



Planning Proposal - Mannering Park - 355 Ruttleys Road - Lot 1 DP 603830

Proposal Title : **Planning Proposal - Mannering Park - 355 Ruttleys Road - Lot 1 DP 603830**

Proposal Summary : **The proposal seeks to add the property to "Schedule 1 – Additional Permitted Uses" within the Wyong Local Environmental Plan 2013 and include the site on the Additional Permitted Uses Map to allow for the operation of a self storage facility on site.**

PP Number : **PP_2014_WYONG_003_00** Dop File No : **14/06969**

Proposal Details

Date Planning Proposal Received : **15-May-2014** LGA covered : **Wyong**

Region : **Hunter** RPA : **Wyong Shire Council**

State Electorate : **SWANSEA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : **350 Ruttleys Road**

Suburb : **Mannering Park** City : Postcode : **2259**

Land Parcel : **Lot 1 DP 603830**

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 : **FERRY@wyong.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

Planning Proposal - Mannering Park - 355 Ruttleys Road - Lot 1 DP 603830

MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 3

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

If No, comment :

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

If Yes, comment :

Supporting notesInternal Supporting
Notes :

The site is located at the eastern side of Ruttleys Road approximately 30 metres south of an access road to Vales Point power station land. Zoned SP2 Infrastructure, the site was previously occupied by the Newcastle Mines Rescue Station and was then sold on to the current occupier. The site has recently been used for a range of automotive activities which are prohibited uses under the current zoning. Due to the access to the site being potentially dangerous given the proximity to the existing intersection and the fact that the entrance is located on a sweeping bend, Council considers a low traffic generating development would be more suited to the site. A self storage facility was determined to be an appropriate land use and Council is seeking to formalise this specific land use on site. It appears that Council is opting for inclusion of the site in Schedule 1 of the Additional Permitted Uses over a rezoning, to avoid an anomalously zoned parcel of land within the larger surrounding SP2 zone. However the zone remains anomalous as the site is not used for electricity generation. The PP would benefit for more discussion on this matter (see later).

External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The statement of objectives is generally consistent with the Department's "A Guide to Preparing Planning Proposals". However the reference to rezoning should be removed as Council is not proposing to change the zone.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions is generally consistent with the Department's "Guide to Preparing Planning Proposals".
This section should be updated however to make reference to the inclusion of the site in Schedule 1 of the WLEP.

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

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

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?

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

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 of the consistencies with SEPPs and s117 directions is provided later in this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The "Additional Permitted Uses Map" provided shall be updated to be consistent with Council's current LEP maps and the department's mapping guideline requirements. The aerial map included with the proposal could benefit from a decrease in scale to allow for surrounding context to be seen, which would assist in identifying the location of the site during community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A period of 14 days community consultation has been proposed. This is supported.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal :

The site is no longer used for electricity generation and therefore the current zone is redundant. Rather than put forward an alternative zone, Council proposes to add an "additional permitted use".

The Planning Proposal would benefit from further analysis of other alternatives including why other zones are not appropriate and whether any other uses could be compatible with the site.

Council should also confirm whether any other parcels zoned SP2 (Electricity Generation) are in private ownership and, if so, consider addressing these in the same Planning Proposal.

Consistency with
strategic planning
framework :

Central Coast Regional Strategy (CCRS)

The proposal is consistent with the CCRS as it will promote economic and employment growth in the region and may increase levels of employment self containment. Although not located in a centre, this type of development is low impact and suitable in its current location.

North Wyong Shire Structure Plan (NWSSP)

Although the site has not been identified in the NWSSP as a proposed employment area, the proposal will help achieve the employment targets of the NWSSP. For this reason the proposal is consistent with this plan.

Local Strategies

Council has indicated the proposal is consistent with its Community Strategic Plan.

