

Rezoning of Tahmoor South Business Development Lands

Proposal Title : Rezoning of Tahmoor South Business Development Lands

Proposal Summary : The Planning proposal adds a new B5 Business Development zone to Wollondilly LEP 2011, and amends the zoning of a site at South Tahmoor from RU2 Rural Landscape to B5 Business Development.

PP Number : PP_2012_WOLLY_006_00 Dop File No : 12/12801

Proposal Details

Date Planning Proposal Received : 28-Sep-2012 LGA covered : Wollondilly

Region : Sydney Region West RPA : Wollondilly Shire Council

State Electorate : WOLLONDILLY Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 2710 Remembrance Drive

Suburb : Tahmoor City : Sydney Postcode : 2573

Land Parcel : Lot 2 DP 874556

DoP Planning Officer Contact Details

Contact Name : Shane Nugent

Contact Number : 0298601173

Contact Email : shane.nugent@planning.nsw.gov.au

RPA Contact Details

Contact Name : Kitty Carter

Contact Number : 0246778230

Contact Email : kitty.carter@wollondilly.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Terry Doran

Contact Number : 0298601149

Contact Email : terry.doran@planning.nsw.gov.au

Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Metro South West subregion Consistent with Strategy : Yes

Rezoning of Tahmoor South Business Development Lands

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : To the best of the regional team's knowledge, there has been no meetings or
communication with registered lobbyists

Supporting notes

Internal Supporting
Notes :

The Planning Proposal was initially received on 13 August 2012. The Sydney West Regional Team requested some amendments be made to the Planning Proposal on 21 August 2012. The amended was received on 19 September 2012. Further amendments were requested by e-mail on 26 September 2012. Revised Planning Proposal was received on 28 September 2012.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the proposal is to investigate the capabilities of the site at 2710 Remembrance Drive, Tahmoor, for the potential future uses characteristic of business development purposes.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : As the Wollondilly LEP 2011 does not currently include a suitable zone for the proposed land use, the planning proposal includes a land use table for the proposed B5 business development zone. It is proposed to rezone the site at 2710 Remembrance Drive, Tahmoor, from RU2 Rural Landscape to B5 Business Development.

The proposed B5 Zone will permit with consent development for bulky goods premises, hardware and building supplies and the like, as well as food and drink premises, office premises, tourist and visitor accommodation, office premises and light industries. Shops (other than neighbourhood shops) are proposed to be prohibited.

The proposal also includes changing the Lot Size map so that there is no minimum lot size for the site, and changing the Height of Buildings map so that the maximum building height is 12 metres.

Rezoning of Tahmoor South Business Development Lands

The proposal covers a site of 6.133 hectares about 400 metres south of the Tahmoor Town Centre. The main site frontage is to Remembrance Drive, the main road connecting Tahmoor to adjoining towns to the north and south. The western boundary of the site is the Main Southern Railway Line. Adjoining land uses include Tahmoor Public School, rural residential properties, a medium density subdivision, an electricity substation and Sydney Water land and infrastructure.

Land opposite the site on Remembrance Drive is zoned RE2 Private Recreation and is occupied by a hotel-motel.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 6—Number of Storeys in a Building

SEPP No 21—Caravan Parks

SEPP No 22—Shops and Commercial Premises

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Temporary Structures and Places of Public Entertainment)

2007

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

S117 DIRECTIONS

DIRECTION 1.2 - RURAL ZONES

The proposal will result in the loss of zoned rural land. The site is not prime agricultural land and the change from agricultural use may be considered of minor significance.

The approval of the Director General to the inconsistency will be required pursuant to clause 5(d) of the Direction.

DIRECTION 2.1 - ENVIRONMENT PROTECTION ZONES

This Direction is relevant as the proposal affects environmentally sensitive land, being dispersed pockets of remnant vegetation representative of Shale Sandstone Transition forest (SSTF). SSTF is an Endangered Ecological Community (EEC).

Although SSTF is a species representative of Cumberland Plain Woodland, this land is not within a priority conservation area under the Cumberland Plain Woodland Recovery Plan.

The planning proposal (pp. 12/13) indicates that a detailed flora and fauna impact assessment and vegetation management plan is necessary, which considers the Cumberland Plain Woodland Recovery Plan and outlines options for conserving remnant vegetation and improving the riparian corridor.

The regional team supports this approach.

