

01 - Central Coast Regional Strategy Sustainability Assessment

Sustainability Criteria for New Land Release – Central Coast

Criteria	Requirements	Consistency (Y/N)	Comment
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement	Y	The site is subject to the NWSSP area and identified as a long term development precinct for residential purposes. Having regard for the outcomes of consultation with relevant professionals (MSB, Design and Transportation Engineers), it is considered that the proposal is not inconsistent with the requirements and recommendations of the NWSSP in terms of timing and ability to provide the required infrastructure.
Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals No net negative impact on performance of existing sub	Y	The site fronts Yeramba Road which is utilised by the local bus company to service the Summerland Point area. A bus stop is located adjacent to the property boundary.

Criteria	Requirements	Consistency (Y/N)	Comment
	regional road, bus, rail, ferry and freight management.		
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.	Y	The proposal will result in the creation of four additional lots in a socially diverse neighbourhood.
Employment Lands Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.	Maintains or improves the existing level of subregional employment self containment. Meets subregional employment capacity targets.	Y	Whilst not directly employment related, the proposal may have a small positive impact on local employment through construction of new dwelling houses.
Avoidance of Risk Land use conflicts and risk to human health and life is avoided.	Where relevant, available safe evacuation route (flood and bushfire). No residential development within the 1:100 floodplain. Avoidance of physically constrained land. High Slope Highly erodible Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.	Y	Although located on a site affected by bushfire prone vegetation, bushfire risks are not identified as posing a constraint to the proposal. The site is not located on flood prone land.

Criteria	Requirements	Consistency (Y/N)	Comment
Natural Resources Natural resource limits are not exceeded/environmental footprint minimised.	Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. Demonstrates most efficient/suitable use of land Avoids identified significant agricultural land Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.	Y	Consultation has been undertaken with the Wyong MSB District Manager, who has agreed in principle to the proposal. It is therefore considered that the impacts of coal extraction in the future will not adversely affect the site, or the proposal. Additionally, Council's Transportation and Design Engineers have identified that the required services (water, sewer, power, roads etc) for the proposal are available to the site.
Environment Protection Protect and enhance biodiversity, air quality, heritage and waterway health.	Consistent with the approved Regional Conservation Plan. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat. Maintains or improves existing environmental conditions for air quality. Maintains or improves existing environmental conditions for water quality and quantity. Consistent with community water quality objectives for recreational water use and river health. Consistent with catchment and stormwater management	Y	An approved RCP does not exist for the Wyong LGA.

Criteria	Requirements	Consistency (Y/N)	Comment
	planning. Protects areas of Aboriginal cultural heritage values.		
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	Y	The site is considered to be well located for accessibility to local education and recreation facilities, in addition to local and regional shopping amenities. The following facilities are provided within 2km of the subject site: ▪ General Store; ▪ Local Shopping Centre (containing post office, newsagent, supermarket, bottle shop, hairdresser, Takeaway Food outlet and mower repair shop); ▪ Preschool/childcare centre; and ▪ Primary schools (both public and private).

02 - Section 117 Ministerial Directions Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Not Applicable. The proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Not Applicable. The proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Applicable. Discussion with the District Manager of the Wyong MSB has identified that the site of this proposal is on the outskirts of the potential mining area, therefore, development of the area of the site fronting Yeramba Road will not affect potential for coal extraction. The proposal has been given in principle support by the MSB, therefore the proposal is considered to be consistent with this Direction.
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water	Not Applicable. The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)

Direction	Comment
quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not Applicable. This direction does not apply to the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The site of the Planning Proposal is currently zoned 7(b) Scenic Protection. Consultation undertaken with Council's Development Ecologist has identified that there may be potential habitat for some threatened flora and fauna on site. Should the planning proposal proceed be supported by the Gateway, additional studies recommended by this assessment will be required to be undertaken by the proponent prior to endorsement for gazettal being sought.
2.2 Coastal Protection	
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Applicable. The proposal has been identified as being within the Coastal Zone. The proposal seeks a zoning amendment to Wyong LEP 1991 or Wyong Council SI (timing

Direction	Comment
	dependant). Given these plans are consistent with the principles with the NSW Coastal Policy; it is considered that this proposal is consistent with this Direction.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not identify an impact on any European or Indigenous heritage items or objects. It is therefore considered that the proposal is consistent with this Direction.
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Applicable. The proposal seeks to rezone the site to enable subdivision to create an additional four allotments, suitable for dwelling purposes. The proposal is located adjacent to and opposite an existing residential area, therefore is able to access and augment existing services and infrastructure for any new dwellings constructed. This is confirmed by comments received during consultation with Council's Design and Transport Engineers. It is therefore considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and	Applicable. The planning proposal does not seek to rezone

Direction	Comment
manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	land to provide for caravan parks or manufactured home estates It is therefore considered that the proposal is consistent with this Direction.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Applicable. It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development. The proposal is directly adjacent to a well serviced bus stop. Further assessment to ensure availability of alternative transport choices will be undertaken during the Development Application process. It is therefore considered that the proposal is consistent with this Direction.
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	Not Applicable. The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	

Direction	Comment
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not Applicable. The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
Hazard & Risk	
4.1 Acid Sulfate Soils	
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable. A desktop mapping exercise has identified that the potential for acid sulfate soil on the proposal site is unknown. Should the proposal be endorsed by the Gateway, the proponent will be required to undertake an acid sulfate soil assessment. It is therefore considered that this proposal will be consistent with this Direction.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable. The proposal is located within the Swansea/North Entrance Mine Subsidence District. Discussion with the District Manager of the Wyong MSB has identified that the site of this proposal is on the outskirts of the potential mining area; therefore, development of the area of the site fronting Yeramba Road will not affect potential for coal extraction. The proposal has been given in principle support by the MSB, therefore the proposal is considered to be consistent with this Direction.
4.3 Flood Prone Land	

Direction	Comment
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	Not Applicable. The site of the proposal is not identified as being flood prone land.
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Applicable. The site of the proposal contains Category 2 bushfire prone vegetation and bushfire buffer zones. A bushfire assessment report accompanying bushfire is not considered a significant risk to the proposal. It is therefore considered that the proposal is consistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	Applicable. The proposal is considered to be consistent with the Central Coast Regional Strategy. It is therefore considered that the proposal is consistent with this Direction.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. The proposal is not located within Sydney's hydrological catchment.

Direction	Comment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	Not Applicable. The proposal is not located within the Far North Coast Region.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. The proposal is not located between Port Stephens and Tweed Shire Councils.
5.8 Second Sydney Airport: Badgerys Creek	
Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	Not Applicable. The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.
Local Plan Making	
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	
Aims to facilitate the provision of public services	Applicable.

Direction	Comment
and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. Applies when the relevant planning authority prepares a planning proposal.	The proposal does not seek to alter or create land for public purposes. It is therefore considered the proposal is consistent with this Direction.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable. The proposal does not seek to enable a specific use on the site which is not permissible under the proposed zone (2(a) Residential or R2 Low Density Residential). It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.

27 March 2013
To the Ordinary Council Meeting

Director's Report
Development and Building Department

2.5 Proposed Rezoning - RZ/12/2012 - Lot 1 DP 1005467 - 165 Yeramba Road, Summerland Point

TRIM REFERENCE: RZ/12/2012 - D03275538

MANAGER: Jari Ihalainen, Director Land Management

AUTHOR: Jenny Mewing; Strategic Planner

SUMMARY

A Planning Proposal has been received to rezone part of Lot 2 DP 1005467 (165 Yeramba Road), Summerland Point, from 7(b) Scenic Protection to 2(a) Residential (or equivalent) to enable a four lot subdivision fronting Yeramba Road.

An assessment of the proposal has been undertaken, which identified that the concept has merit and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Infrastructure (DoPI) for a "Gateway" determination.

Real Description: Lot 1 DP 1005467
Street Address: 165 Yeramba Road, Summerland Point
Owner/s: Mr M J Schmidt and Mrs M Schmidt
Site Area: 3.495 hectares
Current Zoning: 7(b) Scenic Protection
Current Land use: Single Rural Residential Dwelling

RECOMMENDATION

- 1 That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to rezone part of Lot 1 DP 1005467 from 7(b) Scenic Protection to 2(a) Residential (or equivalent).
- 2 That Council, as part of the above Planning Proposal, amend Wyong Local Environmental Plan, 1991, to remove the application of Clause 53, Schedule 4, as it relates to land at Summerland Point.
- 3 That Council forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 4 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 5 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the minister be requested to make the Plan, subject to there being no significant objections that cannot be resolved by making minor amendments to the Planning Proposal.

BACKGROUND/ CURRENT STATUS

An amendment to Interim Development Order (IDO) number 58, gazetted in 1983 enabled, the subdivision of land fronting Yeramba and Summerland Roads into four (4) hectare allotments, the subject site being one of these allotments (Attachment 1).

A building restriction was placed at the time of creation of Lot 3 DP 701178. This building restriction prohibited any structure being located on the eastern boundary of the site as it was within the odour buffer zone for the Summerland/Gwandalan Sewerage Treatment Works.

The subdivision of Lot 3 DP 701178 created Lots 1 & 2 DP 1005467, resulting in the present irregular shaping of the site. Lot 1 DP 1005467 was further subdivided in 2004 to create Lots 1-7 DP 1074128 which front Yeramba Road. These lots were zoned as 2(a) General Residential prior to the gazettal of Wyong LEP 1991

Consent was issued for the construction of a rural dwelling on the subject site in 1997, with subsequent approvals issued in 1998 for the extension of this dwelling to provide for Relative's Accommodation.

A rezoning proposal was lodged with Council in 2009 to rezone the entire site to R2 Low Density Residential, in response to Council's call for requests to be included in the Standard Instrument Local Environmental Plan. This proposal was refused based on delays with the finalisation of the draft North Wyong Shire Structure Plan (NWSSP).

THE PROPOSAL

The current rezoning proposal seeks to rezone the site's frontage along Yeramba Road from 7(b) Scenic Protection to 2(a) General Residential/R2 Low Density to enable subdivision to create four (4) additional lots. The remainder of the site is proposed to retain its current 7(b) Scenic Protection or equivalent E3 Environmental Management zone as proposed by Council's draft Standard Instrument Wyong Local Environmental Plan 2012 (dWLEP 2012).

The proponent has identified that this rezoning is sought to enable the development of a separate dwelling to provide an independent living arrangement for a disabled relative.

ISSUES ANALYSIS

The planning proposal submission has been assessed having regard for the following matters:

- Flora and fauna;
- Bushfire;
- Climate Change;
- Mine Subsidence
- Aboriginal Archaeology and European Cultural Heritage;
- Contaminated Land and Acid Sulfate Soils;
- Odour;
- Flooding and Drainage;
- Noise and Acoustics;
- Social Impact and Amenity;
- Servicing; and
- Economic Feasibility.

This assessment has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices.

This assessment has not identified significant concerns relating to the rezoning of the subject site for the intended purposes, however additional investigations are recommended to be undertaken by the proponent in relation flora and fauna, contaminated land and acid sulfate soils prior to any community/agency consultation being undertaken.

The Mine Subsidence Board (MSB) and Council's Water and Sewer (W&S) Unit have previously held reservations for the further development of the site.

The MSB held objections for the more intensive development of the site as proposed by the rezoning request of 2009 there would be exceedance of the surface limitations. Written advice from the MSB has confirmed that the less intense current proposal has in principle support.

Council's W&S unit has identified concerns with the intensification of development of the site given the odour buffer restriction on the deposited plan. W&S have however identified that the subject site is marginally outside the nominal 400m 'typical buffer zone' described in NSW Planning Circulars and NSW Water Directorate documentation. The W&S unit has indicated their support for the proposal, provided that *'the remaining land was rezoned 5a Special Uses Sewerage Buffer'* to prevent the incremental loss of the buffer zone in the future. This recommendation is not supported. It is considered that the existing restriction on the DP and the 7(b)/E3 zoning of the remainder of the site will be sufficient to address this concern.

LOCAL PLANS, POLICIES AND STRATEGIES

Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan

The site is zoned 7(b) Scenic Protection under Wyong Local Environmental Plan (LEP) 1991 and is proposed to be zoned E3 Environmental Management under Council's draft WLEP 2012.

The range of land uses proposed within the E3 Environmental Management Zone differs somewhat from the current 7(b) Scenic Protection Zone, and it could be considered that there may be some potential development loss as a result of the zoning change.

Given other restrictions on the remainder of the site, specifically mine subsidence; it is considered that the E3 conversion zone proposed by Council's draft WLEP 2012 is an appropriate zone.

Development of the site is restricted to dwelling houses and agriculture under the provisions of Clause 53 Development Restrictions on Certain Land:

- 53 Development restrictions on certain land**
Notwithstanding any other provision of this plan, the Council must not grant consent for development on land referred to in Schedule 4:

2.5 Proposed Rezoning - RZ/12/2012 - Lot 1 DP 1005467 - 165 Yeramba Road, Summerland Point (contd)

- (a) if the development is specified as prohibited in relation to that land in that Schedule, or
- (b) if the development is not included in development specified as being the only development permissible with consent in relation to that land in that Schedule, or
- (c) unless the Council is satisfied that any restriction specified in relation to that land in that Schedule will be met.

