

WYONG LGA, Major Amendment 1

Proposal Title : **WYONG LGA, Major Amendment 1**

Proposal Summary : **The amendment to Wyong LEP 2013 seeks to resolve a number of housekeeping issues and introduce provisions from Council's strategies as follows:**

- Correct errors and anomalies;
- clarify certain development provisions within clauses;
- implement recommendations of recently adopted studies and/or strategies.

PP Number : **PP_2014_WYONG_011_00**

Dop File No : **14/16010**

Proposal Details

Date Planning
Proposal Received : **13-Dec-2014**

LGA covered : **Wyong**

Region : **Hunter**

RPA : **Wyong Shire Council**

State Electorate : **LAKE MACQUARIE
SWANSEA
TERRIGAL
THE ENTRANCE
WYONG**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **LGA wide application**

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**

Contact Number : **0243485009**

Contact Email : **glenn.horal@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Kathryn Heintz**

Contact Number : **0243505552**

Contact Email : **kathryn.heintz@wyong.nsw.gov.au**

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

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The Department received submissions concerning the rezoning of land in Mascord Park (155 Louisiana Road, Wadalba) and the loss of open space. This issue has been considered in this report.

ADDITIONAL INFORMATION

Council was asked to clarify a number of matters in the planning proposal. Council provided an amended planning proposal and supporting documents and maps on 24 November 2014 and a further updated planning proposal and maps on 9 December 2014 which was further revised by Council on 13 December 2014.

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 considered adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions includes a list of the proposed changes and is considered adequate.

In summary the proposed amendments relate to mapping and instrument amendments and are summarised below:

MAPPING AMENDMENTS

Additional Permitted Uses Map:

- Include an additional permitted use for 'Recreation Facility - Outdoor' and 'Recreation Area' on SP2 Infrastructure Sewerage Systems zoned land at 121 Church Road, Tuggerah. Council seeks to enable lease of land for use as sporting fields by including the additional permitted uses in Schedule 1. The land is located within the buffer of Council's sewage treatment plant and Council indicates a preference to retain the SP2 zoning and allowing uses that are compatible with the odour buffer. Given the limited potential uses that would be consistent with the proximity to the sewage treatment plant, the retention of the SP2 zone and the proposed additional uses are supported.

- Correct an error on APU Map 17 for item 23

Drinking Water Catchment Maps:

- Remove a number of sites from this map series as the lots are not located within the drinking water catchment.

Floor Space Ratio Maps:

- Correct legend errors on FSR maps.

Foreshore Building Line Maps:

- Council has advised under Wyong LEP 1991 the properties were affected by a foreshore building line which was fixed by a Council Resolution but not mapped in Wyong LEP 1991 and therefore was not converted into Wyong LEP 2013 in error. It is proposed to reinstate the properties within the FBL mapping.

Height of Building Maps

- The legend letters, heights and clause number are incorrect on HOB 021 Map and requires amending to be consistent with the rest of the HOB map series.
- Amend the HOB 015 to exclude a site (15 -17 Coral Street) from Area 1 which was incorrectly retained and results in a lower maximum building height if the lot is amalgamated.
- Amend the height limit on the HOB maps from 8.5 to 9.5m. This will only apply to R2 zoned land that has a mapped height limit. Council has advised the increase in needed due to development for 2 storey dwellings on sloping sites and flood prone lots requiring variations to the height limit and requires the matter to be reported to a Council Meeting. The increase is generally supported.

Heritage Maps:

- Amend the heritage maps to delete an item that was demolished and inclusion of an item that was incorrectly excluded.

Key Sites Map

Council proposes to add 3 additional lots to Key Site Map Item 24.

The Key Sites map identifies land where an Iconic Development can utilise a system of developer bonuses for additional height and densities in return for improvements to the public domain. Council has advised the 3 sites, which are Council owned, were not included, in error, as part of IDS No 24 which is the Wyong Swimming Pool and Tennis Club Site and proposes to amend the Key Sites Map 007B to include additional lots.

