

WADALBA, 165 Louisiana Road, Lot 51 DP 1195704 (part of Wadalba East Land Release Area - Precinct 3A)

Proposal Title :	WADALBA, 165 Louisiana Road, Lot 51 DP 1195704 (part of Wadalba East Land Release Area - Precinct 3A)		
Proposal Summary :	The proposal seeks to rezone land identified in the North Wyong Shire Structure Plan as part of Precinct 3A Wadalba East Land Release Area, from part E2 Environmental Conservation and part RU6 Transition, to part E2 Environmental Conservation, part R2 Low Density Residential and part SP2 Infrastructure.		
PP Number :	PP_2016_CCOAS_001_00	Dop File No :	16/13524

Proposal Details

Date Planning Proposal Received :	06-Oct-2016	LGA covered :	Central Coast
Region :	Hunter	RPA :	Central Coast Council
State Electorate :	WYONG	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	165 Louisiana Road		
Suburb :	Wadalba	City :	Postcode :
Land Parcel :	Lot 51 DP 1195704		

DoP Planning Officer Contact Details

Contact Name :	Louise Starkey		
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RPA Contact Details

Contact Name :	Peter Kavanagh		
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DoP Project Manager Contact Details

Contact Name :			
Contact Number :			
Contact Email :			

Land Release Data

Growth Centre :		Release Area Name :	Other
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) :	1.76	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	19
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The planning proposal was considered adequate for assessment on 18 October 2016.

External Supporting Notes : The proposal rezones land from RU6 Transition to R2 Low Density Residential to permit low density residential subdivision of the land to yield approximately 19 residential lots, whilst conserving an environmental and wildlife corridor. The proposal identifies the intended dedication of the western environmental corridor and the north-eastern corner of the site for local road infrastructure to Council, facilitated by way of a Voluntary Planning Agreement.

Adequacy Assessment

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

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

Comment : The statement is adequate.

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

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

Comment : An explanation is provided.
However, the planning proposal should be updated to include further discussions on the proposed SP2 Infrastructure zone for the north-eastern portion of the site identified in the proposal for dedication to Council as a future local access road. The proposal should be updated to include consideration of alternate zones (RE1 Public Recreation or R2 Low Density Residential zones in light of LEP Practice Note PN10-001) or clearly justify the need for the infrastructure zone.

Additional mapping is required in order to indicate the site as Urban Release Area in Council's Wyong LEP 2013.

The proposed low density residential zone and 450sqm minimum lot size for the residential release area is considered to be consistent with an endorsed strategy and consistent with the adjoining existing urban area to the west of the site. The proposed environmental conservation zone and proposed 40Ha minimum lot size is also considered

adequate for the preservation of the environmental corridor and the Wadalba Wildlife Corridor.

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

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

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 55—Remediation of Land

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Affordable Rental Housing) 2009

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

S117 Direction 5.10 Implementation of Regional Plans

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

If No, explain :

Consistency with Section 117 Directions and State Environmental Policies are discussed in the assessment section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps are provided and considered adequate for public exhibition. However, the maps require updating to reflect outcomes of future reconsideration of the need for the infrastructure zone and need to identify the land as Urban Release Area under the LEP. This should be updated prior to community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has identified that the planning proposal will be exhibited for a period of 28 days. The proposed exhibition period is supported.

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 will be submitted to the Department

for finalisation in November 2017. It is recommended that the Gateway determination provide a time frame for completion of 12 months. This timeframe is considered sufficient for Council to finalise the amending plan.

DELEGATED AUTHORISATION:

Council has accepted plan-making delegations for planning proposals and has requested authorisation to exercise delegation to make the plan.

The proposal identifies that the north-eastern triangular portion of the site will be dedicated to Council for the purpose of local road infrastructure and the western side of the site as an environmental corridor. The proposal identifies that the dedication of land will be facilitated by way of a Voluntary Planning Agreement. Notwithstanding, spot rezonings are routinely delegated to Council and, although part of the land is proposed to be dedicated to Council, it is consistent with the Central Coast Regional Strategy, the North Wyong Shire Structure Plan and Council's Settlement Strategy which was conditionally endorsed by the then Director General.

