

Planning Proposal

to amend Wollondilly Local Environmental Plan 2011

Argyle Street Business Development Lands

for the rezoning of land located at 459, 465, 467, 469 and 475 Argyle Street being Lot 212 DP 1094898, Lot 141 DP 997490, Lot 1 DP 537245, Lot 15 DP 1105675 and Lot 16 DP 979250 for Zone 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 'Argyle Street' site (see Figure 1 - Site Map). A resolution to support the Planning Proposal was moved by Council at its Ordinary meeting held on Monday 18 March 2013. A copy of the agenda and minutes of this meeting are included as **Attachment 1**.



Figure 1 : Site Map

Site Details

The subject land comprises five properties with a total area of approximately five (5) hectares. The site map for this land is in **Part 4** of this proposal. The property details for the site are outlined in Table 1 below:

Table 1 – Site Address and Cadastre Details

Address	Lot and DP	Area in ha
459 Argyle Street	Lot 212 DP 1094898	1.277
465 Argyle Street	Lot 141 DP 997490	1.085
467 Argyle Street	Lot 1 DP 537245	0.198
469 Argyle Street	Lot 15 DP 1105675	1.230
475 Argyle Street	Lot 16 DP 979250	1.275
		Total 5.065

The site is located adjoining the Henry Street light industrial area on the western side of Argyle Street and is opposite Picton High School and residential properties on the eastern side of Argyle Street. Four of the properties are within Zone RU2 Rural Landscape and three are used for rural

residential purposes and Lot 141 DP 997490 is vacant. Lot 212 DP 1094898 is within Zone IN2 Light Industrial but is currently used for rural residential purposes. Neighbouring properties to the south and west comprise large rural landholdings. Most of the site slopes relatively gently to the south west and then rises more steeply in the rear half of Lot 16 DP 979250 upto a hill on the adjoining property to the south. The site is largely cleared comprising maintained grass and scattered trees.

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 there is adequate infrastructure to service the site.
- To ensure there are no detrimental impacts on surrounding and nearby areas.
- To ensure future potential development of the site does not impact on the viability of nearby local town business centres.
- To provide opportunities for the development of the site for a range of businesses and particularly bulky goods premises and warehousing.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by including the following provisions:

- Amending the Wollondilly LEP 2011 Land Zoning Map for Lot 212 DP 1094898, Lot 141 DP 997490, Lot 1 DP 537245, Lot 15 DP 1105675 and Lot 16 DP 979250 to Zone B5 Business Development; and
- Amending the Lot Size Map for Lot 212 DP 1094898, Lot 141 DP 997490, Lot 1 DP 537245, Lot 15 DP 1105675 and Lot 16 DP 979250 to allow for no minimum lot size; and
- Amending the Height of Buildings Map for Lot 212 DP 1094898, Lot 141 DP 997490, Lot 1 DP 537245, Lot 15 DP 1105675 and Lot 16 DP 979250 to allow for a maximum building height of 12 metres; and
- Amending the Land Use Table to include a Zone B5 Business Development with the inclusions outlined in the land use table below.

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.

Land Use Table

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 Picton as employment lands (industrial) as an extension of the adjoining industrial zone.

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 subject site is RU2 Rural Landscape and IN2 Light Industrial which does not permit the range of commercial and other uses proposed under the B5 Business Development Zone. There is no Zone B5 Business Development land in Wollondilly Shire. Another previous recent planning proposal 'Tahmoor South Business Development Lands' also proposes the B5 Business Development Zone. Further assessment of the proposed provisions in this zone will be undertaken to ensure that it meets the objectives for both this and the aforementioned planning proposal and that the permissible uses will not potentially adversely affect the economic viability of existing town centres located nearby.

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.*

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 current and draft 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. In particular the recent draft Metropolitan Strategy refers to the need to supply space for the burgeoning hybrid warehouse/e commerce premises and this would potentially be one of the permissible uses within the proposed business development zone.

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 proposed future development for business purposes would change the currently rural character of this area so consideration to urban design sensitive to the surrounding area is important.

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 and any future land use would be sustainably developed.

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 is likely as there is a high traffic generation from the adjoining light industrial uses, Picton High School and the Council's leisure centre.

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 Picton High 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 commercial and light industrial development near a light industrial centre.

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, noise, lighting and incompatible land use. Further investigation of these concerns would be undertaken subsequent to a positive Gateway determination.

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 site is located adjacent to an existing light industrial area and would result in a wider range of land uses potentially permissible in this area. Further assessment of any potential negative impact on the economic viability of existing town centres would be required.

