

Pacific Dunes, Medowie

Proposal Title : Pacific Dunes, Medowie

Proposal Summary : The proposal seeks to enable additional residential development at Pacific Dunes Estate Medowie by rezoning land from:

- 6c Special Recreation Zone to 2a Residential (and change the minimum lot size from 600 to 450m2 and 200m2)
- 6c Special Recreation Zone to 7a Environmental Protection Zone
- 1c(4) Rural Small Holdings to 2a Residential (and change the minimum lot size from 900 to 720m2)
- 1 c(5) Rural Small Holdings to 2a Residential (and change the minimum lot size from 2000 to 720m2)

PP Number : PP_2012_PORTS_007_00

Dop File No :

12/08686

Planning Team Recommendation

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

S.117 directions :

- 2.1 Environment Protection Zones
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

Additional Information : The Planning Proposal should proceed subject to the following conditions:

1. In relation to Direction 2.1 Environmental Protection Zones, Council is to consult with the Office of Environment and Heritage and if necessary, amend the planning proposal to reflect the outcomes of this consultation prior to proceeding with public exhibition.
2. In relation to Direction 3.5 Development Near Licensed Aerodromes, Council is to consult with the Department of Defence, and take into consideration comments made as required under the direction.
3. In relation to Direction 4.3 Flood Prone Land, Council is to finalise the supporting flood study and modelling for the site, and ensure that the proposed residential zone is not within a flood planning area. Any completed flood study is to be placed on exhibition with the planning proposal.
4. In relation to Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the Rural Fire Service and if necessary amend the planning proposal to reflect the outcomes of this consultation prior to public exhibition. Any studies completed in relation to this aspect should be placed on public exhibition with the planning proposal.
5. Council is to prepare a preliminary site investigation contamination study in accordance with clause 6(1) of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land. This study is to be placed on public exhibition with the planning proposal.
6. Council is to ensure consistency with clause 15(b) of SEPP 44 by zoning any land defined as 'core koala habitat' under the SEPP to an environmental protection zone.
7. Council is to consult with the Hunter Water Corporation regarding potential impacts on the adjoining surface and groundwater catchments, and if necessary, amend the planning proposal to reflect the outcomes of this consultation prior to proceeding with

public exhibition.

8. 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 14 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).

9. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Hunter Water Corporation
- NSW Rural Fire Service
- Department of Defence

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.

10. 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).

11. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it promotes additional housing in an existing urban area. The proposal is achieved by zoning land currently subject to an enabling clause allowing subdivision to 2a Residential. There are some concerns regarding loss of koala habitat and ecologically sensitive land on the southern boundary of the site, as well as issues regarding flooding and the impact on surface and groundwater catchments. It is considered that consultation with relevant agencies and additional studies if required will enable Council to proceed with the proposal.

Panel Recommendation

Recommendation Date : 13-Sep-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. In relation to S117 Direction Flood Prone Land, Council is to finalise the supporting flood study and modelling for the site, and ensure the proposed residential zone is not within a flood prone area. Council is to amend the planning proposal to clarify the proposals consistency with this direction. This information should be exhibited with the planning proposal.
2. Prior to commencing public exhibition, Council is to amend the planning proposal to ensure consistency with clause 15(b) of State Environmental Planning Policy No 44 (SEPP 44) – Koala Habitat Protection. Any land defined as 'core koala habitat' under SEPP 44 should be zoned an environmental protection zone.
3. 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 Contaminated Land Planning Guidelines. Council is to prepare an initial site contamination investigation 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.

4. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 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).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Hunter Water Corporation
- NSW Rural Fire Service
- Department of Defence

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.

6. Further to Condition 5 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

7. Further to Condition 5 above, Council is to consult the Heritage Branch of the Office of Environment and Heritage in relation to S117 Direction 2.1 Environmental Protection Zones. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

8. Further to Condition 5 above, Council is to consult the Department of Defence in relation to S117 Direction 3.5 Development Near Licensed Aerodromes. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

9. Further to Condition 5 above, Council is to consult the Hunter Water Corporation regarding potential impacts on the adjoining surface and groundwater catchments. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

10. 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).

11. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMAN

Date:

18/9/2012