



Our Reference: 6115 kc:kc

Mr Peter Goth
Regional Director Sydney West
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
19 DEC 2012
Scanning Room

17 December 2012

**BRONZEWING STREET PLANNING PROPOSAL – 55 & 65 BRONZEWING STREET, TAHMOOR BEING LOTS 8 & 9
DP 249821**

Dear Mr Goth,

At its Ordinary Council Meeting held on Monday 19 November 2012 Wollondilly Shire Council resolved as follows:

246/2012 Resolved on the Motion of Crs M Banasik and Hannan:

1. That Council support the application for a Planning Proposal on land at 55-65 Bronzewing Street, Tahmoor being Lots 8 and 9 DP 249821 to amend the provisions of Wollondilly LEP as follows:
 - change the Land Zoning map from Zone RU4 – Primary Production Small Lots to Zone R2 Low Density Residential
 - change the Lot Size map to amend the 2 hectare minimum to a minimum lot size of 700m²
 - change the Height of Buildings map from no height limit to a maximum height limit of 9m
 - should a flora and fauna study determine native vegetation and or habitat is to be protected then the Natural Resources – Biodiversity map shall be appropriately amended.
2. That the Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.
3. That the persons who made submissions regarding the Planning Proposal be notified of Council's decision.

On being put to the meeting the motion was declared CARRIED

Vote: Crs M Banasik, Amato, Mitchell, B Banasik, Terry, Law, Landow, Hannan and Gibbs

Wollondilly Shire Council requests the Minister for Planning & Infrastructure's Gateway Determination on the Planning Proposal in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

Please find attached the following three documents:

1. Council's **Planning Proposal** for the subject land.
2. The **Report to Council** on the proposal.
3. Council's **Resolution** to forward the proposal to the Department.

The attached planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's 'A guide to preparing a planning proposal' and 'A guide to preparing local environmental plans'.

For further enquiries in relation to this matter, please contact Kitty Carter on 4677 8230

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Carter', with a stylized flourish at the end.

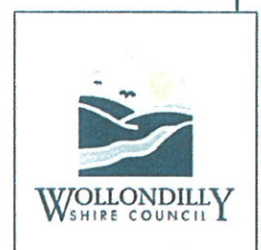
Kitty Carter
Strategic Planner
STRATEGIC PLANNING SERVICES

Planning Proposal

to amend Wollondilly Local Environmental Plan 2011

Bronzewing Street

**for the rezoning of land located at 55-65 Bronzewing Street, Tahmoor (Lot 8 & 9 DP 249821)
for Zone R2 Low Density residential purposes**



Contents

Introduction	3
Part 1 – Objectives or Intended Outcomes.....	4
Part 2 – Explanation of Provisions.....	4
Part 3 – Justification	4
Section A – Need for the planning proposal	4
Section B – Relationship to strategic planning framework.....	5
Section C – Environmental, social and economic impact.	10
Section D – State and Commonwealth interests.	11
Part 4 – Mapping	12
Part 5 – Community Consultation.....	17
Part 6 – Project Timeline.....	17
Project detail.....	17
Timeframe	17
Timeline	17
Appendices.....	18
Appendix 1 – Net Community Benefit Test.....	19
Appendix 2 – Relevant GMS Criteria Assessment	21
Appendix 3 – Compliance with SEPPs.....	24
Appendix 4 - Examination of Draft Plan in accordance with relevant Section 117(2) Directions.....	27

Introduction

This Planning Proposal has been prepared as a result of an application from Rhodes Haskew Associates seeking an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval for residential development.

The Planning Proposal was reported to the Ordinary meeting of Council on Monday 19 November 2012 and was supported to proceed to a Gateway Determination. Figure 1 indicates the planning proposal site.



Figure 1 : Site Map

Site Details

The site comprises two properties located at 55 & 65 Bronzewing Street, Tahmoor being Lots 8 & 9 DP 249821 with a combined total area of 4.046ha. The site is located towards the western end of Bronzewing Street on the northern side of the road and approximately 1km from Tahmoor Railway Station. Tahmoor Commercial Centre is situated a further 200-300m from the site. Developed urban residential land is located immediately adjoining on the eastern boundary and Tahmoor Uniting Church and Tahmoor sportsground is situated immediately to the north and north-west. Adjoining to the west and south of the site is rural land which is predominantly used for rural residential purposes.

Mature trees are scattered over the site and there is an area of bushland along the western end linked to bushland on the adjoining sportsground. The site slopes relatively gently up from Bronzewing Street and the northern part of the site drains onto an adjoining property.

Part 1 – Objectives or Intended Outcomes

The intended outcome of the Planning Proposal is to amend the zoning of the site to Zone R2 Low Density Residential in order to accommodate low density residential development of the site. Assuming a proposed residential density of 15 dwellings per hectare the land would be expected to accommodate approximately 60 dwelling houses.

Part 2 – Explanation of Provisions

The Planning Proposal proposes to amend the provisions of Wollondilly LEP as they apply to the subject site to:

- Amend the Land Zoning Map (LZN) from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential;
- Amend the Lot Size Map (LSZ) from a 2 hectare minimum to a minimum lot size of 700 m²
- Amend the Height of Buildings Map (HOB) from no maximum height to impose a height limit of 9 metres.

Should a Flora and Fauna study determine native vegetation and or habitat is to be protected then the Natural Resources – Biodiversity Map shall be appropriately amended.

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 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.

3. Is there a net community benefit?

The proposal is considered to provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is in keeping with the adjoining residential character.
- It would provide additional housing supply in a convenient location and by utilising existing facilities and services the economic and social cost of future development would be minimised.
- It would facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- It would not result in any significant adverse environmental impacts.
- It would create local employment opportunities in construction and home maintenance.

The table in **Appendix 1** addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal.

Section B – Relationship to strategic planning framework

4. 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.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, 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:

The natural environment is protected and conserved and Wollondilly has a healthy, sustainable and resilient environment; with a rural character (EO-1).

Comment – There are small areas of remnant vegetation and scattered mature trees which should be conserved.

Support the economic viability of our towns and villages by encouraging appropriate residential development in and around those towns.(EC7)

Comment – The proposed residential development is well located to enable new residents to take advantage of and support existing facilities and services in Tahmoor.

Infrastructure

- *A community that has access to a range of viable transport options*
- *Communities that are supported by safe, maintained and effective infrastructure*

Comment

Tahmoor Railway Station is located around 1 km from the site. There is likely to be adequate existing infrastructure to service the site and with any additional infrastructure requirements being met by the developer.

Community

- *A resilient community that has access to a range of activities, services and facilities*
- *An engaged, connected and supported community that values and celebrates diversity*

Comment

The site is well located to take advantage of existing services and facilities such as the Tahmoor sportsground and the Men's shed located at Tahmoor Uniting Church.

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 2 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 ensuring productive rural land is maintained.

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

Comment

Seven submissions were received with the majority supporting the planning proposal. The main concerns related to the loss of rural aspect, the number of planning proposals for residential purposes already being considered in the vicinity of the site and potential issues in relation to traffic and the availability of reticulated water and sewer to service the site. These matters will be investigated further during the assessment of the 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 adjoining 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 the surrounding housing.

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

Comment

This draft planning proposal complies with this policy direction as it is contiguous to existing residential development fronting Bronzewing Street near the centre of Tahmoor.

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 site is 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 small scale of 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. Information from service providers would be sought regarding the capacity of existing infrastructure to cater for the relatively small additional 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 is located approximately 1.25km walking distance from 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 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.

6. 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 3**). 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 should be undertaken prior to rezoning for residential purposes to determine whether the land is contaminated and requires remediation.

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.
• 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 site is partially cleared with varied patches of remnant and regrowth vegetation characteristic of <i>Shale Sandstone Transition Forest</i> (SSTF). Methods to protect the remnant SSTF will be investigated further.

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. A hydrology study will examine potential impacts on the catchment.
3.Water quality	A comprehensive Stormwater Management System based on principles of Water Sensitive Urban Design (WSUD) would be required.
5.Cultural heritage	A heritage assessment would be required to examine any potential impacts on a heritage item located on a property adjoining the site.
6.Flora & Fauna	The site is partially cleared and contains remnant SSTF which is quite modified. 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	Section 10(b) calls for consideration of urban design options to reduce environmental impacts (such as

12. Metropolitan Strategy Impacts

variable lot sizes and shapes, and the clustering of development). This will be a consideration for further investigation particularly with regard to the aim of conserving the remnant vegetation.

Waste disposal, air quality and predicted climate change are considered negligible when taking into account the small scale of the proposal.

7. 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 4**).

Section C – Environmental, social and economic impact.

8. 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?

A flora and fauna study should be undertaken to determine any ecological constraints as the site supports SSTF an *Endangered Ecological Community* (EEC) although quite modified. A flora and fauna report would outline the state of the EEC and clearly assess whether there is any conservation worth and if so methods for protection.

To protect or conserve this remnant bushland may either require the inclusion of an environmental management or conservation zone; or a variation of the minimum lot size or density requirements over the site and/or; offsetting or biobanking another site to compensate for clearing. These options would need to be addressed in a flora and fauna study. The site is not included within the priority conservation lands detailed in the State Government's *Cumberland Plain Recovery Plan*.

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

A number of other specialist planning studies would be required to investigate environmental effects and in particular with regard to the following:

- drainage and stormwater
- bushfire hazard
- traffic and transport
- contaminated land investigation
- heritage

Drainage and Stormwater

Stormwater drainage infrastructure is required along Bronzewing Street to a suitable discharge point - including acquisition of easements if necessary. The northern portion of the site drains towards Thirlmere Way and options for ensuring there is adequate drainage of this part of the site should also be addressed. A hydrology report that deals with drainage and stormwater in relation to water quality and water sensitive urban design options should be undertaken.

Bushfire Hazard

The whole site is within a bushfire hazard area and accordingly an assessment in accordance with the requirements of *Planning for Bushfire Protection 2006* is required to determine the need for any Asset Protection Zones, fire trails, evacuation routes and standards of future dwelling construction and also in relation to protection of native vegetation and threatened species.

Traffic and Transport

The proposal has been estimated to generate around 60 lots at an assumed density of 15 dwellings per hectare and therefore modelling is required in relation to Council's traffic model. Potential road and shared pathway linkages from Bronzewing Street to Thirlmere Way and Council's Tahmoor Sportsground should be considered in terms of providing an effective traffic and shared pathway network to service future development on the subject site and for potential development on properties adjoining to the north.

Contaminated Land Investigation

Under *State Environmental Planning Policy No 55 – Remediation of land*, planning authorities are required to consider the potential for contamination to adversely affect the suitability of a site for its proposed use. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. In the past this land may have been used for agriculture which is a potentially contaminating activity. Accordingly a preliminary Stage 1 contaminated land investigation should be undertaken prior to rezoning for residential purposes to determine whether the land is contaminated and requires remediation.

Heritage

A house at 37 Milne Street has been listed as a local heritage item under WLEP 2011 and is located on land adjoining the north-eastern corner of the site. A heritage assessment should be undertaken to determine the impact of the Planning Proposal on this house.

10. How 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.

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

The property is generally well serviced by existing infrastructure with other relevant requirements detailed below:

Water and Sewer

The existing reticulated water and sewer system in the adjoining urban area will need to be extended to service the potential new housing. Detailed liaison will need to occur with Sydney Water to include the new residential land within the Picton Catchment Servicing boundary.

Stormwater

Provision of additional stormwater infrastructure would be required at both Bronzewing Street and on the northern end of the site via an easement over the adjoining land down to Thirlmere Way.

Road

An additional road is required to access the proposed new residential development and will be provided by the developer at subdivision stage. This road may be extended over adjoining properties to the north to provide a road link to Thirlmere Way.

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

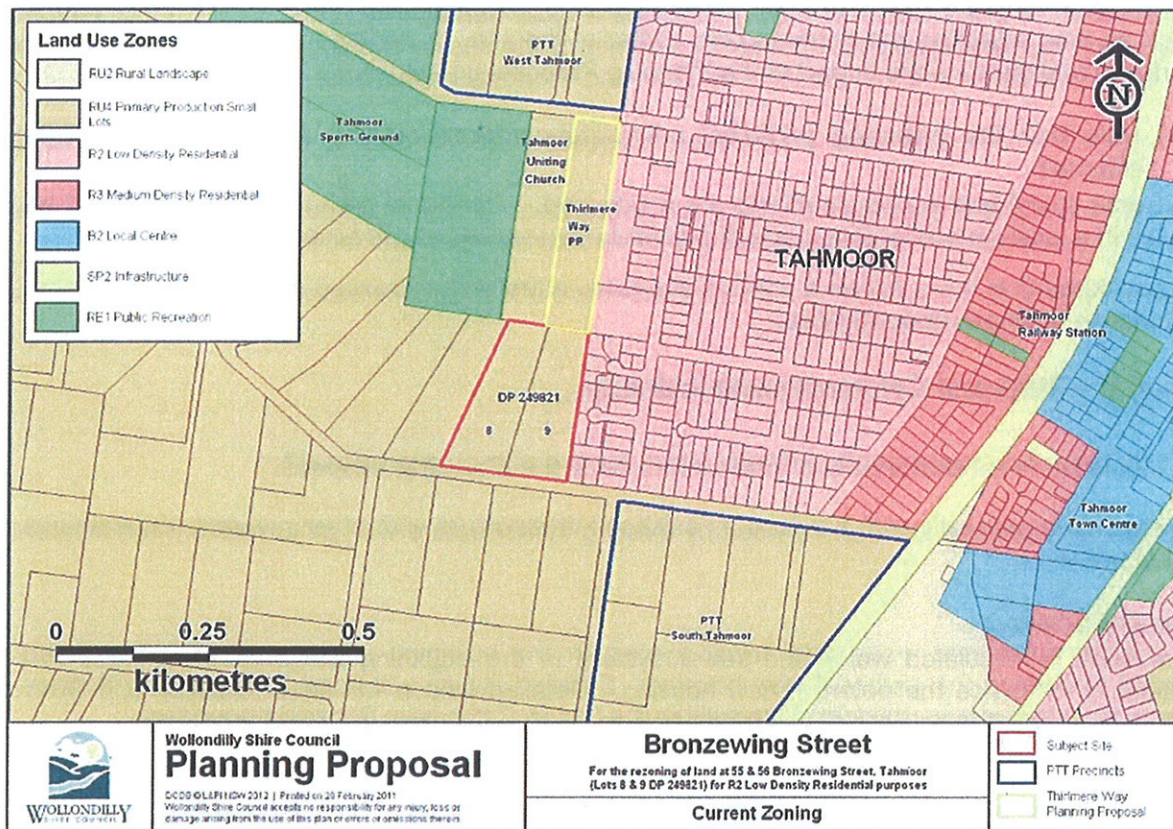
Subject to a positive Gateway determination and based on the identified issues and constraints, consultation is required with the following agencies and departments:

- Office of Environment and Heritage
- Hawkesbury Nepean Catchment Management Authority
- Rural Fire Service
- Sydney Water Corporation
- Mine Subsidence Board
- Office of Resources and Energy - Department of Trade, Investment, Regional Infrastructure and Services

