

ATTACHMENT 7

26 February 2014
To the Ordinary Council Meeting

Director's Report
Development and Building Department

2.1 RZ/2/2011 - Planning Proposal - 355 Rutleys Road Mannering Park

TRIM REFERENCE: RZ/2/2011 - D04682883

MANAGER: Scott Cox, Manager

AUTHOR: Chris Ferry, Strategic Planner

SUMMARY

This report relates to a planning proposal for a property located at 355 Rutleys Road Mannering Park. The proposal seeks to provide an enabling clause to allow a mini-storage facility on Lot 1 DP 603830. The site area is 5663 square metres and is currently zoned SP2 Infrastructure. For the purposes of this report the property will be referred to as 'the site'.

An assessment of the proposal has been undertaken, which identified the site as suitable for an additional permitted use as a mini-storage facility.

Real Description:	Lot 1 DP 603830
Street Address:	355 Rutleys Road Mannering Park
Owner:	Alcevski Investments Pty Ltd
Site Area:	5663 square metres
Current Zoning:	SP2 Infrastructure

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 1 DP 603830 to allow an additional permitted use as a mini-storage facility.
- 2 That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination" pursuant to Section 55 of the EP&A Act.
- 3 That Council undertake community consultation in accordance with the requirements attached to the "Gateway Determination".
- 4 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to the planning proposal.

ORDINARY MEETING HELD 26 FEBRUARY 2014

RESOLVED unanimously on the motion of Councillor VINCENT and seconded by Councillor GREENWALD:

- 136/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 1 DP 603830 to allow an additional permitted use as a mini-storage facility.

- 137/14 *That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination" pursuant to Section 55 of the EP&A Act.*
- 138/14 *That Council undertake community consultation in accordance with the requirements attached to the "Gateway Determination".*
- 139/14 *That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to the planning proposal.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

BACKGROUND

The site was acquired by the current owner in November 2004 when it was sold by Mines Rescue Pty Ltd. At the time the land use was considered ancillary to the surrounding Special Uses of the Power Station and Electricity Generating Works.

The site is zoned SP2 Electricity Generating Works and is surrounded by Vales Point Power Station and Mannering Colliery which are also zoned SP2 Electricity Generating Works. The site has a single level brick and tile building with office facilities and was previously used by the Mines Rescue Service for training and until recently by the current owner for unauthorised automotive repair / maintenance activities. Legal action was instituted to effect the cessation of the unauthorised land use activities.

A planning proposal was submitted in April 2011 but the phase 1 fee was not received until February 2012. Initially the planning proposal was seeking to formalise the non conforming land uses that were operating on site to permit a range of automotive activities.

The site is quite constrained in terms of access and is not considered appropriate for an independent free-standing automotive / industrial precinct. Due to the high volume of traffic generated by the proposed uses several traffic and access scenarios were investigated but no suitable solution could be achieved for the proposed uses. Therefore it was agreed with the proponent to look at a possible land use that generates minimal traffic. In consultation with Council's Transportation Engineer and the proponent it was agreed that a mini-storage facility would be an appropriate land use.

CURRENT STATUS

The premises are now vacant due to previous legal action taken by Council. Improvements on the site include a single level brick and tile building with office facilities.

THE PROPOSAL

The proposal seeks to rezone land at Lot 1 DP 603830 to allow an additional permitted use as a mini-storage facility.

ASSESSMENT

The planning proposal submission has been assessed having regard for the following matters:

- Flora and Fauna
- Bushfire
- Contaminated Land and Acid Sulfate Soils\
- Traffic and Transport

This assessment has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practice.

This assessment has not identified significant concerns relating to the rezoning of the subject site for the intended purposes.

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Council's Transportation Engineer has also provided information on the proposal to determine the most appropriate land use for the site with a low volume of traffic entering and exiting the site. The proposed land use as a mini-storage facility is considered appropriate as it will result in minimal traffic entering and exiting the property, therefore, creating a land use that can be sustainable in this location into the future.

Council has received funding from the NSW Government "Road Toll Response Package" for improvements to Ruttleys Road. Council's Design Engineer has provided details for this upgrading package which will allow access to the site without compromising the design of the improvements.

It would not be appropriate to rezone the site from SP2 at this stage to any other zone that would allow additional uses which would generate higher volumes of traffic entering and exiting the site. It is therefore proposed to retain the sites SP 2 Zoning with an additional permitted use as a mini-storage facility under Clause 2.5 (Schedule 1) of Wyong Local Environmental Plan 2013 (WLEP 2013).

LOCAL PLANS, POLICIES AND STRATEGIES

Settlement Strategy

The site is not identified within the Settlement Strategy however, when considered under the theme "*Planning for Economy and Employment - Key Planning Considerations for Economic Development*" it will facilitate and support the growth of an additional small business opportunity within the Shire.

Wyong Local Environmental Plan 2013 (WLEP 2013)

The subject area is currently zoned SP 2 Electricity Generating Works.

