

Sustainable and Balanced Growth  
 Report to the Ordinary Meeting of Council held on Monday 11 December 2017

**GR10 – Planning Proposal – 95 Great Southern Road, Bargo**

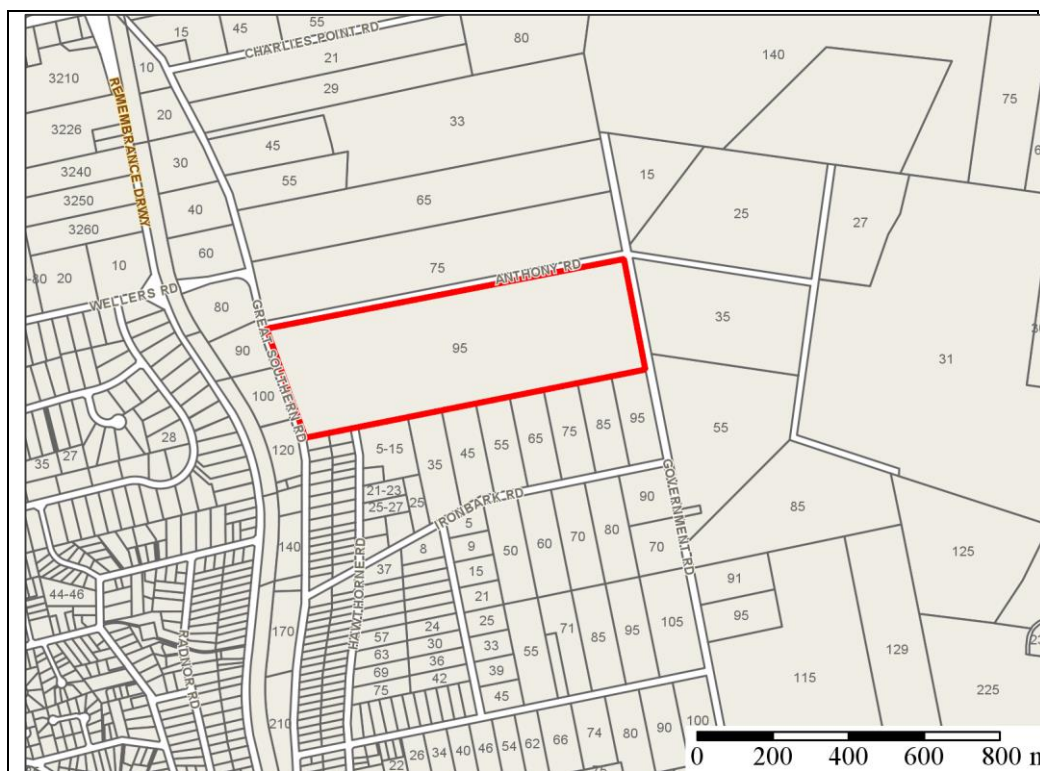
**GR10**

**Planning Proposal – 95 Great Southern Road, Bargo**  
 260803

TRIM 7696

**Applicant:** Precise Planning  
**Owner:** Ironlaw

**Growth**



LOCATION MAP N

Stage	Completed
Preliminary notification	2 October – 30 October, 2013
Gateway Determination	2 October, 2014
Consultation with Public Agencies	November, 2014 and September, 2017
Specialist Studies	August, 2016
Public exhibition/community consultation	31 August, 2017 to 3 October, 2017
Referred to Minister for Publication	Not yet completed

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**EXECUTIVE SUMMARY**

- The purpose of this report is to report the outcome of the public exhibition and seek Council support to finalise the Great Southern Road Planning Proposal subject to adequate resolution of the concerns raised by Glencore Coal (owner of Tahmoor Colliery) which have been raised.
- This Planning Proposal has been prepared by Wollondilly Shire Council. It seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as it relates to Lot 1 DP 996286 (No. 95) Great Southern Road, Bargo with the intent of enabling future development on the site for low density and large lot residential purposes.
- Amendments to the Wollondilly Development Control Plan 2016 through the addition of site specific development controls are also proposed to guide future development of the site once rezoned.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy.
- Two (2) submissions were received during the community consultation period, both of which objected to the proposal.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council support the Planning Proposal in the manner described in Section 2.11 of this report and that the proposal be forwarded the NSW Department of Planning and Environment as Delegate for the Greater Sydney Commission to develop an appropriate mechanism for managing any land use conflict with future coal mining operations in the area.

**REPORT**

**1.1 SITE DESCRIPTION**

The subject land is known as Lot 1 DP 996286 (No. 95) Great Southern Road, Bargo. The site is a rectangular shaped lot which comprises a total of 28.23 hectares. The lot has frontage to Great Southern Road to the west and Government Road to the east and also adjoins an unformed crown road (known as Anthony Road) which runs along the northern boundary of the site.

The site contains a local heritage item known as the "Old Coomeroo Homestead, Silo and Slab Shed" which is located in the north-western portion of the site. The lot contains a second order watercourse and associated riparian corridor running south/north which traverses the site.

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The site is located at the northern end of the existing Bargo Township. The site adjoins residential land at part of its southern boundary while the remainder of the site adjoins rural zoned land.

The adjoining land to the north east of the site known as Lot 252 DP 257510 (No. 25 Government Road, Bargo) is the subject of a current court consent for a Waste Transfer Station. The Waste Transfer Station was granted consent on 2 April, 2014 and conditions were issued on 29 May, 2014. Construction of the development on the site has not yet commenced.

The development consent enables up to 49,000 tonnes of waste to be processed per annum. Expert evidence provided during the court proceedings found that any impacts of this development on the Planning Proposal site would be "slight and manageable". The Waste Transfer Station development also proposed the construction of the unformed crown road along the northern boundary of the site.

**1.2 DESCRIPTION OF PROPOSAL**

This Planning Proposal seeks to enable development of the land for low density and large lot residential development, as well as environmental conservation purposes. It seeks to do this through the following amendments to the Wollondilly Local Environmental Plan (WLEP) 2011:

- *Amend the Land Zoning Map from zone RU2 Rural Landscape to E2 Environmental Conservation to the riparian corridor on the site, zone R5 Large Lot Residential on the eastern side of the riparian corridor and for a distance of 50 metres west of the E2 zone Boundary, an R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo and R2 Low Density Residential to the remainder of the site*
- *Amend the minimum lot size map to provide the following minimum lot sizes:*
  - *5000 square metres for the land east of the riparian corridor*
  - *2000 square metres for the R5 zoned land west of the riparian corridor*
  - *700 square metres for the R2 zone*
  - *No minimum lot size for the E2 zone.*
- *Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres across the entire site*
- *Include certain land on the Natural Resources Biodiversity maps under WLEP 2011*
- *Identify the land on the Urban Release Area maps under WLEP 2011.*

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**1.3 GATEWAY DETERMINATION**

A Gateway Determination was issued by the NSW Department of Planning and Environment on 2 October, 2014. The Gateway Determination granted that the inconsistencies with Section 117 Direction 1.2 were of minor significance.

