

PLANNING PROPOSAL

(Produced by Council)

1 Introduction

1.1 BACKGROUND

This Planning Proposal (PP) applies to a limited land holding on Tuggerah Straight known as Lot 1 DP 1135878 and Lot 32 DP 1095027, No. 186 Pacific Highway and No. 2A Johnson Road, Tuggerah, and depicted in Figure 1 below.



Figure 1: Site/Locality Plan

The aspirations surrounding the subject land were recently formalised as a Rezoning Request in accordance with Council's Rezoning Requests Strategy (2011) and in response to Council's Tuggerah Straights Strategy.

The substantive material in this PP has been derived from a Planning Proposal submission prepared under the instruction of Bill Hunter Motors Pty. Ltd. by Trehy Ingold Neate. Such material in being represented in this PP importantly includes Council's objective assessment.

This PP describes the subject land and outlines the rezoning proposal in accordance with the former Department of Planning and Infrastructures "Guide to Preparing Planning Proposals".

1.2 THE SITE

The properties subject to this application are known as Lot 1 in DP 1135878 and Lot 32 DP 1095027, No. 186 Pacific Highway and 2A Johnson Road, Tuggerah, as described above. Lot 1 has an approximate area of 1.48 hectares and is an L-shape allotment; whilst Lot 32 is rectangular with an area of approximately 2697 m².

The site is typically flat, with a slight easterly slope and is generally void of vegetation. It currently accommodates a large shed and gravel hardstand areas and a partially constructed drive through restaurant development.

The site is currently zoned 3(b) – *Centre Support Zone* and 4(b) *Light Industrial Zone* under the provisions of Wyong Local Environmental Plan (WLEP) 1991. A copy of Council's zoning extract with the subject allotments is shown below as Figure 2.

