



Wyong Shire Council
Planning Proposal
135 Johns Rd
WADALBA NSW 2259

WSC File No: RZ/2/2013
October 2015



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Date: October 2015
Revised Gateway Determination Version

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East Wadalba Land Release (Also known as Precincts 2A and 2B in the North Wyong Shire Structure Plan)

Lot 1 DP 373539 (135 Johns Rd), WADALBA NSW 2259

File No. RZ/2/2013

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Part 1 Objectives or Intended Outcomes

The Planning Proposal seeks to amend Wyong LEP 2013 by:

- Enabling low to medium density residential development except for flood prone and other lands required for conservation, recreation and infrastructure purposes
- Refining planning provisions and establishing guidelines for future urban development for land generally within Precincts 2A and 2B identified in the North Wyong Shire Structure Plan.
- Ensuring infrastructure and servicing arrangements are in place to ensure the land is serviced at no cost to the NSW Government and Council.

Introduction

A revised Planning Proposal has been prepared to seek the rezoning of the East Wadalba Urban Land Release Area. The original proposal submitted for a Gateway determination has been reduced from approximately 182 hectares to 143 hectares based on the outcomes of further discussions with the landowner group (Figure 1).

The land is also known as Precincts 2A and 2B in the North Wyong Shire Structure Plan. The affected land is identified in the North Wyong Shire Structure Plan as future residential land with a medium term release priority (meaning that it is expected that the land will be released before 2027).

The site has been identified as being suitable for residential growth within the North Wyong Shire Structure Plan ("NWSSP") which was adopted by the NSW State Government in October 2012. This NWSSP provides the framework to accommodate the population and dwelling targets set within the Central Coast Regional Strategy. The NWSSP also highlights important linkages which will affect the future planning of new urban areas, green corridor and habitat networks.

The proposed rezoning will need to accommodate these linkages in the final development footprint. A Concept Master Plan accompanies this proposal which provides for the protection of land with high conservation values. The exact boundaries of environmental areas and the concept plan will be further refined by technical studies, feedback from Council and Government agencies through the rezoning process.

Key features of the proposal are as follows:

- Expected yield of approximately 1200 residential lots.
- Incorporate wildlife corridor linkage connecting Wadalba Wildlife Corridor to Tacoma/Tuggerawong Wetland.
- Mixture of lot sizes will be provided which will provide housing choice for local market.

- Opportunities will be explored to provide some small lot developments in locations with suitable topography. This will deliver to a large market base and will provide opportunities for the lower and very price sensitive market segment.
- Development is proposed to be staged from Pollock Avenue and land will be released in stages from west to east.

The Proponent has prepared a preliminary Concept Plan showing indicative road layouts and development pattern. It is recognised that the Concept Plan will change as it is informed by further technical studies and liaison with Council staff as the Planning Proposal is progressed.

This Planning Proposal has been prepared having regard to the requirements of Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and associated guidelines to demonstrate the strategic merit of the proposed LEP proceeding to a Gateway determination. In accordance with the guidelines, it is considered to be sufficient for referral for a revised Gateway determination. The proposal will need to be supported by further specialist studies and agreement reached on infrastructure funding arrangements prior to placing the plans on public exhibition.

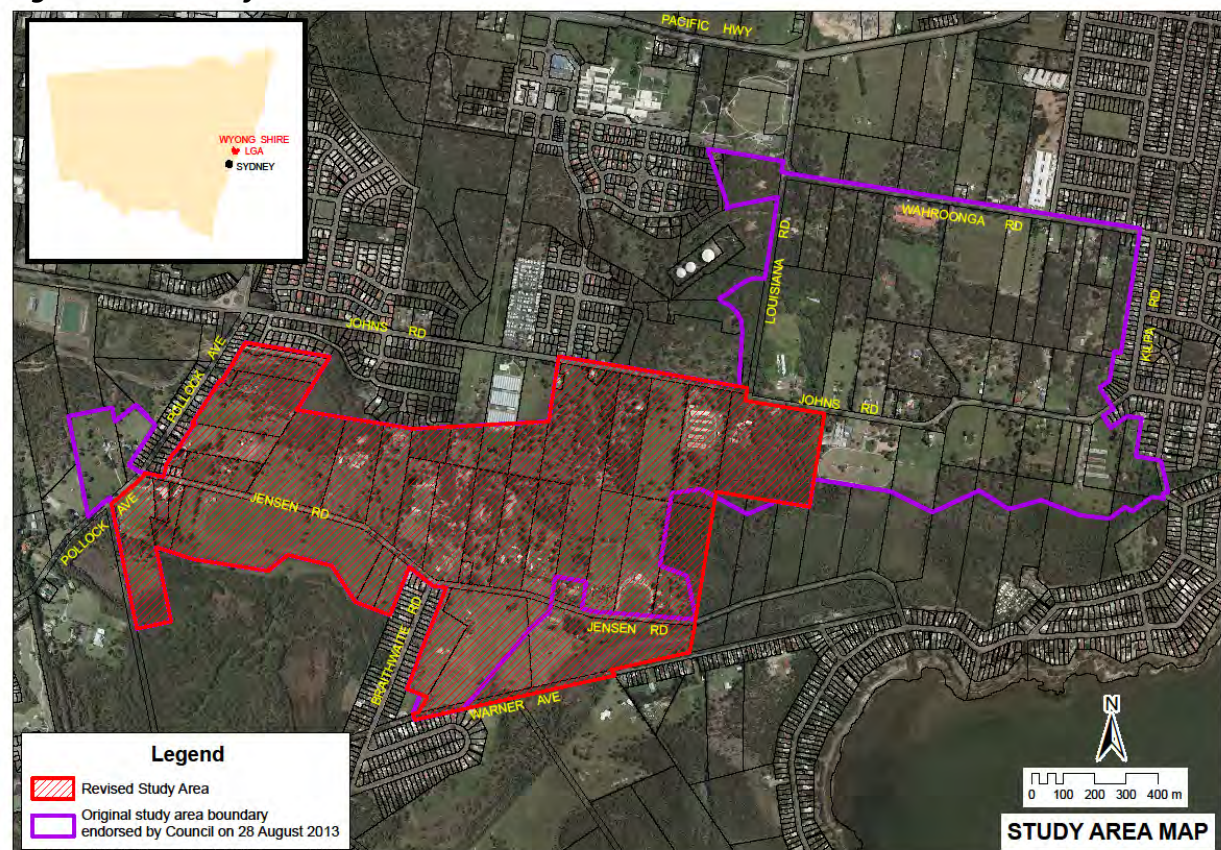
Accordingly, this planning proposal is submitted to the Minister or his delegate for a Gateway determination under Section 56 of the EP&A Act.

Site Location

The site comprises approximately 143 hectares covering 40 parcels of land under different ownership (See Attachment 1). Under the Wyong Local Environmental Plan 2013, the study area is predominantly zoned RU6 Transition and E2 Environmental Conservation (See Attachment 1).

The study area is generally characterised by large rural holdings and hobby farms in the south east corner of the study area. The study area is also bisected by habitat corridors linking Wadalba Wildlife Corridor to the Tacoma/Tuggerawong Wetlands (See Attachment 1).

Figure 1 Locality Plan



Background

In an attempt to positively influence the production of housing, particularly within identified growth areas, the NSW State Government created a new program called the "Potential Home Sites Program". The aim of the program is to fast track the production and delivery of housing, particularly within identified growth areas of the state.

On 12 August 2011 the NSW Minister for Planning and Infrastructure created the "Potential Home Sites Program" and asked for landowners to nominate large sites (>100 Hectares) which could be developed for housing within 3 years. Of a total of 43 landowner submissions received by DP&E, one submission was lodged within the Wyong Shire by the Wadalba Landowners Group.

The Wadalba East area was subsequently brought to the attention of the Minister and DP&E with a formal submission made by 29 November 2011 on behalf of the Wadalba Land Owners Group (WELOG). In April 2012, DP&E released a short list of nominated Potential Housing sites, which included the Wadalba East Site.

Following a review of these potential sites the DP&E advised Council on 20 March 2013 that 29 large sites had been reviewed in the Sydney Region under the program. Through this program, the Government has supported the immediate action to progress 7 nominated sites (which included the Wadalba East site) and to investigate a further 13 sites through upcoming strategic plans.

WELOG has been encouraged to continue discussions with Council to implement the release of the land in accordance with the North Wyong Shire Structure Plan, including the option for accelerated release. A key principle for accelerated release is the "principle of no cost to government". Through this program, landowners will be required to enter into an agreement to pay for infrastructure. The DP&E has indicated that new development through the "Potential Home Sites Program" will need to establish the necessary supporting infrastructure before the sites are allowed to be subdivided.

ADW Johnson on behalf of WELOG lodged a Planning Proposal with Council to commence the rezoning process. Assessment of this rezoning application commenced when the rezoning fee was paid on 14 June 2013. Council resolved to commence the rezoning process for this area on 28 August 2013.

On 28 August 2013 Council resolved the following:

- 1096/13 *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.*
- 1097/13 *That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.*
- 1098/13 *That Council require, subject to the "Gateway Determination," the applicant/landowner consortium enter into a Funding Agreement with Council in accordance with Council's*

Planning Proposal Procedure to recover the costs involved in further progressing the proposal.

- 1099/13 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.*
- 1100/13 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*
- 1101/13 *That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:*
- a. Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.*
 - b. Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).*
- 1102/13 *That Council reach an "in principle" agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.*
- 1103/13 *That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the "principle of no cost to government").*
- 1104/13 *That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.*

A further report was also considered by Council on 28 August 2013 for a site specific rezoning proposal for 145 Johns Road within the study area and the following was resolved:

- 1095/13 *That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council.*

Delays encountered with the progression of this WELOG proposal resulted in the progression of RZ/1/2013 as a stand-alone proposal in accordance with Council's resolution of 10 December 2014:

- 372/14 *That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, WLEP pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979 (generally in accordance with Attachment 1).*

- 1373/14 That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 1374/14 That Council require, subject to the "Gateway Determination" that the landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 1375/14 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 1376/14 That Council enter into a Voluntary Planning Agreement (VPA) which will require:
- a Dedication and rehabilitation of wildlife corridor land on terms acceptable to Council.
 - b Dedication of land at no cost for the realignment of Johns Road
 - c Funding of commissioning, maintenance and decommissioning of a temporary sewer pump station by the proponents to service the development.
- 1377/14 That Council authorise the General Manager (or delegate) to negotiate and execute all documentation in relation to the finalization of the VPA.
- 1378/14 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 1379/14 That Council prepare appropriate Development Control Plan provisions and amend Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.
- 1380/14 That Council request DP&E to modify the East Wadalba Land Release Area Gateway Determination to enable 145 Johns Road Wadalba proceed as a site specific planning proposal.
- 1381/14 That Council consider a further report on the results of the community and agency consultation.

The current revised proposal was endorsed by Council at its meeting of 23 September 2015:

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

- 989/15 That Council note the landowner group's request to revise the WELOG project boundary to only include Precinct 2A and 2B of the North Wyong Shire Structure Plan and as such rescind resolutions 1097/13 to 1104/13 which also applied to land within Precinct 3B,

- 990/15 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 for land within Precincts 2A and 2B as shown in the North Wyong Shire Structure Plan and submit this to the Department of Planning and Environment.
- 991/15 That Council seek a revised gateway determination from the Department of Planning and Environment with 18 months to finalise the planning proposal to be requested.
- 992/15 That Council require, subject to the gateway determination, the applicant/ landowner consortium submit a Wyong LEP 2013 Amendment Request in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 993/15 That Council undertake community and government agency consultation, in accordance with the requirements attached to the gateway determination.
- 994/15 That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:
- a Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 995/15 That Council reach an "in principle" agreement on Item 6 between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.
- 996/15 That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the "principle of no additional cost to government").
- 997/15 That Council prepare appropriate Wyong Development Control Plan provisions to guide the development of Precincts 2A and 2B – East Wadalba and exhibit these concurrently with the planning proposal.
- 998/15 That Council advise the landowners within precincts 2A, 2B, and 3B of the resolution and next steps for the proposal.

These Council reports are included in Attachment 2.

A request was received from the Wadalba East Land Owners Group (WELOG) to reduce the size of the existing planning proposal so as to align with those landowners who are contributing financially to the project. The proposed amended boundaries for the proposal are supported as they align with likely infrastructure delivery. The revised planning proposal applies to Precincts 2A and 2B identified in the

NWSSP. The proposal removes Precinct 3B from this rezoning. As a result, land in Precinct 3B will retain its existing zoning until a separate rezoning proposal is initiated for that area of some point in the future. It should also be noted that a Gateway determination was issued on 20 December 2013 and government agencies were consulted.

Part 2 Explanation of Provisions

The proposed outcome will be achieved through an amendment to Wyong Local Environmental Plan (LEP) 2013.

The principle provisions will include:

- Land Zoning Map by rezoning the land to R1 General Residential (in appropriate locations) R2 Low Density Residential, E2 Environmental Conservation and possible recreational zones (yet to be defined and located).
- Relevant planning controls in the form of minimum lot size.
- Maps depicting land application, land acquisition and Urban Release Area maps.
- Removal of lot amalgamation provisions within future development zones.
- Specific planning provisions which address servicing and infrastructure issues (however further discussions on different funding models are required before the exact nature of these provisions is known).

It is expected that the boundaries of proposed zones will be refined as technical studies are completed and a Structure Plan/Masterplan is developed to support the rezoning proposal in the lead up to public exhibition.

Part 3 Justification

Section A – Need for the Planning Proposal

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

Yes – See below.

Potential Homes Sites Program

The proposal is directly related to the NSW Government's Potential Homes Sites Program where the subject site has been selected by the State Government for "immediate action" to stimulate growth and affordable housing opportunities within the Shire.

Following a review of these potential sites the DP&E advised Council on 20 March 2013 that 29 large sites had been reviewed in the Sydney Region under the program. Through this program, the Government has supported the immediate action to progress 7 nominated sites (which included the Wadalba East site) and to investigate a further 13 sites through upcoming strategic plans.

WELOG have been encouraged by DP&E to continue discussions with Council to rezone Precincts 2A and 2B which are identified in the North Wyong Shire Structure Plan, including the option for accelerated release. A key principle for accelerated release is the "principle of no cost to government". Through this program, landowners will be required to enter into an agreement to pay for infrastructure. The DP&E has indicated that new development through the "Potential Home Sites Program" will need to establish the necessary supporting infrastructure before the sites are allowed to be subdivided.

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas.

To date the focus of Council and State Government has been on the release of new development precincts in close proximity to the Warnervale Town Centre (WTC) in an effort to stimulate development of the town centre precinct. Existing state and local planning strategies including the Central Coast Regional Strategy (CCRS), North Wyong Shire Structure Plan and Wyong Shire Settlement Strategy all reflect this objective.

The CCRS in particular, states that the majority of future greenfield development is to be concentrated around WTC and the Wyong Employment Zone (WEZ). Whilst these plans also support the future development of the Wadalba East precinct, it is perhaps now less of an issue given the recent rezoning of a large urban land release in Precincts 4, 5 and 7 (Precinct 7A) in 2013.

North Wyong Shire Structure Plan

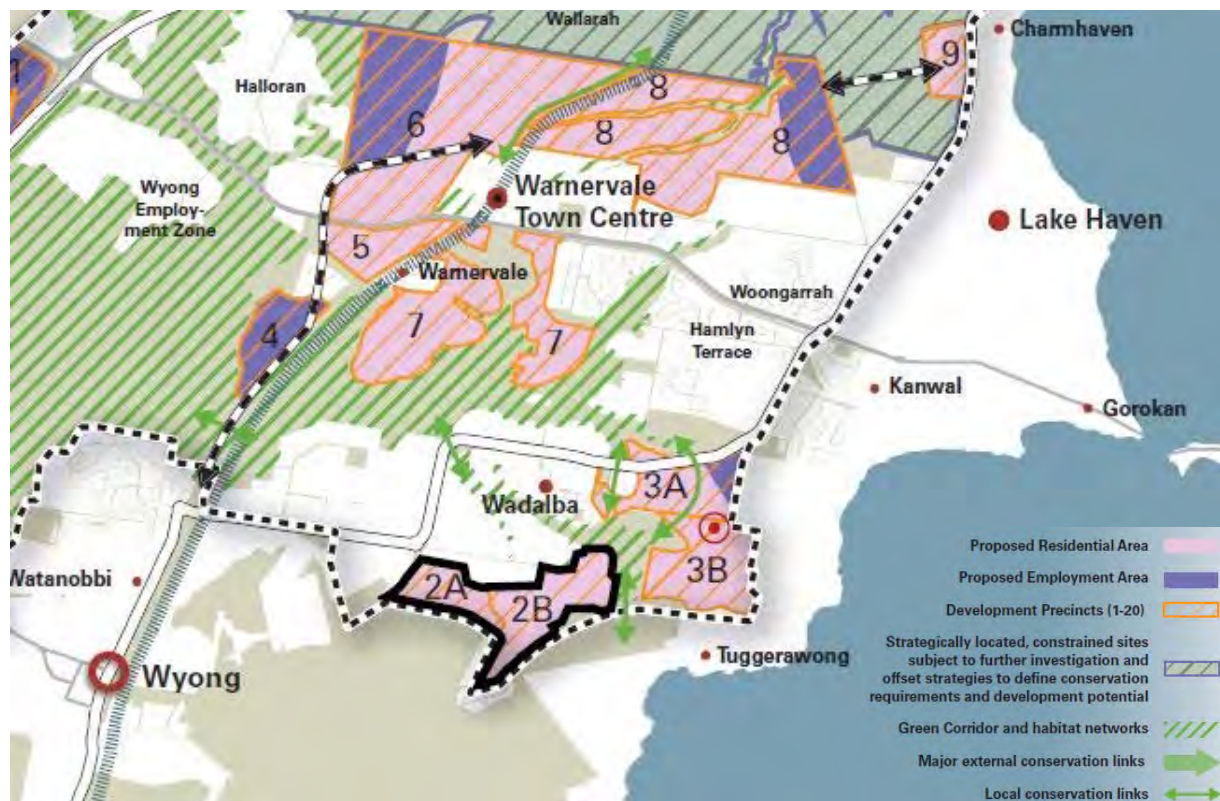
The NWSSP was adopted by the NSW State Government in October 2012 and provides the framework to accommodate the growth targets set within the CCRS.

The North Wyong Shire Structure Plan (NWSSP) shows the area subject to the rezoning proposal as Precincts 2A and 2B. Under this plan the area is identified as having a 'medium term' release priority. All land in the 'medium term' under the NWSSP is scheduled to be rezoned before 2027.

The NWSSP establishes a residential density target of 15 dwellings per Ha which equates roughly to 1,200 dwellings in total which should easily be met or exceeded by the proposed rezoning.

As illustrated within Figure 2, the site has been identified as being suitable for residential growth with the inclusion of a north/south conservation link. The boundaries of this wildlife corridor linkage will need to be closely examined to provide some equity in terms of conservation and development outcomes.

Figure 2 – Site context with respect to North Wyong Shire Structure Plan



Despite proclaiming the site for "immediate action" under the Potential Home Sites Program, the NWSSP has identified the site as being suitable for growth in the medium term (next 15 years). On 14 March 2013, the Minister for Planning and Infrastructure provided correspondence supporting the site for accelerated release under the NSW Government's "Potential Home Sites Program". A key principle for accelerated release is the "principle of no cost to government".

Wyong Residential Development Strategy

The Wyong Residential Development Strategy was adopted in 2002 and identifies the need to identify additional suitable land for urban release so as to provide greater flexibility in the provision and the range of housing into the future.

The Strategy guides residential development which will increase the quality and diversity of development in Wyong Shire and plans for residential development which is environmentally, economically and socially sustainable in both the local and regional context. In this regard, the subject site is generally located within the former Precincts 8B and 8C – areas which are identified as being suitable to accommodate future residential growth.

Settlement Strategy

The Wyong Settlement Strategy was conditionally endorsed by the Department of Planning and Environment on 17 September 2013.

Council's Settlement Strategy and the NSW State Government's North Wyong Shire Structure (NWSSP) incorporates the development staging of land within the medium and long term categories. This is particularly important for land in the 'medium term' category in the NWSSP. There is a considerable amount of land falling into this category and it is not practicable that all land is released and serviced at the same time. Therefore Council's Settlement Strategy proposes that development precincts identified as 'medium term' be divided into five priority categories.

In accordance with existing state government policies, Council's staging strategy in the Settlement Strategy seeks to prioritise the release of land in the 'medium' term by releasing land which is in close proximity to WTC before releasing land in fringe locations which require significant infrastructure provision to service new development. This was done to ensure consistency with the CCRS which states the majority of future greenfield development is to be concentrated around WTC and the WEZ.

The NSW Government has also supported the inclusion of the Wadalba East Precinct under the "Potential Home Sites Program", so some re-alignment of priorities may need to occur to reflect this decision of the NSW Government which was made after the exhibition of the draft Settlement Strategy. In any case, the Wadalba East Precinct is located within close proximity to Wyong Township and existing residential areas at Wadalba and is therefore logical from an urban expansion point of view.

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

Option 1 Discontinue the Proposal (Not Recommended)

Various levels of Government have acknowledged the increasing challenges facing potential home owners and renters in securing suitable accommodation in the areas they work and want to live. In this regard, the planning proposal will result in additional land being available for approximately 1,200 residential allotments. The proposal will also create local employment opportunities, provide for

additional open space and conservation areas. Discontinuing the process will prevent these outcomes from being achieved.

Option 2 Proceed with the Planning Proposal (Recommended)

Preparation of a Planning Proposal is the most effective and timely method to proceed with the State Government's desire to progress the site for future growth in the short term under its "Potential Home Sites Program". However it is recommended that agreement be reached on infrastructure and servicing arrangements prior to the public exhibition of the final Planning Proposal.

Section B – Relationship to strategic planning framework

3. (a) Where a sub-regional strategy is in place:
 - (i) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Central Coast Regional Strategy (CCRS) 2006-2031 and North Wyong Shire Structure Plan, October 2012

As discussed above, the proposal has been assessed against and is generally consistent with the residential dwelling targets and objectives of the CCRS and the NWSSP and is considered to be generally consistent with these documents. An assessment of Central Coast Regional Strategy Actions and Central Coast Regional Strategy Sustainability Assessment is detailed in Attachments 3 and 4.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Whilst the proposal will not directly supply long term employment opportunities, short term opportunities would be created through associated planning and construction work.

- (b) Where there is no sub-regional strategy in place:
 - (i) Does the proposal have strategic merit and
 - (ii) Is consistent with a relevant local strategy endorsed by the Secretary, or
 - (iii) Is consistent with the relevant regional strategy or metropolitan plan, or
 - (iv) Can it otherwise demonstrate strategic merit, giving consideration to the relevant Section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)

Not applicable as there is a sub-regional strategy (see NWSSP) in place.

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

The Wyong Shire Community Strategic Plan (2030) was adopted by Council in September 2009 and revised in 2013. This document establishes a strategic vision over the next twenty years. The document identifies 8 priority objectives which have been created to improve the area.

1. Communities will be vibrant, caring and connected.

Opportunities exist for new residents to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups and to establish new programs/opportunities and build local social capital.

2. There will be ease of travel.

Bus services operate along the Pacific Highway and internal roads to service the new development will have planned bus routes to service new development. Pedestrian and cycleway links can readily be incorporated into the new development and provide links to surrounding developments.

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

The proposed development will result in developer funded contributions/works to cultural and community facilities, open space, sports and recreation facilities, which can be accessed by new communities.

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

The Wadalba High School resides nearby. Other schools will expand and be embellished, in accordance with community need to cater for any increase in students arising from population increases in the facility.

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

Significant wildlife corridors and wetlands will be protected. 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.

6. 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.

7. There will be a strong sustainable business sector.

There will be positive impacts arising from increased construction activity.

8. Information and communication technology will be consistent with world's best practice.

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

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

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below.

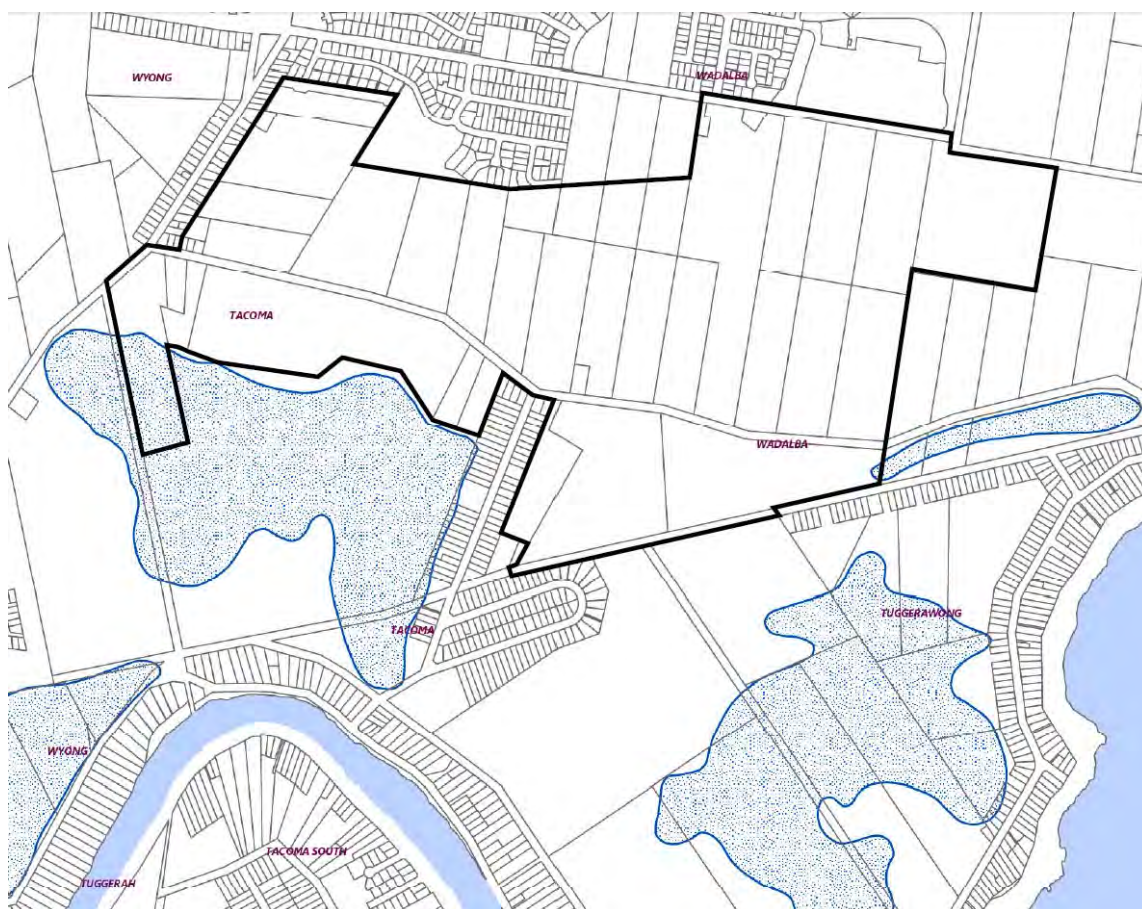
The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs).

State Environmental Planning Policy No. 14 – Coastal Wetlands

The aim of SEPP 14 is to ensure coastal wetlands are preserved and protected for environmental and economic reasons. The SEPP requires the concurrence of the Director for any development which will clear land, construct a levee, drain or fill land within a coastal wetland.

The site does not contain any identified SEPP 14 Wetlands, however is located within close proximity to some areas to the south (see Figure 3). The impacts of upstream development will need to be carefully managed to ensure hydrological and water quality impacts are managed to protect downstream wetlands.

Figure 3 – SEPP 14 – Coastal Wetlands Map



State Environmental Planning Policy No. 26 – Littoral Rainforest

The site does not contain any identified Littoral Rainforest.

SEPP 44 – Koala Habitat

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

SEPP 55 – Contaminated Land

It is considered that the proposal will be able to satisfy SEPP 55 – Contaminated Land. However further investigative studies will need to be undertaken to address these matters.

SEPP 71- Coastal Protection

The subject site is located within the “coastal zone” (i.e. one kilometre from the coast or a coastal estuary as indicated on the adopted maps) and is therefore subject to the provisions of SEPP 71- Coastal Protection. Council is required to have regard to the matters for consideration identified under Clause 8 when preparing a Draft Local Environmental Plan (See Attachment 5).

A full assessment of these SEPPs is contained within Attachment 5 of this report.

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.

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. Some of these assessments will need to be expanded upon once further studies have been undertaken by the proponent. The assessment is contained within Attachment 6 of this report.

A summary of consistency with all Section 117 Directions follows:

No.	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	No	N/A
1.2	Rural Zones	Yes	Yes
1.3	Mining, Petroleum Production and Extractive Industries	Yes	Yes
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A

No.	Direction	Applicable	Consistent
Environment & Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use & Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	Yes
3.6	Shooting Ranges	No	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	Yes	Yes
4.3	Flood Prone Land	Yes	Yes
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	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.8	Sydney's Second Airport: Badgery's Creek:	No	N/A
Local Plan Making			

No.	Direction	Applicable	Consistent
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	No	N/A
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	N/A	N/A

Table 3 – S117 Ministerial Direction Compliance

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 main ecological issues with the proposal are discussed under the following sub-headings.

Threatened species, populations and Endangered Ecological Communities (EECs)

The site is not declared or partly declared critical habitat. Generally areas potentially supporting endangered ecological communities are proposed for within the draft E2 – Environmental Conservation Zone.

The presence or otherwise of threatened species and any environmental management requirements will need to be further explored following the Gateway determination by undertaking detailed ecological investigations. This will include an assessment of the extent of vegetation communities (including endangered ecological communities), the presence of threatened flora and fauna species, riparian areas and riparian management issues, and corridors. Possible open space/conservation areas, ecological management and biodiversity offset requirements will also be examined.

Wildlife Corridors

A major wildlife corridor runs through the study area which will provide a connection to the Wadalba Wildlife Corridor to Tacoma/Tuggerawong Wetlands. This wildlife linkage is shown in a number of documents e.g. NWSSP, Wyong Shire DCP 2005 - Chapter 3.4: Conservation Areas for Northern Wyong and Chapter 6.17: Warnervale East/ Wadalba North West - Urban Land Release Area. The exact placement and dimensions of corridor areas will need to be refined through more detailed investigations undertaken through the rezoning process. (See Attachment 7)

Council is also in receipt of another Planning Proposal on 145 Johns Road, Wadalba (RZ/1/2013) which is located within a green corridor and conservation link as shown in the North Wyong Shire Structure Plan (this property is identified in a notation in Attachment 1).

This rezoning proposal requires the resolution of a number of strategic issues, namely optimal provision of infrastructure, positioning boundaries of wildlife corridors on adjoining sites and development of precinct based environmental offset strategy (biodiversity certification) to provide development certainty in future urban zones. Council will attempt to find some way of achieving a partial development outcome on this site and adjoining sites in order to achieve an equitable development and conservation outcome for all landowners through the rezoning process.

Biodiversity Certification and Offsetting

Whilst most of the area proposed to be rezoned is cleared, there is likely to be some areas of native vegetation which will require removal in certain locations. These impacts will need to be carefully examined and offset with appropriate conservation measures.

Preliminary conversations with the proponent have indicated that they are interested in pursuing a Biocertification Application to support the rezoning. The area is considered to be a suitable location for this to be pursued. This will result in significant cost savings for Council and developers as threatened species assessments/Species Impact Statements will not be required to support future DAs once achieved.

More importantly, Biodiversity Certification will remove the risk of developable land being sterilised to protect threatened species habitat, as the number of threatened species and the impact of future listings will continue to be a risk going forward in Council's Urban Land Release Program. Biocertification removes this risk.

Future ownership of conservation land

The current proposal seeks to rezone a large portion of the subject site for residential purposes, having regard to environmental and physical attributes. The preliminary boundaries of environmental land are shown in Attachment 1. The boundaries of conservation zones will be refined as the Planning Proposal is developed and informed by technical studies.

In the past, Council has identified that land with significant conservation values should be transferred into Council ownership for ultimate management. This practice however has resulted in a significant financial maintenance burden. Further discussions will need to occur with the applicant concerning the future ownership of conservation land which forms part of this rezoning proposal.

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

Flooding and Stormwater

The existing 1% AEP flood boundaries and riparian zones (blue lines) are shown in Figure 4. A Flood and Drainage Study will be required to support the proposal. This will need to examine overland flooding impacts and drainage corridors will need to be identified to a 1% Annual Exceedence Probability (AEP) (with appropriate freeboard buffer). These areas will need to be zoned appropriately to ensure that drainage flow paths are not blocked.

Suitable measures will also be required to prevent future residents driving west along Pollock Avenue during heavy rains (ensuring flood free access).

Stormwater management investigations will be undertaken and should include a review of existing creeks and watercourses on the site and potential land loss due to riparian zone setbacks. Trunk drainage corridors would be identified and modelling undertaken to provide indicative drainage corridor dimensions.

Due to the proximity of the site to Tuggerah Lake and sensitive wetlands, water quality and management of downstream wetland hydrology will be of critical importance, especially due to the presence of SEPP 14 – Coastal Wetlands downstream. Stormwater modelling and water quality treatment requirements will also need to be undertaken.

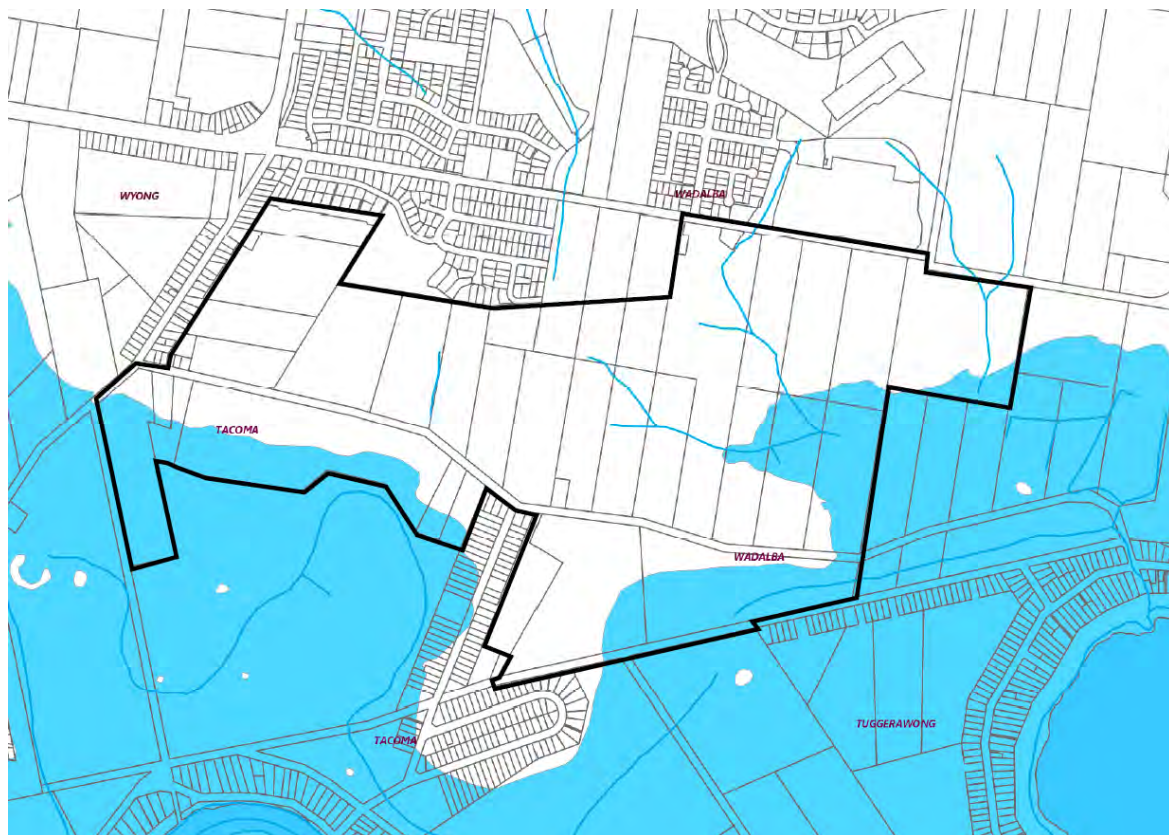
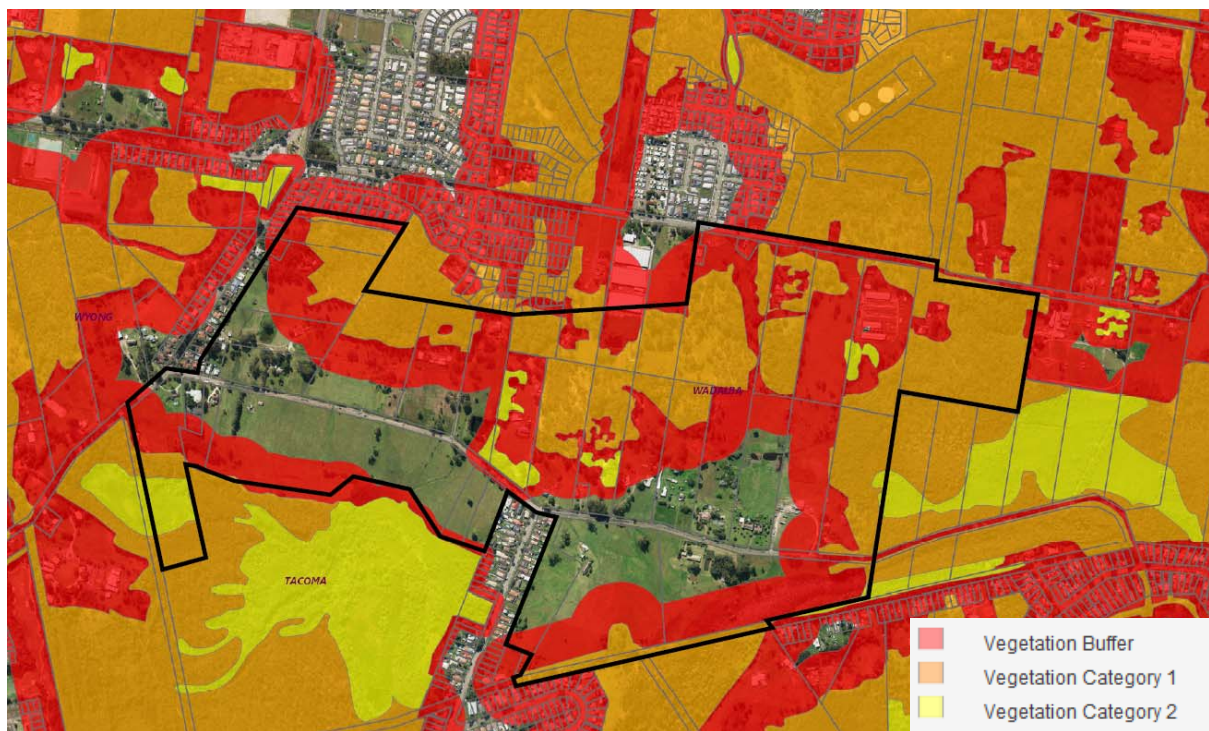


Figure 4 – 1% AEP Flood Extent

Bushfire

Large areas of the study area are classified as “bushfire prone land” (See figure 5). Future development would need to adopt appropriate Asset Protection Zones (APZ’s) and incorporate these requirements into future street layouts and likely setbacks. An assessment of the proposal against Planning for Bushfire Protection 2006, and other relevant guidelines will be required as master plans of the site are developed.

Figure 5 – Bushfire Prone Land Map



Noise and Vibration

A noise and vibration assessment will explore potential noise or vibration sources within the locality which may impact on the amenity of future residents. The assessment will also look at potential impacts to existing residents during construction and for the life of the development.

Acid Sulfate Soils and Contaminated Land Assessment

Geological and geotechnical investigations will be undertaken to investigate the extent of acid sulphate soils in the area and the potential effect of these on future residential development and supporting infrastructure. A preliminary contaminated land assessment will also be required addressing the requirements of SEPP 55 Contaminated Land.

Mine Subsidence

Part of the study area is located within a Mine Subsidence District. Preliminary advice from the Mine Subsidence Board (MSB) indicates that they are likely to apply similar surface development controls as set for current residential development at Wadalba (See Attachment 9 – Appendix 5). If any further concerns are raised by the Mine Subsidence Board (MSB) they will be addressed as the Planning Proposal is developed.

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

Social Issues

Social Impact Assessment

The Planning Proposal identifies the need to undertake a specialist study to examine Social Impact/Human Services Analysis. This study should identify the social issues and potential needs of current and future residents within the area. This assessment will enable Council to ensure the full extent of social impacts is identified as well as the identification of human service requirements for current and future residents.

Open Space and Recreation

The location of small parks and open space for future residents will need to be informed by an Open Space and Recreational Needs Analysis. The results of this report will inform where open space and parks will be located in the Concept Plan.

Visual Impact

The future development of the area would generally be in the form of low scale residential development similar to existing development at Wadalba. Appropriate urban design provisions will be developed which will be incorporated into a future DCP to support the rezoning of the land.

