy,
- Aboriginal archaeological & heritage assessment
- European heritage assessment
- Agricultural land capability/land use conflict
- Any other study required by a Ministerial Direction

Note: While these studies are required for most planning proposals involving a spot rezoning, the actual studies required for a planning proposal will need to be determined on a case by case basis.

- 4.11.2 Before submitting a draft planning proposal, the proponent should obtain confirmation, in writing from Council, to determine what studies are required to be submitted with the draft planning proposal.
- 4.11.3 Studies required to inform a draft planning proposal or planning proposal (i.e. required post Gateway Determination) are to be commissioned and funded by the proponent.
- 4.11.4 Council maintains absolute discretion in relation to specialist studies and will not adopt a study unless it is satisfied that it addresses all relevant matters.
- 4.11.5 Where additional studies are required after a Gateway Determination has been issued Council will review briefs for specialist studies before the studies are commissioned and will provide technical advice for its requirement.
- 4.11.6 If necessary, the studies may be amended to address deficiencies identified by the Council.
- 4.11.7 Council will only request studies that it believes are necessary for the thorough and proper assessment of the planning proposal. Studies that trivialise issues and are dismissive of the need for proper investigation and reporting will not be accepted.

4.12 CHANGING THE PROPONENT

- 4.12.1 A request to change the proponent should be supported by acknowledgment, in writing, from the previous proponent.

4.13 WITHDRAWING A PLANNING PROPOSAL

- 4.13.1 A draft planning proposal can only be withdrawn by the proponent prior to a request for a Gateway Determination.
- 4.13.2 If withdrawn prior to being reported to Council for Gateway determination a proponent will be eligible for up to 50% refund of the Planning Proposal Fee.
- 4.13.3 Where Council resolves not to support a draft planning proposal, the proponent will be eligible for up to 25% refund of initial planning proposal fee.
- 4.13.4 After this point no refund.
- 4.13.5 The amount of refund will be determined by Council and may be based on the amount of Council resources used.
- 4.13.6 Any refund will be made to the same person or company who made the original payment.

4.14 VARYING THE POLICY IN EXTENUATING CIRCUMSTANCES

- 4.14.1 Departures from any part of this policy can be considered where there are extenuating circumstances.
- 4.14.2 Requests to vary any provision in this policy must be in writing.
- 4.14.3 Variations must be approved by Council's Director Planning or the General Manager.

4.15 PLANNING PROPOSAL PROCESS

4.15.1 A diagram is provided at Attachment 1 to provide an overview of the process for proponent initiated planning proposals.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Executive
- 5.2 Director Planning
- 5.3 Manager Growth & Strategic Planning
- 5.4 Strategic Planning
- 5.5 Growth

6. RELATED POLICIES/PROTOCOLS

- 6.1 Planning Agreements – PLA0037
- 6.2 Interaction with Developers, Lobbyists & Submitters – GOV0071
- 6.3 Environmental Protection Zones – AP0014

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Part 3 of the *Environmental Planning and Assessment Act 1979*
- 8.2 Part 2 of the *Environmental Planning and Assessment Regulation 2000*
- 8.3 State Environmental Planning Policies (SEPPs)
- 8.4 *Wollondilly Local Environmental Plan 2011*

