

**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**

**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%).**

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- 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 : \*

**Panel Recommendation**

Recommendation Date : **24-Jan-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

**The Planning Proposal should proceed subject to the following conditions:**

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise that the proposal will not proceed, should the draft Wyong LEP 2012 be finalised before this LEP amendment is made. The 'objectives or intended outcomes' with the planning proposal is to be amended to correct the inaccuracy concerning the permissibility of service stations. It is noted that services stations are permitted in the 4(b) zone.
2. Prior to undertaking public exhibition, Council is to amend 'attachment 1' within the planning proposal to include a proposed land zoning map. Currently the map at 'attachment 1' shows the existing zoning that applies to the land. Council is to include a locality map and a map of the proposed zoning of the site under draft Wyong LEP 2012.
3. Prior to undertaking public exhibition, Council is to amend the planning proposal to demonstrate consistency or justify any inconsistencies with relevant S117 Directions, including providing further information regarding flooding to satisfy S117 Direction 4.3 Flood Prone Land. Council should clarify the reason that S117 Direction 6.1 Site Specific Provisions applies to the planning proposal. This should be done prior to undertaking public exhibition.
4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning. This report is to be included as part of the public exhibition material.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012) and must be made publicly available for 14 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: \_\_\_\_\_



Printed Name: \_\_\_\_\_

Neil McGaffin

Date: \_\_\_\_\_

31.1.13