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Planning Proposal

Draft - Planning Proposal – 5 Anderson Road Glenning Valley



September 2013

5 Anderson Road Glenning Valley
Request No. RZ/4/2009



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Part 1 Objectives or Intended Outcomes

To enable development of the vacant site at 5 Anderson Road Glenning Valley for residential subdivision whilst respecting the amenity of the area, managing impact on services and maintaining significant vegetation. The location of the site is shown in Figure 1 below and indicative subdivision layout is shown in Figure 2.



Figure 1 – Aerial Photo - 5 Anderson Road and surrounding land

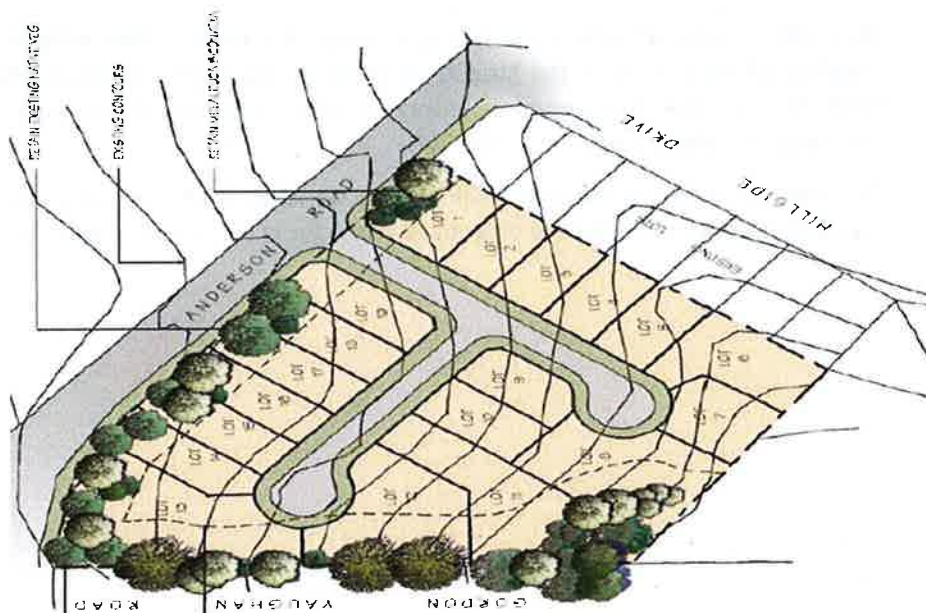


Figure 2 – Indicative subdivision layout

Part 2 Explanation of Provisions

Under Wyong LEP 2013

Amendment of Wyong LEP 2013 (currently draft) Land Zoning Map in accordance with the proposed zoning map shown in Annexure 1.

Amendment of Wyong LEP 2013 Lot Size Map in accordance with the proposed lot size map shown in Annexure 2.

Part 3 Justification

Section A – Need for the Planning Proposal

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

The land is identified as being within an Urban Development Program area shown in the Central Coast Regional Strategy (CCRS) Map 2 listed as Figure 3 below.

The land is listed in Council's Settlement Strategy – Rezoning Request Strategy for short term investigation. Following a request from the landowner and provision of supporting studies, Council has resolved to submit the Proposal for a Gateway determination.

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

The simplest method of permitting residential subdivision of the land is considered to be an amendment to the zone and lot size maps.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The CCRS Chapter 4 Centres and Housing, Action 4.6 specifies that all land to be rezoned for housing during the life of the Strategy is to be located within existing urban areas, existing MDP (Metropolitan Development Program) areas, areas identified through preparation of LEPs and Greenfield areas in the NWSSP.

The land is within an existing MDP shown on Map 2 of the CCRS and so the Planning Proposal is consistent with the objectives and actions contained within the CCRS.



Figure 3 – Extract from CCRS – Map 2

4. *Is the planning proposal consistent with a Council's local strategy, or other local strategic plan?*

Community Strategic Plan (2030)

The Community Strategic Plan identifies 8 priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows.

1. Communities will be vibrant, caring and connected.

The proposed development is immediately adjoining existing residential development. Opportunities exist for new residents to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups.

The Planning Proposal is consistent with the Wyong Shire-wide Settlement Strategy and the Central Coast Regional Strategy.

2. There will be ease of travel.

Bus services operate along Wyong Road. Pedestrian access can be provided to Wyong Road directly through the existing Anderson Road reserve. This pedestrian link is recommended to be provided by the developer.

The development of the land will increase traffic movements on Anderson Road, Hillside Drive, Beckingham Road and the intersection with Wyong Road. There will be some minor reductions in ease of car travel at peak times.

3. Access to facilities programs and services.

The proposed development will result in developer contributions to cultural and community facilities, open space, sports and recreation facilities. Council is currently seeking to increase utilisation of many of its existing facilities.

4. Areas of natural value will be enhanced and maintained.

Two small patches of threatened flora (*Melaleuca biconvexa*) exist on the perimeter of the land. It is intended to retain these patches in the yard areas of future house lots. There is likely to be some minimal impact on the individual trees.

5. There will be a sense of community ownership of the natural environment.

Opportunities for the development to support this priority objective may need to be discussed and negotiated.

6. There will be a strong sustainable business sector.

Not relevant to this Proposal.

7. Information and communication technology will be world's best.

It is recommended that future development of the land facilitate the provision of high speed broadband services.

8. The community will be educated, innovative and creative.

Not relevant to this Proposal.

Wyong Shire Council Strategic/ Annual Plan

Wyong Shire Council Strategic Plan 2013-17 was adopted 10 April 2013. The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans that sit within the Strategic Plan and outline the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following Table lists the 12 Principal Activities, identifies any relevant service, related key actions & objectives and relationship to the proposal.

