



Item No: 3.7
Title: Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson
Department: Environment and Planning

27 April 2020 Ordinary Council Meeting

Reference: RZ/4/2018 - D13771981
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Report Purpose

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to amend *Wyong Local Environmental Plan 2013* or *draft Central Coast Council Local Environmental Plan* (if in effect) on land at 49-65 Wentworth Avenue and 80-120 Pacific Highway, Doyalson.

A decision of Council is required to enable the request to amend the Local Environmental Plan to progress. The impact on the proposal without a resolution of Council is as follows:

- A Council resolution is required to prepare a Planning Proposal and forward the Planning Proposal to the Department of Planning, Industry and Environment for Gateway Determination.
- Staff do not have delegations to request a Gateway Determination and therefore the project cannot proceed without a Council resolution.

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

Recommendation

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

- ***Lots 1-9 DP 215878, 49-65 Wentworth Avenue, Doyalson***
- ***Lot 1 DP 503655, 80 Pacific Highway, Doyalson***
- ***Lot 11 DP 240685, 90 Pacific Highway, Doyalson***
- ***Lot 49 DP 707586, 100 Pacific Highway, Doyalson***
- ***Lot 7 DP 240685, 110 Pacific Highway, Doyalson; and***
- ***Lot 62 DP 755266, 120 Pacific Highway Doyalson***

To rezone land from RE2 Private Recreation to R2 Low Density Residential, RU6 Transition to R2 Low Density Residential and RE2 Private Recreation, by

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amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever is in effect at the time.

- 2 *That Council Pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.***
- 3 *That Council request delegation to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.***
- 4 *That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements.***
- 5 *That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspects of the proposal to support the development of the subject land;***
- 6 *That Council consider a further report on the results of public authority and community consultation.***

The Site

The subject site (figure 1) is located at 49-65 Wentworth Avenue and 80-120 Pacific Highway, Doyalson. The site is approximately 45 hectares in size and includes the Doyalson-Wyee RSL Club, gymnasium, sporting fields, Raw Challenge course, a dwelling house, greenhouses, offices and ancillary facilities to support a former agricultural business (Pacific Hydroponics).

Access to the site is from Wentworth Avenue (Doyalson-Wyee RSL Club access) and Pacific Highway (120 Pacific Highway). Vegetation is largely concentrated along the eastern boundary of the site, 100 Pacific Highway and 120 Pacific Highway. A biodiversity strategy has been developed to preserve and protect vegetation on site.

Surrounding land uses include:

- Rural residential development to the north,
- The former Munmorah Power Station to the east,
- Residential development to the south, and;
- The Pacific Highway to the west.



Figure 1 – Subject area

The Proposal

The proposal seeks to amend the *Wyong Local Environmental Plan 2013* (WLEP 2013) or the future draft *Central Coast Local Environmental Plan* (CCLEP) as follows:

- Rezone the site from RE2 Private Recreation to R2 Low Density Residential and from RU6 Transition to R2 Low Density Residential and RE2 Private Recreation.
- Amend the minimum lot size map to apply a minimum lot size of 450m² to the R2 Low Density Residential land to retain consistency with residential development in Wentworth Avenue.
- Amend Schedule 1 Additional Permitted Uses (and associated mapping) to allow for Health Service Facility, Registered Club and Recreation Facility (indoor) on land zoned R2 Low Density Residential and Centre Based Child Care facility, Health Service Facility, Hotel and Motel Accommodation, Seniors Housing, Service Station and Serviced Apartments on land zoned RE2 Private Recreation (excluding 120 Pacific Highway, Doyalson).

The intended outcome of the proposal is to allow for the relocation and expansion of Doyalson-Wyee RSL Club and gym to approximately 110 Pacific Highway Doyalson and redevelop the site to incorporate low density residential dwellings (approximately 140 dwellings), seniors housing (approximately 220 dwellings), medical facilities, childcare centre, service station, food outlets, hotel accommodation and expand the recreation facilities to include an indoor sport facility, go cart track, paintball and expansion of the Raw Challenge course. The site will be redeveloped in stages over the next 20 years.

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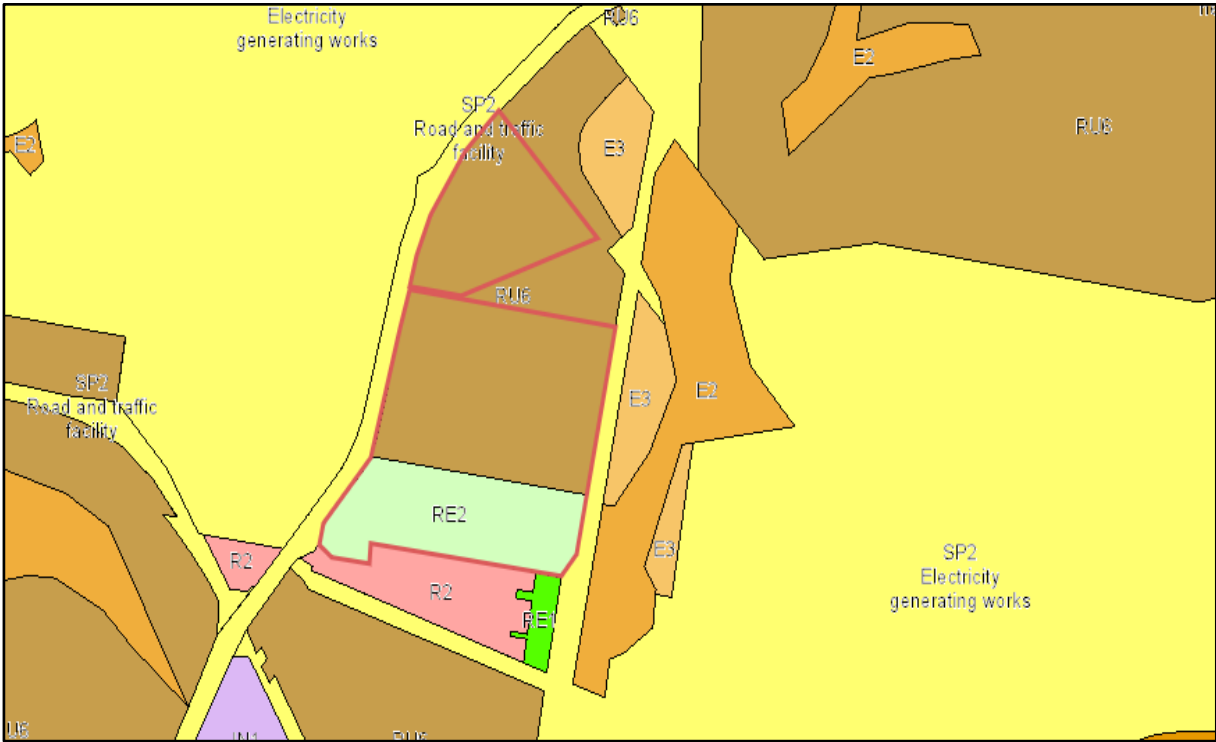


