

Planning Proposal

to amend Wollondilly Local Environmental Plan 2011

Tahmoor South Business Development Lands

**for the rezoning of land located at 2710 Remembrance Drive, Tahmoor (Lot 2 DP 874556)
for B5 Business Development purposes**



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Introduction

This Planning Proposal has been prepared as a result of an application from Precise Planning seeking an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval for business development on the 'South Tahmoor' site (see Figure 1 - Site Map). A resolution to support the Planning Proposal was moved by Council at its Ordinary meeting held on Monday 16 July 2012. A copy of the agenda and minutes of this meeting are included as **Attachment 1**.

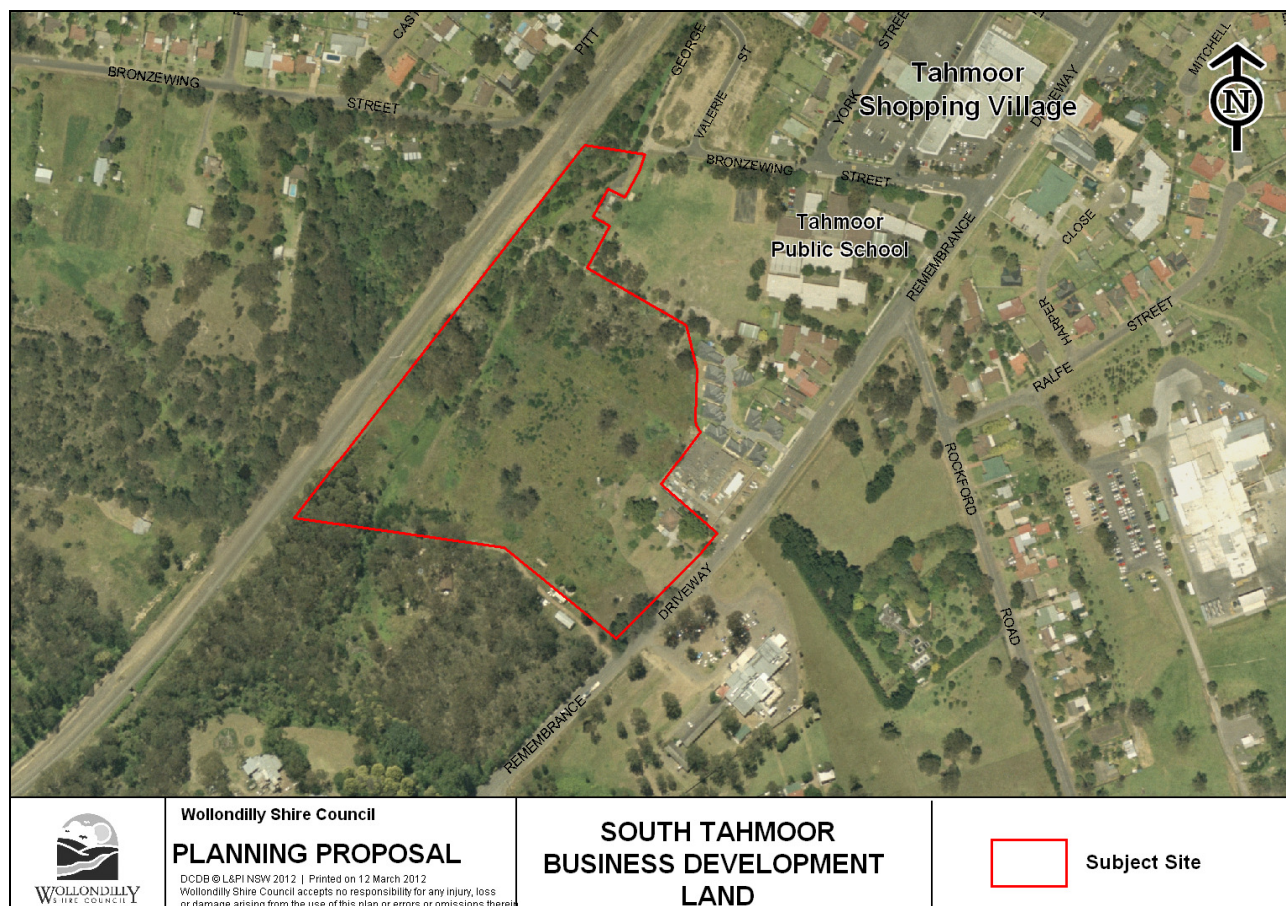


Figure 1 : Site Map

Site Details

The site comprises one property located at 2710 Remembrance Drive, Tahmoor being Lot 2 DP 874556. 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 playing fields; rural-residential and medium density residential properties; an Integral Energy substation and; Sydney Water land and infrastructure.

