

### Wollondilly LEP 2011 - amendment for land at 1550 Burragorang Road, Oakdale

Proposal Title : **Wollondilly LEP 2011 - amendment for land at 1550 Burragorang Road, Oakdale**

Proposal Summary : **To rezone the subject land for low density and rural residential purposes.**

PP Number : **PP\_2013\_WOLLY\_004\_00**      Dop File No : **13/05386**

### Planning Team Recommendation

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

S.117 directions :  
**1.2 Rural Zones**  
**2.1 Environment Protection Zones**  
**2.3 Heritage Conservation**  
**3.1 Residential Zones**  
**3.4 Integrating Land Use and Transport**  
**4.3 Flood Prone Land**  
**4.4 Planning for Bushfire Protection**  
**5.2 Sydney Drinking Water Catchments**  
**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; and**

**3. Delegation is to be given for Council to exercise the Minister's plan making powers.**

**The matters below are to be addressed prior to community consultation.**

**4. Council is to amend the proposal to ensure that Attachments 3 and 4 include proposed lot size and height of buildings maps respectively;**

**5. Council is to undertake the following studies:**

- ☐ **Total Water Cycle Management Plan (including a Flood Management and Stormwater Management Plan and surface and ground water impacts and management),**
- ☐ **Potable Water and Wastewater Servicing Assessment,**
- ☐ **Aboriginal Archaeological and European Heritage Cultural Assessment,**
- ☐ **Transport and Movement Assessment,**
- ☐ **Bushfire Hazard Management Plan,**
- ☐ **Phase 1 Contamination Assessment,**
- ☐ **Salinity Assessment,**
- ☐ **Flora, Fauna and Habitat Impact Assessment, and**
- ☐ **Riparian Ecology assessment;**

**6. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the proposal is not inconsistent with the Draft South West Subregional Strategy. However, Council is to:**

**- give consideration to including in the proposal, rural land adjoining the subject land to the east, which will become isolated by the proposed rezoning,**

- consider potential land use conflicts with agricultural uses on surrounding and neighbouring land, and
- consult with the Department of Primary Industries - Agriculture;

7. Council is to consult with the Office of Environment & Heritage and subsequently demonstrate consistency with section 117 Direction 2.1 Environmental Protection Zones. Council is to also have regard to the need to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;

8. Council is to demonstrate consistency with section 117 Direction 2.3 Heritage Conservation after undertaking the relevant study;

9. Council is to consult with Sydney Water, Endeavour Energy, Roads & Maritime Services, and any other relevant service/public authorities and demonstrate consistency with section 117 Direction 3.1 Residential Zones;

10. Council is to demonstrate consistency with section 117 Direction 4.3 Flood Prone Land after undertaking the relevant study; and

11. Council is to consult with the Commissioner of the NSW Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection; and

12. Council is to consult further with the Sydney Catchment Authority, comply with the various requirements of section 117 Direction 5.2 Drinking Water Catchment and subsequently demonstrate consistency with the Direction.

Supporting Reasons : The proposal will provide housing opportunities and enable the orderly growth of Oakdale.

#### **Panel Recommendation**

Recommendation Date : **28-Mar-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. In addition to the proposed rezoning, Council is to consider also rezoning rural land to the immediate east of the subject site to ensure an isolated pocket of rural land is not created by the proposal. If Council supports this suggestion, it is to amend the planning proposal to reflect the suggested approach.
2. Prior to undertaking public exhibition, Council is to update Attachments 3 and 4 of the planning proposal to include proposed lot size and height of buildings maps.
3. Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to reflect the 12 month timeframe allocated for completing the LEP.
4. 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.
5. Council has identified a number of additional studies to be undertaken to support the planning proposal. Once this additional information is provided and Council has consulted with public authorities, consistency with S117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones and 4.3 Flood Prone Land can be determined.
6. 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).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- Department of Education and Communities
- Office of Environment and Heritage
- Transport for NSW – Roads and Maritime Services
- Sydney Water
- Endeavour Energy
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Sydney Catchment Authority (S117 Direction 5.2 Sydney Drinking Water Catchments)

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.

8. 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).

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

Signature:



Printed Name:

ALAN SELMAN

Date:

4/4/13