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
1 Community & Education	1.01 Community Cultural Development	Provide and maintain community facilities across the Shire	Developer Contributions	Marginal increase in utilisation of facilities. Additional contributions will be collected.
2 Community Recreation	2.01 Open Space 2.02 Sport, Leisure & Recreation	Provide and maintain open space, sports fields and recreation facilities across the Shire	Developer Contributions	Marginal increase in utilisation of facilities. Additional contributions will be collected.
3 Economic & Property Development	None relevant			
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
6 Environment & Land Use	6.02 Environment & Natural Resources	Preparation/implementation of Natural Resources Strategy and Biodiversity Management Plan	Various – opportunity for development sponsored biodiversity conservation	Strategies still in preparation – KPIs to be developed
	6.03 Land Use Planning & Policy Development	Increase revenue from full cost recovery and rezoning fees	Developer Funded	No net cost to Council in assessing this proposal.
7 Waste	7.01 Waste	Provide regular domestic waste & recycling service	Revenue	Marginal increase in number of collections per week when developed. Additional rates will be collected from new lots.
8 Roads & 9 Drainage	Roads and Footpaths	Ease of travel Provision and maintenance	Developer Funded	New local infrastructure to be constructed at developer cost. Additional rate revenue will be generated & Contributions collected
10 Water & 11 Sewerage Services	10.1 Water & Sewerage	Provide safe & reliable drinking water and the treatment and disposal of sewerage collected. Provide essential community services in cost effective & sustainable manner	Developer funded Contributions Revenue	New local reticulation infrastructure to be constructed at developer cost Increased head works contributions will be collected Additional rate revenue will be generated
12 Administration	None relevant			

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

SEPP	Consistency
State Environmental Planning Policy (SEPP) No 44 – Koala Habitat Protection This SEPP aims to encourage the proper conservation and management of koala habitat in areas in order to maintain the viability of koala populations. The SEPP requires an assessment of the site to determine if it is potential koala habitat. Potential koala habitat is defined as areas of native vegetation where at least 15% of the total number of trees are prescribed koala feed trees.	The ecological assessment by Peak Land Management submitted with the Planning Proposal request notes that less than 15% of trees are koala feed trees and therefore the land does not contain potential koala habitat.
SEPP 55 – Remediation of Land This SEPP aims to promote the remediation of contaminated land for the purposes of reducing the risk to human health and/or the environment. This SEPP introduces state-wide planning controls	The site is considered to be unlikely to have been used for a potentially contaminating land use, however, this will need to be confirmed. A preliminary investigation report will be required

for the remediation of contaminated land. It establishes that land must be remediated if contaminated, to a standard suitable for the end land use. Clause 6 requires Council to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.	following the Gateway determination.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not include any specific provisions relating to Exempt and Complying Development, nor does it contradict or repeat any provisions in the SEPP (Exempt and Complying Development Codes) 2008.

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 below.

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	No	NA
1.2	Rural Zones	No	NA
1.3	Mining, Petroleum Production and Extractive Industries	No	NA
1.4	Oyster Aquaculture	No	NA
1.5	Rural Lands	No	NA
Environment & Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	No	NA
2.3	Heritage Conservation	No	NA
2.4	Recreation Vehicle Areas	No	NA
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	No	No
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use & Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	NA
3.6	Shooting Ranges	No	NA
Hazard & Risk			
4.1	Acid Sulfate Soils	No	NA
4.2	Mine Subsidence and Unstable Land	No	NA
4.3	Flood Prone Land	No	NA
4.4	Planning for Bushfire Protection	Yes	Yes
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	NA

5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	NA
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	NA
5.5 to 5.7	Revoked	No	NA
5.8	Second Sydney Airport: Badgerys Creek	No	NA
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	No	NA

Ministerial Directions under s.117 of the Act relevant to the planning proposal are addressed below,

Ministerial Direction	Consistency
2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	The subject land is zoned 7(c) – ‘Scenic Protection (Small Holdings)’ under the provisions of the Wyong Local Environmental Plan, 1991. The objectives of the zone are: ‘(a) to enable development for the purposes of small rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely: (i) to inhibit the potential for urban expansion, particularly at the urban fringe, or (ii) to create a demand for the uneconomic provision of services, or (iii) to detract from the scenic quality of rural lands, and (b) to allow for non-residential uses where those are compatible with rural-residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services.’ The subject land, although zoned for small holdings development, and nominated within a ‘scenic protection’ zoning, is very much a transition parcel between the residential development to the north and east of the subject land and the existing rural-residential development to the south. The land is extensively cleared (apart from its borders) and ecological assessment and archaeological review reveal limited potential for adverse impacts

	should the land be developed. By providing residential development on this cleared transition parcel of land, the wider planning principles for the area will be maintained. The development will provide for a suitable use of the land (rather than a low-scale sprawling use as currently permitted) and will provide for a small addition to local housing supply to cater for existing demand. Giving the land over to residential development will not have any significant adverse impacts in terms of environmental outcomes.
3.1 Residential Zones Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	The proposed development offers a residential development within a transition zone between the immediately adjoining residential lands to the north and east of the subject land and the rural-residential developments to the south. The proposal makes use of existing infrastructure including road, sewer, water, electricity and telecommunications.
3.3 - Home Occupations Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	The proposed rezoning aims to permit for residential development which may result in home occupations being carried out within resulting dwellings. There is nothing within the proposed rezoning that would detract from encouraging low impact businesses within future dwellings.
3.4 Integrating Land Use & Transport Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential,	The proposed development will result in a minor additional traffic movement on the existing road infrastructure, which is dealt with more specifically within the Traffic Impact Assessment. In addition, the subject land has access to the public transport options available along the Wyong Road corridor as well as access to the nearby pedestrian and cycle opportunities.

business, industrial, village or tourist purposes.	
4.4 Planning for Bushfire Protection This direction provides requirements to be fulfilled for draft LEPs that affect land mapped as bushfire prone land. The objectives of the direction are to protect life, property and the environment from bushfire hazard by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.	The applicant has prepared a Bushfire Impact Assessment which indicates that the site may be developed for residential development providing measures to address bushfire threat are employed in the subdivision and subsequent building design.
5.1 Implementation of Regional Strategies The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy.	The planning proposal is considered to be consistent with the Central Coast Regional Strategy.
6.1 Approval and Referral Requirements Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The planning proposal will not seek to include provisions which require concurrence from other agencies.
6.3 Site Specific Provisions Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	LEP will contain land use and lot size restrictions. If supported any site specific provisions will be provided in a Development Control Plan.

Section C – Environmental, Social and Economic Impact

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

The site is predominately cleared with narrow forest remnants along the Anderson Road (western side) and Gordon Vaughan Road (southern side) frontages, widening in the south-eastern corner of the site.

Vegetation communities on the site include Coastal Range Moist Layered Forest. The ecological report (Peak Land Management December 2010) submitted with the rezoning request, identifies forest types of Coastal Narrabeen Moist Forest and Coastal Foothills Spotted Gum/Grey Ironbark, however internal review indicates the vegetation does not satisfy the Spotted Gum/Grey Ironbark Forest EEC descriptors. There are 2 patches of the threatened flora species *Melaleuca biconvexa* within the forest remnants.

