***Planning Proposal***



Stage 2 Land Reclassification

File No. RZ/7/2014

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# Introduction, Context & Site Background

Under Part 2, Division 1 of the Local Government Act all public land must be classified as either “community” or “operational”. The LG Act imposes restrictions on the use, management, reclassification and disposal of community land. The mere classification of an asset as ‘community’ does not, however, indicate the strategic value of the property in terms of service delivery or community use.

To provide greater flexibility in the management and use of Council’s property portfolio, Council is proposing all its land holdings be classified as ‘operational’ lands. The legislative requirements set down for the administration of community lands are onerous, restrictive and result in additional cost and resource burden for Council. This additional cost does not translate into improved community or service delivery outcomes but rather curtails Council’s capacity to manage lands efficiently.

It is important to note that the reclassification of community land into operational land will not impact on the utility of public, recreational and open space areas. Council currently owns a significant number of operational lots which are used extensively for public recreation purposes. Similarly, there are numerous lots classified as community which provide only limited public use. The identification of current and future recreational, community and open space areas should be based on an assessment of asset utilisation, demographics, cost and appropriateness rather than by the historic classification.

Land subject to the Planning Proposal is detailed in Attachment 1.

# Part 1 Objectives or Intended Outcomes

The objective of this proposal is to amend the Wyong Local Environmental Plan (LEP) 2013 to reclassify the subject land parcels from community land to operational land. The reclassification of this land will ensure it can continue to be used and managed for the purpose for which it was acquired, or to enable the lease or disposal of the land.

# Part 2 Explanation of Provisions

The objective will be achieved by an amendment to Wyong Local Environmental Plan (LEP) 2013 Schedule 4 Classification and Reclassification of public land, to reclassify the subject community land parcels to operational land. There is no change to the zoning of the land.

# Part 3 Justification

## Section A – Need for the Planning Proposal

1. **Is the Planning Proposal a result of any Strategic Study or report?**

Yes. The Planning Proposal has arisen through Council’s recent review of it Property Portfolio and subsequent endorsement of Council’s *Property Strategy*. The *Property Strategy* was prepared to assist Council to manage its property portfolio effectively to ensure current and future community and operational needs, and commercial objectives, are met. Reclassifying the subject land parcels will remove the restrictions placed on the use, management, reclassification and disposal of community land.

1. **Is the planning proposal the best means of achieving the objectives or intended outcomes,or is there a better way?**

Yes. A Planning Proposal is required to amend Schedule 4 of the Wyong LEP 2013 to enable the reclassification of the subject land parcels.

## Section B – Relationship to strategic planning framework

1. **(a) Where a sub-regional strategy is in place:**

**(i) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Planning Proposal is consistent with the objectives and actions contained in the Central Coast Regional Strategy (2006) and Central Coast Regional Action Plan (2012). Through the commercial management of its property assets Council will maximise the value of its community facilities, which will deliver development and employment opportunities for residents, and drive economic growth for the region.

**Central Coast Regional Plan (2012)**

The Planning Proposal is consistent with the regional priorities identified in the Central Coast Regional Action Plan, developed by the NSW Government in December 2012:

* Grow the economy of the Central Coast and provide sustainable employment;
* Partner with local stakeholders to encourage regional economic growth and employment;
* Support key regional industries and local businesses to grow;
* Revitalise Town Centres in the Wyong Shire to cater for expected population growth; and
* Deliver effective regional planning to cater for growth and encourage increased investment.

**Central Coast Regional Strategy (2006)**

This Planning Proposal addresses the following Actions identified within the Central Coast Regional Strategy:

**Action 4.21:** this proposal provides opportunities for Council to consider how best to benefit from infrastructure investment.

**Action 5.14:** this proposal will assist Council to utilise its assets and investment to support our existing and proposed centres.

**Action 6.18:** this proposal will assist Council to focus on maintaining and improving Council’s valuable areas of open space without the financial burden imposed on the management of community land.

1. **Is the planning proposal consistent with the local Council’s Community Strategic Plan, or other local strategic plan?**

**Property Strategy (2014)**

The Planning Proposal has been prepared to implement the recommendations of Council’s Property Strategy endorsed by Council in May 2014. The Property Strategy sets a framework for the management of Council land to ensure:

* Existing and future assets are aligned with service delivery objectives;
* Asset use is optimised to reduce cost and improve efficiency;
* Asset management outcomes are commercially focused and accurately reported; and
* Property transactions are transparent.