9. ATTACHMENTS

- 9.1 Attachment 1 – Summary of Dates for when Fees apply to Planning Proposal

10. RESOURCES

- 10.1 Nil

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

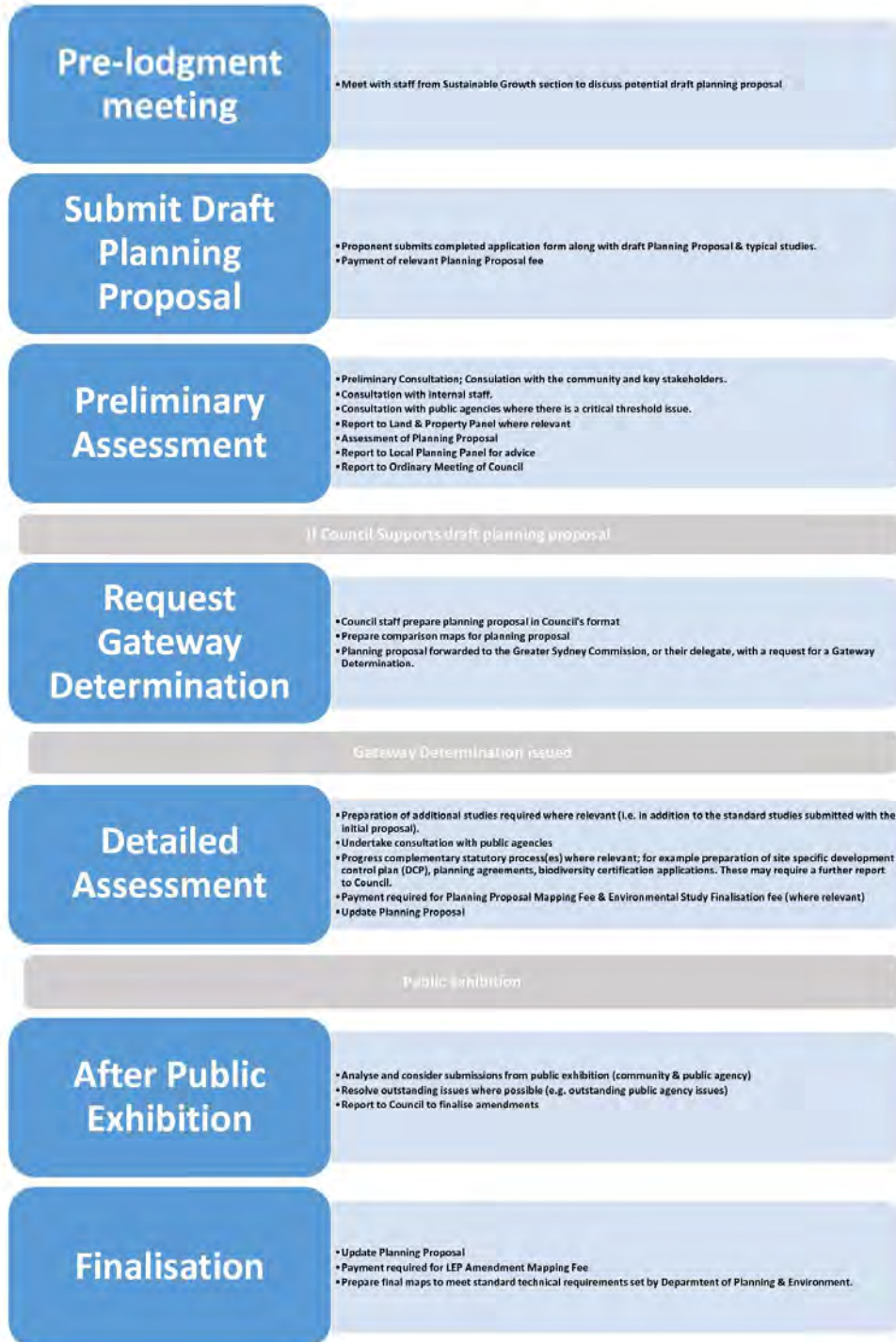
- a. a regular review of the legislation and guidelines from the Department of Planning and Environment to ensure that any relevant changes that affect planning agreements are incorporated into this Policy. This will be particularly important should new planning legislation be introduced;
- b. regular emphasis on relevant sections of the Policy when planning agreements are reported to Council,
- c. a review of this policy every 12 months. This will include consideration of the impact of this policy on the preparation of planning proposals, review of similar policies prepared by other Councils, and obtaining legal advice where appropriate.

12. POLICY HISTORY

| | |
|---------------------------|----------------------------|
| 12.1 Date First Adopted | ## / ## / ## |
| 12.2 Most Recent Adoption | ## / ## / ## |
| 12.3 Next Review Date | ## / ## / ## |
| 12.4 Responsible Officer | Manager Sustainable Growth |

Wollondilly Shire Council
PO Box 21 Picton NSW 2571
62-64 Menangle St Picton NSW 2571
Tel: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au
Rural Living www.wollondilly.nsw.gov.au

Attachment 1 - Planning Proposal Process; (for proponent initiated proposals)



LOCAL PLANNING PANELS DIRECTION – PLANNING PROPOSALS

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.



Minister for Planning

Dated: 23/2/2018

Objective

The objective of this direction is to identify the types of planning proposals that are to be advised on by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong.

Application

This direction applies to a council that has constituted a local planning panel under the *Environmental Planning and Assessment Act 1979*, other than the council of the City of Sydney.

Direction

A council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:

- (a) the correction of an obvious error in a local environmental plan,
- (b) matters that are of a consequential, transitional, machinery or other minor nature, or
- (c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

This direction takes effect on 1 June 2018 and applies to planning proposals prepared, but not submitted to the Minister, before 1 June 2018.



