

LAKE MUNMORAH/CRANGAN BAY, Rezoning land at Pacific Highway and Kanangra Drive

Proposal Title : LAKE MUNMORAH/CRANGAN BAY, Rezoning land at Pacific Highway and Kanangra Drive

Proposal Summary : The proposal seeks to rezone a 164 hectare site on land fronting the Pacific Highway at Lake Munmorah and Crangan Bay for low density residential and environmental protection purposes.

PP Number : PP_2015_WYONG_002_00 Dop File No : 15/01574

Proposal Details

Date Planning Proposal Received : 12-Feb-2015 LGA covered : Wyong

Region : Hunter RPA : Wyong Shire Council

State Electorate : SWANSEA Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 405-415 Pacific Highway, 425 Pacific Highway 2 Kanangra Drive,

Suburb : Lake Munmorah & Crangan Bay City : Postcode :

Land Parcel : Lot 642 DP1027231, Lot 644 DP1027231, Lot 100 DP1044282

DoP Planning Officer Contact Details

Contact Name : Glenn Hornal

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RPA Contact Details

Contact Name : Jenny Mewing

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Central Coast Regional Strategy Consistent with Strategy : No

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| | | |
|-----------------------------|--|--------------------|
| MDP Number : | Date of Release : | |
| Area of Release (Ha) : | Type of Release (eg Residential / Employment land) : | Residential |
| No. of Lots : 0 | No. of Dwellings (where relevant) : | 620 |
| Gross Floor Area : 0 | No of Jobs Created : | 0 |

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Additional information was requested in relation to agency consultation, and supporting study requirements. Council provided an updated planning proposal on 12 February 2015.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to enable low density residential development on part of the site and protect the remaining environmentally significant areas by rezoning the land from E2 Environmental Conservation and E3 Environmental Management to R2 Low Density Residential and E2 Environmental Conservation.**

Council has identified the 3 lots to be rezoned however the objective should also state that part of Chain Valley Bay Road and what appears to be an unformed road running north-south on the eastern part of the site are included in the planning proposal.

The statement of objectives is considered adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to amend Wyong LEP 2013 by:**
- amending the Land Zoning Map to zone areas identified as having capacity for residential development to R2 and apply an E2 zoning to areas of environmental significance;
- amend the Minimum Lot Size Map to apply a MLS of 450m2 to the R2 zoned land and 400000m2 (40ha) to the E2 zoned land;
- amend the Urban Release Area Map to include site as an urban release area;
- amend the Land Reservation Acquisition Map to include parts of the site identified for future road widening.

Council has identified further investigation is required to identify zone boundaries and requirements for land acquisition.

The minimum lot size was incorrectly identified as 40000m2 and should be updated to 400000m2 or 40ha.

The explanation of provisions is considered adequate.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

SEPP 44 - Koala Habitat Protection

Council has advised a potential Koala Habitat assessment will be required as part of any future ecological assessment to address SEPP 44 matters.

SEPP No 55—Remediation of Land

Clause 6 of the SEPP requires contamination and remediation to be considered in zoning or rezoning proposals. Council has advised a Phase 1 Contaminated Lands Assessment will be required to address the requirements of the SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Crangan Bay Quarry is located in the vicinity of the proposed development site. Some of the land subject to the planning proposal is located in the transition area of the Quarry and will need to be referred to NSW Trade and Investment - Resources and Energy for comment.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

1.1 Business and Industrial Zones

Council states the the proposal will remove land zoned IN1 General Industrial to R2 Low Density Residential. The land is zoned E2 and E3 and is proposed to be zoned R2 and E2. Council's consideration of the Direction appears to be an error as the Direction only applies to business and industrial zoned land.

1.2 Rural Zones

Council makes reference to Site 3 being zoned RU6 and this appears to be an error. The Land is zoned E2 and E3 and therefore the Direction is not applicable.

1.3 Mining, Petroleum Production and Extractive Industries

The majority of the site is zoned E3 and partly located within the 'transition area' of Crangan Bay Quarry. The Mineral Resource Audit of Wyong Shire prepared by the Resources and Energy Division of NSW Trade and Investment identifies Crangan Bay Quarry as a significant construction material resource. The land surrounding this resource is mapped as a 'transition area' in the Audit and is indicative of areas that may be subject to significant impacts from mining and quarrying operations. Development within this area could adversely affect or be affected by current or future operations of the quarry and consultation with NSW Trade and Investment - Resources and Energy is required.

The E3 zone also permits 'extensive agriculture' as a permissible land use. The Mining SEPP permits 'extractive industry' on land where agriculture or industry is permitted and rezoning the land to a R2 zone will prohibit 'extensive agriculture' and therefore 'extractive industry' and is inconsistent with the Direction. Council should address the inconsistency with the Direction following consultation with NSW Trade and Investment - Resources and Energy.

