

Amendment to Clause 16 of Wyong Local Environmental Plan 1991

Proposal Title : **Amendment to Clause 16 of Wyong Local Environmental Plan 1991**

Proposal Summary : **Amendment to enable the erection of a dwelling-house on allotments in scenic protection, urban investigation and certain rural zones which do not comply with the respective minimum lot sizes.**

PP Number : **PP_2013_WYONG_003_00** Dop File No : **11/03154**

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 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 : **The following conditions are recommended in order to advance the PP:**

- Amend the statement of objectives to remove reference to clause, 16(1) of WLEP 1991.
- Update the statement of objectives and explanation of provisions to state that the PP may not be finalised before WLEP 2012 is finalised and, if this occurs, the PP could either proceed or be redundant/discontinued.
- Council could chose to place a map or maps showing the affected zones on display during the public exhibition.
- 14 day community consultation.
- 6 month completion date.

When possible, a Written Authorisation to Exercise Delegation should be issued to Council for this PP.

Supporting Reasons : .

Panel Recommendation

Recommendation Date : **04-Apr-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 'objectives or intended outcomes' within the planning proposal to remove reference to Clause 16(1). The statement of objectives should be a concise statement setting out the intended outcome of the planning proposal.**
- 2. Prior to undertaking public exhibition, the planning proposal is to be updated to indicate that should the draft Wyong LEP 2012 be made before this planning proposal is finalised, then this planning proposal may not proceed. Council is also to update the**

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planning proposal to advise that an alternative approach to amending Clause 16(1) to achieve the intended outcome may be identified during the drafting of the LEP.

3. Prior to undertaking public exhibition, Council is to update the planning proposal to be clear on the date of the 'appointed day,' which is referred to in Clause 16(1).

4. If appropriate, Council is to place on public exhibition, maps which identify the land/zones affected by this planning proposal.

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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012) 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 2012).

6. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMAN

Date:

5/4/2013