

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**

Proposal Details

Date Planning Proposal Received : **29-Sep-2011** LGA covered : **Wollondilly**

Region : **Sydney Region West** RPA : **Wollondilly Shire Council**

State Electorate : **WOLLONDILLY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Various lots within six precincts at East Tahmoor, West Tahmoor, South Tahmoor, East Thirlmere, South Thirlmere and West Picton as detailed at Tag B and shown on the map at Tag C.**

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy : **Yes**

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MDP Number :	Woll 02	Date of Release :	
Area of Release (Ha) :	130.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	1,200	No. of Dwellings (where relevant) :	1,200
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department's record of contact with registered lobbyists was checked and did not indicate that any communications or meetings with lobbyists have occurred in relation to the Proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **BACKGROUND**

The Planning Proposal (attached at Tag A) is based on draft Amendment No. 73 to former Wollondilly LEP 1991, which Wollondilly Council resolved to prepare in 2007. In December 2010, the draft plan was transferred into the current plan-making provisions of the EP&A Act 1979 and was required to be finalised by 23 September 2011 (see Tag D). Council has now prepared a fresh Planning Proposal for the matter and submitted it to the Department.

The initial draft plan was based on the Picton Tahmoor Thirlmere Urban Area Implementation Strategy, which was adopted by Council in 2005 as a strategic planning document. The Department requested Council to consider the various precincts holistically to ensure that cumulative impacts from their development were properly addressed and to establish a priority for their servicing and zoning.

Council has previously consulted relevant government departments and agencies to determine the infrastructure requirements associated with the rezoning of the subject land. The resulting Infrastructure Investigation report (see Tag E) concluded that all lots created by the proposed rezoning could be provided with adequate infrastructure and services subject to the provision of appropriate funding arrangements, which include payments by the developers for major capital works at the development application stage, payment of contributions for local facilities through s94 contributions and local and State voluntary planning agreements.

A local environmental study (LES) was prepared for the draft plan in 2001 and has been reviewed and updated for the current Proposal. The revised LES is currently in draft form (attached at Tag F) and only requires minor work for completion.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

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Comment : The objective is to enable low density residential development of the subject land.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : It is proposed to facilitate the objectives by:

A. Amending the following maps under Wollondilly LEP 2011:

1. Land Zoning Map
 2. Lot Size Map
 3. Height of Buildings Map
 4. Natural Resource - Biodiversity Map
 5. Natural Resource - Water Map
 6. Urban Release Area Map
- as shown at Tag G.

Note: The East Tahmoor precinct adjoins a poultry processing plant and poultry sheds. A noise, odour and air quality assessment is currently being prepared to determine the appropriate zonings and minimum lot sizes for this precinct. As a result, Council has been unable to provide this information with the Proposal submitted to the Department. However, if the Proposal proceeds, Council can be required to submit the information to the Department's Sydney West Regional Branch for endorsement prior to public exhibition. It is anticipated that the assessment will be completed within the next few weeks.

Five of the six precincts are currently zoned RU4 Primary Production Small Lots, while the sixth precinct, i.e. West Picton, is currently zoned RU2 Rural Landscape (as shown on the maps at Tag I).

B. Amending the following clauses under Wollondilly LEP 2011:

Amend Clause 6.1 so that Part 6 of the LEP applies to the subject land, by inserting after subclause (2)(b) the following:

- (c) in relation to land shown as "Picton Tahmoor Thirlmere" on the Urban Release Area Map – (insert date on which the amending LEP is notified).

Amend Clause 6.3 to Wollondilly Local Environmental Plan 2011 by inserting after subclause (6) the following:

- (7) Development consent must not be granted for development on land shown as "Picton Tahmoor Thirlmere" on the Urban Release Area Map unless a development control plan that provides for (but is not limited to) the following matters specified has been prepared for the land:
- (a) Developer Contributions Plan for roads and/or shared pathways,
 - (b) Plans of Management for lots including riparian and conservation lands to ensure private land owners are aware of their responsibilities for managing those lands both prior to and following any development application for subdivision of the land.

