



Wyong  
Shire  
Council  
CENTRAL COAST

## ***Planning Proposal***

Old Farm Site  
414 Old Maitland Road, Mardi  
File No. RZ/14/2012

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## **Part 1 Objectives or Intended Outcomes**

To enable the Old Farm Site, 414 Old Maitland Road, Mardi (Lot 36 DP 755249; Lot 41 DP 123953; Lot 1 DP 229971; Lot 1 DP 229970; Lot 1 DP 120512; Lot 101 DP 604655; Lot A DP 396415 and Lot 1 DP 554423) to be developed for residential/rural village purposes, in addition to providing for the protection of environmentally significant areas.

## **Part 2 Explanation of Provisions**

The proposed outcome will be achieved by an amendment to Wyong Local Environmental Plan (LEP), 1991.

Depending on the timing of the progression of the proposal, the proposed outcome will be by an amendment to Council's Standard Instrument LEP, including amendments to:

- Land Zoning Map and
- Minimum Lot Size Map.

## **Part 3 Justification**

### **Section A – Need for the Planning Proposal**

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

The site is identified for future rural residential development in both the Wyong Valleys Study 1998 and Council's draft Settlement Strategy.

#### *Wyong Valleys Study 1998*

The Wyong Valleys Study was undertaken in 1998 with the intent of developing a planning strategy for the Yarralong and Dooralong Valley areas. The Valleys Planning Strategy (VPS) was not implemented however due to resource constraints. Relevant components of the VPS have been incorporated into Council's draft SS (as exhibited).

Such relevant provisions relate to the identification of opportunities to provide for rural residential subdivision in the Valleys area. This identification was based on an analysis of constraints, including (but not limited to) flooding, slopes, 'at risk' vegetation communities, landscape quality, agricultural potential and proximity to services.

The site of the subject proposal was included within the original VPS as an area with high potential (subject to associated constraints) suitable for further consideration for this purpose.

#### *Draft Wyong Settlement Strategy 2012*

Council's draft Settlement Strategy (SS) was publicly exhibited between 9 January 2013 and 20 February 2013. The SS:

- *Establish(es) the strategic direction and framework for the Wyong (Local Government Area) LGA and inform the preparation of Wyong LEP 2012 and Wyong DCP 2012: Development Provisions for Wyong Shire;*

- Provides a blueprint for the growth of the (Local Government Area) LGA with accessible and reliable transport, a strong regional economy, a vibrant community and a healthy natural environment; and
- Provides an analysis of demand, supply and nature of land and identifies where additional land may need to be set aside for residential, business and commercial development while retaining the LGA's enviable natural environment;

The draft SS includes relevant provisions as identified within the Wyong Valley Planning Study, including a revised assessment of land capability and suitability for additional rural residential subdivision. It is important to note that both the SS and Valleys Planning Study distinguish between Rural Residential Development and Rural Hamlets, with the later having some form of commercial/retail/Village component.

This assessment has identified that the subject site is a medium priority area, being moderate(ly) suitability to support future settlement due to the effect of a range of "land suitability" considerations for rural residential development.

The land use strategy within the SS identifies that:

*'those areas which achieved a high or medium rating will be given a priority for closer examination for their potential to support greenfield or infill development. Further investigations including detailed studies on environmental and development constraints will need to be undertaken to determine whether these areas are capable and suitable for greenfield or infill development opportunities. It should be noted that by identifying these sites that may be potentially suitable for development, Council is not aiming to raise the expectations of landowners that this land will at some stage be rezoned to permit subdivision for greenfield or infill development'.*

Having regard for the provisions of the SS, the rezoning of the site for rural residential purposes is considered to have merit subject to further investigations/justification being undertaken by the Proponent.

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

The site is not currently zoned in a manner which enables rural residential development; therefore 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)?**

Not applicable. The proposal is not located within the boundaries of the North Wyong Shire Structure Plan (NWSSP).

3. (b) **Where there is no sub-regional strategy in place:**
- (i) **Does the proposal have strategic merit and**
- **Is consistent with a relevant local strategy endorsed by the Director General, or**
  - **Is consistent with the relevant regional strategy or metropolitan plan, or**
  - **Can it otherwise demonstrate strategic merit, giving consideration to the relevant Section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)**

A desktop assessment of the Proponent's submission has identified the proposal as having strategic merit.

The proposal is consistent with the Wyong Valleys Study/Strategy (1998) and Council's draft Settlement Strategy (2012). However, these strategies have not been endorsed by the Director General of DoPI.

The proposal is not consistent with the Central Coast Regional Strategy (CCRS) 2006 as the subject site is not identified within the CCRS for future development.

The preparation of rezoning proposals for additional greenfield development sites not already nominated by the strategy: *'may be considered if it can be demonstrated that the proposal satisfies the (CCRS) Sustainability Criteria.'*

However, the CCRS goes on further to state that: *'these opportunities for settlement expansion will not apply to the rezoning of land for urban residential development west of the F3 Freeway.'*

Despite this inconsistency, DoPI have identified (Attachment 1) that it would be willing to consider a proposal for the site, provided it were identified as a suitable location for rural residential development within a local Strategy, and endorsed by the Director General of DoPI.

