

60-80 Sandgate Road, Wallsend - Residential Rezoning

Proposal Title :	60-80 Sandgate Road, Wallsend - Residential Rezoning		
Proposal Summary :	Rezone part of 60-80 Sandgate Road, Wallsend from E2 Environmental Conservation zone and E3 Environmental Management to Zone R2 Low Density Residential in order to allow residential development of the site.		
PP Number :	PP_2013_NEWCA_004_00	Dop File No :	13/06902

Planning Team Recommendation

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

S.117 directions :

- 2.1 Environment Protection Zones**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

- 1. 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 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).
- 2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Hunter Central Rivers Catchment Management Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
- 3. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.**
- 4. Council is to consult with the Office of the Environment and Heritage regarding inconsistencies with S117 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land.**
- 5. 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).**
- 6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**

It is also recommended that the Minister's delegate agree that the inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of a minor significance.

Council has indicated that it does not want plan-making delegations for this proposal. However, given that the proposal is considered of minor impact there is no reason why Council should not be delegated plan-making functions.

Supporting Reasons : The proposal is supported as it will provide additional housing in existing urban areas.

Panel Recommendation

Recommendation Date : 16-May-2013

Gateway Recommendation : Passed with Conditions

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, 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.

2. 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 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).

3. 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 or demonstrate consistency with relevant S117 Directions:

- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Hunter - Central Rivers Catchment Management Authority (S117 Directions 2.1 Environment Protection Zones)
- Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land).

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.

4. 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).

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

Signature:



Printed Name:



Date:

