



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

Lot 21 DP 654119 & Lots 24 – 25 DP 25373

Bryant Drive, Tuggerah

Application No. RZ/20/2009

Contents

Part 1	Objectives or Intended Outcomes	3
Part 2	Explanation of Provisions	3
Part 3	Justification	4
	<i>Section A – Need for the Planning Proposal</i>	<i>4</i>
	<i>Section B – Relationship to strategic planning framework</i>	<i>9</i>
	<i>Section C – Environmental, Social and Economic Impact</i>	<i>13</i>
	<i>Section D – State and Commonwealth Interests</i>	<i>17</i>
Part 4	Community Consultation	18
	Attachments and Supporting Documentation	19

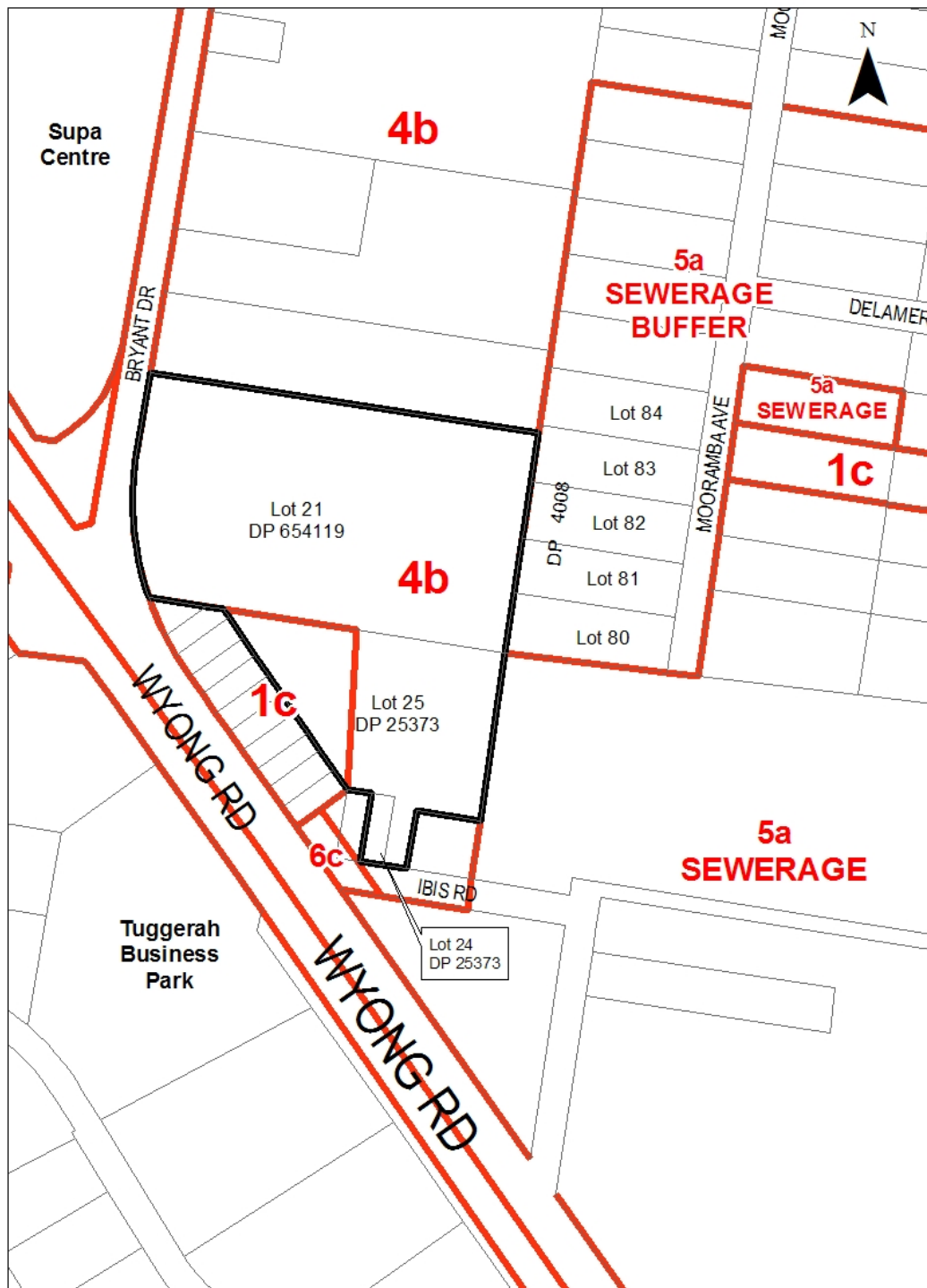


Figure 1 Planning Proposal Locality Plan

Part 1 Objectives or Intended Outcomes

The proposed outcome of this Planning Proposal is:

To enable up to 3,500m² of non-ancillary commercial development on Lots 21 DP 654119 and Lots 24 – 25 DP 25373.

