



**Wyong
Shire
Council**
CENTRAL COAST

Planning Proposal

19 – 23 Geoffrey Road Chittaway Point

Lots 1-3 DP 21536, Lot 1 DP 1014033, Lot 1 22467 & Lots 10-11 DP 117776

File No. RZ/7/2009

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Part 1 Objectives or Intended Outcomes

The intended outcome of this proposal is to:

- Enable residential development and provide for conservation outcomes by rezoning Lots 1-3 DP 21536, Lot 1 DP 1014033, Lot 1 22467 & Lots 10-11 DP 1177776 (the subject site), in addition to removing lot amalgamation provisions.

Part 2 Explanation of Provisions

The intended outcomes are proposed to be achieved by an amendment to Wyong Local Environmental Plan (LEP) 1991, or pending timing, Wyong Standard Instrument (SI) LEP.

The following table identifies the proposed amendments under each plan:

Wyong LEP 1991	Wyong SI LEP
Zone Map (Sheet 21) - Rezone Lots 1-3 DP 21536, Lot 1 DP 1014033, Lot 1 DP 22467 and Lots 10-11 DP 1177776 from 1(c) Non-Urban Constrained Lands to 2(a) Residential and 7(a) Conservation.	Zone Map (LZN_010) - Rezone Lots 1-3 DP 21536, Lot 1 DP 1014033, Lot 1 DP 22467 and Lots 10-11 DP 1177776 from E2 Environmental Conservation and E3 Environmental Management to R2 Low Density Residential, E2 Environmental Conservation and E3 Environmental Management.
Clause 18 – Restriction on Development - Lot Amalgamation - Remove lot amalgamation provisions applying to Lots 1-3 DP 21536 and Lot 1 DP 1014033 as notated on the applicable Zone Map (Sheet 21).	Lot Amalgamation Map (LAM_010) - Remove lot amalgamation provisions applying to Lots 1-3 DP 21536 and Lot 1 DP 1014033.
Clause 14(2)(a), 42D - Minimum Lot Size - By virtue of the rezoning, apply the minimum lot sizes in accordance with the provisions for each zone, i.e. 40ha for land zoned 7(a) Conservation and 450m² for land zoned 2(a) Residential.	Minimum Lot Size Map (LSZ_010) - Amend the minimum lot size maps in accordance with the provisions for each zone, i.e. 40ha for land zoned E2 Environmental Conservation / E3 Environmental Management and 450m² for land zoned R2 Low Density Residential.

Table 1 Wyong LEP 1991 and Wyong SI LEP Proposed Amendments

The zone boundaries will be based on the final concept plan for the subject site. The current draft concept plan is depicted in Figure 1. This plan is subject to change pending the results of further investigative assessment.



Figure 1 Indicative Concept Plan (SUBJECT TO CHANGE)

19 – 23 Geoffrey Road, Chittaway Point

Lots 1-3 DP 21536, Lot 1 DP 1014033, Lot 1 22467 & Lots 10-11 DP 1177776

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The conceptual plan provided by the proponent includes an existing approved subdivision on its southern boundary. The 10-lot subdivision (DA 1406/2008) was lodged over the front portion of former Lot 1 DP 134363, and was approved on 25 June 2009. This approval resulted in 8 lots (between 501m² and 717m² in size) within the 2(a) Residential Zone land at the front of the site (not included in the subject site area), and 2 allotments (Lots 10-11 DP1177776) within the 1(c) Non-Urban Constrained Lands Zone (within the current subject site).

