



Wyong
Shire
Council
CENTRAL COAST

**Planning Proposal
RZ/6/2013**

Tuggerah Pioneer Dairy

South Tacoma Road, Tuggerah

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Part 1 Objectives or Intended Outcomes

To enable development of part of the land at Tuggerah 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.

The location and boundaries of the Pioneer Dairy site is shown in Figure 1 below.

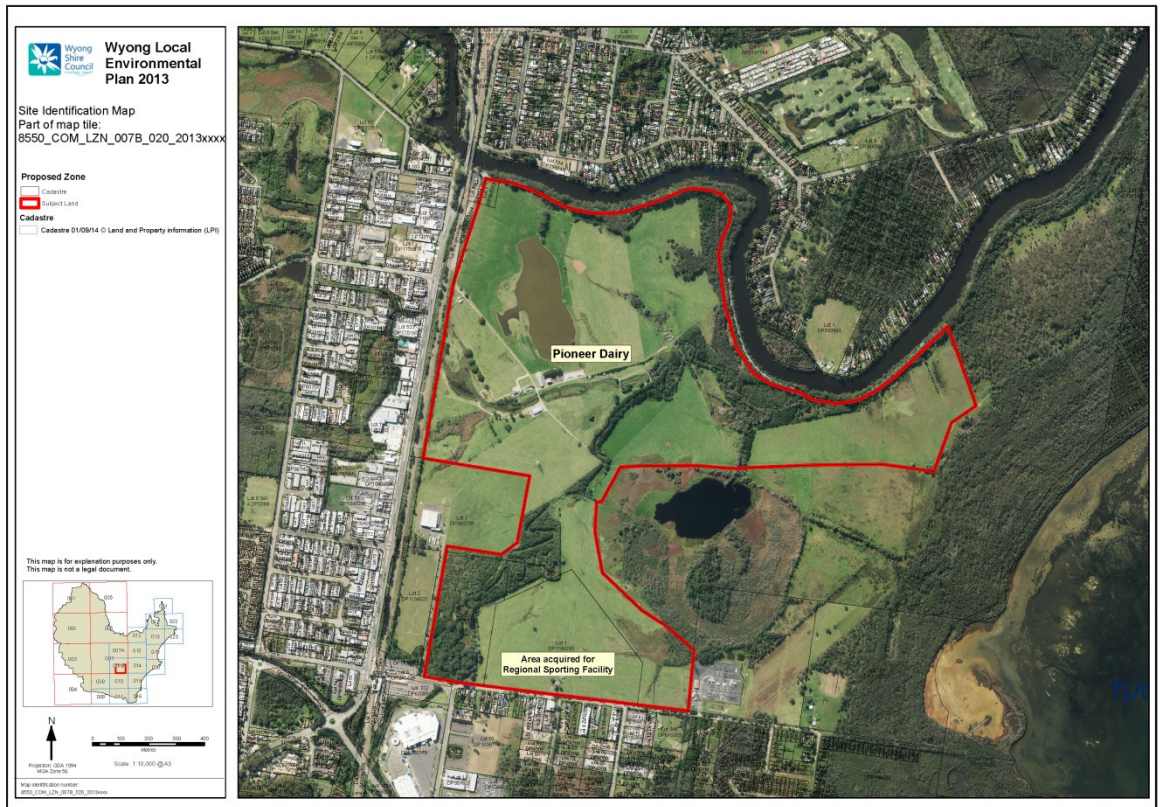


Figure 1: Site Location

Land Description:

The land the subject of this Planning Proposal (Pioneer Dairy) has been recently re-subdivided to facilitate the compulsory acquisition of part of the site (Lot 1, DP 1186260) by Council. The whole of the area within the red boundary in Figure 2 below is affected by this Planning Proposal.

The land the subject of this Planning Proposal is currently described as Lot 1, DP 585323; Lot 7316, DP 1155188; Lot 1, DP 1186260 (to be used for the Regional Sporting Facility); Lot 2, DP 1186260; and Lot 3, DP 1186260, Lake Road, Tuggerah. Refer Figure 2 below.