Part 2 Explanation of Provisions

The following provisions are proposed in order to achieve the intended outcome of this Planning Proposal:

Amendment of Clause 7 – Definitions and Schedule 4 – Development for Certain Purposes (Clause 523) of Wyong Local Environmental Plan 1991 in accordance with the following Schedule:

[1] Clause 7 Definitions

The definition of “the map” is amended by the inclusion of a reference to the map accompanying Wyong Local Environmental Plan 1991 (Amendment No. XXX) in the list of amending plans.

[2] Schedule 2 – Development for Certain Purposes (Clause 52)

Insert in order within the Schedule:

Lot 21 DP 654119 and Lots 24 – 25 DP 25373, Bryant Drive, Tuggerah - up to 3,500m² of commercial development.

Relationship to Existing Development Applications

The sites subject to this Planning Proposal have also been subject to two Development Applications (DAs) being DA 612/2009 and 1114/2009.

DA 612/2009 was lodged with Council on 24 June 2009 for the purposes of integrated sports and recreation facility, incorporating playing fields, futsal courts, administration buildings, health centre, function centre, licensed club, commercial premises, motel, medical centre, ancillary amenities and associated car parking.

The overall proposal was viewed as an integrated development, with all components considered being as ancillary to the operation of an *Entertainment Facility*, a use permissible within the existing 4(b) (Light Industrial) Zone. Considered as separate uses, the accommodation facilities and health/medical centre proposed would otherwise be prohibited within the 4(b) (Light Industrial) zone.

Whilst *Entertainment Facilities* are permissible within the 4(b) (Light Industrial) Zone, they are a prohibited use within the 1(c) (Non-Urban Constrained Land) zone. For these reasons, the car parking and training field located on Lots 24 and 25 DP 25373 was removed from DA/612/2009 and lodged as DA/1114/2009.

Prior to the determination of the DAs, Council granted a lease for that land owned by Council (being Lots 80 – 84 DP 4008, Lots 61 – 64 and Lots 71 – 73) to the Mariners Football Club for a period of 10 years with a renewal option for a further 10 years thereafter. A further proviso on the use of Lots 80 – 84 was also included which restricted the use of those lots to playing fields and associated facilities only, as being a purpose compatible with the 5(a) Sewage Buffer zoning.

DA/612/2009 and DA/1114/2009 were approved by Council during its meeting of 9 December 2009. For the purposes of this proposed LEP amendment, it is important to note that Condition 88 of the Development Consent for DA/612/2009 required the consolidation of Lot 21 DP 654119 and Lot 24 – 25 DP 25373 prior to the Occupation Certificate being issued.

The approved Development Applications resulted in the following development being approved on the subject lots:

Lot 21 DP 654119

- Five Storey Accommodation Building (including Mariner's Retail, Function Rooms and Indoor Pool);
- 8 Outdoor Futsal Courts;
- Four Storey, 3000 seat Grandstand (including Mariners Museum and Administration Area);
- Six Storey Administration Building (Mariners Health Centre, gymnasium, sports science consulting rooms, Mariner's administration facilities and related administration tenancies, and ancillary amenities);
- Car Parking
- Water Storage
- Refurbished Club Tuggerah

Lot 24 – 25 DP 25373:

- 6,526m² Training field
- Car Parking

Lots 80 – 84 DP 4008:

- 7,875m² Tournament field.

An additional DA (1135/2009) has been lodged with Council for the purposes of three additional fields and associated car parking and amenities to the north east of the subject site Lots 61 – 64 and Lots 71–73 DP 4008). This DA is currently under assessment. The combination of the DAs and this Planning Proposal will result in the creation of approximately 580 jobs.

Part 3 Justification

Section A – Need for the Planning Proposal

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

The proposal itself has not been the result of a specific strategic study or report; however the proposed commercial development of the site is consistent with the Wyong Shire Council Wyong Tuggerah Strategy and Central Coast Regional Strategy.

The existing zoning of the site does not reflect the adopted planning and land use strategy for the locality; therefore does it enable such recommendations within these documents to be achieved. Through the Planning Proposal, alternative forms of commercial premises, providing for a range of employment opportunities, will be created.

The site and those adjoining located east of Bryant Drive are included within the Wyong Tuggerah Planning Strategy for employment generating purposes, however is not included within the Tuggerah State Significant Site (SSS) Study area.



Figure 1 Tuggerah State Significant Site Study Area

The purpose of the Tuggerah SSS is to define the parameters of the area for the development of a new Town Centre within the Tuggerah area. Studies are currently being undertaken by the Department of Planning to determine which areas of the SSS will be appropriate for development in the future.