In this instance it is considered appropriate to issue authorisation and delegate plan making functions to Council to make the Plan.

Overall adequacy of the proposal

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

If No, comment :

The proposal is adequate for Gateway determination. However, the proposal will require updating prior to community consultation for a number of matters which will be identified in the conditions of the Gateway determination.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The plan will amend Wyong LEP 2013. Under the LEP, the site is currently zoned part E2 Environmental Conservation and part RU6 Transition.

Assessment Criteria

Need for planning proposal :

The Council has identified that the proposal is not the result of a strategic study or report. However, it is clear that the proposal responds to, and is consistent with, the following strategic documents:

- Central Coast Regional Strategy 2008;
- North Wyong Shire Structure Plan 2012; and
- Wyong Settlement Strategy.

The objective of the planning proposal is consistent with the strategic intent for the land, and the proposal is consistent with existing density of adjoining urban land to the west of the site.

The retention (and proposed expansion) of the environmental conservation zone will facilitate the northern extension of Wadalba Wildlife Corridor, while the proposed low density residential zone will provide additional housing for the region. As part of the Gateway, Council will be required to reconsider and justify the need for an infrastructure zone for the north-eastern portion, and consider the appropriateness of zoning the area in accordance with adjoining (existing or proposed) zones.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (2008) & NORTH WYONG STRUCTURE PLAN (2012)
The subject site is identified in the North Wyong Shire Structure Plan (NWSSP) as 'medium term' urban release area located at Wadalba East. The site is identified as being within 'Precinct 3A' which earmarks the land to be zoned for residential purposes and associates the western boundary of the site as also facilitating local conservation links. The proposal satisfies the minimum dwelling density target of 15 dwellings per hectare. The proposal is considered to be consistent with the Central Coast Regional Strategy and is consistent with the supporting NWSSP.

CENTRAL COAST REGIONAL PLAN (OCTOBER 2016)

The proposal does not address consistency with the recently released regional plan. However, the proposal is considered generally consistent with the plan. Notwithstanding, it is recommended that Council update the planning proposal prior to public exhibition to ensure consideration is given to the new regional plan.

COUNCIL'S WYONG SETTLEMENT STRATEGY

The proposal is consistent with the strategy which was conditionally endorsed by the then Director General on 17 September 2013. The strategy identifies the site as a medium term future residential development and reaffirms the intent of the NWSSP for the site.

WYONG DEVELOPMENT CONTROL PLAN 2013

The site is also identified by the Wyong Development Control Plan 2013 (WDCP) Chapter 6.17 as forming part of Warnervale East and Wadalba North West Urban Release Area. The WDCP confirms that the site contains an 'environmental corridor' along the western part of the site and a future shared path and local road cutting through the north-eastern corner of the site. The proposal is consistent with Council's WDCP.

COUNCIL'S COMMUNITY STRATEGIC PLAN

Council has identified that the proposal is generally in accordance with its community strategic plan.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The proposal is consistent with all relevant SEPPs except as identified below. Further consideration and assessment is recommended as part of the Gateway in relation to:
- SEPP 55 Remediation of land - Council is to ensure that the site is suitable for rezoning to the proposed zone and to include its assessment as part of the public exhibition material.

S117 DIRECTIONS

The proposal is consistent with all relevant s117 Directions, except as identified below.

The proposal is inconsistent with:

- 1.2 Rural zones - however the inconsistency is justified by an endorsed strategy.

