

Rezoning land at the North Wyong Industrial Estate, Pacific Highway, Wyong

Proposal Title :	Rezoning land at the North Wyong Industrial Estate, Pacific Highway, Wyong		
Proposal Summary :	The planning proposal would amend the Wyong LEP 1991 or the finalised Wyong comprehensive LEP by rezoning the land from an industrial zone (currently 4(a) General Industrial/ 4(b) Light Industrial in the Wyong LEP 1991) to a B6 Enterprise Corridor zone. Land currently zoned 2(a) Residential is proposed to be rezoned B6 also.		
PP Number :	PP_2012_WYONG_004_00	Dop File No :	12/17796

Proposal Details

Date Planning Proposal Received :	25-Oct-2012	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 :	Pacific Highway, Lucca Road, Donaldson Street, Brussels Road, London Drive, Amsterdam Circuit, Naples Place, Dulmison Avenue		
Suburb :	Wyong	City :	Wyong
		Postcode :	2259
Land Parcel :	Numerous lots located on land identified within the North Wyong Industrial Estate (refer to the map provided at Attachment A of Council's Covering Letter)		

DoP Planning Officer Contact Details

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RPA Contact Details

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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 Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	No

Rezoned land at the North Wyong Industrial Estate, Pacific Highway, Wyong

MDP Number :	Date of Release :	
Area of Release (Ha)	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	1,425

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Site Description:

The 88 ha site is located between the Tuggerah-Wyong major centre (approximately 1.5 to 3 km distant from Wyong) to the south/ south-west, the Wadalba village centre (approximately 0.8 to 2.5 km distant) to the east and the new Warnervale Town Centre (approximately 3.5 km) to the north.

Council states that the broader precinct (143 ha) has developed incrementally for industrial since the mid 1960's, with approximately 50% already developed. The PP site consists primarily of land developed for industrial and vacant land that is yet to be developed for industrial, as well as two small low density residential precincts which front the Pacific Highway. An electricity substation is located in the south-western part of the precinct which Council has excluded from the PP.

To the south is the Pacific Highway, Wyong golf course, recreation facilities and a small precinct of low density residential. Low density residential is to the east. To the west is the railway line, with SEPP 14 coastal wetland and the balance of the industrial estate (54 ha) to the north. Council has not included this part of the estate in the PP. It is to be retained as industrial.

Jobs and Gross Floor Area:

Council anticipates that the new B6 precinct would provide approximately 2,850 jobs by 2031, effectively doubling the anticipated yield if the land were to remain zoned for industrial (1,425 jobs).

The potential gross floor area of the precinct currently is approximately 563,000 m² (0.8:1 FSR, 80 % of the site developed). This proposal would provide up to approximately 4,200,000 m² (no FSR, 80 % of the site developed, 20 m height), effectively providing approximately an additional 3,500,000 m² of floor space.

Previous discussions with Council:

The Department has discussed rezoning this precinct to a business zone with Council previously. These discussions include Council raising concerns that the proposal would a) allow an out-of-centre business park to be developed which would undermine the Wyong-Tuggerah major centre, b) reduce the amount of light industrial land available in

Rezoning land at the North Wyong Industrial Estate, Pacific Highway, Wyong

the shire, and c) be inconsistent with the Regional Strategy and Council's Wyong-Tuggerah Planning Strategy.

The Department has previously advised Council that a future PP should consider the potential adverse effect on centres and loss of industrial zoned land.

Employment Lands Investigation:

Council is currently finalising an employment lands investigation (funded through PRF). This study investigates industrial land supply and demand, and amongst other matters will consider the suitability of existing industrial precincts being retained for industrial purposes.

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".**

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 "A guide to preparing planning proposals".**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
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 14—Coastal Wetlands
SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Rezone land at the North Wyong Industrial Estate, Pacific Highway, Wyong

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 on this aspect is provided in the 'Consistency with strategic planning framework' section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The height map (PP Annexure C) provided excludes the existing residential areas despite these areas being proposed to be rezoned to B6. The map should be amended to introduce heights for these areas also if this is what Council intends.**

A locality map that identifies the land to be rezoned within the broader Wyong-Warnervale-Wadalba area would also be useful.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 28 day community consultation period is proposed.**

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 : **June 2013**

Comments in relation to Principal LEP : **Council's draft SI LEP has been submitted to the Department so that it can be certified for public exhibition.**

Council proposes that the PP would amend the finalised SI LEP by rezoning the land to B6 Enterprise Corridor. Presumably the draft SI LEP would zone the site to a zone equivalent to its current 4(a) General Industrial/ 4(b) Light Industrial zoning in the Wyong LEP 1991 ie IN1 General Industrial or IN2 Light Industrial. The residential area, currently zoned 2(a) Residential, would be converted to R2 Low Density Residential.