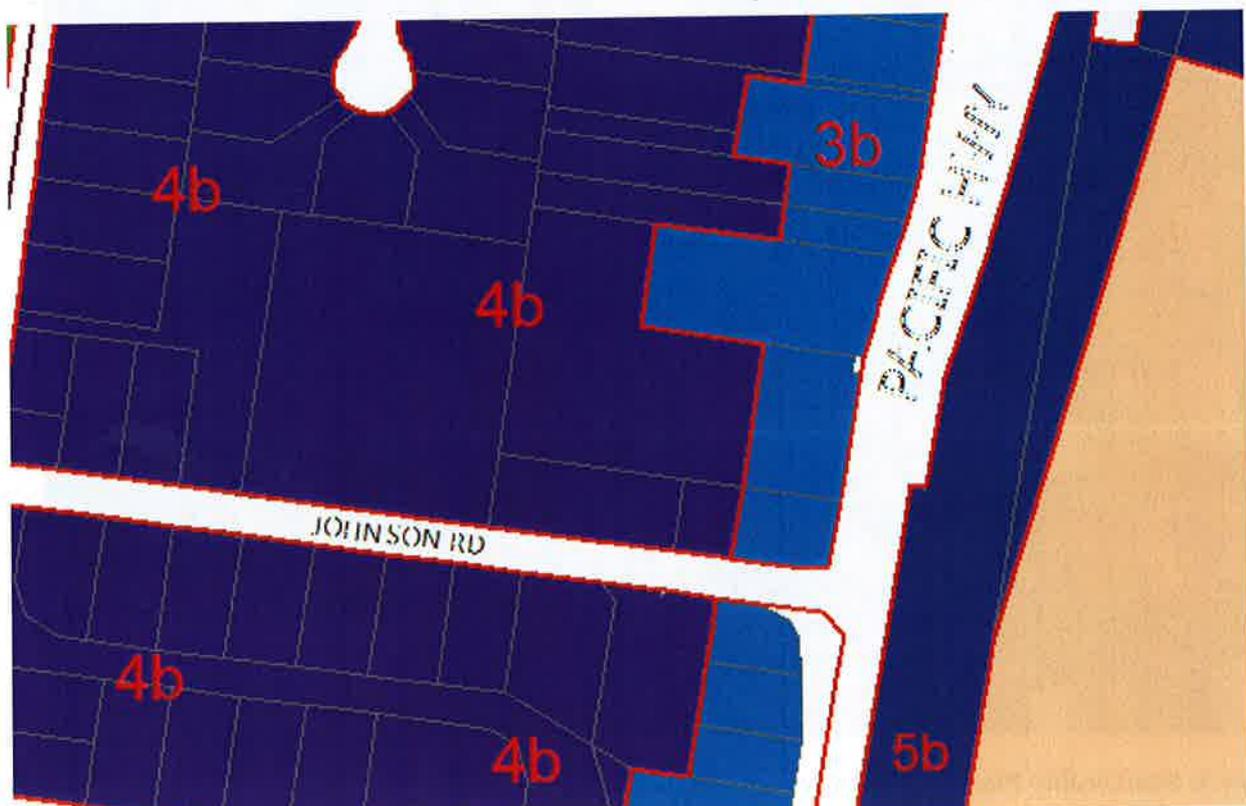


Figure 2: Site - Current Zones

1.3 LOCAL CONTEXT AND SURROUNDING DEVELOPMENT

The subject site is located proximate to the corner of Johnson Road and the Pacific Highway. It is located in a precinct which is generally transitioning from light industrial and storage/depot, display activities into a service industry, bulky good, commercial support precinct. (Refer to Figure 1).

2 Objectives or Intended Outcomes

The PP seeks to rezone that part of the subject land currently zoned 4(b) Light Industrial to 3(b) Centre Support, under Wyong Local Environmental Plan, 1991 (refer to Figure 3 below), and to permit the range of uses attached to such zone and in particular potentially provide for an "Officeworks" store and service station.

In doing so it seeks to strengthen Wyong's commercial support precinct and employment capacity, and reduce potential "escape" expenditure.

