

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 16 July 2012

PE3

Draft Planning Proposal - South Tahmoor Business Development Land

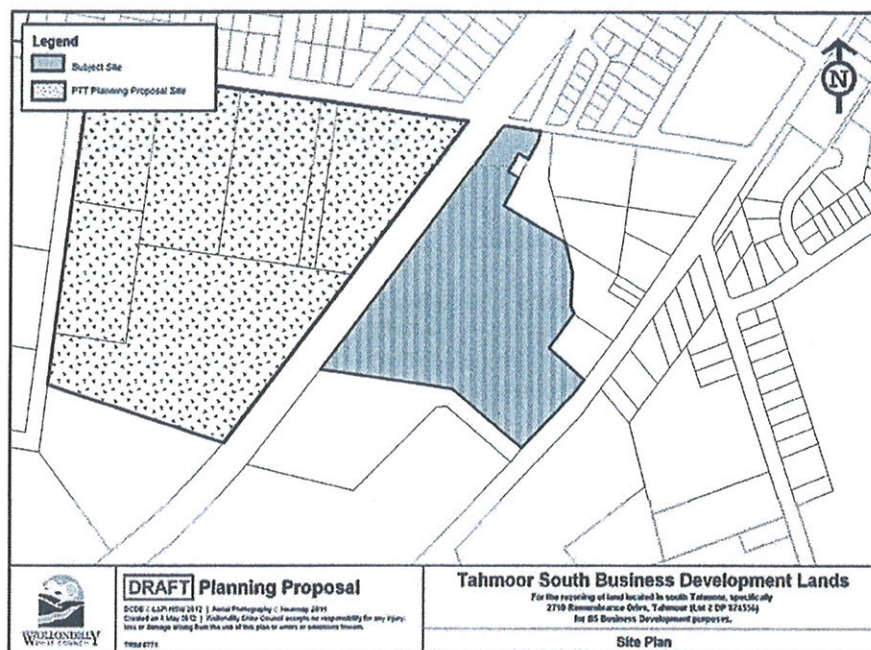
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APPLICANT: **Precise Planning**

OWNER: **K L Cheetham**

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REPORT

EXECUTIVE SUMMARY

- Council has received an application for a draft Planning Proposal on land located at Lot 2 DP 874556 (No. 2710) Remembrance Drive, Tahmoor for the rezoning of land from Zone RU2 Rural Landscape to Zone B5 Business Development with a maximum building height of 12 metres
- Council has received advice from the Hawkesbury-Nepean Catchment Management Authority that an application to clear vegetation within the site has been refused as the site contains pockets of Shale Sandstone Transition Forest
- It is considered that the application to rezone the land to Zone B5 Business Development is not compatible with the distribution and status of native vegetation within the site
- Accordingly this report recommends:
 - That Council refuse the application for a draft Planning Proposal for South Tahmoor Business Development Land at 2710 Remembrance Drive, Tahmoor being Lot 2 DP 874556; and
 - That the applicant and persons who made submissions regarding the application be notified of Council's decision.

BACKGROUND

Site Description

The subject land is irregularly shaped and comprises 6.133 ha with frontages to both Remembrance Drive and Bronzewing Street. It is located approximately 400 metres south of Tahmoor Shopping Centre and shares a boundary with Tahmoor Public School, residential properties, an electricity substation and Sydney Water land (including a Sewer Pumping Station).

Remembrance Drive forms the land's eastern boundary while the Main Southern Railway Line forms the western boundary. There is a single dwelling on the site located immediately south of the electricity substation and set back 30 metres from the boundary to Remembrance Driveway.

The site is partially cleared with most clearing being in close proximity to the dwelling. Native remnant and regrowth vegetation occurs throughout the site and a drainage channel/watercourse runs parallel to the western boundary. These features can be seen in Attachment 1.

The lot is also burdened by several existing and proposed easements for water and electricity utility provision and access. These constraints occupy significant areas within the site.

