

Montpelier Drive Residential Lands

Proposal Title : **Montpelier Drive Residential Lands**

Proposal Summary : **To rezone land located at Montpelier Drive, The Oaks, from rural to residential to enable the development of low density housing.**

PP Number : **PP_2013_WOLLY_008_00** Dop File No : **13/10142**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.2 Rural Zones
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.2 Sydney Drinking Water Catchments
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 12 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.

4. Council is to undertake the studies/assessments outlined in the Proposal and a flora and fauna study;

5. 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. However, Council is to consider the potential for land use conflicts and consult with the Department of Primary Industries - Agriculture;

6. Council is to consult with the Office of Environment & Heritage and Office of Water 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 Environment Protection and Biodiversity Conservation Act 1999;

7. Council is to consult with Sydney Water, Endeavour Energy, Roads & Maritime Services, the Department of Education and Communities and any other relevant service/public authorities;

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

9. 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;

10. Council is to consult with the Sydney Catchment Authority, comply with the requirements of, and subsequently demonstrate consistency with, section 117 Direction 5.2 Drinking Water Catchment;

11. Council is to consult with the Civil Aviation Safety Authority in relation to potential impacts on, and from, The Oaks Airfield;

12. Council is to amend the Proposal (i.e. Part 2 - Explanation of Provisions) to refer to the proposed lot size as a minimum rather than a maximum; and

13. Council is to ensure that the exhibited Proposal contains all appendices.

Supporting Reasons : The Proposal is supported, in principle, as it will provide housing opportunities and enable the orderly growth of The Oaks.

Panel Recommendation

Recommendation Date : 27-Jun-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to refer to a minimum lot size, rather than a maximum lot size. Council is also to ensure that all appendices and supporting information is placed on public exhibition with the planning proposal.

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

- traffic and transport
- aviation risk
- heritage
- flooding, stormwater and water quality
- flora and fauna
- potential for land use conflict

Once the above information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 2.1 Environment Projection Zones, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments to reflect the outcomes of the work and consultation undertaken.

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. 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 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

Montpelier Drive Residential Lands

- Office of Environment and Heritage
- Sydney Water
- Endeavour Energy
- Transport for NSW - Roads and Maritime Services
- Civil Aviation Safety Authority
- NSW Education and Communities
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Office of Water
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Sydney Catchment Authority (S117 Direction 5.2 Sydney Drinking Water Catchments)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. 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).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:



Date:

