

GWANDALAN, Parraweena Road

Proposal Title : **GWANDALAN, Parraweena Road**

Proposal Summary : **The proposal seeks to rezone land to enable commercial and residential development at Parraweena Road, Gwandalan.**

PP Number : **PP_2015_WYONG_009_00** Dop File No : **15/13405**

Proposal Details

Date Planning Proposal Received :	04-Sep-2015	LGA covered :	Wyong
Region :	Hunter	RPA :	Wyong Shire Council
State Electorate :	SWANSEA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street : **44W, 50W and 60 Parraweena Road**

Suburb : **Gwandalan** City : Postcode :

Land Parcel : **Part Lot 1 DP1043151, Part Lot 3 DP740701 and Lot 20 DP1089946**

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**

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RPA Contact Details

Contact Name : **Rod Mergan**

Contact Number : **0243505560**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 33
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : Council's intended outcome is to enable commercial and residential development on the land by:
- rezoning part of Lot 1 DP 1043151 from RE1 to B2;
- rezoning Lot 20 DP 1089946 from IN2 to R2 and R1 (this lot also proposed to be zoned part B2 and the objectives should be updated to include this);
- rezoning part Lot 3 DP 740701 from E2 to part R2 and part R1;
-reclassify part of Lot 3 DP 740701 from community to operational land.

There is a small parcel of road reserve in the south western corner of the site that is currently zoned RE1. Council's proposed zoning maps indicate this is proposed to be rezoned to B2 and Council should confirm its inclusion in the objectives.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions states the following amendments are required to Wyong LEP 2013:
- amend the land zoning map;
- amend the lot size map (the 450m2 MLS will apply to the R2 land only);
- include a land reclassification map for the part lot to be reclassified.
- include part Lot 3 DP740701 in Schedule 4 Part 1. No interests are proposed to be changed therefore the reclassification will not require the Governor's approval.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable 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

6.3 Site Specific Provisions

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

S117 DIRECTIONS

1.1 Business and Industrial Zones

The proposal seeks to rezone industrial land for business and residential purposes and does not result in the retention of the existing industrial zone and reduces the total potential floor space for industrial uses and is therefore inconsistent with the Direction. The NWSSP identifies the land as a potential new centre (subject to local planning) as well as identifying proposed employment areas within the NWSSP boundary and was approved by the former Director General. The inconsistency is considered to be justified by the NWSSP.

1.3 Mining, Petroleum Production and Extractive Industries

The proposal is inconsistent with the Direction as the proposed business and residential zones will have the effect of prohibiting uses currently permissible under the mining SEPP. Consultation with NSW Trade and Investment - Resources and Energy is required before the Direction can be addressed.

2.1 Environment Protection Zones

The proposal removes an environmental conservation zone from part of the site and is inconsistent with the Direction. No studies have been provided and it is unknown what species would be affected. Council intends to consult with OEH and undertake a 12 month study to map native vegetation including targeted survey work. Council should address the requirements of the Direction once additional information and agency consultation is complete.

2.3 Heritage Conservation

Council has advised several Aboriginal sites have been previously identified within 1km of the site and considers further investigation of the site is required prior to exhibition. Council should address the requirements of the Direction once additional information and agency consultation on Aboriginal heritage matters is complete.

3.4 Integrating Land Use and Transport

Council has advised the proposal is generally consistent with the Direction however further investigation is required to establish provision for access and public transport. Council should address the requirements of the Direction following provision of traffic and transport investigations.

4.2 Mine Subsidence and Unstable Land

The land is located with a mine subsidence district. Consultation with the MSB will be required before consistency with the Direction can be determined.

4.4 Planning for Bushfire Protection

The land is bushfire prone and consultation with the NSW Rural Fire Service will be required before consistency with the Direction can be determined.