In accordance with the requirements of the CCRS for rezoning areas not identified by the strategy, the proposal has been assessed against the sustainability criteria within the CCRS (see Attachment 2)

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions (refer to Section 6 of this Proposal). The assessment in full is contained within Attachment 3 of this report. The consistency of the proposal against a number of s117 Directions is subject to the outcomes of a number of additional studies required to be undertaken by the proponent, should the proposal be supported by the Gateway.

- (ii) **Does the proposal have site specific merit and it is compatible with the surrounding land uses, having regard to the following:**
- **the natural environment (including known significant environmental values, resources or hazards); and**
  - **the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and**
  - **the services and infrastructure that are or will be available to meet the demand arising from the proposal and any proposed financial arrangements for infrastructure provisions.**

It is considered that the proposal has site specific merit based on relevant local strategies and, subject to further investigative studies, be compatible with surrounding land uses. The Proponent submission has been assessed having regard for the following issues:

- Flora and fauna;
- Bushfire;
- Climate Change;
- Mine Subsidence
- Aboriginal Archaeology and European Cultural Heritage;
- Contaminated Land and Acid Sulfate Soils;
- Odour;
- Flooding and Drainage;
- Noise and Acoustics;
- Social Impact and Amenity;
- Servicing (including traffic and transport); and
- Economic Feasibility

The proponent undertook a significant number of studies in relation to majority of these matters when a 1998 rezoning was being considered. The submission for the present proposal relies heavily on the information obtained from these studies.

Approximately fifteen (15) years has elapsed since these studies were undertaken. During this period, there have been significant changes to relevant legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices. Such changes have resulted in many of the original studies being insufficient or outdated.

Where practicable, the original studies will be forwarded to relevant State Government departments to determine their adequacy. In areas where there have been significant changes which have the potential to influence the outcomes of studies, (e.g. flora and fauna, flooding and drainage), revised studies will be required to be undertaken by the Proponent. These are identified in the form of recommendations in the following justification.

The current concept plan, with reference to proposed scale and form, could be significantly impacted by the outcomes of such additional studies. A revised concept/zoning plan will be required to be prepared once these studies have been completed.

### ***Flora and Fauna***

The proposal submitted references a number of flora and fauna assessments of the site undertaken by Ecotone Ecological between 1998 and 2001, with the original field surveys undertaken in 1998.

These surveys identified that the Sydney Coastal Estuary Swamp Forest Complex (now referred to as Swamp Sclerophyll Forest on Coastal Floodplains of the North Coast, Sydney Basin and South East Corner Bioregions) Endangered Ecological Community (EEC) occurred on the site. In addition, two threatened flora and five (5) threatened fauna species were located on the site, with a further forty-one

(41) threatened fauna species having the potential to occur on site. The surveys identified that the site had a 'very high native species diversity' which supported 'three hundred and eighty (380) floral species'.

The 8-part impact assessment undertaken for the original concept plan identified that there would be no significant impacts on the EEC and threatened flora and fauna occurring on the site, subject to adoption of specific recommendations.

Approximately fifteen (15) years have elapsed since these surveys and assessments were undertaken. The following changes in the intervening period relating to flora and fauna surveys and assessment have occurred (but are not limited to):

- the habitat values of the site have had the potential to change;
- amendments have been made to the listings within the Environment Protection and Biodiversity Conservation Act (1999), Japanese – Australia Migratory Bird Agreement (JAMBA) and China – Australia Migratory Bird Agreement (CAMBA);
- amendments have been made the Threatened Species Conservation Act (1995) including:
  - Additional listings of threatened species, populations and ecological communities and key threatening processes;
  - Removal of the 8-part test of significance and introduction of the 7-part test of significance;
  - Introduction of Biodiversity Certification and associated methodology (including introduction of the Biobanking scheme);
- Additional vegetation management legislation has been gazetted including:
  - Native Vegetation Act (2003); and
  - Catchment Management Authorities Act (2003);
- Release of Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (Department of Environment & Climate Change 2004)
- Publications of best practice survey methods for specific species by the Office of Environment and Heritage (OEH).

It is considered that the surveys and assessments undertaken between 1998 and 2001 are not suitable to support the current proposal.

**Recommendation - Prior to Community Consultation Occurring:**

The Proponent:

1. Undertake a revised flora and fauna survey of the site which:
  - (a) utilises current best practice methodology for flora and fauna surveys;
  - (b) ground truths the original mapping and matches the vegetation associations to biometric vegetation types (if using Biobanking or biodiversity certification methodologies);
  - (c) updates the vegetation mapping (if required);

- (d) confirms that the Sydney Coastal Estuary Swamp Forest Complex vegetation on site conforms to the definition of the Swamp Sclerophyll Forest on Coastal Floodplains of the North Coast, Sydney Basin and South East Corner Bioregions) EEC;
2. Undertake a revised assessment of the proposal which:
  - (a) assesses the impact of the proposal utilising current legislative and best practice assessment methodology.
  - (b) includes assessment of additional listings under the Environment Protection and Biodiversity Conservation Act (1999), Threatened Species Conservation Act (1995) and any other relevant legislation or agreements;
  - (c) makes recommendations for the protection and preservation of threatened flora and fauna and ecological communities;
  - (d) investigates and determines appropriate management options for environmentally significant land which result in the conservation of the land in perpetuity;
3. Report on the findings of the above and utilises current:
  - (a) aerial photography; and
  - (b) GIS mapping.
4. Prepares an updated vegetation management plan for the site.

