

Macquariedale Road, Appin

Proposal Title : **Macquariedale Road, Appin**

Proposal Summary : **To rezone rural land fronting Macquariedale Road at Appin to allow for:**
 - low density housing,
 - the environmental management of ecologically important land, and
 - the protection of a strategic road corridor for a future Appin by-pass.

PP Number : **PP_2011_WOLLY_014_00** Dop File No : **11/16795**

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 Proposal proceed subject to the following conditions:**

1) The Director General agrees that the inconsistency with section 117 Direction - 1.2 Rural Zones is justified pursuant to part 5(d) of the Direction;

2) The Director General agrees that the inconsistency with section 117 Direction - 1.3 Residential Zones is justified pursuant to parts 6(c) and (d) of the Direction;

3) The Office of Environment and Heritage (OEH) should be consulted to determine the adequacy of the archaeological assessment and whether the listing of any heritage or archaeological items or sites is required;

4) Before any other agency consultation occurs, the OEH should be consulted under section 34A of the EP&A Act 1979, specifically to:

- determine the adequacy of the flora assessment,
- determine an appropriate boundary for the proposed R2 Low Density Residential zone in view of the Shale Sandstone Transition Forest on the site, that is consistent with the Cumberland Plain Woodland Recovery Plan,
- determine the appropriateness of the proposed location of the Appin bypass reservation, and
- confirm the applicable vegetation offsets;

5) Consultation with other public authorities required below is not to commence until the consultation with OEH has been completed and any necessary further studies and zoning boundary changes have been undertaken to address any matters raised by OEH;

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

7) The consistency of the Proposal with section 117 Directions 2.1 Environment Protection

Zones and 2.3 Heritage Conservation should be demonstrated after the results of consultation with the OEH have been finalised;

8) Consultation is required with the Mine Subsidence Board pursuant to section 117 Direction 4.2 Mine Subsidence and Unstable Land;

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

10) The approval of the Roads and Traffic Authority (RTA) is required for the proposed SP2 Infrastructure zoning, pursuant to Section 117 Direction 6.2 Reserving Land for Public Purposes. Following advice from the RTA, Council will need to seek the approval of the Director General of Planning and Infrastructure pursuant to the Direction;

11) Consultation is required with Sydney Water in relation to its servicing ability for the subject land;

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

13) If no comments are received from the Department's Manager, Infrastructure Planning, before the Gateway determination is made, the following agencies should be asked to comment on the need for State infrastructure:

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

14) After being revised to comply with the above conditions and prior to undertaking community consultation, the Proposal is to be returned to the Department for endorsement;

15) General consultation is required with the other public authorities identified in this report; and

16) The timeframe for completing the local environmental plan is to be 24 months from the week following the date of the Gateway determination.

Supporting Reasons : The Proposal rezones land adjoining an existing residential area and will help to accommodate growth within the Wollondilly Local Government Area.

Panel Recommendation

Recommendation Date : 22-Sep-2011

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to any agency and community consultation, Council is to consult the Office of Environment and Heritage under section 34A of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), specifically to:
 - o determine the adequacy of the flora assessment;
 - o determine an appropriate boundary for the proposed R2 Low Density Residential zone in view of the Shale Sandstone Transition Forest on the site, that is consistent with the Cumberland Plain Woodland Recovery Plan;
 - o determine the appropriateness of the proposed location of the Appin bypass reservation; and
 - o confirm the applicable vegetation offsets
2. Council is to consult the Mine Subsidence Board and take into account any comments made as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land.
3. Council is to consult the Director General of the Department of Primary Industries (Minerals and Petroleum) and take into account any comments made as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and extractive Industries.

4. In regards to the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection and 2.3 Heritage Conservation, Council is to consult the Office of Environment and Heritage in relation to the need for any further heritage study and whether the listing of any heritage or archaeological items or sites is required.

5. Council is to consult the Roads and Traffic Authority (RTA) in relation to the proposed SP2 Infrastructure zoning within the subject land pursuant to S117 Direction 6.2 Reserving Land for Public Purposes.

6. 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 as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

7. Council is to undertake consultation with Sydney Water prior to exhibition in relation to its ability to provide servicing for essential infrastructure for the locality.

8. Council is not to commence exhibition until consultation as required by the Gateway Determination has been carried out, any submissions considered, and alterations made to the planning proposal as a result of the public authority consultation. Council is to submit the revised proposal to the Department's Regional Office for consideration and approval of the revised proposal.

9. 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).

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

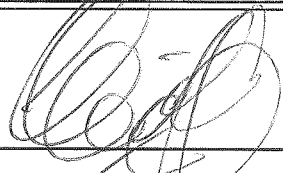
- Essential Energy
- NSW Aboriginal Land Council
- Ambulance Service of NSW
- Area Health Services
- Catchment Management Authority – Hawkesbury / Nepean
- Delta Electricity
- Department of Agriculture
- Department of Education and Communities
- Office of Environment and Heritage
- Department of Industry & Investment (Agriculture)
- Energy Australia
- Integral Energy
- Mine Subsidence Board
- Department of Transport NSW
- NSW Police Service
- NSW Rural Fire Service
- Transport NSW
- Origin Energy
- Pacific Power
- Reporting Services Branch
- State Rail
- State Transit Authority of NSW
- 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.

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

Signature:



Printed Name:

Neil Weir

Date:

30.9.11