It is possible that should the draft SI LEP be delayed then this PP may be finalised in advance of the SI LEP. If this were to occur, the Wyong LEP 1991 would need to be amended instead of the SI LEP and this is noted in the PP. This could occur by either converting the PP's SI-based controls into equivalent Wyong LEP 1991 provisions or by adding a new SI-based part into the Wyong LEP 1991. The latter approach has been used by the Department to transfer MD SEPP provisions into the LEP 1991 (eg Gwandalan, Warnervale Town Centre).

The Wyong LEP 1991 does not contain height standards for the site. The PP would introduce height controls of 0 m (for roads and within a certain setback from the Pacific Highway), 10 m (within a certain setback from roads) and 20 m (remainder of the site) based on a precinct

road layout. This is an approach not used elsewhere and Council should confirm what it intends, particularly whether the current distribution of heights is practical or should the road layout have the potential to change. Further, the draft map shows that height would not apply to the existing residential areas despite these being included in the PP and to be rezoned B6 also. Council should clarify this aspect also.

The Wyong LEP 1991 does not contain a FSR standard for the site. The PP is not proposing to introduce a FSR standard for this site. Presumably, FSR standards are not being applied to the other B6 sites within the draft SI LEP.

Assessment Criteria

Need for planning
proposal :

While Council's intention to increase employment and "energise" the estate is supported, the PP currently does not contain justification for the proposed zone and the scale of development proposed. The key issue is the scale of business and office premises that would be permitted by a B6 zone with a 20 m height limit and no FSR. The 88 ha site would permit substantial out-of-centre commercial (130 ha if 50 % developed and 3 storeys; over 420 ha if 80 % developed and six storeys). Locating commercial premises in centres is a key objective of the Central Coast Regional Strategy, forming part of a broader strategy to rejuvenate centres and increase public transport usage. These outcomes may be undermined by the PP.

Council notes that the PP would foster emerging technology enterprises and associated uses but it is not clear what these actual uses are or how best they could be accommodated. The landowner's report (PP Annexure A) makes reference to the B6 zone encouraging a mix of compatible uses in technology such as business, office and industrial uses. The report attributes this to the site's proximity to an electrical substation, excellent optic fibre and an Infraserve Data Centre.

However, Council has not clarified these aspects, particularly in relation to whether the benefits are specific to this precinct or could be obtained just as easily from a nearby centre like Wyong or the new Warnervale Town Centre. Instead, Council states that the B6 zone aligns with Council's vision for the site ie a corridor focussed, technology based, mixed use precinct. There is limited information in the PP however on how this vision has been formed, particularly given Council's previous concerns about inconsistency with Council's Wyong-Tuggerah Planning Strategy.

Alternative approaches exist that could be appropriate. Examples include reducing the amount of land to be rezoned B6 at this time, alternate zones like IN2 (permits high technology industries), staging, FSR limit, reduced height limit, business/ office floor space cap, etc.

Council needs to address these concerns as part of a resubmitted PP. This should include considering why this site (or why all of this 88 ha site at this time) for B6, the scale of office/ business premises proposed, alternative zones/ uses, staging, and the need for additional development standards/ local provisions.

Regarding the loss of industrial land by rezoning this precinct to a business zone, Council states that there is 1,100 ha of projected industrial land supply (free of major constraints) in the shire. Council states that this equates to approximately 50 years supply. On this basis, the potential loss of industrial land would be minor. However, given that Council is currently completing a shire-wide employment lands investigation, Council should be able to confirm the role/ value that this industrial precinct provides within the locality/ broader shire.

Rezone land at the North Wyong Industrial Estate, Pacific Highway, Wyong

Consistency with strategic planning framework :

Central Coast Regional Strategy (CCRS)

The CCRS supports jobs growth however it does not support out-of-centre commercial, particularly when its scale may undermine existing centres. As discussed, further consideration needs to be given to this issue by Council. Until this has occurred, the PP is inconsistent with the CCRS.

Local Strategies:

Council states that the PP is consistent with Council's Wyong Shire Community Strategic Plan 2030.