Part 4 – Mapping

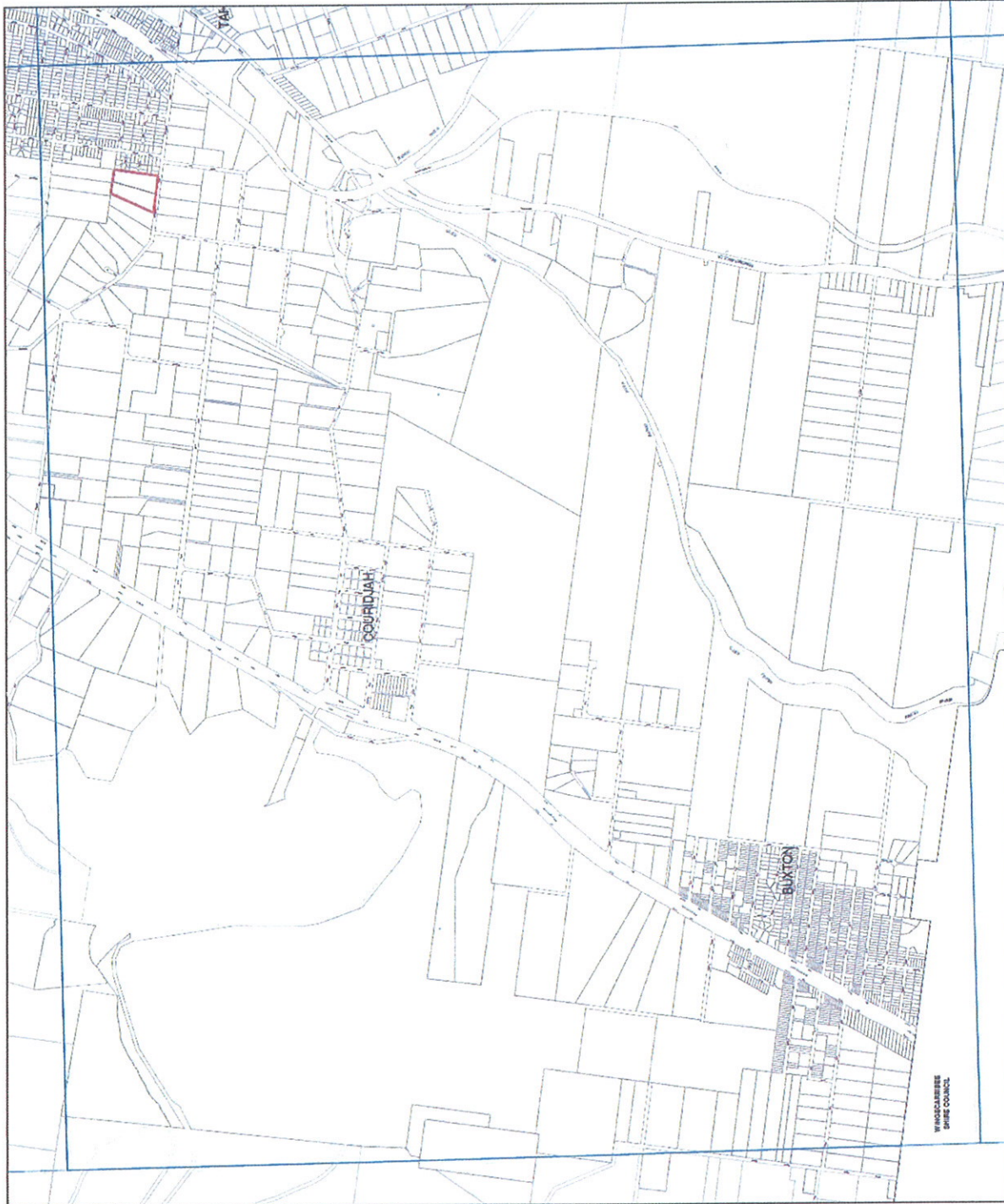
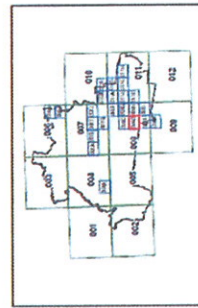
The site is currently zoned RU4 Primary Production Small Lots as indicated below in Figure 2

Figure 2 – Current Land Use Zones and Surrounds



Map 1 also highlights the zones in adjacent areas to the site and includes an indication of other planning proposals currently being considered by Council in the surrounding area, namely the Picton Tahmoor Thirlmere Planning Proposal Precincts nearby and the more recent Thirlmere Way Planning Proposal. This map also indicates the location of facilities such as Tahmoor Sportsground and Tahmoor Uniting Church and associated Men's Shed and Tahmoor Shopping Village.

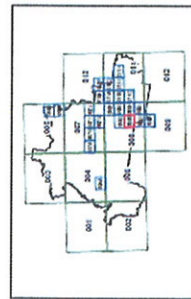
The maps to amend Wollondilly LEP 2011 are attached below:



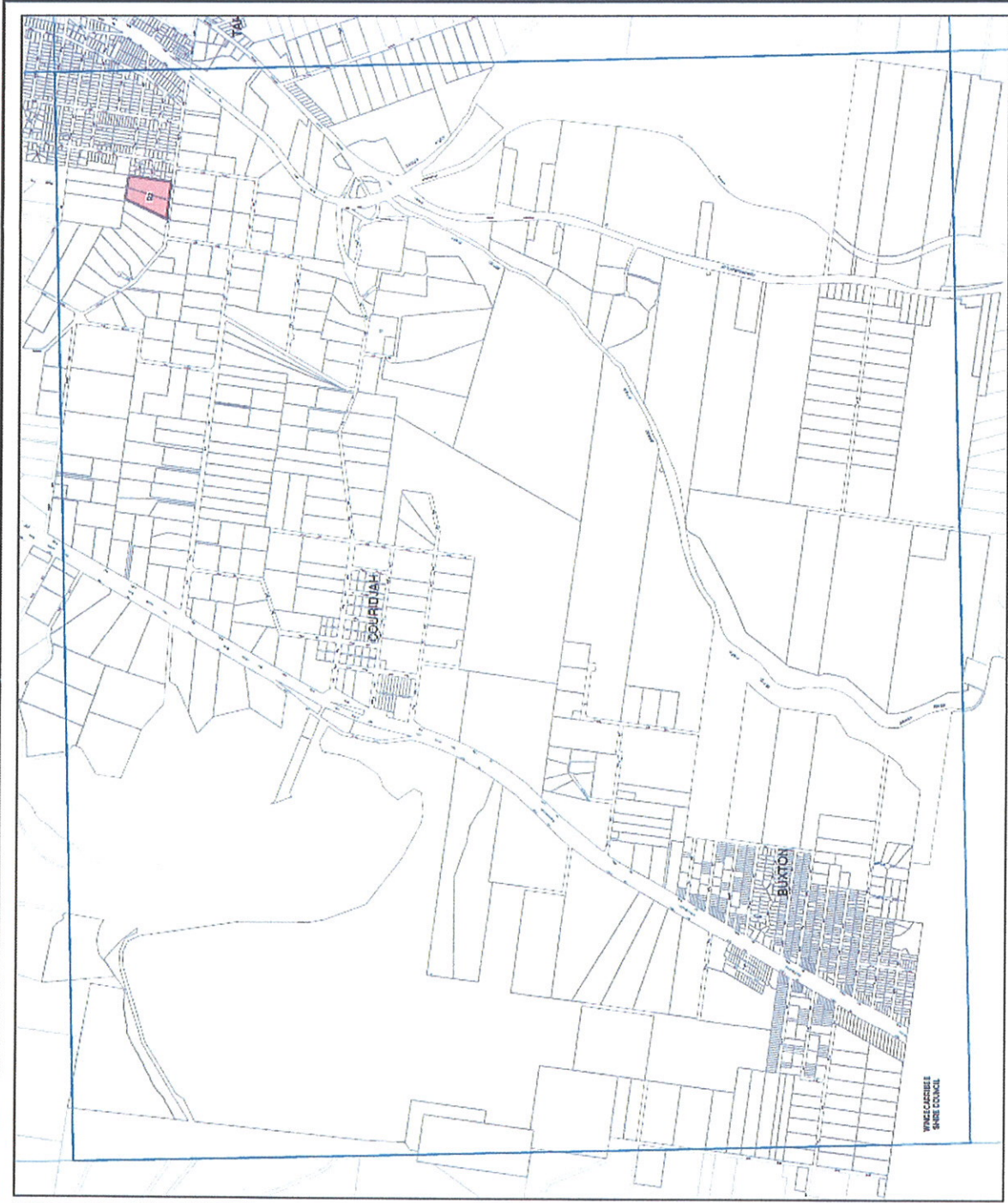
Zone	
B1	Neighbourhood Centre
B2	Local Centre
B3	Mixed Use
E1	Nature Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
IN3	Heavy Industrial
IR	Low Density Residential
IR2	Medium Density Residential
IR3	Large Lot Residential
PR1	Public Recreation
PR2	Private Recreation
RU1	Primary Production
RU2	Rural Landscapes
RU4	Primary Production Small Lots
SP1	Special Activity
SP2	Special Activity

Cadastre

Cadastre data as at 30/06/12 © NSW LPA
 Copyright 2012 © Wollondilly Shire Council