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

The site is partially cleared and a minor watercourse which connects to Bargo River runs through the western section. Native remnant and regrowth vegetation occurs throughout the site and along a drainage channel/watercourse which runs parallel to the western boundary. This watercourse also serves as a drainage channel for most properties south from Thirlmere Way/Progress Street.

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. The Site Map provides an indication of some of the above features of the site.

Part 1 – Objectives or Intended Outcomes

Key objective

The key objective of this Planning Proposal is:

To investigate the capabilities of the site for the potential future uses characteristic of business development purposes.

The intended outcomes of the Planning Proposal are as follows:

- To ensure all potential issues are addressed satisfactorily
- To ensure biodiversity and other natural assets are protected.
- To ensure there is adequate infrastructure to service the site.
- To ensure there are no detrimental impacts on adjoining properties.
- To ensure development supports the viability of Tahmoor Shopping Centre
- To ensure there is integrated access with Tahmoor Shopping Centre
- To provide opportunities for the development of the site for a range of businesses including bulky goods premises and warehousing.

Part 2 – Explanation of Provisions

The Planning Proposal 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 italics 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

Bulky goods premises; Child care centres; Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Respite day care centres; Roads; Self storage units; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Car parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoriums; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home business; Home occupations; Home occupation (sex services); Industries; Information and education facilities; Jetties; Marinas; Moorings; Mooring pens; Mortuaries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Sewerage systems; Sex services premises; Shops; Storage premises; Tourist and visitor accommodation; Transport depots; Truck Depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

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 as a potential extension of the business zone due to the land's proximity to Tahmoor Town Centre. The GMS is discussed later with regard to this planning proposal.

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 RU2 Rural Landscape which does not permit the range of commercial and other uses proposed under the B5 Business Development Zone. There is not currently a B5 Business Development Zone within the Land Use Table of Wollondilly Local Environmental Plan 2011 and a planning proposal would be required to allow for the proposed land uses envisaged by the objectives and outcomes detailed in the planning proposal application.

3. Is there a net community benefit?

The proposal is considered to provide net community benefit when considering the following:

- *Business development would improve opportunities for local employment.*
- *There would be potential for providing a greater range of services and facilities for the community.*
- *There would be potential for widening the economic base for the local business community.*
- *There would be potential to provide a sustainable development that is sympathetic to the land's natural assets.*

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 land for business development with the potential for job creation and additional employment opportunities for the local community. The planning proposal would need to demonstrate consistency with strategies relating to biodiversity and natural assets to achieve sustainable outcomes.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Community Strategic Plan

There are a number of outcomes to be considered including the following:

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*

Comment

The site contains remnant Shale Sandstone Transition Forest (SSTF) and requires further investigations into methods to ensure this endangered ecological community (EEC) is conserved or offset.

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*

Comment

The application has potential to create land uses which could contribute to local employment but in order to be sustainable the future use needs to be compatible with the natural features of the site worthy of retention and protection.

Infrastructure

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

Comment

The site adjoins serviced urban land and is potentially able to be serviced by reticulated sewer. Additional road infrastructure to cater for traffic generation is likely as Remembrance Drive is a regional level road and both Tahmoor Commercial Centre and Tahmoor Public School generate a substantial level of traffic and future development would contribute to the generation of higher levels of traffic than currently.

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

Development of the site is aimed at achieving a greater range of services and facilities for the local community. Further investigation is required into mitigating potential impacts on the adjoining school and residential and rural residential properties.

Governance

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

Comment

Development of the site for business purposes may provide collaboration and partnership opportunities for local business and the community. The aim is to ensure that all matters relating to the proposal are examined adequately to ensure the proposal is sustainable and that the community is fully engaged in this process.

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

In addition to the Assessment Criteria, the GMS outlined 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 is generally consistent with the Key Policy Directions at this preliminary stage. Further specialist investigations would be required after any initial positive Gateway determination.

