



### Rezoning of land in Glenning Valley, Wyong LGA

Proposal Title : **Rezoning of land in Glenning Valley, Wyong LGA**

Proposal Summary : **The proposal seeks to rezone land in Glenning Valley to permit low density residential development, while some areas of the site would be zoned for environmental protection.**

**The majority of the land is currently zoned 7(f) Environment Protection under the Wyong LEP 1991. Some portions of the site are zoned 7(g) Wetlands Management and 7(a) Conservation.**

PP Number : **PP\_2012\_WYONG\_001\_00**      Dop File No : **12/03732**

#### Proposal Details

Date Planning Proposal Received :	<b>24-Feb-2012</b>	LGA covered :	<b>Wyong</b>
Region :	<b>Hunter</b>	RPA :	<b>Wyong Shire Council</b>
State Electorate :	<b>THE ENTRANCE</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Precinct</b>		

#### Location Details

Street :  
Suburb : **Glenning Valley**      City : **Wyong**      Postcode : **2261**  
Land Parcel : **Lot 2 DP 1100181, Lot 4 DP 1078468, Lot 455 DP 786675, Lot 414 DP 868340, Lot 413 DP 868340, Lot 52 DP 1039187, Lot 1111 DP 1143167, Lot 1112 DP 1143167, Lot 21 DP 740435, Lot 22 DP 740435, Lot 513 DP 500951, Lot 511 DP 205919**

#### DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**  
Contact Number : **0243485003**  
Contact Email : **ben.holmes@planning.nsw.gov.au**

#### RPA Contact Details

Contact Name : **Graham Pascoe**  
Contact Number : **0431519128**  
Contact Email : **GGPascoe@wyong.nsw.gov.au**

#### DoP Project Manager Contact Details

Contact Name :  
Contact Number :  
Contact Email :

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### Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	52.90	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	310
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

### Supporting notes

Internal Supporting Notes : **Dwelling yield and jobs:**  
Council reports an indicative yield of 280-310 dwellings is possible although Council advises that further detailed investigations may result in a reduction in the projected yield.

Council has not quantified how many jobs would be created by this residential land release. It is noted by Council however that short term jobs would result (eg surveyors, builders, etc involved in a future subdivision/ housing construction).

#### History of the site:

Land to the east of the site was developed for residential in the 1980s. The existing site and adjoining lands to the west were largely retained as a noise buffer between the residential to the east and the then proposed industrial precinct to the north/ north-west of the site. The industrial precinct has since been largely developed but the anticipated heavier forms of industry have not located in the precinct, bringing into question the continued need for the land as a noise buffer.

It is understood that a development application (DA) for a plant nursery was lodged for part of the site in recent history. This proposal attracted community interest, with Council determining to refuse consent. Council's report notes that an out of court settlement resulted, and that part of the agreement may have related to a future rezoning.

#### Consistency with Regional Strategy

The site is not identified as a release area in the CCRS however the CCRS provides a mechanism for proposals outside the CCRS to be considered (sustainability criteria) and an assessment against these criteria has been provided in the PP.

External Supporting Notes :

**Adequacy Assessment**

**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives is generally consistent with the Department's "A guide to Preparing Local Environmental Plans".**

**The proposal's objectives are summarised as follows:**

- to enable low density residential development and introduce conservation zonings over environmentally sensitive parts of the site;
- to ensure an appropriate environmental offset strategy and biodiversity strategy is developed; and
- to develop a funding strategy through a Voluntary Planning Agreement (VPA) to ensure that the impacts of future population growth arising from the development are addressed.

It is noted that the 2nd and 3rd objectives relate to strategies rather than LEP planning controls. Based on the Department's guide, the objectives form the basis for drafting the final LEP. On this basis, these two objectives have presumably been included because they would either:

1. inform the first objective of the planning proposal (eg the 'offset strategy' may help determine the zone boundary); and/ or
2. result in local clauses being introduced that ensure that the strategies are implemented (eg the Urban Release Area model clauses may be used to apply the 'funding strategy').

Either way, the 3rd objective's specific reference to a VPA being developed is potentially problematic as the final amending LEP (resulting from the objectives) would not be able to introduce a clause expressly requiring a VPA to be entered into.

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? **Yes**

Comment : **The explanation is considered generally consistent with the Department's "A guide to Preparing Local Environmental Plans".**

A brief description and indicative proposed zoning map is provided to broadly indicate what is intended for the precinct. However, Council highlights that zones, zone boundaries, development controls and any local clauses would be more accurately determined through the PP process. Council states that the precinct would likely be added to Council's SI LEP Urban Release Area map and be subject to the associated model local clauses.

While the PP would amend Council's comprehensive LEP, Council notes that an amendment to the existing Wyong LEP 1991 may be necessary if the comprehensive LEP is delayed.

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

- 2.1 Environment Protection Zones**
- 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**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**

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### 6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 14—Coastal Wetlands  
SEPP No 44—Koala Habitat Protection  
SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered : **s117 directions 1.1 Business and Industrial Zones and 1.3 Mining, Petroleum Production and Extractive Industries apply.**

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Justification is provided for the inconsistencies, however further discussion on s117 directions 1.1, 1.3, 2.1, 3.4, 4.4 and 5.1 and 6.2 is provided under 'Consistency with the Strategic Planning Framework' section of this report.**

#### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps provided are generally adequate for the purposes of community consultation. It is noted however in Figure 3 that lots labelled J, K and L and their respective lot/DP descriptions are mismatched in the map key. This should be corrected. Council should also consider the need for other maps (such as the minimum lot size layer used in the SI) for community consultation.**

#### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 28 day community consultation period is proposed by Council. As the PP is for a land release precinct, this is supported.**

#### Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

#### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The proposal is considered adequate and can proceed to a Gateway Determination.**

### Proposal Assessment

#### Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP : **This PP would amend the gazetted comprehensive LEP. Council proposes SI zones (R2 Low Density Residential and E2 Environmental Conservation) and the use of the SI Urban Release Area map/ clauses.**

**Given that this PP would likely to take up to 12 months and the comprehensive LEP is due before then, it is likely that the PP would amend the comprehensive LEP. However, should the proposal be finalised before the gazetted comprehensive LEP, then Council intends to amend the existing Wyong LEP 1991. Wyong LEP 1991 zones/ controls would then be needed and so an amendment to the PP may be required (note: equivalent Wyong LEP 1991 zones have not been included in the PP). Council could reconsider this timing matter prior to community consultation, and amend the PP if required.**

**Note: currently the comprehensive LEP has not been certified and is due to be submitted to the Department for finalisation by mid-year.**

**Assessment Criteria**

Need for planning proposal :

**Council states that the intention to develop this land for residential is not identified in any existing strategic plan or report however it is land that has been identified for potential future urban release in Council's draft Settlement Strategy (in preparation). Due to the limited supply of available residential land across the LGA, combined with the Central Coast Regional Strategy's (CCRS) target of near 40,000 new dwellings by 2031 (1,6000 dwellings/year), Council argues that the need for the proposal is justified.**

**This argument is generally supported. The CCRS broadly promotes housing choice and this proposal would help achieve this goal by providing greenfield residential in the southern part of the LGA where there are limited greenfield opportunities. Greenfield release for Wyong Shire is targetted at 16,000 dwellings to 2031(1,000 dwellings/year) and most of this is to occur in the North Wyong Shire Structure Plan (NWSSP) area.**

**While this site is not within the NWSSP, the CCRS provides opportunities for other release sites to be considered. Such sites need to be considered against the CCRS Sustainability Criteria for New Land Release and Council has undertaken this assessment and concluded that the site could be developed. On balance, this could be agreed to, given that the PP is supported by Council's draft Settlement Strategy and subject to the satisfactory resolution of environmental protection aspects of the PP.**

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Consistency with strategic planning framework :

### **Central Coast Regional Strategy (CCRS):**

As discussed in the 'Need for planning proposal' section, the proposal could be considered consistent with the CCRS. While not an identified greenfield site, Council's assessment of the proposal against CCRS Sustainability Criteria concludes that the land could be developed. This view could be supported, highlighting that the PP is supported by Council's draft Settlement Strategy and subject to resolution of environmental protection aspects of the proposal.

### **Draft Wyong Shire-Wide Settlement Strategy 2011 (Local Strategy):**

This is a high-level strategic planning document which identifies the site as an area for further investigation which could result in an amendment to Council's comprehensive LEP.

### **State Environmental Planning Policies (SEPPs):**

**SEPP 14 Coastal Wetlands** - A SEPP 14 coastal wetland adjoins and is partly located on the site. As no works are proposed in the wetland the proposal is not inconsistent with SEPP 14.

Council is concerned however that potential future development of the site may result in adverse impacts on the SEPP 14 wetland. Measures are proposed by Council to mitigate impacts such as setback, vegetated buffers, water sensitive urban design, etc.

**SEPP 44 Koala Habitat Protection** - Council has considered this SEPP and concludes that the majority of the potential koala habitat on the site can be preserved in the proposed environmental conservation land. Council notes that there is scope to introduce development controls to minimise potential adverse impacts. This is supported. The PP is considered consistent with the SEPP.

**SEPP 55 Remediation of Land** - Council states that this SEPP is relevant as part of the site would be rezoned to residential and Council is concerned that past agricultural uses (of limited areas) and limited rubbish dumping may have resulted in contamination. Council proposes that a preliminary investigation be carried out as required by the SEPP. This is supported.

### **s117 directions:**

The PP is considered consistent with the relevant s117 directions. The following however are either inconsistent or require further discussion.

**1.1 Business and Industrial Zones.** - The existing 7(f) zone restricts development on land adjoining potentially noise generating development. A Planning Proposal must not reduce the potential floor space for industrial uses in industrial zones. As the PP proposes rezoning 7(f) land to residential, Council needs to confirm that it has concluded that the 7(f) zoning is no longer necessary and that rezoning land zoned 7(f) to residential will have no adverse impact on the industrial uses in industrial zones. An acoustic study may assist.

**1.3 Mining, Petroleum and Extractive Industries** - the PP would prohibit extractive industries such which are currently made permissible by the Mining SEPP which permits extractive industries in zones where agriculture is a permitted use. The 7(f) Environmental Protection zone permits agriculture, however the proposed R2 residential zone would not. Council should therefore consult with DPI as required by this direction.

**2.1 Environment Protection Zones** - the PP is inconsistent because land that currently has an environmental protection zone would be zoned to a residential zone. Council notes that a series of detailed studies have been undertaken and a framework for a biodiversity conservation strategy established. Inconsistency with this direction may be justified subject to resolution of environmental matters as proposed in the PP. Further discussion on the environmental aspects of this PP is provided in the 'Environmental/ Social/ Economic Impacts' section of this report.

**3.4 Integrating Land Use and Transport** - Council confirms that the PP is consistent because

the site is relatively close to bus services and a local service centre (Chittaway Bay, approximately 600m distant). While it is noted that other parts of the site would be located further away (ie near 1.5km distant), Council's statement is generally supported. The site could be considered to be generally well located as it is near to Wyong Road which connects the site to Bateau Bay and The Entrance (approximately 10 km) and Tuggerah/ F3 (<5km). The PP is considered consistent with this direction.

**4.4 Planning for Bushfire Protection** - As the PP will affect land that is bushfire prone, consultation with the RFS would need to occur before consistency with this direction can be determined.

**5.1 Implementation of Regional Strategies** - Council highlights that the PP is consistent with the vision/ aims of the CCRS, is generally consistent with a range of CCRS actions and generally satisfies the sustainability criteria. Subject to the environmental aspects of the proposal being satisfactorily resolved, this could be agreed.