Neighbouring properties to the south are heavily vegetated and used for rural residential purposes.

History of Zoning

Under the provisions of Wollondilly Local Environmental Plan, 1991 (WLEP 1991) the site was within Zone 9(d) Open Space Reservation Zone and the following land uses controls applied:

- *public parks and public recreation* were permissible without development consent;
- *agriculture, drainage, forestry, land filling operations, recreation areas, roads, telecommunications facilities and utility installations (other than generating works)* were permissible only with development consent.

Clause 18 to WLEP 2011 permitted the owner of land in Zone 9(d) to make a written request to Council to acquire the land. Such a request had been made to Council in the past for the subject site and in response, Council determined the land was surplus to Council's needs for public open space.

There is no zoning category equivalent to Zone 9(d) in the *Standard Instrument (Local Environmental Plans) Order, 2011*. The adoption of Wollondilly Local Environmental Plan, 2011 (WLEP, 2011) resulted in the subject site being zoned the same as the adjoining land to the south, that is, Zone RU2 Rural Landscape.

Description of Draft Proposal

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 RU2 Rural Landscape to Zone B5 Business Development;
- change the Lot Size Map to delete the 16 hectare minimum (that is, no minimum lot size would apply)
- change the Height of Buildings Map to impose a height limit of 12 metres.

The application proposes a land use table as shown below. The text in bold is the mandatory text from the *Standard Instrument (Local Environmental Plans) Order, 2011*.

Zone B5 Business Development

1 Objectives of 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.
- To maintain the economic strength of centres by limiting retail activity
- To provide a mixture of compatible land uses
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; **Bulky goods premises**; **Child care centres**; Depots; Entertainment facilities; Food and drink premises; **Garden centres**; **Hardware and building supplies**; Industrial retail outlets; Industrial training facilities; Kiosks; **Landscaping material supplies**; Light industries; Markets; Neighbourhood shops; Office premises; **Passenger transport facilities**; Places of public worship; Public administration building; Recreation facilities (indoor); **Respite day care centres**; Rural supplies; Self-storage units; Service station; Signage; Timber yards; Vehicle repair shops; Vehicle sales or hire premises; Veterinary hospital; **Warehouse or distribution centres**; Wholesale supplies

4 Prohibited

Any other development not specified in item 2 or 3.

Objective

The application states that the objective of the proposed changes to WLEP 2011 is:

"To facilitate the comprehensive development of the land for employment purposes in a manner which sensitively interfaces with surrounding development, leverages off and embellishes existing infrastructure and conserves and enhances the underpinning natural systems framework."

CONSULTATION

Consultation with Hawkesbury – Nepean Catchment Management Authority

The Hawkesbury Nepean Catchment Management Authority (HNCMA) has undertaken an assessment of the site in response to an application for clearing under the *Native Vegetation Act 2003*. HNCMA have determined that the site contains dispersed pockets of remnant vegetation representative of Shale Sandstone Transition Forest (SSTF) within the area of the site proposed to be cleared. SSTF is an Endangered Ecological Community (EEC). Furthermore the area of the site to be cleared in comparison to the area of vegetation to be retained and protected is insufficient to be considered for offsetting purposes. Therefore the application for clearing has been refused.

The site is not a priority conservation area in relation to the *Cumberland Plain Woodland Recovery Plan* but there are areas of Cumberland Plain Woodland vegetation nearby around the Bargo River which are identified as priority conservation area.

The applicant can take the opportunity to have HNCMA prepare a Property Vegetation Plan (PVP) free of charge. The PVP can be registered on the title of the lot and the landowner has access to financial assistance for the ongoing management of vegetation.

There is no option to offset the proposed clearing within the site. The estimated offset ratio is 1 hectare of cleared land for every 15 hectares conserved and restored.

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
- Development Engineer

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

- ecology (flora and fauna and riparian ecology)
- traffic and transport
- flooding, surface and ground water management
- bushfire hazard.