***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 planning proposal conforms to the vision of “Rural Living” in terms of potentially providing opportunities for shopping and business development proximate to the centre of a town.

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

Comment

Adjoining landowners were notified of the proposal and identified concerns in relation to amenity, traffic conflict, flooding and incompatible land use. Further investigation of these concerns would be undertaken subsequent to a positive Gateway determination. In addition some adjoining owners raised arguments to support inclusion of their land in the proposal in order to improve traffic movement, stormwater management and the overall economic efficiency of the proposal and reduce potential land use conflict. Council has subsequently received correspondence from these adjoining landowners advising that they will not be seeking rezoning of this adjoining land.

***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 draft 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 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. The site does have a number of easements for electricity and water which cover a significant area and clusters of EEC. The site may be subject to flooding, contains a watercourse and is likely to require traffic management works. These are constraints to development of the site and will require additional investigation to determine whether they are able to be overcome satisfactorily.

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

Comment

New employment lands are an important means of providing positive local and regional employment outcomes and the proposed business development zone would enable additional and more varied opportunities compared to those currently available in the existing business zones.

***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

This site is well located in terms of its proximity to Tahmoor town centre and the specialist investigations will determine whether this site is considered appropriate for development as employment lands.

***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

Reticulated sewer services are potentially available and further contact with service providers will be required to provide confirmation and timing of availability. Traffic, transport and vehicle access and egress are significant issues which would require further investigation to ensure that the site can be sustainably developed and that any additional infrastructure needed would be delivered at the same time as new business development uses.

***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

This proposal does not involve the provision of housing but it is suitably located adjoining urban land and is close to Tahmoor Shopping Centre.

***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.*

Comment

The site contains remnant SSTF and a waterway adjoins the railway land at the rear which links to Bargo River and measures are required to protect this EEC and water quality. The site is not suitable for most agricultural land uses as it contains fragmented portions of cleared land.

***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 possibly practicable, existing dwelling and subdivision entitlements in rural areas.*

Comment

Key Policy Direction P22 is not applicable to the draft proposal.

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 (see **Appendix 3**). Whilst a number of policies may be applicable at the development application stage those applicable to this planning proposal are:

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 was used for agricultural purposes. Agriculture is a potentially contaminating activity and accordingly a preliminary contaminated land investigation should be undertaken prior to rezoning for a range of proposed land uses 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	An extension of the existing urban area for business development is proposed subject to compatibility with site and locality constraints.
strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	Management of water quality impacts can be achieved through revegetation and management of the riparian corridor and use of Water Sensitive Design principles at development stage.

any feasible alternatives to the development	The site was previously zoned 9(d) Open Space Reservation Zone under Wollondilly LEP 1991 and intended for public recreation purposes so the current RU2 Rural Landscape zone significantly increased the potential range of land uses. However the proposed B5 zone will enable a higher intensity of land use than that available under the RU2 zone.
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 SSTF and options for ensuring this remnant vegetation and related habitat is conserved should be examined further.

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

Matter	Comment
1.Total catchment management	Future business development is proposed to be serviced by reticulated water and sewer.
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 the Aboriginal cultural background and any impact on the European heritage item located on the other side of Remembrance Drive.
6.Flora & Fauna	The site is partially cleared and contains remnant SSTF a feature of <i>Cumberland Plain Woodland</i> . The land is not included within the priority conservation lands detailed in the State Government's <i>Cumberland Plain Recovery Plan</i> but the remnant SSTF vegetation is worth conserving as no offset is currently proposed.
10.Urban Development Strategy	This land adjoins existing urban land.
12.Metropolitan Strategy Impacts	The Metropolitan Strategy does not account for site constraints which define the capability of specific lots.

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

The planning proposal is generally consistent with applicable Directions as determined at this preliminary stage. (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?

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). They have approved a Continued Use Property Vegetation Plan (PVP) for clearing of areas determined as regrowth. A copy of the areas mapped as remnant and regrowth is included as **Attachment 2**.

Although SSTF is a species representative of Cumberland Plain Woodland, this land is not within 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 and the vegetation within the site has potential to form a network with this priority conservation area particularly vegetation around the waterway/drainage channel which drains to Bargo River.