Figure 2 – Current Zoning

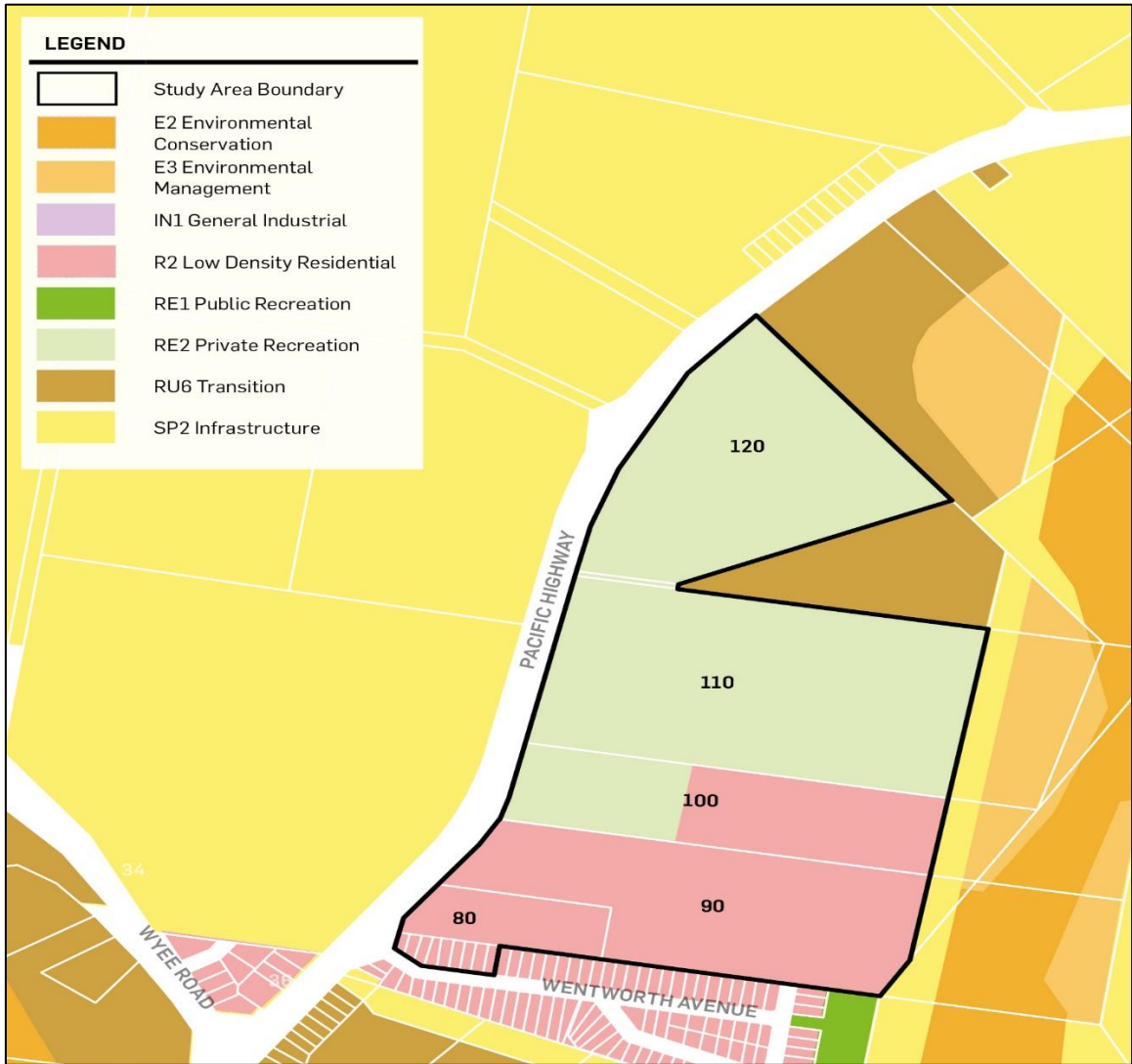


Figure 3 – Proposed Zoning

The applicant has offered to enter into a Planning Agreement with Council to implement the biodiversity outcomes for the site (location and width of biodiversity corridors) and also to ensure the relocation of sporting clubs is completed prior to redevelopment of 90 Pacific Highway, Doyalson. The draft Planning Agreement will be prepared post Gateway and exhibited with the Planning Proposal.

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Figure 4 – Indicative Concept Plan

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Assessment

The Rezoning of the subject land to R2 Low Density Residential and RE2 Private Recreation has strategic merit on the basis that:

- The proposed amendment is consistent with the goals, directions and actions in the *Central Coast Regional Plan (CCPR) 2036*, specifically increasing job containment in the region, creating well planned, compact settlement patterns and providing housing choice to meet community needs.
- The proposal is consistent with the requirements of the Department of Planning, Industry and Environment (DPIE's) North Wyong Shire Structure Plan (NWSSP), see figure 4.

110 and 120 Pacific Highway are included within Precinct 15, which is proposed as long-term employment land. The NWSSP proposes a job yield for Precinct 15 of between 259-518 jobs (based on 10-20 jobs per hectare). The Economic Impact Assessment (Urbis, 2019) submitted with the Planning Proposal notes the proposed development has the potential to accommodate up to 920 direct jobs, reflecting significant employment uplift across the site.

The NWSSP estimates jobs based on an industrial land use. The concept plan proposes employment uses with a higher job density, such as retail, entertainment, hospitality, health services and childcare, which far exceeds the job targets for Precinct 15.



Figure 5 – Extract – North Wyong Shire Structure Plan

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- The applicant has provided relevant supporting studies. These studies have been reviewed through the internal consultation process and are considered appropriate for submission with a request for a Gateway Determination. Once a suitable degree of certainty is provided by a Gateway Determination being issued, appropriate draft planning agreements to address issues such as biodiversity corridors and open space can be completed prior to public consultation.

