

Rezoning part of 165 Yeramba Road, Summerland Point for residential purposes

Proposal Title :	Rezoning part of 165 Yeramba Road, Summerland Point for residential purposes		
Proposal Summary :	The planning proposal seeks to: -rezone part of Lot 2 DP 1005467 from 7(b) Scenic Protection Zone to 2(a) Residential by amending Wyong LEP 1991 or the equivalent zone in the draft Wyong LEP 2012. -rezone part of Lot 1 DP 1074218 from part 7(b) Scenic Protection Zone to 2(a) Residential. This lot has a split zoning of 7(b) Scenic Protection and 2(a) Residential and adjoins Lot 2 DP 1005467. - for the land being rezoned residential, remove any development restrictions that apply to the Summerland Point Precinct through Clause 53 & Schedule 4 of Wyong LEP 1991.		
PP Number :	PP_2013_WYONG_006_00	Dop File No :	13/08690

Planning Team Recommendation

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

S.117 directions :	1.3 Mining, Petroleum Production and Extractive Industries 2.1 Environment Protection Zones 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
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Additional Information :	-The planning proposal be amended prior to community consultation to retain the Clause 53 Schedule 4 provisions until the gazettal of the new SI Draft Wyong LEP 2012. -The provisions under Clause 53 & Schedule 4, as they relate to the Summerland Point Precinct be amended, if required, to remove any development restrictions imposed by the clause from the proposed 2(a) Residential zoned lands should the planning proposal be finalised in advance of the SI dLEP. -A locality plan be provided showing the site's location in context with the rest of the LGA. -LEP standard maps showing existing and proposed zones and minimum lot size maps to be included in planning proposal for community consultation. -Council is to update the planning proposal's consideration of SEPP 55 Contaminated Land once information on Contaminated Land has been obtained. -Council is to update the planning proposal's consideration of SEPP 44 Koala Habitat. -Council is required to address consistency with S117 Directions 1.3 Mining, Petroleum
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Production and Extractive Industries, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection following consultation with the relevant Agencies.

-The Director General agrees the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance.

-Council is to update the planning proposal's consideration of S117 Direction 2.1 Environment Protection Zones once information on Flora and Fauna has been obtained.

-Agency consultation with NSW Rural Fire Service, Mine Subsidence Board and NSW Department of Primary Industries - Minerals and Petroleum.

-14 day exhibition

-9 month timeframe

-Council be issued with delegation to make the plan.

Supporting Reasons : It is not necessary to remove provisions in Schedule 4 for the entire Summerland Point Precinct to progress the spot rezoning, as discussed in this report.

Panel Recommendation

Recommendation Date : 06-Jun-2013

Gateway Recommendation : Passed with Conditions

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise that clause 53 and schedule 4 provisions will be retained until draft Wyong LEP 2012 is made. Council is to amend the planning proposal to remove the proposed amendment to clause 53 and Schedule 4 as it relates to the Summerland Point Precinct and instead provide a plain English explanation of the intention of the proposal to remove development restrictions that apply to land proposed to be rezoned for residential purposes as part of this planning proposal.
2. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to clearly advise how the intended outcomes are to be achieved by means of amending the LEP and identify the land subject to this proposal.
3. Prior to undertaking public exhibition, Council is to update the planning proposal to include a locality map and existing and proposed land zoning and lot size maps, which are at an appropriate scale and clearly identify the subject site.
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. 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. 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, once it has undertake consultation with public authorities and information on flora and fauna 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
 - If relevant, SEPP 44 – Koala Habitat Protection
6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

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(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

7. 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 relevant S117 Directions:

- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Rural Fire Services (S117 Direction 4.4 Planning for Bushfire Protection)
- NSW Department of Primary Industries – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

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.

8. 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).

9. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Sabine Miller

Date:

11.06.2013