



Planning Proposal

To Amend Wollondilly Local Environmental
Plan 2011

Cross Street, Tahmoor

For the rezoning of land located in the vicinity of Cross Street, Tahmoor for residential and environmental purposes.

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Introduction

This Planning Proposal has been prepared as a result of an application from *Urbis* seeking an amendment to the provisions of the Wollondilly LEP 2011 to facilitate approval for residential development and to provide for the conservation of ecologically valuable land.

The Planning Proposal was reported to the Ordinary meeting of Council on Tuesday 22 April 2014 and was supported to proceed to a Gateway Determination. The Council report and minutes are included as **Appendix 1**. The planning proposal site is indicated on Figure 1 below.

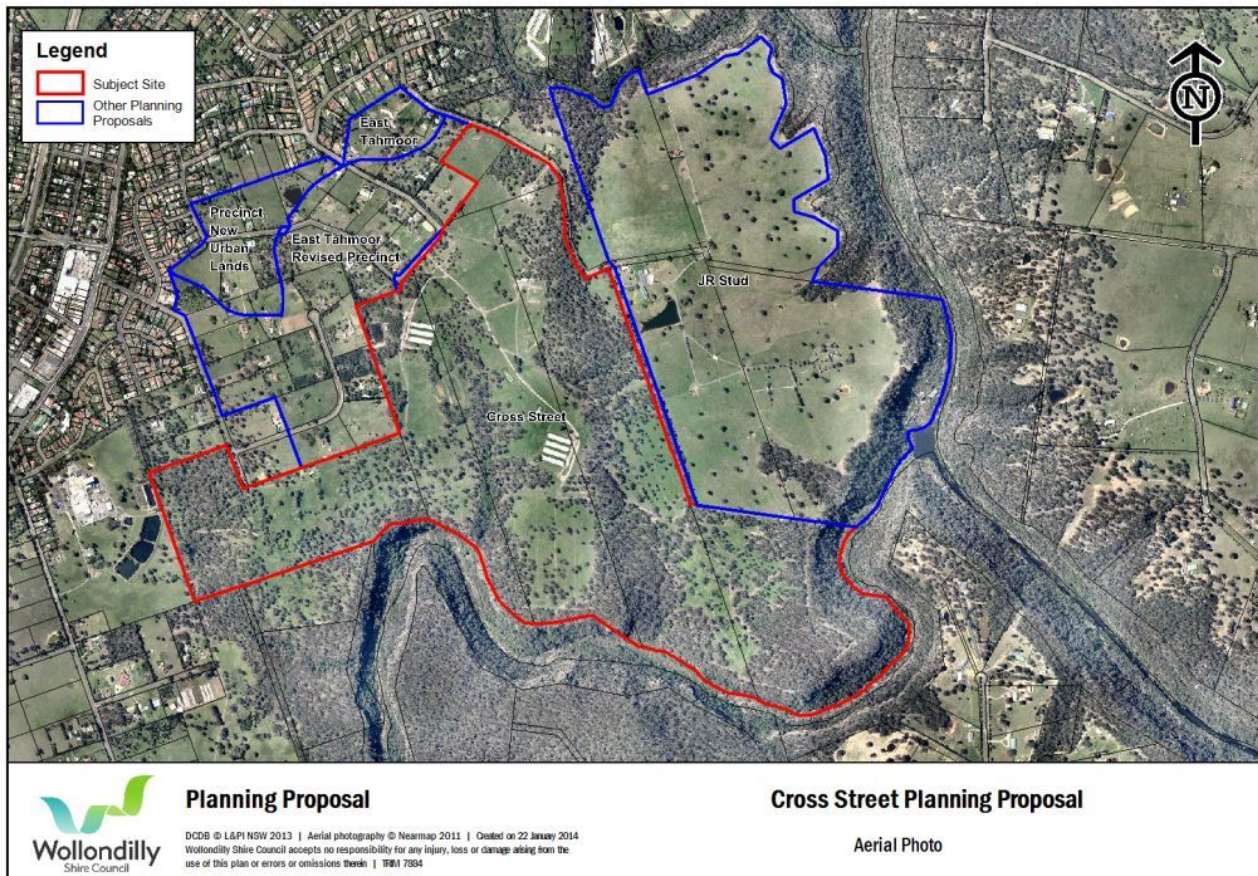


Figure 1 – Aerial View of Site and Surrounds

Site and Land Use Details

The site comprises eight lots with a total area of approximately 167 hectares as detailed in Table 1. It is located on the south-eastern side of Tahmoor partly on the edge of the urban area and is bounded to the south by the Bargo River and Gorge and to the east by a landholding known as 'JR Stud' which has recently been rezoned from rural to allow large lot residential development. A turkey processing plant under the same ownership is located on an adjoining site to the north and west. Around half the site is cleared comprising pasture grasslands used to graze cattle with forested areas located around the four creeklines which traverse the site and around the Bargo River.

The site is used for a duck farming operation and grazing and contains duck sheds, a house and a number of dams. The lots comprise a landholding under single ownership.

Table 1 – Property details

Address	Cadastre Details – Lot/DP	Area in hectares
85 Progress Street	C/374621	26.990
Cross Street/Tahmoor Road	1/ 1128745	19.740
Cross Street	2/1128745	40.190
River Road	3/1128745	45.780
River Road	4/1128745	28.570
River Road	5/1128745	3.563
River Road/Myrtle Creek Road	6/1128745	.095
Total		167.111

Zoning

Most of the site is currently zoned RU4 Primary Production Small Lots with a minimum lot size of 2 ha and no maximum building height. Portions of Lots 2-4 around the Bargo River also include land zoned E2 Environmental Protection.

Part 1 – Objectives or Intended Outcomes

To enable the development of the site for the purposes of approximately 240 residential lots comprising mainly large lot residential and to provide for the conservation of ecologically valuable land.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending Wollondilly LEP 2011 as follows:

- Amend the Land Zoning Map from Zone RU4 Primary Production Small Lots to part Zone R2 Low Density Residential, part Zone R5 Large Lot Residential, part Zone E2 Environmental Conservation and part Zone E3 Environmental Management and;
- Amend the Lot Size Map from a minimum lot size category of 2ha to a range of lot sizes yet to be determined and;
- Amend the Height of Buildings Map from a Maximum Building Height Category of no maximum height to a Maximum Building Height Category of 9 metres.
- Amendments are anticipated for the Natural Resources – Biodiversity and Natural Resources – Water maps. However, the details of the changes will not be known until specialist studies are completed.

A map showing the proposed zones is included in Part 3 mapping. The area and location of zones may be altered as a result of further investigations post Gateway.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the direct result of any strategic study or report although the site area is generally identified in the Wollondilly Growth Management Strategy 2011 (GMS) structure plan for Tahmoor & Thirlmere as a potential extension of the urban area.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current zoning of the site is Zone RU4 Primary Production Small Lots which does not allow for residential development at the density proposed. The proposed residential rezoning is for a mixture of mainly large lot residential with some low density residential land. The rezoning of ecologically valuable land to Zone E2 Environmental Conservation is considered the best means of achieving the conservation of environmentally sensitive land on the site.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the aims of the Metropolitan and sub-regional strategies in relation to providing suitable land to increase housing opportunities while having minimal environmental impact.