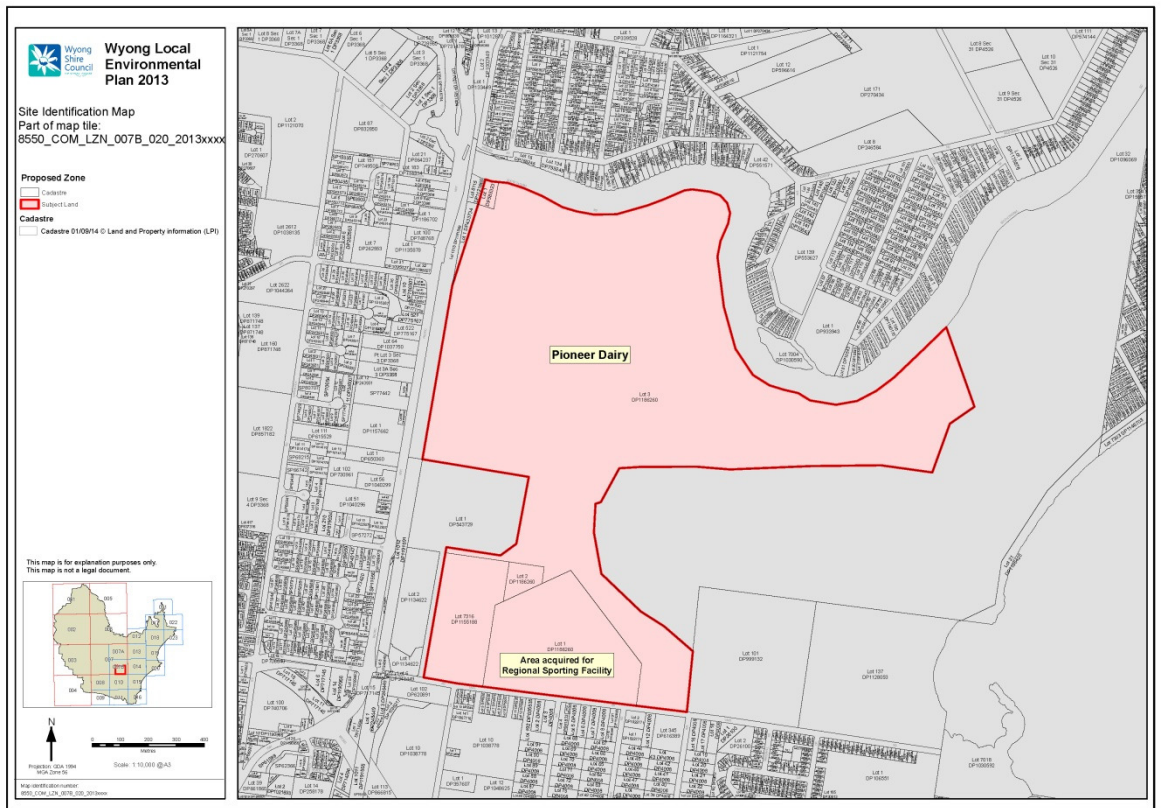


Figure 2: Site Location, indicating current cadastral description and boundaries.

Context

A broader aerial view indicating the site context adjacent to the Regional Major Centres of Tuggerah and Wyong, the F3 Freeway (M1 Motorway), Great Northern Rail Line and the Tuggerah Lakes, is shown in Figure 3 below:

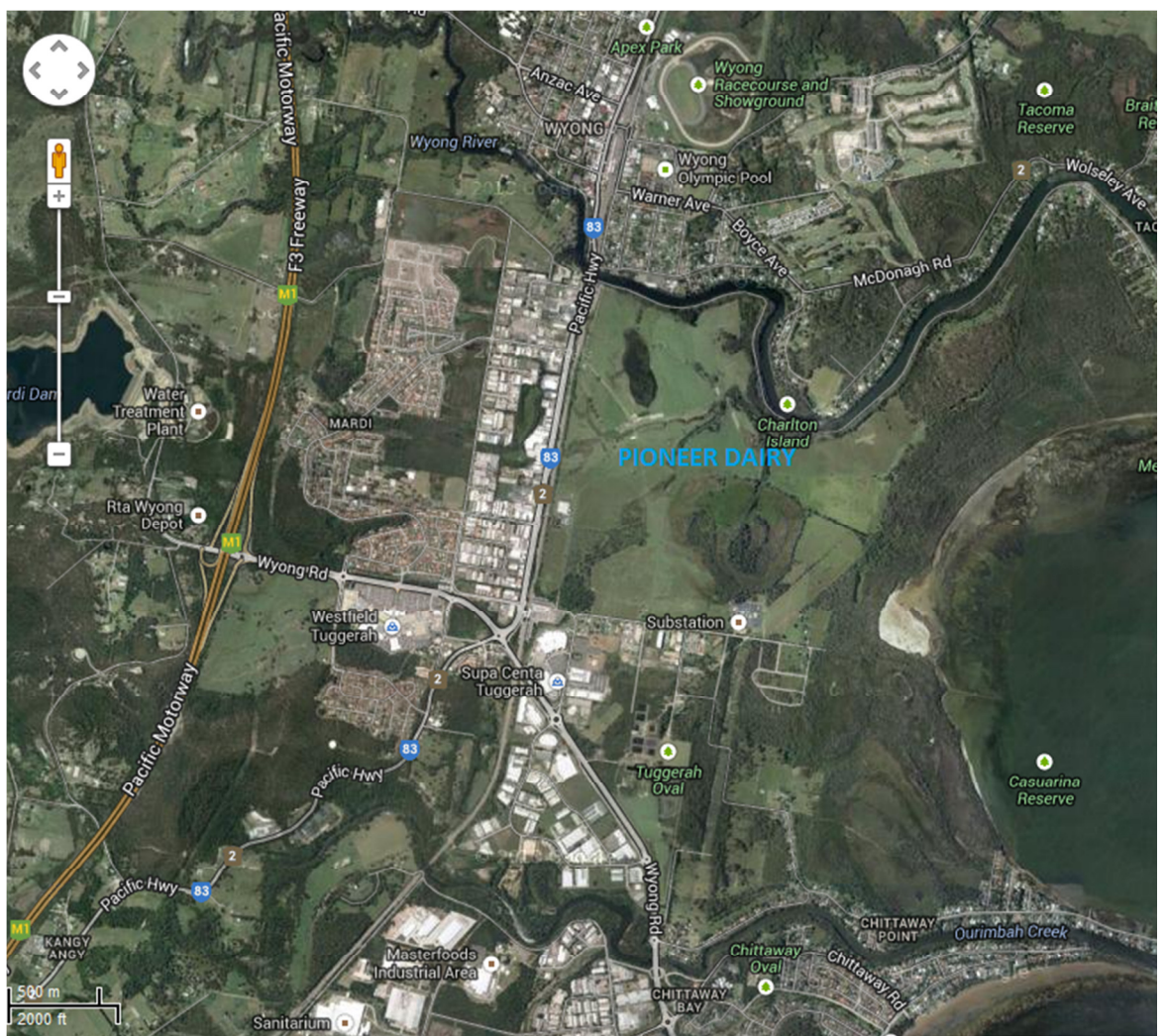


Figure 3: Regional Context

Part 2 Explanation of Provisions

Amendment of Wyong LEP 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. The change in zoning affects the land currently zoned E3 Environmental Management Zone, to be zoned RE1 – Public Recreation Zone, as well as a triangular portion of land zoned IN1 – General Industrial, which is also to be rezoned RE1 – Public Recreation. 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. 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 exclude the subject land, refer Attachment 3.
- Amendment of the WLEP 2013 Lot Size Map (Sheet LSZ_007B) to exclude the subject land, refer Attachment 4.

Part 3 Justification

Section A – Need for the Planning Proposal

1. *Is the Planning Proposal a result of any Strategic Study or report?*

No, the need for the Planning Proposal has arisen in the context of a desire to develop new regional sporting and community facilities, while facilitating identified compatible uses which will provide income streams to assist with the heritage and environmental conservation of the land formerly comprising the Tuggerah Pioneer Dairy. The land is owned by the Crown and managed by the Tuggerah Lake Reserve Trust (“the Trust”). It forms part of Reserve 1003002 for the purpose of Public Recreation and Coastal Environmental Protection.

