



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

South Tahmoor & East Tahmoor Revised Precincts

For the rezoning of land located South Tahmoor and East Tahmoor to allow for low density residential development

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Introduction

Background

South Tahmoor and East Tahmoor Revised Precincts were originally part of the Picton, Tahmoor, Thirlmere New Urban Lands Planning Proposal (PTT Planning Proposal) until an odour study was undertaken which resulted in their exclusion from consideration for rezoning under that planning proposal due to the potential odour impact from the nearby Inghams poultry operations. The PTT Planning Proposal is currently being finalised by the Department of Planning.

Introduction

Council received an updated odour study from Inghams based on their proposal to rezone rural land to residential at one of their poultry operations. The information sheet detailing this odour study is attached. Subsequently consideration was given to the South Tahmoor and East Tahmoor Revised Precincts Planning Proposal at the Ordinary meeting of Council held on Monday 18 November 2013. Council resolved to support a recommendation for the preparation of a planning proposal and its submission to the Department of Planning for a Gateway Determination. This Council report and minutes are attached.

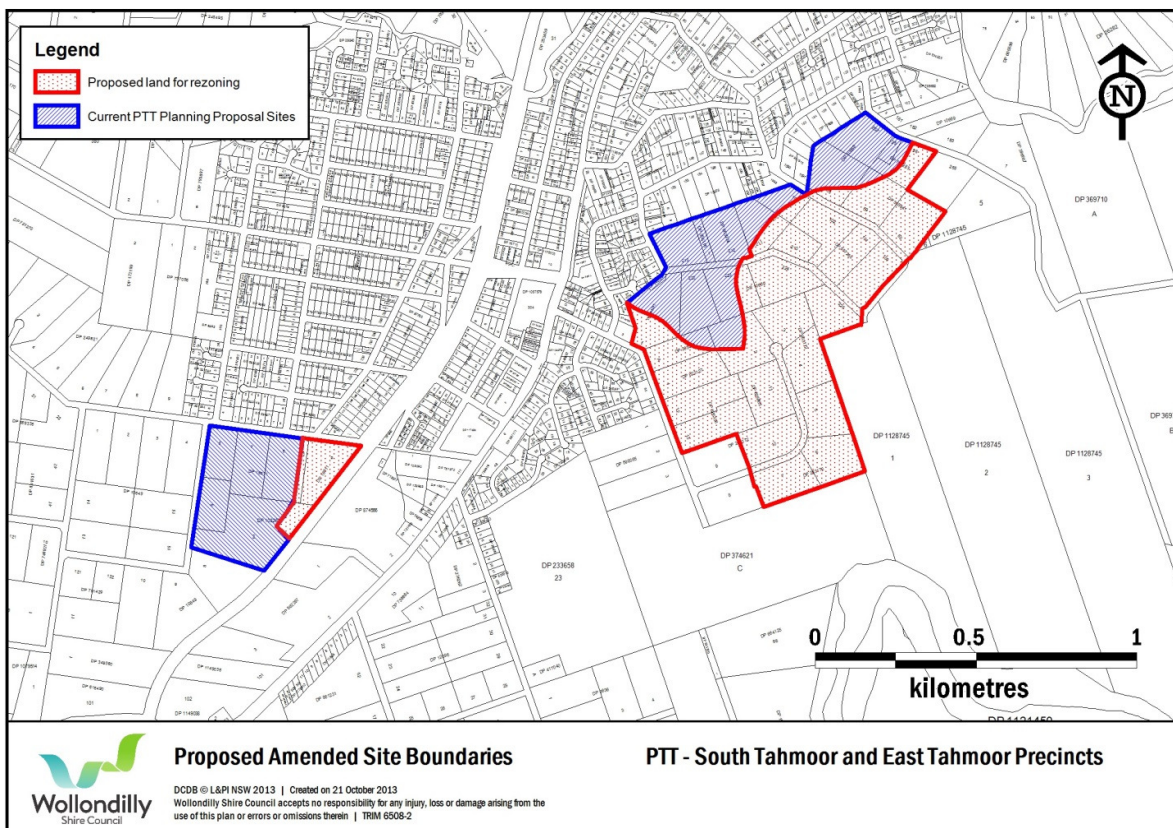


Figure 1 – Map showing precinct boundaries

Site Details

There are two separate planning proposal sites as detailed in Figure 1. The South Tahmoor site proposes the inclusion of an additional three (3) properties while an additional twenty six (26) properties are proposed to be included in the East Tahmoor site. These properties were originally included in the PTT Planning Proposal. Details of these properties are included below. Some of the properties are only part of a lot as the other portion is within the current South Tahmoor or East Tahmoor precinct within the PTT Planning Proposal.

South Tahmoor Planning Precinct	
Lot/DP Description	Address
9/16911	10 Bronzewing Street, Tahmoor
1/1032620	18 Bronzewing Street, Tahmoor
Part 2/1032620	35 Byron Road, Tahmoor
East Tahmoor Planning Precinct	
Lot/DP Description	Address
Part 4/262132	38 Tahmoor Road, Tahmoor
Part 223/10669	50 Tahmoor Road, Tahmoor
224/10669	80 Tahmoor Road, Tahmoor
225/10669	90 Tahmoor Road, Tahmoor