Council will also need to consider Section 34A of the EP&A Act, and if necessary, consult with the Director-General of the Office of Environment and Heritage (OEH).

DIRECTION 2.3 – HERITAGE CONSERVATION

The proposal (p. 28) indicates that a heritage assessment will be carried out to ensure there are no inconsistencies with the direction.

It is recommended that Council is to demonstrate consistency with the direction prior to undertaking community consultation.

DIRECTION 3.4 - INTEGRATING LAND USE AND TRANSPORT

This direction applies to the proposal as it rezones land for urban purposes. The direction requires the proposal to be consistent with:

- 'Improving Transport Choice - Guidelines for planning and development (DUAP 2001)',
- and
- 'The Right Place for Business and Services - Planning Policy (DUAP 2001)'.

The Proposal is considered to be generally consistent as the site is within walking distance of the Tahmoor town centre and is accessible to bus and rail services.

DIRECTION 4.2 – MINE SUBSIDENCE AND UNSTABLE LAND

This direction applies to the proposal as it is located within a proclaimed Mine Subsidence District (i.e. Bargo).

The Direction requires Council to consult with the Mine Subsidence Board and notify the Department of the results prior to undertaking community consultation. Following consultation, Council is required to demonstrate the proposal's consistency with the direction.

DIRECTION 4.3 – FLOOD PRONE LAND

The proposal (p. 29) indicates that the site adjoins flood prone land but the site, itself, is not identified as flood prone. Detailed investigations are proposed and this investigation work is supported to allow further consideration to be given to the consistency of the proposal with the direction.

DIRECTION 4.4 – PLANNING FOR BUSHFIRE PROTECTION

This direction applies to the proposal (see p. 29) as the site contains bush fire prone land. Pursuant to section 4 of the Direction, Council will be required to consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway Determination and prior to undertaking community consultation, and take into account any comments made.

A determination of the consistency of the proposal with the direction may be made once the above steps have been completed.

Rezoning of Tahmoor South Business Development Lands

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036
This Direction requires the proposal to be consistent with the Metropolitan Plan for Sydney 2036. The proposal is generally consistent with this plan.

SEPPs AND REPs SYDNEY REGIONAL ENVIRONMENTAL PLAN No. 20 – HAWKESBURY-NEPEAN RIVER (No. 2 – 1997) ('SREP 20').

The provisions of SREP 20 apply to the proposal and require Council to give consideration to general planning considerations, specific planning policies, recommended strategies and specific development controls.

It is noted that a flood management and storm water management plan is proposed and this approach is supported (see page 13 of the proposal)

It is also noted that the proposal (see page 27) states it is not consistent with Sydney REP 20 - Hawkesbury-Nepean River (No. 2 1997).

However the particular matters raised in clauses 5 and 6 of the REP are in fact addressed on pages 11 and 12 of the proposal.

It is recommended that a condition of the Gateway Determination be that the reference on page 27 be amended to note that the proposal addresses those matters required under Sydney REP 20.

SEPP 55 - REMEDIATION OF LAND

The land was used for agricultural purposes, which is a potentially contaminating activity. It is recommended that a preliminary contaminated land investigation report be prepared.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Refer to page 17 of the Planning Proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council proposes a 28 day exhibition period.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : February 2011

Comments in relation to Principal LEP : Wollondilly LEP 2011 was notified in February 2011.

