

NORAVILLE, 11A Brisbane Street

Proposal Title : **NORAVILLE, 11A Brisbane Street**

Proposal Summary : **The proposal seeks to rezone land from SP2 to R2 to enable a residential development with a yield of approximately 15 lots.**

PP Number : **PP_2016_WYONG_007_00**

Dop File No : **16/08651**

Proposal Details

Date Planning **25-Aug-2016**

LGA covered : **Wyong**

Proposal Received :

Region : **Hunter**

RPA : **Wyong Shire Council**

State Electorate : **WYONG**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **11A Brisbane Street**

Suburb : **Noraville**

City :

Postcode :

Land Parcel : **Lot 2 DP605538**

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**

Contact Number : **0243485009**

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RPA Contact Details

Contact Name : **Jonathan Luke**

Contact Number : **0243505359**

Contact Email : **jonathan.luke@centralcoast.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 **Central Coast Regional**

Consistent with Strategy : **Yes**

Regional Strategy : **Strategy**

MDP Number :		Date of Release :	
Area of Release (Ha) :	1.17	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	15
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 : **The planning proposal was submitted on 22 June 2016 and contained errors related to the property description, S117 Directions, existing and proposed zones and development standards. Council submitted an updated planning proposal on 27 July 2016 and additional information to support progression of the proposal on 25 August 2016.**

External Supporting Notes :

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

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

Comment : **The intended outcome is to enable development on the southern part of the site for low density residential development by rezoning the land from SP2 Electricity Transmission and Distribution to R2 Low Density Residential.**

The northern part of lot is proposed to remain as an electricity substation and will retain the existing SP2 Zone.

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

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

Comment : **The planning proposal seeks to amend Wyong LEP 2013 as follows:**

- **Rezone the southern part of Lot 2 DP605538 from SP2 to R2;**
- **apply a minimum lot size of 450m2 to the southern part of the lot;**
- **apply a maximum floor space ratio of 0.5:1 to the southern part of the lot; and**
- **apply a maximum building height of 8.5m to the southern part of the lot.**

Council has noted in the 'explanation of provisions' it will investigate whether an RE1 buffer should be incorporated on the site to link with other RE1 zoned buffer lands to the north and south of the site. Council should clarify this matter and update the planning proposal before public exhibition.

Council has advised minor changes to the proposed zone boundary between SP2 and R2

may be required to ensure electromagnetic field setbacks are fully contained within the substation site. Council should update the planning proposal accordingly before public exhibition once zone boundaries are known.

Mapped Zoning Error

It is noted the current SP2 zoning that applies to the entirety of the site was the result of mapping error during the finalisation of Wyong LEP 2013 (Amendment No 16). Prior to this amendment being finalised Lot 2 DP605538 was split zoned with part R2 and part SP2 applying to the lot. Following Amendment No 16, the R2 land in the north of the lot had been changed on the zoning map to SP2, even though Amendment No 16 had not intended to make this change.

Consideration was given to how this anomaly should be corrected. One option would be to undertake a process to correct the anomaly and correct the zone map to show the northern strip reverted to R2. However, in discussion with Council, it was confirmed that Council's intention is to have the northern strip zoned SP2 and that this planning proposal can then be used to support and make that rezoning. This is a preferred approach provided Council acknowledges what is being done in the planning proposal.

Council should identify in the 'objectives', 'explanation of provisions' and mapping the land is zoned SP2 and R2 and include a notation identifying the current mapped zoning of SP2 over the entirety of Lot 2 DP605538 on map tile LZN_019 was the result of a mapping error during the finalisation of Wyong LEP 2013 (Amendment No 16) and that this planning proposal is rezoning the northern strip from R2 to SP2 as well as zoning the southern portion from SP2 to R2.

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

- 2.2 Coastal Protection**
- 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**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

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 No 71—Coastal Protection

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

SEPP (Infrastructure) 2007

Council has not identified this SEPP as applicable. The SP2 zoning to reflect the existing use of the electricity substation is unnecessary as the Infrastructure SEPP contains a provision (Clause 41) which specifies development for the purposes of an electricity transmission or distribution network may be carried out without consent on any land. Council should update the planning proposal and include discussion of the Infrastructure SEPP.

Zoning for Infrastructure in LEPs

The Department's LEP Practice Note PN 10-001 Zoning for Infrastructure in LEPs provides guidance on zoning public infrastructure land. 'Electricity transmission or distribution networks' may be carried out without consent on any land therefore the infrastructure can be placed in any zone. The Practice Note recommends rezoning the land to the adjacent zone which is principally R2 in relation to the Ausgrid site. There is no

requirement to utilize the SP2 zone for the remainder of the Ausgrid site and Council could consider rezoning the entire site to R2 in accordance with the Practice Note.

Council has advised its intention is to maintain a SP2 zone for the electricity substation to reflect the intended future use of the site. Council should update the planning proposal and include consideration of the Department's LEP Practice Note PN 10-001 Zoning for Infrastructure in LEPs and justification for the proposed SP2 zone.