The applicant submitted a preliminary flora and fauna report which also suggests that the vegetation is indicative of SSTF. A more detailed Flora and Fauna Impact Assessment and vegetation management plan which addresses the *Cumberland Plain Woodland Recovery Plan* and outlines options for conserving remnant vegetation and improving the riparian corridor should be undertaken.

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

A range of specialist studies would be required to investigate environmental concerns identified and determine appropriate management solutions.

Supporting specialist studies required in terms of likely environmental effects would include the following:

- Flood Management and Stormwater Management Plan
- On-site Waste Water Package Treatment Plant (should confirmation not be received from Sydney Water regarding connection to their scheme)
- Aboriginal Archaeological and European Heritage Cultural Assessment
- Transport and Movement Assessment
- Traffic Assessment
- Bushfire Hazard Management Plan
- Phase 1 Contamination Assessment
- Salinity Assessment
- Acoustic Assessment
- Flora and Fauna Impact Assessment
- Riparian ecology assessment
- Easement Management
- Economic Feasibility
- Economic Impact Assessment

Some of the specific environmental issues identified in relation to the development of this site are as follows:

Traffic and Transport Impacts

In view of the potential impact of this proposal on traffic generation in Tahmoor, the applicant was requested to provide a preliminary traffic impact assessment which is included as **Attachment 3**. A more detailed traffic impact assessment is required to ensure all of the relevant issues are addressed appropriately and in accordance with Council's traffic planning should the site capabilities for urban development be further investigated.

As Remembrance Driveway is a regional road, Roads and Maritime Services are required to be consulted in relation to potential impacts on this road. Traffic impacts and road safety along Bronzewing Street which provides the main access to the Tahmoor Public School, need to be addressed. The preliminary traffic impact assessment provided a range of potential traffic generation levels as no specific development is proposed. In view of the lack of certainty as to the final development proposed, which prevents a more accurate traffic assessment, further

consultation with nearby landowners, Tahmoor Chamber of Commerce, Council's traffic engineers and Roads and Maritime Services would be required prior to further traffic analysis.

The availability of public transport services and pedestrian/cycleway linkages to the town centre and railway should also be examined.

Stormwater management

The waterway and drainage channel on the western end of the site provides drainage for a relatively large portion of the Tahmoor Town Centre south of Thirlmere Way and Progress Street as well as the adjoining medium density residential development. Concerns have been raised in relation to existing issues with stormwater and flooding along this waterway/channel particularly as land immediately north and east upstream in the catchment is known to be flood prone. Accordingly a hydrology study would be required to address these issues and to examine the impact of potential development and the need for any flood mitigation works required.

Bushfire Hazard

The land is subject to bushfire hazard and will require an assessment under the provisions of *Planning for Bushfire Protection 2006*.

Noise

Noise impacts on adjoining residential properties and the primary school from business development and associated activities such as traffic movement should be assessed and suitable methods detailed for alleviating potential noise problems.

Easements

The site is traversed by a number of water supply and electricity easements of varying widths up to 15m wide and the proposal would need to demonstrate that they can be relocated without impacting on adjoining residents or the primary school playground.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposed B5 Business Development Zone is not currently one of the land uses permissible within Wollondilly Shire and therefore was not considered from a strategic viewpoint in the context of the preparation of the Wollondilly Local Environmental Plan 2011. An Economic Impact Assessment which assesses the influence and potential impact of such a zone on Tahmoor, Bargo, Thirlmere and Picton town centres would be required. An Economic Feasibility study which assesses whether the site would be suitable for such a zone is required and this would also be informed by the traffic assessment and an analysis of site constraints.

Privacy and overshadowing have been identified as potential issues and further investigation would be required to ensure that such issues can be alleviated satisfactorily to maintain the amenity of adjoining residential and rural -residential properties and the Tahmoor Primary School playground.

Section D – State and Commonwealth interests.

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

The potential for the property to be well serviced by essential infrastructure will need to be examined with other relevant requirements detailed below:

Water and Sewer

The development needs to be connected to reticulated water and sewer. As the land is zoned rural it is located outside Sydney Water's servicing boundary and therefore the boundary would need to be amended. Investigations are required to be undertaken with Sydney Water to determine whether current infrastructure has capacity to service the site for business development. The applicant has provided some correspondence, dated 2003, from Sydney Water regarding a proposed residential development on the site which indicates that there was capacity in the Picton

STP to cater for that development but up to date clarification is required with regard to proposed business development.