It is considered that the commercial nature of the Planning Proposal will complement the existing Tuggerah Business Park to the south of the site, in addition to the enhancement of the Tuggerah Town Centre.

Consultation with the project management group for this project has been undertaken with regard to the Tuggerah SSS and the proposal currently for the site. Whilst the site is not included within the Tuggerah SSS Study Area, the provision of relevant information such as traffic generation rates, stormwater management etc resulting from this proposal (and DAs 612/2009 and 1114/2009) for consideration within the studies being undertaken for the Tuggerah Town Centre.

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

Presently, the Planning Proposal seeks to enable commercial premises on 21 DP 654119 and Lots 24 – 25 DP 25373. Whilst an enabling clause under WLEP 1991 is the preferred mechanism

to achieve this, it is acknowledged that there are other means of achieving this outcome. These are discussed below:

Option 1 – Permit the Commercial use within the 4(b) (Light Industrial Zone) – Not Recommended

Commercial premises are defined by WLEP 1991 as

'a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause'

and are currently prohibited within all industrial zones in Wyong Shire.

This general prohibition acts to ensure that the functionality of existing town centres is retained and that new centres are not created which do not have the employment base, catchment population or infrastructure required to support new town centres.

Enabling commercial premises within the entire 4(b) (Light Industrial) zone would enable the creation of pseudo town centres, resulting in issues relating to economic viability and servicing. For this reason, this option is not recommended.

The 3,500m² restriction of floor area proposed in the Planning Proposal equates to the equivalent floor space of 2 storeys of the administration building approved by DA/612/2009.

For the same reasons as those outlined above, the Planning Proposal also recommends a restriction on floorspace to be available for commercial premises, being 3,500m². This restriction ensures that full development of the site for commercial purposes will not be an option, therefore assists in ensuring that the site will not become a pseudo centre in its own right.

Option 2 – Change the zoning of the site through the Comprehensive LEP Review Process (under the Standard Instrument) – Not Recommended

It is recognised that there are zones under the Standard Template which may be suitable in application for such a site (such as the B6 Enterprise Corridor Zone).

Council is still in the process of preparing an LEP Instrument in accordance with the Standard Instrument, which must be completed by June 2011 (WLEP 2011).

The applicant has identified that whilst consent has been issued for the uses identified under DA/612/2009 and DA/1114/2009, costing implications have arisen which may affect the commencement of construction.

Enabling the commercial premises use on the site in the short term will generate cash flow which will support the development of the site overall. In summary (and subject to development consent), prospective tenants will be able to purchase commercial floor space off the plan, further ensuring the economic success of the project.

Having regard for the current status of the new LEP and current cash flow implications, it is considered that these issues can be resolved in a more timely fashion by proceeding with the Planning Proposal as currently presented.

Option 3 – Enable the proposed use within Schedule 2 of Wyong Local Environmental Plan (WLEP) 1991

It is considered that proceeding with a Planning Proposal at this point in time is the best means of achieving the intended outcomes, based on the information provided above.

It is also considered that the proposed floor space restriction should be included within the LEP Instrument rather than the Development Control Plan. Currently, the site is governed by DCP 2005: Development Controls for Wyong Shire. A site specific chapter relating to this site does not exist; therefore the inclusion of a site specific floorspace control within the DCP is unfeasible at present.

The introduction of the enabling clause through this Planning Proposal will remove constraints to changes proposed to those approved uses over time. Furthermore, the Planning Proposal would alleviate funding implications for the development as a whole.

3. *Is there a net community benefit?*

The proposal has been considered against the evaluation criteria for the net community benefit test as detailed within the Draft Centres Policy. This evaluation is further detailed below, in summary however, the proposal will:

- Create new employment land and permanent employment opportunities;
- Have a net economic benefit to the region and centre through commercial activity; and
- Contribute to State Government revenue through the sale of the rezoned land.

Evaluation Criterion	Consistency of the Proposal
Will the proposal be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes. The proposal is located within the existing Tuggerah Town Centre and in close proximity to the Tuggerah Train Station.
Is the proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The proposal is located within the existing Tuggerah Town Centre Area.
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. The proposal is consistent with Council's Wyong Tuggerah Strategy therefore expectations for other similar proposals also need to be consistent with this strategy.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. Given the consistency of this proposal with relevant state, local and regional planning strategies and policies, the proposal will not supply an over demand of commercial premises and be appropriately located within an existing town centre. The proposal moreover has been considered in traffic generation impacts for the Tuggerah SSS studies currently being undertaken.
Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The proposal and associated Development Applications (DAs) have the potential to contribute in the order of 600 employment opportunities during construction and operation.