5.1 Implementation of Regional Strategies

Action 5.2 relate to employment targets being distributed to reflect the centres hierarchy; Action 5.6 in the CCRS requires that LEPs do not rezone employment lands to residential zonings or other uses unless supported by a planning strategy agreed to by the Department; and Action 5.11 ensures new retail and commercial development is located in centres.

The NWSSP (which the Department approved) identifies a potential new centre (subject to local planning) on the site and it is considered the proposal is consistent with the CCRS in this regard however further investigations are yet to occur on the impact of the proposal on existing centres and Council should reconsider the Direction once studies and investigations are complete.

6.2 Reserving Land for Public Purposes

The proposal seeks to rezone land zoned RE1 Public Recreation. Council has advised the land is surplus to requirements. Given the limited amount of RE1 land being rezoned and Council is the landowner it is considered the Secretary could agree to the reduction in land for public purposes on the basis that the new centre will provide employment and additional housing in a strategic location identified in the NWSSP in close proximity to existing and future urban areas.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No 44—Koala Habitat Protection

Council has advised the site is sparsely vegetated and the majority of the site is degraded however an ecological study is to be provided prior to public exhibition to address whether the site provides Koala Habitat.

SEPP No 55—Remediation of Land

Council has advised the site has been used in the past for industrial purposes and illegal dumping has occurred. A preliminary contamination assessment is proposed and should be included in the public exhibition material. Council should satisfy itself the land is suitable for the land use proposed under the requirements of the SEPP.

SEPP No 71—Coastal Protection

Council has included discussion of clause 8 matters and this is considered satisfactory.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The site is located within known historic coal mine workings and is located in a Mine Subsidence district. Council intends to consult with the MSB and NSW Trade and Investment - Resources and Energy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided existing and proposed land zoning and lot size maps and a part lot reclassification map which are sufficient for assessment.

It is noted the existing and proposed lot size maps contain errors by maintaining a 40ha lot size on land north of the site at 47 Pinaroo Road, Gwandalan which is not part of the planning proposal. The 40ha lot size was removed under Wyong LEP 2013 (Amendment No 5) which applied 450m2 and 4000m2 lot sizes to the Pinaroo Road site. Council should correct this mapping error before exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes a 28 day exhibition period. This is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

TIMELINE

Council has estimated it will take 16 months to complete the plan. The extensive timeframe is due to Council's requirement for an ecological report that will map native vegetation including targetted survey work over a 12 month period. It is considered an 18 month timeframe should be sufficient time to complete the plan.

DELEGATIONS

Council Owned Land

The Council Report dated 12 August 2015 provides additional information in relation to the Council owned land which is included in the planning proposal and surplus to Council needs. Council states the inclusion of the Council land parcels was to create a more orderly development outcome with regular lot and street layout and access and frontage to Kanangra Drive and the proposal is not reliant on Council's land to progress.

Council's land is on the periphery of the development, is limited in size, and the proposal is a spot rezoning of local significance that requires public exhibition and a public hearing before the plan is made. It is considered any potential conflict of interest is likely to be limited and there is no objection to Council receiving delegations to make the plan.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The planning proposal seeks to amend Wyong LEP 2013.

Assessment Criteria

Need for planning proposal :

Council has identified the following strategic documents to identify the need for the planning proposal:

RETAIL CENTRES STRATEGY 2013

Council has sought to justify the need for the planning proposal on the basis of its Retail Centres Strategy. The main purpose of the strategy is to consider opportunities for the renewal of existing centres and identify planning requirements for new centres. The strategy concluded there was opportunities to expand the supply of retail floor space within the major centre at Tuggerah and the northern areas of the LGA. The strategy identified it is likely a neighbourhood centre to supplement the existing centre at Gwandalan, Summerland Point and Lake Munmorah (in the northern part of the LGA) may be supportable in the future.

NORTH WYONG SHIRE STRUCTURE PLAN

Council has also sought to justify the proposed rezoning through the NWSSP which identifies a 'potential new centre (subject to local planning)' on the Parraweena Road site.