Map identification number:
 WOLLONDILLY LZN_008D_2011_14

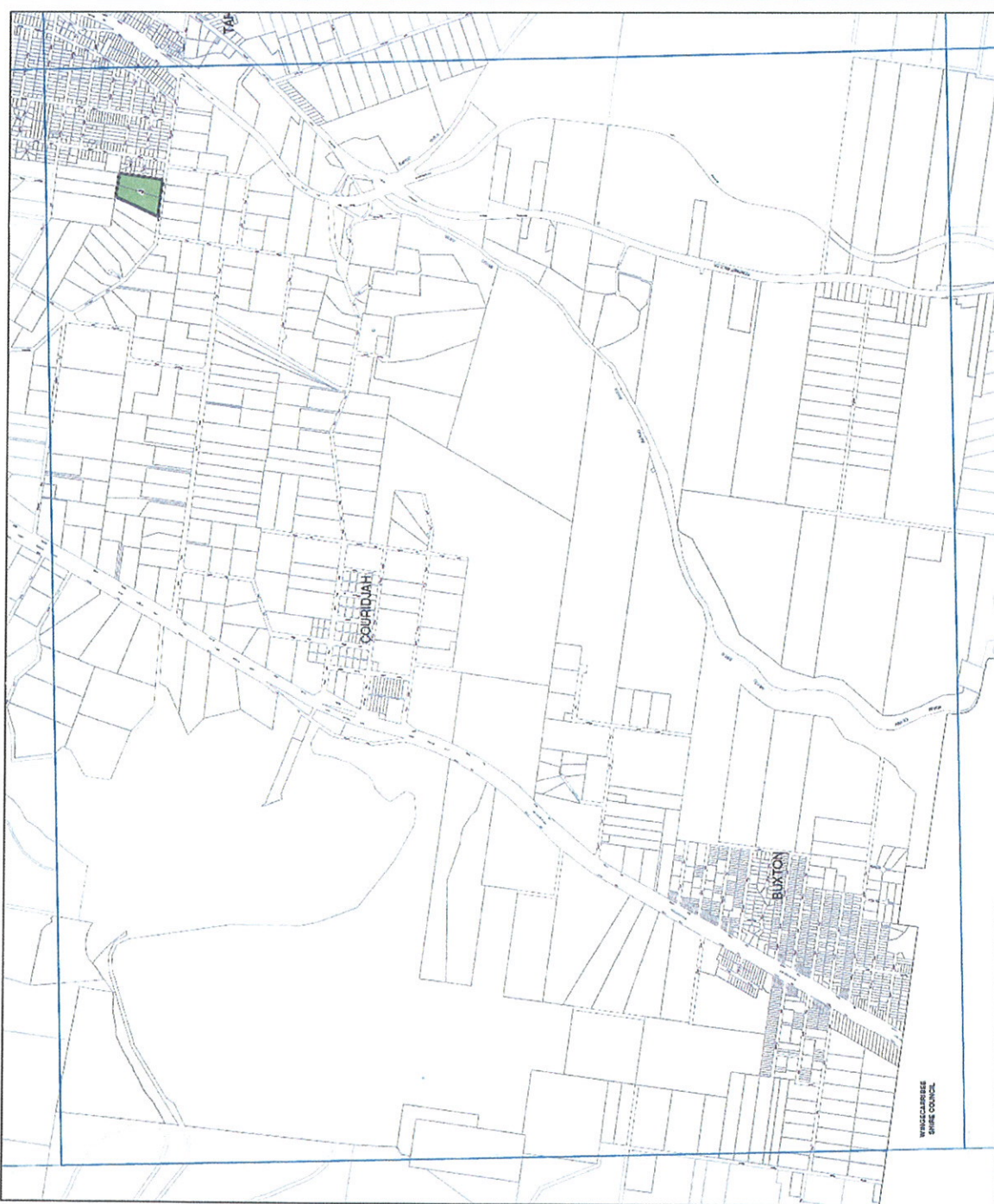


Minimum Lot Size (sq m)

B	220
C	240
D	450
E	700
F	975
G	1250
H	1500
I	2000
J	4000
K	6000
L	7500
M	15000
N	21000
O	27000
P	33000
Q	40000
R	47000
S	54000
T	61000
U	68000
V	75000
W	82000
X	89000
Y	96000
Z	103000
AA	110000
AB	117000
AC	124000
AD	131000
AE	138000
AF	145000
AG	152000
AH	159000
AI	166000
AJ	173000
AK	180000
AL	187000
AM	194000
AN	201000
AO	208000
AP	215000
AQ	222000
AR	229000
AS	236000
AT	243000
AU	250000
AV	257000
AW	264000
AX	271000
AY	278000
AZ	285000
BA	292000
BB	299000
BC	306000
BD	313000
BE	320000
BF	327000
BG	334000
BH	341000
BI	348000
BJ	355000
BK	362000
BL	369000
BM	376000
BN	383000
BO	390000
BP	397000
BQ	404000
BR	411000
BS	418000
BT	425000
BU	432000
BV	439000
BW	446000
BX	453000
BY	460000
BZ	467000
CA	474000
CB	481000
CC	488000
CD	495000
CE	502000
CF	509000
CG	516000
CH	523000
CI	530000
CJ	537000
CK	544000
CL	551000
CM	558000
CN	565000
CO	572000
CP	579000
CQ	586000
CR	593000
CS	600000
CT	607000
CU	614000
CV	621000
CU	628000
CV	635000
CU	642000
CV	649000
CU	656000
CV	663000
CU	670000
CV	677000
CU	684000
CV	691000
CU	698000
CV	705000
CU	712000
CV	719000
CU	726000
CV	733000
CU	740000
CV	747000
CU	754000
CV	761000
CU	768000
CV	775000
CU	782000
CV	789000
CU	796000
CV	803000
CU	810000
CV	817000
CU	824000
CV	831000
CU	838000
CV	845000
CU	852000
CV	859000
CU	866000
CV	873000
CU	880000
CV	887000
CU	894000
CV	901000
CU	908000
CV	915000
CU	922000
CV	929000
CU	936000
CV	943000
CU	950000
CV	957000
CU	964000
CV	971000
CU	978000
CV	985000
CU	992000
CV	999000
CU	1006000
CV	1013000
CU	1020000
CV	1027000
CU	1034000
CV	1041000
CU	1048000
CV	1055000
CU	1062000
CV	1069000
CU	1076000
CV	1083000
CU	1090000
CV	1097000
CU	1104000
CV	1111000
CU	1118000
CV	1125000
CU	1132000
CV	1139000
CU	1146000
CV	1153000
CU	1160000
CV	1167000
CU	1174000
CV	1181000
CU	1188000
CV	1195000
CU	1202000
CV	1209000
CU	1216000
CV	1223000
CU	1230000
CV	1237000
CU	1244000
CV	1251000
CU	1258000
CV	1265000
CU	1272000
CV	1279000
CU	1286000
CV	1293000
CU	1300000
CV	1307000
CU	1314000
CV	1321000
CU	1328000
CV	1335000
CU	1342000
CV	1349000
CU	1356000
CV	1363000
CU	1370000
CV	1377000
CU	1384000
CV	1391000
CU	1398000
CV	1405000
CU	1412000
CV	1419000
CU	1426000
CV	1433000
CU	1440000
CV	1447000
CU	1454000
CV	1461000
CU	1468000
CV	1475000
CU	1482000
CV	1489000
CU	1496000
CV	1503000
CU	1510000
CV	1517000
CU	1524000
CV	1531000
CU	1538000
CV	1545000
CU	1552000
CV	1559000
CU	1566000
CV	1573000
CU	1580000
CV	1587000
CU	1594000
CV	1601000
CU	1608000
CV	1615000
CU	1622000
CV	1629000
CU	1636000
CV	1643000
CU	1650000
CV	1657000
CU	1664000
CV	1671000
CU	1678000
CV	1685000
CU	1692000
CV	1699000
CU	1706000
CV	1713000
CU	1720000
CV	1727000
CU	1734000
CV	1741000
CU	1748000
CV	1755000
CU	1762000
CV	1769000
CU	1776000
CV	1783000
CU	1790000
CV	1797000
CU	1804000
CV	1811000
CU	1818000
CV	1825000
CU	1832000
CV	1839000
CU	1846000
CV	1853000
CU	1860000
CV	1867000
CU	1874000
CV	1881000
CU	1888000
CV	1895000
CU	1902000
CV	1909000
CU	1916000
CV	1923000
CU	1930000
CV	1937000
CU	1944000
CV	1951000
CU	1958000
CV	1965000
CU	1972000
CV	1979000
CU	1986000
CV	1993000
CU	2000000