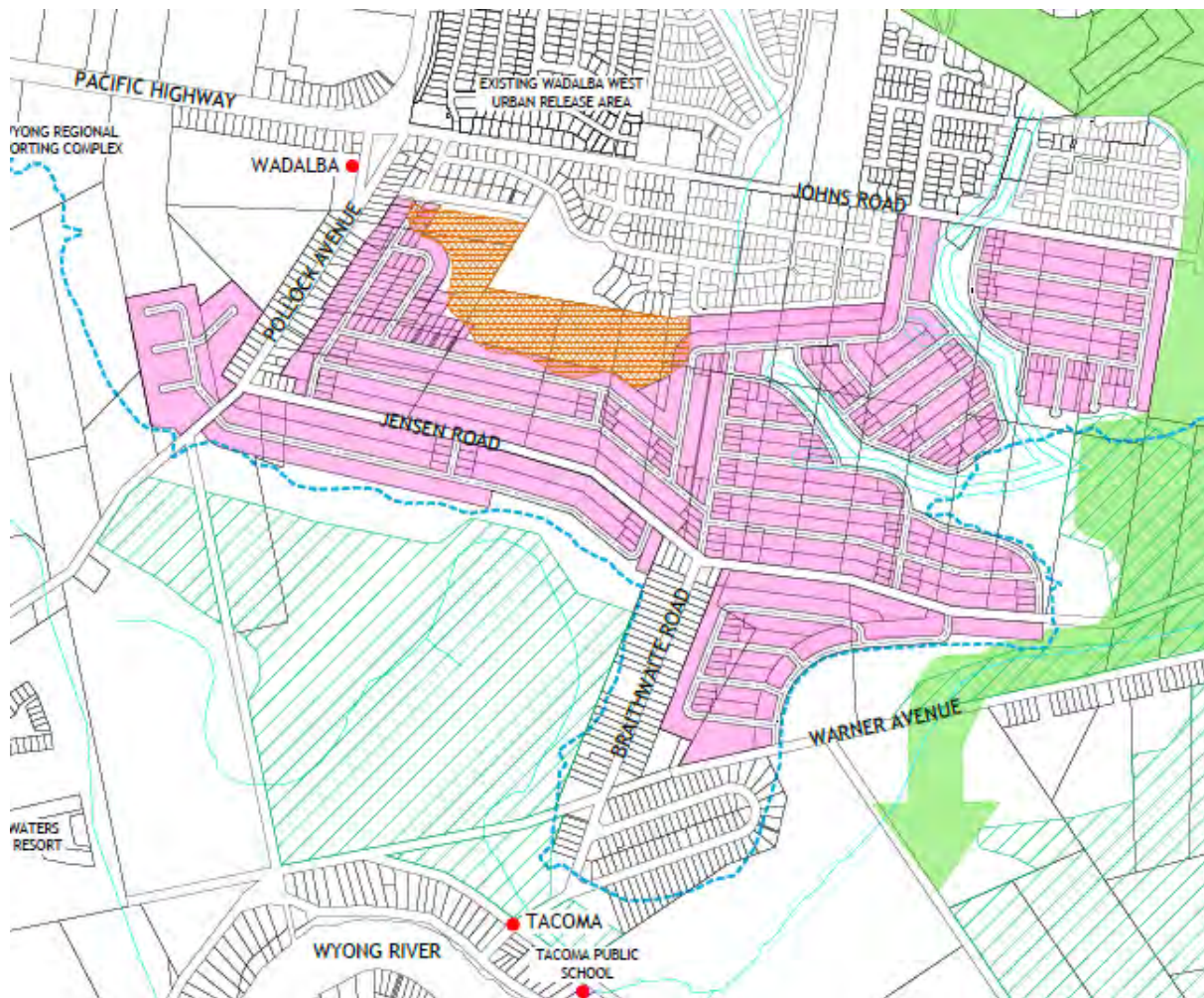
Street and Subdivision Layout

The proponent has prepared a preliminary Concept Plan showing indicative road layouts and development pattern (See Figure 6). This plan will change as it is informed by technical studies, urban design and stakeholder input.

A range of detailed engineering design comments have been provided by Council's – Design Engineering Unit which will be addressed at the Masterplanning Stage. These issues which will affect street patterns and layouts covering:

- Road safety planning
- Improvements in road layouts to assist garbage servicing
- Road geometry and sight distance
- Improvements in intersection planning and location
- Bushfire assessments will inform planning of Urban Interface Areas (UIAs)
- Odour, acoustic and visual treatment of future sewage pump stations shall be examined.
- Overland floodways will need to be identified and excluded from developable lands.

Figure 6 – Preliminary Concept Plan



Aboriginal Archaeology and European Cultural Heritage

There are some locations within close proximity to the study area (within the existing Wadalba Wildlife Corridor) which contain sites identified on the Aboriginal Heritage Information Management System (AHIMS).

Aboriginal archaeological investigations will be undertaken including an assessment of the cultural significance of the site. This will involve a desktop review of relevant registers, community consultation and broad site assessments in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

A separate assessment will also be undertaken to assess items within site which have European cultural significance. The study area is known to contain one item of local heritage significance on Lot B in DP33532. It should also be noted that a historic survey mark was found on a Council road reserve along Johns Road, Wadalba just outside the study area. The survey tree was located in an area

required for road widening. An archival record including photographs of the tree, its size and location has been prepared with recommendations that:

- A permanent survey mark with details of the tree should be located on a nearby kerb.
- The tree stump and blaze is to be treated for termites and be removed to permanent storage.

Economic Effects

Job creation

The site is ideally located to provide housing in areas with good access to existing urban areas and existing employment lands. The site is directly south of the North Wyong Industrial Estate and within close proximity to numerous centres and transport links. Additional jobs will also be created through construction and trade related services, both at subdivision stage and subsequent dwelling construction.

Increasing housing choice and affordable housing

Accelerated land release will provide diversity in the residential housing market. The proponent advises that the proposed rezoning will provide a variety of lot sizes, which will include some small lots (200m² - 350 m²), with a majority in the 400 m² - 550 m² range, with some larger lots and opportunity for appropriate medium density development in specific locations.

Residential Land Supply

The supply of greenfield residential land within Wyong Shire is considered sufficient (as reported in the government's Metropolitan Development Program) to meet market demands without releasing additional residential land at the present point in time, especially given the imminent gazettal of the rezoning of land to the south of the Warnervale Town Centre (Precincts 4, 5 and 7 which has the potential to provide 2,300 residential lots). It is acknowledged, however, that the issue the Government is attempting to resolve is not that of land supply, but rather the production and actual release of residential lots to the market. The Wadalba East rezoning will boost short term housing supply as per the NSW State Government's "Potential Home Sites Program" to provide needed lot production.

Section D – State and Commonwealth Interests

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

Water and Sewer

The Wadalba East area will require significant water and sewer infrastructure to service the new development. The Planning Proposal submission by ADW Johnson includes a preliminary water and sewer servicing strategy that would allow for the efficient servicing of future development in the area. (See Attachment 9 – Appendix 6).

Water Supply

Provision has been made to service the site in Council's DSP No 1, with an extension of an existing 200mm water trunk main to the south of existing infrastructure. The rest of proposed infrastructure aligns with Council's servicing intentions for the area.

All reticulation mains (150mm and below) are to be constructed by the developer and donated to Council.

The design and construction of the water mains are to be in accordance with the WSAA Water Supply Code of Australia WSA-02 Sydney Water Edition.

Sewer

Overall, the preliminary sewer system proposed by the developer aligns with Council's servicing strategy.

Council's sewer servicing strategy for the Wadalba area involves the construction of gravity mains to transfer sewage to a sewer lift station (Wadalba 2) south of Johns Road. The Wadalba 2 station will lift the sewage to proposed trunk gravity main to allow gravity transfer to a new Sewage Pump Station (SPS) Wadalba 1 as described in Council's Development Servicing Plans (DSP). This enables servicing of the whole catchment in an efficient and planned manner. If the timing for development of this site is consistent with the surrounding area then the developers would be required to construct the infrastructure identified in the servicing strategy. All reticulation infrastructure (150mm gravity mains) are to be constructed by the developer and donated to Council.

The existing SPS CH26 will be decommissioned once the proposed development is in place. Therefore, provision needs to be made for the SPS CH26 catchment to drain into the new proposed sewer system.

The design and construction of the sewer mains and sewage pump stations are to be in accordance with the WSAA Sewerage and Pumping Station Code of Australia Sydney Water Edition. Council will specify required amendments to the SWC Pump Station Design Code at the detailed design stage.

Road Infrastructure and Traffic

A Traffic Impact Assessment will be required to determine the impact on the existing local and State road network as a result of the proposal. The report will include modelling of all key intersections including Pacific Highway and Johns Road, Louisiana Road, Craigie Avenue and Britannia Drive. The modelling should include 10 and 20 year traffic growth projections based on background growth of 1.5% per annum, but also including potential traffic generated by the other major land release areas such as the Warnervale Town Centre, Precinct 7A and WEZ.

The following intersections will most likely require upgrading; however improvements may be required at other intersections along the Pacific Highway.

- Pacific Highway and Johns Road – Traffic Signals
- Pacific Highway and Louisiana Road – Traffic Signals

Any proposals for the upgrading of intersections with Pacific Highway will require the concurrence of the Roads and Maritime Service (RMS). Early consultation with the RMS will be required to determine funding requirements to service major intersection upgrading works on the Pacific Highway.

Johns Road, Pollock Avenue and Jensen Road will also require upgrading to accommodate future traffic projections. The intersections of proposed internal roads within the existing road network will most likely require roundabouts.

Public transport routes will need to be investigated in order to adequately service the newly created development within TFNSW guidelines. This will need to identify the type of public transport needed to service the development and means of encouraging public transport use in lieu of the motor vehicles. A pedestrian and cycleway report identifying movement desire lines to and from schools, shops, recreational areas and identifying facilities will also be required.

A road hierarchy with similar road cross sections to those which were adopted by Council as part of the Warnervale Town Centre and Precinct 7A – Warnervale and Hamlyn Terrace rezoning, will be required.

Electricity

The proponent has had preliminary discussions with local energy provider, Ausgrid, regarding the potential for servicing the proposed development with electricity infrastructure. Ausgrid representatives confirmed that due to the rural nature of the current area and therefore sparse population, the existing electrical infrastructure is minimal. Substantial upgrades of the electricity system would be required (as with any residential development), however it is understood that the surrounding electricity grid can support the additional load from the proposed development with the upgrade to the new infrastructure.

Telecommunications

Telecommunications infrastructure relating to both Telstra and Optus is available locally and capable of ready supply, subject to Proponent commitment.

Stormwater and Drainage

The proposed development is in the upstream of extensive areas of wetland areas. Stormwater infrastructure is likely to be required to manage water quality and hydrology impacts. This is likely to take the form of modified drainage line treatments, constructed wetlands.

Infrastructure Funding

Council staff have met with the proponents, (Wadalba Landowners Lobby Group), on a number of occasions. Landowners within the rezoning area have been made aware that if they wish to proceed with rezoning in advance of the existing urban land release timeframes, they will be required to fund all infrastructure that is necessary to service the land.

To effectively manage the funding of infrastructure, the payment of funds for infrastructure will most likely need to be staged, such that those that wish to proceed first commit to providing necessary upfront infrastructure via a Voluntary Planning Agreement. As there are over 40 land holders in the study area, it is unlikely that all land owners will agree to be a party to a Voluntary Planning Agreement to fund infrastructure. To date potential funding models have not been discussed with the consortium of landowners and there is likely to be a significant amount of State Government infrastructure required to service the precinct as well. Agreement will need to be reached on these issues prior to public exhibition of the Planning Proposal as funding for infrastructure and services is critical to the project proceeding.

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

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

** NOTE: Section 34A of the EP&A Act requires the RPA to consult with the Director-General (Secretary) of the Department of Environment, Climate Change and Water (OEHL) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.*

- *The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.*
- *The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.*

Part 4 Mapping

The following maps are provided in Attachment 1 to support the Planning Proposal

Map	Map Title
A	Locality Plan/Study Area
B	Existing Land Use Zoning Map – Wyong LEP 2013
C	Original Proposal Land Use Zoning Map – Wyong LEP 2013
D	Revised Proposal Land Use Zoning Map – Wyong LEP 2013
E	Existing Minimum Lot Size Map – Wyong LEP 2013
F	Revised Proposal Minimum Lot Size Map – Wyong LEP 2013
G	Urban Land Release Area Map

Table 4 – Mapping

Part 5 Community Consultation

Future community and government agency consultation requirements will be outlined by the Gateway Determination, should a positive Gateway Determination be made. Preliminary discussions have been held by the proponent with Council, OEH and the RMS prior to consideration of the proposal by Council.

It is anticipated that community consultation will be undertaken in accordance with the relevant provisions of the EP&A Act and Regulation which includes newspaper advertisement, public exhibition at Council offices and on Council's website, and notification letters to adjoining property owners.

Part 6 Project Timeline

Action	Period	Start Date	End Date
Anticipated commencement date (date of revised Gateway Determination)	n/a	1 October 2015	30 October 2015
Anticipated timeframe for the completion of required technical information	12 months	1 October 2015	1 October 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days	1 November 2015	1 December 2015
Commencement and completion dates for public exhibition	28 days	20 November 2016	20 December 2016
Dates for public hearing (if required)	n/a	n/a	n/a
Timeframe for consideration of submissions	6 weeks	1 January 2017	15 February 2017
Timeframe for reporting to Council	6 weeks	15 February 2017	30 March 2017
Date of submission to the Department to finalise LEP	4 weeks	1 April 2017	1 May 2017
Anticipated date RPA will make the plan (if delegated)	n/a	n/a	n/a
Anticipated date RPA will forward to the Department for notification	n/a	n/a	n/a

Table 5 – Project Timelines

NOTE: This is an indicative timeframe for the project.

Timeframes for the project will be dependent on agreement being reached on infrastructure and servicing requirements for the project. Failure to complete technical studies within timeframes will result in timeframes being expanded.

A more detailed schedule of times and tasks will be developed with the proponent once funding arrangements for the project have been agreed with Council.

Supporting Documentation

Attachment No.	Document
1	Maps and Plans a) Locality Plan/Study Area b) Existing Land Use Zoning Map – Wyong LEP 2013 c) Original Proposal Land Use Zoning Map – Wyong LEP 2013 d) Revised Proposal Land Use Zoning Map – Wyong LEP 2013 e) Existing Minimum Lot Size Map – Wyong LEP 2013 f) Revised Proposal Minimum Lot Size Map – Wyong LEP 2013 g) Urban Land Release Area Map
2	Council reports a) Council report and minutes – 28 August 2013 – Wadalba East Urban Land Release Area b) Council report and minutes – 28 August 2013 – Rezone land at 145 Johns Road, Wadalba c) Council report and minutes – 10 December 2014 – Commence preparation of Planning Proposal at 145 Johns Road, Wadalba d) Council report and minutes – 23 September 2015 – Revision of Planning Proposal for East Wadalba Urban Land Release Area
3	Central Coast Regional Strategy Actions Assessment
4	Central Coast Regional Strategy Sustainability Assessment
5	State Environmental Planning Policy Assessment
6	Ministerial Section 117 Direction Assessment
7	Map showing existing native vegetation and position of wildlife corridors
8	List of future studies and technical report to support Planning Proposal
9	Discussion paper to inform preparation of Planning Proposal for Wadalba East Urban Land Release Area

Table 6 – Supporting Documentation

01

Maps and Plans



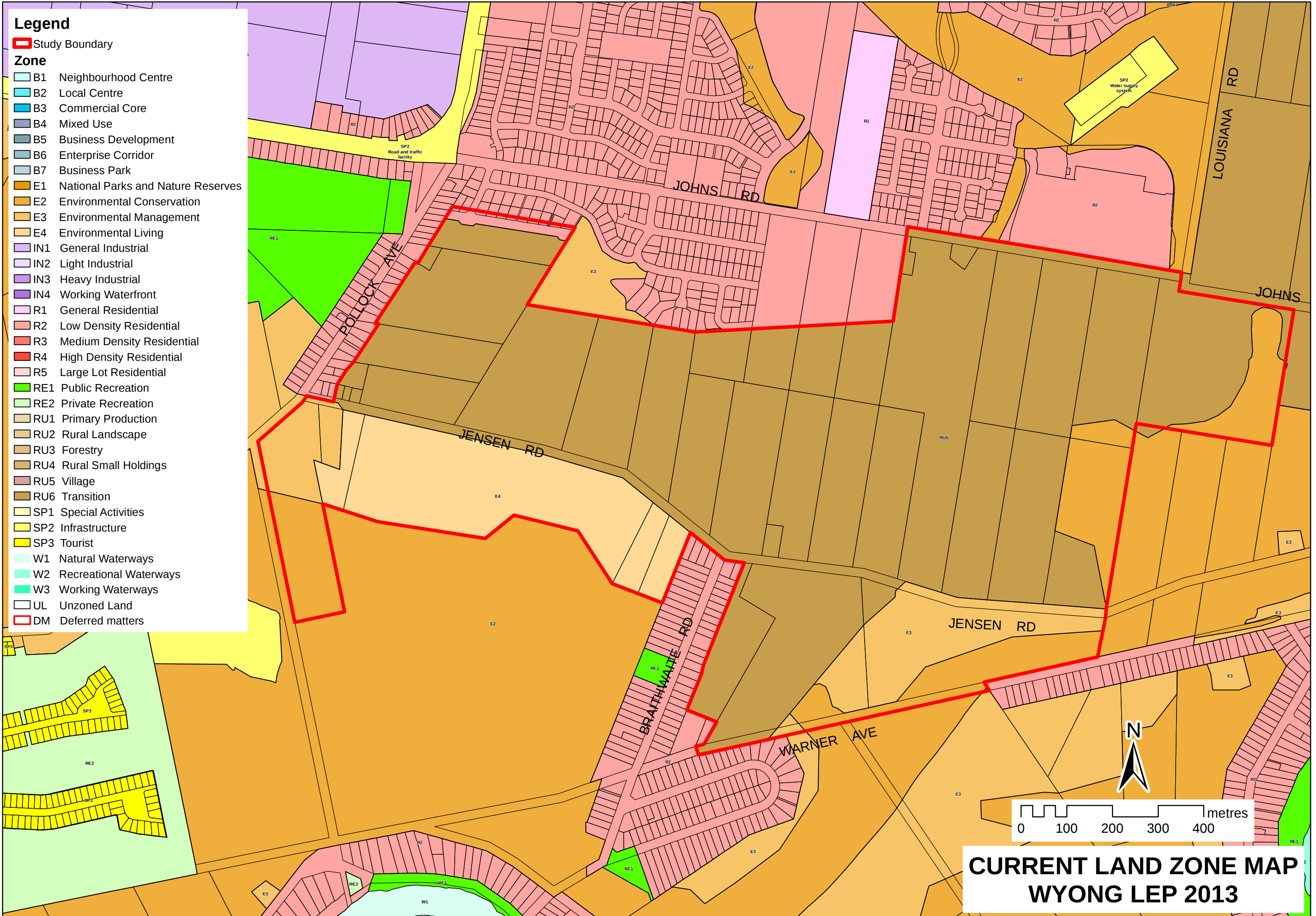
Wyong
Shire
Council

Legend

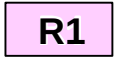
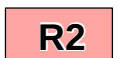
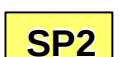
 Study Area



STUDY AREA MAP



Legend

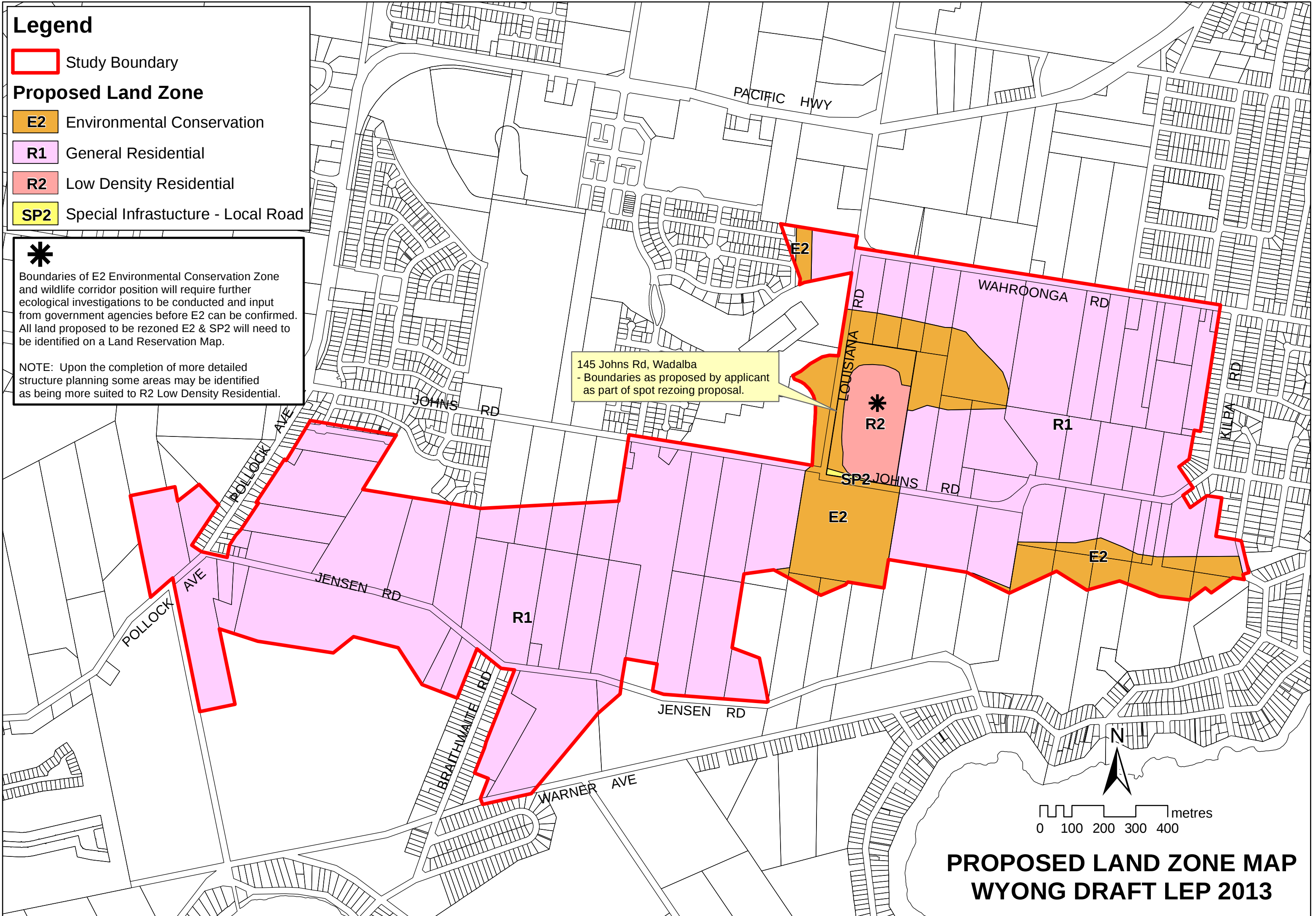
-  Study Boundary
- Proposed Land Zone**
-  E2 Environmental Conservation
-  R1 General Residential
-  R2 Low Density Residential
-  SP2 Special Infrastructure - Local Road



Boundaries of E2 Environmental Conservation Zone and wildlife corridor position will require further ecological investigations to be conducted and input from government agencies before E2 can be confirmed. All land proposed to be rezoned E2 & SP2 will need to be identified on a Land Reservation Map.

NOTE: Upon the completion of more detailed structure planning some areas may be identified as being more suited to R2 Low Density Residential.

145 Johns Rd, Wadalba
- Boundaries as proposed by applicant as part of spot rezoning proposal.



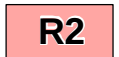
**PROPOSED LAND ZONE MAP
WYONG DRAFT LEP 2013**

Legend

 Study Boundary

Proposed Land Zone

 E2 Environmental Conservation

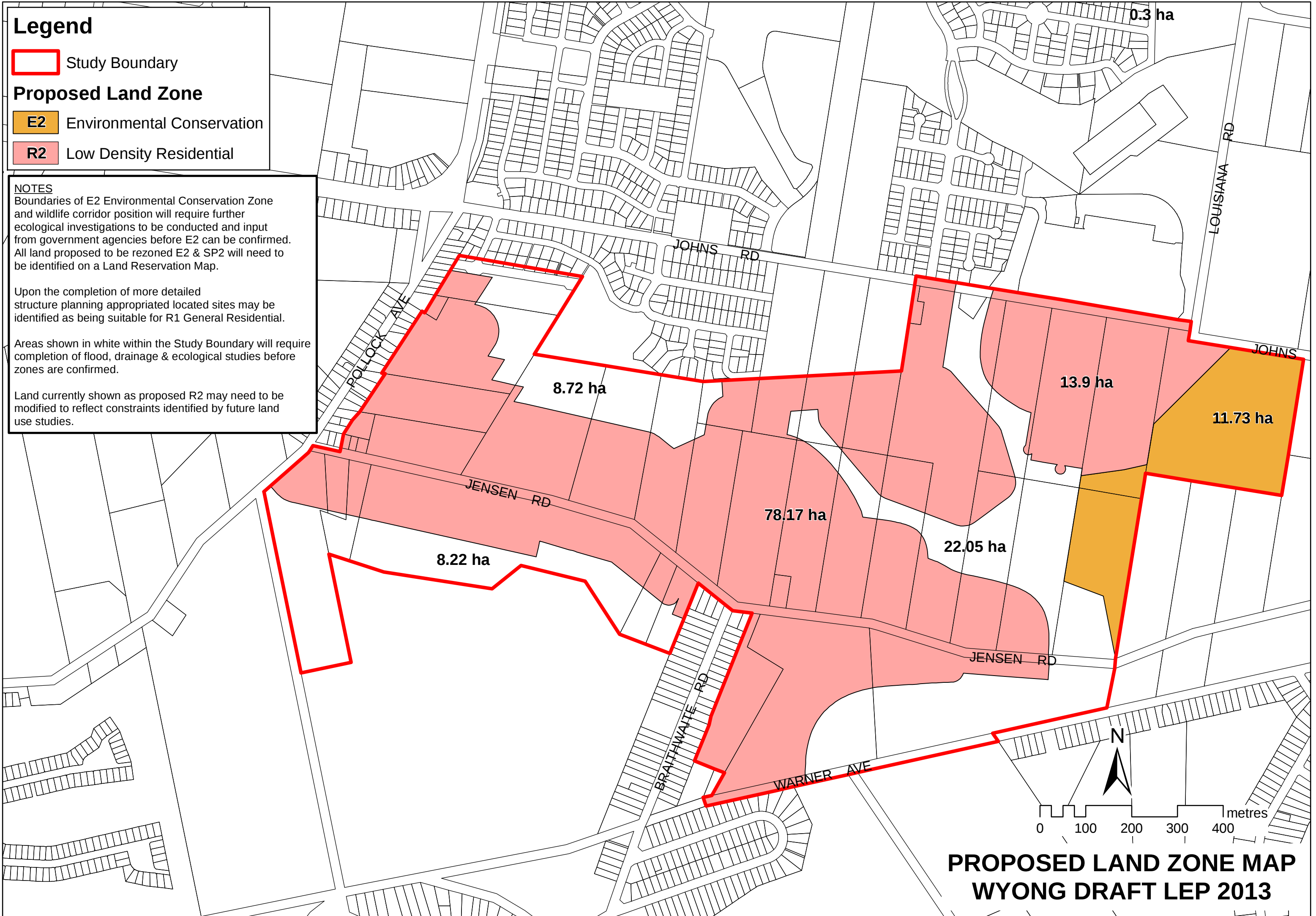
 R2 Low Density Residential

NOTES
Boundaries of E2 Environmental Conservation Zone and wildlife corridor position will require further ecological investigations to be conducted and input from government agencies before E2 can be confirmed. All land proposed to be rezoned E2 & SP2 will need to be identified on a Land Reservation Map.

Upon the completion of more detailed structure planning appropriated located sites may be identified as being suitable for R1 General Residential.

Areas shown in white within the Study Boundary will require completion of flood, drainage & ecological studies before zones are confirmed.

Land currently shown as proposed R2 may need to be modified to reflect constraints identified by future land use studies.



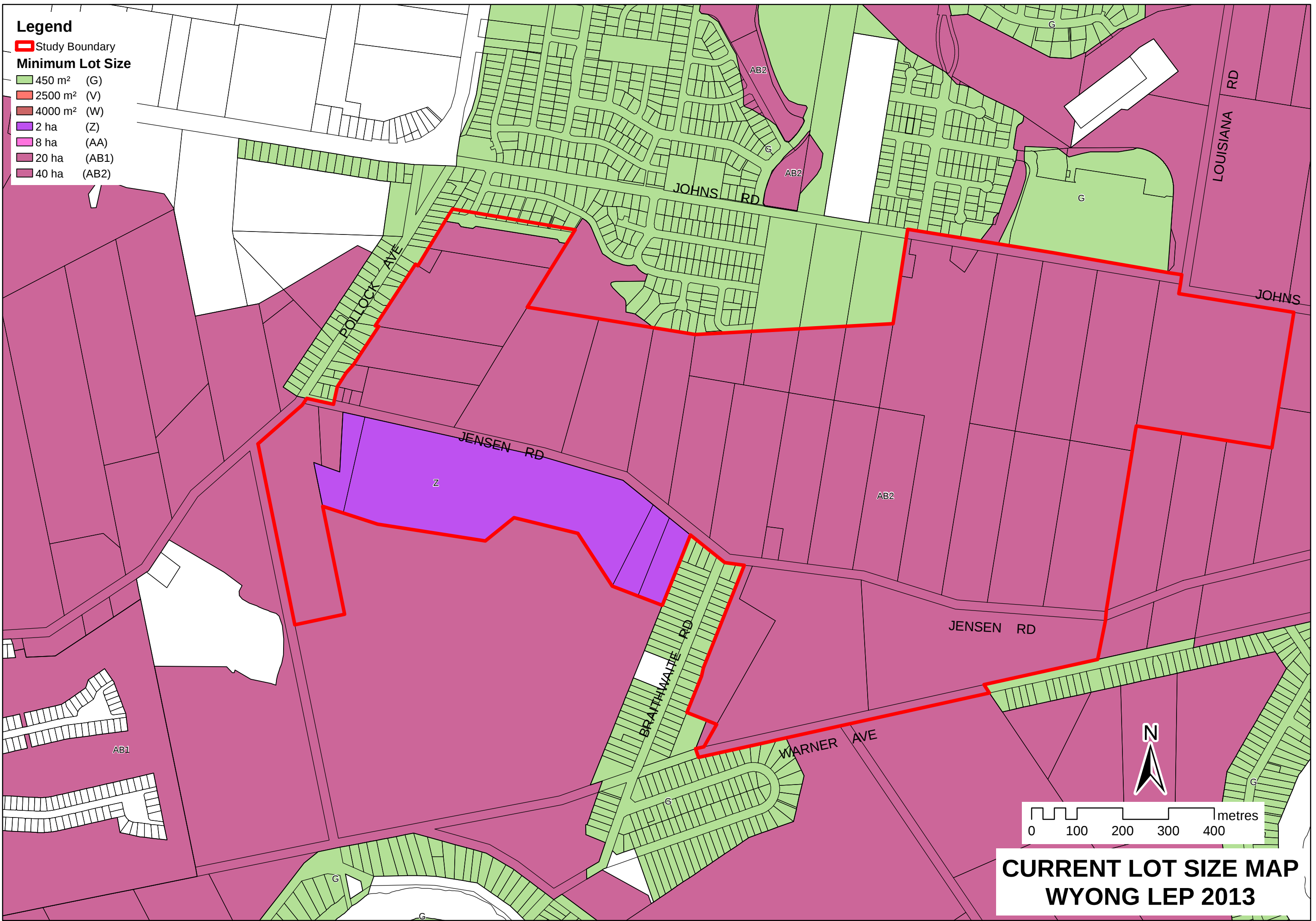
**PROPOSED LAND ZONE MAP
WYONG DRAFT LEP 2013**

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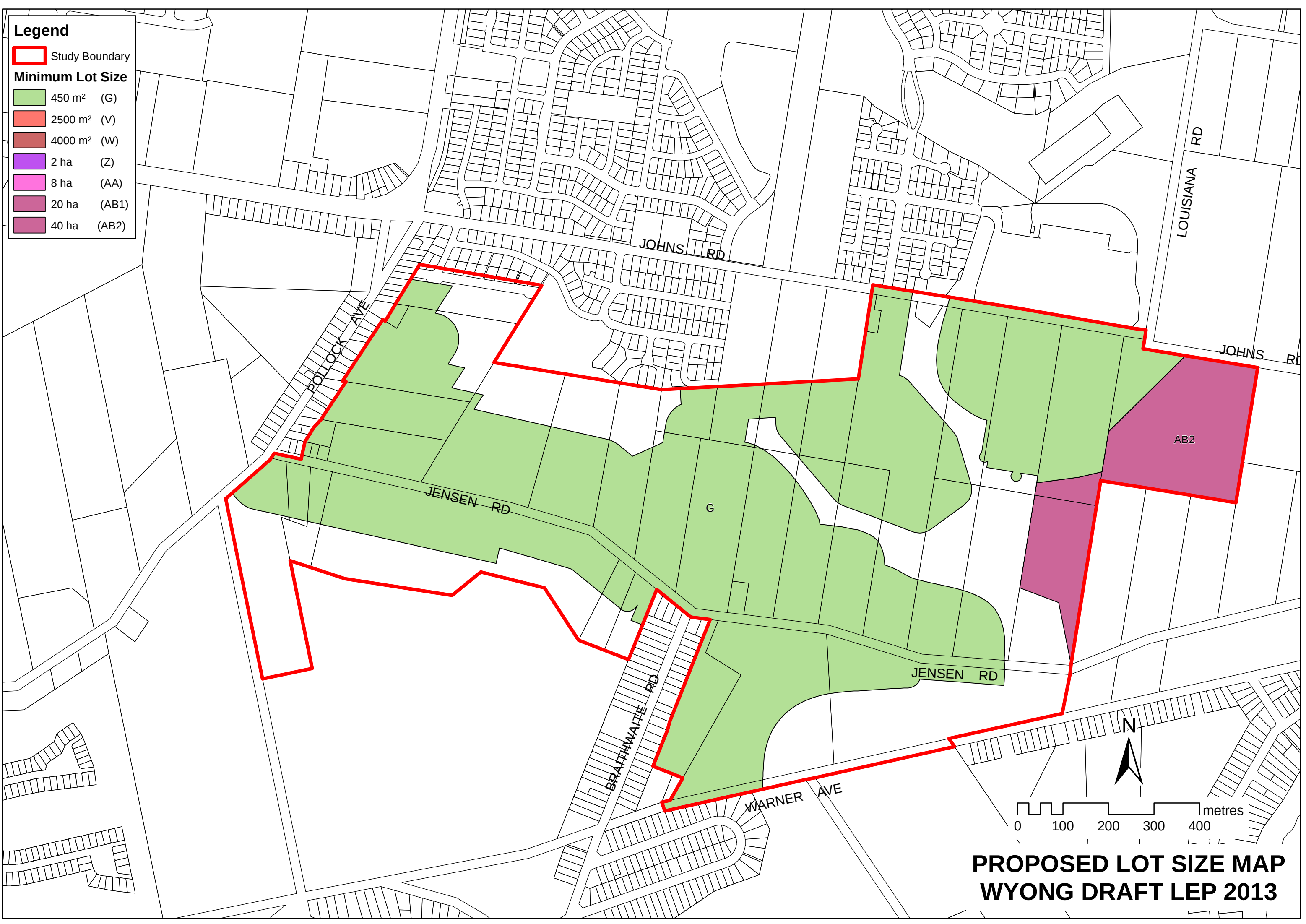
 Study Boundary

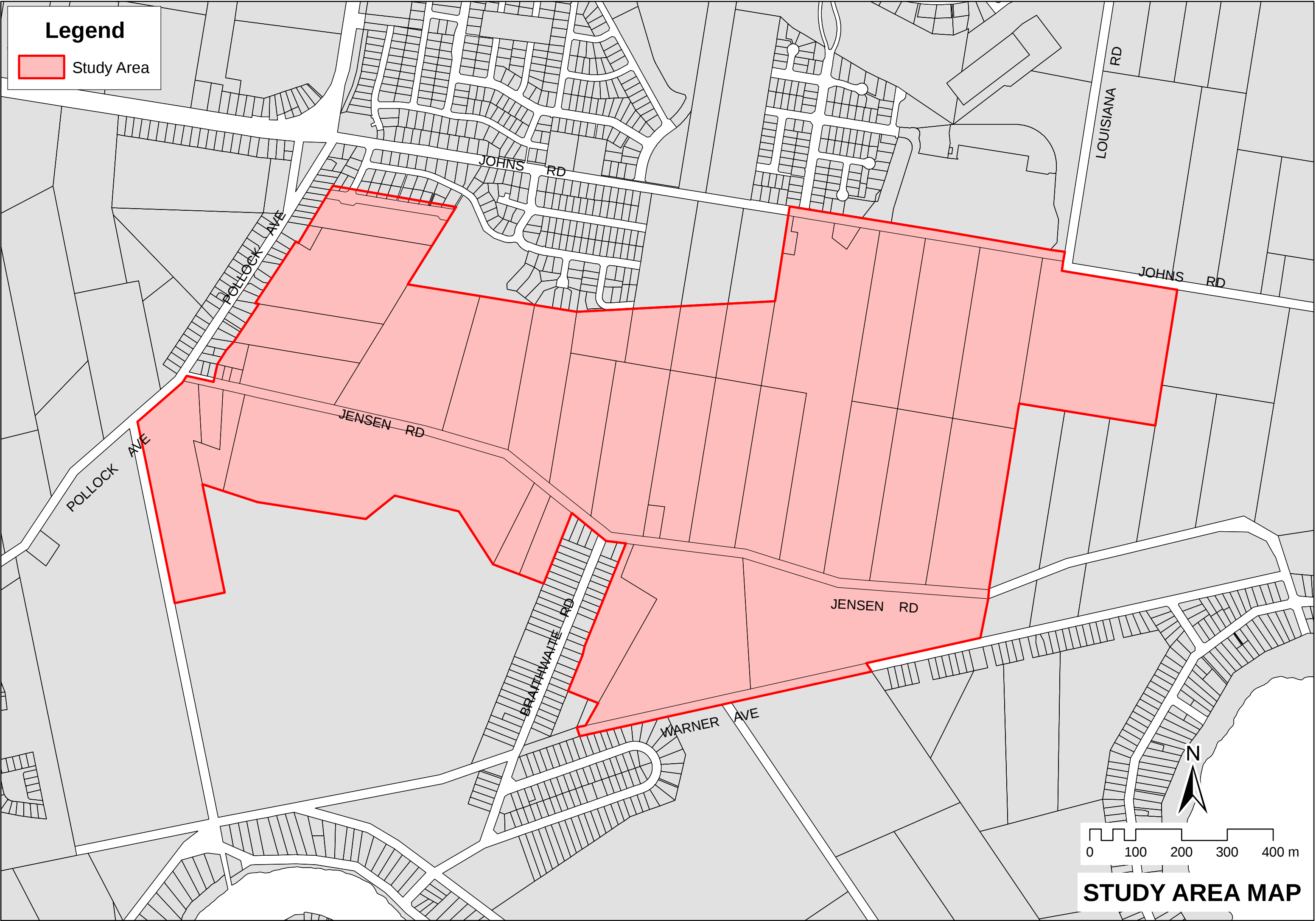
Minimum Lot Size

-  450 m² (G)
-  2500 m² (V)
-  4000 m² (W)
-  2 ha (Z)
-  8 ha (AA)
-  20 ha (AB1)
-  40 ha (AB2)



CURRENT LOT SIZE MAP
WYONG LEP 2013





Legend

Study Area

0 100 200 300 400 m

STUDY AREA MAP

02(a)

Council Report and Minutes

28 August 2013

Wadalba East Urban Land Release

3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release

TRIM REFERENCE: RZ/2/2013 - D03604351

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Scott Duncan; Senior Strategic Planner

SUMMARY

This report seeks Council's endorsement to commence the rezoning for Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan. The combined value of investment created by this rezoning is estimated to be in the vicinity of \$750 million and will generate significant employment in the local construction industry. It is estimated that the site will also yield 1710-2050 residential lots.

An assessment of the proposal has been undertaken, which identifies that the concept has merit 'in principle', and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Infrastructure (DP&I) for a "Gateway" determination.

Real Description:	Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan (also known as East Wadalba)
Street Address:	Various
Applicant:	ADW Johnson
Owner/s:	Various landowners represented by Wadalba Landowners Lobby Group
Site Area:	241 Hectares
Current Zoning:	1(c) Non Urban Constrained Lands Zone, 6(b) (Regional Open Space and Recreation Zone, 7(c) Scenic Protection Small Holdings Zone), 7(g) (Wetlands Management), 10(a) Investigation Precinct Zone.
Current Land use:	Non-intensive animal agriculture (grazing) and hobby farming

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.
- 2 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 3 That Council require, subject to the "Gateway Determination," the applicant/landowner consortium enter into a Funding Agreement with Council in

accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.