Part 211/10669	65 Tahmoor Road, Tahmoor
210/10669	69 Tahmoor Road, Tahmoor
Part A/365411	30 Progress Street, Tahmoor
1/623127	36 Progress Street, Tahmoor
12/826338	44 Progress Street, Tahmoor
13/826338	50 Progress Street, Tahmoor
7/263172	30 Greenacre Drive, Tahmoor
6/263172	36 Greenacre Drive, Tahmoor
5/263172	42 Greenacre Drive, Tahmoor
4/263172	60 Greenacre Drive, Tahmoor
3/263172	66 Greenacre Drive, Tahmoor
10/263172	15 Greenacre Drive, Tahmoor
11/825465	45-65 Greenacre Drive, Tahmoor
Part 2/263172	71 Greenacre Drive, Tahmoor
Part 190/10669	76 Myrtle Creek Avenue, Tahmoor
102/597260	90 Myrtle Creek Avenue, Tahmoor
101/597260	100 Myrtle Creek Avenue, Tahmoor
100/597260	110 Myrtle Creek Avenue, Tahmoor
Part 258/10669	85 Myrtle Creek Avenue, Tahmoor
Part 59/555941	95 Myrtle Creek Avenue, Tahmoor
60/555941	105 Myrtle Creek Avenue, Tahmoor
Part 26/740263	80 River Road, Tahmoor

Part 1 – Objectives or Intended Outcomes

To enable the development of the sites for the purpose of low density housing.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending Wollondilly LEP 2011 as follows:

- Amending the Land Zoning Map (LZN Map) to R2 Low Density Residential and;
- Amending the Lot Size Map (LSZ Map) to allow a minimum lot size of 450m² and;
- Amending the Height of Buildings Map (HOB Map) to impose a maximum building height limit of 9 metres and;

- Amending the Natural Resources Water Map (NRW Map) to impose a riparian buffer of 10m around two watercourses and;
- Amending the Natural Resources Biodiversity Map (NRB Map) to include sensitive land and;
- Amending the Urban Land Release Map (URA Map) to include this land.

The amending maps are detailed in Part 4 of this planning proposal.

Part 3 – Justification

Section A – Need for the planning proposal

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

This Planning Proposal is not the direct result of any strategic study or report although the site area is generally identified in the Wollondilly Growth Management Strategy 2011 (GMS) structure plan for Tahmoor & Thirlmere as a potential extension of the residential zone because the site adjoins land currently zoned or proposed to be zoned for residential purposes.

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

The current zoning of the site is Zone RU4 Primary Production Small Lots which does not allow for residential development at the density proposed.

