

City Strategy Committee Meeting 9 June 2015

15STRAT036 Planning Provisions - Wangi Power Station Complex

Council Ref: F2015/00260/04 - D07307843

Report By: Senior Strategic Landuse Planner - Shane Cahill

Précis:

This report seeks a Council resolution to support preparation of a planning proposal and associated Area Plan for the former Wangi Power Station site. The planning proposal is required to rectify some anomalies in the planning provisions that currently apply to the site. The adoption of an Area Plan, is a requirement of *Lake Macquarie Local Environmental Plan (LMLEP) 2014*, prior to consideration of any development on the site.

A Gateway Determination will set the public exhibition period, consultation requirements, and timeframes for finalisation of the amendment. It is proposed to exhibit the planning proposal and associated draft Area Plan at the same time.

Recommendation:

Council:

- A. Supports the preparation of the Planning Proposal to amend *Lake Macquarie Local Environmental Plan 2014* for the Wangi Power Station Complex as included in Attachment 1.
- B. Requests a Gateway Determination from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, in relation to the Planning Proposal in Attachment 1.
- C. Requests the use of delegations, in respect of the Minister for Planning and Environment's plan making function, under section 59 of the *EP&A Act 1979* for the Planning Proposal.
- D. Resolves to prepare and exhibit the draft Area Plan (Attachment 4) and revision to Lake Macquarie Development Control Plan 2014.
- E. Places the Planning Proposal on exhibition with the associated draft Area Plan, and notifies relevant stakeholders.
- F. Agrees that if no public submissions regarding the LEP amendment are received during the exhibition period that a report be prepared, under delegation of the General Manager, and forwarded to the Minister to make the plan.

Background:

The former Wangi Power Station ceased operations in 1986. The state heritage register identifies the power station building, and an area of land around it, as the Wangi Power Station Complex, as shown in Attachment 3.

After studies and investigations were completed, Amendment No. 33 to *LMLEP 2004* (published on 25 June 2010) rezoned the building and immediate surrounds to enable the adaptive reuse of the power station building, in conjunction with a residential subdivision on part of the site. That Amendment introduced a number of specific clauses for this site. It enabled additional uses for the mixed use zone on this site, (compared to the standard mixed use zone), it limited the total amount of retail floor space that could occur on the

City Strategy Committee Meeting 9 June 2015

site, and it required an Area Plan be adopted for the site, prior to consideration of development applications.

LMLEP 2014 was intended to be a conversion of *LMLEP 2004*. Due to the Standard Template format required to be used, the conversion changed how the site specific clauses were shown to be applicable to the site, moving away from a Lot and Deposited Plan description, to a map showing where such clauses apply.

After the conversion, the intended additional land uses were retained, as were the clauses regarding the site-specific requirements, and heritage listing. However, the Additional Permitted Uses Map in *LMLEP 2014* identifies only part of the area to which clause 7.18 was intended to apply. This is inconsistent with the provisions of *LMLEP 2004*, where the intent was to apply the requirement for an Area Plan to the whole of the site.

Additionally, the Heritage Map in *LMLEP 2014* for the Wangi Power Station shows the building footprint only, not the whole of Lot 101 DP 880089. This is also inconsistent with the provisions of *LMLEP 2004* where the intent was to apply the heritage provisions to the whole of the site (Lot 101 DP 880089).

Due to the unique nature of the building, and its location, the planning provisions for the land require a site specific Development Control Plan (or Area Plan) as a prerequisite to development. This is to provide guidance for the adaptive reuse of the power station building and the residential subdivision proposed on the part of the site that runs along the southern side of Donnelly Road.



Figure 1 - Sketch of the Wangi Power Station Building

The owner, who organised the rezoning of the site after its closure, recently passed on, and there is no clear indication of when, or what type of adaptive redevelopment of the building, is now proposed. At times, Council is approached by different parties with ideas for possible use of the site. Council holds a substantial amount of information about the site from the studies undertaken for the rezoning. To ensure that the need for an Area

City Strategy Committee Meeting 9 June 2015

Plan does not create a barrier to allow consideration of a worthy proposal, and to act while information in relevant studies remains current, Council staff have compiled a draft Area Plan for the site.

Proposal:

It is proposed that Council resolves to prepare and support an amendment to *LMLEP 2014*, as shown in the Planning Proposal provided in Attachment 1, and supports the preparation of an Area Plan for the site. In summary, the Planning Proposal seeks to make the following amendments to *LMLEP 2014*:

Key Sites Map	
Key Sites Map	Provide a new Key Sites Map to identify the whole of the Wangi Power Station Site, being Lot 101 DP 880089. Refer to Attachment 2. This is the area to which the requirement for an Area Plan applies.
Heritage Map	
Sheet HER_010A	Amend the Heritage Map to identify the Wangi Power Station Complex as identified in the State Heritage Register, see Attachment 3. This would be consistent with advice from the Office of Environment and Heritage
Part 7 Additional Local Provisions	
7.18 Development on certain land at Wangi Wangi	Amend the local provision clause 7.18 to refer to the new Key Sites Map "Wangi Power Station Complex" in addition to the existing map reference. This would be consistent with the intent of LEP 2004.

The draft Area Plan contains provisions that address the following matters:

- Heritage Significance
- Natural Environment
- Subdivision pattern and movement systems
- Contamination
- Social and economic considerations
- Impacts from and on adjoining land uses, such as the Myuna Colliery.
- Staging of development.

