

#### **4.1 RZ/9/2012 Rezoning to Permit Officeworks at Tuggerah**

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TRIM REFERENCE: RZ/9/2012 - D03163111

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##### **SUMMARY**

Council is in receipt of a Planning Proposal (rezoning application) which seeks to rezone the residue of the subject site 3(b) Centre Support, by amending to Wyong Local Environmental Plan (WLEP 1991).

The land is contiguous with other land similarly zoned 3(b) along Tuggerah Straight and the rezoning proposal is consistent with actions outlined in the Wyong/Tuggerah Planning Strategy. The rezoning will facilitate development of an "Officeworks" business worth \$3 million, proposed to generate 50 jobs.

A review of the Planning Proposal has established that it has merit and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Infrastructure (DoPI) for a "Gateway" determination.

|                      |                                                                                              |
|----------------------|----------------------------------------------------------------------------------------------|
| Applicant:           | Bill Hunter Motors Pty Ltd (Agent – Trehy Ingold Neate)                                      |
| Owner:               | Bill Hunter Motors Pty Ltd                                                                   |
| Description of Land: | Lot 1 DP1135878 (No.186) Pacific Highway and Lot 32 DP1095027 (No.24) Johnson Road, Tuggerah |
| Site Area:           | Approximately 1.76 ha                                                                        |
| Existing Use:        | Shed, gravel hard stand and partially constructed drive through restaurant complex.          |

##### **RECOMMENDATION**

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979 based on the Applicant's Planning Proposal Submission.***
- 2 That Council, upon compilation, forward the Planning Proposal to the Department of Infrastructure and Planning accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the Environmental Planning and Assessment Act, 1979.***
- 3 That Council undertake community consultation and consultation with relevant Government Agencies, in accordance with details attached to the "Gateway Determination".***
- 4 That Council request the Department of Planning and Infrastructure to prepare a relevant Local Environmental Plan amendment and that the minister be requested to make the Plan, subject to there being no significant objections, that cannot be resolved by making minor amendments to the Planning Proposal.***

## **BACKGROUND/CURRENT STATUS**

The subject site comprises generally disturbed land with a large shed and gravel hard stand areas. A partially constructed drive through take away restaurant and five attached restaurant premises are under construction on that component of the site generally focussed on the corner of Johnson Road and the Pacific Highway. (See Attachment 1)

The Wyong Tuggerah Planning Strategy (TWTPS) identifies the subject land (along with other properties) on Tuggerah Straight as being suitable for rezoning to 3(b) Centre Support Zone under WLEP 1991. These changes are proposed to be implemented through the draft Wyong LEP 2012. Council has accepted this spot rezoning in advance of WLEP 2012 in order to secure this prominent Australian business (Officeworks) for Wyong Shire. It is noted that the applicant has informally "raised" the subject rezoning with Council over several years and is reluctant to wait for the Shirewide DLEP.

## **THE PROPOSAL**

The applicant, in the light of the preceeding situation, has submitted the subject "freestanding" proposed amendment to the WLEP 1991, which proposes to rezone that part of the subject land currently zoned 4(b) Light Industrial to 3(b) Centre Support.

The proposed amendment and supporting documentation forms Enclosure 1 to this report.

## **Existing Zoning**

The existing zoning, as it pertains to the subject land and surrounding land, is shown in Attachment 1. In brief, the subject land, as previously described, is zoned 4(b) Light Industrial, with the surrounding land zoned 3(b) Centre Support.

## **Strategic Context**

The proposed rezoning is of a minor nature but is considered consistent with higher order local and regional strategic planning outcomes.

## **Central Coast Regional Strategy**

The proposal 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 the vision of creating 45,000 jobs in the region of the established 25 year time horizon, with 5,500 in the Tuggerah – Wyong area.

**Community Strategic Plan (2030)**

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

**Wyong/Tuggerah Planning Strategy**

The proposal is also consistent with Council's Wyong/Tuggerah Planning Strategy, which advocates a zoning such as that proposed.

**Statutory Planning Context****Wyong Local Environmental Plan, 1991**

The 4(b) Light Industrial zone prohibits "bulky goods sales room or showrooms" which best defines the proposed development. The 3(b) Centre Support Zone permits this use. This has lead to submission of the subject Planning Proposal.

**Wyong Development Control Plan 2005 (Chapter 80)**

This DCP Chapter provides specific guidelines for the development of the broader Tuggerah Precinct. The subject land falls within Precinct A2 and is contiguous with Precinct A1(a), the latter of which has frontage to the Pacific Highway.

