

ENCLOSURE

PLANNING PROPOSAL (Produced by Council)

1. INTRODUCTION

1.1 Background

This Planning Proposal (PP) applies to that part of the North Wyong Industrial Estate identified banded in red in Figure 1 below.



Figure 1 Site/Locality Plan

The aspirations surrounding the subject precinct were recently formalized as a Rezoning Request in accordance with Council's Rezoning Requests Strategy (2011) and in response to qualified support communicated by Council and more recently as a Planning Proposal Submission by Macro Plan Dimasi (March 2011), as amended July, 2012). (Refer to Annexure "A") and Supplementary Investigations (July, 2012) (Refer to Annexure "A")

The substantive material in this PP has been derived from the Macro Plan Dimasi submission prepared under the instruction of the Henry Kendall Group. Such material in being represented in this PP importantly includes Council's objective assessment.

This PP describes the subject land and outlines the rezoning proposal in accordance with the former Department of Planning's Guide to Preparing Planning Proposals.

1.2 The Site

The subject land generally has frontage to the Pacific Highway and is serviced by such road and the associated internal road network. It includes approximately 80 holdings and comprises an area of approximately 88.7 hectares, with many of the holdings in common ownership and vacant.

The site is currently primarily either zoned 4(a) General Industrial and 4(b) Light Industrial, pursuant to Wyong LEP, 1991. An extract of the relevant zoning map is produced below (See Figure 2).