Further consideration and assessment is required to adequately demonstrate consistency following consultation or to justify any inconsistency with the following S117 Directions:

- 1.3 Mining, Petroleum and Extraction Industries (consultation is necessary with Department of Primary Industries - Resources and Energy);
- 2.1 Environment Protection Zones (consultation with Office of Environment and Heritage)
- 4.2 Mine Subsidence and Unstable Land (consultation required with the Mines Subsidence Board); and
- 4.4 Planning for Bushfire Protection (consultation is required with NSW Rural Fire Service).

Environmental social economic impacts :

ENVIRONMENTAL

The site contains an existing area of E2 Environmental Conservation zoned land on the western boundary identified as a 'local conservation link' and part of the Wadalba Wildlife Corridor. The proposal secures the corridor and retains, and slightly extends, the existing conservation zone boundary.

The Ecology Report supporting the proposal identifies that the proposal is unlikely to cause

a significant reduction in the functionality or utilisation of the Wadalba Wildlife Corridor and associated local conservation links. Recommendations are provided in the report regarding the future management and improvement of the corridor. The Wadalba Wildlife Corridor Management Plan (WWCMP) prepared by Conacher Travers in September 2006 is adopted to protect the long-term ecological value of land within the Wadalba Wildlife Corridor. The proponent's Ecology Report considers that the proposal is consistent with the objectives and actions of the WWCMP.

The Ecology Report identifies that the proposal is unlikely to have a significant impact on any threatened species, populations or endangered ecological communities. Therefore the report identifies that a Species Impact Statement is not required. The report also identifies that vegetation community identified within the subject site is not consistent with any endangered ecological community listed under relevant legislation. Further, no threatened flora species and no critical habitat listed under the critical habitat register were identified on site. Council's ecologist has endorsed the proponent's Ecology Report.

The proposal is supported by a Vegetation Management Plan which identifies the corridor will be disturbed and subject to some earthworks and some vegetation clearing during the installation of services and development of the land, including during rehabilitation of the of the quarry area. However, this impact will be mitigated through vegetation management strategies and priorities for the protection and rehabilitation of the environmental corridor.

The proposal is supported by an Aboriginal Heritage Assessment which identifies that no Aboriginal cultural or archaeological sites have been identified on site.

Council's documents suggest that the proposal raises no concerns regarding natural resources, flooding or drainage issues.

The site is identified as bush fire prone land containing Category 1 vegetation. The proposal is supported by a Bushfire Protection Assessment and Council has negotiated a subdivision design that responds to the environmental issues, slope of the land and manages the bush fire risk for future dwellings on site.

The proposal is supported by a Stage 1 Preliminary Site Investigation report identifying some evidence of previous quarrying or filling and a site history consistent with minor potential contamination. The report concludes that the site would be generally compatible with proposed residential use. However, the report suggests that further investigations into the sites contamination status could include investigation of site soils for chemical or physical characteristics. For example the report suggests an assessment of soils on a broad grid, including targeted sampling of areas of concern (i.e. areas of filling, disturbance/and poultry sheds). It is recommended that the Gateway require Council to ensure the site is suitable for future residential use, prior to finalising the rezoning, as required by SEPP 55.

The site is identified as land within the Swansea - North Entrance Mine Subsidence District and consultation with the Mine Subsidence Board is required by s117 direction 4.2 Mine Subsidence and Unstable Land.

ECONOMIC AND SOCIAL

The proposal will provide additional housing for the region and will facilitate operational and construction related jobs during the subdivision and subsequent development of the land. The proposal will also trigger additional social infrastructure in the area, including additional local road connections and cycle and pedestrian pathway links.

The proposal is supported by a Traffic Assessment which suggests that the proposed residential subdivision development (19 lots) will not have a significant impact on traffic operations or traffic safety of the adjacent Louisiana/Wahroonga Road. Further, the subdivision facilitates the expansion of Van Stappen Road across the north-eastern corner of the site.