### **Bushfire**

The majority of the subject site has been identified as containing Category 2 bushfire prone vegetation.

The submitted proposal references a bushfire hazard assessment completed in 1999.

This assessment does not address the provisions of Planning for Bushfire Protection 2006, nor Chapter 66: Subdivision of Development Control Plan (DCP) 2005 which identifies additional provisions for the creation of Urban Interface Areas (UIAs) for new subdivisions.

The current proposed concept plan is inconsistent in a number of areas with both of these documents, particularly in relation to the provision of perimeter roads and emergency access and egress.

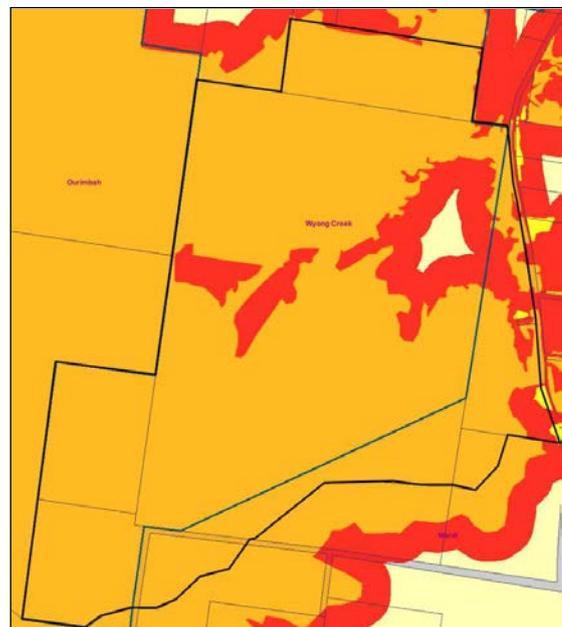


Figure 1 Bushfire Prone Vegetation

The site is located within a Rural Fire District and primary fire and other incident coverage is provided by the RFS. The RFS are ultimately substantially funded by Council so increased demand will impact Council's budget over time.

In 2011 the National Strategy for Disaster Resilience (NSDR) was formally adopted by the Council of Australian Governments (COAG) after development by the National Emergency Management

Committee. This is of particular relevance to the revision of the proposal in that it takes an "all hazards" approach and specifically looks at prevention of further harm through planning that considers where risks were not fully understood in the past (Section 3.6).

**Recommendation – Prior to Community Consultation Occurring:**

The Proponent:

1. Undertake a revised bushfire hazard assessment in accordance with the provisions of the latest S.117 Direction (4.4 Planning for Bush Fire Protection - 1 July 2009), Planning for Bushfire Protection 2006 and related Practice Notes including 2/12 - Planning Instruments and Policies;
2. Revise the current proposed concept plan in accordance with the outcomes of the assessment undertaken in (a) and Council's Chapter 66: Subdivision of DCP 2005;
3. Prepare a Bushfire Management Plan for the revised proposal in consultation with both Council and the RFS that includes consideration of ongoing maintenance of bush fire protection infrastructure including Asset Protection Zones and Neighbourhood Safer Places. This should explicitly consider use of Community Title subdivision provisions to ensure the ultimate development controls will be maintained long term;
4. Undertake discussions with Council's Contributions Planners to include an additional contribution under Section 94 of the Environmental Planning and Assessment (EP&A) Act or through a Voluntary Planning Agreement (VPA) to provide capital funds for the local RFS. This recommendation will require further investigation and detailing before being acceptable.

**Climate Change**

It is generally acknowledged that climate change whether human induced or otherwise has the potential within the foreseeable future to increase the frequency and intensity of extreme weather events, resulting in additional risks for life and property from higher temperatures, flooding and bushfire.

It is considered that the submission has adequately addressed this issue through consideration of other related issues.

**Natural Resources**

**Agriculture**

A large portion of the site proposed for development is currently zoned 1(a) Rural under Wyong Local Environmental Plan (LEP) 1991; hence rezoning this land for rural residential purposes will result in a loss of agricultural land. The class of the land has been identified as Class 3 (being land suited to cropping but not continuous cultivation) and Class 4 (being land suited to grazing but not cultivation (based on native pastures and/or improved pastures)).

Council's draft Settlement Strategy has identified that the subject site is of medium suitability for rural residential development. It is not considered that the loss of agricultural land is significant; however the Department of Trade and Investment (DT&I) will be required to be consulted in relation to this position.

### **Mineral Resources - Extraction & Subsidence**

The site is located within the Wyong Mine Subsidence District, in addition to being located within the Wyong Joint Area Coal Venture (Wallahah 2 Coal) Mining Tenement EL4911. The site however is not located within the area subject to the Wallarah 2 Coal Mining proposal currently lodged with the Department of Planning and Infrastructure (DoPI).