State Environmental Planning Policies

SEPP 55 Remediation of Land – Council has indicated that a preliminary desktop mapping / assessment exercise has not identified any contamination of the site and testing for Acid Sulphate Soil (ASS) has been undertaken which found no ASS on site. Historically, the site has been part of lands owned by the nearby Power Station, Newcastle Mines Rescue and most recently, used for automotive uses including car repairs and tyre fitting.

Due to these historic uses, there is a possibility of site contamination. Further investigation carried out in accordance with the contaminated land planning guidelines should be undertaken, so that Council can demonstrate compliance with SEPP 55.

The RPA has identified no other relevant SEPPs.

S117 Directions

The PP is consistent with the relevant s117 directions except the following which require further discussion. Should further work or consultation outlined below identify an inconsistency, Council should seek the agreement of Planning and Environment to the inconsistency as per the terms of that direction.

4.2 Mine Subsidence & Unstable land

The proposal is located within a mine subsidence district. Consultation with the Mine Subsidence Board shall be undertaken prior to public exhibition of the PP. Consistency with this direction shall be reviewed and updated following the consultation process.

4.4 Planning for Bush Fire Protection

The site has been identified as bush fire prone land and as such consultation with the Rural Fire Service (RFS) is required before consistency with this direction can be determined. The PP should be updated following the consultation process to take into account any comments made by the RFS.

Environmental social
economic impacts :

The full extent of environmental impacts of the project will not be fully known until consultation has been undertaken with the RFS. However the site is not located on flood prone land and ASS are not present on site. The site is not located in a biodiversity corridor and contains no environmentally sensitive lands. It is expected that the environmental impact of the proposal will be low and localised to the site.

The PP will have a slight positive social and economic impact with additional employment opportunities for the region.

Assessment Process

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

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

Public Authority Consultation - 56(2) (d) : **Delta Electricity
Mine Subsidence Board
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

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
2014-04-10 Wyong Shire Council to P&I - Planning Proposal re 355 Ruttleys Road, Mannering Park_covering letter.pdf	Proposal Covering Letter	No
2014-04-10 Wyong Shire Council to P&I - Planning Proposal re 355 Ruttleys Road, Mannering Park_Planning Proposal.pdf	Proposal	No
2014-04-10 Wyong Shire Council to P&I - Planning Proposal re 355 Ruttleys Road, Mannering Park_Attachment 1-4.pdf	Map	No
2014-04-10 Wyong Shire Council to P&I - Planning Proposal re 355 Ruttleys Road, Mannering Park_Attachment 5.pdf	Proposal	No
2014-04-10 Wyong Shire Council to P&I - Planning Proposal re 355 Ruttleys Road, Mannering Park_Attachment 6.pdf	Proposal	No
2014-04-10 Wyong Shire Council to P&I - Planning Proposal re 355 Ruttleys Road, Mannering Park_Attachment 7.pdf	Proposal	No
2014-04-10 Wyong Shire Council to P&I - Planning Proposal re 355 Ruttleys Road, Mannering Park_Attachment 8.pdf	Study	No

2014-04-10 Wyong Shire Council to P&I - Planning
Proposal re 355 Ruttleys Road, Mannering
Park_Attachment 9.pdf

Proposal

No

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
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.2 Caravan Parks and Manufactured Home Estates
- 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 the "Statement of Objectives or Intended Outcomes" to remove references to references to "rezoning"; and
 - update draft "Additional Permitted Uses" map(s) to be consistent with the Standard Technical Requirements for LEP maps; and
 - update the planning proposal with discussion on alternative zones considered and why they have not been selected, consideration of other potential permissible uses for the site and, if relevant, any other privately owned land in the vicinity that also has a redundant SP2 zoning.

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:
 - 4.2 Mine Subsidence and Unstable Land; and
 - 4.4 Bushfire Prone Land.

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:
 - Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land)
 - Rural Fire Service (4.4 Bush Fire Prone Land)
 - Delta Electricity
 - Transport for NSW – Roads and Maritime Services

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 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 Environment 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:

21.5.14.