GR3 Attachments

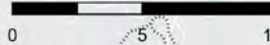
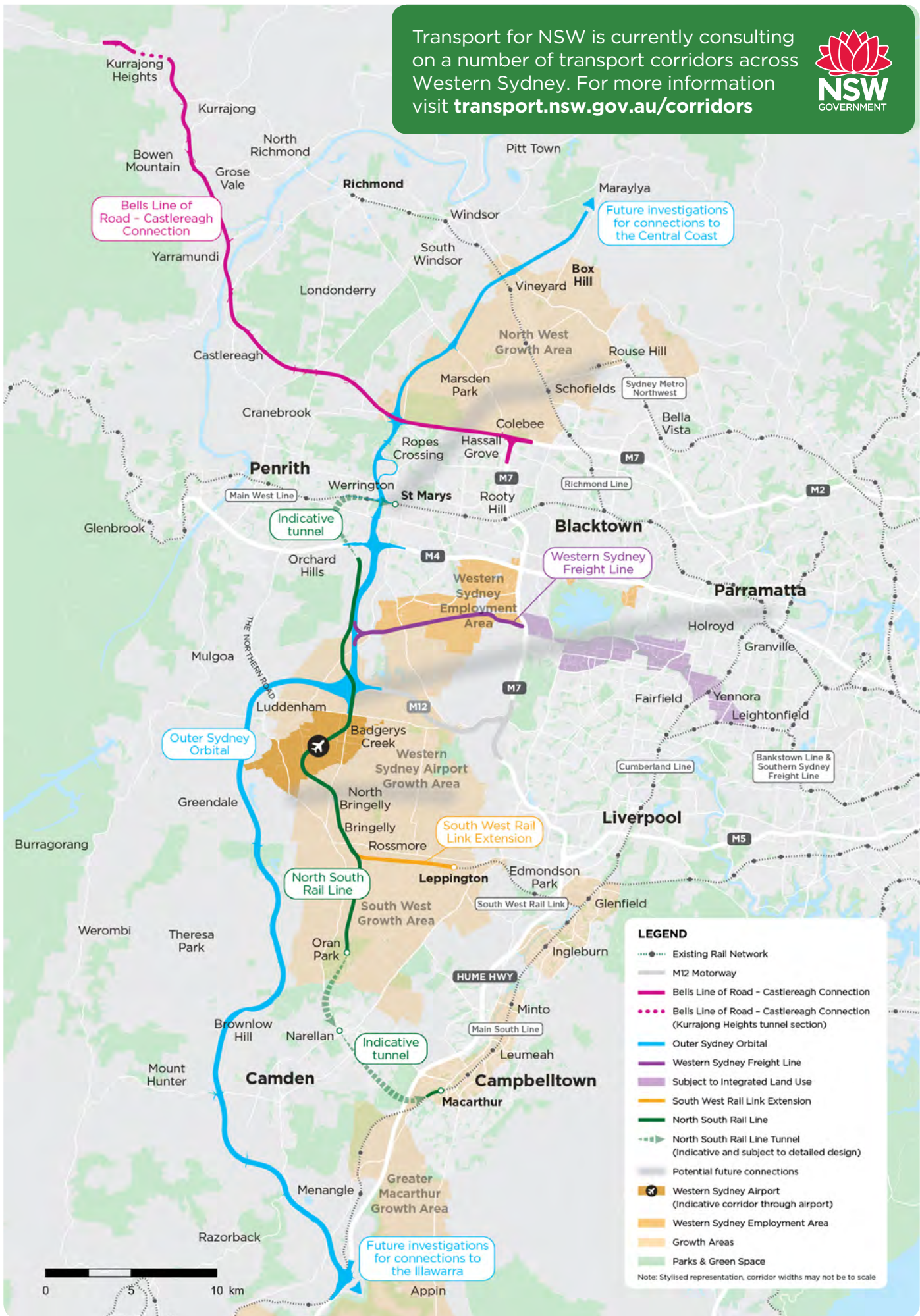
1. Proposed Alignment
2. Submission dated 28 August 2015

Monday 21 May 2018

GR3 – Outer Sydney Orbital – Council Submission

Map of the Western Sydney Corridors

Transport for NSW is currently consulting on a number of transport corridors across Western Sydney. For more information visit transport.nsw.gov.au/corridors



Our Reference: 818-2

Transport for New South Wales
PO Box K659
Haymarket NSW 1240

oso@transport.nsw.gov.au

28th August 2015

OUTER SYDNEY ORBITAL CORRIDOR PRESERVATION STUDY

Thank you for the opportunity to comment on the Corridor Preservation Study for the Outer Sydney Orbital.

