



Contact: Ben Holmes
Phone: 02 4348 5009
Fax: 02 4323 6573
Email: ben.holmes@planning.nsw.gov.au
Our ref: B461044
Your ref:
File: 11/03514

Mr Lawrence Denton
Transnational Investments Pty Ltd
3 Bryant Drive
TUGERRAH NSW 2259

Dear Mr Denton

'Old Farm Site' – Proposal for executive housing and rural-residential

I refer to your letter of 6 February 2012 regarding future development of the 'Old Farm' site, Old Maitland Road, Mardi. It is acknowledged that the proposal involves a combination of large-lot executive housing and rural-residential development.

As discussed at our meeting with Wyong Shire Council on 17 February 2012, the proposal would need to be considered in the context of issues relating to rural residential development and development west of the F3, as set out in the Central Coast Regional Strategy. As we discussed, there appears to be a case for the Council to be able to address the demand for, and preferred location of rural residential development, due to changed circumstances, as part of a local Strategy. If Council was able to substantiate a well documented case, and had their Strategy endorsed by the Director General, this would be relevant for any future planning proposal that the Council may wish to advance.

Such a local Strategy would need to consider both supply and demand for differing housing markets, including rural-residential/ executive housing, in the Wyong Local Government Area, as well as the preferred locations for its supply – including those lands around the 'Old Farm' site which may also have similar characteristics.

Once the local Strategy is adopted by Council and endorsed by the Director General, Council could then submit a planning proposal for the 'Old Farm' site to the LEP Gateway for determination. The Gateway would consider the particular merits of the proposal, including Council's strategic justification and assessment against the Regional Strategy, before making its determination. In the interim however, you may wish to consult with relevant government agencies concerning any requirements they may have.

Yours sincerely

Michael Leavey
**Regional Director
Hunter & Central Coast**

29/2/12

cc Wyong Shire Council

Sustainability Criteria for New Land Release – Central Coast

Criteria	Requirements	Consistency (Y/N)	Comment
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement	N	The proposal is inconsistent with the CCRS due to its location west of the F3 Freeway. This is also the cause for the inconsistency of the proposal with related S117 Directions. As noted elsewhere, the proponent has entered into further consultation with DoPI. The proposal submission indicates that DoPI would rely on Council's strategic planning to identify suitable locations for rural residential development, despite the recommendations of the CCRS. Council's draft Settlement Strategy (as exhibited) identifies the subject site as being suitable for investigation for rural residential development. It should be noted that this strategy has not yet been endorsed by the Director General of DoPI. Additional studies would be required to be undertaken by the proponent should it be supported by Council and the Gateway to identify how associated infrastructure can be provided. A VPA will be required.
Access Accessible transport options for efficient and sustainable travel between	Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres.	Y	The subject site is in close proximity to the Tuggerah interchange of the F3 Freeway, enabling a high level of accessibility to the Central Coast region and greater Sydney or Hunter regions.

Criteria	Requirements	Consistency (Y/N)	Comment
homes, jobs, services and recreation to be existing or provided.	Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.		Further, the proponent will be required to prepare a traffic study and Transport Management and Accessibility Plan in consultation with Council.
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.	Y	The proposal aims to provide rural residential housing to cater for a 'high end' market. This type of housing is in current demand in Wyong Shire.
Employment Lands Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.	Maintains or improves the existing level of subregional employment self containment. Meets subregional employment capacity targets.	N/A	The proposal will not directly supply long term employment opportunities, however short term opportunities would be created through associated planning and construction work.
Avoidance of Risk Land use conflicts and risk to human health and life is avoided.	Where relevant, available safe evacuation route (flood and bushfire). No residential development within the 1:100 floodplain. Avoidance of physically constrained land.	TBA	The proposed concept plan will be required to be amended to avoid these risks, subject to further studies being undertaken, should the proposal be supported by Council and the Gateway.

Criteria	Requirements	Consistency (Y/N)	Comment
	High Slope Highly erodible Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.		
Natural Resources Natural resource limits are not exceeded/environmental footprint minimised.	Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. Demonstrates most efficient/suitable use of land Avoids identified significant agricultural land Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.	Y	The proponent will be required to connect to Council's reticulated water supply system. Council's Water and Sewer Engineers have not identified that the proposed scale of the proposal will place significant demands on water supply in the future. Rezoning this land for rural residential purposes will result in a loss of agricultural land (Class 3 and 4). Given the limited capacity of this land, it is considered that the loss of agricultural land is not significant. Future potential natural resource extraction surrounding the site will need to be determined as well as the extent of any predicted subsidence. Surface development potential may be affected by this issue.
Environment Protection Protect and enhance biodiversity, air quality, heritage and waterway health.	Consistent with the approved Regional Conservation Plan. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat. Maintains or improves existing environmental conditions for	Y	The proposal at present avoids development of areas of the site which are vegetated. Additional flora and fauna studies will be required to be undertaken subject to endorsement by Council and the Gateway and revision of the concept plan undertaken where necessary. The

Criteria	Requirements	Consistency (Y/N)	Comment
	air quality. Maintains or improves existing environmental conditions for water quality and quantity. Consistent with community water quality objectives for recreational water use and river health. Consistent with catchment and stormwater management planning. Protects areas of Aboriginal cultural heritage values.		proponent will also be required to ensure the protection and management of identified conservation areas in perpetuity. In the 1% AEP, the site has the potential to have overland flow into Wyong River above the weir (Council's water pumping site in high flow events). The proponent will be required to connect to Council's reticulated sewer system and install 'failsafe' systems in the event of pump failures during extreme weather events to avoid potential contamination of Wyong River. The site has identified Aboriginal cultural heritage items. The current concept plan does not propose to disturb these items/sites. However, the proponent maybe required to undertake additional fieldwork and/or consultation with local Aboriginal groups.
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	TBA	The proponent will be required to undertake a revised Social Impact Assessment to identify additional demands placed on existing social infrastructure. The proposal will also be subject to a development contribution plan or Voluntary Planning Agreement (VPA) to cover Council's costs for the provisions of additional required facilities which are not provided as part of the development.

Section 117 Ministerial Directions Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Not Applicable. The proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Applicable. The proposal seeks to rezone land from 1(a) Rural for residential purposes. Council's draft Settlement Strategy (as exhibited) identifies that the subject site as being suitable for investigation for Rural Residential development. It should be noted that this strategy has not yet been endorsed by the Director General of DoPI. Subject to this endorsement, it is considered that the proposal can be consistent with this Direction. Should this endorsement not be provided, the proponent will be required to undertake a study prepared in support of the planning proposal which gives consideration to the objectives of this direction.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which	Applicable. The proposal seeks to enable rural residential development within an identified mine subsidence district. It is not expected that the subject site will be impacted by future mining activity. Subsidence and other impacts of the proposed Wallarah 2 project are not expected to extend to the subject site. Other extractive industry proposals are

Direction	Comment
are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	required to be confirmed. The scale of proposed residential development may exceed surface development limitations/guidelines of the MSB. Additional comment from the MSB will be required having regard to the above, prior to confirming this proposal can be consistent with this direction.
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	Not applicable. The proposal is not located within a Priority Oyster Aquaculture Area.
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not applicable. SEPP (Rural Lands) 2008 does not apply within the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority	Applicable. The site of the proposal includes land zoned 7(a) Conservation, however the majority of the

Direction	Comment
prepares a planning proposal.	proposed development footprint is located on land within the 1(a) Rural zone. A number of flora and fauna studies have been undertaken circa 1999/2000 for a previous proposal. Having regard for the age of these studies and a revised concept plan, the proponent will be requested to undertake new studies, consistent with applicable vegetation management legislation, in addition to development of appropriate conservation management strategies. Providing the above is undertaken, it is considered that the proposal can be consistent with this Direction.
2.2 Coastal Protection	
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Not applicable. The site of the proposal is not within the Coastal Zone.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable. There are a number of known and surveyed Aboriginal sites/objects located on the subject site. The site was also the location of the Old Woodbury Dairy Farm. A heritage study on remnant structures associated with this activity has not been undertaken. An aboriginal archaeology study was undertaken on the site in circa 1999/2000. This study was not undertaken in consultation with the Guringai Tribal Link, a newly formed group in the area. In order to be consistent with this Direction, the OEH will be required to consider the relevance and compliance of past archaeological studies and determine the need for additional investigations. The proposal at present is considered inconsistent with this Direction.