Future potential natural resource extraction surrounding the site will need to be determined as well as the extent of any predicted subsidence. Surface development potential may be affected by this issue and will be required to be discussed with the Mine Subsidence Board (MSB) as well as the DT&I.

### **Water Supply**

The proposal is not within the Mardi Dam catchment, and under non flood conditions, the drainage from the site enters Wyong River downstream of the weir, an extraction point for the Gosford/Wyong Water Supply Corporation.

The water supply relies on extracting large volumes of water during flood events so the supply is vulnerable to contamination during floods.

The desktop mapping/assessment exercise undertaken identifies that under flood conditions (i.e. 1% AEP – refer to discussion on Flooding), the proposed development would be connected to Wyong River upstream of the weir leading to the possibility of contamination of the water supply, in the event of failure of sewerage systems as a result of loss of power, backflow etc.

### **Recommendation – Prior to Community Consultation Occurring:**

The Proponent:

1. Undertake consultation with the DT&I & MSB with regard to future potential resource utilisation/extraction in the vicinity of the site, and any applicable surface development guidelines/limitations; and
2. Undertake consultation with the DT&I with regard to potential loss of agricultural lands.
3. Undertake revised flood modelling in consultation with Council and the Gosford/Wyong Water Corporation of the site utilising pre and post development scenarios to determine localised and wider flooding implications for the site and Wyong River. The study should:
  - (a) determine the road layout and intersection with Old Maitland Road to enable emergency egress and access in the event of flooding;
  - (b) identify any relocation of natural flow paths and adverse affects on the adjoining properties; and
  - (c) assess all future building platforms for any potential flood risk to life and property; and
  - (d) propose structures to be implemented to safeguard Wyong River (and the region's drinking water supply) from possible contamination in the event of sewerage system failure during flood events
4. Revise the proposed concept plan to reflect the outcomes of the above, and having regard for any other provisions of the NSW Floodplain Development Manual, Managing Flood Risk Through Planning Opportunities (Guidance on Landuse Planning in

- Floodprone Areas) and 'Designing Safe Subdivisions (Guidance on Subdivision Design in Floodprone Areas)';
5. Develop a flood risk management plan (if required) for the site, which details the planning rationale and mitigation measures to be implemented to minimise potential for loss of life, property and limit the potential for overland flow contamination of adjoining lands and Wyong River as a result of sewerage system failure.
  6. give consideration to potential stormwater harvesting and reuse options (e.g. transfer into Mardi Dam) in discussion with the Gosford/Wyong Water Corporation where relevant.

### **Aboriginal and European Cultural Heritage Items**

A desktop mapping/assessment exercise has identified that there are three (3) aboriginal sacred sites located within the subject land registered with the National Parks and Wildlife Service (NPWS) AHIMS database.

The proposal submitted relies on an archaeological surveys completed in September 1999 and 2002 by Mary Dallas Consulting Archaeologists. The 2002 survey included geomorphological assessment of the lower-lying areas of the site to identify the potential for sub-surface remains and how the sites should be managed in the future.

The 1999 and 2002 survey relocated two previously documented sites on the subject land, with one site being located within the Ourimbah State Forest, outside of the study boundary. No new sites were identified in either survey.

The recommendation of the 1999 survey was that:

*'There are no archaeological constraints to the development of the land proposed and no further archaeological work is required within the proposed area of subdivision and no further survey of the study area is required.'*

Consultation during the survey was undertaken with the Darkinjung Local Aboriginal Land Council (DLALC). The DLALC had, in September 1999, no objection to the development of the site and agreed that no further surveys of the site were required.

The recommendations of the 2002 survey were that:

*The portions of the subject land that will be directly effected by the proposed development are assessed to possess Low Archaeological Potential and ...monitoring of development works should be undertaken by the Darkinjung LALC with particular focus upon the slightly elevated fringes of the low lying valley floor that may be disturbed by the margins of the proposed development; and Management and preservation of these sites can be effected with minimal excavation. Namely, periodic monitoring.*

The Guringai Tribal Link have become an active aboriginal consultative group within the Central Coast and Lake Macquarie regions in recent years. This group was not consulted during the survey undertaken in 1999.

The subject site is also the site of the former Woodbury Farm Dairy, which operated during the early 1900's. During a site inspection undertaken on 5 February 2013, the remnants of a milking shed were observed on site. The shire wide heritage review undertaken in 2010 did not identify this as being of any heritage significance.

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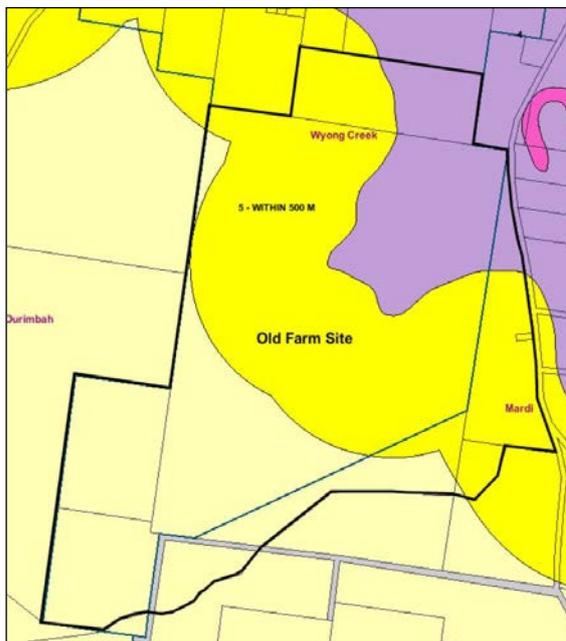
**Recommendation – Prior to Community Consultation Occurring:**

