

Rezoning land from 7(b) Scenic Protection to SP2 Infrastructure/ E2 Environmental Conservation at 41 Palmdale Road, Palmdale

Proposal Title :	Rezoning land from 7(b) Scenic Protection to SP2 Infrastructure/ E2 Environmental Conservation at 41 Palmdale Road, Palmdale		
Proposal Summary :	The planning proposal (PP) would rezone lot 3 DP 549272 being 41 Palmdale Road, Palmdale from 7(b) Scenic Protection to SP2 Infrastructure and E2 Environmental Conservation in the Wyong Local Environmental Plan 1991.		
PP Number :	PP_2013_WYONG_004_00	Dop File No :	13/04015

Proposal Details

Date Planning Proposal Received :	26-Feb-2013	LGA covered :	Wyong
Region :	Hunter	RPA :	Wyong Shire Council
State Electorate :	LAKE MACQUARIE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	41 Palmdale Road		
Suburb :	Palmdale	City :	Postcode : 2258
Land Parcel :	Lot 3 DP 549272		

DoP Planning Officer Contact Details

Contact Name :	Ben Holmes
Contact Number :	0249042709
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RPA Contact Details

Contact Name :	Lynda Hirst
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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 :	
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 :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **SITE:**

The site adjoins the existing Palmdale Lawn Cemetery and Memorial Park. The locality is largely rural in character, consisting of land zoned 1(f) Forestry, 7(a) Conservation and 7(b) Scenic Protection.

The site contains a dwelling as well as both cleared and vegetated areas. Vegetated areas align with a creek that crosses the western/ north-western portion of the site and Council states this area includes an endangered ecological community (EEC).

POTENTIAL JOBS CREATED:

The PP would allow the adjoining cemetery to expand. Council has advised it is unlikely to generate employment in the short-medium term.

INFORMATION PROVIDED BY COUNCIL:

The submitted PP has been prepared by a consultant on behalf of the developer. Council details its consideration of the PP in its Council report. While both documents are broadly consistent there are areas in the PP which would benefit from being updated with Council's assessment ie s117 direction consistency and environmental impacts consideration. Updating the PP in this manner would assist with community consultation.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The Objectives section of the PP is consistent with the Department's "Guide to Preparing Planning Proposals".**

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

Is an explanation of provisions provided? **Yes**

Comment : **The Explanation of Provisions section of the PP is consistent with the Department's "Guide to preparing Planning Proposals".**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

4.3 Flood Prone Land

* May need the Director General's agreement

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Further discussion on this is provided in the "Consistency with Strategic Framework" section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **An aerial photo of the site is provided and a map showing the proposed Standard Instrument (SI) zones within the context of the zones that would apply to the adjoining land following finalisation of the draft SI LEP.**

A locality map and a map showing the existing zoning within the context of the existing zones applying would assist community consultation.

The site should be clearly marked on all maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The PP identifies the need for community consultation but does not nominate a period. Given the PP could be considered as a routine, low impact PP, a 14 day consultation period is recommended.**

Additional Director General's requirements

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

If Yes, reasons :

EVALUATION CRITERIA FOR THE ISSUING OF AN AUTHORISATION

Council has requested delegation authorisation for this PP, however Council is yet to formally accept delegations. It is recommended that once plan-making delegation for PPs has been accepted by Council, Council be authorised to exercise delegation to finalise this PP.

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The evaluation criteria delegation checklist supports authorising delegation to Council.

PROJECT TIMELINE

The project timeline provided by Council nominates a November 2013 completion date.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP :

The draft Wyong LEP 2013 came off exhibition on 20 February 2013 and Council is now reviewing submissions. Finalisation of the plan is anticipated in June 2013.

The rezoning of this site is included in the draft Wyong LEP 2013. This means that if the draft SI LEP is finalised before this PP then this PP becomes redundant. However, if finalised before then a new SI-based part would be introduced into the Wyong LEP 1991. SI-based parts already exist in the Wyong LEP 1991 and several current Wyong PPs propose the same approach.

Council proposes to split zone the site SP2 Infrastructure (Cemetery) and E2 Environmental Conservation.

The use of SP2 is consistent with the approach used by Council in its draft Wyong LEP 2013 for other cemeteries. It is also consistent with the Department's Practice Notes "PN 10-001 Zoning for Infrastructure" and "PN 11-002 Preparing LEPs using the Standard Instrument: Standard Zones".

Council has not discussed alternative E zones for the vegetated portion of the site. However, zoning the site E2 is consistent with Council's approach to zoning EEC land in the draft SI LEP.

Assessment Criteria

Need for planning proposal :

This proposal would allow the existing Palmdale Lawn Cemetery and Memorial Park to expand. In doing so it would provide additional burial capacity on the Central Coast. On this basis, the need for the PP is adequately justified.

The timeline provided nominates completion of the PP in November 2013, four months after the draft SI LEP would be finalised. As the PP provisions are already in the draft SI LEP, progressing the PP could be considered unnecessary. However, it is recommended the PP continue so as to allow development to occur should the draft SI LEP be delayed.