Internal Consultation

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

Councillor Site Inspection

A site inspection was undertaken on 2 March 2020. The site inspection was attended by Council staff and the following Councillors:

- Mayor – Councillor Lisa Matthews
- Deputy Mayor - Councillor Jane Smith
- Councillor Chris Holstein

The following matters were raised and discussed during the site inspection:

- 1 How much of the vegetation would be removed to allow future development, what are the widths of the biodiversity corridors and could they be widened on the site?

Based on the indicative concept plan approximately 9 hectares of land is proposed to be cleared, with approximately 10.9 hectares to be retained and revegetated on site. The corridor width varies between 15-65 metres with the location of the corridors chosen to protect Endangered Ecological Communities, native vegetation, hollow bearing trees, Glossy Black Cockatoo habitat and provide links through the site for fauna.

The biodiversity strategy for the site (including corridor location and width) is required to be reviewed by the Department of Planning, Industry and Environment (Environment, Energy and Science Group). The final location and width of corridors will be determined following agency consultation.

- 2 Could the site accommodate medium density housing?

The R2 Low Density Residential zone is appropriate for the site; however, *Multi Dwelling Housing* could be included as an additional permitted use. The site is affected by mine subsidence and further consultation would need to be undertaken with Subsidence Advisory NSW.

Multi Dwelling Housing is defined as:

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- 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

- 3 How would vehicles access the site and would there be changes to the Wentworth Avenue and Pacific Highway intersection?

A signalised intersection is proposed approximately at the boundary of 100 and 110 Pacific Highway, which would be the main access to the site. Consultation with Transport for NSW is required following Gateway Determination to discuss the proposed signalised intersection, timing of intersection works and Wentworth Avenue intersection as upgrades may be required.

- 4 Loss of sporting fields and the impact this will have on the community, what guarantee have we got that the sporting associations will be relocated?

The fields and amenities are privately owned and maintained by the Doylo Lifestyle Group. The Doylo Lifestyle Group has commenced consultation with the sporting clubs and association that use the facilities and have committed to finding suitable alternate grounds. Council has received letters from Doyalson Touch Football Association, Northern Lakes Warriors and the Doyalson Wolves Soccer Club stating that they are aware of the proposed development and are working with Doylo Lifestyle Group to look at suitable relocation opportunities.

Doylo Lifestyle Group have also offered to enter into a Planning Agreement with Council that ensures that development is not able to commence on 90 Pacific Highway until suitable alternate grounds and facilities have been found for all the sporting associations currently using the site.

Biodiversity Strategy - (Environmental Strategies)

A Biodiversity Assessment was undertaken by Eco Logical Australia Pty Ltd (June 2019) for 80-120 Pacific Highway, Doyalson and has been reviewed by staff. The Biodiversity Assessment did not include 49-65 Wentworth Avenue as these sites are already developed (car park and RSL access) and contain no vegetation.

The site is approximately 45 hectares in size and contains 2.8 hectares of Endangered Ecological Community (EEC) and 12.8 hectares of native vegetation. The proposed development based on the indicative concept plan proposes the removal of approximately 0.1 hectares of EEC and 8.9 hectares of native vegetation.

2.7 hectares of EEC (90%) and 3.9 hectares of native vegetation (30%) is proposed to be retained. This includes 36 hollow bearing trees within Central Park, road corridors, buffer zones and Corridor E (see Figure 6). 4.3 hectares of native vegetation within the proposed biodiversity corridors will also be revegetated onsite. The total area of retained vegetation

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and rehabilitated vegetation is 10.9 hectares, which is more than the total area of vegetation to be removed.

The removal of EEC and native vegetation has been assessed in accordance with the Biodiversity Assessment Method. The biodiversity impact will require an off-site offset in accordance with the Biodiversity Certification Assessment Report (BCAR) as well as the rehabilitation of on-site native vegetation.

Figure 6 and 7 below outline the proposed location of biodiversity corridors, riparian areas and biodiversity outcomes. The corridors provide important connections for fauna through the site and protect habitat for the Glossy Black Cockatoo. The corridors will also protect hollow bearing trees and EEC vegetation.