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The planning proposal refers to the former use of the site for chicken sheds (poultry farming) and others have operated in the vicinity. Consultation with the Department of Primary Industries (Agriculture) is recommended to ensure there are no potential land use conflicts.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority **Office of Environment and Heritage**
 Consultation - 56(2)(d) **NSW Department of Primary Industries - Agriculture**
NSW Department of Primary Industries - Minerals and Petroleum
Mine Subsidence Board
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 : **The matter should proceed subject to the conditions of the Gateway determination.**

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? **Yes**

If Yes, reasons : **The proposal is proceeding on the basis of strategic merit, however further consideration of the infrastructure required to service the proposal and regional area is needed.**

The Infrastructure Planning Team (Developer Contributions) were consulted and advised the land should be included on Council's Urban Release Area LEP map to allow for consideration of necessary State and regional infrastructure requirements.

Documents

Document File Name	DocumentType Name	Is Public
01. Gateway Request - Letter from Council.pdf	Proposal Covering Letter	Yes
02. Planning Proposal.pdf	Proposal	Yes
02. Supporting Document - Section 01-Assessment and Endorsement#2.pdf	Proposal	Yes
02. Supporting Document - Section 02 - Land Use Provisions#2.pdf	Proposal	Yes
02. Supporting Document - Section 04 - Mapping#2.pdf	Map	Yes
02. Supporting Document - Section 05-A_Response site inspection 01 09 2016 - Plans - 165 Louisiana Road Wadalba.pdf	Proposal	Yes

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02. Supporting Document - Section 05-B_Vegetation Management Plan VMP .pdf	Study	Yes
02. Supporting Document - Section 05-C_Vegetation Management Plan VMP .pdf	Study	Yes
02. Supporting Document - Section 05-D_Bushfire Protection assessment - .pdf	Study	Yes
02. Supporting Document - Section 05-E_Report Preliminary Site Investigation Contamination - Proposed Rezoning - .pdf	Study	Yes
02. Supporting Document - Section 05-Fi_Ecological Assessment-.pdf	Study	Yes
02. Supporting Document - Section 05-Fii_Addendum_Target orchid survey-.pdf	Study	Yes
02. Supporting Document - Section 05-G_Archeological Assessment-.pdf	Study	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.2 Mine Subsidence and Unstable Land
 - 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 : **S117 Direction 5.10 Implementation of Regional Plans**

Proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - Include discussion and justification for the proposed SP2 Infrastructure zone, giving consideration to LEP Practice Note PN10-001 'Zoning for Infrastructure in LEPs' and of the suitability of applying adjoining existing or proposed zones, being RE1 Public Recreation or R2 Low Density Residential;
 - Identify the land as Urban Release Area on the Wyong LEP 2013 Urban Release Area Map;
 - Update the proposed maps subject to the further investigation above, ensuring maps are provided at an appropriate scale and size to clearly identify the proposed land zoning, urban release area, and minimum lot size; and
 - Include consideration of the Central Coast Regional Plan, given its recent release in October 2016.
2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency following consultation or to justify any inconsistency with the below S117 Directions and other policies:
 - 1.3 Mining, Petroleum and Extractive Industries;

- 2.1 Environment Protection Zones;
- 4.2 Mine Subsidence and Unstable Land;
- 4.4 Planning for Bushfire Protection; and
- 5.10 Implementation of Regional Plans.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to ensure that a site contamination investigation demonstrates that the site is suitable for rezoning to the proposed zone. This investigation is to be included as part of the public exhibition material.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 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 local environmental plans (Department of Planning and Environment 2016).

5. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Department of Primary Industries - Agriculture
- Department of Industry - Resources and Energy
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link
- Mine Subsidence Board
- NSW Rural Fire Service
- Office of Environment and Heritage
- Roads and Maritime Services

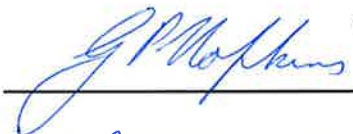
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).

The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination

Supporting Reasons : *

Signature:



Printed Name:

G P HOPKINS

Date:

1/11/2016

