

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

TRIM REFERENCE: RZ/2/2013 - D03604351

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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*

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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.

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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

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

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.

DRAFT

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