

Rezoned land from 7(a) Conservation to B1 Neighbourhood Centre and minor changes to clause 60B of Wyong LEP 1991

Proposal Title :	Rezoned land from 7(a) Conservation to B1 Neighbourhood Centre and minor changes to clause 60B of Wyong LEP 1991		
Proposal Summary :	The planning proposal would rezoned lot 21 DP 883318 being 7 Mingara Drive, Tumbi Umbi from 7(a) Conservation Zone to B1 Neighbourhood Centre in the Wyong LEP 1991. The proposal would also update clause 60B "Development of certain land — Mingara Drive, Tumbi Umbi" so it excludes the land being rezoned and reflects current property descriptions/ uses.		
PP Number :	PP_2013_WYONG_005_00	Dop File No :	13/04633

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 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 :
- The following conditions are recommended so that the PP may proceed:
- update the explanation of provisions to note that a B1 zone would be added to the LEP and include a B1 land use table in the PP;
 - ensure lot and DP references in the explanation of provisions are correct;
 - prepare separate maps identifying a) the the land affected by clause 60B and b) the land to be rezoned in the context of the surrounding zones;
 - include a locality map and aerial in the PP and clearly identify the site;
 - undertake a SEPP 55 preliminary assessment;
 - clarify consistency with s117 direction 4.3 Flood Prone Land and, if necessary, satisfy the Director General as set out in the s117 direction. The PP should be updated as necessary;
 - undertake consultation with the RFS and update s117 direction 4.4 Planning for Bushfire Protection accordingly;
 - consult with Trade & Investment (Resources & Energy) to satisfy the requirements of s117 direction 1.3 Mining, Petroleum Production and Extractive Industries direction, and update the PP;
 - consult with the RMS;
 - 14 day community consultation period; and
 - 6 month completion timeframe.

The DG (or delegate) should agree that inconsistencies with s117 directions 1.1, 2.1, 3.4, 4.1 and 5.1 are of minor significance.

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

Supporting Reasons :

Rezone land from 7(a) Conservation to B1 Neighbourhood Centre and minor changes to clause 60B of Wyong LEP 1991

Panel Recommendation

Recommendation Date : **11-Apr-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 update the 'explanation of provisions' within the planning proposal to advise the public that Wyong LEP 1991 will be amended to include a new zone, B1 Neighbourhood Centre. The planning proposal is to be updated to include a proposed land use table for the B1 zone to ensure the public is advised on the range of uses which will be permitted in the zone. The planning proposal is to be clear on the current and proposed zoning of land at 7 Mingara Drive, Tumbi Umbi. Council is also to ensure that the lot and DP descriptions contained in the planning proposal are correct.
 2. Prior to undertaking public exhibition, the planning proposal is to be updated to advise the public on the future of the planning proposal in the event that draft Wyong LEP is notified prior to the making of this planning proposal.
 3. Prior to undertaking public exhibition, Council is to include a map identifying land subject to clause 60B. An aerial photograph, locality and existing and proposed land zoning maps should be provided, which are at an appropriate scale and clearly identify the subject site.
 4. Council is to update the planning proposal to include sufficient additional information to clarify consistency or justify any inconsistency with S117 Direction 4.3 Flood Prone Land, given that the subject land is affected by the 1 in 100 year flood event.
 5. 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.
 6. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 6 month timeframe allocated for completing the LEP.
 7. 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).
 8. 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:
 - Transport for NSW - Roads and Maritime Services
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Department of Trade and Investment - Resources and Energy (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.
9. 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

Rezone land from 7(a) Conservation to B1 Neighbourhood Centre and minor changes to clause 60B of Wyong LEP 1991

otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

10. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature:

M. Seimen

Printed Name:

MIL SEIMEN

Date:

18/4/13