



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

Lot 229 DP 847847

File No. RZ/8/2009

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Introduction & Locality Context

The subject site, Lot 229 DP 847847 is located on the north eastern intersection of Kanangra Drive and Parraweena Road Gwandalan with an area of approximately 3.01ha (Figure 1).

The site has access via Pinaroo Road as there is no direct access currently available to the Kanangra Drive or Parraweena Road frontages. The site is adjacent to Gwandalan Sewerage Treatment Plant (STP) and is subject to odour impacts.

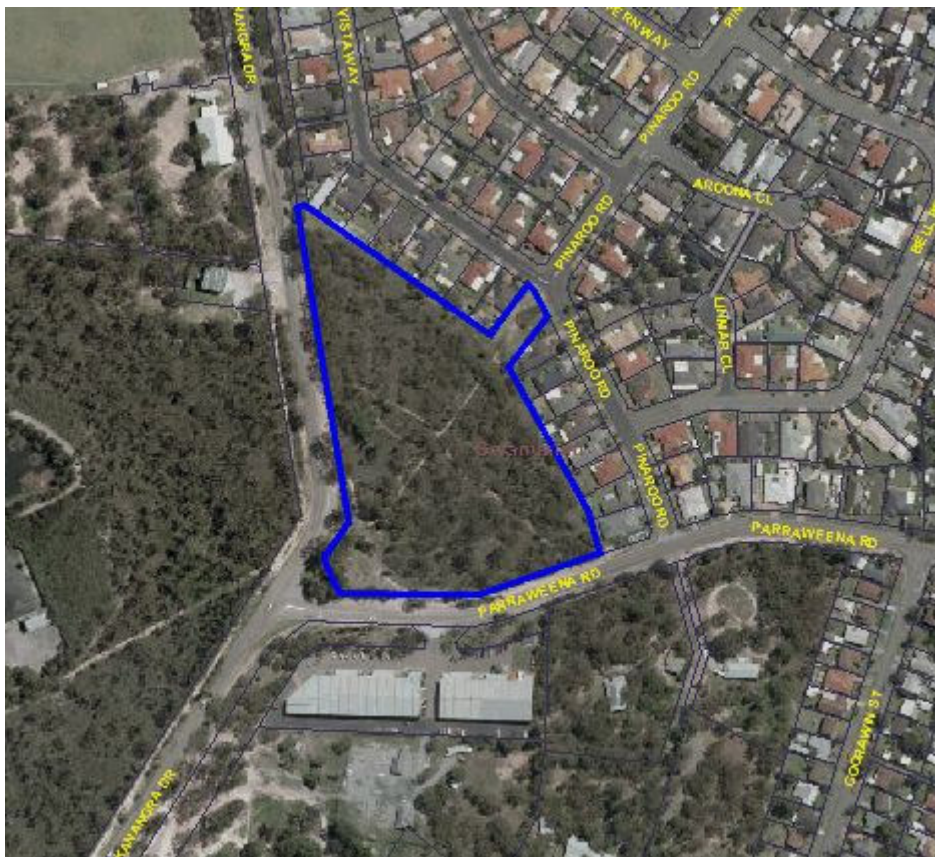


Figure 1 - Locality Plan

The subject site has been 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. 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.

Amendment No. 13 also included the land under Clause 53, Schedule 4 in the Wyong LEP 1991 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.

At the time Lot 229 was created the accepted practice for Odour Buffer Zones was to create a 400m radius buffer around any STP as per DoP&I circular E3 *Guidelines for Buffer Areas around Sewerage*

Treatment Plants. As such, the subject property was identified as being within the buffer area for the STP using the numerical standard radius of 400m.

Council's Water and Sewer Unit commissioned an odour study which was prepared by Sinclair Knight Mertz (SKM) in June 2013. The purpose of the study was to provide an assessment of odour impacts on existing operations and an assessment of modified operations where a second intermittently decanting extended aeration (IDEA) tank would also be in operation. The results of the odour assessment were used to determine if the odour impacts are acceptable in terms of NSW Environment Protection Authority (EPA) guidelines for odour assessment within existing and possible future residential areas.