Cadastral

County Boundary 2011/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1230/1231/1232/1233/1234/1235/1236/1237/1238/1239/1240/1241/1242/1243/1244/1245/1246/1247/1248/1249/1250/1251/1252/1253/1254/1255/1256/1257/1258/1259/1260/1261/1262/1263/1264/1265/1266/1267/1268/1269/1270/1271/1272/1273/1274/1275/1276/1277/1278/1279/1280/1281/1282/1283/1284/1285/1286/1287/1288/1289/1290/1291/1292/1293/1294/1295/1296/1297/1298/1299/1300/1301/1302/1303/1304/1305/1306/1307/1308/1309/1310/1311/1312/1313/1314/1315/1316/1317/1318/1319/1320/1321/1322/1323/1324/1325/1326/1327/1328/1329/1330/1331/133

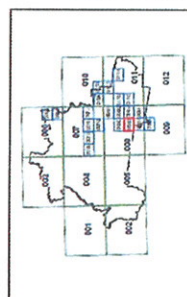


**Wollondilly Local
Environmental
Plan 2011**

 **WOLLONDILLY
LOCAL GOVERNMENT**

**Height of Buildings Map
- Sheet HOB_008D**

Maximum Building Height (m)



Part 5 – Community Consultation

Council has notified adjoining and nearby residents for a period of 28 days in accordance with its notification policy. As a result of this notification seven submissions were received and the matters raised are proposed to be addressed in specialist studies as outlined above.

Council is proposing to exhibit this planning proposal and draft LEP amendments and consult with the community for a 28 day period 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 (Xmas- New Year period)	Mid February 2013
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	End March 2013
Anticipated timeframe for the completion of required technical information - after Specialist Study requirements determined	4 month period	End of July 2013
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	4 month period	End November 2013
Dates for public hearing (if required)	Unlikely to be required	-
Timeframe for consideration of submissions	3 week period	Late December 2013
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	End of March 2014
Date of submission to the Department to finalise the LEP (including 6 week period for finalisation)	2 months	End of May 2014
Anticipated date RPA will make the plan if delegated	Not applicable	
Anticipated date RPA will forward to the Department for notification	Not applicable	

Appendices

- 1. Net Community Benefit Test**
- 2. Assessment Criteria under the *Wollondilly Growth Management Strategy 2011***
- 3. Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)**
- 4. Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act**

Appendix 1 – Net Community Benefit Test

The following table addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal:

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The planning proposal is mostly compatible with the Metropolitan Strategy and Draft South West Subregional Strategy for the following reasons: - It is consistent with the strategic residential objectives of the South-West Subregional Strategy. - The land is located around 1km from the Tahmoor Railway Station which is slightly more than 800m.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes	The site has been identified within the local <i>Wollondilly Growth Management Strategy 2011</i> as having potential for future urban growth.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations of landowners as it is located directly adjacent to existing residential zoned land and land identified for future urban growth.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	The cumulative effect of this planning proposal was considered and the estimated number of dwellings falls within the anticipated housing targets detailed within the Growth Management Strategy.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	The site is not zoned to facilitate employment, nor will it result in a loss of employment land. The proposal will create employment through construction jobs required to install the infrastructure and to build the homes therefore delivering an economic benefit to the community.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes	The proposal will have a positive impact on the residential supply by adding to the amount of available residential land and increasing housing choice
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Yes	The existing public infrastructure may need to be embellished and extended by the developer but should have the capacity to meet the needs of the proposal. The site is accessible to services being on the fringe of an established urban area. The residential development will support the Tahmoor Town Centre. The site is relatively close to Tahmoor Railway Station. Bus services would be available along Thirlmere Way which is near the site.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms	N/A	N/A

Evaluation Criteria	Y/N	Comment
of greenhouse gas emissions, operating costs and road safety?		
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	No. the proposal does not require significant further investment in public infrastructure. The developer will extend and upgrade infrastructure to service the development at no cost to government.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	The site has not been identified for conservation purposes although further assessment through a flora and fauna study will determine the level of protection required for the remaining remnant vegetation. It is considered that any future undermining can be addressed by adherence to appropriate Mine Subsidence parameters.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The proposal is compatible with adjoining residential land uses. The site is not an isolated residential development and is well serviced and proximate to the Tahmoor town centre.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	-	The proposal will provide additional housing to assist in the delivery of meeting the housing growth and dwelling mix actions from the Draft Subregional and local strategies. The rezoning provides opportunities for increasing housing choice and affordability.

Appendix 2 – Relevant GMS Criteria Assessment

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with most 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 a relatively small amount of additional serviced residential land to satisfy unmet demand.
Site Suitability/Attributes	The subject site is contiguous with 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. The land slopes to the south and has a contained visual catchment so therefore development would have relatively limited impact.
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	The site contains clusters of bushland and scattered mature trees. This vegetation has characteristics of <i>Shale Sandstone Transition Forest</i> and further investigation will be undertaken to determine potential methods of protection and conservation.
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. No adverse groundwater impacts are projected.
Flood Hazard	A drainage/flood study to examine any potential issues in relation to stormwater and flooding is proposed.
Geotechnical/Resources/Subsidence	The site is on gently sloping land so geotechnical issues are unlikely. The site is within Bargo Mine Subsidence District but future development would not impact on the potential for underground mining and would need to meet Board guidelines in terms of construction.
Buffers and Spatial Separation	The proposed use is consistent with that of adjoining urban development and surrounding rural land is mainly used for rural residential purposes which would be compatible with future low density residential land use.
Bushfire Hazard	The bushfire hazard can be readily managed under the provisions of <i>Planning for Bushfire Protection 2006</i> .
Heritage	A heritage item is located adjoining the site and a heritage assessment is recommended to determine whether the proposal will impact on this item.
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 extended.
Transport Road and Access	A traffic/transport study would examine the capacity of the local road system, the need for a link road through to Thirlmere Way and the need for additional transport infrastructure.
Open Space	The subject site is relatively small scale and does not include provisions for public open space. There is considered to be sufficient open space in the vicinity to service the site.
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 small scale proposed development will assist social interaction with new residents.
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 3 – Compliance with SEPPs

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

	STATE ENVIRONMENTAL PLANNING POLICIES	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	NA	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	NA	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	NA	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	NA	
26	Littoral Rainforests	NA	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	NA	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	NA	
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	NA	
36	Manufactured Home Estates	NA	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	NA	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	It is considered that the site is unlikely to support Koala habitat.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NA	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	NA	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	Yes	A preliminary contaminated site assessment will be undertaken to

			determine whether the site is contaminated.
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	NA	
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	
65	Design Quality of Residential Flat Development	NA	
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	NA	
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007		
	SEPP (Temporary Structures) 2007	NA	
	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	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Western Sydney Parklands) 2009	NA	Not applicable in the Shire of Wollondilly.

DEEMED STATE ENVIRONMENTAL PLANNING POLICES (FORMERLY REGIONAL ENVIRONMENTAL PLAN)		CONSISTENCY	COMMENTS
1	Drinking Water Catchments Regional Environmental Plan No 1	NA	Subject lands are not located within the jurisdiction of REP No.1.
9	Extractive Industry (No 2)	NA	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	The Planning Proposal will not contain provisions that would be inconsistent with this SREP.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.