Given that this report recommends the application be refused, these matters have not been examined in detail in this report, except for potential traffic impacts.

The following advice on traffic impacts has been provided by Council's Manager Infrastructure Planning and Council's Development Engineer.

Traffic Impacts

In view of the potential impact of this proposal on traffic growth in Tahmoor, the applicant was requested to provide an additional traffic impact assessment.

As there is no defined business land-use proposal to assess, the consultant provided 3 scenarios for consideration – low traffic generation (such as a 50 bed hospital and ancillary works), medium traffic generation (light industrial subdivision), and high traffic generation (Bunnings or similar).

Hourly traffic volume increases for the 3 scenarios ranged from 5-20% for the low traffic option, 10-40% for the medium option, and 20-65% (weekday) and 30-115% (weekend) increases for the high traffic generation option. Scenarios 1 and 2 have a low to modest impact on overall Level of Service for Remembrance Driveway, while Scenario 3 has a significant impact on Level of Service, requiring in particular additional lane capacity northbound through Tahmoor, as well as changes and improvements to the school zone facilities, possible intersection upgrades (earlier than has been anticipated in previous assessments), as well as new intersection at the entrance to the development, incorporating access to the hotel on the eastern side of Remembrance Driveway.

As Remembrance Driveway is a regional road, Roads and Maritime Services are required to be consulted on potential impacts on this road.

In view of the lack of certainty as to the final development landuse proposed, which prevents a more accurate traffic assessment, it is considered that the proposal should not be supported until future land use is clarified, and further consultation with nearby landowners, Tahmoor Chamber of Commerce and Roads and Maritime Services are undertaken.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 16 July 2012

Community Consultation

The application was subject to initial notification. A total of five (5) submissions were received. Table 1 contains a summary of the issues raised in submissions which are relevant to the consideration of the application.

Table 1 - Summary of relevant issues raised in submissions

Key issue	Summary of Comments
Employment lands	Land uses will create additional local employment Land uses will provide additional local services
Amenity impacts	Increase in noise and detrimental impacts to nearby residents Overshadowing of neighbouring properties Detrimental visual impact as viewed from adjoining and nearby residential land (particularly if buildings are used to screen and buffer and 12 metre height limit is achieved) Setbacks and landscaping required to boundaries Land uses not compatible with adjoining zones and land uses
Traffic	Bronzewing Street not suitable for additional commercial and industrial-related traffic Conflicts with school traffic Existing delays at intersections with Bronzewing Street and Remembrance Driveway and with Stratford Road and Remembrance Driveway
Flooding	Existing problems with flooding and stormwater along the eastern side of the railway line and north of the site Large impervious areas will exacerbate existing stormwater and flooding problems
Suggested Alternatives	Site more suited to residential use Access to be via Remembrance Driveway with a roundabout at the intersection with Stratford Road Include adjoining land to the south Spot rezoning inconsistent with orderly development of land

Given that this report is recommending the application be refused, comments in response to the issues raised in submissions are not included in this report.

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RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

Environment

- A community that is surrounded by a built and natural environment that is valued and preserved
- A community that has opportunities to engage with and actively care about their natural environment

The application is considered to be incompatible with the protection and enhancement of the natural assets of the site.

Economy

- A community that has access to employment and is supported through strong and diverse economic activity
- A community that is supported through appropriate, sustainable land use

While the application has potential to create land uses which could contribute to local employment, the site is considered unsuitable and other sites may be more appropriate for such land uses in the future.

Infrastructure

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

Refusal of the application shall not result in detrimental impacts to transport options nor the quality and effectiveness of infrastructure.

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

Refusal of the application shall have no detrimental impact to the community.

Governance

- A community that is supported through engagement, collaboration and partnerships across government agencies and private business
- A transparent, effective and sustainable Council

The reasons for refusing the application are clear and objective and are consistent with the assessment of the site conditions as determined by the HNCMA.

