

Rezoning at 5 Anderson Road, Glenning Valley

Proposal Title : **Rezoning at 5 Anderson Road, Glenning Valley**

Proposal Summary : **The planning proposal seeks to rezone land currently zoned 7(c)(Scenic Protection: Small Holdings Zone) in Wyong LEP 1991 and proposed to be zoned E4 Environmental Living in the Draft Wyong LEP 2013 to a R2 Low Density Residential zone and apply a minimum lot size of 450m2 to enable a residential subdivision.**

PP Number : **PP_2013_WYONG_012_00**

Dop File No : **13/16953**

Proposal Details

Date Planning
Proposal Received : **17-Oct-2013**

LGA covered : **Wyong**

Region : **Hunter**

RPA : **Wyong Shire Council**

State Electorate : **THE ENTRANCE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **5 Anderson Road**

Suburb : **Glenning Valley**

City :

Postcode : **2261**

Land Parcel : **Lot 8 DP816552**

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**

Contact Number : **0243485002**

Contact Email : **glenn.hornal@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Rod Mergan**

Contact Number : **0243505560**

Contact Email : **RSMergan@wyong.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

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) : **1.91**

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

No. of Lots : **19**

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 :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **Council's stated objective is to enable a residential subdivision on the land.**

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

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

Comment : **The planning proposal seeks to amend the land zoning map of the draft Wyong LEP 2013 by zoning the land to R2 Low Density Residential and amend the minimum lot size map to 450m2.**

The site is currently zoned 7(c)(Scenic Protection: Small Holdings Zone) with a 2 hectare minimum lot size under Wyong LEP 1991 and was exhibited as E4 Environmental Living with a 2 hectare minimum lot size under the draft Wyong LEP 2013.

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

2.1 Environment Protection Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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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 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Exempt and Complying Development Codes) 2008

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

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain : **An assessment of SEPPs and S117 Directions is provided later in the report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided a proposed zoning map and minimum lot size map to amend the draft Wyong LEP 2013. The proposal could benefit from maps showing the current zone under the Wyong LEP 1991 and the exhibited zone and minimum lot size maps of the draft Wyong LEP 2013 to enable community understanding of the proposed change in development zones and standards.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has recommended the proposal be exhibited for 28 days.

Additional Director General's requirements

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

If Yes, reasons :

PROJECT TIMELINE

Council's timeline anticipates the planning proposal is to be finalised in May 2014 (approx 7 months). It is recommended that a 9 month timeframe should be sufficient time to complete the plan and this does not prevent Council from finalising a plan in a shorter timeframe.

DELEGATION AUTHORISATION

Council has accepted plan-making delegations for planning proposals generally and has requested delegation to make this planning proposal.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP :

The site was exhibited as E4 Environmental Living with a 2 hectare minimum lot size under the draft Wyong LEP 2013 and is expected to be finalised by the end of 2013.

Assessment Criteria

Need for planning
proposal :

Council advised the site is identified as being within an urban development program as shown in the Central Coast Regional Strategy (CCRS) and is also identified in Council's Settlement Strategy for short term investigation.

The site appears to adjoin land identified in CCRS as an existing Metropolitan Development Program (MDP) Release Area. Council's Settlement Strategy identified that Council advertised for the lodgement of landowner-initiated rezoning requests and identified a number of applications to proceed to further assessment and investigation including this site.

Council advised the landowner submitted a request and provided supporting material and Council resolved to submit the planning proposal for a Gateway determination.

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Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has identified the planning proposal is consistent with the CCRS as Action 4.6 specifies that land to be rezoned for housing zoned during the life of the Strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs and Greenfield areas of the North Wyong Structure Plan.

Council has advised the land is within the existing MDP area in the CCRS and is therefore consistent with the strategy. The site appears to be located within this MDP area however a review of the MDP 2010/11 Report Chapter 5.12 (see attached map) shows the site adjoins but is not within the Berkeley Vale MDP release area which has been fully developed with residential dwellings. The rezoning of the site would be a logical infill and extension of the MDP area. The site was also identified for further investigation in Council's Settlement Strategy (conditionally endorsed by the Director General) during the preparation of the draft Wyong LEP and is considered to be consistent with the CCRS.

LOCAL STRATEGIES

Council has provided an assessment against the following local strategies:

1. Community Strategic Plan 2030; and
2. Wyong Shire Council Strategic/Annual Plan

Council has provided a list of objectives and actions that are addressed in the planning proposal related to these strategies.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP 44 Koala Habitat

Council has advised the ecological assessment report noted that less than 15% of trees are koala feed trees and therefore the land does not contain potential koala habitat and is considered to be consistent with the SEPP.

SEPP 55 - Contaminated Land

Council states the site is unlikely to have been used for a potentially contaminating land use but will need to be confirmed. The issue still requires formal assessment and a contaminated land assessment should be carried out to comply with the provisions of the SEPP.

SEPP (Exempt and Complying Development Codes) 2008.

Council has identified the proposal does not contradict or repeat provisions in the SEPP.

S117 DIRECTIONS

The planning proposal is considered to be consistent with all applicable S117 Directions except where discussed below:

1.3 Mining, Petroleum Production and Extractive Industries

Council has advised this direction is not applicable. However the planning proposal is inconsistent with this direction as it would have the effect of prohibiting the uses (i.e. mining) covered by this direction.

Currently mining uses are permitted by the Mining SEPP as they can occur where agriculture is permitted. The current 7(c) zone permits agriculture however agriculture is a prohibited use in the proposed R2 Low Density Residential Zone.

