

Sustainability Criteria for New Land Release – Central Coast

Criteria	Requirements	Consistency (Y/N)	Comment
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement	Y	The site is located north of Precinct 20 of the NWSSP area. Whilst a logical infill rezoning, the extension of Precinct 20 to include the site is also logical. It is considered that the proposal is not inconsistent with the requirements and recommendations of the NWSSP in terms of timing and ability to provide the required infrastructure.
Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.	Y	The site is opposite an existing bus stop on Summerland Road which is regularly serviced by Busway Buses. Taxi transportation is also available.

Criteria	Requirements	Consistency (Y/N)	Comment
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.	Y	The proposal will result in the creation of 15 additional lots in a socially diverse neighbourhood.
Employment Lands Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.	Maintains or improves the existing level of subregional employment self containment. Meets subregional employment capacity targets.	Y	Whilst not directly employment related, the proposal may have a small positive impact on local employment through construction of new dwelling houses.
Avoidance of Risk Land use conflicts and risk to human health and life is avoided.	Where relevant, available safe evacuation route (flood and bushfire). No residential development within the 1:100 floodplain. Avoidance of physically constrained land. High Slope Highly erodible Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.	Y	Although located on a site affected by bushfire prone vegetation, bushfire risks are not identified as posing a constraint to the proposal. The site is not located on flood prone land.

Criteria	Requirements	Consistency (Y/N)	Comment
Natural Resources Natural resource limits are not exceeded/environmental footprint minimised.	Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. Demonstrates most efficient/suitable use of land Avoids identified significant agricultural land Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.	Y	The required services (water, sewer, power, roads etc) for the proposal are available to the site. Consultation will be undertaken with the MSB prior to public consultation to ensure there are no constraints in this regard. It is therefore considered that the impacts of coal extraction in the future will not adversely affect the site, or the proposal.
Environment Protection Protect and enhance biodiversity, air quality, heritage and waterway health.	Consistent with the approved Regional Conservation Plan. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat. Maintains or improves existing environmental conditions for air quality. Maintains or improves existing environmental conditions for water quality and quantity. Consistent with community water quality objectives for recreational water use and river health. Consistent with catchment and stormwater management	TBA	An approved RCP does not exist for the Wyong LGA. <i>Tetratheca juncea</i> is present on the site. The proponent has proposed translocation of the individual plants to enable development. The preference of Council is for offsetting as translocation is not currently an endorsed methodology. The proponent will be required to undertake necessary studies etc to ensure referral/licensing/approval requirements of relevant state and federal departments can be obtained.

Criteria	Requirements	Consistency (Y/N)	Comment
	planning. Protects areas of Aboriginal cultural heritage values.		
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	Y	The site is considered to be well located for accessibility to local education and recreation facilities, in addition to local and regional shopping amenities. The following facilities are provided within 2km of the subject site: - General Store; - Local Shopping Centre (containing post office, newsagent, supermarket, bottle shop, hairdresser, Takeaway Food outlet and mower repair shop); - Preschool/childcare centre; and - Primary schools (both public and private).

02 - Section 117 Ministerial Direction Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Not Applicable. The proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Not Applicable. The proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Applicable. The subject site is located within the Swansea North Entrance Mine Subsidence District. Whilst it is unlikely that future resource extraction will impact the site, additional surface development limitation requirements may be applicable from the Mine Subsidence Board (MSB) The proposal is considered to be consistent with this Direction, subject to this consultation occurring.
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water	Not Applicable. The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)

Direction	Comment
quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not Applicable. This direction does not apply to the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Applicable. Whilst the site is zoned 5(a) Special Uses – School under Wyong LEP 1991, Council's draft SI LEP proposes to zone the subject site to E2 – Environmental Conservation, due to the presence of <i>Tetratheca juncea</i>. Subject to endorsement by Council and the Gateway, referral to DSWEPaC and OEH will be required. The proposal is not currently consistent with this Direction.
2.2 Coastal Protection	
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Applicable. The proposal has been identified as being within the Coastal Zone. The proposal seeks a zoning amendment to Wyong LEP 1991 or Council's SI (timing

Direction	Comment
	dependant). Given these plans are consistent with the principles with the NSW Coastal Policy; it is considered that this proposal is consistent with this Direction.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not identify an impact on any European or Indigenous heritage items or objects. It is therefore considered that the proposal is consistent with this Direction.
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Applicable. The proposal seeks to rezone the site to enable subdivision to create an additional 15 allotments, suitable for dwelling purposes. The proposal is located adjacent to and opposite an existing residential area, therefore is able to access and augment existing services and infrastructure for any new dwellings constructed. It is therefore considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.	Applicable. The planning proposal does not seek to rezone land to provide for caravan parks or

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	manufactured home estates or remove provisions relating to this issue. It is therefore considered that the proposal is consistent with this Direction.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Applicable. It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development. The proposal is directly adjacent to a well serviced bus stop. Further assessment to ensure availability of alternative transport choices will be undertaken during the Development Application process. It is therefore considered that the proposal is consistent with this Direction.
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	Not Applicable. The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	

Direction	Comment
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not Applicable. The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
Hazard & Risk	
4.1 Acid Sulfate Soils	
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable. The subject site is located on land classified as Class 5 Acid Sulfate Soil. This issue has not been encountered during the subdivision works undertaken on the site under the consent for DA/1453/2010 (as amended). It is therefore considered that this proposal will be consistent with this Direction.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable. The proposal is located within the Swansea/North Entrance Mine Subsidence District. Further consultation will be undertaken with the MSB subject to endorsement by Council and the Gateway during community consultation of the proposal. It is considered that undertaking this consultation will result in the proposal being consistent with this Direction.
4.3 Flood Prone Land	
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone	Not Applicable.

Direction	Comment
Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	The site of the proposal is not identified as being flood prone land.
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Applicable. The site of the proposal contains Category 2 bushfire prone vegetation and bushfire buffer zones. It is expected the APZ requirements will be similar for those lots fronting Summerland Road. This issue can be further assessed during any subsequent development application. It is therefore considered that the proposal will be able to be consistent with this Direction subject to this being undertaken.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	Applicable. The proposal is considered to be consistent with the Central Coast Regional Strategy. It is therefore considered that the proposal is consistent with this Direction.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. The proposal is not located within Sydney's hydrological catchment.

Direction	Comment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	Not Applicable. The proposal is not located within the Far North Coast Region.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. The proposal is not located between Port Stephens and Tweed Shire Councils.
5.8 Sydney's Second Airport: Badgery's Creek	
Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	Not Applicable. The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.
Local Plan Making	
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	
Aims to facilitate the provision of public services	Applicable.

Direction	Comment
and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. Applies when the relevant planning authority prepares a planning proposal.	In the event that the proposal is supported, the land currently proposed for conservation purposes and ownership by Council will remain in private ownership. The land however is not formally identified for acquisition under Council's planning instruments. The approval of the Director-General may be required in this regard for the proposal to be consistent with this Direction.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable. The proposal does not seek to enable a specific use on the site which is not permissible under the proposed zone (2(a) Residential or R2 Low Density Residential). It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.

03 - Site Compatibility Certificate



Office of the Director General

Planning

Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Our Ref: 10/18014

Attention: Stephen Ashton

Dear Mr Whittaker

**SEPP (Infrastructure) 2007 – Request for a Site Compatibility Certificate for Lot 1 DP
555602, Summerland Point**

Please be advised that I have determined the application for a site compatibility certificate lodged by Landcom on behalf of the Department of Education and Training. In accordance with clause 19(5) of the *State Environmental Planning Policy (Infrastructure) 2007*, the certificate has been issued.

A copy of the certificate is attached for your information.

Should you have any enquiries concerning this matter, please contact Gina Hamilton-Avery, at the Department's Gosford Office on 4348 5009 or ghamilton-avery@planning.nsw.gov.au.

Yours sincerely


Sam Haddad
Director General

13/9/2010



Planning

Additional Uses on State Land
Determination of Certificate of Site Compatibility
Division 2 Part 2 of *State Environmental Planning Policy (Infrastructure) 2007*

I, the Director General of the Department of Planning, pursuant to clause 19(5) of the *State Environmental Planning Policy (Infrastructure) 2007*, determine the application made by Landcom on behalf of the NSW Department of Education and Training on 2 August 2010 by issuing this certificate.

For the purposes of obtaining consent to development referred in clause 18(3), I certify that in my opinion, the development of the site described in Schedule 1:

- is compatible with the surrounding land uses, having had regard to the matters specified in clause 19(6); and
- is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

Sam Haddad

Sam Haddad
Director General
Department of Planning

Date certificate issued: 13 / 9 / 2010 .

Please note: This certificate will remain current for 5 years from the date of issue.

SCHEDULE 1

Site Description: Part Lot 1 DP 555602, former Summerland Point Public School site, 2-10 Cams Boulevard, Summerland Point, Wyong Local Government Area.

