



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

Proposed Amendment to Clause 60B of the Wyong Local Environmental Plan, 1991

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Part 1 Objectives or Intended Outcomes

To amend the definition of “the map”, and the text of Clause 60B, of the Wyong Local Environmental Plan, 1991 (WLEP 91), to enable the development of a Medical Centre on Lot 21 DP 883318, No. 7 Mingara Drive, Tumby Umbi, and to correct land use references to other Lots within that Clause.

Part 2 Explanation of Provisions

The Planning Proposal includes the following elements:

- Insert in appropriate order in the definition of **the map** in clause 7 (1):

“Wyong Local Environmental Plan 1991 (Amendment No XXX)”;
- **the map** (Amendment No XXX) is to show Lot 21, DP 863731, only, as zone B1 Neighbourhood Centre (Refer Attachment 2);
- remove the reference within Clause 60B to Lot 2, DP 863731 (this land now comprises Lot 21, DP 863731);
- The remaining lands affected by Clause 60B retain their 7(a) Conservation Zoning and are edged heavy Black on **the map**; and
- Clause 60B is amended to include the amended and additional words as shown in **bold** below:

“60B Development of certain land—Mingara Drive, Tumby Umbi

(1) This clause applies to the land, being lot **20, DP 883318 and lots 4, 7, and 8, DP 863731, and lots 100, 101 and 102, DP 1001482**, Mingara Drive, Tumby Umbi, as shown edged heavy black on the map marked “Wyong Local Environmental Plan 1991 (Amendment No **XXX**)”.

(2) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on:

(a) Lots 4, 7, and 8, DP 863731 and Lots 101 and 102, DP 1001482 – for the purpose of a service station, a car wash facility and restaurants, and

(b) Lot 20, DP 863731 – for the purpose of a car service centre, and

(c) Lot 100, DP 1001482 – for the purpose of a drive-thru video outlet and restaurant,

if the development is, in the opinion of the Council, appropriately integrated with development for which consent has been granted in accordance with clause 60A.”

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 Planning Proposal is as a result of an identified demand for medical services in the locality and the identification of a suitable prospective operator. Further, the ongoing failure to attract any development permissible under the current provisions (since the land was rezoned to permit a car service centre in 1994), means that the land is serviced, yet still vacant.

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

The simplest method of permitting a medical centre with an ancillary Pharmacy on the land is considered to be an amendment to remove Lot 21 from Clause 60B of the WLEP 91, and the rezoning of Lot 21 to B1 Neighbourhood Centre.

3. *Is there a net community benefit?*

The proposal has been considered against the evaluation criteria for the net community benefit test as detailed within the Draft Centres Policy. This evaluation is further detailed below. The following table provides a summary:

Evaluation Criterion	Consistency of the Proposal
Will the proposal be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The proposal is not inconsistent with the Central Coast Regional Strategy, as it will generate approximately 25 local jobs, provide services to support local residents, patrons of the adjacent Club, and patrons of the adjacent recreation facilities. Further, the land is located adjacent to Wyong Road (a Classified Road) which is well serviced by Bus transport. Also, it does not rezone rural or resource lands for rural residential uses.
Is the proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The proposal is not located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy.
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?	The proposal will enable development compatible with the locality. All other lots are developed. The zoning strategy will be reinforced through Council's SI LEP.
Evaluation Criterion	Consistency of the Proposal
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other spot rezoning proposals in the locality. The Proposal is to support an employment generating development.

Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will generate approximately 25 local jobs, and provide services to support local residents, patrons of the adjacent Club, and patrons of the adjacent recreation facilities.
Will the proposal impact upon the supply of residential land and therefore housing supply and affordability?	No.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?	Generally. This is a matter for due consideration during the Development Assessment process for the medical centre. Referral to RMS will be required. Preliminary analysis indicates that capacity to service the site is available, subject to any road/intersection upgrading requirements.
Is there good pedestrian and cycling access?	Yes. Pedestrian/cycle facilities on Wyong Road, Mingara Drive and through the adjacent Mingara Club site and Glengara Retirement Village.
Is public transport currently available or is there infrastructure capacity to support future public transport?	Frequent Bus services are available on Wyong Road, along Mingara Drive and Hansons Road to the school, and within the residential locality.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The amendment may create some increase in traffic to the site, although local residents may use the existing pedestrian/cycleway connections. The amendment is unlikely to have any significant impacts in terms of greenhouse gas emissions, operating costs and road safety. Road safety will be an important consideration in the assessment of the future Development Application.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The amendment will enable the fuller use of existing infrastructure assets.
Evaluation Criterion	Consistency of the Proposal
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The land is not constrained by environmental factors such as flooding. These are matters for due consideration during the Development Assessment process for the medical centre.
Will the proposal be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public	Yes. Compatibility is a matter for due consideration during the Development Assessment process. There will be no significant impact on amenity in the location

domain improve?	or wider community.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will increase choice and competition by increasing the number of commercial premises operating in the area.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No, uses are constrained by Clause 60B.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The public interest reasons for the draft plan are to generate approximately 25 local jobs, and provide services to support local residents, patrons of the adjacent Club, and patrons of the adjacent recreation facilities. Not proceeding at this time would mean that the prospective developer will abandon the proposal.