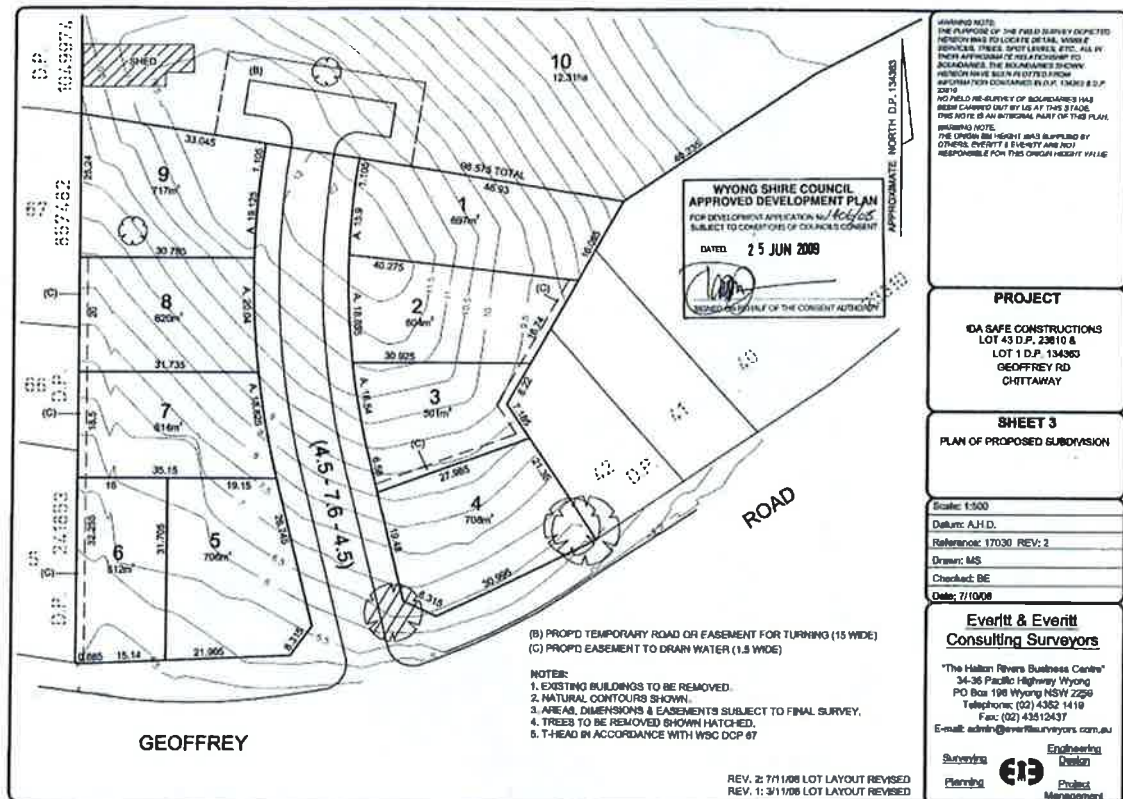


Figure 2 DA 1406/2008 Approved Plan

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

The subject site is identified within Council's Settlement Strategy (SS) as a site suitable for further consideration/investigation for residential development. Council's draft SS was publicly exhibited between 9 January 2013 and 20 February 2013 and is currently with the Department of Planning and Infrastructure (DoPI) for endorsement.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As an alternative to a stand-alone Planning Proposal, the intended outcome could be achieved by incorporating the rezoning into Council's SI LEP. However, as this plan has been submitted to the DoPI for notification, and there are a number of additional studies recommended to be undertaken to support the proposal (see Section C), this is not appropriate.

It is considered the intended objectives cannot be achieved by any other mechanism than a planning proposal.

Section B – Relationship to strategic planning framework

3. (a) Where a sub-regional strategy is in place:

(i) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The subject site is not located within the North Wyong Shire Structure Plan (NWSSP) area. As detailed in Section A, the subject site is identified within Council's Settlement Strategy as being suitable for further consideration/investigation for residential development. The Settlement Strategy is currently with the Department of Planning and Infrastructure (DoPI) for endorsement.

The proposal has been assessed against the sustainability criteria within the Central Coast Regional Strategy (CCRS) and in general is consistent with these criteria. The proposal will generate a significant number of dwellings as infill development; therefore will contribute to achieving the overall target set by the Strategy.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The Wyong Shire Community Strategic Plan (CSP) identifies what the Shire Strategic Vision is, how the Vision was created through the community, the importance of the community, Council, state and federal government working together to achieve the Shire's Vision, and how the Shire Strategic Vision integrates with Council's Asset Management Strategy and long-term Financial Strategy.

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

5. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below.

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	The flora and fauna report submitted by the Proponent identified that a targeted koala survey was undertaken as part of the investigation of the site. Only one food species tree was identified (<i>Eucalyptus robusta</i>) and there were no actual or indicative (scats, scratches etc) or sightings of koalas on the subject site.
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	Whilst the preliminary desktop mapping/assessment exercise has not identified any contamination of the site, this issue still requires formal assessment. Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a contaminated land assessment to comply with the provisions of this SEPP.

SEPP	Comment
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.	
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 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	The proposal is consistent with the aims and objectives of the SEPP 71 Policy. The proposal seeks to enable additional residential development within an existing residential area. In enabling additional population in the Shire, this is consistent as being described as infill development. The proposal does not affect access to and along coastal foreshores, nor is the site affected in a significant manner by coastal processes such as erosion. The proposal enables the protection of flora and fauna. Given the existing residential style development adjacent to the subject site, it is not considered that an increased density will adversely affect the scenic nature of the environment, particularly if the proposed scale of the development is reduced. Any progression of the proposal will be required to manage stormwater consistent with Council policy including draft Chapter 97 – Water Sensitive Urban Design.

SEPP	Comment
meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), 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.	

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal has been considered against the relevant Ministerial Section 117 Directions as summarised below. The full assessment of these Directions is contained as a supporting document of this proposal. The proposal can be consistent with these Directions subject to the outcomes of further investigative studies and consultation with relevant state and federal government agencies.

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



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

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site has been utilised for the grazing of livestock for many years, therefore is predominantly cleared of native vegetation. Despite this usage, some areas of the site remain heavily vegetated, particularly along the eastern boundary, eastern and northern slopes.

A flora and fauna assessment has been provided which was prepared in 2012 by Conacher Environmental Group. This report does not assess the impacts of the roads and encroachment associated with residential development, including edge effects on the areas of vegetation/ EEC and threatened species habitat proposed to be retained. Further assessment which addresses the edge effects of development (housing, weed invasion, dumping etc) on retained vegetation should be undertaken to determine how the integrity of these areas will be preserved.

Investigations as to offset arrangements for the development of the site have not been undertaken. It is understood that these investigations will be undertaken post Gateway Determination, should the proposal be supported to that stage. The mitigation and offset analysis would need to also consider the loss of hollow bearing trees and hollows, foraging habitat for microbat species and the loss of integrity of the north-western vegetation and its role in the proposed vegetation corridor.

Threatened Flora

Council's records indicate that the vegetation located along the western boundary of the site includes the Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions (SSFCF) Endangered Ecological Community (EEC) under the *Threatened Species Conservation (TSC) Act 1995*. These records also indicate that the vegetation on the eastern slopes includes the River-flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (REFCF) EEC.



Figure 3 Council EEC records

 River Flat or Swamp Sclerophyll Forest.
 River Flat Eucalypt Forest.

The Conacher flora and fauna report identifies the area containing REFCF EEC in Council records as being SSFCF EEC. Whilst the proposal identifies this area to be reserved for conservation, its

connectivity to the south will be impacted. If the REFCF EEC exists on site, it may impact on habitat corridor linkages, offset calculations and threatened species assessment.



