

Rezoning of part of 136-154 Menangle Street, Picton

Proposal Title : **Rezoning of part of 136-154 Menangle Street, Picton**

Proposal Summary : **To rezone part of 136-154 Menangle Street, Picton, for residential development.**

PP Number : **PP_2012_WOLLY_001_00**

Dop File No : **12/05398**

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
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone 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. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that it is of minor significance;**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;**
- 3. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway Determination;**
- 4. The description of the land to which the Proposal applies should be amended to clarify that it applies to 'Part' Lot 12, DP 1126525 (rather than the whole of the allotment),**
- 5. A minimum permissible lot size of 30 hectares should apply to the rural residue land;**
- 6. Consideration by Council should be given to an alternative proposed zoning for the part of proposed Lot 21 affected by environmental constraints;**

The following conditions should be met, and their compliance endorsed by the Sydney West Regional Branch, prior to community consultation:

- 7. A flora and fauna study is required. The Director-General of the Office of Environment and Heritage should be consulted on the proposed rezoning. Consultation may also be required with that Office under section 34A of the Environmental Planning and Assessment Act 1979, in relation to the Cumberland Plain Woodland. The Federal Department of Sustainability, Environment, Water, Population and Communities should be consulted in relation to the Cumberland Plain Woodland. Consistency with section 117 Direction 2.1 Environment Protection Zones should subsequently be demonstrated by Council;**
- 8. A heritage study should be undertaken and the Heritage Branch of the Office of Environment and Heritage consulted. The heritage study should include an assessment of both the subject land and potential impacts on the Picton Heritage Conservation Area.**

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Consistency with section 117 Direction 2.1 Environment Protection Zones should subsequently be demonstrated by Council;

9. Consultation is required with relevant key infrastructure and services providers in relation to the availability and costs of infrastructure and service provision. In particular, consultation with Sydney Water should explore means to service the site expeditiously to ensure orderly development (i.e. to deter on-site sewage disposal for larger residential lots). A traffic study is required and the Roads and Maritime Services should be consulted regarding potential traffic impacts. Consistency with section 117 Direction 3.1 Residential Zones should subsequently be demonstrated by Council;

10. Consultation is required with the Mine Subsidence Board pursuant to section 117 Direction 4.2 Mine Subsidence and Unstable Land. Consistency with the Direction should subsequently be demonstrated by Council;

11. A flood study is required and consistency of the Proposal with section 117 Direction 4.3 – Flood Prone Land subsequently demonstrated by Council;

12. Consultation is required with the Commissioner of the NSW Rural Fire Service pursuant to section 117 Direction 4.4 – Planning for Bushfire Protection. Consistency with the Direction should subsequently be demonstrated by Council;

13. Compliance with State Environmental Planning Policy No. 55 – Remediation of Land should be demonstrated by Council and, if necessary, a contamination study carried out; and

14. A geotechnical and engineering study should be undertaken by Council in relation to landform constraints and risks.

Supporting Reasons :

The Proposal will provide additional housing opportunities in a generally suitable location.

Panel Recommendation

Recommendation Date : 29-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to review and amend the planning proposal where necessary to ensure that descriptions of the site and the explanation of provisions correctly reference that 'part of Lot 12, DP 1126525' is subject to the rezoning and not the entire lot.
2. Council is to amend the planning proposal to provide further justification that the land is suitable for residential development given the environmental constraints associated with steeply sloping land, and consider an appropriate alternate zoning that may be more suitable for the constrained portion of Lot 21. The planning proposal is to be amended prior to exhibition if Council decides to proceed with an alternative zoning approach.
3. Council is to undertake a preliminary contaminated land investigation prior to the commencement of community consultation to determine whether the land is contaminated and requires remediation, to demonstrate compliance with State Environmental Planning Policy 55 – Remediation of Land.
4. Council is to prepare a heritage assessment of both the subject land and the potential impacts on the Picton Heritage Conservation Area prior to the commencement of community consultation. The planning proposal is to be amended if necessary to reflect the outcomes of this consultation prior to exhibition.
5. Council is to amend the planning proposal prior to the commencement of community consultation to clarify the extent of flood prone land affecting the site, particularly in relation to the proposed residential component in order to demonstrate consistency with the requirements of S117 Direction 4.3 Flood Prone Land.

6. Council is to determine the extent of environmentally sensitive land prior to the commencement of community consultation and demonstrate consistency with the requirements of S117 Direction 2.1 Environmentally Sensitive Land.

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
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Telstra
- Transgrid

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. Further to Condition 8 above, Council is to consult with the Mine Subsidence Board and 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 4.2 Mine Subsidence and Unstable Land and S117 Direction 4.4 Planning for Bushfire Protection.

10. Further to Condition 8 above, Council is to consult with the Chief Executive Officer of the Office of Environment and Heritage in relation to:

- o the extent of environmentally sensitive land;
- o inconsistencies of the planning proposal with S117 Direction 2.1 Environmentally Sensitive Land;
- o potential impacts on the Picton Heritage Conservation Area;
- o inconsistencies of the planning proposal with S117 Direction 2.3 Heritage Conservation;
- o the extent of flood prone land affecting the site; and
- o inconsistencies of the planning proposal with S117 Direction 4.3 Flood Prone Land.

11. 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).

12. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

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Signature:

Garino Gons

Printed Name:

Garino

Date:

10/4/12