POLICIES & LEGISLATION

- *Environmental Planning and Assessment Act, 1979*
- *Environmental Planning and Assessment Regulation, 2000*
- *Standard Instrument (Local Environmental Plan) Orders*

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 16 July 2012

There are no appeal rights against Council's refusal of the application.

RELEVANT CONSIDERATIONS

Growth Management Strategy (GMS)

The site is identified in the Structure Plan for Tahmoor and Thirlmere as a 'potential residential growth area'. However, since the adoption of the GMS Council has received the results of an Odour assessment for another draft Planning Proposal for Picton Tahmoor Thirlmere New Urban Lands. The Odour Assessment indicates that the subject site is within an area affected by odour which is incompatible with additional residential lots and dwellings. With this in mind, the application was submitted proposing a non-residential zone and land uses considered not to be sensitive to the identified odour constraints.

The detailed assessment of the status and condition of vegetation supersedes the Structure Plan prepared for the GMS.

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 included in the Table.

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

Key Policy Direction	Comment
General Policies	
<i>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.</i>	The application is not consistent with Key Policy Direction P5 and P21.
<i>P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)</i>	As the application is recommended for refusal, an assessment against the Rural Living concepts has not been conducted.
<i>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	The issues raised in submissions are summarised in Table 1.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 16 July 2012

Key Policy Direction	Comment
<i>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations regarding this application.
<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 proximity of the site to the Tahmoor Town Centre and road frontages were features which initially triggered the site to be considered for future development and use. However, the presence of significant vegetation and habitat within the site and the potential role of the site in providing remnant vegetation, seed bank, habitat and potential habitat for protected ecological communities and species make the site unsuitable for the zoning and potential developments proposed in the application.
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>	New employment lands can potentially be located elsewhere in the locality on sites more suited to this type of development.
<i>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.</i>	See above.
Integrating Growth and Infrastructure	
<i>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.</i>	As the application is recommended for refusal the capacity of infrastructure has not been investigated in detail. However, it is known that reticulated sewer services are not currently available and that traffic, transport and vehicle access and egress are significant issues which would have required investigation should the proposal proceed.

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WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 16 July 2012

Key Policy Direction	Comment
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.	Development of the site is considered to be incompatible with the concept of “sustainability” as the impacts to natural assets can not achieve a ‘maintain or improve’ outcome within the site nor at a local level.
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.	The application is considered to be incompatible with the natural assets (specifically vegetation) within the site.
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.	Key Policy Direction P22 is not applicable to the draft proposal.

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Matters raised in Submissions – Inclusion of adjoining land to the south

As stated above, comments in response to specific issues raised in submissions are not provided in this report as the application is recommended for refusal.

The exception is the request for adjoining land to the south to be included in the application. The following reasons were given by and on behalf of adjoining landowners for including this land:

- potential to achieve a new access point in Remembrance Driveway by creating a four-way intersection with Stratford Road and avoiding the need to use Bronzewing Street
- extension of a stormwater management system downstream of the site
- eliminate the potential for amenity impacts to neighbouring lots in Zone RU2 Rural Landscape
- share the costs of specialist studies
- provide additional land for employment generating development
- adjoining land owners have changed expectations for the future use of their land.

The adjoining land to the south contains vegetation which is likely to be at least of equivalent quality and density as that within the subject site. It is likely that detailed investigation of this vegetation would determine the vegetation is worthy of retention and protection.

As the application is recommended for refusal it is also recommended that Council reject the request from adjoining land owners for their land to be included.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

CONCLUSION

The application seeks to rezone land from rural to a business development zone to allow for the development of a range of specific business types such as bulky goods retailing, warehousing and light industrial/service industries.

To achieve this development would require significant permanent clearing of large areas of vegetation.

