

**Rezone land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

Proposal Title : **Rezone land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

Proposal Summary : **The Planning Proposal would rezone approximately 4 hectares of land from 10(a)
Investigation Precinct Zone or RU6 Transition to B6 Enterprise Corridor and E2 Environmental
Conservation.**

PP Number : **PP_2012_WYONG_006_00** Dop File No : **12/18398**

Proposal Details

Date Planning Proposal Received : **16-Nov-2012** LGA covered : **Wyong**

Region : **Hunter** RPA : **Wyong Shire Council**

State Electorate : **WYONG** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **Pacific Highway, Craigie Avenue, Pearce Road, Wiowera Road**

Suburb : **Kanwal** City : Postcode : **2259**

Land Parcel : **Lot 1 DP 608551; Lot 7 DP 29564; Lot 1 DP 410624; Lots 6, 7 & 8 DP 21768; Lot 11 DP 804398; Lot 1
DP 650180, Lots 1, 4 & 5 DP 30506; Lot 23 DP 609002; Lot A DP 389662**

DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**

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RPA Contact Details

Contact Name : **Rod Mergan**

Contact Number : **0243505560**

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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 Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

MDP Number :

Date of Release :

Area of Release (Ha) **4.00**

Type of Release (eg
Residential /
Employment land) :

Employment Land

No. of Lots : **13**

No. of Dwellings
(where relevant) :

0

Gross Floor Area : **0**

No of Jobs Created :

160

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 :

Subject site:

The site adjoins the Pacific Highway, situated between the Wyong-Tuggerah Major Centre (approximately 9 km to the south-west) and the Lake Haven Town Centre (approximately 4 km to the north-east). The new Warnervale Town Centre is approximately 3.5 km to the north-west and the Wadalba Village Centre is located approximately 1.5 km to the west. Refer locality map attached.

The Wyong Hospital is opposite the site to the west. Low density residential and the Kanwal Public School is located to the east. To the south is seniors housing and to the north is low density residential. Tuggerah Lake is approximately 1 km to the east.

The site currently contains dwellings, commercial (eg service station), as well as undeveloped land that is both cleared and vegetated. Council advises that the cleared land is currently grazed.

Gross floor area:

At this stage, Council has not confirmed the gross floor area that may result from the planning proposal (PP). This figure would depend on the final development standards proposed. Council intends to determine appropriate development standards as part of the PP process.

Gateway Determination delegation:

The Minister has generally delegated Gateway Determinations to Departmental executive staff (ie DG/ DDG). Delegation does not however extend to proposals which 'would release rural land that is not identified for that purpose in a regional strategy'.

This site could be considered to be rural land. It is zoned 10(a) Investigation Precinct Zone which includes a zone objective to protect rural land that may be suitable for ecological conservation or urban development. Further, the site would be zoned RU6 Transition in the Wyong SI LEP.

Given the above and as the site is not specifically identified in the Central Coast Regional Strategy as an area to be developed, determination by the Minister is recommended.

**Rezoned land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

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**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 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 22—Shops and Commercial Premises**
- SEPP No 55—Remediation of Land**
- SEPP No 64—Advertising and Signage**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP No 71—Coastal Protection**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Infrastructure) 2007**

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 consistency with s117 directions and SEPPs is provided in the 'Consistency with the Strategic Framework' section of this report.**

**Rezoned land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council should ensure that the subject site is clearly identified on each map/ figure included in the PP. A locality map that identifies where the site is situated in relation to the Wadalba-Hamlyn Terrace-Kanwal-Lake Haven area would assist with community consultation. Further, Figure 2 should be updated with the correct North Wyong Shire Structure Plan map.**

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? **Yes**

If Yes, reasons : **A project timeline has been provided. The timeline indicates that should the PP receive a Gateway Determination in December 2012 and proceed to finalisation, resubmission of the PP to the Department for finalisation would occur in August 2013.**

In light of this, a 12 month timeframe is recommended. This would provide for unexpected delays and legal drafting/ finalisation.

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 recently certified for public exhibition.**

Council proposes that the PP would amend the finalised SI LEP by rezoning the site to B6 Enterprise Corridor (ie the land to be developed) and E2 Environmental Conservation (ie the land that is vegetated/ flood prone).

It is possible however that the draft SI LEP would not be finalised by the time this PP is ready to be finalised. If this were to occur then an amendment to the Wyong LEP 1991 would be necessary. Council does not consider this scenario in the PP and the 'Explanation of Provisions' section of the PP should be updated accordingly. Council has indicated that if the Wyong LEP 1991 was to be amended then its preference would be to add a new SI-based part. This approach has been used by the Department when transferring MD SEPP site provisions (Gwandalan, Warnervale Town Centre) into the Wyong LEP 1991.