**6.2 Reserving Land for Public Purposes** - Council states that the PP is consistent with this direction as limited areas of land will be dedicated for open space recreation (local parks). Should Council's further investigations identify land to be zoned or reserved for public purposes as part of this PP then Council would need to seek the DG's agreement per the requirements of this direction.

Environmental social  
economic impacts :

Council has indicated its intention to require further investigations to be undertaken as follows:

**Investigations/ management strategies to finalise the zones/ zone boundaries:**

- acoustic management strategy;
- stormwater management strategy (concept level);
- bushfire hazard management strategy; and
- ecology offset strategy.

**Investigations to inform the community/ agency consultation:**

- traffic and transport;
- aboriginal archaeology;
- environmental offset and biodiversity strategy; and
- social impact and open space and recreation strategy.

**Matters to be completed prior to gazetta:**

- contaminated land investigation (SEPP 55); and
- Voluntary Planning Agreement (presumably for the 'funding strategy' referred to in the PP's 'objectives').

**Investigations which could potentially be addressed prior to development consent:**

- visual assessment;
- servicing strategy; and
- site specific DCP.

**Comment on investigations to finalise zones/ zone boundaries:**

Two of the investigations (ecology - both ecological constraints and improve or maintain assessment, bushfire) have already had specialist reports prepared by the landowner. These reports support the land being developed as proposed by Council, subject to mitigation measures (eg APZs, ecology offsets). These studies should be included in consultation with OEH and RFS to confirm if further work is necessary and/ or recommend any suggested zones/zone boundary amendments. (Note: OEH and RFS comment is also to be sought to inform consistency with s117 directions 2.1 and 4.4).

As the site is in Council's noise buffer zone (7(f)), justification for rezoning to a residential zone will be required and could be informed by an acoustic study. Conceptual stormwater investigations could also be supported on the basis that Council argues that they are necessary to inform the zone boundary. However more detailed stormwater investigations can occur later when more detail (layout/ yield) is known.

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**Comment on investigations to inform the community/ agency consultation:**  
Specialist traffic and cultural heritage studies have also been prepared by the landowner already. Council suggests that this information would not be adequate for community/ agency consultation. Council's request could therefore be supported. Alternatively, and in order to progress the PP in a timely manner, RMS (traffic) and OEH (cultural heritage) could determine any deficiencies with those studies and/ or relevant issues with the PP, prior to community consultation.

It is unclear how the proposed environmental offset/ biodiversity strategy varies from the ecology offset strategy. The approach proposed for ecological impacts/ mitigation measures (eg offsets) should be discussed with OEH.

It is unclear why the proposed social impact/ open space/ recreation analysis strategy cannot be undertaken later although it may be based on Council's assessment that the adjoining residential community may be particularly interested in this aspect of the PP.

**Comment on matters to be completed prior to gazettal:**

The contaminated land investigation is supported (refer to SEPP 55 discussion in the 'Consistency with strategic framework' section of this report).

Council proposes that a number of matters will be addressed through a VPA - certification/offsetting strategy, works in kind undertakings, contributions towards physical and social infrastructure amongst other matters. Should finalisation of a VPA become difficult, it remains open for Council to revise the matters that are sought to be included. For example: to progress the VPA within the PP timeframe, the VPA might address the key rezoning issues (eg offsetting), while a new or revised VPA may be agreed to later (eg at the DA stage) dealing with other matters (eg social infrastructure).

**Further comment on the ecology offset strategy:**

The 'Ecology - Improve or Maintain' study undertaken by the landowner confirms the need for offsetting in order to balance development and conservation, as well as determine zones/ zone boundaries. While there are several mechanisms for achieving this outcome (eg biocertification, biobanking, addressing at DA subdivision), OEH are best positioned to advise Council and landowners on the most appropriate options. Confirmation that this matter has been satisfactorily addressed will be required in order to confirm consistency with s.117 directions 2.1 and 5.1.