Will the proposal impact upon the supply of residential land and therefore housing supply and affordability?	No. The land is currently zoned 4(b) (Light Industrial) and 1(c) (Non-Urban Constrained Land), therefore does not impact on housing supply and affordability.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?	Yes. Consent conditions for DAs 612/2009 and 1114/2009 have required the staged upgrading of Ibis Road and Wyong Road in order to facilitate the proposed development. Any additional car parking requirements generated by additional commercial tenancies would be required to be demonstrated when development consent for these premises is sought. The site is currently serviced by Council's existing water supply system and sewerage servicing is required to be resolved prior to commencement of construction for DAs 612/2009 and 1114/2009.
Is there good pedestrian and cycling access?	Yes. The site is in close proximity to the Tuggerah Train Station and existing cycling and pedestrian linkages.
Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes. The site is in close proximity to the Tuggerah Train Station and located on the main road used for bus servicing of the southern portion of the Shire.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will enable additional commercial office premises within the Tuggerah Town Centre area in close proximity to the existing train station. This proximity will enable less dependence on car travel for persons working in this new commercial area.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Yes. The site is partially affected by flooding however development approval for DAs 612/2009 and 1114/2009 has satisfactorily resolved these issues. The planning proposal is to be located within the same site as the consents for development issues on the same lots (DA 612/2009 and 1114/2009) therefore there will be no additional ecological impacts

	associated with this proposal.
Will the proposal be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The proposal is consistent with the aims and objectives of the Wyong Tuggerah Strategy, in addition to the adjoining Tuggerah Business Park and will complement the future Tuggerah Town Centre.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No. The proposal will provide additional commercial premises which are currently in short supply within the Shire.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal has the potential to provide for approximately 600 new employment opportunities within the Shire, in addition to the injection of approximately \$45 million capital investment in the local economy through construction and operation. Should the planning proposal not proceed at the current time, constraints to changes proposed to those approved uses over time will be imposed (i.e. due to the current zoning regime). Furthermore, the Planning Proposal would alleviate funding implications for the development as a whole.

Section B – Relationship to strategic planning framework

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

The site of the proposal is within the Tuggerah area, considered by the CCRS to be the Region's major centre and has a role in 'performing vital economic, employment, civic, residential, social and cultural roles' for the Central Coast. Additionally, the area is intended to provide a 'focal point for local development and a significant contribution to local employment capacity.'

The existing zoning of the site does not reflect the adopted planning and land use strategy for the locality; therefore doesn't enable such recommendations within these documents to be achieved. The employment generation and injection of funds into the local economy of the proposal is considered to be consistent with the general requirements for the Tuggerah area within the CCRS.

The proposal has been assessed against the sustainability criteria within the CCRS and in general is consistent with these criteria. In addition, documentation within the Attachments to this proposal provides the assessment of the proposal against the Actions/Objectives of the CCRS. In Summary, applicable objectives/actions include:

- Economy and Employment actions 5.1; 5.2; 5.4; 5.6; 5.7 & 5.11;

- Environment, Heritage, Recreation and Natural Resource actions 6.3; 6.5; 6.8 & 6.19;
- Water actions 8.2; and
- Regional Transport action 10.10.

In accordance with the actions and recommendations of the CCRS, the Department of Planning (DoP) released the Regional Economic Development and Employment Strategy (REDES) in February 2010. It is considered that this Planning Proposal is consistent with and will assist in achieving strategies 4 (Ensuring an adequate supply of lands for employment) and 5 (Focus on centres development) of the REDES.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Wyong Shire Strategic Vision

The Wyong Shire Strategic Vision was adopted by Council in September 2009, and provides a direction for the future of the community of Wyong Shire. The vision aims to achieve the needs of the local community.

It is considered that the Planning Proposal is consistent with the Wyong Shire Strategic Vision (SSV). The eight (8) key objectives of this vision are that:

- i Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood;
- ii There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable;
- iii Communities will have access to a diverse range of affordable and coordinated facilities, programs and services;
- iv Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development;
- v There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs;
- vi There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths;
- vii Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors; and
- viii The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.

The Planning Proposal will assist in achieving Objective No's i, iii, iv and vi of the SSV.

Wyong Tuggerah Planning Strategy

The Wyong/Tuggerah Planning Strategy was adopted by Council in October 2007. The Strategy outlines Council's and the community's vision for the Wyong/Tuggerah area and provides a starting point from which future planning can be undertaken.

The Bryant Drive and Lake Road area is identified within the Strategy for:

- A pedestrian friendly environment with improved connections to the rail station and Tuggerah Business Park. Large scale commercial activity in this area will complement the small scale commercial activity within the Wyong Town Centre;
- The possibility of the eastern side of Bryant Drive to provide land for employment generation purposes.