- 4 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.*
- 5 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*
- 6 *That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:*
 - a. *Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.*
 - b. *Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).*
- 7 *That Council reach an "in principle" agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.*
- 8 *That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the "principle of no cost to government").*
- 9 *That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.*

ORDINARY MEETING HELD ON 28 AUGUST 2013

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

- 1096/13 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.**
- 1097/13 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.**
- 1098/13 That Council require, subject to the "Gateway Determination," the applicant/landowner consortium enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to**

recover the costs involved in further progressing the proposal.

- 1099/13** *That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.*
- 1100/13** *That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”.*
- 1101/13** *That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:*
- a. Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.*
 - b. Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).*
- 1102/13** *That Council reach an “in principle” agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.*
- 1103/13** *That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the “principle of no cost to government”).*
- 1104/13** *That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.*

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

AGAINST: NIL

BACKGROUND/CURRENT PROJECT STATUS

The land proposed to be rezoned has been identified for future residential development in Council's Residential Development Strategy and Settlement Strategy. The land is also identified in the North Wyong Shire Structure Plan as proposed residential with a medium term release priority (meaning that it is expected that the land will be released before 2027).

ADW Johnson is representing a group of landowners (Wadalba Landowners Lobby Group) in the study area who are seeking to advance the early release of land in Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan.

In an attempt to positively influence the production of housing, particularly within identified growth areas, the NSW State Government has created a new program called the "Potential Home Sites Program". The aim of the program is to fast track the production and delivery of housing, particularly within identified growth areas of the state.

On 12 August 2011 the NSW Minister for Planning and Infrastructure created the "Potential Home Sites Program" and asked for landowners to nominate large sites (>100 Hectares) which could be developed for housing within 3 years. Of a total of 43 landowner submissions received by DP&I, one submission was lodged within the Wyong Shire by the Wadalba Landowners Group.

The Wadalba East area was subsequently brought to the attention of the Minister and DP&I with a formal submission made by 29 November 2011 on behalf of the Wadalba Lobby Group. In April 2012, DP&I released a short list of nominated Potential Housing sites, which included the Wadalba East Site.

As part of the review, the Minister invited Council to comment on the Wadalba land owner's submission. On 22 February 2012, Council:

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

- 1 *That Council acknowledge that the Wadalba East Precinct is already incorporated in Council's Residential Development Strategy and draft Wyong Shire Settlement Strategy with master planning to commence following completion of Precinct 7A.*
- 2 *That Council note that the current time line for the development of the Wadalba East Precinct is "in the medium term" as established by direction from the Department of Planning and Infrastructure.*
- 3 *That Council advise the Minister for Planning and Infrastructure that it supports the identification of the Wadalba East Precinct as part of the Potential Home Sites Program subject to the following:*
 - a *Council not being responsible for the cost of the public infrastructure required to support the development; that such infrastructure should include both hard infrastructure, the roads water and sewer and drainage and soft infrastructure which includes open space, community facilities and environmental corridors.*
 - b *Council being responsible for managing the rezoning process (at the applicant's cost);*
 - c *The community being fully engaged as part of the rezoning process;*
 - d *Performance requirements being placed on the developer (i.e.; by way of a "sunset clause" or other means) to ensure that the production of lots proceeds within the Government's timeframe. (ie, 3 years); and*
 - e *Early agreement being reached between the proponents, government and Council regarding not only the range of infrastructure to be provided, but also*

the cost, timing and responsibility for funding and provision of that infrastructure.

- 4 *That Council acknowledges that the Wadalba East Precinct would support the Wyong Town Centre business, recreation and public amenities that already exist.*

FOR: Councillors Best, Eaton, Graham, Matthews, McBride, McNamara, Symington, Vincent and Wynn

AGAINST: Nil

- 5 *That Council direct the General Manager to approach the Minister for Planning and Infrastructure proposing that its current priority program for housing development be extended to apply to the fast tracking of employment land within North Wyong.*

FOR: Councillors Best, Graham, Matthews, McBride, McNamara, Symington, Vincent and Wynn

AGAINST: Nil

Following a review of these potential sites the DP&I advised Council on 20 March 2013 that 29 large sites had been reviewed in the Sydney Region under the program. Through this program, the Government has supported the immediate action to progress 7 nominated sites (which included the Wadalba East site) and to investigate a further 13 sites through upcoming strategic plans.

The Wadalba Landowners Lobby Group have been encouraged to continue discussions with Council to implement the release of the land in accordance with the North Wyong Shire Structure Plan, including the option for accelerated release. A key principle for accelerated release is the “principle of no cost to government”. Through this program, landowners will be required to enter into an agreement to pay for infrastructure. The DP&I has indicated that new development through the “Potential Home Sites Program” will need to establish the necessary supporting infrastructure before the sites are allowed to be subdivided.

ADW Johnson on behalf of the Wadalba Landowners Lobby Group lodged a Planning Proposal with Council to commence the rezoning process. Assessment of this rezoning application commenced when the rezoning fee was paid on 14 June 2013.

STUDY AREA

The site comprises approximately 241 hectares covering over 85 different parcels of land under different ownership (See Attachment 1). The land is predominantly zoned 10(a) (Investigation Precinct Zone) under Wyong Local Environmental Plan 1991. Under the Draft Local Environmental Plan 2012, the study area is predominantly zoned RU6 Transition and E2 Environmental Conservation (See attachment 2).

The study area is generally characterised by large rural holdings and hobby farms in the south east corner of the study area. The study area is also bisected by habitat corridors linking Wadalba Wildlife Corridor to the Tacoma/Tuggerawong Wetlands.

A constraints map has been prepared by ADW Johnson which provides a first cut analysis of areas affected by flooding, conservation corridors and steep slopes in excess of 20% (see Attachment 3). The constraints analysis will be refined with further input from specialist reports (e.g. ecological, flooding, archaeological etc).

PLANNING PROPOSAL

The site has been identified as being suitable for residential growth within the North Wyong Shire Structure Plan ("NWSSP") which was adopted by the NSW State Government in October 2012 (See Attachment 4). This NWSSP provides the framework to accommodate the population and dwelling targets set within the Central Coast Regional Strategy. The NWSSP also highlights important linkages which will affect the future planning of new urban areas green corridor and habitat networks.

The proposed rezoning will need to accommodate these linkages in the final development footprint. A Concept Master Plan accompanies this proposal which provides for the protection of areas with conservation values and continues the urban structure with existing settled areas (refer to Attachment 5). The exact boundaries of environmental areas and the concept plan will be further refined by technical studies, feedback from Council and Government agencies through the rezoning process.

A first cut analysis has been undertaken by the ADW Johnson and suggests that there is approximately 182 Ha of constraint free land exists and will be suitable for residential development.

Key features of the proposal are as follows:

- Expected yield of between 1710 to 2050 residential lots.
- Incorporate wildlife corridor linkage connecting Wadalba Wildlife Corridor to Tacoma/Tuggerawong Wetland.
- Mixture of lot sizes will be provided which will provide housing choice for local market.
- Opportunities will be explored to provide some small lot developments (<200m²) in locations with suitable topography. This will deliver to a large market base and will provide opportunities for the lower and very price sensitive market segment.
- Development is proposed to be staged from Pollock Avenue and land will be released in stages from west to east.

STUDY PROCESS

A number of technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land.

An indicative list of reports to support the Planning Proposal is outlined below.

1. Funding agreement (including examination of different funding models) to enable landowners to fund Council and State Government infrastructure. This will be based on a *"principle of no cost to government"*.
2. Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
3. Services Review (gas, telecommunications, electricity provision etc.)
4. Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy)
5. Flood and drainage studies
6. Open space and recreation analysis
7. Visual impact analysis
8. Social Impact Assessment
9. Preliminary Contaminated Land Study
10. Acid sulphate soil risk analysis on low lying parts of the site
11. Noise assessment for main road frontages e.g. Pacific Highway
12. Aboriginal archaeological assessment
13. Integrated Water Cycle Management (IWCM) Strategy
14. Traffic Report (which will also examine public transport, pedestrian and cycleway planning issues)
15. Structure Plan, Urban Design principles and draft Development Control Plan
16. Draft VPA and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted).
17. Updated Planning Proposal/Planning Controls (rezoning)

The detailed scope of works statements will be prepared by the applicant upon receipt of a Gateway Determination with input from Council staff and relevant Government agencies.

Council staff will provide a review role on all technical studies to ensure that all relevant issues and community concerns are addressed.

Council will require the applicant (who will work on behalf of the Wadalba Landowners Lobby Group) to enter into a Funding Agreement to ensure that Council staff costs are recovered as per Council's Planning Proposal Policy Procedure. Council will also develop a work program in consultation with the applicant with project milestones and timeframes which all parties will work towards.

Not all landowners in the study area are members of the Wadalba Landowners Lobby Group. Council will require funding arrangements to be entered into with an entity with legal authority to represent the landowners.

KEY ISSUES

A Planning Proposal submission was prepared by ADW Johnson which outlines relevant planning issues (see Enclosure1). This document acknowledges that a number of specialist reports will be required to further progress the development of this rezoning proposal.

The main issues are outlined below, these and other issues will be expanded upon and informed as further technical studies are done to the further develop the Planning Proposal.

Flooding and Stormwater

A Flood and Drainage Study will be required to support the proposal. This will need to examine overland flooding impacts and drainage corridors will need to be identified to a 1% Annual Exceedence Probability (AEP) (with appropriate freeboard buffer). These areas will need to be zoned appropriately to ensure that drainage flow paths are not blocked.

Suitable measures will also be required to prevent future residents driving west along Pollock Avenue during heavy rains (ensuring flood free access).

Stormwater management investigations will be undertaken and should include a review of existing creeks and watercourses on the site and potential land loss due to riparian zone setbacks. Trunk drainage corridors would be identified and modeling undertaken to provide indicative drainage corridor dimensions.

Due to the proximity of the site to Tuggerah Lake and sensitive wetlands, water quality and management of downstream wetland hydrology will be of critical importance, especially due to the presence of SEPP 14 – Coastal Wetlands downstream. Stormwater modelling and water quality treatment requirements will also need to be undertaken.

Topography

The study area general contains gentle undulating terrain similar to developed portions of Wadalba. There are some ridgelines which have significantly steeper topography. One of these also contains significant vegetation and forms part of a wildlife corridor linkage and the other contains land with a slope in excess of 20%.

Bushfire

Large areas of the study area are classified as “bushfire prone land”. Future development would need to adopt appropriate Asset Protection Zones (APZ's) and incorporate these requirements into future street layouts and likely setbacks. An assessment of the proposal against Planning for Bushfire Protection 2006, and other relevant guidelines will be required as master plans of the site are developed.

Ecological

The main ecological issues with the proposal are discussed under the following sub-headings.

Wildlife Corridors

A major wildlife corridor runs through the study area which will provide a connection to the Wadalba Wildlife Corridor to Tacoma/Tuggerawong Wetlands. This wildlife linkage is shown in a number of documents e.g. NWSSP, Wyong Shire DCP 2005 - Chapter 13 – Interim Conservation Areas and Chapter 49 – Warnervale East and Wadalba North West Urban Land Release Area. The exact placement and dimensions of this corridor will need to be examined as part of this rezoning proposal.

Council is also in receipt of another Planning Proposal on 145 Johns Road, Wadalba (RZ/1/2013) which is located within a green corridor and conservation link as shown in the North Wyong Shire Structure Plan (See notation in Attachment 1 for location of RZ/1/2013). As this rezoning proposal is located in the middle of the study area, it is recommended that this site be incorporated into a precinct based rezoning process as opposed to a spot rezoning process. This rezoning proposal requires the resolution of a number of strategic issues, namely optimal provision of infrastructure, positioning boundaries of wildlife corridors on adjoining sites and development of precinct based environmental offset strategy (biodiversity certification) to provide development certainty in future urban zones. Council will attempt to find some way of achieving a partial development outcome on this site and adjoining sites, in order to achieve some equity of development and conservation outcomes through a precinct based rezoning process.

Threatened species and meeting legislative requirements

A targeted flora and fauna survey will need to be conducted to inform the rezoning process. This will also need to be supported by detailed vegetation and habitat mapping. This program will need to target relevant threatened species listed in Commonwealth and State legislation.

Biodiversity Certification and Offsetting

Whilst most of the area proposed to be rezoned is cleared, there is likely to be some areas of native vegetation which will require removal in certain locations. These impacts will need to be carefully examined and offset with appropriate conservation measures.

Preliminary conversations with the applicant have indicated that they are interested in pursuing a Biocertification Application to support the rezoning. The area is considered to be a suitable location for this to be pursued. This will result in significant cost savings for Council and developers as threatened species assessments/Species Impact Statements will not be required to support future DAs if it can be achieved.

More importantly, biocertification will remove the risk of developable land being sterilised to protect threatened species habitat, as the number of threatened species and the impact of future listings will continue to be a risk going forward in Council's Urban Land Release Program. Biocertification removes this risk.

Future ownership of conservation land

The current proposal seeks to zone a large portion of the subject site for residential purposes, having regard to environmental and physical attributes. The preliminary boundaries of environmental land are shown in Enclosure 1 (See Appendix 3). The boundaries of conservation zones will be refined as the Planning Proposal is developed and informed by technical studies.

In the past, Council has identified that land with significant conservation values should be transferred into Council ownership for ultimate management. This practice however has resulted in a significant financial burden for its upkeep. This approach may not be pursued by Council for future conservation land in the study area. Further discussions will need to occur with the applicant concerning the future ownership of conservation lands which form part of this rezoning proposal.

Noise and Vibration

A noise and vibration assessment will explore potential noise or vibration sources within the locality which may impact on the amenity of future residents. The assessment will also look at potential impacts to existing residents during construction and for the life of the development.

Visual Impact

The future development of the area would generally be in the form of low scale residential development similar to existing development at Wadalba. Appropriate urban design provisions will be developed which will be incorporated into a future DCP to support the rezoning of the land.

Acid Sulfate Soils and Contaminated Land Assessment

Geological and geotechnical investigations will be undertaken to investigate the extent of acid sulphate soils in the area and the potential effect of these on future residential development and supporting infrastructure. A preliminary contaminated land assessment will also be required addressing the requirements of SEPP 55 Contaminated Land.

Aboriginal Archaeology and European Cultural Heritage

There are some locations within close proximity to the study area (within the existing Wadalba Wildlife Corridor) which contain sites identified on the Aboriginal Heritage Information Management System (AHIMS).

Aboriginal archaeological investigations will be undertaken including an assessment of the cultural significance of the site. This will involve a desktop review of relevant registers, community consultation and broad site assessments in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

A separate assessment will also be undertaken to assess items within site which have European cultural significance.

Concept Development Plan

The applicant has prepared a preliminary Concept Plan showing indicative road layouts and development pattern (see Attachment 5). Whilst it is recognised that the Concept Plan will change as it is informed by further technical studies and liaison with Council staff. The following preliminary comments are made (more detailed comments will be forwarded to the applicant to assist with more detailed masterplanning).

Potential new village centre

The NWSSP shows a potential new Village Centre as being placed within close proximity to the study area (See Attachment 4). The location of this proposed centre is only indicative on the NWSSP Map and the exact location will need to be confirmed. The NWSSP seeks to provide a variety of medium density housing types within 400-600 m of this proposed new village centre. The location of the new centre will need to be confirmed through the study process and if it is decided to place the new centre within the rezoning area, appropriate development objectives/principles will need to be established.

Wildlife corridor linkage

Boundaries of wildlife corridors will need to be closely examined to provide some equity in terms of conservation and development outcomes. A wildlife corridor linkage will also need to be planned and incorporated into the development to provide a link through the northern part of the precinct into adjoining Precinct 3A to be consistent with the NWSSP.

Street and subdivision layout

There are a number of detailed comments provided from Council's Development Assessment - Design Engineering Unit concerning matters which will affect the street patterns and layouts covering:

- Road safety planning
- Improvements in road layouts to assist garbage servicing
- Road geometry and sight distance
- Improvements in intersection planning and location
- Bushfire assessments will inform planning of Urban Interface Areas (UIAs)
- Odour, acoustic and visual treatment of future sewage pump stations shall be examined.
- Overland floodways will need to be identified and excluded from developable lands

Open space

The location of small parks and open space for future residents will need to be informed by an Open Space and Recreational Needs Analysis. The results of this report will inform where open space and parks will be located in the Concept Plan.

Social Impacts

The Planning Proposal identifies the need to undertake a specialist study to examine Social Impact/Human Services Analysis. This study should identify the social issues and potential needs of current and future residents within the area. This assessment will enable Council to ensure the full extent of social impacts is identified as well as the identification of human service requirements for current and future residents.

Mine Subsidence

Part of the study area is located within a Mine Subsidence District. Preliminary advice from the Mine Subsidence Board (MSB) indicates that they are likely to apply similar surface development controls as set for current residential development at Wadalba. If any further concerns are raised by the Mine Subsidence Board (MSB) they will be addressed as the Planning Proposal is developed.

Water and Sewer

The Wadalba East area will require significant water and sewer infrastructure to service the new development. The Planning Proposal submission by ADW Johnson includes a preliminary water and sewer servicing strategy that would allow for the efficient servicing of future development in the area (see Appendix 6 of Enclosure 1 for details).

Water Supply

Provision has been made to service the site in Council's DSP No 1, with an extension of an existing 200mm water trunk main to the south of existing infrastructure. The rest of proposed infrastructure aligns with Council's servicing intentions for the area.

All reticulation mains (150mm and below) are to be constructed by the developer and donated to Council.

The design and construction of the water mains are to be in accordance with the WSAA Water Supply Code of Australia WSA-02 Sydney Water Edition.

Sewer

Overall, the preliminary sewer system proposed by the developer aligns with Council's servicing strategy.

Council's sewer servicing strategy for the Wadalba area involves the construction of gravity mains to transfer sewage to a sewer lift station (Wadalba 2) south of Johns Road. The Wadalba 2 station will lift the sewage to a proposed trunk gravity main to allow gravity transfer to a new Sewage Pump Station (SPS) Wadalba 1 as described in Council's Development Servicing Plans (DSP). This enables servicing of the whole catchment in an efficient and planned manner. If the timing for development of this site is consistent with the surrounding area then the developers would be required to construct the infrastructure identified in the servicing strategy. All reticulation infrastructure (150mm gravity mains) are to be constructed by the developer and donated to Council.

The existing SPS CH26 will be decommissioned once the proposed development is in place. Therefore, provision needs to be made for the SPS CH26 catchment to drain into the new proposed sewer system.

The design and construction of the sewer mains and sewage pump stations are to be in accordance with the WSAA Sewerage and Pumping Station Code of Australia Sydney Water Edition. Council will specify required amendments to the SWC Pump Station Design Code at the detailed design stage.

Road infrastructure and traffic impacts

The proposal is likely to generate up to 800 peak hour vehicle trips in the AM and PM.

A Traffic Impact Assessment will be required to determine the impact on the existing local and State road network as a result of the proposal. The report will include modeling of all key intersections including Pacific Highway and Johns Road, Louisiana Road, Craigie Avenue and Britannia Drive. The modeling should include 10 and 20 year traffic growth projections based on background growth of 1.5% per annum, but also including potential traffic generated by the other major land release areas such as the Warnervale Town Centre, Precinct 7A and WEZ.

The following intersections will most likely require upgrading, however improvements may be required at other intersections along the Pacific Highway.

- Pacific Highway and Johns Road – Traffic Signals
- Pacific Highway and Louisiana Road – Traffic Signals

Any proposals for the upgrading of intersections with Pacific Highway will require the concurrence of the Roads and Maritime Service (RMS). Early consultation with the RMS will be required to determine funding requirements to service major intersection upgrading works on the Pacific Highway.

Johns Road, Pollock Avenue and Jensen Road will also require upgrading to accommodate future traffic projections. The intersections of proposed internal roads within the existing road network will most likely require roundabouts.

Public transport routes will need to be investigated in order to adequately service the newly created development within TFNSW guidelines. This will need to identify the type of public transport needed to service the development and means of encouraging public transport use in lieu of the motor vehicles. A pedestrian and cycleway report identifying movement desire lines to and from schools, shops, recreational areas and identifying facilities will also be required.

A road hierarchy with similar road cross sections to those which were adopted by Council as part of the Warnervale Town Centre and Precinct 7A – Warnervale and Hamlyn Terrace rezoning, will be required.

Infrastructure Funding

Council staff have met with the proponents, (Wadalba Landowners Lobby Group), on a number of occasions. Landowners within the rezoning area have been made aware that if they wish to proceed with rezoning in advance of the existing urban land release timeframes, they will be required to fund all infrastructure that is necessary to service the land.

It is considered that to effectively manage the funding of infrastructure, the payment of funds for infrastructure will most likely need to be staged, such that those that wish to proceed first commit to providing necessary upfront infrastructure via a Voluntary Planning Agreement. As there are over 80 land holders in the study area, it is unlikely that all land owners will agree to be a party to a Voluntary Planning Agreement to fund infrastructure. To date potential funding models have not been discussed with the consortium of landowners and there is likely to be a significant amount of State Government infrastructure required to service the precinct as well. Agreement will need to be reached on these issues prior to public exhibition of the Planning Proposal as funding for infrastructure and services is critical to the project proceeding.

Impact on Residential Land Supply

The supply of greenfield residential land within Wyong Shire is considered sufficient (as reported in the government's Metropolitan Development Program) to meet market demands without releasing additional residential land at the present point in time, especially given the imminent gazettal of the rezoning of land to the south of the Warnervale Town Centre (Precincts 4, 5 and 7 which has the potential to provide 2,300 residential lots). It is acknowledged, however, that the issue the Government is attempting to resolve is not that of land supply, but rather the production and actual release of residential lots to the market. The Wadalba East rezoning will boost short term housing supply as per the NSW State Government's "Potential Home Sites Program" to provide needed lot production.

LOCAL PLANS, POLICIES AND STRATEGIES**Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan**

The subject site is currently zoned 1(c) Non Urban Constrained Lands Zone, 6(b) (Regional Open Space and Recreation Zone, 7(c) Scenic Protection Small Holdings Zone), 7(g) (Wetlands Management) and 10(a) Investigation Precinct Zone.

The Wyong Local Environmental Plan (2012) as exhibited proposes to zone the site to RU6 – Transition, E2 - Environmental Conservation and E3 - Environmental Management Zone. These zones are the direct conversion zones from Wyong LEP 1991 zones.

There are also a number of properties affected by lot amalgamation provisions clause in the study area.

Draft Wyong Settlement Strategy 2012

Council's draft Wyong Shire Settlement Strategy and the NSW State Government's North Wyong Shire Structure (NWSSP) incorporates the development staging of land within the medium and long term categories. This is particularly important for land in the 'medium term' category in the NWSSP. There is a considerable amount of land falling into this category and it is not practicable that all land is released and serviced at the same time. Therefore Council's draft Settlement Strategy proposes that development precincts identified as 'medium term' be divided into five priority categories.

In accordance with existing state government policies, Council's staging strategy in the draft Settlement Strategy seeks to prioritise the release of land in the 'medium' term by releasing land which is in close proximity to WTC before releasing land in fringe locations which require significant infrastructure provision to service new development. This was done to ensure consistency with the CCRS which states the majority of future greenfield development is to be concentrated around WTC and the WEZ.

The NSW Government has also supported the inclusion of the Wadalba East Precinct under the "Potential Home Sites Program", so some re-alignment of priorities may need to occur to reflect this decision of the NSW Government which was made after the exhibition of the draft Settlement Strategy. In any case, the Wadalba East Precinct is located within close proximity to Wyong Township and existing residential areas at Wadalba and is therefore logical from an urban expansion point of view.

Development Control Plan (DCP) 2005: Development Controls for Wyong Shire & Draft DCP 2012: Development Provisions for Wyong Shire

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

DCP 2005	DCP 2012
61: Car Parking;	Chapter 2.1: Dwelling Houses and Ancillary Structures
66: Subdivision;	Chapter 2.3: Dual Occupancy Development
67: Engineering Requirements for Development;	Chapter 2.11: Parking and Access
69: Controls for Site Waste Management;	Chapter 3.1: Site Waste Management
58: Dual Occupancy Development;	Chapter 3.2: Water Sensitive Urban Design
100: Quality Housing; and	Chapter 3.3: Floodplain Management
99: Building Lines;	
Draft Chapter 97: Water Sensitive Urban Design.	

STATE PLANS, POLICIES AND STRATEGIES**Central Coast Regional Strategy and draft North Wyong Shire Structure Plan**

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas.

To date the focus of Council and State Government has been on the release of new development precincts in close proximity to the Warnervale Town Centre (WTC) in an effort to stimulate development of the town centre precinct. Existing state and local planning strategies including the Central Coast Regional Strategy (CCRS), North Wyong Shire Structure Plan, draft Wyong Shire Settlement Strategy and Wyong Shire Residential Development Strategy all reflect this objective.

The CCRS in particular, states that the majority of future greenfield development is to be concentrated around WTC and the Wyong Employment Zone (WEZ). Whilst these plans also support the future development of the Wadalba East precinct, it is perhaps now less of an issue given the imminent rezoning of a large urban land release in Precincts 4, 5 and 7 (Precinct 7A).

The North Wyong Shire Structure Plan (NWSSP) shows the area subject to the rezoning proposal as Precincts 2A, 2B and 3B. Under this plan the area is identified as having a 'medium term' release priority. All land in the 'medium term' under the NWSSP is scheduled to be rezoned before 2027. The NWSSP establishes a residential density target of 15 dwellings per Ha which equates to 1,591 dwellings in total which should easily be met or exceeded by the proposed rezoning.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Whilst the proposal will not directly supply long term employment opportunities, short term opportunities would be created through associated planning and construction work.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 6 of this report.

SEPP 44 – Koala Habitat

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

SEPP 55 – Contaminated Land

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

SEPP 71- Coastal Protection

The subject site is located within the “coastal zone” (i.e. one kilometer from the coast or a coastal estuary as indicated on the adopted maps) and is therefore subject to the provisions of SEPP 71- Coastal Protection. Council is required to have regard to the matters for consideration identified under Clause 8 when preparing a Draft Local Environmental Plan.

Section 117 Directions

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 7 of this report.

The consistency of the proposal against a number of Section 117 Directions is subject to the outcomes of a number of additional updated studies required to be undertaken by the proponent.

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

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

5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.7	Central Coast	Yes	Yes
5.8	Second Sydney Airport: Badgerys Creek	No	N/A
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	No	N/A

OPTIONS

Option 1 Discontinue the Proposal (Not Recommended)

Various levels of Government have acknowledged the increasing challenges facing potential home owners and renters in securing suitable accommodation in the areas they work and want to live. In this regard, the planning proposal will result in additional land being available for approximately 1710 - 2050 residential allotments. The proposal will also create local employment opportunities, provide for additional open space and conservation areas. Discontinuing the process will prevent these outcomes from being achieved.

Option 2 Proceed with the Proposal as an Amendment to the Draft LEP 2012 (Recommended)

It is expected that the draft LEP 2012 will be gazetted before the end of 2013. Any zoning changes arising from the Planning Proposal will amend the future WLEP 2012. Preparation of a Planning Proposal is the most effective and timely method to proceed with the State Government's desire to progress the site for future growth within the short term under its "Potential Home Sites Program". However it is recommended that agreement is reached on infrastructure and servicing agreements prior to the public exhibition of the final Planning Proposal.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Long term Financial Strategy and Asset Management Strategy

Management of conservation land where number of landowners are involved is problematic. It is difficult to ensure the same standards of management are applied consistently across the asset.

In the past, Council has identified that areas of significant conservation value should be transferred into Council ownership. This practice however has resulted in a significant financial burden for its upkeep, therefore it is not recommended in this instance.

Subject to a positive determination being received from the Gateway, the Proponent will be requested to further investigate additional management options for any environmentally significant land.

Link to Community Strategic Plan (2030)

Out of the eight priority objectives of the Community Strategic Plan, 3 are relevant:

- There will be ease of travel;
- Communities will have a range of facilities and services; and
- Areas of natural value will be enhanced and maintained.

The development of rezoning plans for the Wadalba East Precinct will need to take into account the above objectives.

Governance and Policy Implications

Refer to discussion relating to Local Plans, Policies and Strategies

Budget Impact

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent.

The more significant issue relates to the funding of required infrastructure. The NSW State Government has made it clear that one of the requirements for “land owner nominated sites” through the “Potential Home Sites Program” is that they can enable dwelling production in the short term *“at no additional cost to Government”*.

Council is not in a financial position to enable it to fund the required infrastructure nor should the community be required to make up any shortfall between what the developer is required to fund or provide and the total cost of providing facilities to a new community.

CONSULTATION

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

- Community and Cultural Development – Social Planning
- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Floodplain and Stormwater Management - Hydrology
- Strategic Development – Ecology
- Strategic Development - Bushfire
- Strategic Development – Transportation Engineering
- Strategic Development – Planning
- Strategic Development – Section 94
- Water and Sewer Planning

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

Future community and government agency consultation requirements will be outlined by the Gateway Determination as the assessment of the Planning Proposal is progressed.

CONCLUSION

This report seeks Council's endorsement to commence the rezoning for Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan. The combined value of investment created by this rezoning is estimated to be in the vicinity of \$750 million. It is estimated that the site will also yield 1710-2050 residential lots.

An assessment of the Planning Proposal has been undertaken which identifies that the concept has merit 'in principle' and that Council should initiate the rezoning process by referring it to the Department of Planning and Infrastructure (DP&I) for a Gateway Determination. Further supporting studies will need to be done by the applicant on behalf of the Wadalba Landowners Lobby Group. These will be done if a positive Gateway Determination is received.

Agreement will need to be reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the "principle of no cost to government") as this is a key principle for the NSW Government's "Potential Home Sites Program". Further discussions with the applicant will need to occur on possible funding models and agreement reached in principle prior to any plans being placed on public exhibition.

ATTACHMENTS

1	Proposed Study Area	D03609031
2	Wyong LEP 2012 Zone Map	D03609172
3	First Cut Constraint Map - Prepared by ADW Johnson	D03604730
4	Relationship to North Wyong Shire Structure Plan	D03605211
5	Concept masterplan for Precincts 2A, 2B and 3B - Note final development boundaries and street layouts will be refined by technical studies	D03604713
6	Assessment of State Environmental Planning Policies	D03609741
7	Section 117 Direction Assessment	D03614800
8	Discussion paper to inform preparation of Planning Proposal for Wadalba East Urban Land Release Area	Enclosure D03377780

02(b)

Council Report and Minutes

28 August 2013

Rezone Land at 145 Johns Road, Wadalba

3.1 RZ/1/2013 Rezone Land at 145 Johns Road Wadalba

TRIM REFERENCE: RZ/1/2013 - D03422502

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Chris Ferry, Strategic Planner

This report relates to a rezoning application (Planning Proposal) which seeks to rezone land at 145 Johns Road Wadalba from 10(a) Investigation Precinct Zone to Low Density Residential and Environmental Conservation. A review of information submitted has concluded that the proposal has merit but lacks strategic justification. Further as the timing of this proposal and broader East Wadalba rezoning will be compatible, the incorporation of this single lot planning proposal into the East Wadalba proposal would optimise the development potential of this lot and the broader precinct. Both rezonings require the resolution of a number of strategic issues namely provision of infrastructure and positioning boundaries of the wildlife corridor and realignment of Johns Road.

Applicant:	Aconsult
Owners:	Zaychan Pty Ltd
Proposal No:	RZ/1/2013
Description of Land:	Lot 27 DP 663622
Zoning:	10(a) Investigation Precinct Zone
Existing Uses:	Residential Dwelling and Disused Poultry Sheds

RECOMMENDATION

That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council.

ORDINARY MEETING HELD ON 28 AUGUST 2013

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

1095/13 That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council.

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

AGAINST: NIL

BACKGROUND

The site is a single lot, and is zoned 10(a) Investigation Precinct Zone under Wyong Local Environmental Plan 1991 (WLEP 1991). For the purposes of this report the land will be identified as “the site”.

Existing development on the site consists of a single storey residential dwelling, a masonry shed and disused poultry sheds. The site has been cleared of over 70% of vegetation with some native vegetation returning. Two watercourses cross the site generally in a north south direction with two 900mm twin culverts located along the Johns Road frontage.

The intent of this report is to inform Council of the proposed rezoning and in this instance seek Council support to incorporate this proposal into the broader East Wadalba Precinct proposal.

CURRENT STATUS

The Site



Figure 1 145 Johns Road Wadalba – ‘The Site’

The entire site is zoned 10(a) (Investigation Precinct Zone) under WLEP 1991.

The site is rectangular in shape (Figure 1), rural residential properties are located south and east of the site and an approved residential subdivision is located to the west of the site (DA/1082/2011) which also provides a section of the Wadalba Wildlife Corridor adjoining the unformed Louisiana Road to the west. The Wadalba Reservoir is located to the north-west of the site.

The relationship of the site to the ‘East Wadalba Precinct’ proposal is shown in Attachment 1.

THE PROPOSAL

The proposal seeks to amend WLEP 1991 by rezoning the land part 2(a) (Residential Zone) and part 7(a) (Conservation Zone). Should draft Wyong Local Environmental Plan 2013 be made prior to the initialisation of this proposal the zoning would amend the new plan and the Standard Instrument zones of R2 Low Density Residential and E2 Environmental Conservation would apply.

ASSESSMENT

In support of the application, a draft Planning Proposal has been submitted by the applicant.

The draft Planning Proposal has been reviewed considering:

- The strategic support for the rezoning.
- 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.

ISSUES ANALYSIS

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

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

The most significant issues for consideration relate to flora and fauna, road widening/realignment and sewer servicing.

Flora and Fauna

The site has been utilised for poultry farming for many years. The area proposed for residential development is predominantly cleared of native vegetation. Some areas on the northern and western portions of the site contain remnant vegetation and are proposed to be zoned for conservation purposes as part of this proposal. There is significant vegetation located on the eastern boundary of the site which could provide an equally effective corridor link. Although no threatened flora or fauna have been identified on the site, this site is the location for the critical link of the Wadalba Wildlife Corridor (WWC) which provides habitat for the endangered squirrel glider and connectivity to the Tacoma Wetlands located South of Johns Road.

The proposal states that the land allocated for the extension to the WWC will be sufficiently wide which is to ensure a functioning corridor. However an agreed width for a regional corridor cannot be confirmed by the Office of Environment and Heritage, therefore it is difficult to determine if the proposal will provide an effective corridor.

Remnant vegetation that is within the proposed environmental zone requires rehabilitation and removal of invasive weeds such as Lantana. Should this proposal be included in the broader East Wadalba precinct proposal the costs of rehabilitation could be shared by all landowners.

DRAFT

Road Widening/Realignment

Sufficient land at the south western corner of the site is required to enable the realignment of Johns Road to remove the series of curves adjacent to the western boundary of the property. This may involve a triangular section of land at least 20 metres wide by 120 metres long. The proponent would be required to ensure this land is provided at no cost to Council including the relocation of any services including power poles. Should this proposal be included in the broader East Wadalba precinct proposal the costs could be shared by all landowners.

Sewer Servicing

The current sewer service in this location involves the construction of a gravity main to transfer sewerage to the proposed lift station south of Johns Road – the lift station is not proposed to be constructed until such time as the surrounding area is developed. An alternative would be for the proponent to bear the costs of construction, ongoing operation / maintenance and decommissioning of a temporary pump station located near the western boundary of the site. By incorporating this proposal into the broader precinct proposal it would eliminate the need for a temporary pump station.

LOCAL PLANS, POLICIES AND STRATEGIES**Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan**

The subject site is currently zoned 10(a) (Investigation Precinct Zone) under Wyong LEP 1991. The objectives of this zone are:

- (a) to protect native vegetation, maintain ecological processes and biological diversity within land that is under investigation for conservation purposes, and
- (b) to protect rural land that, after detailed environmental investigations, may be suitable for ecological conservation or future urban development, and
- (c) to prohibit development that it is likely:
 - (i) to lead to the premature and sporadic subdivision of land, or
 - (ii) to inhibit the potential for urban expansion in selected areas, particularly the urban fringe, or
 - (iii) to prejudice the present environmental quality of the land, or
 - (iv) to generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, and
- (d) to ensure that any interim development is carried out in a manner that minimises risks from natural hazards, minimises degradation of environmental values, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of rural areas, and
- (e) to allow mining to occur in an environmentally acceptable manner.

Council's Standard Instrument LEP proposes to zone the site RU6 Transition. The objectives of the RU6 zone are as follows:

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that interim land uses do not adversely impact upon the conservation/or development potential of land identified for future investigation within the North Wyong Shire Structure Plan and / or Wyong Settlement Strategy.

Draft Wyong Settlement Strategy 2012

Council's draft Settlement Strategy (SS) was publicly exhibited between 9 January 2013 and 20 February 2013. The SS:

- *Establish(es) the strategic direction and framework for the Wyong (Local Government Area) LGA and inform the preparation of Wyong LEP 2012 and Wyong DCP 2012: Development Provisions for Wyong Shire;*
- *Provides a blueprint for the growth of the (Local Government Area) LGA with accessible and reliable transport, a strong regional economy, a vibrant community and a healthy natural environment; and*
- *Provides an analysis of demand, supply and nature of land and identifies where additional land may need to be set aside for residential, business and commercial development while retaining the LGA's enviable natural environment;*

Key planning considerations for the release of future urban land, including infill development as identified by the SS requires that development be:

- Undertaken in an orderly manner and shall be consistent with the timeframes of the NWSSP and Council's Settlement Strategy;
- Not occur until such time that adequate transportation, utility, community and recreational infrastructure can be guaranteed including matters for consideration identified in Part 6 of Wyong SI LEP;
- Facilitate the creation of social hubs that satisfy the needs of the community, including cultural, educational, health and recreation facilities;
- Incorporate the principles of Healthy Spaces and Places, Crime Prevention Through Environmental Design, and the Universal Design Principles for Accessible Environments;
- Provide for appropriate housing choice. This may be assisted by the incorporating the findings of the Affordable Housing study.

It should be noted that although the draft Settlement Strategy has been endorsed by Council, it has not yet been endorsed by the DoPI.

The draft Wyong Shire Settlement Strategy has recommended this site be retained as an urban investigation precinct and has been identified as a "Strategically located, constrained site" subject to further investigation and offset strategies to define conservation requirements and development potential.

This site requires more detailed investigation, ideally as part of the greater East Wadalba Precinct rezoning to determine its environmental value, wildlife corridor boundaries, development potential and appropriate zoning and development controls to achieve a balance between development and biodiversity conservation within the broader context of the Settlement Strategy, Central Coast Regional Strategy and NWSSP.

Development Control Plan

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of DCP 2005, or pending timing of DCP 2012 (now DCP 2013), in particular, the following Chapters:

DCP 2005	DCP 2012
- 61: Car Parking;	- Chapter 2.1: Dwelling Houses and Ancillary Structures
- 66: Subdivision;	- Chapter 2.3: Dual Occupancy Development
- 67: Engineering Requirements for Development;	- Chapter 2.11: Parking and Access
- 69: Controls for Site Waste Management;	- Chapter 3.1: Site Waste Management
- 58: Dual Occupancy Development;	- Chapter 3.2: Water Sensitive Urban Design
- 100: Quality Housing;	- Chapter 3.3: Floodplain Management
- 99: Building Lines;	
- 13: Conservation Areas for Wyong Shire	- Chapter 3.6 Conservation Areas for Northern Wyong Shire

STATE LEGISLATION, POLICIES, PLANS AND STRATEGIES

Central Coast Regional Strategy

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

Incorporation of this proposal within the investigation of the broader East Wadalba Precinct will ensure the provision of a mix of housing types in accordance with the Central Coast Regional Strategy '*Centres and Housing*' outcomes. In addition the incorporation of the two proposals will assist in creating an attractive, adaptable, and self-reliant community.

North Wyong Shire Structure Plan

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

The site is not located within a future investigation precinct but is located between Precinct 2B and Precinct 3B as provided in the NWSSP. The entire site has been identified as a "Green Corridor" in the NWSSP.

Because of this, the site should be included in this broader East Wadalba Precinct rezoning to ensure that strategically identified development precincts are developed in accordance with the NWSSP precinct staging plan.

The planning proposal shows some consistency with the NSSWP as it provides a corridor extension the WWC but not in the same configuration as that depicted in the Structure Plan.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Whilst the proposal will not directly supply long term employment opportunities, short term opportunities would be created through associated planning and construction work.

Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 2 of this report. The proposal is considered to be consistent with the applicable Directions, subject to the outcomes of a number of further investigations.

The following table provides an overview of the consistency of the proposal against the applicable Section 117 Directions.

