



Rezone land at Pacific Highway and Johnson Road Tuggerah from 4(b) Light Industrial to 3(b) Centre Support

Proposal Title :	Rezone land at Pacific Highway and Johnson Road Tuggerah from 4(b) Light Industrial to 3(b) Centre Support		
Proposal Summary :	The PP proposes rezoning approximately 1.2 ha from 4(b) Light Industrial to 3(b) Centre Support to potentially facilitate the development of an Officeworks store. The PP represents a minor reshaping of the zone boundaries between the light industrial and centre support zones, supports employment, complements rather than competes with adjoining centres, and is consistent with regional and local strategies and the Wyong dLEP currently being exhibited.		
PP Number :	PP_2013_WYONG_001_00	Dop File No :	13/01200

Proposal Details

Date Planning Proposal Received :	08-Jan-2013	LGA covered :	Wyong
Region :	Hunter	RPA :	Wyong Shire Council
State Electorate :	WYONG	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Pacific Highway and Johnson Road		
Suburb :	Tuggerah	City :	Postcode : 2259
Land Parcel :	Part Lot 1 DP 1135878, Part Lot 32 DP 1095027		

DoP Planning Officer Contact Details

Contact Name :	G Hopkins
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RPA Contact Details

Contact Name :	Scott Duncan
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
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 :	2	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	50

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
 If Yes, comment :

Supporting notes

Internal Supporting Notes :

Subject site:

Lot 1 DP 1135878 and Lot 32 DP 1095027 adjoin the Pacific Highway on 'Tuggerah Straight' between Wyong and Tuggerah (see locality map). Both lots are currently split zoned 3(b) Centre Support (fronting the Highway) and 4(b) Light Industrial (the western/rear portion) under the Wyong LEP 1991. This zoning split generally applies along Tuggerah Straight (see existing zoning map).

The new Wyong dLEP (draft on exhibition from 9/1/2013 until 20/2/2013) proposes to rezone all of Lot 1 DP 1135878 and Lot 32 DP 1095027 to B6 Enterprise Corridor (see draft Wyong LEP map).

The lots contain some hardstand but no details of previous development is provided. The surrounding lots zoned 3(b) and 4(b) are developed.

This PP brings forward the effect of the Wyong dLEP by rezoning the western/rear portion of each lot to 3(b). Council views the progression of the PP independent of the Wyong dLEP as a means of allowing the redevelopment proposal to proceed even if Wyong dLEP is delayed.

Area/Gross Floor Area:

Total area of two lots = 1.75 ha. Area being rezoned not provided, but estimated at 1.2 ha. Gross Floor Area not provided. No height or FSR controls are proposed under the 3(b) zoning or future B6 zoning.

Delegations:

Council has not specifically requested delegation but refers to making the plan under delegation in the Project Timeline. Once Council accepts delegations, it is recommended

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that Council be authorised to exercise delegation to finalise this PP.

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 not wholly consistent with the Department's 'A guide to preparing planning proposals' as it names the zone that the land will be rezoned to. The statement also refers to a service station being made permissible by the proposed rezoning but this use would already be permitted.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions refers to a map at Attachment "4" of the PP titled Proposed Zoning Amendment. This map is incorrect – it shows current zone boundaries rather than new zone boundaries proposed under this PP. This will need to be corrected before agency consultation and exhibition.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.2 Coastal Protection

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

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

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

While Council considers there are no inconsistencies, there is no information provided on how Council has reached this conclusion (further discussion below).

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The PP needs to be amended to include a map of proposed new zones. Other maps such as a locality map and a map of proposed zones under the Wyong dLEP would improve the PP but are not necessary.**

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 14 day community consultation is proposed.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **A project timeline has been provided. The timeline indicates should the PP receive a Gateway Determination in February 2013, the PP would be made, under delegation, in September 2013.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The PP is adequate provided identified errors are corrected.**

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP : **Council's dLEP is on public exhibition. The land the subject of this PP is proposed to be zoned B6 in the dLEP.**

The dLEP is scheduled to be resubmitted to the Department by end of March 2013 with finalisation planned for mid-2013.

Should the dLEP be made before this PP is finalised, the PP becomes redundant and should be discontinued. The PP should be amended to explain this possible outcome.

If the PP is finalised first, then Council intends that the 3(b) zone would be 'converted' into a B6 zone once the dLEP is made. As there is not a 1:1 relationship between the current 3(b) and proposed B6 land use tables, and the definitions each refers to, Council should consider whether this creates any unintended consequences (for example, uses that become permissible when the zone becomes 3(b) but are again prohibited once the zone becomes B6). If so, further consideration might be required at drafting stage and this could include progressing straight to the B6 zone in the Wyong LEP 1991 (precedent exists for this as SI provisions have been included in Wyong LEP 1991 for sites at Warnervale and Gwandalan).

Assessment Criteria

Need for planning proposal : **The PP responds to a request from the landowner and Council's concerns to provide a safeguard should the Wyong dLEP be delayed.**

At this stage, both the Council and the Department aim to have the Wyong dLEP finalised by mid-2013. While this timetable will make the PP redundant, Council's wish to commence this PP is supported.

