

Rezoning to permit retail development at 1 Figtree Boulevard, Wadalba

Proposal Title : **Rezoning to permit retail development at 1 Figtree Boulevard, Wadalba**

Proposal Summary : **The proposal seeks to rezone a 1.5Ha site from 2(e) Urban Release Area to 3(a) Business Centre to allow development for the purposes of a 3200m2 supermarket, 80m2 specialty shop and service station under Wyong LEP 1991. The proposal also seeks to amend provisions under clause 59 of Wyong LEP 1991 that limit shopping centres in Wadalba.**

The draft Wyong LEP 2012 proposes to zone the site R2 Low Density Residential and the planning proposal would rezone the site to B2 Local Centre should the draft LEP be finalised in advance of the planning proposal.

PP Number : **PP_2013_WYONG_009_00** Dop File No : **13/12119**

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones**
 - 1.3 Mining, Petroleum Production and Extractive Industries**
 - 3.1 Residential Zones**
 - 3.4 Integrating Land Use and Transport**
 - 4.2 Mine Subsidence and Unstable Land**
 - 5.1 Implementation of Regional Strategies**
 - 6.1 Approval and Referral Requirements**
 - 6.3 Site Specific Provisions**

- Additional Information :
- The planning proposal be updated to:**
 - remove items 1 - 4 which identify floor area and parking spaces in the Objectives or Intended Outcomes Section and relocate them to the Justification section.**
 - amend the explanation of provisions to generally identify clause 59 provisions to allow for alternatives in the drafting of the instrument should it be finalised in advance of the SI draft LEP.**
 - The maps be improved for community consultation with a location map showing the context of the site in relation to the LGA and nearby centres.**
 - A concept layout plan is not required for exhibition of the planning proposal however Council may exhibit such material concurrently with its updated DCP should it consider it will aid community understanding of the proposed development.**
 - Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate that the site is suitable for the rezoning once information on contamination has been obtained.**
 - Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the following S117 Directions once it has undertaken consultation with public authorities:**
 - 1.3 Mining, Petroleum Production and Extractive Industries**
 - 4.2 Mine Subsidence and Unstable Land**
 - Agency Consultation with:**
 - NSW Department of Primary Industries - Minerals and Petroleum**
 - Mine Subsidence Board**
 - Transport for NSW - Roads and Maritime Services**

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-14 days community consultation period.

-9 month timeframe to complete the plan.

-Council be granted delegation to make the plan.

Supporting Reasons : *

Panel Recommendation

Recommendation Date : 01-Aug-2013

Gateway Recommendation : Passed with Conditions

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:

- a. remove items 1 – 4, which identify proposed retail floor area for the proposed development and the number of car parking spaces required, from the 'objectives or intended outcomes' of the planning proposal and include these items into the 'justification' of the planning proposal;
- b. generally identify the amendments proposed to clause 59 'Local shopping centres -Blue Haven, Warnervale East and Wadalba' of Wyong LEP 1991 within the 'explanation of provisions' of the planning proposal to enable Parliamentary Counsel's Office to use alternative options to draft the written instrument, if required; and
- c. include a location map, which shows the context of the subject land in relation to nearby centres.

2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 & Infrastructure 2013).

4. 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:

- Transport for NSW – Roads and Maritime Services
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

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.

Council is to update its consideration of the above mentioned S117 Directions, once comments from public authorities have been obtained.

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

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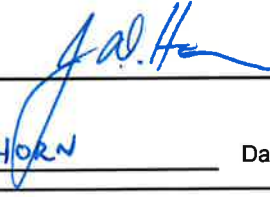
reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan making delegations:

The Minister delegated his plan making powers to councils in October 2012.

Council has requested to be issued with delegation for this planning proposal. Council's request to be issued with delegations should be supported.

Signature: 

Printed Name: JEFF HORN Date: 05/08/13