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 an existing light industrial centre and the specialist investigations will determine whether this site is considered appropriate for business development purposes.

***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.

***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 is mainly cleared and is unlikely to support any remnant ecologically significant vegetation. It does not contain any waterways and is not located within the Sydney drinking water catchment. The relatively small lots are unlikely to be viable for many agricultural uses and the potential impact of the proposal on the rural landscape character will be further examined.

***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:

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

SEPP 55

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

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

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

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

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

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

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

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

The land was used in the past 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. Table 2 provides a general assessment of SREP 20 Clause 5 and 6 matters which will be examined in further detail through specialist studies.

Table 2 – Consideration of SREP 20 matters

Clause 5 matters	Comment
Aim of the Plan	An extension of the existing light industrial 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 use of Water Sensitive Design principles at development stage.
any feasible alternatives to the development	There are no feasible alternatives.

- relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored
- The planning proposal would result in the rural character of the landscape being altered to a more urbanised environment and potential impacts on the local community will need to be addressed in specialist studies.

Clause 6 Matters	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 heritage status of the property 'Tyrone' which is located on Lot 1 537245 within the site.
6.Flora & Fauna	The site is largely cleared with only a small amount of vegetation and scattered trees remaining. Accordingly a Flora and Fauna study is not considered to be warranted.
10.Urban Development Strategy	This land adjoins existing urban land.
12.Metropolitan Strategy Impacts	Potential impacts associated with the need for transport infrastructure and air quality resulting from potential future development will be assessed.

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 site is largely cleared with minimal vegetation remaining and there is unlikely to be any likelihood of there being any critical habitat, or threatened species, populations or ecological communities or their habitats. Accordingly there is considered to be no likelihood of adverse environmental effects resulting from future likely development of the site and further investigation with regard to flora and fauna is not considered necessary.

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 to determine appropriate management solutions.

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

- Stormwater and Water Sensitive Urban Design Management Plan
- On-site Waste Water Package Treatment Plant (should confirmation not be received from Sydney Water regarding connection to their scheme)
- Traffic and Transport Assessment
- Phase 1 Contamination Assessment
- Acoustic Impact Assessment

- Lighting Impact Assessment
- Visual Impact and Urban Design

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

Traffic and Transport Impacts

A preliminary traffic assessment indicated issues with regard to the potential increased level of traffic generation and traffic conflict. A more detailed traffic impact assessment is required to ensure all of the relevant issues are addressed appropriately and in accordance with Council's future traffic strategies. Council staff have examined the preliminary traffic impact and determined that Henry Street would be the preferred vehicular access to the site due to issues with regard to traffic conflict and pedestrian safety along Remembrance Drive.

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 particularly in relation to Picton High School and the Council's leisure centre need to be addressed.

Stormwater management

There are no drainage lines or waterways on the site and the main impact from development of the site would be through increased run-off. An assessment of the potential impact from the stormwater on local drainage systems resulting from development of the site and any necessary improvements in drainage infrastructure is required.

Noise

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

Lighting

An assessment of the potential impacts of lighting on the local area from future potential development should be undertaken as the land is currently rural in character with minimal lighting at night. Measures for minimising the potential impact from lighting on nearby residential areas should be undertaken.

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

Heritage

There are no listed heritage items of local, state or national heritage significance or conservation areas located on the site. 'Koorana Homestead' is located on the hill to the south west and around 360 metres from the site and is unlikely to be impacted by the draft planning proposal. One of the properties Lot 1 DP 537245 included in the draft planning proposal includes a house 'Tyrone' which may have heritage value. A heritage assessment of 'Tyrone' and the property should be undertaken to determine its heritage value.

Economic Impact

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 and feasibility 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. The proposed permissible uses within Zone B5 Business Development land use table will also need to be further assessed in relation to the suitability of the uses in terms of the most beneficial economic

development for this site and the Tahmoor South Business Development Lands Planning Proposal site.

Visual Impact and Urban Design

The site is located on the outskirts of Picton Township and currently acts as a rural scenic buffer. An assessment of the potential visual impact resulting from likely development in relation to the streetscape and rural character and on residential properties including overshadowing is required. The assessment should also detail measures for minimising impact using appropriate urban design principles for this location.

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. Investigations are required to be undertaken with Sydney Water to determine whether current infrastructure has capacity to service the site for business development.