Traffic (Development Engineering)

A Transport Impact Assessment was submitted with the proposal and reviewed by Council staff. The redevelopment of the site requires the construction of a signalised intersection on the Pacific Highway (approximately at the boundary of 100 and 110 Pacific Highway, Doyalson). The Transport Impact Assessment and conceptual intersection design are required to be reviewed by Transport for NSW, following Gateway Determination. It is likely further refinement of the traffic study and intersection design will be required following consultation with Transport for NSW.

Open Space and Recreation

The playing fields, amenities and cricket facilities located on 90 Pacific Highway are owned and maintained by the Doyalson Wyee RSL Club Pty Ltd. Council does not lease or have an agreement with the Club for the ongoing use of these facilities.

Council staff have been working with the Doyalson RSL Club Pty Ltd through the assessment process to ensure that prior to the redevelopment of the site, the sporting associations currently using their facilities are relocated to other suitable grounds. Consultation between representatives of Doyalson Wyee RSL, Doyalson Dragons Touch Football, Northern Lakes Warriors and Doyalson Wyee Soccer Club has been undertaken and will be ongoing to ensure suitable replacement fields and facilities are found.

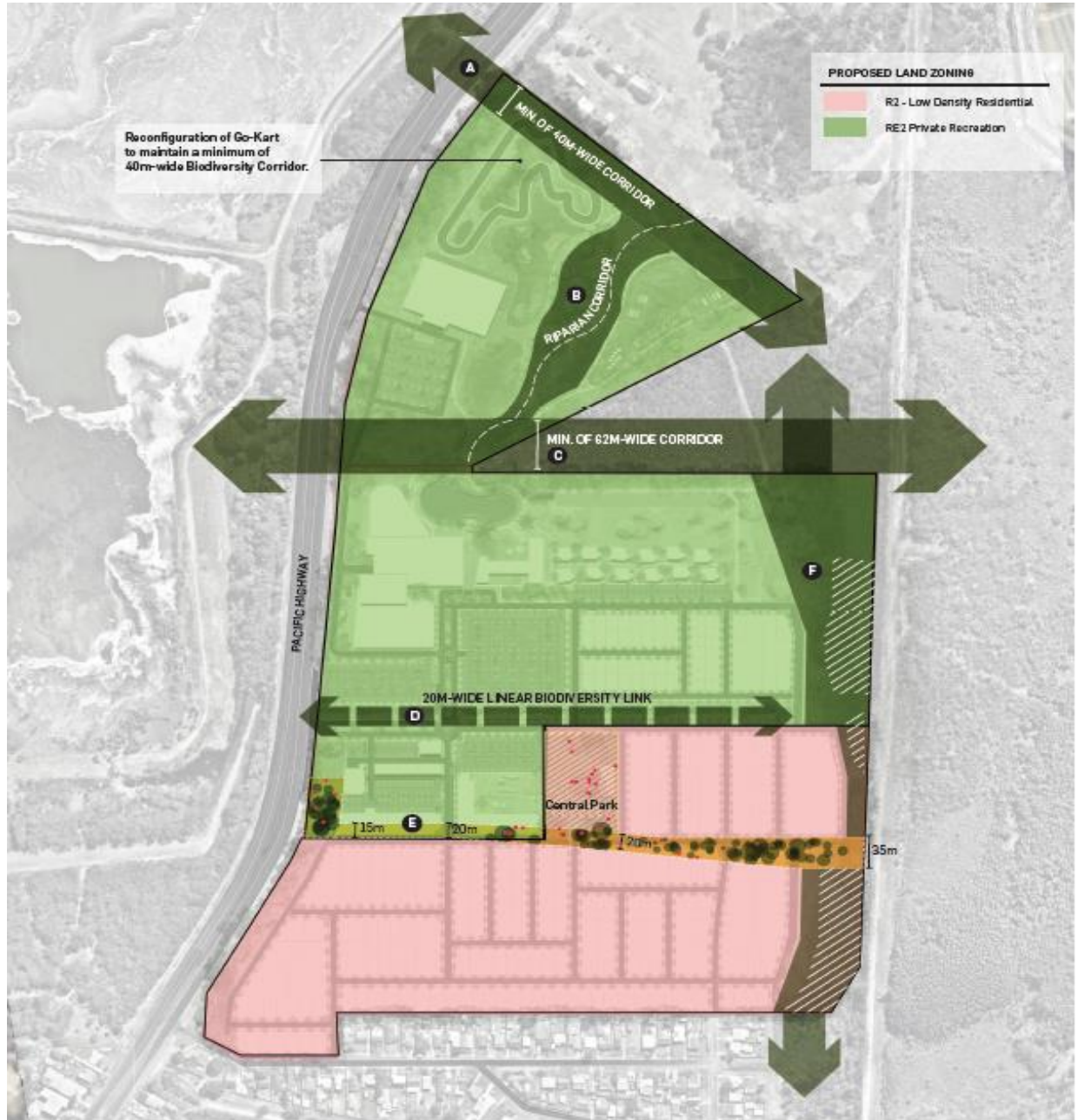
Doyalson Wyee RSL Club has written to Council advising they will continue their commitment to facilitate the relocation of sporting codes and have agreed, that if the relocation is not resolved prior to the LEP Amendment being made, they will enter into a Planning Agreement with Council to ensure this process is completed prior to the issue of the first construction certificate for 90 Pacific Highway, Doyalson.