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

Community Strategic Plan

The planning proposal is consistent overall with Council's Community Strategic Plan (CSP). It is considered that this proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

Economy

Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.

Comment

The development of future residential land on this site will be undertaken within a regulatory and policy framework which will ensure a high quality built environment.

Environment

A community that is surrounded by a built and natural environment that is valued and preserved.

Comment

A large proportion of the site around the Bargo River that contains ecologically endangered land is proposed to be conserved.

Infrastructure Outcomes

Communities are supported by safe, maintained and effective infrastructure.

Comment

Upgrading of local roads and provision of shared pedestrian and cycle routes is proposed and assessment of the provision of required infrastructure in consultation with public authorities will be undertaken post Gateway.

Wollondilly Growth Management Strategy

The Growth Management Strategy was adopted by Council on 21 February 2011 and is a policy document with associated mapping which contains key directions and principles to guide proposals and Council decisions on growth. It identifies this site as being part of the "Potential residential growth areas" on the Structure Plan – Tahmoor & Thirlmere. The *Growth Management Strategy's Appendix 1* to the GMS, provides Assessment criteria which are required to be met to satisfy the Key Policy Directions. The GMS states that the Assessment Criteria will apply to any planning proposal which seeks to develop land for residential and employment uses as outlined in the GMS. All planning proposals will need to address and be consistent with these criteria.

Appendix 2 to this submission sets out the relevant Assessment Criteria to this proposal and comments on its consistency with the criteria.

In addition to the Assessment Criteria, the GMS outlines a number of Key Policy Directions. The relevant directions are set out below:

P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.

Comment

The planning proposal satisfies this Key Policy Direction.

P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS)

Comment

The draft proposal is generally consistent with the concept and vision of ‘Rural Living’ as it proposes to develop land which is located near an urban centre and maintains a significant proportion of the site in its natural state to provide a separation between rural lands and to ensure that important ecological conservation values are maintained.

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

Comment

A total of six submissions were received and the comments in relation to the protection of Bargo River Gorge, the density of development and the provision of infrastructure will be important considerations to be addressed should a positive Gateway Determination be received.

P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.

Comment

There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.

P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).

Comment

The proposal will add to the urbanised area east of Tahmoor down to the Bargo River environs including the recently rezoned land within the J R Stud Planning Proposal. Within the constraints of the site the proposal is considered appropriate as it will facilitate the orderly development of housing. Conservation and enhancement of remnant vegetation and riparian areas is intended.

P6 Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.

Comment

The proposal contributes toward Council’s dwelling target for Tahmoor & Thirlmere outlined in the GMS. The Structure Plan for Tahmoor & Thirlmere includes the subject land as a “potential residential growth area.”

P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.

Comment

The proposal aims to provide for a range of housing options including low density and large lot residential land. These housing options will assist in meeting affordable housing needs within the community.

P9 *Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).*

Comment

The proposed density will vary across the site and further consideration will be given to the most appropriate density of residential development to suit the environmental capacity of the site and to provide environmental conservation land to assist in protecting the Bargo River Gorge and endangered ecological communities.

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

Comment

The land is located to the east of the existing urbanised area of Tahmoor and is expected to eventually be adjacent to land which is proposed to be rezoned for low density residential purposes.

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

Comment

Although there is no employment lands proposed, there will be short-term employment opportunities through the constructions jobs associated with the civil and building works. The proposal will also provide stimulus to the local economy by boosting population.

P16 *Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.*

Comment

The site is not proposed to be zoned to facilitate further employment opportunities. Modest economic opportunities may exist for home business and tradesmen.

P17 *Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire’s existing and future community.*

Comment

It is anticipated that the site will be able to be serviced with the extension or augmentation of existing infrastructure although further consultation with service providers particularly Sydney Water should be undertaken. There may be a need for upgrades to local roads and transport infrastructure and this will require further assessment post Gateway.

P18 *Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.*

Comment

The western part of the site is located around 600m from community facilities and services in Tahmoor town centre. The site is accessible via the local road system and through extensions to the cycleway/pedestrian pathways and is able to be connected to most other services.

P19 *Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.*

Comment

The proposal does not contribute toward dispersed population growth as it proposes urban growth in close proximity to the east of Tahmoor urban area.

P20 *The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.*

Comment

This is an area identified as a being a potential residential growth area on the Tahmoor & Thirlmere Structure Plan in the GMS. The draft proposal contributes toward Council's dwelling target for Picton, Tahmoor and Thirlmere identified in the GMS.

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 capacity of the existing sewerage system to service the proposed development land will require further consultation with Sydney Water.

Ensuring wastewater is managed to limit environmental impact on the Bargo River and environs will require further consideration post Gateway.

P22 *Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.*

Comment

Key Policy Direction P22 is not applicable to the proposal.

5. Is the planning proposal consistent with applicable state environmental planning policies?

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken and the planning proposal is consistent with all of the relevant policies (see **Appendix 3**). A number of policies would be applicable at the development application stage and those applicable at the strategic planning stage and relevant to this planning proposal are:

*State Environmental Planning Policy No. 55 – Remediation of Land ("SEPP 55");
Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River 1997 ("SREP 20")
State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)*

State Environmental Planning Policy No. 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 is currently used for intensive livestock agriculture. This is a potentially contaminating activity and accordingly a preliminary contaminated site investigation was undertaken as attached in **Appendix 9**. This investigation found that there are contaminants on the site but these would be unlikely to pose a risk to the environment or to human health and therefore the land is considered to be suitable for the purposes of residential development. The site will require a Phase 2 Contaminated Site Investigation and remediation prior to development and this requirement should be included in Wollondilly Development Control Plan 2011 (WDCP 2011).

Sydney Regional Environmental Plan 20

Clause 4 of SREP 20 requires assessment of the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 in the preparation of an environmental planning instrument.

Consideration of the 'clause 5' matters is set out below

Matter	Comment
Aim of the Plan	The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Potential impacts of any significance relate to water quality impacts
<ul style="list-style-type: none"> strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy 	Subject to appropriate management of water quality impacts the scale of the proposal is likely to be acceptable in terms of the Action Plan strategy.
<ul style="list-style-type: none"> any feasible alternatives to the development 	An increase in the proportion of the site connected to reticulated sewer would improve any potential water quality issues and this will be investigated further in consultation with Sydney Water.
<ul style="list-style-type: none"> relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored 	The rezoning as proposed will impact on endangered ecological communities. Further assessment of the impact will be undertaken post Gateway to determine if the impact can be reduced further. A significant portion of the site adjoining the Bargo River is proposed to be included in an E2 Environmental Conservation Zone. Potential impacts on the scenic

quality of the Bargo River Gorge will also be addressed post Gateway.