The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

<b>Gateway Condition</b>	<b>Addressed by:</b>
1. Community consultation is required under sections 56(2)(c) and 57 of the Act, for a period of 28 days.	Formal community consultation was undertaken for a total of 31 days from 31 August, 2017 to 3 October, 2017.
2. The timeframe for completing the Local Environmental Plan Amendment is to be 12 months from the week following the date of the Gateway Determination. This condition was amended on 10 April, 2017 to state: The timeframe for completing the LEP is 31 December, 2017.	The Planning Proposal is unlikely to be completed in this time Council will therefore need to request an Altered Gateway Determination with an extended deadline.
3. Delegation is not to be given for Council to exercise the Minister's plan making powers.	Noted.
4. The Secretary's delegate approves the inconsistency with Section 117 Direction 1.2 Rural Zones on the basis that the proposal is generally consistent with the Draft South West Sub-Regional Strategy. The matters in conditions 5 to 12 below are to be addressed prior to undertaking community consultation.	Noted. Matters 5 to 12 are addressed below.
5. The proposal is as follows: <ul style="list-style-type: none"> <li>▪ <i>Amend the land use zoning of the site as follows:</i> <ul style="list-style-type: none"> <li>▪ <i>E2 environmental conservation for the riparian corridor on the site;</i></li> <li>▪ <i>R5 Large Lot Residential on the eastern side of the riparian corridor and for a distance of 50 metres west of the E2 zone boundary;</i></li> </ul> </li> </ul>	The Planning Proposal which was placed on Public Exhibition reflects these amendments to the LEP. There are no amendments required to the Planning Proposal in the form in which it was placed on exhibition.

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Gateway Condition	Addressed by:
<ul style="list-style-type: none"> <li>▪ <i>R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo;</i></li> <li>▪ <i>R2 Low Density Residential to the remainder of the site.</i></li> <li>▪ <i>Amend the minimum lot size of the site to reflect the following:</i> <ul style="list-style-type: none"> <li>▪ <i>5000 sqm for the land to the east of the riparian corridor on the site;</i></li> <li>▪ <i>2000 sqm for the land proposed to be zoned R5 to the west of the riparian corridor;</i></li> <li>▪ <i>700 sqm for the land proposed to be zoned R2; and</i></li> <li>▪ <i>No minimum lot size for the land proposed to be zoned E2.</i></li> </ul> </li> <li>▪ <i>Amend the maximum height of buildings to 9 metres across the site.</i></li> <li>▪ <i>Include certain land on the site on the Natural Resources Biodiversity Map</i></li> </ul>	
<p>6. Council is to consult with the following public authorities to determine whether regional contributions towards the provision of designated public infrastructure are likely to be required:</p> <ul style="list-style-type: none"> <li>▪ Department of Health;</li> <li>▪ Transport for NSW;</li> <li>▪ Roads and Maritime Services;</li> <li>▪ NSW Office of Environment and Heritage;</li> <li>▪ Department of Education and Communities;</li> </ul> <p>A copy of all the responses should be returned to the Department's regional office.</p>	<p>Responses have been received from each of these agencies at various stages of the process and several of those responses have identified the need for the development to make regional contributions towards public infrastructure.</p> <p>As a result, the site is proposed to be added to the Urban Release Area maps which form part of WLEP 2011 which would make the future subdivision of the land subject to a 'satisfactory arrangements' clause.</p>



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Gateway Condition	Addressed by:
	Development consent for Future subdivision on land subject to the “satisfactory arrangements clause” may only be granted if the minister has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.
7. Council is to amend the proposal to update references to the status of the recently approved Waste Transfer Station.	The Planning Proposal which was placed on Public Exhibition makes reference to the approved Waste Transfer Station on the adjoining land. The Specialist Studies include consideration of the Waste Transfer Station and the measures required to mitigate any impacts from this facility (particularly relating to noise, air quality and traffic impacts) on future residents of the site have been suitably detailed in the Planning Proposal which was placed on Public Exhibition and are able to be incorporated into site specific DCP controls.
8. Council is to prepare the following studies: <ul style="list-style-type: none"> <li>▪ Flora and Fauna;</li> <li>▪ European and Aboriginal Heritage;</li> <li>▪ Flooding;</li> <li>▪ Traffic;</li> <li>▪ Preliminary Contamination Investigation;</li> <li>▪ Drainage.</li> </ul>	The required studies have been prepared and have informed the proposal as outlined in this report.
9. Council is to provide certainty in regard to the provision of a reticulated sewerage scheme to service the development, and where that scheme is not part of the Sydney Water Sewerage Scheme for Bargo, details of the location and capacity of the sewerage scheme have been provided for inclusion in the documents for public exhibition.	The land is located outside the Sydney Water subsidised service area. Sydney Water’s most recent advice dated July, 2016 has stated that there is insufficient spare capacity to accommodate flows that would occur from any future development outside the existing service area in Bargo until at least 2020, and even following this date, certainty cannot be provided that

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Gateway Condition	Addressed by:
	<p>lands outside the existing service area could be serviced by Sydney Water.</p> <p>As a result, the proponent for the Planning Proposal at No. 95 Great Southern Road has formally advised Council that they would undertake the construction of a 'Package Treatment Plant System' to service land to the west of the watercourse. The term 'Package Treatment Plant' includes a Sewage Treatment Plant and 'Water Recycling Facility' that would be used to treat wastewater from the site.</p> <p>The facility will be proposed on adjoining land at No. 35 Government Road, Bargo. A development application for the Water recycling Facility was received by Council on 31 August, 2017 to service the site and is currently under assessment by Council.</p> <p>A site specific control within Council's Development Control Plan is proposed to ensure that all future development on the western side of the watercourse on the site is serviced by this facility (while Sydney Water is unable to service the site).</p>
<p>10. Council is to consult with the following public authorities and, where indicated, demonstrate consistency with relevant s117 directions:</p> <ul style="list-style-type: none"> <li>▪ Department of Trade and Investment – Resources and Energy (Direction 1.3 Mining, Petroleum Production and Extractive Industries);</li> </ul>	<p>Each of the required agencies has been consulted and it is considered that the proposal is consistent with the relevant s117 directions as outlined in section 2.7 of this report.</p>