Environmental Health - Land Contamination

The proponent has addressed the requirements under *SEPP No. 55 - Remediation of Land* by providing a Preliminary Contamination Assessment.

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The findings of this contamination assessment recommend a detailed contamination assessment be undertaken with remedial actions, where necessary. It has been determined that if all "Areas of Concern" identified in the report are addressed, the site will be suitable for the proposed development.



	APPROXIMATE AREA (SQ.M)	NO. OF TREES PROTECTED	NO. OF HOLLOW BEARING TREES RETAINED
Site Boundary	440,000	-	-
Hollow Bearing Trees	-	-	17
Tree Protection Zones	-	92	-
Potential Biodiversity Corridor (as Managed Vegetation Area)	14,041	92	17
Area with Endangered Ecological Communities (EEC) to be protected			
Central Park	7,503	3	14
Biodiversity Corridors			

MINIMUM REQUIREMENT OF BIODIVERSITY CORRIDOR	
Approximate Area = 11,170 sq.m	
<i>(Based on the min. required width of 20m and the depth between Pacific Highway and the eastern boundary at 568.5m.</i>	
Minimum Width Range = 18 - 23m	
Trees are only considered to be protected if 90% of the Tree Protection Zone is within the proposed biodiversity corridor.	

Figure 6 – Proposed zoning and biodiversity corridors

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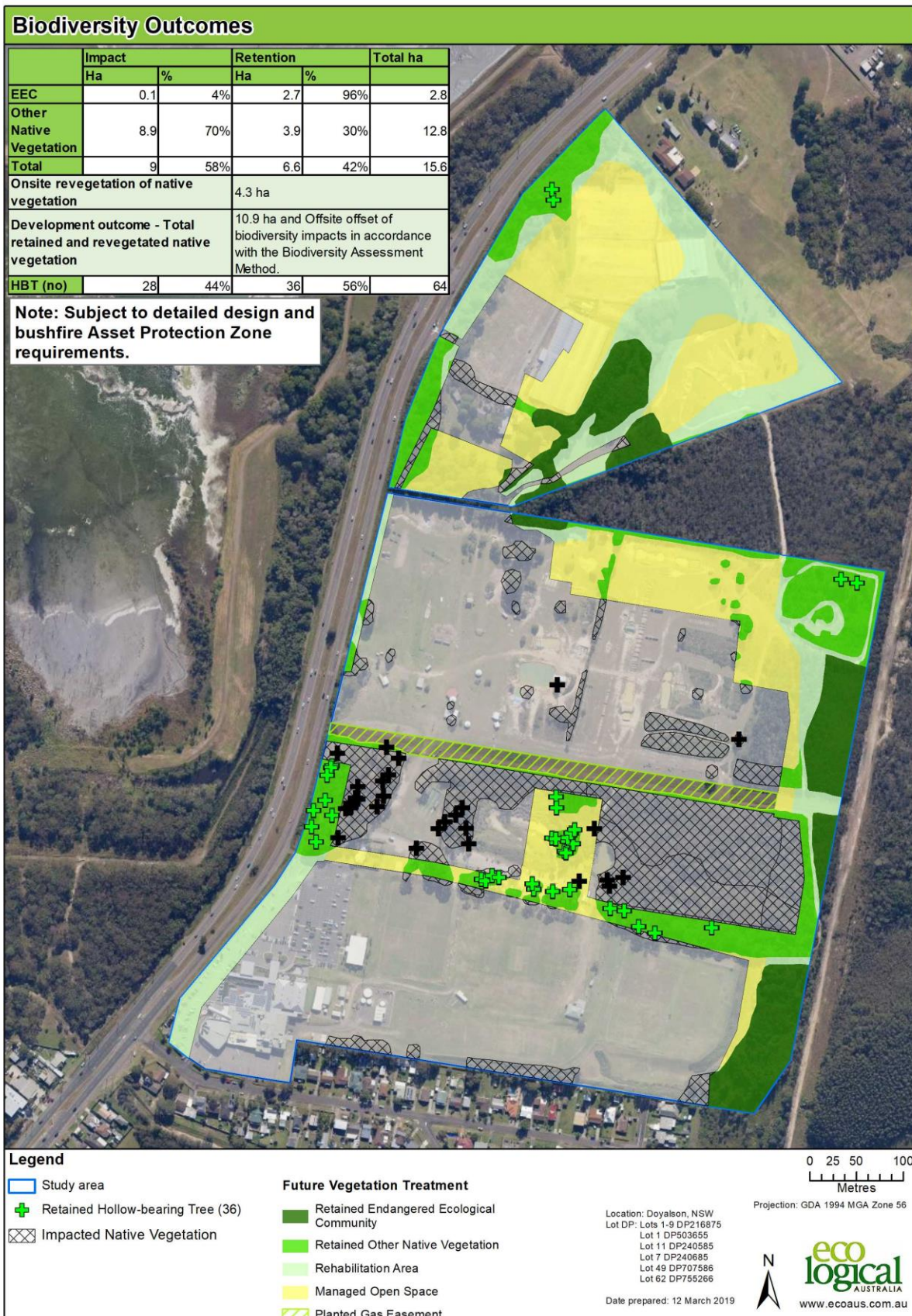