The 2 patches of *Melaleuca biconvexa* are intended to be retained within the existing road reserves or within the rear yard of future residential lots protected by title restrictions. There is likely to be an impact on these stands of *Melaleuca biconvexa* as a result of construction of the road access, sewage pump station and rising main and stormwater management facilities. However, the 2 patches are considered to be small and isolated and proposed management of impacts through detailed design are considered reasonable to manage impacts. The impacts are not considered sufficient to prevent the Proposal from proceeding.

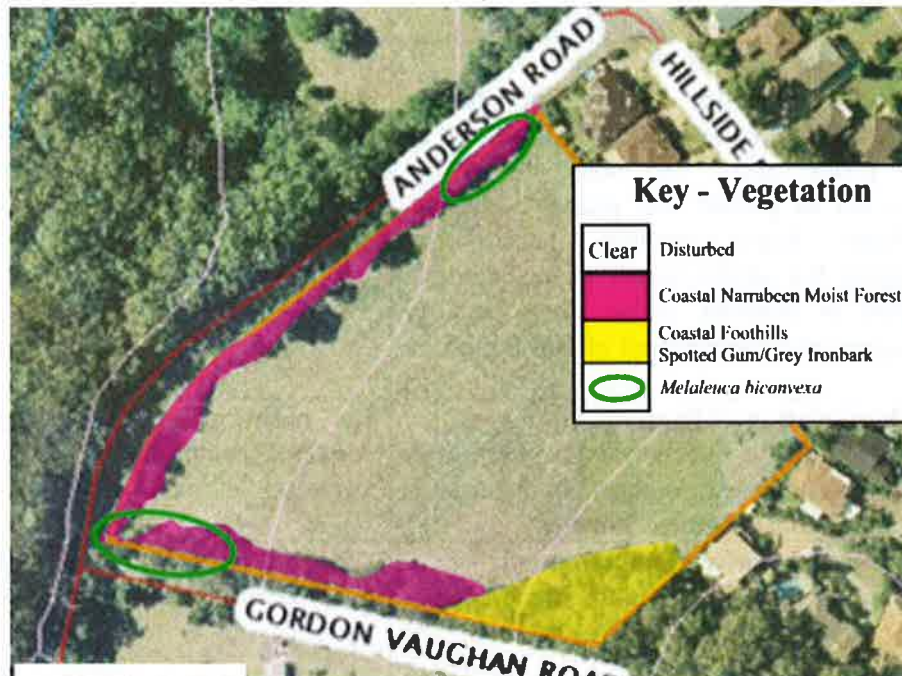


Figure 4 – Vegetation Source: Peak Land Management 2010

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

Vegetation along the southern boundary is considered to provide a local wildlife connection between larger fragments to the east and west of the site.

Consideration of bushfire management recommendations, provision of stormwater quality treatment facilities and sewer infrastructure requirements will have potential additional impacts than assessed within the ecological report.

Review of the ecological report indicates a number of revisions are required including:

- the additional impacts noted above,
- resolution of conflicting recommendations with the bushfire report,
- complete assessment of the proposal under the EPBC Act including a search of the protected matters database and assessment of impacts on migratory species likely to occur on the site and
- some other minor corrections and omissions.

It is proposed to retain trees along the southern and western boundary. This requires an Arborist Report to assess the health of the trees to identify those suitable for retention or replacement.

Consideration of requiring regeneration of vegetation along the southern boundary, to maintain a minor corridor function, indicated this will be difficult to implement and guarantee in the long term if the land remains in private ownership. The existing vegetation is partially located within the Gordon Vaughan Road reserve. While the developer could be required to dedicate land containing the trees as an addition to the road reserve, the practicality of long term management of this minor corridor is considered to be difficult. On balance, it is recommended that the existing trees be protected by a restriction on the title of the land. This requirement is proposed to be included in a DCP provision, and imposed as a condition of subdivision development consent.

All the matters raised above are considered able to be resolved through the rezoning process and resolved prior to the community consultation/public exhibition phase.

The Concept Layout Plan will be further refined to address management of ecological impacts, bushfire hazard, stormwater management and sewer infrastructure. Design details that address these issues are recommended to be included in DCP provisions to inform the development assessment process following any rezoning of the land.

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

Social

An Archaeology Due Diligence assessment of the land concluded that there was unlikely to be any Aboriginal objects or artefacts on the land and further impact assessment was not required.

The rezoning of the land and subsequent residential development will create a demand for community, cultural and recreational services.

The Shire Wide Contributions Plan (library stock, performing arts centre, public art commissions, regional open space and shire cycleway network and administration costs) will apply to future development of the land. The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of these services.

The rezoning proposal will form an extension to the Berkeley Vale residential community. It falls within the Southern Lakes Section 94 Contribution Plan catchment. This Plan imposes a contribution rate for Open Space and Recreational Facilities Works, Community Facilities Works (and administration of the Plan). The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of their provision.

Economic

The Planning Proposal has been assessed in terms of Council's Long Term Financial Strategy, Asset Management Strategy and operational budget. Financial impacts and appropriate management measures have been identified to ensure the development funds any specific infrastructure, facilities or services not funded through contributions plans. Assets likely to be acquired by Council as a result of the development are considered likely to be financially sustainable. Processing of the Planning Proposal is to be budget neutral.

No broad economic effects of the Proposal have been identified.

Section D – State and Commonwealth Interests

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

The Proposal is expected to create a marginal increase in demand for public schools, electricity supply, emergency services, health services, public administration, rail and main road transport and telecommunications services. All of these services are considered to be reasonably available in the locality.

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

[to be completed after Gateway Determination]

Part 4 Mapping

Figure 1	Aerial Photo - 5 Anderson Road and surrounding land
Figure 2	Indicative subdivision layout
Figure 3	Extract from CCRS – Map 2
Figure 4	Vegetation
Annexure A	Proposed amendment to the WLEP 2013 land zoning map
Annexure B	Proposed amendment to the WLEP 2013 lot size map

Part 5 Community Consultation

It is recommended that the proposal be publicly exhibited for a period of 28 days.

Notification of the public exhibition is recommended to be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the site. Notices will be placed on Council's website and a link attached to Council's new ePanel initiative.

Briefing of the Berkeley Vale Precinct Committee is also proposed during the exhibition period.

The Planning Proposal, Gateway Determination, and supporting studies will be made available on Council's website, at Council's Administration Building in Hely Street Wyong.

A public hearing is considered unlikely to be necessary.