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	N	N/a
1.2	Rural Zones	N	N/a
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y
1.4	Oyster Aquaculture	N	N/a
1.5	Rural Lands	N	N/a
Environment & Heritage			
2.1	Environmental Protection Zones	Y	TBD
2.2	Coastal Protection	N	N/a
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y

3.1 RZ/1/2013 Rezone Land at 145 Johns Road Wadalba (contd)

Number	Direction	Applicable	Consistent
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/a
3.6	Shooting Ranges	N	N/a
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	N	N/a
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
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

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs) as follows:

- SEPP 44 – Koala Habitat
- SEPP 55 – Contaminated Land

It is considered that the proposal is generally consistent with the aims and objectives of the requirements of the above SEPPs. Assessment of the proposal against the relevant SEPPs is detailed in Attachment 3.

OPTIONS

Option 1: Proceed to Gateway Determination as a standalone Planning Proposal

This option would provide one possibility for the extension to the WWC and provide additional residential land. A Voluntary Planning Agreement would be required at an early stage to ensure the dedication of the continuation of the WWC at no cost to Council, dedication of a section of the property for the realignment of Johns Road and ensure the costs of commissioning, decommissioning and maintenance of a temporary sewer pump station are borne by the proponent. The applicant believes that this option would best serve their interests as it would avoid any possible delay caused by resistance or any dispute over funding from other landowners within the East Wadalba Precinct. This is not the preferred option because by incorporating the two proposals Council is able to better manage issues such as the boundaries of the WWC and realignment of Johns Road.

Option 2

Incorporate this planning proposal RZ/1/2013 with the broader East Wadalba proposal RZ/2/2013 for Precincts 2A, 2B and 3A received by Council on 14 June 2012.

In August 2011 the Minister for Planning and Infrastructure announced the state government would review potential land owner nominated housing sites over 100 hectares which could be developed within three years at no additional cost to the government. The Wadalba Lobby Group submitted the East Wadalba Precinct which included Precincts 2A, 2B and 3A as identified in the (NWSSP). In March 2013 the Minister for Planning and Infrastructure provided advice that of the 29 sites nominated seven sites were identified for immediate action. Included in these sites was the East Wadalba Precinct. Strategically the inclusion of this single allotment proposal within the broader precinct will provide for better management of issues such as flora and fauna, transport and sewer servicing. This will also ensure that the proposal is advanced on the basis that there will be no cost to Council.

This is the preferred option

Option 3 Not Proceed with Rezoning at all

The site is identified within the NWSSP as a '*Green Corridor and Habitat Network*'. It is timely that this proposal has aligned with the processing and assessment of the East Wadalba Precinct zoning. Incorporation of the site into the greater East Wadalba Precinct is of strategic significance particularly in respect to resolving WWC boundaries and maximising development potential of sites affected by WWC. Therefore this option is not supported

Link to Community Strategic Plan (CSP) (2030)

The proposal can be directly linked to the following objectives of the plan:

1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
 - (e) Developing and implementing the Wyong Shire-wide Settlement Strategy.
3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.

- (f) Maximise the access to, and potential for, new and existing facilities/infrastructure to support growth.
- 4. Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.
 - (a) Preserving threatened and endangered species as well as ecological communities and biodiversity.
 - (c) Ensuring all development areas create or maintain tree covered ridgelines and waterways

The CSP identifies a number of essential services which must be provided. These are delivered by Council through a number of Principal Activity Areas. The assessment of the impacts of land use strategies and rezonings is incorporated within the Environment and Land Use 'Principal Activity Area' which aims to *support(s) the natural and built environment on both private and public land. This is done by providing strategic planning and policy as well as controls over land-use in order to maintain a high quality of life and natural environment. Through this activity Council seeks to promote sustainable use of natural resources on the Central Coast.*

Budget Impact

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent who will be required to enter into a funding agreement with Council. Should the site be incorporated into the East Wadalba Precinct rezoning as recommended there may be cost saving to the applicants. The East Wadalba Precinct proposal has been supported by Council on the basis that Council incurs no costs for the provision of infrastructure.

CONSULTATION

The proposal was referred to a cross section of Council staff representing diverse interests including:

- Ecology;
- Transport/Accessibility;
- Wastewater/Sewer;
- Developer Contributions;
- Service Infrastructure; and
- Social Planning.

Comments received have informed the assessment of the proposal and the need for any additional investigative studies.

GOVERNANCE AND POLICY IMPLICATIONS

Refer to discussion relating to Local Plans, Policies and Strategies

MATERIAL RISKS AND ISSUES

The assessment of the proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices. This assessment is considered to fulfil Council's requirements under Section 733 of the *Local Government Act 1993*.

CONCLUSION

The proposed rezoning has considerable merit given the location of the site in relation to the existing residential development and the strategic Wadalba Wildlife Corridor link.

However to ensure the orderly and timely delivery of urban land including the determination of the extension to the Wadalba Wildlife Corridor, it is considered that this proposal (RZ/1/2013) should be incorporated into the broader East Wadalba Precinct RZ/2/2013 planning investigations. Incorporation of this site into the broader East Wadalba Precinct rezoning will ensure greater equity of development and conservation outcomes through a precinct based rezoning process.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Relationship of RZ/1/2013 to Wadalba East Precinct Rezoning | D03609031 |
| 2 | Section 117 Ministerial Directions Assessment RZ/1/2013 | D03575559 |
| 3 | State Environmental Planning Policy Assessment RZ/1/2013 | D03575530 |

02(c)

Council Report and Minutes

10 December 2014

**Commence Preparation of Planning Proposal at 145
Johns Road, Wadalba**

2.3 RZ/1/2013 - Commence Preparation of Planning Proposal at 145 Johns Road, Wadalba

TRIM REFERENCE: RZ/1/2013 - D11761756
MANAGER: Tanya O'Brien, Manager
AUTHOR: Scott Duncan; Senior Strategic Planner

SUMMARY

This report relates to a rezoning application (Planning Proposal) which seeks to rezone land at 145 Johns Road Wadalba from RU 6 – Transition to R2 - Low Density Residential and E2- Environmental Conservation and SP2 Infrastructure.

Applicant:	Aconsult
Owners:	Zaychan Pty Ltd
Proposal No:	RZ/1/2013
Description of Land:	Lot 27 DP 663622, 145 Johns Road, Wadalba
Zoning:	RU6 - Transition
Proposed Zoning	R2 - Low Density Residential, E2- Environmental Conservation and SP2 Infrastructure (Local Road)
Existing Uses:	Residential Dwelling and Disused Poultry Sheds

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, WLEP pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979 (generally in accordance with Attachment 1).
- 2 That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 3 That Council require, subject to the "Gateway Determination" that the landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 5 That Council enter into a Voluntary Planning Agreement (VPA) which will require:
 - a Dedication and rehabilitation of wildlife corridor land on terms acceptable to Council.
 - b Dedication of land at no cost for the realignment of Johns Road

- c *Funding of commissioning, maintenance and decommissioning of a temporary sewer pump station by the proponents to service the development.*
- 6 *That Council authorise the General Manager (or delegate) to negotiate and execute all documentation in relation to the finalization of the VPA.*
- 7 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*
- 8 *That Council prepare appropriate Development Control Plan provisions and amend Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.*
- 9 *That Council request DP&E to modify the East Wadalba Land Release Area Gateway Determination to enable 145 Johns Road Wadalba proceed as a site specific planning proposal.*
- 10 *That Council consider a further report on the results of the community and agency consultation.*

ORDINARY MEETING HELD 10 DECEMBER 2014

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

- 1372/14 *That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, WLEP pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979 (generally in accordance with Attachment 1).*
- 1373/14 *That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.*
- 1374/14 *That Council require, subject to the "Gateway Determination" that the landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.*
- 1375/14 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.*
- 1376/14 *That Council enter into a Voluntary Planning Agreement (VPA) which will require:*
 - a *Dedication and rehabilitation of wildlife corridor land on terms*

acceptable to Council.

- b Dedication of land at no cost for the realignment of Johns Road*
- c Funding of commissioning, maintenance and decommissioning of a temporary sewer pump station by the proponents to service the development.*

1377/14 *That Council authorise the General Manager (or delegate) to negotiate and execute all documentation in relation to the finalization of the VPA.*

1378/14 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*

1379/14 *That Council prepare appropriate Development Control Plan provisions and amend Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.*

1380/14 *That Council request DP&E to modify the East Wadalba Land Release Area Gateway Determination to enable 145 Johns Road Wadalba proceed as a site specific planning proposal.*

1381/14 *That Council consider a further report on the results of the community and agency consultation.*

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

AGAINST: NIL

BACKGROUND

The site is a single lot, and is zoned RU6 - Transition under WLEP 2013.

Council at its meeting held 28 August 2013, resolved unanimously on the motion of Councillor Best and seconded by Councillor Vincent:

1095/13 *That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council.*

A Gateway Determination was received for the broader East Wadalba Urban Land Release Planning Proposal on 20 December 2013 (which includes 145 Johns Road, Wadalba). The Department of Planning and Environment (DP&E) advised Council as part of the Gateway Determination, that Council should monitor progress of the East Wadalba Urban Land Release Planning Proposal. DP&E indicated that if delays were encountered a revised

2.3 RZ/1/2013 - Commence Preparation of Planning Proposal at 145 Johns Road, Wadalba (contd)

Gateway Determination to split 145 Johns Road, Wadalba into a separate Planning Proposal may be requested.

Several requests have been made by the owner of 145 Johns Road Wadalba to proceed as a separate Planning Proposal. Council staff declined those earlier requests in order to enable the broader East Wadalba Urban Land Release Planning Proposal the opportunity to commence. As a result of no funding agreement being formalised with WELOG and no formal commencement of East Wadalba Urban Land Release Planning Proposal, Council staff agreed the assessment of the Planning Proposal for 145 Johns Road as a separate planning proposal could proceed.

The land proposed to be rezoned has been identified in the North Wyong Shire Structure Plan (NWSSP) as a green corridor and surrounding areas are proposed for residential. The neighbouring residential land has been identified as a medium term release priority meaning that it is expected that the land will be released before 2027. (See Attachment 2).

The proponent contends that part of the site is suitable for urban development while retaining the western vegetated section in an environmental zone to ensure functionality of the wildlife corridor identified in the NWSSP.

CURRENT STATUS

The Site



Figure 1 - 145 Johns Road Wadalba – 'The Site'

The site is rectangular in shape (See Figure 1), rural residential land uses are located south and east of the site and an approved residential subdivision is located to the west of the site (DA/1082/2011) which also provides a section of the Wadalba Wildlife Corridor adjoining the unformed Louisiana Road to the west. The Wadalba Reservoir is located to the north-west of the site.

Existing development on the site consists of a single storey residential dwelling, a masonry shed and disused poultry sheds. Over 70% of the site has been cleared with some native vegetation returning. Two watercourses cross the site generally in a north south direction with two 900mm twin culverts located along the Johns Road frontage.

The Proposal

This draft Planning Proposal was originally considered by Council on the 28 August 2013 and it was resolved to include the rezoning proposal as part of a broader rezoning proposal for the Wadalba East Urban Land Release Area.

The relationship of the site to the 'East Wadalba Precinct Planning Proposal' is shown in Attachment 3.

The proposal seeks to amend WLEP 2013 by rezoning the site to R2 Low Density Residential and E2 Environmental Conservation through a site specific Planning Proposal.

ISSUES ANALYSIS

The Planning Proposal acknowledges that a number of specialist reports will be required. An overview of the main issues associated with the subject site is provided.

Wildlife Corridor

The site forms a key part of a major wildlife corridor. The corridor connects the Wadalba Wildlife Corridor (WWC) to Tacoma/Tuggerawang Wetlands. This wildlife corridor is identified in the NWSSP and Wadalba Corridor Plan of Management (See Attachment 2). The applicant has outlined their preferred position for the corridor. Council's Senior Ecologist – Property Management has reviewed the proposal and has recommended some adjustments to the proposed position of the E2 Environmental Conservation Zone boundary to improve connectivity outcomes. It is apparent that a portion of the site has urban development potential, however, further consultation will need to occur between OEH, Council and the proponent before the final dimensions of the corridor can be agreed. This issue will need to be resolved before public exhibition of the Planning Proposal.

Threatened species and meeting legislative requirements

Some preliminary ecological work has been undertaken by the proponent. Further consultation will be undertaken with OEH to confirm flora and fauna survey requirements to support the rezoning of the land. This will also need to be supported by detailed vegetation and habitat mapping. This program will need to target relevant threatened species listed under Commonwealth and State threatened species legislation.

Management of Corridor Land

Council's Property Management Unit advises that it is agreeable "in principle" to accept the ownership and management responsibility of the extension to the Wadalba Wildlife Corridor over part of the subject land as it represents a logical extension of Council owned land within the Wadalba Corridor.

Council will require the land to be transferred in acceptable condition and that a 10 year maintenance contribution will be required to accompany any land transfer. These details will need to be agreed in a Voluntary Planning Agreement (VPA) to Council's satisfaction.

Land condition will require further assessment but generally require the land to be rubbish and contamination free and less than 30% weed cover. The contribution package would be calculated dependant on the on-ground work required to maintain the land for 10 years so that it doesn't reinfest the other parts of the wildlife corridor with weeds, creating an increased maintenance burden.

Bushfire

The site is classified as "bushfire prone land". Future development will need to adopt appropriate Asset Protection Zones (APZ's) and incorporate these requirements into future street layouts and dwelling setbacks. If APZ's are to be considered they must be outside the corridor lands. An assessment of the proposal against Planning for Bushfire Protection 2006 and the NSW Rural Fire Service will be required.

Contaminated Land Assessment

Given the historic use of the property as a poultry farm a preliminary contaminated land assessment will be required addressing the requirements of SEPP 55 Contaminated Land.

Stormwater Management

The site has two drainage lines (identified blue lines) traversing the site. Council's Team Co-Ordinator Engineering Assessments has advised that a stormwater management plan will be required to ensure that overland flows are appropriately managed and considered in any future development concept to support the Planning Proposal.

Aboriginal Archaeology and European Cultural Heritage

There are some locations within close proximity to the site (within the existing Wadalba Wildlife Corridor) which contain sites identified on the Aboriginal Heritage Information Management System (AHIMS).

A detailed Aboriginal archaeological assessment will be required to be undertaken. This will involve a desktop review of relevant registers, community consultation and broad site assessments in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

Water and Sewer Servicing

The site can be serviced by water.

The current sewer servicing strategy in this location involves the construction of a gravity main to transfer sewage to the proposed lift station south of Johns Road – the lift station is not proposed to be constructed until such time as the surrounding area is developed (as part of the East Wadalaba Land Release Area).

There is potential for this site to be serviced by a temporary sewage pump station (SPS). As this strategy is contrary to Council's Development Servicing Plan for the area all the capital, ongoing operational (including power, maintenance, septicity control) and future decommissioning costs of the SPS and associated rising main must be borne by the developer, with contributions for downstream infrastructure still applicable. No credit will be given for these temporary works to offset sewerage contributions payable.

A potential short term arrangement to service the subject site and the site located to the west (155 Johns Road) with a shared temporary SPS and rising main may provide advantages to the developers for sharing the associated costs.

Road Widening/Realignment

A small area in the south western portion of the site is required to enable the realignment of Johns Road. This will allow removal of the series of curves adjacent to the south western boundaries of the property. The proponent will be required to ensure this land is provided at no cost to Council including the relocation of any services including power poles. Once this area has been defined it will be identified SP2 – Infrastructure (Local Roads) and included on Land Reservation Acquisition Map

Mine Subsidence

The site occurs in a Mine Subsidence District. The Mine Subsidence Board (MSB) will be consulted and any issues raised will be addressed as the Planning Proposal is further developed.

Development Concept

A preliminary Development Concept Plan showing an indicative subdivision pattern will be required demonstrating how the site will be developed. This should be finalised following consultation with government agencies namely OEH and the RFS.

LOCAL PLANS, POLICIES AND STRATEGIES

Wyong Local Environmental Plan 2013

The current site is zoned RU6 – Transition. The proposal will amend Wyong LEP 2013 by creating an R2- Low Density Residential and E2 – Environmental Conservation Protection Zone over the site. Zone and mapping provisions will be created which are consistent with this document.

STATE LEGISLATION, POLICIES, PLANS AND STRATEGIES

Central Coast Regional Strategy and North Wyong Shire Structure Plan

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas. Part rezoning of the site to residential will contribute towards achieving these targets.

The NWSSP was developed to provide a high level land use strategy to guide ongoing development and planning for infrastructure and services in the northern part of Wyong Shire.

The subject site is not located within a future investigation precinct but is located between Precinct 2B and Precinct 3B as provided in the NWSSP. The entire site has been identified as a "Green Corridor" in the NWSSP, (see Attachment 2). The rezoning proposal makes a partial contribution to providing the corridor. Further discussions will need to occur between Council and OEH following detailed flora and fauna studies to agree on final dimensions of the corridor.

Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 4 of this report. The proposal is considered to be consistent with the applicable Section 117 Directions, subject to the outcomes of a number of further investigations. The proposal is considered to be reasonably compliant with inconsistencies likely to be justified by future reports.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs) as follows:

- SEPP 44 – Koala Habitat
- SEPP 55 – Contaminated Land

It is considered that the proposal is generally consistent with the aims and objectives of the requirements of the above SEPPs. Assessment of the proposal against the relevant SEPPs is detailed in Attachment 5.

OPTIONS**Option 1: Proceed to Gateway Determination as a standalone Planning Proposal - Recommended**

It was initially resolved by Council to include the rezoning for 145 Johns Road, Wadalba into the broader Wadalba East Urban Land Release Planning Proposal as both rezonings were in the process of being assessed by Council. However, progress with the broader precinct rezoning for the Wadalba Urban Release Area appears to have stalled and Council has been unable to progress the rezoning past the point of Gateway Determination stage. Agreement has not yet been reached on funding studies and payment of Council's rezoning fee with the proponent.

The owner of 145 Johns Road, has requested that Council separate the site from the broader precinct rezoning process and proceed with it as a site specific rezoning. This option has been requested due to delays with the broader precinct rezoning process. The subject site adjoins existing corridor/residential areas (See Attachment 3) and could readily be excluded from the Wadalba East Rezoning process.

A VPA will be required at an early stage to ensure the dedication at no cost to Council, dedication of property for the realignment of Johns Road and ensuring the costs of commissioning, decommissioning and maintenance of a temporary sewer pump station are borne by the proponent.

In order to facilitate development outcomes in accordance with the CCRS and deliver the wildlife corridor this is the preferred option.

Option 2 - Continue to incorporate the Planning Proposal RZ/1/2013 with the Wadalba East Urban Land Release Planning Proposal – Not Recommended

Continued inclusion of 145 Johns Road, Wadalba within the Wadalba East Urban Land Release rezoning could provide for more co-ordinated management of issues such as flora and fauna, transport and sewer servicing. However, this would only make sense if funding arrangements were in place to fund and further progress the project. Given the delays experienced to date this option is not recommended.

Option 3 – Defer for an additional 3 months - Not Recommended

The proponent has been waiting to progress this Planning Proposal for approximately 18 months. It is considered unreasonable to delay this project by a further 6 months by continuing to link it to the East Wadalba Urban Link Release Planning Proposal that has yet to commence.

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan**

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Long term Financial Strategy and Asset Management Strategy

Council will require the final agreed portion of the wildlife corridor to be transferred to Council in an acceptable condition and that a 10 year maintenance contribution will be required to accompany any land transfer.

The site will require the construction, ongoing operation / maintenance and decommissioning of a temporary pump station to service the land. The full costs of which will be borne by the proponent.

These outcomes will be secured through a VPA.

GOVERNANCE AND POLICY IMPLICATIONS

Refer to discussion relating to Local Plans, Policies and Strategies

MATERIAL RISKS AND ISSUES

The assessment of the proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices. This assessment is considered to fulfil Council's requirements under Section 733 of the *Local Government Act 1993*.

BUDGET IMPACT

There are no immediate budget impacts. The proponent will be funding the assessment of the rezoning and will be required to enter into a funding agreement.

CONSULTATION

The proposal was referred to a cross section of Council staff representing:

- Ecology;
- Transport/Accessibility;
- Wastewater/Sewer;
- Property Development
- Developer Contributions;
- Service Infrastructure; and
- Social Planning.

Comments received have informed the assessment of the proposal and the need for any additional investigative studies.

CONCLUSION

The proposed rezoning has merit and could assist with the achievement of a strategic wildlife corridor linkage at Wadalba. Due to the delays in progressing the broader Wadalba East Urban Land Release Planning Proposal (which the current rezoning forms a part), it is considered appropriate for the rezoning to be separated from this process and considered as a standalone Planning Proposal, subject to the proponent meeting the full costs of the rezoning process and addressing the matters raised in this report.

ATTACHMENTS

1	Amended Wadalba East LEP 2013 Zone Map	D11782456
2	Relationship of site to NWSSP - Map	D11763203
3	Relationship of RZ/1/2013 to Wadalba East Precinct Rezoning - Map	D11784065
4	Section 117 Ministerial Directions Assessment RZ 1/2013	D11763234
5	State Environmental Planning Policy Assessment RZ/1/2013	D11763236

02(d)

Council Report and Minutes

23 September 2015

**Revision of Planning Proposal for East
Wadalba Urban Land Release Area**



**Wyong
Shire
Council**

2.1 RZ/2/2013 - Revision of Planning Proposal for East Wadalba Urban Land Release Area (Precincts 2A and 2B in the North Wyong Shire Structure Plan)

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

- 989/15 That Council note the landowner group's request to revise the WELOG project boundary to only include Precinct 2A and 2B of the North Wyong Shire Structure Plan and as such rescind resolutions 1097/13 to 1104/13 which also applied to land within Precinct 3B,
- 990/15 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 for land within Precincts 2A and 2B as shown in the North Wyong Shire Structure Plan and submit this to the Department of Planning and Environment.
- 991/15 That Council seek a revised gateway determination from the Department of Planning and Environment with 18 months to finalise the planning proposal to be requested.
- 992/15 That Council require, subject to the gateway determination, the applicant/landowner consortium submit a Wyong LEP 2013 Amendment Request in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 993/15 That Council undertake community and government agency consultation, in accordance with the requirements attached to the gateway determination.
- 994/15 That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:
- a Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 995/15 That Council reach an "in principle" agreement on Item 6 between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.
- 996/15 That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the "principle of no additional cost to government").
- 997/15 That Council prepare appropriate Wyong Development Control Plan provisions to guide the development of Precincts 2A and 2B – East Wadalba and exhibit these concurrently with the planning proposal.

998/15 ***That Council advise the landowners within precincts 2A, 2B, and 3B of the resolution and next steps for the proposal.***

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT
TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

2.1 RZ/2/2013 - Revision of Planning Proposal for East Wadalba Urban Land Release Area (Precincts 2A and 2B in the North Wyong Shire Structure Plan)

TRIM REFERENCE: RZ/2/2013 - D12057182

MANAGER: Tanya O'Brien, Manager

AUTHOR: Scott Duncan, Section Manager

SUMMARY

A request has been received from the Wadalba East Land Owners Group (WELOG) to reduce the size of the existing planning proposal so as to align with those landowners who are contributing financially to the project. The proposed amended boundaries for the proposal are supported as they align with likely infrastructure delivery.

This report recommends that the revised study area boundaries be endorsed and that a revised gateway determination be sought from the Department of Planning and Environment.

Real Description:	Precincts 2A, 2B as shown in the NWSSP (also known as East Wadalba)
Street Address:	Various properties in Johns Rd, Jensen Rd, Pollock Ave and Warner Ave, Wadalba (also includes small amount of land in Wyong and Tacoma)(see study area boundary in Attachment 1)
Applicant:	ADW Johnson
Owner/s:	40 landowners (many of which are being represented by Wadalba Landowners Lobby Group and ADW Johnson)
Site Area:	143 Hectares
Current Zoning:	RU6 Transition, E2 Environmental Conservation and E3 Environmental Management
Proposed Zoning	Combination of R1 General Residential, R2 Low Density Residential and E2 Environmental Conservation zones
Current Land use:	Non-intensive animal agriculture (grazing) and hobby farming

The combined value of investment created by the modified rezoning is estimated to be in the vicinity of \$500 million and will yield an estimated 1,200 residential lots.

RECOMMENDATION

- 1 That Council note the landowner group's request to revise the WELOG project boundary to only include Precinct 2A and 2B of the North Wyong Shire Structure Plan and as such rescind resolutions 1097/13 to 1104/13 which also applied to land within Precinct 3B,***

- 2 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 for land within Precincts 2A and 2B as shown in the North Wyong Shire Structure Plan and submit this to the Department of Planning and Environment.
- 3 That Council seek a revised gateway determination from the Department of Planning and Environment with 18 months to finalise the planning proposal to be requested.
- 4 That Council require, subject to the gateway determination, the applicant/ landowner consortium submit a Wyong LEP 2013 Amendment Request in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 5 That Council undertake community and government agency consultation, in accordance with the requirements attached to the gateway determination.
- 6 That Council authorise the Chief Executive Officer (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:
 - a Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 7 That Council reach an "in principle" agreement on Item 6 between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.
- 8 That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the "principle of no additional cost to government").
- 9 That Council prepare appropriate Wyong Development Control Plan provisions to guide the development of Precincts 2A and 2B – East Wadalba and exhibit these concurrently with the planning proposal.
- 10 That Council advise the landowners within precincts 2A, 2B, and 3B of the resolution and next steps for the proposal.

A request has been received from ADW Johnson (who are representing WELOG) to revise their original planning proposal. WELOG have confirmed they are now seeking to advance the early release (rezoning) of land in Precincts 2A and 2B as shown in the North Wyong Shire Structure Plan (See Figure 1). This is a reduced study area as the previous proposal also sought rezoning of Precinct 3B.



- 29 -

BACKGROUND

The original rezoning proposal was considered by Council on 28 August 2013. Council resolved the following:

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

- 1096/13 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.
- 1097/13 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a “Gateway Determination”, pursuant to Section 56 of the EP & A Act, 1979.
- 1098/13 That Council require, subject to the “Gateway Determination,” the applicant/landowner consortium enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 1099/13 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 1100/13 That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”.
- 1101/13 That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:
- a. Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b. Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 1102/13 That Council reach an “in principle” agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.

- 1103/13 *That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the “principle of no cost to government”).*
- 1104/13 *That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.”*

A gateway determination was received on 20 December 2013 which established the government agencies to be consulted and emphasised that State infrastructure should be provided under the principle of ‘no additional cost to Government’. It was also emphasised that Council and the proponent will need to liaise with the Department of Planning and Environment to ensure appropriate infrastructure scoping, costing and funding. Consultations with the relevant State authorities were undertaken in early 2014 and further discussions regarding infrastructure are required.

The gateway determination specified an 18 month time period for the plan to be finalised (ie 20 June 2015). As this has since expired, an extension needs to be sought with the Department of Planning and Environment when a revised Gateway Determination is sought.

In order to progress the rezoning, a number of reports (as outlined in the Gateway Determination) and payment of rezoning fees are required. Agreement of the mechanism for landowners funding of State and local government infrastructure and services to support the increased population is also required.

For a number of months WELOG have been considering options to revise the study area to better reflect those landowners who are financially contributing, and to progress a consolidated and serviceable rezoning outcome. The original and revised study area boundaries are shown in Figure 2.

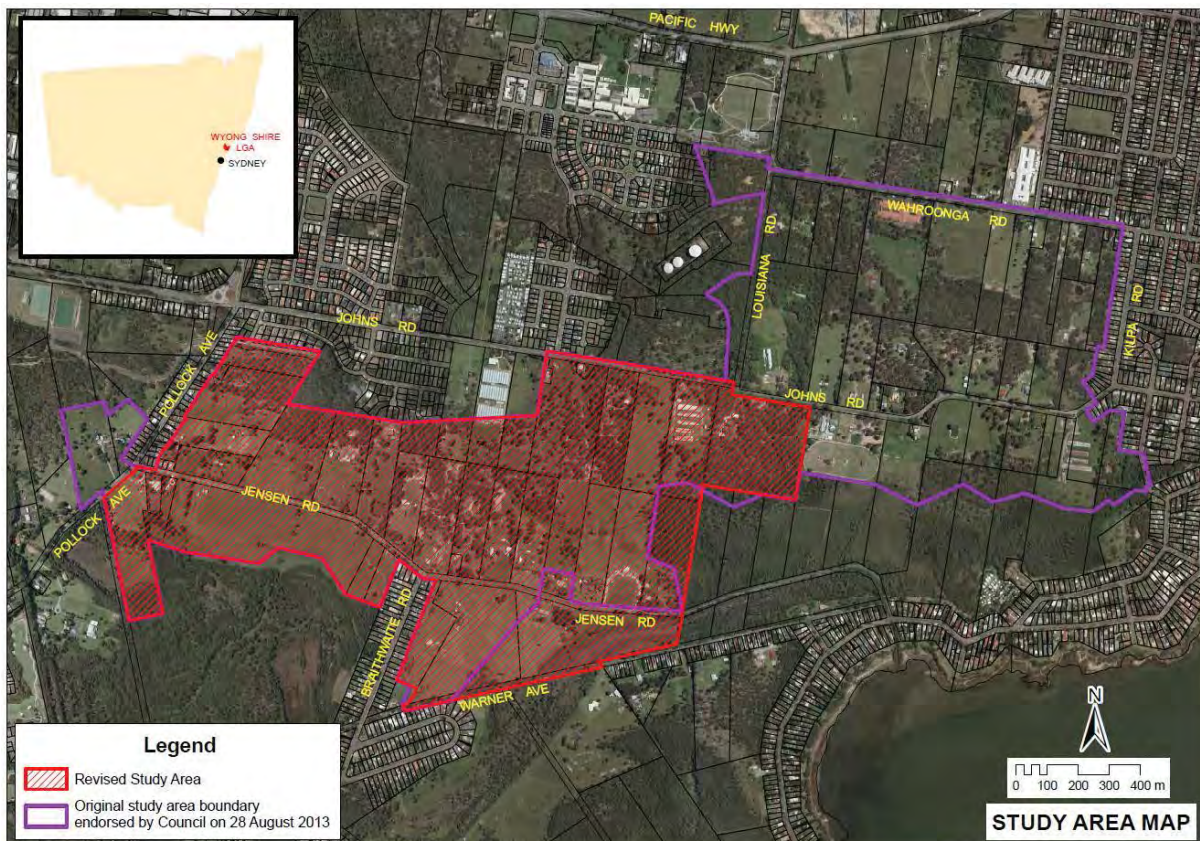


Figure 2- Study boundary areas (WELOG currently propose to progress the area shown hatched in red)

In addition, the matter was also considered on 4 February 2015 at the Employment and Economic Development Committee. The Committee resolved as follows:

“RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

- 1 That the Committee defer this matter until the Wadalba East Landowners Group submits an amended planning proposal.*
- 2 That the Committee further note that the original resolution of Council to progress this to gateway determination was on the basis that all costs be borne by the proponents/ landowners, in accordance with State Government direction.*
- 3 That the Committee request this matter be reported back to the Committee on receipt of a revised planning proposal from the Wadalba East Landowners Group and consideration by staff.”*

A further report was considered on 2 September 2015 at the Employment and Economic Development Committee. The Committee resolved as follows:

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

That the Committee note the revised WELOG project boundary which with the reduced area is anticipated to yield 1,200 residential lots in addition to Environmental Protection Lands.”

WELOG requested Council to consider the modified study area boundaries and to seek extension of the gateway determination timeframe for a further 18 months. Following assessment of the revised proposal, Council staff subsequently met with representatives of WELOG and discussed procedural processes for modifying the rezoning, conducting technical studies and managing the project.

WELOG also requested the option of paying a lump sum rezoning fee. Council staff reiterated that Council's rezoning fees are paid as per Council's Planning Proposal Procedure and the hourly rates provided in the WSC Strategic Plan 2013-2017. WELOG has been provided with an estimate of Council's rezoning fees which are likely to be charged based on the size and complexity of the project (which are estimated to be in the vicinity of \$150,000-\$200,000 from this point forward). The estimate is based upon comparable rezoning projects of similar scale.

REVISED PLANNING PROPOSAL

The proposed rezoning study area has been reduced in size in order to reduce the cost of the supporting studies (eg flooding, ecology, traffic and infrastructure etc) that are being funded by WELOG and to reflect funding commitments from landowners residing in the study area.

The original rezoning was expected to create approximately 1700-2050 residential lots and the revised proposal will result in approximately 1,200 residential lots. A map showing the original study area and the revised one is shown in Attachment 1.

The proposed development is expected to result in the following outcomes:

- Expected lot yield of approximately 1,200 residential lots
- Create a mix of housing by creating opportunities for small lot housing developments in suitable locations.
- Secure conservation lands to extend the Wadalba Wildlife Corridor to ensure that it can be connected to the Tacoma Wetlands.
- Create a network of local parks, pedestrian pathways and cycleway links to service the new community and connect to adjoining areas
- Clear urban structure with legible and connective road pattern
- Road and pedestrian linkages to major roads and public transport routes.
- Provide the necessary infrastructure to service the new development (e.g. water, sewer, road upgrades).

The revised study area boundaries are reflective of the development precincts shown in the NWSSP and reflect a logical infrastructure staging strategy running from west to east (see Figure 1).

A Concept Master Plan was originally developed by ADW Johnson which provides for the protection of conservation areas and retention of floodprone and drainage lines across precincts 2A, 2B and 3B which were previously being considered (refer to Attachment 2). The current planning proposal is to be consistent with the concept master plan originally proposed by the applicant. An extract of the relevant portion is shown in Figure 3.

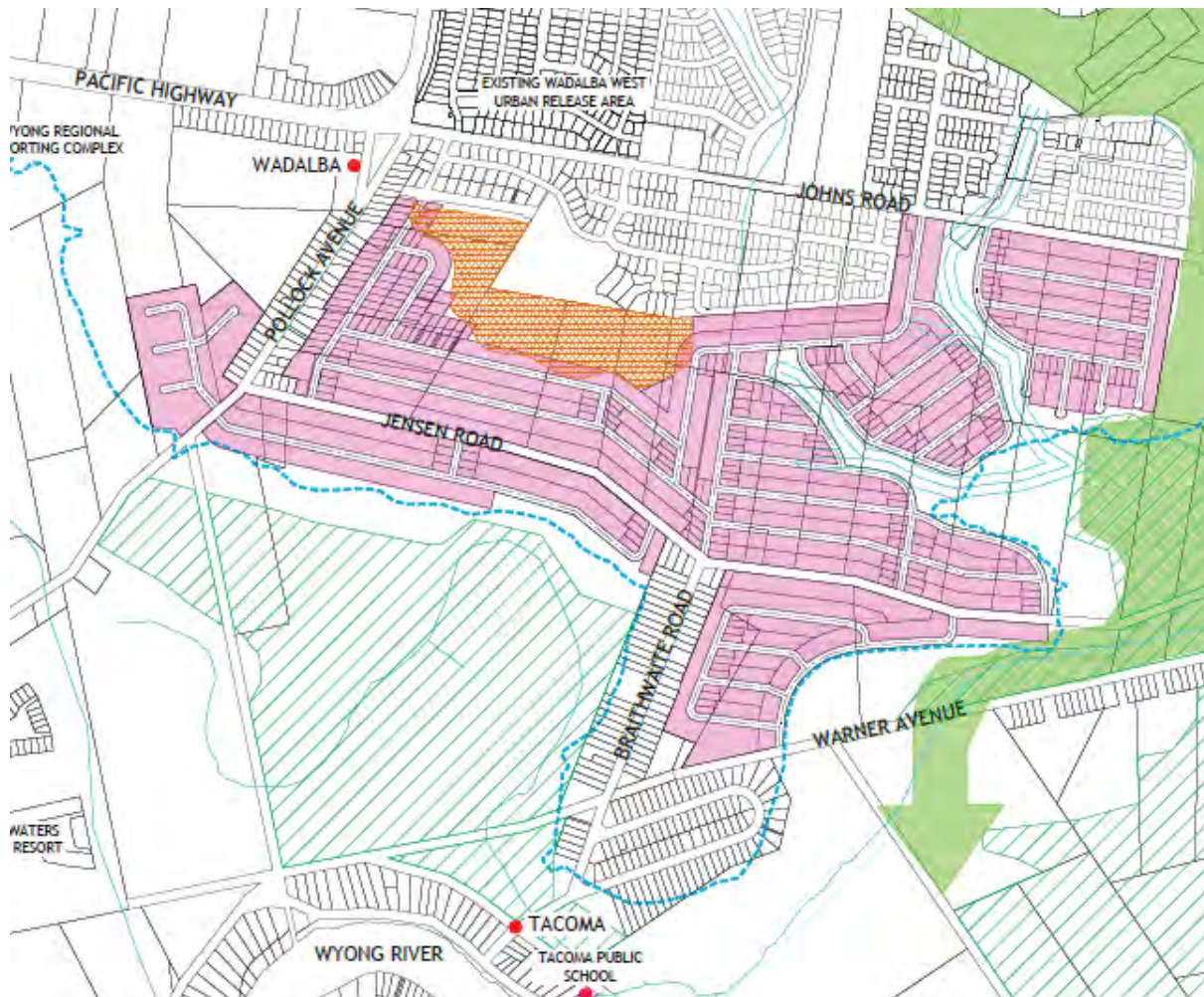


Figure 3- Extract of relevant portion of the concept masterplan developed by applicant

The project will also allow for the extension of the Wadalba Wildlife Corridor to connect to Tacoma wetland areas to the south of Johns Road to provide for a continuous, protected habitat link. This is consistent with the environmental protection outcomes established by Council's Wadalba Wildlife Corridor Management Plan which was endorsed by the Office of Environment and Heritage (OEH).

PLANNING ISSUES

Council previously conducted an assessment of the main planning issues, servicing and legislative requirements when the original planning proposal was assessed by Council on 23 August 2013. A copy of this report is provided in Attachment 4.

The revised planning proposal does not raise any additional issues which have not previously been addressed in the original 23 August 2013 Council report. The revision simply reflects a reduction in the size of the study area.

The exact boundaries of environmental areas, road patterns, floodways will need to be refined and verified by technical studies, feedback from Council and Government agencies through the rezoning process. It also expected that areas of medium density housing (future R1-General Residential zone) will also be identified through the development of the supporting structure plan/masterplan for the project in appropriate locations.

Technical Studies

A number of technical studies will need to be conducted to provide the required level of documentation to support the proposal. An indicative list of reports to support the planning proposal is provided below.

1. Funding agreement (including examination of different funding models) to enable landowners to fund Council and State Government infrastructure. This will be based on a *"principle of no additional cost to government"*.
2. Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
3. Services Review (gas, telecommunications, electricity provision etc.)
4. Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy)
5. Flood and drainage studies
6. Open space and recreation analysis
7. Visual impact analysis
8. Social Impact Assessment
9. Preliminary Contaminated Land Study
10. Acid sulphate soil risk analysis on low lying parts of the site
11. Noise assessment for main road frontages
12. Aboriginal archaeological assessment
13. Integrated Water Cycle Management (IWCM) Strategy
14. Traffic report (which will also examine public transport, pedestrian and cycleway planning issues)
15. Structure Plan, Urban design principles and draft Development Control Plan
16. Draft Voluntary Planning Agreement and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted).
17. Updated planning proposal and zone provisions (rezoning)

Council will have input to define the scope of work and be involved in the review of the reports to ensure that they meet legislative, community, Council and State government requirements.

Precinct 3B

As discussed above, the revised planning proposal applies to Precincts 2A and 2B identified in the NWSSP. The proposal removes Precinct 3B from this rezoning. As a result, land in Precinct 3B will retain its existing zoning until a separate rezoning proposal is initiated for that area.

Precinct 3B is shown as a medium term priority like Precincts 2A and 2B under the NWSSP (meaning that it could be rezoned before 2027). In the future if sufficient interest exists amongst the landowners in Precinct 3B, an opportunity might exist to commence the rezoning of this area as the next stage to the WELOG proposal. This would be subject to Precinct 3B landowners funding the necessary supporting studies, infrastructure investigations and payment of rezoning fees for this to occur.

NEXT STEPS

In order to progress the planning proposal Council's endorsement to reduce the size of the study area is sought. Council will also seek a revised gateway determination from the Department of Planning and Environment to reflect the smaller study area and a further 18 months to complete the project. A copy of the Draft LEP Map for the revised planning proposal is shown in Attachment 3. As discussed above the boundaries are to be confirmed in line with the background reports.