The LEP amendment proposal (and associated DAs) is a major employment generator, creating in the order of approximately 580 direct jobs. Furthermore, the proposal will enable approximately 3,500m² of commercial space for other employment generators. This commercial area will complement the existing Tuggerah Business Park to the south of the site, in addition to the future Tuggerah Town Centre.

The existing zoning of the site does not reflect the adopted planning and land use strategy for the locality; therefore does it enable such recommendations within these documents to be achieved. Through the LEP amendment, alternative forms of commercial premises, providing for a range of employment opportunities, will be created. It is therefore considered that the proposal is consistent with the aims and objectives of the Wyong/Tuggerah Strategy for this site.

Wyong Shire Retail Centres Strategy

The purpose of the Wyong Shire Retail Centres Strategy and associated development controls is to identify a retail hierarchy within Wyong Shire to ensure that growth pressures can be managed to maximise the economic benefits to the Shire and was adopted by Council in January 2008.

The Strategy aims to ensure that an appropriate level of service in shopping and commercial services is available to residents. This is achieved through recommendations regarding the expansion of existing retail centres and the development of new centres up until 2031.

The current Strategy does not identify the subject site of the LEP amendment proposal for major retailing activity; however ancillary retailing relating to an approved use within the 4(b) General Industrial Zone is enabled. Retailing activity within the approved DA/612/2009 is consistent with this requirement.

The current Strategy does not identify the subject site of the LEP amendment proposal for major office use, unless ancillary to an approved use within the 4(b) General Industrial Zone is enabled. Currently, office uses within the approved DA/612/2009 are consistent with this requirement.

Based on the consistency with the Wyong/Tuggerah Strategy for this particular location and proposal, the inconsistency with the Retail Centres Strategy and associated development controls are insignificant. Any implementation of the Wyong/Tuggerah Strategy in the future would have considered such a land use in this locality.

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

The Planning Proposal has been determined to be subject to *State Environmental Planning Policy (SEPP) 71 – Coastal Protection*.

In considering the approval of Development Applications 612/2009 and 1114/2009, it is considered that the proponent and Council have demonstrated compliance with the provisions of this SEPP.

7. 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. The full assessment of these Directions is contained within the Attachments of this proposal.

Employment & Resources			
1.1	Business & Industrial Zones	Y	Y
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N	N/A
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	Y	Y
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	N	N/A
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
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	N	N/A
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/a
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N	N/a
5.6	Second Sydney Airport: Badgerys Creek	N	N/a
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y

6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	N	N/A

Section C – Environmental, Social and Economic Impact

8. 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 Flora and Fauna Impact Assessment submitted with DA 612/2009 (*Keystone Ecological 2009*) identified that there are currently two vegetation communities on the site, being Swamp Sclerophyll Forest Endangered Ecological Community (EEC) and Blackbutt Forest. The disturbed river flat forest is the primary reason for the 1(c) Non Urban Constrained zoning of Lot 24 and 25 DP 25373.

The Flora and Fauna Impact Assessment for the DAs identified that this fragment of remnant floodplain forest occurred as a continuous band through the centre of the complex (refer to Figure 5). This area has potential to provide for threatened flora and fauna species. Whilst the

fragment has limited connectivity to larger areas of vegetation, it has the potential to be utilised by mobile species, such as birds and bats, migrating through the area.

The Assessment had regard for the potential impacts of the proposed development on those identified threatened species on the site, loss of habitat, habitat fragmentation, an edge effects (such as lighting, weed invasion) and alterations to the hydrological regime of the site, including changes in water quality. Through appropriate design of the proposal, loss of vegetation has been minimised and connectivity within the fragment is to be maintained.

