

Planning Proposal to rezone land from 5(a) Special Uses (Club) to a zone that permits commercial development.

Proposal Title :	Planning Proposal to rezone land from 5(a) Special Uses (Club) to a zone that permits commercial development.		
Proposal Summary :	To rezone Lot C DP 344413, 18 Ilya Avenue, Erina from Zone No. 5(a) Special Uses (Club) to allow part of the site to be redeveloped for a mixed use development comprised of a club, retail and commercial uses.		
PP Number :	PP_2012_GOSFO_013_00	Dop File No :	12/11474

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the PP proceed with the following conditions:

The statement of objectives be updated to:

- Clarify that the key landuse change that will result from the PP is to rezone the subject site from Zone No. 5(a) to a commercial zone to enable part of the site to be redeveloped for a mixed use commercial, retail and club facility in buildings that range from 2-6 storeys in height.
- Reflect the additional biodiversity, flooding and servicing investigations e.g. this could include an objective to rezone part of the site to reflect the ecological and flooding characteristics of the site.

The explanation of provisions should also be updated to:

- State that the rezoning could be achieved via an amendment to the GPSO or as an early amendment to the SILEP.
- Reflect any additional changes required as a result of the proposed biodiversity, flooding and servicing investigations e.g. this could include an objective to rezone part of the site to either 9(a) Restricted Development (Flood Prone Land) under the GPSO or E2 under the SILEP.
- Identify the height and FSR controls that would be applied to the site under the B5 zone.

Council to update the maps:

- Once the zoning and zone boundaries under the GPSO and the SILEP are determined.
- To include a site boundary that allows the subject lot to be easily identified.

Once additional information on flooding and ecology is available, Council is to satisfy itself that the PP is consistent with:

- SEPP 19 Urban Bushland and SEPP 55 Contaminated Land.
- s.117 Directions 2.1 Environmental Protection Zones, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 6.3 Site Specific Provisions and seek the DG's agreement if required.

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Supporting Reasons :	Council to consult with the Rural Fire Service (RFS), Transport for NSW (Roads and Maritime Service (RMS)) and the Office of Environment and Heritage (OEH) prior to the public exhibition. Justification: - To reflect that Council is yet to make a decision regarding whether to re-exhibit the SILEP. - To allow for Council to rezone part of the site to an environmental or restricted development zone, if required. - To allow the community to better understand the implications of the PP. - It is not possible to determine whether the proposal is consistent or inconsistent with these SEPPs and s.117 directions at this time. - RFS to be consulted to ensure consistency with s.117 Direction 4.4. - RMS and OEH to be consulted to ensure that their views are sought and considered prior to public exhibition.
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Panel Recommendation

Recommendation Date : **09-Aug-2012**

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 'statement of objectives' in the planning proposal to advise that rezoning the land at Erina to a business zone will enable part of the site to be developed for mixed use commercial, retail and club purposes ranging from 2 to 6 storeys in height. The 'statement of objectives' should also be updated to reflect the outcomes of any additional biodiversity, flooding and servicing investigations undertaken by the proponent.
2. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' in the planning proposal to:
 - o Advise that the rezoning could be achieved via an amendment to the GPSO or as an early amendment to the draft Gosford LEP 2012,
 - o Reflect the outcomes of any additional biodiversity, flooding and servicing investigations undertaken, and
 - o Identify maximum building height and floor space ratio controls that are to be applied to the site under the B5 zone, if the planning proposal amends the draft LEP.
3. Council is to update the planning proposal maps to clearly identify the subject site and the proposed zoning of the site under the GPSO and draft Gosford LEP 2012.
4. As Council intends to identify the site as part of the proposed environmentally sensitive land overlay in its draft LEP and it has asked that the proponent provide information on the protection of flora and fauna, Council should confirm consistency with Direction 2.1 Environmental Prospection Zones once these investigations are completed.
5. It is noted that Council has requested additional flooding information be provided by the proponent. The Director General can determine if any inconsistency with Direction 4.3 Flood Prone Land is of minor significance once these investigations have been undertaken.
6. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
7. Council is to amend the planning proposal to advise whether it is consistent with Direction 6.3 Site Specific Provisions or whether it seeks the Director General to be satisfied that any inconsistency with this direction is of minor significance.
8. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the

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Contaminated Land Planning Guidelines. 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.

9. It is noted that Council intends to prepare a site specific development control plan (DCP) to protect urban bushland. Council is to demonstrate that the planning proposal is consistent with SEPP 19 Urban Bushland, once provisions that will apply to the site are determined.

10. It is noted that Council has requested the proponent provide additional information regarding flora and fauna, flooding and ecology for inclusion in its DCP and to enable Council to determine the land zoning boundaries. This information should be exhibited with the planning proposal.

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 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:

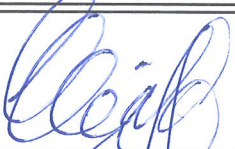
- Office of Environment and Heritage
- Transport for NSW (Roads and Maritime Services)
- NSW Rural Fire Service

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

Signature:



Printed Name:

Neil McGaffin

Date:

17.8.12