2.1 Environment Protection Zones

The site is located within an identified green corridor in the North Wyong Shire Structure Plan and seeks to rezone environmental conservation land for residential purposes and is inconsistent with the Direction. Council will need to consult with Office of Environment and Heritage (OEH) to address impacts on biodiversity, offsets, threatened species and the green corridor and habitat networks and justify the inconsistency under the terms of the Direction.

2.3 Heritage Conservation

Council has advised studies will be conducted to investigate the presence of Aboriginal cultural heritage on the site. Consistency with the Direction cannot be determined and Council should address the requirements of the Direction once additional information and agency consultation on Aboriginal heritage matters is complete.

3.1 Residential Zones

Council has advised the proposal is generally consistent with the Direction however zone boundaries are yet to be established and funding arrangements for infrastructure servicing are yet to be resolved. Council should address the requirements of the Direction following provision of additional information on zones, servicing and infrastructure arrangements.

3.4 Integrating Land Use and Transport

Council has advised the proposal is generally consistent with the Direction however further investigation is required to establish appropriate zones within the site and further assessment on alternative transport choices is to be undertaken. Council should address the requirements of the Direction following provision of traffic and transport investigations.

4.1 Acid Sulfate Soils

The land is affected by Class 1, 2 and 5 Acid Sulfate Soils and Council has stated the proponent will be required to undertake an acid sulfate soil assessment. Council should address the requirements of the Direction once information on acid sulfate soils has been obtained.

4.2 Mine Subsidence and Unstable Land

The land is located within a Mine Subsidence District and consistency with the Direction would need to be determined following consultation with the Mine Subsidence Board.

4.3 Flood Prone Land

Council has identified the land contains a number of creeks and streams however no flood mapping exists for the area proposed to be rezoned and Council has advised a local flood study would be required. Council will need to address the requirements of

the Direction once additional information on flooding and drainage has been obtained.

4.4 Planning for Bushfire Protection

The site is located on land identified as Bushfire Prone. Council should address the terms of the Direction once additional information regarding bushfire protection has been obtained and consultation with the NSW Rural Fire Service has occurred.

5.1 Implementation of Regional Strategies

Council has advised the proposal is inconsistent with the NWSSP staging plan for land release within strategically located sites and proposes development identified within a future green corridor. Council propose to reconsider the Direction as further investigations are completed. Council will need to address the terms of the Direction and seek the Secretary's agreement for the inconsistency.

6.2 Reserving Land for Public Purposes

Council could not confirm if there will be a requirement for land reservations for traffic improvements, parks and wildlife corridors. The terms of the Direction will need to be addressed following the completion of the appropriate studies.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided existing Land Zoning, Minimum Lot Size, Urban Release Area and Land Reservation Acquisition Maps. Council will also need to provide proposed zoning and development standards maps once the development footprint has been identified.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes a 28 days exhibition period. This is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **TIMELINE**
Council anticipate notification of the plan in November 2016 (approximately 22 months). An 18 month timeframe is considered sufficient time to make the plan.

DELEGATIONS
Council has requested delegations to make the plan. There are a number of inconsistencies with the CCRS, NWSSP and S117 Directions and Council would need to seek the Secretary's agreement for any inconsistencies prior to the plan being made. It is considered delegations be retained by the Department in this case.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The planning proposal seeks to amend Wyong LEP 2013.**

Assessment Criteria

Need for planning
proposal :

Council has advised the planning proposal arose from an examination of development issues on Darkinjung Local Aboriginal Land Council (DLALC) lands identified by a working group of an 'Enabling Taskforce' established by the Department of Premiers and Cabinet.

As a result of this examination five key development sites within the North Wyong Shire Structure Plan area were nominated for further consideration through the rezoning process. The subject site is one of the five key development sites.

Consistency with strategic planning framework :

NORTH WYONG SHIRE STRUCTURE PLAN (NWSSP)

The site is located on land identified as 'strategically located' and 'Green Corridor and habitat networks' in the NWSSP. The subject site adjoins Development Precinct 16 Lake Munmorah(a proposed employment and residential area) and Precinct 19 Chain Valley Bay East (a proposed residential area) which are identified as staged long term release areas (i.e. greater than 15 years).

The staging of development for any future urban land within the 'strategically located' sites is expected to be generally consistent with the staging identified on the adjoining land. Although the proposal is inconsistent with the staging of release areas the NWSSP makes provision for flexibility in staging plans to allow additional land to be released provided satisfactory arrangements are in place to forward fund the appropriate infrastructure. It also provides a framework for identifying and assessing development opportunities in these areas subject to key issues being addressed including:

- contribution to the proposed corridor and habitat networks
- resource extraction
- relationship between development and green corridor
- need for additional residential and employment uses to meet future demand

Council has advised additional studies will be required to address these matters and this is supported given a development footprint would need to be established through supporting studies, additional investigation and agency consultation.