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

If No, explain :

S117 DIRECTIONS

The planning proposal is considered to be consistent with all S117 Directions or they are not relevant except where discussed below:

3.1 Residential Zones

Council has advised the proposal is located within an existing urban area and can be serviced by augmentation to existing infrastructure. The direction also requires that a planning proposal must not contain provisions that reduce the permissible residential density of the land. A mapping error shows the land as SP2 however the site contains a strip of R2 land on the northern boundary. The proposed R2 land in the south of the site will enable additional residential development on the land for approximately 15 lots. The relocation and expansion of the R2 zone on the site is considered to be consistent with the direction.

3.4 Integrating Land Use and Transport

Council has advised a traffic and transport assessment is to be undertaken post Gateway to consider existing and proposed traffic impacts, public transport demand and availability and the pedestrian and cycleway network. Council is to address the terms of the direction following the provision of traffic and transport studies.

4.2 Mine Subsidence and Unstable Land

The land is located within Swansea North Entrance Mine Subsidence District (MSD). Consultation is required with the Mine Subsidence Board before consistency with the direction can be determined. Council also proposes to consult with NSW Trade and Investment - Minerals and Resources now known as Department of Industry - Resources and Energy. There is no specific reason identified other than the site is located within a MSD and although there is no objection to Council consulting with Department of Industry - Resources and Energy it is not considered to be a requirement of the Gateway determination.

4.4 Planning for Bushfire Protection

The land is identified as bushfire prone. As required by the Direction consultation is required with the NSW Rural Fire Service before consistency can be determined.

6.2 Reserving Land for Public Purposes

Council has advised it will investigate including a RE1 zone on the site however this is to be determined post Gateway. Council will need to address the terms of the direction if an RE1 zone is required.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The mapping provided is sufficient for assessment however there is an inconsistency in the mapped zoning history of Lot 2 DP605538 which needs clarification.

The Wyong LEP 1991 identified Lot 2 DP605538 as part 5(a) Special Uses Zone and part 2(a) Residential Zone located along the northern boundary of the site.

The Wyong LEP 2013 identified Lot 2 DP605538 on Map Sheet LZN_019 as part SP2 Electricity Transmission & Distribution and part R2 Low Density Residential located along the northern boundary of the site (a conversion of the existing zones to standard instruments zones).

Wyong LEP 2013 (Amendment No 16) rezoned a specific unrelated site on the same Map Sheet LZN_019 however it resulted in a mapping error which mapped the R2 part of of Lot 2 DP605538 to SP2 and removed the SP2 label and text 'Electricity Transmission & Distribution'.

Council should update the planning proposal to identify the land is zoned R2 and SP2 and include a notation identifying the current mapped zoning of SP2 over the entirety of the site was the result of a mapping error during the finalisation of Wyong LEP 2013 (Amendment No 16).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposed a 14 day community consultation period. Given this is a matter of local planning significance 14 days is supported.

Additional Director General's requirements

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

If Yes, reasons : **PROJECT TIMELINE**
Council anticipates the plan to be finalised in January 2017 and appears to be a tight timeframe. A 9 month timeframe is recommended.

DELEGATIONS
Council resolved to seek delegations for this planning proposal. Given the planning proposal is of local planning significance it is recommended Council be granted delegation to make the plan.

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 planning proposal seeks to amend the Wyong LEP 2013.**

Assessment Criteria

Need for planning proposal : **The land is owned and operated by Ausgrid and contains the Noraville Zone Substation located in the north of the lot and a former works depot containing buildings, storage areas and carparking in the south of the lot.**

The southern portion of the site containing the former works depot has become surplus to Ausgrid needs due to the consolidation of depot services now delivered out of the Ausgrid depot at Ourimbah. The surplus land is proposed to be rezoned from SP2 to R2 for residential purposes.

Toukley Planning Strategy (TPS)
Council has advised the proposal is consistent with the vision identified for this locality by the Toukley Planning Strategy (TPS) which was adopted by Council in 2010. The site is located in Precinct 11 which is identified as continuing to serve as a low scale residential area.

Consistency with strategic planning framework :

It is noted the TPS identifies vegetated buffers to the north and south of the site and also contained within the Ausgrid site along the northern boundary. These buffer areas had a residential zoning. The TPS recommended rezoning these buffers to 6(a) Open Space and the areas north and south were converted to RE1 zones however the northern buffer within the site remained R2 when the Wyong LEP 2013 was finalised. Council has advised the 6(a) Open Space zone on the northern part of the Ausgrid site was a result of a mapping error in the TPS and should not have been included.