1. Refer the Mary Dallas Consulting Archaeologist 1999 and 2002 *Archaeological Survey of Old Farm, Old Maitland Road, Mardi* reports to the Office of Environment and Heritage (OEH) to confirm its adequacy and the need for revised archaeological surveys/assessments.
2. Subject to 1, undertake further consultation with the DLALC to confirm their position with regard to the findings of the 1999 and 2002 surveys/assessments; and
3. Subject to 1 & 2, undertake consultation with the Guringai Tribal Link with regard to the recorded sites.

**Contaminated Land and Acid Sulfate Soils**

An assessment of soils of the subject site was undertaken in 1998 by Coffey and Partners as part of the groundwater assessment, and acid sulfate soils in 1999 by Douglas Partners which identified the following:

*Acid sulfate soil potential is recognised as minimal but variable in the lower profiles, however potential was recognised from 3m below surface adjacent to a bore hole located down-stream offsite. Higher regions are not prone to acid sulfate soils...soils encountered during earthworks would not be acid sulfate soils.*



Given that the concept plan has been modified from that proposed in 1998, and depth of any proposed excavation is unknown, testing sites may need to be revisited. Confirmation with the OEH as to adequacy of the report is required.

The Proponent has identified that past investigations of the site (not necessarily undertaken for this purpose), have not elicited evidence of the site being subject to particular contamination incidents.

Figure 2 Acid Sulfate Soils Planning Map

However and as previously identified, the site was the location of the former Woodbury Farm Dairy, circa 1900. Whilst a dairy farm is not listed within

Table 1 of the SEPP 55 Guidelines for Managing Land Contamination Planning Guidelines as a potentially contaminating activity, additional agricultural land uses may have been undertaken in association with its operation. Furthermore, it is uncertain if any other activities have been undertaken on the site (e.g. illegal dumping) which may result in contamination issues.

**Recommendation – Prior to Community Consultation Occurring:**

The Proponent:

1. Refer Douglas Partners 1999 *Report on Acid Sulphate Soils and Site Soils Assessment – Proposed Development Old Maitland Road, Mardi* to OEHL to confirm its adequacy and the need for revised surveys/assessments; and
2. Undertake a Stage 1 – Preliminary Investigation for contaminated land of the site.

### **Odour**

The site is in close proximity to the Yarramalong Valley, an area subject to a number of turf farms. As with many intensive agricultural activities, a wide range of fertilisers are utilised. It is not expected however that this will present a potential issue for future development of the area.

### **Flooding and Drainage**

A small creek (which is part of the Deep Creek system) borders the north-western tree line of the clearing, whilst natural drainage channels form from the southern ridgeline which then flow northwards across the site. These two drainage features meet in the north-eastern corner of the site and traverse Old Maitland Road via a drainage culvert.

The north-western portion of clearing has been modified by man made drainage channels, being ephemeral in nature.

A study was undertaken by Paterson Consultants in 1999 for the original proposal which investigated the hydrology of Deep Creek. The post development model included a retention basin with weir and dam wall and filling of the subdivision to act as a levee to prevent overflow from Wyong River backing up to reach the development site.

This study concluded:

- The site is affected by 1 in 100 flood levels of break out from Wyong River into Deep Creek up to a level of RL 8.0;
- Significant filling of the site would be required to achieve the freeboard above the 1 in 100 year flood event for some models developed for the site;
- The break out from Deep Creek to Wyong River does not occur in local events below 1 in 100 year flood event;
- Wyong River would break out from its channel to Deep Creek more often than the 1 in 5 year return period;
- During local floods on Deep Creek, the proposed retention basin creates significant reductions in flow out of the developed area; and
- Filling in the subdivision (to act as a levee) will be required west of Old Maitland Road to ensure flood break out from Wyong River does not enter the development site.

Council is currently in the process of refining its flood planning maps for the lower Wyong River. The planning maps produced by this current work generally indicate that the north-western portion of the site is impacted by the 1 in 20 year flood event (up to an RL of 6.5) and this affectation extends further into the site during the 1 in 100 flood event (up to an RL of 7.5) (refer to figure 3 below). These levels are pre-development of the subject site, therefore do not consider the effectiveness of any retention

basins, site filling or levees, or impacts of such structure/activities on the remainder of the Lower Wyong River catchment area.

The proposed access roads into the subdivision are likely to be affected by the 1 in 100 flood events, as is a large portion of the proposed development area.

Figure 1 also shows the site as being significantly affected by localised flooding, particularly in the cleared portion of the site. This has a detrimental impact on the potential developable area of the site unless diversion or relocation of natural flow paths is undertaken, or filling of the site is proposed. Details of such activities have not been provided within the submission.