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Gateway Condition	Addressed by:
<ul style="list-style-type: none"> <li>▪ Office of Environment and Heritage (Directions 2.1 Environmental Protection Zones and 2.3 Heritage Conservation, including consultation specifically under Section 34A of the Act);</li> <li>▪ Greater Sydney Local Land Services (formerly known as Hawkesbury Nepean Catchment Management Authority) (Direction 2.1 Environmental Protection Zones);</li> <li>▪ Mine Subsidence Board (Direction 4.2 Mine Subsidence and Unstable Land); and</li> <li>▪ Rural Fire Service (Direction 4.4 Planning For Bushfire Protection).</li> </ul>	
<p>11. Council is to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land after undertaking the above flood study.</p>	<p>The Flood Study and other supporting information submitted with the Planning Proposal has demonstrated that the proposal would meet the requirements of this Ministerial Direction as detailed in Section 2.7 of this report.</p>
<p>12. Council is to also consult with Sydney Water and Roads and Maritime Services.</p>	<p>Council has consulted with Sydney Water and the RMS as required by this condition and a summary of their responses is provided in Section 2.2 of this report.</p>
<p>13. An on-site effluent disposal report is to be prepared to demonstrate the minimum lot size capable of on-site effluent disposal. This report is to then be used to inform an appropriate minimum lot size for the area east of the natural watercourse. This area to continue to be rezoned R5 Large Lot Residential.</p> <p>This is to address environmental health concerns raised by Council over on-site wastewater disposal and ensure an evidence based approach is implemented.</p>	<p>An On-site Effluent Disposal Study was prepared in relation to the lots to the east of the watercourse on the site which will not be serviced by a reticulated sewerage scheme. The on-site effluent disposal study formed part of the Public Exhibition material.</p> <p>The on-site effluent disposal study has identified that the minimum sustainable area for effluent disposal is 519m<sup>2</sup> (based on water balance requirements). The minimum lot size proposed across this part of the site is 5000m<sup>2</sup> which would be sufficient in accommodating the minimum</p>

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Gateway Condition	Addressed by:
	required area for wastewater disposal within each individual lot and would also ensure that the minimum buffer distances to watercourses could be achieved.

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**CONSULTATION**

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

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

**Infrastructure Planning**

No objections were raised from Council’s Infrastructure Planning Team.

There is an opportunity to incorporate the drainage channel running east west within a more natural drainage system (it can be a constructed system), which is recommended as it would have benefits in terms of water quality requirements. This forms part of the site specific DCP requirements.

The recommendation in the Traffic Impact Assessment to construct a footpath from the site to connect with the existing footpath which terminates and the Great Southern Road/Dymond Street intersection is supported.

**Environmental Services**

The Environmental Services team supported the inclusion of an E2 Environmental Conservation Zone throughout the riparian corridor on the site and also recommended that the endangered ecological communities identified on the site be included on the Natural Resources Biodiversity Map that forms part of WLEP 2011.

**Environmental Health Officer**

No objections to the proposal were raised.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

The Gateway Determination required consultation with the following Public Agencies:

- NSW Department of Education and Communities
- Endeavour Energy
- Greater Sydney Local Land Services
- NSW Department of Health
- NSW Office of Environment and Heritage
- Mine Subsidence Board
- DPI trade and Investment
- NSW Rural Fire Service

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- NSW Roads and Maritime Service
- Sydney Water
- Transport for NSW.

The following is a summary of the matters raised by public authorities and assessment comments.

**NSW Department of Education and Communities**

Raised the issues surrounding the cumulative impacts of development in the area on school capacity. It was also noted that Bargo Public School is one that would require additional land based on current development assumptions. It was noted that the acquisition of additional land would require a developer contribution to increase the school sites capacity.

Comment: The site is proposed to be included on the Urban Release Area Maps and it is anticipated that future infrastructure contributions required as part of this arrangement could be provided towards future acquisition of land for education purposes.

**Greater Sydney Local Land Services (LLS)**

Local Land Services advised the following in respect of the proposal:

*The Native Vegetation Act applies to the current RU2 (Rural Landscape) land use zoning. If the proposed rezoning to R2 (Low Density Residential) is approved then the Native Vegetation Act will no longer apply. For the part of the land zoned R5 Large Lot Residential there will still be a requirement for landholders to have regard for the Native Vegetation Act on this land.*

*LLS supports the requirements for a Flora and Fauna Assessment to be undertaken. Larger lots would protect the EEC on the site and allow biobanking options to be considered.*

*LLS supports the inclusion of an environmental protection zone in the eastern portion of the site including the natural watercourse.*

*Any clearing associate with the proposal should be mitigated by establishing appropriate offset areas (either through biobanking or other suitable means).*

Comment: LLS advice that the Native Vegetation Act will not apply to the R2 Low Density Residential zoned land but will apply to the R5 Large Lot Residential zoned land is noted. This means that a Biobanking Statement will not be able to be obtained for any vegetation removal in the R5 large Lot Residential zone until such time as the new Biodiversity Conservation Act, 2016 becomes applicable to Wollondilly (August, 2018). A Flora and Fauna Assessment has been carried out and an E2 Environmental Conservation zone applies to the natural watercourse over the site as recommended in order to protect and enhance this area.

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**Office of Environment and Heritage (OEH)**

The issues raised by OEH during the formal public exhibition of the proposal are discussed in detail below:

Issue Raised	Council Planning Staff Comment
<p>There were two (2) sites of Aboriginal Significance identified on the land and will be protected within the E2 Environmental Conservation Zone, however two (2) potential archaeological deposits (PADs) have also been identified and are only partially within the E2 Environmental Conservation Zone.</p> <p>OEH notes that the protection of Aboriginal significance could include applying specific DCP provisions or, OEH's preferred approach, extending the E2 Environmental Conservation zone to include the PADs areas.</p>	<p>As noted by OEH, the Aboriginally significant sites which have been identified on the land are located within the proposed E2 Environmental Conservation zone. Once the final subdivision design layout and required construction works are confirmed under a development application process, any potential impacts on these sites will become known and then can be planned for.</p> <p>While parts of the land that has been identified as potentially containing archaeological significance are located outside of the E2 Environmental Conservation zone, further test pitting would be required to be undertaken in these areas if subdivision work was proposed. This test pitting would be undertaken to determine if there may be other items of significance on the land and would be required to comply with the archaeological test excavation Code of Practice. If Aboriginal objects were located during test excavation, an Aboriginal Heritage Impact Permit (AHIP) would be required, prior to development occurring on the land.</p> <p>A site specific DCP control is also proposed to ensure that adequate investigation is carried out during any future subdivision application on the site.</p>
<p><b><u>Biodiversity</u></b> A potential Sugar Glider, which is a listed vulnerable species, was spotted on the land. Alluvial Woodland and Shale Sandstone Transition Forest (SSTF) is located outside of the</p>	<p>The approximate sugar glider locations have been captured by the E2 Environmental Conservation zone and a large lot size of 2000 square metres for land to the west of this area should see their habitat suitably retained. Some of the</p>