Council should consult with the Department of Primary Industries - Minerals and Petroleum to satisfy the requirements and demonstrate consistency with the direction.

2.1 Environment Protection Zones

The planning proposal is inconsistent with the direction as it would reduce the environmental protection standards applying to the land by rezoning the land from 7(c) (Scenic Protection: Small Holdings Zone) to a R2 Low Density Residential Zone to enable the residential subdivision.

Council has advised the Ecological Assessment and archaeological review reveal limited potential for adverse impacts should the site be developed. The site has been largely cleared and remaining vegetation is confined to the boundaries around the site. It is considered that the supporting studies be provided to OEH during agency consultation and, if adequate, Council should seek the DG's agreement that any inconsistency is justified by the Ecological Assessment.

4.1 Acid Sulphate Soils

Council has not identified the direction as applicable. However the Acid Sulfate Soils Maps for the SI dLEP show part of the site is located on the outer fringe of Class 5 land (approximately 500 metres from land with potential acid sulfate soils). Therefore any inconsistency with the direction is considered to be of minor significance.

4.4 Bushfire Prone Lands

Council has identified the proposal is consistent with the Direction however consistency with the direction can only be determined following consultation with the NSW Rural Fire Service. This matter should be addressed following agency consultation.

Environmental social
economic impacts :

Council has provided a number of supporting studies with the planning proposal which include:

- Ecological Assessment (December 2010)
- Aboriginal Heritage Due Diligence Assessment Report (March 2011)
- Water Cycle Management Plan (undated)
- Servicing for Urban Development Report (undated)
- Concept Subdivision Plan (March 2011)
- Bushfire Rezoning Report (December 2010)
- Traffic Impact Assessment (March 2011)

Environmental

Council has identified 2 patches of threatened flora species 'Melaleuca biconvexa' within the forest remnants and Council advise these are intended to be retained within the existing road reserve or through title restrictions on future residential lots. Consideration of impacts on this species could be confirmed with OEH during agency consultation.

Council has advised the Aboriginal Heritage Due Diligence Assessment of the land concluded there was unlikely to be any Aboriginal objects or artefacts on the land and further assessment was not required and the report confirms further assessment does not appear warranted.

The servicing report indicated the site is not directly connected to Council's sewer system and will require provision of an on-site sewer pump station and rising main. The report concluded provision of road access, power, water telecommunication, gas and sewer are all possible on the site. Council could consider mapping the site on the urban release area map to ensure that adequate arrangements for any public utility infrastructure will be available to service future development on site.

The site is located on land identified as bushfire prone. The site is largely cleared and the bushfire report's recommendation states the rezoning would meet the intent of the Planning for Bushfire Protection Guidelines. Further consideration of bushfire issues would be undertaken during agency consultation as required by S117 Direction 4.4 Planning for Bushfire Protection.

The traffic report concluded the existing road network has spare capacity to accommodate the additional development. The site is located near Wyong Road classified as a State Road and is serviced by regular public transport services (buses) to the centres of Wyong, Tuggerah and Gosford as well most of the local shopping centres in the surrounding area.

Social & Economic

Council has identified the rezoning of land and subsequent residential development will create a demand for community, cultural and recreational services. The site is subject to Council's Shire Wide and Southern Lakes Section 94 Contributions Plan and will be

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required to meet its share of the cost of the provision of these services.

The proposal is also likely to provide short term employment opportunities should the site be developed and assist in the provision of regional housing targets identified in the Central Coast Regional Strategy.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Department of Primary Industries - Minerals and Petroleum 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 : **The Regional Team requested advice from the Planning Infrastructure Coordination Branch on this matter and is yet to receive a response.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal, Maps & Council Resolution.pdf	Proposal	Yes
Attachment 2 - Historic Council Report 26 Feb 2003.pdf	Proposal	Yes
Attachment 3 - Letter from Mayor - 5 December 2005.pdf	Proposal	Yes
Attachment 4 - Letter from Council Staff -30 Sept 2010.pdf	Proposal	Yes
Attachment 5 - Ecological Assessment.pdf	Proposal	Yes
Attachment 6 - Aboriginal Heritage Due Diligence Assessment Report.pdf	Proposal	Yes
Attachment 7 - Traffic Impact Assessment.pdf	Proposal	Yes
Attachment 8 - Water Cycle Management Plan.pdf	Proposal	Yes
Attachment 9 - Servicing Report for Urban Development.pdf	Proposal	Yes
Attachment 10 - Concept Subdivision Plan.pdf	Proposal	Yes
Attachment 11 - Bushfire Assessment.pdf	Proposal	Yes
MDP Release Area Map.doc	Map	Yes

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Evaluation Criteria for the delegation of plan making functions.pdf

Determination Document

Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 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 : **1. The proposal could benefit from maps showing the current zone under the Wyong LEP 1991 and the exhibited zone and minimum lot size maps of the draft Wyong LEP 2013 to enable community understanding of the proposed change in zones and standards.**

2. Council should consider mapping the site on the urban release area map to ensure that adequate arrangements for any public utility infrastructure will be available to service the future development.

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 required to address consistency with S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection Zones
 4.4 Planning for Bushfire Protection following consultation with the relevant Agencies.

5. The Director General agrees the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance.

6. Agency consultation with Office of Environment and Heritage, NSW Rural Fire Service and NSW Department of Primary Industries - Minerals and Petroleum.

7. 14 day exhibition

8. 9 month timeframe

9. Council be issued with delegation to make the plan.

Supporting Reasons : *

Signature:



Printed Name:

G HOPKINS

Date:

19.11.2013