It is unclear whether the above proposed local provisions are appropriate as they appear to relate to matters which are provided under separate legislation. However, it is considered that, if the Proposal proceeds, legal and policy advice can be sought to clarify the matter when the Proposal is submitted by Council for legal drafting.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

SECTION 117 DIRECTIONS

Direction 1.2 Rural Zones

This Direction seeks to protect the agricultural production value of rural land by preventing its rezoning to certain other zones, including residential, and by ensuring that the permissible density of land within a rural zone (other than land within an existing town or village) is not increased.

The Proposal is inconsistent with this Direction as it seeks to rezone the subject land to a residential zone. However, it is considered that the inconsistency is justified as the subject land does not have agricultural potential and the Proposal will not displace any commercially viable agricultural uses on the land.

If the Proposal proceeds, the approval of the inconsistency by the Director General (or his delegate) will be required pursuant to part 5(c) of the Direction.

It is noted that Council's proposal to address the potential land use conflict between future residential development and the poultry activity at East Tahmoor will help to protect the latter activity from being encroached upon by residential development.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

This Direction seeks to protect the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials from inappropriate development.

This Direction applies if the Proposal has the effect of, among other things, restricting the potential development of resources of coal. The Direction requires consultation with the Director General of the Department of Primary Industries (Minerals and Petroleum) in such cases.

The Proposal applies to land within a proclaimed mine subsidence district and, as such, it is considered that, if the Proposal proceeds, the consultation requirement should be made a condition of the Determination so that consistency with the Direction can be

determined.

Direction 2.1 Environment Protection Zones

This Direction requires the Proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas and to not reduce environmental protection standards for such existing areas.

The subject land contains Cumberland Plain Woodland (CPW) and Shale Sandstone Transition Forest (SSTF). These are respectively identified as a Critically Endangered Ecological Community and an Endangered Ecological Community under the Threatened Species Conservation Act 1995.

The Proposal is consistent with this Direction as it seeks to apply clause 7.2 Biodiversity Protection (of Wollondilly LEP 2011) to the above land. The land containing CPW includes a very small area (at East Tahmoor) which is identified as Cumberland Plain Priority Conservation Land. The Proposal will address the requirements of the Cumberland Plain Recovery Plan by applying the above clause to this land if it is included in the Proposal following the completion of the noise, odour and air quality assessment for East Tahmoor.

The Proposal is also consistent with this Direction by seeking to apply Clause 7.3 Water Protection (of Wollondilly LEP 2011) to riparian zones within the area proposed for rezoning. This will provide a protective buffer to development.

Direction 2.3 Heritage Conservation

This Direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The LES has identified 4 potential local heritage items (3 dwellings and 1 built item), which the Proposal recommends for further investigation under the proposed site-specific DCP or at the development application stage. However, it is considered to be more appropriate for the investigation to be conducted prior to the exhibition of the Proposal so that the need for amendments to introduce heritage listings under the principal plan can be determined.

The LES has also identified two new Aboriginal archaeological sites and proposes that these be addressed as part of investigations at the development application stage. This matter should be particularly brought to the attention of the Office of Environment and Heritage during agency consultation.

Direction 3.1 Residential Zones

This Direction applies to the Proposal as it seeks to rezone land for residential purposes.

Part 4 of the Direction requires the Proposal to include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

Comments:

- (a) The Proposal will provide housing opportunities and will increase housing choice by

providing smaller lot sizes than those currently found in the adjoining villages and towns.

(b) The proposed development relies on the extension and augmentation of existing infrastructure and utilities rather than the use of existing facilities.

(c) Picton, Tahmoor and Thirlmere are not considered to be part of the urban fringe and, therefore, the Proposal does not contribute to the consumption of land for housing on the urban fringe.

(d) While the Proposal itself will not encourage the provision of housing that will be of good design, it will be supported by a site-specific DCP which will address design requirements.

Part 5 of the Direction requires the Proposal to:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it); and
- (b) not contain provisions which will reduce the permissible residential density of land.

