

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

Proposal Title : **Rezone 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**

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**
 - 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,

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- 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 : *

Panel Recommendation

Recommendation Date : 15-Nov-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to commencing public exhibition, Council is to amend the planning proposal to consider the impact of permitting commercial premises on the subject site and the effect it will have on other business clusters and town centres.
2. Council is to ensure the planning proposal includes a map that shows the proposed height of building development controls for the site, including the land currently zoned residential.
3. Council is to further demonstrate consistency or justify any inconsistency with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies prior to the commencement of public exhibition.
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the Contaminated Land Planning Guidelines. Council should consider preparing an initial site contamination investigation to demonstrate that the undeveloped parts of the site are suitable for rezoning to the proposed zone.
5. Council is to include further consideration of the consistency with S117 Direction 4.3 Flood Prone Land, having regard to the draft Flood Risk Management Study given the proposed increase in the scale of development
6. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Transport for NSW
 - Roads and Maritime Services
 - Department of Infrastructure and Transport

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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8. Council is to consult with the Department of Infrastructure and Transport and the lessee of the Warnervale Aerodrome in accordance with Section 117 Direction 3.5 Development Near Licensed Aerodromes. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

9. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

10. 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).

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

Signature:



Printed Name:

Neil McGowan

Date:

29.11.12