Direction	Comment
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal is considered consistent with this Direction as it does not propose to develop land for recreational vehicle usage.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Applicable. The proposal seeks to enable rural residential development. The proposal seeks to provide a form of housing which is in limited supply within the broader central coast region. The subject site can be serviced by connection to the existing water and sewer reticulated systems. It is considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to specifically enable caravan parks or manufactured homes, however it does not seek to exclude or remove existing provisions relating to this purpose. It is therefore considered that the proposal is consistent with this Direction.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to alter the permissibility of home occupations. It is therefore considered that the proposal is consistent with this Direction.
3.4 Integrating Land Use & Transport	

Direction	Comment
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Applicable. The proposal seeks to enable rural residential development. In order to be consistent with this Direction, the proponent will be required to prepare a traffic study and Transport Management and Accessibility Plan in consultation with Council. It is considered that undertaking the above will result in the proposal being consistent with this Direction.
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	Not applicable. The proposal is not located in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not applicable. The proposal does not seek to affect, create, alter or remove a zone or provision relating to shooting ranges.

Direction	Comment
Hazard & Risk	
4.1 Acid Sulfate Soils	
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable. The subject site contains Class 4 and 5 acid sulfate soils. Additional investigations may be required subject to further comment from OEH.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable. The subject site is located within the Wyong Mine Subsidence District. Subject to endorsement by Council and the Gateway, further consultation is to be undertaken with the MSB. Subject to undertaking the above, it is considered the proposal is consistent with this Direction.
4.3 Flood Prone Land	
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	Applicable. Flood studies for the Lower Wyong River indicate that portions of the site are affected by the 1 in 20 and 1 in 100 flood events. There is also potential that the site may be affected by localised flooding, particularly, the cleared portion of the site. The proponent will be required to undertake a revised flood study to determine the full level of flood affectation on the site, in addition to developing appropriate flood risk management plans. Subject to undertaking the above, it is considered that the proposal is consistent with this Direction.
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and	Applicable.

Direction	Comment
encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Subject to endorsement by Council and the Gateway, the proponent will be required to undertake a revised bushfire assessment consistent with the provisions of Planning for Bushfire Protection 2006. Consultation will also be required to be undertaken with the RFS. Subject to the above, it is considered that the proposal is consistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	Applicable. The site is subject to the provisions of the Central Coast Regional Strategy (CCRS). The subject site is not recommended for settlement expansion as it lies west of the F3 Freeway. The proponent however has entered into further consultation with DoPI. The proposal submission indicates that DoPI would rely on Council's strategic planning to identify suitable locations for rural residential development, despite the recommendations of the CCRS. However, Council's draft Settlement Strategy (as exhibited) identifies the subject site as being suitable for investigation for rural residential development. It should be noted that this strategy has not yet been endorsed by the Director General of DoPI. At present, the proposal is inconsistent with this Direction.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. The proposal is not located within Sydney's hydrological catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	

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

Direction	Comment
reservations of land for public purposes where land is no longer required for acquisition. Applies when the relevant planning authority prepares a planning proposal.	development footprint. A home owner association management deed is proposed for environmentally significant areas. The proponent will be required to undertake further social needs studies to determine if additional community facilities are required in response to the expected additional population. Subject to the completion of such studies, it is considered that this proposal can be consistent with this Direction, once approval of the Director General of DoPI is sought.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable. The proposal does not seek to enable a specific use on the site which is not permissible under existing zones. It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.

2.6 Proposed Rezoning - RZ/14/2012 - 'Old Farm' Old Maitland Road, Mardi

TRIM REFERENCE: RZ/14/2012 - D03282925

MANAGER: Jari Ihalainen, Director Land Management

AUTHOR: Jenny Mewing; Strategic Planner

SUMMARY

A proposal has been received to rezone 'Old Farm' (414 Old Maitland Road), Mardi, to enable rural residential/rural village development.

An assessment of the proposal has been undertaken, which identified 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 (DoPI) for a "Gateway" determination.

Real Description: Lot 36 DP 755249; Lot 41 DP 123953; Lot 1 DP 229971; Lot 1 DP 229970; Lot 1 DP 120512; Lot 101 DP 604655; Lot A DP 396415 and Lot 1 DP 554423
Street Address: 414 Old Maitland Road, Mardi
Owner/s: Transnational Pastoral Pty Ltd
Site Area: 223.7 hectares
Current Zoning: 1(a) Rural; 5(a) Special Uses (Water Catchment) & 7(a) Conservation
Current Land use: Non-intensive animal agriculture (grazing)

RECOMMENDATION

- 1 ***That a Planning Proposal be prepared 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, for the rural residential/rural village development of Old Farm.***
- 2 ***That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) 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 proponent 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.***
- 5 ***That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".***

- 6 ***That a further report be submitted to Council to report on results of community consultation.***

BACKGROUND/CURRENT STATUS

The subject site is located on Old Maitland Road; approximately 2km south of the M3 Motorway Tuggerah interchange (see Attachment 1).

A rezoning proposal was lodged with Council in 1998 which sought to rezone the subject site to develop 'Stonehenge,' a rural residential hamlet/village. The Proponent preferred concept design included village areas, larger rural lots, a lake (dam), a restaurant, community facilities, accommodation, a function centre and shops. The number of dwellings provided for was approximately 400.

At its meeting of 12 May 1999, Council resolved:

- 1 *"That Transnational Investments Pty Ltd be advised that Council sees merit in the current concept plan but is unable to support it at present as there appears to be conflict with a number of issues to be resolved by the Local Environmental Study, particularly habitat conservation, bushfire management and maintenance of non-urban character.*
- 2 *That Transnational Investments Pty Ltd be advised that Council is generally supportive in principle of a proposal being developed to permit a rural village/rural residential style of development on the site provided that:*
 - a. *A Social Impact Assessment confirms the acceptability of a gated community (security estate).*
 - b. *The development is not urban in character but may include features such as a variety of block sizes and styles, restaurants, tourists related shops, Chapels, stables and community recreation facilities.*
 - c. *Any feature lake is compatible with the habitat conservation requirements for the site and need to address water quality control.*
 - d. *The development will satisfy a unique market in the Shire with a very high level of architectural design for dwellings.*
 - e. *Urban services including town water, reticulated sewerage, underground power and natural gas can be provided with creating an urban or suburban environment.*
 - f. *A Vegetation Management Plan can be prepared which focuses on maximizing the retention of significant trees, habitat trees and significant trees of resource value to threatened fauna within areas of natural habitat that are proposed to be developed.*