Consultation:

Internal Consultation:

Consultation has occurred with Council's Heritage Support Officer and Council's Development Planner Heritage Focus and Council's Asset Management, Sustainability, and Community Planning departments for advice regarding the planning proposal and the draft Area Plan.

City Strategy Committee Meeting 9 June 2015

Authorities Consultation

Council has consulted with the Office of Environment and Heritage (OEH) regarding differences between the State Heritage Listing and the Heritage Map in *LMLEP 2014*. The OEH recommends that the *LMLEP 2014* heritage map includes the whole of the Wangi Power Station Complex.

The State Heritage Listing will apply regardless; however, the proposed changes will ensure consistency between the State Heritage Listing and *LMLEP 2014*.

Community consultation and further consultation with government agencies will be undertaken following Council's decision and subject to Gateway Determination for the Planning Proposal.

Implications:

Policy Implications:

The Planning Proposal is consistent with all relevant policies and planning strategies. The Planning Proposal details implications relating to Council's Lifestyle 2030 Strategy, State Planning Policies and Directions.

Lake Macquarie Local Environmental Plan 2014

The Planning Proposal is to amend *LMLEP 2014* as outlined in the *Proposal* section of this report.

Lake Macquarie Development Control Plan 2014

An Area Plan specifically for the Wangi Power Station is a requirement of *LMLEP 2014*. The draft Area Plan will form part of DCP 2014 and provide specific development guidance, recognising the unique characteristics of the site.

Lifestyle 2030 Strategy (LS2030)

Council's LS2030 provides long-term strategic directions for the City, and is a tool to manage the expected population and employment growth in Lake Macquarie. Although the implications to this Strategy are considered minor, the proposal is consistent with the objectives of LS2030, specifically the objective to facilitate the management and protection of the City's heritage resources.

Lower Hunter Regional Strategy (LHRS)

The proposal to amend and clarify the planning provisions for the Wangi Power Station is consistent with the LHRS. It may help facilitate some of the employment and housing targets of the LHRS, subject to development occurring, and will more clearly provide direction for the adaptive reuse of the heritage building and its site, for a mixture of uses including residential, commercial, retail and recreation.

State Environmental Planning Policies (SEPPs)

An assessment of the proposal against relevant SEPPs is included in the Planning Proposal in Attachment 1. The proposal is consistent with the provisions of relevant SEPPs.

Section 117 Ministerial Directions

City Strategy Committee Meeting 9 June 2015

An assessment of the proposal against relevant Ministerial Directions is included in the Planning Proposal in Attachment 1. The proposal is consistent with all the relevant Ministerial Directions.

Environmental Implications:

The amendment is administrative and unlikely to result in negative environmental impacts. The draft Area Plan has the effect of guiding future development whilst ensuring environmental implications are minimised. The draft Area Plan in particular ensures that the site specific environmental characteristics are identified and adequately addressed by any future development proposal.

Social Implications:

The Planning Proposal and draft Area Plan provide additional clarity, consistency, and direction to the planning provisions for the Wangi Power Station. The proposal will assist in promoting building reuse and housing choice, as well as ensuring relevant controls for amenity, thus having positive social impacts.

Infrastructure Asset Implications:

No significant infrastructure asset implications are anticipated because of this draft Planning Proposal or due to the associated Area Plan. The draft Area Plan provides for integrating the proposal to the existing community through vehicle, bike and pedestrian connections.

Financial Implications:

There are minimal financial implications for Council as a result of the preparation and exhibition of the Planning Proposal, DCP 2014 revision and Area Plan. The cost of the public exhibition process will be met by existing budget allocations.

Risk and Insurance Implications:

No risk or insurance implications are anticipated for Council with the processing of this amendment. The preparation of an amendment to *LEP 2014* is a regular Council activity governed by the provisions of the *EP&A Act 1979*. The level of risk attached to this activity will be minimised through following the process as established by the *EP&A Act 1979* and *Environmental Planning and Assessment Regulation 2000* as well as Council procedures and policy.

Options:

1. Council resolves to support the Planning Proposal and draft Area Plan for the Wangi Power Station Complex, and requests a Gateway Determination to allow exhibition of the Planning Proposal and draft Area Plan. This ensures *LMLEP 2014* maintains the provisions previously provided in *LMLEP 2004* and consistency with the State Heritage Register. This is the recommended option.
2. Council does not support the Planning Proposal and draft Area Plan and ceases the LEP amendment process. This is not the preferred option.

Conclusion:

The provisions in *LMLEP 2004* relating to the Wangi Power Station Complex did not convert across accurately into *LMLEP 2014*. Furthermore, an inconsistency is evident between Council's Heritage Listing and the State Heritage Register for this Complex. This

City Strategy Committee Meeting 9 June 2015

has resulted in a degree of ambiguity, and potential misinterpretation of the planning and heritage provisions for the Wangi Power Station Complex.

The proposed Planning Proposal will clarify the planning and heritage provisions for the Wangi Power Station Complex and ensure Council's heritage provisions are consistent with those of the State Heritage Register. The exhibition of the draft Area Plan for the Wangi Power Station Complex will satisfy a requirement of *LMLEP 2014*.

Manager - Integrated Planning - Sharon Pope

Attachments:

- | | |
|---|-----------|
| 1. Planning Proposal - Administrative Amendment to Lake Macquarie Local Environmental Plan 2014 - Wangi Power Station Complex | D07419763 |
| 2. Wangi Power Station Site Map | D07346549 |
| 3. State Heritage Register - Wangi Power Station Complex | D07419748 |
| 4. Wangi Power Station Complex Area Plan | D07419758 |