

Reclassification of Part of Lot 9 DP 703167, Production Avenue, Warragamba

Proposal Title : **Reclassification of Part of Lot 9 DP 703167, Production Avenue, Warragamba**

Proposal Summary : **Reclassification of Part of Lot 9 DP 703167, No. 9 Production Avenue, Warragamba from 'Community' to 'Operational' Land.**

PP Number : **PP_2012_WOLLY_003_00** Dop File No : **12/12849**

Planning Team Recommendation

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

S.117 directions :

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information :

- 1) The Planning Proposal is to be completed in 6 months.
- 2) The Rural Fire Service (RFS) be consulted prior to the planning proposal going on public exhibition. as required by Section 117 Direction 4.4 - Planning for Bushfire Protection.
- 3) The exhibition material should include the following maps:
 - A clear map indicating what land is intended to be reclassified from community to operational.
 - A land zoning map indicating the locating of the planning proposal.
 - A clear map which identifies the adjacent active planning proposals.
- 4) The planning proposal should be publically exhibited for 28 days.
- 5) The exhibition material should be consistent with the requirements identified in Practice Note PN 09-003: Classification and reclassification of public land through a local environmental plan.
- 6) A public hearing is to be held in accordance with the relevant legislation.
- 7) The RPA should complete further assessment of the Planning Proposal for consistency with Section 117 Direction 1.1 - Business and Industrial Zones and 5.2 Sydney Drinking Water Catchments.
- 8) The RPA should amend Part 3 Section A of the planning proposal to provide clear justification explaining the need for the planning proposal and to include the 4 Director General's requirements outlined in Section 4.10 (Figure 4 on page 11) of the Department's Guide to preparing a Local Environmental Plan in Part 3 Section A.

Supporting Reasons :

- 1) It is an appropriate time frame for a reclassification planning proposal.
- 2) The RPA has identified the site as bushfire prone. Consultation could resolve any potential inconsistency with Section 117 Direction 4.4 - Planning for Bushfire Protection.

- 3) The additional maps are required for public exhibition as:
- The surveyors map does not clearly identifying the land to be reclassified in context with the remainder of the lot.
 - The planning proposal does not currently include a land zoning map.
 - The map provided in the introduction does not clearly identify the adjacent planning proposals.
- 4) This timeframe for public exhibition is consistent with Section 4.5 of the Department's 'A Guide to preparing Local Environmental Plans'.
- 5) To be consistent with Departmental advice provided in Practice Note PN 09-003.
- 6) A public hearing is required under the Local Government Act 1993.
- 7) These Section 117 Directions are applicable to the planning proposal and require further consideration by the RPA prior to the planning proposal being publically exhibited.
- 8) The justification provided in the planning proposal report requires clarification of the need to undertake the planning proposal to reclassify the subject land and the requirements of lease agreements for community land in the Local Government Act 1993. Also, the amendment to Part 3 Section A of the planning proposal to include the 4 Director General's requirements will ensure consistency with the Department's 'Guide to preparing a Local Environmental Plan'.

Panel Recommendation

Recommendation Date : 16-Aug-2012

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 planning proposal to address the Director-General's requirements regarding matters that must be addressed in the justification of planning proposals to reclassify public land, consistent with Figure 4 of the Guide to preparing local environmental plans. This information is to be included in Part 3 'Justification' of the planning proposal.

2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include:

- a. a map which clearly identifies the land proposed to be reclassified,
- b. a current zoning map of the site, which clearly identifies the subject land, and
- c. a locality map, which identifies other active planning proposal submitted for Gateway determination in the Wollondilly local government area.

Maps should be placed on public exhibition with the planning proposal.

3. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

4. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise whether the proposal is consistent with Directions 1.1 Business and Industrial Zones and 5.2 Sydney Drinking Water Catchments or whether it seeks the Director General to be satisfied that any inconsistencies with these Directions are of minor significance. These Directions applies because the site is zoned for industrial purposes and is located on the Sydney drinking water catchment map.

5. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise that Direction 3.1 Residential Zones is not applicable to the planning proposal because residential accommodation is not permitted in the zone.

6. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the Contaminated Land Planning Guidelines. It is noted that the contamination of the subject site has previously been assessed by Council. This assessment is to be place on public exhibition with the planning proposal.

7. 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).

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

- Office of Environment and Heritage
- NSW Rural Fire Services

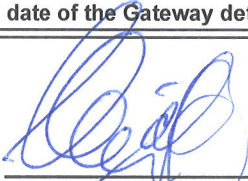
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

9. 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).

10. 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 W. Gaffin

Date: _____

21.8.12