

113 Wyndham Way, Eleebana

Proposal Title : **113 Wyndham Way, Eleebana**

Proposal Summary : **The proposal intends to protect environmentally sensitive land and allow residential development to occur at 113 Wyndham Way, Eleebana. It is proposed to rezone 1.4 ha of the subject site to R2 Low Density Residential and 10.5 ha to E2 Environmental Conservation.**

PP Number : **PP_2013_LAKEM_008_00** Dop File No : **13/09931**

Planning Team Recommendation

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

S.117 directions : **2.1 Environment Protection Zones
3.2 Caravan Parks and Manufactured Home Estates
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to consult with the Office of Environment and Heritage to determine if the location of the proposed residential zone minimises impacts on threatened species and is consistent with the prepared LES.**
- 2. Prior to undertaking public exhibition, Council is to amend the planning proposal to identify the subject site as an Urban Release Area.**
- 3. 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 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**
- 4. 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:**
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)**
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)**
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)**

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.
- 5. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.**
- 6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**

It is recommended that the Minister's delegate advise Council that the proposal's inconsistency with Section 3.2 Caravan Parks and Manufactured Home Estates is of minor significance.

Council have not requested use of plan-making delegations. It is not recommended that plan-making delegations are given to Council as the subject site is owned by Council.

Supporting Reasons : The proposal is supported as it is based on a Local Environmental Study and protects 10.5 ha of environmentally sensitive land. Further consultation with OEH is required to determine the level of impact the proposed 1.4 ha of residential area will have on species listed under the Threatened Species Act 1995.

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 consult with the Office of Environment and Heritage to determine the proposals impact on species listed under the Threatened Species Conservation Act 1995 and identify whether the location of the proposed residential zone is consistent with the Local Environmental Study. This will enable Council to demonstrate the proposal's consistency or justify any inconsistency with S117 Direction 2.1 Environment Protection Zones.
2. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
3. 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:
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)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.
4. 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).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

N. Senon

Date:

3/7/13