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- 3 *That Transnational Investments Pty Ltd be advised that Council considers that an LES is required which will address all relevant issues including:*
 - 4
 - a. *The integration of ecological constraints into an acceptable development concept plan and undertaking further assessment of relevant ecological issues that are raised by the final design.*
 - b. *A Bushfire Hazard Assessment and Management Plan for the site.*
 - c. *Development of a stormwater and nutrient management strategy for the site.*
 - d. *A Social Impact Statement which addresses issues raised in the report.*
 - e. *Traffic Impact analysis.*
 - f. *Water supply and sewerage infrastructure options.*
 - g. *ESD objectives.*
 - h. *Aboriginal Heritage Assessment.*
 - 5 *That Council resolve to prepare a draft Local Environmental Plan for the purpose of rezoning the site to permit rural village/rural-residential style of development on the site.*
 - 6 *That the Department of Urban Affairs and Planning be notified of the decision within 28 days.*
 - 7 *That Council seek advice on form, content and preparation of the Local Environmental Study from the Director-General of the Department of Urban Affairs and Planning.*
 - 8 *That subject to agreement on funding under Clause 14 of the Environmental Planning and Assessment Regulation 1994, Council prepares a Local Environmental Study pursuant to Section 57(1) of the Environmental Planning and Assessment Act, 1979.*
 - 9 *That the draft Local Environmental Plan and Local Environmental Study be placed on public exhibition for a period of 28 days.*
 - 10 *That Section 149 Certificates be appropriately notated."*

Subsequent Council resolutions and development of the Local Environmental Study (LES) led to the identification of a preferred development scenario for the site (Attachment 2), which was used for government agency consultation, under Section 62 of the EP & A Act, 1979, in 2000 (as it was at the time).

This consultation resulted in significant issues being raised from a number of government departments relating (but not limited) to extractive industry potential, flora and fauna impacts, proposed lake construction, aboriginal archaeology and bushfire. These issues resulted in a number of additional studies being undertaken by the proponent.

Given the complexity of the site and issues raised during this period, it was identified that a Masterplanning approach would best manage the concerns of the agencies. As a result, substantial design issues and statutory approval issues would need to be resolved at the development application stage.

In 2004, a certificate (under Section 65 of the EP & A Act, 1979) to exhibit the plan was denied by DoPI. This was on the basis that the plan was inconsistent with the principles and objectives of the Gosford-Wyong Structure Plan (1975), Shaping the Central Coast (1999) and the Central Coast Regional Strategy (2006). Furthermore, the draft LEP sought to include a Masterplanning clause which was deemed by DoPI to duplicate the rezoning/development application process.

In addition, the proposal was deemed:

- inconsistent with a number of S117 directions;
- inconsistent with the Local Environmental Study (LES), and
- contain unresolved issues with a number of public authorities.

Council has continued its support of the rezoning of this site for rural residential purposes.

THE PROPOSAL

The current proposal (Attachment 3) seeks the rezoning of the site to specifically enable approximately 300 rural residential/rural village lots comprising:

'An identified rural village area containing rural housing lots at a density of 1 dwelling per 2000m² of suitably zoned land. Rural dwellings would be provided in the form of:

- *rural residential lots;*
- *rural village housing; along with*
- *Small restaurants and community facilities.'*

'Areas subject to environmental protection. Including areas designated as

- *Environmental Living – allowing for rural residential lots with a minimum of 1 hectare; and*
- *Environmental Conservation – allowing for rural residential lots with a minimum of 40 hectares'.*

The yield estimates for the concept plan are for approximately 270 lots in the village zoning and 30 lots in environmental living and conservation areas.

ISSUES ANALYSIS

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

- Flora and fauna;
- Bushfire;
- Climate Change;
- Natural Resources (Agriculture, Mineral Resources, Regional Water Supply);
- Aboriginal Archaeology and European Cultural Heritage;
- Contaminated Land and Acid Sulfate Soils;
- Odour;
- Flooding and Drainage;
- Noise and Acoustics;
- Social Impact and Amenity;
- Servicing; and
- Economic Feasibility.

The proponent undertook a significant number of studies in relation to majority of these matters when the 1998 rezoning was being considered. The submission for the present proposal relies heavily on the information obtained from these studies.

Approximately 15 years has elapsed since these studies were undertaken. During this period, there have been significant changes to relevant legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices. Such changes have resulted in many of the original studies being insufficient or outdated.

In an attempt to assist with the progression of the rezoning, and where practicable, the original studies will be forwarded to relevant State Government departments to determine their adequacy. In areas where there have been significant changes which have the potential to influence the outcomes of studies, (e.g. flora and fauna, flooding and drainage), revised studies will be required to be undertaken by the Proponent. Such studies would only be required to be undertaken post Gateway Determination.

The current concept plan, with reference to and proposed scale and form, could be significantly impacted by the outcomes of such additional studies. A revised concept/zoning plan will be required to be prepared once these studies have been completed.

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

The subject site is currently zoned 1(a) Rural; 5(a) Special Uses (Water Catchment) and 7(a) Conservation under Wyong Local Environmental Plan (LEP) 1991 as identified in Attachment 4.

The Wyong Standard Instrument Local Environmental Plan (SI LEP) as exhibited proposes to zone the site RU1 Primary Agriculture, E2 Environmental Conservation and E3 Environmental Management. These zones are the direct conversion zones from Wyong LEP 1991 zones.

The site is also affected by a Height Limitation Area implemented through Clause 46 – Development of certain land near Warnervale Airport of Wyong LEP 1991. This restriction affects Lot 41 DP 123953 and Lot 1 DP 229971. Given the proposal does not intend to enable development on this land; Clause 46 is of no significance.

Wyong Valleys Study 1998

The Wyong Valleys Study was undertaken in 1998 with the intent of developing a planning strategy for the Yarramalong and Dooralong Valley areas. Relevant components of the Valley Planning Strategy have been taken into account in preparing Council's draft Settlement Strategy.

Such relevant provisions relate to the identification of opportunities to provide for Rural Living in the Valleys area. This identification was based on an analysis of constraints, including (but not limited to) flooding, slopes, 'at risk' vegetation communities, landscape quality, agricultural potential and proximity to services. It is important to note that the Study distinguishes between Rural Living and Rural Hamlets, with the former relating primarily to single dwellings on larger lots.

The site of the subject proposal was included within the original Valley Planning Strategy as an area with high potential (subject to associated constraints) suitable for further consideration for this purpose.

Draft Wyong Settlement Strategy 2012

Council's draft Settlement Strategy provides an analysis of demand, supply and nature of land and identifies where additional land may need to be set aside for residential, business and commercial development while retaining the Shire's natural environmental values.

As previously identified, the Settlement Strategy includes relevant provisions as identified within the Wyong Valley Planning Study.

A review of the Wyong Valley Planning Strategy land capability and suitability for additional rural residential subdivision has been undertaken as part of the development of the draft Strategy. This assessment has identified that the subject site is a medium priority area, being moderately suitability to support future settlement due to the effect of a range of "land suitability" considerations for rural residential development. Accordingly, the Settlement Strategy identifies that:

'further investigations including detailed studies on environmental and development constraints will need to be undertaken to determine whether these areas are capable and suitable for greenfield or infill development opportunities'.

Similarly to the Wyong Valleys Study, the draft Settlement Strategy distinguishes between rural residential developments as opposed to rural hamlets, with the later having some form of commercial/retail component. Any retail/commercial/village component of the current proposal would need further investigation and justification before any final view on its suitability could be determined.

