

Picton East Rezoning

Proposal Title : **Picton East Rezoning**

Proposal Summary : **To rezone land at Picton East from Zone RU2 Rural Landscape to Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone RE1 Public Recreation, Zone E2 Environmental Conservation and Zone E3 Environmental Management, to allow low and medium residential development, while providing for open space and environmental protection.**

PP Number : **PP_2013_WOLLY_002_00**

Dop File No : **13/03628**

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**
- 4.3 Flood Prone 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 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 24 months from the week following the date of the Gateway determination; and

3. Delegation is to be given for Council to exercise the Minister's plan making powers.

The matters below are to be addressed prior to community consultation, in consultation with the regional office.

4. Council is to amend the proposal document to ensure that:

- (i) the maps are to be amended to show only the boundary of the subject land as resolved by Council (and discrepancies in references to the 'subject land' throughout the proposal are to be amended accordingly),**
- (ii) the proposal clarifies whether it applies to land currently zoned RE1 Public Recreation,**
- (iii) land currently zoned R2 Low Density Residential is to be excluded if it is not being rezoned or otherwise amended, and**
- (iv) as land adjoining the subject land to the west, zoned RU2 Rural Landscape, will become isolated by the rezoning, Council is to give consideration to including this land in the proposal;**

5. Council is to undertake the following studies/assessments:

- ☐ **drainage and stormwater**
- ☐ **flora and fauna**
- ☐ **flooding**
- ☐ **bushfire hazard**

- ☐ traffic and transport
- ☐ heritage
- ☐ geotechnical
- ☐ open space
- ☐ scenic landscape analysis
- ☐ residue land (protection and management of remaining agricultural land)
- ☐ preliminary contamination assessment
- ☐ water and wastewater servicing

6. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the proposal is not inconsistent with the Draft South West Subregional Strategy. Notwithstanding this, Council is to consult with the Department of Primary Industries - Agriculture;

7. Council is to consult with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;

8. Council is to consult with the Office of Environment & Heritage and the Hawkesbury-Nepean Catchment Management Authority and subsequently demonstrate consistency with section 117 Direction 2.1 Environmental Protection Zones. Council is to also have regard to the need to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth EPBC Act 1999;

9. Council is to demonstrate consistency with section 117 Direction 2.3 Heritage Conservation and include consultation with the Crown (in relation to the Vault Hill Cemetery);

10. Council is to consult with Sydney Water, Endeavour Energy, Roads & Maritime Services, Fire & Rescue NSW and any other relevant public authorities and demonstrate consistency with section 117 Direction 3.1 Residential Zones;

11. Council is to consult with the Mine Subsidence Board and subsequently demonstrate consistency with section 117 Direction 4.2 Mine Subsidence and Unstable Land;

12. Council is to demonstrate consistency with section 117 Direction 4.3 Flood Prone Land after undertaking the relevant study/studies;

13. Council is to consult with the Commissioner of the NSW Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection; and

14. Council is to amend the proposal to clarify acquisition arrangements for land proposed to be rezoned to Zone RE1 Public Recreation, including any necessary changes to the Land Reservation Acquisition Map. This will enable the Director General to consider whether to approve the rezoning pursuant to section 117 Direction 6.2 Reserving Land for Public Purposes.

Supporting Reasons : **The proposal will provide additional housing opportunities in a generally appropriate location.**

Panel Recommendation

Recommendation Date : **21-Mar-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, the maps are to be updated to consistently identify the subject land, consistent with Council's resolution. The 'subject land' is to only include land which is proposed to be rezoned and the proposal is to be clear on whether it applies to land currently zoned RE1 Public Recreation. Council is to consider including land to the immediate west of the subject land, which is zoned RU2 Rural Landscape as part of this rezoning.

2. Council is to update the planning proposal to address acquisition arrangements for land proposed to be zoned RE1 Public Recreation, including identifying any necessary changes to be made to the Land Reservation Acquisition Map. This will enable consistency with S117 Direction 6.2 Reserving Land for Public Purposes to be determined.

3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

4. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- Drainage and stormwater
- Flora and fauna
- Flooding
- Bushfire hazard
- Traffic and transport
- Heritage
- Geotechnical
- Open space
- Scenic landscape analysis
- Residue land (protection and management of remaining agricultural land)
- Water and wastewater servicing

Once this information is provided and consultation with public authorities is undertaken consistency with S117 Directions 2.3 Heritage Conservation, 3.1 Residential Zones and 4.3 Flood Prone Land can be determined.

5. 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).

6. Consultation is required with the following public authorities or organisations 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:

- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
- Department of Trade and Investment – Mineral Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Fire and Rescue NSW
- Transport for NSW - Roads and Maritime Services
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- Endeavour Energy
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities (if required)
- Sydney Water
- Hawkesbury – Nepean Catchment Management Authority
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Crown Land (regarding the Vault Hill Cemetery)

Each public authority is to be provided with a copy of the planning proposal and any

Picton East Rezoning

relevant supporting material, and given at least 21 days to comment on the proposal.

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 24 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGavin

Date:

27.3.13