The purpose of this clause is to restrict development to a rural residential style character.

Council conducted a broad brush study of the Gwandalan/Summerland Point area in the late 70's and early 80's. This study resulted in TP 215 which was endorsed by Council in September 1980 as a draft plan for future development in the area.

TP 215 identifies the 7(b) land in Summerland Point (which contains the subject site) as being of high environmental and visual quality, however would be suitable for low key development, provided it was subject to stringent development controls.

An amendment to Interim Development Order (IDO) number 58, gazetted in 1983, enabled the subdivision of land fronting Yeramba and Summerland Roads into four (4) hectare allotments, the subject site being one of these allotments. In addition to this subdivision, the amendment specified that development of these allotments should be restricted to one dwelling and agriculture.

This requirement was carried over into LEP 1991 as Clause 53, and has been applied to that entire 7(b) area identified by TP 215.

The application of the clause restricts development options to dwelling houses or agriculture only for that area of the site proposed to be rezoned, i.e. dual occupancies will not be permissible, nor will any land use permissible in the 2(a)/R2 zone, other than dwelling houses. Considering that housing choice is a key planning criteria, such a restriction is not considered appropriate.

The rigour of legislation pertaining to environmental protection and development assessment has significantly increased since the adoption of this TP and the associated development restriction. Having regard for this, as well as the nature of development surrounding the subject site, particularly that land adjacent on Yeramba Road, it is considered that the intent of this clause as it relates to applicable land at Summerland Point, is outdated and should be removed from Schedule 4 of Wyong LEP 1991.

The Schedule also includes Lot 21 DP 708344 (185 Cams Boulevard) which enables development for the purposes of tourist accommodation within the existing guesthouse building, beyond dwelling houses and agriculture (as per Schedule 4). This enabling clause was gazetted in 2006, with a Development Application approved for this purposes in 2007. Removal of this clause will result in existing use rights for the guesthouse on Lot 21.

It should be noted that the exhibited version of Council's d WLEP 2012 does not include a comparative provision for Clause 53. It has been identified that the restrictions placed on land by this clause and associated schedule can be managed through appropriate zoning of land.

Development Control Plan (DCP) 2005: Development Controls for Wyong Shire & Draft DCP 2012: Development Provisions for Wyong Shire

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of DCP 2005, or pending timing of draft DCP 2012, in particular, the following Chapters:

DCP 2005	DCP 2012
61: Car Parking;	Chapter 2.1: Dwelling Houses and Ancillary Structures
66: Subdivision;	Chapter 2.3: Dual Occupancy Development
67: Engineering Requirements for Development;	Chapter 2.11: Parking and Access
69: Controls for Site Waste Management;	Chapter 3.1: Site Waste Management
58: Dual Occupancy Development;	Chapter 3.2: Water Sensitive Urban Design
100: Quality Housing; and	
99: Building Lines;	
Draft Chapter 97: Water Sensitive Urban Design.	

STATE ACTS, PLANS, POLICIES AND STRATEGIES

Central Coast Regional Strategy (CCRS) 2006

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning & Infrastructure (DoPI) in July 2008. The CCRS identifies the population potential of the Central Coast expected over the next 25 years, and expected employment capacity targets. The strategy also identifies actions to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

Whilst the proposal will not generate a significant number of dwellings, it will contribute to achieving the overall dwelling target set by the Strategy.

North Wyong Shire Structure Plan (NWSSP) 2012

The site of the proposal is located within the NWSSP area and identified as a long term land release area for residential purposes. According to the description for this timeframe, land will not be zoned before 15 years, the timing of which will be impacted by future coal extraction potential, future use of power station sites and access to services and employment opportunities.

The NWSSP also provides that while staging according to the identified timeframes is preferred, 'The Government and Wyong Council may decide to accelerate the release of land if satisfactory arrangements are in place to forward fund the appropriate infrastructure and other factors.'

As previously discussed, consultation has been undertaken with the MSB, who has agreed in principle to the proposal. It is therefore considered that the impacts of coal extraction in the future will not adversely affect the site, or the proposal.

Additionally, Council's Transportation and Design Engineers have identified that the required services (water, sewer, power, roads etc) for the proposal are available to the site.

Having regard for the outcomes of this preliminary consultation, it is considered that the proposal is consistent with the requirements and recommendations of the NWSSP.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council. The launch of the strategy occurred on 3 February 2010.

Whilst not directly employment related, the proposal may have a small positive impact on local employment through construction of new dwelling houses.

Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions (Attachment 2) and is considered to be consistent with the applicable Directions.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 3 of this report.

It is considered that the proposal can be consistent with SEPP 55, provided further investigative studies are undertaken in relation to this issue.

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat may be required.

OPTIONS

Option 1 – Progression of Proposal as Proposed

This report recommends additional investigative studies are undertaken in order to support and justify the proposed rezoning. Presently, it is proposed that such studies are delayed until a Gateway Determination to proceed with the progression of the proposal is received.

In order to provide some level of development and financial certainty for the proponent, prior to the outlay of funds for these studies to be undertaken, this option is recommended.

Option 2 – Delay Progression until Additional Investigative Studies Completed

As an alternative to Option 1, Council could request additional investigative studies to be undertaken by the Proponent prior to a Planning Proposal being forwarded to the DoPI for consideration.

This would result in the outlay of funds and time by the Proponent without any certainty being available as to the potential outcomes.

This option is therefore not recommended.

Option 3 – Refuse to Progress the Proposal

The site is identified within the CCRS and NWSSP for future residential development, and provided the proponent is able to fund the required additional infrastructure, the proposal should proceed.

This option is not recommended.

STRATEGIC LINKS

Wyang Shire Council Strategic/ Annual Plan

The proposed rezoning is consistent with the Wyong Shire Council Strategic/Annual Plan.

Long term Financial Strategy

There are no impacts on the broader Long Term Financial Strategy.

Asset Management Strategy

There are no impacts on the broader Asset Management Strategy.

Workforce Management Strategy

There are no impacts on the Workforce Management Strategy, given the small scale nature of the proposal.

Budget Impact

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent.

CONSULTATION

The proposal was referred to the following internal Council units for comment:

- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Strategic Development – Ecology
- Strategic Development - Bushfire
- Strategic Development – Transportation Engineering
- Strategic Development – Planning
- Strategic Development – Section 94
- Water and Sewer Planning

Those comments received were utilised to assess the proposal and determine the need for additional investigative studies.

Future community and government agency consultation requirements will be outlined by the Gateway Determination, should the proposal be supported.

GOVERNANCE AND POLICY IMPLICATIONS

Refer to discussion relating to Local Plans, Policies and Strategies

MATERIAL RISKS AND ISSUES

The assessment of the proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices.

CONCLUSION

This report seeks Council's endorsement to prepare and submit to the DoPI, a Planning Proposal to rezone part of Lot 1 DP 5555467, 165 Yeramba Road, Summerland Point to 2(a) Residential/R2 Low Density Residential, to enable the creation of an additional four (4) lots.

The consistency of the proposal with local and regional planning strategies, in addition to its compatibility with surrounding development, provides justification for supporting the rezoning proposal.

ATTACHMENTS

1	Locality Plan	D03293051
2	Section 117 Direction Assessment	D03293052
3	State Environmental Planning Policy Assessment	D03293053



Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Not Applicable. The proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Not Applicable. The proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Applicable. Discussion with the District Manager of the Wyong MSB has identified that the site of this proposal is on the outskirts of the potential mining area, therefore, development of the area of the site fronting Yeramba Road will not affect potential for coal extraction. The proposal has been given in principle support by the MSB, therefore the proposal is considered to be consistent with this Direction.
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture	Not Applicable. The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>

Direction	Comment
Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not Applicable. This direction does not apply to the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The site of the Planning Proposal is currently zoned 7(b) Scenic Protection. Consultation undertaken with Council's Development Ecologist has identified that there may be potential habitat for some threatened flora and fauna on site. Should the planning proposal proceed be supported by the Gateway, additional studies recommended by this assessment will be required to be undertaken by the proponent prior to endorsement for gazettal being sought.
2.2 Coastal Protection	
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Applicable. The proposal has been identified as being within the Coastal Zone. The proposal seeks a zoning amendment to Wyong LEP 1991 or Wyong Council SI (timing dependant). Given these plans are consistent with the principles with the NSW Coastal Policy, it is considered that this proposal is consistent with

Direction	Comment
	this Direction.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not identify an impact on any European or Indigenous heritage items or objects. It is therefore considered that the proposal is consistent with this Direction.
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Applicable. The proposal seeks to rezone the site to enable subdivision to create an additional four allotments, suitable for dwelling purposes. The proposal is located adjacent to and opposite an existing residential area, therefore is able to access and augment existing services and infrastructure for any new dwellings constructed. This is confirmed by comments received during consultation with Council's Design and Transport Engineers. It is therefore considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to rezone land to provide for caravan parks or manufactured home estates. It is therefore considered that the proposal is