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Issue Raised	Council Planning Staff Comment
<p>proposed E2 Environmental Conservation zone.</p> <p>Given the above, OEH has recommended that a precautionary approach be applied given the proposed zoning boundaries and current 'biodiversity legislation' transitional period.</p> <p>OEH notes that the protection of environmental significance could include applying restrictions on the land at subdivision stage, specific DCP provisions to limit clearing or, OEH's preferred approach, extending the E2 Environmental Conservation zone to include all significant vegetation areas.</p> <p>OEH also recommends the retention of the E2 Environmental Conservation zoned land within public ownership.</p>	<p>Alluvial Woodland Vegetation is located outside the E2 Environmental Conservation zone however, there is opportunity to retain some of this vegetation through the 2000 square metre lots. The proposed application of the Natural Resources Biodiversity Layer would also ensure that any clearing of this vegetation that is outside the E2 zone is able to be suitably offset under the recently adopted Biodiversity Conservation Act.</p> <p>On the eastern side of the site there are some small isolated pockets of Shale Sandstone Transition Forest vegetation which is listed as an Endangered Ecological Community under the Biodiversity Conservation Act. A larger lot size of 5000 square metres has been purposely applied to this part of the site which would enable the small pockets of vegetation to be retained.</p> <p>One larger allotment of 7000 to 9000 square metres may be required in a future subdivision layout to retain the larger pocket of SSTF vegetation adjoining the E2 Environmental Conservation zone. This retention of this vegetation could be achieved through a site specific DCP control.</p> <p>It is considered adequate that the proposal could be retained in private ownership, however it is recommended that a site specific control be included in Council's DCP requiring a Vegetation Management Plan to be submitted with any future subdivision application for any lot which includes E2 zoned land to show how the vegetation will be enhanced and managed.</p>
<p><u>Flood Risk Management</u></p> <p>The submitted flood study does not provide details on flood characteristics for the proposed development scenario.</p>	<p>The Flood Study for the site confirms that any land below the 1% Annual Exceedence Probability (AEP) and Probable Maximum Flood (PMF) levels will be contained within the E2 Environmental Conservation zone, which prohibits</p>

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Issue Raised	Council Planning Staff Comment
<p>The study should be updated to understand the nature of existing, future and continuous risk to people and properties for the full range of flooding.</p> <p>OEH also supports the use of natural drainage systems across the site, rather than underground piping, to assist water quality and potential re-use in the site.</p>	<p>residential development. The study also notes that there is minimal flood risk to future allotments from watercourses on the site.</p> <p>While it is acknowledged that water flows on and off the site will be impacted by the development, the current study provides suitable justification to confirm that flooding is not a constraint which should preclude the rezoning from proceeding.</p> <p>Council’s Design Engineer has not raised any concerns regarding potential flooding impacts and agrees that there may be opportunity to incorporate the east/west drainage channel on the site into a suitable stormwater and drainage treatment system as part of a future subdivision.</p> <p>It will be a requirement for any future development application to confirm how flood risk as well as flood behaviour will be impacted and appropriately managed under a developed condition. This is confirmed in the proposed site specific DCP controls.</p> <p>Further flood assessment, prior to a development outcome on the site being proposed, is not considered to be necessary.</p>

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**Subsidence Advisory NSW**

The Mine Subsidence Board raised the following matters with the Proposal:

*“the land proposed to be developed is within an active coal mine lease held by Tahmoor Coal. Subsidence Advisory NSW wishes to highlight the potential subsidence impacts associated with co-existence that this proposal and any subsequent development may create, should development occur prior to coal extraction.*

*Costs for subsidence damage to development in this area would be borne by Tahmoor Coal should it continue to extract coal in this area.*

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*We recommend that the applicant liaise with Tahmoor Coal to consider how best to sequence development in this area so that subsidence damage to future development is avoided.*

*We also recommend that Council and the applicant obtain advice from Tahmoor Coal as to its future mining plans for this area.”*

**Comment:** In accordance with the response from Subsidence Advisory NSW the Tahmoor Colliery (currently owned by Glencore Coal) were consulted with in regards to any potential co-existence issues and the following response was provided:

*‘the property is located within a mid-term mining area and Tahmoor Colliery recommends postponing development until after 2035’.*

To resolve the issues raised by the Colliery, it is recommended that Council forward the Planning Proposal to the NSW Department of Planning and Environment as delegate for the Greater Sydney Commission to establish whether an appropriate mechanism for managing these conflicts can be dealt with through the legal drafting phase of the instrument. Some of the options that may be further investigated may be ‘coexistence frameworks’, ‘staging of development’, DCP controls or site specific LEP provisions. It would be most appropriate for the Department of Planning to coordinate all of the relevant parties (i.e. Council, Mine Subsidence Board, Tahmoor Colliery and Subsidence Advisory) in order to achieve a resolution of the matters raised by the Colliery.

**NSW Rural Fire Service (NSW RFS)**

The RFS provided the following comments:

*When determining minimum lot sizes for future subdivisions on bushfire prone land, consideration is to be given to the provision of Asset protection Zones within property boundaries.*

*This shall be done in accordance with Planning for Bushfire Protection (2006) Table A2.4 (subdivision) to achieve a maximum 29kW/m<sup>2</sup> radiant heat flux and table A2.6 (Special Fire Protection Purpose) to achieve a maximum 10kW/m<sup>2</sup> radiant heat flux in the event of a bushfire.*

*Strategic Planning should include the provision of larger lots closer to the hazard and future roads will need to comply with section 4.1.3 of Planning for Bushfire Protection 2006.*



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Comment: The site is partly bushfire prone land. The bushfire prone land map identifies only the vegetated area adjacent to the riparian corridor as being bushfire prone land. The allocation of larger lot sizes on either side of the riparian zone will enable the required asset protection zones to be achieved within individual lots.

The Bushfire Hazard Assessment indicates that any future dwellings on the site would be capable of achieving BAL 29 or less in accordance with the RFS advice.

The lot is capable of providing perimeter roads as part of any future subdivision of the site in accordance with the Planning for Bushfire Protection Guidelines.

**Transport Roads and Maritime Services (RMS)**

RMS provided the following comments:

*RMS does not object to the Planning Proposal provided that there is an appropriate planning mechanism to ensure contributions to state and regional road infrastructure are collected. For instance, this could be the inclusion of the “satisfactory arrangements” clause.*

*RMS recognises that the Planning Proposal is one of a number of land releases within the Shire. The cumulative impact of the development associated with these land releases will have a significant impact on the state and regional classified road networks. On this basis, the RMS considers it appropriate to consider the impacts on a broad scale. That is, consider all of the known land releases in the area and identify the appropriate road network upgrades.*

Comment: It is proposed to include the site on the Urban Release Area Maps in accordance with the RMS advice. This would ensure that contributions towards any regional infrastructure upgrades are provided at the subdivision stage.

**Transport for NSW (TfNSW)**

Tfnsw does not object to the Planning Proposal provided that there is an appropriate planning mechanism to ensure contributions to state and regional road infrastructure are collected. For instance, this could be the inclusion of the “satisfactory arrangements” clause.

Comment: The site is proposed to be included on the Urban Release Area Maps.