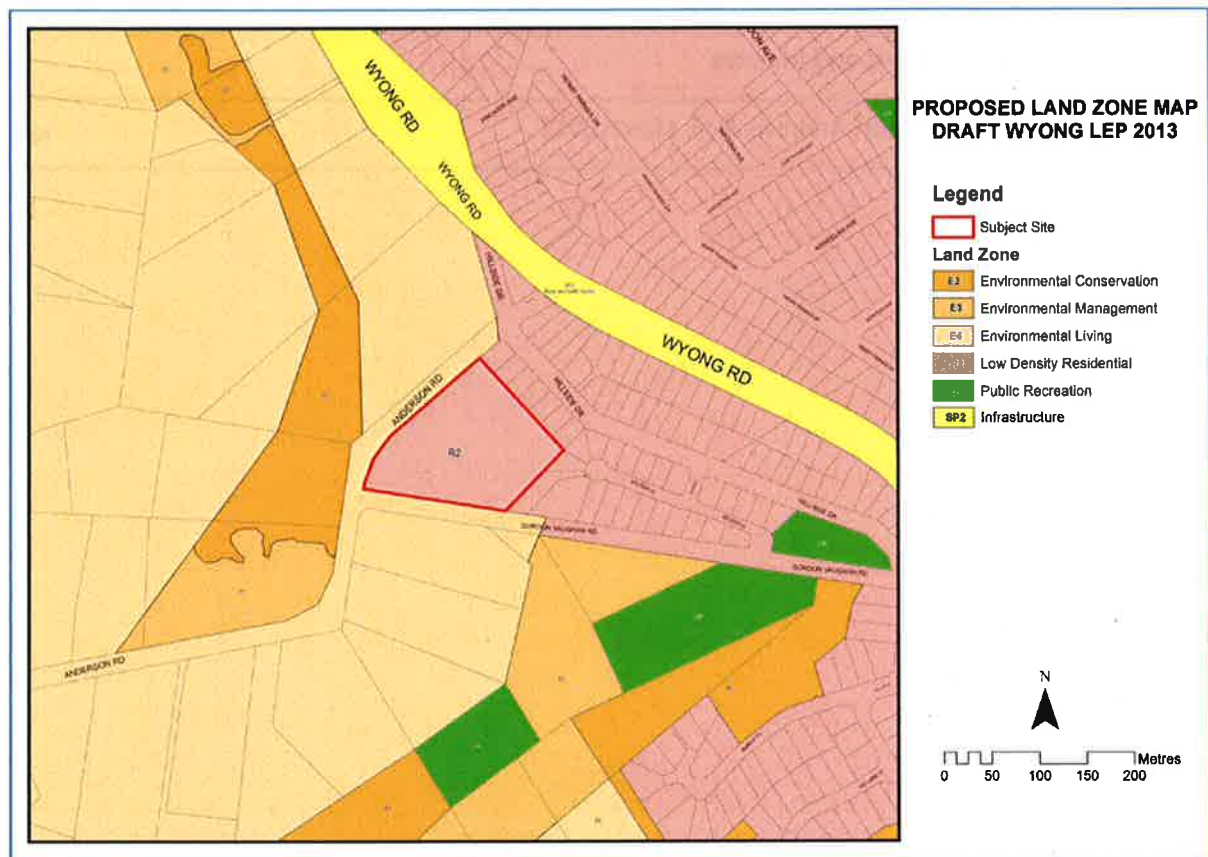
Part 6 Project Timeline

Council Endorsement	Sep 13
Gateway Referral	Oct 13
Gateway Determination	Nov 13
Forwarding of PP to Govt. Depts. (prior to ex.)	Nov 13
Funding Agreement Changes & Signing	Dec 13
Responses from Govt. Agencies reviewed – PP	Dec 13
Completion of Exhibition Material	Jan 14
Exhibition	Feb 14
Council Report Draft	Mar 14
Consideration of Submissions	Mar 14
Report to Council	Mar 14
PC Consultation	Apr 14
Notification and Effect	May 14

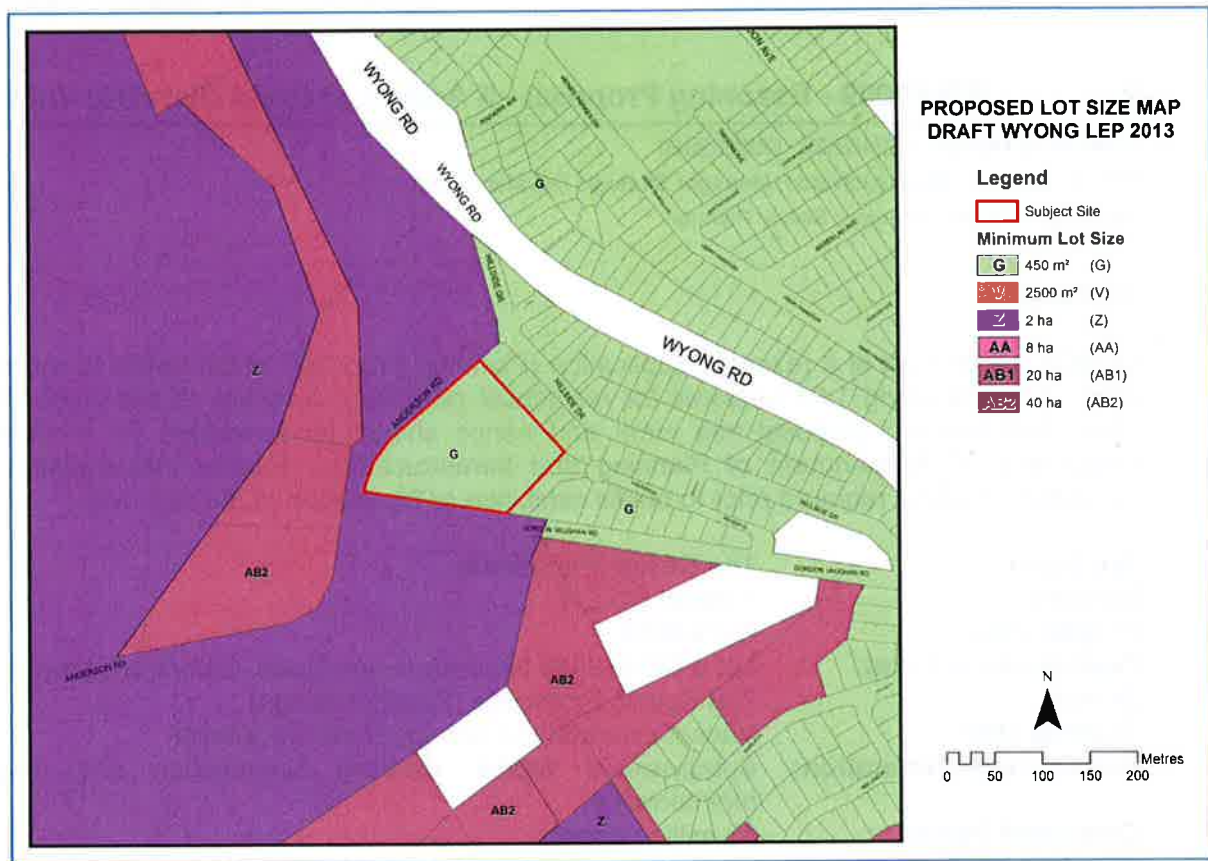
Attachments and Supporting Documentation

