

BUDGEWOI, 107-111 Scenic Drive, HALEKULANI, 223 Scenic Drive

Proposal Title : **BUDGEWOI, 107-111 Scenic Drive, HALEKULANI, 223 Scenic Drive**

Proposal Summary : **Reclassify and rezone land at 107-111 Scenic Drive adjacent to Budgewoi centre to allow retail development and residential development. Add service station and food and drink premises as additional permitted uses at 223 Scenic Drive, Halekulani.**

PP Number : **PP_2014_WYONG_007_00** Dop File No : **14/12497**

Proposal Details

Date Planning Proposal Received : **14-Aug-2014** LGA covered : **Wyong**

Region : **Hunter** RPA : **Wyong Shire Council**

State Electorate : **SWANSEA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **107-111 Scenic Drive Budgewoi, 223 Scenic Drive Halekulani**

DoP Planning Officer Contact Details

Contact Name : **G P Hopkins**

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RPA Contact Details

Contact Name : **Rod Mergan**

Contact Number : **0243505560**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Central Coast Regional Strategy** Consistent with Strategy : **Yes**

BUDGEWOI, 107-111 Scenic Drive, HALEKULANI, 223 Scenic Drive

MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 24
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 214

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

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :

The proposal was lodged on 29 July 2014. Further information was requested and provided on 14 August 2014.

BACKGROUND:

The planning proposal relates to a pre-Gateway review (PGR_2013_WYONG_003_00) and includes the land at 'Colongra' the subject of the PGR, as well as additional land (Halekulani Oval) adjacent to the Budgewoi commercial centre.

The PGR was for a Woolworths supermarket and service station on Lot 1 DP 1049201 (223 Scenic Drive), an out of centre site.

The pre-Gateway review was considered by the Hunter & Central Coast JRPP. At the JRPP meeting Council representatives proposed an alternative location at Halekulani Oval adjacent to the Budgewoi commercial centre. The JRPP's recommendation (not unanimous) recognised sufficient demand for the supermarket development. However it also recognised substantial town planning benefits in consolidating retail activities in the existing commercial precinct in Budgewoi.

External Supporting
Notes :

The planning proposal refers to Colongra throughout but Lot 1 DP 1049201 appears to be in the suburb of Halekulani. After confirming, Council should update the planning proposal.

The planning proposal does not include part of Noela Place east of Halekulani Oval. If not included the road will remain as an isolated piece of RE1 zoned land. Council should consider whether Noela Place should be included in the PP.

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

Is a statement of the objectives provided? Yes

Comment :

The statement should be updated to say 'service station and food and drink premises' rather than 'service station or food and drink premises' if this is what is intended.

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

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

Comment : **The need for development standard map amendments should be considered and updates made if required.**

It should be clarified whether reclassification will discharge interests and the explanation of provisions updated to refer to which part of Schedule 4 of Wyong LEP 2013 will be updated.

The wording should be amended to confirm the additional permitted uses apply to only part of 223 Scenic Drive (as per PP Figure 3).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.2 Coastal Protection

3.1 Residential Zones

3.3 Home Occupations

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

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP No 71—Coastal Protection

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

SEPP 44 - study submitted with earlier PP identified 'Colongra' site as Potential Koala Habitat under SEPP 44.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain : **Consultation required.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Need to identify any development standard layers.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days is proposed and this is supported.**

Additional Director General's requirements

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

If Yes, reasons :

TIMELINE: Council anticipates finalisation in February. This is ambitious and has not necessarily factored in all steps (eg. if Governor's approval required). However given the time elapsed on this proposal already, 6 months is supported.

DELEGATION: Council has not requested delegation to make the plan and this is supported.

Overall adequacy of the proposal

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

If No, comment :

CIRCULAR PN09-003: Further information is required about the land being reclassified including special information requirements for exhibition.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Amends Wyong LEP 2013

Assessment Criteria

Need for planning
proposal :

The PP relates to a pre-Gateway review (PGR_2013_WYONG_003_00) and includes the land the subject of the PGR. If this PP is finalised, the proposal the subject of the PGR will not be required.

Consistency with strategic planning framework :

CCRS: The proposal will create employment opportunities and some within-centre housing. The proposal is more consistent with the CCRS than the proposal the subject of the PGR as it would strengthen an existing centre rather than place retail development out of centre.

NWSSP: The Halekulani site is shown as a local conservation link in the NWSSP and some of the site is mapped as 'Green Corridor and habitat networks'. As the additional permitted uses for this site are intended to apply to only part of the site, Council considers the strategic aims of the NWSSP in this locality can still be achieved.

