

Rezone land at 2-10 Cams Boulevard, Summerland Point

Proposal Title : Rezone land at 2-10 Cams Boulevard, Summerland Point

Proposal Summary : The proposal seeks to rezone part of Lot 200 DP 1181286 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 lot would be zoned to R2 Low Density Residential.

PP Number : PP_2013_WYONG_008_00 Dop File No : 13/11022

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions :

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : The planning proposal is not recommended to proceed as it is unclear whether the biodiversity issues can be satisfactorily addressed so as to allow any development on the site. Council's resolution to write to the OEH and DSEWPaC to reconsider the status of the vulnerable flora on the site should be undertaken prior to the proposal being considered for a Gateway determination. Once OEH and DSEWPaC's view are known, and if a realistic likelihood of approvals to allow residential development occurring is identified, then the planning proposal can be resubmitted with this supporting documentation.

However, should the Gateway support the planning proposal then it should require that:

- The planning proposal be updated as necessary once Council confirm the correct property description of the lot and references to R2 Residential be replaced with R2 Low Density Residential.

- The maps be improved for community consultation with LEP standard maps indicating existing and proposed zones and lot sizes for the site.

- 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.

- 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.

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-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

-Agency Consultation with:

- Office of Environment and Heritage
- NSW Department of Primary Industries - Minerals and Petroleum
- Mine Subsidence Board
- NSW Rural Fire Service
- Department of Sustainability, Environment, Water, Population and Communities.

-28 days community consultation period.

-12 month timeframe to complete the plan.

-Delegation be retained by the Department in this instance as the site is conditioned under an existing development consent to be transferred to Council.

Supporting Reasons : The conditions listed above would be required should a Gateway Determination allow the proposal to proceed.

Panel Recommendation

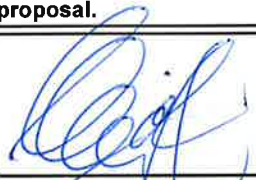
Recommendation Date : 25-Jul-2013

Gateway Recommendation : Rejected

Panel Recommendation : The planning proposal should not proceed for the following reasons:

1. The planning proposal does not include sufficient information on whether biodiversity matters can be satisfactorily addressed to allow development on the site.
2. Council has not sought comments from the Office of Environment and Heritage (OEH) and the Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) on the status of the vulnerable species on the site. Given the proposal will result in the removal of a vulnerable species population listed under Commonwealth legislation, the views of OEH and DSEWPC are to be obtained prior to further consideration of the proposal.

Signature:



Printed Name:

Nest Kegan

Date:

26.7.13.