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Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

The CCRS is a high level document which does not make any specific reference to cemetery provision or associated services. The PP is neither consistent or inconsistent with the regional strategy.

LOCAL STRATEGIES

Wyong Shire Council Strategic/ Annual Plan - Council advises the PP aligns with this plan.

STATE ENVIRONMENTAL PLANNING POLICIES

The PP identifies SEPP 55 Remediation of Land as applying to the PP. The PP states that the site was formerly used for rural-residential purposes, is not contaminated and there is no history of contaminating activities having occurred on the site.

S117 DIRECTIONS

The PP is consistent with the relevant s117 directions except the following which require further discussion:

Direction 2.1 Environment Protection Zones - the PP is inconsistent with this direction because rezoning from 7(b) to SP2 would reduce the environment protection standards applying to that part of the site. However, the PP states the environmentally sensitive parts are to be zoned E2, with the largely cleared land to be zoned SP2. Further, Council has zoned similar land in its draft SI LEP E2 which has minimal development potential. On this basis, the DDG should agree the PP's inconsistency with this direction is of minor significance.

Direction 4.1 Acid Sulfate Soils - part of the site is identified as class 5 acid sulfate soils (ASS) ie land within 500 metres of adjoining class 4 land. As no ASS study is proposed the PP is inconsistent with this direction. However, as the land is class 5 (approx. 400 metres from the class 4 land) and the level of likely disturbance is minimal, the DDG should agree that inconsistency with this direction is of minor significance.

Direction 4.3 Flood Prone Land - Council advises the site is largely flood affected (low hazard floodway). As the PP would rezone land from an environmental protection zone to a special purpose zone in a flood planning area, the PP is inconsistent with this direction.

A Flood Hazard Assessment has been undertaken and Council concludes that the PP would not result in significant impacts provided site filling does not occur. As a result, Council states that the PP's inconsistency with this direction is of minor significance. Noting Council's comments and that the site would be used for a low intensity use (ie cemetery), the DDG should agree that the inconsistency is of minor significance.

Direction 4.4 Planning for Bushfire Protection - the site is bushfire prone and a Bushfire Assessment Report prepared. Council needs to consult with the RFS before consistency with this direction can be determined.

Environmental social economic impacts :

As discussed, the site is bushfire prone and flood prone and studies have been undertaken to evaluate potential impacts.

The site also contains an EEC which Council intends to zone E2. Council should consider the need to consult with OEH per s.34A of the Act. s.34A requires consultation with the DG (OEH) should Council be of the view the EEC will or may be adversely affected by the PP.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority **Office of Environment and Heritage**
 Consultation - 56(2)(d) **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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
Council_Letter.pdf	Proposal Covering Letter	Yes
Council_Report.pdf	Proposal Covering Letter	Yes
Council_Resolution.pdf	Proposal Covering Letter	Yes
Council_Planning_Proposal.pdf	Proposal	Yes
Council_Planning_Proposal_Appendix_1_Site_Map.pdf	Proposal	Yes
Council_Planning_Proposal_Appendix_2_Ecology_Study_Pt1.pdf	Proposal	Yes
Council_Planning_Proposal_Appendix_2_Ecology_Study_Pt2.pdf	Proposal	Yes
Council_Planning_Proposal_Appendix_2_Ecology_Study_Pt3.pdf	Proposal	Yes
Council_Planning_Proposal_Appendix_3_Flood_Study.pdf	Proposal	Yes
Council_Planning_Proposal_Appendix_4_Bushfire_Study.pdf	Proposal	Yes
Council_Zoning_Map.pdf	Map	Yes
Council_Project_Timeline.pdf	Proposal	Yes
Council_Delegation_Evaluation_Criteria_Checklist.pdf	Proposal	Yes

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Planning Team Recommendation

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

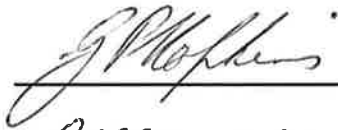
S.117 directions: **2.1 Environment Protection Zones**
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions

Additional Information : **It is recommended the PP proceed subject to the following conditions:**
 - **update the PP with s117 and environmental impact considerations contained in the Council report and this Gateway Determination;**
 - **prepare a locality map and a map showing the existing zoning of the site and adjoining land and include this in the exhibition package. All maps should clearly identify the site;**
 - **consult with the RFS and update s117 direction 4.4 Planning for Bushfire Protection;**
 - **consider the need to consult with OEH per s.34A of the Act should Council be of the view the EEC will or may be adversely affected by the PP;**
 - **14 day community consultation period; and**
 - **9 month completion timeframe.**

It is recommended that the DG (or delegate) agree that inconsistencies with s117 directions 2.1 Environment Protection Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance.

Supporting Reasons : .

Signature:



Printed Name:

GARRY HOPKINS

Date:

8.3.2013

