

3.2 Proposed Rezoning of Central Coast Wetlands - Pioneer Dairy

TRIM REFERENCE: RZ/6/2013 - D08613789

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SUMMARY

This report recommends the preparation of a Planning Proposal to amend the Wyong Local Environmental Plan (WLEP, 2013) to rezone the majority of the land comprising the former Tuggerah Pioneer Dairy to zone RE1 – Public Recreation. This will enable development of part of the land for a regional sporting facility, as well as facilitating a variety of community uses and activities on the remainder of the site, further enabling heritage and environmental conservation of the land.

It is considered that the proposal has merit and is recommended to be forwarded to the NSW Department of Planning and Environment (DoPE) for a “Gateway Determination”. Dependent upon the outcome of the Gateway Process, consultation with NSW Government Agencies may be required prior to public exhibition and finalisation.

RECOMMENDATION

- 1 That Council initiate the Local Environmental Plan “Gateway” process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, by preparation of a Planning Proposal to rezone the relevant parts of the subject land from Zone E3 Environmental Management to Zone RE1 – Public Recreation under the Wyong Local Environmental Plan, 2013.**
- 2 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a “Gateway” determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.**
- 3 That Council undertake community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.**
- 4 That Council delegate authority to the General Manager to make minor amendments and to finalise the Local Environmental Plan process.**

BACKGROUND

The Planning Proposal is required to facilitate the development of new regional sporting and community facilities at the site. The Planning Proposal will also identify compatible land uses which will provide income to maintain the heritage and environmental conservation of the land formerly comprising the Tuggerah Pioneer Dairy (Refer Figure 1). The Dairy comprises approximately 170 hectares of Crown Land which forms part of Reserve 1003002 for the purpose of Public Recreation and Coastal Environmental Protection, and is managed by the Tuggerah Lake Reserve Trust (“the Trust”).

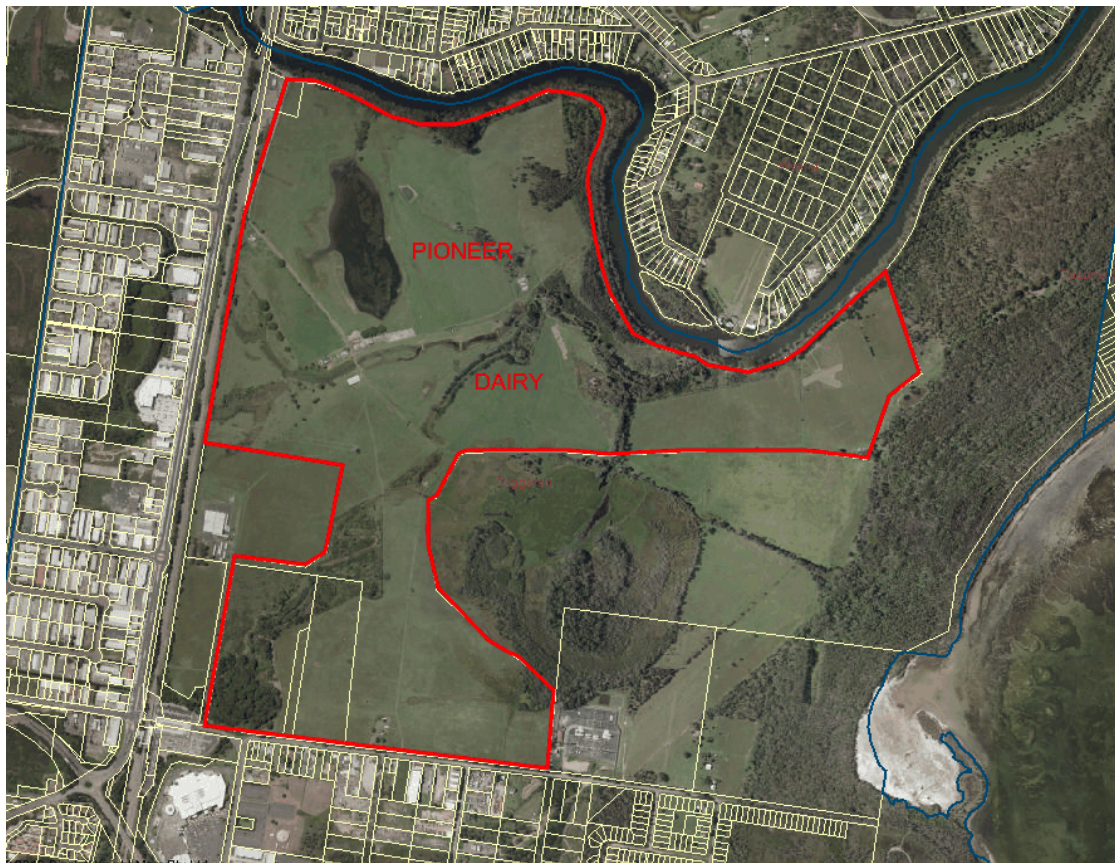


Figure 1: Site Location.