Section B – Relationship to strategic planning framework

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

The planning proposal is consistent with the aims of the Metropolitan and sub-regional strategies in relation to providing suitable land to meet housing targets while having minimal environmental impact. Existing infrastructure with some augmentation will be able to service the sites.

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

Community Strategic Plan

The planning proposal is consistent overall with Council's Community Strategic Plan (CSP). It is considered that this proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

Economy

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

Comment

The development of future residential land on these sites will be undertaken within a regulatory and policy framework which will ensure a high quality built environment.

Environment

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

Comment

Riparian areas and sensitive land have been identified and will require assessment as part of any future development application to ensure water quality and biodiversity objectives are achieved.

Wollondilly Growth Management Strategy

The Growth Management Strategy was adopted by Council on 21 February 2011 and is a policy document with associated mapping which contains key directions and principles to guide proposals and Council decisions on growth. It identifies this site as being part of the "Potential residential growth areas" on the Structure Plan – Tahmoor & Thirlmere. The Growth Management Strategy's Appendix 1 to the GMS, provides Assessment criteria which are required to be met to satisfy the Key Policy Directions. The GMS states that the Assessment Criteria will apply to any planning proposal which seeks to develop land for residential and employment uses as outlined in the GMS. All planning proposals will need to address and be consistent with these criteria.

Appendix 1 to this submission sets out the relevant Assessment Criteria to this proposal and comments on its consistency with the criteria.

In addition to the Assessment Criteria, the GMS outlines a number of Key Policy Directions. The relevant directions are set out below:

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.

Comment

The planning proposal satisfies this Key Policy Direction.

P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)

Comment

The draft proposal is generally consistent with the concept and vision of 'Rural Living' as the land adjoins existing residential land and will assist to consolidate future urban growth while allowing more suitable productive land to be used for agricultural purposes.

P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.

Comment

The PTT Planning Proposal which originally included this land has undergone extensive consultation with the local community. There is general support for this planning proposal.

P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.

Comment

There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.

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.).

Comment

The proposal represents a logical rezoning of the subject site for low density residential purposes in keeping with nearby land uses. Within the constraints of the site the proposal is considered appropriate as it will facilitate the consolidation of the residential area. Conservation and enhancement of natural systems is intended. Existing infrastructure is to be utilised and embellished.

P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.

Comment

The proposal contributes toward Council's dwelling target for Tahmoor & Thirlmere outlined in the GMS. The Structure Plan for Tahmoor & Thirlmere includes the subject land as a "potential residential growth area."

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.

Comment

The proposal would provide land suitable for a range of housing types and affordability.

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").

Comment

It is proposed to have low density residential development comprising mainly single dwellings which will be in keeping with nearby low density housing.

P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.

Comment

The planning proposal complies with this policy direction as it adjoins land within the PTT Planning Proposal which is proposed to be zoned for residential purposes.

P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.

Comment

The proposal will create short-term employment opportunities through construction jobs associated with civil and building works required for the site's development and will provide stimulus to the local economy by boosting population.

P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.

Comment

The sites are not zoned to facilitate further employment opportunities.

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.

Comment

It is anticipated that nearby reticulated water and sewer and other services can be readily extended onto the site. An access road and additional drainage would be provided at subdivision stage. The development will not place any undue pressure on existing community facilities and services and future development contributions will assist in meeting any unmet demand.

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.

Comment

The planning proposal precinct sites are located in close proximity to Tahmoor town centre which makes it a relatively convenient location.

P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.

Comment

The proposal does not contribute toward dispersed population growth as it proposes urban growth adjacent to the Tahmoor urban area.

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.

Comment

This is an area identified as a being a potential residential growth area on the Tahmoor & Thirlmere Structure Plan in the GMS. The draft proposal contributes toward Council's dwelling target for Picton, Tahmoor and Thirlmere identified in the GMS.

