

Rezoning of Land at Pinaroo Road, Gwandalan

Proposal Title : **Rezoning of Land at Pinaroo Road, Gwandalan**

Proposal Summary : **The proposal seeks to rezone Lot 229 DP 847847 currently zoned E2 Environmental Protection and R2 Low Density Residential to R2 Low Density Residential and R5 Large Lot Residential.**

PP Number : **PP_2014_WYONG_002_00**

Dop File No : **14/03430**

Proposal Details

Date Planning : **21-Feb-2014**

Proposal Received :

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 : **47 Pinaroo Road**

Suburb : **Gwandalan**

City :

Postcode : **2259**

Land Parcel : **Lot 229 DP 847847**

DoP Planning Officer Contact Details

Contact Name : **Ben Jones**

Contact Number : **0243485003**

Contact Email : **ben.jones@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Chris Ferry**

Contact Number : **0243505171**

Contact Email : **wsc@wyong.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **Other**

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) : **3.01**

Type of Release (eg Residential / Employment land) : **Residential**

No. of Lots : **0**

No. of Dwellings (where relevant) : **28**

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 Description

The site is located on the corner of Parraweena Road and Kanangra Drive, Gwandalan. It is currently surrounded by low density residential land to the North East, Gwandalan Sewage Treatment Plant to the south west and is in close proximity to the potential new centre to the south as identified in the North Wyong Shire Structure Plan.

Created during the subdivision of the Gwandalan Urban Release Precinct in 1995, the site was left vacant as it was within a 400m radius of the Gwandalan Sewage Treatment Plant (GSTP). The 400m numerical standard was the then accepted method of minimising odour impacts from sewage treatment plants on residential development. Since this time, Council has adopted a new policy on odour impacts, in line with the EPA's guidelines "Assessment and Management of Odour from Stationery Sources". In this guideline a level of 2 odour units (OU) was identified as the level which could cause annoyance to sensitive receptors, including residential development. In conducting an odour study, Council identified that the subject site was under the 2OU level, and as such restrictions on development, applied using the previous 400m rule, could be lifted.

The site is currently vegetated and has been identified as bush fire prone and high quality squirrel glider habitat. During a flora and fauna assessment, one specimen of the threatened orchid species *Cryptostylis hunteriana* was also found on site.

External Supporting Notes :

Adequacy Assessment

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

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

Comment :

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

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

Comment : **The explanation of provisions refers to the future zoning as R1 and R5, while the rest of the document refers to R2 and R5 zonings. This needs to be addressed prior to exhibition**

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of the PP.

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

1.3 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? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

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 consistency with SEPPs and s117 directions is provided later in this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping provided adequately identifies the subject site and current and future lot sizing and zoning controls. However Council needs to refer to the Standard Technical Requirements for LEP maps to ensure the conventions for map amendments are followed and update these maps to be in line with these requirements prior to public exhibition. A locality map showing the surrounding context may be valuable in communicating the location of the proposal within its surrounds and is recommended for community consultation stage of this proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Community consultation has been proposed with a 14 day timeline. As the proposal is routine and low impact, a period of 14 days community consultation is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

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

If No, comment :

The proposal is generally consistent with the above adequacy criteria. Inconsistencies identified above are minor in nature and can be adequately resolved prior to community consultation.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal :

The PP applies to Lot 229 DP 847847 and appears to have originated at the request of the owner. The site adjoins existing urban land and has been previously identified by Council for infill development in its 2002 Residential Development Strategy. A PP is the only manner in which the rezoning can be achieved.

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Consistency with strategic planning framework :

The proposal satisfies the definition of infill development as provided in the Central Coast Regional Strategy (CCRS) and contributes towards providing new housing stock in the region. Located on the fringe of an existing urban area, the development is well placed to make use of existing infrastructure and services which is one of the identified objectives of the CCRS. The proposal is considered to be consistent with the aims and objectives of this strategy.

The North Wyong Shire Structure Plan (NWSSP) identifies the potential for a new centre within 400m of the subject site. Given current land uses and restrictions on land surrounding the location of the proposed new centre, the subject site identifies as one of the few release areas within 400 – 600m of the proposed centre. The NWSSP identifies that housing in and around centres is expected to be in a variety of forms of medium density housing. The planning proposal should include further discussion about densities and reconsider appropriateness of R2 given proximity of potential new centre.

The PP should be updated to discuss how the rezoning relates to and is supported by the Wyong Settlement Strategy.

s117 Directions

The PP is consistent with the relevant s117 directions except for the following which require further discussion. Should further work or consultation outlined below identify an inconsistency, Council should seek the Director-General's agreement to the inconsistency per the terms of that direction.

