

**WYONG - Various lots bounded by North Rd, Owen Ave, Ingram St and Pacific Hwy
(including former Wyong Grove Public School site) (~ 107 Dwellings)**

Proposal Title :	WYONG - Various lots bounded by North Rd, Owen Ave, Ingram St and Pacific Hwy (including former Wyong Grove Public School site) (~ 107 Dwellings)		
Proposal Summary :	Council's proposal seeks to partially rezone low density residential land for medium density residential purpose, and retain part of the land as low density and identify it as land reserved for acquisition by Council for community purposes. The Department has altered Council's proposal to rezone the site medium density residential and apply associated development standards. The revised proposal is justified herein.		
PP Number :	PP_2017_CCOAS_001_00	Dop File No :	16/16126

Proposal Details

Date Planning Proposal Received :	24-Mar-2017	LGA covered :	Central Coast
Region :	Hunter	RPA :	Central Coast Council
State Electorate :	WYONG	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Land bounded by North Road, Owen Avenue, Ingram Street and Pacific Highway (including former Wyong Grove Public School site)		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lots 11 - 17 DP 219825, Lots 10 - 18 DP 36475, Lot 18 DP 219825 and Lot 1 DP 123075		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Land bounded by North Road, Owen Avenue, Ingram Street and Pacific Highway (including former Wyong Grove Public School site)		

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Central Coast Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	107
Gross Floor Area :	0	No of Jobs Created :	0

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 notes

Internal Supporting
Notes :

External Supporting
Notes : **BACKGROUND**
The subject site includes the former Wyong Grove Public School, closed by Department of Education and Communities in December 2013. Following closure Wyong Shire Council leased the site for community purposes. In October 2015, the site was publicly auctioned for sale by the NSW Government and privately purchased.

On 10 August 2016, the Department received a Pre-Gateway Review application for the

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site. At the time, the proposal included a rezoning application for medium density residential development on the former school site only, and adjoining lots did not form part of the proposal.

On 26 October 2016 Council resolved to prepare a planning proposal and the Pre-Gateway application was withdrawn by the applicant.

Council's resolution to prepare a planning proposal included consideration of adjoining lots.

COUNCIL'S PLANNING PROPOSAL

The site is bounded by North Road, Owen Avenue, Ingram Street and Pacific Highway, including part of the former Wyong Grove School site. The site adjoins Wyong Town Centre and is within walking distance of shops, services and public transport.

Under the Wyong LEP 2013, the site is currently zoned R2 Low Density Residential, with a 450sqm minimum lot size and no other development standards.

Council's proposal seeks to rezone the majority of the site R3 Medium Density Residential and apply 16m HOB and 2:1 FSR controls. The proposal also seeks to retain part of the site as R2 and reserve it for acquisition by Council however text is included suggesting Council may subsequently determine not to proceed with acquisition in which case an R3 zone could be considered for the whole site.

Council's planning proposal was received for a Gateway determination on 19 December 2016. Assessment of the proposal commenced on 9 January 2017, following the Christmas close down period.

The Department sought clarification from council on various aspects of the proposal including:

- justification for retaining the R2 zone (on the land nearest to the town centre);
- status of the proposed acquisition given it was understood the Office of Local Government had sought further advice from Council;
- status of development application (DA794/2016) to demolish all existing structures on the former school site (buildings proposed to be retained by Council in its application for acquisition).

Council advised that the demolition DA had been approved by Council on 27 October 2016 however was unable to provide clarification on the other matters. Accordingly, the Department decided on 24 March 2017, to proceed to issue a Gateway determination requiring alterations to the planning proposal.

RECOMMENDED AMENDMENTS

Council did not supply adequate supporting information for the land reservation proposal and the Office of Local Government (OLG) advised that Council's application for compulsory acquisition was considered incomplete in March 2016 and is with Council for further action. As Council has been unable to provide clarification on this matter it is recommended that the Gateway Determination remove this aspect of the proposal.

The proposal to retain the land nearest the town centre for low density is not adequately justified. It is recommended that the Gateway determination vary the proposal, by rezoning the whole site R3 Medium Density Residential and applying relevant development standards.

This report also recommends that Council provide further justification for the proposed development standards in the R3 zone given they are different (greater) than for other R3 land. This should include consideration of the transition between medium density and adjoining low density residential land and how this will be managed or addressed.