Application made by: Landcom on behalf of the Department of Education and Training.

Project description: Development of the former Summerland Point Public School site to allow the uses permitted on the adjoining lands zoned 2(a) Residential to be permitted on the southern 1.86 hectares of the site.



12 June 2013

Director's Report

To the Ordinary Council Meeting

Development and Building Department

2.2 RZ/13/2012 - Proposed Rezoning - 2-10 Cams Road, Summerland Point

TRIM REFERENCE: RZ/13/2012 - D03315580

MANAGER: Jari Ihalainen, Director Land Management

AUTHOR: Jenny Mewing, Strategic Planner

SUMMARY

A proposal has been received to rezone Part (Pt) 200 DP 1181286 (2 – 10 Cams Boulevard, Summerland Point) from 5(a) Special Uses – Schools to enable residential development.

An assessment of the proposal has been undertaken, which identified that the proposal has merit 'in principle', and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Infrastructure (DoPI) for a "Gateway" determination.

RECOMMENDATION

- 1 ***That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan (SI LEP)) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, for the residential development of Pt 200 DP 1181286, 2-10 Cams Boulevard, Summerland Point.***

The Planning Proposal is to identify the need for additional studies (to be undertaken at the proponent's expense) relating to flora and fauna and contamination.

- 2 ***That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.***
- 3 ***That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.***
- 4 ***That Council authorise the General Manager (or delegate) to sign the Funding Agreement.***
- 5 ***That Council enter into a Voluntary Planning Agreement with the Proponent which requires:***
 - (a) The Proponent to undertake an assessment of the subject site utilising the Biobanking assessment methodology;***
 - (b) Sourcing and procurement of suitable credit land to offset the credits required as determined by the Biobanking assessment (Council may***

assist in this);

- (c) *The Proponent to undertake the translocation process for the site's **Tetratheca juncea** population (including associated monitoring and maintenance) to aid in furthering of the species for posterity;*
 - (d) *The Proponent to cover any costs of Council (including costs associated with investigating, negotiating, sourcing and procuring suitable offset land);*
 - (e) *The Proponent to develop a revised Wildlife Management Strategy (WMS) as required by Condition No. 17 of DA/1453/2010 (as amended). The revised WMS is to document:*
 - (i) *a suitable recipient site/s for the nest boxes currently located on Pt 200 DP 1181286;*
 - (ii) *Subject to this site/s being identified and necessary arrangements (i.e. purchasing/land holder agreement) being made, relocate the nest boxes and any associated fauna; and*
 - (iii) *Monitoring of the nest boxes in their new location to determine their usage and to carry out repairs or replacement (as required) every six months for a period of 3 years following erection.*
- 6 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*
- 7 *That a further report be submitted to Council to report on results of community consultation.*

BACKGROUND AND CURRENT STATUS

Pt 200 DP 1181286 (Attachment 1) was part of former Lot 1 DP 555602 and was in the ownership of the Department of Training and Education (DT&E) and intended for use as a future school site. It was identified as being surplus to the DE&T needs, and subsequently sold to the current owner in 2011. The site has an identified population of a state and federally endangered fauna species, *Tetratheca juncea*.

Former lot 1 has been the subject of two previous rezoning proposals. RZ/16/1996 was lodged in November 1996 and sought a rezoning of the site to 2(b) Multiple Dwelling Residential Zone. The rezoning was refused by Council's (then) Development Management Panel (DMP) in October 1998 on the basis that:

*'The regional distribution and conservation of **Tetratheca juncea** at this point in time is not sufficiently known to ensure its long term conservation. In this regard, development of the land for residential purposes will destroy the sites flora and fauna values which are thought to be significant'.*

2.2 RZ/13/2012 - Proposed Rezoning - 2-10 Cams Road, Summerland Point (contd)

RZ/3/2001 was lodged in October 2001 by the DE&T and sought a rezoning of former Lot 1 DP 555602 to 2(a) General Residential, 7(a) Conservation and 5(c) Local Roads. The proposed 7(a) Conservation zone related to the current Pt 200, having regard for the populations of the threatened species *Tetratheca juncea* located on the site.