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 relevant controls of 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 (CCRS)

The subject site is not identified within the Central Coast Regional Strategy (CCRS) for future development. Furthermore, the CCRS specifically states that:

'opportunities for settlement expansion will not apply to the rezoning of land for urban residential development west of the F3 Freeway.'

The inconsistency of the 1998 proposal with the CCRS was a primary reason for the DoPI declining to issue a Section 65 certificate.

The proponent, local and state members have lobbied the DoPI with regard to a rezoning of the site for rural residential purposes. In response, DoPI have identified (Attachment 5) that it would be willing to consider a proposal for the site, provided it was identified as a suitable location for rural residential development within a local Strategy, and endorsed by the Director General of DoPI.

Council's draft Settlement Strategy is expected to fulfill this requirement. It is important to note however that the Strategy has not been endorsed by Council, or the DoPI Director General. This may hinder the progression of the proposal beyond Council endorsement. This aspect of the process could be simplified with processing/determination times improved,

by the removal of the 'urban' components from the concept plan (i.e. village/retail/commercial areas).

The CCRS further identifies that additional greenfield development sites not already nominated by the Strategy are required to be assessed against the CCRS Sustainability Criteria. It is considered that following the completion of additional investigative studies, the proposal can be consistent with these criteria.

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. The attraction of the development for "executives" may assist in the relocation of business to the Central Coast.

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 6 of this report.

The consistency of the proposal against a number of s117 Directions is subject to the outcomes of a number of additional updated studies required to be undertaken by the proponent, should the proposal be supported by Council and the Gateway.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPP). The assessment in full is contained within Attachment 7 of this report.

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.

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

OPTIONS

Option 1 – Progression of Proposal as Proposed

This report recommends additional investigative studies are undertaken to assist in the development of a revised concept plan. Presently, it is proposed that such studies are delayed until a Gateway Determination to proceed with the progression of the proposal is received.

In order to provide some level of development and financial certainty for the Proponent, prior to the outlay of funds for these studies to be undertaken, this option is recommended.

Option 2 – Delay Progression until Additional Investigative Studies Completed

As an alternative to Option 1, Council could request additional updated investigative studies to be undertaken by the Proponent prior to a Planning Proposal being forwarded to the DoPI for consideration. The completion of these studies could take some time (as seasonal survey work will be required).

This would result in the potential outlay of funds and time by the Proponent without any certainty being available as to the potential outcomes.

This option is therefore not recommended.

Option 3 – Defer the Proposal until CCRS is Reviewed

Despite the advice received from DoPI (Attachment 5), a formal commitment to include the site in the next revision of the CCRS has not been provided. Furthermore, whilst the timing of a review is imminent, Council has not been advised of when it will commence or be completed.

This option is not recommended.

Option 4 – Refuse to Progress the Proposal

The site has long been identified for rural residential development as identified within Council's own strategic planning documents.

This option is not recommended.

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

The current proposal seeks to zone a large portion of the subject site for conservation purposes, having regard for the onsite environmental attributes. The proponent proposes that these areas will be subdivided under the Torrens title system into 40 hectare allotments and sold into private ownership and managed through Management Deeds.

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)

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

1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
 - (e) Developing and implementing the Wyong Shire-wide Settlement Strategy.
3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.
 - (f) Maximise the access to, and potential for, new and existing facilities/infrastructure to support growth.
4. Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.
 - (a) Preserving threatened and endangered species as well as ecological communities and biodiversity.
 - (c) Ensuring all development areas create or maintain tree covered ridgelines and waterways.

Budget Impact

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent.

CONSULTATION

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

- Central Coast Water Corporation
- 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

Those 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, should the proposal be supported.

GOVERNANCE AND POLICY IMPLICATIONS

Refer to discussion relating to Local Plans, Policies and Strategies

CONCLUSION

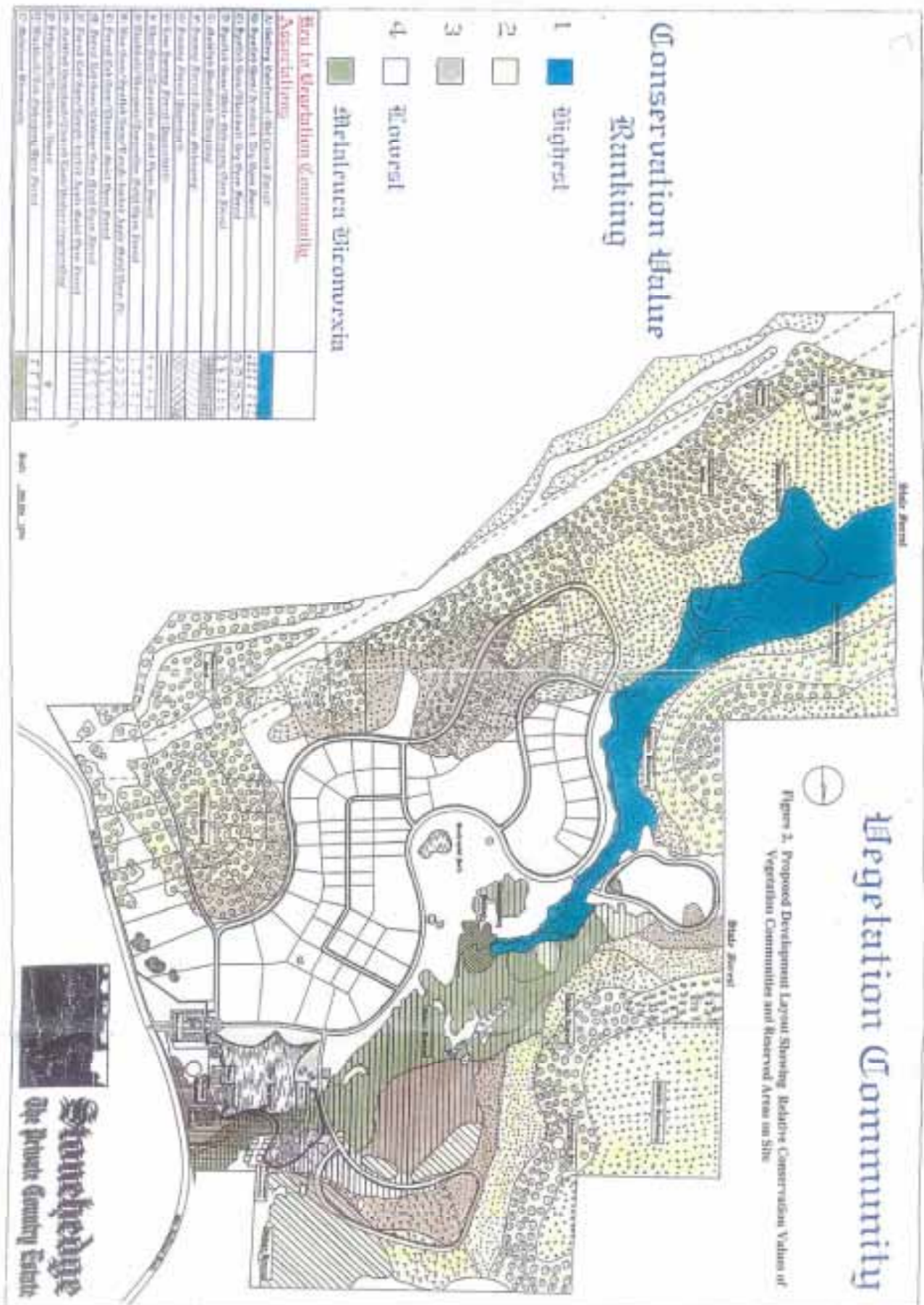
This report seeks Council's endorsement to prepare and submit to the DoPI, a Planning Proposal for the Old Farm site (414 Old Maitland Road, Mardi) to enable Rural residential development.

