

Rezoning of "Picton Tahmoor Thirlmere New Urban Lands"

Proposal Title :	Rezoning of "Picton Tahmoor Thirlmere New Urban Lands"		
Proposal Summary :	To rezone rural land within six separate precincts at Picton, Tahmoor and Thirlmere for low density residential development.		
PP Number :	PP_2011_WOLLY_012_00	Dop File No :	11/05518

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 Planning Proposal proceed subject to the following conditions:

PRIOR TO EXHIBITION

- 1) once the noise, odour and air quality assessment has been completed for the East Tahmoor precinct, Council is to resubmit the updated Planning Proposal to the Department's Sydney West Regional Office for endorsement prior to undertaking community consultation;
- 2) Council is required to establish the heritage significance of any identified potential heritage items and introduce these in the heritage schedule under Wollondilly LEP 2011 as part of the subject Planning Proposal;
- 3) Council is required to satisfy the requirement under section 117 Direction 4.2 Mine Subsidence and Unstable Land to consult with the Mine Subsidence Board on specific matters and, if necessary, amend the proposed LEP accordingly. Council should provide the Department with a copy of the MSB's advice prior to undertaking community consultation. Council should also ensure that it obtains advice from the MSB on any conditions that it may have for the rezoning of the West Picton precinct;
- 4) Council is required to satisfy the requirement under section 117 Direction 4.4 Planning for Bushfire Protection to consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway Determination, and prior to undertaking community consultation, and take into account any comments so made;

DURING EXHIBITION

- 5) community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days and is to cover all six precincts in the same exhibition;
- 6) once Council submits the Proposal after exhibition, further consideration be given to

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the additional requirements proposed by Council for a development control plan under clause 6.3;

7) Council is required to consult with the Director General of the Department of Primary Industries (Minerals and Petroleum) as required by Direction 1.3 Mining, Petroleum Production and Extractive Industries and demonstrate the Proposal's consistency with the Direction;

8) general consultation is required with the other public authorities identified in this report;

9) the consultation with the Office of Environment and Heritage should include information on potential Aboriginal archaeological sites;

10) the following agencies should be asked to comment on the need for State infrastructure:

- Roads and Traffic Authority,
- Department of Education; and
- Office of Environment and Heritage.

GENERAL

11) it is recommended that the Director General (or his delegate) approve the inconsistency with Direction 1.2 Rural Zones pursuant to part 5(c) of the Direction;

12) the timeframe for completing the local environmental plan is to be 9 months from the week following the date of the Gateway Determination.

Supporting Reasons :

The Proposal rezones land adjoining existing villages/towns and will help to accommodate growth within the Wollondilly Local Government Area.

Panel Recommendation

Recommendation Date : 13-Oct-2011

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Once the noise, odour and air quality assessment has been completed for the East Tahmoor precinct, Council is to update the planning proposal accordingly and to submit it to the Department's Sydney West Regional Office for endorsement prior to the commencement of public exhibition.
2. All six precincts which form part of this planning proposal are to be exhibited in the same public exhibition and are to be forwarded as one planning proposal to authorities as identified in Condition 8 of this Gateway Determination.
3. In consultation with office of Environment and Heritage, Council is to undertake relevant investigations and confirm the heritage significance of potential heritage items prior to the exhibition of the proposal so that, where necessary, heritage items can be included in the Heritage Schedule under Wollondilly LEP 2011 as part of the present planning proposal. Council is to update the planning proposal and submit it to the Department's Sydney West Regional Office for endorsement prior to exhibition and consultation.
4. Council is to consult with the Mine Subsidence Board prior to undertaking community consultation to satisfy the requirements under S117 Direction 4.2 Mine Subsidence and Unstable Land and is to amend the planning proposal if necessary.
5. 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 in compliance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
6. Council is to consult with the Director-General, Department of Primary Industry (Division

of Resources and Energy) as required by S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, and to demonstrate the proposal's consistency with this Direction.

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:

- Essential Energy
- NSW Aboriginal Land Council
- Ambulance Service of NSW
- Area Health Services
- Catchment Management Authority – Hawkesbury/Nepean
- Country Energy
- Delta Electricity
- Department of Agriculture
- Department of Education and Communities
- Office of Environment and Heritage
- Department of Primary Industry (Division of Resources and Energy)
- Energy Australia
- Integral Energy
- Mine Subsidence Board
- Department of Health
- NSW Police Service
- NSW Rural Fire Service
- Transport NSW
- Origin Energy
- Pacific Power
- Rail Corporation of NSW
- Roads and Traffic Authority
- State Emergency Service
- State Rail
- Sydney Water Corporation
- Telstra

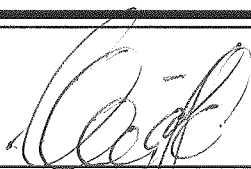
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may 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 12 months from the week following the date of the Gateway determination.

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Signature:



Printed Name:

Neil McGaffin

Date:

25.10.11