1.3 Mining, Petroleum and Extractive Industries

Agriculture is currently permitted on the site. Therefore extractive industry is permitted through the mining SEPP. As the proposal will make agriculture (and therefore extractive industry) a prohibited use, the s117 Direction is triggered. Council needs to consult with Trade and Investment – Minerals Resource Branch and following consultation reconsider consistency with this direction.

2.1 Environmental Protection Zones

The planning proposal seeks to rezone the subject land from E2 Environmental Conservation to R2 and R5 residential zones. This will have the effect of reducing the environmental protection standards of land that is identified for environmental protection purposes in the Wyong LEP 2013. The PP justifies this inconsistency by saying the purpose of the existing zone was to restrict urban development within the odour buffer of the Gwandalan Sewerage Treatment plant, however neither Wyong LEP 2013 or the former Wyong LEP 1991 identifies this as an objective of the E2 – Environmental Conservation or former 7(b) Scenic protection zones.

Further investigation into potential squirrel glider habitat and the extent of the threatened flora species *Cryptostylis hunteriana*, is proposed by Council, following which consistency with this direction should be assessed and the PP updated as appropriate. Justification of any inconsistencies with this direction should be outlined in the PP prior to community consultation.

2.3 Heritage Conservation

Further discussion on the potential impacts on heritage items on site is required. Specifically items 4(a), 4(b) and 4(c) of this s117 direction need to be fully addressed and documented in the PP and any necessary consultation undertaken.

4.1 Acid Sulfate Soils

Council has identified that the potential for acid sulphate soils on the site is currently unknown. However Council's ASS planning maps show there is no ASS on the site.

4.2 Mine Subsidence and Unstable Land

The potential for subsidence on the subject site should be further investigated with consultation with the Mine Subsidence Board (MSB). Following consultation with the MSB, consistency with this direction should be reassessed.

4.4 Planning for Bushfire Protection

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Environmental social
economic impacts :

In accordance with section 4 of this direction, consultation with the commissioner of the Rural Fire Service (RFS) should be undertaken prior to community consultation. Comments made by the RFS must be taken into account and the PP updated accordingly, including a re-assessment with the consistency of this direction.

Council has identified studies required to be undertaken prior to community consultation. This includes further studies into potential for squirrel gliders on site and further investigation to ascertain the extent of the threatened flora species *Cryptosyllis hunteriana*. The potential for heritage items on site also needs to be further investigated.

A Bushfire Protection Assessment has been undertaken prior to submission of the PP. This assessment found that the proposal is appropriate for the level of bushfire risk and that the bushfire risk can be mitigated if appropriate bushfire protection measures are put in place and managed in perpetuity. However consultation with the RFS is still required as per direction 4.4.

As the site was previously constrained by odour impacts from the Gwandalan Sewage Treatment Plant, consultation with the EPA should be undertaken to ensure that the relevant guidelines have been satisfied and that the odour study was undertaken in accordance with these guidelines.

Social and economic benefits may result in the form of additional housing stock and an increase in construction related employment resulting from future development applications.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Department of Primary Industries - Minerals and Petroleum
Mine Subsidence Board
NSW Rural Fire Service
Other**

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. :

Other - provide details below

If Other, provide reasons :

Council has proposed to undertake additional Flora and Fauna studies.

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 :

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Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 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 :

1. Prior to commencing public exhibition, Council is to:
 - update draft maps to be consistent with the Standard Technical Requirements for LEP maps;
 - clarify whether reference to R1 in explanation of provisions is correct and amend if required;
 - provide discussion about densities and reconsider appropriateness of R2 given proximity of potential new centre;
 - update planning proposal with discussion of how the rezoning relates to the Wyong Settlement Strategy.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with s117 Directions:
 - 1.3 Mining, Petroleum Production and Extractive Industries;
 - 2.1 Environmental Protection Zones;
 - 2.3 Heritage Conservation;
 - 4.2 Mine Subsidence and Unstable land; and
 - 4.4 Planning For Bushfire Protection.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant s117 Directions:
 - NSW Trade and Investment – Minerals Resource Branch (1.3 Mining, Petroleum Production and Extractive Industries)
 - Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land)
 - Rural Fire Service (4.4 Planning for Bushfire Protection)
 - Environment Protection Authority (Odour Impacts)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

4. Community consultation is required under sections 56(2)(c) and 57 of the

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Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

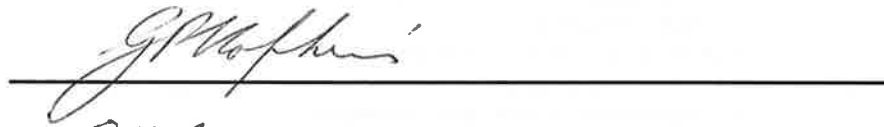
- (a) the planning proposal must be made publicly available for 14 days; and**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).**

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

Signature:



Printed Name:

G. HOPKINS Date: 6.3.2014.