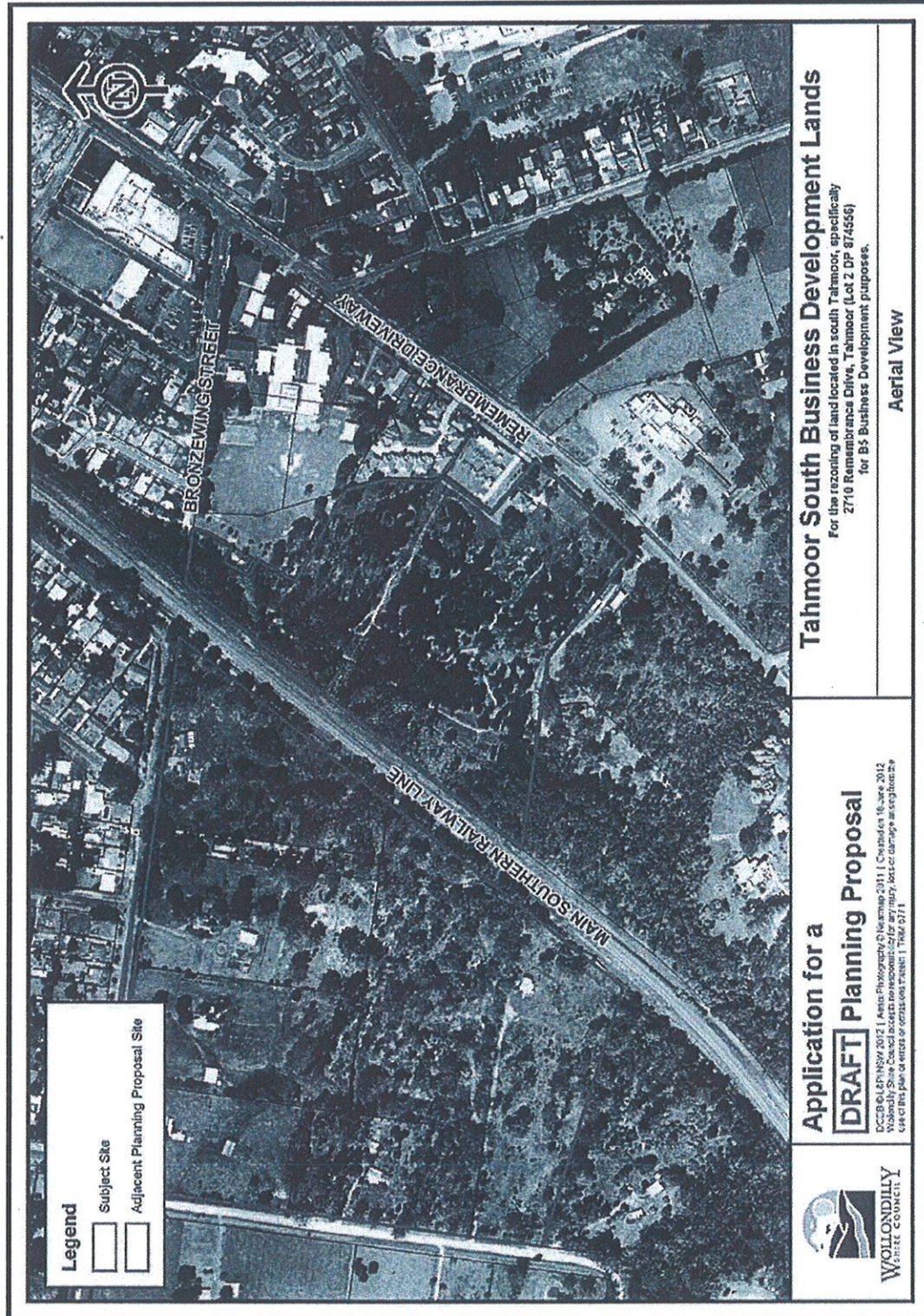
The proposed zoning and the nature of potential development is considered incompatible with the retention and protection of the dispersed pockets of SSTF and the potential for maintenance and improvement of EEC and habitat for EEC within the site.

