

Rezoning of the Old Farm Site - 414 Old Maitland Road, Mardi

Proposal Title : **Rezoning of the Old Farm Site - 414 Old Maitland Road, Mardi**

Proposal Summary : **To rezone land at the Old Farm site at Mardi in Wyong LGA to permit development for large lot residential/rural village purposes and zone some areas of the site for environmental protection in Wyong LEP 1991 or the draft Wyong LEP 2012.**

PP Number : **PP_2013_WYONG_007_00** Dop File No : **13/08907**

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 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**
- 4.3 Flood Prone 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 : **It is considered the planning proposal should proceed subject to the following:**

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

- a) The impacts of site development on biodiversity (including any impacts on koala habitat);**
- b) The degree to which future development of the site will respond to the Planning for Bushfire Protection Guidelines;**
- c) The potential impacts associated with Acid Sulfate Soil and Contaminated Lands,**
- d) The potential impacts of future development of the site on Aboriginal and Non-Aboriginal heritage;**
- e) The potential impacts in terms of flooding and drainage;**
- f) The servicing arrangements in relation to water, sewer and other utilities;**
- g) The potential future traffic impacts of development of the site, including whether public transport and pedestrian and cycle planning issues have been addressed;**
- h) The potential for acoustic impacts on new residential development;**
- i) Whether future development of the site will generate additional requirements for open**

space and community facilities and whether this matter should be addressed prior to exhibition of the planning proposal;

j) Potential social impacts on adjoining landowners and wider community;

k) Potential conflicts with adjacent land uses.

l) Potential impacts on the provision of emergency services to the proposed development.

In considering the above issues, Council is to determine whether existing studies and background reports already prepared for the site are adequate for exhibition purposes or whether additional work is required to supplement and expand on the existing material. This decision should be made in conjunction with relevant agencies.

2. Council is to update the justification section of the planning proposal as necessary with regard to the quote from page 215 of the Settlement Strategy which relates to Greenfield and Infill Development Opportunities and replace with the appropriate reference from page 224 regarding Rural-Residential Opportunities.

3. Council is to update the planning proposal's consideration of SEPP 55 Contaminated Land once information on Contaminated Land has been obtained.

4. Council is to update the planning proposal's consideration of SEPP 44 Koala Habitat.

5. In relation to the planning proposal's consistency with Section 117 Directions, consultation is required with the following agencies prior to the commencement of public exhibition as required in the relevant Direction:

- NSW Department of Primary Industries - Minerals and Petroleum 1.3 – Mining, Petroleum and Extractive Industries;

- Office of Environment and Heritage, the Darkinjung Local Aboriginal Land Council and Guringai Tribal Link Aboriginal Consultative Group - 2.3 Heritage Conservation.

- Mine Subsidence Board - 4.2 Mine Subsidence and Unstable Land; and

- NSW Rural Fire Service - 4.4 Planning for Bushfire Protection.

6. Council is to address consistency with the following S117 Directions prior to community consultation:

1.2 Rural Zones

2.1 Environment Protection Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

7. Council is to provide appropriate mapping at the time of exhibition to support the planning proposal and to ensure that the community is adequately informed about the intent of the proposal. This will include providing maps in accordance with the Standard Instrument format for development standards (FSR, height of buildings, minimum lot size) and other local planning matters. Council is to liaise with the Department's Regional Planning Team prior to exhibition to agree on the form and content of mapping to be provided for public exhibition.

8. Prepare a release area map for the site and include this in the consultation material along with a satisfactory arrangements clause.

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9. Consultation is required with the following public authorities:

- Hunter - Central Rivers Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries - Minerals and Petroleum
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services

10. The planning proposal must be made publicly available for 28 days

11. A public hearing is not required.

12. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

13. Council is required to update the rural development component of its Settlement Strategy, prior to finalisation of the planning proposal, to include information on staging and sequencing of potential new rural residential development, information on infrastructure and servicing requirements (state and local) and strategic consideration of issues such as rural land, mine subsidence, rural fires and biodiversity as they apply to the sites where potential rural residential development has been identified.

Supporting Reasons :

Reasoning for suggested conditions (summary):

- Release area map and clauses as the development is potentially the first of 9 precincts with the potential to release additional housing supply through rural residential development in Wyong LGA.
- additional maps may be required to be consistent with Council's draft SI LEP (when available).
- 28 day consultation due to scale of proposal and 18 month PP completion date for proposed studies.
- SEPP 55 assessment to satisfy SEPP requirements.
- agency consultation/ further work for s117 directions is to address/inform potential inconsistencies.
- consultation with agencies to consider environmental impacts and state infrastructure requirements.

Panel Recommendation

Recommendation Date : 20-Jun-2013

Gateway Recommendation :

Panel

The LEP Review Panel was undecided in its recommendation for this planning proposal.

Recommendation :

A member of the Panel was of the view that the proposal should proceed. It is noted that the Old Farm site is identified for potential rural residential development in the Wyong Settlement Strategy (Council endorsed only). The subject site achieved a medium rating in the Strategy and is therefore given priority for investigation for rural settlement patterns.

The Chair and other members of the LEP Review Panel was of the view that the planning proposal should await the department's endorsement of the Strategy.

On 31 May 2013 Council submitted the Settlement Strategy to the department for endorsement. As the Strategy considers the potential of the Old Farm site for more intensive development, it is recommended that a decision on this planning proposal await the endorsement of the Strategy.

It is noted that the department is currently undertaking a review of the Strategy along with finalising Council's new Local Environmental Plan (LEP). Once the Settlement Strategy has been endorsed the planning proposal can be further considered.

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Signature:



Printed Name:

Nest McGuffin

Date:

7.7.13.