

East Wadalba Land Release (Precincts 2A, 2B and 3B)

Proposal Title : East Wadalba Land Release (Precincts 2A, 2B and 3B)

Proposal Summary : The proposal seeks to rezone 241 hectares of land, identified as East Wadalba Land Release and including Precincts 2A, 2B and 3B of the North Wyong Shire Structure Plan, for residential, conservation, recreation and infrastructure purposes. Subject to further investigation there may also be potential for a business zone if a village centre is developed at East Wadalba.

PP Number : PP_2013_WYONG_013_00 Dop File No : 13/18094

Planning Team Recommendation

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

S.117 directions :

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : Council be advised in the Gateway Determination letter to monitor progress and consider the potential for a revised Gateway determination to split the area into two planning proposals (East Wadalba Precinct and 145 Johns Road, Wadalba) should the planning proposal for the entire precinct encounter delays.

It is considered the planning proposal should proceed subject to the following:

1. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:

- a. Funding agreement (including examination of different funding models) based on the principal of no cost to government.
- b. Water and sewer servicing plan.
- c. Services Plan
- d. Ecological investigations
- e. Flood and Drainage Studies
- f. Open Space and Recreation Analysis
- g. Visual Impact Analysis
- h. Social Impact Assessment
- i. Preliminary Contaminated Land Study.
- j. Acid sulfate soils risk analysis on low lying parts of the site.
- k. Noise assessment for main road frontages e.g. Pacific Highway
- l. Aboriginal archaeological assessment.

- m. Integrated Water Cycle management Strategy.
 - n. Traffic Report including examination of public transport, pedestrian and cycleway planning issues.
 - o. Structure plan, Urban Design principles and draft development control plan.
 - p. Draft Voluntary Planning Agreements and possibly Section 94 Contributions plan (depending on type of infrastructure model adopted).
 - q. Council should confirm whether further information is required for potential land use conflicts (eg. odour) between existing agricultural uses and future development.
2. Council update the 'statement of objectives' to include consideration/investigation of a potential new centre and business zone at East Wadalba.
3. Council update the 'explanation of provisions' to clarify the residential zone should be R1 General Residential and not R2 Low Density Residential. Council should also clarify the proposal will rezone the land "to" and not "from" the proposed zones.
4. The maps will require updated zone and development standards, once further studies and investigation of boundaries are identified. Council should also include land application, land acquisition and Urban Release Area maps. Council should also update the planning proposal mapping as follows:
- a. Council clarify and update Figure 3 SEPP 14 Coastal Wetlands Map showing the study area boundary to be consistent with the other maps which identify the study area.
 - b. The proposed zone map (Attachment 1(d)) contains a portion of unzoned land within the site boundary adjacent to E2 corridor in the northern part of the site. Council should clarify the proposed zone prior to exhibition.
 - c. Council include a lot amalgamation map in the planning proposal under the draft Wyong LEP 2013 to ensure the community is aware of the proposed removal of the lot amalgamation provisions.
 - d. Council should consider the inclusion of a minimum lot size map for the residential zoned land given there is the potential for different lot sizes.
5. Council should consider whether or not the land on the western boundary of the study area is to be included in the planning proposal and update consideration of SEPP No 14—Coastal Wetlands.
6. Council update the planning proposal to include consideration of SEPP No 44—Koala Habitat Protection once information on ecological and biodiversity matters has been obtained.
7. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the site is suitable for rezoning once information on contamination has been obtained.
8. Council update the planning proposal to include consideration of clause 8 matters in SEPP 71 - Coastal Protection once further studies/investigations are obtained.
9. Council is required to demonstrate consistency with the following S117 Directions after supporting information has been obtained and/or following agency consultation:
- 1.1 Business and Industrial Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries -Trade & Investment - Minerals and Petroleum;
 - 2.1 Environment Protection Zones - Office of Environment and Heritage;
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation - Office of Environment and Heritage
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection - NSW Rural Fire Service
5.1 Implementation of Regional Strategies
6.2 Reserving Land for Public Purposes

10. Consultation is required with the following public authorities:

- Hunter Central Rivers Catchment Management Authority
- Department of Education and Communities
- Office of Environment and Heritage
- Department of Primary Industries - Agriculture
- NSW Trade & Investment - Resources and Energy - Minerals and Petroleum
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link
- Department of Planning & Infrastructure - Infrastructure Planning & Coordination Branch

11. The planning proposal must be made publicly available for 28 days.

12. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

13. Council be granted delegation to make the plan.

Supporting Reasons : *

Panel Recommendation

Recommendation Date : **05-Dec-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 update:
 - the 'statement of objectives' within the planning proposal to include the consideration/investigation of a potential new centre and business zone at East Wadalba;
 - the 'explanation of provisions' within the planning proposal to clarify the proposed residential zone is R1 General Residential rather than R2 Low Density Residential and the proposal will rezone the land "to" and not "from" the proposed zones; and
 - the 'explanation of provisions' to include reference to satisfactory arrangements and the provision of designated State public infrastructure.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - water and sewer servicing plan
 - ecological investigations
 - flood and drainage studies and integrated water cycle management strategy
 - open space and recreation analysis
 - visual and social impacts assessment
 - noise impact assessment for main road frontage (e.g. Pacific Highway)
 - acid sulfate soils risk analysis on low lying parts of the site
 - Aboriginal archaeological assessment
 - traffic report including public transport, pedestrian and cycleway planning issues
 - structure plan, urban design principles and draft development control plan
 - whether further information is required for potential land use conflicts (eg. odour) between existing agricultural uses and the future development
3. Council is to update its consideration of the consistency with the following S117 Directions after the additional information has been prepared and public authority consultation has been undertaken:

- 1.1 Business and Industrial Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes

4. Council is to update the proposed zoning map at Attachment 1(d) of the planning proposal to zone land within the site boundary adjacent to the E2 Environmental Conservation corridor in the northern part of the site.

5. Following further investigation of boundaries, Council is to update the planning proposal to include existing and proposed land zoning, land application, land acquisition, urban release area, lot amalgamation and minimum lot size maps, which are at an appropriate scale and clearly identify the subject lands. This is to be done prior to undertaking public exhibition.

6. Prior to undertaking public exhibition, Council is to update the planning proposal to consider consistency of the State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection, SEPP No. 14 Coastal Wetlands and SEPP 71 Coastal Protection. Council is to clarify and update Figure 3 - SEPP 14 Coastal Wetlands Map of the planning proposal to show the study area boundary to be consistent with the other maps which identify the study area.

7. 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 to the proposed zone. This report is to be included as part of the public exhibition material.

8. 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 must be made publicly available for a minimum of 28 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 2013).

9. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW
- NSW Health
- Mine Subsidence Board
- NSW Rural Fire Service
- Roads and Maritime Services
- Guringai Aboriginal Tribal Link
- Darkinjung Local Aboriginal Land Council
- Department of Education and Communities
- Hunter - Central Rivers Catchment Management Authority
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)

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- Department of Primary Industries – Agriculture (S117 Direction 1.2 Rural Zones)
- NSW Trade and Investment – Resources and Energy – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Department of Planning and Infrastructure – Infrastructure Planning and Coordination Branch
- Emergency Services (NSW Police Force, Fire and Rescue NSW, Ambulance Service of NSW)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

10. 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).

11. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not sought delegation for this planning proposal. Council should be issued with plan making delegation because the proposal is consistent with the Central Coast Regional Strategy and Council's Settlement Strategy and is considered to be a matter of local planning significance.

Signature:



Printed Name:

NEIL SELMAN

Date:

18/12/13