

Amendment to permit an educational establishment and recreation facility, Mangrove Creek Road, Mangrove Creek

Proposal Title :	Amendment to permit an educational establishment and recreation facility, Mangrove Creek Road, Mangrove Creek		
Proposal Summary :	The proposal seeks to permit an educational establishment and recreation facility on land currently zoned 7(a) Conservation in the Gosford Interim Development Order 122. Council proposes that this would occur by rezoning the site to SP2 Infrastructure (Educational establishment including accommodation and associated recreational activities) in its proposed comprehensive LEP or Special Use 5 (Educational establishment including accommodation and associated recreational activities) in IDO 122.		
PP Number :	PP_2012_GOSFO_007_00	Dop File No :	12/04999

Planning Team Recommendation

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

- S.117 directions :
- 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions

- Additional Information :
- The following conditions are suggested in order to progress the PP:
- amend references in the PP and the SP2 map notation to 'Educational establishments, recreation facilities (indoor) and recreation facilities (outdoor);
 - the two zoning maps should be updated to show the proposed zoning of the site within the context of the zones applying in that locality;
 - two zoning maps should also be provided which show the current zoning of the site under the IDO 122 and exhibited draft comprehensive LEP;
 - a locality map which shows the site within the context of the broader LGA should be provided;
 - confirm that the proposed 60 m AHD topographical contour zone boundary covers all the land proposed to be rezoned;
 - consider cl. 6 of SEPP 55;
 - consult with the CMA and consider PP consistency in terms of cl. 5 and 6 of SREP 20;
 - consult with DPI per s117 direction 1.3 to determine consistency;
 - consult with OEH and once Council is satisfied that ecological issues are adequately addressed, either confirm consistency with the terms of s117 direction 2.1 or seek DG agreement to an inconsistency;
 - confirm consistency with the terms of s117 direction 4.3 and if inconsistent, DG agreement to an inconsistency should be sought per the terms of the direction;
 - consult with RFS per s117 direction 4.4;
 - 14 day community consultation;
 - 6 month timeframe to complete the PP.

It is recommended that the DG agree to the inconsistency with s117 direction 4.1 Acid Sulphate Soils.

- Supporting Reasons :
- update SP2 notations to be consistent with the Standard Instrument;
 - updates to maps and additional maps would make the proposal clearer to the community;
 - SEPP 55 needs to be considered;
 - consultation with CMA to inform SREP 20 assessment;
 - consultation with DPI to satisfy s117 direction 1.3;

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- consultation with OEH to inform consistency with s117 direction 2.1;
- further consideration of s117 direction 4.3 is to align the assessment with the terms of the direction;
- consultation with RFS to satisfy s117 direction 4.4;
- 14 day community consultation and 6 month completion timeframe as the PP could be considered to be a routine, low impact type PP.

Panel Recommendation

Recommendation Date : 05-Apr-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to public exhibition, Council is to consult with the Office of Environment and Heritage and the NSW Rural Fire Service on the proposed zone and permissible land uses and clearly articulate the reasons why the SP2 zone is the most appropriate in this circumstance. Council is to take into consideration the comments of the public authorities and amend the planning proposal if necessary.
2. In preparation for consultation with OEH, RFS and the Department's regional team, Council is to prepare the following maps and provide them for the public authorities:
 - a map showing the subject lands proposed zoning under IDO 122;
 - a map showing the subject lands proposed zoning under the draft standard instrument LEP;
 - a map showing the subject land, as zoned Special Uses 5 under IDO 122, in the context of the surrounding zones in the local government area;
 - a map showing the subject land, as zoned SP2 under the SILEP, in the context of the surrounding zones in the local government area; and
 - a locality map showing the subject land, as currently zoned, in the context of the broader LGA.
3. Council is to provide evidence demonstrating, that the proposed 60 Metre AHD topographical contour zone boundary covers all the land (the portions of the 5 land parcels) proposed to be rezoned.
4. In accordance with the requirements of SEPP 44 Koala Habitat Protection, Council is to consult with the Office of Environment and Heritage to clarify whether a specific study is required at the planning proposal stage. If it is established that a study is required, Council is to consult with the Department's regional team regarding any findings produced from the study and amend the planning proposal accordingly, prior to proceeding to public exhibition.
5. Council is to address SEPP 55 Remediation of Land in order to determine whether a contaminated land study is required for the site. Council is to consult with the Department's regional team regarding this matter and amend the planning proposal, if necessary, prior to public consultation.
6. In accordance with the requirements of SREP 20 – Hawkesbury Nepean River, Council is to consult with the Hawkesbury - Nepean Catchment Management Authority regarding the planning proposal's consistency with Clause 5 and 6 of the SREP.
7. As per the requirements of S117 Direction 1.3 Mining Petroleum Production and Extractive Industries, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum and determine the planning proposal's consistency with the S117 Direction.
8. In accordance with the requirements of S117 Direction 2.1 Environmental Protection Zones, Council is to consult with the Office of Environment and Heritage to determine whether a study is required to address the threatened fauna species and regionally significant vegetation which exist on the site. Council is to reconsider consistency with this

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direction, after consultation with OEH and produce any studies which may be required. If any inconsistency is identified after this process, Council is to consult with the Department's regional team regarding justification and amend the planning proposal accordingly, prior to public consultation.

9. Council is to give further consideration to S117 Direction 4.3 Flood Prone Land and establish whether the planning proposal is consistent or inconsistent with this Direction. Pending the outcome of the investigation, Council is to seek DG agreement that it is of minor significance and amend the planning proposal accordingly.

10. In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of this Direction

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 14 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).

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

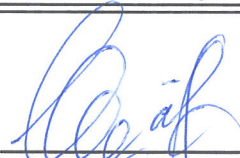
- Hawkesbury – Nepean Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Minerals and Petroleum
- Office of Environment and Heritage – NSW National Parks and Wildlife Service
- NSW Rural Fire Service

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

Signature:



Printed Name:

Neil McGaffin

Date:

14.5.12