

Kader Street, Bargo

Proposal Title : **Kader Street, Bargo**

Proposal Summary : **To rezone land in Kader Street, Bargo, for low density and large lot residential development.**

PP Number : **PP_2012_WOLLY_009_00** Dop File No : **13/01074**

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**
- 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;**
- 3. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the inconsistency is of minor significance;**
- 4. Council should consult with the Mine Subsidence Board and subsequently demonstrate consistency with section 117 Direction 4.2 Mine Subsidence and Unstable Land;**
- 5. Council should demonstrate consistency with section 117 Direction 4.3 Flood Prone Land after undertaking relevant studies required below;**

The following conditions should be met prior to community consultation:

- 6. Council should consult with the Department of Trade & Investment (Mineral Resources and Energy) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;**
- 7. Council should consult with the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities. Compliance with s.34A of the Environmental Planning and Assessment Act 1979 is also necessary. Council should subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones and address SEPP 44 - Koala Habitat Protection;**
- 8. Council should consult with the Commissioner of the Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection;**

9. Council should prepare the following studies:
- flora and fauna and habitats,
 - surface and ground water (including a Total Water Cycle Management Plan, Waste Water Report and Water Sensitive Urban Design options),
 - riparian ecology,
 - land contamination (pursuant to SEPP 55 - Remediation of Land),
 - bushfire hazard management,
 - traffic and transport, and
 - odour;

10. Council should additionally consult with the following public authorities:
- the Hawkesbury-Nepean Catchment Management Authority,
 - Sydney Water,
 - Office of Water
 - Roads and Maritime Services, and
 - Endeavour Energy;

11. Council should complete Attachment 6 of the Proposal (i.e. assessment against the draft South West Subregional Strategy).

Supporting Reasons : The Proposal will provide additional housing opportunities through the orderly expansion of the existing Bargo centre.

Panel Recommendation

Recommendation Date : 17-Jan-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 planning proposal to complete the assessment checklist at Attachment 6 'Assessment checklist in accordance with the draft South West Subregional Strategy'.
2. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 18 month timeframe allocated for completing the LEP.
3. Council has identified that additional information regarding traffic and transport and bushfire hazard is required to investigate the impacts of the planning proposal. Council is to undertake the necessary work prior to undertaking public exhibition and amend the planning proposal to reflect the outcomes of this additional information.
4. Given the subject site adjoins a wastewater disposal system, Council is to amend the planning proposal to include additional information to address the impacts of odour from the wastewater disposal system onto the site.
5. Council is to consult with the Department of Trade and Investment (Mineral Resources and Energy) as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
6. Council is to amend the planning proposal to include additional information regarding flora and fauna, habitat and riparian ecology to demonstrate consistency with S117 Direction 2.1 Environmental Protection Zones and SEPP 44 Koala Habitat Protection. Council is also to consult with the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition. If required, Council is to amend the Natural Resources - Biodiversity Map and Water Map to reflect the outcomes of this additional information.
7. Council has identified the need to undertake a Total Water Cycle Management Plan and Waste Water Management Report to accompany the planning proposal. Council is to

prepare this additional information to adequately demonstrate consistency with S117 Direction 4.3 Flood Prone Land and amend the planning proposal, if necessary, to take into consideration the outcomes of this work prior to undertaking public exhibition.

8. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration additional information received, prior to undertaking public exhibition.

9. Council is to consult with the Mine Subsidence Board in accordance with S117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

10. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (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.

11. 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

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

- Hawkesbury Nepean Catchment Management Authority
- Office of Environment and Heritage
- Department of Primary Industries - Office of Water
- Department of Trade and Investment
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services
- Sydney Water
- Endeavour Energy

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.

13. 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).

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

Kader Street, Bargo

Signature:

M. Selman

Printed Name:

NEU SELMAN

Date:

05/02/2013