SEPPs:

The PP is consistent with the relevant SEPPs, except SEPP 55 which requires further discussion.

Council notes that the land has been zoned for urban purposes and that this is indicative of the suitability of the land for development in terms of potential contamination. Council proposes that contaminated land investigations would occur on a site-by-site or smaller precinct basis at the DA stage, rather than by undertaking the investigation at the PP stage for the 88 ha site.

Given that part of the site is already developed, undertaking a contaminated land review of these sites at the DA stage would be a practical approach. For those lands that are cleared but undeveloped however, Council should satisfy itself that they do not contain classes of land set out in SEPP 55 clause 6(4). If they do contain land of those classes, then Council should undertake a preliminary investigation as required by the SEPP (clause 6(2)).

s117 Directions:

The PP is consistent with the relevant s117 directions except the following which require further discussion.

1.1 Business and Industrial Zones: the PP is inconsistent with this direction because it would result in a) the loss of an area/ location of industrial zoned land and b) the creation of a new business area that is not identified in a strategy endorsed by the DG.

While the loss of industrial land may be of minor significance (subject to Council confirming the value of this precinct in light of its current employment lands investigation), the creation of the new B6 zone would provide for substantial out-of-centre commercial. Council needs to reconsider consistency with this direction and either amend the PP such that it is consistent or justify the inconsistency per the terms of the direction.

3.4 Integrating Land Use and Transport: while Council's comments about the site being serviced by public transport because it fronts the Pacific Highway are noted, both "Right Place for Business and Services" and "Improving Transport Choice" state that offices should be located in existing centres. As a result the PP is inconsistent with this direction. Council needs to reconsider consistency with this direction and either amend the PP such that it is consistent or justify the inconsistency per the terms of the direction.

3.5 Development near Licensed Aerodromes: this direction applies given the site's proximity to the Warnervale Aerodrome (<3.5 km). Consultation with the Federal Department of Transport and Infrastructure and the lessee of the aerodrome should occur in order to determine consistency with this direction.

4.3 Flood prone land: Council states that the PP is consistent with this direction, noting that an existing flood mitigation strategy is in place for part of the site and that the standard model clause for flooding would apply (note: this clause would only apply if the PP amends the draft SI LEP, it would not apply if the PP amended the Wyong LEP 1991). It is

Rezoning land at the North Wyong Industrial Estate, Pacific Highway, Wyong

not clear however whether the existing strategy is appropriate given the change in uses and anticipated job density (25 job/ha currently, proposed to increase to 50 jobs/ ha).

Further, Council asked the landowner to provide additional information relating to flooding impacts. A draft Flood Risk Management study has been prepared, however no reference is made to this report in the context of consistency with the s117 direction.

Council should update its s117 assessment accordingly and if the PP is inconsistent then seek the DG's agreement per the terms of the direction.

4.4 Planning for Bushfire Protection: Council needs to consult with the RFS in order to determine whether the PP is consistent with this direction.

5.1 Implementation of Regional Strategies: As discussed above, the PP is inconsistent because it would permit substantial out-of-centre commercial premises. Council needs to provide further information/ amend the PP before consistency with this direction can be determined.

Environmental social
economic impacts :

It should be noted that currently the land could be developed for industrial purposes subject to DAs. Notwithstanding this, Council has identified a number of potential environmental impacts which it believes are relevant to the development of the land as B6 (contaminated land, bushfire, traffic, acoustic, visual, stormwater/ flooding). Further, studies relating to flooding, bushfire and traffic have been undertaken and provided with this PP, and additional may also be required (SEPP 55 - contaminated lands). Council states that aspects like acoustic and visual may be improved by the change from industrial to business uses.

Council concludes that these impacts, if appropriately mitigated, should have no significant detrimental impacts. Consultation with the community and relevant agencies (bushfire - RFS; traffic - RMS, Transport for NSW) should inform this understanding.

Council states that the proposal would have a positive economic and social impact through the creation of additional employment (above that achievable under the current industrial zone), reduced worker commute and economic flow-on effects.

There is limited discussion on the impacts on existing residents affected by the PP rezoning their land from residential to B6 which does not permit dwelling houses. It is also unclear whether these sites would be redeveloped. Should Council's approach to heights/ road setbacks be carried over onto these areas, the developable areas would appear to be limited.