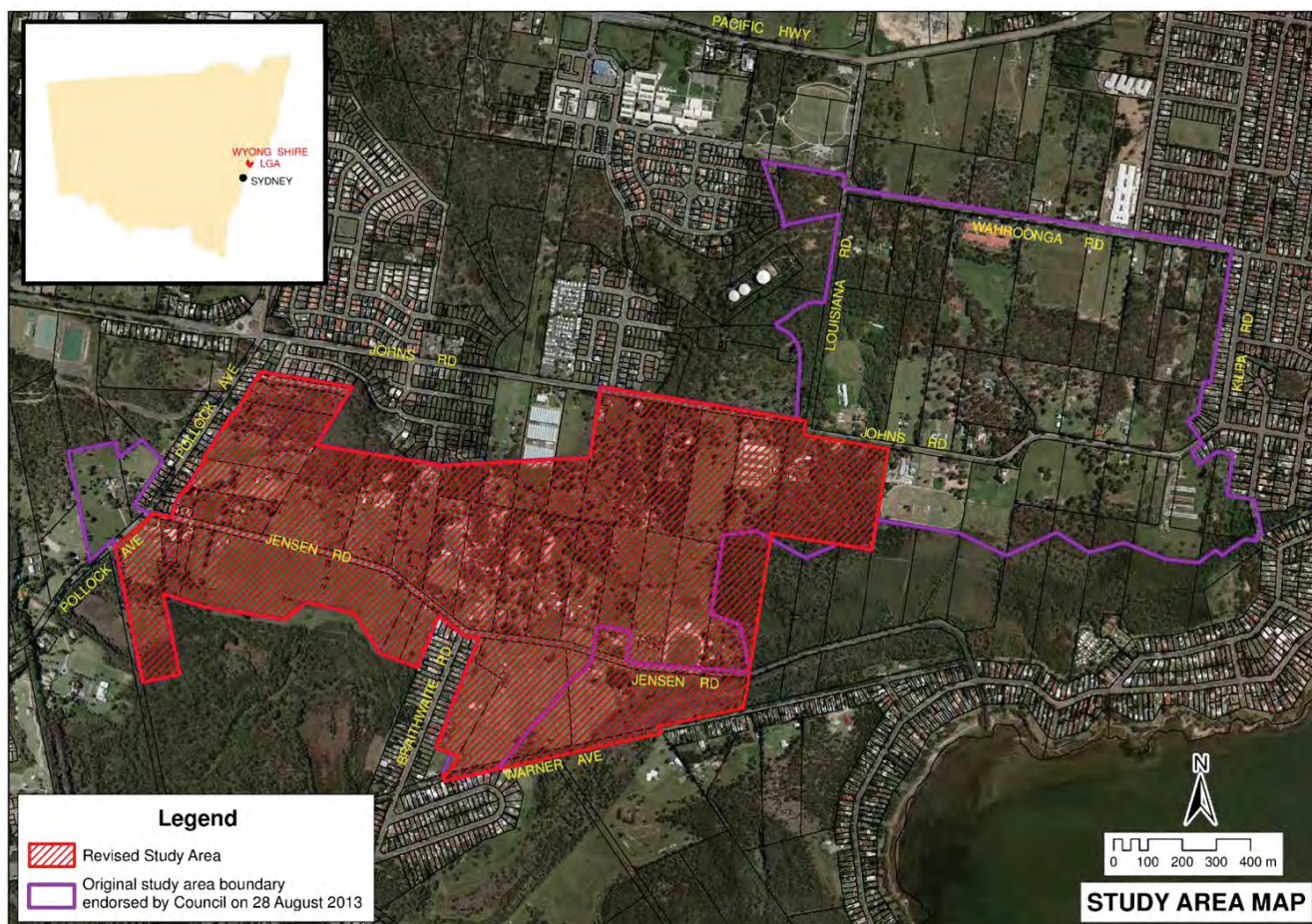
Council will also write to landowners to ensure that they are aware of the revised proposal and the next steps including the future opportunity to provide comment during the public exhibition period.

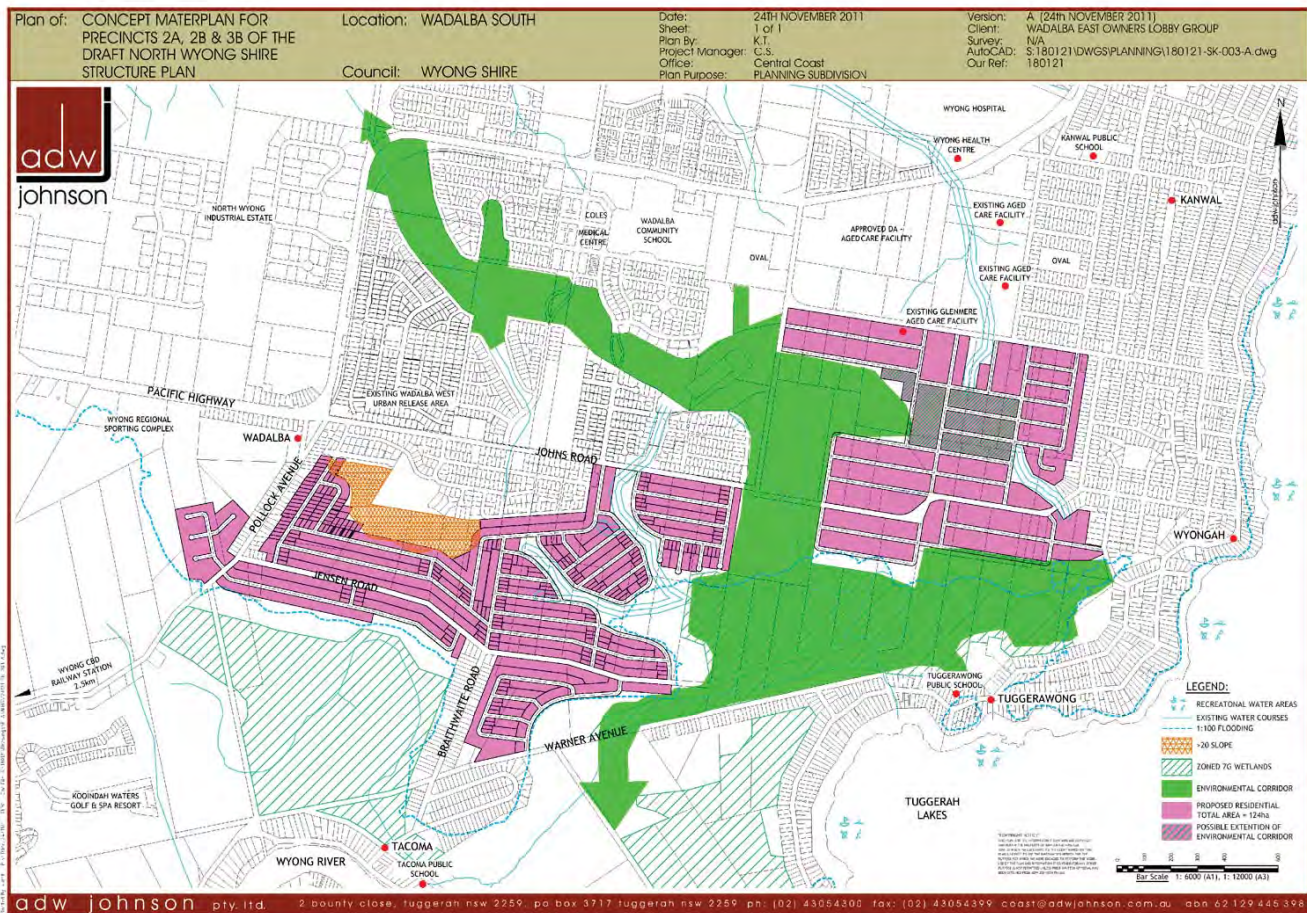
CONCLUSION

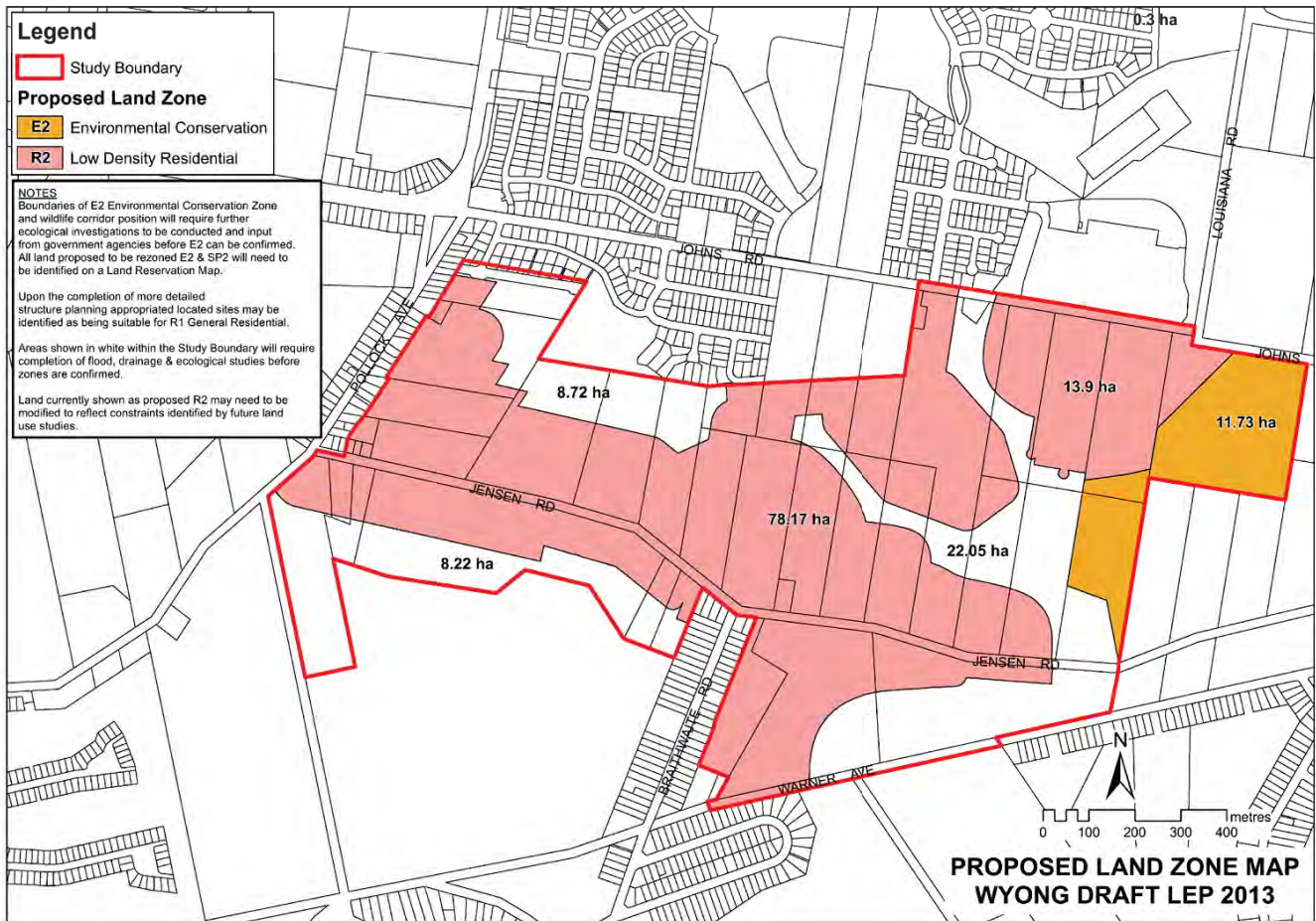
Council has received a request from WELOG to reduce the size of the existing planning proposal so as to align with those landowners who are contributing financially to the project. The proposed amended boundaries are supported as they align with likely infrastructure delivery. In order to progress the planning proposal a revised gateway determination and further 18 month time extension will be requested from the Department of Planning and Environment.

ATTACHMENTS

1	Wadalba East Locality Plan	D12049243
2	Original Concept Masterplan proposed by ADW Johnson (May 2013)	D03604713
3	Wadalba East (Proposed Zone Map)	D12049246
4	Council Report for Wadalba East Urban Land Area 23 August 2013	D03604351







28 August 2013

Director's Report

To the Ordinary Council Meeting

Land Management Department

3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release

TRIM REFERENCE: RZ/2/2013 - D03604351

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Scott Duncan; Senior Strategic Planner

SUMMARY

This report seeks Council's endorsement to commence the rezoning for Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan. The combined value of investment created by this rezoning is estimated to be in the vicinity of \$750 million and will generate significant employment in the local construction industry. It is estimated that the site will also yield 1710-2050 residential lots.

An assessment of the proposal has been undertaken, which identifies that the concept has merit 'in principle', and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Infrastructure (DP&I) for a "Gateway" determination.

Real Description:	Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan (also known as East Wadalba)
Street Address:	Various
Applicant:	ADW Johnson
Owner/s:	Various landowners represented by Wadalba Landowners Lobby Group
Site Area:	241 Hectares
Current Zoning:	1(c) Non Urban Constrained Lands Zone, 6(b) (Regional Open Space and Recreation Zone, 7(c) Scenic Protection Small Holdings Zone), 7(g) (Wetlands Management), 10(a) Investigation Precinct Zone.
Current Land use:	Non-intensive animal agriculture (grazing) and hobby farming

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.
- 2 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.

- 3 That Council require, subject to the “Gateway Determination,” the applicant/landowner consortium enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 5 That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”.
- 6 That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:
 - a. Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b. Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 7 That Council reach an “in principle” agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.
- 8 That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the “principle of no cost to government”).
- 9 That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.

ORDINARY MEETING HELD ON 28 AUGUST 2013

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

- 1096/13 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.
- 1097/13 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a “Gateway Determination”, pursuant to Section 56 of the EP & A Act, 1979.
- 1098/13 That Council require, subject to the “Gateway Determination,” the applicant/landowner consortium enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.

- 1099/13** That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 1100/13** That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”.
- 1101/13** That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:
- a. Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b. Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 1102/13** That Council reach an “in principle” agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.
- 1103/13** That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the “principle of no cost to government”).
- 1104/13** That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.

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

AGAINST: NIL

BACKGROUND/CURRENT PROJECT STATUS

The land proposed to be rezoned has been identified for future residential development in Council’s Residential Development Strategy and Settlement Strategy. The land is also identified in the North Wyong Shire Structure Plan as proposed residential with a medium term release priority (meaning that it is expected that the land will be released before 2027).

ADW Johnson is representing a group of landowners (Wadalba Landowners Lobby Group) in the study area who are seeking to advance the early release of land in Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan.

In an attempt to positively influence the production of housing, particularly within identified growth areas, the NSW State Government has created a new program called the “Potential Home Sites Program”. The aim of the program is to fast track the production and delivery of housing, particularly within identified growth areas of the state.

On 12 August 2011 the NSW Minister for Planning and Infrastructure created the "Potential Home Sites Program" and asked for landowners to nominate large sites (>100 Hectares) which could be developed for housing within 3 years. Of a total of 43 landowner submissions received by DP&I, one submission was lodged within the Wyong Shire by the Wadalba Landowners Group.

The Wadalba East area was subsequently brought to the attention of the Minister and DP&I with a formal submission made by 29 November 2011 on behalf of the Wadalba Lobby Group. In April 2012, DP&I released a short list of nominated Potential Housing sites, which included the Wadalba East Site.

As part of the review, the Minister invited Council to comment on the Wadalba land owner's submission. On 22 February 2012, Council:

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

- 1 That Council acknowledge that the Wadalba East Precinct is already incorporated in Council's Residential Development Strategy and draft Wyong Shire Settlement Strategy with master planning to commence following completion of Precinct 7A.*
- 2 That Council note that the current time line for the development of the Wadalba East Precinct is "in the medium term" as established by direction from the Department of Planning and Infrastructure.*
- 3 That Council advise the Minister for Planning and Infrastructure that it supports the identification of the Wadalba East Precinct as part of the Potential Home Sites Program subject to the following:*
 - a Council not being responsible for the cost of the public infrastructure required to support the development; that such infrastructure should include both hard infrastructure, the roads water and sewer and drainage and soft infrastructure which includes open space, community facilities and environmental corridors.*
 - b Council being responsible for managing the rezoning process (at the applicant's cost);*
 - c The community being fully engaged as part of the rezoning process;*
 - d Performance requirements being placed on the developer (i.e.; by way of a "sunset clause" or other means) to ensure that the production of lots proceeds within the Government's timeframe. (ie, 3 years); and*
 - e Early agreement being reached between the proponents, government and Council regarding not only the range of infrastructure to be provided, but also the cost, timing and responsibility for funding and provision of that infrastructure.*
- 4 That Council acknowledges that the Wadalba East Precinct would support the Wyong Town Centre business, recreation and public amenities that already exist.*

FOR: Councillors Best, Eaton, Graham, Matthews, McBride,
McNamara, Symington, Vincent and Wynn
AGAINST: Nil

- 5 That Council direct the General Manager to approach the Minister for Planning and Infrastructure proposing that its current priority program for housing development be extended to apply to the fast tracking of employment land within North Wyong.

FOR: Councillors Best, Graham, Matthews, McBride, McNamara,
Symington, Vincent and Wynn
AGAINST: Nil

Following a review of these potential sites the DP&I advised Council on 20 March 2013 that 29 large sites had been reviewed in the Sydney Region under the program. Through this program, the Government has supported the immediate action to progress 7 nominated sites (which included the Wadalba East site) and to investigate a further 13 sites through upcoming strategic plans.

The Wadalba Landowners Lobby Group have been encouraged to continue discussions with Council to implement the release of the land in accordance with the North Wyong Shire Structure Plan, including the option for accelerated release. A key principle for accelerated release is the “principle of no cost to government”. Through this program, landowners will be required to enter into an agreement to pay for infrastructure. The DP&I has indicated that new development through the “Potential Home Sites Program” will need to establish the necessary supporting infrastructure before the sites are allowed to be subdivided.

ADW Johnson on behalf of the Wadalba Landowners Lobby Group lodged a Planning Proposal with Council to commence the rezoning process. Assessment of this rezoning application commenced when the rezoning fee was paid on 14 June 2013.

STUDY AREA

The site comprises approximately 241 hectares covering over 85 different parcels of land under different ownership (See Attachment 1). The land is predominantly zoned 10(a) (Investigation Precinct Zone) under Wyong Local Environmental Plan 1991. Under the Draft Local Environmental Plan 2012, the study area is predominantly zoned RU6 Transition and E2 Environmental Conservation (See attachment 2).

The study area is generally characterised by large rural holdings and hobby farms in the south east corner of the study area. The study area is also bisected by habitat corridors linking Wadalba Wildlife Corridor to the Tacoma/Tuggerawong Wetlands.

A constraints map has been prepared by ADW Johnson which provides a first cut analysis of areas affected by flooding, conservation corridors and steep slopes in excess of 20% (see Attachment 3). The constraints analysis will be refined with further input from specialist reports (e.g. ecological, flooding, archaeological etc).

PLANNING PROPOSAL

The site has been identified as being suitable for residential growth within the North Wyong Shire Structure Plan ("NWSSP") which was adopted by the NSW State Government in October 2012 (See Attachment 4). This NWSSP provides the framework to accommodate the population and dwelling targets set within the Central Coast Regional Strategy. The NWSSP also highlights important linkages which will affect the future planning of new urban areas green corridor and habitat networks.

The proposed rezoning will need to accommodate these linkages in the final development footprint. A Concept Master Plan accompanies this proposal which provides for the protection of areas with conservation values and continues the urban structure with existing settled areas (refer to Attachment 5). The exact boundaries of environmental areas and the concept plan will be further refined by technical studies, feedback from Council and Government agencies through the rezoning process.

A first cut analysis has been undertaken by the ADW Johnson and suggests that there is approximately 182 Ha of constraint free land exists and will be suitable for residential development.

Key features of the proposal are as follows:

- Expected yield of between 1710 to 2050 residential lots.
- Incorporate wildlife corridor linkage connecting Wadalba Wildlife Corridor to Tacoma/Tuggerawong Wetland.
- Mixture of lot sizes will be provided which will provide housing choice for local market.
- Opportunities will be explored to provide some small lot developments (<200m²) in locations with suitable topography. This will deliver to a large market base and will provide opportunities for the lower and very price sensitive market segment.
- Development is proposed to be staged from Pollock Avenue and land will be released in stages from west to east.

STUDY PROCESS

A number of technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land.

An indicative list of reports to support the Planning Proposal is outlined below.

1. Funding agreement (including examination of different funding models) to enable landowners to fund Council and State Government infrastructure. This will be based on a "*principle of no cost to government*".
2. Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
3. Services Review (gas, telecommunications, electricity provision etc.)
4. Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy)
5. Flood and drainage studies
6. Open space and recreation analysis
7. Visual impact analysis
8. Social Impact Assessment

9. Preliminary Contaminated Land Study
10. Acid sulphate soil risk analysis on low lying parts of the site
11. Noise assessment for main road frontages e.g. Pacific Highway
12. Aboriginal archaeological assessment
13. Integrated Water Cycle Management (IWCM) Strategy
14. Traffic Report (which will also examine public transport, pedestrian and cycleway planning issues)
15. Structure Plan, Urban Design principles and draft Development Control Plan
16. Draft VPA and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted).
17. Updated Planning Proposal/Planning Controls (rezoning)

The detailed scope of works statements will be prepared by the applicant upon receipt of a Gateway Determination with input from Council staff and relevant Government agencies.

Council staff will provide a review role on all technical studies to ensure that all relevant issues and community concerns are addressed.

Council will require the applicant (who will work on behalf of the Wadalba Landowners Lobby Group) to enter into a Funding Agreement to ensure that Council staff costs are recovered as per Council's Planning Proposal Policy Procedure. Council will also develop a work program in consultation with the applicant with project milestones and timeframes which all parties will work towards.

Not all landowners in the study area are members of the Wadalba Landowners Lobby Group. Council will require funding arrangements to be entered into with an entity with legal authority to represent the landowners.

KEY ISSUES

A Planning Proposal submission was prepared by ADW Johnson which outlines relevant planning issues (see Enclosure1). This document acknowledges that a number of specialist reports will be required to further progress the development of this rezoning proposal.

The main issues are outlined below, these and other issues will be expanded upon and informed as further technical studies are done to the further develop the Planning Proposal.

Flooding and Stormwater

A Flood and Drainage Study will be required to support the proposal. This will need to examine overland flooding impacts and drainage corridors will need to be identified to a 1% Annual Exceedence Probability (AEP) (with appropriate freeboard buffer). These areas will need to be zoned appropriately to ensure that drainage flow paths are not blocked.

Suitable measures will also be required to prevent future residents driving west along Pollock Avenue during heavy rains (ensuring flood free access).

Stormwater management investigations will be undertaken and should include a review of existing creeks and watercourses on the site and potential land loss due to riparian zone setbacks. Trunk drainage corridors would be identified and modeling undertaken to provide indicative drainage corridor dimensions.

Due to the proximity of the site to Tuggerah Lake and sensitive wetlands, water quality and management of downstream wetland hydrology will be of critical importance, especially due to the presence of SEPP 14 – Coastal Wetlands downstream. Stormwater modelling and water quality treatment requirements will also need to be undertaken.

Topography

The study area general contains gentle undulating terrain similar to developed portions of Wadalba. There are some ridgelines which have significantly steeper topography. One of these also contains significant vegetation and forms part of a wildlife corridor linkage and the other contains land with a slope in excess of 20%.

Bushfire

Large areas of the study area are classified as “bushfire prone land”. Future development would need to adopt appropriate Asset Protection Zones (APZ's) and incorporate these requirements into future street layouts and likely setbacks. An assessment of the proposal against Planning for Bushfire Protection 2006, and other relevant guidelines will be required as master plans of the site are developed.

Ecological

The main ecological issues with the proposal are discussed under the following sub-headings.

Wildlife Corridors

A major wildlife corridor runs through the study area which will provide a connection to the Wadalba Wildlife Corridor to Tacoma/Tuggerawong Wetlands. This wildlife linkage is shown in a number of documents e.g. NWSSP, Wyong Shire DCP 2005 - Chapter 13 – Interim Conservation Areas and Chapter 49 – Warnervale East and Wadalba North West Urban Land Release Area. The exact placement and dimensions of this corridor will need to be examined as part of this rezoning proposal.

Council is also in receipt of another Planning Proposal on 145 Johns Road, Wadalba (RZ/1/2013) which is located within a green corridor and conservation link as shown in the North Wyong Shire Structure Plan (See notation in Attachment 1 for location of RZ/1/2013). As this rezoning proposal is located in the middle of the study area, it is recommended that this site be incorporated into a precinct based rezoning process as opposed to a spot rezoning process. This rezoning proposal requires the resolution of a number of strategic issues, namely optimal provision of infrastructure, positioning boundaries of wildlife corridors on adjoining sites and development of precinct based environmental offset strategy (biodiversity certification) to provide development certainty in future urban zones. Council will attempt to find some way of achieving a partial development outcome on this site and adjoining sites, in order to achieve some equity of development and conservation outcomes through a precinct based rezoning process.

Threatened species and meeting legislative requirements

A targeted flora and fauna survey will need to be conducted to inform the rezoning process. This will also need to be supported by detailed vegetation and habitat mapping. This program will need to target relevant threatened species listed in Commonwealth and State legislation.

Biodiversity Certification and Offsetting

Whilst most of the area proposed to be rezoned is cleared, there is likely to be some areas of native vegetation which will require removal in certain locations. These impacts will need to be carefully examined and offset with appropriate conservation measures.

Preliminary conversations with the applicant have indicated that they are interested in pursuing a Biocertification Application to support the rezoning. The area is considered to be a suitable location for this to be pursued. This will result in significant cost savings for Council and developers as threatened species assessments/Species Impact Statements will not be required to support future DAs if it can be achieved.

More importantly, biocertification will remove the risk of developable land being sterilised to protect threatened species habitat, as the number of threatened species and the impact of future listings will continue to be a risk going forward in Council's Urban Land Release Program. Biocertification removes this risk.

Future ownership of conservation land

The current proposal seeks to zone a large portion of the subject site for residential purposes, having regard to environmental and physical attributes. The preliminary boundaries of environmental land are shown in Enclosure 1 (See Appendix 3). The boundaries of conservation zones will be refined as the Planning Proposal is developed and informed by technical studies.

In the past, Council has identified that land with significant conservation values should be transferred into Council ownership for ultimate management. This practice however has resulted in a significant financial burden for its upkeep. This approach may not be pursued by Council for future conservation land in the study area. Further discussions will need to occur with the applicant concerning the future ownership of conservation lands which form part of this rezoning proposal.

Noise and Vibration

A noise and vibration assessment will explore potential noise or vibration sources within the locality which may impact on the amenity of future residents. The assessment will also look at potential impacts to existing residents during construction and for the life of the development.

Visual Impact

The future development of the area would generally be in the form of low scale residential development similar to existing development at Wadalba. Appropriate urban design provisions will be developed which will be incorporated into a future DCP to support the rezoning of the land.

Acid Sulfate Soils and Contaminated Land Assessment

Geological and geotechnical investigations will be undertaken to investigate the extent of acid sulphate soils in the area and the potential effect of these on future residential development and supporting infrastructure. A preliminary contaminated land assessment will also be required addressing the requirements of SEPP 55 Contaminated Land.

Aboriginal Archaeology and European Cultural Heritage

There are some locations within close proximity to the study area (within the existing Wadalba Wildlife Corridor) which contain sites identified on the Aboriginal Heritage Information Management System (AHIMS).

Aboriginal archaeological investigations will be undertaken including an assessment of the cultural significance of the site. This will involve a desktop review of relevant registers, community consultation and broad site assessments in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

A separate assessment will also be undertaken to assess items within site which have European cultural significance.

Concept Development Plan

The applicant has prepared a preliminary Concept Plan showing indicative road layouts and development pattern (see Attachment 5). Whilst it is recognised that the Concept Plan will change as it is informed by further technical studies and liaison with Council staff. The following preliminary comments are made (more detailed comments will be forwarded to the applicant to assist with more detailed masterplanning).

Potential new village centre

The NWSSP shows a potential new Village Centre as being placed within close proximity to the study area (See Attachment 4). The location of this proposed centre is only indicative on the NWSSP Map and the exact location will need to be confirmed. The NWSSP seeks to provide a variety of medium density housing types within 400-600 m of this proposed new village centre. The location of the new centre will need to be confirmed through the study process and if it is decided to place the new centre within the rezoning area, appropriate development objectives/principles will need to be established.

Wildlife corridor linkage

Boundaries of wildlife corridors will need to be closely examined to provide some equity in terms of conservation and development outcomes. A wildlife corridor linkage will also need to be planned and incorporated into the development to provide a link through the northern part of the precinct into adjoining Precinct 3A to be consistent with the NWSSP.

Street and subdivision layout

There are a number of detailed comments provided from Council's Development Assessment - Design Engineering Unit concerning matters which will affect the street patterns and layouts covering:

- Road safety planning
- Improvements in road layouts to assist garbage servicing
- Road geometry and sight distance
- Improvements in intersection planning and location
- Bushfire assessments will inform planning of Urban Interface Areas (UIAs)
- Odour, acoustic and visual treatment of future sewage pump stations shall be examined.
- Overland floodways will need to be identified and excluded from developable lands

Open space

The location of small parks and open space for future residents will need to be informed by an Open Space and Recreational Needs Analysis. The results of this report will inform where open space and parks will be located in the Concept Plan.

Social Impacts

The Planning Proposal identifies the need to undertake a specialist study to examine Social Impact/Human Services Analysis. This study should identify the social issues and potential needs of current and future residents within the area. This assessment will enable Council to ensure the full extent of social impacts is identified as well as the identification of human service requirements for current and future residents.

Mine Subsidence

Part of the study area is located within a Mine Subsidence District. Preliminary advice from the Mine Subsidence Board (MSB) indicates that they are likely to apply similar surface development controls as set for current residential development at Wadalba. If any further concerns are raised by the Mine Subsidence Board (MSB) they will be addressed as the Planning Proposal is developed.

Water and Sewer

The Wadalba East area will require significant water and sewer infrastructure to service the new development. The Planning Proposal submission by ADW Johnson includes a preliminary water and sewer servicing strategy that would allow for the efficient servicing of future development in the area (see Appendix 6 of Enclosure 1 for details).

Water Supply

Provision has been made to service the site in Council's DSP No 1, with an extension of an existing 200mm water trunk main to the south of existing infrastructure. The rest of proposed infrastructure aligns with Council's servicing intentions for the area.

All reticulation mains (150mm and below) are to be constructed by the developer and donated to Council.

The design and construction of the water mains are to be in accordance with the WSAA Water Supply Code of Australia WSA-02 Sydney Water Edition.

Sewer

Overall, the preliminary sewer system proposed by the developer aligns with Council's servicing strategy.

Council's sewer servicing strategy for the Wadalba area involves the construction of gravity mains to transfer sewage to a sewer lift station (Wadalba 2) south of Johns Road. The Wadalba 2 station will lift the sewage to a proposed trunk gravity main to allow gravity transfer to a new Sewage Pump Station (SPS) Wadalba 1 as described in Council's Development Servicing Plans (DSP). This enables servicing of the whole catchment in an efficient and planned manner. If the timing for development of this site is consistent with the surrounding area then the developers would be required to construct the infrastructure identified in the servicing strategy. All reticulation infrastructure (150mm gravity mains) are to be constructed by the developer and donated to Council.

The existing SPS CH26 will be decommissioned once the proposed development is in place. Therefore, provision needs to be made for the SPS CH26 catchment to drain into the new proposed sewer system.

The design and construction of the sewer mains and sewage pump stations are to be in accordance with the WSAA Sewerage and Pumping Station Code of Australia Sydney Water Edition. Council will specify required amendments to the SWC Pump Station Design Code at the detailed design stage.

Road infrastructure and traffic impacts

The proposal is likely to generate up to 800 peak hour vehicle trips in the AM and PM.

A Traffic Impact Assessment will be required to determine the impact on the existing local and State road network as a result of the proposal. The report will include modeling of all key intersections including Pacific Highway and Johns Road, Louisiana Road, Craigie Avenue and Britannia Drive. The modeling should include 10 and 20 year traffic growth projections based on background growth of 1.5% per annum, but also including potential traffic generated by the other major land release areas such as the Warnervale Town Centre, Precinct 7A and WEZ.

The following intersections will most likely require upgrading, however improvements may be required at other intersections along the Pacific Highway.

- Pacific Highway and Johns Road – Traffic Signals
- Pacific Highway and Louisiana Road – Traffic Signals

Any proposals for the upgrading of intersections with Pacific Highway will require the concurrence of the Roads and Maritime Service (RMS). Early consultation with the RMS will be required to determine funding requirements to service major intersection upgrading works on the Pacific Highway.

Johns Road, Pollock Avenue and Jensen Road will also require upgrading to accommodate future traffic projections. The intersections of proposed internal roads within the existing road network will most likely require roundabouts.

Public transport routes will need to be investigated in order to adequately service the newly created development within TFNSW guidelines. This will need to identify the type of public transport needed to service the development and means of encouraging public transport use in lieu of the motor vehicles. A pedestrian and cycleway report identifying movement desire lines to and from schools, shops, recreational areas and identifying facilities will also be required.

A road hierarchy with similar road cross sections to those which were adopted by Council as part of the Warnervale Town Centre and Precinct 7A – Warnervale and Hamlyn Terrace rezoning, will be required.

Infrastructure Funding

Council staff have met with the proponents, (Wadalba Landowners Lobby Group), on a number of occasions. Landowners within the rezoning area have been made aware that if they wish to proceed with rezoning in advance of the existing urban land release timeframes, they will be required to fund all infrastructure that is necessary to service the land.

It is considered that to effectively manage the funding of infrastructure, the payment of funds for infrastructure will most likely need to be staged, such that those that wish to proceed first commit to providing necessary upfront infrastructure via a Voluntary Planning Agreement. As there are over 80 land holders in the study area, it is unlikely that all land owners will agree to be a party to a Voluntary Planning Agreement to fund infrastructure. To date potential funding models have not been discussed with the consortium of landowners and there is likely to be a significant amount of State Government infrastructure required to service the precinct as well. Agreement will need to be reached on these issues prior to public exhibition of the Planning Proposal as funding for infrastructure and services is critical to the project proceeding.

Impact on Residential Land Supply

The supply of greenfield residential land within Wyong Shire is considered sufficient (as reported in the government's Metropolitan Development Program) to meet market demands without releasing additional residential land at the present point in time, especially given the imminent gazettal of the rezoning of land to the south of the Warnervale Town Centre (Precincts 4, 5 and 7 which has the potential to provide 2,300 residential lots). It is acknowledged, however, that the issue the Government is attempting to resolve is not that of land supply, but rather the production and actual release of residential lots to the market. The Wadalba East rezoning will boost short term housing supply as per the NSW State Government's "Potential Home Sites Program" to provide needed lot production.

LOCAL PLANS, POLICIES AND STRATEGIES

Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan

The subject site is currently zoned 1(c) Non Urban Constrained Lands Zone, 6(b) (Regional Open Space and Recreation Zone, 7(c) Scenic Protection Small Holdings Zone), 7(g) (Wetlands Management) and 10(a) Investigation Precinct Zone.

The Wyong Local Environmental Plan (2012) as exhibited proposes to zone the site to RU6 – Transition, E2 - Environmental Conservation and E3 - Environmental Management Zone. These zones are the direct conversion zones from Wyong LEP 1991 zones.

There are also a number of properties affected by lot amalgamation provisions clause in the study area.

Draft Wyong Settlement Strategy 2012

Council's draft Wyong Shire Settlement Strategy and the NSW State Government's North Wyong Shire Structure (NWSSP) incorporates the development staging of land within the medium and long term categories. This is particularly important for land in the 'medium term' category in the NWSSP. There is a considerable amount of land falling into this category and it is not practicable that all land is released and serviced at the same time. Therefore Council's draft Settlement Strategy proposes that development precincts identified as 'medium term' be divided into five priority categories.

In accordance with existing state government policies, Council's staging strategy in the draft Settlement Strategy seeks to prioritise the release of land in the 'medium' term by releasing land which is in close proximity to WTC before releasing land in fringe locations which require significant infrastructure provision to service new development. This was done to ensure consistency with the CCRS which states the majority of future greenfield development is to be concentrated around WTC and the WEZ.

The NSW Government has also supported the inclusion of the Wadalba East Precinct under the "Potential Home Sites Program", so some re-alignment of priorities may need to occur to reflect this decision of the NSW Government which was made after the exhibition of the draft Settlement Strategy. In any case, the Wadalba East Precinct is located within close proximity to Wyong Township and existing residential areas at Wadalba and is therefore logical from an urban expansion point of view.

Development Control Plan (DCP) 2005: Development Controls for Wyong Shire & Draft DCP 2012: Development Provisions for Wyong Shire

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

DCP 2005	DCP 2012
61: Car Parking;	Chapter 2.1: Dwelling Houses and Ancillary Structures
66: Subdivision;	Chapter 2.3: Dual Occupancy Development
67: Engineering Requirements for Development;	Chapter 2.11: Parking and Access
69: Controls for Site Waste Management;	Chapter 3.1: Site Waste Management
58: Dual Occupancy Development;	Chapter 3.2: Water Sensitive Urban Design
100: Quality Housing; and	Chapter 3.3: Floodplain Management
99: Building Lines;	
Draft Chapter 97: Water Sensitive Urban Design.	

STATE PLANS, POLICIES AND STRATEGIES

Central Coast Regional Strategy and draft North Wyong Shire Structure Plan

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas.

To date the focus of Council and State Government has been on the release of new development precincts in close proximity to the Warnervale Town Centre (WTC) in an effort to stimulate development of the town centre precinct. Existing state and local planning strategies including the Central Coast Regional Strategy (CCRS), North Wyong Shire Structure Plan, draft Wyong Shire Settlement Strategy and Wyong Shire Residential Development Strategy all reflect this objective.

The CCRS in particular, states that the majority of future greenfield development is to be concentrated around WTC and the Wyong Employment Zone (WEZ). Whilst these plans also support the future development of the Wadalba East precinct, it is perhaps now less of an issue given the imminent rezoning of a large urban land release in Precincts 4, 5 and 7 (Precinct 7A).

The North Wyong Shire Structure Plan (NWSSP) shows the area subject to the rezoning proposal as Precincts 2A, 2B and 3B. Under this plan the area is identified as having a 'medium term' release priority. All land in the 'medium term' under the NWSSP is scheduled to be rezoned before 2027. The NWSSP establishes a residential density target of 15 dwellings per Ha which equates to 1,591 dwellings in total which should easily be met or exceeded by the proposed rezoning.

Regional Economic Development and Employment Strategy (REDES) 2010

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Whilst the proposal will not directly supply long term employment opportunities, short term opportunities would be created through associated planning and construction work.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 6 of this report.

SEPP 44 – Koala Habitat

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

SEPP 55 – Contaminated Land

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

SEPP 71- Coastal Protection

The subject site is located within the "coastal zone" (i.e. one kilometer from the coast or a coastal estuary as indicated on the adopted maps) and is therefore subject to the provisions of SEPP 71- Coastal Protection. Council is required to have regard to the matters for consideration identified under Clause 8 when preparing a Draft Local Environmental Plan.

Section 117 Directions

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 7 of this report.

The consistency of the proposal against a number of Section 117 Directions is subject to the outcomes of a number of additional updated studies required to be undertaken by the proponent.

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones	Possible	Possible
1.2	Rural Zones	Yes	Yes
1.3	Mining, Petroleum Production and Extractive Industries	Yes	Yes
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
Environment and Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	Yes
3.6	Shooting Ranges	No	N/A
Hazard and Risk			
4.1	Acid Sulphate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	Yes	Yes
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	Yes	Yes
Regional Planning			
5.1	Implementation of Regional Strategies	No	N/A
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.7	Central Coast	Yes	Yes
5.8	Second Sydney Airport: Badgerys Creek	No	N/A
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	No	N/A

OPTIONS

Option 1 Discontinue the Proposal (Not Recommended)

Various levels of Government have acknowledged the increasing challenges facing potential home owners and renters in securing suitable accommodation in the areas they work and want to live. In this regard, the planning proposal will result in additional land being available for approximately 1710 - 2050 residential allotments. The proposal will also create local employment opportunities, provide for additional open space and conservation areas. Discontinuing the process will prevent these outcomes from being achieved.

Option 2 Proceed with the Proposal as an Amendment to the Draft LEP 2012 (Recommended)

It is expected that the draft LEP 2012 will be gazetted before the end of 2013. Any zoning changes arising from the Planning Proposal will amend the future WLEP 2012. Preparation of a Planning Proposal is the most effective and timely method to proceed with the State Government's desire to progress the site for future growth within the short term under its "Potential Home Sites Program". However it is recommended that agreement is reached on infrastructure and servicing agreements prior to the public exhibition of the final Planning Proposal.

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan**

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

Long term Financial Strategy and Asset Management Strategy

Management of conservation land where number of landowners are involved is problematic. It is difficult to ensure the same standards of management are applied consistently across the asset.

In the past, Council has identified that areas of significant conservation value should be transferred into Council ownership. This practice however has resulted in a significant financial burden for its upkeep, therefore it is not recommended in this instance.

Subject to a positive determination being received from the Gateway, the Proponent will be requested to further investigate additional management options for any environmentally significant land.

Link to Community Strategic Plan (2030)

Out of the eight priority objectives of the Community Strategic Plan, 3 are relevant:

- There will be ease of travel;
- Communities will have a range of facilities and services; and
- Areas of natural value will be enhanced and maintained.

The development of rezoning plans for the Wadalba East Precinct will need to take into account the above objectives.

Governance and Policy Implications

Refer to discussion relating to Local Plans, Policies and Strategies

Budget Impact

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent.

The more significant issue relates to the funding of required infrastructure. The NSW State Government has made it clear that one of the requirements for “land owner nominated sites” through the “Potential Home Sites Program” is that they can enable dwelling production in the short term “*at no additional cost to Government*”.