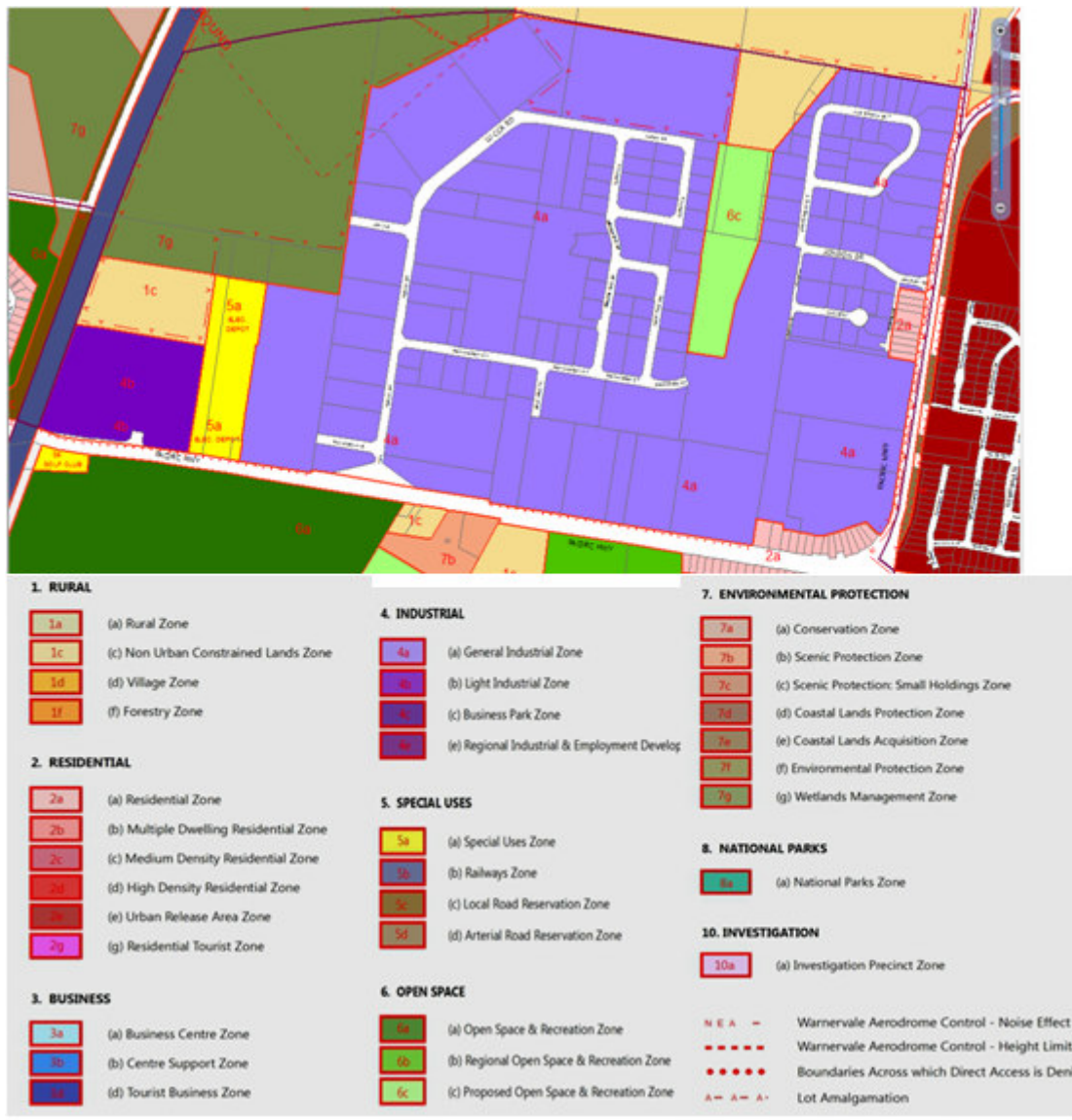


Figure 2 Current Land Use Zoning (Wyong, LEP, 1991)

1.3 Local Context and Surrounding Development

The subject site is located to the north of the Wyong Golf Course, and limited fringing residential development and recreation facilities.

To the north of the site is the balance of the North Wyong Industrial Estate which is largely developed together with environmentally sensitive floodplains.

As described previously the site has good access to the Pacific Highway and F3 Freeway (via Sparks Road). Furthermore, it is proximate to the railway infrastructure associated with the main Northern Line and Warnervale and Wyong Stations and is serviced by major bus providers.

Its sub regional context is best reflected in the extract of the Draft North Wyong Shire Structure Plan, produced below.