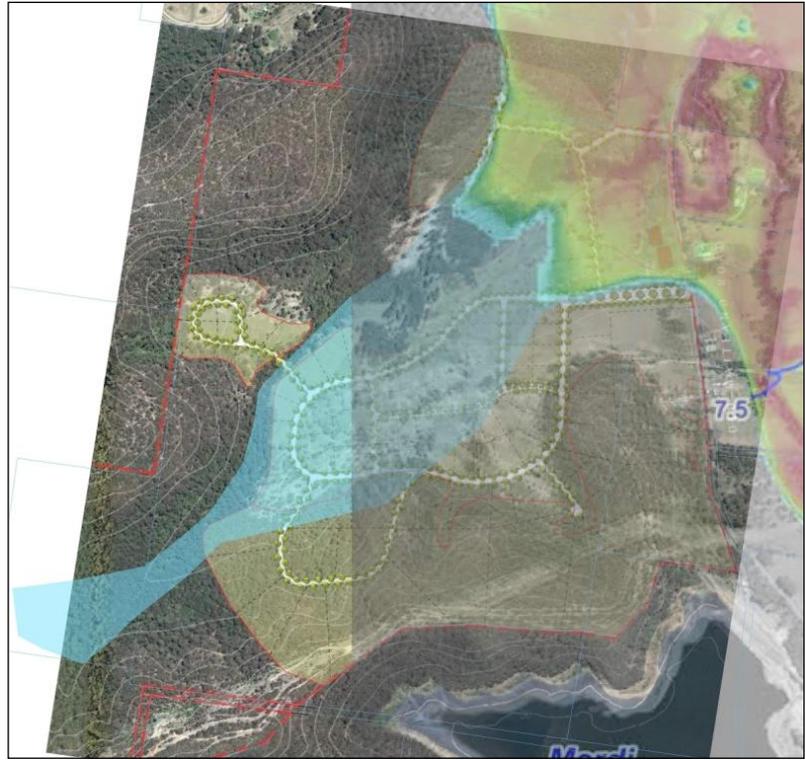


Figure 3 Projected 1% AEP

A number of changes have occurred to legislation, policy and best practice since the studies for the original concept plan were undertaken. These include:

- the gazettal of the NSW Floodplain Development Manual (and associated policy);
- the release of the 'Managing Flood Risk Through Planning Opportunities (Guidance on Landuse Planning in Floodprone Areas)' and 'Designing Safe Subdivisions (Guidance on Subdivision Design in Floodprone Areas)' by the Hawkesbury-Napean Floodplain Management Steering Committee in 2006; and
- the adoption by Council in October 2010 of the Lower Wyong River Floodplain Risk Management Plan.

The study undertaken in 1999 is not adequate for the current proposal.

**Recommendation – Prior to Community Consultation Occurring:**

The Proponent:

1. Undertake revised flood modelling in consultation with Council and the Gosford/Wyong Water Corporation of the site utilising pre and post development scenarios to determine localised and wider flooding implications for the site and Wyong River. The study should:
  - (a) determine the road layout and intersection with Old Maitland Road to enable emergency egress and access in the event of flooding;
  - (b) identify any relocation of natural flow paths and adverse affects on the adjoining properties; and

- (c) assess all future building platforms for any potential flood risk to life and property; and
  - (d) propose structures to be implemented to safeguard Wyong River (and the region's drinking water supply) from possible contamination in the event of sewerage system failure during flood events
2. Revise the proposed concept plan to reflect the outcomes of the above, and having regard for any other provisions of the NSW Floodplain Development Manual, Managing Flood Risk Through Planning Opportunities (Guidance on Landuse Planning in Floodprone Areas) and 'Designing Safe Subdivisions (Guidance on Subdivision Design in Floodprone Areas)';
3. Develop a flood risk management plan (if required) for the site, which details the planning rationale and mitigation measures to be implemented to minimise potential for loss of life, property and limit the potential for overland flow contamination of adjoining lands and Wyong River as a result of sewerage system failure.
4. give consideration to potential stormwater harvesting and reuse options (e.g. transfer into Mardi Dam) in discussion with the Gosford/Wyong Water Corporation where relevant.

#### **Noise and Acoustics**

The site is located approximately 3km from the Sydney to Newcastle Freeway. The current concept plan has provision for rural residential lots backing onto Old Maitland Road. The impact of noise generated by traffic from the freeway on these lots has not been documented.

#### **Recommendation – Prior to Community Consultation Occurring:**

The Proponent:

1. Undertake a noise assessment which assesses the potential impacts of the Sydney – Newcastle F3 Freeway on the site.

#### **Traffic and Transport**

The proposal could potentially generate 3000 vehicle movements daily at the intersection of the access roadway and Old Maitland Road.

In accordance with Roads and Maritime Services (RMS), Wyong Shire Council Civil Design Specification and Austroads Standards a channelized intersection will be required at this intersection. No individual allotment should have direct access to Old Maitland Road.

Additional consultation is required to be undertaken with Transport New South Wales (TNSW) with regard to buses servicing the development prior to community consultation occurring.

Additional information regarding intersection design and development of a Transport Management and Accessibility Plan would be required at subsequent development application stages.