### Assessment Process

Proposal type : Precinct Community Consultation Period : 28 Days

Timeframe to make LEP : 12 Month Delegation : DDG

Public Authority Consultation - 56(2)(d) : Hunter - Central Rivers Catchment Management Authority  
Office of Environment and Heritage  
NSW Department of Primary Industries - Minerals and Petroleum  
NSW Rural Fire Service  
Transport for NSW - Roads and Maritime Services  
Other

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :



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Identify any additional studies, if required. :

If Other, provide reasons :

**This is discussed in the 'Environmental/ Social/ Economic Impacts' section of this report.**

Identify any internal consultations, if required :

**Residential Land Release (MDP)**

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The PP is for a new residential precinct with dwelling yield potentially between 280-310 lots.**

**Should the PP be supported then consultation with the MDP team and the Infrastructure Planning & Co-ordination team should occur before the plan is finalised.**

### Documents

Document File Name	DocumentType Name	Is Public
Council_Cover_Letter.pdf	Proposal Covering Letter	Yes
Council_Report.pdf	Proposal	Yes
Enclosure_1_Further_Studies.pdf	Proposal	Yes
Enclosure_2_Planning_Proposal.pdf	Proposal	Yes
Enclosure_3_Sustainability_Criteria.pdf	Proposal	Yes
Enclosure_4_s117_directions.pdf	Proposal	Yes
Bushfire_Constraints_Advice.pdf	Study	Yes
Cultural_Heritage_Study.pdf	Study	Yes
Ecological_Constraints_Analysis.pdf	Study	Yes
Improve_Maintain_Assessment.pdf	Study	Yes
Road_Traffic_Implications.pdf	Study	Yes
Council_Studies_Letter.pdf	Proposal	Yes

### Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones**
- 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**
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- 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 : **The following conditions are suggested in order to progress the PP:**

- prepare a URA map showing the site and include this in the consultation material along with the relevant URA clauses;
- consider need for additional maps consistent with SI (eg. minimum lot size maps)
- update Figure 3 of the PP so that lots labelled J, K and L and their respective lot/DP descriptions match correctly in the map key;
- 28 day community consultation occur;
- 12 months to complete the PP;
- address clause 6 of SEPP 55;
- confirm that the rezoning 7(f) land to residential would have no adverse impact on the industrial uses in industrial zones in order to satisfy s117 direction 1.1;
- consult with DPI per s117 direction 1.3 to determine consistency;

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- once satisfactory resolution of ecological issues, seek DG agreement to the inconsistency with s117 directions 2.1 and 5.1;
- consult with RFS per s117 direction 4.4;
- should Council intend to zone land for or create public reserves, DG agreement should be sought per s117 direction 6.2;
- consult with OEH, RFS, RMS, CMA, DPI (Office of Water) regarding potential environmental impacts; and
- stormwater study (concept level) and acoustic study to be undertaken.

It suggested that the Gateway consider whether conditions for the following matters are necessary in order to aid agency/ community consultation:

- further traffic and cultural heritage studies; and
- a social impact and open space and recreation study.

Internal consultation with the following groups is recommended prior to the PP being finalised:

- metropolitan development program; and
- infrastructure co-ordination.

Supporting Reasons :

**Reasoning for suggested conditions (summary):**

- URA map and clauses as including these has been identified as likely by Council.
- additional maps may be required to be consistent with Council's draft SI LEP (when available).
- update Figure 3 and lot labels to correct minor error.
- 28 day consultation and 12 month PP completion date because the PP is for an urban land release.
- SEPP 55 assessment to satisfy SEPP requirements.
- agency consultation/ further work for s117 directions is to address/inform potential inconsistencies.
- consultation with agencies to consider environmental impacts OEH (ecology), RFS (bushfire), RMS (traffic), CMA/ DPI-Water (stormwater).

Signature:



Printed Name:

GARRY HOPKINS

Date:

8.3.2012