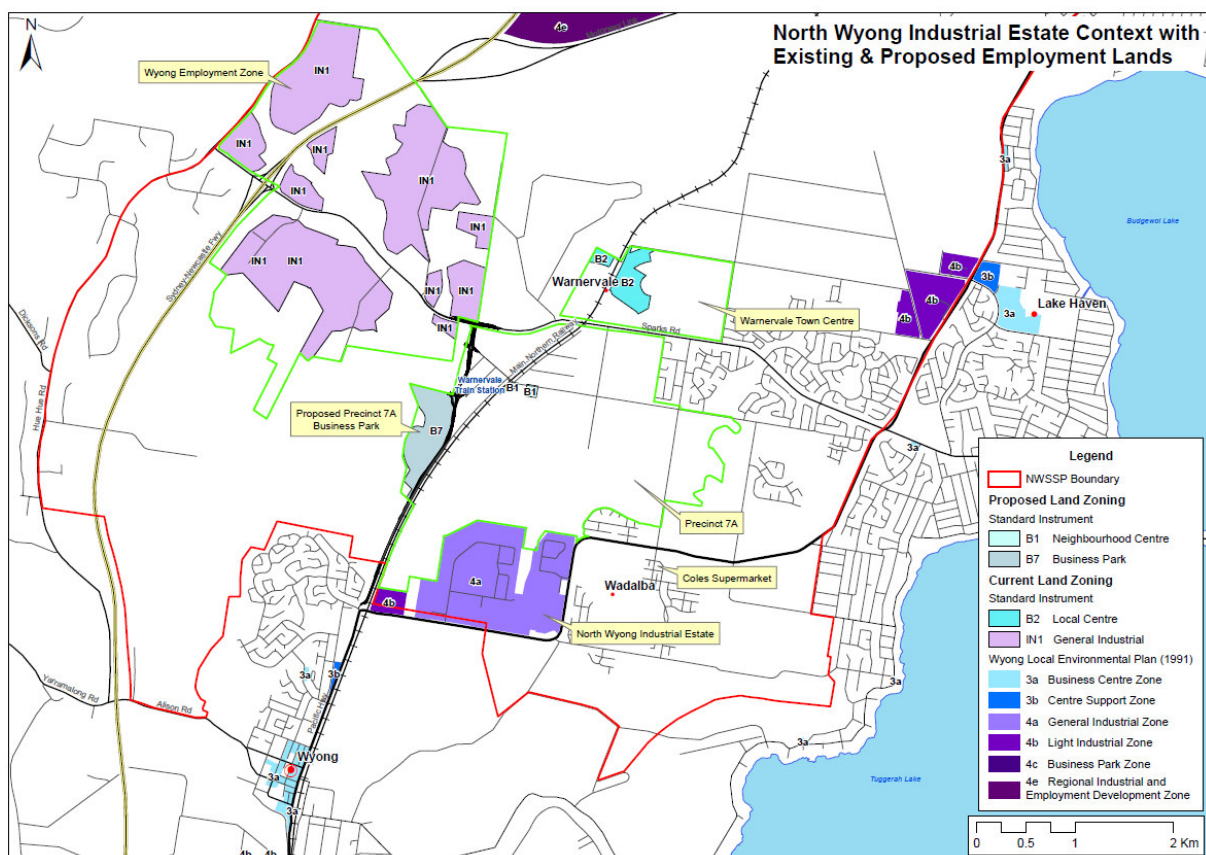


Figure 3 North Wyong Industrial Estate Context with Existing & Proposed Employment Lands

2. OBJECTIVES OR INTENDED OUTCOMES

The PP seeks to rezone the subject land B(6) Enterprise Corridor Zone and in doing so facilitate optimisation of the economic use of strategically located serviced and underutilised industrial land stock by fostering/accommodating emerging technology enterprise and associated uses.

In doing so it seeks to strengthen Wyong's employment retention capacity, by more fully reflecting local workforce qualifications and demands, whilst not competing with other existing/planned business precincts.

3. EXPLANATION OF PROVISIONS

It is expected that the rezoning of the site will result in an amendment of Council's Composite Local Environmental Plan 2012; (draft Wyong LEP 2012) given the further investigations and consultation likely to be attached to the PP and the relative progress of draft Wyong LEP, 2012.

dWyong LEP 2012, is currently being prepared in accordance with the template of the NSW Standard Instrument.

As this Plan is currently in development, it is not possible at this point in time to determine definitively how provisions should be drafted to amend draft Wyong LEP, 2012. The ultimate landuse zoning and associated clauses and definitions will, however, be consistent with the NSW Standard Instrument.

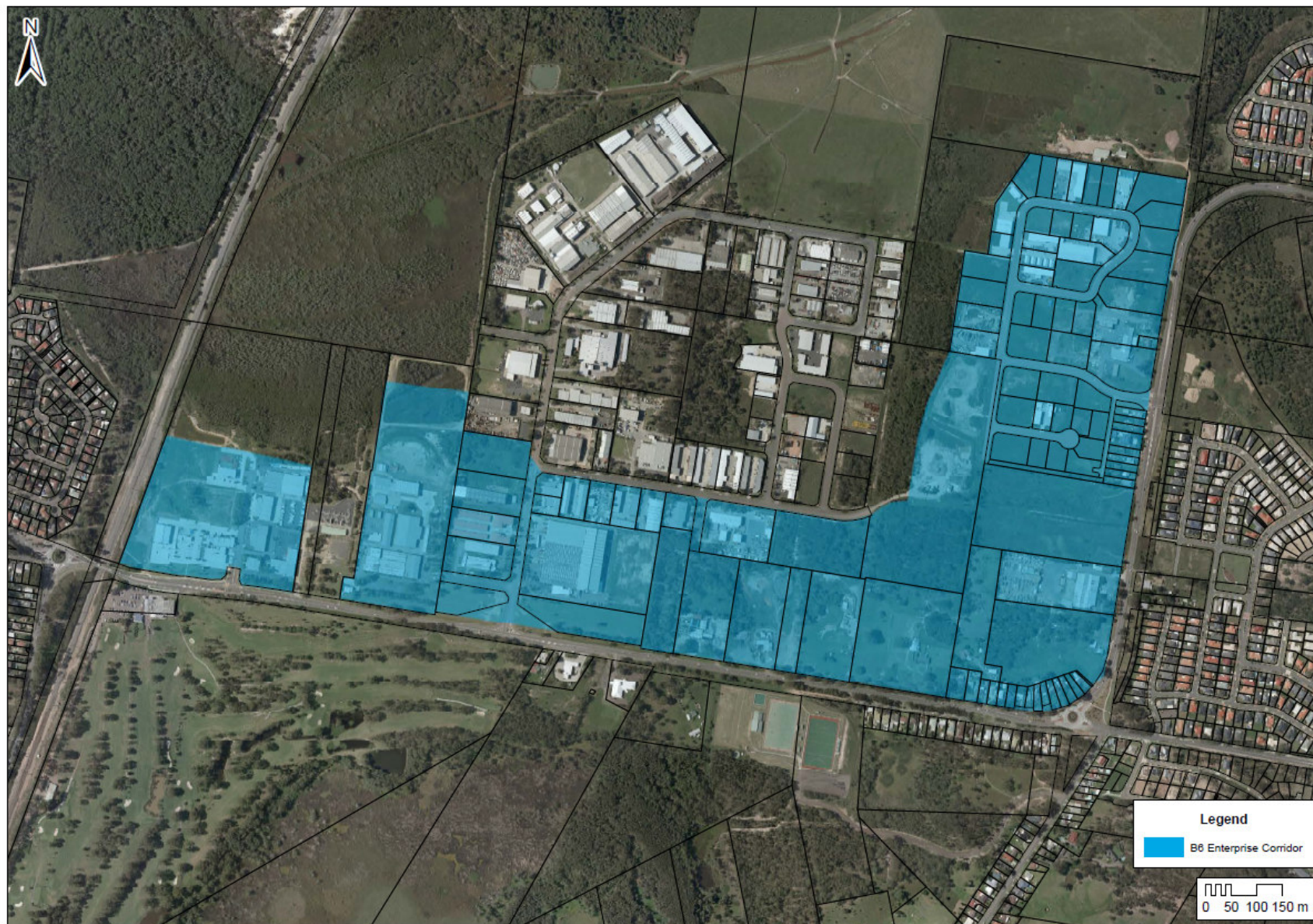
It is proposed to zone the subject, land B6 Enterprise Corridor as per the plan reproduced below as Figure 4. The relevant landuse objectives of such zone and range of permissible landuses is produced in Annexure "B".