Council is not in a financial position to enable it to fund the required infrastructure nor should the community be required to make up any shortfall between what the developer is required to fund or provide and the total cost of providing facilities to a new community.

CONSULTATION

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

- Community and Cultural Development – Social Planning
- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Floodplain and Stormwater Management - Hydrology
- Strategic Development – Ecology
- Strategic Development - Bushfire
- Strategic Development – Transportation Engineering
- Strategic Development – Planning
- Strategic Development – Section 94
- Water and Sewer Planning

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

Future community and government agency consultation requirements will be outlined by the Gateway Determination as the assessment of the Planning Proposal is progressed.

CONCLUSION

This report seeks Council’s endorsement to commence the rezoning for Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan. The combined value of investment created by this rezoning is estimated to be in the vicinity of \$750 million. It is estimated that the site will also yield 1710-2050 residential lots.

An assessment of the Planning Proposal has been undertaken which identifies that the concept has merit ‘in principle’ and that Council should initiate the rezoning process by referring it to the Department of Planning and Infrastructure (DP&I) for a Gateway Determination. Further supporting studies will need to be done by the applicant on behalf of the Wadalba Landowners Lobby Group. These will be done if a positive Gateway Determination is received.

Agreement will need to be reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the “principle of no cost to government”) as this is a key principle for the NSW Government’s “Potential Home Sites Program”. Further discussions with the applicant will need to occur on possible funding models and agreement reached in principle prior to any plans being placed on public exhibition.

ATTACHMENTS

1	Proposed Study Area		D03609031
2	Wyong LEP 2012 Zone Map		D03609172
3	First Cut Constraint Map - Prepared by ADW Johnson		D03604730
4	Relationship to North Wyong Shire Structure Plan		D03605211
5	Concept masterplan for Precincts 2A, 2B and 3B - Note final development boundaries and street layouts will be refined by technical studies		D03604713
6	Assessment of State Environmental Planning Policies		D03609741
7	Section 117 Direction Assessment		D03614800
8	Discussion paper to inform preparation of Planning Proposal for Wadalba East Urban Land Release Area	Enclosure	D03377780

03

Central Coast Regional Strategy Actions Assessment



Wyong
Shire
Council

Centres and Housing			
Action	Applicable	Consistent	Comment
4.1 The Cities Taskforce, established by the DoP, to continue work with local government and other stakeholders in planning Gosford Regional City	N	N/a	N/a
4.2 Councils are to provide for a mix of housing types, including housing that will accommodate an ageing population, and smaller household sizes, through the preparation of LEPs and strategies.	Y	Y	The rezoning proposal will provide opportunities for a diverse range of housing products, including affordable housing, seniors living and the like.
4.3 Councils are to facilitate competitive land releases in the Region, and to meet, as a minimum, the dwelling capacity targets and distribution by centres provided in this Regional Strategy. Work to be done in conjunction with the Department of Planning and delivered through the timely preparation of LEPs.	Y	Y	This proposal will facilitate in the order of 1,200 additional dwellings within Wyong Shire, contributing to the required 27,000 dwellings by 2031.
4.4 Councils are to investigate the potential for land located within and around centres for future housing opportunities, consistent with the centres hierarchy and the dwelling and employment capacity targets through the preparation of LEPs, and local planning strategies (i.e. generally within a radius of 1,000 metres of a regional city and major centre, 800 metres for towns, 400-600 metres for villages and 150 metres for neighbourhoods).	Y	Y	This proposal will facilitate in the order of 1,200 additional dwellings within Wyong Shire, contributing to the required 27,000 by 2031. If a village/neighbourhood centre is incorporated within the rezoning area, higher residential densities will be applied around the radius of any such centre as per the CCRS action.
4.5 Councils are to review their current residential development strategies, including a review of the adequacy and accuracy of existing urban boundaries and zonings in fringe areas, through the preparation of LEPs.	Y	Y	Precincts 2A and 2B are identified in the North Wyong Shire Structure Plan as being suitable for future residential development. The proposed rezoning process will be based on a number of technical studies which will inform the position of future residential and conservation zones within the precinct.
4.6 Land to be rezoned for housing during the life of the Strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs, and Greenfield areas nominated in the North Wyong Shire Structure Plan.	Y	Y	The proposal is located within identified future residential precincts identified in the North Wyong Structure Plan.
4.7 The majority of future Greenfield development is to be concentrated around the Warnervale Town Centre and Wyong Employment Zone, via the Structure Plan and associated infrastructure plans for the North Wyong Shire Structure Plan Area. This work will be undertaken by the Department of Planning in conjunction with Wyong Shire Council.	Y	Y	The proposal is located within the North Wyong Shire Structure Plan and will provide an "infill" urban release between the existing residential areas of Warnervale, Hamlyn Terrace and Wadalba.
4.8 The Department of Planning is to continue to assist Wyong Council in the planning of the Warnervale Town Centre and Wyong Employment Zone.	N	N/a	N/a
4.9 Ensure planning for the Lower Hunter Region informs the more detailed planning that will be	N	N/a	N/a

Centres and Housing			
Action	Applicable	Consistent	Comment
done as part of the North Wyong Shire Structure Plan.			
4.10 Provide around 70% of new housing in existing urban areas and the new Warnervale Town Centre by: - Focusing new development in key centres to take advantage of services, shops and public transport as well as identifying and preserving the character of the Central coast's smaller neighbourhoods and suburbs. - Ensuring that existing centres will be developed consistent with the Centres Hierarchy.	N	N/a	N/a
4.11 Urban land releases to contribute to additional regional infrastructure costs in line with adopted government policy regarding infrastructure contributions.	Y	Y	Regional infrastructure will be addressed by the State Government and may be addressed in future Growth Infrastructure Plans which should be in place by the time the land is ready to be rezoned.
4.12 Implement expansion of the NSW Government's new Land Supply Program for the Central Coast to: Monitor housing supply and demand in both Greenfield areas and existing areas. - Include the new Employment Lands Development Program. - Be the principal tool for the coordination and staging of land release for both residential and employment lands. - Report the Central Coast separately from Sydney.	N	N/a	N/a
4.13 Consider a range of affordable housing strategies, including forms of low-cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with State policies.	Y	Y	The future development of Structure Plan/Masterplan for the area will provide opportunities for a range of lot sizes and will include opportunities for affordable housing, adaptable housing, seniors living and the like.
4.14 State Government will develop options for improving housing affordability, with a focus on affordable housing for particular groups in the community. The Department of Housing and Department of Planning to identify how these initiatives can be applied to the Central Coast.	N	N/a	N/a
4.15 Councils are to consider the appropriateness of the locations in which residential parks or caravan parks are permissible during the preparation of principal LEPs, including their access to services. This review is also to have regard for the protection of existing affordable housing stock.	N	N/a	N/a
4.16 Councils to prepare locally responsive design	Y	Y	The planning process which will be undertaken will include the

Centres and Housing			
Action	Applicable	Consistent	Comment
guidelines for the urban areas and include provisions to ensure that new development is consistent with these guidelines.			development of a Structure Plan/Masterplan. It will eventually be supported by a DCP amendment.
4.17 Councils to incorporate provisions into their development control plans that require new buildings to be designed to be able to adapt to meet the needs of a change demographic, and where appropriate, to alternative future uses.	Y	Y	The proposed DCP amendment will espouse the merit of adaptable housing, promoting housing choice and providing a diversity of lot sizes (including small lot housing in appropriate locations)
4.18 In planning for development and redevelopment of urban areas, councils are to consider the need for civic open space and access to a variety of open space and recreational opportunities (e.g. coastal foreshore and riparian land), in a manner which is consistent with the maintenance of ecological values.	Y	Y	A comprehensive open space and recreation strategy will be undertaken to support the Structure Plan/Masterplan. Sensitive ecological communities and flood prone land will be retained and provide for limited public access.
4.19 Recognise the regional and state significance of the Warnervale Town Centre in providing a new community, government and business focus over the next 25 years. To ensure this, the NSW Government will: - Lead the major strategic planning for this area. - Ensure that ministerial consent is required for major developments and infrastructure in that area, where appropriate	N	N/a	N/a
4.20 The Department of Planning, as part of future reviews, is to review population and employment capacity targets contained within this Strategy and will work with councils to determine the take up of land for residential and employment purposes.	N	N/a	N/a
4.21 Councils and the NSW Government are to undertake integrated land use and transport planning to ensure that opportunities to benefit from infrastructure investment are required.	Y	Y	The development of a Structure Plan/Masterplan will be informed by a Traffic and Transport Study.
4.22 Councils are to ensure the location of new dwellings improves the Region's performance against the target for State Plan priority E5 – Jobs Closer to Home – increase the proportion of people living within 30 minutes of a city or major centre by public transport in metropolitan Sydney.'	Y	Y	The proposed residential land release will provide home business opportunities and will be located within 30 minutes of a number of major centres e.g. Warnervale Town Centre, Wyong/Tuggerah commercial complex etc.
4.23 The Department of Planning is to prepare Centre Design Guidelines to encourage improvement and appropriate renewal of local centres and exchange of practices between Councils.	N	N/a	N/a
4.24 The Department of Planning is to assess proposed land release areas against sustainability criteria and implications on infrastructure funding.	Y	Y	A preliminary assessment has been undertaken as part of the Planning Proposal which will be expanded up as the project is developed and informed

Centres and Housing			
Action	Applicable	Consistent	Comment
			by technical studies.
4.25 Prior to the preparation of LEPs and centres planning strategies, councils need to establish whether development or redevelopment of any significant government landholdings could assist in achieving the overall objectives for that centre.	NA	NA	NA
4.26 Councils are to implement their cultural plans and investigate opportunities to encourage clusters of entertainment and cultural facilities, including activities based around the night economy when preparing centre planning strategies.	Y	Y	Potential "place making" will be central to the urban design philosophy and future community engagement.
4.1 The Cities Taskforce, established by the DoP, to continue work with local government and other stakeholders in planning Gosford Regional City	N	N/a	N/a
4.2 Councils are to provide for a mix of housing types, including housing that will accommodate an ageing population, and smaller household sizes, through the preparation of LEPs and strategies.	Y	Y	The rezoning proposal will provide opportunities for a diverse range of housing products, including affordable housing, seniors living and the like.
4.3 Councils are to facilitate competitive land releases in the Region, and to meet, as a minimum, the dwelling capacity targets and distribution by centres provided in this Regional Strategy. Work to be done in conjunction with the Department of Planning and delivered through the timely preparation of LEPs.	Y	Y	This proposal will facilitate in the order of 1,200 additional dwellings within Wyong Shire, contributing to the required 27,000 dwellings by 2031.
4.4 Councils are to investigate the potential for land located within and around centres for future housing opportunities, consistent with the centres hierarchy and the dwelling and employment capacity targets through the preparation of LEPs, and local planning strategies (i.e. generally within a radius of 1,000 metres of a regional city and major centre, 800 metres for towns, 400-600 metres for villages and 150 metres for neighbourhoods).	Y	Y	This proposal will facilitate in the order of 1,200 additional dwellings within Wyong Shire, contributing to the required 27,000 by 2031. If a village/neighbourhood centre is incorporated within the rezoning area, higher residential densities will be applied around the radius of any such centre as per the CCRS action.
4.5 Councils are to review their current residential development strategies, including a review of the adequacy and accuracy of existing urban boundaries and zonings in fringe areas, through the preparation of LEPs.	Y	Y	Precincts 2A and 2B are identified in the North Wyong Shire Structure Plan as being suitable for future residential development. The proposed rezoning process will be based on a number of technical studies which will inform the position of future residential and conservation zones within the precinct.
4.6 Land to be rezoned for housing during the life of the Strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs, and Greenfield areas nominated in the North Wyong Shire Structure Plan.	Y	Y	The proposal is located within identified future residential precincts identified in the North Wyong Structure Plan.
4.7 The majority of future Greenfield development is to be concentrated around the Warnervale	Y	Y	The proposal is located within the North Wyong Shire Structure Plan and will provide an "infill" urban release

Centres and Housing			
Action	Applicable	Consistent	Comment
Town Centre and Wyong Employment Zone, via the Structure Plan and associated infrastructure plans for the North Wyong Shire Structure Plan Area. This work will be undertaken by the Department of Planning in conjunction with Wyong Shire Council.			between the existing residential areas of Warnervale, Hamlyn Terrace and Wadalba.
4.8 The Department of Planning is to continue to assist Wyong Council in the planning of the Warnervale Town Centre and Wyong Employment Zone.	N	N/a	N/a
4.9 Ensure planning for the Lower Hunter Region informs the more detailed planning that will be done as part of the North Wyong Shire Structure Plan.	N	N/a	N/a
4.10 Provide around 70% of new housing in existing urban areas and the new Warnervale Town Centre by: - Focusing new development in key centres to take advantage of services, shops and public transport as well as identifying and preserving the character of the Central coast's smaller neighbourhoods and suburbs. - Ensuring that existing centres will be developed consistent with the Centres Hierarchy.	N	N/a	N/a
4.11 Urban land releases to contribute to additional regional infrastructure costs in line with adopted government policy regarding infrastructure contributions.	Y	Y	Regional infrastructure will be addressed by the State Government and may be addressed in future Growth Infrastructure Plans which should be in place by the time the land is ready to be rezoned.
4.12 Implement expansion of the NSW Government's new Land Supply Program for the Central Coast to: Monitor housing supply and demand in both Greenfield areas and existing areas. - Include the new Employment Lands Development Program. - Be the principal tool for the coordination and staging of land release for both residential and employment lands. - Report the Central Coast separately from Sydney.	N	N/a	N/a
4.13 Consider a range of affordable housing strategies, including forms of low-cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with State policies.	Y	Y	The future development of Structure Plan/Masterplan for the area will provide opportunities for a range of lot sizes and will include opportunities for affordable housing, adaptable housing, seniors living and the like.
4.14 State Government will develop options for	N	N/a	N/a

Centres and Housing			
Action	Applicable	Consistent	Comment
improving housing affordability, with a focus on affordable housing for particular groups in the community. The Department of Housing and Department of Planning to identify how these initiatives can be applied to the Central Coast.			
4.15 Councils are to consider the appropriateness of the locations in which residential parks or caravan parks are permissible during the preparation of principal LEPs, including their access to services. This review is also to have regard for the protection of existing affordable housing stock.	N	N/a	N/a
4.16 Councils to prepare locally responsive design guidelines for the urban areas and include provisions to ensure that new development is consistent with these guidelines.	Y	Y	The planning process which will be undertaken will include the development of a Structure Plan/Masterplan. It will eventually be supported by a DCP amendment.
4.17 Councils to incorporate provisions into their development control plans that require new buildings to be designed to be able to adapt to meet the needs of a change demographic, and where appropriate, to alternative future uses.	Y	Y	The proposed DCP amendment will espouse the merit of adaptable housing, promoting housing choice and providing a diversity of lot sizes (including small lot housing in appropriate locations)
4.18 In planning for development and redevelopment of urban areas, councils are to consider the need for civic open space and access to a variety of open space and recreational opportunities (e.g. coastal foreshore and riparian land), in a manner which is consistent with the maintenance of ecological values.	Y	Y	A comprehensive open space and recreation strategy will be undertaken to support the Structure Plan/Masterplan. Sensitive ecological communities and flood prone land will be retained and provide for limited public access.
4.19 Recognise the regional and state significance of the Warnervale Town Centre in providing a new community, government and business focus over the next 25 years. To ensure this, the NSW Government will: ▪ Lead the major strategic planning for this area. ▪ Ensure that ministerial consent is required for major developments and infrastructure in that area, where appropriate	N	N/a	N/a
4.20 The Department of Planning, as part of future reviews, is to review population and employment capacity targets contained within this Strategy and will work with councils to determine the take up of land for residential and employment purposes.	N	N/a	N/a
4.21 Councils and the NSW Government are to undertake integrated land use and transport planning to ensure that opportunities to benefit from infrastructure investment are required.	Y	Y	The development of a Structure Plan/Masterplan will be informed by a Traffic and Transport Study.

Centres and Housing			
Action	Applicable	Consistent	Comment
4.22 Councils are to ensure the location of new dwellings improves the Region's performance against the target for State Plan priority E5 – Jobs Closer to Home – increase the proportion of people living within 30 minutes of a city or major centre by public transport in metropolitan Sydney.'	Y	Y	The proposed residential land release will provide home business opportunities and will be located within 30 minutes of a number of major centres e.g. Warnervale Town Centre, Wyong/Tuggerah commercial complex etc.
4.23 The Department of Planning is to prepare Centre Design Guidelines to encourage improvement and appropriate renewal of local centres and exchange of practices between Councils.	N	N/a	N/a
4.24 The Department of Planning is to assess proposed land release areas against sustainability criteria and implications on infrastructure funding.	Y	Y	A preliminary assessment has been undertaken as part of the Planning Proposal which will be expanded up as the project is developed and informed by technical studies.
4.25 Prior to the preparation of LEPs and centres planning strategies, councils need to establish whether development or redevelopment of any significant government landholdings could assist in achieving the overall objectives for that centre.	NA	NA	NA
4.26 Councils are to implement their cultural plans and investigate opportunities to encourage clusters of entertainment and cultural facilities, including activities based around the night economy when preparing centre planning strategies.	Y	Y	Potential "place making" will be central to the urban design philosophy and future community engagement.

04

Central Coast Regional Strategy Sustainability Assessment



Wyong
Shire
Council

Criteria	Requirements	Consistency (Y/N)	Comments
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement	Y	The proposal is consistent with the CCRS and relevant Section 117 Directions. A Development Servicing Plan exists to provide Water and Sewer to the site. Infrastructure funding and servicing plans will need to be agreed with the proponent as the Planning Proposal is progressed.
Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.	Y	The precinct is accessible to the Pacific Highway and which is well serviced by the public services and is proximate to Wyong Township (which has a railway station). A traffic and transport study will be undertaken to support the rezoning proposal.
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.	Y	The rezoning proposal will provide opportunities for affordable and aged housing. This proposal will facilitate in the order of 1,200 additional dwellings within Wyong Shire, contributing to the required 23,000 by 2031.
Employment Lands Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.	Maintains or improves the existing level of subregional employment self containment. Meets subregional employment capacity targets.	Y	The rezoning proposal is essentially residential in nature and will provide opportunities for home occupations/businesses exist and will likely be pursued at a modest scale.

Criteria	Requirements	Consistency (Y/N)	Comments
			A small neighbourhood village centre may be incorporated into the rezoning proposal which will provide limited employment opportunities.
Avoidance of Risk Land use conflicts and risk to human health and life is avoided.	Where relevant, available safe evacuation route (flood and bushfire). No residential development within the 1:100 floodplain. Avoidance of physically constrained land. High Slope Highly erodible Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.	Y	Thorough investigative studies will be undertaken to determine constrained land within the Precinct, in addition to land of high conservation value which is to remain unaffected by the development footprint. Studies on constraints, e.g. flooding, contaminated land, acid sulfate soils and bushfire will be undertaken to further support the Planning Proposal.
Natural Resources Natural resource limits are not exceeded/environmental footprint minimised.	Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. Demonstrates most efficient/suitable use of land Avoids identified significant agricultural land Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.	Y	The land is identified within existing servicing plans, providing potable water for an increased population in this area. No significant agricultural production will be affected by the proposal.
Environment Protection Protect and enhance biodiversity, air quality, heritage and waterway health.	Consistent with the approved Regional Conservation Plan. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat. Maintains or improves existing environmental conditions for air quality. Maintains or improves existing environmental conditions for water quality and quantity.	Y	Thorough investigative studies will be undertaken to determine the extent of constrained land within the study area, in addition to land of high conservation value. This will include seasonal flora and fauna surveys, Aboriginal Archaeology Assessment and European Heritage Study. A stormwater management strategy will also be developed to ensure downstream wetlands are not adversely

Criteria	Requirements	Consistency (Y/N)	Comments
	Consistent with community water quality objectives for recreational water use and river health. Consistent with catchment and stormwater management planning. Protects areas of Aboriginal cultural heritage values.		impacted by future urban expansion.
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	Y – requires confirmation from future studies.	An assessment of the needs and requirements of the potential future population will be undertaken by the proponent post Gateway.
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement	Y	The proposal is consistent with the CCRS and relevant Section 117 Directions. A Development Servicing Plan exists to provide Water and Sewer to the site. Infrastructure funding and servicing plans will need to be agreed with the proponent as the Planning Proposal is progressed.
Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.	Y	The precinct is accessible to the Pacific Highway and which is well serviced by the public services and is proximate to Wyong Township (which has a railway station). A traffic and transport study will be undertaken to support the rezoning proposal.
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.	Y	The rezoning proposal will provide opportunities for affordable and aged housing.

Criteria	Requirements	Consistency (Y/N)	Comments
			This proposal will facilitate in the order of 1,200 additional dwellings within Wyong Shire, contributing to the required 23,000 by 2031.
Employment Lands Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.	Maintains or improves the existing level of subregional employment self containment. Meets subregional employment capacity targets.	Y	The rezoning proposal is essentially residential in nature and will provide opportunities for home occupations/businesses exist and will likely be pursued at a modest scale. A small neighbourhood village centre may be incorporated into the rezoning proposal which will provide limited employment opportunities.
Avoidance of Risk Land use conflicts and risk to human health and life is avoided.	Where relevant, available safe evacuation route (flood and bushfire). No residential development within the 1:100 floodplain. Avoidance of physically constrained land. High Slope Highly erodible Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.	Y	Thorough investigative studies will be undertaken to determine constrained land within the Precinct, in addition to land of high conservation value which is to remain unaffected by the development footprint. Studies on constraints, e.g. flooding, contaminated land, acid sulfate soils and bushfire will be undertaken to further support the Planning Proposal.
Natural Resources Natural resource limits are not exceeded/environmental footprint minimised.	Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. Demonstrates most efficient/suitable use of land Avoids identified significant agricultural land Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.	Y	The land is identified within existing servicing plans, providing potable water for an increased population in this area. No significant agricultural production will be affected by the proposal.
Environment Protection Protect and enhance biodiversity, air quality, heritage and waterway health.	Consistent with the approved Regional Conservation Plan. Maintains or improves areas of regionally significant terrestrial and	Y	Thorough investigative studies will be undertaken to determine the extent of constrained land within the

Criteria	Requirements	Consistency (Y/N)	Comments
	aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat. Maintains or improves existing environmental conditions for air quality. Maintains or improves existing environmental conditions for water quality and quantity. Consistent with community water quality objectives for recreational water use and river health. Consistent with catchment and stormwater management planning. Protects areas of Aboriginal cultural heritage values.		study area, in addition to land of high conservation value. This will include seasonal flora and fauna surveys, Aboriginal Archaeology Assessment and European Heritage Study. A stormwater management strategy will also be developed to ensure downstream wetlands are not adversely impacted by future urban expansion.
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	Y – requires confirmation from future studies.	An assessment of the needs and requirements of the potential future population will be undertaken by the proponent post Gateway.

05

State Environmental Planning Policy Assessment



Wyong
Shire
Council

SEPP	Comment
SEPP No. 44 – Koala Habitat	
Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones	This policy applies to the Wyong LGA in locations which contain potential Koala Habitat. A Potential Koala Habitat assessment will be undertaken as part of future ecological assessment work which will address SEPP 44 matters.
SEPP No. 55 – Contaminated Land	
Aims: to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.	Following receipt of a positive Gateway Determination, to address SEPP 55, a Phase 1 Contaminated Lands Assessment will be undertaken by a suitably qualified geotechnical engineer who will review site history and undertake necessary fieldwork to establish the potential risk of site contamination resulting from past activities. The report will identify and provide advice on the necessary measures to remediate potentially contaminated sites and will identify Areas of Environmental Concern (AECs) for Phase 2 Assessment at the development application stage.
State Environmental Planning Policy No. 71 – Coastal Protection	
Aims: (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and	The subject site is located within the “coastal zone” (i.e. one kilometre from the coast or a coastal estuary as indicated on the adopted maps) and is therefore subject to the provisions of SEPP 71. In accordance with Clause 7 of the

SEPP	Comment
(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and (e) to ensure that the visual amenity of the coast is protected, and (f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and (l) to encourage a strategic approach to coastal management.	SEPP, Council is required to have regard to the matters for consideration identified under Clause 8 when preparing a Draft Local Environmental Plan.

The following table addresses the principles and matters for consideration within the SEPP relevant to the subject rezoning and where not already addressed within this discussion paper:

SEPP 71	
CLAUSE 8	
Matters for Consideration	
(a) The aims of the Policy	
The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment.	
(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	
The subject site will have no impact on existing public access to the foreshore.	
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	
Given the location of the site, there are no opportunities to provide additional public access to the foreshore.	
(d) The suitability of development given its type, location and design and its relationship with the surrounding area.	
The proposed rezoning will facilitate the creation of allotments that are consistent with the size and character of surrounding allotments along Tuggerah Lake. Further regard to sensitive dwellings design, bulk and scale would be undertaken within the Development Assessment phase.	
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	
Future dwellings on the land will not result in any overshadowing of the foreshore nor result in any loss of views given the low scale of residential development envisaged.	
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	
The subject site is located a significant distance from the coastline such that the future development would not result in any adverse impact on the scenic quality of the coast.	
(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities.	
The subject proposal and future development will have no impact on water-based coastal activities.	

Taking the above into consideration, the subject rezoning is deemed consistent with SEPP 71.

06

Ministerial Section 117 Direction Assessment



Wyong
Shire
Council

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	The proposal does not affect land within an existing or proposed business or industrial zone or seek to establish any additional business or industrial zone.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Generally consistent. Whilst the RU6 (Transition) Zone is a rural zone, the State Government has plans through the NWSSP to expand residential development into these areas and the transitional quality of the land is recognised. The change is therefore of minor significance and consistent with the NWSSP and is therefore consistent with the Direction.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Applicable. Preliminary consultation has been undertaken by the proponent and further consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal. It is considered that the proposal is consistent with this direction.
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and	Not Applicable.

Direction	Comment
oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not Applicable. This direction does not apply to the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The study area contains wetlands and wildlife corridors. These areas are proposed to be rezoned for environmental purposes. Minor changes to proposed environmental zones may occur as the rezoning process is progressed and informed by ecological studies. It is considered that the proposal is consistent with this Direction.
2.2 Coastal Protection	

Direction	Comment
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Applicable. Part of the study area is within the Coastal Zone. The project is considered to be consistent the aims of the Policy.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable. Following Gateway Determination, studies will be conducted to investigate the presence of European and Indigenous heritage items or objects. It is therefore considered that the proposal is consistent with this Direction.
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.
Housing, Infrastructure and Urban Development	
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.	Applicable. The proposal seeks to rezone the site to enable subdivision to create an additional residential land within land identified for future residential development by the NWSSP. The proposal will allow for the creation of a variety of different lot sizes which will include different housing types and styles (including affordable housing). The proposal is located adjacent to an existing residential area, therefore is able to access and augment existing services and infrastructure to support the rezoning of the land. It is therefore considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	

Direction	Comment
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to rezone land to provide for caravan parks or manufactured home estates It is therefore considered that the proposal is consistent with this Direction.
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.	Applicable. The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.
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, business, industrial, village or tourist purposes.	Applicable. It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development. The proposal is in close proximity to major road networks. Further assessment to ensure availability of alternative transport choices, cycleway planning and provision of bus routes/stops will be undertaken as part of traffic and transport investigations to support the rezoning. It is therefore considered that the proposal is consistent with this Direction.
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity	Not Applicable. The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.

Direction	Comment
of a licensed aerodrome.	
3.6 Shooting Ranges	
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not Applicable. The proposal does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
Hazard & Risk	
4.1 Acid Sulfate Soils	
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable. Should the proposal be endorsed by the Gateway, the proponent will be required to undertake an acid sulfate soil assessment. It is therefore considered that this proposal will be consistent with this Direction.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable. Consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal. It is considered that the proposal is consistent with this direction.
4.3 Flood Prone Land	
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development	Applicable. The proposed rezoning has considered the existing 1% AEP Flood Line, however further flood and

Direction	Comment
Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	drainage studies will be required to identify local floodways. A flood and drainage study is proposed to be conducted as part of the rezoning process. Once the above mentioned information has been considered and integrated into the proposal, it is expected that the rezoning will be consistent with this Direction.
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Applicable. The site of the proposal contains land classified as Bushfire Prone under Council's Bushfire Prone Lands Map. An assessment of the proposal against Planning for Bushfire Protection, 2006 and other relevant Guidelines will be undertaken through the rezoning process. Adoption of future recommendations arising from further Bushfire Assessment work will ensure consistency with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	Applicable. The proposal is considered to be consistent with the Central Coast Regional Strategy and the North Wyong Shire Structure Plan.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. The proposal is not located within Sydney's hydrological catchment.

Direction	Comment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	Not Applicable. The proposal is not located within the Far North Coast Region.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. The proposal is not located between Port Stephens and Tweed Shire Councils.
5.8 Second Sydney Airport: Badgerys Creek	
Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	Not Applicable. The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.
Local Plan Making	
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent

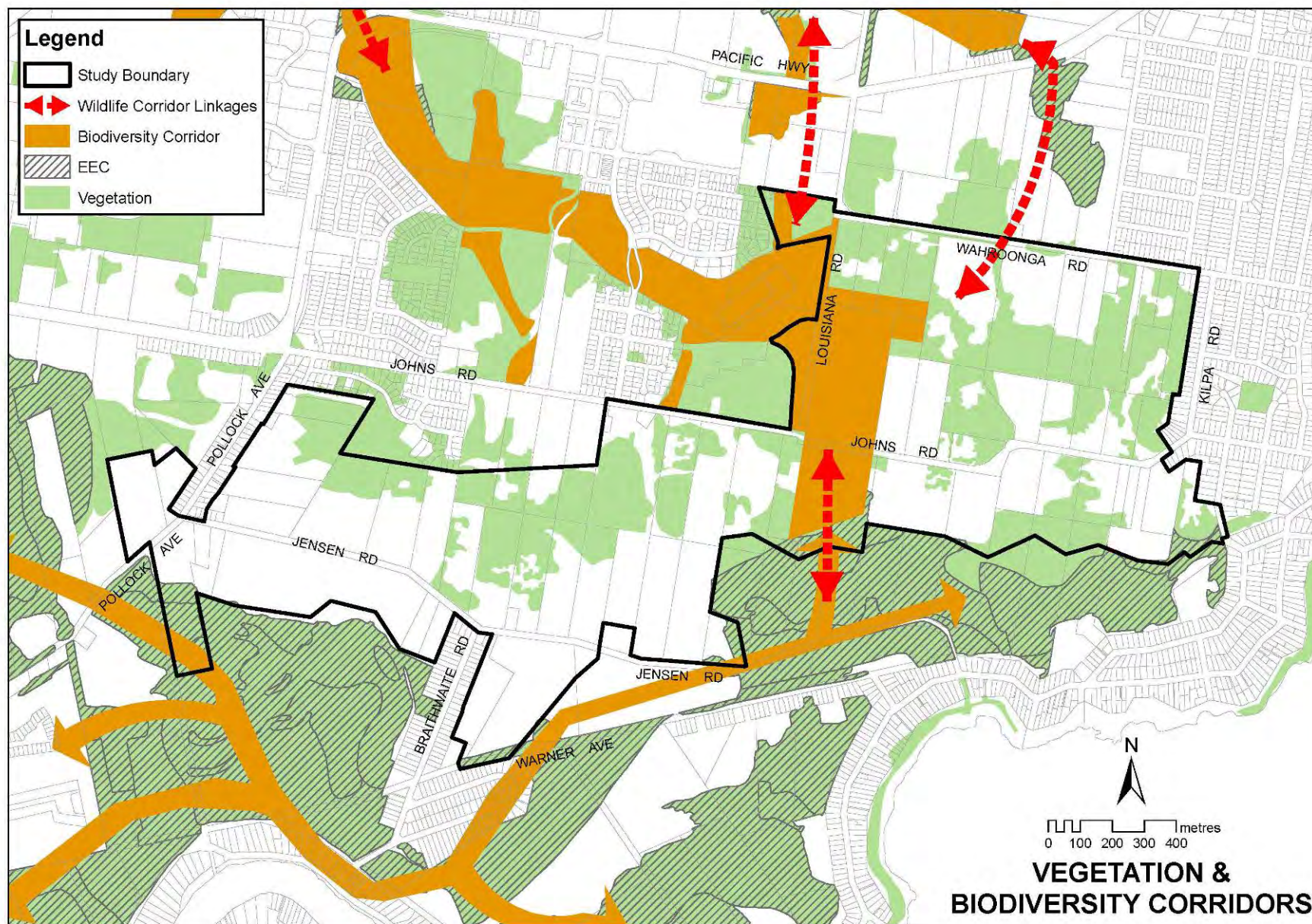
Direction	Comment
	with this Direction.
6.2 Reserving Land for Public Purposes	
Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. Applies when the relevant planning authority prepares a planning proposal.	Applicable. Work has not yet been conducted at the required level of detail to determine if there will be requirement for land reservations for traffic improvements, parks and wildlife corridors. Future reservation areas may be identified as further work is conducted on the project. It is therefore considered the proposal will be consistent with this Direction.
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.	Applicable. The proposal does not seek to enable a specific use on the site which is not otherwise permissible within the proposed zones. It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
Aims to give legal effect to the planning principles, directions and priorities for sub regions, strategic centres and transport gateways contained in A Plan for Growing Sydney	Not Applicable. This Direction does not apply to Wyong LGA.

07

Map showing existing native vegetation and position of wildlife corridors



Wyong
Shire
Council



08

Indicative list of technical reports and documents which will be required to support the Planning Proposal



Wyong
Shire
Council

A number of technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land.

An indicative list of reports to support the Planning Proposal is outlined below.

1. Funding agreement (including examination of different funding models) to enable landowners to fund Council and State Government infrastructure. This will be based on a *"principle of no cost to government"*.
2. Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
3. Services Review (gas, telecommunications, electricity provision etc.)
4. Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy)
5. Flood and drainage studies
6. Open space and recreation analysis
7. Visual impact analysis
8. Social Impact Assessment
9. Preliminary Contaminated Land Study
10. Acid sulphate soil risk analysis on low lying parts of the site
11. Noise assessment for main road frontages e.g. Pacific Highway
12. Aboriginal archaeological assessment
13. Integrated Water Cycle Management (IWCM) Strategy
14. Traffic Report (which will also examine public transport, pedestrian and cycleway planning issues)
15. Structure Plan, Urban Design principles and draft Development Control Plan
16. Draft VPA and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted).
17. Updated Planning Proposal/Planning Controls (rezoning)

The detailed scope of works statements will be prepared by the applicant upon receipt of a Gateway Determination with input from Council staff and relevant Government agencies.

Council staff will provide a review role on all technical studies to ensure that all relevant issues and community concerns are addressed.

Council will require the applicant (who will work on behalf of the Wadalba Land Owners Group to enter into a Funding Agreement to ensure that Council staff costs are recovered as per Council's Planning Proposal Policy Procedure. Council will also develop a work program in consultation with the applicant with project milestones and timeframes which all parties will work towards.

09

Discussion Paper to inform preparation of Planning Proposal for Wadalba East Urban Land Release Area



Wyong
Shire
Council



Ref: 180121CS

22nd May 2013

General Manager
Wyong Shire Council
PO Box 20
Wyong NSW 2259

Attention: Ms. Lin Armstrong

Dear Lin,

**EAST WADALBA - URBAN INVESTIGATION AREA
PLANNING PROPOSAL**

Further to our letter dated 8th April 2013, please find attached three (3) copies of a discussion paper to assist Council with it's preparation of a Planning Proposal for the above project. A CD is also provided for Council's assistance.

Upon receipt of Council's advice regarding the amount payable of the initial rezoning fee, as requested in our letter of the 8th, I will arrange the appropriate payment from the Landowner Group.

We, and the landowners of Wadalba East, look forward to working with Wyong Shire Council as this project enters into an exciting new phase. Should you have any questions or wish to further discuss please do not hesitate to call.

Yours faithfully
ADW JOHNSON PTY LTD

A handwritten signature in black ink, appearing to read 'C. N. Smith'.

CHRIS SMITH
SENIOR DEVELOPMENT PLANNER

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1

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discussion paper informing the preparation of a planning proposal for rezoning

Location:

East Wadalba

Applicant:

Wadalba Land Owners Group

Date:

May 2013

document control sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft to Client	May 2013	IM/SVD	CS

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

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1.0 introduction

1.1 SCOPE OF REPORT

This discussion paper has been prepared by ADW Johnson in conjunction with and on behalf of the Wadalba Landowners Lobby Group to assist Wyong Shire Council ("Council") with the preparation of a Planning Proposal for the rezoning of various allotments within the East Wadalba Area ("the site").

The intended effect behind the proposed rezoning is to enact upon the "Potential Home Sites" Evaluation Report released by the NSW Government in March 2013 to accommodate a new greenfields site in order to simulate growth and affordable housing opportunities within the Shire.

The site comprises approximately 241 hectares which is currently predominantly zoned 10(a) Investigation under the Wyong Local Environmental Plan 1991 ("LEP"). A constraints map has been prepared detailing areas affected by flooding, conservation corridors and areas with a slope in excess of 20%. From this, approximately 182 hectares of constraint free land exist and will be suitable for residential development able to accommodate between 1710 to 2050 residential lots.

A Concept Master Plan accompanies this proposal which provides for the protection of areas with conservation values and continues the urban structure with existing settled areas (refer **Appendix 1**).

Due to the topographic advantages of the area and in accordance with the Complying Development Codes minimum lot size, smaller lot Torrens title subdivision will be possible, with lots down to 200m². This will be further explored during the rezoning process. The site will provide for a great range of lot sizes and characteristics and will therefore be able to deliver to a large market base. As a result it will be possible to broaden housing access for the lower and very price sensitive market segment.

The site has been identified as being suitable for residential growth within The North Wyong Shire Structure Plan ("NWSSP") which was adopted in October 2012. This document provides the framework to accommodate the ambitious growth targets set within the Central Coast Regional Strategy. To protect important environmental land, the Structure Plan also highlights important major and local conservation links as well as green corridor and habitat networks. The proposed rezoning has accommodated these through the dedication of the abovementioned environmental corridor land.

The following discussion paper will explain the history behind the intended rezoning

including discussions held at both Local and State Government levels as well as elaborate on the level of investigation, documentation and engagement of consultants required following the “gateway” determination. This discussion paper is not intended to solve all of the site constraint and infrastructure issues but rather to confirm to Council and the Department of Planning and Infrastructure (“DoPI”) that this site is generally a suitable location for additional residential growth and one worthy of support for further detailed investigations.

The discussion paper has been prepared using the Department of Planning’s (now DoPI) “A guide to preparing planning proposals”, and addresses the relevant Ministerial Directions enabled under Section 117 of the Environmental Planning and Assessment Act 1979 (“EP&A Act”).

It is requested that Council support the proposed rezoning and prepare a planning proposal to lodge through DoPI’s gateway process.

1.2 SITE DETAILS

The site contains approximately 241 hectares of land over 85 allotments under various different ownerships. An Ownership Plan with specific lot detail is provided within **Appendix 2**.

The site is largely unconstrained being semi rural land occupied by housing at very low densities. As depicted within Figure 1, the site also contains a portion of flood affected land and conservation corridor land (discussed in further detail below).

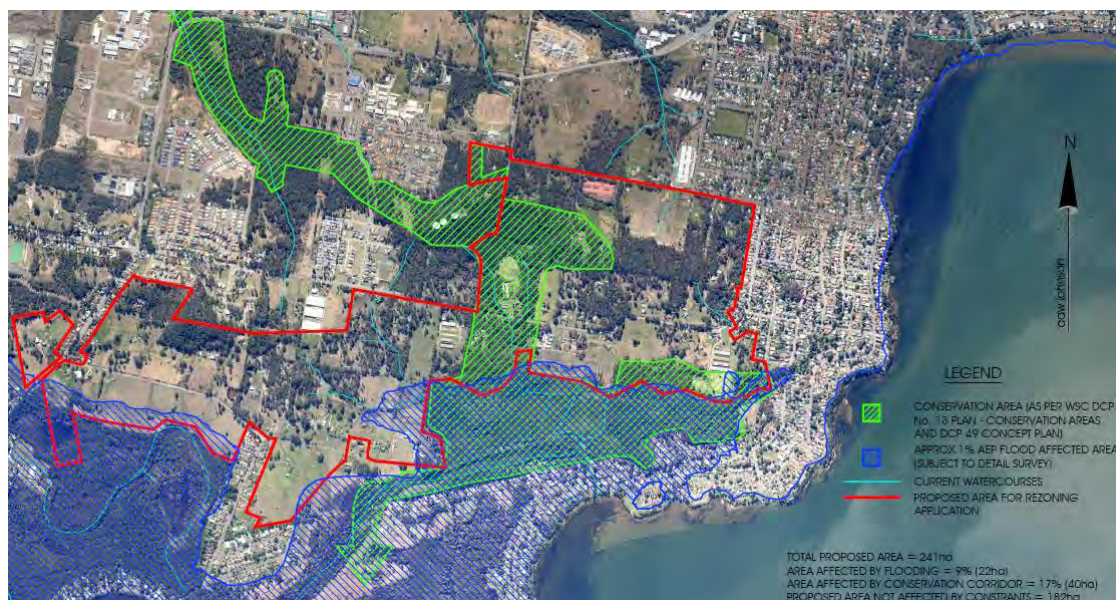


Figure 1 – Aerial Photo and Constraints Map

The site is generally surrounded by established residential development to the south and east and newer residential development to the north and west.