Section B – Relationship to strategic planning framework

4. *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 issues to be addressed by this LEP amendment relate to employment generation and the containment of employment opportunities on the Central Coast, as encouraged by the Actions within Chapter 5 of the Central Coast Regional Strategy. The amendment seeks to enable the development of a medical centre with ancillary Pharmacy on serviced land which has remained vacant for nearly 20 years (see below).

CCRS: Chapter 5 Economy and Employment:

5.1: Promote economic and employment growth in the Region to increase the level of employment, self containment and achieve capacity for more than 45000 new jobs on the Central Coast over the next 25 years.

The proposal is entirely consistent with this Action.

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

The Community Strategic Plan identifies 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 proposed amendment affects lands adjacent to a regionally significant sporting, recreation and cultural facility. Opportunities exist for adjacent residents and the general population to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups.

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.

Frequent Bus services are available on Wyong Road, along Mingara Drive and Hansons Road. Wyong Road provides access to services and rail transport at Tuggerah and Wyong, with services likely to improve as population expands over the

life of the Strategy. Local residents may use the existing pedestrian/cycleway connections.

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

The proposed development will provide services for residents who will utilise and contribute to cultural and community facilities, open space, sports and recreation facilities. Council is currently seeking to increase utilisation of many of its existing facilities.

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

Not relevant to this Proposal.

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

Not relevant to this Proposal.

6. There will be a strong sustainable business sector.

This Proposal supports this priority objective.

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

Not relevant to this Proposal.

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

Not relevant to this Proposal.

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

The proposal has been assessed having regard for State Environmental Planning Policies. The following policy has been determined to be applicable to this planning proposal:

- State Environmental State Environmental Planning Policy No. 55 – Remediation of Land.

Current and past land uses have been unlikely to result in any contamination on the subject land. There are no notations on the property identifying any land uses which would cause contaminated land. Whilst the proposal does not indicate the presence of Contaminated Land, it would be considered necessary for a preliminary Contaminated Land Study to be undertaken on the subject site to satisfy the requirements of SEPP 55 Remediation of Land prior to the proposal being progressed.

To meet the objectives outlined under SEPP 55 the proponent will be required to undertake a Level 1 Contaminated Land Assessment to determine the existence of any contaminating material that has or may be present on the subject property. A satisfactory assessment is to be provided prior to any public exhibition following referral for Gateway Determination.

7. *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 consistent with the relevant Directions as summarised below. The detailed assessment against the Directions is included as Attachment 3.

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	Y	Y
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N	N/A

Number	Direction	Applicable	Consistent
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	N	N/A
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	N	N/A
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	N	N/A
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N	N/A
5.6	Second Sydney Airport: Badgerys Creek	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	N	N/A
Metropolitan Planning			
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N	N/A

Section C – Environmental, Social and Economic Impact

8. *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?*

The Clause amendment will enable the development of a cleared and level, vacant parcel of land. It is highly unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. There will be no additional impacts directly created through this Clause amendment.

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

The potential for any likely environmental effects in relation to the medical centre proposal will be examined in detail in accordance with s.79C of the EP&A Act when determining the relevant development application. The land has always been identified and zoned for development, however a suitable proposal has not been able to be established. There will be no additional impacts directly created through this Clause amendment.

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

Social

The proposed development will provide services for residents who will utilise and contribute to cultural and community facilities, open space, sports and recreation facilities. Council is currently seeking to increase utilisation of many of its existing facilities.

Economic

This proposed amendment will enable Council to grant development consent to an employment generating proposal.

Section D – State and Commonwealth Interests

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

Access to the site is via an existing constructed driveway through adjacent developments onto Mingara Drive. Mingara Drive intersects with Wyong Road nearby (within 90 metres) and accordingly referral to RMS will be required. Preliminary analysis indicates that capacity to service the site is available, subject to any road/intersection upgrading requirements. Compatibility with the land and the availability of public infrastructure are matters for due consideration during the Development Assessment process for the medical centre.

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

[to be completed after Gateway Determination]

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 on Council's website, and a link attached to Council's new ePanel "consultation hub" initiative.

Briefings of the local Precinct Committee is also proposed during the exhibition period.

The Planning Proposal, Gateway Determination, and any supporting materials will be made available on Council's website, 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 1991, Clause 60(B) – Amended	Yes
2. Wyong Local Environmental Plan 1991 (Amendment No XXX)	Yes
3. Section 117 Ministerial Directions Assessment	Yes
4. Council Report and Minutes	Yes