The objectives of that zone are:

To provide for infrastructure and related uses.

To prevent development that is not compatible with or that may detract from the provision of infrastructure.

To recognise existing railway land and to enable future development for railway and associated purposes.

To recognise major roads and to enable future development and expansion of major road networks and associated purposes.

To recognise existing land and to enable future development for utility undertakings and associated purposes.

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The relevant infrastructure authority has advised that the site is not required for electricity generating works in the future and was sold in 2004 as it was surplus to its needs. Therefore the site will remain in private ownership and an appropriate land use should be investigated. It is considered that the proposed land use as a mini-storage facility would not detract from the provision of infrastructure, therefore the first objective will be satisfied and the remaining three will not be applicable.

Clause 2.5 WLEP 2013

The zoning of the site under Wyong LEP 2013 was a straight conversion from Special Uses 5(a) to SP2 Electricity Generating Works even though the site was in private ownership following its sale.

Should the proposal be supported by Council, Schedule 1 as it relates to Clause 2.5 will be amended to include this land with an additional permitted use as a mini-storage facility with the consent of Council.

Development Control Plan (DCP) 2013: Development Controls for Wyong Shire

Any development of the subject site undertaken as a result of the rezoning will be required to be consistent with the relevant controls of DCP 2013.

State Legislation, Policies and Plans

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the DoPI in July 2008. The CCRS identifies the population potential of the Central Coast expected over the next 25 years, and expected employment capacity targets. The strategy also identifies actions to ensure the ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport. The proposal has the potential to create additional employment in the north of the Shire.

North Wyong Shire Structure Plan

The North Wyong Shire Structure Plan (NWSSP) was developed as a high level land use strategy to guide ongoing development and planning for infrastructure and services in the North Wyong Shire Area. The NWSSP identifies greenfield residential development sites and the majority of the Central Coast region's greenfield employment land to 2031.

The site is not located within a future investigation precinct but will provide additional employment opportunity to residents in the north of the Shire.

Regional Economic Development and Employment Strategy

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council. The launch of the strategy occurred on 3 February 2010.

The proposal will create additional employment opportunity in the north of the Shire.

Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions. Attachment 1 provides a full assessment against these Directions. It is considered that the planning proposal is consistent with the relevant Directions.

State Environmental Planning Policies (SEPP)

The proposal has been assessed having regard to relevant State Environmental Planning Policies (SEPPs) as follows:

SEPP 55 – Contaminated Land

It is considered that the proposal is consistent with the aims and objectives of the requirements of the above SEPP. Assessment of the application against the relevant SEPP is detailed in Attachment 2.

OPTIONS**Option 1 – Progression of Proposal as Proposed**

This report recommends allowing one additional use on the site, that of a mini-storage facility.

In order to provide some level of development and financial certainty for the proponent, this option is recommended.

Option 2 Not Proceed with Rezoning at all

This option would effectively sterilise the land.

The site has not been identified as a green corridor nor has it been identified as a development precinct within the NWSSP. The land will however, provide a small amount of additional employment in the north of the Shire. Therefore this option is not supported

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan**

The planning proposal is consistent with the Wyong Shire Council Strategic/Annual Plan

Long term Financial Strategy

There are no impacts on the broader Long Term Financial Strategy

Asset Management Strategy

There are no impacts on the Asset Management Strategy

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Link to Community Strategic Plan (2030)

The proposal can directly relate to objective 7 *"There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths."*

The use of the site as a mini-storage facility will generate additional employment and provide a facility that can be utilised by residents in the north of the Shire.

Budget Impact

Nil.

CONSULTATION

Extensive consultation was undertaken with internal staff particularly the Transportation Engineer and Development Engineer to determine a suitable land use. Consultation was conducted with staff from Delta Electricity and Ausgrid to determine if the site was required for electricity generating works and if alternate access could be provided over their land.

GOVERNANCE AND POLICY IMPLICATIONS

Refer to discussion relating to Local Plans, Policies and Strategies

MATERIAL RISKS AND ISSUES

There are no identifiable risks associated with the progression of the planning proposal.

CONCLUSION

This report seeks Council's endorsement to prepare and submit to the DoPI, a Planning Proposal to rezone Lot 1 DP 603830 355 Rutleys Road Mannering Park to allow an additional use as a mini-storage facility.

The proposed rezoning has considerable merit given the location of the site which is surrounded by electricity generating works; the single use of the site for a mini-storage facility will provide a small amount of employment for residents in the north of the Shire and will not adversely impact on the traffic movements in the vicinity. The mini-storage facility will also expand the range of services available to the area and prevent sterilisation of the land. In this regard the rational, orderly and economic development of land are the key objects of the Environmental Planning & Assessment Act 1979. The proposed planning proposal is therefore consistent with the objectives of the Act.

ATTACHMENTS

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| 1 | S117 Directions Report | D05370486 |
| 2 | SEPP Assessment Report | D05370485 |
| 3 | Site Plan - Planning Proposal Rutleys Road | D05725402 |