On 8 September 2004, Council *RESOLVED* on the motion of Councillor *WELHAM* and seconded by Councillor *PAVIER*:

- 1 *That a draft Local Environmental Plan be prepared to rezone Lot 1 DP 555602, 2-10 Cams Boulevard, Summerland Point from 5(a) (Special Uses – School) and part 5(c) (Special Uses – Local Road Reservation to part 2(a) (Residential), part 7(a) (Conservation) and part 5(c) (Local Road Reservation).*
- 2 *That the portion of Lot 1 DP 555602 which is required to protect the threatened species Tetratheca juncea be transferred to Council at no cost and the Local Environmental Plan not proceed beyond Section 65 until an appropriate legal agreement is reached in this regard.*
- 3 *That the General Manager be authorized to sign and seal any legal agreement or title documents associated with the transfer.*
- 4 *That the Department of Infrastructure, Planning and Natural Resources be advised of the decision.*
- 5 *That the Department of Infrastructure, Planning and Natural Resources be further advised that Council's delegate proposes to exercise the delegations under Section 65 and if appropriate, under Section 69 of the Environmental Planning and Assessment Act, 1979.*
- 6 *That the draft Local Environmental Plan be advertised and referred to appropriate authorities for comment.*
- 7 *That Council's Section 149 Certificates be noted.*
- 8 *That should no significant objections be received as a result of the exhibition, the Minister for Infrastructure, Planning and Natural Resources be requested to create the Local Environmental Plan.*

Stalled negotiations in preparing a legal agreement for the transfer of the 7(a) land resulted in DE&T applying for a Site Compatibility Certificate (SCC) in July 2010. The SCC was requested to permit low density residential uses (for the southern portion of former Lot 1), conservation of populations of the threatened species *Tetratheca Juncea* (northern portion of site) and local road reservation (far southern portion of site). The SCC was issued in September 2010 (Attachment 2) and the rezoning proposal was subsequently withdrawn by DE&T. Council's resolution of 8 September 2004 was not rescinded.

Development consent for DA/1453/2010 was issued in June 2011 for a 21 lot subdivision of Lot 1 DP 555602 for the creation of 20 residential lots and one residual lot to be dedicated to Council at no cost for conservation purposes. The amending consents DA/1453/2010/A and DA/1453/2010/B increased the number of lots from 21 to 24 and enabled benching of the lots along the western boundary of Lot 1 DP 555602 respectively.

THE PROPOSAL

The current rezoning proposal seeks to rezone Pt 200 DP 1181286 from 5(a) Special Uses – School to 2(a) Residential or, pending timing of Council's SI LEP, R2 Low Density Residential.

A successful rezoning outcome would enable the subdivision of the site for approximately 15 residential lots.

ISSUES ANALYSIS

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

- Flora and fauna;
- Bushfire;
- Climate Change;
- Natural Resources;
- Aboriginal Archaeology and European Cultural Heritage;
- Contaminated Land and Acid Sulfate Soils;
- Odour;
- Flooding and Drainage;
- Noise and Acoustics;
- Social Impact and Amenity;
- Servicing; and
- Economic Feasibility.

This assessment has identified that the rezoning of the site would enable logical residential infill development. Additionally, the assessment identified that retaining the site as a reserve could result in the site becoming a common thoroughfare for bicycles and be used for informal and usually unauthorised recreational purposes such as casual meeting places. This tends to create a range of impacts such as littering, antisocial behaviour and illegal dumping.

The assessment also identified the need for a number of additional studies, including a Stage 1 Contaminated Land assessment, and a targeted species survey for *Corunstylis sp.* Charmhaven (a recently listed endangered orchid), should the proposal be supported by the Gateway.

Despite the apparent suitability of the proposed land use, a number of barriers exist which are required to be resolved prior to the rezoning of the site, namely, the requirement for the site to be transferred into Council ownership, and the presence of *Tetratheca juncea*, a state and federally listed endangered species.

Development Consent Requirements – DA/1453/2010 (as amended)

Subject to the conditions of DA 1453/2010 (as amended), the site is required to be transferred into Council ownership and included and managed as part of the Tunkawallin Management Reserve. The requirement for the transfer of the land to Council is the result of the 8 September 2004 resolution of Council in relation to RZ/3/2001. This resolution was not rescinded when RZ/3/2001 was withdrawn.

Council's Economic and Property Development Unit have advised that Council no longer has a need for the retention of the site, and funds for the management of such land are limited. There are currently no arrangements in place for the provision of funds by the Proponent to Council, either through the development application or rezoning process, for the management of the site in perpetuity as a conservation reserve. Furthermore, as advised by Council's Natural Resources and Open Space Units, the site has limited value as a conservation reserve in a local or even regional corridor context, despite the presence of *Tetratheca juncea*.