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

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken and the planning proposal is consistent with all of the relevant policies (see Appendix 2). A number of policies would be applicable at the development application stage and those applicable at the strategic planning stage and relevant to this planning proposal are:

State Environmental Planning Policy no. 55 – Remediation of Land ("SEPP 55");
Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River 1997 ("SREP 20")

SEPP 55

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) provides:

In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning authority has considered whether the land is contaminated, and;*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and;*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The land may have been used for agricultural purposes in the past. Agriculture is a potentially contaminating activity and accordingly a preliminary contaminated land investigation was undertaken and found that the likelihood of any potential contaminants is low and therefore the land is considered to be suitable for the purposes of residential development.

SREP 20

Clause 4 of SREP 20 requires assessment of the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 in the preparation of an environmental planning instrument.

Consideration of the 'clause 5' matters is set out below:

Matter	Comment
Aim of the Plan	The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Potential impacts of any significance relate to water quality impacts
▪ strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	Subject to appropriate management of water quality impacts the scale of the proposal is likely to be acceptable in terms of the Action Plan strategy.

Matter	Comment
any feasible alternatives to the development	There are no feasible alternatives.
relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	The sites are largely cleared with a few scattered mature trees and small modified areas of regrowth vegetation characteristic of <i>Cumberland Plain Woodland</i> and <i>Shale Sandstone Transition Forest</i> (SSTF) and <i>Endangered Ecological Community</i> (EEC). These areas are identified on the NRB Map for further consideration in terms of impact at the development application stage.

Consideration of the 'clause 6' matters is set out below:

Matter	Comment
1. Total catchment management	The residential land is proposed to be serviced by reticulated sewer and water.
2. Water quality	Water Sensitive Urban Design (WSUD) measures would be implemented at development application stage. A riparian buffer is proposed around watercourses within the sites.
6. Cultural heritage	An Aboriginal and Cultural Archaeological Assessment found that there are no aboriginal sites on this land. Some land was identified as having archaeological sensitivity and this has been included within the Structure Plans for each precinct.
7. Flora & Fauna	The site is largely cleared but contains some SSTF vegetation which has been identified on the NRB Map and will be assessed further as part of any development application for subdivision. The land is not included within the priority conservation lands detailed in the State Government's <i>Cumberland Plain Recovery Plan</i> .
10. Urban Development Strategy	Sensitive urban design would aim to ensure areas of high conservation value and mature trees are retained on-site and lots larger than the minimum would be required in areas where the riparian buffer is proposed and where clusters of vegetation are located. This would be a consideration for any future development application.
12. Metropolitan Strategy Impacts	Waste disposal, air quality and predicted climate change are considered negligible when taking into account the small scale of the proposal.

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

The planning proposal is considered to be consistent with all relevant directions. (See Appendix 3).

Section C – Environmental, social and economic impact

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

Habitat worthy of protection and conservation has been identified in the South Tahmoor and East Tahmoor Precincts as part of the PTT Planning Proposal.

The provisions of WLEP 2011 can be used to ensure these areas are protected and managed in accordance with Clauses 7.1 and 7.2 and mapped with amendments to the Natural Resources – Biodiversity and Natural Resources – Water maps.

Additional provisions for long term management and conservation responsibilities for future private landowners are included in specific provisions within Wollondilly DCP and in the development assessment process.

For details see the appended specialist studies Flora and Fauna Assessment and the Aquatic Habitat Assessment undertaken for the PTT New Urban Lands Planning Proposal.

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

The appended specialist studies accompanying the PTT Planning Proposal investigated a range of environmental matters which may potentially impact on the local area. These impacts are considered to be manageable and would be considered in any future development application and in accordance with the specific and general controls within the Wollondilly DCP.

The main issue impacting on these two sites relates to odour from Inghams two poultry operations. An odour study undertaken for the PTT Planning Proposal resulted in the exclusion of the subject sites from the PTT Planning Proposal.