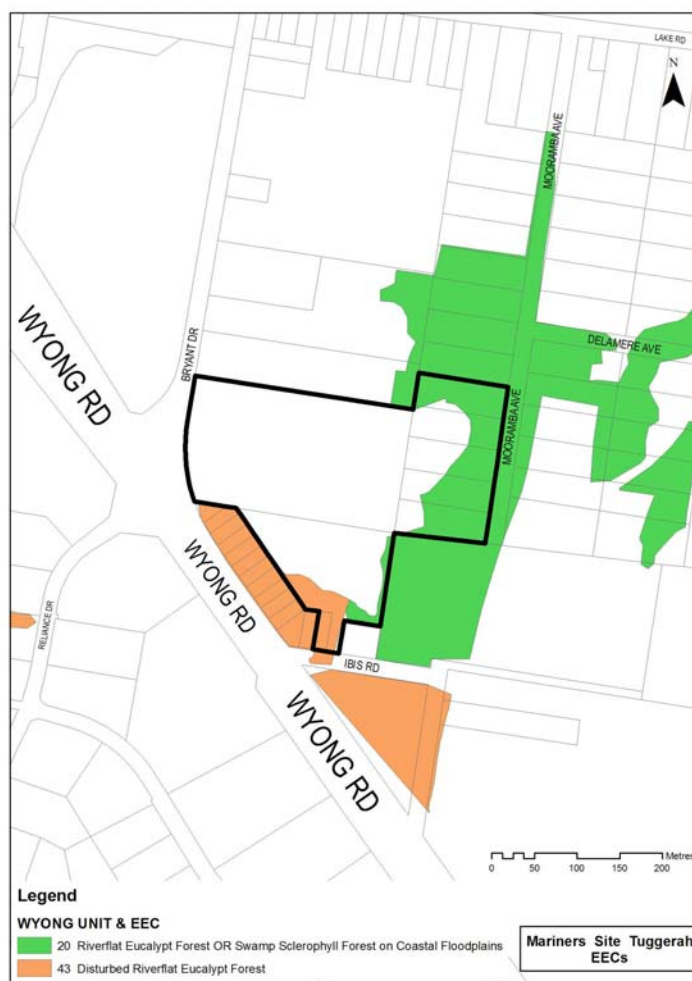


Figure 2 Vegetation Communities of the Subject Site

Approval of DA 612/2009 and DA 1114/2009 permitted the removal of approximately 0.84 hectares of the Swamp Sclerophyll Forest and 0.69 hectares of the Blackbutt Forest. This includes all remnant vegetation on Lot 21 DP 654119 and Lots 24 – 25 DP 25373. The significance assessment undertaken for the loss of the vegetation within the Swamp Sclerophyll Forest EEC identified that there would not be a significant impact on the EEC, therefore a Species Impact Statement was not undertaken.

Offset planting for the loss of this vegetation has been required to be undertaken on Council owned land adjacent to the Wyong South Sewerage Treatment Plant.

Requirements for a Vegetation Management Plan (VMP) to control weeds, compensatory replanting of Swamp Mahoganies, landscape plantings of endemic species and plants sourced from local stock have been included within conditions of consent for the associated DAs for this proposal.

Those commercial uses proposed to be enabled by the Planning Proposal will be confined to Lot 21 DP 654119 and Lots 24 – 25 DP 25373, therefore there will be no additional ecological impacts resulting from the Planning Proposal.

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

Bushfire

The subject site is located within an area which is recognised as a buffer area, in addition to containing Category 2 Bushfire Prone vegetation. As such, any development of the site is integrated development and requires the consent of the NSW Rural Fire Service (RFS).

DAs 612/2009 and 1114/2009 have been referred to the NSW RFS as part of the DA process. This body has issued the bushfire safety authority as required under section 100B of the Rural Fires Act, subject to conditions to be issued in any consent. These conditions relate to building materials (including glazing) to be utilised within those areas affected by bushfire prone vegetation, in addition to landscaping requirements and the preparation of evacuation arrangements in accordance with the *Planning for Bushfire Protection* 2006.

These conditions have been reflected in the conditions of consent issued for DAs 612/2009 and 1114/2009. It is considered that the bushfire issues associated with the site can be adequately managed through these conditions of consent, therefore should not affect the progression of the Planning Proposal for the site.

Climate Change

The impacts of climate change have been considered within this assessment. Relevant implications of increased rainfall intensity resulting in increased flooding events and levels have been adequately managed within the proposal. Additionally, the risk of increased frequency and intensity of bushfires has also been adequately managed within the proposal.

Conditions of consent for DAs 612/2009 and 1114/2009 require the preparation of an Evacuation Management Plan (EMP) to ensure that safe evacuation routes in the event of flooding are available for personages utilising the site.

It is considered that the climate change issues associated with the site can be adequately managed through these conditions of consent, therefore should not affect the progression of the Planning Proposal for the site.

Mine Subsidence

The subject site of the proposal is not located within an area recognised as being subject to mine subsidence.

Aboriginal and European Cultural Heritage Items

Preliminary investigations have not identified the location of any items of Aboriginal Archaeology Significance or European Cultural Heritage items.