The inclusion is generally supported however the Council Owned Land Zoning Review Discussion Paper contains a number of errors related to this site and refers to incorrect zones, description of the site and EEC's in items 3, 4 and 8 and 10. Council should update this section prior to exhibition.

It is noted that 8 Levitt Street and 10 Levitt Street are subject to a separate planning proposal to reclassify the site from community to operational land.

Land Reservation Acquisition Maps

- Council has advised that sites required for acquisition by the RMS for the purposes of road widening were received too late to be incorporated into the exhibition of the Wyong LEP 2013. Council proposes to include the sites in the LRA Maps and also zone the sites SP2 Infrastructure - Classified Road. There are 10 LRA Map tiles affected and will also require amendments to the associated Zoning Map tiles. Council has provided a list of the proposed sites to be included for acquisition and rezoning. The list also contains the names of the owners and is considered an unnecessary inclusion given it contains the property description of each site. Council is required to remove the owners' names from Attachment 6 prior to public exhibition.

- Council has identified some minor corrections to the LRA Maps; a number of sites no longer required for acquisition as Council owns the sites and require to be removed on the LRA Maps; One site is incorrectly listed on the LRA Map and requires amending, 3 sites to be included on the LRA Maps as they are privately owned and had been incorrectly removed and require reinstating; and a minor correction of the boundary of land to be acquired. These amendments are supported.

Land Zoning Maps

A number of sites are proposed to be rezoned to correct errors and also include a number of spot rezonings:

- 80 Highview Avenue incorrectly zoned RE2 Private Recreation. The site is owned by Delta (a state owned corporation) and is proposed to be zoned RE1 Public Recreation.

- 501 Wilfred Barrett Drive contains a small strip of E2 land however it is located within Wyrabalong National Park and should be zoned E1.

- 1 Tiembula Road, Chain Valley Bay - Council proposes to rezone the site from E1 (it is privately owned) to E3 and include a small area of E2 on the site due to the presence of an EEC. Council advised the landowner proposed an SP2 Infrastructure zone for the purpose of coal mining however the E3 zone permits extensive agriculture and therefore mining is permissible under the Mining SEPP. Council's approach is supported.

- Land between Thompson and Pacific Streets, Long Jetty - Council proposes to rezone a number of lots from R2 to B2 in accordance with the the Entrance Peninsula Planning Strategy. The Height of Buildings and Floor Space Ratio was increased under Wyong LEP 2013 however the zone change was not included in error. The correction of the zone is supported.

- 14W Tiriki Close, Buff Point - Council has identified 5 lots and part of a road are to be rezoned from SP2 to R2. Council advised the lots were zoned SP2 in error and are owned by Council and not by Delta Electricity (the adjoining landowner).

- The corner of Warnervale and Minnesota Road was zoned RU6 in error and Council proposes to correct the zoning to R2. The zone correction is supported.

- Land between West Village Centre to Budgewoi Creek is proposed to be rezoned from R2 to R1 in accordance with Council adopted Masterplan to increase residential densities in Budgewoi and link the two commercial centres. Council should identify the title of the document in the 'explanation of provisions' as the Budgewoi Masterplan. The rezoning is supported.

Colongra and Halekulani Oval Rezonings

Council has advised the Oval site at Budgewoi will be rezoned from RE1 to B2 and R1. The Colongra site is proposed to include an additional permitted use of service station and food and drink premises on land currently zoned E3. A separate planning proposal is also

being progressed for the reclassification and rezoning of the Budgewoi site and the additional permitted use and depending on timing one of the planning proposals will need to be discontinued. The Gateway Determination conditions of planning proposal PP_2014_WYONG_007_00 will apply to this planning proposal and be conditioned in the Gateway Determination accordingly.

• 1 Drovers Way, Wadalba

Council has advised it proposes to rezone some E2 to R2 for some portions that are included impinge on the residential subdivision. Council has provided a map overlay of the approved subdivision showing the affected areas. Council has not provided any supporting information regarding the conservation value of the E2 land. Council should consult with OEH and include information if required to support the rezoning prior to exhibition.