Document	Attached
1. Amendment of Wyong LEP 2013 Land Zoning Map	Yes
2. Amendment of Wyong LEP 2013 Lot Size Map	Yes
3. Council Reports and Minutes	Yes
4. Rezoning Report Andrews Neil, March 2011	Yes (CD)

Annexure 1- Amendment of Wyong LEP 2013 - Land Zoning Map



Annexure 2- Amendment of Wyong LEP 2013 - Lot Size Map



Annexure 3- Council Report and Minutes

25 September 2013

Director's Report

To the Ordinary Council Meeting

Development and Building Department

2.1 RZ/4/2009 - Rezoning Proposal - 5 Anderson Road Glenning Valley

TRIM REFERENCE: RZ/4/2009 - D03692066

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

Council is in receipt of a rezoning application (Planning Proposal) which seeks to rezone an area of land totalling 1.91 hectares for residential purposes. A review of the proposal has concluded that the proposal has merit and hence should be forwarded for a "Gateway Determination" (Department of Planning and Infrastructure). Further investigations and consultation will be required prior to public exhibition or finalisation of the rezoning.

Applicant:	The Design Partnership
Owners:	Pyoand Pty Ltd
Proposal No.:	RZ/4/2009
Description of Land:	Lot 8 DP 816552 No 5 Anderson Road, Glenning Valley
Zoning:	7(c) Scenic Protection (Small Holdings)
Existing Use:	Vacant cleared land with perimeter vegetation.
Employment Generation:	Subdivisional Works, dwelling construction and on-going maintenance.
Estimated Value:	\$3 million approx.

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to enable residential development.**
- 2 That Council forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act 1979.**
- 3 That Council request the General Manager to apply to accept plan making delegations for the rezoning.**
- 4 That Council undertake community and government agency consultation in accordance with the requirements of the "Gateway Determination".**
- 5 That Council consider a further report on results of the community consultation.**

BACKGROUND

The site is within an area originally identified for urban development in the 1980s under the NSW Government's Urban Development Program.

Council's Residential Development Strategy (RDS) 2002 identified the land as being within an urban development program precinct.

In the late 1990s, Council resolved to prepare and exhibit a rezoning proposal for an area known as the Wyong Road/Anderson Road Precinct. In February 2003, a report recommending rezoning of the precinct was considered by Council. Council resolved not to endorse the rezoning and that a request be made to the Minister for Planning to remove the precinct from the Urban Development Program.

The land is identified as being within an existing Metropolitan Plan Release Area shown on Map 2 in the Central Coast Regional Strategy 2006.

In May 2009, a rezoning request was submitted as part of the Rezoning Request Strategy and Comprehensive Local Environmental Plan (LEP) Review. Following a desktop assessment, the applicant was advised that Council was prepared to consider the proposal subject to a number of requirements, including the submission of specific specialist reports. A formal Planning Proposal was lodged in March 2011 together with the required specialist reports.

A review of the specialist reports identified a significant issue regarding sewer servicing. The applicant's proposal involves the construction of an on-site pump station that would pump sewerage to Council's system nearby. Council's Development Servicing Plan (DSP) for this area was developed to align with Council's RDS 2002 and identified a site along Heather Avenue, more than a kilometre from the subject site for sewage to gravitate to. This requirement was rejected by the applicant as it was considered that such works would render the proposal unviable.

The RDS 2002 and the DSP identified several other lots to the north of the site for potential residential development that have now been eliminated from Council's Draft Settlement Strategy due to environmental and slope constraints and redevelopment that has occurred since the RDS 2002 was produced. The Settlement Strategy replaces the RDS 2002 and is to be adopted with Wyong LEP 2013.

Therefore the requirements of the DSP are now redundant. Council's Water and Sewer Department have indicated after detailed consultation, that they are now willing to accept a pump station and rising main connecting to the adjacent local system is the appropriate method of servicing this site.