#### **Recommendation – Prior to Community Consultation Occurring:**

The Proponent:

1. Undertake consultation with TNSW to determine any objections to bus servicing of the proposal.

### **Services**

The submitted proposal has indicated that the site is to be connected to the Gosford/Wyong Water Corporation supply in addition to the Corporation's reticulated sewerage system.

Council's Water and Sewerage unit have identified that the site currently sits outside any existing development servicing plan areas for water and sewerage. As a result there is currently no mechanism for the collection of funds for development.

### **Water Supply**

Council's existing reticulation infrastructure in the area supplies Mardi Water Treatment Plant and the RMS depot but is connected to a trunk main that is subject to supply interruptions for various operational reasons and is not suitable for supply to the proposed development site.

Two possible connection options are available:

- a) a northern connection option is supplied under Wyong Reservoir Head (TWL RL78m); or
- b) a southern connection falls under Tuggerah 1 or Tuggerah 2 (depending on operational requirements) Reservoir Head (TWL RL92m or 104m respectively).

The elevation of the proposed lots with regard to the pressure available at the two connection points (including allowance for losses) will be required to be considered to determine the most appropriate connection option.

### **Sewerage**

Council's Water and Sewer Unit have advised that a fully reticulated sewerage system is required in lieu of onsite management systems due to the proximity to the water supply catchment. The likely connection point for the associated rising main would be the existing sewerage infrastructure at Westfield Tuggerah. Depending on project timing, the rising main could connect to a future proposed sewerage pump station required to service proposed development on land between Westfield and the F3 Freeway. The proponent would need to negotiate approval to run the rising main over the RMS bridge crossing the motorway.

As previously discussed, due to potential contamination of the drinking water catchment during overflows associated with flooding, the sewerage system shall be designed as per the Nu (Leak Tight) Sewer design principles to reduce the risk of wet weather overflows. Also a permanent diesel pump will be required in addition to the duty/standby electric submersibles to provide full mechanical and electrical redundancy to the station.

### **Power**

The proponent has identified that the development would be adequately serviced by underground power and natural gas. Servicing plans would be required to be submitted at the time of subdivision.

### **Recommendation – Prior to Community Consultation Occurring:**

The Proponent:

1. Further investigate how the proposal should be connected to the existing reticulated water and sewerage system, including undertaking consultation with the RMS regarding

- approval requirements for utilising the M3 motorway bridge for associate infrastructure; and
2. Prepare design/contribution plans for such connections in consultation with Council and the Water Corporation.

**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) was adopted in 2010 and 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 assessment of the impacts of the proposal can be identified is a ‘Principal Activity.’

Responsibilities under the Environment and Land Use Principal Activity include *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 however can be directly linked to the following objectives of the plan:

1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
  - (e) Developing and implementing the Wyong Shire-wide Settlement Strategy.
3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.
  - (f) Maximise the access to, and potential for, new and existing facilities/infrastructure to support growth.
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.
  - (c) Ensuring all development areas create or maintain treecovered ridgelines and waterways.

**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
55 – Contaminated Land	

SEPP	Comment
<p>Aims:</p> <p>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</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(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</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>Whilst the preliminary desktop mapping/assessment exercise has not identified any contamination of the site, this issue still requires formal assessment.</p> <p>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.</p>

Subject to the findings of further investigative fauna studies being undertaken, consideration of the proposal against SEPP 44 – Koala Habitat may be required to be undertaken.

## 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 within the Attachments of this proposal.

Number	Direction	Applicable	Consistent
<b>Employment &amp; Resources</b>			
1.1	Business & Industrial Zones	N	N/A
1.2	Rural Zones	Y	TBA
1.3	Mining, Petroleum Production and Extractive Industries	Y	TBA
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
<b>Environment &amp; Heritage</b>			

Number	Direction	Applicable	Consistent
2.1	Environmental Protection Zones	Y	TBA
2.2	Coastal Protection	N	N/A
2.3	Heritage Conservation	Y	TBA
2.4	Recreation Vehicle Areas	Y	Y
<b>Housing, Infrastructure &amp; Urban Development</b>			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	TBA
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
<b>Hazard &amp; Risk</b>			
4.1	Acid Sulfate Soils	Y	TBA
4.2	Mine Subsidence and Unstable Land	Y	TBA
4.3	Flood Prone Land	Y	TBA
4.4	Planning for Bushfire Protection	Y	TBA
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies	Y	N
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
5.8	Sydney's Second Airport: Badgery's Creek:	N	N/A
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	TBA
6.3	Site Specific Provisions	Y	Y
<b>Metropolitan Planning</b>			
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?

Refer to Section 3(b) (ii)

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

The submitted proposal has identified that a Home Owners Association Management Deed would be utilised to manage environmentally significant areas. Such deeds incorporate the use of covenants, conditions and management stipulations to preserve an asset, in this instance, the environmentally significant areas.

This technique would enable torrens title subdivision of the site, therefore environmentally significant land would be held in private ownership under a number of separate titles.

Management arrangements which include separate title ownership of a single environmental asset can be difficult to enforce and have the potential to lead to the degradation of that asset. The preference is for the asset to be held in single ownership, with suitable management plans developed and implemented.