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

Matter	Comment
1.Total catchment management	The planning proposal is proposing a combination of measures to achieve total catchment management including buffers around riparian land and large areas zoned for environmental conservation purposes.
3.Water quality	The site catchment drains into both the Nepean Rive and the Bargo River. Further consultation with Sydney Water will determine whether there is capacity for a higher proportion of the site to be connected to reticulated sewer. Water Sensitive Urban Design (WSUD) measures would be implemented at development application stage.
5.Cultural heritage	An Aboriginal Archaeological Assessment has found that there are no aboriginal sites on this land.
6.Flora & Fauna	The site contains areas of cleared grazing land but also a high proportion of bushland with areas of Cumberland Plain Woodland which is critically endangered and Shale Sandstone Transition Forest an endangered ecological community. Land around the Bargo River is included within the priority conservation lands detailed in the State Government's <i>Cumberland Plain Recovery Plan</i> . Most of this land is proposed to be rezoned E2 Environmental Conservation. Further refinement of the development footprint is proposed post Gateway to ensure that this endangered ecological community is protected to the greatest extent possible.
10.Urban Development Strategy	Most of the site is proposed to be rezoned to large lot residential with potential for on-site wastewater management. Further assessment of lot sizes will be undertaken post Gateway to determine whether a higher proportion of the site is able to be connected to reticulated sewer or that minimum lot sizes are large enough to ensure that water quality is maintained in creeks and the Bargo and Nepean Rivers.
12.Metropolitan Strategy Impacts	Waste disposal, air quality and predicted climate change are considered negligible when taking into account the relatively small scale of the proposal.

State Environmental Planning Policy No. 44

The study site contains potential Koala habitat and accordingly a survey will be required to determine whether any parts of the site meet the criteria for core koala habitat under SEPP 44. The Ecological assessment indicates that *"the greater proportion of trees"* within the study area is to be included within the E2 Environmental Protection zone. If there is an area of core koala habitat, it should be identified and measures to protect it incorporated into a plan of management.

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

The planning proposal is considered to be consistent with all relevant directions. (See **Appendix 4**).

Section C – Environmental, social and economic impact.

7. 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 following specialist study was undertaken:

Ecological and Riparian Assessment – Appendix 5

Flora and Fauna

An *Ecological and Riparian Assessment* has been undertaken which examined flora and fauna and determined that the vegetation within the site consists of five vegetation communities with Cumberland Plain Woodland being listed as critically endangered under both the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999* and the *NSW Threatened Species Conservation Act 1995*. Vegetation on the site is also mapped on the *Cumberland Plain Recovery Plan* as priority conservation lands. Most of this land is proposed to be zoned E2 Environmental Conservation.

The consultants assessed the development and conservation outcomes using the Biocertification Assessment Method and determined that three out of four ecosystem types exceeded their credit requirements. The report concluded that good conservation outcomes are achievable. Further refinement of the zoning and development layout is proposed post Gateway.

Environmental Conservation E2 zoned (E2) land is proposed in a north south direction to provide habitat corridors between land proposed to be zoned residential; on land within the 500m buffer from the turkey processing plant and; on land around the Bargo River. As there would be some impact on endangered ecological communities, further assessment of the proposed development footprint should be investigated post-Gateway.

The report also indicates that it is proposed to secure the ongoing management of the proposed E2 land through a vegetation management plan and long term security via either a legal agreement on title or transfer of the E2 land to a public authority if appropriate. Council is unlikely to consider managing this land due to the potential financial burden on its limited resources. Council would only consider managing this land with financial support for ongoing maintenance from the landowners through a voluntary planning agreement. Other alternatives include biocertification and biobanking of the site or the continued management of the site by the landowner. In the longer term it is hoped that the Bargo River Gorge and environs will be included in a National Park but at this point in time it is considered unlikely that the Office of Environment and Heritage would be interested in including the land within a national park particularly given their lack of interest in considering the E2 land within the recently rezoned adjoining JR Stud site for this purpose.

Council resolved in their meeting held on Tuesday 22 April 2014 that the proponent should provide additional details as to the management of this land as indicated below

“... a management plan shall be prepared to outline how the buffer area will be maintained and managed. Both the cross section and the management plan shall be placed on exhibition with the proposal should it receive a positive gateway determination.”

The ongoing maintenance and management of environmental conservation land will require further consideration post-Gateway.

Bargo River Gorge

The site is bounded to the south by the Bargo River and the spectacular Bargo River Gorge. Protection of the Bargo River Gorge which is a significant natural attribute should be a key aim of the planning proposal. The Bargo River corridor forms part of a link between the Greater Blue Mountains World Heritage Area and the Upper Nepean to Illawarra water catchment wilderness areas. There is currently E2 zoned land around the Bargo River some of which is located on the subject land and this was not identified in the Ecological and Riparian report. Clarification will be required to determine the amount of additional E2 land proposed. At one location the report states that the proposed width of the E2 zone would be only 50m from the top of the bank of the Bargo River to the proposed development. Council's DCP requires a riparian buffer of 100m from the top of bank of the Bargo River and wastewater management areas are required to be at least 100m from permanent waterways. Consideration should be given to the impact of additional residential development this close to the Bargo River Gorge and the 'edge' effect of urban development on the Gorge with its steep cliffs and impacts in relation to bushfire hazard, bushfire management, weed management, abandoned vehicles, keeping of domestic animals, thinning of vegetation, wastewater management as well as the visual impact on the Gorge. At their meeting held on Tuesday April 22 2014 Council resolved as follows

"That the future development of the land within the Cross Street Planning Proposal incorporate a buffer of at least 100 metres from the top of the bank of the Bargo River Gorge to any residential building. That the applicant be advised that the studies prepared and submitted during the rezoning process will need to demonstrate how this will be achieved and what mechanisms (eg zoning, restrictions on title) will be used to provide certainty of this outcome. To enable the public to understand what is proposed in respect of this buffer the proponent shall also submit a typical cross section drawn to an appropriate scale showing the gorge, the proposed E2 zone, the asset protection zone required for bushfire protection, the area required for waste water disposal (if the lots are not connected to a reticulated sewerage system) and the location of residential buildings."

Buffers to the Bargo River Gorge will require further consideration and detailed assessment post Gateway.

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

Preliminary specialist studies were undertaken:

- Bushfire Protection Assessment – Appendix 6***
- Preliminary Stormwater Management Strategy – Appendix 7***
- Traffic Impact Assessment – Appendix 8***
- Preliminary Contaminated Site Investigation – Appendix 9***
- Noise Assessment – Appendix 10***
- Odour Impact Assessment – Appendix 11***
- Preliminary Wastewater Assessment – Appendix 12***

Bushfire Hazard

A significant proportion of the site is impacted by bushfire hazard but the bushfire assessment has indicated that asset protection zones are able to be provided and would allow for adequate protection under the requirements of *Planning for Bushfire Protection 2006*. Consultation will be undertaken with the Rural Fire Service post Gateway.

Stormwater

A Preliminary Stormwater Management Strategy was undertaken which provided an assessment of the catchment stormwater run-off and music modelling. The report identified that the site drains into two major rivers, with 80% of the site draining into the Bargo River and 20% of the site draining into the Nepean River. Music modelling of the site indicated that with suitable detention measures water quality would be able to be maintained. No assessment was undertaken of potential flooding

of the site. Further assessment of the proposed strategy and infrastructure requirements and provision and potential flooding impacts would be required post-Gateway and after consultation with the Office of Environment.