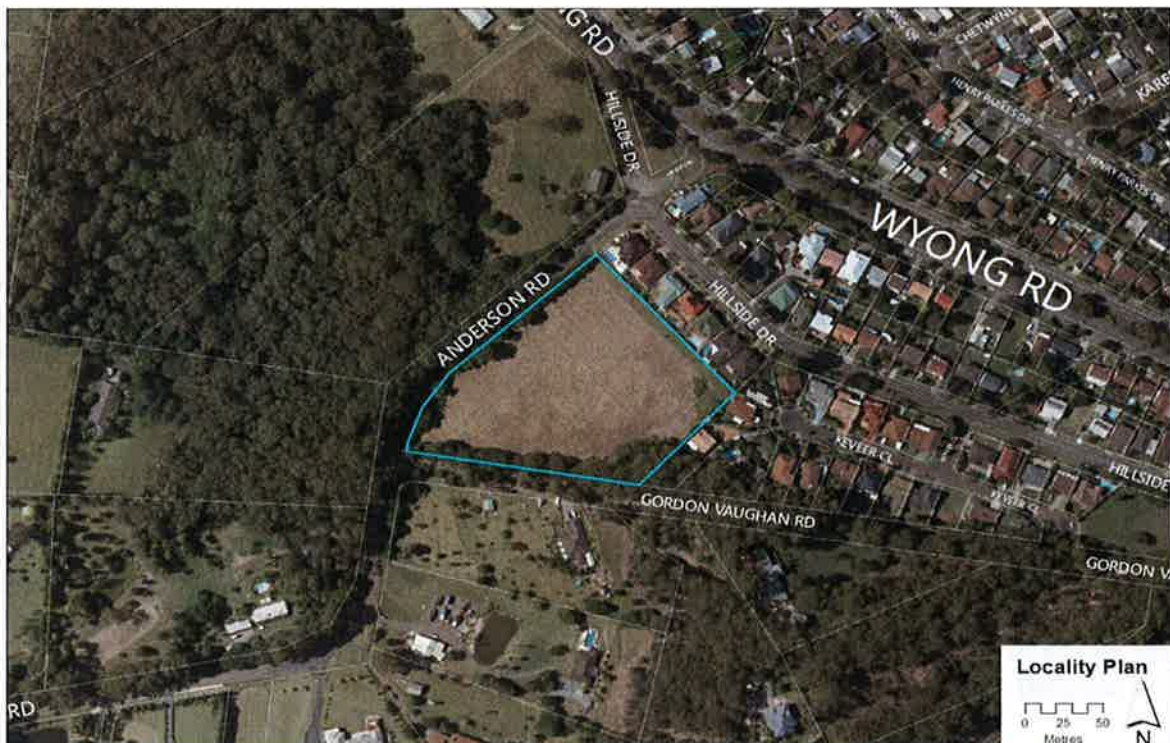
CURRENT STATUS

The Site

The site is bordered by Anderson Road and Gordon Vaughan Road, Glenning Valley. It has a west-north-westerly aspect, with a fall of about 22m with average slopes of 10-15%.

The majority of the site is cleared with narrow forest remnants along the Anderson Road (western) side and Gordon Vaughan Road (southern) side, widening in the south-eastern corner of the site. The forest types include Coastal Narrabeen Moist Forest and Coastal Foothills Spotted Gum/Grey Ironbark. There are 2 patches of the threatened flora species *Melaleuca biconvexa* within the forest remnants.

The site is entirely zoned 7(c) Scenic Protection: Small Holdings under Wyong LEP 1991. Under draft Wyong LEP 2013 the proposed zoning for the site is E4 – Environmental Living.

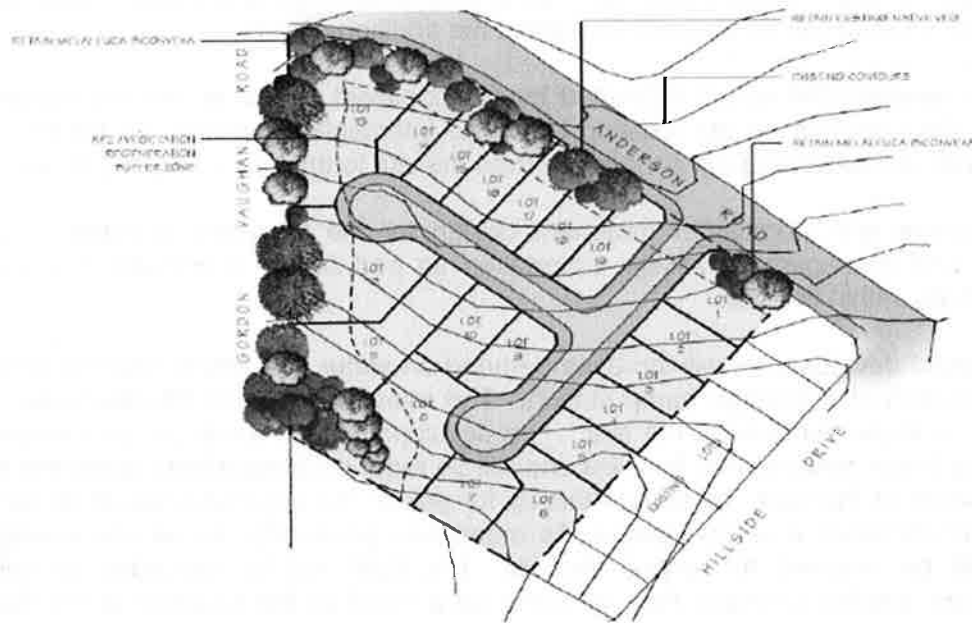


The subject site immediately adjoins residential zoned land on its northern and eastern sides. Anderson Road and Gordon Vaughan Road provide defined boundaries on the western and southern sides. The land is a logical extension to the existing residential area.

Land to south, in Gordon Vaughan Road and Anderson Road, has been developed for rural residential lots ranging from 1-2ha. Land to the west is a heavily vegetated creek line that runs to the northwest.

THE PROPOSAL

The proposal is to amend Wyong LEP 1991 by zoning the land 2(a) Residential to allow residential subdivision of the land. Given the timing of the proposal, the planning proposal will be amended to reflect the appropriate zonings under draft Wyong LEP 2013 which will result in the land being rezoned from E4 Environmental Living to R2 – Low Density Residential. A concept subdivision has been submitted that proposes 19 lots served by internal roads accessed from Anderson Road. Lot sizes range from about 560m² to over 2,000m². Vegetation retention and APZ areas are indicated to be provided through building restrictions on lot titles.



ASSESSMENT

In support of the application, appropriate supporting reports have been submitted by the applicant. This information has been reviewed considering:

- Any additional information required for Council to adequately consider the merit of the proposal.
- Additional information that may be required for forwarding to the Department of Planning and Infrastructure as part of the Gateway process.

It is considered that there is sufficient information for the proposal to be forwarded to the Department of Planning and Infrastructure (DoPI) for Gateway Determination. Attached to this report is a draft Planning Proposal to be submitted to DoPI which includes further information on significant issues and mandatory requirements to be dealt with as part of the assessment of Planning Proposals. The most significant issues are considered below:

Services, Facilities and Infrastructure Impacts

The Shire Wide Contributions Plan (library stock, performing arts centre, public art commissions, regional open space and shire cycleway network and administration costs) will apply to future development of the land. The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of these services.

The rezoning proposal falls within the Southern Lakes Section 94 Contribution Plan catchment. This Plan imposes a contribution rate for Open Space and Recreational Facilities Works, Community Facilities Works (and administration of the Plan). The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of their provision. The section 94 Plan will be amended to reflect the additional yield.

The traffic assessment report submitted by the applicant indicates that the impact of the proposed development on the existing road and intersection network will be minimal, but recommends a pedestrian path connection from the site to the path in Wyong Road.

Initial drainage and stormwater treatment design for the proposed subdivision indicates treatment and management will be undertaken as part of the development and is to be located wholly within the site.