#### *Recommendation - Prior to Community Consultation Occurring:*

Refer to Section C, Item 7.

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

#### **Social Impact & Amenity**

The submitted proposal references a Social Impact Assessment (SIA) undertaken by SMEC in 2000 which relates to the previous proposal. It is recognised that some findings of this report are still relevant given the current proposal seeks to provide housing for a similar 'high end' market.

There is anecdotal evidence for rural residential type of housing within Wyong Shire, the SMEC SIA highlighted the following points:

- Community consultation throughout the project, particularly in the early planning phases is important to the adjoining rural landholders (particularly in relation to how the proposal will affect existing amenity);
- Consideration needs to be given to how the proposal integrates with the wider community. Obvious and subtle exclusion of the wider community to the site would widen the existing 'economically and socially advantaged/disadvantaged' gap that already exists within Wyong Shire; and
- Any facilities (restaurants, open spaces etc) on site should be designed with a civic focus, encouraging use by the wider community.

The proponent has identified that the developed site will be torrens title, with a home owners association management deed controlling environmentally significant areas and common property

(community title assumed) will be applied for community facilities/open space. The type of ownership arrangement will have significant bearing on how well the proposal integrates with the wider community; in addition, will inform how land will be managed/maintained.

It has not been identified how the proposal will impact on existing community facilities or what new types of community facilities will be required.

**Recommendation - Prior to Community Consultation Occurring:**

The Proponent

1. Provide justification for the proposed ownership arrangements for proposed open space and community facilities, including how proposed facilities are to be managed;
2. Prepare a revised social impact assessment to determine:
  - (a) Overview of current situation (baseline);
  - (b) Description of the proposal development including facilities to be provided on-site, incoming population and needs of the new community;
  - (c) Potential areas of social impact (including potential adverse and positive impacts identified from consultation with stakeholders)
  - (d) Assessment of impacts
  - (e) Recommendations including modifications/mitigation measures which would reduce adverse impacts or improve available benefits.
3. Prepare a draft contribution plan or enter into a Voluntary Planning Agreement (subject to agreement with the proponent) which identifies and costs the impact and demand for upgrades to existing and future roads, open space, community facilities created by or impacted on by the development. Subject to 1(a), this plan or VPA may be required to include conservation lands.

**Economic Viability**

The submitted proposal has identified that there is a significant shortfall in the provision of developed 'high end'/rural residential sites within Wyong and the broader Central Coast Region. Support in the submission for this assertion has been provided in the form of general commentary from local realtors and valuers.

Council's own strategic planning documents, including the Wyong Valleys Study (1998) and the draft Settlement Strategy (as exhibited) identify pressures for provision of additional rural residential living opportunities. A detailed market analysis, however, undertaken by a certified valuer will assist in strengthening the argument for provision of such development.

**Recommendation - Prior to Community Consultation Occurring:**

The Proponent:

1. Demonstrate by way of market analysis and/or social impact assessment the demand for rural residential and smaller rural residential allotments, and that approval will not result in an increase in the existing socioeconomic divide in Wyong Shire.

## **Section D – State and Commonwealth Interests**

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

Refer to Section 3(b) (ii)

### **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.

Some government agencies (e.g. OEH) may be requested to comment on the adequacy of studies prepared by the Proponent for the original proposal, and identify additional matters required to be addressed in new or revised studies.

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

## Part 4 Mapping

Map No.	Map Title
1	Aerial Locality Plan
2	Cadastral Locality Plan
3	Land Use Zoning - Wyong LEP 1991 & Current Development Standards - Aircraft Height Affectation
4	Land Use Zoning - Draft Wyong SI LEP 2012
5	Current Development Standards – Lot Size – Draft Wyong SI LEP 2012
6	Proposed Concept Plan (including proposed revised development standards – Lot Sizes)*
7	Proposed Alternative Zone*

\* The proposed concept plan, alternative zones and development standards are subject to review, pending the outcomes of further investigative studies and consultation with government agencies.

## Part 5 Community Consultation

It is expected that the proposal will be made available for 28 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	18 June 2013	18 June 2013
Anticipated timeframe for the completion of required technical information	12 months	18 June 2013	22 April 2014
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	12 months	18 June 2013	10 June 2014
Commencement and completion dates for public exhibition	28 days	30 April 2014	5 June 2014
Dates for public hearing (if required)	N/a	N/a	N/a
Timeframe for consideration of submissions	4 weeks	13 May 2014	10 June 2014
Timeframe for consideration of a proposal post exhibition	8 weeks	20 May 2014	10 June 2014
Date of submission to the Department to finalise LEP	N/a	18 July 2014	18 July 2014
Anticipated date RPA will make the plan (if delegated)	N/a	N/a	N/a
Anticipated date RPA will forward to the Department for notification	N/a	N/a	N/a

## Supporting Documentation

No.	Document
1.	Department of Planning & Infrastructure Correspondence - 29 February 2012 (1 page)
2.	Central Coast Regional Strategy Sustainability Assessment (4 pages)
3.	Section 117 Ministerial Direction Assessment (9 pages)
4.	Council Report and Minutes – 27 March 2013 (27 pages)
5.	Project Timeline Gantt Chart (1 page)