• 155 Louisiana Road, Wadalba

Council seeks to rezone part of Council owned land from RE1 land to R1 at Mascord Park. The park is currently zoned E2 and RE1 and Council proposes to rezone approximately 8% of the park lands located on the RE1 zoned land in the south west corner to R1 for General Residential purposes to facilitate development for affordable housing. It is noted the rezoning is required for Affordable Housing however the R1 zone does not stipulate this requirement and all uses permitted in the R1 zone will apply at the land. Council has provided evidence of site selection criteria used to determine the appropriateness of the site. Council identified one of the criteria used is Current Usage and Council stated the land is not used for other purposes however this is questioned as the land is part of Mascord Park and used by the local community. Council has also provided information regarding open space requirements for the Warnervale District which is included in the planning proposal.

The location however has not been identified in Council's adopted Affordable Housing Study and Council's calculations indicate the provided and planned level of open space within Warnervale District is below Council's required standard. The loss of the RE1 land represents a small reduction to the existing and planned open space requirements. Council has advised that this calculation excludes environmental areas that also provide passive recreation opportunities and considers if this is included it would satisfy the open space requirements.

• 17W Moola Road, Buff Point

Council seeks to rezone part of Council owned land at Buff Point Oval from RE1 to R1 to facilitate development for affordable housing. It is noted the rezoning is required for Affordable Housing however the R1 zone does not stipulate this requirement and all uses permitted in the R1 zone will apply at the land. Council has provided evidence of site selection criteria used to determine the appropriateness of the site and information regarding open space requirements for the Budgewoi- Buff Point Area. The location has not been identified in Council's adopted Affordable Housing Study however Council considers the site appropriately located. Council has advised there is an excess of open space provision and there will be no significant shortfall generated by future development. Council considers a current proposal for a regional Sporting Facility at Colongra will compensate for loss of the RE1 land.

• Implementation of Retail Study Recommendations

A number of sites are proposed to be rezoned from R2 to B2 or B1 to B4 and are generally supported. There are some sites proposed to be zoned from B1 to R2 which appear to be neighbourhood shops. Neighbourhood shops are still permitted in the R2 zone.

Carters Road, Lake Munmorah

The PP states that part of the land will be zoned from E3 to RU6 as the incorrect map was used to extend the zone boundary. The correction is supported.

1 Youngs Road, Ourimbah

Council has identified that its Environmental Management Framework identifies that land containing EEC's should be zoned E2 and the site was converted from 7(a) accordingly under Wyong LEP 2013. However it removed the existing dwelling entitlement. Council seeks to rectify this by rezoning a small portion of the site from E2 to E3 to enable an appropriate dwelling envelope. The explanation of provisions should include an appropriate map that clearly identifies the existing and proposed zones.

Lot Sizes Maps

91 Tumbl Road, Tumbl Umbi relates to a minor polygon change.

Obstacle Limitation Surface Maps

The proposal introduces a new map series. Council has advised that the Civil Aviation Safety Authority does not hold OLS mapping for Warnervale Aerodrome as it is uncertified and unregistered. The inclusion of the maps is supported.

Instrument Changes

Council proposes a number of changes to the written instrument of Wyong LEP 2013.

Land Use Table

- Add 'eco-tourist facilities' to the RE1 and RE2 zones. Council consider clause 5.13 will provide adequate controls for this land use.
- change from permitted without consent to permitted with consent home based child care in RU1, RU2, RU5, RU6, R1, R2, R3, R5, B1, E3, E4 to resolve potential issues with bushfire prone land.
- Add seniors housing to the R2 Low Density Residential zone as it is currently permitted under the Seniors Housing SEPP on land zoned for urban purposes. The inclusion in the R2 zone is supported.
- Permit with consent secondary dwellings in the R5, RU1 and RU2 zones. Council already permits dual occupancies in these zones and considers secondary dwellings to be of lesser impact.

Principal Development Standards

4.6 Exceptions to development standards

Council proposes wording changes to clause 4.6 Exceptions to development standards to include 4.4(2B) as currently it can be varied. Council considers the variations allowed under 4.4(2B) are sufficient and further justification is unwarranted. This is supported.

