

Item No: 2.3
Title: Proposed residential and conservation rezoning for 285-335 Pacific Highway Lake Munmorah
Department: Environment and Planning

28 October 2019 Ordinary Council Meeting

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Report Purpose

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to amend *Wyong Local Environmental Plan 2013* or *draft Central Coast Council Local Environmental Plan* (if in effect) on land on 285-305, 315, 325 and 335, Pacific Highway, Lake Munmorah.

This report recommends that Council prepare a Planning Proposal and request a Gateway Determination from the Department of Planning, Industry and Environment (DPIE).

Recommendation

1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to:

-Lot 1 DP 626787;

-Lot 2 DP 626787;

-Lot 437 DP 755266;

-Lot 438 DP 755266;

-Lot 27 DP 755266;

-Lot 12 DP771284; and

-Lot 83 DP 650114.

To rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Environmental Conservation. By amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever is in effect at the time.

2 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.

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- 3 *That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.***
- 4 *That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements.***
- 5 *That Council prepare and exhibit appropriate Development Control Plan provisions and other documents to support the development of the land subject to this planning proposal.***
- 6 *That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land;***
- 7 *That Council consider a further report on the results of public authority and community consultation.***

The Site

The subject land is commonly known as 285-305,315,325 and 335 Pacific Highway Lake Munmorah and comprises the following properties:

- Lot 1 DP 626787;
- Lot 2 DP 626787;
- Lot 437 DP 755266;
- Lot 438 DP 755266;
- Lot 27 DP 755266;
- Lot 12 DP 771284; and
- Lot 83 DP 650114.

The total area of the land proposed to be rezoned is approximately 27.2 Ha. Existing improvements to study area include a commercial boarding kennel facility, dwellings, commercial buildings and a service station which include associated outbuildings and car parking. The topography of the area is generally level.

A large portion of the land is cleared although remnant vegetation is more heavily concentrated in the north western corner of the subject lands. Four dams are located within the site. Access to these sites is predominantly via the Pacific Highway.

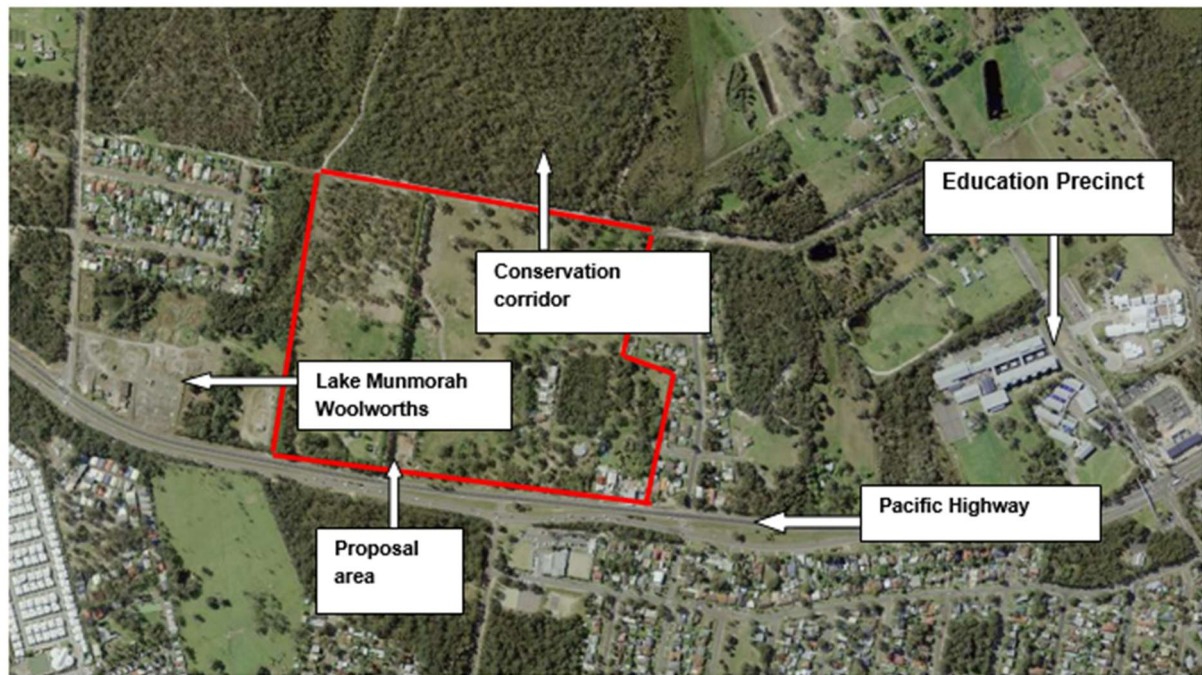


Figure 1- Subject area

Surrounding land uses include:

- Low density residential development to the east and west;
- Education precinct to the east;
- Lands zoned public recreation and environmental conservation, under the ownership of Crown to the north;
- Lake Munmorah Woolworths Shopping Centre, environmental management and future public recreation lands to the west; and
- Commercial and residential uses to the south.

The Proposal

The proposal seeks to amend the WLEP 2013 or the future CCLEP as follows:

- Rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Conservation; and
- Apply a minimum lot size of 450m² to the site to retain consistency with low density residential lots in the surrounding area.
- Identify/map the site as an Urban Land Release Area subject to the provisions of Part 6 of WLEP 2013.

The intended outcome is to enable a land subdivision of the rezoned R2 Low Density Residential portion of the site for housing.

The masterplan submitted by the proponent provides an indicative lot yield of 300 lots. An indicative Masterplan has been submitted with the proposal indicating that the development will be conducted in accordance with Figure 2.

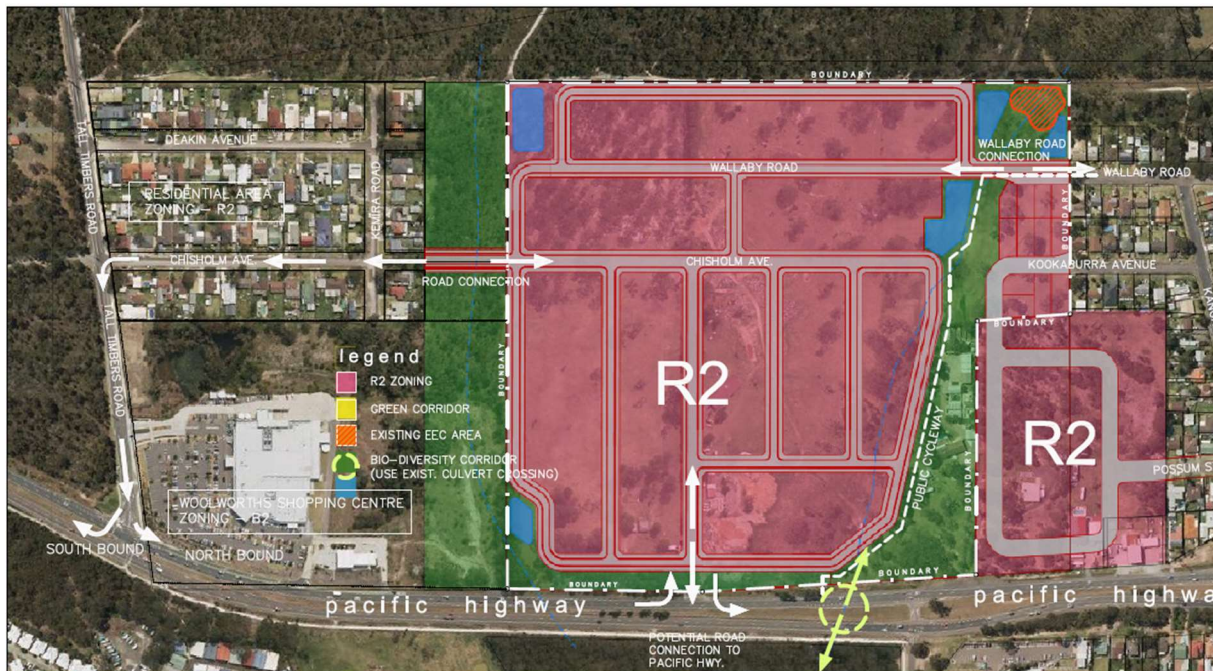


Figure 2- Indicative Masterplan

The proponent has outlined the following will be delivered by the proposal:

- Defined green corridor which traverses the site from north to south with significant opportunities for rehabilitation, recreation links and public cycleway, indicated in green above;

Included in these green corridors are picnic area including BBQ facilities in the north east, children's play equipment with communal meeting space and shelters; and exercise stations throughout site to encourage walkability and passive recreation.