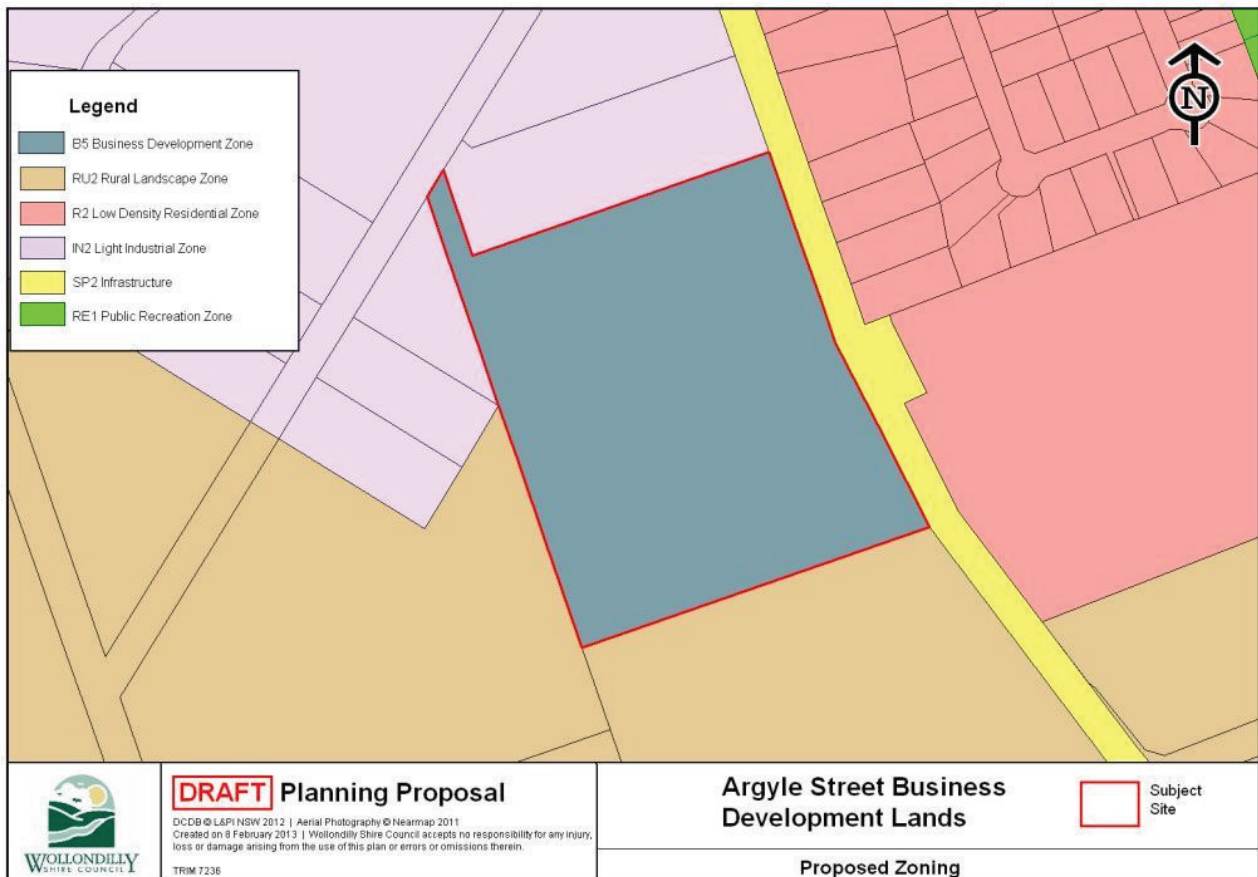
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No Gateway Determination has been made at this point.

Part 4 – Maps

The proposed zoning of the site is indicated on **Map 1**. Maps indicating the proposed lot size, and height of building will be prepared in accordance with the *Standard technical requirements for LEP maps* for community consultation and public exhibition should this planning proposal proceed.

Map 1 – Proposed Zoning of site



Part 5 – Community Consultation

Council has notified adjoining and nearby residents for a period of 28 days in accordance with its notification policy. As a result of this notification five (5) submissions were received and the matters raised in their submissions 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*'.