The proposal covers land identified in the NWSSP as being 'strategically located' and requiring further investigation to determine appropriate development and conservation outcomes. It also seeks to rezone areas identified as green corridor and habitat networks and is inconsistent with the NWSSP in this regard. However, as a high-level strategy, the NWSSP envisaged the boundary of both the development and conservation areas would be determined by Council, through more detailed local planning investigations. Given the planning proposal seeks to locate development on and in the vicinity of this 'strategically located' site it is considered the proposal can be supported at the Gateway subject to further investigations to identify the final zone boundaries and an appropriate pathway for the green corridor in that area. However, at this stage, it is not possible to support the scale of development or the development footprint until that further investigation and consultation occurs.

CENTRAL COAST REGIONAL STRATEGY (CCRS)

Council provided an assessment against the sustainability criteria for new land release and identified the proposal is generally consistent with the criteria. Council has acknowledged further work is required in relation to supporting studies and consistency with a number of S117 Directions before consistency can be determined.

COMMUNITY STRATEGIC PLAN 2030

Council has provided an assessment against the objectives and key actions of the CSP and advised the proposal is consistent with the relevant objectives of its plan.

SETTLEMENT STRATEGY

Council Settlement Strategy was conditionally endorsed by the Department. The strategy identified sites as being strategically constrained to be subject to additional land use investigations to determine the suitability of the site for future development and green corridors. The proposal is consistent with this approach.

Environmental social economic impacts :

ENVIRONMENTAL/SOCIAL/ECONOMIC

Council has identified a number of issues to be resolved regarding flora and fauna and the impacts of development on a conservation corridor. A number of EECs and threatened flora and fauna species have been identified in a preliminary ecological inventory. Council has advised the site is proposed to be incorporated as part of a future biodiversity certification application in conjunction with other land holdings within the same ownership and will require consultation with OEH to resolve the green corridor and bio-certification matters.

Council has also identified a number of other issues to be resolved including:

- Bushfire
- Mineral Resources - Extraction and Subsidence
- Aboriginal and Non Aboriginal Heritage
- Contaminated Lands and Acid Sulfate Soils
- Flooding, drainage and Stormwater Management
- Social Impacts - Amenity, Noise, Open Space requirements
- Traffic and Transport
- Water Supply, sewerage, and power

STUDIES/FURTHER INVESTIGATIONS

Council has provided a list of studies and further investigation requirements to address Environmental, Social and Economic Impacts:

- detailed 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)
- services review (gas, telecommunications, electricity provision etc.)
- complete ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy to be done in accordance with approved OEH offset methodologies)
- flooding, drainage and stormwater management studies
- open space and recreation analysis
- retail strategy justification
- mining compatibility assessment
- visual impact analysis
- social impact assessment
- preliminary contaminated land and acid sulfate risk study
- noise and vibration assessment for development fronting the Pacific Highway, rail corridors and within proximity to future residential areas
- aboriginal archaeological assessment
- revised traffic report (which will also examine public transport, pedestrian and cycleway planning issues)
- structure plan, urban design principles and draft Development Control Plan
- draft VPA and possible revision to Section 94 Contribution Plan (dependent on infrastructure and servicing issues).
- updated planning proposal/planning controls (rezoning)
- clarification of the R2 zone boundary to address regional wildlife corridor planning outcomes identified in the NWSSP including input from OEH on corridor sizing and planning for environmental outcomes in the NWSSP.

Given the site is located within a green corridor and a development footprint is yet to be established the additional information requirements Council proposes are generally supported. Council's request for retail strategy justification is considered unnecessary given the planning proposal does not propose any retail or commercial development on the site. The noise assessment for development fronting the Pacific Highway is supported however there is no rail corridor in the vicinity of the site.

AGENCY CONSULTATION

Council provided a list of agencies to be consulted with and include:

- Ausgrid/Transgrid
- Department of Planning and Environment
- Department of Trade and Investment-Resources & Energy(Geological Survey of NSW)
- Guringai Tribal Link
- Jemena
- Mine Subsidence Board
- NSW Rural Fire Service
- Office of Environment and Heritage (Planning)
- Office of Environment and Heritage (Water, Floodplains and Coasts)
- Roads and Maritime Services
- Transport for NSW

These consultations are generally supported however consultation should also occur with the National Parks and Wildlife Service given the proximity of the site to a State Conservation Area and a SEPP 14 Wetland located north west of the site.

The Department of Education and Communities, NSW Health, and the emergency services (Police Fire, Ambulance and SES) should be consulted given the additional demands likely to be created by the additional population from future development.

