

3.2 RZ/8/2009 - Planning Proposal- Lot 229 DP 847847 - Cnr Kanangra Drive and Parraweena Road Gwandalan

TRIM REFERENCE: RZ/8/2009 - D04395502

MANAGER: Scott Cox, Manager Development and Rezoning

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SUMMARY

This report relates to a planning proposal for a property located on the corner of Kanangra Drive and Parraweena Road, Gwandalan. The proposal seeks to rezone Lot 229 DP 847847 from 7(b) (Scenic Protection) / E2 Environmental Protection to R2 (Low Density Residential) and R5 (Large Lot Residential). The site is 3.011 hectares. A small rectangular section of approximately 836.9m² is currently zoned 2(a) (Residential) / R2 (Low Density Residential). The remaining portion of the site, approximately 2.923 hectares, is zoned 7(b) (Scenic Protection) / E2 Environmental Protection and provides access from the main area of the lot to the surrounding residential area via Bay Vista Way and Pinaroo Road.

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

Real Description:	Lot 229 DP 847847
Street Address:	47 Pinaroo Road Gwandalan
Owner/s:	Saltro Developments Pty Ltd
Site Area:	3.011 hectares
Current Zoning:	7(b) (Scenic Protection) and 2(a) (Residential)

Lot 229 DP 847847 (herein referred to as '*the site*') is located on the north eastern intersection of Kanangra Drive and Parraweena Road Gwandalan.

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 229 DP 847847 from E2 Environmental Protection to R2 (Low Density Residential) and R5 (Large lot Residential).
- 2 That Council, amend Wyong Local Environmental Plan 2013, as part of the above planning proposal, to remove the application of clause 2.5, schedule 1, as it relates to the site.
- 3 That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination" pursuant to Section 55 of the EP&A Act.
- 4 That Council undertake community consultation in accordance with the requirements attached to the "Gateway Determination".

- 5 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to The planning proposal.

ORDINARY MEETING HELD 11 DECEMBER 2013

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

- 1567/13 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 229 DP 847847 from E2 Environmental Protection to R2 (Low Density Residential) and R5 (Large lot Residential).
- 1568/13 That Council, amend Wyong Local Environmental Plan 2013, as part of the above planning proposal, to remove the application of clause 2.5, schedule 1, as it relates to the site.
- 1569/13 That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination" pursuant to Section 55 of the EP&A Act.
- 1570/13 That Council undertake community consultation in accordance with the requirements attached to the "Gateway Determination".
- 1571/13 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to The planning proposal.

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

AGAINST: NIL

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BACKGROUND

The subject site was created from the subdivision of Lot 4 DP 588206 in March 1995, being the first stage of the Gwandalan Urban Release Precinct (UDP). 176 residential lots were created with Lot 229 forming the residue parcel containing the constrained 7(b) (Scenic Protection) / E2 Environmental Protection land.

Prior to this, the whole of the previous title (Lot 4 DP 588206) was zoned 7(b) (Scenic Protection). Amendment No. 13 to Wyong LEP 1991, gazetted on 25 November 1991, enabled the residential release with Lot 229 being the split zoned residue parcel.

The 7(b) (Scenic Protection) zoning of the land reflects not only the aesthetic values of the subject site but its location to the Gwandalan/Summerland Point STP. At the time of Amendment No. 13 the accepted practice for Odour Buffer Zones was to rezone land within a 400 metre radius of the STP as a vegetated buffer zone. Council at its meeting of 28 August 2013 resolved to reduce the odour buffer to 1OU contour in line with the recommendations in the odour study conducted by SKM. has allowed Lot 229 to be developed for residential purposes and the remaining parcel providing one single dwelling located in accordance with the guideline for development near odour sources.

Amendment No. 13 also included the land under Clause 53, Schedule 4 in the Wyong LEP 1991 / Clause 2.5 of Wyong Local Environmental Plan 2013 to prohibit habitable development on the subject site. Permissible uses on the site are restricted to advertisements, advertising structures, agriculture, parks and gardens, plant nurseries, public or other reserves, roads or utility installations. This planning proposal will remove the site specific conditions applying to the land.