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
- Roads and Maritime Services
- Sydney Water Corporation
- Mine Subsidence Board

Part 4 – Community Consultation

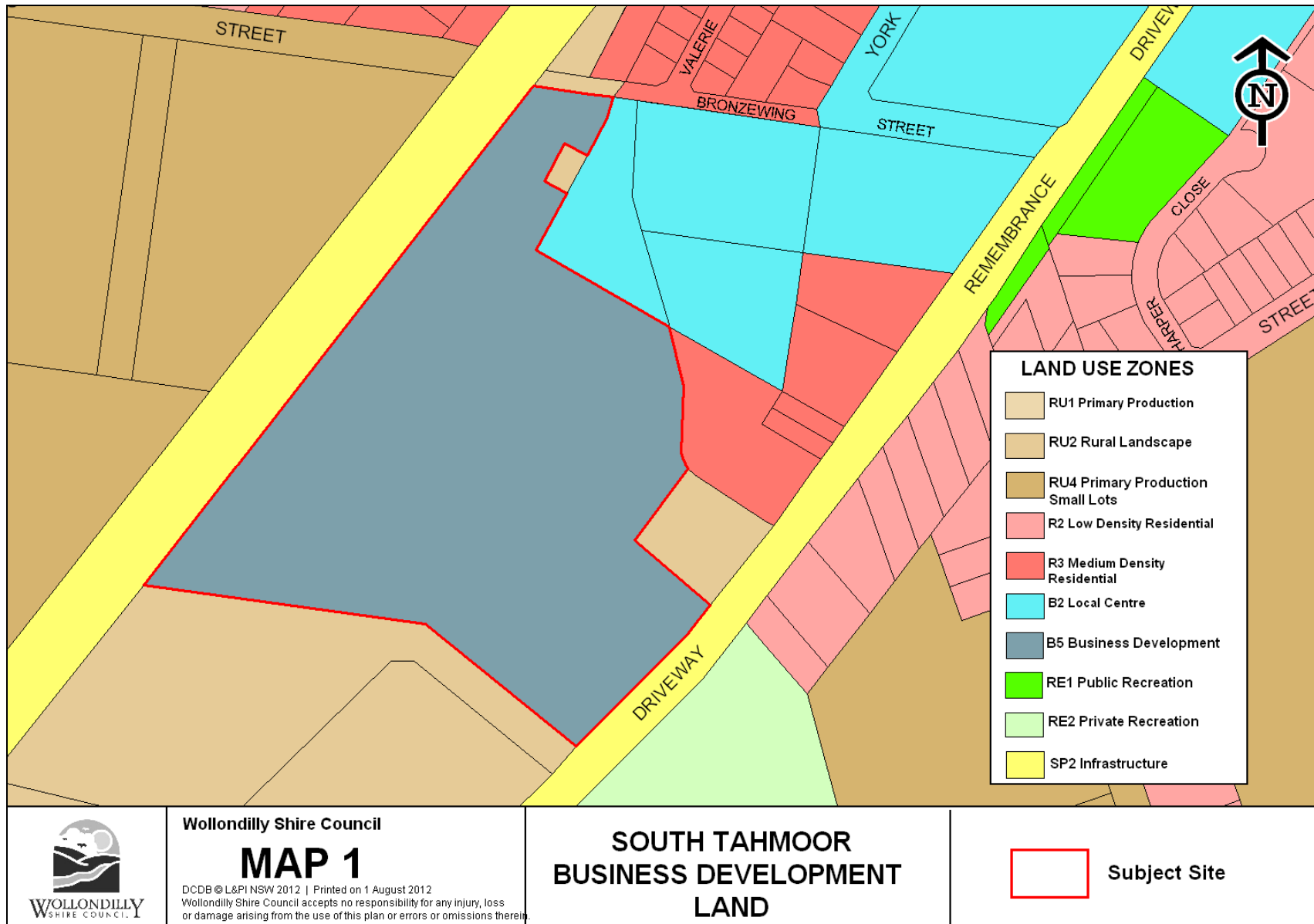
Council has notified adjoining and nearby residents for a period of 28 days in accordance with its notification policy. As a result of this notification five submissions were received and the matters raised will be addressed in future specialist investigations should a positive Gateway determination be received.