1.3 PROPOSED LEP AMENDMENT

Currently the subject site is predominantly zoned 10(a) Investigation Precinct under the LEP where any significant residential development is contrary to the objectives of the zone (see Figure 2a).

Under the Draft Local Environmental Plan 2012 ("DLEP"), the site is predominantly zoned RU6 Transition and E2 Environmental Conservation where any significant residential development is also contrary to the objectives of the zone (see Figure 2b).

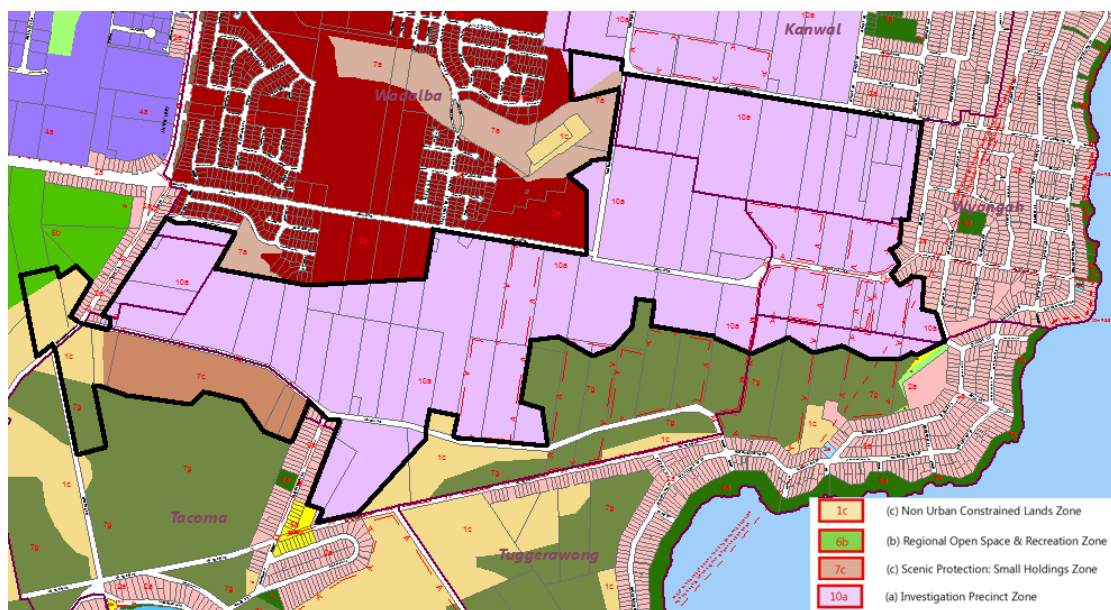


Figure 2a – Current Zone Map

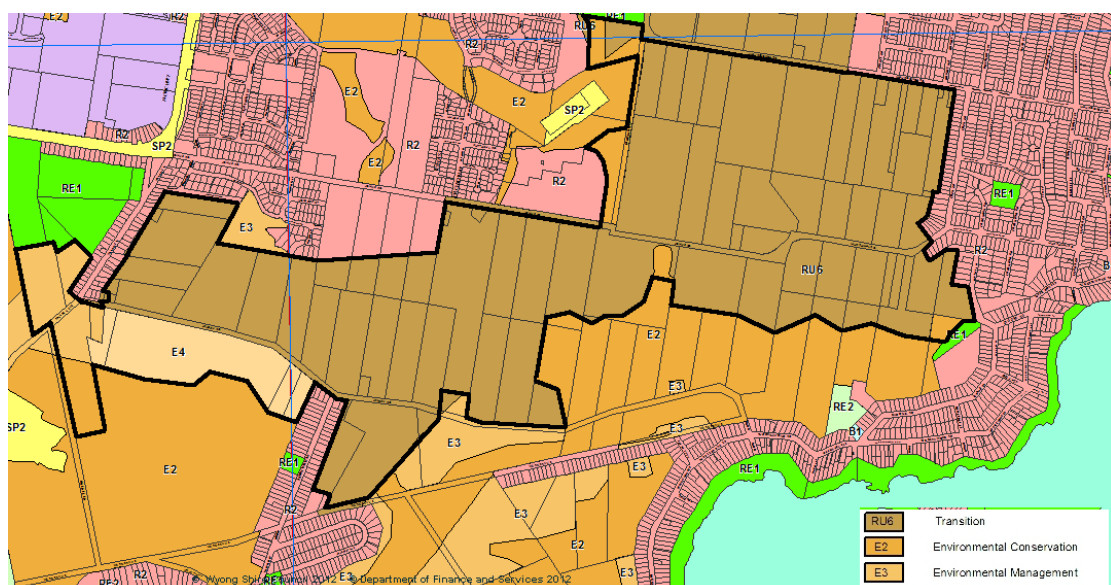


Figure 2b – Draft Zone Map

The purpose behind this discussion paper is to seek the support of DoPI and Council to enable low to medium density residential development over the 182 hectares of unconstrained land through rezoning the site to either 2(b) Multiple Dwelling Residential under the current LEP or R1 General Residential under the future Standard Template LEP ("DLEP"). A proposed DLEP Zone Map is located within **Appendix 3**.

Given the relatively unconstrained nature of the site, to accommodate for a range of lot size and a greater share of the property market, it is proposed to allow the minimum lot size for some areas to be in accordance with the Complying Development Codes minimum lot size of 200m². For this reason, it is suggested that the minimum lot size map simply refer to a site specific Development Control Plan ("DCP") for guidance on appropriate lot sizes. A proposed DLEP Lot Size Map is located within **Appendix 3**.

1.4 FUTURE PROPOSED RESIDENTIAL DEVELOPMENT

The intention behind the proposed rezoning is to provide for the short to medium term release of approximately 1710 - 2050 residential allotments; this amount being based on 10 – 12 lots per hectare.

A Concept Masterplan is located within **Appendix 1**.

1.5 BACKGROUND

Housing production in the Sydney Region has been significantly lower over the past few years with this partly due to the fact that only 25% of total production is attributed to greenfield housing. The consequence of this phenomenon has created significant housing affordability issues; a fact which has been well advertised throughout the media.

To ameliorate this situation, in August 2011 the NSW Minister of Planning and Infrastructure created the "Potential Homes Sites Program" which asked for landowners to nominate large sites (>100 hectares) which could be developed for housing within three years at no additional cost to Government. Following a review of these potential housing opportunities, only seven of the 31 sites nominated were selected for "immediate action"; the subject site known as the "Wadalba East Precinct" being one of these.

In addition to the above, the site has also been included within the NWSSP as being a "proposed residential area" suitable for growth in the medium term (next 15 years). Despite this, on 14 March 2013, the Minister for Planning and Infrastructure provided correspondence which stated that he supported the site for earlier release.

1.6 HISTORY

The Wadalba East area has been on Council's urban release strategy for many years, known as precincts 8B & 8C.

On 10 September 2010 landowners of the Wadalba east area arranged for their 1st coordinated meeting. At this meeting landowners agreed to form a "lobbygroup" and pursue earlier release of the area.

On 1 October 2010, a meeting was held with Council's General Manager and Town Planners whereat, it was agreed in principle to the lodgement of a rezoning application – provided the Landowner Group funded an additional staff member to process the application. This principle was generally accepted by the lobby group.

During November 2010, the DoPI released the *Draft North Wyong Shire Structure Plan* (DNWSSP), which identified the site for medium term release i.e. before 2020. A submission was lodged in December 2010, requesting that the Precincts (now referred to as 2A, 2B & 3B) be released in the shorter term.

DoPI had intended to finalise the DNWSSP before the State elections in March 2011, but this continued to be deferred given the number of submissions and complex issues across the Shire which needed to be resolved. The implication for a rezoning application was that Council would be looking for clear direction on future planning from the DoPI's DNWSSP.

On 12 August 2011, the Minister for Planning, the Hon Brad Hazzard, during a radio interview on 2GB, invited landowners with suitable land greater than 100ha, to nominate those sites for consideration for early release. The Wadalba East area was subsequently brought to the attention of the Minister & DoPI with a formal submission made by 29 November 2011.

In April 2012, the Dept of Planning releases a shorter list on nominated Potential Housing sites, from 43 sites down to 31. Wadalba East remained on the list.

As part of the review, the Minister invited Council to comment on the Wadalba land owners submission and advise of its support or otherwise. On 22 February 2012, the Council resolved unanimously to support the Wadalba East Precinct as part of the Potential Home Sites Program.

Since the initial program announcement, various meetings have been held with Council's Strategic staff to ensure the smooth and timely transition of the site towards being developed for residential purposes. In order to facilitate this process, Council has acknowledged that whilst a Planning Proposal will be required to amend the current zoning, the site has been identified by the State Government as being

suitable for growth and as such significant detailed investigations will not be required as part of the Phase 1 rezoning. In this regard, this discussion paper does detail the future investigations which will follow the initial gateway determination (see Section 1.7).

1.7 FUTURE SPECIALIST INVESTIGATION REPORTS

As discussed within Section 1.6, the following table provides a list of specialist consultants expected to be required during the preparation of a local environmental study.

This list will be refined as Council, the Department of Planning and other State Agencies provide initial comments. Detailed scope of works will be prepared upon receipt of a gateway determination.

It is proposed that ADW Johnson will case manage the proposal for the proponent, but consult with Council's Project officer during preparation of scope of works and review of reports etc.

Specialist Investigation
Infrastructure (Water & Sewer)
Ecology (Flora & Fauna/Biodiversity Certification)
Land Valuation
Flooding
Stormwater & IWC
Traffic & Transportation
Open Space & Recreation
Social Impact/Human Analysis
Economic Viability Assessment
Aboriginal Archaeology & European Heritage
Noise & Vibration
Acid Sulphate Soils/Land Capability/Contaminated Land
Bushfire Planning
Urban Design/Master plan
Planning
Council Project Officer

1.8 SUMMARY

The site has been recognised as being a suitable greenfields site by the NSW Government as part of the Potential Home Sites Program.

As a greenfields housing site East Wadalba has significant advantages including:

- Strategic Identification for residential release at state, regional and local levels;

- Approximately 182 ha of constraints free land;
- Established road connections;
- Lead in infrastructure completed;
- A location that is more infill than greenfields due to nearby services;
- Proximity to a full range of community facilities and recreational opportunities;
- Proximity to a range of facilities of regional standard;
- The capacity to both support and benefit from the nearby Wyong civic hub; and
- Ready access to rail, Wyong station is less than 3 km from the area and has all day parking capacity.

The land is likely to be able to meet a broad range of housing needs and provide a range of lot sizes. In comparison with other land identified for release in the Wyong LGA, the area is both more ready and more likely to cater for a broader market spectrum.

WITHIN 1 KM
Wyong Hospital (including emergency department)
Wyong Health & medical centres
Three public (primary) schools
One high school
Three existing and one approved aged care facilities
The Wyong Regional Sporting Complex
Two golf courses
Wadalba village which includes a Coles supermarket and recent development approval for a new health services facility and additional commercial/retail space
North Wyong Industrial Estate
Tuggerah Lakes and foreshore reserve offering a variety of recreational opportunities
The Wyong Retail Strategy recommends 5000m ² of additional commercial area in Wabalba East by 2016
WITHIN 4 KM
Wyong CBD, offering an array of retail, commercial and support services
Kanwal shopping village
Two additional high schools
Police, Ambulance and Fire Departments
Baker Park Sporting Precinct comprising oval, regional netball courts, Olympic pool, tennis courts
Wyong Railway Station with bus/rail interchange facility
Various sporting, social and service clubs
WITHIN 8 KM
Westfields Tuggerah shopping complex.
Lakehaven shopping complex
Tuggerah industrial area
Charmhaven industrial area
Tuggerah Business Park
Tuggerah Supa Centre
F3 Freeway
Warnervale airport
Additional sporting, social and service clubs

Other recent major community infrastructure investments in the immediate area include;

- A new Wyong commuter carpark (\$5.9M),
- A new Wyong Police station (\$14.6M),
- The proposed Wyong Art House performing arts and conference centre (\$24M).
- Revitalizing on the Wyong Civic & Cultural Precinct.

Future Residential Areas

In addition to the above, other current rezoning proposals in the area include the 7A Precinct - Warnervale and Hamlyn Terrace Rezoning and the Craigie Avenue Precinct where Council has identified that the 10(a) (Investigation Zone) under the Wyong Local Environmental Plan 1991 "is normally applied to land that's proposed to be investigated for its urban potential." Both the 7A and Craigie Avenue Precinct proposals have a significant proportion of 10(a) zoned land – as does the subject proposal. The rezoning of the 7A Precinct has the potential to support an additional population of approximately 3,300 people or 1,900 dwellings. The rezoning of the Craigie Avenue Precinct has the potential to generate significant employment generating uses. Figure 4 below illustrates the proximity of these proposals to the subject site.

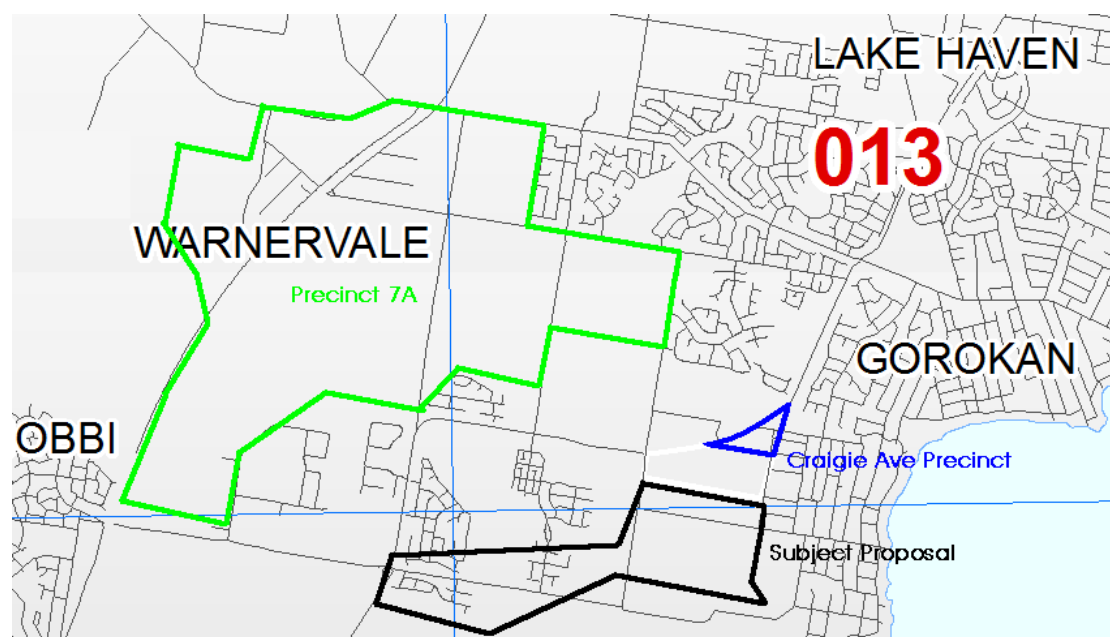


Figure 4 – Surrounding Rezoning Proposals

It is evident from the above, that the general area is experiencing growth and is seen as an appropriate location to foster continued growth given its ideal location in proximity to the F3 Freeway, Northern Rail Line and existing large commercial centres at Tuggerah and Wyong.

2.3 PHYSICAL CHARACTERISTICS / CONSTRAINTS

2.3.1 Topography

As depicted within Figure 5, the site in general contains gently undulating terrain similar to areas further north-west which have been previously been developed. There are few areas towards the peak of two ridgelines which have significantly steeper topography. One of these also contains significant vegetation and has

therefore been designated within a proposed conservation zone, the other contains land with a slope in excess of 20% and has therefore been excluded from the Concept Masterplan as being suitable for residential development.

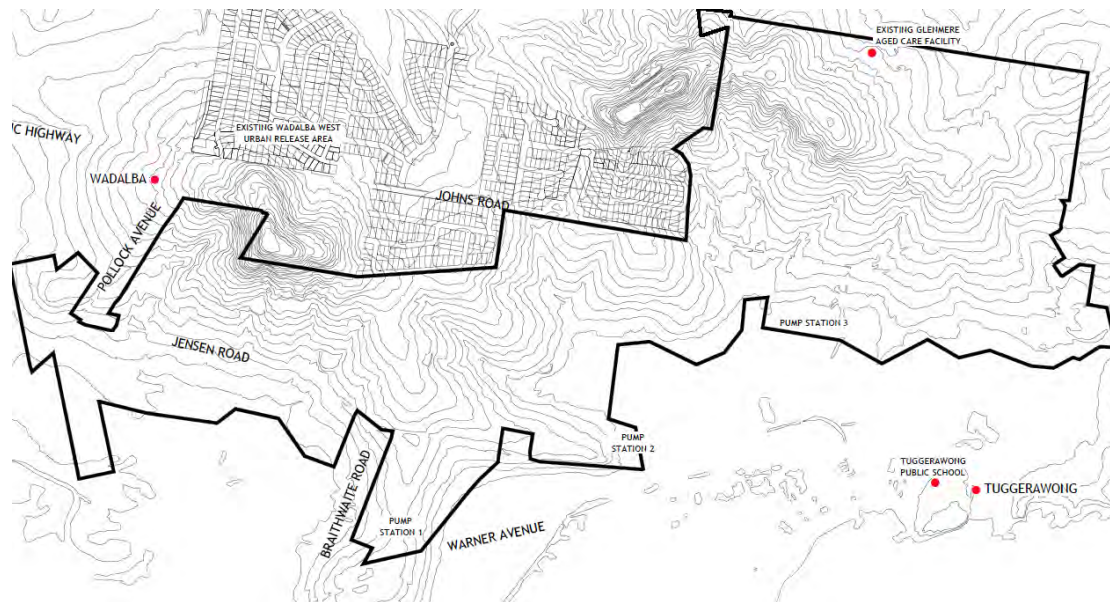


Figure 5 – Contour Map

In addition to the above, and as depicted within the Constraints map located within Appendix 4, there are a number of natural drainage channels which traverse the site. Whilst future development would be required to consider these features, they are not considered a constraint to future residential development.

2.3.2 Flooding and Drainage

As depicted within the Constraints map located within Appendix 4, parts of the southern portion of the site are located within the 1:100 flood prone area. The Concept Masterplan provided within Appendix 3 illustrates allotments above this level and flooding is therefore not considered a constraint to future residential development.

2.3.3 Flora and Fauna

As depicted within the Constraints map located within Appendix 4, a central environmental corridor runs north/south through the site – this area being identified as significant corridor land under DCP 13 – Interim Conservation Areas and 49 – Warnervale East and Wadalba North West. The proposed rezoning plan provided within Appendix 3 designates this area as being suitable for a conservation zone. The remainder of the site contains relatively minor patches of vegetation however this is not considered a constraint to future residential development.

2.3.4 Bushfire

The subject site is partly classified as “bushfire prone” land under the bushfire maps adopted by Wyong Council (see Figure 6). Whilst suitable asset protection zones will be required for future development, the risk of bushfire is not considered to be a constraint to future residential development

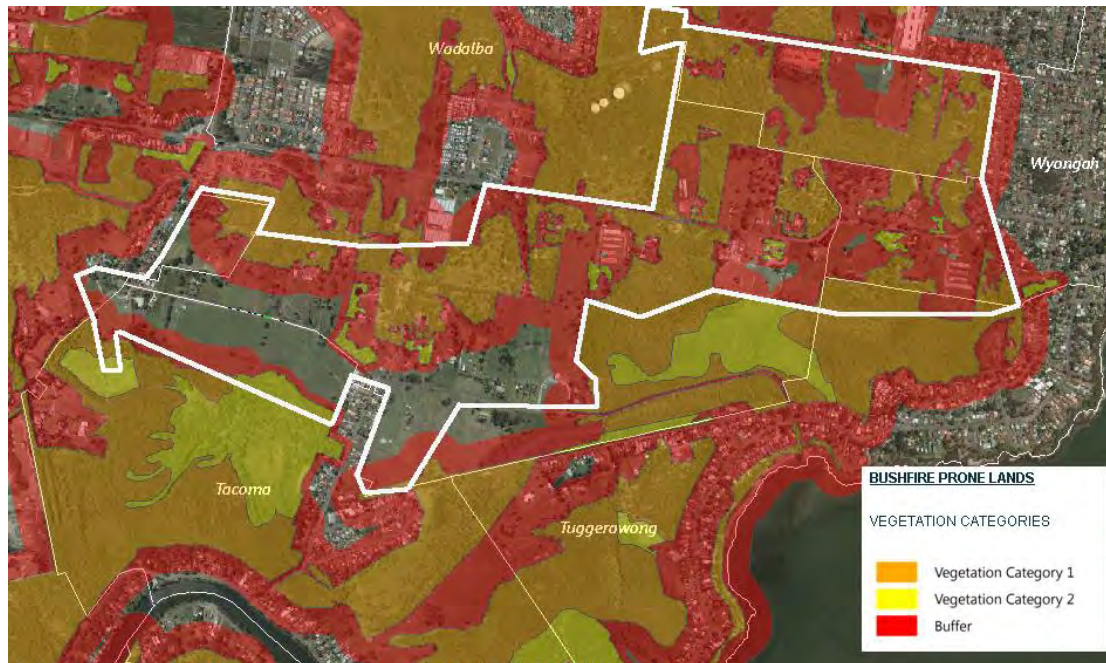


Figure 6 – Bush Fire Prone Land Map

2.3.5 Acid Sulfate Soils

In accordance with Council’s Acid Sulfate Soils Map, the subject site is affected by Class 2 – 5 soils. Any significant excavation required as part of future development which would likely expose acid sulphate soils would simply require the preparation of an Acid Sulphate Soils Management Plan and is therefore not considered to be a constraint to future residential development.

2.3.6 Mine Subsidence

The majority of the site is located within either the Swansea North Entrance Mine Subsidence Area or the Swansea North Entrance No.1 Mine Subsidence Area. Despite this, the Mine Subsidence Board has confirmed mining or subsidence is not a constraint to the investigation area. A copy of the Department’s correspondence is provided within **Appendix 5**.

2.3.7 Heritage

Aboriginal Heritage

The Wadalba area in general contains a number of sites identified on the Aboriginal Heritage Information Management System ("AHIMS"). This matter will be further investigated as part of the rezoning process and will have regard for appropriate consultation and reporting protocols. It is not anticipated that this issue will be a constraint to future residential development.

European Heritage

The subject site is not located within a Heritage Conservation area however does contain any items of local heritage significance on Lot B in DP33532.

2.3.8 Traffic and Transport

The site has good connections to the Pacific Highway, the F3 Freeway and the Northern Railway as well as established internal roads and bus routes.

2.4 SUMMARY

As detailed above, on a broad scale, the site is relatively unconstrained with areas affected by flooding, slope and important vegetation corridors able to be accommodated within an appropriate environmental conservation zone or excluded from residential development.

Whilst the site has been identified as a greenfields site in terms of the above described context, it could also be described as a large scale infill site. The proximity of the site to surrounding existing, continuing and future growth areas; town and regional centres; and good transport connections, is considered to be ideal to promote future residential growth.

The following Sections will resolve many of the broader planning issues with more detailed issues to be resolved post gateway determination or through future development applications.

3.0 justification for proposed rezoning

In line with the Department of Planning's (now Department of Planning & Infrastructure) "A guide to preparing planning proposals", the following section will utilise the above information to respond to the requirements of this document.

3.1 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The subject land is zoned 10(a) Investigation Precinct, 7(c) Scenic Protection: Small Holdings Zone, 1(c) Non Urban Constrained Lands and 6(b) Regional Open Space & Recreation Zone under the LEP where significant additional residential development would not meet the objectives of the zone.

In addition to the above, despite the site being identified within the NWSSP as being a future residential growth area, it has been zoned RU6 Transition, E2 Environmental Conservation and E3 Environmental Management under the DLEP – all zones where significant additional residential development would also not meet the relevant objectives.

On this basis, the objective or intended outcome of this rezoning is to:

- *Enable low to medium density residential development on the subject site as envisaged through the State Governments endorsement of the site as an appropriate residential growth area;*
- *Protect and manage areas with environmental constraints; and*
- *Require further detailed development plans to be prepared prior to approval of development applications.*

3.2 PART 2 – EXPLANATION OF PROVISIONS

The objective of this planning proposal is intended to be achieved through amending the Wyong Local Environmental Plan 1991 or the Draft Local Environmental Plan 2012 – dependent upon timing.

Under the current LEP, the amendment would involve a change to the land zoning for the subject site from 10(a) Investigation Precinct Zone, 7(c) Scenic Protection: Small Holdings Zone, 1(c) Non Urban Constrained Lands Zone and 6(b) Regional Open Space & Recreation Zone to a combination of 2(b) Multiple Dwelling Residential Zone and 7(a) Conservation Zone.

Under the DLEP, the amendment would involve a change to the land zoning for the subject site from RU6 Transition, E2 Environmental Conservation and E3

Environmental Management to a combination of R1 General Residential and E2 Environmental Conservation. Given the likely timing of the DLEP, a proposed Zone Map for this instrument only is located within **Appendix 3**.

In addition to the above, the planning proposal would also include a change to the draft Lot Size Maps to remain “uncoloured” so as to allow for flexible lots sizes able to respond to the current market demand and allow the minimum lot size for some areas to be in accordance with the Complying Development Codes minimum lot size of 200m². The minimum lot size map should simply refer to a site specific DCP for guidance on appropriate lot sizes. A proposed DLEP Lot Size Map is located within **Appendix 3**.

Under the DLEP the amendment would also involve the lands proposed for rezoning to be identified as an Urban Release Area under the provisions of Part 6 of the DLEP, so as to ensure that satisfactory arrangements for the provision of designated state public infrastructure are met prior to the development of the subject site.

3.3 PART 3 – JUSTIFICATION

Section A – Need for the planning proposal.

Is the planning proposal a result of any strategic study or report?

Yes – See below.

Potential Homes Sites Program

As discussed above, the proposal is directly related to the Potential Homes Sites Program where the subject site has been selected by the State Government for “immediate action” to simulate growth and affordable housing opportunities within the Shire.

Central Coast Regional Strategy

The Central Coast Regional Strategy (“CCRS”) was released in 2008 and provides an overall framework for consideration of future development within the Central Coast region.

As part of the CCRS, Wyong is targeted to supply approximately 40,000 dwellings at an average of 1,600 dwellings per year - these projections have not been achieved.

The NWSSP goes into further detail with regards to how this portion of the region should aim towards achieving the above targets.

Precinct 8B and 8C – areas identified as being area suitable to accommodate future residential growth.

Council's Residential Land Monitor

Council's Residential Land Monitor provides that there is a limited supply of available land for residential purposes across the Shire. Should the proposed site be rezoned, significant additional residential lots of a variety of sizes would be available to ease the stock pressures over a sustained period of time.

Draft Settlement Strategy

The Draft Settlement Strategy was release concurrently with the DLEP and whilst it is not in its adopted form it provides the general framework behind the Shire's future growth and is therefore worthy of consideration.

The crucial objective behind the Strategy is to support the CCRS and NWSSP - as discussed above, the proposed rezoning meets both of these documents.

Other major considerations which are achieved through the proposed rezoning include:

- Providing for growth in appropriate locations based on constraints and opportunities
- Timing and provision of services and infrastructure
- Fostering sustainable development
- Encouraging economic development
- Protecting valuable agricultural land
- Encouraging a range of housing types
- Providing equitable access to services and facilities for recreation, culture, health and education
- Minimising risk from flooding, climate change and bushfire
- Reducing reliance on cars for transport

In general the Strategy emulates previous initiatives which have been explored throughout this report, with an emphasis on job and housing creation to which the proposed rezoning will assist in achieving.

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

Option 1 Discontinue the Proposal (Not Recommended)

Various levels of Government have acknowledged the increasing challenges facing potential home owners and renters in securing suitable accommodation in the

areas they work and want to live. In this regard, the planning proposal will result in additional land being available for approximately 1710 - 2050 residential allotments.

The site is in a position to develop housing within the shorter term thereby having a swift positive impact on the housing supply crises in Wyong Shire. Discontinuing the process will prevent this outcome and continue to apply pressure to develop less suited parcels of land.

Option 2 Proceed with the Proposal as an Amendment to the Current or Draft LEP (Recommended)

It is considered that an amendment to the current or draft LEP through the gateway process and preparation of a planning proposal is the most effective and timely method to proceed with the State Governments desire to progress the site for future growth within the short term.

Is there a net community benefit?

The proposed rezoning will allow the creation of approximately 1710 - 2050 residential allotments within the shorter term thereby facilitating the ignition of the current stagnant housing climate of the Shire.

The additional supply of residential allotments will accommodate a range of housing types which will assist Council in meeting the housing supply objectives discussed above in an appropriate context.

The proposal will provide accommodation opportunities for new residents and relocation opportunities for existing local residents.

The proposal is within close proximity to Wyong and Tuggerah Centers and associated services, with additional residents supporting and thereby enhancing these as well as more local facilities.

The following table outlines how the proposed rezoning would meet the Net Community Benefit Test:

Draft Centres Policy Criteria	Planning Response
<i>Will the LEP 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)?</i>	Yes. The proposal provides for housing consistent with the CCRS, NWSSP and Potential Home Sites Program.
<i>Is the LEP located in a global / regional city, strategic centre or corridor</i>	No

<i>nominated within the Metropolitan Strategy or other regional / subregional strategy?</i>	
<i>Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landholders?</i>	No, the land has long been identified for future urban development.
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	This is not a spot rezoning but rather an expected strategic outcome.
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	There will be the economic multiplier effect of additional housing. Additionally, no employment lands will be affected by the proposal.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	The LEP will add to the supply of residential land. The proposal will be beneficial in regard to housing supply and affordability.
<i>Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is public transport currently available or is there infrastructure capacity to support future public transport?</i>	Strategic provision has been made for servicing the site. The site is well located with regard to major infrastructure such as road and rail and will benefit from proposed local upgrades. Water and sewer needs have been incorporated into forward plans. The detail of infrastructure servicing will need to be addressed as part of the rezoning process.
<i>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?</i>	No, the site is located within an established urban area, close to major transport linkages and will not displace established businesses.
<i>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?</i>	No, there are no known significant Government investments in infrastructure within the locality whose patronage could be adversely affected by the proposal. The proposal takes advantage of existing and proposed infrastructure investment.
<i>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?</i>	No. The vegetated areas of land within the site have been identified as corridors and are proposed for protection.
<i>Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in</i>	The proposed housing will be within an established residential area. There is adequate open space and public

<i>the location and wider community? Will the public domain improve?</i>	domain land available locally. The proposal is consistent with the structure planning for the area. No adverse effects on amenity or the public domain are likely.
<i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	N/A
<i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i>	N/A
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	The draft plan will facilitate the agreed strategic outcomes for the Central Coast and Wyong Shire. Not proceeding with preparation of the draft plan is likely to increase ongoing problems with residential land supply.

Section B – Relationship to strategic planning framework.

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)?

As discussed above, the proposal has been assessed against the targets and objectives of the CCRS and the NWSSP and is considered consistent with these documents.

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

Wyong Shire Community Strategic Plan (2030)

The Wyong Shire Community Strategic Plan is a broad based document aimed towards establishing and achieving the Shire's strategic vision over the next twenty years. Given that development within the Shire makes up a significant portion of how residents view the region, it is appropriate to compare the proposed rezoning to the eight priority objectives which have been created to improve the area. The following table establishes how the proposed rezoning will achieve these objectives:

WYONG SHIRE COMMUNITY STRATEGIC PLAN (2030)	
OBJECTIVE 1: Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	
Achieved by:	Meets
<i>Expanding and supporting programs that increase participation among all ages.</i>	✓
<i>Expanding and supporting programs and activities that encourage and enhance neighbourhood connections.</i>	Whilst the subject proposal will not directly influence these objectives, providing additional residential allotments within an existing residential area will enhance the demand for existing programs and encourage the development of new programs within Wyong/Wadalba Area.
<i>This will help ensure involvement of young people and seniors, respect for their ideas and active involvement in the life of their community.</i>	✓
<i>Expanding and resourcing children and family service programs.</i>	✓
<i>Developing and implementing the Wyong Shire-wide Settlement Strategy.</i>	N/A This document is still in its draft form and is discussed above.
<i>Improve the effectiveness of the system of connections that tie towns/suburbs and facilities of the Shire together as well as connecting to the wider region.</i>	✓
<i>Implementing the Regional Strategy for the Central Coast that will guide appropriate development, maintain the lifestyle and environment and include Government intervention to provide more than 35,000 jobs in the next 25 years.</i>	✓
<i>Planning and delivering a new Town Centre at Warnervale including a new railway station and transport interchange.</i>	N/A
OBJECTIVE 2: 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.	
Achieved by:	Meets
<i>Upgrading train and public transport services between Williamstown and Sydney Central ensuring the service is safe, timely and</i>	✓
	Whilst the proposed rezoning will have no

reliable.	direct impact on these objectives it will provide additional residential allotments thereby further justifying these upgrades/improvements.
Improving and linking the bicycle/shared pathway network and related facilities to encourage more cycling opportunities.	
Improving commuter parking at railway stations.	
Improving commuter hubs along the freeway.	
Creating a better public transport system including new outer suburban train carriages, upgrades of the Tuggerah station, rail maintenance upgrades and better local bus services.	
Ongoing upgrading of roads in the region including The Entrance Road and Pacific Highway.	
Improving the F3 links to Sydney to three lanes in each direction in partnership with the Federal Government.	
OBJECTIVE 3: Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	
Achieved by:	Meets
Providing and maintaining local and regional community facilities for recreation, culture, health and education.	✓ The proposed rezoning will provide additional residential allotments within the Shire thereby further justifying the provision and maintenance of these facilities, programs and services. Appropriate contributions will also be collected through the future subdivision to aid in maintaining and improving these facilities/services.
Providing and maintaining a range of community programs focused on community development, recreation, culture, environment, education and other issues.	
Providing recurrent funding for community support and development services.	
Promoting community facilities to help maximise their benefits and use.	
Balance the varying provision of facilities and amenities between towns/suburbs to enhance the quality of life in the Shire.	
Maximise the access to, and potential for, new and existing facilities/infrastructure to support growth.	
OBJECTIVE 4: Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	
Achieved by:	Meets
Preserving threatened and endangered species as well as ecological communities and biodiversity.	✓ Regionally significant corridors have been preserved through the proposed rezoning through the incorporation of appropriate environmental zones. Additional ecological studies will be undertaken following the
Expanding and continuing programs focused on restoring degraded natural areas in our community.	
Ensuring all development areas create or	

<i>maintain tree covered ridgelines and waterways.</i>	gateway determination.
<i>Developing and implementing strategies to reduce the Shire's Environmental Footprint.</i>	
OBJECTIVE 5: There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	
The methods of achieving this objective are mainly Council based programs and initiatives which whilst the proposed rezoning will not directly impact, will aid in the justification of these services.	
OBJECTIVE 6: There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths.	
The proposed rezoning will have a significant positive impact upon this through construction based employment and additional business demand.	
OBJECTIVE 7: Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	
N/A	
OBJECTIVE 8: The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	
The methods of achieving this objective are mainly Council based programs and initiatives which whilst the proposed rezoning will not directly impact, will aid in the justification of these services.	

Taking the above into consideration, the proposed rezoning is considered to be consistent with the Wyong Shire Community Strategic Plan (2030).

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

State Environmental Planning Policy No. 14 – Coastal Wetlands

The aim of SEPP 14 is to ensure coastal wetlands are preserved and protected for environmental and economic reasons. The SEPP requires the concurrence of the Director for any development which will clear land, construct a levee, drain or fill land within a coastal wetland.

The site does not contain any identified SEPP 14 Wetlands, however is located within close proximity to some areas to the south (see Figure 8). Investigation into the effects upon these areas through offsite impacts of future development would need to be explored within the Development Assessment process.

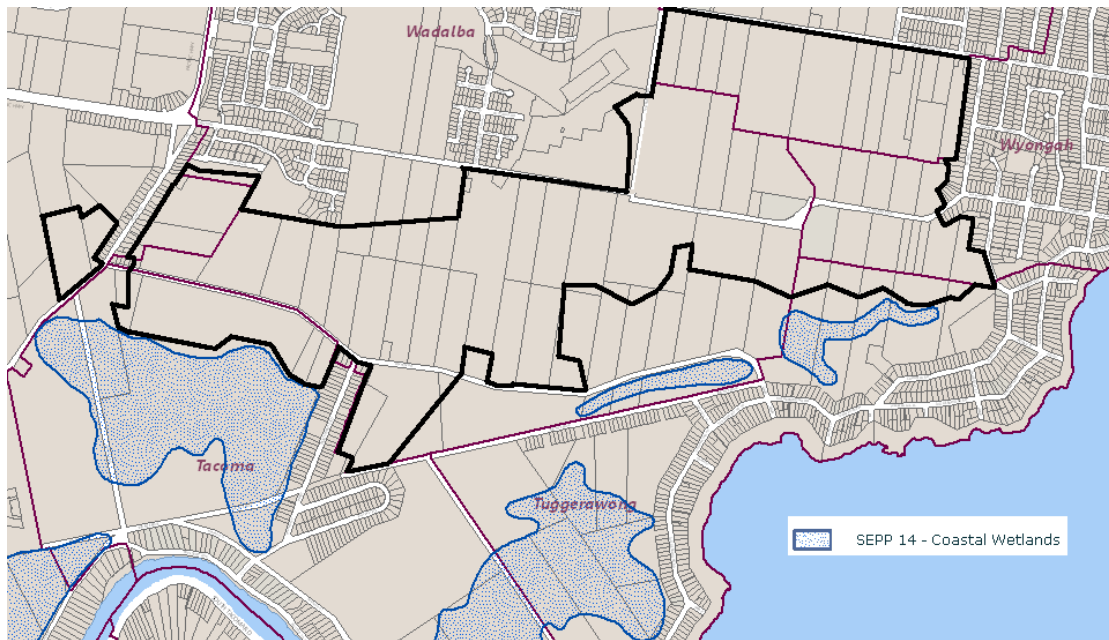


Figure 8 – SEPP 14 – Coastal Wetlands Map

State Environmental Planning Policy No. 26 – Littoral Rainforest

The site does not contain any identified Littoral Rainforest.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

This policy applies to the Wyong LGA and encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

Following the gateway determination, to address SEPP 44, further investigations into the likely amount of disturbed vegetation would be undertaken to determine the effect, if any, upon koala habitat and feed trees. Despite this, all ecological corridor areas identified within the NWSSP have been accounted for and identified as being appropriate for environmental zoning.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 provides that Council shall not rezone land which provides for a change in use unless they have considered whether the land is contaminated, and if so whether it is satisfied that the land is or will be suitable in its contaminated state for all the intended purposes under the new zone.

Following the gateway determination, to address SEPP 55, a Contaminated lands assessment will be undertaken by a suitable qualified geotechnical engineer who will review site history and undertake necessary fieldwork to establish the potential risk of site contamination resulting from past activities. The report will identify and provide

advice on the necessary measures to remediate the site if required.

State Environmental Planning Policy No. 71 – Coastal Protection

The subject site is located within the “coastal zone” (i.e. one kilometre from the coast or a coastal estuary as indicated on the adopted maps) and is therefore subject to the provisions of SEPP 71. In accordance with Clause 7 of the SEPP, Council is required to have regard to the matters for consideration identified under Clause 8 when preparing a Draft Local Environmental Plan.

The following table addresses the principles and matters for consideration within the SEPP relevant to the subject rezoning and where not already addressed within this discussion paper:

SEPP 71	
CLAUSE 8	
Matters for Consideration	
<i>(a) The aims of the Policy</i>	
The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment.	
<i>(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.</i>	
The subject site will have no impact on existing public access to the foreshore.	
<i>(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.</i>	
Given the location of the site, there are no opportunities to provide additional public access to the foreshore.	
<i>(d) The suitability of development given its type, location and design and its relationship with the surrounding area.</i>	
The proposed rezoning will facilitate the creation of allotments that are consistent with the size and character of surrounding allotments along Tuggerah Lake. Further regard to sensitive dwellings design, bulk and scale would be undertaken within the Development Assessment phase.	
<i>(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.</i>	
Future dwellings on the land will not result in any overshadowing of the foreshore nor result in any loss of views given the low scale of residential development envisaged.	
<i>(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.</i>	
The subject site is located a significant distance from the coastline such that the future development would not result in any adverse impact on the scenic quality of the coast.	
<i>(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities.</i>	
The subject proposal and future development will have no impact on water-based coastal activities.	