Council has commissioned an Environmental Heritage Curtilage Assessment (Refer Attachment 5) to examine the significance of the structures and surrounding grazing land, defining an appropriate surrounding “Significant Heritage Curtilage” for the Heritage Precinct and remaining structures. This reflects the historic usage of the land, and has determined the extent of affectation of the WLEP 2013 Heritage Map layer over the land.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The WLEP, 2013 (SI LEP), became effective on 23 December, 2013. Under this instrument the land is zoned partly E2 Environmental Conservation and partly E3 Environmental Management. The simplest method of permitting a variety of community, cultural, recreation and environmental management activities on the land is considered to be an amendment to the WLEP, 2013, to change the area zoned E3 Environmental Management (majority of the land, excepting the areas of wetland and vegetation zoned E2 Environmental

Conservation) to the RE1 Public Recreation Zone, including an amendment to the Heritage map layer to more accurately define the heritage curtilage.

Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Central Coast Regional Strategy identifies the Tuggerah-Wyong Major Centre as performing vital roles in relation to economic, employment, social, cultural, entertainment and recreation for the local population and region. The Tuggerah Pioneer Dairy site is adjacent to and spans the eastern extent of the floodplain connecting the major centre, with access for visitors to the M1 Motorway, the Pacific Highway and the Great Northern Rail Line at both Tuggerah and Wyong Railway Stations. The Strategy provides under the key economic opportunities for the region, that 'the regions tourism advantages are also likely to increase' and identifies the conservation of environmental heritage, environmental assets and landscape values as a key employment and recreation opportunity. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable actions for the Wyong-Tuggerah area.

The proposal addresses the following Actions identified within the Strategy:

Action 4.18: the land provides an open space, recreation and community resource in close proximity to the Wyong and Tuggerah town centre urban areas and is consistent with the maintenance of the ecological values of the land;

Action 4.22: the proposal will assist in addressing State Plan priority E5 'jobs closer to home';

Action 5.1: the proposal will contribute to economic and employment growth and the principle of 'self-containment' on the Central Coast;

Action 6.18: the proposal will improve the provision of local open space;

Action 6.20: the proposal will address the review and protection of cultural heritage values;

Action 6.21: the proposal will enable tourism facilities to be appropriately managed to minimise impacts on natural resources and the natural environment;

Action 6.22: the proposal will be compatible with heritage conservation objectives;

Action 7.1: the proposal will minimise pressures for increased development density over the land, having regard to the likelihood of flooding affecting the land.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The Community Strategic Plan identifies eight (8) priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows.

1. Communities will be vibrant, caring and connected.

The proposal will enable a wider variety of land-uses, designed to enhance the capacity of the land to support activities which nurture a vibrant community culture. Such activities may include community meetings and functions, organic produce and

craft markets, artist/sculptor exhibits and musical performances, community gardens, wetland education and sustainability centre, picknicking, bird-watching, and so on.

The Proposal represents a unique opportunity to preserve the environmental values of the land and remaining heritage structures, providing a community connection to dairying practices which were widespread in the Wyong district from the 1830s. The opportunity to provide educational tours regarding the history and environmental values of the wetlands on the site will be supplemented by opportunities for passive recreation, picnics, cycling, etc. Facilitating low-scale tourism, community, creative and cultural usage will provide funding sources for the upkeep of the land.

The Planning Proposal is consistent with the Wyong Shire-wide Settlement Strategy and the Central Coast Regional Strategy.

2. There will be ease of travel.

Rail access to the site is available from both the Wyong and Tuggerah Stations. The Tuggerah Station is a short walk from the site. An off-road cycleway network is also available, linking to the local road system. A cycleway for passive recreation is also to be developed within the site.

Vehicle access to the site is currently available via gravel access road from South Tacoma Road, and also a gravel track extends northward from Lake Road in the South. However, the South Tacoma Road access is restricted to passenger vehicles only, due to the available clearance under the bridge over the Wyong River. The development of the Regional Sporting Facility off Lake Road will include the provision of a new sealed access road to the Heritage Precinct from Lake Road, which will include the provision of a small bridge for a minor creek crossing. This road will be suitable for buses for community groups, to enhance the ease of bringing groups to the site for community and education purposes. It will also provide an alternative egress for South Tacoma residents in times of flood.

The development of the land will marginally increase traffic movements on Lake Road and Bryant Drive, however, these are well serviced by the existing roundabout access from the intersection with Wyong Road.

3. Communities will have a range of facilities and services.

The Planning Proposal will enable the development of new educational, cultural and community facilities, active and passive open spaces, together with a new regional sports and recreation facility. It will also result in fuller utilisation of existing facilities, one of Council's goals.