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*'.

Maps

1. Proposed Business Development Zoning

Map 1 – Proposed Business Development Zoning



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 generally compatible with the Metropolitan Strategy and Draft South West Subregional Strategy subject to further specialist investigations to ensure sustainable development of the site.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No	The subject site is not identified within a key strategic centre or corridor but is proximate to the Tahmoor Town Centre.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	This planning proposal is not considered likely to create a precedent.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	The planning proposals before Council in the Wollondilly Local Government Area generally comply with Council's strategic direction and are not 'spot rezonings'.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes	The planning proposal aims to facilitate a permanent employment generating activity by providing additional employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No	The proposal is not for residential purposes and is on land currently zoned for rural purposes.
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 planning proposal is likely to generate the need for additional traffic and drainage infrastructure. Confirmation is required from Sydney Water regarding provision of reticulated sewer. The site is close to the railway station and additional cycling and pedestrian connections will be required. The site has good access to existing bus services along Remembrance Drive.
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 of greenhouse gas emissions, operating costs and road safety?	Yes	Additional services and facilities provided by the proposed business development land may limit vehicle trips beyond Wollondilly Shire thereby resulting in reduced vehicle emissions. Road safety particularly in terms of the adjoining public school is of concern and would need to be addressed by specialist investigations after an initial Gateway determination.
Are there significant Government investments in infrastructure or services	No	The proposal aims to utilise the existing infrastructure and services. The developer will extend and upgrade

Evaluation Criteria	Y/N	Comment
in the area where patronage will be affected by the proposal? If so, what is the expected impact?		infrastructure with financial arrangements arranged with each provider.
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 under the <i>Cumberland Plain Woodland Recovery Plan</i> although there is some remnant <i>Shale Sandstone Transition Forest</i> vegetation which is an Endangered Ecological Community. The land has not been mapped as flood prone but flood issues have been identified by residents and land to the north and upstream in the catchment is known to be flood-prone.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community?	Yes	Subject to appropriate solutions to mitigate impacts on the adjoining land uses which include a public school and medium density residential and rural-residential properties.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Yes	Depending on the type of business development there is likely to be an increase in choice and competition. An economic feasibility and impact assessment would investigate these matters.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	The proposed business development land would extend the existing town centre of Tahmoor.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	-	The aim of the proposal is to investigate the capabilities of the land for enabling business development to provide the community with an enhanced range of goods and services without adversely impacting the existing or nearby town centres. It is also aimed at providing additional local employment opportunities and to boost the local economy. The site would maintain its current rural-residential land use if the proposal did not proceed.
Will the public domain improve?	Yes	Development of this land may result in additional community services or facilities. Transport and traffic studies are likely to recommend substantial works for traffic and transport infrastructure and management within and beyond the site which may lead to improved transport infrastructure.

Appendix 2 – Relevant GMS Criteria Assessment

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Generally consistent with relevant provisions relating to employment generating land and further investigation required in relation to biodiversity, traffic and amenity impacts.
State Planning Policies	Generally consistent with relevant provisions in terms of employment opportunities and further investigation needed in terms of biodiversity, traffic and amenity impacts.
Ministerial Directions	Generally consistent with Ministerial directions. (see Appendix 4)
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	Generally consistent with the relevant Key Policy directions with further investigation required in terms of biodiversity, traffic and amenity impacts.
Precinct Planning	This is one property and not part of a precinct. The site has characteristics in terms of its topography and larger size which render it suitable for consideration as a separate entity. Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	The proposal is generally consistent with the outcomes with further investigation required in terms of environmental and social impacts.
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 relevant provisions.
Summary of Likely Impacts	The site has issues in terms of impact on biodiversity, traffic and road safety and school and residential amenity which will need to be addressed in further specialist investigations.
Infrastructure and Services	There is a need for additional road and drainage infrastructure and provision of reticulated sewer.

