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Resolved Items Action Statement

Action is required for the following item as per the Council Resolution.

NOTICE OF COUNCIL RESOLUTION

COUNCIL MEETING – 08/07/2014

**TITLE PROPOSED REZONING OF LOT 41 DP 1046841 WISEMANS FERRY/
PEATS RIDGE ROADS SOMERSBY TO E2, E3 & SP2 TO ENABLE 7
LOT RURAL RESIDENTIAL SUBDIVISION & EXCISION OF SP2 LAND
ADW JOHNSON (IR 15024992)**

Department: Governance and Planning
Service Unit: Sustainable Corporate and City Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

Councillor Morris declared her pecuniary interest in relation to this item, under Chapter 14 of the Local Government Act 1993, as she lives in close proximity of the area subject to a proposed rezoning and subdivision and did not take part in the consideration or discussion of, or vote on any question relating to this item.

Councillor Morris left the meeting at 6.45 pm.

RESOLVED (Doyle/Strickson) that:

- A Council support the preparation of a Planning Proposal to rezone Lot 41 DP 1046841 Wisemans Ferry Road/Peats Ridge Road Somersby to E2 Environmental Conservation, E3 Environmental Management and SP2 Infrastructure, with the E2 component be mapped at a minimum lot size of 20 hectares, and the E3 component at a minimum lot size of 3 hectares (with lot averaging provisions incorporated).
- B Council notify the Department of Planning and Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) *Environmental Planning and Assessment Act* and forward the Planning Proposal and all necessary documentation according to their requirements and this report. A Preliminary Contamination Report should be prepared to support the planning proposal and no other studies need be prepared to support the planning proposal at this stage as matters may be dealt with through Development Control Plan provisions and/or assessment at the Development Application stage. Council recommends to the Department of Planning and Environment that the Gateway require the following consultations:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - NSW Trade and Investment (Resources and Energy)

- NSW Trade and Investment (Primary Industries)
- Hunter Central Rivers Catchment Management Authority
- Local Aboriginal Land Councils (Darkinjung and Guringai)
- Wyong Shire Council

C Upon consultation with government agencies, the applicant be requested to prepare Development Control Plan provisions (to be incorporated into DCP 2013) for Lot 41 DP 1046841 Wisemans Ferry Road/Peats Ridge Road to provide for:

- Protection of areas of environmental sensitivity along Peats Ridge Road frontage (50 metres wide), along the eastern boundary (30 metres) and in the central section of the land to be zoned E3;
- Information requirements to support a future development application, including assessments that will be required in relation to Part 5 of the Environmental Planning and Assessment Act in relation to consideration of threatened species, information required to support on-site waste water management systems and on-going environmental management and rehabilitation as may be required, traffic and access considerations, bushfire protection, geotechnical reports etc;
- Indicative subdivision layout and dwelling/development envelopes.

The DCP is to be to the satisfaction of Council.

D Upon receipt of the Gateway Determination, consultation with government agencies and preparation of the Development Control Plan provisions by the applicant, the draft DCP and Planning Proposal be publicly exhibited in accordance with the Gateway Determination.

E After public exhibition, should the Minister for Planning and Environment support it, and if no submissions objecting to the proposal (both the Planning Proposal and Development Control Plan) are received, the Planning proposal is to be sent to the Department of Planning and Environment in order to make the plan. Concurrently, Council adopt the draft DCP (amendment), with public notification of its adoption being given, and the DCP to come into effect on the date of notification of the LEP.

F The applicant be advised of Council's resolution.

G Council seeks delegations from the Department of Planning and Environment for this Planning proposal

- 1 Upon Council receipt of the Department of Planning and Environment's intention to issue delegation, Council will submit to the Department of Planning and Environment a "Written Authorisation to Exercise Delegation" for the same.
- 2 Any delegation to Council is to be delegated to the Chief Executive Officer, Paul Anderson, per s.381 of the Local Government Act, 1993, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning and Environment.

For the Resolution:

Councillors McKinna, Ward, Bocking, Burke, Doyle, Macfadyen, Scott and Strickson.