

Rezoning of 'JR Stud' Site, Nos.165-185 River Road, Picton

Proposal Title :	Rezoning of 'JR Stud' Site, Nos.165-185 River Road, Picton		
Proposal Summary :	To rezone land at 165-185 River Road, Tahmoor, known as the 'JR Stud' site, primarily for rural residential development.		
PP Number :	PP_2011_WOLLY_015_00	Dop File No :	11/22533

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
- 6.2 Reserving Land for Public Purposes
- 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:

1) The Odour study should be revised to include impacts from the nearby turkey processing plant and duck sheds. Once this has been completed, Council is to revise and resubmit the Planning Proposal to the Department's Sydney West Regional Office for endorsement. Following such endorsement, the revised Planning Proposal may proceed subject to the conditions below;

2) Before any other agency consultation occurs, and before undertaking community consultation, the Office of Environment and Heritage should be consulted in relation to the potential impacts on the environment and the Aboriginal archaeological site. A comprehensive fauna study should be undertaken before consultation with that Office occurs. Council will also need to consider the need for formal consultation with the Director-General of the Office of Environment and Heritage pursuant to section 34A of the EP&A Act 1979;

3) The Director General's delegate agrees that the inconsistency with section 117 Direction - 1.2 Rural Zones is justified pursuant to clause 5(c) of the Direction;

4) Consultation is required with the Director General of the Department of Primary Industries (Minerals and Petroleum), prior to community consultation, pursuant to Director 1.3 Mining, Petroleum Production and Extractive Industries;

5) The Director General's delegate agrees that any inconsistency with section 117 Direction - 3.1 Residential Zones is justified pursuant to clause 6(d) of the Direction;

6) Consultation is required with the Mine Subsidence Board, prior to community consultation, pursuant to section 117 Direction 4.2 Mine Subsidence and Unstable Land;

7) Consultation is required with the Commissioner of the NSW Rural Fire Service, prior to community consultation, pursuant to section 117 Direction 4.4 - Planning for Bushfire Protection;

8) In addition to consultation under s.56(2)(d) of the EP&A Act 1979 with the public authorities identified in this report, consultation should also occur with the Department of Finance and Services (Crown Land Division) in relation to the rezoning of the Crown road reserve, and the approval of the Director General of that Authority for the rezoning should be obtained;

9) Council should give consideration to the application of Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), particularly whether the preparation of a Total Water Cycle Management Study or Plan is necessary;

10) Council should consider whether the recommendations of the riparian study require an amendment to the Natural Resource - Water Map to create buffers around additional watercourses;

11) Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days; and

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

Supporting Reasons : The Proposal will provide additional housing opportunities and housing choice in an appropriate location.

Panel Recommendation

Recommendation Date : 19-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The Planning Proposal should proceed subject to the following conditions:

1. Council is to revise the Odour study prior to the commencement of community consultation to consider the impact of the two separate duck sheds and the turkey processing plant on the proposed rezoning of the land for residential purposes. Council should amend the planning proposal (if necessary) to reflect the outcomes of the study, and forward a copy of the planning proposal and Odour study to the Department's Regional Office prior to public exhibition.

2. 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; 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).

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

- NSW Aboriginal Land Council
- Ambulance Service of NSW
- Hawkesbury – Nepean Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries – Minerals and Petroleum
- Mine Subsidence Board
- NSW Rural Fire Service
- Sydney Water

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.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service, the NSW Department of Primary Industries – Minerals and Petroleum and the Mine Subsidence Board prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries and S117 Direction 4.2 Mine Subsidence and Unstable Land.

5. Further to Condition 3 above, Council is to consult with the Chief Executive Officer of the Office of Environment and Heritage in relation to potential environmental and aboriginal archaeological impacts and on the threatened species fauna identified on the site by the Ecological Constraints Assessment.

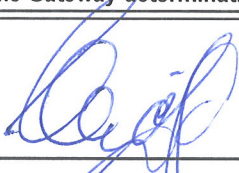
6. Council is to consult the Director General of the Department of Finance and Services (Crown Land Division) in relation to the proposed rezoning and the Crown Road Reserve that extends between Lots A and B and along the perimeter of Lot 86. Council is to amend the planning proposal to take into consideration the comments of the Crown Lands Division prior to the commencement of public exhibition.

7. 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).

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

Signature:

Printed Name:



Neil McGaffin

Date:

7.2.12