Appendix 4 - Examination of Draft Plan in accordance with relevant Section 117(2) Directions

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
1. Employment and Resources				
1.1 Business and industrial Zones	NA	NA		
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. Compliance with appropriate mine subsidence parameters would facilitate urbanisation without significantly constraining mining activities, should such occur in the medium to long term future. The planning proposal is not inconsistent with Direction 1.3.
1.4 Oyster Production	NA	NA		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	NA	NA		Direction does not apply
2.3 Heritage Conservation	YES	YES		The site contains no listed heritage items of local, state or national heritage significance. It is considered that the planning proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	NA	NA		Direction does not apply
3. Housing, Infrastructure and Urban Development				
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 adjacent to existing residential development and is also relatively 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. The development will be compatible with subsurface mining, if such occurs in the

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
				future. 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	YES	The proposal does not affect LEP provisions for Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations	NA	NA	NA	Direction does not apply.
3.4 Integrating Land Use and Transport	YES	YES	YES	The site is convenient to the Tahmoor town centre. The site is accessible to public bus services along Thirlmere Way 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	NA	NA	NA	Direction does not apply
4. Housing, Infrastructure and Urban Development				
4.1 Acid Sulphate Soils	NA	NA	NA	Direction does not apply
4.2 Mine Subsidence and Unstable Land	YES	YES	YES	The subject land is within the Bargo Mine Subsidence District. Undermining of the site is unlikely to occur in the short to mid term. The Mine Subsidence Board will be consulted about the proposal. The planning proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	NA	NA	NA	Direction does not apply
4.4 Planning for Bushfire Protection	YES	YES	YES	Consultation will be undertaken with the Commissioner of the Rural Fire Service following receipt of a Gateway determination to proceed, if granted. The land to which the planning proposal applies includes bushfire prone land and an assessment of requirements to limit bushfire hazard in accordance with <i>Planning for Bushfire Protection 2006</i> will be 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	NA	NA	NA	Direction does not apply
5.2 Sydney Drinking Water Catchments	NA	NA	NA	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	NA	NA	Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	NA	NA	Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton	NA	NA	NA	Direction does not apply

Ministerial Direction 117(2)	Applicable	Consistent	Assessment
and Millfield (Cessnock LGA)			
5.6 Sydney to Canberra Corridor	NA	NA	Although the Sydney Canberra Corridor Strategy 1995 refers to land within Wollondilly Local Government Area the Strategy has been determined to no longer apply to Wollondilly LGA.
5.7 Central Coast	NA	NA	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	NA	NA	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 No. 6.1.
6.2 Rezoning 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	NA	NA	Direction does not apply
7.1 Implementation of the Metropolitan Strategy for Sydney 2036	YES	YES	The planning proposal is not inconsistent with the metropolitan strategy and therefore Direction 7.1.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

WOLLONDILLY SHIRE AND ITS PLANNING & ECONOMY

PE1

Planning Proposal Application - Bronzewing Street, Tahmoor
41KCAR

TRIM 6115

APPLICANT:

Rhodes Haskew Associates

OWNER:

Joe Dinallo & Rosalia Dinallo

CURRENT ZONING:

RU4 Primary Production Small Lots

Planning &
Economy

REPORT



EXECUTIVE SUMMARY

- Council has received an application for a Planning Proposal on land located at 55-65 Bronzewing Street Tahmoor (Lots 8 and 9 DP 249821) for the rezoning of land from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential.
- This Planning Proposal was previously lodged as a rezoning application and deferred pending completion of the Growth Management Strategy.
- A preliminary assessment of the proposal against the Growth Management Strategy indicates that it is generally consistent with the key policy directions, structure plan and assessment criteria.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

- Accordingly this report recommends:
 - That Council support the application for a Planning Proposal for land at 55-65 Bronzewing Street, Tahmoor. (Lots 8 and 9 DP 249821)
 - That the Planning Proposal be forwarded to the Minister for Planning & Infrastructure (DP&I) for a Gateway Determination.
 - That the persons who made submissions regarding the Planning Proposal be notified of Council's decision.

BACKGROUND

History of Application for a Planning Proposal

A history of the application for a planning proposal is outlined below:

- An application for what was previously called a Draft Local Environmental Plan amendment to rezone the land under now repealed legislation in the *NSW Environmental Planning and Assessment Act 1979 (NSW EP&A Act)* was originally submitted to Council in 2007.
- Council at its Ordinary Council Meeting held on 15 December 2008 resolved that a report on all Council's current outstanding rezoning applications be presented to a Council meeting in early 2009.
- A report was subsequently presented to the 16th February 2009 Council meeting and it was resolved that the five outstanding rezoning applications listed in the report be deferred pending the findings and outcomes of the Growth Management Strategy (GMS).
- The GMS was adopted by Council on 21 February 2011.
- A report to Council on 18 April 2011 indicated that initial assessment of this application against the GMS found it to be potentially consistent with the structure plans, key policy directions and assessment criteria.
- The report advised that for the application to proceed it would need to be resubmitted to Council as a Planning Proposal.
- At its meeting held on April 18 2011 Council resolved as follows:

1. That each of the outstanding rezoning applicants below:

- West Appin – Macquariedale Road Area – Walker Corporation
- Bronzewing Street, Tahmoor – Rhodes Haskew
- Avon Dam Road, Hawthorne Road, Bargo – Lean and Hayward
- Land to the west and northwest of Thirlmere – West Thirlmere Progress Association
- 60 West Parade, Thirlmere – William Campbell and Associates

be notified and given the option of either:

- a) pursuing their application by resubmitting it in the current required planning proposal format, or
- b) withdrawing their application in which case they would receive a refund of their initial fee paid.

2. That Council Workshop these new applications when received.

Site Description

The site is situated at the south-western edge of urban land in Tahmoor and has an area of 4.046 ha as outlined in the table below:

Address and Lot details	Area in ha
55 Bronzewing - Lot 9 DP 249821	2.023
65 Bronzewing - Lot 8 DP 249821	2.023
Total	4.046

The site is located towards the western end of Bronzewing Street on the northern side of the road and approximately 1km from Tahmoor Railway Station and a further 200-300m from Tahmoor Commercial Centre. It adjoins developed urban residential land on the eastern boundary and Tahmoor sportsground is situated immediately to the north-west. Mature trees are scattered over the site and there is an area of bushland on the north western end covering around 4000m² and linked to bushland on the adjoining sportsground.

Description of Planning Proposal application

The application proposes to amend the provisions of Wollondilly LEP as they apply to the subject site to:

- change the Land Zoning map from Zone RU4 – Primary Production Small Lots to Zone R2 Low Density Residential; and
- change the Lot Size map to amend the 2 hectare minimum to a minimum lot size of 700m²; and
- change the Height of Buildings map from no height limit to a maximum height of 9m.

CONSULTATION

Consultation with Council Managers and Specialist Staff

Comments on the application were sought from the following Managers and Specialist staff within Council:

- Manager Community Services
- Manager Infrastructure Planning
- Manager Environmental Services
- Manager Development Assessment and Strategic Planning
- Manager Facilities and Recreation
- Design Engineer

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

The main matters raised by Council staff requiring further investigation are:

- ecology (flora and fauna)
- drainage and stormwater
- bushfire hazard
- traffic and transport
- contaminated land investigation
- heritage

Ecology

A flora and fauna study should be commissioned to determine any ecological constraints as the site supports Shale Sandstone Transition Forest an Endangered Ecological Community (EEC) although quite modified. A flora and fauna report would outline the state of the EEC and clearly assess whether there is any conservation worth and if so methods for protection.

To protect or conserve this remnant bushland may either require the inclusion of an environmental management or conservation zone; or a variation of the minimum lot size or density requirements over the site and/or; offsetting or biobanking another site to compensate for clearing. These options would need to be addressed in a flora and fauna study.

Drainage and Stormwater

Stormwater drainage infrastructure is required along Bronzewing Street to a suitable discharge point - including acquisition of easements if necessary. The northern portion of the site drains towards Thirlmere Way and options for ensuring there is adequate drainage of this part of the site should also be addressed. A hydrology report that deals with drainage and stormwater in relation to water quality and water sensitive urban design options should be undertaken.

Bushfire Hazard

The whole site is within a bushfire hazard area and accordingly an assessment in accordance with the requirements of *Planning for Bushfire Protection 2006* is required to determine the need for any Asset Protection Zones, fire trails, evacuation routes and standards of future dwelling construction and also in relation to protection of native vegetation and threatened species.

Traffic and Transport

The proposal has the potential to generate around 60 lots and therefore modelling is required in relation to Council's traffic model. Potential road and shared pathway linkages from Bronzewing Street to Thirlmere Way and Council's Tahmoor Sportsground should be considered in terms of providing an effective traffic and shared pathway network to service future development on the subject site and potentially development on additional properties adjoining to the north.