4. Areas of natural value will be enhanced and maintained.

A significant landscape conservation link to the adjacent National park land alongside the Wyong River and Tuggerah Lake will be enhanced as a result of the planning proposal. Restoration and management of this land will be achieved.

5. There will be a sense of community ownership of the natural environment.

The development will result in greater public access to and better enjoyment of this key landscape. In time, this access will generate greater "community ownership and identity" with the land.

6. There will be a strong sustainable business sector.

The Proposal will assist in job creation opportunities, particularly within the tourism, educational and service sectors. The Trust currently accesses grant funding for projects and facilitates employment utilising “Work for the Dole” programs and is seeking to offer apprenticeship opportunities.

7. Information and communication technology will be world’s best.

Not currently relevant to this Proposal.

8. The community will be educated, innovative and creative.

Each of the initiatives for the site, such as those identified under Priority 1 above, will work toward this goal.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policy No 14 – Coastal Wetlands

This SEPP aims to preserve and protect coastal wetlands in the environmental and economic interests of the State. Whilst there are areas of coastal wetland identified by the SEPP within the site, these areas form the environmental feature attractions of the site and are not affected by the Planning Proposal, i.e., they are to remain zoned E2 Environmental Conservation.

State Environmental Planning Policy No 44 – Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of koala habitat in areas in order to maintain the viability of koala populations. The SEPP requires an assessment of the site to determine if it is potential koala habitat. Potential koala habitat is defined as areas of native vegetation where at least 15% of the total number of trees are prescribed koala feed trees. The land is predominantly cleared pastureland with a perimeter of trees along the river and creeks. The land does not contain potential koala habitat.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The proposal has been considered against the relevant Ministerial Section 117 Directions and is considered to be generally consistent with the relevant Directions as summarised in Figure 4 below (a more detailed assessment of the Directions is appended as Attachment 7 to this Planning Proposal).

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	Yes	No
1.2	Rural Zones	No	Yes
1.3	Mining, Petroleum Production and Extractive Industries	No	NA
1.4	Oyster Aquaculture	No	NA
1.5	Rural Lands	No	NA

Figure 4: Section 117 Ministerial Directions Assessment Summary (Continued Over).

Environment & Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	No	NA
3.2	Caravan Parks and Manufactured Home Estates	No	NA
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use & Transport	No	NA
3.5	Development Near Licensed Aerodromes	No	NA
3.6	Shooting Ranges	No	NA
Hazard & Risk			
4.1	Acid Sulfate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	No	NA
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	NA
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	NA
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	NA
5.5 to 5.7	Revoked	No	NA
5.8	Second Sydney Airport: Badgerys Creek	No	NA
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
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	No	NA

Figure 4: Section 117 Ministerial Directions Assessment Summary.

Notably, the proposal is not consistent with *Direction 1.1: Business and Industrial Zones*, as it seeks to rezone an area of 1.92Ha of land currently zoned IN1 – General Industrial to RE1 – Public Recreation. This is to enable environmental protection of this riparian area and the buffer it provides to the adjacent EECs (Endangered Ecological Community), being the River Flat or Swamp Sclerophyll Forest EEC and the Sydney Freshwater Wetlands EEC. The IN1 zoning currently over the land was a direct conversion in the WLEP, 2013, from the 4(a) General Industrial Zone which applied under the Wyong LEP, 1991.

However, the land was always part of the Dairy estate (never owned by the adjoining industrial undertaking), and was never used, or intended to be used, for industrial purposes. The zoning therefore appears as an anomaly from the previous Environmental Planning Instrument. This element of the Planning Proposal (rezoning to RE1) is in recognition that the subject area of land on the western side of the EEC is part of the Dairy estate, and that significant government funding and labour by volunteers in recent years has seen the intensive planting and rehabilitation of this riparian area to the cadastral boundary.

In the context of available land for employment lands in suitable locations in Industrial zones within the Shire, the Wyong LEP, 2013, indicates that there is currently 1,192Ha of IN1 zoned land within the Shire. Further, the *Wyong Employment Lands and Industrial Land Audit (Feb, 2013)* indicates that with a pro-rata demand figure of 7.7Ha per year, the Shire has a vacant zoned industrial land supply of 391Ha - exceeding 50 years demand (Best Practice is considered to be 8-10 years). When considering other strategically identified lands, this vacant zoned industrial land supply potential increases to 164 years, or 1,270.80Ha.