The site has long been identified as being suitable for this land use and is supported by the Wyong Valleys Study (1998) and Council's exhibited draft Settlement Strategy (2012).

Where studies from the 1998 rezoning proposal are deemed inadequate, additional studies/updates will be required to be undertaken at the expense of the Proponent.

ATTACHMENTS

1	Locality Plan	D03293043
2	Original Concept Plan	D03293045
3	Current Concept Plan	D03293046
4	Wyong LEP 1991 Zoning	D03293047
5	Department of Planning & Infrastructure Letter - 29 February 2013	D03293048
6	Section 117 Direction Assessment	D03293049
7	State Environmental Planning Policy Assessment	D03293097





NOTE: Zone boundaries in accordance with previously adopted Wyong draft Local Environmental Plan, Adopted by Council 25 June 2003.

Illustrative Master Plan

O L D W O O D B U R Y F A R M S I T E



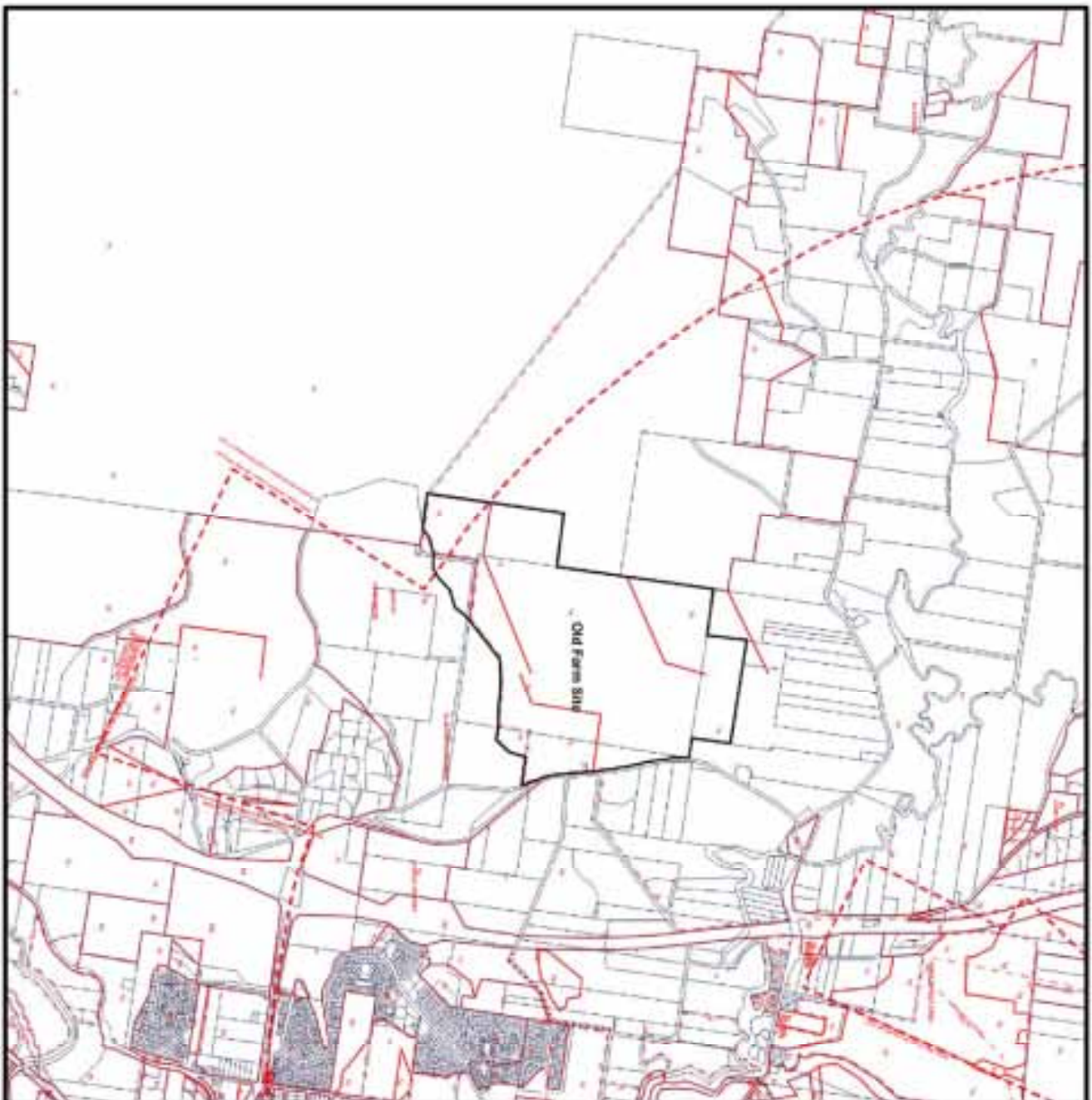
Client - Transnational Investments

MP03

Scale 1:4000 @ A1
02 November 2011



Old Woodbury Farm Site
Old Maitland Road, Mardi



WYONG SHIRE COUNCIL
LOCAL ENVIRONMENTAL PLAN 1991

Not to Scale

ZONE - CADASTRAL
BASE EXTRACT

1. RURAL

2. RESIDENTIAL

3. BUSINESS

4. INDUSTRIAL

5. SPECIAL USES

6. OPEN SPACE

7. ENVIRONMENTAL PROTECTION

8. NATIONAL PARKS

9. INVESTIGATION

Waterways and Wetlands

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

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Other

Other



Planning &
Infrastructure

Mr Lawrence Denton
Transnational Investments Pty Ltd
3 Bryant Drive
TUGERRAH NSW 2259

Contact: Ben Holmes
Phone: 02 4348 5009
Fax: 02 4323 6573
Email: ben.holmes@planning.nsw.gov.au
Our ref: B461044
Your ref:
File: 11/03514

Dear Mr Denton

'Old Farm Site' – Proposal for executive housing and rural-residential

I refer to your letter of 6 February 2012 regarding future development of the 'Old Farm' site, Old Maitland Road, Mardi. It is acknowledged that the proposal involves a combination of large-lot executive housing and rural-residential development.

As discussed at our meeting with Wyong Shire Council on 17 February 2012, the proposal would need to be considered in the context of issues relating to rural residential development and development west of the F3, as set out in the Central Coast Regional Strategy. As we discussed, there appears to be a case for the Council to be able to address the demand for, and preferred location of rural residential development, due to changed circumstances, as part of a local Strategy. If Council was able to substantiate a well documented case, and had their Strategy endorsed by the Director General, this would be relevant for any future planning proposal that the Council may wish to advance.

Such a local Strategy would need to consider both supply and demand for differing housing markets, including rural-residential/ executive housing, in the Wyong Local Government Area, as well as the preferred locations for its supply – including those lands around the 'Old Farm' site which may also have similar characteristics.

Once the local Strategy is adopted by Council and endorsed by the Director General, Council could then submit a planning proposal for the 'Old Farm' site to the LEP Gateway for determination. The Gateway would consider the particular merits of the proposal, including Council's strategic justification and assessment against the Regional Strategy, before making its determination. In the interim however, you may wish to consult with relevant government agencies concerning any requirements they may have.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Leavey'.