CURRENT STATUS

The site is currently vacant and is surrounded by residential land to the north and east, and adjoins public roads to the west and south. The Gwandalan/Summerland Point Sewerage Treatment Plant (STP) is located on land to the south west of the site. Factory units are located on land south of Parraweena Road. A high pressure sewer trunk main runs through the property in south westerly direction. The North Wyong Shire Structure Plan has identified a proposed neighbourhood centre on the southern side of Parraweena Road in close proximity to the proposal.

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THE PROPOSAL

The proposal seeks to rezone Lot 229 DP 847847 from 7(b) (Scenic Protection) / E2 Environmental Protection to R2 (Low Density Residential) and R5 (Large Lot Residential).

Should the proposal be supported approximately twenty seven residential lots will be created along with one Rural Residential parcel.

ASSESSMENT

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

- Flora and Fauna
- Bushfire
- Climate Change
- Mine Subsidence
- Aboriginal Archaeology and European Cultural Heritage
- Contaminated Land and Acid Sulfate Soils\
- Flooding and Drainage
- Noise and Acoustics
- Traffic and Transport
- Social and Economic Impact
- Servicing
- Economic Feasibility

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This assessment has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practice.

This assessment has not identified significant concerns relating to the rezoning of the subject site for the intended purposes, however additional investigations are recommended to be undertaken by the proponent in relation to flora and fauna, contaminated land and acid sulphate soils prior to any community/agency consultation being undertaken.

Previously Council's Water and Sewer section held reservations for the further development of the site due to the boundary of the odour buffer from the Sewerage Treatment Plan. These issues have now been resolved with the alteration of the odour buffer boundary.

LOCAL PLANS, POLICIES AND STRATEGIES

Wyong Local Environmental Plan (LEP) 1991

The subject area is currently zoned 7(b) (Scenic Protection) under WLEP 1991. The objectives of this zone is to restrict the type and scale of development which will be carried out on land possessing scenic values to that unlikely to:

- a Prejudice the present scenic quality of the land within this zone, or
- b Generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or
- c Prejudice the viability of existing commercial centres, or
- d Have an adverse impact on the region's water resources.

Development is further restricted under Clause 53, Schedule 4 to prohibit habitable development on the site. As previously discussed, this relates to the site being located within the 400m radius buffer zone for the Gwandalan/Summerland Point STP. As the 400m buffer has been revised this restriction can be reduced to include the site and allow one dwelling within the 2OU contour.

Wyong Local Environmental Plan (LEP) 2013

The Proposed zoning of the site under Wyong LEP 2013 is a straight conversion to that of E2 Environmental Conservation and the site is subject to Clause 2.5 and is included in Schedule 1 "Additional Permitted Uses" which states:

5 Use of certain land at 47 Pinaroo Road, Gwandalan

- (1) This clause applies to land shown as "Item 24" on the Additional Permitted Uses Map.
- (2) Development for the purpose of advertisements, agriculture and plant nurseries is permitted with consent on land to which this clause applies.

Should the proposal be supported by Council Clause 2.5 as it applies to this land will be rescinded.

Development Control Plan (DCP) 2013: Development Controls for Wyong Shire

Any future development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of DCP 2005, or pending timing of DCP 2012 (now DCP2013), in particular, the following Chapters:

DCP 2005	DCP 2012
- 100: Quality Housing;	- Chapter 2.1: Dwelling Houses and Ancillary Structures
- 58: Dual Occupancy Development;	- Chapter 2.3: Dual Occupancy Development
- 66: Subdivision;	- Part 4 - Subdivision
- 67: Engineering Requirements for Development;	- Civil Works – Design Guideline and Construction Specification
- 61: Car Parking;	- Chapter 2.11: Parking and Access
- 69: Controls for Site Waste Management;	- Chapter 3.1: Site Waste Management
- 99: Building Lines;	

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State Legislation, Policies and Plans

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the DoPI in July 2008. The CCRS identifies the population potential of the Central Coast expected over the next 25 years, and expected employment capacity targets. The strategy also identifies actions to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

Under the CCRS land to be rezoned for housing during the life of the strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs and Greenfield areas nominated in the North Wyong Shire Structure Plan. The proposal is located within the existing urban footprint at Gwandalan and is deemed as infill development as per the definition provided in the CCRS.

