

Proposed residential rezoning of land at 67 and 77 Avon Dam Road and 214, 218, 218, 235 and 245 Hawthorne Road, Bargo.

Proposal Title : Proposed residential rezoning of land at 67 and 77 Avon Dam Road and 214, 218, 218, 235 and 245 Hawthorne Road, Bargo.

Proposal Summary : The Planning Proposal seeks to amend the Wollondilly Local Environmental Plan 2011 to facilitate the rezoning of land at 67 and 77 Avon Dam Road, and 214, 218, 235 and 245 Hawthorne Road, Bargo (Lots 1, 2, 7, 8 and 9 in DP 877774 and Lot 132 in DP 851807), to R2 Low Density Residential and R5 Large Lot Residential. It is anticipated that approximately 40 lots may be permissible within the proposed R2 and R5 zones (in total).

The proposal also seeks to amend the lot size provisions which apply to the subject lands, to include a minimum lot size provision of 700 square metres for land within the proposed R2 Low Density Residential zone (portion of the land fronting Avon Dam Road and part of Hawthorne Road), and a minimum lot size provision of 4000 square metres for land within the proposed R5 Large Lot Residential zone (a portion of the land fronting Hawthorne Road).

PP Number : PP_2011_WOLLY_016_00 Dop File No : 12/01429

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
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.2 Mine Subsidence and Unstable Land
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that:

The Planning Proposal proceeds, subject to the following conditions:

1. The Director General's delegate agrees that the inconsistency with section 117 Directions 1.2 Rural Zones is justified, pursuant to clause 5(c) of the Direction;
2. Council consult with the Department of Primary Industries (Minerals and Petroleum) and NSW Rural Fire Services, pursuant to the requirements of section 117 Directions 1.3 and 4.4, prior to exhibition of the Planning Proposal;
3. Consultation is required with the Mine Subsidence Board, prior to community consultation, pursuant to section 117 Direction 4.2 'Mine Subsidence and Unstable land';
4. Council give consideration to the application of the Sydney Regional Environmental Plan No.20 - Hawkesbury-Nepean River (No.2 - 1997), particularly whether the preparation of a Total Water Cycle Management Study or Plan is necessary;
5. Council complete the following studies:
 - An Odour Report to address the impact of the adjacent turkey hatchery;
 - A Noise Report to address the adjacent turkey hatchery;
 - A Rail Noise and Rail Vibration Assessment;
 - A preliminary investigation of the land to determine whether the land has

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- been contaminated;
- A Traffic Impact Assessment; and
- A Drainage/Flood Study.

6. Following consideration of the completed studies and receipt of advice from the Department of Primary Industries, Rural Fire Service and the Mine Subsidence Board, Council revises the Planning Proposal and refers the adopted revised Proposal to the Department's Sydney West Regional Office for attention;

7. Community consultation is required for a period of 28 days; and

8. The Planning Proposal be completed within 12 months.

Further, Council be required to consult with the public authorities, under section 56(2)(d) of the Act, as identified in this report (see page 10).

Supporting Reasons : It is considered that this Planning Proposal holds merit for progression.

Panel Recommendation

Recommendation Date : 25-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. In relation to S117 Direction 1.3 Mining Petroleum Production and Extractive Industries, Council is to consult with the Department of Primary Industries (Minerals and Petroleum) prior to undertaking community consultation for the planning proposal and to amend the planning proposal if necessary, taking into account any comments made prior to exhibition.

2. In relation to S117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult with the Mine Subsidence Board prior to undertaking community consultation for the planning proposal and to amend the planning proposal if necessary to take into account any comments made prior to exhibition.

3. In relation to S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and to amend the planning proposal if necessary to take into account any comments made prior to exhibition.

4. Council is to give consideration to the application of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 -1997). In particular, whether the preparation of a total water Cycle Management Study or Plan is Necessary. Council should consult with the Hawkesbury-Nepean Catchment Management Trust in relation to the preparation of this study.

5. Council is also to place the following on exhibition as part of the planning proposal;

- an Odour Report to address the impact of the adjacent turkey hatchery;
- a Noise Report to address the impact of the adjacent turkey hatchery;
- a Rail Noise and Rail Vibration Assessment;
- a preliminary investigation of the land to determine whether the land has been contaminated in accordance with the provisions of State Environmental Planning Policy 55 -Remediation of Land;
- a Traffic Impact Assessment; and
- a Drainage/Flood Study

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 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public

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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).

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

- Department of Primary Industries (Minerals and Petroleum)
- Mine Subsidence Board
- NSW Rural Fire Service
- Hawkesbury-Nepean Catchment Management Trust

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 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.

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: _____

Date: _____