The Property Strategy was identified as a major project in Council’s Strategic Plan, with links to the Asset Management Strategy and the Community Strategic Plan Objective 7:

“*There will be a strong business sector and increased local employment built on the Central Coast’s business strengths”.*

The Property Strategy contributes broadly across all of Council’s Principal Activities by providing improved strategic focus to land management matters, which will ensure improvements to Council’s long term financial position.

**Community Facilities Strategy (2012)**

The Property Strategy is also linked to Council’s Community Facilities Strategy which determines the community needs for recreational, open space and community assets and was endorsed by Council following an extensive public engagement process. Management of community land in accordance with the Community Facilities Strategy, as opposed to a historic classification, enables Council to effectively respond to changing community needs and population growth and ensure the correct mix of community assets is preserved.

**Settlement Strategy (2013)**

Wyong Shire’s *Settlement Strategy* was exhibited with draft Wyong LEP 2013 and come into force with the adoption of the LEP in December 2013. It looks at how Council can plan for the Shire’s population growth and demographic change over the next 25 years and plans for employment opportunities, needed infrastructure and utilities, transport improvements and future land use.

The *Settlement Strategy* includes several considerations and objectives that are relevant to this proposal including:

* Promote the efficient and equitable provision of services, infrastructure and amenities;
* Consider whole of life costs, including construction, operation and maintenance, and identify funding sources, when planning for open space and recreation facilities;
* Implement the Recreation Facilities Strategy (2009). Evaluation and rationalisation of facilities to be undertaken in future review of Recreation Facilities Strategy;
* Optimise the use of existing services and infrastructure and promote the efficient provision of services and infrastructure in the future.

It is considered that this proposal meets the above objectives.

1. **Is the planning proposal consistent with applicable state environmental planning policies?**

The Planning Proposal is considered consistent with all relevant State Environmental Planning Policies (SEPPs). Any existing constraints or features of the subject land will not be affected by the Planning Proposal and will remain zoned appropriately. Any proposal to intensify the land use of the sites will be required to address any applicable SEPP as part of the Development Application assessment.

1. **Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The proposal has been considered against the relevant Ministerial Section 117 Directions as outlined below. Pending the outcomes of consultation with relevant government agencies, it is considered that the proposal will either be consistent with these Directions, or any inconsistencies are of minor significance.

| **Number** | **Direction** | **Applicable** | **Consistent** |
| --- | --- | --- | --- |
| **Employment & Resources** | |  |  |
| 1.1 | Business & Industrial Zones | Y | Y |
| 1.2 | Rural Zones | Y | Y |
| 1.3 | Mining, Petroleum Production and Extractive Industries | N | N/a |
| 1.4 | Oyster Aquaculture | N | N/a |
| 1.5 | Rural Lands | N | N/a |
| **Environment & Heritage** | |  |  |
| 2.1 | Environmental Protection Zones | Y | Y |
| 2.2 | Coastal Protection | Y | Y |
| 2.3 | Heritage Conservation | N | N/a |
| 2.4 | Recreation Vehicle Areas | N | N/a |
| **Housing, Infrastructure & Urban Development** | |  |  |
| 3.1 | Residential Zones | Y | Y |
| 3.2 | Caravan Parks and Manufactured Home Estates | N | N/a |
| 3.3 | Home Occupations | Y | Y |
| 3.4 | Integrating Land Use & Transport | Y | Y |
| 3.5 | Development Near Licensed Aerodromes | N | N/a |
| 3.6 | Shooting Ranges | N | N/a |
| **Hazard & Risk** | |  |  |
| 4.1 | Acid Sulfate Soils | Y | Y |
| 4.2 | Mine Subsidence and Unstable Land | Y | Y |
| 4.3 | Flood Prone Land | Y | Y |
| 4.4 | Planning for Bushfire Protection | Y | Y |
| **Regional Planning** | |  |  |
| 5.1 | Implementation of Regional Strategies | Y | Y |
| 5.2 | Sydney Drinking Water Catchments | N | N/a |
| 5.3 | Farmland of State and Regional Significance on the NSW Far North Coast | N | N/a |
| 5.4 | Commercial and Retail Development along the Pacific Highway, North Coast | N | N/a |
| 5.8 | Sydney Second Airport: Badgery’s Creek | N | N/a |
| 5.9 | North West Rail Link Corridor Strategy | N | N/a |
| **Local Plan Making** | |  |  |
| 6.1 | Approval and Referral Requirements | Y | Y |
| 6.2 | Reserving Land for Public Purposes | Y | Y |
| 6.3 | Site Specific Provisions | Y | Y |
| **Metropolitan Planning** | |  |  |
| 7.1 | Implementation of the Metropolitan Strategy | N | N/a |

**1.1 Business & Industrial Zones**

Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and to support the viability of identified strategic corridors. Applies when a Planning Proposal affects land within an existing or proposed business or industrial zone.