Council states that the B6 zone would likely achieve the intended outcome of the PP ie to enable the redevelopment of the site for a range of uses that would support the hospital. Council has not identified these uses but uses like health services facilities, business premises and office premises would all be permitted in the B6 zone (see draft B6 LUT attached) and could 'support' the hospital.

Other business zones such as B4 Mixed Use and B5 Business Development could also achieve a similar outcome given that the ISEPP and SI mandated uses permit health service facilities and business premises. The B4 zone however would permit retail premises which could result in a centre that would not be health-related and may detract from the

**Rezone land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

nearby Lake Haven and new Warnervale town centres.

Council has identified the need to further examine the uses permitted, indicating that a local clause may be needed to ensure that uses adequately relate to the hospital. While Council has not discussed what this may entail, permitted uses in the draft B6 LUT like bulky goods premises, hardware and building supplies and vehicle sales or hire premises, etc could detract from Council's desired outcome for this precinct.

Council's intention to examine this aspect further is supported and should occur in consultation with the Department so as to ensure that proposed provisions comply with the SI. The provisions should be included in the PP prior to agency/ community consultation. Consideration could also be given to the need for a revised Gateway Determination at that time (eg if a different zone is proposed).

Council proposes to apply the E2 zone to those areas of the site that are either vegetated and/ or flood prone, and an ecology study is proposed that would inform the identification of developable areas. No issue is raised with this approach. However, should Council consider that the PP may adversely affect threatened species/ EECs etc then consultation with OEH should occur in order to satisfy s.34A of the EP&A Act (Special consultation procedures concerning threatened species).

Given the above, the proposed use of the B6 and E2 zones are supported. A zoning map should be prepared by Council prior to agency/ community consultation which shows the proposed zones for the site, within the context of the zones applying to the adjoining land.

At this stage, Council has not identified preferred development standards (eg specific height/ FSR limits) for the site. Council intends to do this once it has confirmed the Gateway's support for the proposed B6 zone. Council states that the identification of appropriate development standards would occur as part of the process of determining appropriate uses and considering urban design matters. There is no issue with this approach, however height and FSR maps should be included in the PP prior to agency/ community consultation.

Assessment Criteria

Need for planning proposal :

The PP has not resulted from a strategic study or report. Instead it appears to have been initiated by a landowner.

Notwithstanding this, rezoning the land from an investigation zone to a business zone would increase jobs and thereby help achieve Central Coast Regional Strategy employment targets.

Further, it is implementing the Department's North Wyong Shire Structure Plan (NWWSP). The NWWSP identifies this site as a future employment precinct, stating that a specialised, health-based employment node could be developed on this site to complement the Wyong Hospital.

On this basis, the need for the PP is adequately justified.

**Rezone land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

Consistency with
strategic planning
framework :

Central Coast Regional Strategy (CCRS) and North Wyong Shire Structure Plan (NWSSP):

The CCRS supports jobs growth however it does not support out-of-centre commercial, which this PP would create. Therefore the PP could be considered to be inconsistent with the CCRS. The CCRS also identifies that the NWSSP will identify future employment areas for northern part of the shire, including this site.

The NWSSP identifies the site as having potential to be developed as a health-oriented specialised employment node. However, it also notes that in order for this site to developed as a health-oriented employment node, Council needs to undertake more detailed investigation to determine the role of the node and scale of development, the relationship with centres and appropriate surrounding land uses to support the centre.

The commercial zoning proposed by this PP may assist in achieving the specialised node and this can be confirmed following Council's investigation into appropriate uses and development standards. This assessment should consider the matters identified for investigation by the NWSSP. Consistency with the CCRS can then be re-examined.

Local strategies:

Council states that the following local strategies are relevant to the PP:

- Residential Development Strategy;
- Draft Settlement Strategy; and
- Wyong Shire Council Strategic/ Annual Plan.

State Environmental Planning Policies (SEPPs):

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

SEPP 55 Remediation of Land - Council notes that parts of the site may be contaminated. A contaminated lands investigation is proposed by Council. The PP should be updated following this assessment.

s117 Directions:

The PP is consistent with the relevant s117 directions with the exception of the directions listed below. Council should update the PP once it has undertaken the additional work/ consultation identified.