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Consistency with strategic planning framework :

Tuggerah-Wyong is a Major Centre in the Central Coast Regional Strategy (CCRS). While the CCRS contains no specific content concerning this land within Tuggerah Straight, the proposed PP is consistent with the CCRS's aims for increased employment opportunities in Tuggerah-Wyong.

Wyong Shire Council used Planning Reform Funding to prepare the Wyong/Tuggerah Planning Strategy (WTPS). The WTPS proposes Tuggerah and Tuggerah Straight as the Shire's central focus for light industrial development, centre support and bulky goods activities. Some minor amendments to zoning on Tuggerah Straight, including rezoning the subject site to 3(b) Centre Support, are proposed in the WTPS. Other land in the vicinity of this site that is proposed to be rezoned to 3(b) in the WTPS and is rezoned to B6 in the draft LEP, has not been included in this PP. The PP could have included this land as well however there is no compelling reason why this needs to occur now.

A proposed State Significant Site is being considered further to the south (Tuggerah Town Centre). Although the site of this PP lies outside the area of the proposed SSS, the PP has been referred to the Department's Centres and Renewal Team for information.

The PP represents a minor loss of industrially zoned land as light industries are currently permitted and would be prohibited in the 3(b) zone. However this loss is only temporary as light industries will be permitted under the B6 zone.

The PP represents a strengthening of the centres support precinct on Tuggerah Straight.

The PP states it is consistent with Council's Community Strategic Plan.

SEPPs (by exception)

The PP states a Phase 1 Contaminated Lands Investigation under SEPP 55 may be required.

117 directions (by exception)

The PP includes a list showing the application of, and consistency with, 117 directions. Besides this list, no documentation of Council's assessment of 117 directions is provided.

1.1 Business and Industrial zones

The PP is inconsistent with this direction as it does not retain the area of existing business and industrial zones. This inconsistency is of minor significance.

4.3 Flood Prone Land

The flood standard adopted for the Tuggerah Straight Industrial Area is the 2% AEP flood (Council's Lower Wyong River Floodplain Risk Management Study page 16) and the site is understood to be wholly below this flood level.

Information included in the PP on flooding, and how the 117 direction is satisfied, is limited. Although it is acknowledged the area has previously been developed, Council needs to confirm that it has considered the points under 'What a relevant planning authority must do if this direction applies' and, if necessary, satisfy the Director-General as set out in the 117 direction. The PP should be updated as necessary.

The information on flooding included in the PP should be assessed for relevance and accuracy. For example, the usefulness of the table at 4.3.2 for the PP is questioned and the same table contains an error in the heading (should be AEP % not AEP 1%).

6.1 Approval and referral requirements

It is unclear why Council considers this 117 direction applies to this PP.

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Other 117 directions not identified by Council:

1.3 Mining, Petroleum Production and Extractive Industries

The PP is inconsistent with this direction as it would have the effect of prohibiting the uses covered by this 117 direction. Currently these uses are innominate permitted uses but would be prohibited under the 3(b) zone. This inconsistency is of minor significance. Once the Wyong dLEP is finalised and the land is rezoned B6, light industry would be permitted and these uses would be permissible under the Mining SEPP.

Environmental social economic impacts :

The area is flood affected and Council states the flood standard applying to the area is the 2% AEP flood. Further information on flooding should be provided as discussed under 117 directions.

The site adjoins the Pacific Highway and should be referred to the RMS.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Transport for NSW - Roads and Maritime Services		

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 :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Part 3A

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Provided to Centres and Urban Renewal team for information.**

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 2.2 Coastal Protection
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements

Additional Information : **The following conditions are recommended in order to progress the PP:**

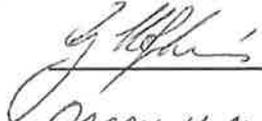
- **Consider updating Statement of Objectives to remove inaccuracy concerning permissibility of service stations.**
- **The map at Attachment 1 of the PP needs to be amended (current version shows current zones and zone boundaries rather than zone boundary amendments proposed by this PP.)**
- **Other maps such as a locality map and a map of proposed zones under the Wyong dLEP would improve the PP but are not necessary.**
- **The PP should be amended to state that it becomes redundant and will be discontinued by Council once the Wyong dLEP is finalised, should that occur first.**
- **Council should consider whether there are any unintended consequences of zoning the land to 3(b) for a short time and then B6 given that there is not a 1:1 relationship between the permissibility in these two zones.**
- **Council to undertake SEPP 55 assessment, if required.**
- **DG to agree inconsistency with directions 1.1 and 1.3 is minor.**
- **Council to confirm that 117 direction on flooding has been considered and, if necessary, satisfy the Director-General as set out in the 117 direction. The PP should be updated as necessary.**
- **Flooding information in the PP should be assessed for relevance and accuracy. For example, the usefulness of the table at 4.3.2 for the PP is questioned and the same table contains an error in the heading (should be AEP % not AEP 1%).**
- **Consult with RMS**
- **14 day community consultation**
- **9 month completion date**
- **When possible, a Written Authorisation to Exercise Delegation should be issued to Council for this PP.**

Supporting Reasons : *

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REVIEWED BY: B. Holmes 18/1

Signature:



Printed Name:

GARRY HOPKINS

Date:

17.1.2013