Comments:

(a) The Proposal seeks to apply Part 6 Urban Release Areas of Wollondilly LEP 2011 to the subject land, which includes the model satisfactory arrangements clause for the provision of State infrastructure.

(b) The Proposal will not reduce the permissible residential density of land.

In view of the above, the Proposal is considered to be consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

This Direction applies to the Proposal as it seeks to rezone land for residential purposes. The Direction requires the Proposal to be consistent with the Department's publication "Improving Transport Choice - Guidelines for planning and development (DUAP 2001)".

It is considered that the Proposal is generally consistent with the guideline as:

- the subject land is within walking distance of local centres (800m from Picton and Tahmoor and between 400m-600m from Thirlmere);
- Tahmoor and Picton are serviced by rail: Campbelltown is the nearest major centre. The train between Tahmoor and Campbelltown Railway Stations takes around 38 minutes, while the train between Picton and Campbelltown Railway Stations takes around 28 minutes (it is noted, however, that local trains do not have an inter-urban service and commuters must change trains at Campbelltown); and
- while much of the subject land is located within walking distance of Tahmoor and Picton Railway Stations, bus services link the subject land to these Railway Stations and the trip takes around 10 minutes. However, Council notes that bus services during peak times are at capacity due to school services and are not available for work-related commuters. Council considers that the potential increase in demand for bus and train commuting services generated by the Proposal is unlikely to be sufficient to force changes to increase the current capacity.

Comment: While this is the case, the subject land is located near existing transport services, which may expand to accommodate future demand.

Direction 4.2 Mine Subsidence and Unstable Land

This Direction applies to the Proposal as much of the subject land lies within a proclaimed Mine Subsidence District and the Proposal seeks to permit the development of the land. The Direction requires Council to consult with the Mine Subsidence Board (MSB) on specific matters and, if necessary, amend the proposed LEP accordingly. The

Direction requires Council to provide the Department with a copy of the MSB's advice prior to undertaking community consultation.

The Proposal indicates that the subject land is not affected by slope instability. The Proposal also indicates that the MSB has advised that underground mining and associated subsidence impacts are likely to have been completed for all precincts within the timeframe prior to the commencement of construction on any new lots with the exception of the West Picton precinct. More specifically, the MSB has advised in February 2008 that the East Tahmoor, West Tahmoor, East Thirlmere, and South Thirlmere sites would be affected by longwall mining but that mining activities were due to be completed by November 2010.

If the Proposal proceeds, it is considered that the Gateway Determination should require Council to provide the Department with a copy of the Mine Subsidence Board's advice as required under this Direction and ensure that the advice addresses the specific requirements under the Direction. Council should also ensure that it obtains the MSB's requirements for the rezoning of the West Picton precinct prior to exhibition.

Direction 4.4 Planning for Bushfire Protection

This Direction applies to the Proposal as it affects land mapped as bushfire prone. A Bushfire Protection Assessment has been completed as part of the LES. The Proposal advises that the recommendations of the assessment shall be incorporated into a future DCP to ensure that future development is appropriately located.

It is considered that the Bushfire Protection Assessment satisfies the various requirements under the Direction relating to the management of bushfire risk. The Direction also requires Council 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. It is considered that, if the Proposal proceeds, this requirement should be made a condition of the Gateway Determination to ensure that it is undertaken by Council.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

This Direction requires the Proposal to be consistent with the Metropolitan Plan for Sydney 2036. The Proposal is considered to be generally consistent with this Plan as the Plan provides for the growth of rural villages to be addressed through new comprehensive local strategies prepared by local councils and endorsed by the Department. Council has prepared and adopted the Wollondilly Growth Management Strategy 2011.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 44 - Koala Habitat Protection

Although this SEPP applies at the development application stage, it is noted that the Proposal seeks to protect identified koala feed trees and habitat trees within the East Tahmoor and South Tahmoor precincts. This area will be protected by being included in the proposed amendment to the Natural Resources - Biodiversity Map under Wollondilly LEP 2011, which seeks to protect an identified area of habitat for endangered ecological communities.