Inghams is proposing to cease operating one of their poultry operations in Cross Street, East Tahmoor and to apply to rezone this land for residential purposes. They are proposing to maintain their Rockford Road turkey processing facility and their odour consultants prepared an information sheet detailing findings from their analysis and recommended a 500m buffer around this facility. This buffer is normally applied to new poultry operations under the Wollondilly DCP. With the imposition of this buffer and the ceasing of operations from the Cross Street facility then the potential for odour impacts on land within the proposed revised precincts would be mitigated. Accordingly this land should be suitable for residential development.

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

No adverse social and economic effects are anticipated. Additional housing opportunities will be provided in a location convenient to existing community services and facilities.

It is considered that there will be a positive economic effect with increased construction and home maintenance business opportunities.

Section D – State and Commonwealth interests

12. Is there adequate public infrastructure for the planning proposal?

Most infrastructure and services have either existing capacity or can be reasonably augmented to provide for the development likely to result from the proposal. Works can be undertaken either as part of future development processes, supplied through direct transactions with service providers or facilitated through development contributions.

Sydney Water have modified their mapped servicing boundary to include this land and have outlined a programme to deliver the required infrastructure.

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

Extensive consultation was undertaken with public authorities as part of the PTT Planning Proposal and subsequent specialist studies investigated the matters raised by them. Further consultation was undertaken during the public exhibition of the planning proposal and there was no objection raised to the proposal proceeding. It is considered that no further consultation is required with public authorities because of the extensive consultation undertaken during the PTT Planning Proposal.

Part 4 – Mapping

Maps are attached separately

List all Maps

Site Identification Map – SIM 008_H

Land Zoning Maps – LZN 008_G, 008_D, 008_H

Lot Size Maps – LSZ 008_G, 008_D, 008_H

Height of Building Maps – HOB 008_G, 008_D, 008_H

Natural Resources Biodiversity Maps – NRB 008_G, 008_D, 008_H

Natural Resources Water Map – NRW 008_G, 008_D, 008_H

Urban Release Area Map – URA 008_080

Part 5 – Community Consultation

There has been extensive consultation undertaken with the community as part of the PTT Planning Proposal and this consultation included these precincts. As there is no change to what is proposed under the PTT Planning Proposal with regard to the provisions for these precincts it is considered that a shorter exhibition period of 14 days would be sufficient to exhibit this planning proposal and draft LEP amendments in accordance with the requirements for community consultation outlined in *'A Guide to Preparing Local Environmental Plans.'*

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway determination)	8 weeks from submission to DP&I and including Xmas/New Year holiday period	Mid February 2014
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Not required	NA
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	Not required	NA
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	4 weeks	Mid March 2014
Dates for public hearing (if required)	Unlikely to be required	
Timeframe for consideration of submissions	2 weeks	End March 2014
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	2weeks	Mid May 2014
Date of submission to the Department to finalise the Draft LEP amendment (including 6 week period for finalisation)	Not required	NA
Anticipated date RPA will make the plan if delegated	6 weeks	End June 2014
Anticipated date RPA will forward to the Department for notification	Not applicable	

It is considered that this planning proposal should be able to be completed in around 6 months from when it is submitted to the Department of Planning.

Appendices

1. Assessment against Relevant GMS Criteria

Table indicating compliance with Council's Growth Management Strategy.

2. Compliance with SEPPs

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

3. Assessment against Section 117(2) Directions

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

4. Specialist Studies appended separately

Appendix 1

Assessment against Relevant GMS Criteria

The table below indicates compliance, with Council's Growth Management Strategy:

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with relevant provisions.
State Planning Policies	Consistent with relevant provisions.
Ministerial Directions	Consistent with the relevant provisions, or where not consistent is justified.
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.
Local Strategies and Policies	
Criteria	Response
Key Policy Directions on the GMS	Consistent with the relevant provisions.
Precinct Planning	Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	Consistent with the relevant provisions
Project Objectives and Justification	
Criteria	Response
Overall Objective	Consistent with the relevant provisions.
Strategic Context	Consistent with the relevant provisions.
Net Community Benefit?	Consistent with the relevant provisions.
Summary of Likely Impacts	Consistent with the relevant provisions.