It is therefore considered that the inconsistency created by the rezoning of 1.92Ha of IN1 land for environmental protection, is of minor significance (s.117 Direction 1.1(5)(d)).

Section C – Environmental, Social and Economic Impact

7. *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?*

No. The Planning Proposal will enable the use of existing buildings and the open areas of the site for community, recreation and cultural uses. The land use compatibility or potential for impact on critical habitat or threatened species, populations or ecological communities, or their habitats, would be matters for consideration should any Development Application for other buildings, or uses on the site be proposed in the future. There will be no additional impacts directly created through this Planning Proposal.

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

There will be no additional impacts directly created through this amendment. The land use compatibility or potential for environmental effects would be matters for consideration should any Development Application for other buildings, or uses on the site be proposed in the future.

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

Social

The rezoning proposal will facilitate environmental and heritage conservation, through funds generated by sub-leases for tourism, community, recreation and cultural events on the site.

The land is identified as an item (I103) of Local Heritage significance by Schedule 5 of the WLEP, 2013 (Clause 5.10) – Tuggerah Pioneer Dairy. The proposal, to change the majority of the land to the RE1 Public Recreation Zone (and excepting the sensitive wetlands, which are zoned E2 Environmental Conservation), includes the retention of the identification of the majority of the land on the LEP Heritage Map (Sheet HER_007B). In order to consider and determine whether the rezoning proposal and subsequent development proposals would be

likely to impact the heritage values of the site, a *Heritage Curtilage Assessment* was contracted to CoAssociates Pty Ltd (Refer Attachment 5).

The assessment analysed the significance of the Pioneer Dairy to the history of Wyong and the Region, the condition and heritage significance of the structures on site, and their relationship to the surrounding land. The analysis determined that the area of "Significant Heritage Curtilage" can be defined as the area of the land depicted by the red boundary in Figure 5 below. This assessment has been utilised to define the area for I103 now represented on the WLEP 2013 Heritage Map Sheet HER_007B, (refer Attachment 2).



Figure 5: The area of *Significant Heritage Curtilage* is defined by the red boundary depicted on the aerial photograph, and located within Lot 3 DP 1186260 (see Figure 6 below).