Supply and Demand Analysis	Not required
Site Suitability/Attributes	The subject site is within 400 metres of Tahmoor Commercial Centre and adjoins Tahmoor Public School, medium density residential and rural residential development and an electricity sub station. It has two street frontages with the main vehicular access proposed from Remembrance Drive a regional road. An intermittent waterway/drainage channel connects to the Bargo River. The site contains patches of native vegetation regrowth and remnant SSTF. The site is traversed with an easement for water supply and two for electricity ranging between 7.5m to 15m wide. A drainage easement also services the adjoining medium density development.
Preserving Rural Land and Character	
Criteria	Response
Character Setting	The setting is at the rural-urban interface with medium density residential and a public school adjoining and a hotel/motel opposite.
Visual Attributes	The site is relatively flat and has no significant topographic features. Mature trees and bushland provide an attractive setting on the north western end of the site and are proposed to be conserved.
Rural and Resource Lands	This land has limited potential for agricultural purposes as it contains fragmented areas of cleared land.
Environmental Sustainability	
Criteria	Response
Protection and Conservation	The site is partially cleared but there is remnant SSTF an EEC which is worthy of protection and conservation.
Water Quality and Quantity	Stormwater management will involve the application of Water Sensitive Urban Design practices. Waste water may be directed to an extended reticulated sewer subject to Sydney Water approval to modify their servicing boundary. No adverse groundwater impacts are projected.
Flood Hazard	A drainage/flood study to examine any potential issues in relation to stormwater and flooding is required.
Geotechnical/Resources/Subsidence	The subject land is within the Bargo Mine Subsidence District and has been undermined in the past.
Buffers and Spatial Separation	Buffers and spatial separation will be required for the adjoining public school playground and the medium density residential and rural residential properties.
Bushfire Hazard	An assessment of bushfire hazard under the provisions of <i>Planning for Bushfire Protection 2006</i> is required.
Heritage	The site contains no listed heritage items of local, state or national heritage significance although there is a European heritage item on the opposite side of Remembrance Drive. An Aboriginal and European heritage assessment is recommended.

Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be applied to any future business development.
Infrastructure	
Criteria	Response
Efficient Use and Provision of Infrastructure	Additional traffic management, pedestrian/cyclist and drainage infrastructure is likely to be required.
Transport Road and Access	A traffic/transport study would examine the impact of the development on the capacity of the local road system, road safety issues associated with the adjoining public school and the need for additional transport infrastructure.
Open Space	The proposed business development is unlikely to require the provision of additional open space.
Employment and Commercial Lands	
Criteria	Response
Regional and Local Dynamics	An Economic Impact Assessment would be required to enable further analysis in terms of the relationship between this proposal and existing nearby town centres.
Location and Area	Further assessment of potential linkages and integration of the site with Tahmoor town centre would be required.
Employment Considerations	No specific industry or business has been nominated for the site so additional information in this regard would be required.
Transport, Road and Access	There are two access roads but Bronzewing Street contains the entrance to the public school and residential properties so the use of just Remembrance Drive for vehicular access would be preferred. Bronzewing Street access would be suitable for pedestrians and cyclists.
Slope/Topography	The land is relatively flat.
Amenity and Air Quality	Adequate separation between the development and, location of buildings and building design is proposed to reduce the impact on adjoining residential properties and the school playground. Further detail of how this can be achieved on-site is required. An odour assessment for a poultry processing plant to the east has determined the site is within a 2 odour unit and unsuitable for new residential development.

Business/Commercial Lands	▪ The site is proximate to residential land. ▪ An Economic Feasibility study would determine the site's suitability for the proposed land uses. ▪ An Economic Impact Assessment would be required to examine the effect on the existing hierarchy of Tahmoor, Picton, Thirlmere and Bargo town centres. ▪ Integration of the site with Tahmoor Town Centre would need to be investigated. ▪ The proposal would need to demonstrate how it reinforces and contributes to the existing and desired character of Tahmoor. ▪ The proposal would need to demonstrate a commitment to achieving high quality urban design principles and positive changes to improve Tahmoor Town Centre and environs. ▪ Further assessment of traffic movements and road safety and pedestrian/cycle modes of transport would be required.
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Appendix 3 – Compliance with SEPPs