Traffic and Transport

A Traffic Impact Assessment was undertaken which indicated that the existing local road network would have the capacity to cater for additional traffic generated from the site although the upgrading of sections of River Road was identified. The analysis included consideration with regard to the cumulative impact in the longer term when considering the other planning proposals in the East Tahmoor area. Traffic modelling using Council's TRACKS model is considered essential to clearly demonstrate the potential impact on the whole road network.

The proposed development in its entirety will be some distance from Tahmoor town centre and therefore effective pedestrian and cycleway links and public transport will be important. The report indicates that there is currently a 'cycleway/shared pathway' route along Progress Street which is incorrect but there is a cycleway route on Remembrance Drive which crosses Progress Street.

Comments received from local residents indicated that traffic generated on local roads is a concern. Further assessment of traffic and transport impacts will be required post Gateway and after consultation with Roads and Maritime Services in relation to Remembrance Driveway.

Contaminated Land Investigation

Under *State Environmental Planning Policy No 55 – Remediation of land*, planning authorities are required to consider the potential for contamination to adversely affect the suitability of a site for its proposed use. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. Accordingly a preliminary Stage 1 contaminated land investigation was undertaken and found that although there are some areas of contamination these are able to be remediated and would allow the land to be suitable for residential development. A Phase 2 Contaminated Site Investigation and remediation would be required prior to subdivision of the site should it be rezoned.

Noise

A noise assessment was undertaken in relation to the operation of the turkey processing facility located between Rockford Road and Progress Street. This assessment indicated that sensitive receivers in the proposed development area would not be impacted by operational noise during the day, evening and night time periods as the 37 dB(A) $L_{eq, 15\text{-minute}}$ criterion would not be exceeded. The night time sleep disturbance criterion of 47 dB(A) $L_{1, 1\text{-minute}}$ also would not be exceeded at any of the receivers. Accordingly noise impacts are not considered to be an issue in relation to this planning proposal.

Odour

An Odour Impact Assessment was undertaken in relation to the turkey processing facility. Based on the NSW Environmental Protection Authority classification of population densities an *odour performance criterion* of "2 odour units" was adopted by the assessment for the dispersion modelling. When accounting for all odour sources from the turkey processing facility, a small area proposed for residential development would lie within the 2 odour unit contour boundary which is consistent with the buffer zone determination for 'greenfield' developments. However as the site is near existing and adjacent to proposed urban lands, future development would be considered to be 'infill'. Accordingly the consultants advised that the proposed 500m buffer distance which is the approach adopted in Wollondilly Development Control Plan 2011 for locating new poultry farms in relation to residential areas, would be satisfactory but should not be less than this. Applying the 500m buffer would result in all land proposed for residential rezoning being outside the buffer and therefore unlikely to be impacted by odour.

Wastewater

A Preliminary Wastewater Assessment was undertaken for land proposed to be rezoned for large lot residential and environmental management and utilising on-site wastewater management. The

assessment was based on a proposed large lot residential size of 1500m² for around 220 lots with around 20 lots proposed for low density residential purposes to be connected to reticulated sewer. According to Council's Environmental Health officer the minimum lot size should be increased to 4000m². Section 4.3.3 of Wollondilly DCP, objective (b) is "To ensure that allotment sizes in unsewered areas are of sufficient shape and size to accommodate on-site effluent disposal." A 1500m² lot size would not be sufficient using the calculations required by the Department of Local Government (DLG) *On-site Sewerage Management for Single Households Guidelines*. Additionally AS/NZS 1547:2012 Appendix K Table K2 (pg. 135) recommends that small lot sizes need a 100% reserve area in case of failure of the area. This would definitely not be feasible with the proposal lot size of 1500m².

In accordance with Council's Onsite Sewerage Management Strategy, the minimum required size of available effluent disposal area, is 1500m² for surface irrigation and 300m² – 1500m² for subsurface irrigation. On average an effluent application area is typically around 850m². The Preliminary Wastewater Assessment recommends a minimum disposal area of 540m². Space must also be factored in to accommodate treatment tanks, on-site infrastructure and buffer distances, requiring the typical Effluent Management Area (EMA) to be at least ~1,000 m². In addition to the EMA, the lot must have sufficient area for the proposed dwelling and other spatial uses, such as driveways/pool/gardens and if it is a sloped property, sufficient area downslope of the disposal area for the sustainable assimilation of pathogens and nutrient within the property boundary, as required by the DLG Guidelines.

The potential impact of wastewater on the water quality of the Bargo River is an important consideration. Under Council's wastewater policies, effluent disposal areas are required to be located at least 100m from permanent watercourses so careful consideration is required of the proposed location of areas to be rezoned for residential purposes and wastewater management in relation to the proximity of the Bargo River and Gorge.

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

The following specialist study was undertaken:

Archaeological Investigation on Indigenous Culture – Appendix 13

Archaeological and Cultural Heritage

The report prepared for the planning proposal updated a previous investigation undertaken in 2006. The updated report takes account of new requirements for Aboriginal consultation in guidelines and codes of practice introduced in 2010 and 2011. The 2006 report referenced a previous archaeological investigation undertaken on the site in 1993 which identified six PADs (Potential Archaeological Deposits) in the "easternmost of the two gullies". The 1993 report suggested that future development may be excluded from this gully area thereby providing adequate protection. These PADs were not registered on AHIMS and therefore they have not been recorded as sites for further investigation. The survey of the subject area in 2006 did not identify any sites or places of cultural significance. A search of the AHIMS database in 2012 found that no new sites had been registered for the subject area.

The Archaeological Investigation concludes that as no artefactual material was found and as the site was not identified as being a place of Aboriginal cultural significance that there are no constraints on archaeological or Aboriginal cultural grounds to the proposed subdivision, or by inference rezoning to allow for further subdivision for residential purposes. The report recommended the normal conditions should a heritage item or human remains be found during development. The gully where the PADs were found in 1993 appears to be located within the area to be zoned E2 Environmental Conservation which will not be developed but this should be clarified. Consultation with the Office of Environment is required post Gateway to assess the need for further archaeological investigation of the site.

European Heritage

There are no items of European Heritage located within the subject site and no such items located in the vicinity which would likely be impacted by the planning proposal.

Community Development and Open Space

Further assessment of the need for additional community facilities and services and open space within the site will be undertaken post Gateway.

Section D – State and Commonwealth interests.

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

A preliminary report detailing consultation undertaken with utilities and servicing organisations was undertaken:

Utilities and Servicing – Appendix 14

Water

There is currently no potable water services to the site but there are a number of suitable connection points. Sydney Water has indicated that no upgrades are currently planned in the area.

Sewer

The site is not currently serviced by sewer. A portion of the site (40 lots) can be gravity drained to an existing sewer pumping station with a new connection line. There are a number of options identified for servicing the remaining lots with reticulated sewer but these options will need to be confirmed with Sydney Water. Sydney Water has indicated that no sewer upgrades are currently planned in the area. Further consultation with Sydney Water will be required post-Gateway.

Electricity

There is a zone substation near the site and preliminary discussions with Endeavour Energy indicate that there is capacity to service the site with additional infrastructure to be installed at the cost of the developer.