The Trust intends to continue to use the site for environmental education and to generate funding sources for the upkeep and development of the land through activities which may include community meetings and functions, historic talks and tours, tea rooms, organic produce and craft markets, artist/sculptor exhibits and musical performances, community gardens, wetland education and sustainability centre, picnicking, bird-watching, and so on.

The Planning Proposal (zoning change) will assist the development of the activities proposed.

CURRENT STATUS

The Pioneer Dairy is owned by the Crown and managed by the Tuggerah Lake Reserve Trust ("the Trust"). It is adjacent to lands managed by the NPWS fronting the Wyong River and the Tuggerah Lake foreshore. The site includes State significant wetlands and riverine EEC vegetation, as well as leased grazing paddocks which reflect the historic usage of the land. The identified Heritage Precinct, which contains the original dwelling house and sleepout, an additional managers' residence, grain silos and remnants of the milking bays, are being carefully restored by The Trust. The site provides a community connection to dairying practices which were widespread in the Wyong district from the 1830s.

Council has recently compulsorily acquired from the Crown, 18.28 hectares of land, now called Lot 1 DP 1186260, at the southern end of the site fronting Lake Road (refer Figure 2). Council intends to facilitate the development of this area of land for a Regional Sporting Facility, comprising nine (9) international standard sporting and practice fields, grandstand, clubhouse, childrens' playground, 1.8 km criterium cycling track, fitness track and stations, amenities, coach and car parking. The accessibility of the land for the existing and proposed uses will also be enhanced through the provision as part of this project of a new entry statement and sealed access driveway from Lake Road. This driveway will run adjacent to the sporting facility, northward through the site to the Heritage Precinct. Additional formal car parking areas will be provided. This will also provide an alternative egress for South Tacoma residents in times of flood.

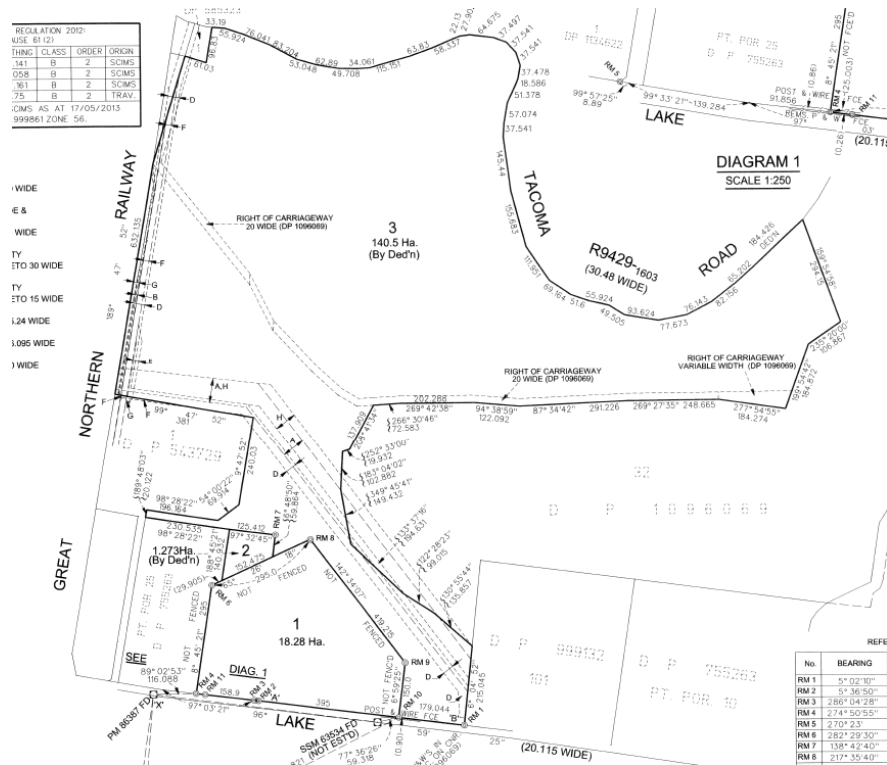


Figure 2: Copy of Deposited Plan 1186260. Displays Lot 1 Lake Road, compulsorily acquired by Council for sporting and recreational facilities, and the remaining land within the Pioneer Dairy Trust, being Lots 2 and 3.

