

3.1 RZ/1/2013 Rezone Land at 145 Johns Road Wadalba

TRIM REFERENCE: RZ/1/2013 - D03422502

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This report relates to a rezoning application (Planning Proposal) which seeks to rezone land at 145 Johns Road Wadalba from 10(a) Investigation Precinct Zone to Low Density Residential and Environmental Conservation. A review of information submitted has concluded that the proposal has merit but lacks strategic justification. Further as the timing of this proposal and broader East Wadalba rezoning will be compatible, the incorporation of this single lot planning proposal into the East Wadalba proposal would optimise the development potential of this lot and the broader precinct. Both rezonings require the resolution of a number of strategic issues namely provision of infrastructure and positioning boundaries of the wildlife corridor and realignment of Johns Road.

Applicant:	Aconsult
Owners:	Zaychan Pty Ltd
Proposal No:	RZ/1/2013
Description of Land:	Lot 27 DP 663622
Zoning:	10(a) Investigation Precinct Zone
Existing Uses:	Residential Dwelling and Disused Poultry Sheds

RECOMMENDATION

That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council.

ORDINARY MEETING HELD ON 28 AUGUST 2013

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor VINCENT:

1095/13 That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, VINCENT AND WEBSTER

AGAINST: NIL

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BACKGROUND

The site is a single lot, and is zoned 10(a) Investigation Precinct Zone under Wyong Local Environmental Plan 1991 (WLEP 1991). For the purposes of this report the land will be identified as “the site”.

Existing development on the site consists of a single storey residential dwelling, a masonry shed and disused poultry sheds. The site has been cleared of over 70% of vegetation with some native vegetation returning. Two watercourses cross the site generally in a north south direction with two 900mm twin culverts located along the Johns Road frontage.

The intent of this report is to inform Council of the proposed rezoning and in this instance seek Council support to incorporate this proposal into the broader East Wadalba Precinct proposal.

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CURRENT STATUS

The Site



Figure 1 145 Johns Road Wadalba – ‘The Site’

The entire site is zoned 10(a) (Investigation Precinct Zone) under WLEP 1991.

The site is rectangular in shape (Figure 1), rural residential properties are located south and east of the site and an approved residential subdivision is located to the west of the site (DA/1082/2011) which also provides a section of the Wadalba Wildlife Corridor adjoining the unformed Louisiana Road to the west. The Wadalba Reservoir is located to the north-west of the site.

The relationship of the site to the ‘East Wadalba Precinct’ proposal is shown in Attachment 1.

THE PROPOSAL

The proposal seeks to amend WLEP 1991 by rezoning the land part 2(a) (Residential Zone) and part 7(a) (Conservation Zone). Should draft Wyong Local Environmental Plan 2013 be made prior to the initialisation of this proposal the zoning would amend the new plan and the Standard Instrument zones of R2 Low Density Residential and E2 Environmental Conservation would apply.

ASSESSMENT

In support of the application, a draft Planning Proposal has been submitted by the applicant.

The draft Planning Proposal has been reviewed considering:

- The strategic support for the rezoning.
- Any additional information required for Council to adequately consider the merit of the proposal.
- Additional information that may be required for forwarding to the Department of Planning and Infrastructure as part of the Gateway process.

ISSUES ANALYSIS

The planning proposal submission has been assessed having regard for the following matters:

Flora and Fauna
Bushfire
Climate Change
Mine Subsidence
Aboriginal Archaeology and European Cultural Heritage
Contaminated Land and Acid Sulfate Soils
Flooding and Drainage
Noise and Acoustics
Traffic and Transport
Social and Economic Impact
Servicing

The most significant issues for consideration relate to flora and fauna, road widening/realignment and sewer servicing.

Flora and Fauna

The site has been utilised for poultry farming for many years. The area proposed for residential development is predominantly cleared of native vegetation. Some areas on the northern and western portions of the site contain remnant vegetation and are proposed to be zoned for conservation purposes as part of this proposal. There is significant vegetation located on the eastern boundary of the site which could provide an equally effective corridor link. Although no threatened flora or fauna have been identified on the site, this site is the location for the critical link of the Wadalba Wildlife Corridor (WWC) which provides habitat for the endangered squirrel glider and connectivity to the Tacoma Wetlands located South of Johns Road.