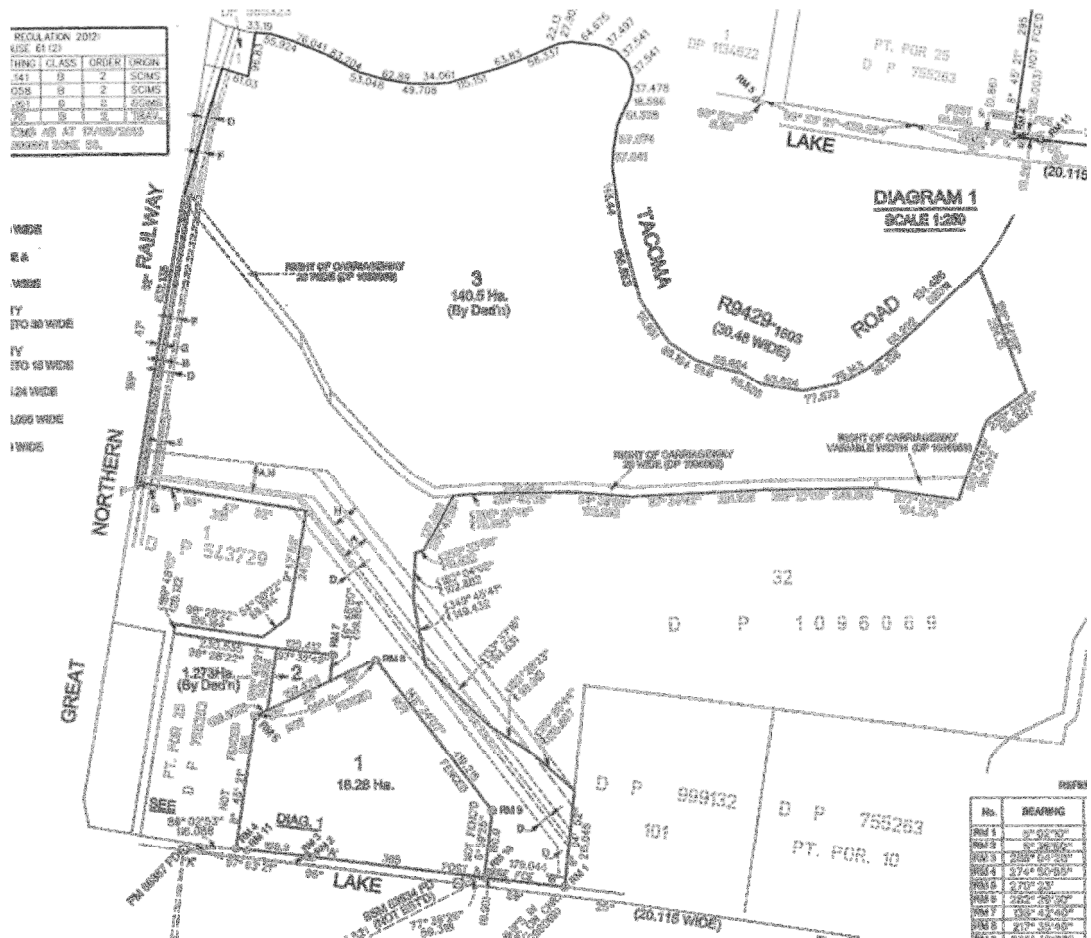


Figure 6: Displays the relationship and separation between Lot 1 DP 1186260, acquired by Council for sporting and recreational facilities, and the area of *Significant Heritage Curtilage*, located to the North of the land, within Lot 3 DP 1186260.

Economic

The rezoning proposal will also facilitate the development of Lot 1, DP 1186260 Lake Road, for a Regional Sporting Facility, comprising 9 international standard sporting fields, grandstand, clubhouse, childrens' playground, criterium cycling track, fitness track and stations, amenities, coach and car parking. This land was acquired by Council from the Crown and was formerly part of Reserve 1003003 for Future Public Requirements (for which no trust was created). Reserve 1003003 is not part of Reserve 1003002 for the purpose of Public Recreation and Coastal Environmental Protection, known as Pioneer Dairy. Lot 1 is located at the southern portion of the land (refer Figure 6), accessed directly from Lake Road.

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. The accessibility of the land for these uses will also be enhanced through the provision of a new entry statement and sealed accessway from Lake Road adjacent to the sporting facility, northward through the site to the Heritage Precinct, as well as formal carparking areas.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The Proposal is expected to be able to address the demand for public recreation services, for which adequate public infrastructure is available and can be augmented through appropriate design of the facilities.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

It is envisaged that, subject to confirmation by the Gateway Determination, the views of the following State and Commonwealth public authorities will be sought in relation to the Planning Proposal:

- Local Land Services – Greater Sydney Region
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Department of Primary Industries – Agriculture (S117 Direction 1.2 Rural Zones)
- Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation)
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Darkinjung Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)
- Guringai Tribal Link Aboriginal Consultative Group (S117 Direction 2.3 Heritage Conservation).

OEH will also be asked to provide comment on S117 Direction 2.1 Environmental Protection Zones

Part 4 Community Consultation

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

Notification of the public exhibition is recommended to be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the site.

The Planning Proposal, Gateway Determination, and supporting studies will be made available on Council's website, and will be available for inspection at Council's Administration Building in Hely Street Wyong.

A public hearing is considered unlikely to be necessary.

Attachments and Supporting Documentation

Document	Attached
1. Wyong Local Environmental Plan, 2013, Land Zoning Map (Sheet LZN_007B)	Yes
2. Wyong Local Environmental Plan, 2013, Heritage Map (Sheet HER_007B)	Yes
3. Wyong Local Environmental Plan, 2013, Lot Amalgamation Map (Sheet LAM_007B)	Yes
4. Wyong Local Environmental Plan, 2013, Lot Size Map (Sheet LSZ_007B)	Yes
5. <i>Significance and Heritage Curtilage Assessment for Future Uses at Tuggerah Pioneer Dairy, CoAssociates Pty. Ltd, May 2014</i>	Yes
6. Council Report and Minutes	Yes
7. Section 117 Ministerial Directions Assessment	Yes