4.3 Height of Buildings and 4.4 Floor Space ratio clauses.

Council seeks to alter these provision as during drafting of the clause identifies the area of a building as opposed to the area of a site and results in development proposals to be significantly larger to take advantage of development bonuses. The change is supported.

- **4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones.** Council proposes minor amendments to make the intent of the clause clearer during the assessment of development application. The wording proposed may be subject to change during PC drafting.

Local Provisions

Clause 7.7 Airspace Operations

Council seeks to amend this clause to account for the inclusion of the OLS mapping. The clause proposed may be subject to revision during legal drafting.

Exempt Development

Council proposes to exempt Front Boundary Fences. The clause as proposed would allow 1.8m high front fences constructed of any material other than barbed or razor wire and has

the potential to impact the streetscape significantly. It is considered Council should provide further justification and appropriate development standards to exempt front fences and to reduce impacts on the streetscape prior to public exhibition.

Schedule 4 - Reclassification

Council seeks to correct a number of property descriptions.

Schedule 5 Environmental Heritage

Council proposes a number of changes to delete, add and correct Schedule 5 and these are generally supported. Council also proposes to sort the heritage items in consecutive order to assist in searching for heritage items.

There is no objection in principal however this may be subject to revision during legal drafting.

Affordable Housing Study

Council seek to include an additional objective and sub clause to clause 4.4 Floor Space Ratio. The sub clause will allow additional floor space if a proportion of properties has a greater floor area that required by SEPP Affordable Rental Housing. The clause as proposed does not state this will apply to affordable housing developments. Council should clarify this in the explanation of provisions. The clause as proposed may be subject to revision during legal drafting.

Clarification of changes to Written Instrument

Council has proposed a number of changes to the clause in the written instrument and Council needs to clarify in the explanation of provision that the proposed wording proposed may be subject to revision during legal drafting by Parliamentary Counsel.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

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

4.2 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

3.6 Shooting Ranges

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP No 21—Caravan Parks

SEPP No 26—Littoral Rainforests

SEPP No 30—Intensive Agriculture

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 36—Manufactured Home Estates

SEPP No 44—Koala Habitat Protection
 SEPP No 50—Canal Estate Development
 SEPP No 55—Remediation of Land
 SEPP No 62—Sustainable Aquaculture
 SEPP No 64—Advertising and Signage
 SEPP No 65—Design Quality of Residential Flat Development
 SEPP No 71—Coastal Protection
 SEPP (Building Sustainability Index: BASIX) 2004
 SEPP (Exempt and Complying Development Codes) 2008
 SEPP (Housing for Seniors or People with a Disability) 2004
 SEPP (Infrastructure) 2007
 SEPP (Major Projects) 2005
 SEPP (Mining, Petroleum Production and Extractive Industries) 2007
 SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Council has identified that many of the SEPPs are not applicable or the proposal is consistent with the relevant SEPPs.

SEPP No 55—Remediation of Land

Council should update the planning proposal and address the requirements of the SEPP for all rezonings once information on land contamination has been obtained.

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

The planning proposal is consistent with S117 Directions except where discussed below:

1.1 Business and Industrial Zones

The sites proposed to be rezoned for business purposes are consistent with the direction however 3 sites (Palm Court Motel Bateau Bay, Main Road, Norville and Robertson Rd, Killarney Vale) are proposed to be zoned from B1 to R2 and are inconsistent with the Direction. The sites contain either local neighbourhood shops and bed and breakfast accommodation both of which are permissible in the R2 zone. It is considered the Secretary could agree the reduction in potential floor space in B1 zone is of minor significance.

1.3 Mining, Petroleum Production and Extractive Industries - Council should address consistency with the Direction following consultation with NSW Trade and Investment - Resources and Energy.

2.1 Environment Protection Zones

Council has identified a number of zoning changes and provisions that affect environmental land. The rezoning and changes reflect anomalies, include additional permitted uses, alter zones and zone boundaries and reduce lot sizes and are inconsistent with the direction. Consultation should occur with National Parks and Wildlife Services and OEHL before the inconsistency can be determined.

