

## Joint Regional Planning Panel Gateway Determination Review

The Hunter & Central Coast Joint Regional Planning Panel (JRPP) has considered the request for a review of the Gateway determination of the planning proposal as detailed below:

|                            |                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Dept. Ref. No:</b>      | <b>GDR_2013_WYONG_001_00</b>                                                                                                                                                                                                                                                                                                                                                                             |
| <b>LGA</b>                 | Wyong Shire Council                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>LEP to be Amended:</b>  | Wyong LEP 1991 or Wyong LEP 2013                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Address / Location:</b> | 2-10 Cams Boulevard, Summerland Point NSW 2259                                                                                                                                                                                                                                                                                                                                                           |
| <b>Proposal:</b>           | The proposal seeks to rezone land at 2-10 Cams Boulevard from 5(a) Special Uses to 2(a) Residential by amending Wyong LEP 1991 to enable the subdivision of the site for residential allotments. Alternately should the Principal SI be finalised in advance of the planning proposal the land would be rezoned from E2 Environmental Conservation to R2 Low Density Residential (PP_2013_WYONG_008_00). |
| <b>Panel Chair:</b>        | Garry Fielding                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Panel Members:</b>      | Kara Krason<br>Bob McCotter<br>Doug Eaton<br>Greg Best                                                                                                                                                                                                                                                                                                                                                   |

|                           |                                     |                                                                                                                                                                                                     |
|---------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reason for review:</b> | <input checked="" type="checkbox"/> | A determination has been made that the planning proposal should not proceed.                                                                                                                        |
|                           | <input type="checkbox"/>            | A determination has been made that the planning proposal should be resubmitted to the Gateway.                                                                                                      |
|                           | <input type="checkbox"/>            | A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered. |

In considering the request, the JRPP has reviewed all relevant information provided as well as the views and position of the department and the relevant local government authority. Based on this review the **JRPP recommends** the following:

*Reason for Review: A determination has been made that the planning proposal should not proceed.*

|                        |                                     |                                                                                                                                                                     |
|------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RECOMMENDATION:</b> | <input type="checkbox"/>            | <b>The planning proposal should not proceed past Gateway.</b>                                                                                                       |
|                        | <input type="checkbox"/>            | <input type="checkbox"/> no amendments are suggested to original determination.<br><input type="checkbox"/> amendments are suggested to the original determination. |
|                        | <input checked="" type="checkbox"/> | <b>The planning proposal should proceed past Gateway in accordance with the original submission.</b>                                                                |

### JRPP Advice and Justification for Recommendation:

1. The Panel has considered the supporting information provided for the proposal, as well as the views of the Council, the proponent and the Department of Planning & Infrastructure, and has visited the site.

2. The Panel noted advice provided by the Office of Environment and Heritage was sufficient to establish potential offset options to allow residential development however further investigation would be required to update the environmental assessment of biodiversity issues on site.
3. The Panel's recommendation is that the planning proposal to rezone the site for residential purposes progress for a gateway determination under s56 of the *Environmental Planning and Assessment Act 1979* subject to the following requirements:
  - i) The planning proposal include updated environmental assessment of biodiversity issues and justification to move from a conservation to residential zone.
  - ii) The planning proposal be updated as necessary once Council confirms the correct property description of the lot and references to R2 Residential be replaced with R2 Low Density Residential.
  - iii) The maps be improved for community consultation with LEP standard maps indicating existing and proposed zones and lot sizes for the site.
  - iv) Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and 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.
  - v) The Director General agrees that the provisions of the planning proposal that are inconsistent with S117 Direction 4.1 Acid Sulfate Soil are of minor significance.
  - vi) Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions once it has undertaken consultation with public authorities and information on biodiversity has been obtained:
    - 1.3 Mining, Petroleum Production and Extractive Industries
    - 2.1 Environment Protection Zones
    - 4.2 Mine Subsidence and Unstable Land
    - 4.4 Planning for Bushfire Protection
    - 5.1 Implementation of Regional Strategies
  - vii) Agency Consultation with:
    - Office of Environment and Heritage
    - NSW Department of Primary Industries - Minerals and Petroleum
    - Mine Subsidence Board
    - NSW Rural Fire Service
    - Commonwealth Department of Environment (formerly Department of Sustainability, Environment, Water, Population and Communities).
  - viii) 28 days community consultation period.
  - ix) 12 month timeframe to complete the plan.
  - x) Delegation be retained by the Department in this instance, as the site is conditioned under an existing development consent to be transferred to Council.