Taking the above into consideration, the subject rezoning is deemed consistent with SEPP 71.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table addresses the Section 117 Directions which are applicable to the subject site and its proposed use:

SECTION 117 DIRECTIONS	
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial Zones	
N/A	
1.2 Rural Zones	
N/A	
1.3 Mining, Petroleum Production and Extractive Industries	
N/A	
1.4 Oyster Aquaculture	
N/A	
1.5 Rural Lands	
N/A	
2. ENVIRONMENT AND HERITAGE	
2.1 Environment Protection Zones	
N/A	
The proposed rezoning will not affect any existing environmental zones, with proposed environmental zones being located over identified corridors within the NWSSP.	
2.2 Coastal Protection	
Application of Direction	Complies?
<i>This direction applies to land in the coastal zone.</i> Objective <i>(1) The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	✓ The site is within the NSW Coastal Zone; however all relevant requirements will be addressed within the DLEP and do not need to be addressed by the rezoning of a single area.
2.3 Heritage Conservation	
Objective <i>(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	As discussed above, the site is identified as containing at least two sites of Aboriginal significance and one European local heritage item.

	Following the gateway determination Aboriginal archaeological and European heritage investigations will be undertaken to ensure future development will conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance .
2.4 Recreation Vehicle Areas	
N/A	
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 Residential Zones	
Application of Direction	Complies?
Objectives <i>(1) The objectives of this direction are:</i> <i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i> <i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i> <i>(c) to minimise the impact of residential development on the environment and resource lands.</i> What a relevant planning authority must do if this direction applies <i>(4) A planning proposal must include provisions that encourage the provision of housing that will:</i> <i>(a) broaden the choice of building types and locations available in the housing market, and</i> <i>(b) make more efficient use of existing infrastructure and services, and</i> <i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> <i>(d) be of good design.</i> <i>(5) A planning proposal must, in relation to land to which this direction applies:</i> <i>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i>	✓ This direction applies to the Wyong Shire LGA and to this planning proposal given that it requests an amendment to allow residential development within an existing investigation zone. As discussed above, the proposal will allow for the creation of a variety of different lot sizes accommodating for a broad share of the market. The area is located within an area which has been long identified as being suitable for residential development. The area has access to existing perimeter infrastructure with investigations and costing into upgrades and extensions to occur following the gateway determination. Taking the above into consideration, the proposal is consistent with the objectives of this direction.

<i>(b) not contain provisions which will reduce the permissible residential density of land.</i>	
3.2 Caravan Parks and Manufactured Home Estates	
N/A	
3.3 Home Occupations	
N/A	
3.4 Integrating Land Use and Transport	
Application of Direction	Complies?
Objective <i>1. The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> <i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>(b) increasing the choice of available transport and reducing dependence on cars, and</i> <i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>(d) supporting the efficient and viable operation of public transport services, and</i> <i>(e) providing for the efficient movement of freight.</i>	✓ The subject site is located within an area which has access to numerous bus routes, the Northern railway as well as the Pacific Highway and F3 Freeway. The site is considered to be ideally positioned to take advantage of this existing infrastructure with further investigations into any additional required infrastructure to be undertaken following the gateway determination. The site has been identified as being suitable for further residential growth within numerous local and regional strategies and is therefore considered to meet the objectives of this direction.
3.5 Development Near Licensed Aerodromes	
N/A	
3.6 Shooting Ranges	
N/A	
4. HAZARD AND RISK	
4.1 Acid Sulfate Soils	
Objective <i>(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>	✓ The area contains mainly class 5 lands with class 2 adjoining. Development will not require ground water drainage to proceed or significant works in the adjoining class 2 lands. Furthermore, the DLEP provides standards controls for dealing with acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	

Application of Direction	Complies?
Objective <i>(1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i> What a relevant planning authority must do if this direction applies <i>(4) When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:</i> <i>(b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(iii), and</i> <i>(5) A planning proposal must not permit development on unstable land referred to in paragraph 3(b).</i>	✓ This direction applies to this rezoning given that it is located within the Swansea North Entrance Mine Subsidence Area. Correspondence from the Mine Subsidence Board has confirmed mining/subsidence is not a constraint to the investigation area. Taking the above into consideration, the proposal is consistent with the objectives of this direction.
4.3 Flood Prone Land	
Objective <i>(1) The objectives of this direction are:</i> <i>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and</i> <i>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i>	✓ The proposed rezoning has taken into account existing flood prone land and provides a Concept Masterplan which avoids these areas. Further investigations in this regard will occur following the gateway determination. Taking the above into consideration, the proposal is consistent with the objectives of this direction.
4.4 Planning for Bushfire Protection	
Application of Direction	Complies?
Objectives <i>1. The objectives of this direction are:</i> <i>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i> <i>(b) to encourage sound management of bush fire prone areas.</i>	✓ This direction applies to this rezoning given that the site is partly located within a bushfire prone area as identified within Council's maps. An assessment of the proposal against Planning for Bushfire Protection 2006, and other relevant guidelines will be required as master plans of the site are developed.

5. REGIONAL PLANNING	
5.1 Implementation of Regional Strategies	
Application of Direction	Complies?
Objective <i>1. The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</i>	✓ The proposal is consistent with the vision and objectives of the CCRS and NWSSP and is an area which has long been identified as being suitable for growth. The proposal also takes into account important environmental corridors through the adoption of conservation zoning. For the above reasons it is considered that the planning proposal is consistent with the objectives of this direction.
5.2 Sydney Drinking Water Catchment	
N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
N/A	
5.4 Commercial and retail Development Along the Pacific Highway North Coast	
N/A	
5.8 Second Sydney Airport: Badgerys Creek	
N/A	
6. LOCAL PLAN MAKING	
6.1 Approval and Referral Requirements	
To be considered by Council	
6.2 Reserving Land for Public Purposes	
N/A	
6.3 Site Specific Provisions	
N/A	

Section C – Environmental, social and economic impact.

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 not declared or partly declared critical habitat. Generally areas potentially supporting endangered ecological communities are proposed for conservation.

The presence or otherwise of threatened species and any management requirements will need to be explored following the gateway determination through further ecological investigations including an assessment of the extent of vegetation communities (including endangered ecological communities), the presence of threatened flora and fauna species, riparian areas and riparian management issues, corridors and connectivity of habitats, bushfire hazard assessment, possible open space/conservation areas, ecological management and biodiversity offset requirements. Investigations into Biodiversity Certification will also be explored and include detailed assessment of the biodiversity values within the Precinct and investigate measures to ensure both the protection of biodiversity as well as a level of certainty for future proponents within the precinct.

Taking the above into consideration, whilst further ecological investigations will be required through the preparation of the draft LEP; at this stage it is considered that the site on a broad scale presents as an ideal location for further growth in that it is relatively unconstrained in terms of ecological assets.

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

Appropriate mechanisms will be adopted within the future development of the site to ensure the protection and management of the biophysical environment in accordance with state and local policies. The following section provides a general overview of the site and the potential impacts of future development from an environmental standpoint.

Bushfire

As mentioned previously, there are areas within the site classified as “bushfire prone land” under the bushfire maps adopted by Wyong Council. Future development would need to adopt appropriate APZs, with this considered achievable given the large nature of the site and the coordinated approach of the land holders.

An assessment of the proposal against Planning for Bushfire Protection 2006, and other relevant guidelines will be required as master plans of the site are developed.

Taking the above into consideration, despite the site being partly affected by bushfire prone land – this does not provide a barrier to future residential development.

Traffic, Access and Transport

Access roads are in place but will require upgrading. The access links to services are provided by the existing road networks. Future traffic is likely to be dispersed in a

number of directions lessening the immediate impacts and upgrade requirements to the local road network.

Following the gateway determination, a roads, traffic and transport assessment of the local and Regional road network will be undertaken. The assessment will highlight potential infrastructure constraints to the development and identify in the broader context, areas within the existing road and transport network that may potentially constrain development timing for the site.

Flooding and Drainage

Flooding

The proposed rezoning has taken into account existing flood prone land and has generally designated these areas within an environmental zone. Further investigations in this regard will occur following the gateway determination and include detailed review of existing flood modelling and reporting to determine its appropriateness for the assessment of the potential flooding affectation of the rezoning precinct.

Drainage

Following a gateway determination, stormwater management investigations will be undertaken and include a review of existing creeks and watercourses on the site and potential land loss due to riparian setback. Trunk drainage corridors would be identified and modelling undertaken to provide indicative sizes of the corridors. Due to the proximity of the site to Tuggerah Lake and sensitive wetlands, water quality management will be of critical importance. Modelling and indicative water quality treatment train requirements would also be undertaken.

Noise and Vibration

Following a gateway determination a noise and vibration assessment will explore potential noise or vibration sources within the locality which may impact on the amenity of future residents. The assessment will also look at potential impacts to existing residents during construction and for the life of the development.

Acid Sulfate Soils

Following a gateway determination, geological and geotechnical investigations will be undertaken to investigate the extent of acid sulphate soils in the area and the potential effect of these on future residential development.

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

Housing Shortages

Early release of the site will provide diversity in the residential market. It is intended that the proposed rezoning will provide a variety of lot sizes, generally ranging from small lots (200m² - 350 m²), with a majority in the 400 m² - 550 m² range, some larger lots and opportunity for appropriate medium density development.

It is anticipated that selling prices will be comparable to existing Wadalba land stock, with a price of vacant land \$160,000- \$170,000 and house land packages in the low \$300,000's. Home Buyers need to have choice when buying land to build their dream home: on lot size, shape, aspect, slope for house type variation and most important - location, convenience to certain facilities, schools, shopping centres, freeways, industrial areas etc - the proposed rezoning fills all of these criteria.

In addition to the above, early release will ensure future adequate supply of appropriately zoned and serviced residential land resulting in more stable land prices. Historically, supply of appropriate zoned and serviced land has been over-controlled, resulting in upward pressure on prices, particularly when the residential market 'heats up' – this evidenced by the pressure on land prices from 2003 to 2005.

It should be noted that available vacant land in the locality is limited with a large portion of appropriately zoned land being unavailable to the market for a number of reasons including:

- 'Land locked' parcels requiring adjacent development to occur before services become available;
- Willingness of the landowner to proceed and/or unrealistic expectations on land value;
- Zoned residential land unable to be developed due to site constraints– e.g. some land within the Wadlba Wildlife Corridor, low lying or flood prone land;
- Residential land occupied or intended for non residential uses e.g. – Wadalba Community School, land occupied by the Dam Hotel, land owned by a subsidiary of Woolworths Ltd, land utilised for major electricity substation, drainage easements etc.

Wyong Town Centre Revitalization

Development of the land will provide a much needed boost to the ailing Wyong CBD which has been particularly affected through the development of Westfields Tuggerah and Lake Haven shopping centre.

Significant efforts to reinvigorate the CBD include the Wyong Civic and Cultural Precinct Master plan, the Art House, the new Regional Police headquarters and commuter carpark. The development of the subject site will support these initiatives and will also provide a significant economic injection to the broader region.

Employment Opportunities

The site is ideally located to provide housing in areas with good access to existing urban areas and existing employment lands. The site is directly south of the North Wyong Industrial Estate and within close proximity to numerous centres and transport links.

In addition to the above, additional jobs would be facilitated through construction and trade related services, both at subdivision stage and subsequent dwelling construction.

Visual Impact

The future development of the area would generally be in the form of low scale residential development similar to the northern Wadalba areas. The site is an ideal large-scale infill opportunity as the visual impact from development would be minimised given the surrounding built form visual environment.

Heritage and Archaeological Significance

As discussed above, the site is identified as containing at least two sites of Aboriginal significance and one European local heritage item.

Following the gateway determination, Aboriginal archaeological investigations will be undertaken including an assessment of the cultural significance of the site involving a desktop review of relevant registers, community consultation and broad site assessments in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*. A separate assessment will also be undertaken to assess items within site which have European cultural significance.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Sewer

A preliminary review of the existing sewer infrastructure and the proposed requirements has been carried out through review of current Development Servicing Plans ("DSP's"), previous developments in the area, and a meeting with Council's

Infrastructure Manager, Mr Intesar Naoum. From this desktop investigation, it appears there is currently minimal sewer infrastructure in the development area; however there has been forecast development as detailed in the current DSP's.

A brief sewer investigation confirmed the feasibility of a sewer system in the development area. Importantly, Council confirmed that the downstream sewer system has been designed for higher flows from this area, negating the need for overbearing development costs. Council has made it clear that any infrastructure would need to be constructed and paid for by developers (with probable rebates applied to contributions).

It is anticipated a minimum of three sewer pumping stations will be required to service the area, with associated gravity and rising mains as shown on the preliminary sewer system design drawings located within **Appendix 6**.

Water

Significant potable water infrastructure exists around the area with additional smaller pipe systems to be constructed and paid by the developer to facilitate the servicing of the properties.

The existing infrastructure includes three large reservoirs and two large diameter pipelines traversing Johns Rd. The development site is well situated topographically, being well below the reservoirs and relatively gently sloped.

Council has forecast the installation of one loop of 200mm diameter water main (DSP 7A) in the area, and the addition of further ring mains should be sufficient to service the properties. Council has indicated there is sufficient capacity in the existing system to service the proposed development. A preliminary design of a water system to supply the proposed development is shown on water design drawings located within **Appendix 6**.

Electricity

Preliminary discussions have been held with the local energy provider, Ausgrid, regarding the potential for servicing the proposed development with electricity infrastructure. Ausgrid representatives confirmed that due to the rural nature of the current area and therefore sparse population, the existing electrical infrastructure is minimal. Substantial upgrades of the electricity system would be required (as with any residential development), however it is understood that the surrounding electricity grid can support the additional load from the proposed development with the upgrade to the new infrastructure.

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

As discussed above, the Minister for Planning and Infrastructure is supportive of the proposed rezoning as evidenced through the adoption of the site as a Potential Home Sites. Various discussions with Council and DoPI were undertaken prior to and since this announcement and on-going discussions will continue to occur in this regard and will include discussions with Roads and Maritime Services and other interested authorities.

3.4 PART 4 – COMMUNITY CONSULTATION

In accordance with Section 57 (2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation being undertaken by the local authority.

4.0 summary

The proposal is consistent with the intentions of the Central Coast Regional Strategy and the North Wyong Shire Structure Plan and will provide for the release of between 1710 to 2050 lot of a variety of different sizes.

The site ideally located for an urban land release with the site located close to the Wyong town centre, rail and civic hub, close to the Wadalba town centre and in close proximity to the recreational opportunities of Tuggerah Lake and Coastal beaches.

The land is largely unconstrained being semi rural occupied by housing at very low densities. The land is almost fully cleared, apart from the conservation corridor, and is unlikely to have residual conservation values. The major constraints of the site are the conservation corridor and flooding with a small area containing slopes in excess of 20% - these all having been accommodated within the proposed zone map and Concept Masterplan.

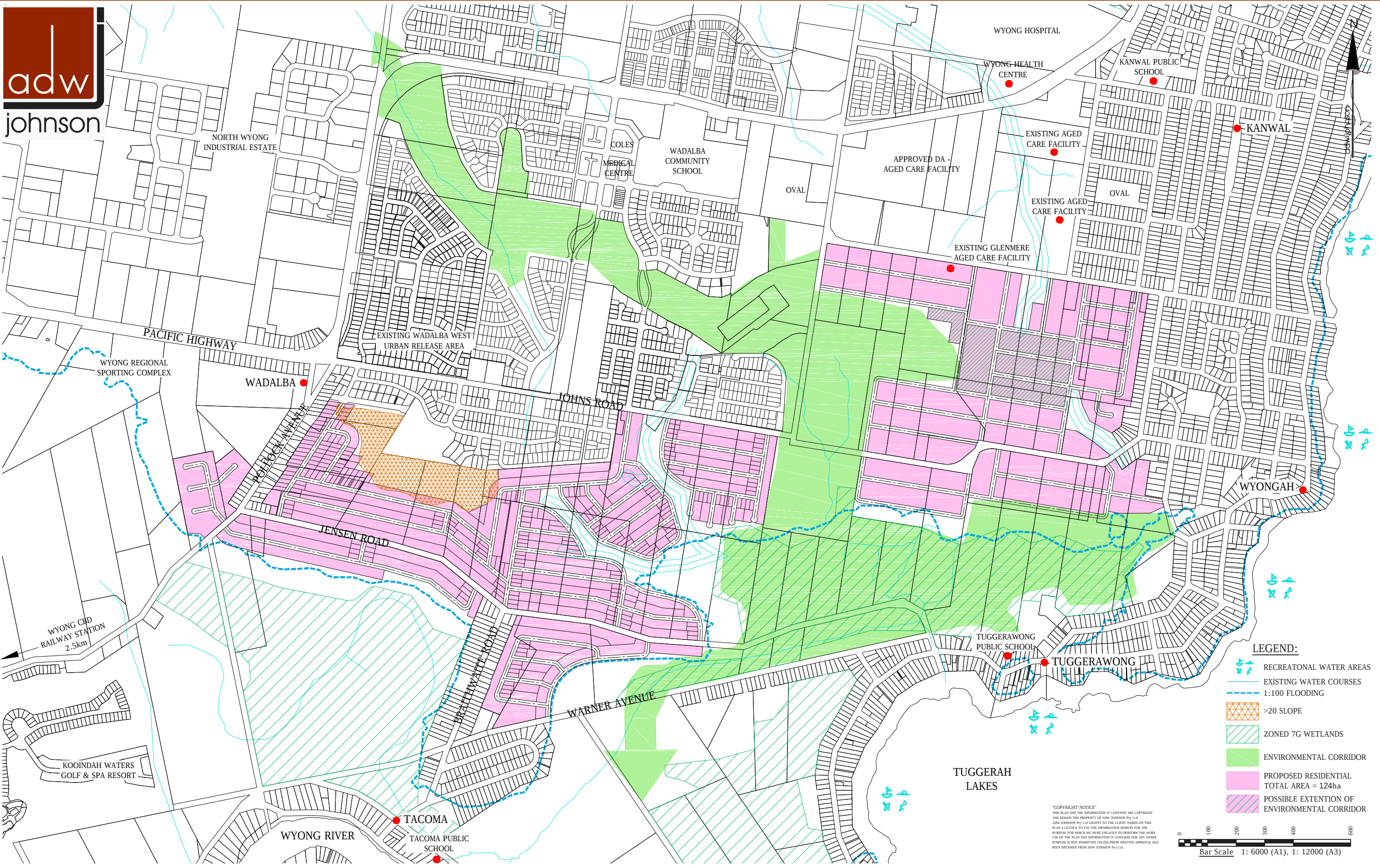
In summary the subject land is considered appropriate for the proposed rezoning for the following reasons:

- It has been strategically identified for residential release at a State, Regional and local level;
- Will provide approximately 182 ha of constraints free land;
- Has access to established road connections;
- Lead in infrastructure is completed;
- The location is more infill than greenfields due to nearby services;
- Within close proximity to a full range of community facilities and recreational opportunities;
- Within close proximity to a range of facilities of regional standard;
- Has the capacity to both support and benefit from the nearby Wyong civic hub;
- Has ready access to rail with Wyong station less than three km from the area containing all day parking; and
- Will provide a much needed boost to the ailing Wyong CBD.

Taking the above into consideration, Council is asked to support the subject Planning Proposal to allow for the speedy delivery of additional residential allotments within the Shire.

appendix 1

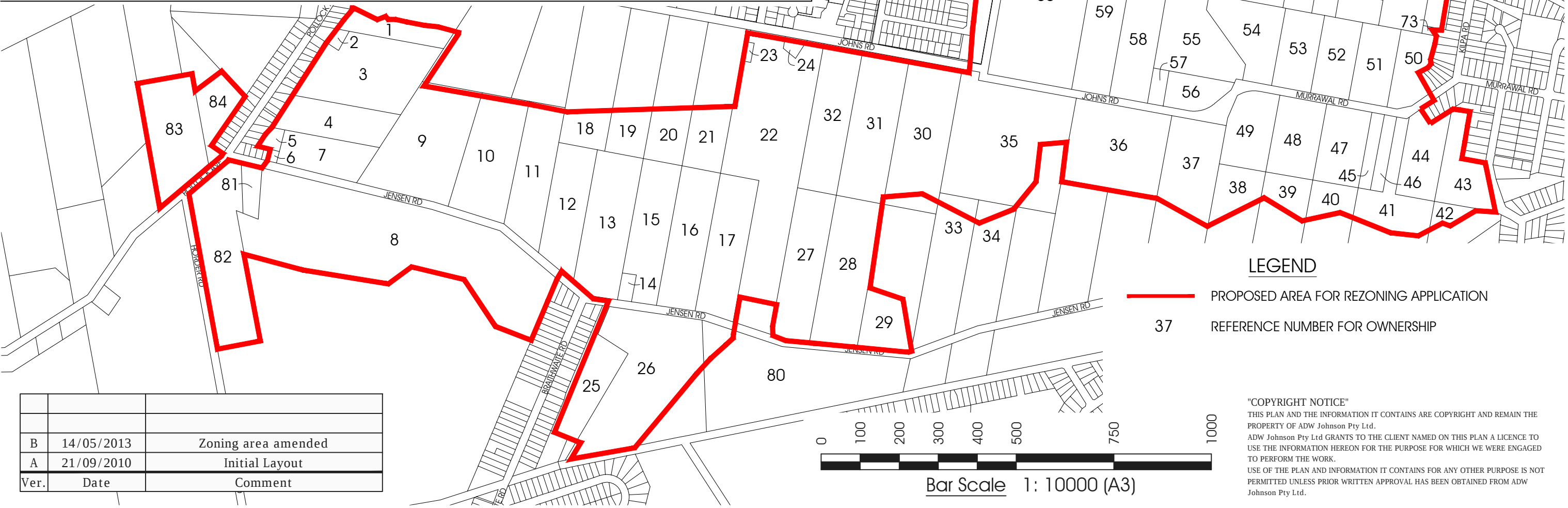
Concept Masterplan



appendix 2

Ownership Plan

Ref No.	Lot/DP No.	Land Owner	Ref No.	Lot/DP No.	Land Owner
1	109/1122246	JOHN LOUIS VANLAAR, SUSAN JOY VANLAAR	43	175/16012	NORMA REBECCA MUSSON
2	3A/416848	STEVEN PAPANDONY	44	1/133829	ILUA SAVAS, MARIA SAVAS
3	382/618817	SAMUEL GEORGE MCCAIG, BARBARA GRACE MCCAIG	45	A/362120	GEORGE POULOS, MINADORA POULOS
4	54/264634	KEVIN RICHARD TONKISS, NEITA SELLERS TONKISS	46	B/362120	GEORGE POULOS, MINADORA POULOS
5	2/553839	BAPTIST COMMUNITY SERVICES - NSW & ACT	47	172/16012	CHARLES MICHAEL GRECH
6	B/411145	AMANDA BENDEVSKI	48	171/16012	BEAMFINDER ELECTRICAL CO PTY LIMITED
7	11/505120	RAYMOND WILLIAM PRATT, JAN CLARE PRATT	49	170/16012	BEAMFINDER ELECTRICAL CO PTY LIMITED
8	2/532368	MARS INTERNATIONAL PTY LTD	50	163/771400	TERRY ROY BISHOP, MARGARET DAWN BISHOP
9	1/213381	AUSTRONG PTY. LIMITED	51	164/16012	TERRY ROY BISHOP, MARGARET DAWN BISHOP
10	2/213381	SITECORP PTY LIMITED	52	165/16012	MARIA BARGERO
11	10/12304	CARMELO MAROTTA, SALVINA MARY MAROTTA	53	166/16012	BEAMFINDER ELECTRICAL CO PTY LIMITED
12	A/33532	TONY ZREIK, VIVIAN ZREIK	54	167/16012	BEAMFINDER ELECTRICAL CO PTY LIMITED
13	B/33532	NABIL ZREIK, SAIDI ZREIK	55	1168/812203	ERIK GEORGE SOETENS, DIANE MARIE SOETENS
14	1/396270	WILLIAM RALPH ANDREW, MARJORIE BETTY ANDREW	56	A/370424	DAVID MICHAEL WILSON, TRACY ANN WILSON
15	1/119542	MAYA ROUADY	57	B/389171	HEATHER GAINEY
16	12/12304	LESLIE EASTHAM, RAELENE DIANNE EASTHAM	58	1169/812203	DARIN GLENN BUTCHER, RENEE LEE BUTCHER
17	13/12304	JOHN EDWARD HANSON	59	1/373539	DIANE MARIE SOETENS, MAY ANNETTE GEALE
18	432/1080788	VEXHART PTY LIMITED	60	27/663822	ZAY CHAN PTY LIMITED
19	25/12304	ALAN FREDERICK GRAHAM, MARGARET ANN GRAHAM	61	1/541479	PHILIP ALBERT JACKSON, HELEN THERESE JACKSON
20	24/12304	M.D.M. PTY LIMITED	62	2/541479	JOHN ALFRED CLARKE
21	23/12304	ELN FORD PTY LTD	63	1/561646	JOHN PETER FEENEY, JUDY ANNE FEENEY
22	212/810087	IAN GILBERT EVERITT, OF PART FORMERLY IN 14/12304, HAPIDO PTY. LIMITED, OF PART FORMERLY IN 21/12304, SENTROS PTY. LIMITED, OF PART FORMERLY IN 22/12304	64	2/561646	KATHLEEN CAROLINE MAUL-DAVOREN
23	213/810087	GEOFFREY AUSTIN KINGHORNE, LORNA JANE KINGHORNE	65	56/804916	PRINGPAL HEALTHCARE FINANCE PTY LIMITED
24	211/810087	DANIEL CARLING, MURIEL GRIMMOND CARLING	66	27/654839	NADA KOVAC
25	24/802160	PYOMAR PTY. LIMITED	67	A/392709	PHILLIP EDWIN THOMAS, ISABELLA LYONS THOMAS
26	1/567256	ALAN BRUCE CHANDLER	68	B/392709	SLAVKO DROPERICH
27	15/12304	FEUPPA GRANVILLE PATE, CHRISTOPHER MICHAEL GRANVILLE PATE	69	1/553840	BRENDA MARY CAREY
28	16/12304	BARBARA FAY PAVIER	70	1/345107	JANICE MAYON, KENNETH WILLIAM RODGIE
29	17/12304	SANDRA JEAN MANNING	71	2/553840	JARRED CHRISTOPHER JARVIS, KIM MARIE JARVIS
30	18/12304	JADALBA PTY LIMITED	72	3/377568	STEPHEN GEORGE FIELD
31	19/12304	JADALBA PTY LIMITED	73	28/22000	STEPHEN GEORGE FIELD
32	20/12304	YIALKIN SHEVKET, OZEL SHEVKET	74	21/624308	BETTY MAY BENSON
33	39/12304	SANDRA JEAN MANNING	75	22/624308	BETTY MAY BENSON
34	40/12304	SANDRA JEAN MANNING	76	1/22000	JUNE SHIRLEY COLLINS
35	185/16012	ECKARD OSKAR ROEHRICH	77	2/377568	GARY WILLIAM KONIGSMARK
36	184/16012	LESLIE JOHN TILLEY, RHONDA MARGARET TILLEY	78	1/377568	ILUA SAVAS, MARIA SAVAS, CON SAVAS
37	183/16012	JAROL PTY LIMITED	79	230/1105837	WESTMINSTER DEVELOPMENT PTY LIMITED
38	182/16012	EMILIO PATRIZI, ANTONIO LEDONNE, DOMINIC PUPO, ROSS LEVATO, EMILIA LEDONNE	80	2/567256	CAROLYNN JANE KENNINGTON
39	181/16012	EMILIO PATRIZI, ANTONIO LEDONNE, DOMINIC PUPO, ROSS LEVATO, EMILIA LEDONNE	81	11/732584	JEHOVAH'S WITNESSES CONGREGATIONS
40	42/738418	G M CATTO INVESTMENTS PTY LIMITED	82	12/732584	ROWLATT FINTON KERR, MARGARET ANNE KERR
41	3/863961	ILUA SAVAS, MARIA SAVAS	83	1/927391	ELN FORD PTY LTD
42	1/855172	WYONG SHIRE COUNCIL	84	12/805783	HUGHIE HUGHES, MARJORIE JUNE HUGHES
			85	2/1154872	



B	14/05/2013	Zoning area amended
A	21/09/2010	Initial Layout
Ver.	Date	Comment

LEGEND

PROPOSED AREA FOR REZONING APPLICATION

37

REFERENCE NUMBER FOR OWNERSHIP

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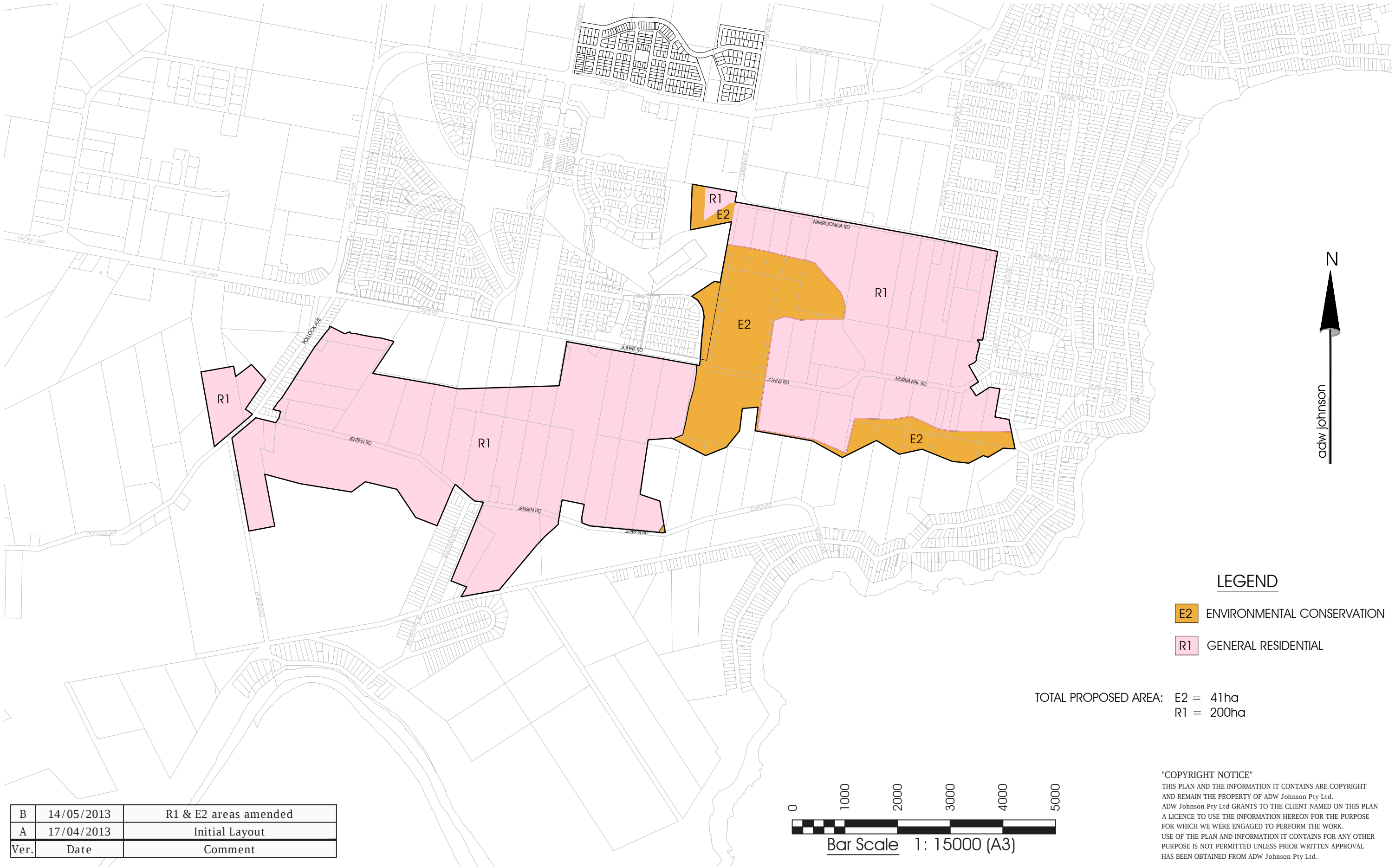
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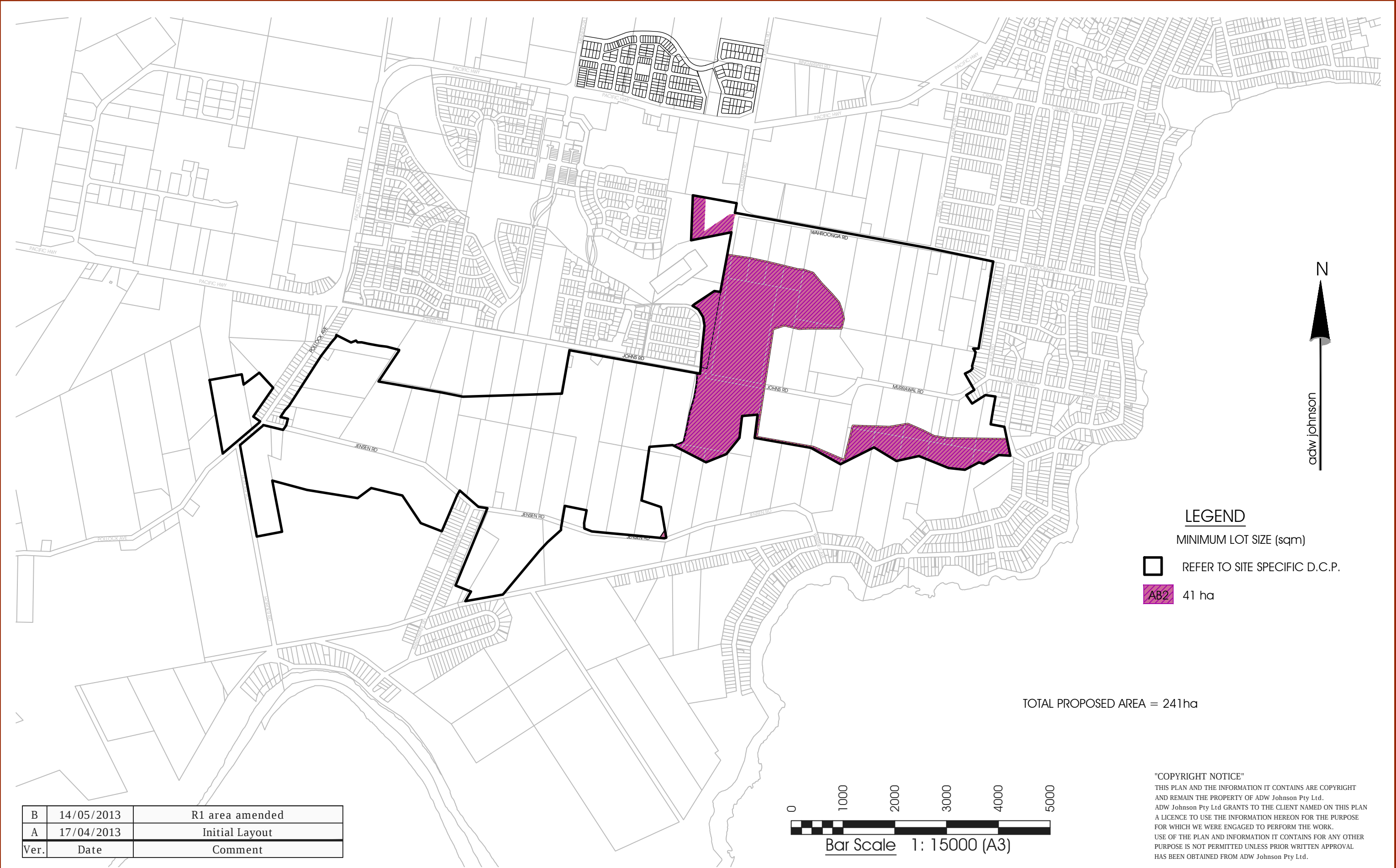
01002003004005007501000

Bar Scale 1: 10000 (A3)

appendix 3

Proposed Rezoning and Lot Size Plan

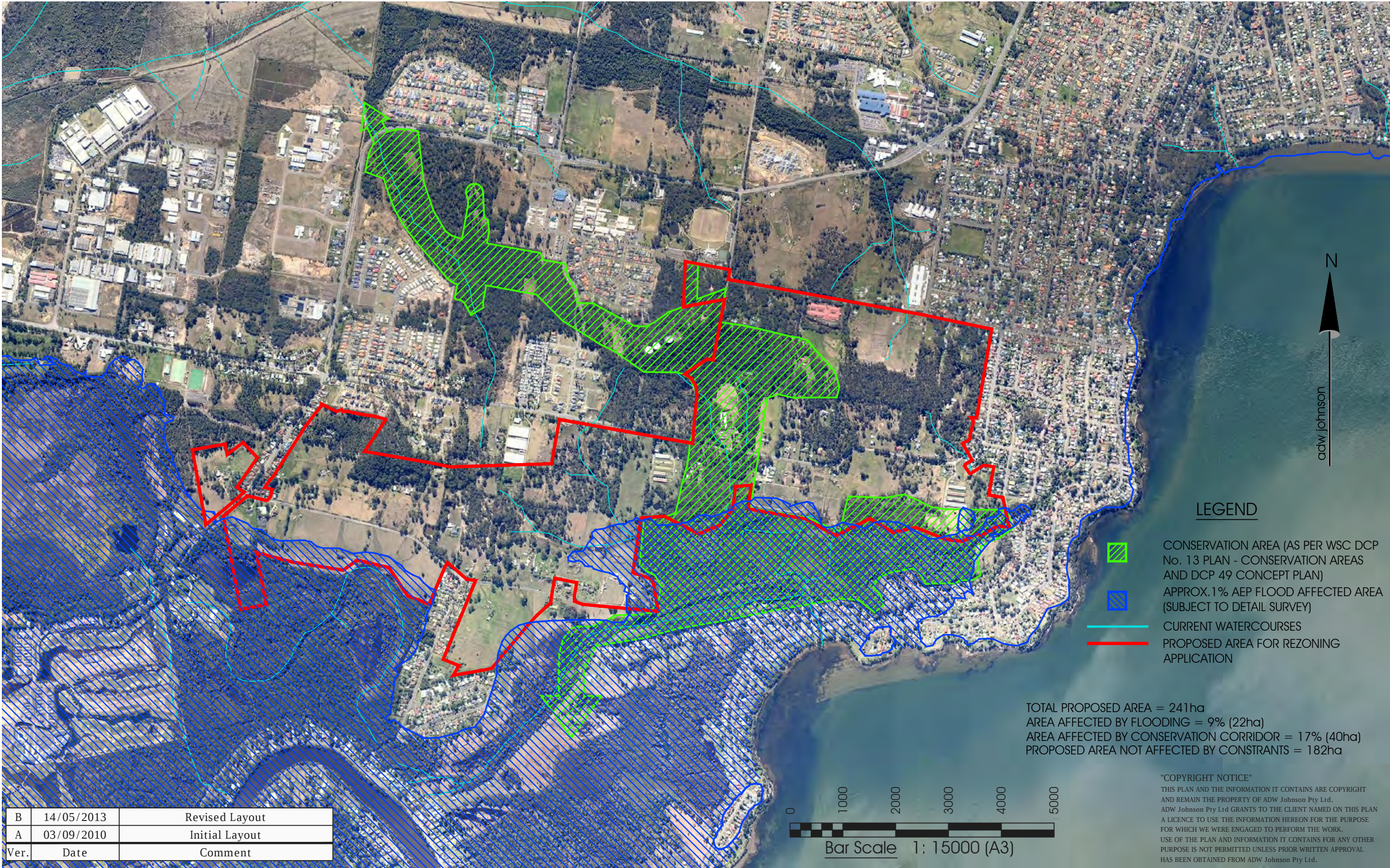




appendix 4

Constraints Map

Plotted By: kurtl Plot Date: 15/05/13 - 12:08 Cad File: S:\180121\Planning\Q1126 Wadalba 8b.dwg S:\180121\Planning\Q1126-CP-001-B.dwg



appendix 5

Mine Subsidence Board Correspondence



In reply please send to:

Our reference:

Your reference:

Contact:

FN10-26109W1
FN86/61W (12)

ADW JOHNSON
PO BOX 3717
TUGGERAH
NSW 2259

18 November 2010

Attention Mr. Chris Smith

ENQUIRY NO. TENQ10-06317W1
Wadalba South Residential Investigation Area

The Department of Planning currently has the North Wyong Shire Structure Plan on exhibition, for comment. The area detailed in your submission forms part of the structure plan, being Precincts 2A, 2B and 3B. Development of these areas has been determined as medium term, before 2020.

The Mine Subsidence Board has no objection to this proposal and would envisage similar surface development controls as set for the current Wadalba development areas.

The Investigation Area is located at the southern boundary of the Swansea / North Entrance Mine Subsidence District. The majority of the area is located outside the southern boundary of the Munmorah Colliery Lease.

The Mine Subsidence Board has no current information on the coal reserves in this area. There is currently no access to this coal reserve. If mining was proposed for this area, it would well into the future.

Yours faithfully

Tom Hole
District Manager

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Standard (Auto) Enquiries

appendix 6

Concept Water and Sewer Plans