THE PROPOSAL

The Draft Planning Proposal and supporting reports (Attachments 1 – 7) recognise the environmental attributes of the land and recommend the area of the land zoned E3 Environmental Management (the majority of the land) be changed to zone RE1 – Public Recreation, to facilitate a broader range of tourism, community and recreational uses on the land. This requires alteration to four of the WLEP 2013 map layers, in particular, the Zoning and Heritage Map Sheets. The Lot Amalgamation Map and Lot Size Map are to be amended to delete the land from these Map Sheets. The areas of the land currently zoned E2 Environmental Conservation Zone (areas of State significant wetland and EEC vegetation) are to remain unchanged (refer Attachments 2 – 5).

In order to better define the compatibility of both proposed and existing uses on site, a Heritage Architect was engaged to provide a *Significance and Heritage Curtilage Assessment* to examine the significance of the remaining structures and surrounding grazing land (refer Attachment 7). This resulted in the identification of the “Significant Heritage Curtilage” surrounding the Heritage Precinct (refer Figure 3), which contains the original dwelling house and sleepout, silos and milking bays. This curtilage covers approximately 8 Hectares of land and includes adjacent grazing lands within the visual catchment, reflecting the historic usage of the land.



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Figure 3: The area of *Significant Heritage Curtilage* is located in the Northern portion of the land, as defined by the red boundary depicted on the aerial photograph, located within Lot 3 DP 1186260 (see also Figure 4 below).

The identified boundary has been utilised to determine the extent of affectation of the WLEP 2013 Heritage Map layer over the land, which also assists in identifying that the area proposed for the Regional Sporting Facility (Lot 1) is significantly removed from the area of heritage values and significance (refer Figure 4).



Figure 4: Displays the relationship and separation between Lot 1 DP 1186260, acquired by Council for regional sporting and recreational facilities, and the area of *Significant Heritage Curtilage*, located to the North of the land and shown by red boundary, within Lot 3 DP 1186260 (Refer Figure 2).

In summary, the Planning Proposal involves the following amendments to the WLEP 2013:

- Amendment of the Wyong Local Environmental Plan, 2013 (WLEP 2013) Land Zoning Map (Sheet LZN_007B) in accordance with the proposed zoning map shown at Attachment 1 to the Planning Proposal (Attachment 2 to this report). The change in zoning affects the land currently zoned E3 Environmental Management Zone, to be zoned RE1 – Public Recreation Zone. The areas of the land zoned E2 Environmental Conservation Zone remain unchanged.
- Amendment of the WLEP 2013 Heritage Map (Sheet HER_007B) to exclude the area outside the identified “Significant Heritage Curtilage”, as shown at Attachment 2 to the Planning Proposal (Attachment 3 to this report). This includes the exclusion of the land within Lot 1 DP 1186260, intended for the development of the Regional Sporting Facility.
- Amendment of the WLEP 2013 Lot Amalgamation Map (Sheet LAM_007B) to remove the land. The current map shows part of the Pioneer Dairy land, including the area now acquired by Council for the Sporting Facilities. The revised map will remove this provision from the subject land, refer Attachment 3 to the Planning Proposal (Attachment 4 to this report).

- Amendment of the WLEP 2013 Lot Size Map (Sheet LSZ_007B) to remove the land. As the land is unlikely to be further subdivided as it is Public Reserve Crown land controlled by The Trust, there is no need to apply minimum lot size requirements. Refer Attachment 4 to the Planning Proposal (Attachment 5 to this report).

The heritage and environmental assets of the Tuggerah Pioneer Dairy land will be enhanced through the injection of the additional funding sources the Planning Proposal will facilitate.

With the rezoning of Lot 1 DP 1186260 to RE1 – Public Recreation, and having the land classified as Operational land, a formal Plan of Management is not required. Staff would manage the parcel of land to achieve a similar outcome as if a Plan of Management was in place.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The planning proposal is consistent with the WSC Strategic Plan to promote the Central Coast as a choice tourism and event destination.

Budget Impact

The Planning proposal will be progressed utilising existing staff resources.

CONSULTATION

Public consultation requirements for the Planning Proposal will be notified by the “Gateway” determination, and will be conducted in accordance with the determination requirements.

CONCLUSION

It is considered that the proposal has merit and is recommended to be forwarded to the NSW Department of Planning and Environment (DoPE) for a “Gateway Determination”. Dependent upon the outcome of the Gateway Process, consultation with NSW Government Agencies may be required prior to public exhibition and finalisation. Delegated Authority for Council’s General Manager to make the Plan will be sought.

ATTACHMENTS

1	Planning Proposal - Pioneer Dairy Tuggerah	D09308370
2	Land Zoning Map LZN_007B	D09308515
3	Heritage Map HER_007B	D09308502
4	Lot Amalgamation Map LAM_007B	D09308512
5	Lot Size Map LSZ_007B	D09308506
6	S 117 Ministerial Direction Assessment - Pioneer Dairy	D09308640
7	Dairy Curtilage Report	D09262062

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