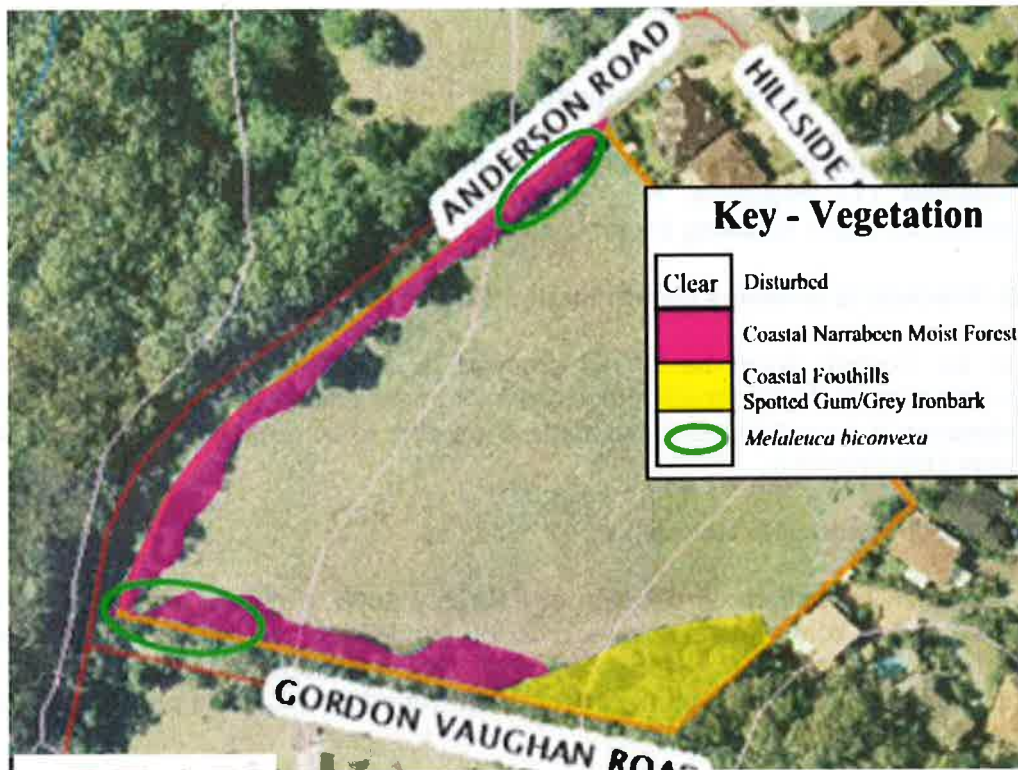
The proposed development will increase demand on water and sewer facilities and require the construction of a sewage pump station. The relevant DSP will effectively apply to the extension of these services to the site. The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost. To service this lot for sewer, the developer would be required to design and construct a sewer system. As mentioned previously, an on-site sewage pump station will be required to service the site. The DSP will be amended to reflect this development and the changes that will occur as a result of the adoption of the Settlement Strategy.

Water supply for the above location is available under RL 40m. Connection point is the 150mm UPVC main on the eastern alignment of Anderson Rd. Above RL 40m (East section of lot), water supply cannot be guaranteed.

Ecological Impacts

The site is predominately cleared with narrow forest remnants along the Anderson Road (western side) and Gordon Vaughan Road (southern side) frontages, widening in the south-eastern corner of the site.

Vegetation communities on the site include Coastal Range Moist Layered Forest. The ecological report (Peak Land Management December 2010) submitted with the rezoning request identifies forest types of Coastal Narrabeen Moist Forest and Coastal Foothills Spotted Gum/Grey Ironbark, however internal review indicates the vegetation does not satisfy the Spotted Gum/Grey Ironbark Forest EEC descriptors. There are 2 patches of the threatened flora species *Melaleuca biconvexa* within the forest remnants.



Source: Peak Land Management 2010

In addition, vegetation along the southern boundary is considered to provide a local wildlife connection between larger fragments to the east and west of the site.

Consideration of bushfire management recommendations, provision of the stormwater quality treatment facilities and sewer infrastructure requirements will have potential additional impacts than those identified and assessed within the ecological report.

Review of the ecological report indicates a number of revisions are required including the additional impacts noted above and resolution of conflicting recommendations with the bushfire report.

The recommendation for regeneration of vegetation, along the southern boundary, to maintain a minor corridor function will be difficult to implement and guarantee in the long term if the land remains in private ownership. The existing vegetation is partially located within the Gordon Vaughan Road reserve. While the developer could be required to dedicate land containing the trees as an addition to the road reserve, the practicality of long term management of this minor corridor is considered to be difficult. On balance, it is recommended that the existing trees be protected by a restriction on the title of the land. This requirement is proposed to be included in a DCP provision, imposed as a condition of subdivision development consent.

OPTIONS

Option 1: Proceed to Gateway Determination

The Planning Proposal is consistent with the Central Coast Regional Strategy and consistent with all relevant 117 Directions. It is considered to be justified and recommended for submission to DoPI for a Gateway Determination.

Option 2: Proceed to Gateway Determination Subject to Certain Matters

An option for Council would be to not proceed to a Gateway Determination until the developer provides all the information required prior to exhibition listed in the overview of this report. However, it is considered these matters are able to be reasonably secured following the Gateway Determination.

Option 3: Not Proceed with Rezoning

Council may wish to reaffirm its decision of February 2003 to not support rezoning of the land. The current zone, which allows a 2 lot subdivision, is considered a significant underdevelopment of the site. Not proceeding with the Proposal would result in a lost opportunity to contribute to the supply of residential zoned land in close proximity to existing services and facilities.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The Four Year Delivery Program and Operational Plan are Council's mid and short term plans outlining the strategic role that Council will play in delivering the Community Strategic Plan.

Council has 12 Principal Activities with each activity providing the community with the necessary information to ensure Council meets community priorities.

Contribution of Proposal to Principal Activities

Processing of the Planning Proposal is to be funded by the developer/proponent in accordance with Council's Planning Proposal Procedure.

The subsequent rezoning will enable development that will create increased utilisation of existing community, open space, sports fields and recreation facilities. Developer contributions are proposed to be levied to assist with the funding of these facilities.

Opportunities for development to provide community benefits in biodiversity conservation are potentially able to be achieved through the rezoning process. These are to be negotiated as part of the process following a Gateway Determination. A Voluntary Planning Agreement (VPA) may be prepared as part of the negotiations.

The future development of the land will be able to be efficiently serviced for garbage collection. Water and sewer contributions are expected to be collected for the future development which will contribute to cost recovery for headwork charges. Any specific local reticulation infrastructure will be at the full cost of the developer.

Long term Financial Strategy

The Long Term Financial Strategy recognises that operating revenue (excluding capital grants) has not covered operating expenditure to maintain existing services and levels of service. Additionally, the required maintenance and renewals of existing assets cannot be funded. The Long Term Financial Strategy is aimed at providing a framework in which Council “can assess its revenue building capacity to meet the activities of and level of services outlined in the Community Strategic Plan.”