Contaminated Land Investigation

Under State Environmental Planning Policy No 55 – Remediation of land, planning authorities are required to consider the potential for contamination to adversely affect the suitability of a site for its proposed use. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. In the past this land may have been used for agriculture which is a potentially contaminating activity. Accordingly a preliminary Stage 1 contaminated land investigation should be undertaken prior to rezoning for residential purposes to determine whether the land is contaminated and requires remediation.

Heritage

A cottage which has been listed as a local heritage item under WLEP 2011 is located on land adjoining the north-eastern corner of the site. A heritage assessment should be undertaken to determine the impact of the Planning Proposal on this cottage.

Community Consultation

In accordance with Council's notification policy, initial community consultation has been undertaken. The Planning Proposal was published on Council's website in March-April 2012 and a letter was sent to residents on Friday March 9 2012 with a written submission period of 5 weeks ending on Friday April 13 2012. A summary of the submissions received are outlined in Table 1 below.

Table 1 Summary table of submissions received from the Planning Proposal notification letters sent as of 13 April 2012.

Submission Number	Issues raised in submission	Comments
1	▪ Supports Rezoning – will create more job prospects	Further short term jobs may be created in the building and ancillary trades.
2	▪ Supports Rezoning and would like to be included in the planning proposal	Please see more detailed response in report regarding this matter.
3	▪ Enjoys quiet rural setting and does not want to lose it ▪ Is concerned about the lot size, and the type, scale and density of residential development	This land is potentially suitable for urban development given its location. It is anticipated that the site will largely cater for a variety of lots and dwellings compatible with the site and surroundings. Conservation of native vegetation is to be investigated.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

Submission Number	Issues raised in submission	Comments
4	Supports rezoning and would like to be included in the planning proposal	Please see more detailed response in report regarding this matter.
5	- Considers there is sufficient proposed development in the Tahmoor area - Bronzewing Street area is distant from Tahmoor town centre - If approved this proposal would set a precedent for further rezoning of rural land and encourage urban sprawl with the likelihood of one large urban area containing Tahmoor, Thirlmere, Buxton and Couridjah - Transport infrastructure has not been addressed and is not available - Extra traffic will be generated and will exacerbate problems with the road system and particularly the single lane bridge into Tahmoor - There may not be sufficient capacity in the sewerage system to cater for this land	There is a significant area of land within Tahmoor-Thirlmere proposed for rezoning. The growth targets within the Growth management Strategy for a further 2070 Dwellings within the Picton Tahmoor Thirlmere Area are unlikely to be exceeded with the inclusion of this proposal. There is no proposal for further development in Buxton and Couridjah. The site is relatively close to Tahmoor Railway station and Tahmoor Commercial Centre. It is agreed that bus services are limited but additional residents may assist the viability of extensions to services. The impact of additional traffic will be examined with a specialist study. Current information from Sydney Water indicates that there may be sufficient capacity in the sewerage treatment plant subject to approval of a current application to the DP&I for expansion of the servicing area.
6	Supports rezoning and would like to be included in the planning proposal	Including this land would prove beneficial in terms of drainage and road infrastructure requirements.
7	Supports rezoning and would like to be included in the planning proposal	Please see more detailed response in report regarding this matter.

A presentation about the application was made to a Councillor workshop held on 7 May 2012. No specific issues of concern were raised at the workshop with respect to this proposal.

Planning &
Economy

Addition of adjoining Land

As detailed in the submissions, a number of landowners in the vicinity of the site indicated that they supported the rezoning and would like their land to be included in the planning proposal. Their request for inclusion in the current planning proposal was considered but not acceded to for the following reasons:

- The subject proposal was previously a rezoning application lodged prior to the completion of the Growth Management Strategy and Council has previously resolved to consider in its current form.
- Inclusion of properties must not result in negative financial and resource implications for Council.
- There is a significant amount of land currently being assessed for residential rezoning in the Tahmoor-Thirlmere area which with the current proposal has the potential to ultimately provide sufficient land supply to meet housing growth targets for the immediate future.

Most of the landowners who indicated an interest in joining this planning proposal were advised of the above and encouraged to submit their own planning proposal in conjunction with adjoining land owners.

Investigation of potential drainage requirements and road linkages indicates that inclusion of two properties adjoining to the north of the subject site would potentially both assist in resolving drainage issues and assist in providing a more efficient road network in addition to including land contiguous to existing residentially zoned land.

Discussions were held with these landowners regarding the lodging of planning proposal applications for their land. Subsequently, the owners of 90 Thirlmere Way, Tahmoor, lodged an application which will be considered at the Ordinary Meeting of Council in either December 2012 or early 2013.

The Department of Planning and Infrastructure has indicated that the planning proposal for the subject land in Bronzewing Street can proceed separately to any other applications that may be submitted separately for nearby land. However Council will give consideration to matters such as drainage and road links on the adjoining land in the assessment process.

Consultation with Government Departments

If endorsed by Council, consultation on the Planning Proposal will be required with DP&I and other government agencies. Should the proposal be supported the Gateway Determination will outline the further consultation requirements with the DP&I and any other relevant government agencies. Government agencies that should be consulted would include the following:

- Office of Environment and Heritage
- Sydney Water
- Rural Fire Service

Further community consultation

If this planning proposal progresses, further community consultation opportunities will occur as part of the preparation and exhibition of a draft local environmental plan amendment in accordance with the new Gateway process. Council has the opportunity to recommend the engagement process and other consultation appropriate for this proposal.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All planning proposals are assessed against the key themes and directions of 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:

Community

The safety, health and well being of the Wollondilly community is improved.

The provision of additional housing in a convenient location in relation to public transport and local centres will assist the well being and quality of life of future residents.

Environment

The natural environment is protected and conserved and Wollondilly has a healthy, sustainable, and resilient environment with a rural character.

A flora and fauna study will be undertaken to determine the quality of the remnant bushland and options for ensuring that any EEC's will be conserved. Any new drainage must follow the principles of Water Sensitive Urban Design. Opportunities for alternatives to private car use will be encouraged.

Provision of Infrastructure

The growing vibrancy and liveability of the Shire's town and villages enhances their strong sense of local identity and place.

The availability of additional land to provide housing which is well located in relation to existing facilities and services will improve sustainable outcomes for the community and contribute to the viability of the local economy.

POLICIES & LEGISLATION

- Environmental Planning and Assessment Act , 1979
- Environmental Planning and Assessment Regulation, 2000
- State Environmental Planning Policy 55 – Remediation of Land

RELEVANT CONSIDERATIONS**Wollondilly Growth Management Strategy**

The Wollondilly Growth Management Strategy was adopted by Council in February 2011. Applications for Planning Proposals are required to be assessed against the GMS to determine whether they should or should not proceed.

The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. This site is included on the structure plan for Tahmoor and adjoins established urban land.

Table 2 summarises the Key Policy Directions of the GMS that are relevant to the assessment of the application. Comments as to how the Key Policy Directions relate to the application are also set out in the Table.

Table 2: Key Policy Directions of the GMS and comments on how the application relates.

Key Policy Direction	Comment
General Policies	
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 proposal, as noted throughout this table, 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)	The proposal is generally consistent with the concept and vision of 'Rural Living'. Provision of low density housing suitably located adjoining existing towns reduces the likelihood of further fragmentation of rural lands.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	A total of 7 submissions were received with the majority supporting the proposal. However concerns were raised regarding the amount of urbanisation occurring in the local area and the impact on infrastructure and loss of amenity. While this proposal will result in additional residential development its proximity to infrastructure already in place ensures that it can be provided cost effectively. There is likely to be some change to the rural-urban edge with increasing urbanisation to achieve aims such as adequate levels of housing stock and affordable housing for current and future residents and the efficient and sustainable patterns of growth.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

Key Policy Direction	Comment
<i>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)</i>	The proposal represents a logical rezoning of the subject site for low density purposes in keeping with adjoining land uses. Within the constraints of the site the proposal is considered appropriate as it will facilitate the orderly development of housing. Conservation and enhancement of natural systems is intended. Existing infrastructure is to be utilised and embellished.
Housing Policies	
<i>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</i>	The proposal contributes toward Council's dwelling target for Tahmoor outlined in the GMS but should not result in this target being exceeded. The Structure Plan for Tahmoor & Thirlmere includes the subject land as a 'potential residential growth area'.
<i>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.</i>	The aim of the proposal is to provide the standard 700m ² minimum lot size consistent with low density residential zones in the Shire. This is expected to provide for a range of housing types including affordable housing. Adjoining residential land generally has a larger size reflecting its development prior to reticulated sewerage services being available. There may be a need for some larger lots to conserve remnant bushland areas containing SSTF.
<i>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").</i>	The proposed density will be similar to that adjoining.
<i>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i>	The land is located immediately adjacent to the existing urbanised area of Tahmoor.
Macarthur South Policies	
<i>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.</i>	Not applicable.
Employment Policies	
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</i>	There will be no employment lands added but the proposal will create short-term employment opportunities through the construction jobs associated with the civil and building works, and will provide stimulus to the local economy by boosting population.