The proposal states that the land allocated for the extension to the WWC will be sufficiently wide which is to ensure a functioning corridor. However an agreed width for a regional corridor cannot be confirmed by the Office of Environment and Heritage, therefore it is difficult to determine if the proposal will provide an effective corridor.

Remnant vegetation that is within the proposed environmental zone requires rehabilitation and removal of invasive weeds such as Lantana. Should this proposal be included in the broader East Wadalba precinct proposal the costs of rehabilitation could be shared by all landowners.

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Road Widening/Realignment

Sufficient land at the south western corner of the site is required to enable the realignment of Johns Road to remove the series of curves adjacent to the western boundary of the property. This may involve a triangular section of land at least 20 metres wide by 120 metres long. The proponent would be required to ensure this land is provided at no cost to Council including the relocation of any services including power poles. Should this proposal be included in the broader East Wadalba precinct proposal the costs could be shared by all landowners.

Sewer Servicing

The current sewer service in this location involves the construction of a gravity main to transfer sewerage to the proposed lift station south of Johns Road – the lift station is not proposed to be constructed until such time as the surrounding area is developed. An alternative would be for the proponent to bear the costs of construction, ongoing operation / maintenance and decommissioning of a temporary pump station located near the western boundary of the site. By incorporating this proposal into the broader precinct proposal it would eliminate the need for a temporary pump station.

LOCAL PLANS, POLICIES AND STRATEGIES**Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan**

The subject site is currently zoned 10(a) (Investigation Precinct Zone) under Wyong LEP 1991. The objectives of this zone are:

- (a) to protect native vegetation, maintain ecological processes and biological diversity within land that is under investigation for conservation purposes, and
- (b) to protect rural land that, after detailed environmental investigations, may be suitable for ecological conservation or future urban development, and
- (c) to prohibit development that it is likely:
 - (i) to lead to the premature and sporadic subdivision of land, or
 - (ii) to inhibit the potential for urban expansion in selected areas, particularly the urban fringe, or
 - (iii) to prejudice the present environmental quality of the land, or
 - (iv) to generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, and
- (d) to ensure that any interim development is carried out in a manner that minimises risks from natural hazards, minimises degradation of environmental values, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of rural areas, and
- (e) to allow mining to occur in an environmentally acceptable manner.

Council's Standard Instrument LEP proposes to zone the site RU6 Transition. The objectives of the RU6 zone are as follows:

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that interim land uses do not adversely impact upon the conservation/or development potential of land identified for future investigation within the North Wyong Shire Structure Plan and / or Wyong Settlement Strategy.

Draft Wyong Settlement Strategy 2012

Council's draft Settlement Strategy (SS) was publicly exhibited between 9 January 2013 and 20 February 2013. The SS:

- *Establish(es) the strategic direction and framework for the Wyong (Local Government Area) LGA and inform the preparation of Wyong LEP 2012 and Wyong DCP 2012: Development Provisions for Wyong Shire;*
- *Provides a blueprint for the growth of the (Local Government Area) LGA with accessible and reliable transport, a strong regional economy, a vibrant community and a healthy natural environment; and*
- *Provides an analysis of demand, supply and nature of land and identifies where additional land may need to be set aside for residential, business and commercial development while retaining the LGA's enviable natural environment;*

Key planning considerations for the release of future urban land, including infill development as identified by the SS requires that development be:

- Undertaken in an orderly manner and shall be consistent with the timeframes of the NWSSP and Council's Settlement Strategy;
- Not occur until such time that adequate transportation, utility, community and recreational infrastructure can be guaranteed including matters for consideration identified in Part 6 of Wyong SI LEP;
- Facilitate the creation of social hubs that satisfy the needs of the community, including cultural, educational, health and recreation facilities;
- Incorporate the principles of Healthy Spaces and Places, Crime Prevention Through Environmental Design, and the Universal Design Principles for Accessible Environments;
- Provide for appropriate housing choice. This may be assisted by the incorporating the findings of the Affordable Housing study.

It should be noted that although the draft Settlement Strategy has been endorsed by Council, it has not yet been endorsed by the DoPI.

The draft Wyong Shire Settlement Strategy has recommended this site be retained as an urban investigation precinct and has been identified as a "Strategically located, constrained site" subject to further investigation and offset strategies to define conservation requirements and development potential.