Figure 4 Proposed Vegetation Corridor

Council's mapping system identifies a wildlife corridor which borders the west of the subject site (Figure 6). This is the only location where this can be achieved, and this connective habitat linkage is an important biodiversity planning objective in the locality.

This corridor will require considerable embellishment and restoration to provide a linkage from the floodplain wetlands in the Tuggerah/Chittaway Point area to remnant riparian vegetation along Ourimbah Creek.

4.83 Ha of vegetation on the site is described as Blackbutt Canopy only and is most likely disturbed Alluvial Riparian Blackbutt Forest. Although the report concludes that this vegetation type does not correspond to an EEC, it may correspond to REFCF EEC.

A recently commissioned Council study assessed Alluvial Riparian Blackbutt Forest in Wyong LGA against REFCF EEC (Bell 2013). This study identifies that the species list is a poor indicator of EEC; therefore the Blackbutt Forest could potentially qualify as REFCF. Further investigative work is recommended.

The field surveys conducted by Conacher may not have detected all potential threatened flora species due to the timing of the surveys not coinciding with flowering times. It is uncertain whether these surveys detected *Corunastylis* sp. Charmhaven, a recently discovered and described orchid that was provisionally listed on the TSC Act as Critically Endangered on 5 October 2012. The probability of its occurrence is low on site, however should be further investigated, in addition to further investigations being undertaken for other orchid species during their respective flowering times.

Threatened Fauna

The field surveys undertaken as part of the Conacher report identified the presence of five (5) threatened fauna species under the TSC Act and three (3) migratory bird species under the *Environment Protection and Biodiversity Conservation (EPBC) Act*, 1999. Despite these observations, the range of vegetation on the subject site has potential to provide suitable habitat for other protected species.

The field surveys also included targeted observations for koalas and squirrel gliders. No koalas or squirrel gliders were observed on site, with only one (1) koala food species tree, *Eucalyptus robusta*, being located on site.

The assessment of the observed threatened fauna concluded that the 'proposed development is not likely to have a significant effect on threatened species, populations or ecological communities',

therefore a Species Impact Statement (SIS) is not required. The report further concluded that a referral to the Department of Sustainability, Environment, Water, Population and Communities (DSEWPac) is not necessary.

Recommendation - Prior to Community Consultation Occurring:

The Proponent:

1. Undertake additional seasonal investigations for additional flora not previously surveyed, including the recently listed *Corunastylis sp Charmhaven*;
2. Further investigate the potential for the disturbed Alluvial Riparian Blackbutt Forest located on site with regard to its potential correspondence to the REFCF EEC, in reference to Council's report on Alluvial Riparian Blackbutt Forest (Bell 2013);
3. Subject to the outcomes of 1 and 2, prepare a revised concept plan, reflective of the findings;
4. Prepare an assessment of the edge effects of development on retained vegetation which identifies the loss, if any, of integrity on these remnants and identifies appropriate management/mitigation strategies to retain the integrity of these areas.

Recommendation - Prior to Plan Making:

1. Undertake investigations as to mitigation and offset arrangements for the development of the site.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire

The site has been identified as consisting of Category 2 Bushfire Prone Vegetation as well as being within a bushfire buffer zone.

A bushfire hazard assessment of the site and proposed concept plan has not been undertaken.

The following are identified as general risks associated with the current concept plan:

- The single main access is likely to be problematic with 200 lots, even with secondary access to Church Rd. The northern access needs to be to a high standard as well.
- The Wyong BFRMP surrounding areas rate as High Risk and this is related to the limited road network and frequency of fires in the area.
- The residual lots as proposed will result in very long perimeter to area ratios - meaning long APZs to be maintained to benefit relatively few properties rated only High Risk.
- Revegetation of cleared area to the east of the site as an offset will significantly raise risk to existing properties on Geoffrey Rd and Churchill Rd.

Recommendation - Prior to Community Consultation Occurring:

The Proponent:

1. Prepare a Bushfire Assessment Report;

2. Subject to the outcomes of 1, revise the current concept plan to include appropriate setbacks and asset protection zones (APZs) in accordance with the provisions of *Planning for Bushfire Protection* (2006), in addition to providing suitable Urban Interface Areas (UIA's) in accordance with Chapter 66: Subdivision of Council's DCP 2005: Development Controls for Wyong Shire (or equivalent); and

Recommendation - Prior to Plan Making:

1. Prepare a Bushfire Risk Management Plan.

Climate Change

It is not considered that the proposal will significantly contribute to climate change. However, referral to the analysis of flooding in this proposal should be made in this regard.

Controls at Development Application stage will require compliance with legislated sustainability measures.

Aboriginal and European Cultural Heritage Items

Council's records do not indicate the any European or Aboriginal cultural heritage items are located within the site. A search of the Aboriginal Heritage Information Management System (AHIMS) database identifies that an item is located within 200m of Lot 1 DP 1014033.

The Proponent has submitted an Aboriginal Archaeological Assessment, prepared by McCardle Cultural Heritage Pty Ltd in 2011. This assessment included the development of a predictive model for the subject site, which indicated that the entire site would have low archaeological potential. A site investigation confirmed this model, with no sites being identified. It is uncertain however as to whether these investigations were conducted in the presence of representatives from local Aboriginal groups.

The report concluded that no further investigations are require for the rezoning to proceed, however that 'in order to determine the cultural significance of the study area, consultation with the Aboriginal Community must be undertaken as per the Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) as part of any future Development Application.