Provisions consistent with the new vision for the site (and the B6 zoning) are proposed to comprise a Height of Building Map (Refer to Annexure "C") and a series of secondary controls detailed in a relevant Development Control Plan (DCP) amendment addressing; inter alia, building bulk/massing, carparking provisions, manoeuvring, requirements, landscaping, water sensitive urban design and the like.

The maximum height of building map is geared at controlling the Pacific Highway interface (together with landscape treatment) and to encourage modulation in builtform, ensuring an appropriately responsive design outcome.

It should be noted that if dWyong LEP, 2012 does not progress at the pace targeted an appropriate amendment to Wyong LEP, 1991 would be pursued.

Figure 4 Proposed B6 Enterprise corridor (Wyang LEP 2012 amendment)



4. JUSTIFICATION

4.1. NEED FOR THE PLANNING PROPOSAL

4.1.1. Is the Planning Proposal a result of any Strategic Study or Report?

The PP is not expressly identified in any existing strategic plans or reports. It was, however, been submitted for consideration in accordance with Council's rezoning request policy and presents as a candidate area in Council's quest of optimising employment opportunities and moreover development outcomes of existing urban areas and service infrastructure.

The Central Coast Regional Strategy (2008)

This Strategy establishes population and employment targets over the ensuing 25 years and relevant actions to ensure regional growth and prosperity. The Strategy establishes a target of an additional 45,000 jobs in the period 2006-2031. More specifically 12,000 additional jobs are nominated for provision in the North Wyong Structure Plan (by 2031). In this regard the North Wyong Industrial Estate is identified as an existing area and by inference subject to the established industrial employment generation rate of 10 to 20 jobs per hectare.

4.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

In considering this proposal, there are a number of options available. These are outlined briefly below:

Option 1 Discontinue the Proposal (Not Recommended)

As discussed elsewhere in this PP there will be positive employment and related outcomes.

Such outcomes generally have a sound strategic context.

Discontinuing the process will forego the outcomes identified in the immediate future and bring pressure to bear upon the release of potentially "less well credentialed" areas.

Option 2 Include within the Composite LEP Review (Wyong LEP 2012) (Not Recommended)

There is no guarantee that the Composite LEP Review 2012 will not be delayed beyond the end of 2012. "Annexing" the PP to Wyong LEP 2012 might only increase the complexity of the Shire wide LEP process and is not recommended. It would also be more confusing for engaging local residents as part of any community consultation exercise, when their primary concern will be focused on the impact of the PP on their surrounding neighbourhood and specific businesses.

