

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

Proposal Title :	Rezoning 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

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
 - 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 :
- 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

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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.

Supporting Reasons : *

Panel Recommendation

Recommendation Date : **13-Dec-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:
 - (a) amend the 'explanation of provisions' within the planning proposal to identify the changes proposed to Wyong LEP 1991, in the event that the planning proposal is to be finalised before Council's draft LEP is notified;
 - (b) amend the 'explanation of provisions' within the planning proposal to include the land use table and any local clauses which are proposed to be included in the plan;
 - (c) consider the role of the Craigie Avenue Precinct, the scale of development to be permitted under the proposed controls and how this development will complement nearby centers. This analysis should form part of the planning proposal documentation and inform the land uses, local provisions and development standards proposed for the site;
 - (d) ensure that all maps provided clearly identify the subject site;
 - (e) include a locality map which clearly identifies the site in relation to Wadalba, Hamlyn Terrace, Lake Haven and Kanwal areas;
 - (f) update Figure 2 within the planning proposal to reference the published North Wyong Shire Structure Plan map; and
 - (g) include a draft zoning map identifying the proposed zoning of the site and the current zoning of adjoining land. Council is also to include draft height of buildings and floor space ratio maps to show the development standards that will apply to the site. All maps should clearly identify the subject site.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
3. Council is to consult with the Department of Primary Industries (Agriculture) to demonstrate consistency with S117 Direction 1.2 Rural Zones and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
4. Council is to consult with the Federal Department of Transport and Infrastructure and the lessee of the Warnervale Aerodrome to demonstrate consistency with of S117 Direction 3.5 Development Near Licensed Aerodromes and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
5. Council is to consult with Mine Subsidence Board as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
6. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
7. Prior to undertaking public exhibition, Council is to update the consideration of S117 Direction 5.1 Implementation of Regional Strategies, once it has undertaken investigations

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into the suitability of land uses and development standards to be applied to the site.

8. Council is to consult with Roads and Maritime Services, the land owners of the subject site, to demonstrate consistency with S117 Direction 6.2 Reserving Land for Public Purposes and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

9. 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

10. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- NSW Department of Primary Industries (Agriculture)
- Mine Subsidence Board
- Transport for NSW
- NSW Rural Fire Services
- Roads and Maritime Services
- Federal 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.

11. 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).

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

Signature:

N. Selman A/EDPO

Printed Name:

NEIL SELMAN

Date:

10/1/2013