Michael Leavey
Regional Director
Hunter & Central Coast

29/2/12

cc Wyong Shire Council

Hunter & Central Coast Region – Central Coast Office - Level 3 107-109 Mann Street (PO Box 1148) Gosford NSW 2250
Phone 02 4348 5000 Fax 02 4323 6573 Website planning.nsw.gov.au

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Not Applicable. The proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Applicable. The proposal seeks to rezone land from 1(a) Rural for residential purposes. Council's draft Settlement Strategy (as exhibited) identifies that the subject site as being suitable for investigation for Rural Residential development. It should be noted that this strategy has not yet been endorsed by the Director General of DoPI. Subject to this endorsement, it is considered that the proposal can be consistent with this Direction. Should this endorsement not be provided, the proponent will be required to undertake a study prepared in support of the planning proposal which gives consideration to the objectives of this direction.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with	Applicable. The proposal seeks to enable rural residential development within an identified mine subsidence district. It is not expected that the subject site will be impacted by future mining activity. Subsidence and other impacts of the proposed Wallarah 2 project are not expected to extend to the subject site. Other extractive industry proposals are required to be confirmed. The scale of proposed residential development may exceed surface development

Direction	Comment
such development.	limitations/guidelines of the MSB. Additional comment from the MSB will be required having regard to the above, prior to confirming this proposal can be consistent with this direction.
1.4 Oyster Aquaculture	
Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	Not applicable. The proposal is not located within a Priority Oyster Aquaculture Area.
1.5 Rural Lands	
Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.	Not applicable. SEPP (Rural Lands) 2008 does not apply within the Wyong LGA.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The site of the proposal includes land zoned 7(a) Conservation, however the majority of the proposed development footprint is located on land within the 1(a) Rural zone. A number of flora and fauna studies have been

Direction	Comment
	undertaken circa 1999/2000 for a previous proposal. Having regard for the age of these studies and a revised concept plan, the proponent will be requested to undertake new studies, consistent with applicable vegetation management legislation, in addition to development of appropriate conservation management strategies. Providing the above is undertaken, it is considered that the proposal can be consistent with this Direction.
2.2 Coastal Protection	
Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	Not applicable. The site of the proposal is not within the Coastal Zone.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Applicable. There are a number of known and surveyed Aboriginal sites/objects located on the subject site. The site was also the location of the Old Woodbury Dairy Farm. A heritage study on remnant structures associated with this activity has not been undertaken. An aboriginal archaeology study was undertaken on the site in circa 1999/2000. This study was not undertaken in consultation with the Guringai Tribal Link, a newly formed group in the area. In order to be consistent with this Direction, the OEH will be required to consider the relevance and compliance of past archaeological studies and determine the need for additional investigations. The proposal at present is considered inconsistent with this Direction.
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with	Applicable.

Direction	Comment
significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	The proposal is considered consistent with this Direction as it does not propose to develop land for recreational vehicle usage.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Applicable. The proposal seeks to enable rural residential development. The proposal seeks to provide a form of housing which is in limited supply within the broader central coast region. The subject site can be serviced by connection to the existing water and sewer reticulated systems. It is considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to specifically enable caravan parks or manufactured homes, however it does not seek to exclude or remove existing provisions relating to this purpose. It is therefore considered that the proposal is consistent with this Direction.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to alter the permissibility of home occupations. It is therefore considered that the proposal is consistent with this Direction.
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by	Applicable. The proposal seeks to enable rural residential development.

Direction	Comment
walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	In order to be consistent with this Direction, the proponent will be required to prepare a traffic study and Transport Management and Accessibility Plan in consultation with Council. It is considered that undertaking the above will result in the proposal being consistent with this Direction.
3.5 Development Near Licensed Aerodromes	
Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	Not applicable. The proposal is not located in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	
Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not applicable. The proposal does not seek to affect, create, alter or remove a zone or provision relating to shooting ranges.
Hazard & Risk	
4.1 Acid Sulfate Soils	

Direction	Comment
Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.	Applicable. The subject site contains Class 4 and 5 acid sulfate soils. Additional investigations may be required subject to further comment from OEH.
4.2 Mine Subsidence & Unstable Land	
Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	Applicable. The subject site is located within the Wyong Mine Subsidence District. Subject to endorsement by Council and the Gateway, further consultation is to be undertaken with the MSB. Subject to undertaking the above, it is considered the proposal is consistent with this Direction.
4.3 Flood Prone Land	
Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	Applicable. Flood studies for the Lower Wyong River indicate that portions of the site are affected by the 1 in 20 and 1 in 100 flood events. There is also potential that the site may be affected by localised flooding, particularly, the cleared portion of the site. The proponent will be required to undertake a revised flood study to determine the full level of flood affectation on the site, in addition to developing appropriate flood risk management plans. Subject to undertaking the above, it is considered that the proposal is consistent with this Direction.
4.4 Planning for Bushfire Protection	
Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Applicable. Subject to endorsement by Council and the Gateway, the proponent will be required to undertake a revised bushfire assessment consistent with the provisions of Planning for Bushfire Protection 2006.

Direction	Comment
	Consultation will also be required to be undertaken with the RFS. Subject to the above, it is considered that the proposal is consistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	Applicable. The site is subject to the provisions of the Central Coast Regional Strategy (CCRS). The subject site is not recommended for settlement expansion as it lies west of the M3 Motorway. The proponent however has entered into further consultation with DoPI. The proposal submission indicates that DoPI would rely on Council's strategic planning to identify suitable locations for rural residential development, despite the recommendations of the CCRS. However, Council's draft Settlement Strategy (as exhibited) identifies the subject site as being suitable for investigation for rural residential development. It should be noted that this strategy has not yet been endorsed by the Director General of DoPI. At present, the proposal is inconsistent with this Direction.
5.2 Sydney Drinking Water Catchments	
Aims to protect water quality in the hydrological catchment. Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.	Not Applicable. The proposal is not located within Sydney's hydrological catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and	Not Applicable. The proposal is not located within the Far North Coast Region.

Direction	Comment
reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Aims to manage commercial and retail development along the Pacific Highway, North Coast. Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.	Not Applicable. The proposal is not located between Port Stephens and Tweed Shire Councils.
5.8 Second Sydney Airport: Badgerys Creek	
Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	Not Applicable. The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.
Local Plan Making	
6.1 Approval and Referral Requirements	
Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The planning proposal does not seek to include provisions which require concurrence from other agencies. It is therefore considered the proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	
Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal includes a concept plan which indicates a sports field being included within the development footprint. A home owner association management deed is proposed for environmentally significant areas. The proponent will be required to undertake further social needs studies to determine if

Direction	Comment
	additional community facilities are required in response to the expected additional population. Subject to the completion of such studies, it is considered that this proposal can be consistent with this Direction, once approval of the Director General of DoPI is sought.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable. The proposal does not seek to enable a specific use on the site which is not permissible under existing zones. It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.

SEPP	Comment
SEPP No. 55 – Contaminated Land	
Aims: to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.	Whilst the preliminary desktop mapping/assessment exercise has not identified any contamination of the site, this issue still requires formal assessment. Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a contaminated land assessment to comply with the provisions of this SEPP.

2.6 Proposed Rezoning - RZ/14/2012 - 'Old Farm' Old Maitland Road, Mardi

Mr Brian Glendenning declared a non-pecuniary significant conflict in the matter for the reason that prior to commencing employment at Wyong Shire Council, he provided legal advice to a former director of the proponent who is now deceased.

Mr Laurie Denton, representing the owner, addressed the meeting at 5.55 pm, answered questions and retired at 6.06 pm.