Telecommunications

Telstra services are available for connection in the area. The site is outside the NBN Co. footprint but an application for reticulation has been submitted to Telstra Smart Communities by the applicant.

Natural Gas

Jemena have indicated that there is natural gas in the area but availability is subject to commercial viability.

Mine Subsidence Board

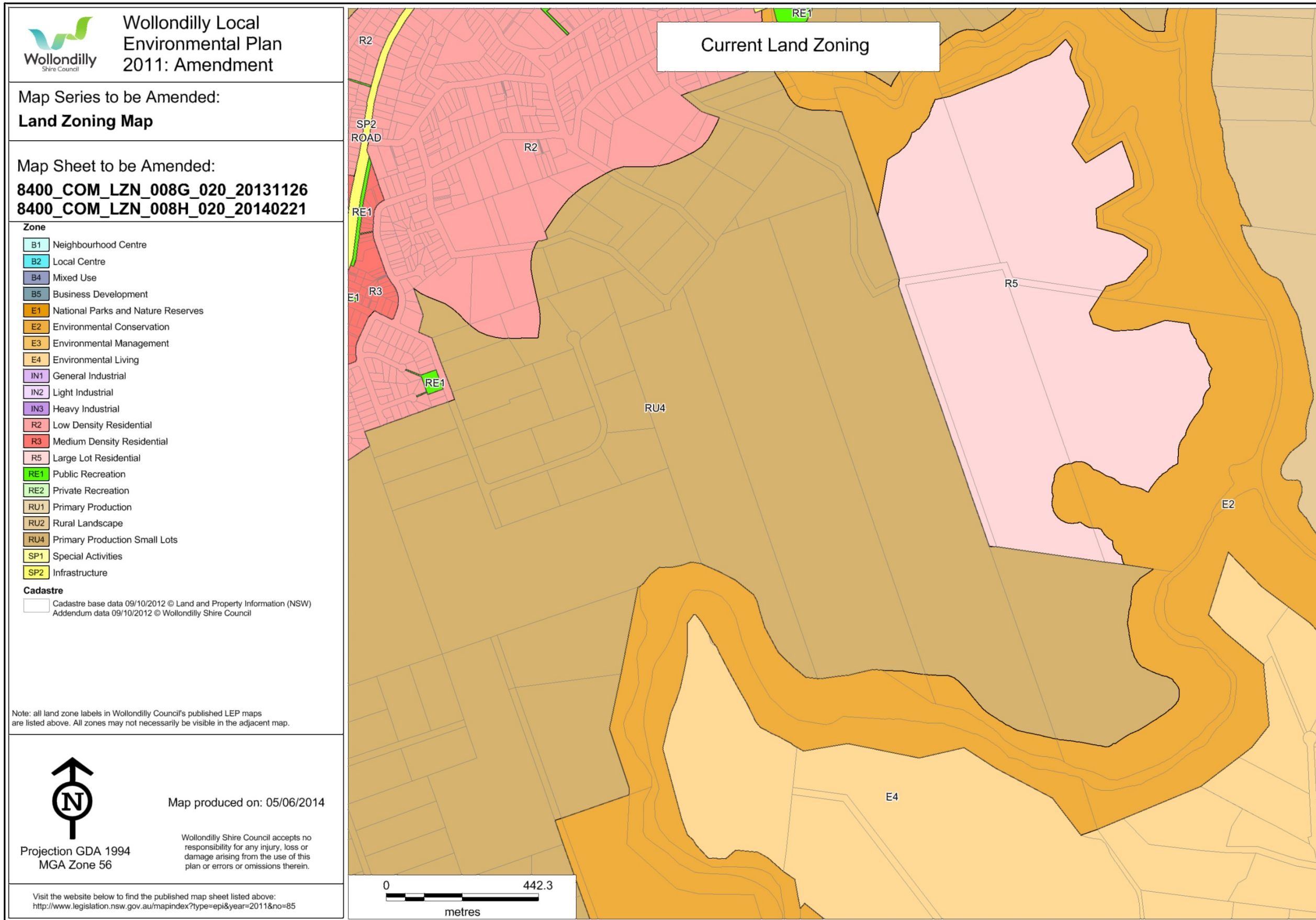
The whole site lies within the Bargo Mine Subsidence District. A letter from the Mine Subsidence Board indicates that part of the site was directly undermined recently and the remainder of the site has not been mined under and will not be mined under in the near future. Mining was undertaken approximately 4 years ago in this area but as a result of community representations it was restricted to around 500 m from the centre of the Bargo River to limit potential impact on the Gorge. Accordingly mining and the risk of mine subsidence is not considered to be a constraint for this planning proposal.

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

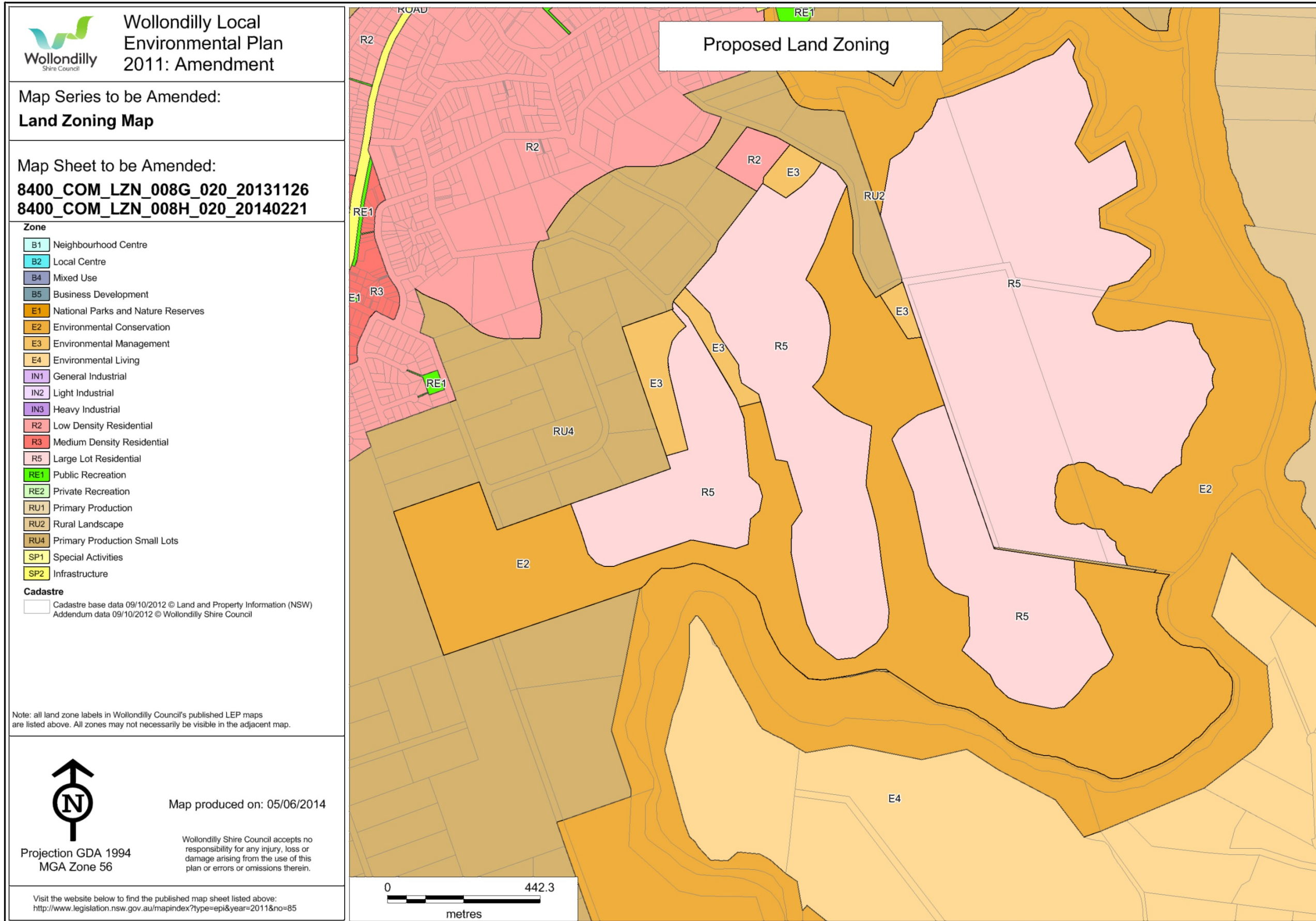
The following agencies and departments are proposed to be consulted subject to a positive Gateway Determination.