The study determined that odour performance criteria of 2 odour units (OU) complied with EPA guidelines and the *Technical Framework Assessment and Management of Odour from Stationery Sources* provides recommendations for sensitive receiver areas surrounding the STP. The framework criteria states that no individual should be exposed to ambient odour levels greater than 7 odour units (OU) and the level at which odours could cause annoyance is 2 OU. Figure 2 provides information on the odour impacts with the additional IDEA tank. Council at its meeting of 28 August 2013 resolved to remove the existing odour constraints on land adjacent to Gwandalan STP which is outside the 10OU contour.

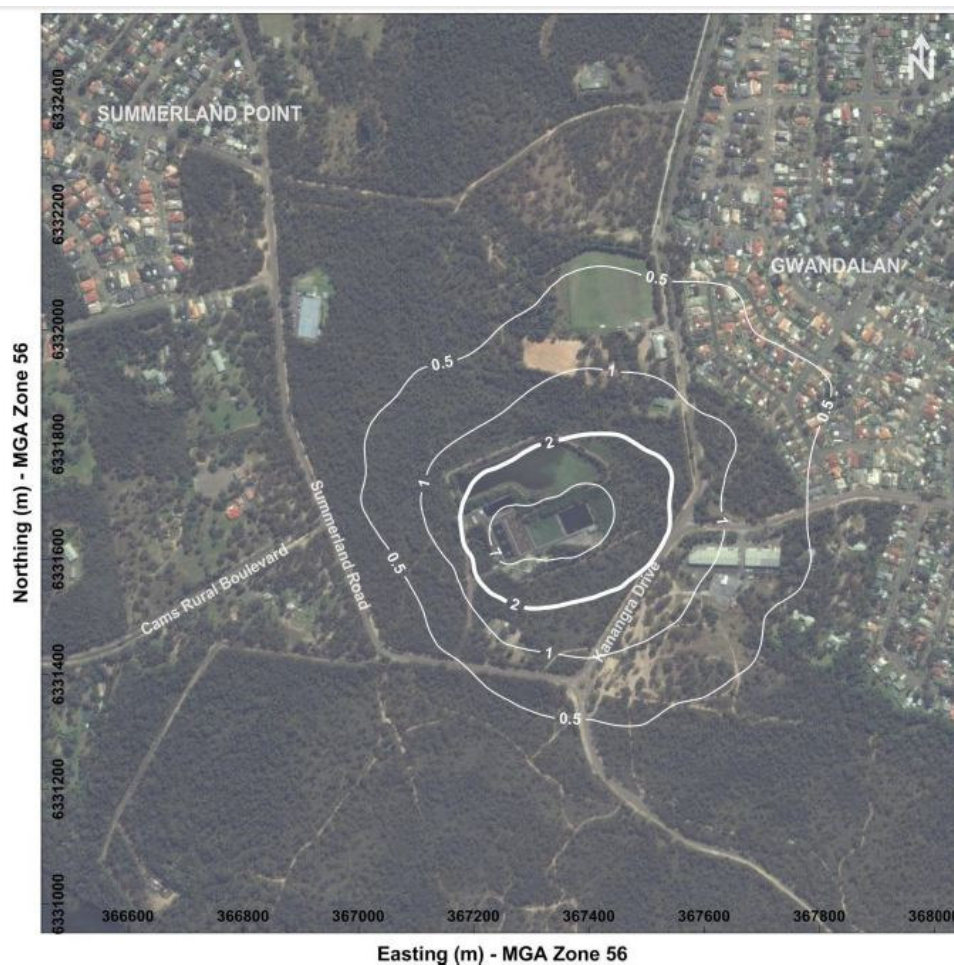


Figure 2 – Revised Odour Impact Contours

The Proposal

The proposal seeks to rezone Lot 229 DP 847847 zoned E2 Environmental Protection and R2 Low Density Residential 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.

Part 1 Objectives or Intended Outcomes

The objective of this Planning Proposal is to rezone Lot 229 DP 847847 to R2 Low Density Residential and R5 Large Lot Residential and remove the site from Schedule 1 - Additional Permitted Uses (Clause 2.5) within Wyong Local Environmental Plan 2013.

The intended outcome of the above will provide infill residential development to meet the targets set out in the Central Coast Regional Strategy and North Wyong Shire Structure Plan.