Option 3 Proceed with the Proposal as a Separate Amendment to Wyong LEP, 2012 (Recommended)

This is the preferred course of action as it will allow appropriate exposure and facilitate the desired outcomes in an expedient manner. Should the Wyong LEP, 2012 be delayed it would still be possible to proceed with the PP as an amendment to Wyong LEP 1991.

4.1.3. Is there a net community benefit?

The PP is considered on balance to produce a net community benefit. It will lead to a substantial increase in diversity of local employment opportunities.

Further, satisfactory access is available to transport infrastructure, whilst service infrastructure is available and can be satisfactorily augmented, if required.

Integration with existing surrounding land uses is possible but will require sensitivity.

Positive development-related employment prospects will occur in the short term through construction activities; whilst the longer term significant employment prospects have been detailed as central to the PP.

The proposal is unlikely to create a precedent and is uniquely positioned as a parcel of largely vacant serviced industrial land, with significant positive locational attributes and at a unique point in its development history.

It importantly provides prospects of reducing the Shire's urban footprint, through the optimisation of existing urban infrastructure.

4.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The proposal has been assessed against the actions/objectives of the Central Coast Regional Strategy. In general, the proposal is consistent with these criteria. These assessments are further detailed at 5.1 Annexure "E".

4.2.2. Is the Planning Proposal consistent with Council's Community Strategic Plan or other Local Strategic Plan?

The **Wyong Shire Community Strategic Plan (2030) (update 2011)** establishes a future vision of "creating (an) ideal community", to be delivered through pursuit of eight priority objectives.

Compliance with the relevant strategies and actions documented in the Plan is detailed at Annexure "E".

The Wyong Shire Council Strategic Plan 2011 – 2015 functions essentially as a "management plan" for the sustainable delivery of the community services and asset maintenance demands identified in the Community Strategic Plan.

4.2.3. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The Planning Proposal is influenced by the following SEPPs:

- * SEPP 14 – Coastal Wetlands;
- * SEPP 55 – Remediation of Land.
- * SEPP 33 – Hazardous and offensive Development
- * SEPP (Exempt and Complying Development Codes, 2008)
- * SEPP (Infrastructure) 2007
- * SEPP (Mining, Petroleum Production and Extractive Industries), 2007

A brief overview of potential compliance is detailed below:

State Environmental Planning Policy No. 14 – (Coastal Wetlands)

This SEPP aims to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the State.

Part of the site drains through environmentally sensitive lands and toward the Porters Creek floodplain and associated wetlands.

The water management principles contained in Chapter 36 of Wyong Development Control Plan, 2005 are critical to ensuring acceptable wetland impacts. The relevant management strategies, however, need to be reviewed and integrated with the Precinct 7A Integrated Water Cycle Management Strategy.

State Environmental Planning Policy No. 55 – (Remediation of Land)

This SEPP introduces state-wide planning controls for the remediation of contaminated lands. It establishes that land must be remediated if contaminated, to a standard suitable for the end land use.

The land is importantly zoned for urban purposes and indicative of acceptance of the suitability of the land for such purposes, having regard to potential contamination. It should be noted, however, that in the event of transformation (redevelopment) of existing industrial premises it may be necessary initially for Phase 1 preliminary contamination investigations being undertaken on an individual site/precinct basis. In a similar manner vacant land may have been subject to uncontrolled activities and should be subject to a Phase 1 investigation prior to development.

State Environmental Planning Policy No 33 (Hazardous and Offensive Development)

The prevailing zoning is noted to prohibit hazardous industries and hazardous storage establishments and offensive industries and offensive storage establishments. Similarly, the proposed landuse provisions attached to the proposed B6 zone preclude such uses/activities.

SEPP (Exempt and Complying Development Codes, 2008)

The PP does not include any specific provisions relating to Exempt and Complying Development, nor does it contradict or reflect any provision in the Codes SEPP.

SEPP (Infrastructure, 2007)

The PP does not contradict or repeat any provisions in the Infrastructure SEPP.

It should be noted that although certain landuses are not specified in the proposed B6 Landuse Table, they are permitted under the Infrastructure SEPP, such uses in accordance with drafting protocols cannot be included in the pertinent Landuse Table.