Assessment Criteria

Need for planning proposal :	Preparation of a planning proposal is necessary for the land to be rezoned and height and lot size controls amended.
Consistency with strategic planning framework :	In 2011, Wollondilly Shire Council adopted a Growth Management Strategy to guide future development in Wollondilly. It included a structure plan for Tahmoor which generally identified the site's location as being suitable for extension of the Tahmoor Town Centre. The site is approximately 400 metres south of the existing centre. Council has submitted the strategy to the Department for endorsement. The Department has delayed its consideration of the Strategy until the completion of the Government's Review of Potential Housing Opportunities on Landowner Nominated Sites. The Draft South West Subregional Strategy identifies Tahmoor as a Town Centre (Rural). Development of land adjacent to the Town Centre as a business development zone is not inconsistent with this strategy. The Standard Instrument includes a mandatory objective for the B5 Business Development zone - 'To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.' The location on the main access road, approximately 400 metres from the centre, makes this site suitable to meet this objective.
Environmental social economic impacts :	This is a very preliminary Planning Proposal. It includes no detail of any proposed development for the site, and no substantial planning studies have been undertaken in preparing the proposal. The Planning Proposal recommends a number of studies to be undertaken (see below). It will be necessary to undertake these studies before the environmental, social and economic impacts of the proposal can be adequately assessed. ENVIRONMENTAL The Hawkesbury Nepean Catchment Management Authority has undertaken an assessment of the site in response to an application for clearing under the Native Vegetation Act 2003. It has determined that the site contains dispersed pockets of remnant vegetation representative of Shale Sandstone Transition Forest, an endangered ecological community. The Council officers' report to Council indicates that the proposed rezoning is incompatible with conservation of this vegetation. The report recommended that the rezoning application be refused. It is recommended that a detailed flora and fauna impact assessment be required, together with a vegetation management plan. ECONOMIC The proposed rezoning may have an economic impact on existing businesses in Tahmoor Town Centre. An economic impact assessment is proposed to be undertaken to assess the extent of any impact. SOCIAL There may be impacts on the operation of the adjoining Tahmoor Public School and the residential area, including noise and traffic issues.

Rezoning of Tahmoor South Business Development Lands

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - s56(2)(d) :
**Essential Energy
Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
Mine Subsidence Board
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

**Flora
Fauna
Heritage
Bushfire
Flooding
Economic
Other - provide details below
If Other, provide reasons :**

Council proposes to undertake the following studies:

- Flood Management and Stormwater Management Plan
- On-site Waste Water Package Treatment Plant Study (dependent on advice from Sydney Water)
- Aboriginal Archaeological and European Heritage Cultural Assessment
- Transport and Movement Assessment
- Traffic Assessment
- Bushfire Hazard Management Plan
- Phase I Contamination Assessment
- Salinity Assessment
- Acoustic Assessment
- Flora and Fauna Impact Assessment
- Riparian Ecology Assessment
- Easement Management Study
- Economic Feasibility Assessment
- Economic Impact Assessment

Preparation of the above studies is supported.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Rezoning of Tahmoor South Business Development Lands

Documents

Document File Name	DocumentType Name	Is Public
Planning_Proposal_Tahmoor_South_Business_Development_Lands.pdf	Proposal	Yes
Letter_from_Council.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

It is recommended that the Planning Proposal proceed subject to the following conditions:

- 1) The Director General approves the inconsistency with section 117 direction 1.2 - Rural Zones on the basis that it is of minor significance.
- 2) The reference on page 27 of the proposal be amended to note that the proposal addresses certain matters required under Sydney REP 20.
- 3) Council is to give consideration to an alternative zone(s) to address (a) land affected by environmental constraints and (b) land that may provide a buffer between proposed development (permitted by the proposal) and adjoining existing land uses.
- 4) Studies into the following matters are to be undertaken prior to agency and community consultation on the Planning Proposal:
 - Flood Management and Stormwater Management Plan
 - On-site Waste Water Package Treatment Plant Study (dependent on advice from Sydney Water)
 - Aboriginal Archaeological and European Heritage Cultural Assessment
 - Transport and Movement Assessment
 - Traffic Assessment
 - Bushfire Hazard Management
 - Phase I Contamination Assessment
 - Salinity Assessment
 - Acoustic Assessment
 - Flora and Fauna Impact Assessment
 - Riparian Ecology Assessment
 - Easement Management Study
 - Economic Feasibility Assessment
 - Economic Impact Assessment;

As an advisory note: following completion of the flora and fauna impact assessment, Council is asked to consider the need to formally consult with the Director-General of the Office of Environment and Heritage under section 34A of the Environmental Planning and

Rezoning of Tahmoor South Business Development Lands

Assessment Act 1979.

5) Consultation with the public authorities identified in this report should occur prior to exhibition;

6) Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 for a period of 28 days; and

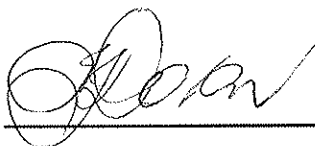
7) The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The development of the proposal for this site is at an early stage, and a number of studies are required before the environmental, economic and social impacts can be adequately assessed.

While the site contains remnant vegetation and possible other constraints, its main road location within 400 metres of Tahmoor Town Centre, in this regard, would appear to make it a suitable location for a business development zone.

Signature:



Printed Name:

T DORAN

Date:

12/10/12