

Proposed Residential Zone, Gilbert Cory Drive, South West Rocks

Proposal Title :	Proposed Residential Zone, Gilbert Cory Drive, South West Rocks		
Proposal Summary :	The proposal is to rezone land at South West Rocks from 1(d) (Rural (Investigation) "D" Zone to 2(a) (Residential "A" Zone, 7(a) (Wetlands Protection Zone) and 7(b)(Environmental Protection (Habitat) Zone.		
PP Number :	PP_2011_KEMPS_005_00	Dop File No :	11/17920

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions :

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : It is recommended that:

The planning proposal not proceed on the basis that it is unjustifiably inconsistent with Section 117 Directions 1.2 (Rural Zones), 1.5 (Rural Lands) and 2.1 (Environment Protection Zones and SEPP North Coast REP.

The proposal may be resubmitted if the Director General approves an amendment to the Council's local growth management strategy to include the land.

Should the planning proposal be supported now, it is recommended that

1. The Planning Proposal is exhibited for a period of 28 days;
2. The Planning Proposal be completed within 12 months;
3. Consultation with OEH take place and a further report be prepared (to be considered under section 57(2) of the Act) with a view to justifying inconsistencies with section 117 directions 1.2, 1.5, 2.1, 2.3, 4.3, 4.4 and 5.1.

Supporting Reasons : The proposal is not part of Council's agreed local growth management strategy.

The proponent has not shown that unconstrained areas exist, and OEH as the expert agency does not believe offsets through biobanking are feasible. It is considered there is not sufficient information available to justify inconsistencies with section 117 directions relating to the environmental impact of the proposal.

Panel Recommendation

Recommendation Date : 13-Oct-2011

Gateway Recommendation : **Rejected**

Panel Recommendation : The Planning Proposal should not proceed for the following reasons:

1. The planning proposal does not adequately demonstrate that there is sufficient unconstrained land available for the proposal to proceed at this stage.

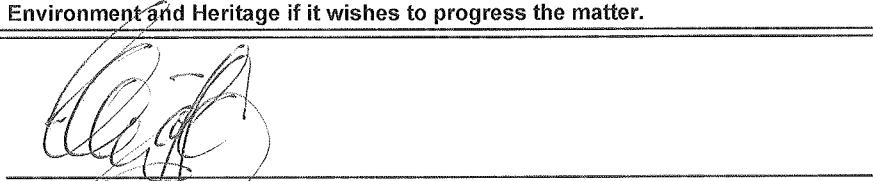
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2. The planning proposal is inconsistent with a number of S117 Directions including 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection and 4.4 Planning for Bushfire Protection. Insufficient justification has been provided for the departure from these requirements regulating the release of land for urban purposes.

3. The planning proposal is unjustifiably inconsistent with the North Coast Regional Environmental Plan in that the land is not consistent with Council's local growth management strategy.

4. The planning proposal has not provided sufficient evidence that offsetting is feasible, because the extent of knowledge about the Endangered Ecological Communities and threatened species on the site is unclear, finding an adequate like-for-like offset area is problematic, and fragmentation of the site is undesirable. Council is to resolve the level of biodiversity value investigations and feasibility of offsetting arrangements with the Office of Environment and Heritage if it wishes to progress the matter.

Signature:



Printed Name:

Neil McCaffin

Date:

26.10.11