**Sydney Water**

Sydney Water were initially consulted in December, 2014 and provided updated advice in July, 2016 which stated the following:

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*'Sydney Water will not be allowing or considering any sewer connection to the Bargo Priority Sewerage Program (PSP) Scheme for any proposed development that is outside the subsidised area until at least the year 2020 as there is no spare capacity being available due to the current high water infiltration problems being experienced in the area.'*

*In addition to the infiltration issues being addressed, the Bargo PSP will also be dependent upon the amplification of the Picton Recycling Plant to provide for any future additional capacity. The amplification is not expected until around 2020 and there would still be no guarantee that there would be spare capacity for developments outside the subsidised area after this date.'*

Comment: In response to Sydney Water's advice, the proponent has advised that a package Sewage Treatment Plant will be constructed on adjoining land to service the land west of the watercourse on the site.

**2.3 COMMUNITY CONSULTATION**

During this time the Planning Proposal, specialist studies and other documents as required by the Gateway Determination were made available for public viewing on Council's website and at Council's Administration Building and Library. A public notice was placed in the local newspaper. Letters were sent to those who made previous submissions and to adjoining landowners and those considered affected by the proposal.

The issues raised in the two submissions received that are relevant to the assessment of the Planning Proposal are summarised in the following table along with assessment comments.

Issue Raised	Assessment Comment
<p>The proposal is inconsistent with the subdivision and rural character of the area and represents an overdevelopment of the site.</p>	<p>As outlined in the Planning Proposal, the development standards proposed for the site have been planned based on the characteristics of the area and the land capability of the site for development.</p> <p>A minimum lot size of 700m<sup>2</sup> is proposed to the R2 Low Density zone, which is confined to the western portion of the site. This minimum lot size is the same minimum subdivision standard that applies to the existing residential area of Bargo, to the south and west of the site.</p> <p>Minimum lot sizes of 2,000m<sup>2</sup> and 5,000m<sup>2</sup> are proposed along the northern site boundary and to the east of the riparian corridor. These larger lot size will assist in</p>



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Issue Raised	Assessment Comment
	<p>creating a transition to the surrounding rural land and retaining the rural and scenic characteristics of the area while also retaining vegetation through the riparian corridor on the site.</p> <p>Controls have also been included within the site specific DCP provisions to require future dwellings along Great Southern Road to align with the established street setback. This is to ensure the existing streetscape character of Great Southern Road is maintained. A DCP control requiring any rear boundary fencing along the northern boundary of the site (adjoining Anthony Road) to be of a rural character.</p>
<p>The local road network is already in a poor condition and not capable of accommodating the additional traffic movements generated by the development.</p>	<p>A traffic and impact assessment has been prepared to inform the proposal, which considers both the existing and likely future traffic requirements and network capacities.</p> <p>The study recognises that the ultimate development outcome on the site is currently unknown, and has therefore made estimates on traffic generation and movements based on a scenario of the site being fully developed.</p> <p>The assessment has confirmed that the road network is capable of servicing this full development scenario without any detrimental impacts to existing or future traffic flows.</p> <p>The assessment includes recommendations for upgrading the infrastructure at existing intersections to help maintain and improve safe traffic movements as well as drainage services. These upgrade works would be determined through the design and development phase of the project.</p> <p>The site specific DCP provisions therefore discuss these requirements and the principles for maintaining a safe and efficient road network, to ensure they are a</p>

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Issue Raised	Assessment Comment
	<p>key consideration under any future development application.</p> <p>Local and State contributions levied by the development will also contribute to the maintenance and upgrade to the local and wider road network.</p>
<p>The extension of Hawthorn Road and construction work onsite will significantly increase noise. It will also disrupt the current amenity of the area and local agricultural activities, as the local road network is also used for moving livestock.</p>	<p>The Traffic and Impact Assessment has identified that up to 15% of traffic movements associated with the development site would rely on Hawthorn Road for site access.</p> <p>A new intersection into the site from Great Southern Road would provide as the primary point of access to the site however, servicing over 60% of the likely future traffic movements.</p> <p>A final traffic management plan and traffic control plan will be required to be prepared in consultation with Council and local residents at the development application stage, and would need to confirm how traffic movements and increased noise along this roadway will be managed to ensure minimal impact to the surrounding land uses and all road users.</p> <p>Any future proposed construction works and associated impacts would also need to be assessed and approved. Conditions for approval would be issued to ensure these works are appropriately managed and adhere to best practice guidelines, to minimise any potential noise impacts on surrounding residents.</p>
<p>There is limited infrastructure in the area (ie. hospitals, schools, police stations, trains) to service the additional residents.</p>	<p>Council's local planning provisions and DCP ensure that there is adequate onsite infrastructure to service the demands of the development (ie. roads, potable water, drainage, etc).</p> <p>Local and State contributions levied by the development will contribute to the acquiring of land and provision of new offsite infrastructure as well maintenance</p>

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Issue Raised	Assessment Comment
	<p>and upgrading to the existing services. The Department of Health and Department of Education have reviewed the proposal and did not raise an objection to the proposal progressing.</p>
<p>The requirement for onsite sewer to service the development is not appropriate given the size of lots proposed and surrounding natural watercourses.</p>	<p>All land to the west of the existing riparian corridor is proposed to be serviced through a private package sewage treatment plant. This means that onsite treatment services would not be provided on land that is proposed to have a minimum lot size standard of less than 5,000m<sup>2</sup>.</p> <p>The on-site effluent disposal study has confirmed that the land and proposed 5,000m<sup>2</sup> lot size standard are more than adequate for appropriately accommodating onsite systems. This 5,000m<sup>2</sup> development standard would also ensure that suitable buffer distances to watercourses can be achieved.</p> <p>Council's DCP also controls guidelines that ensure site servicing and potential impacts on natural resources are key considerations for any future development application.</p>
<p>The site is impacted by natural hazards – including flood and bushfire.</p>	<p>The Flood Study for the site confirms that any land below the 1% AEP and PMF levels will be contained within the E2 Environmental Conservation Zone, which prohibits residential development. This provides suitable justification that flooding is not a constraint which should preclude the rezoning from proceeding.</p> <p>A Bushfire Impact Assessment has been prepared for the site to confirm that bushfire risk is not a constraint that should preclude the rezoning. The NSW Rural Fire Service has also reviewed the proposal and not objected to the matter.</p> <p>It will be a requirement for any future development application to confirm how flood and bushfire risk as well as flood</p>

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Issue Raised	Assessment Comment
	behaviour will be impacted and appropriately managed under a developed condition.
Aboriginal and European significance need to be protected.	<p>The grinding groove site and artefact scatter which have been listed on the site are located within the proposed riparian corridor E2 Environmental Conservation zone. Once the final subdivision design layout and required construction works are confirmed under a development application process, any potential impacts on these sites will become known and then can be planned for.</p> <p>The Archaeological Survey Report has confirmed that this could entail containment on the site or obtaining a permit to seek their removal. Further test pitting would also be required to be undertaken in areas that have been identified as potential deposit areas to understand if there may be other items of significance on the site.</p> <p>A suitable curtilage has been provided on the site to ensure that the Coomeroo homestead and silo can be retained within a single lot in the future. A site specific DCP control is also proposed to ensure that the heritage item is retained within a single lot. The Heritage Impact Assessment undertaken with the proposal notes that the silo should be restored and used as a focus for interpretation on the site.</p>
Future residents would be exposed to health risks associated with the Bargo Waste Management Centre.	<p>As noted above the consent for the new Waste Transfer Station was granted by the Land and Environment Court. Expert evidence provided during the court proceedings found that any impacts of this development on the Planning Proposal site would be "slight and manageable".</p> <p>Any future construction and operation works at the Waste Transfer Site would need to be approved and managed to ensure minimal impacts to surrounding land uses and residents.</p>

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**GR10 – Planning Proposal – 95 Great Southern Road, Bargo**

Issue Raised	Assessment Comment
Future infrastructure and homes would require constant repair due to mine subsidence, costs which cannot be carried by local residents.	<p>The <i>Mine Subsidence Compensation Act 1961</i> imposes that mining operators are financially responsible for compensating costs that may arise from subsidence damage.</p> <p>The coexistence of residential development on the site and any mining activity in the area would be a key consideration for any future proposal over the land and Tahmoor Coal (mining operating).</p>

Growth

In summary, the matters raised in submissions have been addressed through the specialist studies or can be dealt with as part of the assessment of future development applications.

**2.4 PLANNING PROPOSAL**

The Planning Proposal has been prepared in accordance with Section 55 to the EP&A Act, 1979 and the guidelines published by the DP&E. **No changes are proposed from the Planning proposal which proceeded to public exhibition.**

Council’s options are:

1. Resolve to support the Planning Proposal in the form as described in Section 2.11 to this report.
2. Resolve to support the Planning Proposal in another form. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.
3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, submitters and the Department of Planning and Environment that the Planning Proposal has been terminated. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council’ refusal to support the Planning Proposal at this stage of the process.

Option 1 is the recommendation of this report.

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**2.5 A PLAN FOR GROWING SYDNEY (2014)**

A Plan for Growing Sydney took effect in December, 2014 and is intended to guide strategic land use planning decisions for Sydney over the next 20 years. Wollondilly is one of 41 Local Government Areas in Sydney to which the Plan applies. The Plan identifies population growth targets and includes strategies to ensure that growth achieves a balance between protecting the natural environment with creating liveable cities.

The proposal is consistent with the Plan for Growing Sydney particularly in relation to dwelling targets and promoting housing variety and choice in the area as well as ensuring that future residential development takes appropriate measures to minimise impacts on the environment.

**2.6 DRAFT WESTERN CITY DISTRICT PLAN**

The Planning Proposal is generally consistent with the Draft Western District Plan particularly in relation to dwelling targets.

The Plan is also heavily focussed on creating green corridors and connections which the Planning Proposal would achieve through the protection of the riparian corridor through the middle of the site, which connects with Dog Trap Creek further to the north of the site.

It is also noted that the Plan is in the Metropolitan Rural Area as identified in the Plan. Planning Priority W17 (Better Managing Rural Areas) of the Western City District Plan states that *urban development in the Metropolitan Rural Area will only be considered in the investigation areas identified in the Greater Sydney Region Plan. The site is not identified as an investigation area in the Greater Sydney Region Plan, however, that this requirement in the Draft Western City District Plan should not prevent the further progression of the Planning Proposal due to the following:*

- The Planning Proposal originally received a Gateway Determination in October, 2014, a substantial period of time prior to the release of the Western City District Plan
- The proposal will contribute to the dwelling targets for Bargo contained within Council's Growth Management Strategy
- The proposal is consistent with all other aspects of the Western City District Plan and will provide for local infrastructure improvements.

**2.7 SECTION 117 MINISTERIAL DIRECTIONS**

**Ministerial Direction 1.2 – Rural Zones**

This Ministerial Direction states that a *Planning Proposal must:*

- a) *Not rezone land from a rural zone to a residential, business, industrial, and village or tourist zone.*

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- b) *Not contain provisions that will increase the permissible density of the land within a rural zone (other than within an existing town or village).*

The Planning Proposal would allow for the rezoning of land from a rural zone to an urban zone which would also enable an increase in density of the land which is inconsistent with the Ministerial Direction. The Gateway Determination issued by the Minister advised that the inconsistencies were of minor significance.

**Ministerial Direction 2.1 - Environmental Zones**

The Specialist Studies have identified a corridor through the middle portion of the site which is of environmental significance due to vegetation, aboriginal and archaeological heritage findings and the presence of a watercourse and riparian area. It is proposed to protect this area via an E2 Environmental Conservation Zone which is consistent with the direction.

**Ministerial Direction 2.3 - Heritage Conservation**

A suitable curtilage has been provided to ensure that the heritage of the local heritage item on the site (known as the Old Coomeroo Silo and Homestead) can be suitably retained and enhanced.

The 117 Direction also requires a Planning Proposal to contain provisions that facilitate the conservation and management of aboriginal objects or aboriginal places that are protected under the National Parks and Wildlife Act, 1974. An Aboriginal Archaeological Survey Report was undertaken with the proposal which identified two (2) new sites at No 95 Great Southern Road, Bargo. A description of the two items is provided below:

- Grinding Grooves

Numerous grinding grooves (27) were found along the bank of the tributary of Dog Trap Creek that runs through the site. The study noted that it would be likely that more grooves could be located beneath the build-up of sediment and vegetation around the platform. The area comprising the grinding grooves has been identified as being of high archaeological significance and also demonstrates connectivity with areas outside No. 95 Great Southern Road that have been previously recorded (approximately 1km north-east of the site). The study identifies that the conservation of this site is a priority and it is recommended that the proposed E2 Environmental Conservation zone be applied to this part of the site.

- Artefact Scatter.

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An area of 5 stone artefacts eroding out of the western creek bank was also identified on the site. The artefacts consist of silcrete and quartz and include complete flakes as well as flake fragments. The archaeological significance of the stone artefacts is unknown and further test excavations are required to establish the conservation requirements. In any case, the whole of this area is proposed to be retained within an E2 Environmental Conservation Zone.

Two (2) other areas of potential archaeological disturbance were identified during the site survey, both of which are located on the northern side of the grinding groove findings. These areas are partially within the area to be zoned for environmental conservation purposes, and these would need to be suitably managed during subdivision works. The section of PAD's within the E2 zone would be conserved while those located outside the E2 zone would require further archaeological test excavations as part of any future subdivision proposal. DCP controls are proposed to ensure that appropriate fencing and setbacks from the grinding grooves and artefact scatter is achieved as part of any future development.

**Ministerial Direction 4.2 - Mine Subsidence and Unstable Land**

This direction applies to any Planning Proposal that is made on land within a Mine Subsidence District. The site is within the Bargo Mine Subsidence District. The land has not been identified as unstable land in any study or strategy.

Under this Direction, a relevant planning authority must when preparing a planning proposal that would permit development on land that is within a Mine Subsidence District:

- (a) consult the Mine Subsidence Board to ascertain:
  - (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and
  - (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and

The Mine Subsidence Board were consulted with through the process, and did not object to the proposal but requested that Council consult with Tahmoor Colliery. The Colliery recommended that development on the site not proceed until 2035 due to medium term mining proposals. It is recommended that the proposal be forwarded to the Department of Planning and Environment to ascertain whether a co-existence framework can be established.