2.3 Heritage Conservation

The proposal identifies a number of changes to heritage provisions as well as land zonings, additional uses and development standards that may contain or be in the vicinity of land containing heritage items. Consultation with OEHL on heritage matters should be undertaken before consistency can be determined.

3.1 Residential Zones

There are a number of provisions and rezonings that affect residential land and Council has identified the proposal is consistent with the direction. However some land is rezoned from R2 Low Density Residential to B2 Local Centre and reduces a number of residential uses on the land. Given shop top housing is a permissible use in the B2 zone the Secretary could agree the inconsistency is of minor significance

3.5 Development Near Licensed Aerodromes

The proposal seeks to introduce obstacle limitation controls around Warnervale

Aerodrome as a result of advice from the Civil Aviation Safety Authority (CASA) that as Warnervale Aerodrome is an uncertified and unregistered aerodrome the CASA does not hold OLS mapping for the site. Council has advised the proposal is consistent with the direction. Council should consult with the Department of Commonwealth (CASA) before consistency can be determined.

4.1 Acid Sulfate Soils

A number of sites are affected by land with a probability of containing acid sulfate soils. Council consider the proposal is consistent with the direction as these are matters that will be addressed at the DA stage. However the proposal is inconsistent with the Direction and the inconsistency needs to be justified by a study or is of minor significance. Given the Wyong LEP 2013 contains provisions to regulate development on land containing acid sulfate soils these matters can be addressed at the development application stage it is considered the Secretary could agree the inconsistency is of minor significance.

4.2 Mine Subsidence and Unstable Land

The amendments proposed have LGA wide application and contain a number of sites identified on land within a Mine Subsidence District. Council is required to consult with the Mine Subsidence Board before addressing consistency with the direction.

4.3 Flood Prone Land

Council has identified a number of sites that are Flood Prone and is inconsistent with the direction. Council is required to demonstrate that the proposal is in accordance with a floodplain risk management plan or of minor significance. Council is required to seek the Secretary's approval for the inconsistency.

4.4 Planning for Bushfire Protection

The planning proposal will affect a number of lots located on land that is identified as being bushfire prone. Consultation with NSW Rural Fire Service is required before consistency with the direction can be determined.

6.2 Reserving Land for Public Purposes

Council is required to consult with Roads and Maritime Services and gain their agreement for the acquisition of the various sites for road widening before the Secretary can approve the alteration.

A separate planning proposal PP_2014_WYONG_010_00 to reclassify approximately 489 properties from community land to operational land has been submitted to the Department for a Gateway Determination and includes Council owned properties proposed to be rezoned under the Major Amendment 1 planning proposal.

There are 3 Council owned sites that are zoned RE1 Public Recreation which are proposed to be altered:

- 17W Moola Road, Buff Point - proposed R1 General Residential Zone
- 155 Louisiana Road, Wadalba - proposed R1 General Residential Zone
- Scenic Drive, Budgewoi - proposed R1 General Residential, R2 Low Density Residential and B2 Local Centre zones.

Under the direction the land cannot be altered without the approval of the Secretary. Council will need to seek the approval of the relevant agency for road widening and for the alterations to the RE1 zoned land to address the requirements of the direction.

6.3 Site Specific Provisions

The proposal seeks to include an additional permitted use on land identified as SP2 Infrastructure at the Church Road Tuggerah site and is inconsistent with the direction. The additional uses proposed are recreation facility (outdoor) and recreation areas. Council identified the land as a buffer area for the sewage treatment plant and considers the SP2 zoning appropriate. In order to facilitate the lease of the land Council requires the additional uses. It is considered the uses for sporting fields will not undermine the buffer zone and the Secretary could agree the inconsistency is of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The mapping provided identifies the amendments to 52 existing map tiles and also introduces 8 new map tiles including a new map as follows:

- 6 Additional Permitted Uses Maps (amends 6 tiles - 007B, 010, 017, 018, 019, 021)
- 2 Drinking Water Catchment Maps (amends 2 tiles - 007, 007B)
- 1 Foreshore Building Line Map (adds 1 new tile 012)
- 3 Floor Space Ratio Maps (amends 3 tiles - 007A, 007B, 013)
- 2 Heritage Maps (amends 2 tiles - 007B, 020)
- 7 Height of Buildings Maps (amends 7 tiles 015, 016, 017, 019, 020, 021, 022)
- 1 Key Sites Map (amends 1 tile - 007B)
- 10 Land Reservation Acquisition Maps (amends 9 tiles - 007A, 007B, 008, 010, 013, 015, 018, 019, 020 and adds 1 new tile 012)
- 10 Lot Size Maps (amends 10 tiles - 009, 011, 013, 014, 015, 016, 017, 018, 019, 020)
- 15 Land Zoning Maps (amends 15 tiles - 007A, 007B, 008, 009, 012, 013, 014, 015, 016, 017, 018, 019, 020, 022, 023)
- 6 Obstacle Limitation Surface Maps - (New map series with 6 new maps - 009, 007, 007A, 007B, 012, 013)

Council has not provided the current maps and it may be difficult for the community to identify the changes proposed given so many map tiles are affected. Council needs to ensure existing and proposed maps are provided for agency consultation and public exhibition and the sites are clearly identified on the existing and proposed maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Council has not nominated a specific timeframe for exhibition in the planning proposal. A 28 day period for public exhibition is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons :

TIMELINE: Council anticipates finalisation in June 2015 (approximately 7 months). The timeframe proposed is unlikely to be met given the extensive number of agencies required to be consulted, the number of map tiles to be amended, and community objection regarding some rezonings of public open space. A 12 month timeframe to make the plan is recommended.

DELEGATION: Council has not requested delegation to make the plan. Given some of the amendments propose to rezone Council land it is considered appropriate that the Department retain delegation to make the plan.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Council's submission of the planning proposal contained a number of errors requiring correction and clarification. Subject to these matters being addressed the proposal is considered to meet the adequacy criteria.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The planning proposal amends Wyong LEP 2013.

Assessment Criteria

Need for planning proposal :

Council has advised the proposal is not the result of a specific study or report and is a result of a Council review of Wyong LEP 2013 to identify anomalies requiring correction with the exception being those provisions proposed to be introduced as a result of Council's adoption of the Retail Centres Strategy and Affordable Housing Study. Council has also included recommendations from the Budgewoi Masterplan.

Consistency with strategic planning framework :

Council has reviewed and identified the proposal as consistent with the following strategic plans:
Central Coast Regional Strategy (CCRS)- Generally the proposal is consistent with the broad goals and actions of the CCRS and will assist in meeting regional dwelling and employment targets

Central Coast Regional Action Plan - Council has advised the proposal is consistent with the regional priorities related to growing the economy and providing employment on the Central Coast.

Wyong Community Strategic Plan 2030 - Council has advised the proposal is consistent with the relevant priority objective from its Community Strategic Plan.

Environmental social economic impacts :

ENVIRONMENTAL

Council has advised the planning proposal will have no detrimental effects upon critical habitats, threatened species or their habitats. Generally this is acknowledged however Council has identified some sites contain EECs and the appropriateness of the zones proposed should be reviewed by OEH during agency consultation.

Council has advised of a range of issues associated with the proposed rezoning. A summary of Council's identified issues are:

- Land Contamination;
- Bushfire;
- Flooding and Drainage; and
- Acid Sulfate Soils;
- Water and Sewer

Some of the issues identified by Council require agency consultation to address requirements of the S117 Directions or SEPPs. However generally the matters identified appear capable of resolution or relate to local infrastructure provision that can be resolved at the development application stage.

SOCIAL/ECONOMIC

- additional jobs associated with development;
- provision of additional housing and affordable housing;
- open space and recreation land;

Some of the rezonings will result in the loss of open space to enable development for affordable housing at 155 Louisiana Road, Wadalba and 17W Moola Road, Buff Point. The Department has received correspondence from residents regarding the loss of open space particularly for the proposed rezoning at 155 Louisiana Road. Given Council had identified a deficit in the existing and planned open space requirements Council should consider how it plans to address this deficiency through its forward strategic planning programme and identify additional opportunities for open space provision.