Recommendation - Prior to Plan Making:

The Proponent:

1. Provide confirmation/documentation to demonstrate Archaeological Investigations were conducted in accordance with the provisions of the Office of Environment & Heritage's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Contaminated Land & Acid Sulfate Soils

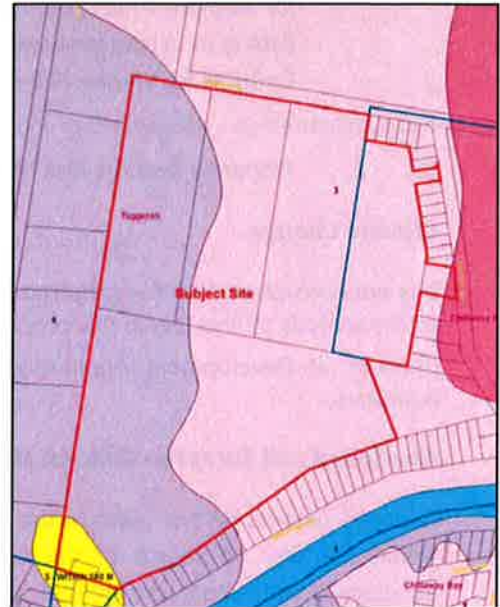
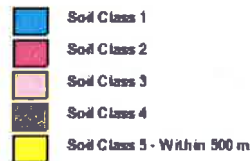
A review of Council's records indicates the site not being subject to contamination. Current and past rural/residential and low scale agriculture land uses have a low potential for contamination incidences to occur on site.

Despite the above, it is recommended that a preliminary investigation is undertaken, prior to community consultation being undertaken.

The subject site contains Class 2, 3, 4 and 5 acid sulfate soils which may affect development potential for the site, including limitations to cut and fill.

An assessment of this issue has not yet been undertaken by the Proponent.

Figure 5 Acid Sulfate Soils



Recommendation - Prior to Plan Making:

The Proponent:

1. Undertake a Stage 1 – Preliminary Investigation for contaminated land of the site; and
2. Undertake an acid sulfate soil and water assessment in accordance with the provisions of the Acid Sulfate Soils Manual and guidelines.

Flooding

The eastern portion of the subject site, including large sections of Lots 2 & 3 DP 21536, Lot 1 DP 101433 and Lot 10 DP 1177776 and the entirety of Lot 1 DP 22467 are affected by the 1% AEP from both Ourimbah Creek (to the south) and Tuggerah Lake.

A flood study prepared on behalf of the Proponent by Paterson Consultants Pty Limited (May 2012) has identified a potential low risk development area for the site which:

- Includes fill to provide minimum required ground levels;
- Prevents loss of flood storage so that flood levels are



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not increased downstream; and

Figure 6 Proponent Proposed Development Footprint and Fill Levels (October 2012)

- Enables filling which wouldn't affect flood levels of Tuggerah Lake

A flood modelling exercise for the Ourimbah Creek Catchment (April 2013) undertaken for Council by Catchment Simulation Solutions has considered the impacts of flooding and water flow from the entire Ourimbah Creek Catchment, not just those from the Lower Ourimbah Creek and Tuggerah Lakes Area.

This modelling identified possible scenarios, including the 1% Annual Exceedance Probability (AEP), 0.5% AEP and Probable Maximum Flood (PMF). A number of alternative scenarios for the 1% AEP were also tested, including increased rainfall intensity (30%) produced as a result of climate change, as well as a blockage of Lees Bridge.

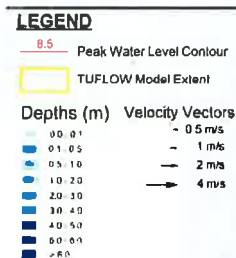


Figure 7 1% AEP (Catchment Simulation Solutions April 2013)



19 – 23 Geoffrey Road, Chittaway Point

During these alternative scenarios, (as well as during the 0.5% and PMF events), floodwaters 'break out' from Chittaway Creek and cross Wyong Road onto the subject site. As a result, a temporary flow path forms on the north-western side of the Knoll located above Oscar Drive.

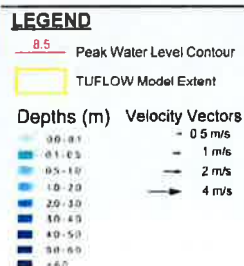


Figure 8 1% AEP with Climate Change (Catchment Simulation Solutions April 2013)

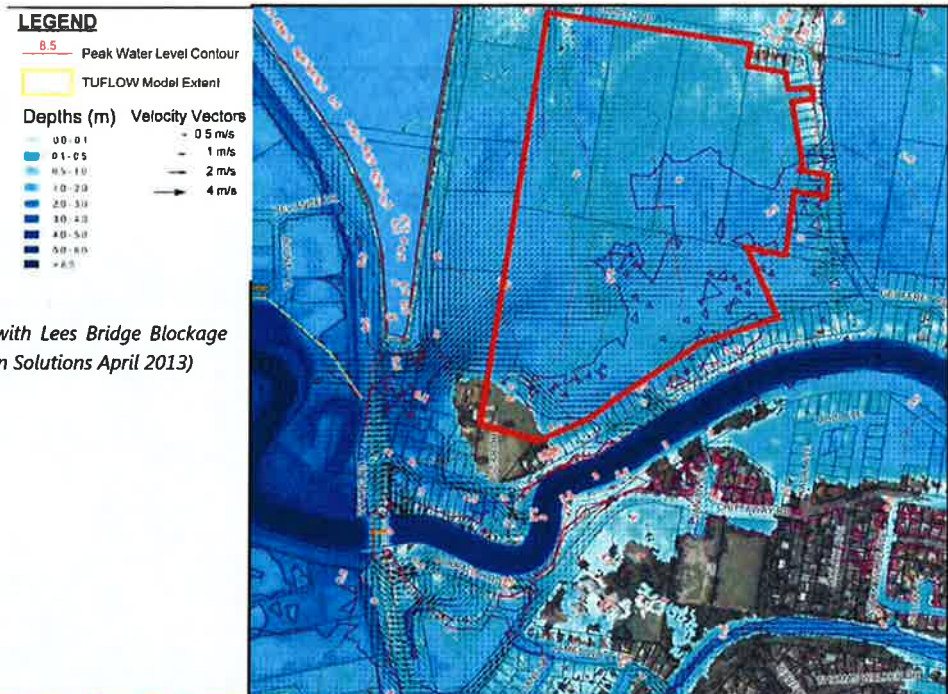


Figure 9 1% AEP with Lees Bridge Blockage (Catchment Simulation Solutions April 2013)

