

Rezoning of land at 19-23 Geoffrey Road, Chittaway Point

Proposal Title :	Rezoning of land at 19-23 Geoffrey Road, Chittaway Point		
Proposal Summary :	The planning proposal seeks to rezone constrained lands for residential and environmental purposes and remove lot amalgamation provisions to enable a future residential subdivision. The planning proposal seeks to rezone land from 1(c) Non-Urban Constrained Lands to 2(a) Residential and 7(a) Conservation under Wyong LEP 1991. Depending on timing of the draft Wyong LEP 2012 the planning proposal would rezone land from E2 Environmental Conservation and E3 Environmental Management to R2 Low Density Residential and E2 Environmental Conservation and E3 Environmental Management.		
PP Number :	PP_2013_WYONG_010_00	Dop File No :	13/12803

Planning Team Recommendation

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

- S.117 directions :
- 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
 - 4.3 Flood Prone 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

Additional Information : It is considered the planning proposal should proceed subject to the following:

1. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:
 - a) The impacts of site development on biodiversity;
 - b) The degree to which future development of the site will respond to the Planning for Bushfire Protection Guidelines;
 - c) The potential impacts associated with Acid Sulfate Soil and Contaminated Lands,
 - d) The potential impacts of future development of the site on Aboriginal heritage;
 - e) The potential impacts in terms of flooding and drainage;
 - f) The servicing arrangements in relation to water, sewer and other utilities;
 - g) The potential future traffic impacts of development of the site, including public transport, pedestrian and cycle planning issues have been addressed;
 - h) The potential for acoustic impacts on new residential development;

i) Whether future development of the site will generate additional requirements for open space and whether this matter should be addressed prior to exhibition of the planning proposal;

In considering the above issues, Council is to determine whether existing studies and background reports already prepared for the site are adequate for exhibition purposes or whether additional work is required to supplement and expand on the existing material. This decision should be made in conjunction with relevant agencies.

2. Council update the planning proposal to:

a) clarify its intention with regard to lot amalgamation on the southern portion of the site as shown in the Lot Amalgamation Map.

b) relocate the indicative concept plan showing a potential layout of the residential lots within the site in the "explanation of provisions" section to the "justification" section of the planning proposal.

c) remove the discussion of an existing approved subdivision including a Council approved plan of the subdivision in the "explanation of provisions" section from the planning proposal.

d) update the planning proposal with a discussion on consistency with Council Settlement Strategy in the "justification" section.

5. Council is to include proposed zoning and development standards maps once further investigation/studies are complete prior to community consultation.

6. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate that the site is suitable for the rezoning once information on contamination has been obtained.

7. Council update the planning proposal to include consideration of clause 8 matters in SEPP 71 - Coastal Protection once further studies/investigations are obtained and before community consultation.

8. Council update the planning proposal's consistency with Section 117 Directions once supporting information has been obtained and following agency consultation:

-1.3 Mining, Petroleum Production and Extractive Industries

-2.1 Environment Protection Zones

-2.3 Heritage Conservation

-4.1 Acid Sulfate Soils

-4.2 Flood Prone Land

-4.3 Planning for Bushfire Protection

-5.1 Implementation of Regional Strategies

-6.2 Reserving Land for Public Purposes

9. Consultation is required with the following public authorities:

- Hunter - Central Rivers Catchment Management Authority

- Office of Environment and Heritage

- NSW Department of Primary Industries - Minerals and Petroleum

- NSW Rural Fire Service

- Transport for NSW - Roads and Maritime Services

10. The planning proposal must be made publicly available for 28 days.

11. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

12. Council be granted delegation to make the plan.

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Supporting Reasons : *

Panel Recommendation

Recommendation Date : **22-Aug-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 update the planning proposal to:

- remove 'Figure 1 - indicative concept plan' from the 'explanation of provisions' section of the planning proposal and instead include the figure within the 'justification' section of the planning proposal;
- remove the discussion regarding the existing approved subdivision on the southern boundary of the subject land from the planning proposal, given that this land is not subject to a zoning amendment or any change to development standards under this planning proposal;
- addresses matters regarding satisfactory arrangements;
- remove the land on the southern portion of the subject site from the Lot Amalgamation Map, as it is noted that the inclusion of this land on the Map is an error; and
- include existing and proposed land zoning and lot size maps, which are at an appropriate scale and clearly identify the subject lands.

2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- biodiversity, flora and fauna
- Aboriginal heritage
- servicing arrangements for water, sewerage, other utilities
- traffic, public transport, pedestrian and bicycle infrastructure
- noise, acoustic and odour
- whether the proposal will generate requirements for open space
- bushfire hazard and acid sulfate soils
- flooding and drainage (including impacts of filling and impacts on adjoining land - flood management plan)

3. Once the above mentioned additional information has been obtained and consultation with public authorities has been undertaken, and prior to undertaking public exhibition, 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 and other policies:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes
- State Environmental Planning Policy (SEPP) 71 – Coastal Protection (Clause 8)
- Council's Settlement Strategy

4. Council is to ensure that the planning proposal satisfies the requirements of SEPP 55 – Remediation of Land. If required, 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.

5. 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 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

6. 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 or demonstrate consistency with relevant S117 Directions:

- Environment Protection Authority
- Hunter - Central Rivers Catchment Management Authority
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- NSW Trade and Investment - Mineral Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land)
- Department of Planning and Infrastructure - Infrastructure Planning and Coordination Branch

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.

7. 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).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council's request to be issued with plan making delegation should be supported.

Signature:



Printed Name:

NEIL BENSON

Date:

29/8/13