The proposal does not change the zoning of any business or industrial zoned land, or the land uses permitted on such land. It is therefore considered the proposal is consistent with this Direction.

**1.2 Rural Zones**

Aims to protect the agricultural production value of rual land. Applies when a Planning proposal affects land within an existing or proposed rural zone.

The proposal does not change the zoning of any rural zoned land, or the land uses permitted on such land. It is therefore considered the proposal is consistent with this Direction.

**2.1 Environmental Protection Zones**

Aims to protect and conserve environmentally sensitive areas and applies when the relevant planning authority prepares a Planning Proposal.

The proposal does not change the zoning of any environmentally sensitive land, or the land uses permitted on such land. It is therefore considered the proposal is consistent with this Direction.

**2.2 Coastal Protection**

Aims to implement the principles in the NSW Coast Policy. Applies when a Planning Proposal applies to land in the coastal zone as defined in the Coastal Protection Act 1979.

The proposal does not change the zoning of any land within the Coastal zone, or the land uses permitted on such land. It is therefore considered the proposal is consistent with this Direction.

**3.1 Residential Zones**

Aims to encourage a variety and choice housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.

Applies when a Planning Proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.

The proposal does not change the zoning of any residentially zoned land, or the land uses permitted on such land. It is therefore considered the proposal is consistent with this Direction.

**3.3 Home Occupations**

Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a Planning Proposal.

This proposal does not prevent the carrying out of home occupations in dwelling houses. It is therefore considered the proposal is consistent with this Direction.

**3.4 Integrating Land Use & Transport**

Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.

The proposal does not change the zoning of any of the subject land, or the landuses permitted on the land. It is therefore considered the proposal is consistent with this Direction.

**4.1 Acid Sulfate Soils**

Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. Applies when a planning proposal applies to land having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps.

This issue is addressed via an appropriate LEP Clause triggering compliance with the Acid Sulfate Soils Guidelines in the assessment of development proposals. These controls will not be altered by this Planning Proposal and this issue can be addressed during the development application assessment. It is therefore considered the proposal is consistent with this Direction.

**4.2 Mine Subsidence and Unstable Land**

Aims to prevent damage to life, property and the environment, on land identified as unstable or potentially subject to mine subsidence. Applies when a Planning Proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.

While there may be some restrictions, mines subsidence requirements are unlikely to preclude any future development of the subject sites. It is therefore considered the proposal is consistent with this Direction.

**4.3 Flood Prone Lands**

Aims to ensure: development on flood prone land is consistent with NSW Government’s Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a Planning Proposal creates, removes or alters a zone or provision that affects flood prone land.

Flood related development controls would apply to any sites affected by flooding and this issue would need to be addressed if a development application was submitted to intensify the land use. It is therefore considered the proposal is consistent with this Direction.

**4.4 Planning for Bushfire Protection**

Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a Planning Proposal affects or is in proximity to land mapped as bushfire prone land.

This issue can be addressed with the preparation of a Bushfire Hazard Assessment to accompany any development proposal to intensify the land use. It is therefore considered this proposal is consistent with this Direction.

**5.1 Implementation of Regional Strategies**

The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy (CCRS).

This proposal will enable Council to optimise use of our assets and infrastructure, and maintain and improve our community and recreational facilities and open space, without the financial and legislative burdens that restrict the management of community land. It is therefore considered the proposal is consistent with this Direction.

**6.1 Approval and Referral Requirements**

This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Planning Proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent with this Direction.

**6.2 Reserving Land for Public Purposes**

This direction aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. Applies when the relevant planning authority prepares a planning proposal.

This proposal to reclassify all of Council’s community landholdings to operational land has not been requested by the Minister or another public authority.

Council is preparing this Planning Proposal to provide Council with increased flexibility in the management of its property portfolio, and enable the provision of current and future recreational, community and open space areas to be based on an assessment of asset utilisation, demographics, coast and appropriateness, as per Council’s Community Facilities Strategy, rather than by historic classification.

It is therefore considered that the proposal is consistent with this Direction.

**6.3 Site Specific Provisions**

This direction aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a Planning Proposal to allow particular development to be carried out.