The consent for DA/1453/2010 (as amended) also required twenty-three (23) nest boxes to be installed within the site to offset the loss of hollows from loss of trees on former Lot 1 DP 555602. These nest boxes are to be monitored by the project ecologist every six months for three years. Any development of Pt 200 would require these boxes to be relocated elsewhere and the monitoring restarted.

Tetratheca juncea

A number of flora and fauna surveys and assessments have been undertaken on the subject site between 1997 and 2010. An important aspect of these findings is the presence of *Tetratheca juncea* which is listed under both the Environment Protection and Biodiversity Conservation (EPBC) Act 1999 and the Threatened Species Conservation (TSC) Act, 1995.

As per the provisions of the EPBC Act, 1999, any action which is likely to have a 'significant impact' on a listed species requires referral to the Commonwealth Department of Sustainability, Environment, Water, Populations and Communities (DSEWPaC). A 'significant impact' is an 'impact which is important, notable, or of consequence, having regard to its context or intensity'. The development of the site (including the removal of an entire population of *Tetratheca juncea*) could be considered important, notable, or of consequence. Therefore a referral would be required to be made to DSEWPaC. Additionally, approval could also be required to be sought at a Federal level.

Additionally, it is likely that a Species Impact Statement (SIS) will be required to be prepared under the provisions of the TSC Act, 1995.

The proponent proposes to use a 'Translocation Method' which involves relocating the populations to an alternative site. The DSEWPaC advise that translocation should be regarded as experimental and is not a recommended management technique. Should the rezoning be supported, it is recommended that the proponent further investigate providing biodiversity offsets, in consultation with Council, DSEWPaC and the Office of Environment and Heritage (OEH).

Whilst this report recommends proceeding with the rezoning, it is recommended that in addition to providing offsets for the destruction of the populations of *Tetratheca juncea* (subject to agreement with OEH and DSEWPaC), the proponent also undertake the translocation process (including associated monitoring and maintenance) to aid in furthering the knowledge of the species for posterity.

Additional and significant consultation between Council, the Proponent, OEH and the DSEWPaC will be required if the proposal is supported by Council.

LOCAL PLANS, POLICIES AND STRATEGIES

Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan

The subject site is currently zoned 5(a) Special Uses – School under Wyong Local Environment Plan (LEP) 1991.

Council's draft SI LEP proposes to zone the southern portion of former Lot 1 DP 555602 to R2 – Low Density Residential to reflect development enabled by the SCC and existing approvals. The draft SI LEP proposes to zone the Pt 200 as E2 – Environmental Protection, to reflect the intent of the current consent conditions of DA/1453/2010 (as amended).

The current rezoning proposal seeks to rezone Pt 200 DP 1181286 from 5(a) Special Uses – School to 2(a) Residential or, pending timing of Council's SI LEP, R2 Low Density Residential.

Development Control Plan (DCP) 2005: Development Controls for Wyong Shire & Draft DCP 2012: Development Provisions for Wyong Shire

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, 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	
- Draft Chapter 97: Water Sensitive Urban Design	

STATE ACTS, PLANS, POLICIES AND STRATEGIES**Central Coast Regional Strategy (CCRS) 2006**

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning & Infrastructure (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.

Whilst the proposal will not generate a significant number of dwellings, it will contribute to achieving the overall dwelling target set by the Strategy.

North Wyong Shire Structure Plan (NWSSP) 2012

A desktop mapping exercise has identified that the site is located north of the boundary of Precinct 20 of the NWSSP area. Precinct 20 is identified as a long term land release area for residential purposes.

Whilst the development of Pt 200 is a logical infill development, it is also a logical extension of the boundary of Precinct 20.

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. The launch of the strategy occurred on 3 February 2010.

Whilst not directly employment related, the proposal may have a small positive impact on local employment through construction of new dwelling houses.

Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions (Attachment 3).

The consistency of the proposal against a number of s117 Directions is subject to the outcomes of a number of additional studies and further consultation with state and federal Departments regarding *Tetratheca juncea* on site, should the proposal be supported by Council and the Gateway.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 4 of this report.

It is considered that the proposal can be consistent with SEPP 55 – Contaminated Land, provided further investigative studies are undertaken in relation to this issue.

OPTIONS

Option 1 – Progression of Proposal as Proposed

This report recommends additional investigative studies are undertaken relating to flora and contaminated land. Presently, it is proposed that such studies are delayed until a Gateway Determination to proceed with the progression of the proposal is received.