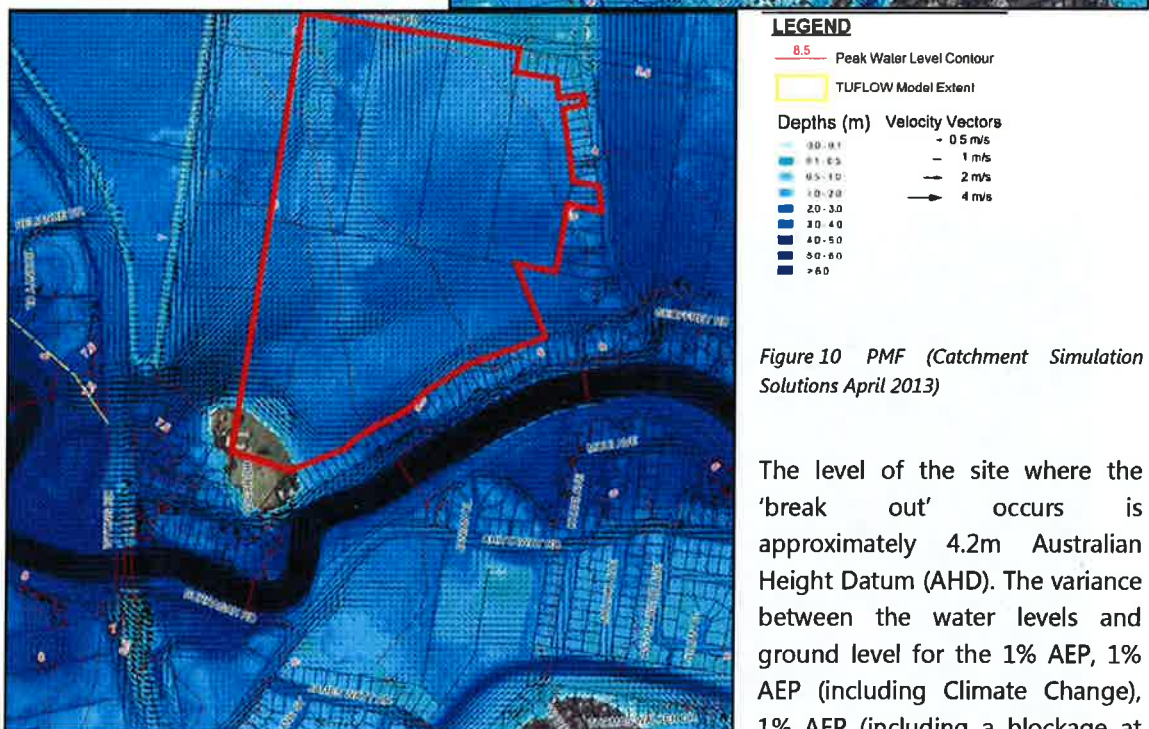


Figure 10 PMF (Catchment Simulation Solutions April 2013)

The level of the site where the 'break out' occurs is approximately 4.2m Australian Height Datum (AHD). The variance between the water levels and ground level for the 1% AEP, 1% AEP (including Climate Change), 1% AEP (including a blockage at Lees Bridge) and PMF scenarios ranges from approximately 0.5m to 2.0m as demonstrated by the cross section in Figure 11.