The proposal applies an amendment to Schedule 4 within the WLEP 2013. There are no additional standards or requirements. It is therefore considered that the proposal is consistent with this Direction.

## Section C – Environmental, Social and Economic Impact

1. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The Planning Proposal will enable the continued use of existing building, open space areas and community and recreational facilities and infrastructure for community, recreation and cultural uses. The land use compatibility or potential impact on upon critical habitats, threatened species or ecological communities, or the habitats, would be matters for consideration should any Development Application to intensify uses on the sites be proposed in the future. There will be no additional impacts directly created through this Planning Proposal.

1. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There will be no additional impacts directly created through this Planning Proposal. The land use compatibility or potential environmental effects would be matters for consideration should any development application to intensify the uses on the sites be proposed in the future.

1. **Has the planning proposal adequately addressed any social and economic effects?**

***Social Impact & Amenity***

The needs of residents will be met through responsible planning and commercial management of Council’s property assets. This will assist in providing equity, accessibility and community participation in Wyong Shire.

The identification of current and future recreational, community and open space areas should be based on an assessment of asset utilisation, demographics, cost and appropriateness rather than by historic classification. Accordingly, community needs for recreational, open space and community assets is more effectively determined through adopted strategies, such as Council’s *Strategic Plan* and *Community Facilities Strategy*, both endorsed by Council following an extensive public engagement proves. This approach will empower Council to effectively respond to changing community needs and population growth and ensure the correct mix of community assets is preserved.

Council’s State of the Shire Report 2010/11 finds that increasing demand for open space and passive recreation will require increased investment. It also finds that conflicts created by increased demand may be “ameliorated by construction of larger playgrounds”. Strategically the need for, and the value to the community of, areas of unembellished open space is declining. The future open space and passive recreation needs of the Wyong community are intended to be met by a focus on investment in specific larger recreation sites.

***Economic Effects***

The reclassification of Council’s community landholdings is in accordance with Council’s *Property Strategy* which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.

## Section D – State and Commonwealth Interests

1. **Is there adequate public infrastructure for the planning proposal?**

This Planning Proposal will not generate a need for additional public infrastructure. This Proposal is one of a number of recommendations from Council’s *Property Strategy.* The *Property Strategy* sets a framework for the management of Council land to ensure existing and future assets are aligned with service delivery objectives; and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.

1. **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

The Gateway Determination will outline the State and Commonwealth public authorities to be consulted.

# Part 4 Mapping

Refer to Attachment 1 for mapping. Each property proposed to be reclassified has been described in detail in accordance with LEP Practice Note PN 09-003. An aerial map and zoning map have been provided for each parcel of land subject to this Planning Proposal.

# Part 5 Community Consultation

The Gateway determination will outline the period for Community Consultation. It is recommended that the proposal be publicly exhibited for a period of 28 days.

A public hearing is also required in accordance with section 57(6) of the EP&A Act.

The Planning Proposal will be made available on Council’s website, and will be available for inspection at Council’s Administration Building in Hely Street, Wyong.

# Part 6 Project Timeline

|  |  |  |
| --- | --- | --- |
| **Action** | **Period** | **Date** |
| Anticipated commencement date (date of Gateway Determination) | 2 weeks | August 2014 |
| Anticipated timeframe for the completion of required technical information | 4 weeks | Aug-Sept 2014 |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | 6 weeks | Sept-Oct 2014 |
| Commencement and completion dates for public exhibition | 6 weeks | Oct-Nov 2014 |
| Dates for public hearing (if required) | 4 weeks | Oct-Nov 2014 |
| Timeframe for consideration of submissions | 8 weeks | Dec 2014-Feb 2015 |
| Timeframe for consideration of a proposal post exhibition | 2 weeks | Feb 2015 |
| Date of submission to the Department to finalise LEP\* | N/A | Feb 2015 |
| Anticipated date RPA will make the plan (if delegated)\*\* | N/A | March 2015 |
| Anticipated date RPA will forward to the Department for notification | N/A | March 2015 |

\* *Period includes further Council consideration of proposal and submission preparation*

*\*\* Period includes instrument drafting and Parliamentary Counsel Opinion*

# Supporting Documentation

|  |  |
| --- | --- |
| **No.** | **Document** |
| **01 Assessment and Endorsement** | |
| a | Council Report and Minutes – 14 May 2014 |
| b | Property Summary Sheets |
| 1. **Strategic Planning** | |
| c | Council Property Strategy |
| **03 Mapping** | |
|  | Included with Property Summary Sheets |