A site-specific Development Control Plan will be prepared to guide the development of the area and ensure that any future development is properly integrated with an expanded future commercial precinct and other adjoining residential development. This will be developed by Council staff with supporting information being provided by the proponent which will broadly be based on the Masterplan provided by the proponent. Revisions to the Masterplan, road layouts and location of open space may be required to meet Council requirements.

The current Northern Districts Contribution Plan applies to 285-335 Pacific Highway Lake Munmorah and collects development contributions for community facilities and open space within the Lake Munmorah area. The current plan does not collect for traffic and transport improvements (in Lake Munmorah) and as such the developer will be required to provide intersection, road upgrades and contribute towards cycleways/pedestrian pathways in the

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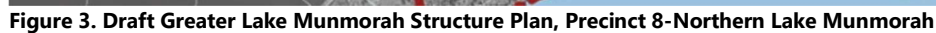
locality. The development will also be required to provide for a small park in a location which meets Council's requirements. These matters will need to be agreed with the land owners and Council through a Planning Agreement if the rezoning is to be finalised before the review of the Northern District Contribution Plan has been completed. This review is included in the current Council review of the contribution plans applicable to the Central Coast Local Government Area and is expected to be completed by 2021.

Assessment

The rezoning of the subject land to R2 Low Density Residential and E2 Environmental Conservation has strategic merit on the basis that:

- The amendment to WLEP 2013 is consistent with actions in the *Central Coast Regional Plan (CCRP) 2036* and aligns specifically with Goal 3- Well-connected communities and attractive lifestyles and Goal 4- A variety of housing choice to suit needs and lifestyles.
- The proposal has been considered against the outlined requirements of the Department Planning, Industry and Environment (DPIE's) North Wyong Shire Structure Plan (NWSSP). This plan identifies the site is required for future residential purposes. The current timing had identified the staging of the development within the long-range timeframe (land will not be zoned before 15 years), this timing can be revised due to new information relating to underlying mining constraints which are no longer an impediment to surface land release. This means that the release of the land can be accelerated, subject to appropriate funding arrangements being put in place to manage infrastructure and servicing issues associated with increasing the population in the locality.
- The area to be rezoned is identified within the Draft Greater Lake Munmorah Structure Plan located within Precinct 8 Northern Lake Munmorah, see Figure 3. The proposal is consistent with the draft Greater Lake Munmorah Structure plan which was publicly exhibited between 1 April 2019 to 26 May 2019 and will be reported to Council before end of 2019.
- The draft Greater Lake Munmorah Structure Plan facilitates the delivery of 2,885 additional lots, the subject proposal will provide an additional 300 residential lots in close proximity to the expanding commercial centre at Lake Munmorah.
- Proposed Green Corridor/Drainage Corridor indicated on the Master plan is consistent with the corridor for Precinct 8 (see Figure 3. below) within the draft Greater Lake Munmorah Structure Plan.

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Internal consultation has been undertaken for the current Planning Proposal and is summarised below.

Some of the identified parcels of land within the proposal area is highlighted on the Biodiversity Values Map and as such a Biodiversity Development Assessment Report (BDAR) will be required to be submitted to Council to inform the Planning Proposal. A continuous vegetated link between Lake Macquarie and Lake Munmorah must be retained and restored as per the NWSSP and draft Greater Lake Munmorah Structure Plan.

Maintaining functional connectivity between the areas of native vegetation that exist between Lake Macquarie and Lake Munmorah is required to allow for fauna movement into unburnt refugia in the event of extensive bushfire on the National Parks Estate in the local area. Ongoing maintenance of the biodiversity corridor needs to be addressed, including weed control, dumped rubbish, litter and erosion.

The masterplan for the proposal indicates a drainage/wildlife corridor will be provided on the eastern side of the proposal area. Natural Assets support the location of the corridor as it provides an important connection to corridor areas north and south of the site. Consultation will be undertaken with Natural Assets if the proposal proceeds to ensure the corridor is of a viable width and revegetation mechanisms are implemented during development of the area.