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

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	N/A	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	N/A	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	Yes	The Planning Proposal can comply with the aims and objectives of this policy.
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	Yes	Not relevant to this planning proposal
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.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Not yet known	Further investigation of the vegetation and habitat required.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	Not applicable in the Shire of Wollondilly.
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	Not applicable in the Shire of Wollondilly.
62	Sustainable Aquaculture	Yes	Not relevant to the planning proposal
64	Advertising and Signage	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP
65	Design Quality of Residential Flat Development	Yes	Not relevant to this planning proposal.
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	Yes	Not relevant to this planning proposal
	SEPP (Housing for Seniors or People with a Disability)	Yes	Not relevant to this planning proposal
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	Not relevant to this planning proposal
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	SEPP (Major Development) 2005	NA	Not applicable to this planning proposal
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This planning proposal will not change current provisions for mining, petroleum, production and extractive industries.
	SEPP (Temporary Structures) 2007	Yes	This planning proposal will not change current provisions for 'temporary structures'.
	SEPP (Infrastructure) 2007	Yes	The planning proposal would contain provisions that are not inconsistent with the SEPP.
	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.
	SEPP (Western Sydney Employment Area) 2009	NA	Not applicable in the Shire of Wollondilly.
1	Drinking Water Catchments Regional Environmental Plan No 1	NA	Subject lands are not located within the jurisdiction of REP No.1.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	NA	
20	Hawkesbury–Nepean River (No 20 - 1997)	No	The planning proposal is not consistent with this deemed SEPP
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 Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	Yes	Yes	The proposal would increase the amount of employment lands.
1.2 Rural Zones	Yes	No	The proposal will result in the loss of zoned rural land. This land is not prime agricultural land and the change to agricultural production potential may be considered of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The area has been mined and subsided in the past. Proposed development would not compromise future extraction of mining reserves. The planning proposal is not inconsistent with Direction 1.3.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	N/A	N/A	Direction does not apply.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	No	The site contains environmentally sensitive land which should be protected.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Yes	A heritage assessment would be undertaken for Aboriginal and European heritage so it is considered that the planning proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	Yes	Yes	The planning proposal does not enable land to be developed for a recreational vehicle area.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	N/A	N/A	Direction does not apply.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The proposal does not affect LEP provisions for Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations	Yes	Yes	The planning proposal does not change existing LEP provisions which permit home occupations to be carried out in dwelling houses without development consent.
3.4 Integrating Land Use and Transport	Yes	Yes	The site is within walking distance to the Tahmoor town centre. The site is accessible to public bus services along Remembrance Drive and to rail services

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
			from Tahmoor railway station. Traffic management is a significant concern and would need to be investigated if the site was considered suitable for urban use.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	Yes	Yes	The subject land is within the Bargo Mine Subsidence District. The Mine Subsidence Board would be consulted about the proposal. The planning proposal is not inconsistent with Direction 4.2.
4.3 Flood Prone Land	N/A	N/A	Direction does not apply as the site is not known to be flood prone. However adjoining land to the north is known to be flood prone and detailed investigation would be required if the site was considered suitable for urban use.
4.4 Planning for Bushfire Protection			The land to which the planning proposal applies includes bushfire prone land and an assessment of requirements to limit bushfire hazard in accordance with Planning for Bushfire Protection 2006 will be undertaken. The planning proposal is not inconsistent with Direction No. 4.4
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply
5.2 Sydney Drinking Water Catchments	N/A	N/A	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Direction does not apply

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
5.6 Sydney to Canberra Corridor	N/A	N/A	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	N/A	N/A	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority. The planning proposal is consistent with Direction No. 6.1.
6.2 Reserving Land for Public Purposes	Yes	Yes	The planning proposal will not create, alter or reduce existing zones or reservations of land for public purposes. It is considered that the planning proposal is consistent with Direction 6.2.
6.3 Site Specific Provisions	N/A	N/A	Direction does not apply
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	The planning proposal is not inconsistent with the metropolitan strategy and therefore Direction 7.1.

Attachments

- 1. PE3 Agenda item and Minutes of Ordinary Meeting of Council – July 16 2012**
- 2. Hawkesbury Nepean Catchment Management Authority advice on clearing vegetation under the Native Vegetation Act 2003.**
- 3. Preliminary Traffic Assessment prepared by Martens Consulting.**

Attachment 2 – Map indicating land subject to Continued Use Property Vegetation Plan under the Native Vegetation Act 2003