ATTACHMENTS

1. Aerial photo of the site

RECOMMENDATION

1. That Council refuse the application for a draft Planning Proposal for Lot 2 DP 874556 (No.2710) Remembrance Drive, Tahmoor because the proposed zoning and the nature of potential development is considered incompatible with the retention and protection of the dispersed pockets of Shale Sandstone Transition Forest (SSTF) and the potential for maintenance and improvement of SSTF and habitat for SSTF within the site.
2. That the applicant and persons who made submissions in response to initial notification of the application for a draft Planning Proposal be notified of Council's decision.



WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 July 2012, commencing at 6.30pm

Wollondilly Shire and Its Planning and Economy

PE3

Draft Planning Proposal - South Tahmoor Business Development Land

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Moved on the motion of Crs Mitchell and Hannan:

1. That Council prepare a draft Planning Proposal for 2710 Remembrance Driveway, Tahmoor.
2. That the draft planning proposal seeks to change the Wollondilly Local Environmental Plan, 2011 to:
 - insert a new Zone (the B5 Business Development Zone) into the land use table with the objectives and list of land uses permitted without consent, with consent and prohibited being as shown on page 120 of this agenda
 - change the zoning of the site to B5 Business Development
 - change the lot size map to delete the 16 hectare minimum (so that there is no minimum lot size)
 - change the height of buildings map to impose a height limit of 12 metres
3. That Council submit the draft Planning Proposal to the Minister for Planning and Infrastructure for Gateway determination and include the following recommendations for consideration in the Gateway process:
 - a. Supporting studies required:
 - Stormwater Management Plan
 - On-site Waste Water Package Treatment Plant design details (unless confirmation from Sydney Water that sewer is available to the whole of the proposed development is provided)
 - Flora and Fauna Assessment (in accordance with the requirements specified by the Office of Environment and Heritage) and addressing the Cumberland Plain Woodland Recovery Plan
 - Aboriginal Archaeological and Cultural Assessment
 - Transport and Movement Assessment
 - Traffic Assessment
 - Bushfire Hazard Management Plan
 - Phase 1 Contamination Assessment
 - Salinity Assessment
 - Economic Impact Assessment which assesses the impact of the proposal on Tahmoor, Bargo, Thirlmere and Picton

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 July 2012, commencing at 6.30pm

Wollondilly Shire and Its Planning and Economy

Planning and
Economy

- *Acoustic assessment of the likely impacts on the primary school and on the residential premises in Remembrance Driveway*
 - b. *Consultation required with the following agencies and departments:*
 - *Office of Environment and Heritage*
 - *Hawkesbury Nepean Catchment Management Authority*
 - *Rural Fire Service*
 - *Roads and Maritime Services*
 - *Sydney Water Corporation*
 - *Mine Subsidence Board*
- 4. *That community engagement take the form of a 28 day public exhibition of the draft Planning Proposal, supporting studies and other relevant documentation. That community engagement also include specific notification of the Chambers of Commerce in Tahmoor, Bargo, Thirlmere and Picton.*
- 5. *That the proponent and those who made a written submission to the initial notification be informed in writing of Council's resolution.*
- 6. *That the General Manager invite the owners of the land to the South of this site, being Lots 1 and 2 DP 562297, 2720 & 2740 Remembrance Driveway, Tahmoor, to a meeting to advise them of this resolution of Council and discuss the process should they be interested in submitting a planning proposal for a similar type of development on their land.*
- 7. *That when the planning proposal is forwarded to the gateway that a request be sent to consider this planning proposal in conjunction with options for adjoining land. In particular, 2720, 2740 and 2760 Remembrance Driveway, Tahmoor.*

Cr B Banasik foreshadowed the motion:

1. *That Council prepare a draft Planning Proposal for 2710, 2720 and 2740 Remembrance Driveway, Tahmoor.*
2. *That the draft planning proposal seeks to change the Wollondilly Local Environmental Plan, 2011 to:*
 - *insert a new Zone (the B5 Business Development Zone) into the land use table with the objectives and list of land uses permitted without consent, with consent and prohibited being as shown on page 120 of this agenda*