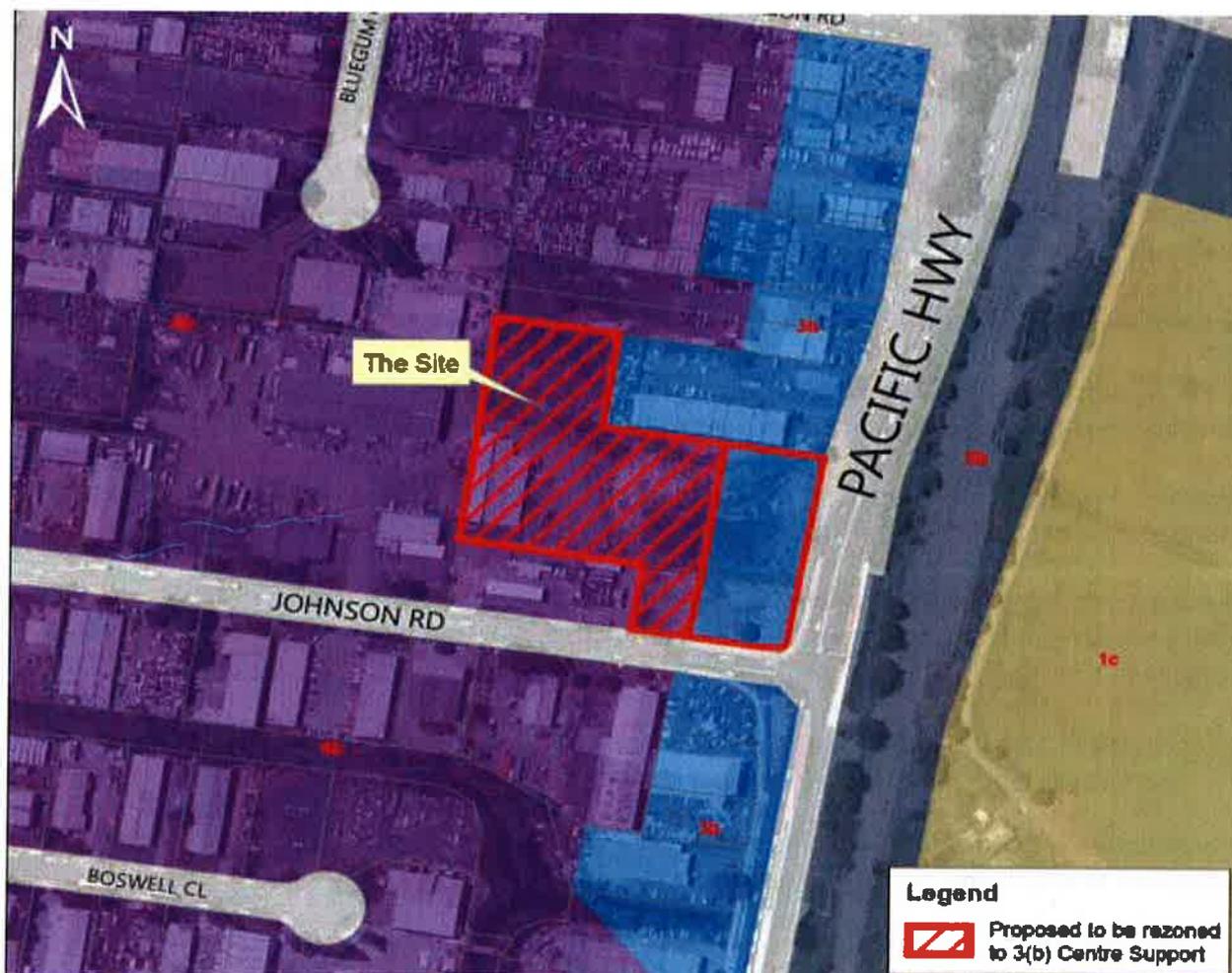


Figure 3: Area proposed to be rezoned 3(b) Centre Support

3 Explanation of Provisions

It is proposed to amend Wyong Local Environmental Plan, 1991 (WLEP, 1991) in accordance with the zoning map shown at Attachment "1". The land will accordingly be subject to all relevant prevailing provisions in WLEP, 1991.

The subject zoning will ultimately be translated to an "equivalent" zoning upon gazettal of the Draft Wyong Local Environmental Plan, 2012 (Council's composite Draft LEP); namely, B(6) Business Enterprise.

4 Justification

4.1 NEED FOR THE PLANNING PROPOSAL

4.1.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

The PP is identified in the Wyong Tuggerah Planning Strategy (WTPS), along with other properties on Tuggerah Straight (refer to Attachment "2" for an extract of the WTPS), as being suitable for rezoning to 3(b) Centre Support Zone under WLEP, 1991.

The rezoning is proceeding independently of Draft Wyong LEP, 2012 in order to secure a prominent national profile store to the Tuggerah area and not potentially forego such opportunity in the event of an extended passage for gazettal of Draft Wyong LEP, 2012.

The Central Coast Regional Strategy (2008)

The PP is considered to be consistent with the overall intent of the Strategy and does not undermine the achievement of its vision, landuse strategy, policies, outcomes or actions.

Tuggerah – Wyong is identified as a major centre with a focus on employment generation and the largest commercial/retail centre in Wyong Shire.

It also supports, by potentially providing 50 jobs toward the vision of creating 45,000 jobs in the Region over the established 25 year time horizon, with 5,500 jobs specifically in the Tuggerah – Wyong area.

4.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES OR IS THERE A BETTER WAY?

In considering the rezoning objectives, there are a number of options available. These are summarised briefly below:

Option 1

Progression of the Planning Proposal, as proposed, is considered to present a sound, risk adverse strategy, for minimising the potential loss of a candidate high profile retailer.