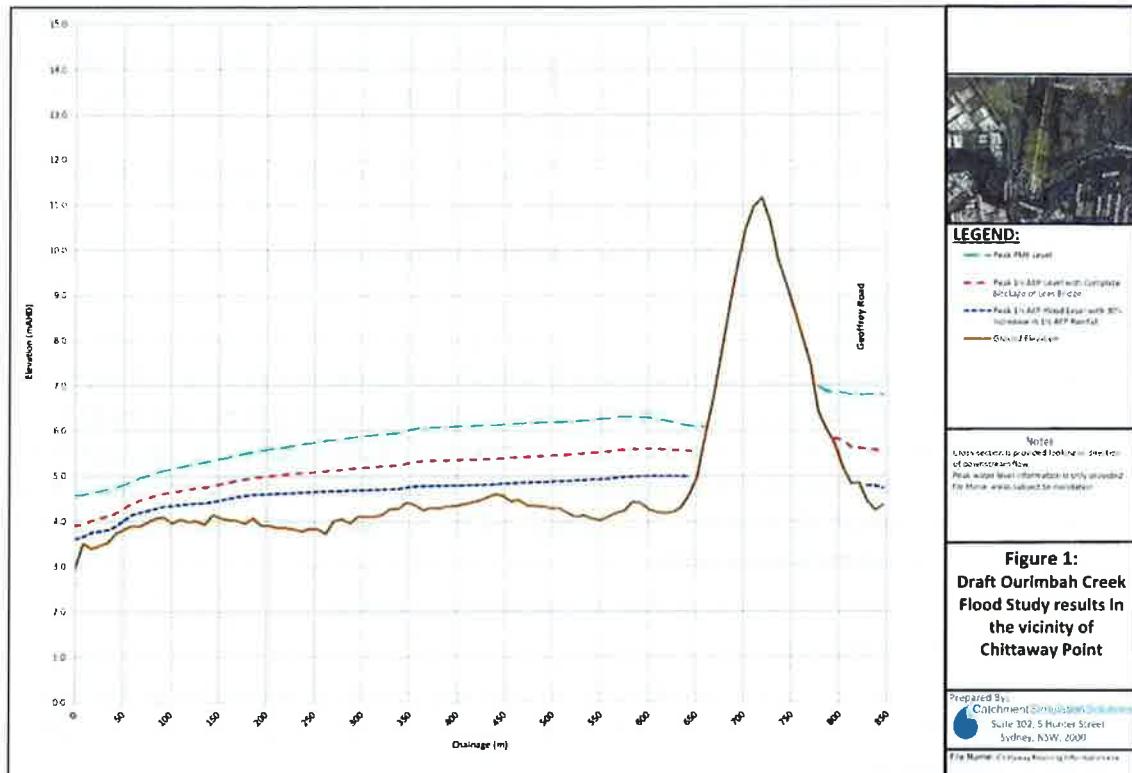


Figure 11: Cross Sectional Flood Levels (mAHD)

In order to more accurately assess the risk to life and property associated with the development of the site, an appropriate Flood Planning Level (FPL) is required to be established. The NSW Floodplain Development Manual (FDM) (2005) advises that in most instances, adoption of the PMF as the FPL is inappropriate and can unnecessarily sterilise land, otherwise suitable for development. The FDM further advises that the 1% AEP plus a 0.5m freeboard is an acceptable FPL for residential development.

The velocity of water associated with both the PMF and 1% AEP (subject to further issues analysis) may make it dangerous for overland evacuation. The result of this is that any future population may be isolated in-situ should such an event occur.

The adoption of the 1% AEP as the FPL in this instance is considered consistent with the FDM, however modification of the current concept plan to identify appropriate risk management and mitigation strategies, having regard for the higher risk (but less likely) flood events may be required.

Recommendation - Prior to Community Consultation Occurring:

The Proponent:

1. Amend the current concept plan (if required) and prepare a Flood Risk Management Plan for the subject site, which:
 - a) Appropriately responds to higher risk flooding events (e.g. 1% AEP (including Climate Change), 1% AEP (including a blockage at Lees Bridge) and PMF scenarios. The concept plan revision should consider the recommendations of the

Hawkesbury - Napean Floodplain Management Steering Committee Guidelines: *Designing Safer Subdivisions (Guidance on Subdivision Design in Flood Prone Areas)* and *Managing Flood Risk Through Planning Opportunities (Guidance on Land Use Planning in Flood Prone Areas)*.

- b) Documents mitigation and management strategies for the site to be implemented both pre and post development; and
- c) Documents appropriate evacuation strategies/options.

Noise and Acoustics

An assessment of the impact of the proposal in terms of noise and acoustics has not been undertaken by the Proponent. Whilst the development may not be directly adjacent to Wyong Road, it is in close proximity. Wyong Road accommodates an average daily traffic volume of approximately 36,000 vehicles. Given this volume, any amendment of the concept plan should include consideration of the best practice methodologies in the interim *Guidelines for development near Rail Infrastructure and Busy Roads* (Department of Planning 2008).

Recommendation - Prior to Community Consultation Occurring:

The Proponent provide that:

1. Any amendment of the concept plan should also include consideration of the best practice methodologies in the interim *Guidelines for development near Rail Infrastructure and Busy Roads* (Department of Planning 2008).

9. Has the planning proposal adequately addressed any social and economic effects?

Social Impact & Amenity

Additional residential allotments are proposed to be located between existing residential areas, backing onto the sewerage treatment plant buffer owned by Wyong Shire Council, and Crown land currently utilised for community facility purposes.

Given its location as a type of "in-fill" development within the existing residential area of Chittaway Point, the site is considered to be well located for accessibility to local medical, educational and recreation facilities, in addition to local and regional shopping amenities.

In general the following facilities are in close proximity of the subject site:

- Neighbourhood Shopping Centre at Chittaway Bay located approximately 700m from the subject site (containing Coles supermarket, post office, butcher, hairdresser, bottle shop, pharmacy, newsagency and Takeaway Food outlets);
- Tuggerah Westfield Shopping Centre located approximately 2.5km from the subject site.
- Primary school (Chittaway Bay Public School) located approximately 1km from the subject site.

Despite the above, the area of the proposal is located more than 500m from the closest existing Local Park at Sunshine Reserve. Additionally, Geoffrey Road has no footpath and access along Geoffrey Road could be considered unsafe for pedestrians

Given the estimated additional potential population, a small park may be required to be provided within the development area, in the vicinity of 5,000m². The park would not be required to have play equipment but should be developed as a shade tree park with a landscaped play area and large open grassed area for informal ball games and picnics.

In addition, a shared pathway is recommended to be provided which runs along the central road of the proposed concept plan which links to the Local Park, Geoffrey Road and Wyong Road Shared Pathway to the west.

Bus services are currently available from Wyong Road. There are no pedestrian footpaths located adjacent to the subject site, however have been provided as part of construction works associated with DA/1406/2008.

It is considered that the proximity of the subject site to the above facilities and services is adequate for the proposal in the provision of relevant goods and services.

Recommendation - Prior to Community Consultation Occurring:

The Proponent:

1. Amend the current concept plan to provide for a small park, in the vicinity of 5,000m² and a shared pathway is recommended to be provided which runs along the central road of the proposed concept plan which links to the Local Park, Geoffrey Road and Wyong Road Shared Pathway to the west.

