

PALMDALE, Lot 1 DP 1012816, 31 Palmdale Road - RU2 to SP2 and E2

Proposal Title : **PALMDALE, Lot 1 DP 1012816, 31 Palmdale Road - RU2 to SP2 and E2**

Proposal Summary : **Rezone land zoned RU2 Rural Landscape to SP2 Special Use Cemetery and E2 Environmental Conservation to facilitate the expansion of Palmdale Cemetery.**

PP Number : **PP_2015_WYONG_006_00**

Dop File No : **15/07035**

Proposal Details

Date Planning
Proposal Received : **28-Apr-2015**

LGA covered : **Wyong**

Region : **Hunter**

RPA : **Wyong Shire Council**

State Electorate : **WYONG**

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

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 1 DP 1012816**

DoP Planning Officer Contact Details

Contact Name : **G P Hopkins**

Contact Number : **0243485002**

Contact Email : **garry.hopkins@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Chris Ferry**

Contact Number : **0243505171**

Contact Email : **FERRYC@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 :

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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 : 0

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 proposal is to rezone Part of Lot 1 DP 1012816 from RU2 to SP2 Special Use Cemetery and E2 Environmental Conservation leaving the part of the lot south of Palmdale Road as RU2. This land is flood affected and contains an Endangered Ecological Community. Consideration should be given to zoning the part of the lot south of Palmdale Road E2.

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

Is a statement of the objectives provided? Yes

Comment : Adequate

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

Is an explanation of provisions provided? Yes

Comment : Adequate

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**2.4 Recreation Vehicle Areas****3.2 Caravan Parks and Manufactured Home Estates****4.1 Acid Sulfate Soils****4.3 Flood Prone 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 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 44—Koala Habitat Protection**

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

s.117 direction 1.2 Rural Zones is a trigger for considering issues such as loss of rural land and potential land use conflicts. In this case the terms of the 117 direction mean the 117 direction does not apply. Loss of rural land and potential land use conflicts are considered later in this report.

s.117 direction 1.3 Mining etc. applies because the rezoning of RU2 will act to prohibit extractive industry. Consultation with NSW Trade & Investment, Division of Resources & Energy should occur as required by the terms of the direction.

s.117 direction 2.1 Environment Protection requires planning proposals to facilitate the the protection and conservation of environmentally sensitive areas. The proposal to zone land in the Endangered Ecological Community in the north of the lot to E2 is consistent with the direction. Consideration should be given to zoning the RU2 to the south of Palmdale Road to E2 as well, given this land contains the EEC and is flood affected. s.34A of the EP&A Act applies.

A flora and fauna document has been submitted but this is for an adjoining lot. The relevance of this to the current proposal is unclear.

s.117 direction 4.1 Acid Sulfate Soils: land is class 5 on ASS Planning maps (ie. no ASS but potential issues on other areas from any drawdown of groundwater). Council's LEP has provisions to address ASS matters at development application stage.

s.117 direction 4.3 Flood Prone Land: inconsistencies with the direction include proposed rezoning within flood planning areas from Rural to a Special Use zone and permitting development in floodway areas. A flood assessment report forms part of the planning proposal but it does not address the terms of the 117 direction or confirm why the Secretary should agree to inconsistencies.

The proposal states there would be no erection of structures but structures associated with a cemetery would be permissible as a result of the rezoning.

The flood assessment report discusses flood emergency management but there is no conclusion reached about the cumulative effect of the new proposal. There is no assessment of the increase in visitor numbers that would result from the rezoning and cemetery expansion.

Consultation with OEH and the SES is required following which Council should reassess the 117 direction taking into consideration the points under 'What a relevant planning authority must do if this direction applies' and then seek the Secretary's agreement to inconsistencies based on one of the reasons under 'Consistency'.

s.117 direction 4.4 requires consultation with the RFS.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Directions 1.3, 2.1, 4.3 and 4.4 should be reconsidered after agency consultation.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal does not discuss the lot size map which would presumably also change to reflect proposed new zones.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **14 days proposed and supported.**

Additional Director General's requirements

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

If Yes, reasons : **Timeframe: 6 months proposed and supported.**

Delegations: Council has sought delegation to make the plan and this is supported.

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 : **The proposal will amend Wyong LEP 2013.**

Assessment Criteria

Need for planning proposal : **The proposal will allow expansion of the Palmdale cemetery.**

Consistency with strategic planning framework : **The proposal extends existing social infrastructure. Subject to satisfactory resolution of biodiversity, bushfire and flooding issues the proposal is consistent with the Central Coast Regional Strategy.**

Environmental social economic impacts : **The proposal will lead to the loss of agricultural land. The potential for land use conflict with adjoining rural activities is minimised because the land to the east is already occupied by a non-agricultural enterprise.**

The land is flood affected. Consultation with SES and OEH is recommended.

The land contains an EEC. Consultation with OEH is recommended.

There is no quantification of additional visitor numbers to the cemetery that might result from the proposal and no assessment of potential traffic and transport impacts. Some assessment of this should be provided, particularly to determine the significance to flood emergency response plans.

Assessment Process

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

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

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
Department of Health
NSW Rural Fire Service
State Emergency Service
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council proposes consultation with Office of Water, NSW Health and Rural Fire Service. Additional consultation should occur with Office of Environment and Heritage (flooding and biodiversity), State Emergency Service (flood emergency response) and Resources and Energy (prohibition on extraction - 117 direction 1.3).**

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
Cover letter.pdf	Proposal Covering Letter	Yes
Council report.pdf	Proposal	Yes
Planning Proposal .pdf	Proposal	Yes
Maps.pdf	Map	Yes
Flood Assessment Report.pdf	Study	Yes
Flood Assessment Report - Appendix A.pdf	Study	Yes
Flood Assessment Report - Appendix B-E.pdf	Study	Yes
Flood Management Plan.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.4 Recreation Vehicle Areas**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 4.1 Acid Sulfate Soils**

4.3 Flood Prone 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 :

Consideration should be given to zoning the part of the lot to the south of Palmdale Road E2 given the presence of an EEC and flood affectation.

The planning proposal does not discuss the lot size map which would presumably also change to reflect proposed new zones.

Update the planning proposal to include some estimate of increased visitor numbers as a result of the expansion and consideration of any cumulative effect on transport and flood emergency planning.

Directions 1.3, 2.1, 4.3 and 4.4 should be reconsidered after agency consultation.

Consult with NSW Trade & Investment, Division of Resources & Energy (117 direction 1.3), OEH (biodiversity and flooding), SES (flood emergency response), RFS (117 direction 4.4), OOW and NSW Health (Council decision).

14 days exhibition

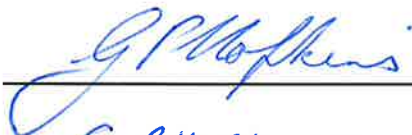
No public hearing

6 months to complete

Supporting Reasons :

*

Signature:



Printed Name:

G PHOPKINS

Date:

11 May 2015