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 – the Heritage branch may wish to provide comments with regard to the proposed heritage assessment of one of the properties within the site.
- Roads and Maritime Services – the site is located on Remembrance Drive which is a classified road and accordingly the RMS may wish to provide comments with regard to the proposed traffic impact assessment.
- Sydney Water Corporation – most of the site is currently zoned for rural purposes and advice is required from Sydney Water regarding the availability of connection to reticulated sewer.
- Mine Subsidence Board – the site is located within the Bargo Mine Subsidence District and although it has been undermined in the past, the MSB may wish to comment on the requirement for any additional assessment requirements.
- NSW Department of Trade and Investment – the mineral resources section of the DTI may wish to comment regarding any future mineral resources located within the site.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway determination)	6 weeks from submission	Mid June 2013
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	August 2013
Anticipated timeframe for the completion of required technical information - after Specialist Study requirements determined	4 month period	December 2013
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	3 month period	March 2014
Dates for public hearing (if required)	Unlikely to be required	-
Timeframe for consideration of submissions	3 week period	April 2014
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	June 2014
Date of submission to the Department to finalise the LEP (including 6 week period for finalisation)	Not applicable	July 2014
Anticipated date RPA will make the plan if delegated		August 2014
Anticipated date RPA will forward to the Department for notification		August 2014

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 Metropolitan Strategy and Draft South West Subregional Strategies 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.
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	There is minimal cumulative impact resulting from this proposal.
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 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.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is	No	The proposal aims to utilise the existing infrastructure and services. The developer will extend and upgrade infrastructure with financial arrangements arranged with

Evaluation Criteria	Y/N	Comment
the expected impact?		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> .
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	The site adjoins a light industrial area which will be compatible with the proposed business development zone..
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 and complement the existing light industrial area.
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 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 traffic and amenity impacts.
State Planning Policies	Generally consistent with relevant provisions in terms of employment opportunities and further investigation needed in terms of 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 traffic and amenity impacts.
Precinct Planning	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, heritage and economic 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 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 adjoins an existing light industrial area and rural land. Residential properties are located on the opposite side of Remembrance Drive. Overall the site is relatively flat and there is the opportunity for vehicular access to be provided from a local road rather than from Remembrance Drive, a major arterial route.
Preserving Rural Land and Character	
Criteria	Response
Character Setting	The site has a rural character being on the outskirts of Picton but adjoins light industrial land and is opposite to Picton High School and a residential area.
Visual Attributes	The site is relatively flat overall but rises relatively steeply in the south-western corner. It has no significant topographic features.
Rural and Resource Lands	This land has limited potential for agricultural purposes as each property is relatively small. The location adjoining a light industrial area and opposite a high school and residential area would also limit its potential for agricultural purposes due to the potential for rural land use conflict.
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.
Flood Hazard	There are no waterways or drainage lines on this site so on-site flooding is unlikely to be an issue. Stormwater drainage management would be required to ensure that any overflow from the site would not impact on nearby waterways.
Geotechnical/Resources/Subsidence	The subject land is within the Bargo Mine Subsidence District and has been undermined in the past.
Buffers and Spatial Separation	No buffers or spatial separation would be required but consideration would need to be given to urban design to minimise impacts on residential properties opposite the site.
Bushfire Hazard	There is no current bushfire hazard indicated for this site.
Heritage	The site contains no listed heritage items of local, state or national heritage significance. One of the properties may have heritage value and this will be investigated.
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 leisure centre and high 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. In this regard also the provisions of the B5 Business Development Zone will need to be examined to ensure there would not be an economic impact on existing uses from the range of permissible uses.
Location and Area	The site is well located near a light industrial centre which will encourage consolidated development.
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	Access to the site is proposed via Henry Street. Buses along Remembrance Drive would provide public transport for the site.
Slope/Topography	The land is relatively flat overall with a steeper section towards the south-western corner of the site.
Amenity and Air Quality	Residential properties opposite the site may be impacted by overshadowing from the site and from increased lighting and noise from business style development. These potential impacts would require further investigation and recommendations for mitigation.
Business/Commercial Lands	▪ The site is proximate to industrial 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. ▪ The proposal would need to demonstrate a commitment to achieving high quality urban design principles. ▪ Further assessment of traffic movements and road safety and pedestrian/cycle modes of transport would be required.

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	Yes	There is no potential koala habitat on the site.
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	SEPP (Sydney Drinking Water Catchments) 2011	NA	The site is not located within the catchment area..
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.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	The site does not contain environmentally significant land.
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 a potential heritage item 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	N/A	N/A	Direction does not apply.
3.3 Home Occupations	N/A	N/A	Direction does not apply as residential accommodation will be prohibited within the proposed business development zone.
3.4 Integrating Land Use and Transport	Yes	Yes	The site is accessible to public bus services along Remembrance Drive. An assessment of traffic impacts and management would be required.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
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.
4.4 Planning for Bushfire Protection	N/A	N/A	The land to which the planning proposal applies does not include bushfire prone land.
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
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

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
			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	Yes	Yes	The planning proposal will not include provisions that are inconsistent with this direction.
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.

Attachment 1 – Agenda and Minutes for Ordinary Council Meeting – 18 March 2013

The Council Agenda and Minutes are attached separately