Consultation with the Department of Planning and Environment is considered unnecessary.

INFRASTRUCTURE PROVISION LOCAL AND STATE

Council proposes to include the site as an Urban Release Area and it would be subject to provisions in Wyong LEP 2013 that relate to satisfactory arrangements to be made for the provision of designated State public infrastructure and adequate arrangements for public utility infrastructure.

Assessment Process

Proposal type: **Precinct** Community Consultation **28 Days**
Period :

Timeframe to make **18 months** Delegation : **DDG**
LEP :

Public Authority **Ambulance Service of NSW**
Consultation - 56(2) **Department of Education and Communities**
(d) : **Office of Environment and Heritage**
Department of Trade and Investment
Mine Subsidence Board
Transport for NSW
Office of Environment and Heritage - NSW National Parks and Wildlife Service
Fire and Rescue NSW
Department of Health
NSW Police Force
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
State Emergency Service
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The Department's Contributions Team confirmed on 12 February 2015 the planning proposal should be mapped as a urban release area due to the number of lots and its**

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location and potential for cumulative impacts on infrastructure.

Documents

| Document File Name | DocumentType Name | Is Public |
|---|--------------------------|-----------|
| Planning Proposal (revised 12 February 2015).pdf | Proposal | Yes |
| Wyong Shire Council Request for Gateway Determination.pdf | Proposal Covering Letter | Yes |
| Council Assessment & Endorsment.pdf | Proposal | Yes |
| Land Use Provisions.pdf | Proposal | Yes |
| Mapping.pdf | Proposal | Yes |
| Interim Ecological Inventory Report Part 1.pdf | Proposal | Yes |
| Interim Ecological Inventory Report Part 2.pdf | Proposal | Yes |
| Traffic Assessment and Conservation Strategy.pdf | Proposal | Yes |
| Timeline.pdf | Proposal | Yes |
| List of Studies (12 February 2015).pdf | Proposal | Yes |
| Council Resolution.pdf | Proposal | Yes |

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes

Additional Information : **The planning proposal should proceed subject to the following conditions:**

- 1. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:
 - water and sewer servicing plan
 - services review
 - ecological investigations
 - flood, drainage and stormwater management
 - open space and recreation analysis
 - land use capability assessment including compatibility with mining and extractive industries
 - visual impact analysis
 - social impact assessment
 - preliminary contaminated lands study
 - acid sulfate soils risk study
 - noise assessment
 - Aboriginal cultural heritage
 - traffic report including examination of public transport, pedestrian and cycleway planning issues
 - structure plan, urban design principles and draft Development Control Plan
 - draft voluntary planning agreements and possible Section 94 Contributions plan

(depending on type of infrastructure model adopted)

2. Council update the 'explanation of provisions' and confirm the minimum lot size for the E2 zoned is 400,000m² or 40 hectares.

3. Council update the objectives and intended outcomes and 'explanation of provisions' to confirm the planning proposal also applies to the unformed road and Chain Valley Bay Road within the site.

4. Council reconsider the applicability of S117 Directions 1.1 Business and Industrial Zones and 1.2 Rural Zones in its 'Section 117 Direction Assessment'.

5. The maps will require updated zone and development standards, once further studies and investigation of boundaries are identified.

6. Prior to undertaking public exhibition, update the planning proposal to consider consistency with SEPP 44 Koala Habitat Protection.

7. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land and demonstrate the site is suitable for rezoning once information on contamination has been obtained.

8. Council is required to demonstrate consistency with the following S117 Directions after supporting information has been obtained and/or following agency consultation:

- 1.3 Mining, Petroleum Production and Extractive Industries -Trade & Investment - Resources and Energy;
- 2.1 Environment Protection Zones - Office of Environment and Heritage; National Parks and Wildlife Service
- 2.3 Heritage Conservation - Office of Environment and Heritage - Heritage Branch
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport - Transport NSW - RMS
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land -
- 4.4 Planning for Bushfire Protection - NSW Rural Fire Service
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes

9. Consultation is required with the following bodies:

- Department of Education and Communities
- NSW Health
- Ausgrid
- Transgrid
- Office of Environment and Heritage
- Office of Environment and Heritage -NSW National Parks and Wildlife Service
- NSW Trade & Investment - Resources and Energy
- Mine Subsidence Board
- Transport for NSW - Roads and Maritime Services
- Transport for NSW
- Guringai Tribal Link
- Jemena
- NSW Rural Fire Service
- Fire and Rescue NSW
- State Emergency Service
- NSW Ambulance Service
- NSW Police Force

10. The planning proposal must be made publicly available for 28 days.

11. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

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12. The Department retains delegation to make the plan.

Supporting Reasons : *

Signature:



Printed Name:

G P HOPKINS

Date:

19.2.2015