Rezoning the land to a business zone may also result in a loss of the service-type industrial that currently occurs at this location. Some discussion on the impact that this may have in terms of the services provided to local residents should also be provided.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Service Transport for NSW Transport for NSW - Roads and Maritime Services		

Rezoned land at the North Wyong Industrial Estate, Pacific Highway, Wyong

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

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

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **As discussed, the Department supports Council's intention to increase employment and rejuvenate the existing estate. However, Council needs to address the Department's concerns regarding the scale of out-of-centre commercial (office/ business) that the precinct would provide for (up to 4,200,000 m2) and the impact this could have on existing centres.**

The resubmitted PP should consider why this site (or why all of this 88 ha site now) for B6, the scale of office/ business premises proposed, alternative zones/ uses, staging and the need for additional development standards/ local provisions.

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are recommended at this stage.

Internal consultation with the Centres and Urban Renewal team has been undertaken, particularly given their current work on the nearby proposed state significant site at Tuggerah (5 km south).

Identify any internal consultations, if required :

Part 3A

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council_Cover_Letter.pdf	Proposal Covering Letter	Yes
Council_Cover_Letter_Attachment_A_Site_Map.pdf	Proposal Covering Letter	Yes
Council_Cover_Letter_Attachment_B_Planning_Proposal.pdf	Proposal	Yes
Planning_Proposal_Annexure_A_Proponent_Report.pdf	Proposal	Yes
Planning_Proposal_Annexure_A_Bushfire.pdf	Proposal	Yes
Planning_Proposal_Annexure_A_Flood_&Traffic.pdf	Proposal	Yes
Planning_Proposal_Annexure_B_B6_Zone.pdf	Proposal	Yes
Planning_Proposal_Annexure_C_Height_Map.pdf	Proposal	Yes
Planning_Proposal_Annexure_D_s117_Consistency.pdf	Proposal	Yes
Planning_Proposal_Annexure_E_Council_Report.pdf	Proposal	Yes
Planning_Proposal_Annexure_E_Council_Minutes.pdf	Proposal	Yes
Council_Letter_Additional_Information.pdf	Proposal	Yes
Council_Concerns_Letter_2009.pdf	Proposal	No
Centres_&Urban_Renewal_Team_Comments.pdf	Proposal	No
Locality_Map_DP&I_Prepared.pdf	Map	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions: **1.1 Business and Industrial Zones**
1.3 Mining, Petroleum Production and Extractive Industries

Rezoning land at the North Wyong Industrial Estate, Pacific Highway, Wyong

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 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 : In order to progress the PP, it is recommended that the PP be resubmitted once Council has addressed the Department's concerns about the scale of commercial development that could occur and its potential impact on existing and new centres. Council should consider the following matters:

- the locational advantage of this site relative to other sites such as centres;
- the scale of office/ business premises that would be permitted and potential for staging;
- alternative zones/ uses;
- additional development standards and local provisions;
- confirm the role/ value of this industrial precinct within the locality/ broader shire in the context of Council's Employment Lands Investigation; and
- demonstrate consistency with s117 directions 1.1, 3.4 and 5.1.

Notwithstanding the above, the following conditions should otherwise apply to the PP:

- include a height limit for the residential areas proposed to be rezoned having considered the potential for the proposed road alignments to change, and a locality map;
- Council satisfy itself regarding the requirements of SEPP 55 clause 6(2) and (4) for undeveloped lands;
- consult with the Federal Department of Transport and Infrastructure and the lessee of the Warnervale Aerodrome as required by s117 direction 3.5 and update consistency with this direction. If inconsistent, seek the DG's agreement per the terms of the direction;
- clarify consistency with s117 direction 4.3 regarding whether the existing flood strategy is appropriate given the proposed change in uses/ scale of development, with reference given to the flood study included in the PP;
- consult with the RFS as required by s117 direction 4.4 and update consistency with this direction. If inconsistent, seek the DG's agreement per the terms of the direction;
- in addition to the agencies that need to be consulted to satisfy s117 directions, consultation should also occur with the RMS and Transport for NSW;
- include further discussion on the impacts on residents whose land is to be rezoned and give consideration to how their land would be redeveloped if the proposed approach to height is carried over based on the road layout provided on the height map;
- include discussion on the impact that the potential loss of service-type industrial currently provided by the precinct may have in terms of the services provided to local residents;
- 12 month completion timeframe; and
- 28 day community consultation period.

Supporting Reasons :

Signature:

G HOPKINS

Printed Name:

GARRY HOPKINS

Date:

9.11.12