Landowners

The planning proposal affects a large number of landowners and Council should consult with all landowners affected by the planning proposal given the number of land acquisition amendments and rezonings proposed.

WYONG LGA, Major Amendment 1

Agency Consultation

Council has provided an extensive list for Agency consultation. Although there is no objection to Council undertaking this consultation it is unnecessary to include all these public authorities in the Gateway Determination. Council can still choose to seek additional agency comment on the planning proposal above what is included in the Gateway Determination.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) :
Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
Mine Subsidence Board
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Transport for NSW
Transport for NSW - Roads and Maritime Services
Other

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 : **Resubmission is not required however it is possible that the proposal may require a revised Gateway determination given there are other planning proposals (i.e Colongra and Budgewoi PP_2014_WYONG_007_00) currently progressing.**

It is recommended Council be advised to monitor progress and consider the potential for a revised Gateway determination to remove the Colongra and Budgewoi site from the planning proposal should PP_2014_WYONG_007_00 be finalised first.

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

Document File Name	DocumentType Name	Is Public
Council Letter requesting Gateway Determination.pdf	Proposal Covering Letter	Yes
Planning Proposal (13 Dec 2014).pdf	Proposal	Yes
Attachment 1 Council Owned Land (24 Nov 2014).pdf	Proposal	Yes
Attachment 2 Council Report 23 July 2014.pdf	Proposal	Yes
Attachment 3 Council Resolution 23 July 2014.pdf	Proposal	Yes

WYONG LGA, Major Amendment 1

Attachment 4 Council Report 10 Sep 2014.pdf	Proposal	Yes
Attachment 5 Council Resolution 10 Sep 2014.pdf	Proposal	Yes
Attachment 6 Sites Required for Acquisition by RMS (24 Nov 2014).pdf	Proposal	Yes
Additional Information Request Various Issues.pdf	Proposal	Yes
Additional Information Request FSR Issues.pdf	Proposal	Yes
8550_COM_APU_007B_020_20140630 (24 Nov 2014).pdf	Map	Yes
8550_COM_APU_010_020_20140630 (24 Nov 2014).pdf	Map	Yes
8550_COM_APU_017_020_20140630 (24 Nov 2014).pdf	Map	Yes
8550_COM_APU_018_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_APU_019_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_APU_021_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_DWC_007_040_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_DWC_007B_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_FBL_012_020_20140902 (9 Dec 2014).pdf	Map	Yes
8550_COM_FSR_007A_020_20140512 (13 Dec 2014).pdf	Map	Yes
8550_COM_FSR_007B_020_20140512 (13 Dec 2014).pdf	Map	Yes
8550_COM_FSR_013_020_20140414 (13 Dec 2014).pdf	Map	Yes
8550_COM_HER_007B_020_20140901 (29 Sep 2014).pdf	Map	Yes
8550_COM_HER_020_020_20140901 (29 Sep 2014).pdf	Map	Yes
8550_COM_HOB_015_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_HOB_016_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_HOB_017_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_HOB_019_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_HOB_020_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_HOB_021_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_HOB_022_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_KYS_007B_020_20140901 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_007A_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_007B_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_008_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_010_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_012_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_013_020_20140630 (24 Nov 2014).pdf	Map	Yes
8550_COM_LRA_015_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_018_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_019_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LRA_020_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LSZ_009_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LSZ_011_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LSZ_013_020_20141103 (24 Nov 2014).pdf	Map	Yes
8550_COM_LSZ_014_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LSZ_015_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LSZ_016_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LSZ_017_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LSZ_018_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LSZ_019_020_20141103 (24 Nov 2014).pdf	Map	Yes
8550_COM_LSZ_020_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_007A_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_007B_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_008_020_20141103 (24 Nov 2014).pdf	Map	Yes
8550_COM_LZN_009_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_012_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_013_020_20141103 (24 Nov 2014).pdf	Map	Yes
8550_COM_LZN_014_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_015_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_016_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_017_020_20141103 (9 Dec 2014).pdf	Map	Yes
8550_COM_LZN_018_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_019_020_20141103 (24 Nov 2014).pdf	Map	Yes
8550_COM_LZN_020_020_20140630 (29 Sep 2014).pdf	Map	Yes