GWANDALAN RESIDENTIAL CONCEPT PLAN

Council makes reference to a Department of Planning Assessment Report for the Gwandalan Residential Development Concept Plan, dated May 2012. The land subject to the concept plan is located south of the Parraweena Road site. A proposed commercial centre as part of the concept plan was omitted as it was inconsistent with the NWSSP which identified the new potential centre to the north on the Parraweena Road site.

PROPOSED RESIDENTIAL ZONES

Council's report submitted with the planning proposal considers the R1 and R2 zones are appropriate on the site and will provide a suitable transition for the centre to integrate with existing development in the locality.

The width of the proposed R1 and R2 zones is limited and it is questionable whether the two residential zones as proposed would be able to deliver a satisfactory lot layout on the site. Council proposes to undertake a number of studies and conduct agency consultation which may influence final zone boundaries and lot layout. Depending on the results of the studies and consultation it may be appropriate for Council to revise the zones and/or seek a revised Gateway determination should the residential zones and lot layout be unsatisfactory.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

The proposal has some inconsistencies with actions in the CCRS:

- Action 5.2 relates to employment targets being distributed to reflect the centres hierarchy;
- Action 5.6 in the CCRS ensures that LEPs do not rezone employment lands to residential zonings or other uses unless supported by a planning strategy agreed to by the Department; and
- Action 5.11 ensures new retail and commercial development is located in centres.

The CCRS identifies proposed urban areas north and south of the site (page 12). Council has advised a 405 lot residential subdivision has recently been approved to the south and a 200 residential lot subdivision has recently commenced. Given the potential demand for additional services as a result of these developments and the location for the potential new centre (subject to local planning) is identified on the site in the NWSSP, it appears the proposal is capable of being justified subject to the further investigations on the impact the proposal will have on existing centres.

NORTH WYONG SHIRE STRUCTURE PLAN (NWSSP)

The majority of the land at Parraweena Road is zoned for industrial purposes. There is a large number of proposed employment area precincts across the NWSSP area and Council considers the future rezoning of these areas would offset the loss of 4.7ha of industrial land.

The land is identified in the NWSSP as 'existing urban area and urban support' and also as a 'potential new centre subject to local planning'. Given the planning proposal seeks to locate new commercial and residential development on land identified as a potential new centre it is considered the proposal can be supported at the Gateway subject to further investigations to identify final zone boundaries and the impact on existing centres.

LOCAL STRATEGIES

Council has identified consistencies with its following local strategies:

- Wyong Shire Community Strategic Plan 2013
- Settlement Strategy
- Retail Centres Strategy

Wyong Employment Lands Study and Industrial Land Audit (ELS)

Council has not identified the ELS as applicable however the land subject to the planning proposal is identified as Gwandalan Industrial Precinct (p. 107-110) in Council's ELS. The industrial precinct is relatively isolated and serves a local catchment and Council identifies opportunities by noting the NWSSP identifies this precinct as being suitable for a future centre (subject to local planning) and envisages a combination of B1 and IN2 zones for the precinct. Council should give consideration to its ELS in the justification section of the planning proposal.

Environmental social economic impacts :

ENVIRONMENTAL

Flora and Fauna

Council has advised the site contains some remnant native vegetation but it is degraded due to previous industrial uses and unauthorized recreational use however part of the E2 land is fully vegetated. Council has advised that targeted survey work over a 12 month period will be undertaken to identify any threatened species and this should be undertaken in consultation with OEH.

Odour Issues - Sewage Treatment Plant

The land is in the vicinity of a Sewage Treatment Plant and Council has advised odour constraint mapping for Gwandalan Sewage Treatment plant impacts on the western side of the site and may restrict some potential land uses. Further information in regard to the impact of odour on the site and how it is managed through site specific development controls should be undertaken in consultation with the EPA.

Social/Economic

The proposal will result in a new centre providing potential employment opportunities and

housing near existing and proposed urban areas. Council proposes to conduct a net community benefit test to determine the impact on the existing centres of Summerland Point and Gwandalan and undertake a retail demand and economic impact assessment. These studies are considered appropriate given recent residential subdivisions in the vicinity of the site are likely to generate future demand for services.