SREP 20 - Sydney Regional Environmental Plan (SREP) No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

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SREP 20 applies to the Proposal as the subject land is located within the catchment of the Nepean River. The Proposal is considered to be consistent with the SREP as it includes an amendment to the Natural Resources - Water Map under Wollondilly LEP 2011 to protect identified riparian buffer zones and riparian lands.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping has been provided except for the East Tahmoor precinct, which is the subject of additional studies relating to noise and odour. The studies are nearing completion and will allow zoning and related boundaries to be determined.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intends to exhibit the Proposal for 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2011**

Comments in relation to Principal LEP : The Planning Proposal seeks to amend Wollondilly Local Environmental Plan 2011, which was notified on 25 February 2011.

Assessment Criteria

Need for planning proposal : The Planning Proposal is the result of a strategic planning process which commenced in 1999 and has culminated in the identification of the subject land in the Wollondilly Growth Management Strategy 2011.

The Planning Proposal is the best means of achieving the intended aim as a rezoning is required to facilitate the proposed development.

Consideration has given to whether there is a net community benefit in the updated LES. It is expected that the Proposal will provide a net community benefit through the provision of opportunities for new housing and a variety of housing forms which are lacking in the area.

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Consistency with strategic planning framework :

STATE AND REGIONAL STRATEGIC PLANS

The subject land adjoins existing residential land in villages/towns and is, therefore, generally consistent with the relevant objectives and actions contained within the draft South West Subregional Strategy and the Metropolitan Plan for Sydney 2036, which seek to contain urban growth.

WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011

The Wollondilly Growth Management Strategy 2011 includes the Proposal, which is shown as "DLEP 73" on the attached map extract at Tag H. The Strategy has been adopted by Council and submitted to the Department for final endorsement. The Strategy is currently receiving consideration by the regional team. Council has factored the rezoning of the subject land to meet projected housing demand under the Strategy.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

The LES has identified and addressed potential environmental impacts, which are reflected by provisions in the Proposal to protect watercourses with riparian buffers and habitat for ecologically significant species and communities.

SOCIAL

The LES has also considered potential social impacts and considers that the Proposal will address the significant lack of housing diversity in the locality.

ECONOMIC IMPACTS

While the LES has not addressed economic impacts, it is noted that both Thirlmere and Picton have relatively significant vacant business premises. It can be reasonably expected that the Proposal will alleviate this situation and increase the viability of all three local centres (i.e. Picton, Tahmoor and Thirlmere) by accommodating an increase in population.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	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 (Mining) Energy Australia Integral Energy Mine Subsidence Board Department of Health NSW Police Service NSW Rural Fire Service Transport NSW Origin Energy		

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Pacific Power
Rail Corporation of NSW
Roads and Traffic Authority
State Emergency Service
State Rail
Sydney Water
Telstra

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons : EAST TAHMOOR

Council seeks to exhibit the proposal for the East Tahmoor Precinct separately so that the additional investigations for this precinct do not delay the progression of the remaining precincts. However, given that the East Tahmoor Precinct is the largest of the six precincts and that its investigations are understood to be nearing completion, it is considered that, if the Proposal proceeds, all six precincts should be exhibited together to enable the community and public authorities to gain a better understanding of the implications of the combined rezonings.

CONSULTATION WITH PUBLIC AUTHORITIES

Council has previously undertaken extensive consultation with public authorities as part of the former draft LEP, particularly those responsible for the provision of infrastructure and services. The LES has subsequently investigated all matters raised by relevant public authorities in the original consultation processes. In view of this, Council seeks that any additional consultation with public authorities, that may be required by the Gateway, be conducted during public exhibition rather than prior to public exhibition. It is considered that Council's request is justified. However, it will remain necessary for Council to consult with some public authorities prior to public exhibition as required under relevant section 117 Directions.

LOCAL ENVIRONMENTAL STUDY

The LES covers the following matters:

- Agricultural Potential
- Terrestrial Flora and Fauna Assessment,
- Aquatic Ecology Assessment,
- Bushfire Assessment,
- Aboriginal Heritage Assessment,
- Water Cycle Management Study,
- Traffic (and Transport) Impact Assessment, and

in relation to the East Tahmoor precinct:

- Noise Impact Assessment, and
- Odour Impact Assessment.