WYONG LGA, Major Amendment 1

8550_COM_LZN_022_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_LZN_023_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_OLS_006_040_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_OLS_007_040_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_OLS_007A_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_OLS_007B_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_OLS_012_020_20140630 (29 Sep 2014).pdf	Map	Yes
8550_COM_OLS_013_020_20140630 (24 Nov 2014).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
- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 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
- 4.2 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
- 3.6 Shooting Ranges

Additional Information :

Council be advised in the Gateway Determination letter:

- to monitor progress and consider the potential for a revised Gateway determination to remove the Colongra and Budgewoi site from the planning proposal should PP_2014_WYONG_007_00 be finalised first; and
- consider how it plans to address the deficiency exiting and planned open space requirements within Warnervale District through its forward strategic planning programme and identify additional opportunities for open space provision.

The Planning Proposal should proceed subject to the following conditions:

1. Council update the planning proposal prior to community consultation to:

- a) The Council Owned Land Zoning Review Discussion Paper contains a number of errors related to the Wyong Swimming Pool and Tennis Club and refers to incorrect zones, description of the site and EEC's in items 3, 4 and 8 and 10. Council should update this section prior to agency consultation and public exhibition.
- b) Council is required to remove the owners' names from 'Attachment 6 - Sites required for acquisition by Roads & Maritime Services' prior to public exhibition.
- c) Council identify the title of the document in the 'explanation of provision' as the Budgewoi Masterplan for the rezoning of Land between West Village Centre to Budgewoi Creek.
- d) 1 Youngs Road, Ourimbah rezoning should include in 'the explanation of provisions' an appropriate map that clearly identifies the existing and proposed zones.

e) The proposed amendment to the clause 4.4 Floor Space Ratio should clarify that the development bonus will apply only to affordable housing developments in the 'explanation of provisions'.

f) Exempt Development - Front Boundary Fences. Council is to provide further justification and appropriate development standards to address streetscape impacts prior to public exhibition.

g) Council should identify in the 'explanation of provisions' that all proposed clause amendments may be subject to revision during Parliamentary Counsel drafting.

h) Council is required to provide existing and proposed zoning and development standards maps for public exhibition in addition to the proposed map tiles. The existing and proposed maps should clearly identify the site. This may be provided as an attachment to the planning proposal.

i) Council is to ensure that all the owners of properties affected are consulted with directly as part of the public exhibition of this planning proposal.

2. The Gateway Determination conditions of planning proposal PP_2014_WYONG_007_00 will apply to this planning proposal for the site identified in the explanation of provisions as the Colongra and Halekulani Oval Rezoning.

3. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency or justify any inconsistency with the following S117 Directions:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.5 Development Near Licensed Aerodromes
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection.
- 6.2 Reserving Land for Public Purposes

4. The Secretary agrees the inconsistency with S.117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils, 6.3 Site Specific Provisions are of minor significance.

5. Council is to satisfy the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the sites are suitable for rezoning once information on contamination has been obtained.

6. The planning proposal be made publicly available for a minimum of 28 days.

7. Consultation with:

- Central Coast Aero Club
- Civil Aviation Safety Authority
- Darkinjung Local Aboriginal Land Council
- Delta Electricity
- Mine Subsidence Board
- NSW National Parks and Wildlife Service
- NSW Trade & Investment, Resources & Energy
- NSW Rural Fire Service
- Office of Environment and Heritage - Heritage Office
- Government Property NSW
- Transport NSW
- Transport for NSW – Roads and Maritime Services
- Transport for NSW – Regional Air

8. 12 months timeframe to make the plan.

WYONG LGA, Major Amendment 1

9. Plan-making delegation should be retained by the Department for this planning proposal.

Supporting Reasons : *

Signature:



Printed Name:

G. PHOPKINS

Date:

19.12.2011