Infrastructure and Services	Consistent with the relevant provisions.
Supply and Demand Analysis	The proposal would add additional serviced residential land to satisfy unmet demand.
Site Suitability/Attributes	The subject site is near the Tahmoor township so it can be readily serviced and subject to environmentally sensitive design it is capable of being sustainably developed. It is considered likely that traffic generation from the resulting development would be within the environmental capacity of the surrounding road network.

Preserving Rural Land and Character

Criteria	Response
Character Setting	The land is used for rural residential purposes but is adjacent to urban land and facilities.
Visual Attributes	The site has no significant visual attributes.
Rural and Resource Lands	The land is currently used for rural residential purposes and has limited potential for other rural purposes.

Environmental Sustainability

Criteria	Response
Protection and Conservation	This vegetation has characteristics of <i>Shale Sandstone Transition Forest</i> and <i>Cumberland Plain Woodland</i> and this has been mapped on the NRB Map for future assessment as part of any development application for subdivision.
Water Quality and Quantity	The principles of BASIX will be observed in respect of each future dwelling. Stormwater management will involve the application of Water Sensitive Urban Design practices. Waste water will be directed to an extended reticulated sewer. Riparian buffers are proposed waterways in each precinct.
Flood Hazard	There are no flood hazards likely from development of the subject sites.
Geotechnical/Resources/Subsidence	No geotechnical issues have been identified. The site is within Bargo Mine Subsidence District and the sites have been undermined in the past with subsidence likely to have been completed.
Buffers and Spatial Separation	A 500m buffer is proposed around the turkey processing facility to reduce potential odour impacts from poultry operations on future new residents. There are no other rural uses likely to create conflict on the urban edge and future applications for subdivision will need to ensure that such likely minimal impacts are able to be managed through effective urban design.
Bushfire Hazard	The bushfire hazard can be readily managed under the provisions of <i>Planning for Bushfire Protection 2006</i> .

Heritage	A heritage item in East Tahmoor Precinct has been nominated for inclusion in Wollondilly LEP 2011 and is proposed to be included as part of the PTT Planning Proposal draft amendment.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development.

Infrastructure

Criteria	Response
Efficient Use and Provision of Infrastructure	Existing infrastructure will be augmented and extended as necessary for any future residential development of the site.
Transport Road and Access	A traffic/transport study has found that the rezoning and likely proposed development and access road would not impact on the local road network. The site is relatively well served by public transport along Remembrance Drive. South Tahmoor precinct is relatively close to Tahmoor Railway Station. Cycle/pedestrian pathways will be included in future subdivision development to increase alternative transport options.
Open Space	No additional provision of open space is considered necessary as there is considered to be sufficient open space in the Tahmoor local area.

Residential Lands

Criteria	Response
Location/Area/Type	The proposal is consistent with land identified under the GMS for Urban on Town Edge development.
Social Integration	A gated community is not proposed and a variety of housing is achievable by a mix of lot sizes. The future new development should complement existing development and ensure new residents are integrated into the local community through effective
Urban on Town Edge	The site is contiguous with existing urban land & within practical walking/cycling distance of town services. The proposed scale of residential development is suitable to the context and location and; ▪ Achieves physical and visual integration with the existing edge of town. ▪ Allows a mix of residential lot sizes to cater for a mix of housing types. ▪ The proposed R2 low density zone is in line with suggested density range. ▪ The scale of proposal does not warrant the inclusion of community land or facilities.

