

Thirlmere Way, Tahmoor

Proposal Title : **Thirlmere Way, Tahmoor**

Proposal Summary : **To rezone land from rural to low density residential.**

PP Number : **PP_2013_WOLLY_001_00**

Dop File No :

13/03361

Planning Team Recommendation

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

S.117 directions :
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Proposal proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;

2. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination (Council should consolidate and reduce the 4 months + 3 weeks + 3 months proposed for considering submissions);

3. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the inconsistency is of minor significance;

The following conditions should be met prior to community consultation:

4. Council should consult with the Mine Subsidence Board and subsequently demonstrate consistency with section 117 Direction 4.2 Mine Subsidence and Unstable Land;

5. Council should consult with the Department of Trade & Investment (Mineral Resources and Energy) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;

6. Council should prepare a flora and fauna study and consult with the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities. Compliance with s.34A of the Environmental Planning and Assessment Act 1979 is also necessary. Council should subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones and address SEPP 44;

7. Council should consult with the Commissioner of the Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection;

8. Council should prepare the following studies:

- a heritage assessment (regarding the impact on the local heritage item located on the adjoining land),
- a preliminary land contamination investigation (and subsequent demonstration of compliance with SEPP 55 - Remediation of Land),
- a hydrology study (dealing with drainage and stormwater and water sensitive urban design options),
- a traffic and transport study, and
- a bushfire hazard assessment.

9. Council should additionally consult with the following public authorities:

- the Hawkesbury-Nepean Catchment Management Authority,
- Sydney Water,
- Roads and Maritime Services, and
- Endeavour Energy.

Supporting Reasons :

- 1. The Proposal will provide additional housing opportunities by rezoning a parcel of land from RU4 Primary Production Small Lots to R2 Low Density Residential. This will increase housing supply in the area and contribute to meeting the objectives of the Wollondilly Growth Management Strategy**
- 2. The rezoning of the land is in keeping with the existing housing density of the area and provides an opportunity for additional housing choices.**
- 3. This is an appropriate landuse as the proposal is 1km from Tahmoor Train Station and 1.3km from Tahmoor's employment area.**
- 4. The land is in an existing residential area with urban services provided and will contribute towards the prevention of isolated rural areas being used for more intensive residential developments.**

Panel Recommendation

Recommendation Date : 21-Feb-2013

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

- 1. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 12 month timeframe allocated for completing the LEP.**
- 2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.**
- 3. Prior to undertaking public exhibition, Council is to include additional information on flora and fauna to demonstrate consistency with S117 Direction 2.1 Environment Protection Zones and address the proposals consistency with State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection.**
- 4. Council has identified that additional information regarding heritage, hydrology, traffic and transport and bushfire hazard is to be prepared to support the planning proposal. This additional information is to be placed on public exhibition with the planning proposal.**
- 5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).**

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

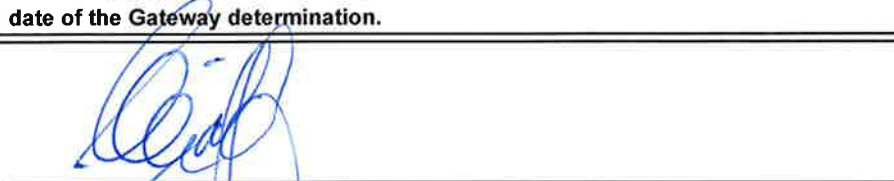
- Hawkesbury – Nepean Catchment Management Authority
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
- Department of Trade and Investment (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Transport for NSW
- Roads and Maritime Services
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- Endeavour Energy
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities
- Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffie

Date:

21.3.13.