**Ministerial Direction 4.3 - Flood Prone Land**

This direction applies *when a Relevant Planning Authority prepares a Planning Proposal that creates, removes or alters a zone or provision that affects flood prone land.*

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Two (2) key flow paths have been identified through the site as follows:

- The main creek running north/south through the eastern portion of the site;
- The stormwater drainage channel running west to east and draining into the main creek corridor.

The results of flood levels, depths, velocities and hazards for the 1% Annual Exceedence Probability (AEP) and Probable Maximum Flood (PMF) were established in the flood study undertaken as part of the Planning Proposal. The areas of the site found to be within the 1% AEP and PMF levels affected by the main creek running north/south on the site will be contained within the E2 Environmental Conservation Zone and it is considered that there is minimal flood risk to future allotments from this watercourse on the site.

The Flood Study also identified areas outside the banks of the existing drainage channel that runs west/east which were within the 1% AEP and PMF levels. It is considered that these areas could be managed through engineering works at the subdivision phase to ensure that roads/future lots are not affected. The conclusions of the flood study undertaken with the Planning Proposal recommended that the flows from the drainage channel be controlled with a formal drainage system within the development site.

**Ministerial Direction 4.4 – Planning for Bushfire Protection**

Part 4 of the Ministerial Direction requires the following:

*(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.*

The RFS has been consulted on numerous occasions regarding the Planning Proposal. No objections have been raised from the RFS. Of note, the RFS advice states *when determining minimum lot sizes for future subdivisions on bushfire prone land, consideration is to be given to the provision of Asset protection Zones within property boundaries. This shall be done in accordance with Planning for Bushfire Protection (2006) Table A2.4 (subdivision) to achieve a maximum 29kW/m<sup>2</sup> radiant heat flux and table A2.6 (Special Fire Protection Purpose) to achieve a maximum 10kW/m<sup>2</sup> radiant heat flux in the event of a bushfire.* The proposed zoning and minimum lot size layout has been developed based on this advice and the Bushfire Hazard Assessment indicates that any future dwellings on the site would be capable of achieving BAL 29 or less in accordance with the RFS advice.

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Part 5 of the RFS advice states that:

- (5) *A planning proposal must:*
- (a) *have regard to Planning for Bushfire Protection 2006,*
  - (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
  - (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

A Bushfire Hazard Assessment was prepared with the proposal and identifies an Asset Protection Zone of 25m to the east and west of the riparian vegetation corridor through the site. The Asset Protection Zone is capable of being accommodated as part of any future subdivision layout for the site. Larger lots with a minimum lot size of 2000 square metres to the west of the riparian corridor and 5000 square metres to land east of the riparian corridor would ensure that the Asset Protection Zone is capable of being accommodated outside the proposed E2 Environmental Conservation zoned land in accordance with the requirements above. The land is capable of ensuring that any future development complies with the access and other requirements of PBP 2006.

**2.8 STATE ENVIRONMENTAL PLANNING POLICIES**

**State Environmental Planning Policy No. 44 – Koala Habitat Protection**

The Wollondilly Shire Local Government Area is listed under Schedule 1 of SEPP 44 and therefore requires consideration during the Planning Proposal process.

Consideration must firstly be given to whether any part of the land comprises potential Koala Habitat which is defined in the SEPP as follows:

*‘Potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.’*

The Ecological Constraints Analysis prepared for the Planning Proposal identifies that one of the tree species outlined in Schedule 2 as a feed tree is present on the site, with another feed tree species located just outside the site boundary. However, the feed trees do not constitute 15% of the total number of trees present and thus the site does not potential koala habitat.

The Planning Proposal is consistent with SEPP 44.

**State Environmental Planning Policy No. 55 – Remediation of Land**

A Preliminary Site Investigation (PSI) was undertaken. The PSI was consistent with the Contaminated Land Planning Guidelines and identified the following areas of environmental concern (AEC) on the site:



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- Dwelling
- Sheds and silo
- Former mowing/cropping grazing use
- Dam
- Stockpile
- Broken fibrous cement sheeting
- The area of the site previously used as a depot for the Bargo Sewerage Scheme construction.

If any of the above AEC's have contaminated the land it is highly likely that the land would be capable of being made suitable for a future residential use following remediation. To determine whether any of the AEC's require remediation, a Detailed Site Investigation (DSI) would be required as part of a future development application for the site. This could be included as part of a site specific DCP control for the site.

**Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River**

Clause 6 of the REP identifies the Planning Policies and recommended strategies for development in the area. Consideration of these matters is set out below:

(2) Environmentally Sensitive Areas

An E2 Environmental Conservation Zone is proposed to be applied to the watercourse and associated riparian area which runs through the central area of the site. This would provide a significant buffer to the watercourse which eventually flows through the Dog Trap Creek. The E2 zone would also assist in protecting aquatic habitat, riverine vegetation and bank stability in accordance with the requirements of the Plan.

(3) Water Quality

Significant measures are proposed to ensure that impacts of any future development of the site would not adversely impact on water quality. The Stormwater Management Study identifies that a variety of treatment measures may be used to achieve the water quality goals on the site. The application of the E2 Zone to the riparian corridor on the site would also ensure that aquatic vegetation and bank stability is preserved in the area to the maximum extent in accordance with the requirements of the Plan.

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(4) Water Quantity

The Stormwater Management Study undertaken with the proposal includes sufficient measures to ensure that the amount of stormwater run-off from the site and the rate at which it leaves the site would not significantly increase as a result of future development, including the use of site storage and on-site detention requirements. A suitable area has been identified on either side of the riparian corridor for OSD/bioretenion. These areas accommodate an area of 3300 square metres (based on 1.5-2.0 metres depth) to the west of the riparian corridor and an area of 1550 square metres (based on a depth of 1.5-2.0 metres) to the east of the riparian corridor.

(5) Cultural Heritage

The Planning Proposal would facilitate the conservation of the existing heritage items on the site as required by the plan. It is a requirement of this strategy to protect aboriginal sites and places of significance and the application of an E2 Environmental Conservation zone to parts of the site where archaeological features have been identified would ensure that they are adequately conserved.

(6) Flora and Fauna

Strategy (a) in the REP is to conserve and where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors. A significant watercourse passes through the site and the vegetation within the associated riparian corridor on the site has been identified as endangered ecological community. This area would be suitably conserved through an E2 Environmental Conservation zone and there may be an opportunity to enhance this area in the future through restriction on the use of land on this part of the site which requires a vegetation management plan to form part of a future subdivision application.

**2.9 DRAFT AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013**

The site would not be located within a coal seam gas exclusion zone or a buffer zone.