This site requires more detailed investigation, ideally as part of the greater East Wadalba Precinct rezoning to determine its environmental value, wildlife corridor boundaries, development potential and appropriate zoning and development controls to achieve a balance between development and biodiversity conservation within the broader context of the Settlement Strategy, Central Coast Regional Strategy and NWSSP.

Development Control Plan

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of DCP 2005, or pending timing of DCP 2012 (now DCP 2013), in particular, the following Chapters:

DCP 2005	DCP 2012
- 61: Car Parking;	- Chapter 2.1: Dwelling Houses and Ancillary Structures
- 66: Subdivision;	- Chapter 2.3: Dual Occupancy Development
- 67: Engineering Requirements for Development;	- Chapter 2.11: Parking and Access
- 69: Controls for Site Waste Management;	- Chapter 3.1: Site Waste Management
- 58: Dual Occupancy Development;	- Chapter 3.2: Water Sensitive Urban Design
- 100: Quality Housing;	- Chapter 3.3: Floodplain Management
- 99: Building Lines;	
- 13: Conservation Areas for Wyong Shire	- Chapter 3.6 Conservation Areas for Northern Wyong Shire

STATE LEGISLATION, POLICIES, PLANS AND STRATEGIES

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the DoPI in July 2008. The CCRS identifies the population potential of the Central Coast expected over the next 25 years, and expected employment capacity targets. The strategy also identifies actions to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

Incorporation of this proposal within the investigation of the broader East Wadalba Precinct will ensure the provision of a mix of housing types in accordance with the Central Coast Regional Strategy '*Centres and Housing*' outcomes. In addition the incorporation of the two proposals will assist in creating an attractive, adaptable, and self-reliant community.

North Wyong Shire Structure Plan

The North Wyong Shire Structure Plan was developed to provide a high level land use strategy to guide ongoing development and planning for infrastructure and services in the North Wyong Shire Area. The NWSSP identifies greenfield residential development and all of the Central Coast region's greenfield employment land to 2031.

The site is not located within a future investigation precinct but is located between Precinct 2B and Precinct 3B as provided in the NWSSP. The entire site has been identified as a "Green Corridor" in the NWSSP.

Because of this, the site should be included in this broader East Wadalba Precinct rezoning to ensure that strategically identified development precincts are developed in accordance with the NWSSP precinct staging plan.

The planning proposal shows some consistency with the NSSWP as it provides a corridor extension the WWC but not in the same configuration as that depicted in the Structure Plan.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Whilst the proposal will not directly supply long term employment opportunities, short term opportunities would be created through associated planning and construction work.

Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 2 of this report. The proposal is considered to be consistent with the applicable Directions, subject to the outcomes of a number of further investigations.

The following table provides an overview of the consistency of the proposal against the applicable Section 117 Directions.

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	N	N/a
1.2	Rural Zones	N	N/a
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y
1.4	Oyster Aquaculture	N	N/a
1.5	Rural Lands	N	N/a
Environment & Heritage			
2.1	Environmental Protection Zones	Y	TBD
2.2	Coastal Protection	N	N/a
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y

3.1 RZ/1/2013 Rezone Land at 145 Johns Road Wadalba (contd)

Number	Direction	Applicable	Consistent
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/a
3.6	Shooting Ranges	N	N/a
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	N	N/a
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/a
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N	N/a
5.6	Second Sydney Airport: Badgerys Creek	N	N/a
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	N	N/a

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs) as follows:

- SEPP 44 – Koala Habitat
- SEPP 55 – Contaminated Land

It is considered that the proposal is generally consistent with the aims and objectives of the requirements of the above SEPPs. Assessment of the proposal against the relevant SEPPs is detailed in Attachment 3.

OPTIONS

Option 1: Proceed to Gateway Determination as a standalone Planning Proposal

This option would provide one possibility for the extension to the WWC and provide additional residential land. A Voluntary Planning Agreement would be required at an early stage to ensure the dedication of the continuation of the WWC at no cost to Council, dedication of a section of the property for the realignment of Johns Road and ensure the costs of commissioning, decommissioning and maintenance of a temporary sewer pump station are borne by the proponent. The applicant believes that this option would best serve their interests as it would avoid any possible delay caused by resistance or any dispute over funding from other landowners within the East Wadalba Precinct. This is not the preferred option because by incorporating the two proposals Council is able to better manage issues such as the boundaries of the WWC and realignment of Johns Road.