SEPPs:

SEPP 55 preliminary contamination assessment will be undertaken for Budgewoi.

SEPP 44 should be covered in the PP.

117s:

1.1 The creation of new B zoned land adjacent to Budgewoi centre can be considered of minor significance provided other issues (eg. those associated with the loss of recreation space) can be overcome. Agreement to inconsistency should be considered after community consultation.

2.1 The Halekulani site is zoned E3. Council should confirm additional permitted uses are appropriate in E3 zone, confirm the proposed green corridor can be achieved at this location and consider how the inconsistency with the 117 direction is satisfied.

4.1 The 117 direction requires an Acid Sulfate Soils study to assess the appropriateness of the change of land use otherwise seek agreement to inconsistency.

4.2 Consultation with the MSB is required.

4.4 Consultation with RFS is required.

6.2 Require further information re. land being reclassified.

6.3 Consistency will need to be further considered once Council determines if development standards will apply to the Halekulani site.

Environmental social economic impacts :

The Halekulani site is zoned E3 Environmental Management though it is stated future development will be restricted to the southern cleared portion of the site. Given the intention to develop land to the west of the Halekulani site as sporting fields in a move related to this PP, there needs to be confirmation that the green corridor identified in the NWSSP, and translated into Council's Settlement Strategy and DCP, can be achieved in this locality.

Council recognises social and economic benefits and considers the provision of new sporting facilities adjacent to the Halekulani site will compensate for the loss of the facilities in the Budgewoi centre. Council has advised it has commenced community consultation on the proposal.

Traffic impacts are discussed in the PP and Council will consult with the RMS.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **DDG**

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage
Mine Subsidence Board
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

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 :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Referral Letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes
Annexure A - JRPP -Advice to Minister-Scenic Drive Colongra.pdf	Proposal	Yes
Annexure B - Budgewoi Masterplan 2013 - Section 7.pdf	Proposal	Yes
Annexure C - Ecological Report - Colongra - August 2012.pdf	Proposal	Yes
Annexure D - Bushfire Report-July 2012.pdf	Proposal	Yes
Annexure E - Contamination Report - Colongra - July 2012.pdf	Proposal	Yes
Annexure F - RMS Comments.pdf	Proposal	Yes
Annexure G - Extract from Wyong_Shire_Retail_Strategy.pdf	Proposal	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 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
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

- Additional Information :
1. Update the PP as follows before exhibition:
 - confirm correct suburb for Lot 1 DP 1049201 and if required update all references to Colongra and change to Halekulani
 - consider whether part of Noela Place should be included in the PP to avoid a block of RE1 remaining
 - update the statement of objectives to say 'service station and food and drink premises' not 'service station or food and drink premises' if this is what is intended
 - confirm need for new/amended development standard maps and update explanation of provisions and elsewhere if required
 - clarify whether reclassification will discharge interests and update explanation of provisions to refer to ensure correct part of Schedule 4 is updated
 - update wording in explanation of provisions to confirm additional permitted uses only apply to part of 223 Scenic Drive
 - include consideration of SEPP 44 for Halekulani site
 - confirm corridor can be achieved (in locality of Halekulani site (as per Wyong Settlement Strategy and Wyong DCP 2013).
 2. Ensure information in PP and for community consultation is consistent with Practice Note PN 09-003 Classification and reclassification of public land through a local environmental plan.
 3. Satisfy the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate suitability for rezoning once information on potential contamination has been obtained.
 4. Update the PP to include sufficient information to adequately demonstrate consistency with the following s117 directions or seek the Secretary's agreement to any inconsistency:
 - 1.1 Business and Industrial Zones (Budgewoi site)
 - 2.1 Environment Protection Zones (Halekulani)
 - 4.1 Acid Sulfate Soils (Budgewoi)
 - 4.2 Mine Subsidence and Unstable Land (both)
 - 4.4 Planning for Bushfire Protection (Halekulani)
 - 6.2 Reserving Land for Public Purposes (Budgewoi)
 - 6.3 Site Specific Provisions (Halekulani)
 5. Consultation is required with:

- Transport for NSW - Roads and Maritime Services
- NSW Rural Fire Service
- Mine Subsidence Board
- Office of Environment and Heritage

6. No public hearing required. This does not cover Public Hearings under s30 of the Local Government Act which are mandatory for reclassifications.

7. 28 days exhibition

8. 6 month timeframe

9. Delegation retained by the Department.

Supporting Reasons : *

Signature:



Printed Name:

G. P. HOPKINS Date: 26. 8. 2014