

South Tahmoor and East Tahmoor Revised Precincts

Proposal Title : **South Tahmoor and East Tahmoor Revised Precincts**

Proposal Summary : **The South Tahmoor and East Tahmoor Revised Precincts Planning Proposal ('the subject proposal') seeks to rezone the remainder of the South Tahmoor and East Tahmoor precincts of the former Picton Tahmoor Thirlmere New Urban Lands Planning Proposal from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential. The proposed rezoning will enable low density residential development.**

PP Number : **PP_2014_WOLLY_002_00** Dop File No : **13/20105**

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
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.2 Mine Subsidence and Unstable Land
4.4 Planning for Bushfire Protection
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;

3. Delegation is not to be given for Council to exercise the Minister's plan making powers; and

4. Subject to amendments to the Proposal document as required below, the Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy.

Notwithstanding any consultation with public authorities that it has undertaken previously, Council is to consult with the public authorities below.

5. Council is to consult with NSW Primary Industries (Agriculture) and the NSW Environment Protection Authority, regarding potential land use conflict with Inghams' duck farms and turkey processing plant;

6. Council is to consult with the Department of Trade & Investment - Resources & Energy (Coal Advice Branch) and subsequently demonstrate consistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries;

7. Council is to consult with the Office of Environment and Heritage, the Office of Water and the Hawkesbury-Nepean Catchment Management Authority and subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones;

8. Council is to consult with the Mine Subsidence Board and subsequently demonstrate

consistency with Direction 4.2 Mine Subsidence and Unstable Land.

9. Council to consult with the Rural Fire Service and subsequently demonstrate consistency with Direction 4.4 Planning for Bushfire Protection.

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

10. Council is to amend the Proposal to:

- exclude land that is located substantially within a 500 metre buffer from Inghams' turkey processing plant (i.e., nos. 44 and 50 Progress Street, Tahmoor) and its duck farms (i.e., various lots), and

- use the latest Wollondilly LEP 2011 maps, as amended to identify the reduced subject land; and

11. In addition to the abovementioned general consultation with public authorities, Council is to consult with the following public authorities specifically in relation to the likely need for regional infrastructure contributions:

- Transport for NSW,
- Roads and Maritime Services,
- Department of Education and Communities,
- NSW Ministry of Health,
- Office of Environment and Heritage,
- State Emergency Services,
- Fire and Rescue NSW,
- NSW Police Force,
- NSW Rural Fire Service, and
- Sydney Water.

Supporting Reasons : Subject to the satisfactory resolution of potential land use conflicts, the subject proposal is expected to facilitate residential development in a generally appropriate location and rectify a split zoning issue.

Panel Recommendation

Recommendation Date : 06-Mar-2014

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. The planning proposal to rezone land in 'South' Tahmoor and 'East' Tahmoor precincts for low density residential purposes is supported, subject to:

- no development occurring within the current buffer area until the current duck farm operations cease. This is to be achieved via a new clause in the LEP and the planning proposal documentation is to be amended to reflect this position; and
- land located within the 500m odour buffer (derived using Environment Protection Authority approved modelling) of the wastewater treatment ponds at Inghams turkey processing plant is to be removed from the planning proposal and accompanying maps, until such time as the turkey processing plant ceases operation or updated work is undertaken to advise that this land is not subject to any odour impacts.

2. Prior to undertaking public exhibition, Council is to update the planning proposal to include a map which clearly identifies the subject land and identifies the location of the duck farms and the relationship of the subject land with the odour buffers from the current operations.

3. Once consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection Zones, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection.

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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 a minimum of 28 days;
- (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 (Planning & Infrastructure 2013); and
- (c) all adjoining owners and landowners affected by the proposal are notified directly.

5. 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 Primary Industries – Agriculture
- NSW Environment Protection Authority
- Transport for NSW
- Roads and Maritime Services
- Department of Education and Communities
- NSW Health
- State Emergency Service
- Fire and Rescue NSW
- NSW Police Force
- Sydney Water
- NSW Office of Water (S117 Direction 2.1 Environment Protection Zones)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Trade and Investment – Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Hawkesbury-Nepean Catchment Management Authority (S117 Direction 2.1 Environment Protection Zones)
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)

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.

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. 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).

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

Plan making delegation

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council should not be issued delegation in this instance because of the sensitive nature of the proposal and potential land use conflict issues between the subject land and Inghams poultry operations.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

18/3/14