Option 2

Incorporate this planning proposal RZ/1/2013 with the broader East Wadalba proposal RZ/2/2013 for Precincts 2A, 2B and 3A received by Council on 14 June 2012.

In August 2011 the Minister for Planning and Infrastructure announced the state government would review potential land owner nominated housing sites over 100 hectares which could be developed within three years at no additional cost to the government. The Wadalba Lobby Group submitted the East Wadalba Precinct which included Precincts 2A, 2B and 3A as identified in the (NWSSP). In March 2013 the Minister for Planning and Infrastructure provided advice that of the 29 sites nominated seven sites were identified for immediate action. Included in these sites was the East Wadalba Precinct. Strategically the inclusion of this single allotment proposal within the broader precinct will provide for better management of issues such as flora and fauna, transport and sewer servicing. This will also ensure that the proposal is advanced on the basis that there will be no cost to Council.

This is the preferred option

Option 3 Not Proceed with Rezoning at all

The site is identified within the NWSSP as a '*Green Corridor and Habitat Network*'. It is timely that this proposal has aligned with the processing and assessment of the East Wadalba Precinct zoning. Incorporation of the site into the greater East Wadalba Precinct is of strategic significance particularly in respect to resolving WWC boundaries and maximising development potential of sites affected by WWC. Therefore this option is not supported

Link to Community Strategic Plan (CSP) (2030)

The proposal can be directly linked to the following objectives of the plan:

1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
 - (e) Developing and implementing the Wyong Shire-wide Settlement Strategy.
3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.

- (f) Maximise the access to, and potential for, new and existing facilities/infrastructure to support growth.
- 4. Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.
 - (a) Preserving threatened and endangered species as well as ecological communities and biodiversity.
 - (c) Ensuring all development areas create or maintain tree covered ridgelines and waterways

The CSP identifies a number of essential services which must be provided. These are delivered by Council through a number of Principal Activity Areas. The assessment of the impacts of land use strategies and rezonings is incorporated within the Environment and Land Use 'Principal Activity Area' which aims to *support(s) the natural and built environment on both private and public land. This is done by providing strategic planning and policy as well as controls over land-use in order to maintain a high quality of life and natural environment. Through this activity Council seeks to promote sustainable use of natural resources on the Central Coast.*

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 who will be required to enter into a funding agreement with Council. Should the site be incorporated into the East Wadalba Precinct rezoning as recommended there may be cost saving to the applicants. The East Wadalba Precinct proposal has been supported by Council on the basis that Council incurs no costs for the provision of infrastructure.

CONSULTATION

The proposal was referred to a cross section of Council staff representing diverse interests including:

- Ecology;
- Transport/Accessibility;
- Wastewater/Sewer;
- Developer Contributions;
- Service Infrastructure; and
- Social Planning.

Comments received have informed the assessment of the proposal and the need for any additional investigative studies.

GOVERNANCE AND POLICY IMPLICATIONS

Refer to discussion relating to Local Plans, Policies and Strategies

MATERIAL RISKS AND ISSUES

The assessment of the proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices. This assessment is considered to fulfil Council's requirements under Section 733 of the *Local Government Act 1993*.

CONCLUSION

The proposed rezoning has considerable merit given the location of the site in relation to the existing residential development and the strategic Wadalba Wildlife Corridor link.

However to ensure the orderly and timely delivery of urban land including the determination of the extension to the Wadalba Wildlife Corridor, it is considered that this proposal (RZ/1/2013) should be incorporated into the broader East Wadalba Precinct RZ/2/2013 planning investigations. Incorporation of this site into the broader East Wadalba Precinct rezoning will ensure greater equity of development and conservation outcomes through a precinct based rezoning process.

ATTACHMENTS

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|---|---|-----------|
| 1 | Relationship of RZ/1/2013 to Wadalba East Precinct Rezoning | D03609031 |
| 2 | Section 117 Ministerial Directions Assessment RZ/1/2013 | D03575559 |
| 3 | State Environmental Planning Policy Assessment RZ/1/2013 | D03575530 |

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