1.2 Rural Zones - this direction applies because the PP would affect land within an existing and proposed rural zone. The PP is inconsistent because it would rezone rural land to a business zone. While it is likely that the inconsistency is minor, consultation with DP&I (Agriculture) should occur before consistency with this direction can be determined.

3.5 Development Near Licensed Aerodromes - Council has identified this direction as applying due to the Warnevale Aerodrome being located in the broader locality (approximately 5 km distant).

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.

4.2 Mine Subsidence and Unstable Land - the site is located in a mine subsidence district and so this direction applies. Consultation with the MSB should occur in order to determine consistency with this direction.

4.4 Planning for Bushfire Protection - the site is bushfire prone and so this direction applies. Consultation with the RFS should occur in order to determine consistency with this direction.

**Rezone land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

5.1 Implementation of Regional Strategies - as discussed, the PP is inconsistent with the CCRS. Consistency should be reviewed following Council's investigations into suitable uses and development standards.

6.2 Reserving Land for Public Purposes - the PP would rezone a lot that is owned by the RMS. Consultation with the RMS should occur in order to determine consistency with this direction.

Environmental social
economic impacts :

Environmental issues would be addressed through the proposed studies ie ecology, contamination, traffic and bushfire. In addition to these, Council intends to develop design controls which would be implemented via Council's DCP. Consultation with government agencies such as the RFS (bushfire), RMS (traffic/ Pacific Highway impact), MSB (mine subsidence) and Transport for NSW (traffic) would also assist with the consideration of potential impacts.

Social and economic impacts would likely be positive through the additional employment created and the concentration of medical services, if the desired health-oriented precinct develops. Otherwise, increased access to new businesses and services in this locality would be of benefit to the community, provided the precinct complements other centres.

Assessment Process

Proposal type ; Precinct Community Consultation **28 Days**
Period :

Timeframe to make **12 Month** Delegation : **Minister**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - 56(2)(d) **NSW Department of Primary Industries - Agriculture**
: **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

**Rezone land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

Document File Name	DocumentType Name	Is Public
Planning_Proposal.pdf	Proposal	Yes
Project_Timeline.pdf	Proposal	Yes
draft_B6_LUT.pdf	Proposal	Yes
Council_Covering_Letter.pdf	Proposal Covering Letter	Yes
Council_Resolution.pdf	Proposal Covering Letter	Yes
Council_Report.pdf	Proposal Covering Letter	Yes
Locality_Map.pdf	Map	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 3.5 Development Near Licensed Aerodromes
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
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 - 5.1 Implementation of Regional Strategies
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 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

- Additional Information :
- The following conditions are recommended in order to progress the PP:
 - clearly identify the subject site on each map/ figure included in the PP;
 - include a locality map in the PP that identifies the site in relation to the broader Wadalba - Hamlyn Terrace - Lake Haven - Kanwal area;
 - update Figure 2 with the published NWSSP map;
 - amend the Explanation of Provisions section of the PP to identify that the PP may amend the Wyong LEP 1991 if the Wyong SI LEP is delayed;
 - include a proposed zone map for the site in the PP, showing the site within the context of the zones applying to the adjoining land;
 - include proposed zone land use tables and details of any local provisions, as well as height and FSR maps, in the PP;
 - consider a) the role of the Craigie Avenue Precinct and the scale of development that would be permitted, and b) how it would complement nearby centres, as part of Council's consideration of suitable uses/ local provisions/ development standards. This should be detailed in the PP. Consistency with s117 direction 5.1 should be re-assessed following this investigation;
 - consult with DPI(Agriculture) and update consistency with s117 direction 1.2;
 - consult with the Federal Department of Transport and Infrastructure and the lessee of the Warnervale Aerodrome and update consistency with s117 direction 3.5;
 - consult with the MSB and update consistency with s117 direction 4.2;
 - consult with the RFS and update consistency with s117 direction 4.4;
 - consult with the RMS and update consistency with s117 direction 6.2;
 - undertake a SEPP 55 preliminary contamination assessment and update consistency with SEPP 55;
 - in addition to the agency consultation identified above, consultation should also occur with Transport for NSW;
 - should Council form the view that the PP will or may adversely affect threatened species, EECs, etc then consultation with OEH should occur to satisfy s.34A of the EP&A Act;
 - 28 day community consultation period; and
 - 12 month completion date.

**Rezone land at Craigie Avenue, Pacific Highway, Pearce Road and Wiowera Road, Kanwal
(the Craigie Avenue Precinct)**

Supporting Reasons : *

Signature:

G HOPKINS

Printed Name:

GARRY HOPKINS

Date:

7.12.2012