SEPP (Mining, Petroleum Production, and Extractive Industries, 2007)

This policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

The Planning Proposal does not contravene the SEPP.

4.2.4. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
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Employment and Resources			
1.1	Business and Industrial Zones	Yes	Yes
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum production and Extractive Industries	Yes	No (Justified)
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
Environment and Heritage			
2.1	Environment Protection Zones	Yes	Yes
2.2	Coastal Protection	No	N/A
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	No	N/A
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	Yes
6.3	Shooting Ranges	No	N/A
Hazard and Risk			
4.1	Acid Sulphate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	Yes	Yes
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A

5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked)	No	N/A
5.6	Sydney to Canberra Corridor (Revoked)	No	N/A
5.7	Central Coast (Revoked)	No	N/A
5.8	Second Sydney Airport: Badgerys Creek	No	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes

An expanded commentary in respect of compliance is produced as Annexure “D”.

4.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

4.3.1. Is there any likelihood that critical habitat or threatened species/populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

All existing vegetation will be subject to relevant assessment with development proposal.

The nearby wetland community will be further protected by the introduction of enhanced water sensitive urban design stormwater management techniques.

4.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The PP is underpinned with a variety of environmental assessments. The outcomes of these assessments indicate generally that, subject to the implementation of appropriate mitigation measures and strategies, the PP will not have significant detrimental environmental impacts.

Matters addressed and a brief overview is provided below:

Contaminated Land

Notwithstanding the current zoning of the land it is considered that Stage 1 (preliminary) site assessments should be undertaken and appropriate investigation/remediation measures enacted in respect of any Areas of Environmental Concern identified. Such action can be appropriately deferred to the Development Application stage.

The subject action is reinforced by the lack of comprehensive knowledge of existing industrial premises and the unknown nature of activities on vacant land.

Bushfire

A Bushfire Protection Assessment report has been submitted with the Planning Proposal Submission. The site contains bushfire prone vegetation and is also exposed to the buffer zone attached to such vegetation. A review having regard to the provisions of Planning for Bushfire Protection, 2006 has established that acceptable management elements in respect of Asset Protection Zones/Defendable Space, access and water supplies for fire – fighting purposes, construction standards of buildings, bushfire hazard management, can be achieved. (Refer to Annexure “A”)

Council will consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a “Gateway” determination under Section 56 EP & A Act.

In accordance with Clause 5.11 of the Standard Instrument Bushfire Hazard Reduction is permissible without development consent.

Indigenous and Non Indigenous Heritage

The site is not subject to any known significant non-indigenous or indigenous heritage matters, including cultural landscape sensitivity.

Traffic and Transport

A preliminary report in respect of Traffic and Transport issues was undertaken by Cardno in April, 2012. Such report compared the traffic and transport impacts of development under the prevailing zoning and the proposed zoning and identified a series of needs and risks at a strategic level. (Refer to Annexure “A”).

The PP also highlights prospects of improved internal road connectivity (Refer to Attachment “A”).

It is clear that despite the general acceptability of the prevailing accessibility context that additional investigations and commitment to identified enhancement needs will be required (Refer also to Attachment “6” of Report to Council – 8 August 2012).

Visual

The PP will provide opportunities to promote an enhanced “Business Park”, parklike setting for quality contemporary commercial/service industrial buildings. Prospects of significant enhancement where carefully integrated with landscaping clearly exist. In this regard it will be critical that “shaft like” eucalypts form part of the landscape palette for buildings when viewed from the Pacific Highway. (Refer also to Annexure “A”)

Acoustic

The acoustic environment attached to the new Enterprise Corridor vision will likely be superior to that attached to a typical industrial environment. Notwithstanding, potential acoustic impacts will need to be considered in detail with the submission of each Development Application for a new activity in the proposed B6 zone.

Geotechnical

The subject site is considered to be geotechnically stable, given the prevailing topography and soil types.

Stormwater Management/Flooding

The positioning of the site relative to the adjoining environmentally sensitive lands is such that future stormwater management will be critical to a sustainable and holistic urban development/natural environment outcome.

Furthermore, the relationship with the flood plain to the north needs to be carefully managed.