- Transport for NSW
- Roads and Maritime Services
- Sydney Water Corporation
- Mine Subsidence Board
- Office of Environment and Heritage
- Rural Fire Service
- Greater Sydney Local Land Services
- Department of Trade, Investment, Regional Infrastructure and Services - Office of Resources and Energy
- NSW Department of Primary Industries – Office of Water
- NSW Department of Primary Industries – Agriculture
- Department of Education and Communities
- Ministry of Health

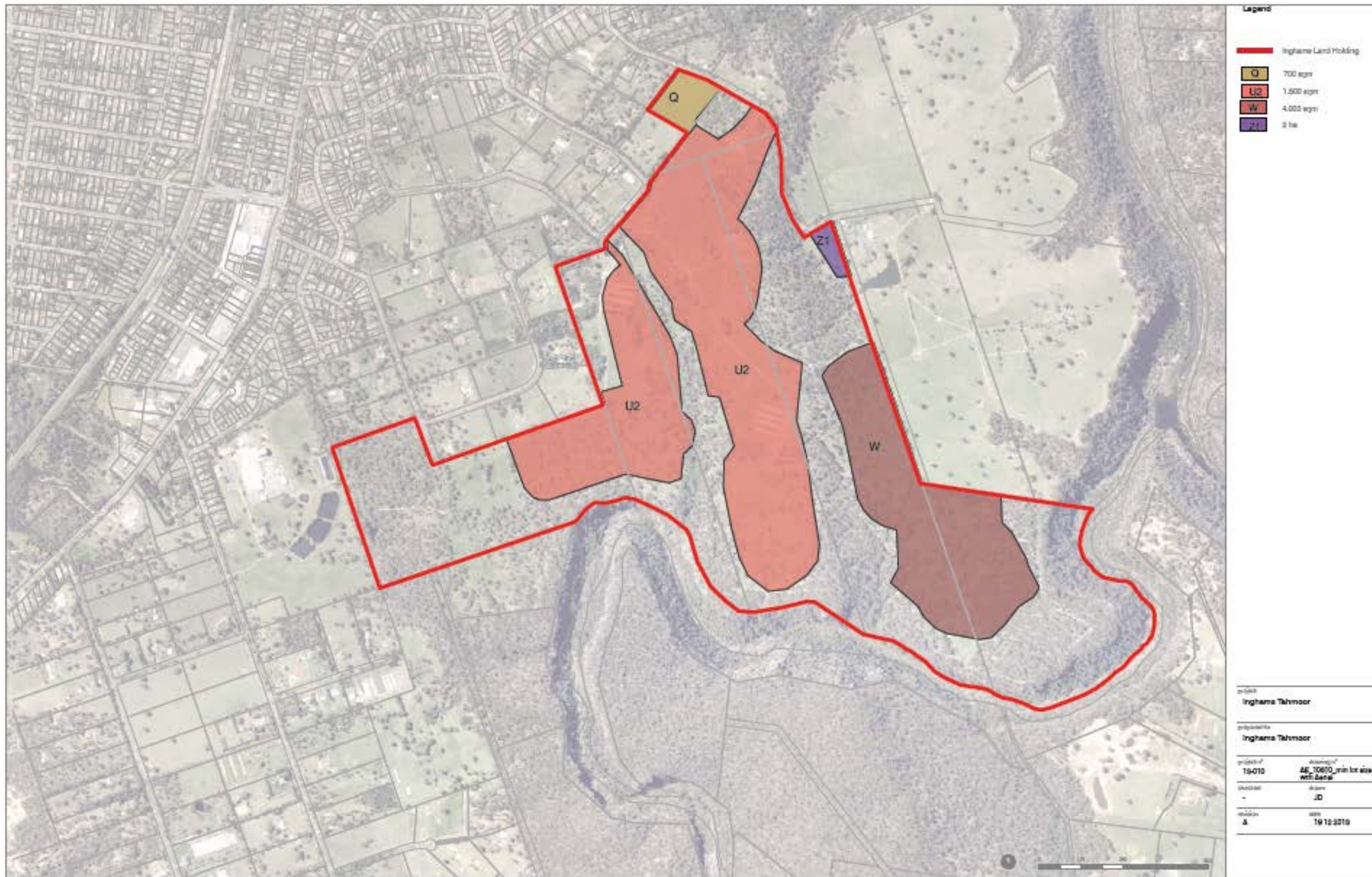
Current Land Zoning



Proposed Land Zones



Indicative Lot Size



INDICATIVE MINIMUM LOT SIZE
Inghams Tahmoor



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 six submissions were received and the matters raised are proposed to be addressed post Gateway.

Council is proposing to exhibit this planning proposal and draft LEP amendments and consult with the community for a 28 day period in accordance with the requirements for community consultation outlined in 'A guide to preparing local environmental plans.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline completed
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&E	August 2014
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	Mid October 2014
Anticipated timeframe for the completion of required technical information - after Specialist Study requirements determined	4 month period	Mid March 2015
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	Mid June 2015
Dates for public hearing (if required)	Unlikely to be required	-
Timeframe for consideration of submissions	4 week period	Mid July 2015
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	2 months	Mid September 2015
Date of submission to the Department to finalise the Draft LEP amendment (including 6 week period for finalisation)	2 months	Mid November 2016
Anticipated date RPA will make the plan if delegated	1 month	Mid December 2016
Anticipated date RPA will forward to the Department for notification	Not applicable	

The timeframe for completion would allow a 16 month period assuming the Gateway Determination is made by August 2014 and the planning proposal proceeds as anticipated..