Odour

The subject site is located approximately 600m (line of site) south-east of the operational area of Wyong South Sewerage Treatment Plant (WSSTP). Upgrades to the plant undertaken between 2000 and 2009 included the following:



- Installation of a fourth aeration tank;
- Upgrade of the overload aerators in tank 3;
- A reduction in Biological Oxygen Demand (BOD) from both Masterfoods and Sanitarium wastewater which have a combined Equivalent Population (EP) of 10,000; and
- Operational changes including sludge retention time, sludge dewatering method and the injection of oxygen into rising mains (SKM 2009).

Figure 12 WSSTP Odour Contours (SKM 2009)

An odour study conducted by Sinclair Knight Merz (SKM) in 2009 reviewed to impact these changes had on the odour associated with the plant. As a result of these upgrades, the subject site was affected by approximately 1 – 1.5 odour units (OU). This is within the acceptable Department of Environment, Climate Change and Water (DECCW) (now Office of Environment and Heritage (OEH)) criteria for odour assessment for urban areas (populations greater than 2000) and/or schools and hospitals, as detailed in Table 2 below:

Population of affected community	Odour assessment criteria ³ (OU)
Rural single residence (≤ 2)	7.0
~ 10	6.0
~ 30	5.0
~ 125	4.0
~ 500	3.0
Urban area (≥ 2000) and/or schools and hospitals	2.0

Table 2 Odour Assessment Criteria for various population densities (DECCW).

In addition to undertaking the above works, Council has resolved to develop an appropriate odour mitigation and avoidance strategy for land surrounding the WSSTP and implement additional controls (including removal of the sludge lagoons). These controls should lessen the odour impact on the subject site further.

Economic Viability

The subject land is within the Wyong Social Planning District that is covered by the Wyong Contributions Plan. No land/works have been identified for funding by this development.

Under the Wyong Contributions Plan there are a number of past release areas that have required the provision of open space and community facilities based on population. It is likely that given the estimated population (being approximately 621, based on 214 lots with a 2.9 occupancy rate), a small park may be required to be provided within the development area. The area of the open space to be provided would be in the vicinity of 5,000m² (refer to Social Impact and Amenity assessment). The provision of this open space would be able to be offset against other contributions payable for open space and community facilities under the Wyong Contributions Plan.

The extensions/upgrades to the water and sewerage infrastructure required to service the site would be required to be provided by the Proponent. Costs for the provision of this infrastructure can be offset against the payable contributions.

This Plan does not include provisions for road network upgrades in the proposal's locality. Any local roads within the new development will be required to be provided by the Proponent. Additionally, and if required, the Proponent will also be responsible for the funding/construction of any intersections connecting the development area to existing road networks.

Transport for NSW has also highlighted the need to upgrade the four critical 90 degree curves on Church Road, in order to permit a bus service via this route to the Tuggerah Railway Station. Some costs may be apportioned to the development. Further consultation is required with Transport NSW in this regard.

Additional State Infrastructure Contributions (SIC) may also be payable.

Recommendation - Prior to Plan Making:

The Proponent:

1. Enter into further discussions with Transport NSW regarding the potential upgrade of Church Road and possible apportionment of costs.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Traffic & Transportation

The intersection geometry and road width for the 10 lot subdivision (DA/1406/2008) were approved considering the additional traffic generation likely to be created by the rezoning of the subject site.

Council's Transportation Engineer has advised that the intersection could accommodate the proposed number of lots.

Chapter 66: Subdivision of DCP 2005 requires that cul-de-sac (or similar) roads not exceed 75metres in length. Essentially this requires a second point of connect for subdivisions greater than 15 lots. It is likely therefore that the road design will be required to be amended to meet the requirements of this Chapter.

Additionally, further consideration should be given to:

- the proposed road hierarchy, in particular, the collector road formation and intersection treatments with the minor roads;
- Easing the 2 x 90 degree bends centrally within the subdivision; and
- Addressing the respective sight lines at intersection.

In order to enable adequate accessibility for servicing of the site by buses, an alteration to the street layout as shown on the concept plan will be required. Ideally buses should operate through the centre of a development in as straight a line as possible as this minimises walking distances and promotes bus usage. However a through road connecting Geoffrey Road with Church Road may encourage the road being used as a "short cut". Consequently, traffic control devices such as speed cushions, will be required along the road to discourage through motorists.

Transport for NSW has also highlighted the need to upgrade the four critical 90 degree curves on Church Road, in order to permit a bus service via this route to the Tuggerah Railway Station. Some costs may be apportioned to the development. Further consultation is required with Transport NSW in this regard is required.

Recommendation - Prior to Community Consultation Occurring:

The Proponent:

1. Amend the current concept plan to comply with the requirements of Chapter 66: Subdivision, including development of an appropriate road hierarchy, addressing the 90

degree bends, sightlines, and enable adequate bus servicing arrangements to the satisfaction of Transport for NSW and the local bus operator; and

Recommendation - Prior to Plan Making:

1. Enter into further discussions with Transport NSW regarding the potential upgrade of Church Road and possible apportionment of costs.

Water and Sewer

The potential loading on water supply and sewerage systems from residential development at the above sites is approximately 214 ET based on the current proposed lot layout, consisting of 214 residential lots.

The site is not currently serviced by Council's reticulated water or sewerage service, however both services surround the site along the entire length of Geoffrey Road and the recently development portion of Church Road.

The water service has been extended as part of the construction works associated with DA/1406/2008.

