

Draft Amendment to Wollondilly LEP 2011 - Part of 35 Egans Rd, Oakdale (part of Lot 93 DP 1000055)

Proposal Title : Draft Amendment to Wollondilly LEP 2011 - Part of 35 Egans Rd, Oakdale (part of Lot 93 DP 1000055)

Proposal Summary : To rezone a part of the above site (2.936 ha) from RU1 Primary Production to R2 Low Density Residential Zone under Wollondilly LEP 2011 to allow for approximately 30 new residential allotments. The proposal also seeks to amend the minimum lot size applying to the land.

The proposal applies to the generally cleared area, east of the creek line as seen in the attached Aerial photo - Tag A. The site is on the northern edge of the Oakdale residential area. The proposed zoning of the site is shown at Tag B. The current zoning of the site is at Tag B1 and lot size is at Tag B2.

The Council's Planning Proposal is at Tag C.

PP Number : PP_2011_WOLLY_013_00 Dop File No : 11/11100

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.2 Sydney Drinking Water Catchments
- 5.8 Second Sydney Airport: Badgerys Creek
- 6.1 Approval and Referral Requirements
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : The Planning Proposal should proceed subject to the following conditions:

1. approval by the Director General's delegate in relation to S.117 Directions: 1.2 Rural Zones and 1.5 Rural Lands;
2. consultation with the Commissioner of the NSW Rural Fire Service as required by section 117 Direction 4.4 - Planning for Bushfire Protection, prior to public exhibition and that Council takes into account any comments made by the Commissioner;
3. given the proposed lot density, that a preliminary assessment of the practicability of complying with the Norbet test, be undertaken as required for development under State Environmental Planning Policy (Sydney Drinking Water catchment) 2011;
3. the proposal should be resubmitted only if these studies or other reports required under legislation (environmental, heritage, bushfire reduction, etc.) indicate a need for a substantial change to the original proposal;
4. 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 14 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

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publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009);

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

- Office of Environment and Heritage
- Catchment Management Authority - Sydney Metro;

6. 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; and

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

It is noted that the Planning Proposal applies to Lot 93, DP 100055, which is zoned RU1 Primary Production with a minimum lot size of 20 ha.

To facilitate the residential subdivision of the site, it will be necessary for Council to include in its exhibition material that the minimum lot size standards will be introduced for the area of land proposed for urban development and the remainder of the lot which is to retain its current RU1 Zone.

It is recommended that Council be advised in this regard, should the Gateway agree for the proposal to proceed.

Supporting Reasons : The proposal generally complies with State and local strategies for the area and should proceed provided all relevant environmental matters are adequately considered

Panel Recommendation

Recommendation Date : **22-Sep-2011**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
2. Council is to consult with the Sydney Catchment Authority prior to the commencement of public exhibition in regards to the design and implementation of a stormwater management system.
3. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Hawkesbury / Nepean
 - Office of Environment and Heritage
 - NSW Rural Fire Service

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

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comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. 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).

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

Signature:



Printed Name:

Neil McGaffa

Date:

30.9.11