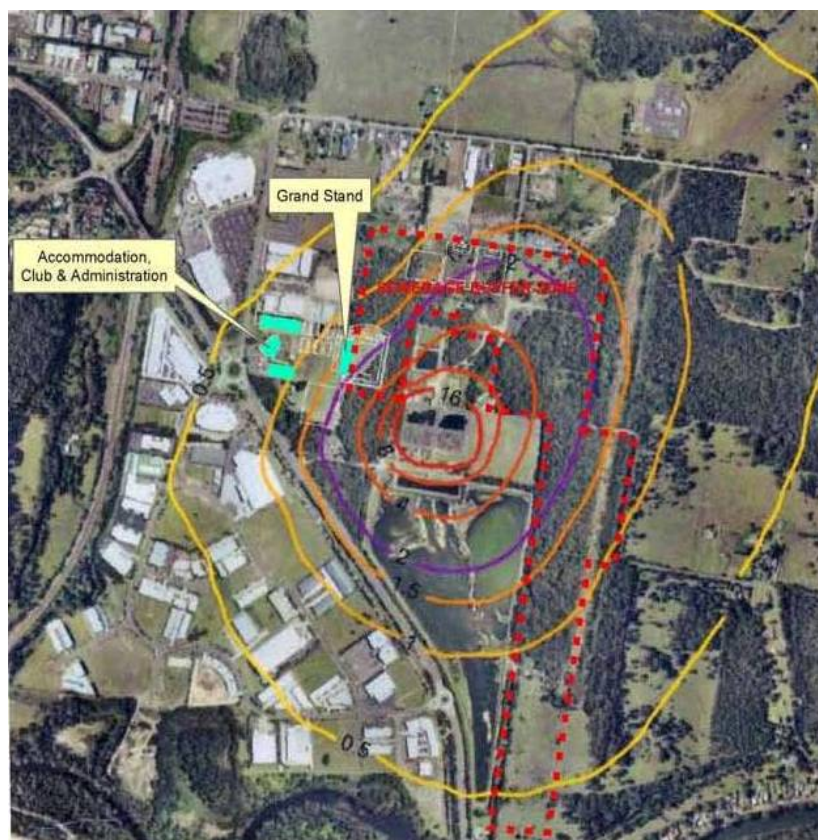
Contaminated Land and Acid Sulfate Soils

According to Council's records, the site is not identified as consisting of any land contamination issues. Furthermore, the uses proposed (and approved on the site) are not higher order uses than those already operating on the site.

The subject site is located on Class 4 Acid Sulfate Soils on the Acid Sulfate Soils Planning Map. Any works below two metres below the natural ground surface or is likely to lower the water table to any point beyond two metres below the natural ground surface requires a preliminary acid sulfate soils assessment report in accordance with the Acid Sulfate Soils Assessment Guidelines.

Whilst works below ground are restricted to footings and drainage works, both development applications have been conditioned to require an Acid Sulfate Soils Assessment Report prior to release of the Construction Certificate.

Odour



It has been identified that the Wyong South Sewerage Treatment Plant (WSSTP) infrastructure would be visible from the six storey grandstand located on Lot 21 DP 654119, however the proposal would not be adversely affected as demonstrated by an Odour Study undertaken for DA/612/2009.

Legend

-  Proposed Mariners Facilities
-  Sewerage Buffer Zone
-  Odour Contour

Figure 3 Odour Contours with Control Mechanisms Installed

Based on the findings of this study, Council has resolved to develop an appropriate odour mitigation and avoidance strategy for land surrounding the WSSTP and implement the relevant controls (including removal of the sludge lagoons) to lessen the impact of this issue.

Odour issues associated with the proximity of the proposal to the WSSTP have been addressed through the assessment of DAs 612/2009 and 1114/2009. There will be no additional concerns resulting from the proposed commercial uses to be enabled through this Planning Proposal.

Flooding and Drainage

The north eastern most portion of the subject site (Lot 21 DP 654119) is located within the 1% Annual Exceedance Probability (AEP) flood event. In addition, the site is also located within the coastal protection zone as identified by State Environmental Planning Policy (SEPP) 71. An assessment of the compliance of the proposal against this requirement is detailed later in this report.

Filling of certain areas of the site, in particular those in the north eastern portion of Lot 21 and the carparking areas will be required to avoid the impacts of these flood levels. It should be noted that the highest level of fill is proposed for the construction of the administration centre.

Based on the information provided by the applicant for the assessment of DA 612/2009 and 1114/2009, issues relating to the flood prone nature of the site have been satisfactorily resolved. Further issues relating to water usage (and reuse), water quality, stormwater drainage and overland stormwater flow have been addressed in the conditions of consent (prior to construction certification) for the abovementioned DAs.

It is considered that flooding issues associated with the site can be appropriately managed through these conditions of consent, therefore should not affect the progression of the Planning Proposal for the site.

Noise and Acoustics

The acoustics of the proposed development have been assessed under DAs 612/2009 and 1114/2009 to determine the impacts of the facility on the residential dwelling located on Ibis Road. This report identified that there would be a negligible impact on this dwelling as a result of the proposal. Additional conditions of consent within the approvals for the above DAs have been incorporated to ensure that this is not an issue in the future.

It is considered that the Planning Proposal will not have an impact on the noise levels of the facility.

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

The entire development of the site equates to a capital expenditure of approximately \$45 million dollars. The co-location of associated and ancillary uses on the subject site (including administration centre, gymnasium, medical facilities etc) enhances the viability of the proposal. Additional flow-on effects for the local economy are also likely in terms of additional support services and infrastructure.