Part 2 Explanation of Provisions

The intended outcome will be achieved by an amendment to Wyong Local Environmental Plan 2013.

The following table identifies the proposed amendments to the plan:

Wyong LEP 2013	Comment
Zone Map (LZN_017) - Rezone that part of Lot 229 DP 847847 zoned E2 Environmental Management to R1 Low Density Residential and R5 Large Lot Residential	Retain the existing R2 zone on that part of Lot 229 DP 847847.
Lot Size Map (LSZ_017) - Remove minimum lot restrictions (40 Hectares) currently applying to Lot 229 DP 847847 and replace minimum Lot restrictions for the proposed R2 Low Density Residential (being 450sq m) and the proposed R5 Large Lot Residential Zone (being 4,000sq m).	450sq m being consistent with the R2 zone. The proposed 4,000sq m limit to the R5 zone will allow one additional dwelling within this zone, provided EPA odour assessment criteria can be met.
Additional Permitted Uses Map (APU_17) - Remove the site from this map	Permitted uses will be in accordance with the R2 and R5 Zone Table.

Table 1 Wyong LEP 2013 Proposed Amendments

Part 3 Justification

Section A – Need for the Planning Proposal

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

Wyong Shire 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.

The proposal seeks to enable:

- Approximately twenty seven additional single residential allotments;
- one large lot residential allotment;
- Remove the site from Schedule 1 Additional Permitted Uses as per Clause 2.5 of WLEP 2013

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 the proposed 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)?**

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released in 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 NWSSP as it provides infill residential development to meet housing targets identified and the additional population will support the proposed neighbourhood centre.

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

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.

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

The proposal is consistent with the following applicable relevant State Environmental Planning Policies (SEPPs) assessed as follows:

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	As the area subject to the proposal is greater than 1 hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat are triggered. The proponent conducted a fauna survey which targeted the Koala species by call playback and observation for characteristic scratches on trees. The survey concluded that the site does not comprise as core Koala habitat as defined in this

SEPP	Comment
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	SEPP
SEPP No. 55 – Contaminated Land	
Aims: to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.	The preliminary desktop mapping/ assessment exercise has not identified any contamination of the site 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 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	The proposal is consistent with the aims and objectives of the SEPP 71 Policy. The proposal seeks to enable additional infill residential development adjoining an existing residential area. The proposal does not affect access to and along coastal foreshores, nor is the site affected by coastal processes such as erosion. It is not considered that an increased density of a minor nature may adversely affect the scenic nature of the environment.

SEPP	Comment
(f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>), 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.	

Table 2 State Environmental Planning Policy Assessment

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 and is considered to be consistent with the relevant Directions as summarised in the table below. The full assessment is contained within the documentation supporting this proposal.

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	Y	Y
1.4	Oyster Aquaculture	N	N/a
1.5	Rural Lands	N	N/a
Environment & Heritage			
2.1	Environmental Protection Zones	Y	TBD
2.2	Coastal Protection	N	N/a
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
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	TBD
4.2	Mine Subsidence and Unstable Land	Y	TBD
4.3	Flood Prone Land	N	N/a
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y

Number	Direction	Applicable	Consistent
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	Y	Y
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	N	N/a

Table 3 Section 117 Direction Consistency Summary

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?

An assessment of significance of impact has been undertaken for the site in accordance with Section 5A of the *Environmental Planning and assessment Act* (EPA) and Matters of National Significance under the *Environment Protection and Biodiversity Act* (EPBC). These assessments have determined that the proposed rezoning of the site is not likely to have a significant effect on threatened species, populations and / or EEC's.

A squirrel glider habitat assessment report has been prepared in accordance with the Squirrel Glider Conservation Management Plan: Wyong Shire 2002 and concludes that the site contains habitat of high quality for the squirrel glider, although the species was not visually observed during the survey undertaken which was limited to spotlighting and call-playback. The impacts of the proposal on the squirrel glider will be further investigated post Gateway Determination which will include a trapping survey and assessment of impacts on the squirrel glider in order to determine mitigation measures for this species if found present on the site.