Appendix 2

Compliance with SEPPs

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

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
4	Development Without Consent and Miscellaneous Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
6	Number of Storeys in a Building	Yes	The Planning Proposal will use the Standard Instrument to control building height.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
22	Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	A Flora and Fauna study found that there is no Koala habitat but there are foraging resources.
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
50	Canal Estates	N/A	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	N/A	Wollondilly Shire is currently exempted from this SEPP.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
55	Remediation of Land	Yes	A preliminary contaminated site assessment found that there are no contaminating substances that would impede the development of the land for residential purposes.
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
62	Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	N/A	Residential flat buildings are prohibited on the subject land.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
	SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
	SEPP (Infrastructure) 2007	Yes	The proposal has considered the relevant parts of SEPP (Infrastructure) 2007, namely traffic generating developments and is considered consistent.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Sydney Drinking Water Catchment) 2011	N/A	The site does not fall within the Drinking Water Catchment.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	The Planning proposal has considered the application of this SEPP to any future urban development and contains provisions to ensure that the requirements of the SEPP are able to

Appendix 3

Assessment against Section 117(2) Directions

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

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	N/A	N/A	Direction does not apply.
1.2 Rural Zones	Yes	Yes	The proposal will result in the loss of a small portion of rural land which has limited agricultural potential. It is considered that the inconsistencies are of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The proposal will not adversely impact any future potential subsurface mining program. Undermining of the site has occurred. The planning proposal is not inconsistent with Direction 1.3.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	N/A	N/A	Direction does not apply.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	The site contains small areas of remnant native vegetation which are aimed to be conserved. The planning proposal is not inconsistent with Direction 2.1.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Yes	The site contains no listed heritage items of local, state or national heritage significance. A heritage item is proposed to be listed under the PTT Planning Proposal on land within the East Tahmoor precinct which is partly within the revised area. It is considered that the planning proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	N/A	N/A	Direction does not apply.
3. Housing, Infrastructure and Urban Development			

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
3.1 Residential Zones	Yes	Yes	The proposal does not seek to reduce the amount of residential land but rather contribute to additional lands that may assist Wollondilly Shire in reaching its housing targets. It is located near existing residential development and close to Tahmoor town centre and related community infrastructure. The site is serviced with the appropriate perimeter road and utility infrastructure which can be readily amplified to enable residential development. The relevant infrastructure and DCP provisions are contained in Wollondilly LEP 2011. No areas of environmental sensitivity will be adversely impacted. Underground mining has been undertaken and subsidence is likely to be completed. The rezoning will permit the development of a range of housing types. The planning proposal is not inconsistent with Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The proposal does not affect LEP provisions for Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations	N/A	N/A	Direction does not apply.
3.4 Integrating Land Use and Transport	Yes	Yes	The site is convenient to the Tahmoor town centre. The site is accessible to public bus services along Remembrance Drive and to rail services from Tahmoor railway station. The planning proposal site is well serviced by existing roads. The Draft LEP is not inconsistent with Direction No. 3.4.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	Yes	Yes	The subject land is within the Bargo Mine Subsidence District. Undermining of the site for the Bulli Seam has been undertaken. The Mine Subsidence Board has no objection to the proposal. The planning proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	N/A	N/A	Direction does not apply

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
4.4 Planning for Bushfire Protection	Yes	Yes	Consultation has been undertaken with the Commissioner of the Rural Fire Service as part of the PTT Planning Proposal. The land to which the planning proposal applies includes bushfire prone land and an assessment of requirements to limit bushfire hazard in accordance with Planning for Bushfire Protection 2006 has been undertaken. It is considered that the planning proposal is not inconsistent with Direction No. 4.4.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	N/A	N/A	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority. The planning proposal is not inconsistent with Direction 6.1.
6.2 Reserving Land for Public Purposes	Yes	Yes	The planning proposal will not create, alter or reduce existing zones or reservations of land for public purposes. It is considered that the planning proposal is not inconsistent with Direction 6.2.
6.3 Site Specific Provisions	N/A	N/A	Direction does not apply.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

Appendix 4

Specialist Studies appended separately