Wollondilly supports in principle the establishment of the land preservation corridor and, ultimately, the Outer Sydney Orbital (OSO) and would like to work with Transport for NSW (TfNSW) to establish zonings and maximise its economic return from the Project whilst minimising the impact to the natural environment and our community.

It is crucial that the orbital does not isolate local communities by severing important regional roads and there should be adequate a corridor for on and off ramps at strategic locations to maintain connectivity for local communities as well as commercial, agricultural and industrial lands. Council would support a full traffic study with a social and environmental impact assessment to review the areas of need and to ensure that residents are not substantially affected in their commute and lifestyles by the creation of an orbital road.

Wollondilly Shire Council has identified a number of key issues regarding preservation of a corridor for the Outer Sydney Orbital, highlighting points of concern, implications and recommendations for project outcomes.

Community Strategic Plan 2033

Our Vision - Rural living

Council's vision reflects the Community's desire to maintain Wollondilly Shire's rural character together with the sense of belonging to caring communities that have been at its core for generations.

With this in mind, six characteristics were established symbolising 'Rural Living' and what was important to the Wollondilly Community; namely,

1. Rural setting and character

The rural setting is obvious with farmland and natural areas located between, separate towns and villages with residents experiencing and valuing this setting irrespective of where and how they live.

2. Viable agriculture

Agriculture and associated industries are encouraged and supported and continue to be a productive, sustainable and integral part of our economy, our Community and our landscape.

3. Community lifestyle

Our Community values its sense of community spirit, which is fostered through a strong identity with village life, a sense of belonging, and commitment to community participation and cooperation.

4. Diverse environment

The Shire's diverse environmental assets, including its waterways and catchments, riparian land, groundwater and dependent ecosystems natural areas, biodiversity and agricultural lands are valued and protected because of their environmental significance. Degraded natural resources are enhanced and maintained.

5. Heritage

The Shire's wealth of aboriginal and non-aboriginal heritage is valued and protected because of its cultural significance and its contribution to our sense of place.

6. Towns and villages

Development is carefully managed to maintain the separation of our towns and villages and their unique identities and strives to enhance their role as focal points which provide opportunities – housing, jobs, shopping, business, leisure, civic events, community facilities, education, and social interaction.

We ask that Wollondilly Shire Council's Community Strategic Plan 2033 be front and centre for any consideration of the OSO corridor. A full copy of the document can be found at:

www.wollondilly2033.com.au/assets/pdf/July_2013_New_CSP_2013_web.pdf

Freight and Employment

The OSO will help to facilitate the passage of freight to and from the Badgerys Creek Airport and the South Coast. The port of Port Kembla in Wollongong has recently been identified as the primary sea based freight hub for NSW and strategic connections between this and other key sites such as Badgerys Creek Airport, Western Sydney Employment Area and the Central coast and beyond are essential.

Existing infrastructure projects are being undertaken to improve road and rail connectivity between the port and the Hume Highway / Great Southern Rail Corridor via Picton Rd and the Maldon-Dombarton Rail Link. The planning and construction of the OSO will be a vital link in this key transportation network and careful planning and design should take into account the work already undertaken or proposed in this area.

Growth Management Strategy

Wollondilly Shire Council is currently undertaking a review of its Growth Management Strategy (GMS) in conjunction with the Department of Planning & Environment. The review will provide guidance in relation to areas within the Shire that are deemed more suitable for further investigation for use as new residential, commercial and industrial lands.

Given the likely proposed route of the OSO has considerable land take in the Wollondilly and its ultimate transport function, this project will undoubtedly have significant influence on the success of the GMS and other Council Planning Strategies and owner led proposals. It is imperative that the TfNSW consider these documents and work in conjunction with Wollondilly Council to ensure the best possible outcomes for all parties.

MacArthur South Investigation Area

As part of the OSO study area investigation project, it is imperative that TfNSW work in conjunction with the Department of Planning & Environment and Council on a review of the South-West Sub-Regional Strategy.

Future growth areas such as the 'Macarthur South' investigation area in the Campbelltown and Wollondilly local government areas require an integrated approach to land use and transport planning, with the OSO project being a pivotal transport corridor having direct implications as to the success of the planned development outcomes.