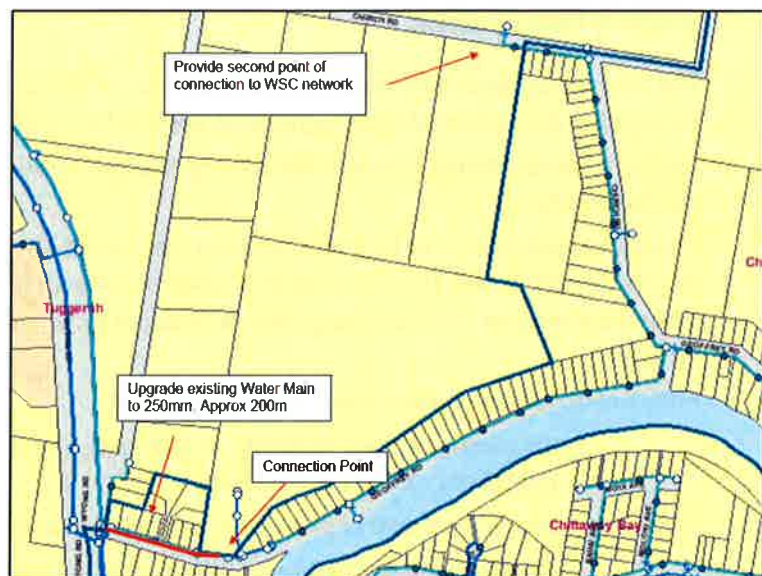


Figure 13 Water Supply Connections

To service residential development resulting from the proposed rezoning, the existing water main would need to be upgraded to a 250mm main from the connection to the development site back to the connection with the 525mm water trunk main located on the Eastern alignment of Wyong Rd. Connection must also be made from the 100mm water main on Church Rd to ensure security of supply, generally in accordance with Figure 13.



Both of the nearby sewerage pump stations (SPS WS03, SPS WS42) have insufficient capacity to service the proposed development and will require upgrades to the pump station, rising main and gravity drainage pipework. The scope of these upgrades will be driven by the proposed lot grading and subsequent sewerage discharge locations.

Figure 14 Sewerage Pump Locations

It is Council's preference is to undertake upgrades of the network instead of constructing an additional sewerage pump station.

Further investigation and design with regard to the provision of water and sewerage services will be required at the time of preparing a development application. All works required would be funded by the developer. Contributions would be applicable at subdivision stage.

Stormwater and Drainage

The current proposal has not made provision for integrated water cycle management (IWCM) or provided details of water sensitive urban design (WSUD) features. Whilst these issues can be further addressed at subdivision/development application stage, their provision may affect the final lot yield, therefore impact the proposed concept plan.

Recommendation - Prior to Community Consultation Occurring:

The Proponent:

1. Undertake an integrated stormwater management study for the proposal which:
 - (a) identifies pre and post development site runoff;
 - (b) Assesses the pre and post development quality runoff;
 - (c) Identifies appropriate treatment strategies and water sensitive urban design options for the treatment of post development runoff (to relevant and standards); and
 - (d) Considers the impact of the proposed fill on the downstream properties in relation to any potential blockage of flow paths.
2. Amend the current concept plan to reflect the treatment strategies identified by the stormwater management study, in addition to the provision of urban interface treatment areas in accordance with the provisions of Chapter 66: Subdivision of DCP 2005.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with government agencies has not yet been undertaken.

Formal consultation will be undertaken in accordance with any determinations made by the Gateway.



Part 4 Mapping

Map No.	Map Title
1	Locality Plan
2	Current Zoning – Wyong LEP 1991
3	Current Zoning – Wyong SI LEP (as exhibited 9/1/2013 – 20/2/2013)
4	Minimum Lot Size - Wyong SI LEP (as exhibited 9/1/2013 – 20/2/2013)
5	Lot Amalgamation – Wyong SI LEP (as exhibited 9/1/2013 – 20/2/2013)

The future zone boundaries will be based on the final concept plan for the subject site. The current draft concept plan is depicted in Figure 1. This plan is subject to change pending the results of further investigative assessment, therefore future zone maps and development standards have not been provided at this point in time.

Part 5 Community Consultation

It is expected that the proposal will be made available for 14 days for community/agency consultation. This will be undertaken in accordance with any determinations made by the Gateway.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	N/a	2 September 2013	2 September 2013
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days	17 September 2013	15 October 2013
Anticipated timeframe for the completion of required technical information	4 months	16 October 2013	2 January 2014
Commencement and completion dates for public exhibition	14 days	30 January 2014	19 February 2014
Dates for public hearing (if required)	N/a	N/a	N/a
Timeframe for consideration of submissions	2 weeks	12 February 2014	26 February 2014
Timeframe for consideration of a proposal post exhibition	2 weeks	12 February 2014	26 February 2014
Date of submission to the Department to finalise LEP	N/a	N/a	N/a
Anticipated date RPA will make the plan (if delegated)	1 month	12 March 2014	8 April 2014
Anticipated date RPA will forward to the Department for notification	N/a	8 April 2014	8 April 2014

Supporting Documentation

No.	Document
1	Council Report and Minutes – 24 July 2013 (35 pages)
2	DA 1406/2008 Notice of Determination (17 pages)
3	Central Coast Regional Strategy Sustainability Assessment (4 pages)
4	Section 117 Ministerial Direction Assessment (9 pages)
5	Flora and Fauna Assessment Report (May 2012) Conacher Environmental Group (92 pages)
6	Indigenous Archaeological Due Diligence Assessment (November 2011) McCardle Cultural Heritage Pty Ltd (61 pages)
7	Flooding Issues Final Report (May 2012) Paterson Consultants Pty Ltd (20 pages)
8	Letter Clarifying Matters Within Final Flooding Report (October 2012) Paterson Consultants Pty Ltd (4 pages)
9	Traffic Impact Assessment (May 2011) Mark Waugh Pty Ltd (56 pages)
10	Project Timeline Gantt Chart (2 pages)