Figure 7 – Biodiversity Outcomes

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External Consultation

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

It is likely the following agencies will need to be consulted:

- Transport for NSW
- Department of Planning, Industry and Environment
- NSW Rural Fire Service
- Subsidence Advisory NSW
- Darkinjung Local Aboriginal Land Council
- Guringai Tribal Link
- Centennial Mannering Pty Ltd

As the site is located within the Swansea North Entrance Mine Subsidence District and Consolidated Coal Lease (CCL 721), held by Centennial Mannering Pty Ltd (Centennial), preliminary consultation has been undertaken with Subsidence Advisory NSW and Centennial.

CCL 721 lease expires in 2026 and is sub-leased to LakeCoal who operate the adjacent Chain Valley Colliery and become the operator of Mannering Colliery in 2013 under agreement with Centennial. Past mining beneath the site was part of Wyee Colliery and occurred in the late 1990's, concluding in 2002. While Centennial has no plan to mine coal beneath the site, it is underlain by mineable coal within the Great Northern seam and there is potential for future mining in this seam.

Urbis (the applicant), GHD, Subsidence Advisory NSW and Centennial have agreed on development conditions, including subsidence design criteria. The subsidence design criteria will apply to both new buildings as well as associated infrastructure such as pavements, retaining walls, detention basins, kerb and gutter, stormwater drains and inground and above ground utilities.

Further consultation will be required with Centennial Mannering Pty Ltd and Subsidence Advisory NSW following Gateway Determination.

Statutory compliance and strategic justification

The Planning Proposal has been assessed having regard to State Environmental Planning Policies (SEPPs), Ministerial Directions (s9.1) and relevant guidelines set out within the regional and local plans, including CCRP (Attachment 2). The proposal is considered to be generally consistent with the applicable directions and SEPPs.

Financial Impact

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

Social Impacts

The Planning Proposal would result in a positive social impact through the delivery of increased housing in the northern part of the Central Coast, while exceeding the employment targets proposed in the North Wyong Shire Structure Plan. The proposed concept plan will also increase the availability of health and childcare services.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

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

Theme 4: Responsible

Goal I: Balanced and sustainable development

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

Risk Management

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

Conclusion

The request to rezone the site is considered to have strategic merit as the proposal is consistent with state, regional and local plans, including the Central Coast Regional Plan and Council's Community Strategic Plan.

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

Attachments

1	Proposal Summary Doyalson Wyee RSL Club	Provided Under Separate Cover	D13816175
2	Strategic Assessment Doyalson Wyee RSL Club	Provided Under Separate Cover	D13921571