RESOLVED unanimously on the motion of Councillor BEST and Seconded By Councillor GRAHAM:

- 1 That a Planning Proposal be prepared 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, for the rural residential/rural village development of Old Farm.**
- 2 That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) 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 proponent 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.**
- 5 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".**
- 6 That a further report be submitted to Council to report on results of community consultation.**
- 7 That Council request that the Gateway Panel meet with the Mayor and interested Councillors prior to their determination of this matter.**

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

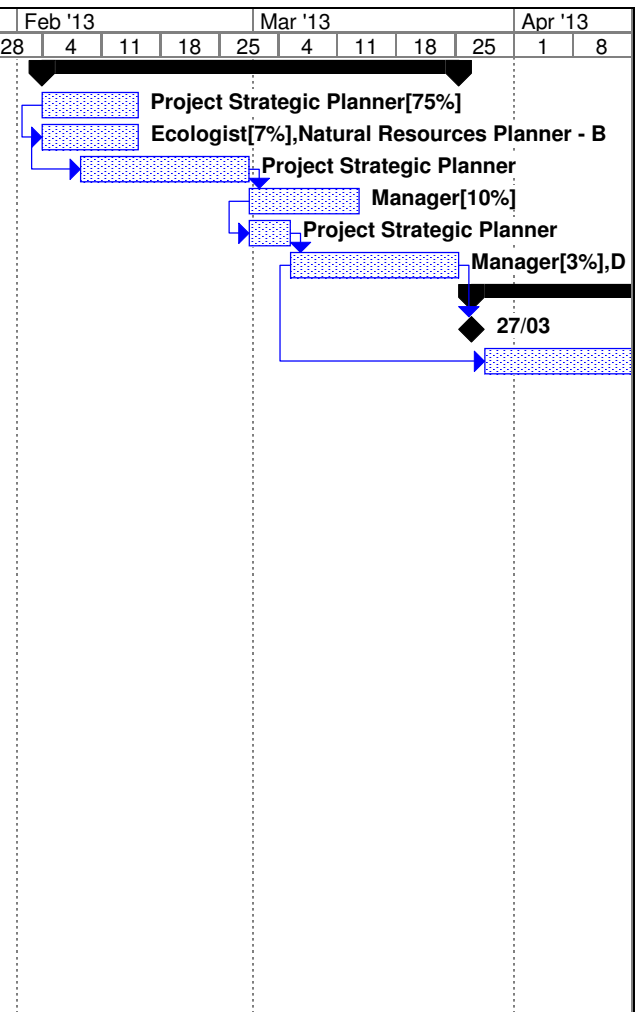
AGAINST: NIL

3.1 CPA/192922 - Evaluation and Selection of Tenders - Construction of Water Pump Station No. 26 and Associated Pipework in Nikko Road, Warnervale

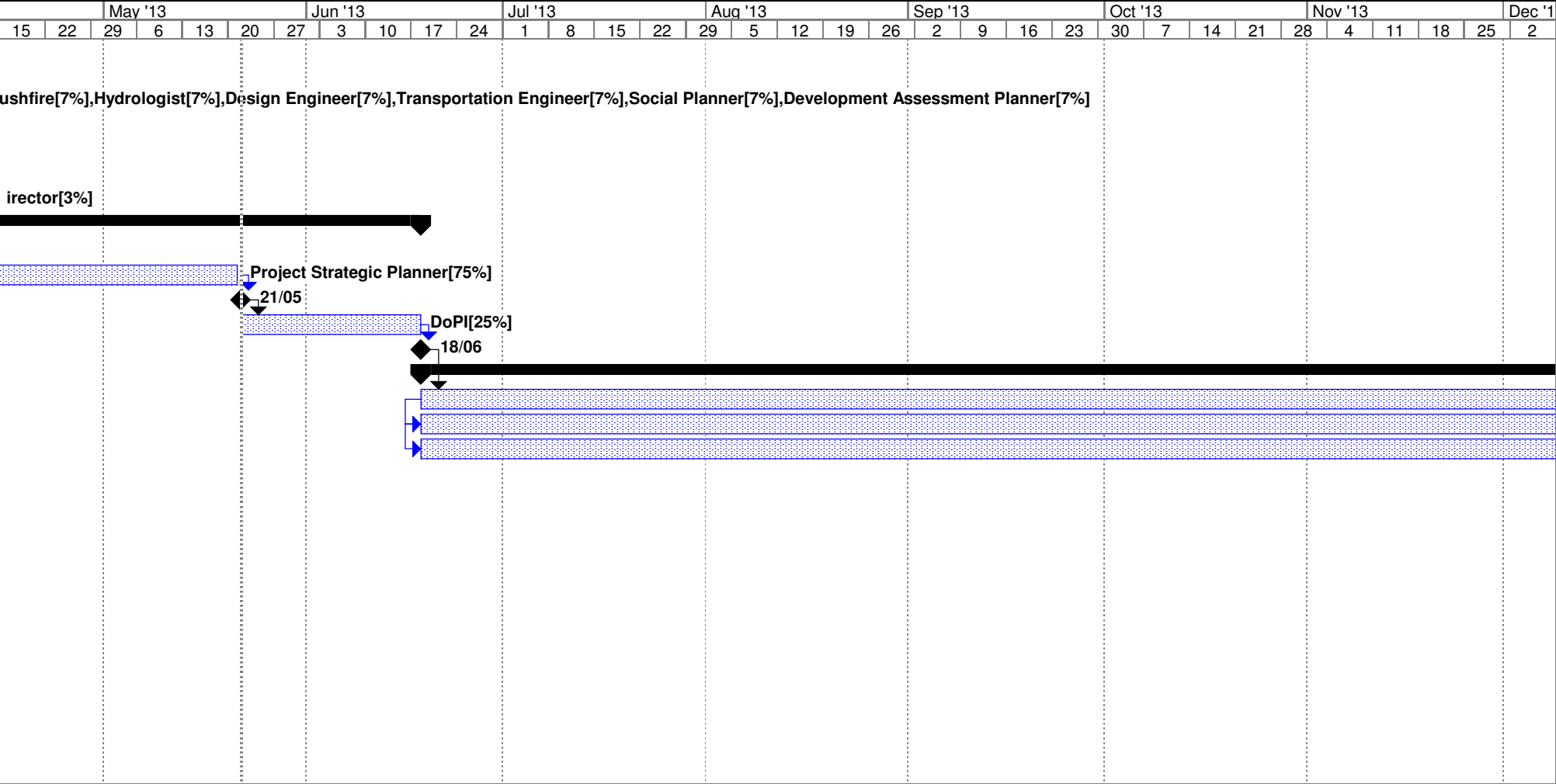
RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor BEST:

- 1 That Council accept the tender from the company nominated as Tenderer '1' in the attached Tender Evaluation Report, for the lump sum amount of \$375,560.00 (excl GST) for Contract CPA/192922 – Construction of Water Pump Station WPS 26 and Associated Pipework in Nikko Road, Warnervale.**