Adequacy Assessment

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

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

Comment : **The statement is adequate.**

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

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

Comment : **An explanation is provided and this is adequate.
However, the Department has altered Council's proposal and the Gateway conditions will require the planning proposal to be updated prior to community consultation.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

5.10 Implementation of Regional Plans

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 55—Remediation of Land

SEPP No 71—Coastal Protection

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

s117 Direction 5.1 - Implementation of Regional Strategies (continues to apply to all proposals lodged until 13 January 2017 in addition to applying s117 5.10)

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

If No, explain :

The proposal's consistency with SEPPs and S117 Directions is discussed elsewhere in this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps have been provided and are considered suitable for assessment of the proposal. Map changes will be required as a consequence of the Department's variation to the planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Council has identified in Part 5 that the planning proposal will be exhibited for a period of 28 days. Council's proposed consultation period is noted. However, it is recommended that the Gateway require a minimum of 14 days consultation. If the Council deems necessary, it may exhibit the proposal longer than the required period specified in the Gateway determination.**

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Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

PROJECT TIMELINE:

Council's timeline does not provide an anticipated period to finalise the amending plan. It is recommended that the Gateway determination provide a time frame for completion of 9 months. This timeframe is considered sufficient to finalise the plan.

DELEGATED AUTHORISATION:

Council has accepted plan-making delegations for planning proposals.

It is noted that the proposal was subject to a Pre-Gateway Review application, which was withdrawn. It is also noted that Council's proposal sought to reserve land for Council acquisition. It is recommended that plan making functions be delegated to Council, given the altered proposal no longer reserves land for Council acquisition.

Overall adequacy of the proposal

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

If No, comment :

There are a number of errors and omissions in the planning proposal, for example in the tables in Section B. The proposal is adequate for Gateway determination however the proposal will require updating prior to community consultation as detailed in the conditions of the Gateway determination.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The plan will amend Wyong LEP 2013. The subject land is currently zoned R2 Low Density Residential.

Assessment Criteria

Need for planning
proposal :

A number of Council's strategic documents have identified the need to provide a range of accommodation with higher density and building heights within Wyong Town Centre given the proximity to services and transport. The proposal will facilitate medium density residential development near the Pacific Highway and Business/Administration precinct of Wyong Town Centre.

The proposal, as amended, is generally consistent with the following strategic documents:

- Central Coast Regional Plan 2036;
- Wyong Shire Council Settlement Strategy;
- Wyong-Tuggerah Planning Strategy 2007; and
- Urban Design Vision and Masterplan 2011.

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Consistency with
strategic planning
framework :

CENTRAL COAST REGIONAL PLAN 2036 (OCTOBER 2016)

The proposal (as altered by the Department) is considered generally consistent with the regional plan as it grows housing supply, improves housing choice in and around a centre and provides housing choice to meet the needs of the community.

COUNCIL'S WYONG SHIRE SETTLEMENT STRATEGY (WSSS 2013)

The proposal (as altered) seeks to locate higher density residential development in an identified strategic centre proximate to Wyong Railway Station and is considered to be consistent with Council's settlement strategy.

WYONG-TUGGERAH PLANNING STRATEGY (October 2007)

It is noted that in 2007, the strategy identified the precinct as 'deferred development area' and the reason for this is regarding water resourcing issues at the time.

Notwithstanding, the proposal is consistent with the strategy as it:

- is located in an area earmarked for medium density residential development; and
- concentrates higher density development and urban renewal around the town centre; and
- creates new medium density housing opportunities in walking distance from Wyong train station and in close proximity public transport and services.

URBAN DESIGN VISION AND MASTERPLAN (June 2011)

Under the Wyong-Tuggerah Masterplan, the site is located within the 'medium density foot-slopes' area. This area is earmarked for future medium density residential development with an increased height focused near the Pacific Highway and the 'Business/Administration precinct'. The proposal (as altered) is generally consistent with the medium density residential focus.

It is acknowledged that the Masterplan was adopted in 2007, prior to gazettal of Wyong LEP 2013, and as such does not identify the former Wyong Grove Public School site for medium density development. The comprehensive LEP rezoned the site from special uses to the adjoining R2 Low Density Residential zone. The proposed building height and FSR are larger than the recommended vision of one and two storey town house development scale. Notwithstanding, the proposal is consistent with the strategic intent for the precinct and will provide for medium density housing opportunities in close proximity to existing infrastructure, transport and services.

It is recommended that the Gateway determination require a review of, and further justification for, the proposed development standards.

The proposed R2 Low Density Residential zone is not strategically supported. The Department has altered the proposal to rezone the entire site R3 Medium Density Residential. It is recommended that the Gateway conditions require updating of the planning proposal.

WYONG DCP 2013

It is noted that Council intends to update the DCP to reflect the outcome of the planning proposal.

COUNCIL'S COMMUNITY STRATEGIC PLAN

The altered proposal is generally consistent with the Community Strategic Plan.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The proposal is consistent with all relevant SEPPs, except where consistency is yet to be determined:

- SEPP 55 Remediation of land - The Council is to ensure that the site is suitable for rezoning to the proposed zone and to include its assessment as part of the public exhibition material.