Direction	Comment
	consistent with this Direction.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: Improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Applicable. It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development. The proposal is directly adjacent to a well serviced bus stop. Further assessment to ensure availability of alternative transport choices will be undertaken during the Development Application process. It is therefore considered that the proposal is consistent with this Direction.
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	Not Applicable. The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges	Not Applicable. The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to

Direction	Comment
and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	land adjacent to and/ or adjoining an existing shooting range.
Hazard & Risk	
4.1 Acid Sulfate Soils	
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable. A desktop mapping exercise has identified that the potential for acid sulfate soil on the proposal site is unknown. Should the proposal be endorsed by the Gateway, the proponent will be required to undertake an acid sulfate soil assessment. It is therefore considered that this proposal will be consistent with this Direction.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable. The proposal is located within the Swansea/North Entrance Mine Subsidence District. Discussion with the District Manager of the Wyong MSB has identified that the site of this proposal is on the outskirts of the potential mining area; therefore, development of the area of the site fronting Yeramba Road will not affect potential for coal extraction. The proposal has been given in principle support by the MSB, therefore the proposal is considered to be consistent with this Direction.
4.3 Flood Prone Land	
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an	Not Applicable. The site of the proposal is not identified as being flood prone land.

Direction	Comment
LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Applicable. The site of the proposal contains Category 2 bushfire prone vegetation and bushfire buffer zones. A bushfire assessment report accompanying bushfire is not considered a significant risk to the proposal. It is therefore considered that the proposal is consistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	Applicable. The proposal is considered to be consistent with the Central Coast Regional Strategy. It is therefore considered that the proposal is consistent with this Direction.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. The proposal is not located within Sydney's hydrological catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Aims to ensure that the best agricultural land will be available for current and future generations to	Not Applicable. The proposal is not located within the Far North

Direction	Comment
grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	Coast Region.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. The proposal is not located between Port Stephens and Tweed Shire Councils.
5.8 Second Sydney Airport: Badgerys Creek	
Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	Not Applicable. The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.
Local Plan Making	
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	
Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.	Applicable. The proposal does not seek to alter or create land for public purposes. It is therefore considered the proposal is

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	consistent with this Direction.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable. The proposal does not seek to enable a specific use on the site which is not permissible under the proposed zone (2(a) Residential or R2 Low Density Residential). It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.

SEPP	Comment
SEPP No. 44 – Koala Habitat	
Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones	As the area proposing the additional 4 lots is less than 1hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat have not been triggered. The site in its entirety has does trigger the SEPP, therefore SEPP 44 becomes activated. Should the proposal be supported by the Gateway, an assessment under SEPP 44 will be required to be undertaken by the proponent
SEPP No. 55 – Contaminated Land	
Aims: to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.	Whilst the preliminary desktop mapping/assessment exercise has not identified any contamination of the site, this issue still requires formal assessment. Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a contaminated land assessment to comply with the provisions of this SEPP.
SEPP No. 71 Coastal Protection	
Aims: (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural	The proposal is consistent with the aims and objectives of the SEPP 71 Policy. The proposal seeks to enable additional infill residential development adjoining an existing residential area. The proposal does not affect access to and along coastal foreshores, nor is the site affected by

SEPP	Comment
attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and (e) to ensure that the visual amenity of the coast is protected, and (f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <u>Protection of the Environment Administration Act 1991</u>), and (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and (l) to encourage a strategic approach to coastal management.	coastal processes such as erosion. It is not considered that an increased density of a minor nature may adversely affect the scenic nature of the environment.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

**2.5 Proposed Rezoning - RZ/12/2012 - Lot 1 DP 1005467 - 165 Yeramba Road,
Summerland Point**

***RESOLVED unanimously on the motion of Councillor NAYNA and seconded by
Councillor VINCENT:***

- 1 That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to rezone part of Lot 1 DP 1005467 from 7(b) Scenic Protection to 2(a) Residential (or equivalent).***
- 2 That Council, as part of the above Planning Proposal, amend Wyong Local Environmental Plan, 1991, to remove the application of Clause 53, Schedule 4, as it relates to land at Summerland Point.***
- 3 That Council forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.***
- 4 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".***
- 5 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the minister be requested to make the Plan, subject to there being no significant objections that cannot be resolved by making minor amendments to the Planning Proposal.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

04 - Project Timeline & Gantt Chart