Water Planning and Development

A Sewer Servicing Plan will be required to be prepared in consultation with Council's Water Planning and Development Unit. The plan will need to consider site constraints, servicing options and compare the Net Present Costs of all options considering both capital and operational costs. Based on the preliminary assessment of the proposal, Water Planning and Development raise no objection to the proposal proceeding. The subject area will need to be serviced in accordance with plans outlined in the Development Servicing Plan.

Waterways

The subject site is bisected by overland flow paths which will be incorporated into conservation and drainage corridors within the proposal area. The proponent is required to undertake a flood study post Gateway Determination.

Development Engineering (including Traffic)

A Preliminary Traffic Assessment undertaken by Intersect Traffic dated February 2019 was submitted with the proposal. The traffic assessment states that most of the additional traffic generated from the development will pass through Chisolm Avenue and onto Tall Timbers Road.

The proposed connection to Chisolm Avenue and Tall Timbers Road will require significant civil construction works to achieve a standard of road capable of absorbing the additional traffic generated by the proposed development. It is anticipated that the proposal will not have a significant impact on the State Road network and that there is sufficient capacity at the signalised intersection of Pacific Highway/Tall Timbers Road to accommodate traffic growth. However, this will need to be further discussed with the Department of Transport (formerly known as Transport NSW and Roads and Maritime Services) post Gateway Determination.

Alternate access options to the Pacific Highway are also put forward by the applicant for a new intersection on the Pacific Highway and Kangaroo Avenue. These will be further explored by further traffic assessment work post Gateway Determination. The Department of Transport does not normally support any additional temporary or permanent intersections on the State road network.

The most optimal traffic management solution will need to be confirmed with Council and Department of Transport before the Planning Proposal can be publicly exhibited. This will also involve reaching agreement on the design and funding of local roadworks, shared pathway connections and other works required to manage traffic impacts through the preparation of a Planning Agreement.

Environmental Health -Land Contamination

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A preliminary land contamination assessment prepared by GHD dated February 2019 was submitted. It was outlined within the assessment that due to past uses within the proposal area a detailed assessment post Gateway Determination will be required to further investigate potential contaminant sources. This assessment is considered adequate to proceed to the Gateway Determination stage.

External Consultation

Government agency and public consultation requirements will be detailed in the Gateway Determination and undertaken accordingly.

It is anticipated due to the existing development and the location that the following agencies will need to be consulted:

- Department of Transport (formerly Transport NSW and Roads and Maritime Services)
- Department of Planning, Industry and Environment
- Department of Family and Community and Justice (former Rural Fire Service NSW)
- Subsidence Advisory NSW
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link

It expected that the Planning Proposal will be publicly exhibited for a period of 28 days.

Statutory compliance and strategic justification

The Planning Proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs), Ministerial Section 9.1 Directions and relevant guidelines set out within the regional and local plans, including the CCRP (Attachment 2). The proposal is considered to be generally consistent with the applicable directions and SEPPs.

Financial Impact

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service.

Social Impacts

It is considered that the subject proposal would result in positive social impacts through the delivering of increased housing in the northern part of the Central Coast LGA. The subject proposal is consistent with the North Wyong Structure Plan. The masterplan depicts adequate levels of open space delivery to make the proposed development an attractive and liveable residential area.

Environmental Impacts

The proposal seeks to deliver north-south connecting biodiversity corridors on the east and west sections of the site. The proposed biodiversity corridors provide connectivity to existing corridors to the north of the site

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

Goal I: Balanced and sustainable development

R-I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

Risk Management

There have been no risks identified to the natural and built environment associated with the proposed amendment to WLEP 2013 or the CCLEP.

Conclusion

The request to rezone the subject land is considered to have strategic merit, subject to being supported by appropriate studies and infrastructure funding arrangements being in place to manage impacts associated with the additional population arising from future development.

It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning for a Gateway Determination.

Attachments

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| 1 | Proposal Summary for Lake Munmorah | D13673422 |
| 2 | Strategic Assessment for Lake Munmorah Enclosure | D13673427 |