Furthermore, the development of the subject site for this purpose will strengthen the sense of community within the Central Coast, providing a significant cultural identity for the region.

This Planning Proposal request has been submitted to Council in order to assist in the proposal being more economically viable. As previously identified the commercial potential of the

structures approved by the approved DAs for this site is restricted to those operations/businesses which have a direct link to the Central Coast Mariners Football Club. In addition, any future DAs lodged on the site would not be permissible unless directly related, or have a link with the Central Coast Mariners Football Club. The introduction of the enabling clause would remove this constraint to any changes proposed to those approved uses over time.

By enabling other commercial partners to locate to the subject site, financial restrictions to the construction of the site would be reduced and increase the ability of the applicants to develop an integrated sports facility with so much potential for the Shire. The proposal's creation of approximately 580 jobs is incentive to enable additional commercial uses on the site.

Section D – State and Commonwealth Interests

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

Traffic and Transport

Access to the site is currently from Bryant Drive, via the roundabout located on Wyong Road. Initial plans for a 'fifth leg' to this roundabout have since been amended due to issues associated with road safety and congestion. Access to the site is now proposed via the existing permanent access from Bryant Drive and from Ibis Road to Wyong Road.

The first stage of access will be via a left in, left out access mechanism from Ibis Road to Wyong Road which will require the upgrading of Wyong Road to provide for acceleration and deceleration lanes. Additionally, a Type-C intersection to the site from Bryant Drive is required to provide for a protected right turn into the site.

The second stage of access to the site, depending on demand and as determined by the Roads and Traffic Authority requires the signalisation of the intersection of Ibis Road and Wyong Road to provide for a right turn access into the site from Wyong Road.

All new access arrangements are to be fully funded by the Developer.

These arrangements have been based on modelling undertaken for the proposal. The implementation of such arrangements has been deemed not to result in an adverse affect on the local traffic.

All car parking for the development is to be located on site, and is consistent with the requirements for the provision of the appropriate number of spaces in accordance with Council's development controls for car parking, considering dual purpose trips likely to be generated by the development. Any additional commercial premises permitted on the subject site as a result of this Planning Proposal will be required to justify at Development Application stage how the requirements of Chapter 61 will be satisfied. It is considered however that the substantial size of the site should not result in significant constraints if larger parking needs were generated through development associated with this Planning Proposal.

The site is well situated to support the use of alternative means of transport including trains and buses given its close proximity to the existing Tuggerah Railway Station.

Servicing

Council's existing water supply system is considered adequate to provide water supply to the development. In order to ensure security of supply, two connection points to the water supply system have been required as detailed below.

Water to the approved development is able to be supplied from the existing 150mm water main located on the eastern alignment of Bryant Drive, in addition to the 250mm water main that crosses Bryant Drive adjacent to No. 3 Bryant Drive.

The applicant identified that potable water will not be utilised within the subject site for the purposes of irrigation, however justification of water harvesting and reuse has not been justified. The approval of DAs 612/2009 and 1114/2009 have been conditioned to require further justification of this issue prior to release of the Construction Certificate.

The site is currently serviced for sewer via the existing on-site private sewage pumping station which discharges to Council's Sewerage Pump Station. The proposed sewage management system included a gravity fed system to drain to the existing Sewerage Pump Station. This required a significant amount of vegetation removal therefore has not been supported by Council.

The applicant, through conditions of consent, is required to investigate alternatives for sewage servicing arrangements for the proposal.

The Planning Proposal will not raise any servicing issues for the site

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

This section of the Planning Proposal will be completed pending the determination of the proposal by the Gateway. It is proposed however that the following government agencies are consulted with:

- Roads and Traffic Authority (RTA);
- Department of Environment, Climate Change and Water (DECCW);

Part 4 Community Consultation

It is considered that this Planning Proposal is a 'low impact' Planning Proposal, therefore should be exhibited for 14 days.

Attachments and Supporting Documentation

The following documentation is provided in support of this Planning Proposal.

Document	Attached
1. Locality Plan	✓
2. Council Report and Minutes dated 14 April 2010	✓
3. Section 117 Ministerial Direction Assessment	✓
4. Central Coast Regional Strategy Actions Assessment	✓
5. Central Coast Regional Strategy Sustainability Assessment	✓
6. Development Application Consent 612/2009	✓
7. Development Application Consent 1114/2009	✓
8. <i>Flora and Fauna Impact Assessment</i> (2009) Keystone Ecological Pty Ltd, Empire Bay, NSW	✓
9. <i>Environmental Noise Impact Assessment</i> (2009) Acoustic Logic Consultancy, Mascot, NSW	✓
10. <i>Traffic Assessment Report</i> (2009) Stapes Australia Pty Ltd, North Gosford, NSW	✓