It is importantly consistent with the prevailing planning framework.

Option 2

Progression of the rezoning proposal as part of the Draft Wyong Comprehensive LEP 2012, potentially exposes the loss of the high profile retailer, if gazettal is delayed.

In such context Option 1 represents the preferred course of action.

4.1.3 IS THERE A NET COMMUNITY BENEFIT?

Yes. The PP provides community benefit through employment opportunities generated from the development of the site and the future employment of local people by a future tenant of part of the site. The proposed national tenant by employing upward of 40 people (and the service station and related activities comprising the balance of up to 50 jobs) will produce a significant net community benefit, particularly when allied to the ability for the community to access the proposed services locally. In addition, establishing a significant, Australian owned company in a prominent Tuggerah Straight site is likely to promote a sense of confidence for local businesses while also improving the character of the area by way of site embellishment.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?

The proposal, as cited previously, is considered to be consistent with the overall intent of the Strategy and does not undermine the achievement of its vision, landuse strategy, policies, outcomes or actions.

Tuggerah – Wyong is identified as a major centre with a focus on employment generation and the largest commercial/retail centre in Wyong Shire.

It also supports, by potentially providing 50 jobs toward the vision of creating 45,000 jobs in the Region over the established 25 year time horizon, with 5,500 jobs specifically in the Tuggerah – Wyong area.

4.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH COUNCIL'S COMMUNITY STRATEGIC PLAN OR OTHER LOCAL STRATEGIC PLAN?

The proposal is consistent with relevant parts of the Community Strategic Plan and in particular the relevant objectives in respect of:

- Local travel
- A sustainable business sector
- Accessible community facilities and services

4.2.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)?

State Environmental Planning Policy No.71 – Coastal Protection

The Coastal Protection SEPP, namely SEPP 71 applies by virtue of its application to the Wyong Shire in its entirety. The subject land is not, however, in a sensitive coastal location.

State Environmental Planning Policy No.55 Remediation of Land

The Remediation of lands SEPP; namely SEPP No.55 establishes procedures for the remediation of land to a standard suitable for the end land use, if contaminated. The unknown extended history of the subject land may necessitate at least a Phase 1 Contaminated Lands Investigation.

4.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S. 117 DIRECTIONS)?

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones	Yes	Yes
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
Environment and Heritage			
2.1	Environment Protection Zones	No	N/A
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	No	N/A
2.4	Recreation Vehicle Areas	No	N/A
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	No	N/A
3.2	Caravan Parks and Manufactured Home Estates	No	N/A
3.3	Home Occupations	No	N/A
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	N/A
Hazard and Risk			
4.1	Acid Sulphate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	No	N/A
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked)	No	N/A
5.6	Sydney to Canberra Corridor (Revoked)	No	N/A
5.7	Central Coast (Revoked)	No	N/A
5.8	Second Sydney Airport: Badgerys Creek	No	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	No	N/A
6.3	Site Specific Provisions	No	N/A
Metropolitan Planning			
7.1	Implementation of the Metropolitan Plan, 2036	No	N/A

The PP is consistent with encouraging employment growth in suitable locations (as identified by Council in the WTPS) and it supports the viability of identified strategic centres; namely the Tuggerah/Wyong Centre. The rezoning from a current industrial to a proposed commercial zone merely changes the employment generating focus. Further, it potentially increases the employment generating capacity with such change in focus.

The subject area is near the Wyong River and associated floodplain catchments. The precinct is, however, subject to a controlled filling program. In this regard, final fill levels of the land will need to be consistent with adjoining land, and as such the prevailing precinct flood planning level of the 2% AEP flood level.

Development in such context will need to comply with the relevant principles of the NSW Government's Flood Plain Development Manual.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

4.3.1 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, due to the clear/disturbed nature of the site, it is unlikely that any critical habitat or threatened species, populations disturbed or ecological communities or their habitats will be adversely affected as a result of the PP.