A preliminary report in respect of stormwater management and flood risk management was prepared by Cardno in support of the Planning Proposal Submission (refer to Annexure “A”). This concludes and flags the need for more detailed analysis and strategy development. Importantly, it does not identify constraints deemed to be prohibitive to the PP. Indeed, the PP provides the platform for the introduction of enhanced stormwater management based on WSUD principles and revisitation of the flood management strategy.

4.3.3. How has the planning proposal adequately addressed any social and economic effects?

The PP seeks to leverage off existing physical and social infrastructure and produce a more sustainable outcome.

There exists clear prospects of the current “underperforming” Estate being energised, adding an important dimension to the locality. The positive direct and indirect economic impacts are projected to be significant.

The prospects of enhanced local employment opportunities will also reflect in positive social outcomes, including; inter alia, less commuting time and more work/life balance. Additionally, more employers/employees are also likely to reflect positively in the patronage of local suppliers of goods and services and thereby positive economic flow-on effects.

Importantly, the Proposal will not detract from the supply of employment lands, given the higher employment generating nature of the proposed uses; it being projected (at double the job density of 50 per hectare) 2850 jobs will be created in 2031 compared to 1,425 under the prevailing zoning. The Proposal will also see the preservation of the balance of the Estate for industrial purposes.

The supply of industrial lands (free of major constraints) in the Shire in general is projected to be significant 1,100 hectares. As such, the loss of approximately 88 hectares is considered to be acceptable, with the remnant supply equating to approximately 50 years.

The Proposal also limits retailing activity thereby supporting the viability and function of identified Strategic Centres and smaller towns and villages. It will also not be a direct competitor with the Business Park proposed for Precinct 7A.

4.4. STATE AND COMMONWEALTH INTERESTS

4.4.1. Is there adequate public infrastructure for the planning proposal?

The subject site comprises a fully serviced existing industrial estate. Any augmentation of infrastructure required by development occasioned by the rezoning can be readily achieved.

Traffic and Transport

As detailed at 4.3.2 the Proposal is considered likely to have generally satisfactory traffic management and safety outcomes. Additional modelling will, however, need to be undertaken in a more comprehensive fashion. Further, an accessibility strategy based upon TMAP principles was noted to be required.

Water and Sewer

The site is noted to be within the current Development and Servicing Plan (namely DSPI – The Wyong District). Any required amplification would be at the costs of the developer.

Electricity and Gas

Reticulated electricity and gas is available to surrounding development and capable of augmentation, subject to developer commitment.

Telecommunications

Telecommunications infrastructure relating to both Telstra and Optus is available locally and capable of ready supply, subject to developer commitment.

Stormwater Management

Stormwater management was discussed conceptually in Section 4.3.2. Opportunities for adoption of contemporary WSUD techniques exist, to the benefit of the surrounding environmental systems.

4.4.2. What are the views of State and Commonwealth public authorities consulted in accordance with the “Gateway” determination?

The subject views will emerge following consultation with the State and Public Authorities identified in the “Gateway” determination and will be addressed accordingly in the advancement of the PP.

5. COMMUNITY CONSULTATION

It is understood that there has been a degree of contact with many of the property owners directly impacted by the rezoning proposal.

The perceived impacts may, however, extend to other “industrialists”/proprietors in the Estate nearby residents and local business proprietors. Accordingly, it is proposed that the PP be subject to relatively broad ranging local consultation.

It is accordingly recommended that the PP be publicly exhibited for a period of 28 days.

It is intended that a notice of the public exhibition of the PP will be provided in the Central Coast Express Advocate. Additionally, written notification will be provided to all potentially directly affected landowners and landowners directly adjacent to the site.

The Planning Proposal, “Gateway” Determination and relevant studies will be made available on Council’s website, at Council’s Administration Building in Hely Street, Wyong, and also at relevant local libraries and Customer Service Centres.

It is not considered that a Public hearing will be required for this PP unless specifically requested by a submission based on an issue of particular significance and considered to be justified by Council.

6. ENCLOSURES AND SUPPORTING DOCUMENTATION

The following documentation is provided in support of this Planning Proposal:

Annexure

- “A” Planning Proposal Submission (MacroPlan Dimasi)
- “B” B6 - Proposed Landuse Provisions
- “C” Height of Buildings Map
- “D” Consistency with Ministerial Directions Section 117
- “E” Council Report and Minutes – Meeting 8 August 2012