Within the MacArthur South Investigation Area is the Wilton Junction proposal, which in has been described by some as a proposal for a new city the size of Bathurst. For detailed information see the website www.talkwiltonjunction.com.au. Council has continuously supported this proposal and seeks for it to be a major centre in Wollondilly Shire with employment zones, town centre, schools, etc. Wilton Junction is also strategically placed on the interchange of the Hume Highway and Picton Road with good road freight links to Port Kembla.

Consideration should be given to the potential opportunities associated with this proposal and whether there are opportunities for the corridor to link with this development. Any such linkages are also likely to align with the NSW Ports & Freight Strategy.

Biosecurity & Agriculture

Throughout the extent of the study area, there exists the potential for impact on land currently subject to a variety of agricultural based uses. This includes supporting facilities such as the University of Sydney agricultural campus farms and numerous other agricultural enterprises including Ruane and Razorback wineries, Orana dairy farm, poultry farms and horse studs in the vicinity of Finns Road and other dairies, poultry farms, market gardens and nurseries through the Cawdor, Mount Hunter and Theresa Park localities. Care should be given to prevent any significant erosion of agricultural potential or claims for loss of subdivision and/or urban development based on road severance.

Given the historical and ongoing significance of agriculture in these areas of South-West Sydney, sensitivity analysis is required as to the implications for agri-business activity, as well as future operation of agricultural educational institutions in the area. Further, care must be taken to limit any impacts of the development on the historical significance of the Camden Park Estate and the scientific and bio-security roles of the Elizabeth MacArthur Agricultural Institute.

It is respectfully suggested that the best way to analyse and then minimise such impacts would be to map these existing significant agricultural, heritage, educational and bio-security sites and overlay them on the proposed corridor.

Heritage

There are important state and local listed heritage items along the route. The Wollondilly Local Environmental Plan (LEP) 2011 can be found via the link below:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+85+2011+cd+0+N>

The LEP includes a list of all heritage items in Wollondilly and importantly this includes a landscape conservation area around Menangle. Care will need to be taken to ensure that the chosen corridor minimises the potential impacts on heritage significance and where appropriate provides the opportunity to celebrate the heritage is passes by.

Multi-nodal transport linkages

Council would be keen to access to enhanced railway, bus lanes and cycleway routes as proposed within the corridor.

Council has existing concerns with the State Road transport linkages particularly through to the South Coast. We urge that the OSO corridor align with key strategic plans such as the NSW Freight & Ports Strategy and any Road Corridor Strategy maintained by the Roads & Maritime Service - South Coast Region.

Mining Issues

The vast majority of the OSO study area is subject to issues associated with sub-surface mining of natural resources; whether in the form of existing mine subsidence areas or areas where resources are identified for future mining resources.

Areas requiring consideration include: connectivity to planned or existing mining leases and operations; road and road to rail connections for transport of coal and planning for current or predicted mine related disturbance such as subsidence.

General Constraint Issues

There will be a range of other significant constraints that will require identification and extensive investigation, including visual amenity, noise, sterilization of land, flooding related to the Nepean River, existing creeks and waterways and topography including significant grades such as around Razorback and Silverdale.

Given the significant potential impacts and benefits on our Shire, the community, the environment and the local economy; Wollondilly Shire Council would like be a part of any liaison group that may be formed to refine the corridor selection and bring to the table our detailed understanding of the Shire.

Ongoing Consultation

At its meeting of 17 August 2015, Council passed the following Notice of Motion;

1. *That Council write to the NSW Minister for Roads, Maritime and Freight (Hon Duncan Gay MLC), Transport for New South Wales, and the Member for Wollondilly (Jai Rowell MP) requesting a targeted consultation program be implemented to ensure that Wollondilly residents are appropriately informed regarding plans for the Outer Orbital (M9).*
2. *That to assist with ensuring Wollondilly residents in the subject area are fully informed, the targeted consultation program include a letterbox drop to all residents within the identified corridor.*

We will progress this resolution under separate cover but note that ongoing consultation with the Wollondilly Community, particularly those landowners and residents within the nominated corridor, is paramount.

We look forward to ongoing dialogue as the project progresses. Should you require any additional information in support of this submission, please contact Council's acting Manager Infrastructure Planning, Mike Nelson on (02) 4677 9580.

Yours faithfully



Michael Malone
Director Infrastructure & Environment