Under the Financial Strategy, it is essential that this Planning Proposal achieves the following funding arrangements:

1. The cost of processing the rezoning is to be funded by the developer.
2. The development is to contribute to the cost recovery or funding of any services and or facilities that will be utilised by the future residents generated by the development. This is expected to be satisfied through existing developer contributions plans.
3. Any new transport, water or sewer services infrastructure, required to service the development that is not identified in an existing developer contribution plan, is to be fully funded by the developer, unless it is reasonably able to be added to an existing contribution plan as essential infrastructure.
4. More detailed assessment of the capacity of existing water and sewer infrastructure that may require a commitment from the developer to meet the cost of any required new infrastructure, including pedestrian paths, sewage pumping stations and water reticulation. In similar cases, developers have addressed these issues through a VPA.
5. Development density should be optimised to achieve cost recovery for services and facilities (water, sewer, drainage, waste) through rate and annual levy charges. This is a development design consideration addressed at development application stage.
6. New assets required to service the development should be minimised as far as possible.

The development may require its own stormwater quality treatment facility. The long term management costs of this facility may need to be assessed during the rezoning process to determine if a commitment from the developer is required to fund these costs.

Asset Management Strategy

Council's long term Asset Management Strategy specifies objectives and outcomes for asset management over the next 10 years. The desired outcomes are ensuring the right assets are built, ensuring existing assets are managed well, ensuring a balance between Council operations, new assets and existing assets and ensuring future budgets reflect the asset requirements. In general terms, the intention is to ensure Council has the financial capacity to maintain the asset, renew the asset at the end of its life cycle, or to decommission the asset when it is no longer required.

The proposed rezoning will result in residential subdivision. New assets to service the subdivision, that will be built by the developer and dedicated to Council, include new roads, local water reticulation, local sewer reticulation including a pumping station and rising main

and stormwater treatment facilities. Other potential assets, to be identified through the rezoning process, include pedestrian paths and upgrade to water reticulation upstream.

The ongoing maintenance of water supply services, sewerage services, drainage services and stormwater management are funded through annual charges levied by Council. The greater the number of lots created in the subdivision the greater the increase in the capacity of these charges to meet the maintenance costs, and eventual renewal costs. The location of the land, being adjacent to existing residential development, minimises the length of lead in infrastructure, and is able to utilise existing major infrastructure of roads, sewerage treatment and water supply. Provided the existing major infrastructure has the capacity to cater for the additional load, it is considered the proposal has a high potential to provide sustainable assets.

Link to Community Strategic Plan (2030)

The Community Strategic Plan identifies 8 priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows.

9. Communities will be vibrant, caring and connected.

The proposed development is immediately adjoining existing residential development. Opportunities exist for new residents to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups.

The Planning Proposal is consistent with the Wyong Shire-wide Settlement Strategy and the Central Coast Regional Strategy.

10. There will be ease of travel.

Bus services operate along Wyong Road. Pedestrian access can be provided to Wyong Road directly through the existing Anderson Road reserve. This pedestrian link is recommended to be provided by the developer.

The development of the land will increase traffic movements on Anderson Road, Hillside Drive, Beckingham Road and the intersection with Wyong Road. There will be some minor reductions in ease of car travel at peak times.

11. Communities will have a range of facilities and services.

The proposed development will result in developer contributions to cultural and community facilities, open space, sports and recreation facilities. Council is currently seeking to increase utilisation of many of its existing facilities.

12. Areas of natural value will be enhanced and maintained.

Existing trees, including two small patches of threatened flora (*Melaleuca biconvexa*), exist on the perimeter of the land. It is intended to retain these patches in the yard areas of future house lots. There is likely to be some impact on the individual trees.

Opportunities for the development to fund programs aimed at restoring natural areas are recommended to be investigated to assist in the achievement of this priority objective. Note the capacity to achieve this will be dependent upon bushfire restrictions and connectivity of the vegetation.

13. There will be a sense of community ownership of the natural environment.

The community will be given an opportunity to comment on any potential impacts of this proposal through the exhibition process.

14. There will be a strong sustainable business sector.

Not relevant to this Proposal.

15. Information and communication technology will be world's best.

It is recommended that future development of the land facilitate the provision of high speed broadband services.

16. The community will be educated, innovative and creative.

Not relevant to this Proposal.

Budget Impact

The processing of the Planning Proposal is being funded by the developer and is intended to be "budget neutral".

Any ongoing maintenance of the assets gained by Council through the development of this subdivision will require appropriate funding from the developer and future landowners.

CONSULTATION

Internal consultation has been undertaken across relevant sections of Council. Consultation with the applicant and owner has also been undertaken. Community consultation and government agency referrals will be undertaken following the Gateway Determination.

CONCLUSION

The Planning Proposal is consistent with Council's draft Shire-wide Settlement Strategy and the Central Coast Regional Strategy. The proposal is considered to be consistent with relevant section 117 Directions, or where inconsistent, able to be justified under the direction.

The land is immediately adjoining existing residential development and is considered to be well placed to utilise existing infrastructure, facilities and services.

Following a Gateway Determination, a number of additional matters may need to be addressed prior to public exhibition of the Proposal. This will assist in improving community benefits of the proposal and managing ecological impacts and social impacts.

The Proposal is considered to be consistent with the Wyong Shire Council Strategic Plan and Annual Plan. Under Council's Financial Strategy, a number of matters are to be addressed during the processing of the Planning Proposal. The Proposal is considered capable of being consistent with Council's Asset Management Strategy. The processing of the Proposal is expected to have no net impact on Council's budget.

Internal consultation and discussions with the applicant and land owner have been undertaken. Public consultation and government agency consultation will be undertaken following a Gateway Determination as required.

Potential corporate risks are to be managed during the processing of the Proposal.

The submitted studies are considered sufficient to justify support for the proposal and all of Council's policy and strategy considerations are able to be reasonably addressed.

It is recommended the Planning Proposal be submitted to DoPI for a Gateway Determination.

2.1 RZ/4/2009 - Rezoning Proposal - 5 Anderson Road Glenning Valley

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

- 1196/13** That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to enable residential development.
- 1197/13** 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 56 of the EP&A Act 1979.
- 1198/13** That Council request the General Manager to apply to accept plan making delegations for the rezoning.
- 1199/13** That Council undertake community and government agency consultation in accordance with the requirements of the "Gateway Determination".
- 1200/13** That Council consider a further report on results of the community consultation.

FOR: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER
AGAINST: NIL