The DCP precludes access from Precinct A2 (the subject land) to the Pacific Highway. It should be noted, however, that the development currently taking place on the corner of Johnson Road and the Pacific Highway is in Precinct A1 and has approved access to the Pacific Highway via a "left in left out", together with ingress and egress to Johnson Road. Such an access scenario facilitates integrated access to the land which is the subject of the rezoning proposal.

The other prevailing controls do not impede development of the nature considered in the rezoning proposal.

**State Environmental Planning Policies****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.

**Ministerial Directions (Section 117 EP& A Act)**

These directions issued by the Minister for Planning and Infrastructure must be addressed, where relevant, in Planning Proposals. The proposal is generally consistent with all current Section 117 Directions. (See Attachment 2 for further information).

**OPTIONS****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 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.

**STRATEGIC LINKS****Long term Financial Strategy**

There are no impacts on the broader Long Term Financial Strategy.

**Asset Management Strategy**

There are no impacts on the broader Asset Management Strategy.

**Workforce Management Strategy**

There are no impacts on the Workforce Management Strategy, given the small scale nature of the proposal and the ability to fund supplementary resources.

**Link to Community Strategic Plan (2030)**

Refer to Strategic context heading.

**Budget Impact**

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent.

**Principles of Sustainability**

The Planning Proposal, at a potentially very modest scale, offers the prospects of minimising current soil and erosion and sedimentation prospects; whilst complementary development focussed landscaping will enhance, at a modest scale, local biodiversity.

The proposed OfficeWorks facility will likely reduce escape expenditure and potentially reduce/minimise vehicle kilometres travelled, thereby contributing positively, at a very modest scale, to minimising adverse air quality impacts.

**SOCIO- ECONOMIC IMPACTS**

The proposal in addition to reducing escape expenditure will see a capital investment in the order of \$3 million (+). Furthermore, permanent employment of approximately 50 persons is envisaged in respect of the proposed office works retail outlet and petrol facility.

**GENERAL DEVELOPMENT ISSUES****(a) Flooding**

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.

**(b) Access**

Controlled access to the property was briefly discussed under Wyong Development Control Plan, 2005 (Chapter 80). As the Planning Proposal is progressed consultation with the Roads and Maritime Services (RMS) will likely be required as an outcome of a Gateway Determination.

Finalisation of the design concept, as the relevant Development Application is complied, will need to ensure appropriate servicing and turning facilities and conflict minimisation with parked and manoeuvring cars and pedestrian movements, together with acceptable que lengths.

**CONSULTATION**

The subject proposal has been the subject of past informal communication with Council staff. If supported at the "Gateway" it will likely be a requirement that relevant government agency and community consultation occur in progressing the Planning Proposal.

## GOVERNANCE AND POLICY IMPLICATIONS

There are no unique governance and policy implications beyond those addressed elsewhere in this report.

## MATERIAL RISKS AND ISSUES

Corporate exposure to Council would potentially occur if Council were deemed not to appropriately discharge its responsibility in respect of decision making on flood affected lands. This is, however, not considered to be the case in the application of the NSW Flood Development Manual and the principles contained therein.

## CONCLUSION

The Planning Proposal to rezone part of Lot 1 DP 1135878 (No. 186) Pacific Highway and part of Lot 32 DP 1095027 (No. 24) Johnson Road, Tuggerah is consistent with the Tuggerah/Wyong Planning Strategy. Further, it is not inconsistent with "higher order" regional and sub regional planning strategies. It is also consistent with the incremental development occurring on adjoining and adjacent lands.

The level of flood risk and adopted management strategy is importantly consistent with Council's adopted flood risk management strategy for the Tuggerah Straight area.

To avoid the potential loss of a high profile tenant it is recommended that the proposal to amend WLEP, 1991 be progressed to a "Gateway Determination".