Mine Subsidence and Development

The rezoning to B2 and R1 and R2 will assist in providing employment and dwellings once developed. The number of dwellings and commercial development is likely to be limited due to surface controls for any new development as the land is located within a mine subsidence district. Consultation with the MSB should occur.

Traffic and Transport

Council proposes to undertake a Road Safety Audit, Traffic Impact Assessment and Transport Plan based on the likely demand that will be generated. Given the location of the site is the principal entry to Gwandalan and Summerland Point consultation with Roads and Maritime Services and Transport for NSW should occur.

Services

Council has advised water, sewer, gas and electricity are available but are likely to require upgrading.

Agency Consultation

Council provided an extensive list of public authorities to consult however it is considered the minimum public authorities to consult are:

- Office of Environment and Heritage
- NSW Trade & Investment - Resources and Energy
- Mine Subsidence Board
- Transport for NSW - Roads and Maritime Services
- Transport for NSW
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link
- NSW Rural Fire Service
- Environment Protection Authority

The minimum agency consultation requirements does not preclude Council from consulting with additional agencies/bodies should it be necessary to do so.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	18 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Department of Trade and Investment Mine Subsidence Board Transport for NSW NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Other		
Is Public Hearing by the PAC required?	Yes		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Gateway Submission - RZ-2-2015.pdf	Proposal	Yes
Certificate of Title Information Lot 3 DP 740701.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable 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**
- 6.3 Site Specific Provisions**

Additional Information :

The planning proposal should proceed subject to the following conditions:

1. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:

- ecological investigations
- retail demand and economic impact assessment
- preliminary contaminated lands study
- Aboriginal cultural heritage assessment
- traffic and transport assessment

2. Council update the 'objectives or intended outcomes' to:

- state Lot 20 DP1089946 will be rezoned to R1, R2 and B2 as proposed on the land zoning map;
- confirm the road reserve in the south western corner of the site that is currently zoned RE1 is to be included.

3. Council is to update the lot size maps to correct the minimum lot size that applies to 47 Pinaroo Road, Gwandalan prior to exhibition.
4. Council is to update the justification section of the planning proposal to include consideration of Wyong Employment Lands Study and Industrial Land Audit 2013 as it applies to the site.
4. Prior to undertaking public exhibition, update the planning proposal to consider consistency with SEPP 44 Koala Habitat Protection.
5. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the site is suitable for rezoning once information on contamination has been obtained.
6. Council is required to demonstrate consistency with the following S117 Directions after supporting information has been obtained and/or following agency consultation:
 - 1.3 Mining, Petroleum Production and Extractive Industries -Trade & Investment - Resources and Energy;
 - 2.1 Environment Protection Zones - Office of Environment and Heritage;
 - 2.3 Heritage Conservation - Office of Environment and Heritage - Heritage Branch
 - 3.4 Integrating Land Use and Transport - Roads and Maritime Services and Transport for NSW
 - 4.2 Mine Subsidence and Unstable Land - Mine Subsidence Board
 - 4.4 Planning for Bushfire Protection - NSW Rural Fire Service
 - 5.1 Implementation of Regional Strategies
7. Consultation is required with the following bodies:
 - Office of Environment and Heritage
 - NSW Trade & Investment - Resources and Energy
 - Mine Subsidence Board
 - Transport for NSW - Roads and Maritime Services
 - Transport for NSW
 - Darkinjung Local Aboriginal Land Council
 - Guringai Tribal Link
 - NSW Rural Fire Service
 - Environment Protection Authority
8. The planning proposal must be made publicly available for 28 days.
9. 18 months timeframe.
10. Council be granted delegation to make the plan.

Supporting Reasons : *

Signature:



Printed Name:

G.P. HOPKINS

Date:

28 / 9 / 2015