ID	Task Name	Duration	Start	Finish	Predecessors	Feb '13				Mar '13				Apr '13	
						28	4	11	18	25	4	11	18	25	1
1	Phase 1 - Preliminary Assessment	38 days	Mon 4/02/13	Mon 25/03/13											
2	File Review	2 wks	Mon 4/02/13	Fri 15/02/13											
3	Internal Consultation	2 wks	Mon 4/02/13	Fri 15/02/13	2SS										
4	Desktop Assessment	3 wks	Fri 8/02/13	Thu 28/02/13	3SS+1 wk										
5	Management Signoff	2 wks	Thu 28/02/13	Wed 13/03/13	4										
6	Council Report Preparation	3 days	Thu 28/02/13	Tue 5/03/13	5SS										
7	Management Signoff/Business Paper Prep	3 wks	Tue 5/03/13	Mon 25/03/13	6										
8	Phase 2 - Preliminary Endorsement	61.79 days	Wed 27/03/13	Tue 18/06/13											
9	Council Determination	0 days	Wed 27/03/13	Wed 27/03/13	7										
10	Planning Proposal Preparation	8 wks	Thu 28/03/13	Tue 21/05/13	7SS										
11	Planning Proposal Submission	0 days	Tue 21/05/13	Tue 21/05/13	10										
12	Gateway Assessment	4 wks	Wed 22/05/13	Tue 18/06/13	11										
13	Gateway Determination	0 days	Tue 18/06/13	Tue 18/06/13	12										
14	Phase 3 - Additional Studies & Concept Revision	228 days	Tue 18/06/13	Tue 22/04/14											
15	Investigative Studies	12 mons	Tue 18/06/13	Tue 22/04/14	13										
16	Government Agency Consultation	12 mons	Tue 18/06/13	Tue 22/04/14	15SS										
17	Concept Revision	12 mons	Tue 18/06/13	Tue 22/04/14	16SS										
18	Phase 4 - Community Consultation	60 days	Fri 11/04/14	Fri 4/07/14											
19	Community Consultation Preparation	2 wks	Fri 11/04/14	Wed 30/04/14	17FS-1 wk										
20	Community Consultation	28 days	Wed 30/04/14	Thu 5/06/14	19										
21	Submission Consideration	4 wks	Tue 13/05/14	Tue 10/06/14	20SS+2 wks										
22	Concept & Planning Proposal Amendment	3 wks	Tue 20/05/14	Tue 10/06/14	21SS+5 days										
23	Council Report Preparation	2 wks	Mon 2/06/14	Mon 16/06/14	22SS+2 wks										
24	Management Signoff/Business Paper Prep	3 wks	Mon 16/06/14	Fri 4/07/14	23										
25	Phase 5 - Plan Signoff, Making & Notification	30 days	Fri 4/07/14	Wed 13/08/14											
26	Council Determination	0 days	Fri 4/07/14	Fri 4/07/14	24										
27	Planning Proposal Submission Preparation	2 wks	Fri 4/07/14	Fri 18/07/14	24SS+3 wks										
28	Planning Proposal Submission	0 days	Fri 18/07/14	Fri 18/07/14	27,26										
29	Plan Drafting	4 wks	Fri 18/07/14	Wed 13/08/14	28										
30	Plan Notification	0 days	Wed 13/08/14	Wed 13/08/14	29										

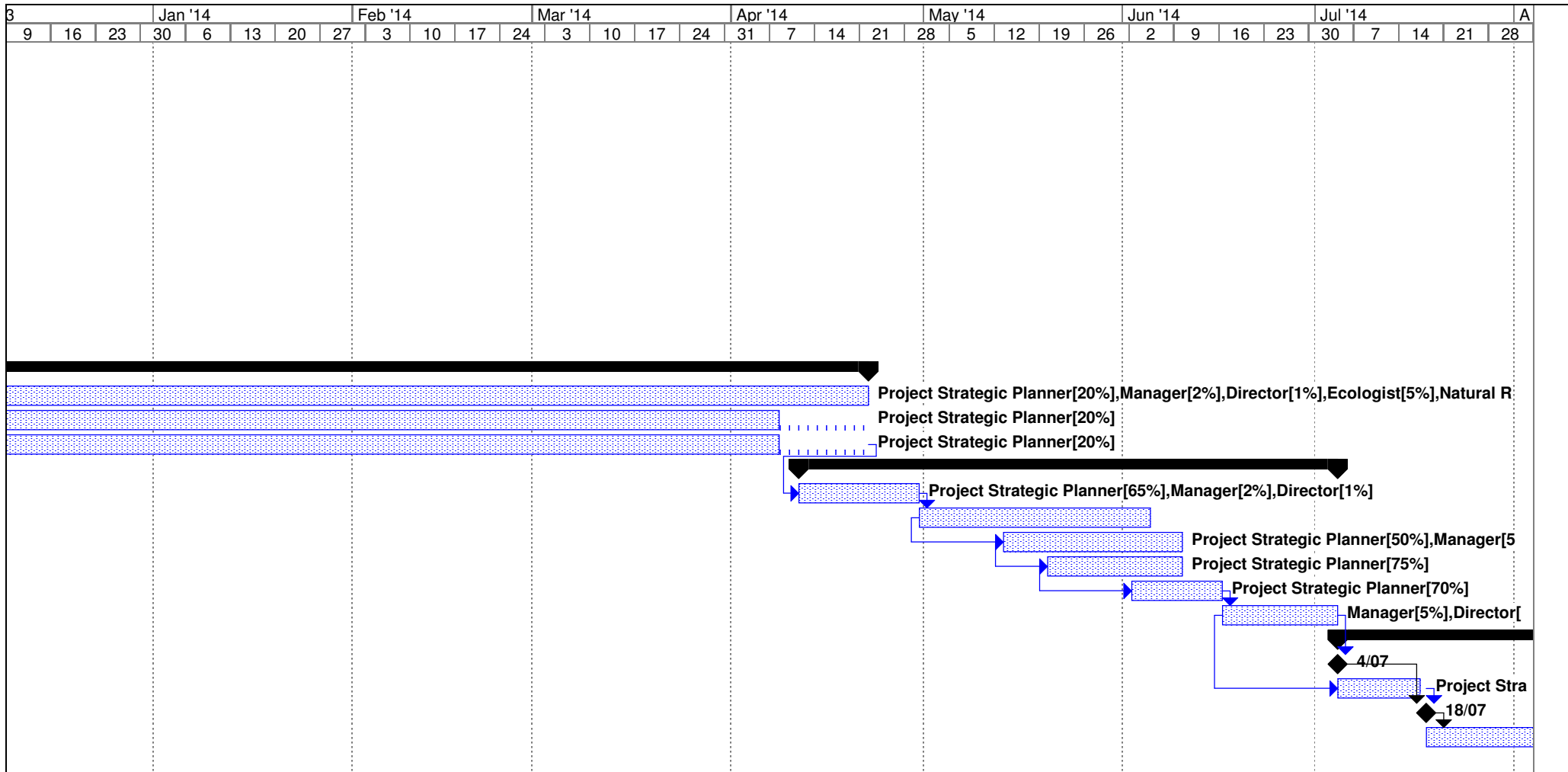


Project: RZ/14/2012 - Old Farm Rezor Date: Wed 22/05/13	Task		Rolled Up Task		External Tasks	
	Progress		Rolled Up Milestone		Project Summary	
	Milestone		Rolled Up Progress		Group By Summary	
	Summary		Split		Deadline	



Project: RZ/14/2012 - Old Farm Rezor
Date: Wed 22/05/13

Task		Rolled Up Task		External Tasks	
Progress		Rolled Up Milestone		Project Summary	
Milestone		Rolled Up Progress		Group By Summary	
Summary		Split		Deadline	



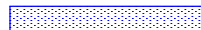
Project: RZ/14/2012 - Old Farm Rezor
Date: Wed 22/05/13

Task

Progress

Milestone

Summary

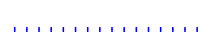
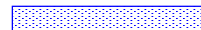


Rolled Up Task

Rolled Up Milestone

Rolled Up Progress

Split



External Tasks

Project Summary

Group By Summary

Deadline