S117 DIRECTIONS

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The proposal is consistent with all relevant S117 Directions, except where consistency is yet to be determined and further consideration is required .

Further consideration and assessment is required, to adequately demonstrate consistency following consultation, with the following s117 Directions:

- 3.1 Residential zones (consideration to be given to the revised proposal and further justification is required for the proposed development standards)
- 3.4 Integrating Land Use and Transport (consistency is yet to be determined through further investigation on traffic and transport implications of the revised proposed)
- 4.3 Flood Prone Land (a portion of the land is flood affected and further investigation is required to establish consistency with the terms of the direction)

GOVERNMENT AGENCY REFERRALS:

The site adjoins land owned by the Roads and Maritime Services (RMS) and is near the Pacific Highway. Consultation with RMS is recommended as a condition of the determination.

Part of the site includes land holdings in the ownership of the NSW Land and Housing Corporation (L&HC). L&HC agreed to Council zoning its landholdings R3 and requested the rezoning extend further north. While Council has not agreed in full to L&HC's request, the Gateway determination should require further consultation with L&HC.

Environmental social
economic impacts :

ENVIRONMENTAL

Ecological:

Council has advised that the site does not contain any critical habitat, threatened species, endangered ecological communities and advises that no ecological studies are required to support the proposal.

Bushfire:

The site is not identified as being bushfire prone land.

Contamination:

The former public school site was zoned for special uses prior to the Wyong LEP 2013. At the time of making the comprehensive LEP, the site was rezoned to reflect adjoining R2 Low Density Residential land. The proposal seeks to intensify residential uses on the land. Council is to ensure that the site is suitable for the proposed zone and should include its assessment as part of the public exhibition material.

Flooding and Drainage:

A small portion of the former school site is flood affected (2%) by the 1 in 100 year flood event. It is recommended that further information on flooding and drainage is needed to determine the site's suitability for more intensive development.

Heritage:

The site does not contain items of environmental heritage. Council also advises that the AHIMS database does not contain any records of Aboriginal sites or items on or within 200m of the subject site.

ECONOMIC AND SOCIAL

Social: The site includes the former Wyong Grove Public School and contains several former school buildings. Between May 2014 and May 2016, Council leased these buildings for art and cultural uses. As part of the proposal a community group may require permanent relocation should the proposal proceed. This should not prevent the proposal progressing as the land is in private ownership. Further, the land owner has development consent to demolish the buildings used by the community group.

Traffic and Transport: The proposal is not supported by a traffic or transport impact assessment. The proposal will intensify the use of the site and relevant traffic implications should be further considered by Council.

Infrastructure and services: Council has identified that the area is serviced and further

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consideration of the impact on infrastructure will be considered post Gateway determination.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Family and Community Services - Housing NSW
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 : **The matter should proceed, with variation, subject to the conditions of the Gateway determination.**

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.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**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 5.10 Implementation of Regional Plans**

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Additional Information : Proceed subject to the following conditions:

1. Prior to community consultation or agency consultation, Council is to update the Planning Proposal to:
 - (a) Amend the proposal, by removing the R2 Low Density and the land reservation proposal. Instead, alter the proposal to rezone the whole land (Lots 11 – 17 DP 219825, Lots 10 – 18 DP 36475, Lot 18 DP 219825 and Lot DP 123075) R3 Medium Density Residential and apply associated development standards;
 - (b) Review, and provide further justification for, the proposed development standards for the R3 Medium Density Residential land, including consideration of the transition between R3 and adjoining R2;
 - (c) Correct omissions in the Tables in Section B of the proposal, specifically for the Central Coast Regional Plan and the Ministerial Section 117 Directions, and ensure correct reference to Figures; and
 - (d) Update the entire Planning Proposal, including assessment of S117 Directions and the Project Timeline, to reflect the conditions of the Gateway determination.
2. Council is to update the Planning Proposal to include sufficient additional information to adequately demonstrate consistency following consultation or to justify any inconsistency with the following S117 Directions:
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport; and
 - 4.3 Flood Prone Land.
3. Council is to ensure that the Planning Proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land.
4. Community consultation is required under sections 56(2)(c) and 57 of the Act for a minimum of 14 days.
5. Consultation is required with the following public authorities
 - NSW Roads and Maritime Services
 - NSW Land and Housing Corporation
6. A public hearing is not required to be held into the matter.
7. The timeframe for completing the LEP is to be 9 months

Supporting Reasons : *

Signature:



Printed Name:

G P HOPKINS

Date:

21 / 4 / 2017