In order to provide some level of development and financial certainty for the Proponent, prior to the outlay of funds for these studies to be undertaken, this option is recommended.

Option 2 – Delay Progression until Additional Investigative Studies Completed

As an alternative to Option 1, Council could request the additional investigative studies to be undertaken by the Proponent prior to a Planning Proposal being forwarded to the DoPI for consideration.

This would result in the potential outlay of funds and time by the Proponent without any certainty being available as to the potential outcomes.

This option is not recommended.

Option 3 – Refuse to Progress the Proposal

Provided the Proponent can negotiate a successful outcome with state and federal departments regarding the *Tetratheca juncea* on the site, the rezoning of the site will enable logical residential infill development to occur.

This option is not recommended.

STRATEGIC LINKS

Wyang Shire Council Strategic/ Annual Plan

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Long term Financial Strategy and Asset Management Strategy

STRATEGIC LINKS

Wyang Shire Council Strategic/ Annual Plan

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Long term Financial and Asset Management Strategies

The site is currently required to be transferred into Council ownership as per the conditions of DA/1453/2010 (as amended). This will result in the need for the provision of ongoing funding for the management of the site.

In the instance that the site is not rezoned as a result of the proposal being refused by Council, the Gateway or other government agencies, it is likely that the land will be transferred into Council ownership. Funding for the management of the site will need to be sourced.

If the rezoning proceeds, the Proponent proposes an amendment of the current conditions of consent to remove the requirement for the site to be transferred into Council ownership. This removes the financial implications for the management of the site from Council.

Workforce Management Strategy

There are no impacts on the Workforce Management Strategy.

Link to Community Strategic Plan (2030)

The assessment of the proposal is an Environment and Land Use Principal Activity which includes *enhancing 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.*

The proposal is inconsistent with the following objective:

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*

as it proposes the destruction of a state and federally listed endangered species.

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.

Should the proposal not be supported, Council will be required to take ownership of the site as per the consent conditions of DA/1453/2010 (as amended). This will result in the need for the provision of ongoing funding for the management of the site.

CONSULTATION

The proposal was referred to the following internal Council units for comment:

- Community and Cultural Development – Social Planning
- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Development Assessment – Ecology
- Economic and Property Development – Land Ownership
- Strategic Development – Ecology
- Strategic Development - Bushfire
- Strategic Development – Transportation Engineering
- Strategic Development – Planning
- Strategic Development – Section 94
- Water and Sewer Planning
- Waterways Strategy – Flooding and Hydrology

Those comments received were utilised to assess the proposal and determine the need for 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.

The recommendations for the Proponent to undertake further additional investigative studies reduce Council's liability in those areas.

CONCLUSION

The rezoning of Pt 200 DP 1181286 to enable 15 additional dwelling lots is a logical infill development. It is considered that the development for this purpose is consistent with relevant state and local strategies and plans, and the necessary infrastructure to support the works and additional population is readily available and accessible.

The primary barrier to the rezoning of the site is the presence of *Tetratheca juncea*, a state and federally listed endangered species. It is considered however that the value of the site as a conservation reserve in a local or even regional corridor context, despite the presence of this species, is limited. Furthermore, given the surrounding residential development, the site has the potential to become a site for antisocial behaviour.

Both the above issues place a significant management burden on Council, should the site be transferred into Council as currently required.

Additional and significant consultation with the Proponent, OEH and the DSEWPaC, and agreement for the rezoning of the site for development purposes may be difficult to achieve, however, it is deemed to have enough merit to pursue at present.

Having regard for the above it is recommended that a Planning Proposal is prepared and forwarded to the Gateway for a decision. The Proposal will need to identify the need for additional investigative studies to be undertaken by the Proponent prior to community consultation, in addition to agreements to be reached between Council, the Proponent, OEH and DSEWPaC regard regarding the *Tetratheca juncea* on site.

ATTACHMENTS

1	Locality Plan	D03317081
2	Site Compatibility Certificate	D03317076
3	Section 117 Direction Assessment	D03317078
4	State Environmental Planning Policy Assessment	D03317080



9/04/2013 jmwirg

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MAP EXTRACT

Scale 1:2500

Note: Data is not survey accurate.
 Scale is representation only.

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Disclaimer

This is a map extract and is not a survey. It is a representation of the land and is not a guarantee of accuracy. It is not a substitute for a survey and should not be used for any purpose other than for general information only. It is not a guarantee of accuracy and should not be used for any purpose other than for general information only.

