

Rezone and Reclassify Part 22 Homestead Street and Part 1 Diemars Road, Salamander Bay

Proposal Title : **Rezone and Reclassify Part 22 Homestead Street and Part 1 Diemars Road, Salamander Bay**

Proposal Summary : **To rezone 4.3ha of Council land; part No 22 Homestead Street from zone 6(a) to zone 2(a)Residential and to Environmental 7(a), rezone a portion of No 1 Diemars Road, from 6(a) Public Recreation to 2(a)Residential, including reclassification of that land remaining as 6(a)**

PP Number : **PP_2013_PORTS_004_00** Dop File No : **13/10428**

Planning Team Recommendation

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

S.117 directions :

- 1.4 Oyster Aquaculture
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 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
- 6.2 Reserving Land for Public Purposes

Additional Information :

1) Council clarify within the exhibited material that the reclassification of the 0.54ha. northern apex of the land to operational may remove that land from public access and therefore remove any opportunity for recreational use. Copies of Council's 2007 'Open Space Consolidation Review' and of the update report of 2010 should also be placed on exhibition with the Planning Proposal.

2) Council consult NSW Office of Environment and Heritage regarding habitat management under the proposal and any necessary amendments being made to the proposal prior to exhibition such that inconsistency with 2.1 Environmental Protection Zones and with SEPP 44, in respect of impacts on preferred koala habitat, be resolved prior to public exhibition.

3) Council consult NSW Rural Fire Service as per S.117 Direction 4.4 Planning for Bushfire Protection and any necessary amendments being made to the proposal prior to exhibition.

4) Council consult NSW Primary Industries (Fisheries) in respect of the protection of oyster leases in the nearby bay under S.117 Direction 1.4 Oyster aquaculture. Oyster leaseholders be notified of the proposed residential development of this land as well as exhibition details so as to afford them opportunity to comment.

5) Council publicly exhibit the planning proposal for 28 days and finalise the PP within twelve months.

6) Council exhibit a copy of Planning Practice Note PN 09-003, 12 June 2009 with the Planning Proposal

7) Council provide details of the reclassification planning proposal and dates of the public exhibition period to adjoining landholders.

8) Council are not given delegations for the proposal because the subject land is council

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owned and it may require consideration by the Governor.

9) That Council's acid sulphate soils management measures for the site be exhibited with the planning proposal.

10) That inconsistency with S117 Directions 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 6.2 Reserving land for Public Purposes be resolved by studies prior to exhibition.

11) Council map the subject land as an Urban Release Area.

Supporting Reasons :

The proposal is in part for the reclassification of land currently zoned 6a Open Space. The land is located within remnant vegetation classified as preferred koala habitat. The reclassification itself does not prevent these values from being retained, however Council should be advised that the future use of the 6(a)land, and any future rezoning proposal, will need to demonstrate how these values have been assessed and if appropriate protected.

Panel Recommendation

Recommendation Date : 11-Jul-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 planning proposal to clarify that the reclassification of the land at Diemars Road, Salamander Bay from 'community' to 'operational' land may remove public access to the land and remove opportunities for the recreational use of the land. Council is to place on public exhibition with the planning proposal, the Open Space Consolidation Review (2007), the Open Space Consolidation Review Update Report (2010), the acid sulfate soils management measures for the site and practice note PN09-003, Classification and reclassification of public land through a local environmental plan.
2. Prior to undertaking public exhibition, the planning proposal is to be updated to advise that the subject land will be identified as an Urban Release Area.
3. Once consultation with public authorities has been undertaken and, if required upon finalisation of other supporting works, Council is to update its consideration of S117 Directions 1.4 Oyster Aquaculture, 2.1 Environment Protection Zones, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes and State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection to reflect the outcomes of consultation and work undertaken.
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 must be made publicly available for a minimum of 28 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).
5. 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 or demonstrate consistency with relevant S117 Directions:
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Department of Primary Industries – Fishing and Aquaculture (S117 Direction 1.4 Oyster Aquaculture)

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.

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6. Council is to place on public exhibition with the planning proposal, a copy of the submission made by the Office of Environment and Heritage.

7. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Sabine Miller

Date:

17 July 2013