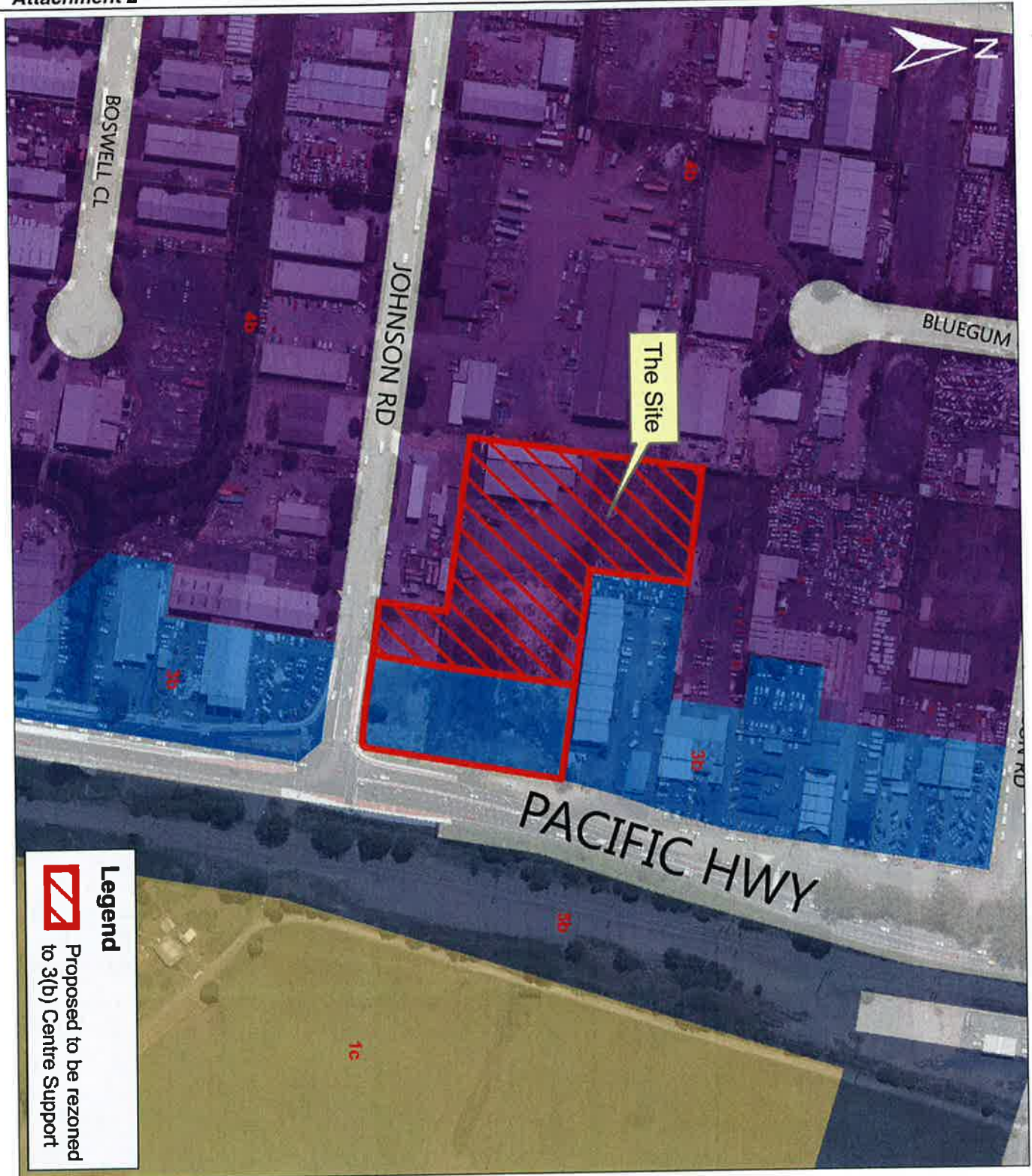
## ATTACHMENTS

- |   |                                                                |           |
|---|----------------------------------------------------------------|-----------|
| 1 | Aerial Photo of the Site (A4 Colour)                           | D03190063 |
| 2 | Aerial Photo of the site showing surrounding zones (A4 Colour) | D03190069 |
| 3 | Ministerial Directions Compliance - Section 117 EP&A Act       | D03182272 |
| 4 | Applicant's Rezoning (Planning Proposal) Submission            | D03182397 |











| Number                                               | Direction                                                                              | Applicable | Consistent |
|------------------------------------------------------|----------------------------------------------------------------------------------------|------------|------------|
| <b>Employment and Resources</b>                      |                                                                                        |            |            |
| 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        |
| <b>Environment and Heritage</b>                      |                                                                                        |            |            |
| 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        |
| <b>Housing, Infrastructure and Urban Development</b> |                                                                                        |            |            |
| 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        |
| <b>Hazard and Risk</b>                               |                                                                                        |            |            |
| 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        |
| <b>Regional Planning</b>                             |                                                                                        |            |            |
| 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        |
| <b>Local Plan Making</b>                             |                                                                                        |            |            |
| 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        |
| <b>Metropolitan Planning</b>                         |                                                                                        |            |            |
| 7.1                                                  | Implementation of the Metropolitan Plan, 2036                                          | No         | N/A        |



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**PLANNING PROPOSAL  
LOT 1 DP 1135878 AND LOT 32 DP 1095027  
186 PACIFIC HIGHWAY AND 2A JOHNSON ROAD  
TUGGERAH**

**August 2012**

SURVEYING CIVIL DESIGN STRATA CERTIFICATION PLANNING

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