4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

No, the site does not comprise bushfire prone land. The site is not within a Mine Subsidence district.

There is no knowledge of any landslip issues affecting the site, particularly given its topographically flat nature.

As discussed previously, the site is located near the Wyong River and has been identified in the Wyong/Tuggerah Study area as a site affected by flooding. The Tuggerah Straight Industrial Area is susceptible to flooding from the Wyong River to the north or from Mardi Creek to the south, or from both sources. The estimated design flood level probability distributions for various sites within the industrial area are presented in the following table.

Design Flood Levels (m AHD), Tuggerah Straight Industrial Area

AEP (1%)	Wyong River Upstream Pacific Highway	Mardi Creek Upstream Pacific Highway	Joule Place	
			Wyong River	Mardi Creek
20	3.8	4.7	3.25	4.5
5	4.6	4.9	4.5	4.7

2	5.0	5.0	4.8	4.8
1	5.35	5.1	5.0	4.9
PMP	7.6	6.7	6.7	6.7

The data presented in the above table indicates that Mardi Creek poses a greater flooding risk to the Tuggerah Straight Industrial Area than does the Wyong River for floods smaller than the 2% AEP event (source: Wyong Shire Council Lower Wyong River Floodplain Risk Management Study Final Report – July 2010). The Designated Flood for the site is the 2% AEP flood level and any future development of the site will adhere to this level and compliance with the Flood Plain Development Manual.

4.3.3 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The PP will facilitate realisation of the WTPS and the local employment benefits previously highlighted (up to 50 jobs). Additionally, it will provide additional goods/services, when developed, to the local community and assist in reducing potential “escape expenditure”.

Some existing local providers of some potential goods and services will be impacted by additional competition and may need to adjust their operations, with consequential impacts.

The proposed development importantly has an estimated capital investment value of \$3.0 million.

The site will importantly contribute to the positive redevelopment vision of the precinct.

4.4 STATE AND COMMONWEALTH INTERESTS

4.4.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

Public infrastructure is in place and unlikely to require uneconomic augmentation.

4.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE “GATEWAY” DETERMINATION?

The subject views will emerge following consultation with the State and Public Authorities identified in the “Gateway” determination and will be addressed accordingly in the advancement of the PP.

5 Mapping

The relevant map forms Attachment “1” to this PP.

It is noted that the proposed zoning will translate to a B(6) zone under draft Wyong LEP, 2012.

6 Community Consultation

The PP is considered to be of a “low impact” nature. It is accordingly recommended that the PP be publicly exhibited for a period of 14 days.

It is intended that a notice of the public exhibition of the PP will be provided in the Central Coast Express Advocate. Additionally, written notification will be provided to all potentially directly affected landowners and landowners directly adjacent to the site.

The PP, “Gateway” determination and relevant studies will be made available on Council’s website, at Council’s Administration Building in Hely Street, Wyong, and also at relevant local libraries and Customer Service Centres.

It is not considered that a Public Hearing will be required for this PP unless specifically requested by a submission based on an issue of particular significance and considered to be justified by Council.

7 Project Timeline

The following indicative timeline is provided:

ACTION	DATE
Anticipated commencement date (date of Gateway determination)	February, 2013
Anticipated timeframe for the completion of required technical information	1 month
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	2 months
Commencement and completion dates for public exhibition period	June, 2013
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	1 month
Timeframe for the consideration of a proposal post exhibition	2 months (inclusive of preceding 1 month)
Date of submission to the department to finalise the LEP	September, 2013
Anticipated date RPA will make the plan (if delegated)	September, 2013
Anticipated date RPA will forward to the department for notification	October, 2013

Attachment "1"

PROPOSED ZONING AMENDMENT



Attachment "2"

**EXTRACT FROM WYONG TUGGERAH PLANNING
STRATEGY**