The flora survey identified one (1) *Cryptostylis hunteriana*. A landscape buffer (orchid protection zone) is proposed in this location in order to protect the species, further targeted surveys will be undertaken in the summer flowering season to determine the extent of this orchid.

No protected migratory fauna species were recorded; no endangered populations or EEC's were recorded.

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

The planning proposal is not located on land that is affected by any land use planning constraints or subject to natural hazards. The land is identified as Bushfire Prone Land and a Bushfire Protection Assessment has been prepared. The land is not affected by potential flood inundation or subject to potential landslip.

No other likely environmental impacts are envisaged as a result of the planning proposal.

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

The proposal provides for approximately 25-28 lots to be located adjacent to the existing residential area.

The site is considered to be well located for accessibility to local education and recreation facilities, in addition to local and regional shopping amenities. The proposed residential development is a logical infill for the local neighbourhood.

In general the following facilities are provided within 1km of the subject site:

- General Store;
- Local Shopping Centre (containing post office, bakery, bottle shop, chemist, fruit and vegetable store, Real Estate Agency, Takeaway Food outlet and solicitors office);
- Preschool/childcare centre; and
- Primary schools (both public and private).

The site is opposite existing employment lands (zoned 4b Light industrial) and the draft North Wyong Shire Structure Plan (NWSSP) identifies a "potential new centre" in close proximity (less than 400m) to the site.

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, services and community facilities.

The site adjoins the major traffic access points to Gwandalan. It is anticipated there would be implications for any future properties adjoining either Kanangra Drive or Parraweena Road.

Section D – State and Commonwealth Interests

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

Any residential development on the subject site can be serviced for water supply from the existing 100mm water main located on Pinaroo Road. The proponent would be responsible for the design and construction of the water reticulation system in accordance with Council's Development Control Plan 2013 in particular Part 4 Subdivision and Council's Civil Works – Design Guideline and Construction Specification.

Any residential development on the subject site can also be serviced for sewer via connection to line that gravitates to Sewerage Pump Station G2 catchment area. Any enhancement of the sewerage system will be at the proponent's expense and in accordance with Council's Civil Works – Design Guideline and Construction Specification.

Additionally a 375mm sewer rising main which is located on the subject site must be accommodated. Therefore a shared pathway is proposed to run along the path of the rising main.

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

State and Commonwealth public authorities will be consulted following the outcomes of the Gateway Determination. Consultation will be carried out in accordance with Section 57 of the *EP&A Act*.

Part 4 Mapping

The following plans are provided within the documentation supporting this proposal.

- Locality Plan
- Subdivision Concept
- Current Land Use Zoning – Wyong LEP 2013
- Proposed Land Use Zoning – Wyong LEP 2013
- Proposed Lot Size Map – Wyong LEP 2013

Part 5 Community Consultation

Community Consultation to be undertaken for a period specified in the Gateway Determination. The proposal will be made publicly available for comment in the following locations:

- Wyong Chambers (6 Hely Street, Wyong);
- Lake Haven Library (Lake Haven Shopping Centre); and
- Council's website (On Exhibition page and Consultation Hub page).

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to its commencement.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	N/a	24 March 2014	24 March 2014
Anticipated timeframe for the completion of required technical information	2 months	24 February 2014	28 April 2014
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days	28 April 2014	19 April 2014
Commencement and completion dates for public exhibition	14 days	28 April 2014	12 May 2014
Dates for public hearing (if required)	N/a	N/a	N/a
Timeframe for consideration of submissions	3 weeks	13 May 2014	3 June 2014
Timeframe for consideration of a proposal post exhibition	3 weeks	13 May 2014	3 June 2014
Date of submission to the Department to finalise LEP	3 Weeks	4 June 2014	25 June 2014
Anticipated date for Department for notification	N/a	26 June 2014	26 June 2014

Supporting Documentation

No.	Document
1	Central Coast Regional Strategy Sustainability Assessment (4 pages)
2	Section 117 Ministerial Direction Assessment (8 pages)
3	Council Report and Minutes – 11 December 2013 (9 pages)
Supporting Studies	
4	Travers Bushfire and Ecology – Flora and Fauna Assessment
5	Travers Bushfire and Ecology – Bushfire Protection Assessment
6	Chase Burke Harvey – Indicative Subdivision Concept