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 July 2012, commencing at 6.30pm

Wollondilly Shire and Its Planning and Economy

Planning and
Economy

- *change the zoning of the site to B5 Business Development*
 - *change the lot size map to delete the 16 hectare minimum (so that there is no minimum lot size)*
 - *change the height of buildings map to impose a height limit of 12 metres*
3. *That Council submit the draft Planning Proposal to the Minister for Planning and Infrastructure for Gateway determination and include the following recommendations for consideration in the Gateway process:*
- a. *Supporting studies required:*
- *Stormwater Management Plan*
 - *On-site Waste Water Package Treatment Plant design details (unless confirmation from Sydney Water that sewer is available to the whole of the proposed development is provided)*
 - *Flora and Fauna Assessment (in accordance with the requirements specified by the Office of Environment and Heritage) and addressing the Cumberland Plain Woodland Recovery Plan*
 - *Aboriginal Archaeological and Cultural Assessment*
 - *Transport and Movement Assessment*
 - *Traffic Assessment*
 - *Bushfire Hazard Management Plan*
 - *Phase 1 Contamination Assessment*
 - *Salinity Assessment*
 - *Economic Impact Assessment which assesses the impact of the proposal on Tahmoor, Bargo, Thirlmere and Picton*
 - *Acoustic assessment of the likely impacts on the primary school and on the residential premises in Remembrance Driveway*
- b. *Consultation required with the following agencies and departments:*
- *Office of Environment and Heritage*
 - *Hawkesbury Nepean Catchment Management Authority*
 - *Rural Fire Service*
 - *Roads and Maritime Services*
 - *Sydney Water Corporation*
 - *Mine Subsidence Board*

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 July 2012, commencing at 6.30pm

Wollondilly Shire and Its Planning and Economy

Planning and Economy

4. *That community engagement take the form of a 28 day public exhibition of the draft Planning Proposal, supporting studies and other relevant documentation. That community engagement also include specific notification of the chambers of commerce in Tahmoor, Bargo, Thirlmere and Picton.*
5. *That the proponent and those who made a written submission to the initial notification be informed in writing of Council's resolution.*
6. *That the General Manager invite the owners of the land to the South of this site, being Lots 1 and 2 DP 562297, 2720 & 2740 Remembrance Driveway, Tahmoor, to a meeting to advise them of this resolution.*
7. *A report comes to Council in three months time on progress of this application.*

Moved on the foreshadowed motion of Cr B Banasik and Cr M Banasik:

1. *That Council prepare a draft Planning Proposal for 2710, 2720 and 2740 Remembrance Driveway, Tahmoor.*
2. *That the draft planning proposal seek to change the Wollondilly Local Environmental Plan, 2011 to:*
 - *insert a new Zone (the B5 Business Development Zone) into the land use table with the objectives and list of land uses permitted without consent, with consent and prohibited being as shown on page 120 of this agenda*
 - *change the zoning of the site to B5 Business Development*
 - *change the lot size map to delete the 16 hectare minimum (so that there is no minimum lot size)*
 - *change the height of buildings map to impose a height limit of 12 metres*
3. *That Council submit the draft Planning Proposal to the Minister for Planning and Infrastructure for Gateway determination and include the following recommendations for consideration in the Gateway process:*
 - a. *Supporting studies required:*
 - *Stormwater Management Plan*
 - *On-site Waste Water Package Treatment Plant design details (unless confirmation from Sydney Water that sewer is available to the whole of the proposed development is provided)*

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 July 2012, commencing at 6.30pm