Planning & Economy

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

Key Policy Direction	Comment
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.	The site is not proposed to be zoned to facilitate further employment opportunities. Modest opportunities may exist for home business and tradesman residency.
Integrating Growth and Infrastructure	
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.	Assessment will aim to determine the addition of residential allotments in the locality shall not adversely burden Council as infrastructure requirements should be readily able to be financed by the developers or through Council's development contributions scheme.
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 proposal site is located approximately 1.2 km from Tahmoor town centre and is near Tahmoor Sportsground to the north west. The site requires construction of roads and drainage infrastructure and extension of existing utilities.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal does not contribute toward dispersed population growth; 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.	This is an area identified as a being a potential residential growth area on the Tahmoor Structure Plan in the GMS. The proposal contributes toward Council's dwelling target for Tahmoor identified in the GMS.
Rural and Resource Lands	
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.	There should be sufficient capacity in the existing sewerage systems to cater for the additional growth which will ensure that water quality should be satisfactory. Applying the principles of Water Sensitive Urban Design to future development will ensure sustainability and water quality objectives are met. It is proposed to maintain and improve native vegetation and habitat to protect biodiversity.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

Key Policy Direction	Comment
<i>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.</i>	Key Policy Direction P22 is not applicable to the proposal.

Planning &
Economy

Planning Proposals

The Planning Proposal has been prepared in accordance with section 55 of the Environmental Planning and Assessment Act 1979 and relevant DP&I guidelines including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals. The Planning Proposal addresses the matters required by the Director-General to be addressed in all Planning Proposals.

The Planning Proposal that has been submitted is requesting the rezoning of the subject land. If Council wishes to proceed with the proposal to rezone the land, Council must resolve to support the Planning Proposal and to forward it to the Minister for Planning & Infrastructure for a Gateway Determination.

Council's Options/Role

In deciding whether to forward the Planning Proposal on to the Minister for Planning & Infrastructure for a Gateway Determination, Council is effectively endorsing the Planning Proposal in principle and from that point on the Planning Proposal is deemed to be *Council's Planning Proposal* - no longer the applicant's Planning Proposal. Despite the Planning Proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.

Council's options are:

1. Resolve to support the application for the Planning Proposal as submitted. This option means that the existing Planning Proposal from then on becomes Council's Planning Proposal. Council then sends it to the Minister for a Gateway Determination. Unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
2. Resolve that the Planning Proposal needs to be amended before it can receive Council support and be forwarded to the Minister for a Gateway Determination. As is the case with option 1 above, the Planning Proposal becomes Council's and unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.

3. Resolve not to support the Planning Proposal. The applicant could choose to revise/amend their proposal and submit a new application. (Note that there are no appeal rights through the Land and Environment Court against Council's refusal to support a Planning Proposal).

Option 1 is the recommendation of this report

Gateway Determination

When a Planning Proposal has been endorsed by Council, it is then forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.

The Gateway Determination is a checkpoint for Planning Proposals before significant resources are committed to carrying out technical studies and investigations. It enables Planning Proposals that are not credible or well founded or not in the public interest to be stopped early in the process before resources are committed to detailed studies and investigations, and before government agencies are asked to commit their own resources to carrying out assessments.

At the Gateway Determination, the Minister will decide:

- Whether the proposal is justified on planning grounds
- Whether the Planning Proposal should proceed (with or without variation)
- Whether the Planning Proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal)
- The community consultation required
- Any consultation required with State or Commonwealth agencies
- Whether a public hearing by the Planning Assessment Commission or other specified person or body is required
- The timeframes for the various stages of the procedure to make the draft LEP amendment
- Whether the function of making the amended LEP is to be exercised by the Minister for Planning & Infrastructure or delegated to Council.

Under the DP&I plan making procedures, the Planning Proposal and supporting studies are placed on public exhibition. The process to legislate the Planning Proposal is commenced with a written draft local environmental plan amendment (the draft LEP) being prepared by Parliamentary Counsel, before it is made by the Minister or delegate. The LEP takes effect when it is published on the NSW legislation website.

The ultimate development of the land would then require further approvals through detailed Development Applications.

FINANCIAL IMPLICATIONS

As noted previously in this report, the Planning Proposal is deemed to be Council's Planning Proposal once endorsed by Council and forwarded to the Minister. Despite the Planning Proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

As the Planning Proposal proceeds, investigations into contributions towards infrastructure provision through planning agreements and section 94 contributions would be undertaken.

CONCLUSION

The application proposes to amend the provisions of Wollondilly LEP as they apply to the subject site to:

- change the Land Zoning map from Zone RU4 – Primary Production Small Lots to Zone R2 Low Density Residential
- change the Lot Size map to amend the 2 hectare minimum to a minimum lot size of 700m²
- change the Height of Buildings map from no height limit to a maximum height of 9m
- should a flora and fauna study determine native vegetation and or habitat is to be protected then the Natural Resources – Biodiversity map shall be appropriately amended.

The application for a planning proposal is consistent in principle with Council's adopted Growth Management Strategy and it is therefore recommended that the Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.

ATTACHMENTS

1. Aerial Photo of the site at 55-65 Bronzewing Street, Tahmoor.

RECOMMENDATION

1. That Council support the application for a Planning Proposal on land at 55-65 Bronzewing Street, Tahmoor being Lots 8 and 9 DP 249821 to amend the provisions of Wollondilly LEP as follows:
 - change the Land Zoning map from Zone RU4 – Primary Production Small Lots to Zone R2 Low Density Residential
 - change the Lot Size map to amend the 2 hectare minimum to a minimum lot size of 700m²
 - change the Height of Buildings map from no height limit to a maximum height limit of 9m
 - should a flora and fauna study determine native vegetation and or habitat is to be protected then the Natural Resources – Biodiversity map shall be appropriately amended.
2. That the Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.
3. That the persons who made submissions regarding the Planning Proposal be notified of Council's decision.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

ATTACHMENT 1 - 6115 – 19 NOVEMBER 2012



Planning & Economy

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber,
62-64 Menangle Street, Picton, on Monday 19 November 2012, commencing at 6.32pm

Wollondilly Shire and Its Planning and Economy

WOLLONDILLY SHIRE AND ITS PLANNING AND ECONOMY REPORTS

PE1 Planning Proposal Application - Bronzewing Street, Tahmoor
41KCAR TRIM 6115

246/2012 Resolved on the Motion of Crs M Banasik and Hannan:

1. That Council support the application for a Planning Proposal on land at 55-65 Bronzewing Street, Tahmoor being Lots 8 and 9 DP 249821 to amend the provisions of Wollondilly LEP as follows:
 - change the Land Zoning map from Zone RU4 – Primary Production Small Lots to Zone R2 Low Density Residential
 - change the Lot Size map to amend the 2 hectare minimum to a minimum lot size of 700m²
 - change the Height of Buildings map from no height limit to a maximum height limit of 9m
 - should a flora and fauna study determine native vegetation and or habitat is to be protected then the Natural Resources – Biodiversity map shall be appropriately amended.
2. That the Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.
3. That the persons who made submissions regarding the Planning Proposal be notified of Council's decision.

On being put to the meeting the motion was declared CARRIED

Vote: Crs M Banasik, Amato, Mitchell, B Banasik, Terry, Law, Landow, Hannan and Gibbs

Planning and
Economy