**2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY**

Council's GMS was adopted by Council in 2011. The GMS sets directions for accommodating growth in the Shire over the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly and are outlined as follows:

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<b>Key Policy Direction</b>	<b>Comment</b>
<b>General Policies</b>	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The Planning Proposal is consistent with the assessment criteria and key policy directions within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS).	The Planning Proposal is consistent with the concept of Rural Living. Whilst the proposal would rezone rural land it would accommodate small incremental growth of the existing township. Rural lands would be retained outside the proximity of the village which would remain suitable for rural purposes.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	The proposal was placed on Public Exhibition from 30 August, 2017 to 3 October, 2017 and two (2) submissions were received during this period. The submissions received have been considered in this report.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The personal financial circumstances of individual landowners have not been taken into account as part of this Planning Proposal.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	The subject site is located on the fringe of an existing village and is in a location identified for potential future growth in the GMS. The Planning Proposal adequately takes into account the physical constraints of the site.
<b>Housing Policies</b>	
P6 Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.	The Planning Proposal would provide additional housing in accordance with the GMS targets.

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<b>Key Policy Direction</b>	<b>Comment</b>
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The Planning Proposal would enable a variety of housing types to be provided on the site.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).	The fringe of the existing township comprises a minimum lot size of 700 square metres. The Planning Proposal would see the continuation of the existing 700m portion of the site within the proposed R2 zoned lands, while the edge of the Planning Proposal site along the northern boundary would comprise larger lots (with a minimum lot size of 2000 square metres), and land to the east of the watercourse would comprise larger lots (minimum 5000 square metres).
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The subject site is located immediately adjacent to the existing Bargo village and is therefore consistent with this direction.
<b>Macarthur South Policies</b>	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	N/A
<b>Employment Policies</b>	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	N/A
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different	N/A

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Key Policy Direction	Comment
sectors of the economy in appropriate areas.	
<b>Integrating Growth and Infrastructure</b>	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	<p>The Traffic Studies submitted with the proposal demonstrate suitable upgrades that could be undertaken to ensure that the local infrastructure can accommodate the additional traffic demands (both with and without the Waste Transfer Station in operation).</p> <p>The R2 Low Density Residential Zone is proposed to be serviced through a private package sewage treatment plant, to ensure that adequate sewer infrastructure is provided. Reticulated water is capable of being provided by Sydney Water. Development contributions to be paid at the development application stage would also contribute towards funding the necessary local infrastructure required to support the development.</p>
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The Planning Proposal would support the growth of the existing Bargo village as the site is located along the northern boundary of the existing town. The necessary services and infrastructure is available and capable of supporting the development of the site (subject to a private wastewater treatment plant being constructed). Some upgrades to roads, footpaths etc would also be required.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The site is located adjacent to an existing residential zone and would not result in dispersed population growth.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The site is located in the suburb of Bargo and adjoining the existing village which meets the requirements of this direction.

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Key Policy Direction	Comment
<b>Rural and Resource Lands</b>	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire’s lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The Planning Proposal achieves this through the application of an E2 zone to protect the riparian corridor, significant vegetation and items of archaeological significance on the site. The application of a larger lot size to unsewered lots on the eastern side of the riparian area would further protect water quality by ensuring that on-site system can be provided having regard for required buffer distances.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The proposal would involve the fragmentation of a rural lot, however it would provide for small incremental growth to the existing township and would not involve development of an isolated rural lot.

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**2.11.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

Based on the specialist studies and consultation and engagement there are no changes to the Planning Proposal which was placed on public exhibition.

The Planning Proposal seeks amendments to WLEP 2011 as described below:

- *Amend the Land Zoning Map from zone RU2 Rural Landscape to E2 Environmental Conservation to the riparian corridor on the site, zone R5 Large Lot Residential on the eastern side of the riparian corridor and for a distance of 50 metres west of the E2 zone Boundary, an R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo and R2 Low Density Residential to the remainder of the site.*
- *Amend the minimum lot size map to provide the following minimum lot sizes:*
  - *5000 square metres for the land east of the riparian corridor*
  - *2000 square metres for the R5 zoned land west of the riparian corridor*



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- 700 square metres for the R2 zone
- No minimum lot size for the E2 zone.
- Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres across the entire site
- Include certain land on the Natural Resources Biodiversity map
- Identify the land on the Urban Release Area map.

It is recommended that Council support the proposal as outlined above. However, it is recognised that there is a need to ensure that appropriate mechanisms are in place to manage potential conflicts with future mining activities. It is therefore recommended that the proposal be forwarded to the Department of Planning and Environment to establish an appropriate mechanism to resolve the co-existence issue with future mining.

**2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDCP 2016)**

Amendments are proposed to WDCP 2011 as detailed in attachment 5 of this report. The proposed amendments to the DCP include the addition of mandatory controls in accordance with Part 6 of Wollondilly Local Environmental Plan 2011, which requires site specific DCP controls for sites identified as Urban Release Areas.

Other controls relate to adequate servicing, protection of biodiversity and aboriginal cultural heritage, internal road construction, stormwater drainage, noise controls and the requirement for a footpath to be constructed which connects the site to the existing footpath which terminates at the intersection of Great Southern Road and Dymond Street.

**FINANCIAL IMPLICATIONS**

Not applicable.

**ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET**

1. Land Use zoning comparison map
2. Minimum lot size comparison map
3. Proposed Natural Resources – Biodiversity comparison map
4. Proposed Urban Release Area comparison map
5. Proposed site Specific Development Controls for the site (for inclusion in Wollondilly Development Control Plan, 2016)

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**RECOMMENDATION**

1. That Council support the Planning Proposal for Lot 1 DP 996286 (No. 95) Great Southern Road, Bargo to amend Wollondilly Local Environmental Plan, 2011 as follows:
  - *Amend the Land Zoning Map from zone RU2 Rural Landscape to E2 Environmental Conservation to the riparian corridor on the site, zone R5 Large Lot Residential on the eastern side of the riparian corridor and for a distance of 50 metres west of the E2 zone Boundary, an R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo and R2 Low Density Residential to the remainder of the site*
  - *Amend the minimum lot size map to provide the following minimum lot sizes:*
    - *5000 square metres for the land east of the riparian corridor*
    - *2000 square metres for the R5 zoned land west of the riparian corridor*
    - *700 square metres for the R2 zone*
    - *No minimum lot size for the E2 zone*
  - *Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres across the entire site*
  - *Include certain land on the Natural Resources Biodiversity maps under WLEP 2011*
  - *Identify the land on the Urban Release Area maps under WLEP 2011.*
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Greater Sydney City Commission with a request to make arrangements for the drafting of the amended Local Environmental Plan and that prior to the plan being finalised the Commission develop an appropriate mechanism for ensuring that the development of the site does not conflict with any future underground coal mining operations in response to the advice received from Glencore Coal.
3. That Council support the proposed amendments to Wollondilly Development Control Plan 2016 for the purposes of community consultation as described in Attachment 5 of this report and that the proposed amendments be publicly exhibited for a minimum period of 28 days.
4. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.