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council has identified Toukley as part of the 'other centres' in the CCRS Centres hierarchy. There are a number of actions in the CCRS that are relevant to the proposal:

- Provide for a mix of housing types
- review the adequacy and accuracy of existing urban boundaries and zonings in fringe areas.
- land to be rezoned for housing is to be located within existing urban areas, MDP areas, areas identified through the preparation of LEPs and Greenfield areas nominated in the North Wyong Shire Structure Plan.

The proposal will provide for infill low density residential housing in an existing urban area and is consistent with actions identified in the CCRS.

Draft Central Coast Regional Plan (dCCRP)

The dCCRP contains a direction to improve housing choice and an action to support delivery of housing choice in and near centres. The proposal is consistent with the dCCRP and would provide additional infill housing within an existing urban area proximate to Toukley Town Centre.

Settlement Strategy

Council has advised the proposal is generally consistent with the aims and objectives of its Settlement Strategy. The site was not specifically identified as an infill site in the Settlement Strategy as the Ausgrid Depot was operational at the time the Strategy was prepared.

Environmental social economic impacts :

Environmental

The land directly north and south of the site fronting Wilfred Barrett Drive is zoned RE1 and contains vegetation buffers. Council has advised it will investigate whether an RE1 buffer is required on the subject site and update the proposal accordingly before exhibition. Council has indicated it will consult with Crown Lands as the adjoining buffers are in public ownership and managed by Council.

The land to the east of Wilfred Barrett Drive is zoned E2 and contains Norah Head Recreational Reserve. Council has advised its records show that the Ausgrid site does not contain any critical habitat, threatened species, endangered ecological communities (EECs) or habitats. Council does not require any further ecological studies to support the rezoning of the site.

Bushfire Impacts

The site is bushfire prone and consultation with the RFS will be required.

Contaminated Land and Acid Sulfate Soils

The contamination report prepared in support of the planning proposal indicates the site is suitable for residential use provided minor residual contamination concerns are addressed and validated at the DA stage.

Flooding and Drainage

The land is not identified as flood prone however Council has identified issues with overland flooding due to drainage capacity issues and requires a drainage analysis to ensure the proposed development would not adversely affect downstream properties.

Noise Impact and Amenity

Council has requested an acoustic assessment be prepared due to the proposed R2 zoned land's proximity to the Ausgrid substation operations and Wilfred Barrett Drive.

Traffic and Transport

The land adjoins a State road (Wilfred Barrett Drive) and Council has advised the option to access the site from Wilfred Barrett Drive was not supported due to proximity to the Bungary Road intersection and traffic safety concerns. Access from Brisbane Street was the preferred option. Council has advised a traffic and transport study is required to address existing and proposed traffic load, public transport demand and availability and the pedestrian and cycle way network. Council proposes to consult with the Roads and Maritime Services and Transport for NSW.

Electro-Magnetic Fields (EMF)

Council has advised additional information will be required to examine EMF risks in order to ensure the proposed development has appropriate buffers and setbacks. Council has advised it may require changes to the zone boundary between the proposed R2 and SP2 land to ensure EMF setbacks are contained within the Ausgrid zone substation site. Council has advised the zoning plan will be updated prior to public exhibition.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Mine Subsidence Board Transport for NSW 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
Planning Proposal (27 July 2016) and Supporting Studies .pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.2 Coastal Protection**
 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
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes

Additional Information : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:**
 - identify in the 'objectives' and 'explanation of provisions' and mapping the land is zoned SP2 and R2 and include a notation identifying the SP2 zoning over the entirety of Lot 2 DP605538 was the result of a mapping error during the finalisation of Wyong LEP 2013 (Amendment No 16).
 - include consideration of the Department's LEP Practice Note PN 10-001 Zoning for Infrastructure in LEPs and justification for the proposed SP2 zone;
 - include updated zone and development standards maps once further investigation of zones (including the RE1 Public Recreation and R2 Low Density Residential) and zone boundaries are identified.
- 2. Additional information regarding the following matters is to be placed on public exhibition with the planning proposal:**
 - traffic and transport assessment;
 - acoustic assessment;
 - electro-magnetic field buffers and setbacks assessment;
 - bushfire assessment;
 - water and sewer system capacity analysis; and
 - drainage analysis
- 3. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency with S117 Directions and SEPPs:**
 - 3.4 Integrating Land Use and Transport;
 - 4.2 Mine Subsidence and Unstable Land;
 - 4.4 Planning for Bushfire Protection; and
 - 6.2 Reserving Land for Public Purposes, if required.
 - State Environmental Planning Policy (Infrastructure) 2007
- 4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the sites are suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.**
- 5. The planning proposal be made publicly available for a minimum of 14 days.**
- 6. Consultation is required with the:**
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Department of Industry – Lands – Crown Land
 - Transport for NSW - Roads and Maritime Services
 - Transport for NSW

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7. A public hearing is not required.

8. 9 month timeframe.

9. Plan-making be delegated to Council.

Supporting Reasons : *

Signature:



Printed Name:

G P HOPKINS

Date:

26 August 2016