North Wyong Shire Structure Plan

The North Wyong Shire Structure Plan (NWSSP) was developed to provide high level land use strategy to guide ongoing development and planning for infrastructure and services in the North Wyong Shire Area. The NWSSP identifies greenfield residential development and the majority of the Central Coast region's greenfield employment land to 2031.

The site is not located within a future investigation precinct but is located opposite a proposed neighbourhood centre and within the existing urban area of Gwandalan.

The planning proposal is consistent with the NSSWP as it provides infill development to support the proposed neighbourhood centre, provide infill residential development and will meet housing targets identified.

Settlement Strategy

The site was previously identified for residential development in the Residential Development Strategy 2002 (RDS). The NWSSP development precincts have superseded the majority of RDS development precincts. However, there are a number of former RDS sites that are not included in the NWSSP. Part 9 of the Settlement Strategy (Land Use) selected areas suitable for inclusion in its infill strategy. This site has been identified for retention to provide urban development on a short term priority.

Regional Economic Development and Employment Strategy

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council. The launch of the strategy occurred on 3 February 2010.

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

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Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions Attachment 2 provides a full assessment, it is considered that the planning proposal is consistent with the applicable Directions.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 3 of this report.

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

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

The proposal is consistent with SEPP – 71 Coastal Protection as it does not affect access to and along coastal foreshores.

OPTIONS

Option 1 – Progression of Proposal as Proposed

This report recommends additional investigative studies are undertaken in order to support and justify the proposed rezoning. Presently, it is proposed that such studies are delayed until a Gateway Determination to proceed with the proposal is received.

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

Option 2 – Delay Progression until Additional Investigative Studies Completed

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

This would result in the outlay of funds and time by the Proponent without any certainty being available as to the potential outcomes. Therefore this option is not recommended.

Option 3 – Refuse to Progress the Proposal

The site is identified within the CCRS and NWSSP for future residential infill development, and provided the proponent is able to fund the required additional infrastructure, the proposal should proceed.

This option is not recommended.

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STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The planning proposal is consistent with the Wyong Shire Council Strategic/Annual Plan.

Long term Financial Strategy

There are no impacts on the broader Long Term Financial Strategy

Asset Management Strategy

Link to Community Strategic Plan (2030)

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The proposal 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.
 - (g) Implementing the Regional Strategy for the Central Coast that will guide appropriate development, maintain the lifestyle and environment and include Government intervention to provide more than 45,000 jobs in the next 25 years (Regional Strategy).
 - (k) Providing individuals with access to a variety of housing types that enable residents to buy or rent accommodation locally.

Budget Impact

There is no immediate budget impact, as the progress of the planning proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent.

CONSULTATION

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

- Development Assessment – Design Engineers
- Rezoning – Ecology
- Strategic Development – Transportation Engineering
- Strategic Development – Section 94
- Building Certification – Senior Health and Building Surveyor
- Water and Sewer Planning - Engineer

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

Future community and government agency consultation requirements will be outlined by the Gateway Determination, should the proposal be supported.

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GOVERNANCE AND POLICY IMPLICATIONS

Refer to discussion relating to Local Plans, Policies and Strategies

MATERIAL RISKS AND ISSUES

The assessment of the planning proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including baseline information), demographics and best practices.

CONCLUSION

This report seeks Council's endorsement to prepare and submit to the DoPI, a Planning Proposal to rezone Lot 229 DP 847847 17 Pinaroo Road Gwandalan to R2 (Low Density Residential) and R5 (Large Lot Residential), to enable the creation of approximately twenty seven residential lots and one large residential lot.

The consistency of the proposal with local and regional planning strategies, in addition to its compatibility with surrounding development, provides justification for supporting the rezoning proposal.

ATTACHMENTS

1	Locality Plan	D04454747
2	RZ 8 2009 Section 117 Directions	D04454784
3	State Environmental Planning Policies Assessment	D04454760
4	Existing Land Zoning	D04498374
5	Proposed Land Zoning	D04538796
6	Proposed Subdivision Concept	D04498377

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