Appendices

1. Council Report and Minutes
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
5. Ecological and Riparian Assessment
6. Bushfire Protection Assessment
7. Preliminary Stormwater Management Strategy
8. Traffic Impact Assessment
9. Preliminary Contaminated Site Investigation
10. Noise Assessment
11. Odour Impact Assessment
12. Preliminary Wastewater Assessment
13. Archaeological Investigation on Indigenous Culture
14. Utilities and Servicing

Appendix 1 – Council report and minutes

Council report included under separate cover

Minutes of Ordinary meeting of Council held on Tuesday 22 April 2014

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Tuesday 22 April 2014, commencing at 6.32pm

Planning and Economy

PE3 Planning Proposal – Cross Street, Tahmoor TRIM 7884
41KCAR

54/2014 Resolved on the motion of Crs M Banasik and Hannan:

1. That Council support the preparation of a Planning Proposal for land being:

Lot C DP 374621, Lots 1-6 DP 1128745 and Lot 255 DP 10669 located between River Road, Cross Street, Tahmoor Road and Progress Street, East Tahmoor.

To amend Wollondilly Local Environmental Plan, 2011 as follows:

- a. amend the Land Zoning Map from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation and Zone E3 Environmental Management.
 - b. amend the Lot Size Map from a minimum lot size category of 2ha to a range of lot sizes yet to be determined.
 - c. amend the Height of Buildings Map from a Maximum Building Height Category of no maximum height metres to a Maximum Building Height Category of 9 metres.
 - d. amendments are anticipated for the Natural Resources – Biodiversity and Natural Resources – Water maps. However, the details of the changes will not be known until specialist studies are completed.
2. *That the future development of the land within the Cross Street Planning Proposal incorporate a buffer of at least 100 metres from the top of the bank of the Bargo River Gorge to any residential building. That the applicant be advised that the studies prepared and submitted during the rezoning process will need to demonstrate how this will be achieved and what mechanisms (eg zoning, restrictions on title) will be used to provide certainty of this outcome. To enable the public to understand what is proposed in respect of this buffer the proponent shall also submit a typical cross section drawn to an appropriate scale showing the gorge, the proposed E2 zone, the asset protection zone required for bushfire protection, the area required for waste water disposal (if the lots are not connected to a reticulated sewerage system) and the location of residential buildings.*

Planning and
Economy

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Tuesday 22 April 2014, commencing at 6.32pm

Planning and Economy

Additionally a management plan shall be prepared to outline how the buffer area will be maintained and managed. Both the cross section and the management plan shall be placed on exhibition with the proposal should it receive a positive gateway determination.

3. That the Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a Gateway Determination.
4. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
5. That the applicant and submitters be notified of Council's Resolution.

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

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

Planning and
Economy

Appendix 2 – Relevant GMS Criteria Assessment

Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	Consistent with relevant provisions.
State Planning Policies	Consistent with relevant provisions.
Ministerial Directions	Consistent with the relevant provisions, or where not consistent is justified.
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.
Local Strategies and Policies	
Criteria	Response
Key Policy Directions on the GMS	Consistent with the relevant provisions.
Precinct Planning	Consistent with the relevant provisions.
Wollondilly Community Strategic Plan	Consistent with the relevant provisions
Project Objectives and Justification	
Criteria	Response
Overall Objective	Consistent with the relevant provisions.
Strategic Context	Consistent with the relevant provisions.
Net Community Benefit?	Consistent with the relevant provisions.
Summary of Likely Impacts	Consistent with the relevant provisions.
Infrastructure and Services	Further assessment of provision of infrastructure and services will be undertaken post Gateway.
Supply and Demand Analysis	The proposal would add a relatively small amount of additional serviced residential land to satisfy unmet demand.
Site Suitability/Attributes	The subject site is near Tahmoor town centre and most services have capacity to be extended onto the site. Subject to environmentally sensitive design the site is considered capable of being sustainably developed. It is considered likely that traffic generation from the resulting development would be within the environmental capacity of the surrounding road network.
Preserving Rural Land and Character	
Criteria	Response
Character Setting	The land is used for agricultural purposes but is adjacent to future urban land and facilities.
Visual Attributes	The site adjoins Bargo River Gorge which has high scenic value and these values should be protected. The land is relatively flat overall generally sloping gently towards the south east and contains gullies surrounded by significant stands of bushland.
Rural and Resource Lands	The land is currently used for agricultural purposes but the current use has limited commercial viability in this location and is proposed to be relocated.

Environmental Sustainability	
Criteria	Response
Protection and Conservation	This vegetation has characteristics of <i>Cumberland Plain Woodland</i> and is included on the <i>priority conservation lands</i> detailed in the State Government's <i>Cumberland Plain Recovery Plan</i> . Vegetation which is critically endangered is proposed to be included within an E2 Environmental Conservation or E3 Environmental Management zone. Further refinement in relation to the area of land proposed to be rezoned for residential purposes and the density of development will be required post Gateway. Ways to protect the Bargo River Gorge from impacts associated with urbanisation need to be addressed. A maintenance and management plan and proposals for future protection of ecologically significant vegetation and the Bargo River Gorge area will be prepared and included within the planning proposal post Gateway. .
Water Quality and Quantity	The proposal is to rezone land for the purpose of large lot residential utilising on-site wastewater management subject to whether further consultation with Sydney Water indicates that additional lots are able to be serviced by reticulated sewer. The use of on-site wastewater management on sufficiently large sites to ensure that water quality in the Bargo and Nepean Rivers is not impacted is a concern which will need to be addressed post Gateway. .
Flood Hazard	An assessment of potential flooding on site and identification of land likely to be flood prone has not been undertaken and will be addressed post Gateway.
Geotechnical/Resources/Subsidence	The site is within Bargo Mine Subsidence District and has been undermined relatively recently. Future development would not impact on the potential for underground mining and any future dwelling would need to meet Board guidelines in terms of construction.
Buffers and Spatial Separation	Buffers are required to the Bargo River Gorge area to protect it from "edge effects" associated with increased urbanisation. Spatial separation is proposed from the turkey processing facility to protect new residents from odour and noise associated with its operation.
Bushfire Hazard	A high proportion of the site is impacted by bushfire hazard and an assessment has defined likely asset protection zone and road access requirements in accordance with <i>Planning for Bushfire Protection 2006</i> .
Heritage	An archaeological investigation was undertaken and found that the land has no archaeological sites or aboriginal cultural heritage which would constrain the proposal for rezoning to residential and future subdivision. Further archaeological assessment may be required post Gateway after consultation with the Office of Environment.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development.

Infrastructure	
Criteria	Response
Efficient Use and Provision of Infrastructure	Most utilities and services required for residential development are able to be provided with extension and augmentation. Further consultation will be required with Sydney Water to determine the capacity of sewerage services.
Transport Road and Access	A traffic/transport study has found that the local road network has the capacity to cater for increased residential development although River Road was identified as requiring widening and upgrading. An assessment of the proposal in relation to Council's road network model, TRACKS would assist in determining whether additional road and traffic management infrastructure is required. Cycleway and pedestrian links will be required to assist in limiting the impacts of climate change and to improve community networks.
Open Space	No additional open space requirements have been identified for the site by Council staff as there are considered to be sufficient open space and sporting facilities nearby in Tahmoor. The proponent has suggested a connected public space network throughout the site with links to the 'JR Stud' land. Further assessment of open space requirements would be undertaken post Gateway.
Residential Lands	
Criteria	Response
Location/Area/Type	The proposal is consistent with land identified under the GMS for Urban on Town Edge development particularly as land to the east has been rezoned for large lot residential purposes and adjoining land to the north and west is proposed to be zoned for low density residential purposes.
Social Integration	It is anticipated that the development of the site will allow for social integration and this will be assisted by the proposed pedestrian and cycle links to the Tahmoor Town Centre.
Urban on Town Edge	The site is contiguous with proposed urban land & most of the land is within practical walking/cycling distance of town services. The density of residential development shall be further assessed and is proposed to ; <ul style="list-style-type: none"> ▪ Achieve physical and visual integration with the existing edge of town. ▪ Allow for a mix of residential lot sizes to cater for a mix of housing types. ▪ Achieve a density range which ensures the efficient use of land.

Appendix 3 – Compliance with SEPPs

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

	STATE ENVIRONMENTAL PLANNING POLICIES	CONSISTENCY	COMMENTS
1	Development Standards	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP
4	Development Without Consent and Miscellaneous Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP
6	Number of Storeys in a Building	Yes	The Planning Proposal will use the Standard Instrument to control building height.
14	Coastal Wetlands	NA	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	NA	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	NA	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
22	Shops and Commercial Premises	NA	
26	Littoral Rainforests	NA	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	NA	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	NA	
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	NA	
36	Manufactured Home Estates	NA	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	NA	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	A survey to determine if the site contains core Koala habitat will be undertaken post Gateway.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NA	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	NA	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	Yes	A preliminary contaminated site

			assessment was undertaken to determine whether the site is contaminated and remediation will be undertaken prior to any future development application for subdivision.
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	NA	
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	
65	Design Quality of Residential Flat Development	NA	
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The Planning Proposal will not contain provisions that will contradict or hinder a future application for housing under this SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The Planning Proposal does not contain provisions that would contradict or hinder the application of this policy.
	SEPP (Temporary Structures) 2007	NA	
	SEPP (Infrastructure) 2007	Yes	The proposal has considered the relevant parts of SEPP (Infrastructure) 2007, namely traffic generating developments and is considered consistent.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not contain provisions that will contradict or would

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

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

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
1. Employment and Resources				
1.1 Business and industrial Zones		NA	NA	
1.2 Rural Zones		YES	YES	The current poultry operation use is proposed to be relocated as it is not considered to be commercially viable in this location proximate to the Tahmoor urban area. The site is proposed to contain a mix of residential and environmentally zoned land which will enable the conservation of endangered ecological communities and provide for a consolidation of the Tahmoor urban area bounded by the Bargo River. The proposal is therefore considered to be consistent with the broader intent of Direction 1.2.
1.3 Mining, Petroleum Production and Extractive Industries		YES	YES	The planning proposal lies within Bargo Mine Subsidence District. The Mine Subsidence Board has advised that the site is well outside the influence of current mining impacts. Part of the site has been undermined in the past most of the site is not proposed to be mined now or in the near future. The planning proposal is considered to be consistent with the broader intent of with Direction 1.3.
1.4 Oyster Production		NA	NA	Direction does not apply
2. Environment and Heritage				
2.1 Environmental Protection Zones		YES	YES	The site contains significant areas of endangered ecological communities (EECs) including <i>Cumberland Plain Woodland</i> included on the priority conservation plans in the <i>Cumberland Plain Woodland Recovery Plan</i> . Most of the EECs are proposed to be protected within environmental protection and management zones and further assessment will be undertaken of these communities with a view to ensuring that they are located within an environmental protection zone should a positive Gateway Determination be received. The planning proposal is not inconsistent with Direction 2.1.
2.2 Coastal Protection		NA	NA	Direction does not apply
2.3 Heritage Conservation		YES	YES	The site contains no listed heritage items of local, state or national heritage significance. It is considered that the planning proposal is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area		NA	NA	Direction does not apply
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones		YES	YES	The proposal does not seek to reduce the

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
				<p>amount of residential land but rather contributes to additional lands by providing a range of lots proposed to be developed within the environmental constraints on site. The land is located adjacent to proposed existing residential development and most of the site is also relatively close to Tahmoor town centre and related community infrastructure.</p> <p>The current road network should be able to adequately service the development. The relevant infrastructure and DCP provisions are contained in Wollondilly LEP 2011.</p> <p>Areas of environmental sensitivity will be protected within environmental protection zones.</p> <p>The development will be compatible with subsurface mining, if such occurs in the future.</p> <p>The rezoning will permit the development of a range of housing types. The planning proposal is not inconsistent with Direction 3.1.</p>
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		NA	NA	Direction does not apply.
3.4 Integrating Land Use and Transport		YES	YES	<p>The site is convenient to the Tahmoor town centre.</p> <p>The site is accessible to public bus services along Remembrance Driveway and pedestrian/cycleway links are proposed to connect the site to the town centre.</p> <p>The Draft LEP is considered to be consistent with Direction 3.4.</p>
3.5 Development Near Licensed Aerodromes		NA	NA	Direction does not apply
4. Housing, Infrastructure and Urban Development				
4.1 Acid Sulphate Soils		NA	NA	Direction does not apply
4.2 Mine Subsidence and Unstable Land		YES	YES	<p>The subject land is within the Bargo Mine Subsidence District and the Mine Subsidence Board has advised that the site is well outside the influence of current mining impacts. Further the Mine Subsidence Board advised that the site had largely not been undermined and will not be undermined in the near future. The planning proposal is not inconsistent with Direction 4.2.</p>
4.3 Flood Prone Land		NA	NA	Direction does not apply
4.4 Planning for Bushfire Protection		YES	YES	<p>Consultation will be undertaken with the Commissioner of the Rural Fire Service following receipt of a Gateway</p>

Ministerial 117(2)	Direction	Applicable	Consistent	Assessment
				determination. The land to which the planning proposal applies includes bushfire prone land and an assessment of requirements to limit bushfire hazard in accordance with <i>Planning for Bushfire Protection 2006</i> has been undertaken. It is considered that the planning proposal is not inconsistent with Direction No. 4.4.
5. Regional Planning				
5.1 Implementation of Regional Strategies		NA	NA	Direction does not apply
5.2 Sydney Drinking Water Catchments		NA	NA	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		NA	NA	Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		NA	NA	Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)		NA	NA	Direction does not apply
5.6 Sydney to Canberra Corridor		NA	NA	Although the Sydney Canberra Corridor Strategy 1995 refers to land within Wollondilly Local Government Area the Strategy has been determined to no longer apply to Wollondilly LGA.
5.7 Central Coast		NA	NA	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek		NA	NA	Direction does not apply in this location.
6. Local Plan Making				
6.1 Approval and Referral Requirements		YES	YES	The planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority. The planning proposal is not inconsistent with Direction No. 6.1.
6.2 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 not inconsistent with Direction 6.2.
6.3 Site Specific Provisions		NA	NA	Direction does not apply
7.1 Implementation of the Metropolitan Strategy for Sydney 2036		YES	YES	The planning proposal is not inconsistent with the metropolitan strategy and therefore Direction 7.1.

Appendices 5- 14 Specialist Studies attached under separate cover