Wollondilly Shire and Its Planning and Economy

Planning and
Economy

- *Flora and Fauna Assessment (in accordance with the requirements specified by the Office of Environment and Heritage) and addressing the Cumberland Plain Woodland Recovery Plan*
 - *Aboriginal Archaeological and Cultural Assessment*
 - *Transport and Movement Assessment*
 - *Traffic Assessment*
 - *Bushfire Hazard Management Plan*
 - *Phase 1 Contamination Assessment*
 - *Salinity Assessment*
 - *Economic Impact Assessment which assesses the impact of the proposal on Tahmoor, Bargo, Thirlmere and Picton*
 - *Acoustic assessment of the likely impacts on the primary school and on the residential premises in Remembrance Driveway*
- b. *Consultation required with the following agencies and departments:*
- *Office of Environment and Heritage*
 - *Hawkesbury Nepean Catchment Management Authority*
 - *Rural Fire Service*
 - *Roads and Maritime Services*
 - *Sydney Water Corporation*
 - *Mine Subsidence Board*
4. *That community engagement take the form of a 28 day public exhibition of the draft Planning Proposal, supporting studies and other relevant documentation. That community engagement also include specific notification of the Chambers of Commerce in Tahmoor, Bargo, Thirlmere and Picton.*
5. *That the proponent and those who made a written submission to the initial notification be informed in writing of Council's resolution.*
6. *That the General Manager invite the owners of the land to the South of this site, being Lots 1 and 2 DP 562297, 2720 & 2740 Remembrance Driveway, Tahmoor, to a meeting to advise them of this resolution.*
7. *A report comes to Council in three months time on progress of this application.*

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

Vote For: Crs M Banasik and B Banasik
Vote Against: Crs Hannan, Vernon, Landow and Mitchell

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 July 2012, commencing at 6.30pm

Wollondilly Shire and Its Planning and Economy

158/2012 Resolved on the motion of Crs Mitchell and Hannan:

1. *That Council prepare a draft Planning Proposal for 2710 Remembrance Driveway, Tahmoor.*
2. *That the draft planning proposal seeks to change the Wollondilly Local Environmental Plan, 2011 to:*
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3. *That Council submit the draft Planning Proposal to the Minister for Planning and Infrastructure for Gateway determination and include the following recommendations for consideration in the Gateway process:*
 - a. *Supporting studies required:*
 - *Stormwater Management Plan*
 - *On-site Waste Water Package Treatment Plant design details (unless confirmation from Sydney Water that sewer is available to the whole of the proposed development is provided)*
 - *Flora and Fauna Assessment (in accordance with the requirements specified by the Office of Environment and Heritage) and addressing the Cumberland Plain Woodland Recovery Plan*
 - *Aboriginal Archaeological and Cultural Assessment*
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 - *Bushfire Hazard Management Plan*
 - *Phase 1 Contamination Assessment*
 - *Salinity Assessment*
 - *Economic Impact Assessment which assesses the impact of the proposal on Tahmoor, Bargo, Thirlmere and Picton*
 - *Acoustic assessment of the likely impacts on the primary school and on the residential premises in Remembrance Driveway*

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 July 2012, commencing at 6.30pm

Wollondilly Shire and Its Planning and Economy

Planning and
Economy

- b. Consultation required with the following agencies and departments:*
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4. *That community engagement take the form of a 28 day public exhibition of the draft Planning Proposal, supporting studies and other relevant documentation. That community engagement also include specific notification of the Chambers of Commerce in Tahmoor, Bargo, Thirlmere and Picton.*
5. *That the proponent and those who made a written submission to the initial notification be informed in writing of Council's resolution.*
6. *That the General Manager invite the owners of the land to the South of this site, being Lots 1 and 2 DP 562297, 2720 & 2740 Remembrance Driveway, Tahmoor, to a meeting to advise them of this resolution of Council and discuss the process should they be interested in submitting a planning proposal for a similar type of development on their land.*
7. *That when the planning proposal is forwarded to the gateway that a request be sent to consider this planning proposal in conjunction with options for adjoining land. In particular, 2720, 2740 and 2760 Remembrance Driveway, Tahmoor.*

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

Vote For: Crs M Banasik, B Banasik, Hannan, Vernon and Mitchell

Vote Against: Crs Landow