Additional investigations on demographic (supply and demand analysis), infrastructure and services and visual impact have also been carried out as part of the LES preparation.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? Yes

If Yes, reasons : **WATER**

The Proposal indicates that reticulated water can be provided to the subject land by Sydney Water subject to minor upgrades to local water infrastructure. It is understood that water supply reserves are adequate to meet the needs of the Proposal and that the necessary upgrades have already been planned by Sydney Water.

SEWERAGE

The LES indicates that the Picton Sewage Treatment Plant (STP) has spare capacity to service the proposed development but that this would require prior approval by the Minister for Planning to modify the existing mapped servicing boundary for the Plant. It is understood that such an application has already been made by Sydney Water. If approved, land owners would be required to pay the full cost of connection, including any installation and/or upgrading of existing infrastructure.

The largest precinct, i.e. East Tahmoor, will have the most significant impact on existing capacities. Whilst the STP currently has capacity to accept the additional flows associated with this rezoning, some upgrading of existing infrastructure will be required.

The Proposal seeks to apply Part 6 Urban Release Areas of Wollondilly LEP 2011 to the subject land, which includes the model satisfactory arrangements clause for the provision of State infrastructure before consent is granted to the development of the land.

The Proposal was referred to the Manager, Infrastructure Planning, of the Department on 16 September 2011, for information. No comments were received prior to the submission of the Proposal to the LEP Review Panel. Comments can be provided directly to the Deputy Director General if required. It is noted that previous advice from the Manager has indicated that satisfactory arrangements for the provision of State infrastructure are usually required where the proposed yield exceeds 150 lots.

Given that the estimated yield of the Proposal is between 900-1200 lots, it is recommended that the following agencies be asked to comment on the need for State infrastructure contributions:

- Roads and Traffic Authority, and
- Department of Education.

METROPOLITAN DEVELOPMENT PROGRAM

The Proposal was referred to the Metropolitan Development Program (MDP) Branch of the Department for information, which advised that, in general, the Proposal is consistent with the relevant strategic planning framework but that there appears to be no certainty surrounding the future provision of enabling infrastructure.

The MDP Branch has also previously advised that the Minister may initiate a Sydney Basin land release review in the near future.

It is noted that all six precincts adjoin the residential areas of existing towns and village. The anticipated proposed lot sizes range from 400sqm to 4,000sqm, however, most of the allotments will be low density residential (the larger lots are proposed for the rural/urban interface).

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Documents

Document File Name	DocumentType Name	Is Public
Council_Report.pdf	Study	Yes
Council's_Covering_Letter.pdf	Proposal Covering Letter	Yes
Tag_A_-_Planning_Proposal_Part_1.pdf	Proposal	Yes
Tag_A_-_Planning_Proposal_Part_2.pdf	Proposal	Yes
Tag_A_-_Planning_Proposal_Part_3.pdf	Proposal	Yes
Tag_B_-_Property_Description.pdf	Proposal	Yes
Tag_C_-_Locality_Map.pdf	Map	Yes
Tag_D_-_Department's_Letter_to_Council.pdf	Proposal	Yes
Tag_E_-_Infrastructure_Investigation_Report.pdf	Study	Yes
Tag_F_-_Draft_Local_Environmental_Study_Part_1.pdf	Study	No
Tag_F_-_Draft_Local_Environmental_Study_Part_2.pdf	Study	No
Tag_F_-_Draft_Local_Environmental_Study_Part_3.pdf	Study	No
Tag_G_-_Proposed_Maps_Part_1.pdf	Map	Yes
Tag_G_-_Proposed_Maps_Part_2.pdf	Map	Yes
Tag_G_-_Proposed_Maps_Part_4.pdf	Map	Yes
Tag_H_-_Growth_Management_Strategy_Map.pdf	Map	Yes
Tag_I_-_Current_Zoning_Maps.pdf	Map	Yes

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

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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 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.

Signature:



Printed Name:

T DORAN

Date:

2/10/11