Not a guarantee
 of accuracy

TAG 2



Planning

Additional Uses on State Land
Determination of Certificate of Site Compatibility
Division 2 Part 2 of *State Environmental Planning Policy (Infrastructure) 2007*

I, the Director General of the Department of Planning, pursuant to clause 19(5) of the *State Environmental Planning Policy (Infrastructure) 2007*, determine the application made by Landcom on behalf of the NSW Department of Education and Training on 2 August 2010 by issuing this certificate.

For the purposes of obtaining consent to development referred in clause 18(3), I certify that in my opinion, the development of the site described in Schedule 1:

- is compatible with the surrounding land uses, having had regard to the matters specified in clause 19(6); and
- is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

Sam Haddad

Sam Haddad
Director General
Department of Planning

Date certificate issued: 13/9/2010.

Please note: This certificate will remain current for 5 years from the date of issue.

SCHEDULE 1

Site Description: Part Lot 1 DP 555602, former Summerland Point Public School site, 2-10 Cams Boulevard, Summerland Point, Wyong Local Government Area.

Application made by: Landcom on behalf of the Department of Education and Training.

Project description: Development of the former Summerland Point Public School site to allow the uses permitted on the adjoining lands zoned 2(a) Residential to be permitted on the southern 1.86 hectares of the site.

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Not Applicable. The proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Not Applicable. The proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Applicable. The subject site is located within the Swansea North Entrance Mine Subsidence District. Whilst it is unlikely that future resource extraction will impact the site, additional surface development limitation requirements may be applicable from the Mine Subsidence Board (MSB) The proposal is considered to be consistent with this Direction, subject to this consultation occurring.
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture	Not Applicable. The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)

Direction	Comment
Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not Applicable. This direction does not apply to the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Applicable. Whilst the site is zoned 5(a) Special Uses – School under Wyong LEP 1991, Council's draft SI LEP proposes to zone the subject site to E2 – Environmental Conservation, due to the presence of <i>Tetratheca juncea</i>. Subject to endorsement by Council and the Gateway, referral to DSWEpaC and OEH will be required. The proposal is not currently consistent with this Direction.
2.2 Coastal Protection	
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Applicable. The proposal has been identified as being within the Coastal Zone. The proposal seeks a zoning amendment to Wyong LEP 1991 or Council's SI (timing dependant). Given these plans are consistent with the principles with the NSW Coastal Policy; it is considered that this proposal is consistent with

Direction	Comment
	this Direction.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not identify an impact on any European or Indigenous heritage items or objects. It is therefore considered that the proposal is consistent with this Direction.
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Applicable. The proposal seeks to rezone the site to enable subdivision to create an additional 15 allotments, suitable for dwelling purposes. The proposal is located adjacent to and opposite an existing residential area, therefore is able to access and augment existing services and infrastructure for any new dwellings constructed. It is therefore considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to rezone land to provide for caravan parks or manufactured home estates or remove provisions relating to this issue. It is therefore considered that the proposal is

Direction	Comment
	consistent with this Direction.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Applicable. It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development. The proposal is directly adjacent to a well serviced bus stop. Further assessment to ensure availability of alternative transport choices will be undertaken during the Development Application process. It is therefore considered that the proposal is consistent with this Direction.
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	Not Applicable. The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges	Not Applicable. The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to

Direction	Comment
and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	land adjacent to and/ or adjoining an existing shooting range.
Hazard & Risk	
4.1 Acid Sulfate Soils	
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable. The subject site is located on land classified as Class 5 Acid Sulfate Soil. This issue has not been encountered during the subdivision works undertaken on the site under the consent for DA/1453/2010 (as amended). It is therefore considered that this proposal will be consistent with this Direction.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable. The proposal is located within the Swansea/North Entrance Mine Subsidence District. Further consultation will be undertaken with the MSB subject to endorsement by Council and the Gateway during community consultation of the proposal. It is considered that undertaking this consultation will result in the proposal being consistent with this Direction.
4.3 Flood Prone Land	
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the	Not Applicable. The site of the proposal is not identified as being flood prone land.

Direction	Comment
potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Applicable. The site of the proposal contains Category 2 bushfire prone vegetation and bushfire buffer zones. It is expected the APZ requirements will be similar for those lots fronting Summerland Road. This issue can be further assessed during any subsequent development application. It is therefore considered that the proposal will be able to be consistent with this Direction subject to this being undertaken.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	Applicable. The proposal is considered to be consistent with the Central Coast Regional Strategy. It is therefore considered that the proposal is consistent with this Direction.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. The proposal is not located within Sydney's hydrological catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Aims to: ensure that the best agricultural land will be available for current and future generations to	Not Applicable. The proposal is not located within the Far North

Direction	Comment
grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	Coast Region.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. The proposal is not located between Port Stephens and Tweed Shire Councils.
5.8 Sydney's Second Airport: Badgery's Creek	
Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	Not Applicable. The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.
Local Plan Making	
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	
Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.	Applicable. In the event that the proposal is supported, the land currently proposed for conservation purposes and ownership by Council will remain in private ownership. The land however is not

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	formally identified for acquisition under Council's planning instruments. The approval of the Director-General may be required in this regard for the proposal to be consistent with this Direction.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable. The proposal does not seek to enable a specific use on the site which is not permissible under the proposed zone (2(a) Residential or R2 Low Density Residential). It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.

SEPP	Comment
SEPP No. 44 – Koala Habitat	
Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones	As the area proposing the additional 15 lots is less than 1hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat have not been triggered.
SEPP No. 55 – Contaminated Land	
Aims: to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.	The preliminary desktop mapping/ assessment exercise has not identified any contamination of the site. A further review of historical files has identified one incident of illegal dumping on the site currently proposed to be rezoned, which occurred around 2003 (refer to Attachment 2). This fill was sourced from the adjacent residential subdivision. Having regard for the subdivision works already undertaken on the southern portion of Lot 1, it is considered there is a low likelihood of contamination of the site, therefore a contaminated land assessment should not be required. It is considered that the proposal is consistent with the requirements of this SEPP.
SEPP No. 71 Coastal Protection	
Aims: (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural	The proposal is consistent with the aims and objectives of the SEPP 71 Policy. The proposal seeks to enable additional infill residential development adjoining an existing residential area. The proposal does not affect access to and along coastal foreshores, nor is the site affected by

SEPP	Comment
attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and (e) to ensure that the visual amenity of the coast is protected, and (f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <u>Protection of the Environment Administration Act 1991</u>), and (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and (l) to encourage a strategic approach to coastal management.	coastal processes such as erosion. It is not considered that an increased density of a minor nature may adversely affect the scenic nature of the environment.

2.2 RZ/13/2012 - Proposed Rezoning - 2-10 Cams Road, Summerland Point

RESOLVED on the motion of Councillor NAYNA and seconded by Councillor BEST:

- 1 That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan (SI LEP)) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, for the residential development of Pt 200 DP 1181286, 2-10 Cams Boulevard, Summerland Point.**
- 2 That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.**
- 3 That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.**
- 4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement.**
- 5 That Council enter into a Voluntary Planning Agreement with the Proponent, if required, which details the mitigation and management requirements for the site's *Tetratheca juncea*, should the proposal have a 'significant impact' on the species.**
- 6 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".**
- 7 That a further report be submitted to Council to report on results of community consultation.**

- 8 ***That the Proponent be required to lodge a Section 96 application seeking the removal and/or amendment of Condition No's 6 and 48 of Development Consent DA/1453/2008 dated 14 June 2011 (as amended).***
- 9 ***That Council request the General Manager to apply to accept plan making delegations for the rezoning.***

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

MATTER ARISING

It was MOVED by Councillor TAYLOR and seconded by Councillor BEST:

- 1 *That Council note that *Tetratheca juncea* is endemic to the Central Coast and Hunter Region, however it is listed as vulnerable based on its distribution.*
- 2 *That Council write to the relevant State and Federal Government agencies requesting reconsideration of this endangered status.*

An AMENDMENT was moved by Councillor VINCENT and seconded by Councillor GREENWALD:

- 1 *That Council note that *Tetratheca juncea* is endemic to the Central Coast and Hunter Region, however it is listed as vulnerable based on its distribution.*
- 2 *That Council write to the relevant State and Federal Government agencies requesting clarification of this endangered status.*
- 3 *That Council staff provide additional information on the vulnerability of the *Tetratheca juncea* and its significance to the Shire.*

The AMENDMENT was put to the vote and declared LOST.

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

RESOLVED on the motion of Councillor TAYLOR and seconded by Councillor BEST:

- 1 ***That Council note that *Tetratheca juncea* is endemic to the Central Coast and Hunter Region, however it is listed as vulnerable based on its distribution.***
- 2 ***That Council write to the relevant State and Federal Government agencies requesting reconsideration of this endangered status.***

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

06 - Project Gantt Chart & Timeline



